

[AS REPORTED FROM THE COMMITTEE ON THE BILL]

House of Representatives, 5 May 1992.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. J. H. Falloon

RACING AMENDMENT

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A BILL INTITULED

An Act to amend the Racing Act 1971

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Racing Amendment Act 1991, and shall be read together with and deemed part of the Racing Act 1971* (hereinafter referred to as the principal Act). 5

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(2) Except as provided in subsection (3) of this section, this Act shall come into force on the 1st day of June 1992. 10

(3) Section 32 of this Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

New

(2) This Act shall come into force on the 1st day of August 1992.

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by repealing the definitions of the terms “Authority”, “Minister”, “Trotting Conference”, and “trotting race”. 15

(2) The said section 2 is hereby amended by inserting, in their appropriate alphabetical order, the following definitions: 20

“‘Harness race’ means a horse race in which each horse competing normally moves at a gait commonly known as pacing or trotting:

“‘Harness Racing Conference’ means the New Zealand Harness Racing Conference: 25

*R.S. Vol. 7, p. 731

Amendments: 1983, No. 131; 1986, No. 68; 1988, No. 210; 1989, No. 62; 1989, No. 93

“ ‘Industry Board’ means the New Zealand Racing Industry Board established under section 3 of this Act:

5 “ ‘Marketing Account’ means *(any)* the Marketing Account established by the Industry Board under section 23A of this Act:

“ ‘Minister’ means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act:

10 “ ‘Recognised industry organisation’ means—

“(a) In relation to galloping races—

“(i) The New Zealand Racing Conference; and

15 “(ii) The New Zealand Racing Owners and Trainers Federation (Incorporated); and

“(iii) The New Zealand Thoroughbred Breeders *(Federation)* Association (Incorporated); and

20 “(iv) The New Zealand Trainers Association; and

“(v) The New Zealand Jockeys Association(:); and

New

25 “(vi) Every racing club registered with the Racing Conference for the time being holding a totalisator licence or a restricted totalisator licence:

“(b) In relation to harness races—

“(i) The New Zealand Harness Racing Conference; and

30 “(ii) The New Zealand Standardbred Breeders Association (Incorporated); and

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(iii) The New Zealand Trotting Owners, Trainers, and Breeders’ Association (Incorporated); and

New

“(iii) The New Zealand Trotting Owners Association (Incorporated); and

“(iv) The New Zealand Trotting Horsemen’s and Trainers’ Association (Incorporated)(:); and 5

Struck Out

(c) In relation to greyhound racing, the New Zealand Greyhound Racing Association (Incorporated):” 10

New

“(v) Every racing club registered with the Harness Racing Conference for the time being holding a totalisator licence or a restricted totalisator licence: 15

“(c) In relation to greyhound races—

“(i) The New Zealand Greyhound Racing Association (Incorporated); and

“(ii) Every racing club registered with the Greyhound Racing Association.” 20

(2A) The said section 2 is hereby amended by adding the following subsections:

“(2) The Governor-General may from time to time by Order in Council, on the advice of the Minister given on the recommendation of the Industry Board, and with the consent of any organisation whose name is to be added or altered, amend the definition of the term ‘recognised industry organisation’ in subsection (1) of this section by adding the name of any organisation, or by omitting or altering the name of any organisation referred to in that definition. 25 30

“(3) Every Order in Council made under **subsection (2)** of this section shall be deemed to be a regulation for the purposes of the Regulations (Disallowance) Act 1989.”

(3) The principal Act is hereby amended—

- (a) By omitting the words “Trotting Conference” wherever they occur, and substituting in each case the words “Harness Racing Conference”:
- 5 (b) By omitting the words “trotting race” wherever they occur, and substituting in each case the words “harness race”:
- (c) By omitting the words “trotting races” wherever they occur, and substituting in each case the words “harness races”:
- 10 (d) By omitting the word “trotting” wherever it occurs, and substituting in each case the words “harness racing”.

PART I

NEW ZEALAND RACING INDUSTRY BOARD

15 **3. New Zealand Racing Industry Board**—(1) Section 3 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) There is hereby established a Board to be known as the New Zealand Racing Industry Board.”

20 (2) Section 3 (2) of the principal Act is hereby amended by omitting the word “Authority”, and substituting the words “Industry Board”.

(3) The New Zealand Racing Industry Board is hereby declared to be the same body corporate as that which was constituted under the principal Act and immediately before the commencement of this subsection was known as the New Zealand Racing Authority.

25 (4) The principal Act is hereby amended by omitting the words “Authority” and “Authority’s” wherever they occur as a reference to the New Zealand Racing Authority, and substituting in each case, respectively, the words “Industry Board” and “Industry Board’s”.

30 (5) Every reference to the New Zealand Racing Authority in any enactment, certificate of title, agreement, deed, instrument, or other document shall hereafter be read as a reference to the New Zealand Racing Industry Board.

4. Membership of Industry Board—(1) The principal Act is hereby amended by repealing section 4, and substituting the following section:

40 “4. (1) The Industry Board shall consist of 10 members, who shall be appointed by the Minister, comprising—

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“(a) Three members, one of whom shall be appointed by the Minister as the presiding member and another of whom as the deputy presiding member, being persons who, in the Minister’s opinion, have a knowledge of the racing industry and are qualified to be members by virtue of their knowledge, experience, or expertise in business, marketing, or economics: 5

New

“(a) Three members, one of whom shall be appointed by the Minister as President and another of whom shall be so appointed as Vice-President, being persons who, in the Minister’s opinion, have a knowledge of the racing industry and are qualified to be members by virtue of— 10
 “(i) Their knowledge or experience of the racing industry; or
 “(ii) Their expertise in business, marketing, or economics: 20

“(b) Three members on the nomination of one or more recognised industry organisations relating to galloping races:
 “(c) Three members on the nomination of one or more recognised industry organisations relating to harness races: 25

Struck Out

“(d) One member on the nomination of the Greyhound Racing Association.
 “(2) Every person appointed following nomination under paragraphs (b) and (c) of subsection (1) of this section shall be a person who, in the Minister’s opinion, is qualified to be a member of the Industry Board by virtue of having knowledge, experience, or expertise relevant to the responsibilities of the Industry Board. 30
 35

New

- “(d) One member on the nomination of one or more recognised industry organisations relating to greyhound racing.
- 5 “(2) In appointing members pursuant to paragraphs (b) to (d) of subsection (1) of this section, the Minister shall have regard—
- “(a) Primarily to the appointment of persons qualified to be members by virtue of having knowledge, experience, or expertise relevant to the functions of the Industry Board; and
- 10 “(b) Secondly to the desirability of achieving a balance of representation between recognised industry organisations.
- “(2A) Before appointing any member pursuant to paragraph (b) or paragraph (c) or paragraph (d) of subsection (1) of this section, the Minister shall consult the President and Vice-President about the proposed appointment.
- 15

- “(3) Except as provided in subsection (4) of this section, no person who is—
- 20 “(a) A member of the Totalisator Agency Board; or
- “(b) A member of the Executive Committee of the Racing Conference; or
- “(c) A member of the Executive Committee of the Harness Racing Conference; or
- 25 “(d) A member of the Executive Committee of the Greyhound Racing Association—
- may be appointed as a member of the Industry Board.

