

[AS REPORTED FROM THE INTERNAL AFFAIRS AND LOCAL
GOVERNMENT COMMITTEE]

House of Representatives, 11 September 1986.

Words struck out are shown in italics within bold round brackets; words inserted are shown in roman underlined with a single rule.

Hon. Peter Tapsell

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, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Racing Amendment Act 1986, and shall be read

No. 44—2

*Price \$1.50
incl. GST \$1.65*

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 1st day of October 1986.

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “bracket”, the following definition:

“ ‘Destination club’, for the purposes of intertrack betting, means,—

“(a) In the case of races run in New Zealand, the totalisator club that conducts those races:

“(b) In the case of races run outside New Zealand in respect of which the Board has been authorised to operate the off-course totalisator, the Board:”.

(2) Section 2 of the principal Act is hereby further amended by inserting, after the definition of the term “Inspector”, the following definition:

“ ‘Intertrack betting’ means bets made under **Part IIIA** of this Act at one racecourse on a race or races being run at a race meeting at another racecourse; and ‘intertrack bet’ has a corresponding meaning:”.

(3) Section 2 of the principal Act is hereby further amended by inserting, after the definition of the term “Secretary”, the following definition:

“ ‘Selling club’ means the totalisator club conducting a race meeting on a racecourse where investors, under **Part IIIA** of this Act, may place bets on races run at another racecourse:”.

(4) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “totalisator licence” (as substituted by section 2 (1) (h) of the Racing Amendment Act 1983), and substituting the following definition:

“ ‘Totalisator licence’ means a licence to operate a totalisator on a specified date in respect of—

“(a) Bets made at a racecourse on a race or races being run on that racecourse; and

“(b) Bets received from a totalisator agency for registration on the totalisator for a race or races being run at the racecourse where that totalisator is operated; and

*R.S. Vol. 7, p. 731
Amendments: 1983, No. 131; 1984, No. 21, ss. 4-7

“(c) Bets received from another racecourse for registration on the totalisator operated by a destination club:”.

5 (5) Section 2 of the principal Act is hereby further amended by inserting, after the definition of the term “treble betting”, the following definition:

10 “‘Trifecta betting’ means a form of betting in which bets are made by means of a totalisator on a combination of 3 horses or 3 greyhounds, as the case may be, competing in the same race on the chance that those 3 horses or those 3 greyhounds will, in the order nominated by the bettor, finish first, second, and third in the race:”.

15 (6) Section 2 (1) (h) of the Racing Amendment Act 1983 is hereby consequentially repealed.

3. Stakes Subsidy Account—(1) Section 25 of the principal Act is hereby amended by repealing subsection (3) (as substituted by section 11 of the Racing Amendment Act 1977), and substituting the following subsection:

20 “(3) Money in the Stakes Subsidy Account shall be disbursed by the Authority for the purpose of paying to such totalisator clubs, restricted totalisator clubs, or equalisator clubs as it from time to time determines such amounts of money as it thinks fit for supplementing the stakes paid by such clubs in respect of
25 such race or races as may be specified by the Authority.”

(2) Section 11 of the Racing Amendment Act 1977 is hereby consequentially repealed.

4. General Purposes Account—Section 26B of the principal Act (as inserted by section 8 of the Racing
30 Amendment Act 1980) is hereby amended by repealing subsection (3), and substituting the following subsection:

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

35 “(a) Make money available for projects or schemes which, in the opinion of the Authority, are being or will be implemented in the interests of racing, trotting, or greyhound racing:

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

“(c) Make grants to any totalisator club or restricted totalisator club for any purpose.”

5. Limit on use of totalisator—(1) The principal Act is hereby amended by repealing section 36, and substituting the following section:

“36. (1) At any race meeting in respect of which a totalisator licence or restricted totalisator licence has been granted the totalisator shall not be (*opened*) open for the purpose of receiving bets (*more than 10 times*) in respect of more than 10 races during any one day. 5

“(2) Notwithstanding **subsection (1)** of this section, the totalisator may, after closing in respect of any race, be reopened in respect of that race if an Inspector is satisfied that it has been closed in error.” 10

(2) The following enactments are hereby consequentially repealed:

- (a) Section 15 of the Racing Amendment Act 1977: 15
- (b) Section 8 of the Racing Amendment Act 1983.

