

VICTORIA.



ANNO TERTIO DECIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 7230.

An Act to amend the *Racing Act* 1958.

[22nd December, 1964.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. (1) This Act may be cited as the *Racing (Amendment) Act* 1964.

Principal Act
No. 6353 as
amended by
No. 6462 (as
amended by
No. 6489) and
Nos. 6574, 6607,
6619, 6638, 6678,
6790, 6836, 6851,
6867, 6886, 6954,
6962, 6981, 7000,
7015, 7082, 7138.

(2) The *Racing Act* 1958 is in this Act referred to as the Principal Act.

Amendment of
No. 6353 s. 16.

2. For section sixteen of the Principal Act there shall be substituted the following section:—

Limitation of
total number
of country
race-meetings.

“ 16. (1) In the area comprising all parts of Victoria that are not within twenty miles of the General Post Office Melbourne—

(a) not more than four hundred race-meetings for horse races shall be held ;

(b) not

(b) not more than one hundred and eighty-seven race-meetings for trotting races shall be held of which—

- (i) not more than one hundred shall be held before seven o'clock in the evening ;
- (ii) not more than thirty shall be held in the area comprising the City of Mildura, the Shire of Mildura, the Shire of Swan Hill and the Shire of Walpeup ; and
- (iii) not more than one hundred and fifty-seven shall be held elsewhere than in the area comprising the said city and shires.

(2) In calculating the number of race-meetings for the purposes of this section picnic race-meetings and mixed sports gatherings shall not be taken into account."

3. In section eighty-four of the Principal Act in the interpretation of "bookmaker's clerk" for the word "otherwise" there shall be substituted the words "in any other manner whatsoever".

Amendment of
No. 6353 s. 84.

4. After section eighty-five of the Principal Act there shall be inserted the following section :—

New section
inserted.

"85A. (1) A member of the Committee or the secretary of the Committee may require any bookmaker, bookmaker's clerk or bookmaker's course agent at any reasonable time or at any place to produce for inspection his certificate of registration as a bookmaker, bookmaker's clerk or bookmaker's course agent (as the case may be).

Members of
Committee, &c.,
may require
production of
certificate of
registration.

(2) A member of the Committee or the secretary of the Committee may, on any day on which a race-meeting is held on a race-course or sports are held on a sports ground, enter any part of the race-course or sports ground and may require from the secretary of the racing club conducting or controlling the race-meeting or the promoter of the sports or any servant or agent of the racing club or the promoter or from any bookmaker, bookmaker's clerk or bookmaker's course agent any assistance for the purpose of ascertaining whether the provisions of this Part and the regulations are being observed.

Entry to
race-courses
or sports
grounds.

(3) Any person who fails neglects or refuses to produce his certificate of registration or to give any assistance when so required pursuant to the provisions of this section shall be liable to a penalty of not less than Ten pounds and not more than Fifty pounds or to imprisonment for a term of not more than three months."

Penalty.

5. After

New section inserted.

5. After section eighty-seven A of the Principal Act there shall be inserted the following section :—

Committee may impose penalty in lieu of revocation or suspension of registration.

“ 87B. (1) In any case where the Committee has power under this Part to revoke or suspend a certificate of registration the Committee may, in lieu of revoking or suspending the certificate, impose a penalty of not more than One hundred pounds.

Non-application of penalty provision.

(2) The provisions of the last preceding sub-section shall not apply where the Committee is directed under the *Stamps Act 1958* to suspend a certificate of registration.

(3) During the period of any suspension or until any monetary penalty imposed by the Committee upon a person be paid the certificate of registration concerned shall have no force or effect.

Appropriation.

(4) Any money paid by way of penalty under this section shall be paid to the Consolidated Revenue.”

New section inserted.

6. After section ninety-four of the Principal Act there shall be inserted the following section :—

Guarantee of bookmakers against defaults in payment of wagers.

‘ 94A. (1) For the purposes of this section the Committee may, with the approval of the Minister, arrange with the Victorian Bookmakers Association Limited (in this section called “ the company ”) for the company to lodge with the Committee a bond in the amount of Ten thousand pounds to Her Majesty conditioned for the payment by the company to the Committee, in the circumstances and to the extent hereafter in this section provided, of such moneys as will satisfy defaults made by bookmakers registered with the Committee under this Part or their approved substitutes in the payment of wagers to persons betting with them at race-meetings or sports at which such bookmakers or substitutes are authorized under this Part to carry on business.

Revocation of bond and limitation of liability.

(2) Any such bond—

(a) shall remain in force, after being lodged with the Committee, until revoked by notice in writing by the company addressed to the chairman of the Committee ; and

(b) may limit the liability of the company to the payment in respect of each bookmaker registered as aforesaid or his approved substitute, of a total amount—

(i) of not less than One thousand pounds in respect of all defaults made by the bookmaker or his substitute in the payment of wagers made at any country race-meeting or any sports ; and

(ii) of

- (ii) of not less than One thousand five hundred pounds in respect of all defaults made by the bookmaker or his substitute in the payment of wagers made at any metropolitan race-meeting.