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- 30 “(4) Notwithstanding subsection (3) of this section, one member appointed under subsection (1) (a) of this section as the presiding member or the deputy presiding member may also hold office as a member of the Totalisator Agency Board.”

New

- 35 “(4) Notwithstanding subsection (3) of this section, any 2 members of the Industry Board may also hold office as a member of the Totalisator Agency Board.”

(2) Every person who, immediately before the commencement of this section, held office as a member of the New Zealand Racing Authority shall, on the commencement of this section, be deemed to have relinquished his or her office as such a member. 5

(3) No member of the New Zealand Racing Authority shall be entitled to any money or other benefit by way of compensation, or to claim for loss of remuneration or for reimbursement of expected allowances, arising out of his or her relinquishment of office under subsection (2) of this section. 10

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

5. Term of office of members—(1) The principal Act is hereby amended by repealing section 5, and substituting the following section: 15

“5. (1) Every member of the Industry Board shall hold office for such term as the Minister may determine on appointment, but not in any case exceeding (4 years) 3 years, and shall be eligible for reappointment from time to time. 20

“(2) Notwithstanding anything to the contrary in this Act, every member of the Industry Board shall, unless he or she sooner vacates office under section 6 of this Act, continue in office until his or her successor comes into office.” 20

(2) Section 4 of the Racing Amendment Act 1977 is hereby consequentially repealed. 25

6. Extraordinary vacancies—(1) Section 6 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsections:

“(1) Any member of the Industry Board may at any time be removed from office by the Minister for inability to perform the duties of office, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister, or may at any time resign his or her office by written notice to the Minister. 30

“(1A) *(If)* Subject to section 4 (4) of this Act, if any member of the Industry Board becomes a member of the Totalisator Agency Board or of the Executive Committee of the Racing Conference, Harness Racing Conference, or Greyhound Racing Association and would thus be ineligible for appointment under (subsections (3) and (4) of section 4) section 4 (3) of this Act, he or she shall forthwith be deemed to have vacated office as a member of the Industry Board. 35 40

(2) Section 6 (2) of the principal Act is hereby amended—

(a) By omitting the word “appointed”:

- (b) By inserting, after the word “removal from office,”, the words “or by virtue of the operation of subsection (1A) of this section,”:
- (c) By repealing the proviso.

5 **7. Meetings of Industry Board**—(1) Section 8 of the principal Act is hereby amended—

- (a) By omitting the word “Chairman” wherever it occurs, and substituting in each case the word (“*presiding member*”) “President”:
- 10 (b) By omitting the words “Deputy Chairman” wherever they occur, and substituting in each case the words (“*deputy presiding member*”) “Vice-President”.

(2) Section 8 (6) of the principal Act is hereby amended by repealing the proviso, and substituting the following proviso:

15 “Provided that a resolution in writing signed, (*and*) or assented to by letter (*or telegraphic message*), telegram, cable, telex, facsimile, or other means of electronic transmission by all members of the Industry Board shall be as valid and effectual as if it had been passed at a meeting of the Industry Board duly called and constituted.”

20 (3) The said section 8 is hereby amended by repealing subsection (7).

25 **8. Functions of Industry Board**—(1) Section 12 (a) of the principal Act is hereby amended by repealing subparagraph (i), and substituting the following subparagraph:

30 “(i) The economic development and the financial welfare of racing, harness racing, and greyhound racing in New Zealand, and the financial security of those New Zealanders, and New Zealand organisations, whose livelihoods are derived from or in connection with racing, harness racing, and greyhound racing, in New Zealand and overseas; and”.

35 (2) The said section 12 is hereby amended by adding the following paragraphs:

- “(f) To administer the Marketing Account:
- “(g) To initiate such changes to the rules of racing, harness racing, and greyhound racing (*relating to the conduct of race meetings*) as it considers desirable:
- 40 “(h) To allocate and issue totalisator licences in accordance with sections 37 to 37D of this Act, and to issue equalisator licences in accordance with section 48 of this Act:

“(i) To approve additional bet types in accordance with sections 38, 61B, and 93 of this Act:

“(j) To fix the rates of deductions from betting for the purposes of the Amenities Account, the Stakes Subsidy Account, and the On-course Development Account in accordance with sections 42, 61C, and 97 of this Act: 5

New

“(k) To undertake an ongoing review of the role, responsibility, and performance of the Totalisator Agency Board in the Totalisator Agency Board’s capacity as agent for racing clubs: 10

“(l) To be accountable to recognised industry organisations for the performance of its functions:

“(m) Without derogating from the independence of any recognised industry organisation, to undertake reorganisation of the administration of racing, harness racing, and greyhound racing, to increase efficiency and profitability.” 15

9. General powers of Industry Board—(1) Section 13 of the principal Act (as substituted by section 8 (1) of the Racing Amendment Act 1977) is hereby amended by repealing subsections (2) and (3), and substituting the following subsection: 20

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“(2) Without limiting the generality of the Industry Board’s powers under subsection (1) of this section, the Industry Board may, at the request of the Minister or on its own initiative, from time to time advise the Minister on matters relating to racing, harness racing, and greyhound racing.” 30

New

“(2) Without limiting the generality of the Industry Board’s powers under subsection (1) of this section, the Industry Board shall keep under review all aspects of racing and may, either on its own initiative or on the request of the Minister, advise the 35

New

Minister on matters relating to racing, harness racing, and greyhound racing.”

5 (2) Section 4 of the Racing Amendment Act 1983 is hereby consequentially repealed.

10. Industry Board to consult with parties—The principal Act is hereby amended by repealing section 14, and substituting the following section:

10 “14. In the exercise of its functions and powers under sections 12 and 13 of this Act, the Industry Board may call for submissions from, and consult with, the recognised industry organisations, and any other person or organisation whose livelihood is derived from or in connection with racing, harness racing, or greyhound racing, to the extent the Industry Board
15 considers appropriate.”

