



ANALYSIS

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1980, No. 55

An Act to amend the Racing Act 1971

[27 November 1980]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Racing Amendment Act 1980, and shall be read together with and deemed part of the Racing Act 1971 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 27th day of November 1980.

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by repealing the definition of the term “restricted totalisator licence” (as inserted by section 2 (e) of the Racing Amendment Act 1977), and substituting the following definition:

“‘Restricted totalisator licence’ means a licence to operate a totalisator only in respect of bets made at a racecourse on a race or races being run on that racecourse.”.

(2) Section 2 (e) of the Racing Amendment Act 1977 is hereby consequentially repealed.

3. Functions of Authority—Section 12 of the principal Act is hereby amended by adding the following paragraph:

“(e) To administer the General Purposes Account.”

4. General powers of Authority—Section 13 of the principal Act (as substituted by section 8 (1) of the Racing Amendment Act 1977) is hereby amended by adding the following subsection:

“(5) The Authority is authorised to enter into contracts with the Greyhound Racing Association concerning any matters relating to the provision of off-course betting facilities for greyhound racing.”

5. Investment of funds—Section 19 (2) of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraphs:

“(c) Distribution Account; or

“(d) General Purposes Account—”.

6. Amenities Account—(1) The principal Act is hereby amended by repealing section 24 (as amended by section 10 of the Racing Amendment Act 1977), and substituting the following section:

“24. (1) The Authority shall establish an account to be known as the Amenities Account.

“(2) The Authority shall credit to the Amenities Account such sums of money as it receives from time to time under section 56 of this Act.

“(3) Money in the Amenities Account shall be disbursed by the Authority solely for the purpose of paying to such totalisator clubs as it from time to time determines such

amounts of money as it thinks fit for the purpose of providing, maintaining, improving, and renewing such race-courses and racecourse facilities (including racetracks used primarily for the purpose of providing training facilities), or for such other amenities, as the Authority considers necessary or desirable.”

(2) Section 10 of the Racing Amendment Act 1977 is hereby consequentially repealed.

7. Special provisions relating to greyhound racing—The principal Act is hereby amended by inserting, after section 26, the following section:

“26A. (1) Notwithstanding anything in section 26 of this Act, but solely for the purpose of giving effect to any contract entered into under section 13 (5) of this Act, the Authority may from time to time after determining the amount of money that it proposes to distribute to greyhound racing clubs from the Distribution Account deduct from that amount, or from any part of that amount that would otherwise be distributed to a particular greyhound racing club, any sums of money that are owing by the Greyhound Racing Association under any such contract to the Authority or to the Board.

“(2) The Authority shall pay to the Board all sums of money deducted by the Authority under subsection (1) of this section and the Board shall apply such sums of money to the further development of the Board’s off-course betting facilities.”

8. General Purposes Account—The principal Act is hereby further amended by inserting, after section 26A (as inserted by section 7 of this Act), the following section:

“26B. (1) The Authority shall establish an account to be known as the General Purposes Account.

“(2) The Authority shall from time to time credit to the General Purposes Account, from the Distribution Account, such sums of money as it considers necessary for the purposes of subsection (3) of this section.

“(3) The Authority may from time to time out of the General Purposes Account—

“(a) Make money available for projects or schemes which do not qualify for assistance under section 24 (3) of this Act but which, in the opinion of the Authority, are being or will be implemented in the interests of racing, trotting, or greyhound racing:

“(b) Refund to totalisator clubs money expended by them in paying minimum dividends in accordance with section 44A of this Act.”

9. Classification of racing clubs—(1) Section 33 (3) (a) of the principal Act (as amended by section 14 (1) of the Racing Amendment Act 1977) is hereby amended by omitting the words “(other than a greyhound racing club)”.

(2) Section 33 (4) of the principal Act (as amended by section 14 (3) of the Racing Amendment Act 1977) is hereby amended by inserting, after the words “totalisator club” where they first occur, the words “(other than a greyhound racing club)”.

(3) Section 14 (1) of the Racing Amendment Act 1977 is hereby consequentially repealed.

10. Totalisator licences—(1) Section 37 (6) of the principal Act (as substituted by section 16 of the Racing Amendment Act 1977) is hereby amended by omitting the expression “83”, and substituting the expression “84”.

(2) Section 37 (9) (c) of the principal Act (as substituted by section 16 of the Racing Amendment Act 1977) is hereby amended by inserting, after the word “club”, the words “or an officer or servant of the Board”.