6. Totalisator licences—(1) Section 37 (15) of the principal Act (as substituted by section 9 (1) of the Racing Amendment Act 1983) is hereby amended by inserting, after paragraph (a), the following paragraph: 20

“(aa) That the totalisator shall not be (*opened*) open for the purpose of receiving bets earlier than (*1 hour*) 2 hours before the appointed time for the start of the first race or after the start of the last race;”.

(2) Section 37 of the principal Act (as so substituted) is hereby amended by inserting, after subsection (15), the following subsection: 25

“(15A) Every totalisator licence and restricted totalisator licence shall also be subject to such conditions as the Secretary thinks fit to impose, after consultation with the Authority, either generally or in respect of any class of licence or particular licence.” 30

7. Use of totalisator—Section 38 (1) of the principal Act (as substituted by section 17 of the Racing Amendment Act 1977) is hereby amended by inserting, after paragraph (d), the following paragraph: 35

“(da) Trifecta betting;”.

8. Refund of money bet on totalisator—Section 41 of the principal Act is hereby amended—

- (a) By inserting, after the words “quinella betting;”, the words “trifecta betting;”:

- (b) By inserting, after the word “horse”, the words “or greyhound”:
- (c) By omitting from paragraph (b) the word “stalls”, and substituting the word “equipment”.

5 **9. Deductions by clubs from betting**—(1) The principal Act is hereby amended by repealing section 42, and substituting the following section:

10 “42. (1) Every totalisator club, from the total amount of betting registered on the totalisator in respect of all races held on each day of a race meeting (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, shall deduct—

15 “(a) Totalisator duty at such rate or rates on all, or 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:

20 “(b) A levy, for the purposes of the Amenities Account,—

 “(i) At the rate of 0.75 percent of the amount of win betting and place betting; and

25 “(ii) At the rate of 1.75 percent of the amount of double betting, forecast betting, quinella betting, trifecta betting, treble betting, and any other form of betting authorised by the Minister under section 38 (1) (f) of this Act:

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

30 “(i) At the rate of 1 percent of the amount of win betting and place betting; and

35 “(ii) At the rate of 2.25 percent of the amount of double betting, forecast betting, quinella betting, trifecta betting, treble betting, and any other form of betting authorised by the Minister under section 38 (1) (f) of this Act:

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

40 “(e) Commission at the rate of 9 percent of the amount of win betting and place betting:

 “(f) Commission at the rate of 11 percent of the amount of double betting, forecast betting, quinella betting, trifecta betting, treble betting, and any other form

of betting authorised by the Minister under section 38 (1) (f) of this Act.

“(2) Every restricted totalisator club, from the total amount of betting registered on the totalisator in respect of all races held on each day of a race meeting, 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, shall deduct— 5

“(a) Totalisator duty at such rate or rates on all, or 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: 10

“(b) A levy, for the purposes of the Stakes Subsidy Account, at the rate of 2 percent of the amount of double betting, forecast betting, quinella betting, trifecta betting, treble betting, and any other form of betting authorised by the Minister under section 38 (1) (f) of this Act: 15

“(c) A levy, for the purposes of the On-course Development Account, at the rate of 0.5 percent of the said total amount of betting: 20

“(d) Commission at the rate of 11.25 percent of the amount of win betting and place betting:

“(e) Commission at the rate of ~~(13.6)~~ 13.5 percent of the amount of double betting, forecast betting, quinella betting, trifecta betting, treble betting, and any other form of betting authorised by the Minister under section 38 (1) (f) of this Act: 25

“(f) Additional commission at the rate of 5 percent of the said total amount of betting or the sum of \$15,000, whichever is the lesser amount. 30

“(3) The total amounts to be deducted under **subsection (1) or subsection (2)** of this section, as the case may be, shall be calculated to the nearest cent or, if the amount includes half a cent, to the next cent above. 35

“(4) The sums remaining after the deductions from the total amounts of betting referred to in **subsection (1) or subsection (2)** of this section, as the case may be, shall be the pool or pools in respect of which the dividends are payable; and those dividends shall be calculated as if those subsections applied to each race or combination of races, as the case may require.” 40

(2) The following enactments are hereby consequentially repealed:

- (a) Section 12 of the Racing Amendment Act 1980:
- (b) Section 5 (1) to (4) of the Finance Act 1984.