11. Marketing Account—The principal Act is hereby amended by inserting, after section 23, the following section:

“23A. (1) The Industry Board may establish an account to be known as the Marketing Account.

20 *Struck Out*

“(2) The Industry Board may from time to time credit to the Marketing Account, from the Distribution Account, such sums of money as it considers necessary for the purposes of subsection (3) of this section.

25 *New*

“(2) The Industry Board shall credit to the Marketing Account such sums of money as it receives from time to time under sections 57B and 79A of this Act.

30 “(3) Money in the Marketing Account shall be available only for meeting all the costs, charges, and expenses incurred by the Industry Board in the marketing and promotion of racing.”

12. General Purposes Account—(1) Section 26B of the principal Act (as inserted by section 8 of the Racing

Amendment Act 1980) is hereby amended by adding to subsection (3) (as substituted by section 4 of the Racing Amendment Act 1986) the following paragraphs:

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“(d) Make grants for any charitable purpose (as defined in section 71 of the Gaming and Lotteries Act 1977).” 5

New

“(d) Make grants for the purpose of education, training, and the implementation of personnel programmes for all sectors of the racing industry: 10

“(e) Expend money for the purpose of establishing a comprehensive racing industry drug detection system:

“(f) Make grants for the purpose of equine research:

“(g) Make grants to any person or organisation for the purpose of research into addiction to gambling or of the counselling or rehabilitation of persons addicted to gambling.” 15

PART II

CONFERENCES AND CLUBS 20

13. New sections inserted—The principal Act is hereby amended by inserting, after section 31, the following sections:

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“**31A. Powers of Industry Board in relation to rules**—

(1) Notwithstanding anything in section 30 or section 31 of this Act, the Industry Board may from time to time give written notice to the Racing Conference, the Harness Racing Conference, or the Greyhound Racing Association requiring that the rules of racing, harness racing, or greyhound racing, as the case may be, dealing with the conduct of race meetings be amended in the manner specified in that notice. 25 30

“(2) Where notice is given under subsection (1) of this section, the Racing Conference, the Harness Racing Conference, or the Greyhound Racing Association, as the case may be, unless an objection is sooner lodged under section 31B of this Act, shall 35

Struck Out

amend the rules accordingly within 3 months after the date of receipt of the notice.

5 “31B. **Right of objection to Minister**—(1) Where notice has been given under **section 31A** of this Act, the Racing Conference, the Harness Racing Conference, or the Greyhound Racing Association, as the case may be, may, within the period specified in **subsection (2)** of that section, object to the Minister against the decision made or notice given by the Industry Board.

10 “(2) Where any objection is made under **subsection (1)** of this section, the Minister shall determine whether the proposed change to the rules shall take place.”

New

15 “31A. **Powers of Industry Board in relation to rules**— (1) Notwithstanding anything in section 30 or section 31 of this Act, where the Industry Board considers that—

20 “(a) The economic development and financial welfare of racing nationally or internationally; or

“(b) The training requirements or administrative welfare of the racing industry or the welfare of the racing industry generally; or

“(c) The competitiveness of racing in the entertainment market; or

25 “(d) The image of racing— requires the rules of racing, harness racing, or greyhound racing to be amended, the Industry Board, after consultation with the appropriate recognised industry organisations, may give written notice to the Racing Conference, the Harness Racing Conference, or the Greyhound Racing Association requiring the rules of racing, harness racing, or greyhound racing, as the case may be, to be amended in the manner specified in the notice.

30 “(2) On receipt of a written notice under **subsection (1)** of this section, the Racing Conference, the Harness Racing Conference, or the Greyhound Racing Association, as the case may be, unless an objection is lodged in accordance with **section 31B** of this Act, shall amend the rules in accordance with the

New

direction in the notice within 3 months after the date of receipt of the notice.

“**31B. Right of objection to Minister**—(1) Within 1 month after receipt of a notice under **section 31A** of this Act, the Racing Conference, the Harness Racing Conference, or the Greyhound Racing Association, as the case may be, may object in writing to the Minister against all or any part of the requirement specified in the notice. 5

“(2) On receipt of a written objection under **subsection (1)** of this section, the Minister may confirm, modify, or cancel the requirement and shall give notice in writing of the decision to the Industry Board and the objector giving reasons for the decision. 10

“(3) If the Minister’s decision confirms or modifies the requirement, the objector shall amend the rules in accordance with the confirmed or modified requirement within 3 months after the date of receipt of the Minister’s decision. 15

“**31c. When amendment to rules takes effect**—(1) Where notice of a requirement has been given under **section 31A** of this Act or a notice of decision confirming or modifying a requirement has been given under **section 31B** of this Act, the amendment to the rules of racing, the rules of harness racing, or the rules of greyhound racing, as the case may be, in the notice shall take effect— 20 25

“(a) On the date on which the Racing Conference, the Harness Racing Conference, or the Greyhound Racing Association, as the case may be, amends the rules in accordance with the direction or decision; or

“(b) Three months after the date on which notice of the requirement or, where applicable, notice of the decision was received by the Racing Conference, the Harness Racing Conference, or the Greyhound Racing Association, as the case may be (notwithstanding that the requirement or decision has not been implemented)— 30 35

whichever is the earlier date, and shall be binding on the Conference or Association concerned and on all racing clubs comprising the Conference or Association.”

PART III

TOTALISATOR AND EQUALISATOR LICENCES

14. Removal of restrictions on Sunday racing—

Struck Out

- 5 (1) Section 35 (1) of the principal Act (as substituted by section 2 (1) of the Racing Amendment Act 1989) is hereby amended by omitting the words “a Sunday,”.
- (2) Section 35 (3) of the principal Act (as so substituted) is hereby repealed.

10

New

- (1) The principal Act is hereby amended by repealing section 35, and substituting the following section:
- 15 “35. No totalisator licence, restricted totalisator licence, or equalisator licence shall be granted in respect of races held on Easter Sunday, Christmas Day, Good Friday, or before 1 p.m. on Anzac Day.”
- (2) Section 2 of the Racing Amendment Act 1989 is hereby consequentially repealed.

- 20 (3) The Racing (Restricted Totalisator) Order 1989 (S.R. 1989/342) is hereby revoked.