(3) The revocation of a bond shall not affect the liability of the company to make any payment due under the conditions thereof in respect of defaults occurring in the payment of wagers at any race-meeting or sports held whilst the bond was in force.

Revocation
not to affect
existing
liabilities.

(4) For the purposes of this section the company shall not be liable to satisfy any default made by a bookmaker or his substitute unless complaint thereof is made by the backer to the secretary of the racing club that conducted or controlled the race-meeting concerned or to the promoter of the sports concerned (as the case may be)—

Non-payment
of wager
deemed default.

- (a) where the amount wagered by the backer was paid to the bookmaker at the time the wager was made—within thirty days after demand made by the backer for the payment thereof ; or
- (b) where the amount wagered by the backer was not paid to the bookmaker at the time the wager was made—within fourteen days after the day of the race-meeting or sports in respect of which the wager was made.

(5) Upon receiving a certificate in writing from the secretary of a racing club that conducted or controlled a race-meeting or from the promoter of any sports that a bookmaker registered with the Committee or his approved substitute has made default in the payment of a wager lawfully made with him at that race-meeting or sports the Committee may, whether or not it conducts an investigation into the circumstances of the making of the wager, cause a demand in writing to be made upon the company for the payment by the company to the Committee within fourteen days after the date of the notice the amount of the default made by the bookmaker or his substitute in the payment of the wager referred to in the certificate.

Payments
under bond.

(6) Upon receiving payment from the company of the amount of any such default the Committee shall cause that amount to be paid to the backer in satisfaction of the default.

(7) Where the total amount of all defaults certified to the Committee to have been made by a bookmaker or his substitute at a race-meeting or sports exceeds the limit of the liability of the company in relation thereto under the bond the racing club that controlled the race-meeting or the promoter of the sports (as the case requires) shall determine the proportions in which the moneys

becoming

becoming available for the satisfaction of defaults shall be distributed among the backers in respect of whose wagers defaults were made.

Forfeiture
of bond.

(8) If default is made by the company in payment to the Committee of any amount demanded by the Committee under sub-section (5) of this section in satisfaction of a default the bond shall be forfeited and the amount thereof may be recovered as a debt due to Her Majesty.

(9) Any moneys recovered from the company in respect of a bond so forfeited shall first be paid in satisfaction of any defaults outstanding in the payment of wagers at the time of the recovery and the balance shall be paid to the Consolidated Revenue.

(10) Where the moneys recovered in respect of a forfeited bond are not sufficient to satisfy all defaults outstanding at the time of the recovery thereof the Committee shall cause the moneys recovered to be distributed rateably among the backers in respect of whose wagers certificates have been received by the Committee under sub-section (5) of this section.

Amendment of
No. 6353 s. 96.

7. (a) In sub-section (4) of section ninety-six of the Principal Act—

- (i) after the words “paid into” there shall be inserted the words “or invested in”;
- (ii) after the words “so paid” there shall be inserted the words “or invested”; and
- (iii) after the words “making bets on” there shall be inserted the words “or investing in”.

Amendment
to be
retrospective.

(b) Sub-section (4) of section ninety-six of the Principal Act as amended by the last preceding paragraph shall be deemed to have been enacted as so amended.

Minister may
approve
establishment
of offices or
agencies in
certain areas
otherwise than
in separate
premises.

8. After sub-section (1) of section one hundred and sixteen M of the Principal Act there shall be inserted the following sub-section :—

“(1A) Notwithstanding the provisions of the last preceding sub-section if the Minister is satisfied—

- (a) that the establishment in any area beyond a radius of twenty miles from the post office at the corner of Bourke and Elizabeth streets, Melbourne, of an office or agency of the Board in premises consisting of separate premises to which access may be had from the street without passing through other occupied premises is not economic in the circumstances;

(b) that

- (b) that the establishment of an office or agency of the Board in that area is desirable in the public interest having regard to—
- (i) the remoteness or inaccessibility of the area in relation to established offices and agencies of the Board ;
 - (ii) the needs of the public in the area and the extent of any demand for the establishment of an office or agency of the Board in the area ; and
 - (iii) the Board's estimate of the probable volume of its business in the area ; and
- (c) that premises, not being licensed premises within the meaning of the *Licensing Act* 1958, are available in that area which, but for the fact that they are not separate premises as aforesaid, would be suitable premises in which to conduct an office or agency of the Board under this Division having regard to their construction and situation and the nature of any business or businesses conducted therein or in proximity thereto—

the Minister may approve in writing of the establishment of an office or agency of the Board in those premises and upon such approval the provisions of paragraph (a) of the last preceding sub-section requiring offices and agencies of the Board to consist of separate premises as aforesaid shall not apply in respect of those premises."

9. In section one hundred and sixteen BA of the Principal Act at the end of the interpretation of "off-course totalizator" there shall be inserted the words "and in New Zealand".

Amendment of
No. 6353
s. 116BA.
Extension of
facilities to
race-meetings
conducted in
New Zealand.

10. In sub-section (1) of section one hundred and sixteen BB of the Principal Act—

Amendment of
No. 6353
s. 116BB.

- (a) at the end of paragraph (b) there shall be inserted the words "and in New Zealand" ; and
 - (b) the words "on interstate horse races" shall be repealed.
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