

Racing and Betting Acts (Amendment) Bill

EXPLANATORY MEMORANDUM

PART 1—PRELIMINARY

- Clause 1 states the purposes of the Act.
- Clause 2 provides for the commencement of the various provisions of the Act.

PART 2—AMENDMENTS TO THE RACING ACT 1958

- Clause 3 provides that for the purposes of Part 2, the **Racing Act 1958** is the Principal Act.
- Clause 4 defines "club betting permit" for the purposes of the Principal Act.
- Clause 5 amends section 4 of the Principal Act to provide that it is lawful for certain types of wagering to take place at any time on approved racecourses.
- Clause 6 amends the Principal Act by inserting a new Division 2A in Part 1 which provides for the Minister to grant club betting permits to specified bodies.
- Clause 7 amends section 19(1) of the Principal Act to clarify that it is optional for fees to be prescribed for consents for mixed sports gatherings.
- Clause 8 repeals section 19AA of the Principal Act in order to abolish the Mixed Sports Gatherings Fund.
- Clause 9 amends section 21 of the Principal Act to allow racing clubs conducting charitable race meetings to pay the net profit from such meetings directly to the Hospitals and Charities Fund.
- Clause 10 amends section 24A of the Principal Act to allow racing club licences issued to harness and greyhound racing clubs to authorise the conduct of race meetings on more than one licensed racecourse.

- Clause 11 amends section 40(1) of the Principal Act to provide that appointments to the Harness Racing Board may be made for a period of up to 3 years.
- Clause 12 amends section 41(3) of the Principal Act to provide that persons filling extraordinary vacancies on the Harness Racing Board may be appointed for a period of up to 3 years.
- Clause 13 amends section 45 of the Principal Act to empower the Minister, on the recommendation of the Harness Racing Board, to appoint an administrator to a harness racing club.
- Clause 14 repeals sections 45AAA and 45AA of the Principal Act in order to vary the manner in which the Harness Racing Board hears appeals.
- Clause 15 amends the Principal Act by inserting new sections 49A to 49C which provide for the appointment of additional persons for the purposes of the Harness Racing Board hearing appeals.
- Clause 16 repeals section 59A of the Principal Act for the purposes of statute law revision.
- Clause 17 amends section 71(3) of the Principal Act to provide that persons filling extraordinary vacancies on the Greyhound Racing Control Board may be appointed for a period of up to 3 years.
- Clause 18 amends section 75A(7) of the Principal Act for the purposes of statute law revision.
- Clause 19 amends section 80 of the Principal Act and inserts new sections 81 and 81A to provide for the appointment of additional persons for the purposes of the Greyhound Racing Control Board hearing appeals.
- Clause 20 amends the heading to Part IV of the Principal Act for the purposes of statute law revision.
- Clause 21 amends section 85(2)(e) of the Principal Act to recognise the Australian Services Union (Victorian Clerical and Administrative Branch) as the legal successor to the Federated Clerks Union of Australia (Victorian Branch) in respect to

nominations for membership of the Bookmakers & Bookmakers' Clerks Registration Committee.

Clause 22 amends section 91 of the Principal Act to provide that if the Victoria Racing Club requires a bookmaker to hold a licence for the purposes of section 4(1)(b) then a licence is not required from any other racing club.

Clause 23 amends section 94A of the Principal Act to—

- (i) extend the time limits and circumstances for the lodgement of complaints against bookmakers who default in the payment of wagers;
- (ii) provide that complaints may be lodged with any specified authority; and
- (iii) require complaints to be forwarded by such authorities to the Bookmakers & Bookmakers' Clerks Registration Committee by the end of the next business day.

Clause 24 amends section 119(1) of the Principal Act to provide for payments to be made to organisations holding mixed sports gatherings equivalent to twenty-nine seventieth's of the stamp duty on bookmaker's statements arising from such gatherings.

PART 3—AMENDMENTS TO THE LOTTERIES GAMING AND BETTING ACT 1966

Clause 25 provides that for the purposes of Part 3, the **Lotteries Gaming and Betting Act 1966** is the Principal Act.

Clause 26 amends section 16 of the Principal Act to recognise that bets made in accordance with section 4 of the **Racing Act 1958** or a club betting permit are wagers recoverable by law.

Clause 27 amends section 38(2A) of the Principal Act to clarify that it is optional for fees to be prescribed for approvals for betting on foot races and bicycle races.

Clause 28 repeals sections 38A and 66A of the Principal Act due to the insertion of Division 2A in Part 1 of the **Racing Act 1958**.

Clause 29 amends section 40(1) of the Principal Act to allow greyhound races to be approved for the purposes of the sub-section.

PART 4—AMENDMENTS TO THE STAMPS ACT 1958

- Clause 30 provides that for the purposes of Part 4, the **Stamps Act 1958** is the Principal Act.
- Clause 31 defines "club betting permit" for the purposes of the Principal Act.
- Clause 32 amends section 117 of the Principal Act to specify that betting conducted under a club betting permit is subject to the requirements of the section.
- Clause 33 amends section 118(2) of the Principal Act to specify that powers of inspection may be applied whenever betting is being conducted at a racecourse or at a premises specified in a club betting permit.
- Clause 34 amends section 120 of the Principal Act to specify that betting conducted under a club betting permit is subject to the requirements of the section.
- Clause 35 amends section 125 of the Principal Act to specify that the holder of a club betting permit is subject to the requirements of the section.
- Clause 36 amends Part XV of Schedule 3 to the Principal Act to determine the rates of turnover tax payable by bookmakers betting under club betting permits.

PART 5—AMENDMENT OF OTHER ACTS

- Clause 37 amends section 6(5)(f) of the **Gaming No. 2 Act 1997** to clarify that it is optional for regulations to be prescribed in respect to the conduct of Calcutta sweepstakes.
- Clause 38 amends section 114(2) of the **Gaming and Betting Act 1994** for the purposes of statute law revision.