

[AS REPORTED FROM THE RACING BILL COMMITTEE]

House of Representatives, 7 December 1971.

Words struck out by the Committee 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 double rule, or with double rule before first line and after last line.

Hon. Mr Seath

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A BILL INTITULED

An Act to consolidate and amend the law relating to race meetings and associated matters

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows: 5

1. Short Title and commencement—(1) This Act may be cited as the Racing Act 1971.

(2) Except as provided in subsection (6) of section 29 of this Act, this Act shall come into force on the 1st day of August 1972.

2. Interpretation—In this Act, unless the context otherwise requires,—

5 “Administration Account” means the Authority’s Administration Account established under section 23 of this Act:

10 “Amenities Account” means the Authority’s Amenities Account established under section 24 of this Act:

“Authority” means the *(National)* New Zealand Racing Authority established under section 3 of this Act:

“Board” means the Totalisator Agency Board established under section 60 of this Act:

15 “Bracket” means the combination of 2 or more horses or 2 or more greyhounds, as the case may be, as one number on the totalisator or for the purposes of equalisator betting:

20 “Distribution Account” means the Authority’s Distribution Account established under section 26 of this Act:

25 “Double betting” means a form of betting in which bets are made by means of a totalisator on a combination of 2 horses competing in 2 different races, and in which the dividends payable are determined in the manner prescribed from time to time by the rules of racing or the rules of trotting or the rules of the Board, as the case may require:

30 “Equalisator betting” means a form of betting in which a number of persons contribute stakes on the outcome of a race or races, and in which the sum of the contributors’ stakes, except for the deductions which are required to or may be made under this Act, is paid to the person who, as a result of a ballot held after the close of betting and before the start of each race, draws a horse or greyhound, as the case may be, which subsequently fills a dividend-bearing place in that race:

35 “Equalisator licence” means an equalisator licence granted under section 46 of this Act:

40 *New*

45 “Forecast betting” means a form of betting in which bets are made by means of a totalisator on a combination of 2 horses competing in the same race on the chance that those 2 horses will, in the order nominated by the bettor, finish first and second in the race:

- “Galloping race” means a horse race in which each horse competing normally moves at a gait commonly known as galloping; and includes a race where each horse competing has to jump a series of hurdles or fences or other obstacles: 5
- “Greyhound Racing Association” means the New Zealand Greyhound Racing Association (Incorporated):
- “Inspector” means an Inspector of Totalisators appointed under section 56 of this Act:
- “Minister” means the Minister of Internal Affairs: 10
- “Off-course totalisator” means any (*totalisator used for the purposes of betting under Part V of this Act*) machine, apparatus, or method used or intended to be used by the Board, under Part V of this Act, for the purpose of registering the amount of money bet on the result of a race or races: 15
- “Place betting” means a form of betting in which bets are made by means of a totalisator on a horse competing in a race on the chance that the horse will fill in the race a place which is a dividend-bearing place in accordance with the rules of racing or the rules of trotting or the rules of the Board, as the case may require: 20

New

- “Quinella betting” means a form of betting in which bets are made by means of a totalisator on a combination of 2 horses competing in the same race on the chance that those 2 horses will finish first and second in either order in the race: 25
- “Race” means a galloping race or a trotting race or a greyhound race, as the case may require; and includes (where a race is run in divisions) a division of any such race (; and “racing” has a corresponding meaning): 30
- “Racecourse” means land and premises used for race meetings: 35
- “Race meeting” means a meeting held for the purpose of (*racing*) conducting races and in respect of which a totalisator licence or an equalisator licence has been granted; and includes all the days specified in the licence granted in respect of any such meeting and any other day on which, pursuant to subsection (4) of section 35 of this Act or subsection (2) of section 46 of this Act, (*racing is permitted*) races are permitted to be conducted in substitution for any day so specified: 40 45

“Racing club” means any club, association, or other body of persons (whether incorporated or not) established for the purpose of promoting, conducting, and controlling (*racing*) races; and includes a hunt club:

5 “Racing Conference” means the New Zealand Racing Conference:

“Racing year” means a period of 12 months ending with the 31st day of July:

“Secretary” means the Secretary for Internal Affairs:

10 “Stakes Subsidy Account” means the Authority’s Stakes Subsidy Account established under section 25 of this Act:

“Totalisator” means the machine or apparatus commonly known as the totalisator; and includes—