11. Closing of totalisator—(1) Section 39 of the principal Act is hereby amended—

(a) By omitting from subsection (2) (as amended by section 18 (b) of the Racing Amendment Act 1977) the words “or restricted totalisator club”, and substituting the words “or of any restricted totalisator club or of the Board”:

(b) By omitting from subsection (5) (as amended by section 18 (d) of the Racing Amendment Act 1977) the words “or restricted totalisator club”, and substituting the words “or of any restricted totalisator club or of the Board”.

(2) Section 18 of the Racing Amendment Act 1977 is hereby consequentially amended by repealing paragraphs (b) and (d).

12. Deductions from betting—(1) The principal Act is hereby amended by repealing section 42 (as amended by section 6 of the Gaming Duties Amendment Act 1976 and by section 21 of the Racing Amendment Act 1977), and substituting the following section:

“42. (1) Every totalisator club shall, from the total amount of betting registered on the totalisator in respect of each race, including bets received at totalisator agencies and subsequently registered on the totalisator, after first making any refunds under section 41 of this Act and any adjustments required to be made under section 60 (2) of this Act, deduct—

“(a) Totalisator duty at such rate or rates on such part or parts of the said total amount of betting as may from time to time be prescribed by the Gaming Duties Act 1971:

“(b) A levy, at the rate of 0.5 percent, for the purposes of the Amenities Account:

“(c) A levy, for the purposes of the Stakes Subsidy Account,—

“(i) At the rate of 0.5 percent of that part attributable to bets made at the racecourse; and

“(ii) At the rate of 0.75 percent of the remainder:

“(d) A levy, at the rate of 0.5 percent, for the purposes of the On-course Development Account:

“(e) Commission in respect of win betting and place betting—

“(i) At the rate of 8.5 percent of that part attributable to bets made at the racecourse; and

“(ii) At the rate of 7.75 percent of the remainder:

“(f) Commission, in respect of double betting, forecast betting, quinella betting, treble betting, and any other form of betting authorised by the Minister under section 38 (1) (f) of this Act—

“(i) At the rate of 11.18 percent of that part attributable to bets made at the racecourse; and

“(ii) At the rate of 10.43 percent of the remainder,—

and the sum or sums remaining shall be the pool or pools in respect of which the dividends payable in respect of the race or races shall be calculated.

“(2) Every restricted totalisator club shall, from the total amount of betting registered on the totalisator in respect of each race, after first making any refunds under section 41 of this Act and any adjustments required to be made under section 60 (2) of this Act, deduct—

“(a) Totalisator duty at such rate as may from time to time be prescribed by the Gaming Duties Act 1971:

“(b) A levy, at the rate of 0.5 percent, for the purposes of the On-course Development Account:

“(c) Commission at the rate of 13 percent in respect of win betting and place betting:

“(d) Commission, at the rate of 15.68 percent, in respect of double betting, forecast betting, quinella betting, treble betting, and any other form of betting authorised by the Minister under section 38 (1) (f) of this Act—

and the sum or sums remaining shall be the pool or pools in respect of which the dividends payable in respect of the race or races shall be calculated.

“(3) The total amounts to be deducted under paragraphs (a) to (f) of subsection (1) and paragraphs (a) to (d) of subsection (2) of this section shall be calculated at the end of each day of a race meeting to the nearest cent, or, if any amount includes half a cent, to the next cent above.”

(2) Section 6 of the Gaming Duties Amendment Act 1976 and section 21 of the Racing Amendment Act 1977 are hereby consequentially repealed.

13. Commission—(1) The principal Act is hereby amended by repealing section 43 (as amended by section 22 of the Racing Amendment Act 1977), and substituting the following section:

“43. (1) The commission deducted under section 42 (1) (e) and (f) of this Act in respect of bets made at the racecourse on a race or races being run on that racecourse shall be retained by the totalisator club and shall for all purposes be deemed to form part of the club’s funds.

“(2) The commission deducted under section 42 (1) (e) and (f) of this Act in respect of bets received at totalisator agencies and registered on the totalisator shall for all purposes be deemed to belong to the Board and to form part of the Board’s funds.

“(3) The commission deducted under section 42 (2) (c) and (d) of this Act shall be retained by the restricted totalisator club and shall for all purposes be deemed to form part of the club’s funds.

“(4) If any money accruing to the Board under subsection (2) of this section is retained by any totalisator club, the club shall forthwith pay that money to the Board or otherwise dispose of it in such amounts, at such times, and in such manner as the Board may from time to time direct.

