

Racing (Amendment) Bill (No 2)

EXPLANATORY MEMORANDUM

Outline

The purposes of the Bill are to amend the Racing Act to provide for—

- (a) further provisions for the Racing Appeals Tribunal
- (b) qualifications to the disclosure of pecuniary interests of Board members
- (c) payments out of the Totalizator Agency Board Development Reserve
- (d) clarification of Bookmakers Guarantee provisions

Notes on Clauses

Clause 1 sets out the general purposes of the Act.

Clause 2 (1) provides that the Act other than section 8 comes into operation on the day it receives Royal Assent.

(2) gives retrospective effect to section 8 which is to come into operation on 23 September 1987.

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

Clause 4 deals with pecuniary interests of members of Statutory Boards.

(1) inserts in section 45A of the Principal Act a new sub-section (3A) to provide that a member of the Board who is a member of the Metropolitan and Country Trotting Association of Victoria or the Association of Victorian Country Trotting Clubs or holds office in, or is a member or employee of, a harness racing club is not considered to have a direct or indirect interest in any contract or matter concerning that association or club for the purposes of the pecuniary interest provisions of the Principal Act.

(2) inserts in section 75A of the Principal Act a new sub-section (3A) to provide that a member of the Board who holds office or is a member or employee of a greyhound racing club is not considered to have a direct or indirect interest in any contract or matter for the purposes of the pecuniary interest provisions of the Principal Act.

(3) amends section 116C (2) of the Principal Act by deleting the words "or is directly or indirectly concerned in any contract with the Board".

(4) amends section 116FA (2) of the Principal Act by substituting the words "Subject to sub-section (3A) for" for the word "For".

(5) inserts in section 116FA of the Principal Act a new sub-section (3A) to provide that a member of the Board who—

- (a) holds office in or is a member or employee of—
 - (i) the Victoria Racing Club; or
 - (ii) the Harness Racing Board; or
 - (iii) the Greyhound Racing Control Board; or
 - (iv) the Victorian Country Racing Council; or
 - (v) any other race club; or

(b) is a member of the board of directors of a corporation where one or more of the bodies referred to in (a) above hold a majority of the shares—
is not considered to have a direct or indirect interest in any contract or other matter for the purposes of the pecuniary interest provisions of the Principal Act.

Clause 5 amends section 83K of the Principal Act which deals with the Racing Appeals Tribunal.

(1) and (2) amend section 83K (6) and inserts a new sub-section (6A) to provide that where persons receive different penalties arising from the same set of circumstances, and any one of those persons receives a penalty which enables that person to appeal to the Tribunal, all such persons may appeal direct to the Tribunal.

New sub-section (6B) provides that where more than one penalty has been imposed upon a person arising from the same set of circumstances, if any one of those penalties is such as would allow an appeal direct to the Tribunal, the Tribunal may hear and determine all matters arising from that set of circumstances.

New sub-section (6C) provides that appeals will not be first heard by the Controlling Body, and the Controlling Body will have no jurisdiction to hear such an appeal.

(3) inserts the words "subject to any terms or conditions that the Chairman or Deputy Chairman thinks appropriate" in section 83K (7) of the Principal Act. This enables the Chairman or Deputy Chairman to impose conditions when granting a stay of proceedings.

(4) substitutes a new sub-section (8) in section 83K of the Principal Act in respect of abandoning an appeal. New sub-sections (8A) and (8B) allow the Tribunal to impose conditions as to costs if it thinks fit.

New sub-section (8C) provides that the Tribunal may substitute a lesser charge in respect of proceedings before it.

New sub-section (8D) provides that an appeal under (8C) must be by way of rehearing.

Clause 6 inserts a new section 83MA in the Principal Act to specifically provide that proceedings before the Tribunal are privileged as if they were proceedings in the Supreme Court.

Clause 7 inserts a new section 83NA in the Principal Act to clarify that where the Tribunal has jurisdiction to hear a racing matter, the Supreme Court does not have jurisdiction to hear or determine the matter other than where the Court is of the opinion that there are special circumstances which justify a hearing by the Court.

Clause 8 amends section 94 (2) (b) of the Principal Act to clarify the situation that for the purposes of the Bookmakers Guarantee there are only two classes of Bookmakers:

- (i) Rails bookmakers at metropolitan thoroughbred race meetings; and
- (ii) All other bookmakers.

This amendment is to have retrospective operation to 23 September 1987.

Clause 9 inserts in section 116O of the Principal Act a new sub-section (3AA) to provide the formal mechanism for the withdrawal of money from the Totalizator Agency Board Development Reserve. Money in the Reserve may be withdrawn by the Board with the approval of the Minister but must be applied for the purposes set out in sub-section (3B) of section 116O.