15 (a) Any other machine, apparatus, or method used or intended to be used at a race meeting for the purpose of registering the amount of money bet on the result of a race or races:

20 (b) (*Each totalisator*) Every machine, apparatus, or method used to register betting in respect of a separate class of pool:

Struck Out

(c) For the purposes of Part V of this Act, an off-course totalisator:

25 “Totalisator agency” means a totalisator agency operated by the Board for the purpose of receiving and transmitting bets for registration on a totalisator operated by a totalisator club or of receiving and registering bets on an off-course totalisator; and includes any premises on which totalisator betting may be received off course by the Board:

30 “Totalisator licence” means a totalisator licence granted under section 35 of this Act:

35 “Trotting Conference” means the New Zealand Trotting Conference:

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

40 “Win betting” means a form of betting in which bets are made by means of a totalisator on a horse competing in a race on the chance that the horse will win the race.

PART I

(National) NEW ZEALAND RACING AUTHORITY*Preliminary*

3. *(National)* New Zealand Racing Authority—(1) There is hereby established an Authority to be known as the *(National)* New Zealand Racing Authority. 5

(2) The Authority 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. 10

4. Membership of Authority—The Authority shall consist of—

- (a) Two members to be appointed by the Minister, one of whom shall be appointed as Chairman: 15
- (b) Two members to be appointed by the Minister on the nomination of the Racing Conference:
- (c) Two members to be appointed by the Minister on the nomination of the Trotting Conference:
- (d) One member to be appointed by the Minister on the joint nomination of the New Zealand Racing Owners and Trainers Federation (Incorporated), and the New Zealand Thoroughbred Breeders' Association (Incorporated): 20
- (e) One member to be appointed by the Minister on the joint nomination of the New Zealand Trotting Owners, Trainers, and Breeders' Association (Incorporated), and the New Zealand Trotting Horsemen's and Trainers' Association (Incorporated): 25
- (f) The Secretary for Internal Affairs. 30

5. Term of office of members—(1) Except as otherwise provided by this Act, every appointed member of the Authority shall hold office for a term of 3 years, and shall be eligible for reappointment from time to time.

(2) Notwithstanding anything to the contrary in this Act, every appointed member of the Authority shall, unless he sooner vacates his office under section 6 of this Act, continue in office until his successor comes into office. 35

6. Extraordinary vacancies—(1) Any appointed member of the Authority may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister, or may at any time resign his office by written notice to the Minister. 40

Struck Out

5 (2) When the office of any appointed member of the Authority becomes vacant by death, resignation, or removal from office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall hold office for the residue of the term for which his predecessor would have held office if the vacancy had not occurred.

New

10 (2) When the office of any appointed member becomes vacant by death, resignation, or removal from office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made:

15 Provided that if the filling of the vacancy requires the nomination of a person by any organisation or organisations referred to in section 4 of this Act, the nomination may be made by the executive committee or committees or governing body or bodies of the organisation or organisations.

20 (3) Every person appointed to fill an extraordinary vacancy shall hold office for the residue of the term for which his predecessor would have held office if the vacancy had not occurred.

25 **7. Deputy Chairman—**(1) The Authority shall, at its first meeting after the commencement of this Act and from time to time thereafter, appoint one of its members to be the Deputy Chairman of the Authority.

30 (2) The person so appointed shall hold that office for a period of 1 year unless he sooner vacates his office as a member of the Authority, in which case he shall also vacate the office of Deputy Chairman.

35 (3) Notwithstanding the provisions of subsection (2) of this section, the Deputy Chairman shall, unless he dies or resigns that office or vacates his office as a member of the Authority, continue to hold the office of Deputy Chairman until his successor is appointed, and shall be eligible for reappointment.

(4) When the office of Deputy Chairman becomes vacant the vacancy shall be filled as soon as practicable after its occurrence.

40 **8. Meetings of Authority—**(1) The first meeting of the Authority shall be held at a time and place to be appointed by the Minister.

(2) Subsequent meetings of the Authority shall be held at such times and places as the Authority or the Chairman of the Authority may from time to time appoint.