10. Commission—(1) Section 43 of the principal Act (as substituted by section 13 (1) of the Racing Amendment Act 5 1980) is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) The commission deducted under section 42 (2) (d), (e), and (f) of this Act shall be retained by the restricted totalisator club and shall for all purposes be deemed to form part of the 10 club’s funds.”

(2) Section 5 (5) (a) of the Finance Act 1984 is hereby consequentially repealed.

11. Equalisator licences—Section 48 (2) of the principal Act is hereby amended by repealing the proviso, and substituting 15 the following proviso:

“Provided that the Secretary, on the grounds of changed circumstances, may authorise the club to conduct equalisator betting on a different day or different days; and in any such case the licence shall be deemed to authorise the club to 20 conduct equalisator betting on the day or days so authorised.”

12. Unit of equalisator betting—Section 50 of the principal Act is hereby amended by omitting the expression “50 cents”, and substituting the expression “\$1”.

13. Payments to Amenities Account—Section 56 (1) of the 25 principal Act is hereby amended by omitting the words “paragraph (b) of subsection (1) of section 42”, and substituting the words “section 42 (1) (b) and section 61G (b)”.

14. Payments to Stakes Subsidy Account—(1) Section 57 of the principal Act is hereby amended by repealing 30 subsection (1), and substituting the following subsection:

“(1) Every totalisator club and restricted totalisator club shall pay the amount deducted under section 42 (1) (c) or section 42 (2) (b) or section 61G (c) of this Act to the Authority within 7 days after the conclusion of the race meeting in respect of which the 35 deduction was made or within such longer period as the Authority may in any particular case allow.”

(2) Section 6 of the Finance Act 1984 is hereby consequentially repealed.

15. Payments to On-course Development Account— 40 (1) Section 57A of the principal Act (as inserted by section 16 (1)

of the Racing Amendment Act 1980) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Every totalisator club and restricted totalisator club shall pay the amount deducted under **section 42 (1) (d) or section 42 (2) (c) or section 61G (d)** 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.” 5

(2) Section 5 (5) (b) of the Finance Act 1984 is hereby 10 consequentially repealed.

16. New Part IIIA inserted in principal Act—(1) The principal Act is hereby amended by inserting, after Part III, the following Part:

“PART IIIA 15

“INTERTRACK BETTING

“61A. **Intertrack betting—**Subject to the provisions of this Act, bets may be placed at a racecourse on races being conducted at another racecourse.

“61B. **Use of totalisator in case of intertrack betting—** 20
(1) Subject to the provisions of this Act, any totalisator club may, for the purposes of intertrack betting, use the totalisator for the purpose of—

“(a) Win betting;

“(b) Place betting; 25

“(c) Double betting in respect of the divisions of a race which is run in not more than 2 divisions or any 2 races conducted by a club on the same day at the same racecourse;

“(d) Forecast betting and quinella betting; 30

“(e) Trifecta betting;

“(f) Treble betting in respect of any 3 races (including the divisions of a race which is run in not more than 2 divisions) conducted by a club on the same day at the same racecourse; and 35

“(g) Such other forms of betting as the Minister may, after consultation with the Authority, from time to time authorise.

“(2) Every authorisation given by the Minister under **subsection (1) (g)** of this section shall be subject to such terms and 40 conditions as the Minister, after consultation with the Authority, thinks fit to impose.

“61C. **Unit of betting**—The unit of intertrack betting on the totalisator shall be such as is for the time being provided for in the rules of racing or the rules of trotting or the rules of greyhound racing, as the case may be.