15. New sections relating to totalisator licences inserted—(1) The principal Act is hereby amended by repealing section 37, and substituting the following sections:

- 25 “37. **Allocation of licences—**(1) The Industry Board, not later than the last day of February 1993 and the last day of February in every subsequent year, shall prepare a proposed allocation of licences specifying—

- 30 “(a) The number of totalisator licences and the number of restricted totalisator licences which it is proposed shall be granted in the next succeeding racing year; and

- 35 “(b) The number of totalisator licences, and the number of restricted totalisator licences, which it is proposed shall be allocated to galloping clubs, hunt clubs, harness racing clubs, and greyhound racing clubs, respectively; and

- “(c) Those licences (if any) to which it is proposed conditions are to be attached relating to the type or class of racing programme and to the stake levels of races to be run at the meetings to which it is proposed the licences apply; and 5
- “(d) The individual racing clubs to which it is proposed to allocate licences, and the number and type of such licence or licences; and
- “(e) The date on which it is proposed each licence shall operate; and 10
- “(f) The name of the racecourse in respect of which it is proposed each licence will apply; and
- “(g) The conditions (if any) which it proposes to attach to each licence.
- “(2) The Board shall give written notification to the recognised industry organisations of the proposed allocation, and advise them that they may, within (40) 60 days after the date of the notification, make submissions to the Industry Board in relation to the proposed allocation. 15
- “(3) The Industry Board shall, after considering any submissions received, further consulting the recognised industry organisations, and making such amendments as it considers desirable in the light of those submissions and consultations, confirm the allocation of licences. 20
- “(4) As soon as practicable after confirming the allocation of licences, the Industry Board shall give written notice of the confirmed allocation to the recognised industry organisations and the Secretary. 25
- “37A. **Alteration of allocation**—(1) A racing club may at any time apply to the Industry Board for the alteration of any allocation made under section 37 of this Act on the grounds of changed circumstances relating to any of the matters set out in subsection (1) of that section or any related matter. 30
- “(2) On receiving such an application the Industry Board may, if it considers the circumstances so require, alter the allocation accordingly. 35
- “37B. **Issue and revocation of licences**—(1) The Industry Board shall, on the application of any racing club to which a licence has been allocated, issue to that club the allocated licence. 40
- “(2) If any racing club is allocated more than 1 licence in any racing year, the Industry Board may incorporate and issue any 2 or more licences in a single document.

“(3) The Industry Board may in its discretion at any time revoke any totalisator licence or restricted totalisator licence.

“(4) The Industry Board shall notify the Secretary of the issue or revocation of any licence.

5 “37c. **Conditions applying to licences**—(1) Every totalisator licence and every restricted totalisator licence shall be subject to the following conditions:

10 “(a) That the totalisator shall be operated only on the date, and in respect of the race meeting, specified in the licence; and

 “(b) That the totalisator shall only be open during the hours specified in the licence; and

 “(c) That any conditions attached to the licence under **section 37** of this Act are complied with; and

15 “(d) That the totalisator shall be under the control and management of some competent person, and be under the direct supervision of the stewards, or the committee, of the club; *and*)

Struck Out

20 “(e) That before the commencement of racing on every day of a race meeting, the club or an officer or employee of the club shall give a certificate in writing to an Inspector that the totalisator has been tested within 48 hours immediately before that day and is in proper working order.

30 “(2) In addition to the conditions specified in **subsection (1)** of this section, every licence shall be subject to such additional conditions as the Industry Board may consider necessary, being conditions relating to licences generally, or to any class or classes of licence, or to any particular licence.

35 “(3) While any totalisator licence or restricted totalisator licence remains in force, and so long as the provisions of this Act, and all conditions to which a licence is subject, are complied with, no person shall be convicted of any offence in respect of the use of the totalisator under either this Act or the Gaming and Lotteries Act 1977.

40 “**37D. Application of provisions to restricted totalisator licences**—The provisions of sections 56, 57, and 84 to 91 of this Act shall not apply in respect of any race meeting held under the authority of a restricted totalisator licence.”

(2) The following enactments are hereby consequentially repealed:

(a) Section 9 of the Racing Amendment Act 1983:

(b) Section 6 of the Racing Amendment Act 1986:

(c) Sections 3 and 4 of the Racing Amendment Act 1989. 5

(3) The Racing (Totalisator) Order 1990 (S.R. 1990/39) is hereby revoked.

(4) Notwithstanding the provisions of this section, section 37 of the principal Act and the Racing (Totalisator) Order 1990 shall continue in force and operate in respect of the racing year commencing on the 1st day of August 1992 as if subsections (1) to (3) of this section had not been enacted: 10

New

Provided that, in respect of the racing year commencing on the 1st day of August 1992, the Industry Board may at any time, after consultation with the appropriate recognised industry organisations, alter the allocation made under the said section 37 to provide for races proposed to be held on a Sunday. 15

16. Use of totalisator—(1) Section 38 (1) of the principal Act (as substituted by section 17 of the Racing Amendment Act 1977) is hereby amended by repealing paragraph (f), and substituting the following paragraph: 20

“(f) Such other forms of betting as the Industry Board may from time to time authorise.” 25

(2) Section 38 of the principal Act (as so substituted) is hereby amended by repealing subsection (2), and substituting the following *(subsection)* subsections:

“(2) Every authorisation given by the Industry Board under subsection (1) (f) of this section shall be subject to such terms and conditions as the Industry Board thinks fit to impose. 30

New

“(3) Notwithstanding anything in section 44 of this Act, in specifying terms and conditions under subsection (2) of this section the Industry Board may authorise an amount not exceeding 10 percent of the total amount of betting to be withheld from the dividend pool for the purpose of 35

New

supplementing the dividend pool when the approved form of betting is offered on subsequent occasions.”

- 5 **17. Deductions by clubs from betting**—(1) Section 42 (1) of the principal Act (as substituted by section 9 (1) of the Racing Amendment Act 1986) is hereby amended by repealing paragraphs (b) to (d), and substituting the following paragraphs:
- 10 “(b) A levy for the purposes of the Amenities Account at such rate or rates as the Industry Board from time to time determines:
- “(c) A levy for the purposes of the Stakes Subsidy Account at such rate or rates as the Industry Board from time to time determines:
- 15 “(d) A levy for the purposes of the On-course Development Account at such rate or rates as the Industry Board from time to time determines:

New

20 “(da) A levy for the purposes of the Marketing Account at such rate or rates as the Industry Board from time to time determines.”

(2) Section 42 (1) (f) of the principal Act (as so substituted) is hereby amended by omitting the word “Minister”, and substituting the words “Industry Board”.

