

RACING AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Racing Act 1971.

Clause 1 relates to the Short Title and date of commencement. The Bill is to come into force on 1 January 1981.

Clause 2 provides that the term "Board" means the Totalisator Administration Board. (The name of the Totalisator Agency Board is changed to Totalisator Administration Board by *clause 15*.)

Clause 3 adds a General Purposes Account to the types of account the New Zealand Racing Authority is authorised to administer. (See *clause 6*.)

Clause 4 empowers the Authority to invest money held in the General Purposes Account.

Clause 5 re-enacts section 24 without change in its material effect. Subsections (5) to (7) are omitted as spent.

Clause 6 requires the Authority to establish a General Purposes Account which is to be funded from the Distribution Account.

Money in the General Purposes Account is to be used—

- (a) For projects or schemes which do not qualify for assistance under *section 24 (3)* of this Act (which relates to amenities at racecourses) but which, in the opinion of the Authority, are being implemented in the interests of racing, trotting, or greyhound racing;
- (b) To make refunds to totalisator clubs of money expended by them in paying minimum dividends in accordance with *section 44A* of this Act. (See *clause 12*.)

Clause 7 removes the prohibition on greyhound racing clubs being classified as totalisator clubs, thus making it possible for such clubs to be issued with licences which permit the operation of off-course as well as on-course betting. The clause also makes it possible for greyhound racing clubs, but not horse racing clubs, to operate under all three types of licence (totalisator, restricted totalisator, and equalisator) in the one racing season.

Clause 8 authorises an officer or servant of the Board to give a certificate in respect of totalisator machinery.

Clause 9 amends section 39 (2) of the principal Act to make it unlawful for any member, officer, agent, or servant of the Board to register on the totalisator, after the closing of the totalisator for a race, any money received

as betting in respect of that race, or to take into account, in the calculation or payment of any dividend, any bet which has not been registered on the totalisator at the time of the closing of the totalisator. Section 39 (2) at present applies only to members, officers, agents, and servants of totalisator clubs or restricted totalisator clubs.

Clause 10 adjusts the rates of deductions from betting pools—

- (a) By increasing from 0.5 percent to 0.75 percent the levy on off-course betting for the purposes of the Stakes Subsidy Account;
- (b) By providing for the deduction from all betting of a levy at a rate of 0.5 percent, for the purposes of the On-course Development Account. (See *clause 21*.)
- (c) By increasing by 0.5 percent the commission deductible by clubs in respect of on-course betting;
- (d) By increasing by 0.25 percent the commission deductible by the Board in respect of off-course betting.

Clause 11 re-enacts section 43 (with the incorporation of amendments that are consequential on *clause 10*).

Clause 12 provides that, except in such circumstances as the Minister of Internal Affairs, after consultation with the New Zealand Racing Authority, may from time to time specify by notice in the *Gazette*, no totalisator club shall pay out, by way of dividend, an amount less than the amount invested in respect of any dividend-earning bet.

Clause 13 removes the requirement for totalisator and restricted totalisator clubs to send to the Secretary for Internal Affairs, after each race meeting, records of bets made and dividends paid.

Clause 14: Subclause (1) provides for the payment to the Board of the deductions made for the purposes of the On-course Development Account.

Subclause (2) effects a consequential amendment to a heading.

Clause 15 changes the name of the Totalisator Agency Board to the Totalisator Administration Board.

Clause 16 increases the number of members of that Board by one.

The new member is to be the person who is a member of the New Zealand Racing Authority representing the Greyhound Racing Association.

Clause 17 authorises the Board to make rules relating to on-course betting.

Clause 18 provides for the funds and property of the Board to include profits derived from contracts or arrangements relating to on-course betting. (See *clause 24*.)

Clause 19 requires income derived from the investment of money in the On-course Development Account (to be established pursuant to *clause 21*) to be credited to, and to form part of, that account.

Clause 20 requires the Board to furnish a copy of its annual report to the Greyhound Racing Association.

Clause 21 requires the Board to establish a new account to be known as the On-course Development Account. Money in the account is to be used solely for the following purposes:

- (a) Providing, maintaining, improving, or renewing on-course betting facilities operated by the board for racing, trotting, or greyhound racing clubs;

(b) Repaying principal amounts borrowed for any of the purposes set out in paragraph (a).

Clause 22 repeals a spent provision.

Clause 23: Subclause (1) effects a consequential amendment to a heading.

Subclauses (2) and (3) extend the powers of the Board to enable it to be associated with racing clubs in the operation of on-course betting.

Clause 24 empowers the Board to participate in on-course betting.

