

Mr Boord

GAMING AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Gaming Act 1908

5 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**—This Act may be cited as the Gaming Amendment Act 1956, and shall be read together with and deemed part of the Gaming Act 1908 (hereinafter referred to as the principal Act).

10 2. **Intepretation**—For the purposes of this Act and of the principal Act, “Racing Control Commission” or “Commission” means the Racing Control Commission established under this Act.

3. Repeal—The principal Act is hereby amended by repealing section 50 of the principal Act, as substituted by section 2 of the Gaming Amendment Act 1950 as amended by section 2 of the Gaming Amendment Act 1955.

4. Racing Control Commission—(1) There is hereby established a Commission to be known as the Racing Control Commission. 5

(2) The Commission shall consist of three members to be appointed by the Governor-General on the recommendation of the Minister, of whom one shall be appointed as the Chairman of the Commission. 10

(3) No person shall be deemed to be employed in the service of Her Majesty for the purpose of the Public Service Act 1912 or the Superannuation Act 1947 by reason of his being a member of the Commission. 15

(4) The powers of the Commission shall not be affected by any vacancy in the membership thereof.

5. Functions of Commission—(1) The general functions of the Commission shall be:

(a) To allocate licences to any racing club, trotting club, or hunt club to use the totalisator at any race meeting held under the control or management of the club: 20

(b) To allocate days and dates upon which any club may use a totalisator licence that may have been granted, including power to alter such days and dates from time to time whenever the circumstances appear to the Commission to warrant such alteration; and 25

(c) To reallocate or redistribute if considered desirable all existing totalisator licences held by any club or to cancel or revoke any existing licence. 30

(2) The Commission shall have such other functions as are conferred or imposed on it by this Act or any other Act.

6. Term of office of members of Commission—(1) Except as otherwise provided in this Act, every member of the Commission shall hold office for a term of five years, but may from time to time be reappointed. 35

(2) With respect to the first members of the Commission other than the Chairman the following provisions shall apply:

5 (a) One of those members shall retire at the expiration of three years from the date of their appointment and the other members shall retire at the expiration of four years from that date:

10 (b) The members so to retire at the expiration of three years shall be determined by agreement of the members mentioned in paragraph (a) of this subsection, or failing such agreement shall be determined by lot.

(3) Notwithstanding anything to the contrary in this Act every member of the Commission, unless he sooner vacates his office under section 6 of this Act, shall continue to hold office until his successor comes into office.

7. Extraordinary vacancies—(1) Any member of the Commission may at any time be removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by written notice given to the Minister.

20 (2) If any member of the Commission dies or resigns or is removed from office, his office shall become vacant and the vacancy shall be deemed to be an extraordinary vacancy.

25 (3) In the case of any extraordinary vacancy the Governor-General may appoint some fit person to fill the vacancy. Every such appointment shall be made in the same manner as the appointment of the vacating member.

30 (4) Any member appointed to fill an extraordinary vacancy shall hold his office only for the unexpired portion of the term of office of his predecessor.

8. Deputies of members—(1) In any case in which the Governor-General is satisfied that the Chairman or any other member of the Commission is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Governor-General may, on the recommendation of the Minister, appoint a qualified person as Deputy to act for the Chairman or for that other member during his incapacity. Any Deputy so appointed shall, while he acts as such, be deemed to be a member of the Commission and the Deputy of the Chairman shall have all the powers of the Chairman.

(2) No appointment of a Deputy and no acts done by him as such and no acts done by the Commission while any Deputy is acting as such shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

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9. Meetings and proceedings of Commission—(1) Meetings of the Commission shall be held at such times and places as the Commission or the Chairman from time to time appoints.

(2) At all meetings of the Commission the Chairman and one other member shall form a quorum.

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(3) At any meeting of the Commission the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote. The decision of the Commission on any matter shall be determined by a majority of the valid votes recorded thereon.

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(4) Where the Commission meets for the purpose of hearing any matter under this Act, the meeting shall be held in public unless the Commission in any particular case, due regard being had to the interests of the parties and of all other persons concerned, considers that the meeting or any part thereof should take place in private:

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Provided that the Commission may deliberate in private as to its decision on any matter or as to any question arising in the course of the proceedings.

(5) The Commission may make an order prohibiting the publication of any report or description of any part of the proceedings in any matter before the Commission:

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Provided that no such order shall be made prohibiting the publication of the names and descriptions of the parties to the matter, particulars of any premises affected, or any amount claimed or awarded as compensation.

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(6) In any proceedings before the Commission, any solicitor or counsel engaged by the Commission pursuant to this Act may appear and be heard as counsel assisting the Commission.

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(7) Where under this Act any person is entitled to appear and be heard in relation to any matter in any proceedings before the Commission, that person shall have the right to produce evidence and to cross-examine witnesses.