5 “61D. **Transmission of bets to destination club**—The selling club, unless it is unable to do so because of circumstances beyond its control, shall transmit all intertrack bets received by it to the destination club which shall register those bets on the totalisator for the race or combination of
10 races concerned; and the aggregate amount of bets so transmitted and registered on the totalisator shall, for the purposes of this Act, form part of the total amount of betting registered on the totalisator.

15 “61E. **Refund of intertrack bets**—The selling club, in the case of an intertrack bet, shall refund any money bet on the totalisator in respect of win betting, place betting, forecast betting, quinella betting, trifecta betting, the first race of double betting, the first race of treble betting, and the first or
20 only race of any other form of betting authorised under section 61B (1) (g) 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

25 “(b) 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 equipment.

“61F. **Payment of dividends on intertrack bets**—The
30 selling club shall pay the same dividend in respect of any intertrack bet as the dividend declared by the destination club.

“61G. **Deductions from intertrack betting**—(1) Every destination club, from the total amount of all intertrack betting registered on the totalisator, after allowing for any refunds
35 made under section 61E of this Act and any adjustments required to be made under section 60 (2) of this Act, shall deduct—

“(a) Totalisator duty at such rate or rates on all, or such part
40 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, for the purposes of the Amenities Account,—

- “(i) At the rate of 0.75 percent of the amount of win betting and place betting; and
- “(ii) At the rate of 1.75 percent of the amount of double betting, forecast betting, quinella betting, trifecta betting, treble betting, and any other form of betting authorised by the Minister under section 38 (1) (f) of this Act: 5
- “(c) A levy, for the purposes of the Stakes Subsidy Account,—
- “(i) At the rate of 1 percent of the amount of win betting and place betting; and 10
- “(ii) At the rate of 2.25 percent of the amount of double betting, forecast betting, quinella betting, trifecta betting, treble betting, and any other form of betting authorised by the Minister under section 38 (1) (f) of this Act: 15
- “(d) A levy, for the purposes of the On-course Development Account, at the rate of 0.5 percent of the said total amount of betting:
- “(e) Commission at the rate of 9 percent of the amount of win betting and place betting, of which— 20
- “(i) 7.5 percent of that amount shall be payable to the selling club; and
- “(ii) 1.5 percent of that amount shall be retained by the destination club: 25
- “(f) Commission at the rate of 11 percent of the amount of double betting, forecast betting, quinella betting, trifecta betting, treble betting, and any other form of betting authorised by the Minister under section 38 (1) (f) of this Act, of which— 30
- “(i) 9.5 percent of that amount shall be payable to the selling club; and
- “(ii) 1.5 percent of that amount shall be retained by the destination club.
- “(2) The total amounts to be deducted under **subsection (1)** of this section shall be calculated to the nearest cent or, if the amount includes half a cent, to the next cent above. 35
- “(3) The sums remaining after the deductions from the total amounts of betting referred to in **subsection (1)** of this section shall be the pool or pools in respect of which the dividends are payable; and those dividends shall be calculated as if that subsection applied to each race or combination of races, as the case may require. 40

“(4) On the recommendation of the Authority, the Minister may from time to time, by notice in the *Gazette*, alter the proportion of the commission payable to selling clubs and destination clubs under **paragraph (e) or paragraph (f) of subsection (1)** of this section, but the total amount of commission deductible under either of those paragraphs shall not be altered under this subsection.

“(5) Every notice given under **subsection (4)** of this section shall specify the date on which it is to come into force, being a date not earlier than the 1st day of August 1988.

“(6) Every notice given under **subsection (4)** of this section shall be deemed to be a regulation for the purposes of the Regulations Act 1936.

61H. Board participation in intertrack betting—
 Without limiting the provisions of section 83A (1) of this Act, the Board may, pursuant to an arrangement or contract entered into with any totalisator club in relation to intertrack betting, 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:

“(b) On a race or races held outside New Zealand in respect of which the Board has been authorised to use the off-course totalisator pursuant to Part V of this Act.