(3) At any meeting of the Authority 5 members shall form a quorum. 5

(4) The Chairman shall preside at every meeting of the Authority at which he is present. If at any meeting the Chairman is not present, the Deputy Chairman shall preside at the meeting; and, if the Deputy Chairman also is not present or there is no Deputy Chairman, the members present shall appoint one of their number to preside at that meeting. The Deputy Chairman or person so appointed shall have and may exercise and perform in any such case all the powers and functions of the Chairman for the purposes of the meeting. 10

(5) At any meeting of the Authority the person presiding shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote. 15

(6) Every question before any meeting of the Authority shall be determined by a majority of the votes of the members present and voting thereon: 20

Provided that a resolution signed, or assented to by letter or telegram, by all of the members of the Authority shall have the same effect as a resolution duly passed at a meeting of the Authority.

(7) In the absence from any meeting of the Secretary for Internal Affairs, he may authorise any other officer of the Department of Internal Affairs to attend the meeting in his place. While any such officer is attending a meeting under this subsection he shall be deemed for all purposes to be a member of the Authority. The fact that any person attends and acts as such a member at any meeting shall be sufficient evidence of his authority to do so in the absence of proof to the contrary. 25 30

(8) Subject to the provisions of this Act and subject to the rules of the Authority made under section 9 of this Act, the Authority may regulate its own procedure. 35

9. Rules—The Authority may, by resolution, make, alter, and rescind rules not inconsistent with this Act for all or any of the following purposes:

- (a) Regulating its proceedings and the conduct of its meetings: 40
- (b) Providing for the custody of its property and the custody and use of its common seal:
- (c) Prescribing the duties of its officers and employees:
- (d) Providing for such other matters as may be reasonably necessary or expedient for duly carrying out its functions and powers. 45

10. Remuneration and travelling allowances—There shall be paid to the appointed members of the Authority, out of the Authority's Administration Account, such remuneration, and travelling allowances and expenses, as may from time to time
5 be approved by the Minister.

11. Proceedings not invalid by irregularities, etc.—No act or proceeding of the Authority or of any person acting as a member of the Authority shall be invalidated because of a vacancy in the membership of the Authority at the time of
10 the act or proceeding, or because of the subsequent discovery that there was some defect in the appointment of any person so acting or that he was incapable of acting as or being such a member.

Functions and Powers

15 12. Functions of Authority—The general functions of the Authority shall be—

(a) To initiate, develop, implement, or recommend such policies as will in its opinion be conducive to—

20 (i) The economic development and the financial welfare of racing, trotting, and greyhound racing, and the financial security of the organisations and persons whose livelihood is derived from or in connection with racing, trotting, or greyhound racing;
and

25 (ii) The public interest in matters relating to racing, trotting, and greyhound racing, including the maintenance and improvement of the standard of facilities and amenities for the benefit of the public:

30 *Struck Out*

(b) To determine from time to time the basis on which profits derived from off-course betting are to be distributed to totalisator clubs, and to distribute those profits in accordance with section 26 of this Act:

35

New

(b) To administer the Distribution Account:

(c) To administer the Amenities Account:

(d) To administer the Stakes Subsidy Account.

13. General powers of Authority—(1) The Authority shall have all such powers as may be reasonably necessary to enable it to carry out its functions.

(2) Without limiting the generality of the Authority's powers under subsection (1) of this section, the Authority may— 5

- (a) At the request of the Minister or on its own initiative, from time to time advise the Minister on matters relating to racing, trotting, and greyhound racing, including— 10
- (i) The aggregate number of days on which the use of totalisators should be authorised in each racing year under section 35 of this Act;
 - (ii) The distribution as between racing and trotting of the total number of totalisator licences; 15
 - (iii) The distribution, as between individual galloping, trotting, and hunt clubs, of totalisator licences, and the dates (*on which racing should be conducted*) and racecourses on which race meetings should be held under totalisator licences; 20
 - (iv) Whether a totalisator licence should or should not be granted in any particular case; and
 - (v) Such other matters which require the Minister's approval, authorisation, decision, determination, or recommendation under this Act: 25
- (b) Undertake research and investigation in respect of matters relating to racing, trotting, and greyhound racing, and report or make representations thereon to the Minister or any other appropriate organisation or authority. 30

Struck Out

- 14. Power to hear disputes—**(1) If any dispute arises—
- (a) Between the Racing Conference, the Trotting Conference, or the Greyhound Racing Association; or
 - (b) Between any organisation representing persons interested in racing and the Racing Conference, the Trotting Conference, or the Greyhound Racing Association— 35

and settlement of the dispute is not within the Minister's jurisdiction under this Act, any party to the dispute may refer it to the Authority for adjudication. 40

Struck Out

(2) If a dispute is so referred, the Authority may in its discretion consider the dispute, and if it does so, shall hear the parties to the dispute and subsequently inform the parties of its findings, and may also forward a report of its findings to the Minister if it considers it expedient to do so.