(8) Any decision, order, direction, certificate, or other document issued by the Commission may be signed on behalf of the Commission by the Chairman or the Secretary of the Commission.

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(9) Subject to the provisions of this Act and of any regulations made under this Act, the Commission may regulate its procedure in such manner as it thinks fit.

5 **10. Fees and travelling allowances**—There shall be paid out of moneys appropriated by the New Zealand Racing Conference and the New Zealand Trotting Conference for the purpose to the members of the Commission and the Secretary or employees thereof remuneration by way of fees, salary, or allowances and travelling allowances and expenses
10 in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly. The appropriation of moneys for this purpose by each such Conference shall be in proportion to the totalisator investments in racing and in trotting for the previous racing year.

15 **11. Secretary and other officers**—There may from time to time be appointed a Secretary to the Racing Control Commission and such other employees as may be necessary for the efficient carrying out of the functions of that Commission under this Act.

20 **12. Commission deemed to be a Commission of Inquiry**—
(1) The Commission shall, within the scope of its jurisdiction, be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1908, and subject to the provisions of this Act and of any regulations made under this Act the provisions of that Act shall apply accordingly.
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(2) The Chairman of the Commission, or the Secretary of the Commission purporting to act by direction or with the authority of the Chairman, may issue summonses requiring the attendance of witnesses before the Commission, or the
30 production of documents, or may do any other act preliminary or incidental to the hearing of any matter by the Commission.

(3) In addition to its powers under the Commissions of Inquiry Act 1908, the Commission may at any time if it thinks fit rehear any matter which has been heard and
35 determined by it.

13. Commission may refer matters for investigation—
(1) The Commission may from time to time appoint any qualified person (whether or not he is a member or officer of the Commission) to investigate and report to the Commission
40 on such matters as are referred to him by the Commission for the purpose of the proper exercise of its powers or functions under this Act.

(2) Every person commits an offence and is liable to a fine not exceeding twenty pounds and, in the case of a continuing offence, to a further fine not exceeding two pounds for every day during which the offence continues who, having the custody or possession of any books, papers, accounts, or documents relevant to any matter to be investigated under this section, refuses or fails to allow to have access thereto any person investigating the matters under this section, or who obstructs any such person in the making of the investigation. 5

14. Evidence in proceedings before Commission—(1) The Commission may receive as evidence any statement, document, information, or matter that in the opinion of the Commission may assist it to deal effectually with any matter before the Commission whether or not it would be admissible in a Court of law. 10 15

(2) Subject to the foregoing provisions of this section, the Evidence Act 1908 shall apply to the Commission and to the members thereof and to all proceedings therein, in the same manner as if the Commission were a Court within the meaning of that Act. 20

15. Authorised totalisator days—(1) The aggregate number of days on which the totalisator may be so authorised to be used by racing clubs, trotting clubs, and hunt clubs throughout New Zealand in any year shall not exceed: 25

- (a) In the case of racing clubs, 232;
- (b) In the case of trotting clubs, 109; and
- (c) In the case of hunt clubs, 16:

Provided that the Commission may in any year in its discretion grant licences under this section in respect of such additional days not exceeding twenty-three in all as it thinks fit. 30

(2) The day or days on which the totalisator is so authorised to be used at any one race meeting shall be specified in the licence and shall not exceed four in the case of a racing or trotting club and one in the case of a hunt club. 35

(3) No more than one licence shall be granted to any hunt club under this section in any one year.

(4) Every licence so granted shall be deemed to have been granted subject to such conditions as may be provided by any regulations under this Act in that behalf and also subject to the following conditions, namely: 40

- (a) That no more than five totalisators shall be used by a club at any one time and that no totalisators shall be used outside the race grounds under the control or management of the club:
- 5 (b) That every totalisator shall be under the care and management of some competent person appointed by the club and under the direct supervision of the Stewards:
- 10 (c) That before the commencement of any race meeting the club shall give a certificate in writing to an Inspector of Totalisators that the betting machinery has been tested within forty-eight hours immediately preceding the commencement of the meeting and is in proper working order:
- 15 (d) That within one month after any race meeting the club shall send to the Secretary for Internal Affairs a full report of the workings of the totalisator at that meeting and full details of the investments made on the totalisator at that meeting and the dividends paid.
- 20 (5) While any such licence remains in force and as long as the provisions of this section and all such conditions aforesaid are duly complied with, no person shall be liable in respect of the use of the totalisator pursuant to the licence to any penalty or forfeiture under this Act or any other law for the time being in force relating to gaming or lotteries.
- 25 (6) For the purposes of this section "totalisator" means the instrument for wagering or betting known by that name and any other instruments or machines of a like nature conducted on the same principles. "Year" means a year commencing on the first day of August.
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