“(5) If payment of the full amount is not made by a club in accordance with subsection (4) of this section, or if any club fails to comply with a direction of the Board given under that subsection, the amount or the portion unpaid, or the amount or portion not disposed of as directed, as the case may be, may be recovered in any Court of competent jurisdiction as a debt due by the club to the Board.”

(2) Section 22 of the Racing Amendment Act 1977 is hereby consequentially repealed.

14. Minimum dividends—The principal Act is hereby amended by inserting, after section 44, the following section:

“44A. Notwithstanding anything in section 44 of this Act, no totalisator club shall, except in such circumstances as the Minister, after consultation with the Authority, may from time to time specify by notice in the *Gazette*, pay out, by way of dividend, an amount less than the amount invested in respect of any bet on which a dividend is payable.”

15. Accounts—(1) The principal Act is hereby amended by repealing section 46 (as amended by section 25 of the Racing Amendment Act 1977), and substituting the following section:

“46. As soon as practicable after the end of its annual meeting, every totalisator club and every restricted totalisator club shall forward to the Secretary and the Authority a certified copy of the club’s accounts for the preceding financial year”.

(2) Section 25 of the Racing Amendment Act 1977 is hereby consequentially repealed.

16. Payments to On-course Development Account—(1) The principal Act is hereby amended by inserting, after section 57, the following section:

“57A. (1) Every totalisator club and every restricted totalisator club shall pay the amount deducted under subsection (1) (d), or, as the case may be, subsection (2) (b), of section 42 of this Act to the Board within 7 days after the conclusion of the race meeting in respect of which the deduction was

made or within such longer period as the Board may in any particular case allow.

“(2) If payment of the full amount is not so made, the amount or the portion unpaid, as the case may be, may be recovered in any Court of competent jurisdiction as a debt due by the club to the Board.”

(2) The principal Act is hereby consequentially amended by omitting the heading above section 56, and substituting the following heading:

“Payments to Amenities Account, Stakes Subsidy Account, and On-course Development Account”.

17. Membership of Board—Section 63 of the principal Act is hereby amended by inserting, after paragraph (c), the following paragraph:

“(ca) The person who is for the time being a member of the Authority under section 4 (ca) of this Act.”.

18. Funds and property—The principal Act is hereby amended by repealing section 73, and substituting the following section:

“73. The funds and property of the Board shall consist of—

“(a) All profits derived by the Board from the operation of totalisator agencies and off-course totalisators:

“(b) All other money and property lawfully held or received by the Board:

“(c) All income lawfully derived by the Board from any such money or property:

“(d) All profits derived by the Board from contracts or arrangements entered into under section 83A of this Act.”

19. Investment of funds—Section 74 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) If any money is so invested from—

“(a) The Off-course Betting Development Account established under section 80 of this Act; or

“(b) The On-course Betting Development Account established under section 80A of this Act,—

the income derived therefrom shall be credited to, and shall form part of, the account from which the money is so invested.”

20. Annual report—Section 78 of the principal Act is hereby amended by omitting the words “and the Trotting Conference”, and substituting the words “the Trotting Conference, and the Greyhound Racing Association”.

21. On-course Development Account—The principal Act is hereby amended by inserting, after section 80, the following section:

“80A. (1) The Board shall establish an account to be known as the On-course Development Account.

“(2) The Board shall credit to the On-course Development Account—

“(a) Money received by the Board under section 57A of this Act; and

“(b) Money deducted under section 97 (1) (c) of this Act.

“(3) The Board shall use the money in the On-course Development Account solely for the following purposes:

“(a) Providing on-course betting facilities, equipment, and services for racing, trotting, and greyhound racing clubs and maintaining, improving, and renewing such facilities, equipment, and services:

“(b) Repaying money borrowed for any of the purposes set out in paragraph (a) of this subsection and paying interest on money so borrowed.”

22. Repeal of spent provision—The principal Act is hereby amended by repealing section 82.

23. On-course and off-course betting—(1) The principal Act is hereby amended by repealing the heading above section 83, and substituting the following heading:

“Operation of Off-course and On-course Betting”.

(2) Section 83 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Subject to the provisions of this Act, the Board—

“(a) Shall operate a system of off-course betting; and

“(b) May be associated with racing clubs in the operation of on-course betting; and

“(c) Shall have and may exercise all such powers as may be reasonably necessary for the purposes of paragraphs (a) and (b) of this subsection:

“Provided that, if in the Board’s opinion it is unable to provide facilities for the acceptance of off-course bets in respect

of any form of betting or of any particular race or races, the Board may determine that it will not accept such bets in respect of that form of betting or of that race or races.”