New

- 25 (2A) Section 42 (1) of the principal Act (as so substituted) is hereby amended by adding the following paragraph:
- 30 “(g) Such amount as may be authorised by the Industry Board to be withheld in specifying terms and conditions relating to an authorised form of betting pursuant to section 38 (2) and (3) of this Act.”

(3) Section 42 (2) of the principal Act (as so substituted) is hereby amended by repealing paragraphs (b) and (c), and substituting the following paragraphs:

“(b) A levy for the purposes of the Stakes Subsidy Account at such rate or rates as the Industry Board from time to time determines:

“(c) A levy for the purposes of the On-course Development Account at such rate or rates as the Industry Board from time to time determines:” 5

(4) Section 42 (2) (e) of the principal Act (as so substituted) is hereby amended by omitting the word “Minister”, and substituting the words “Industry Board”.

New

10

(4A) Section 42 (2) of the principal Act (as so substituted) is hereby amended by adding the following paragraph:

“(g) Such amount as may be authorised by the Industry Board to be withheld in specifying terms and conditions relating to an authorised form of betting pursuant to section 38 (2) and (3) of this Act.” 15

(5) Section 42 of the principal Act (as so substituted) is hereby amended by adding the following subsections:

“(5) The Industry Board may fix the rates of levies specified in paragraphs (b) to ~~(d)~~ (da) of subsection (1), and paragraphs (b) and (c) of subsection (2), of this section at different rates in respect of different types of betting for which the use of the totalisator is authorised by or under section 38 of this Act. 20

Struck Out

“(6) Every determination of the rates of levies by the Industry Board in accordance with this section shall be notified in the *Gazette*, and no such determination shall have effect until it has been so notified.” 25

New

“(6) The total of the levies fixed by the Industry Board under subsection (1) (b) to (da) of this section shall not exceed— 30

“(a) 2.25 percent of the amount of win betting and place betting:

“(b) 4.5 percent of the amount of betting (other than win betting and place betting). 35

New

“**(7)** The total of the levies fixed by the Industry Board under subsection **(2) (b) and (c)** of this section shall not exceed—

5 “**(a)** 0.5 percent of the amount of win betting and place betting:

“**(b)** 2.5 percent of the amount of betting (other than win betting and place betting).

10 “**(8)** Before the Industry Board first fixes the rates of levies under this section or subsequently varies those rates, the Industry Board shall give not less than 3 months’ written notice of the proposed rates of levies to every recognised industry organisation.

15 “**(9)** Every determination of the rates of levies by the Industry Board in accordance with this section shall be notified in the *Gazette*, and no such determination shall have effect until it has been so notified.”

20 (6) Until such time as the first determination of the rates of levies by the Industry Board is notified in the *Gazette*, the rates of those levies shall be those which, immediately before the commencement of this subsection, were specified in section 42 of the principal Act.

18. Equalisator licences—(1) Section 48 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

25 “(1) Subject to the provisions of this Act, the Industry Board may in its discretion, on the application of any galloping, harness racing, hunt, or greyhound racing club, grant to the club a licence authorising it to conduct equalisator betting at a race meeting held under the control or management of the club.”

30 (2) Section 48 (2) of the principal Act is hereby amended by omitting from the proviso (as substituted by section 11 of the Racing Amendment Act 1986) the word “Secretary”, and substituting the words “Industry Board”.

35 (3) Section 48 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

40 “(3) The Industry Board may in its discretion at any time revoke any equalisator licence.”

(4) The following enactments are hereby consequentially repealed:

- (a) Section 26 (a) and (c) of the Racing Amendment Act 1977:
 (b) Section 10 of the Racing Amendment Act 1983.

New

18A. Payments to Marketing Account—The principal Act is hereby amended by inserting, after section 57A, the following section: 5

“57B. (1) Every totalisator club shall pay the amount deducted under **section 42 (1) (da) or section 61G (1) (e)** of this Act to the Industry 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 Industry Board may allow in any particular case. 10

“(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 as a debt due by the club to the Industry Board in any court of competent jurisdiction.” 15

19. Inspectors of Totalisators—Section 58 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) No person shall be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 by reason only of that person’s holding office as an Inspector of Totalisators.” 20

PART IV

INTERTRACK BETTING

20. Use of totalisator in case of intertrack betting— (1) Section 61B (1) of the principal Act (as inserted by section 16 of the Racing Amendment Act 1986) is hereby amended by repealing paragraph (g), and substituting the following paragraph: 25 30

“(g) Such other forms of betting as the Industry Board may from time to time authorise.”

(2) Section 61B of the principal Act (as so inserted) is hereby amended by repealing subsection (2), and substituting the following subsection: 35

“(2) Every authorisation given by the Industry Board under **subsection (1) (g)** of this section shall be subject to such terms and conditions as the Industry Board thinks fit to impose.”

21. Deductions from intertrack betting—(1) Section 61G (1) of the principal Act (as so inserted) is hereby amended by repealing paragraphs (b) to ~~((d))~~ (f), and substituting the following paragraphs:

5 “(b) A levy for the purposes of the Amenities Account at such rate or rates as the Industry Board from time to time determines:

 “(c) A levy for the purposes of the Stakes Subsidy Account at such rate or rates as the Industry Board from time to time determines:

10 “(d) A levy for the purposes of the On-course Development Account at such rate or rates as the Industry Board from time to time determines:

New

15 “(e) A levy for the purposes of the Marketing Account at such rate or rates as the Industry Board from time to time determines:

 “(f) Commission at the rate of 9 percent of the amount of win betting and place betting which shall be payable to the selling club:

20 “(g) 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 Industry Board under section 38 (1) (f) of this Act, which shall be payable to the selling club:

25 “(h) Such amount as may be authorised by the Industry Board to be withheld in specifying terms and conditions relating to an authorised form of betting pursuant to section 38 (2) and (3) of this Act.”

Struck Out

(2) Section 61G (1) (f) of the principal Act (as so inserted) is hereby amended by omitting the word “Minister”, and substituting the words “Industry Board”.

35 (3) Section 61G of the principal Act (as so inserted) is hereby amended by adding the following subsections:

 “(7) The Industry Board may fix the rates of levies specified in paragraphs (b) to (d) of subsection (1) of this section at different

Struck Out

rates in respect of different types of betting for which the use of the totalisator is authorised by or under section 61B of this Act.

“(8) Every determination of the rates of levies by the Industry Board in accordance with this section shall be notified in the *Gazette*, and no such determination shall have effect until it has been so notified.”