Subclause (1) permits the Board to enter into any contract or arrangement with any totalisator club or restricted totalisator club for the development, establishment, conduct, and management of any totalisator to be operated on a racecourse under a totalisator licence or restricted totalisator licence.

Subclause (2) empowers the Board to provide facilities on racecourses for the acceptance of bets—

(a) On races held elsewhere in New Zealand:

(b) On the off-course totalisator when it is being operated pursuant to Part V of the principal Act.

Clause 25 adds the Greyhound Racing Association to the bodies which the Board is required to consult before it determines the manner in which details of off-course betting are to be transmitted for registration on the on-course totalisator.

Clause 26 includes, in section 87 of the principal Act,—

(a) Specific reference to refunds of bets on starters scratched from the first leg of treble betting:

(b) A reference to greyhound races.

These amendments are consequential on the Racing Amendment Act 1977.

Clause 27: Subclause (1) empowers the Board to establish separate betting pools and declare separate dividends in respect of such pools if 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 any bets received at a totalisator agency) either—

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

(b) Is, in the opinion of an Inspector of Totalisators, likely to delay unduly such calculation or payment.

The Board already has this power where it is unable, because of circumstances beyond its control, to transmit to the racecourse part or all of the total amount of off-course betting on any race or races.

Subclause (2) applies the new section 44A (relating to minimum dividends) and the new section 57A (relating to the On-course Development Account) to bets received off-course and not subsequently registered on the totalisator.

Clause 28 adds the Greyhound Racing Association to the bodies which the Board is required to consult before it determines the method of accounting as between the Board and totalisator clubs in respect of betting and dividends and other financial adjustments.

Clause 29 adds the Greyhound Racing Association to the bodies which the Board is required to consult before determining the method of adjustment of any differences between the unit of betting on totalisators at racecourses and the unit of betting adopted by the Board.

Clause 30 re-enacts section 93 of the principal Act with one change in the material effect of that section. The several specific references to "horse races" are omitted thus making it possible for the off-course totalisator to be used in respect of greyhound races.

Clause 31 re-enacts section 96 of the principal Act with one change in its material effect. The section deals with the refund of bets and the section is now applied to greyhound races as well as to horse races.

Clause 32, which is a provision corresponding to *clause 10*, adjusts the rates of deductions from betting pools in respect of off-course betting.

Clause 33, which is a provision corresponding to *clause 12*, deals with the payment of minimum dividends on off-course betting.

Clause 34 is a transitional provision relating to the change in the name of the Board.

Hon. Mr Highet

RACING AMENDMENT

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A BILL INTITULED

An Act to amend the Racing Act 1971

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 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).

*1971, No. 155

Amendments: 1974, No. 115; 1977, No. 99; 1979, No. 105

(2) This Act shall come into force on the 1st day of January 1981.

2. Interpretation—Section 2 of the principal Act is hereby amended by repealing the definition of the term “Board”, and substituting the following definition: 5

“‘Board’ means the Totalisator Administration Board established under section 62 of this Act.”

3. Functions of Authority—Section 12 of the principal Act is hereby amended by adding the following paragraph: 10

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

4. 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—”. 15

5. 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. 20

“(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.” 25
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(2) Section 10 of the Racing Amendment Act 1977 is hereby consequentially repealed. 35

6. General Purposes Account—The principal Act is hereby further amended by inserting, after section 26, the following section:

“26A. (1) The Authority shall establish an account to be known as the General Purposes Account. 40

“(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.

5 “(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 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.”

15 **7. 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)”.

20 (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)”.

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

8. Totalisator licences—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”.

30 **9. 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”:

35 (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”.

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

10. 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: 5

“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— 10 15

“(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: 20

“(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 25

“(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— 30

“(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: 35

“(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 40

“(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. 45

“(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
5 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
10 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
15 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
20 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
25 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.

11. Commission—(1) The principal Act is hereby
30 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 race-
35 course 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 pur-
40 poses 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.

12. Minimum dividends—The principal Act is hereby amended by inserting, after section 44, the following section: 20

“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 or part of a bet on which a dividend is payable.” 25

13. 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: 30

“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.” 35

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

14. Payments to On-course Development Account—

(1) The principal Act is hereby amended by inserting, after section 57, the following section: 40

“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
5 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
10 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:

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

15. Totalisator Administration Board—The principal Act is hereby amended by repealing section 62 and the heading above that section, and substituting the following heading
20 and section:

“Totalisator Administration Board

“62. (1) There is hereby established a board to be known as the Totalisator Administration Board.

25 “(2) The Board shall be a body corporate with perpetual succession and a common seal and shall be capable of acquiring, holding, and disposing of real and personal property, of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may do and suffer.