(3) Section 83 (2) of the principal Act is hereby amended by inserting, after the words “Part V of this Act”, the words “or in respect of bets to which section 88 (2) of this Act applies”.

24. Participation in on-course betting—The principal Act is hereby amended by inserting, after section 83, the following section:

“83A. (1) The Board may enter into any contract or arrangement with any totalisator club or restricted totalisator club, for the Board, or for any subcontractor on behalf of the Board, to provide, maintain, improve, or renew facilities, equipment, and services for the operation of any totalisator on a racecourse under a totalisator licence or restricted totalisator licence pursuant to this Act.

“(2) The Board shall have such powers and may perform such functions as may be reasonably necessary for the purposes of subsection (1) of this section.

“(3) Without limiting the provisions of subsection (1) of this section, the Board may, pursuant to any such arrangement or contract with any totalisator club or restricted totalisator club, provide facilities, on the racecourse on which that club holds its race meetings, for the acceptance of bets—

“(a) On a race or races held at a race meeting elsewhere in New Zealand by a totalisator club, in which case the Board shall transmit all such bets received to that totalisator club for registration on the totalisator for that race or those races in accordance with section 83 (2) of this Act:

“(b) On the off-course totalisator when it is being operated by the Board pursuant to Part V of this Act.”

25. Payment of on-course profits to clubs—The principal Act is hereby amended by inserting, after section 83A (as inserted by section 24 of this Act), the following section:

“83B. As soon as practicable after the end of each financial year, the Board shall pay all profits derived by the Board during that financial year from the Board’s association with racing clubs in the operation of on-course betting, less costs, charges, and expenses incurred by the Board in relation to its association with racing clubs in the operation of on-course

betting, to those racing clubs with whom the Board was so associated during that financial year in such manner and in such proportions as the Board determines.”

26. Transmission of bets to totalisator—Section 86 of the principal Act is hereby amended by omitting the words “and the Trotting Conference”, and substituting the words “, the Trotting Conference, and the Greyhound Racing Association”.

27. Refunds—Section 87 of the principal Act is hereby amended—

- (a) By inserting, after the expression “the first race of double betting”, the words “the first race of treble betting”;
- (b) By inserting, after the word “horse”, the words “or greyhound”.

28. Payment of dividends—(1) Section 88 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) If, in the case of any bets to which section 83 (2) of this Act applies,—

“(a) The Board is unable, because of circumstances beyond its control, to transmit part or all of those bets to the totalisator club for registration on the totalisator on-course; or

“(b) Any failure or malfunction of any machinery equipment or system (being a failure or malfunction which occurs after the registration on the totalisator on-course of part or all of those bets) either—

“(i) Prevents the calculation or payment of any dividend in accordance with the provisions of this Act; or

“(ii) Is, in the opinion of an Inspector of Totalisators, likely to delay unduly such calculation or payment,—

the dividends payable in respect of any bets to which paragraph (a) or paragraph (b) of this subsection applies shall be, as the Board in its absolute discretion determines, either—

“(c) The same as those properly payable in respect of the race or races by the totalisator on the racecourse; or

“(d) Such as may from time to time be provided for in the rules of the Board.”

(2) Section 88 (3) of the principal Act is hereby amended by omitting the expression “45, 56 and 57”, and substituting the expression “44A, 45, 56, 57, and 57A”.

29. Method of accounting between Board and clubs—Section 90 of the principal Act is hereby amended by omitting the words “and the Trotting Conference”, and substituting the words “, the Trotting Conference, and the Greyhound Racing Association”.

30. Adjustment in differences in units of betting—Section 91 of the principal Act is hereby amended by omitting the words “and the Trotting Conference”, and substituting the words “, the Trotting Conference, and the Greyhound Racing Association”.

31. Off-course totalisator—(1) The principal Act is hereby amended by repealing section 93 (as amended by section 30 of the Racing Amendment Act 1977), and substituting the following section:

“93. (1) Subject to the provisions of this Act, the Board may use the off-course totalisator for the purpose of—

“(a) Win betting and place betting on any race to be held outside New Zealand:

“(b) Double betting on any 2 races (whether either or both of the races are to be held in New Zealand or outside New Zealand) to be held on the same day or on different days at different racecourses, or on different days at the same racecourse during the same race meeting:

“(c) Forecast betting or quinella betting on any race to be held in New Zealand or outside New Zealand:

“(d) Treble betting in respect of any 3 races to be held in New Zealand by a racing club on the same day at the same racecourse:

“(e) Such other forms of betting in respect of races to be held in New Zealand or outside New Zealand as may from time to time be authorised by the Minister, after consultation with the Authority.