New

(2) Section 61G of the principal Act (as so inserted) is hereby amended by repealing subsections (4) to (6), and substituting the following subsections: 10

“(4) The Industry Board may fix the rates of levies specified in paragraphs (b) to (e) of subsection (1) of this section at different rates in respect of different types of betting for which the use of the totalisator is authorised by or under section 61B of this Act. 15

“(5) The total of the levies fixed by the Industry Board under subsection (1) (b) to (e) of this section shall not exceed—

“(a) 2.25 percent of the amount of win betting and place betting;

“(b) 4.5 percent of the amount of betting (other than win betting and place betting). 20

“(6) Before the Industry Board first fixes the rate of levies under this section or subsequently varies those rates, the Industry Board shall give not less than 3 months’ written notice of the proposed rates of levies to every recognised industry organisation. 25

“(7) Every determination of the rates of levies by the Industry Board in accordance with this section shall be notified in the *Gazette*, and no such determination shall have effect until it has been so notified.” 30

(4) Until such time as the first determination of the rates of levies by the Industry Board is notified in the *Gazette*, the rates of those levies shall be those which, immediately before the commencement of this subsection, were specified in section 61G of the principal Act. 35

New

(5) The Racing (Intertrack Proportion of Commission) Notice 1992 (S.R. 1992/60) is hereby revoked.

PART V

5

OFF-COURSE BETTING SYSTEM

New

21A. General functions of Board—The principal Act is hereby amended by inserting, after section 62, the following section:

10

“62A. (1) The general functions of the Board are—

“(a) To act as agent of racing clubs holding totalisator licences in respect of off-course betting conducted by the Board under section 83 of this Act and of on-course betting conducted by the Board under section 83A of this Act:

15

“(b) To carry out such other functions as may be required of it by the provisions of this Act in a manner conducive to the economic development and the financial welfare of racing, harness racing, and greyhound racing in New Zealand.

20

“(2) In carrying out its functions under subsection (1) of this section the Totalisator Agency Board shall be accountable to the Minister and to the Industry Board.”

22. Membership of Board—(1) The principal Act is hereby amended by repealing section 63, and substituting the following section:

25

“63. (1) The Board shall consist of 6 members, *(who shall be appointed by the Minister,)* comprising—

30

“(a) Two members to be appointed by the Minister, one of whom shall be appointed by the Minister as the *(presiding member)* President and the other as the *(deputy presiding member)* Vice-President, being persons who, in the Minister’s opinion, are qualified to be members by virtue of their knowledge, experience, or expertise in business and administration:

35

- “(b) One member to be appointed by the Minister on the nomination of one or more recognised industry organisations relating to galloping races:
- “(c) One member to be appointed by the Minister on the nomination of one or more recognised industry organisations relating to harness races: 5

Struck Out

“(d) One member on the nomination of the Greyhound Racing Association:

New

“(d) One member to be appointed by the Minister on the nomination of one or more recognised industry organisations relating to greyhound racing:

“(e) The General Manager of the Board.

“(2) Every person appointed following nomination under **(paragraphs (b) and (c)) paragraph (b) or paragraph (c) or paragraph (d) of subsection (1)** of this section shall be a person who, in the Minister’s opinion, is qualified to be a member of the Board by virtue of having knowledge, experience, or expertise relevant to the responsibilities of the Board. 15 20

New

“(2A) Before appointing any member pursuant to **paragraph (b) or paragraph (c) or paragraph (d) of subsection (1)** of this section the Minister shall consult the President and Vice-President about the proposed appointment. 25

“(3) Except as provided in **(subsection (4) of this section), section 4 (4)** of this Act no person who is—

- “(a) A member of the Industry Board; or
- “(b) A member of the Executive Committee of the Racing Conference; or 30
- “(c) A member of the Executive Committee of the Harness Racing Conference; or
- “(d) A member of the Executive Committee of the Greyhound Racing Association—
- may be appointed as a member of the Agency Board.” 35

Struck Out

“(4) Notwithstanding **subsection (3)** of this section, one person appointed under **subsection (1) (a)** of this section may also hold office as a member of the Industry Board.”

5 (2) Every person who, immediately before the commencement of this section, held office as a member of the Totalisator Agency Board shall, on the commencement of this section, be deemed to have relinquished his or her office as such a member.

10 (3) No member of the Totalisator Agency Board shall be entitled to any money or other benefit by way of compensation, or to claim for loss of remuneration or for reimbursement of expected allowances, arising out of his or her relinquishment of office under **subsection (2)** of this section.

15 (4) Section 17 of the Racing Amendment Act 1980 is hereby consequentially repealed.

23. Term of office of members—The principal Act is hereby amended by repealing section 64, and substituting the following section:

20 “64. (1) Every appointed member of the Board shall hold office for such term as the Minister may determine on appointment, but not in any case exceeding (4 years) 3 years, and shall be eligible for reappointment from time to time.

25 “(2) Notwithstanding anything to the contrary in this Act, every appointed member of the Board shall, unless he or she sooner vacates office under section 65 of this Act, continue in office until his or her successor comes into office.”

24. Extraordinary vacancies—(1) Section 65 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsections:

30 “(1) Any appointed member of the Board may at any time be removed from office by the Minister for inability to perform the duties of office, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister, or may at any time resign his or her office by written notice to the Minister.

35 “(1A) (If) Subject to **section 4 (4)** of this Act, if any member of the Board becomes a member of the Industry Board or of the Executive Committee of the Racing Conference, Harness Racing Conference, or Greyhound Racing Association and
40 would thus be ineligible for appointment under **(subsections (3)**

and (4) of section 63) section 63 (3) of this Act, he or she shall forthwith be deemed to have vacated office as a member of the Board.”

- (2) Section 65 (2) of the principal Act is hereby amended—
- (a) By omitting the word “appointed”: 5
 - (b) By inserting, after the words “removal from office,”, the words “or by virtue of the operation of subsection (1A) of this section,”:
 - (c) By repealing the proviso.

25. Repealing provision for Deputy Chairman—Section 10
66 of the principal Act is hereby repealed.

26. Meetings of Board—(1) Section 67 of the principal Act is hereby amended—

- (a) By omitting the word “Chairman” wherever it occurs, and substituting in each case the word (“*presiding member*”) “President”: 15
 - (b) By omitting the words “Deputy Chairman” wherever they occur, and substituting in each case the words (“*deputy presiding member*”) “Vice-President”.
- (2) Section 67 (2) of the principal Act is hereby amended by omitting the expression “5”, and substituting the expression “4”. 20
- (3) Section 67 (5) of the principal Act is hereby amended by repealing the proviso, and substituting the following proviso: 25
- “Provided that a resolution in writing signed, (*and*) or assented to by letter (*or telegraphic message*), telegram, cable, telex, facsimile, or other means of electronic transmission, by all members of the Board shall be as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted.” 30

New

26A. Rules—Section 69 (3) of the principal Act is hereby amended by omitting the word “Minister”, and substituting the words “Industry Board”.