61I. Other provisions to apply—Except where inconsistent with this Part of this Act, the provisions of Parts III and IV of this Act shall apply in respect of intertrack betting.”

(2) Section 83A (3) of the principal Act (as inserted by section 24 of the Racing Amendment Act 1980) is hereby repealed.

17. Off-course totalisator—Section 93 (1) of the principal Act (as substituted by section 31 (1) of the Racing Amendment Act 1980) is hereby amended by inserting, after paragraph (c), the following paragraph:

“(ca) Trifecta betting on any race to be held in New Zealand or outside New Zealand:”.

18. Refund of bets—(1) The principal Act is hereby amended by repealing section 96, 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, forecast betting, quinella betting, trifecta betting, the first race

of double betting, the first race of treble betting, and (except where otherwise specified in the terms and conditions subject to which it is authorised) 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— 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 equipment; 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) The following enactments are hereby consequentially repealed:

(a) Section 32 of the Racing Amendment Act 1980: 20

(b) Section 17 of the Racing Amendment Act 1983.

19. Deductions from betting—(1) The principal Act is hereby amended by repealing section 97, and substituting the following section:

“97. (1) The Board, 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, shall deduct— 25

“(a) Totalisator duty at such rate or rates on all, or 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: 30

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

“(i) At the rate of 1 percent of the amount of win betting and place betting; and 35

“(ii) At the rate of 2.25 percent of the amount of double betting, forecast betting, quinella betting, trifecta betting, treble betting, and any other form of betting authorised by the Minister under section 93 (1)(e) of this Act: 40

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

“(d) Commission at the rate of 9.75 percent of the amount of win betting and place betting:

5 “(e) Commission at the rate of 12.75 percent of the amount of double betting, forecast betting, quinella betting, trifecta betting, treble betting, and any other form of betting authorised by the Minister under section 93 (1) (e) of this Act.

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

“(3) The sums remaining after the deductions from the total amounts of betting referred to in **subsection (1)** of this section shall be the pool or pools in respect of which the dividends are payable; and those dividends shall be calculated as if that subsection applied to each race or combination of races, as the case may require.

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

20 (2) The following enactments are hereby consequentially repealed:

(a) Section 33 of the Racing Amendment Act 1980:

(b) Section 7 of the Finance Act 1984.

25 **20. Repeal of spent provisions**—The following enactments are hereby repealed:

(a) Section 81 (2) of the principal Act:

(b) Sections 3 (5) and 8 (2) of the Racing Amendment Act 1977:

(c) Section 35 of the Racing Amendment Act 1980:

30 (d) Sections 9 (3) and 21 of the Racing Amendment Act 1983.

21. Amending Gaming Duties Act 1971—(1) Section 3 of the Gaming Duties Act 1971 is hereby amended by repealing the definition of the term “gross investments”, and substituting the following definition:

35 “ ‘Gross investments’, in relation to the races held on any day of a race meeting conducted by a racing club, means the total amount of betting (including intertrack betting) in respect of any of those races (or any 2 or more of them) registered on the totalisator (including bets received at totalisator agencies and subsequently registered on the totalisator) after first making any refunds under **sections 41 and 61E** of the
40 Racing Act 1971; and includes bets received at a

totalisator agency which, because of circumstances beyond the control of the Totalisator Agency Board, are unable to be registered on the totalisator but in respect of which dividends may be declared pursuant to section 88 (2) of the Racing Act 1971:” 5

(2) Section 4 of the Gaming Duties Act 1971 is hereby amended by adding the following subsection:

“(3) For the purposes of this section, every reference to a totalisator club shall be read as including a reference to the Totalisator Agency Board where, in relation to intertrack betting, that Board is regarded as a destination club within the meaning of the Racing Act 1971; and the provisions of sections 5 (1) and 6 (1) of this Act shall apply accordingly.” 10

(3) The following enactments are hereby consequentially repealed: 15

(a) Section 3 (1) of the Gaming Duties Amendment Act 1976:

(b) Section 3 (2) of the Finance Act 1984.

22. Consequential repeal—Part I of the Finance Act 1984 is hereby repealed.