(3) The findings of the Authority under this section in respect of any dispute shall operate only as a recommendation and shall not be binding on the parties to the dispute or on any other person.

New

14. Authority to consult with parties—In the performance and exercise of its functions and powers under sections 12 and 13 of this Act, the Authority, so far as is practicable—

(a) Shall call for submissions from and consult with the Executive Committee of the Racing Conference, of the Trotting Conference, or of the Greyhound Racing Association, as the case may require; and

(b) May call for submissions from and consult with organisations and persons whose livelihood is derived from or in connection with racing, trotting, or greyhound racing, as the case may require.

15. Officers and employees—(1) The Authority may from time to time appoint such officers and employees (including acting or temporary or casual employees) as it thinks necessary for the efficient exercise and performance of its powers and functions under this Act, and, subject to subsection (2) of this section and to any contract of service, may at any time remove any officer or employee from his office or employment.

(2) Officers and employees of the Authority shall be paid such salaries, wages, allowances, or other remuneration, and be employed on such terms and conditions, as the Authority from time to time determines.

(3) The Authority may, out of its Administration Account, subsidise or contribute to the National Provident Fund, or any other fund or scheme established with the approval of the Minister of Finance, for the purpose of providing superannuation or retiring allowances for its officers and employees.

16. Contracts of Authority—(1) Any contract which, if made between private persons, must be by deed shall, when made by the Authority, be in writing under the common seal of the Authority.

(2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, when made by the Authority, be either in writing under the seal of the Authority or in writing signed by any person acting on behalf of and under the express or implied authority of the Authority.

(3) Any contract which, if made between private persons, may be made orally, may be similarly made by any person acting on behalf of and under the express or implied authority of the Authority, but no oral contract shall be made involving the payment by the Authority of a sum exceeding \$50.

(4) Notwithstanding anything in this section, no contract made by or on behalf of the Authority shall be invalid by reason only that it was not made in the manner provided by this section, if it was made pursuant to a resolution of the Authority or to give effect to a resolution of the Authority.

Financial Provisions

17. Funds and property—The funds and property of the Authority shall consist of—

- (a) All money paid to the Authority under section 79 of this Act:
- (b) All other money and property lawfully held or received by the Authority:
- (c) All income lawfully derived from any such money or property.

18. Borrowing powers—The Authority may borrow money, whether by way of mortgage, debentures, bonds, overdraft, or otherwise, and may mortgage or charge any of its real or personal property, whether present or future, in such manner as it thinks fit.

19. Investment of funds—(1) *Subject to the terms of any trust or endowment, any money belonging to the Authority and available for investment may be invested in accordance with the provisions of the Trustee Act 1956 for the investment of trust funds.*

New

(1) The Authority may invest any money forming part of its funds which is available for investment in such manner and on such securities as it from time to time determines.

- (2) If any money in the—
 (a) Amenities Account; or
 (b) Stakes Subsidy Account; or
 (c) Distribution Account—
 5 is so invested, the income derived therefrom shall be (*paid into*) credited to and form part of the account from which the money was withdrawn for investment.

20. Money to be paid into bank, etc.—(1) All money received by the Authority, or by an employee of the Authority,
 10 shall as soon as practicable be paid into such bank account of the Authority (*as is required by this Act, or*) as the Authority from time to time determines. (*in any other case.*)

(2) No such money shall be withdrawn from the bank except by cheque or other instrument (not being a promissory
 15 note or bill) signed by (*an officer approved by the Authority, and countersigned by another such officer, or by a member of the Authority, approved by the Authority:*) such person or persons in such manner as the Authority from time to time determines.

20 *Struck Out*

Provided that it shall be lawful for any money to be paid by the Authority by a cheque bearing facsimilies of the signatures of the persons so authorised to sign cheques, and every cheque bearing such facsimilies shall be deemed to have been
 25 duly signed in accordance with this subsection.

21. Accounts—(1) The Authority shall keep full and correct accounts of all money received and expended by it.

(2) At the end of every financial year ending with the 31st day of July, the Authority shall cause to be prepared full
 30 and true statements and accounts of all its income and expenditure in that year, together with a balance-sheet as at the last day of that year.