26B. Accounts—Section 77 of the principal Act is hereby 35
amended by repealing subsections (2) to (4), and substituting the following subsections:

- “(2) As soon as practicable after the end of each financial year ending with the 31st day of July, the Board shall cause to

New

be prepared and submitted to the Audit Office full and true statements and accounts of all its income and expenditure in that year and of its assets and liabilities at the end of that year.

5 “(3) The statements and accounts shall be audited by the Audit Office which, for that purpose, may have and exercise all the powers it has under the Public Finance Act 1977 in respect of public money and stores.”

10 **26c. Reports**—(1) The principal Act is hereby amended by repealing section 78, and substituting the following sections:

15 “78. **Annual report**—(1) As soon as practicable after the end of each financial year ending with the 31st day of July, the Board shall deliver to the Minister, the Industry Board, the Racing Conference, the Harness Racing Conference, and the Greyhound Racing Association a report of its proceedings and operations during that year, together with a copy of its duly audited accounts for that year and the report of the Audit Office on those accounts.

20 “(2) A copy of the annual report and of the accounts of the Board, together with a copy of the report of the Audit Office on the accounts, shall be laid before the House of Representatives by the Minister as soon as practicable after their receipt by the Minister.

25 “78A. **Quarterly and six-monthly reports**—The Board shall provide quarterly and six-monthly reports and accounts to the Industry Board to enable the Industry Board and racing clubs holding totalisator licences to be informed as to the likely extent of profits to be paid to the Industry Board and subsequently to the clubs.”

30 (2) Section 20 of the Racing Amendment Act 1980 is hereby consequentially repealed.

26d. Payments to Marketing Account—The principal Act is hereby amended by inserting, after section 79, the following section:

35 “79A. (1) The Board shall pay the amount deducted under section 97 (1) (ca) of this Act within 7 days after the completion of the race or races in respect of which the deduction was made or within such longer period as the Industry Board may allow in any particular case.

New

“(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 as a debt due by the Board to the Industry Board in any Court of competent jurisdiction.”

5

27. Payment of profits to Industry Board—The principal Act is hereby amended by repealing section 81, and substituting the following section:

“81. (1) The Board shall pay to the Industry Board all profits derived from the operation of off-course betting (including the off-course totalisator) less—

10

“(a) All costs, charges, and expenses incurred by the Board in the exercise and performance of its powers and functions under this Act; and

“(b) The amount of any deduction made under section 80 of this Act.

15

“(2) Full and final payment of the sums required, by **subsection (1)** of this section, to be paid to the Industry Board in respect of each financial year shall be made as soon as practicable after the end of that financial year, but in no case later than the 31st day of October next following the end of that financial year.

20

“(3) Notwithstanding **subsection (2)** of this section, the Board may, during the course of any financial year, make partial payment of the sums payable under this section in such instalments and at such times as may be agreed between the Board and the Industry Board but, failing agreement, as it is required to make by the Industry Board.”

25

28. Off-course betting—Section 83 (2) of the principal Act is hereby amended by omitting the words “by the Minister”.

PART VI

30

SPECIAL BETTING AT TOTALISATORS

29. Off-course totalisator—(1) Section 93 (1) of the principal Act (as substituted by section 31 (1) of the Racing Amendment Act 1980) is hereby amended by repealing paragraph (e), and substituting the following paragraph:

35

“(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 Industry Board.”

(2) Section 93 of the principal Act (as so substituted) is hereby amended by repealing subsections (2) to (5), and substituting the following subsections:

5 “(2) Every authorisation under **subsection (1) (e)** of this section shall be subject to such terms and conditions as the Industry Board thinks fit to impose.

New

10 “(2A) Notwithstanding anything in section 98 of this Act, in specifying terms and conditions under **subsection (2)** of this section the Industry Board may authorise an amount not exceeding 10 percent of the total amount of betting to be withheld from the dividend pool for the purpose of supplementing the dividend pool when the approved form of betting is offered on subsequent occasions.

15 “(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 Industry Board pursuant to an application by the Board.

20 “(4) Every approval given by the Industry Board under **subsection (3)** of this section shall—

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

25 “(b) Continue in force until it is revoked by the Industry Board.

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

30 **30. Deductions from betting**—(1) Section 97 (1) of the principal Act (as substituted by section 19 (1) of the Racing Amendment Act 1986) is hereby amended by repealing paragraphs (b) and (c), and substituting the following paragraphs:

35 “(b) A levy for the purposes of the Stakes Subsidies Account at such rate or rates as the Industry Board from time to time determines:

“(c) A levy for the purposes of the On-course Development Account at such rate or rates as the Industry Board from time to time determines:

New

“(ca) A levy for the purposes of the Marketing Account at such rate or rates as the Industry Board from time to time determines:”.

(2) Section 97 (1) (e) of the principal Act (as so substituted) is hereby amended by omitting the words “by the Minister”. 5

New

(2A) Section 97 (1) of the principal Act (as so substituted) is hereby amended by adding the following paragraph:

“(f) Such amount as may be authorised by the Industry Board to be withheld in specifying terms and conditions relating to an authorised form of betting pursuant to section 93 (2) and (2A) of this Act.” 10

(3) Section 97 of the principal Act (as so substituted) is hereby amended by adding the following subsections: 15

“(5) The Industry Board may fix the rates of levies specified in paragraphs (b) *(and c)* to (ca) of subsection (1) of this section at different rates in respect of different types of betting for which the use of the totalisator is authorised by or under section 93 of this Act. 20

Struck Out

“(6) Every determination of the rates of levies by the Industry Board in accordance with this section shall be notified in the *Gazette*, and no such determination shall have effect until it has been so notified.” 25

New

“(6) The total of the levies fixed by the Industry Board under paragraphs (b) to (ca) of subsection (1) of this section shall not exceed—

“(a) 1.5 percent of the amount of win betting and place betting: 30

“(b) 2.75 percent of the amount of betting (other than win betting and place betting).

New

“⁽⁷⁾ Before the Industry Board first fixes the rates of levies under this section or subsequently varies those rates, the Industry Board shall give not less than 3 months’ written notice of the proposed rates of levies to every recognised industry organisation.

