

# **Racing (Amendment) Bill**

## **EXPLANATORY MEMORANDUM**

*Clause 1* contains the provision relating to the short title.

*Clause 2* contains provisions relating to the commencement which may be on a day or days proclaimed by the Governor in Council and published in the *Government Gazette*.

*Clause 3* provides that the *Racing Act* 1958 is the Principal Act.

*Clause 4* inserts in section 116BT, which is the interpretation section of Division 5 of Part V., a definition of “Approved betting competition”.

It substitutes a new interpretation for the terms “Prescribed competition” and “Prescribed sport”.

The clause further inserts a definition of the term “Sporting contingency”.

*Clause 5* amends section 116BU to authorize the Totalizator Agency Board, with the approval of the Minister, to conduct approved betting competitions. It further provides for the words “or approved betting competition” to be inserted in section 116BU (2).

*Clause 6* inserts the words “or approved betting competitions” in section 116BW (1).

*Clause 7*—

- (a) repeals the words “other than section 116M (2) (c)” in sub-section (1) of section 116BX as these words are superfluous, and inserts in the sub-section the words “and approved betting competitions”;
- (b) inserts the words “or an approved betting competition” in section 116BX (2) (a) and repeals paragraph (b) of section 116BX (2) as it is superfluous as section 116M (1) (d) was repealed by Act No. 9671 in 1981.

*Clause 8* inserts in section 116BY the words “and approved betting competitions”.

*Clause 9* inserts in section 116BZ the words “or approved betting competition”.

*Clause 10* alters section 116CA by providing that the current provisions shall become sub-section (1), and inserting a new sub-section (2) to provide that sections 40 and 41 of the *Lotteries Gaming and Betting Act* 1966, which prohibit the display or publication of odds shall not apply to an approved betting competition conducted by the Totalizator Agency Board.

*Clause 11* inserts in section 116CB the words “or an approved betting competition”.

*Clause 12*—

- (a) inserts the words “or approved betting competition” in section 116CC;
- (b) inserts the words “or competition” in section 116CC.

*Clause 13* inserts the words “or approved betting competition” in section 116CD.

*Clause 14*—

- (a) provides for a new sub-section (1A) to section 116CE that in respect of approved betting competitions, after deducting commission the Totalizator Agency Board shall calculate prizes in accordance with the regulations and pay such prizes to those entitled to them;
- (b) inserts the words “or prizes” in sub-sections (3) and (4) of section 116CE.

*Clause 15—*

- (a) (i) inserts the words “or approved betting competition” in section 116CG;
- (ii) repeals paragraphs (a) to (f) and provides for the Consolidated Fund to receive twelve twentieths of the money deducted pursuant to section 116CD;
- (b) (i) inserts the words “and any money remaining after provision is made for the payment of the prizes in an approved betting competition” in section 116CG (2) thereby enabling the Totalizator Agency Board to retain money surplus after deduction of commission and payment of prizes;
- (ii) substitutes a new paragraph (b) in section 116CG (2) to provide that surplus money from Tabella totalizators and approved betting competitions may be applied by the Totalizator Agency Board in payment of costs and expenses in carrying out any of its other functions.

*Clause 16* inserts provisions in section 116HA (1) to enable the Totalizator Agency Board to invest money held by it in respect of an approved betting competition with an off-course totalizator in another State.

*Clause 17* inserts in section 116CH (1) (a) the words “or approved betting competition”.

*Clause 18—*

- (a) inserts in section 116CI (1) (a), (f) and (g) the words “or approved betting competitions”;
- (b) inserts in section 116CI (1) (b) and (c) the words “and prizes”;
- (c) inserts a new sub-section (2A) to provide specific power for regulations to be made prescribing methods of calculating prizes in different approved betting competitions.

*Clause 19* (1) (a) amends section 116M (1) to remove the prohibition on the establishment of Totalizator Agency Board facilities on licensed premises and expressly permits their establishment subject to the approval of the Minister after consultation with the Liquor Control Commission.

(1) (b) inserts in section 116M (1) the restriction that no office or agency of the Board shall be established on licensed premises within 15 kilometres of another office or agency or within 60 kilometres of the General Post Office, Melbourne.

(2) amends section 110 (3A) of the *Liquor Control Act 1968* by inserting a new paragraph (c) to provide that the general prohibition on betting in licensed premises provided in that section shall not apply where an office or agency of the Totalizator Agency Board is established on such premises and betting takes place through that office or agency of the Board. Section 110 of the *Liquor Control Act 1968* is further amended by inserting a new sub-section (3B) which defines “Totalizator Agency Board”.

*Clause 20* amends section 116M by including two further sub-sections—(3) and (4). These provide power for the Totalizator Agency Board to accept betting vouchers and defines the term “betting voucher”.

*Clause 21* (1) amends the heading to Part V. by adding the words “And Betting Competitions”;

(2) amends the heading to Division 5 of Part V. by adding the words “And Betting Competitions”.

*Clause 22* provides for minor consequential amendments to the Table of Parts and Divisions in section 1.