30 “(3) The Board is hereby declared to be the same body corporate as the body corporate existing immediately before the commencement of the Racing Amendment Act 1980 under the name of the Totalisator Agency Board, which body corporate was originally established by section 3 of the Gaming Amendment Act 1949 under the name of the Totalizator
35 Agency Board.”

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

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

17. Rules—Section 69 (1) of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraph:

“(d) Providing for the operation and control of totalisator agencies, and the administration and conduct of on-course and off-course betting facilities and on-course and off-course totalisators.” 5

18. Funds and property—Section 73 of the principal Act is hereby amended by adding the following paragraph:

“(d) All profits derived from contracts or arrangements entered into under section 83A of this Act.” 10

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— 15

“(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

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”. 25

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. 30

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

“(a) Money received by the Board under section 57A of this Act; and 35

“(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, maintaining, improving, or renewing on-course betting facilities operated by the Board for racing, trotting, or greyhound racing clubs:

5 “(b) Repaying principal amounts borrowed for any of the purposes set out in paragraph (a) of this subsection.”

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

10 **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*”.

15 (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

20 “(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:

25 “Provided that, if in the Board’s opinion it is unable to provide facilities for the acceptance of bets in respect of any form of betting or of any particular race or races, the Board may determine that it will not accept bets in respect of that form of betting or of that race or races.”

30 (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:

35 “83A. (1) The Board may enter into any contract or arrangement with any totalisator club or restricted totalisator club for the development, establishment, conduct, and management of any totalisator to be operated on a racecourse under a totalisator licence or restricted totalisator licence

pursuant to this Act, and shall have such powers and may perform such functions as may be reasonably necessary for that purpose.

“(2) 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 that club’s racecourse for the acceptance of bets— 5

“(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: 10

“(b) On the off-course totalisator when it is being operated by the Board pursuant to Part V of this Act.” 15

25. 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”. 20

26. 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”: 25

(b) By inserting, after the word “horse”, the words “or greyhound”.

27. Payment of dividends—(1) Section 88 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection: 30

“(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 35

“(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— 40

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

5 “(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—

10 “(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.”

15 (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”.

28. Method of accounting between Board and clubs—

20 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”.

29. Adjustment in differences in units of betting—

25 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”.

30. 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:

35 “**(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:

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- “(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: 5
- “(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. 10
- “(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. 15
- “(4) Every approval given by the Minister under subsection (3) of this section shall— 20
- “(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. 25
- “(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.” 30
- (2) Section 30 of the Racing Amendment Act 1977 is hereby consequentially repealed.

31. 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: 35

“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 40

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—

- 5 “(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
- 10 “(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.”
- 15 (2) Section 31 of the Racing Amendment Act 1977 is hereby consequentially repealed.

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

- 20 “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,—
- 25 “(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:
- 30 “(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,—
- 35

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. 5

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

33. Minimum dividends—The principal Act is hereby amended by inserting, after section 98, the following section: 10

“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 or part of a bet on which a dividend is payable.” 15

34. Transitional provisions relating to change in name of Board—(1) Every reference in any other enactment or in any agreement, deed, instrument, or other document whatsoever to the Totalisator Agency Board or to the Totalizator Agency Board shall, unless the context otherwise requires, be read as a reference to the Totalisator Administration Board. 20

(2) Subject to subsection (3) of this section, the District Land Registrar, on receiving a written request from the Totalisator Administration Board under its seal, incorporating a reference to this section, shall make such entries in his registers and on any outstanding documents of title and generally do all such things as may be necessary to give effect to the provisions of subsection (1) of this section in respect of land and interests in land specified in the request. 25 30

(3) No Registrar of Deeds or District Land Registrar or any other person charged with the keeping of any books or registers shall be obliged, solely by the provisions of this section or of section 15 of this Act, to change the name of the Board to that of the Totalisator Administration Board in his books or registers or in any document in his charge; but the presentation to any such Registrar or other person of any instrument— 35

(a) Executed or purporting to be executed by the Totalisator Administration Board; and 40

- (b) Relating to any property held immediately before the commencement of this section by the Totalisator Agency Board or the Totalizator Agency Board; and
- 5 (c) Containing a recital that the property has become vested in the Totalisator Administration Board by virtue of section 62 of the Racing Act 1971 (as substituted by section 15 of the Racing Amendment Act 1980)—

10 shall, in the absence of proof to the contrary, be sufficient evidence that the property is vested in the Totalisator Administration Board.

(4) Except as provided in subsections (2) and (3) of this section, nothing in this section shall derogate from the provisions of the Land Transfer Act 1952.