“⁽⁸⁾ Every determination of the rates of levies by the Industry Board in accordance with this section shall be notified in the *Gazette*, and no such determination shall have effect until it has been so notified.”

⁽⁴⁾ Until such time as the first determination of the rates of levies by the Industry Board is notified in the *Gazette*, the rates of those levies shall be those which, immediately before the commencement of this subsection, were specified in section 97 of the principal Act.

PART VII

FIXED-ODDS BETTING

31. New Part VA inserted—The principal Act is hereby amended by inserting, after Part V, the following Part:

“PART VA

“FIXED-ODDS BETTING

New

“99AA. Industry Board may make rules establishing system of fixed-odds betting—⁽¹⁾ Subject to this Act, the Industry Board may, after consulting the Board, make rules providing for the establishment of a system of fixed-odds betting and prescribing any matter relating to the conduct and operation of fixed-odds betting by the Board.

“⁽²⁾ The Industry Board may at any time review the operation of such a fixed-odds betting system and may, after consulting the Board, vary or revoke any rules made pursuant to **subsection (1)** of this section.

“⁽³⁾ The Industry Board shall cause any rules made under this section, and every amendment to those rules, to be published in the *Gazette*.”

“99A. Board may operate system of fixed-odds betting—(1) Subject to this Act and to any rules for the time being in force under section 99AA of this Act, the Board may establish and operate a system of fixed-odds betting in respect of—

“(a) Win betting; and

“(b) Place betting.

“(2) Any system of fixed-odds betting established under this section may be operated—

“(a) As part of the system of off-course betting operated under section 83 of this Act: 10

“(b) On-course, where on-course totalisator facilities are provided by the Board pursuant to a contract or arrangement entered into under section 83A of this Act. 15

“(3) The Board shall have such powers and may perform such functions as are reasonably necessary for establishing such a fixed-odds betting system.

“99B. Use of facilities—For the purposes of operating a fixed-odds betting system under **section 99A** of this Act, the Board may use any offices or agencies established, or equipment used, for the operation of on-course betting under Part III of this Act or off-course betting under Part IV of this Act. 20

“99C. Application of certain provisions to fixed-odds betting—(1) The provisions of sections *(42, 83B, 84, 85, 87, and 97)* 83B, 84, 85, 87, and 100 of this Act, with all necessary modifications, shall apply in respect of fixed-odds betting conducted by the Board. 25

“(2) For the purposes of the Gaming Duties Act 1971, the gross amount of all bets accepted by the Board under this Part of this Act on any day of a race meeting shall be deemed to be— 30

“(a) Gross investments within the meaning of that Act, if the bets were accepted on-course: 35

“(b) Special investments within the meaning of that Act, if the bets were accepted off-course.

New

“99D. Application of profits from fixed-odds betting—Notwithstanding sections 42 and 97 of this Act but subject to **section 99c** of this Act, the amount paid to the Industry Board in 40

New

respect of fixed-odds betting shall be applied by the Industry Board as follows:

5 “(a) First, in payment of totalisator duty at such rate or rates on all, or such part of the total amount of fixed-odds betting as may from time to time be prescribed by the Gaming Duties Act 1971:

10 “Secondly, in payment of commission at the rate for the time being specified in section 42 (1) (e) and section 97 (1) (d) of this Act in respect of win betting and place betting:

“(c) Thirdly, the balance (if any) in pro rata payment of the levies for the purposes of—

15 “(i) The Amenities Account, where applicable:

“(ii) The Stakes Subsidy Account:

“(iii) The On-course Development Account:

“(iv) The Marketing Account—

at such rate or rates as the Industry Board from time to time determines.

20 “99E. **Shortfall in respect of fixed-odds betting**—The Board shall ensure, in accordance with any rules for the time being in force under section 99AA of this Act, that any shortfall in respect of fixed-odds betting is not recouped from money derived from totalisator betting.

25 “99F. **Board may establish separate account for fixed-odds betting**—(1) The Board, in accordance with any rules for the time being in force under section 99AA of this Act, may establish a separate account into which may be deposited the total amount of fixed-odds betting remaining after the payment of deductions under section 99D of this Act.

30 “(2) Any shortfall in the fixed-odds betting pool may be recouped from the separate account established under subsection (1) of this section.”

PART VIII

GENERAL PROVISIONS

35

40 **32. Restrictions on betting**—(1) Section 100 of the principal Act (as amended by section 32 of the Racing Amendment Act 1977) is hereby amended by omitting the expression “18 years” wherever it occurs, and substituting in each case the expression “16 years”.

(2) Section 32 of the Racing Amendment Act 1977 is hereby consequentially repealed.

33. Repealing provisions prohibiting tipping—

- (1) Section 100A of the principal Act is hereby repealed.
 (2) The Racing Amendment Act 1974 is hereby consequentially repealed. 5

34. Increasing penalties for offences—The principal Act is hereby amended—

- (a) By omitting from section 39 (5) the expression “\$500”, and substituting the expression “\$1,500”: 10
 (b) By omitting from section 44 (2) the expressions “\$500” and “\$1,000”, and substituting, respectively, the expressions “\$1,500” and “\$3,000”:
 (c) By omitting from section 49 (7) the expression “\$500”, and substituting the expression “\$1,500”: 15
 (d) By omitting from section 53 (2) the expressions “\$500” and “\$1,000”, and substituting, respectively, the expressions “\$1,500” and “\$3,000”:
 (e) By omitting from section 100 (3) the expression “\$10”, and substituting the expression “\$30”: 20
 (f) By omitting from section 100 (5) the expression “\$20”, and substituting the expression “\$60”:
 (g) By omitting from section 100 (7) the expression “\$50”, and substituting the expression “\$150”:
 (h) By omitting from section 101 (5) the expression “\$100”, and substituting the expression “\$300”: 25
 (i) By omitting from section 104 (2) the expressions “\$200” and “\$10”, and substituting, respectively, the expressions “\$600” and “\$30”.

35. Amending Higher Salaries Commission Act 1977— 30

The Higher Salaries Commission Act 1977 is hereby amended by omitting from the First Schedule (as substituted by section 14 of the Higher Salaries Commission Amendment Act 1988) the following item:

“The New Zealand Racing Authority.” 35

36. Amending Official Information Act 1982—The Official Information Act 1982 is hereby amended by omitting from the First Schedule (as substituted by section 23 (1) of the Official Information Amendment Act 1987) the item relating to the New Zealand Racing Authority, and substituting the following item: 40

“New Zealand Racing Industry Board”.