(3) The statement and balance-sheet shall be audited by a chartered accountant in public practice appointed by the
 35 Authority for the purpose, who shall have access to such of the Authority's books, accounts, securities, and documents the examination of which is in his opinion necessary for the purposes of the audit.

(4) Any person who is an officer, agent, employee, or
 40 member of the Authority shall not be appointed as an auditor under this section.

22. Annual report—As soon as practicable after the 31st day of October in each year, the Authority shall furnish to the Minister, the Racing Conference, the Trotting Conference, and the Greyhound Racing Association a report of its proceedings and operations for the preceding financial year, and shall attach to the report a copy of its audited accounts. 5

23. Administration Account—(1) The Authority shall establish an account to be known as the Administration Account. (*which shall be kept at such bank as the Authority from time to time determines.*) 10

(2) The Authority shall from time to time (*transfer*) credit to the Administration Account, from the Distribution Account, such sums of money as it considers necessary for the purposes of subsection (3) of this section. 15

(3) Money in the Administration Account shall be available only for the payment of salaries and wages and for meeting all costs, charges, and expenses incurred by the Authority in the exercise and performance of its powers and functions under this Act. 20

24. Amenities Account—(1) The Authority shall establish an account to be known as the Amenities Account. (*which shall be kept at such bank as the Authority from time to time determines.*)

(2) The Authority shall (*pay into*) credit to the Amenities Account such sums of money as it receives from time to time under section 54 of this Act. 25

(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 racecourses and racecourse facilities as the Authority considers necessary or desirable. 30

(4) All money, including any income derived therefrom, held by the Racing Conference and the Trotting Conference under section 5D of the Gaming Amendment Act 1949 shall as soon as practicable after the commencement of this Act be paid to the Authority; and on receipt of such money the Authority shall pay it into the Amenities Account. 40

Struck Out

(5) If the Racing Conference or the Trotting Conference has, before the commencement of this Act, determined to pay any money to any club under section 5D of the Gaming Amendment Act 1949, out of the money available for payment under that section, and the payment has not been made before the commencement of this Act, the Authority shall pay such money from the Amenities Account in accordance with the determination of the Racing Conference or the Trotting Conference, as the case may require.

New

(5) If the Executive Committee of the Racing Conference or of the Trotting Conference has, before the commencement of this Act, approved any payment to any racing club under section 5D of the Gaming Amendment Act 1949 in respect of any project within the ambit of that section, and the payment has not been made in full, the Authority shall pay to that club, from the Amenities Account, the amount of money yet to be paid in accordance with the approval.

(6) All unexpended money held by a club under section 5D of the Gaming Amendment Act 1949 shall be applied by the club in accordance with the conditions under which, and on the projects for which, the money was paid to it.

(7) All money paid to any club under section 5D of the Gaming Amendment Act 1949 or under subsection (5) of this section which has not been expended by the club before the 31st day of July 1982, shall as soon as practicable after that date be paid to the Authority; and on receipt of any such money the Authority shall pay it into the Amenities Account. On the payment of any such money into the Amenities Account it shall be available for disbursement in accordance with subsection (3) of this section.

25. Stakes Subsidy Account—(1) The Authority shall establish an account to be known as the Stakes Subsidy Account. *(which shall be kept at such bank as the Authority from time to time determines.)*

(2) The Authority shall *(pay into)* credit to the Stakes Subsidy Account such sums of money as it receives from time to time under sections 55 and 77 of this Act.

(3) Money in the Stakes Subsidy 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 supplementing the stakes paid by clubs in respect of such race or races as may be specified by the Authority. 5

26. Distribution Account—(1) The Authority shall establish an account to be known as the Distribution Account. *(which shall be kept at such bank as the Authority from time to time determines.)* 10

(2) The Authority shall *(pay into)* credit to the Distribution Account such sums of money as it receives from time to time under section 79 of this Act.