“(2) Every authorisation under subsection (1) (e) of this section shall be subject to such terms and conditions as the Minister, after consultation with the Authority, thinks fit to impose.

“(3) The off-course totalisator shall not be used in accordance with subsection (1) of this section except in respect of such race or races as may from time to time be determined in that behalf by the Board and approved by the Minister pursuant to an application by the Board.

“(4) Every approval given by the Minister under subsection (3) of this section shall—

“(a) Be subject to such terms and conditions as he thinks fit to impose; and

“(b) Continue in force until it is revoked by the Minister.

“(5) Any such approval may at any time be revoked by the Minister.

“(6) So long as the provisions of this Act and all conditions to which any approval under this section is subject are duly complied with, no person shall be convicted of any offence in respect of the use of the off-course totalisator, pursuant to any such approval, under this or any other Act for the time being in force relating to gaming, lotteries, or prize competitions.”

(2) Section 30 of the Racing Amendment Act 1977 is hereby consequentially repealed.

32. Refund of bets—(1) The principal Act is hereby amended by repealing section 96 (as amended by section 31 of the Racing Amendment Act 1977), and substituting the following section:

“96. The Board shall refund any money bet on the off-course totalisator in respect of win betting, place betting, the first race of double betting, the first race of treble betting, and the first or only race of any other form of betting authorised under section 93 (1) (e) of this Act on any horse or greyhound which does not form part of a bracket with a starter in the race and which—

“(a) Is for any reason withdrawn from the race before the start of the race; or

“(b) Where the race has been held in New Zealand, has been, in the opinion of the judicial committee of the club conducting the race, prevented from taking an effective part in the race owing to the mechanical failure of starting stalls; or

“(c) Where the race has been held outside New Zealand, has for any reason been treated by the authority conducting the race as a withdrawal from that race.”

(2) Section 31 of the Racing Amendment Act 1977 is hereby consequentially repealed.

33. Deductions from betting—The principal Act is hereby amended by repealing section 97, and substituting the following section:

“97. (1) The Board shall deduct from the total amount of betting registered on the off-course totalisator under this Part of this Act, after first making any refunds under section 96 of this Act,—

“(a) Totalisator duty at such rate as may from time to time be prescribed by the Gaming Duties Act 1971:

“(b) A levy, at the rate of 0.75 percent, for the purposes of the Stakes Subsidy Account:

“(c) A levy, at the rate of 0.5 percent, for the purposes of the On-course Development Account:

“(d) Commission, at the rate of 8.25 percent, in respect of win betting and place betting:

“(e) Commission, at the rate of 10.93 percent, in respect of double betting, forecast betting, quinella betting, treble betting, and any other form of betting authorised by the Minister under section 93 (1) (e) of this Act,—

and the sum or sums remaining shall be the pool or pools in respect of which the dividends payable in respect of the race or races shall be calculated.

“(2) The total amounts to be deducted under paragraphs (a) to (e) of subsection (1) of this section shall be calculated on the aggregate amount of betting registered to the nearest cent or, if the amount includes half a cent, to the next cent above.

“(3) All commission deducted under paragraphs (d) and (e) of subsection (1) of this section shall form part of the Board’s funds.”

34. Minimum dividends—The principal Act is hereby amended by inserting, after section 98, the following section:

“98A. Notwithstanding anything in section 98 of this Act, the Board shall not, except in such circumstances as the Minister, after consultation with the Authority, may from time to time specify by notice in the *Gazette*, pay out, by way of dividend, an amount less than the amount invested in respect of any bet on which a dividend is payable.”

35. Special provision to enable off-course betting for greyhound racing in 1981-82 season—Notwithstanding anything in section 37 of the principal Act or in any Order in Council made under that section, in respect of the racing year ending with the 31st day of July 1982,—

- (a) The Authority, with the approval of the Minister, may allocate in respect of totalisator clubs an additional number of days, not exceeding 30, on which totalisators may be used by greyhound racing clubs; and
- (b) The Authority, to the extent that it exercises the power conferred on it by paragraph (a) of this section, shall, in respect of restricted totalisator clubs, reduce correspondingly the number of days on which totalisators may be used by greyhound racing clubs.

This Act is administered in the Department of Internal Affairs.