Struck Out

(3) The Authority shall from time to time determine the amount of money which should be distributed to totalisator clubs from the Distribution Account. 15

New

(3) The Authority shall from time to time determine the basis on which the profits derived from off-course betting are to be distributed to totalisator clubs, and the amount of money to be distributed from the Distribution Account. 20

(4) The money available for distribution shall be distributed only to such totalisator clubs in such proportions and on such basis as the Authority from time to time determines. 25

(5) If the Authority has not, before the *(30th day of November)* 31st day of October 1972, determined the basis on which the profits derived from the operation of the off-course betting system during the racing year ended with the 31st day of July 1972 should be distributed, the Authority shall determine the proportion of those profits which should be distributed, and shall distribute that proportion as follows: 30

(a) As between racing and trotting, in the ratio which the combined on-course and off-course betting turnover *(including betting under Part V of this Act)* (including investments under section 2 of the Gaming Amendment Act 1967 other than in respect of races held outside New Zealand) of each bears to the total on-course and off-course betting turnover of both racing and trotting: 40

- (b) As between individual galloping and hunt clubs, holding totalisator licences, as the Executive Committee of the Racing Conference determines:
- 5 (c) As between individual trotting clubs, holding totalisator licences, as the Executive Committee of the Trotting Conference determines.

27. **Loans to racing clubs**—(1) The Authority may from time to time lend money from the Distribution Account to any racing club for any purpose approved by the Authority.

10 (2) Every such loan may be made subject to such terms and conditions as the Authority thinks fit to impose.

(3) The Authority may require any racing club to which a loan is to be made under this section to give in respect of the loan such mortgages or other securities as the **(Board)** 15 Authority thinks fit.

(4) Every sum of money received by the Authority from a racing club towards repayment of a loan under this section, including the interest thereon (if any), shall be **(paid into)** credited to and form part of the Distribution Account.

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PART II

CONFERENCES AND CLUBS

28. **Conferences**—(1) For the purposes of this Act—

- (a) The New Zealand Racing Conference;
- (b) The New Zealand Trotting Conference; and
- 25 (c) The New Zealand Greyhound Racing Association (Incorporated)—

shall, respectively, be the organisations existing under those names immediately before the commencement of this Act.

30 (2) The Racing Conference, the Trotting Conference, and the Greyhound Racing Association shall have such powers, functions, and duties as are from time to time provided for in the rules of racing, the rules of trotting, or the rules of greyhound racing, as the case may be.

29. **Restriction on use of certain names**—(1) No association 35 of persons, whether a body corporate or not, shall exercise the functions for which it is formed under a name which contains the words—

- (a) “Racing conference”; or
- (b) “Trotting conference”; or

(c) "Greyhound racing association"—
or under any name which is calculated to suggest connection
with or endorsement by the Racing Conference, the Trotting
Conference, or the Greyhound Racing Association.

(2) Where any Act provides for the registration of any
association of persons, the registering authority may refuse
registration if in its opinion the use of the name by which
the association desires to be registered is prohibited by
subsection (1) of this section. 5

(3) The provisions of this section shall, with the necessary
modifications, apply to a person carrying on business under
any name or style other than his own. 10

Struck Out

(4) Any association which, or person who, does any act
in contravention of the provisions of this section commits
an offence and shall be liable on summary conviction to a fine
not exceeding \$200. 15

(5) Nothing in this section shall apply in respect of—

(a) Any galloping or hunt club; or

(b) Any trotting club; or 20

(c) Any greyhound racing club—

which uses a name containing, respectively, the word or words
"racing", "trotting", or "greyhound racing".

(6) This section shall come into force on the passing
of this Act. 25

Struck Out

30. Rules—(1) The Racing Conference, the Trotting Con-
ference, and the Greyhound Racing Association may,
respectively, from time to time make, alter, and rescind
rules, not inconsistent with this Act, relating to racing,
trotting, and greyhound racing, as the case may be. 30

(2) For the purposes of this Act—

(a) Such rules of racing made by the Racing Conference;

(b) Such rules of trotting made by the Trotting Confer-
ence; and 35

(c) Such rules of greyhound racing made by the Grey-
hound Racing Association—

which are in force immediately before the commencement
of this Act and which are not inconsistent with this Act
shall be deemed to have been made under subsection (1)
of this section. 40

(3) Any rule of racing, rule of trotting, or rule of grey-
hound racing which is inconsistent with this Act shall be
invalid to the extent of the inconsistency.

New

30. Rules of racing and trotting—(1) For the purposes of this Act, the rules of racing and the rules of trotting shall be, respectively, such rules of racing made by the Racing
 5 Conference and such rules of trotting made by the Trotting Conference which are in force on the passing of this Act, and such valid rules as are made after the passing of this Act.

(2) The Racing Conference and the Trotting Conference, respectively, may from time to time alter and rescind the
 10 rules of racing or the rules of trotting, and make new rules of racing or new rules of trotting:

Provided that any alteration or rescission of a rule of racing or a rule of trotting after the passing of this Act, and any new rule of racing or new rule of trotting made
 15 after the passing of this Act, which is in conflict with any provision of this Act, shall be invalid.

30A. Rules of greyhound racing—(1) The Greyhound Racing Association may from time to time make, alter, and rescind rules, not in conflict with the provisions of this Act,
 20 relating to greyhound racing.

(2) For the purposes of this Act, such rules of greyhound racing made by the Greyhound Racing Association which are in force immediately before the commencement of this Act and which are not in conflict with the provisions of this
 25 Act shall be deemed to have been made under subsection (1) of this section.

(3) Any rule of greyhound racing which is in conflict with any provision of this Act shall be invalid.

**30B. Rules may be applied to race meetings held without
 30 betting—**Notwithstanding anything to the contrary in this Act, the Racing Conference, the Trotting Conference, or the Greyhound Racing Association, as the case may be, may apply the rules of racing, the rules of trotting, or the rules of greyhound racing, respectively, to races or race meetings, held by
 35 racing clubs, at which a totalisator is not operated and equalisator betting is not conducted.

31. Classification of racing clubs—(1) For the purposes of this Act racing clubs shall consist of—

(a) Galloping clubs, being racing clubs established
 40 primarily for the purpose of promoting, conducting, and controlling galloping races and which are registered with the Racing Conference for that purpose:

- (b) Trotting clubs, being racing clubs established primarily for the purpose of promoting, conducting, and controlling trotting races and which are registered with the Trotting Conference for that purpose:

Struck Out

5

- (c) Hunt clubs, being racing clubs primarily established for the purpose of promoting, conducting, and controlling hunt race meetings and which are registered with the Racing Conference for that purpose:

New

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- (c) Hunt clubs, being clubs established primarily for the purpose of promoting and conducting the sport of hunting, but which also conduct hunt race meetings, and which are registered with the Racing Conference as hunt clubs:

15

- (d) Greyhound racing clubs, being racing clubs established for the purpose of promoting, conducting, and controlling greyhound races and which are registered with the Greyhound Racing Association for that purpose.

20

(2) The fact that a club promotes or conducts one or more races of a type which is not normally held at race meetings conducted by the club shall not be deemed to change the classification of the club.

(3) For the purpose of this Act, every racing club shall be either—

25

- (a) A totalisator club, being a racing club which has been granted a totalisator licence to operate, on a specified day or days during the racing year, a totalisator at a race meeting or race meetings held under the control or management of the club; or

30

- (b) An equalisator club, being a racing club which has been granted an equalisator licence to operate, on a specified day or days during the racing year, equalisator betting at a race meeting or race meetings held under the control or management of the club.

35

(4) Notwithstanding anything to the contrary in this Act, no racing club shall be granted both a totalisator licence and an equalisator licence during the same racing year, and no racing club shall operate or conduct, or allow to be operated or conducted, both totalisator betting and equalisator betting at a race meeting held under its control and management.

40

- 32. Dissolution of club—**(1) No member of any racing club shall be deemed to have any pecuniary interest, in his capacity as a member, in the property of the club; and on the dissolution of a racing club the assets of the club remaining after all legal claims (of) on the club have been satisfied shall be disposed of for public or charitable or other purposes in such manner as the club, with the approval of the Minister after consultation with the Authority, has determined.
- (2) The purposes for which the assets are to be disposed of shall be published by the Minister by notice in the *Gazette*.
- (3) If 2 or more clubs propose to combine to form a club, the assets of any club which proposes to dissolve as a result of the combination may, with the approval of the Minister after consultation with the Authority, be transferred (whether before or after dissolution) to the club with which it proposes to combine.

PART III

TOTALISATOR AND EQUALISATOR LICENCES

20 Preliminary

- 33. No licences in respect of certain days—**No totalisator licence or equalisator licence shall be granted in respect of a Sunday, Christmas Day, or Good Friday.
- 34. Limit on use of totalisator—**At any race meeting in respect of which a totalisator licence has been granted the totalisator shall not be opened for the purpose of receiving bets more than 9 times during any one day.

Totalisator Licences

- 35. Totalisator licences—**(1) The aggregate number of days on which totalisators may be authorised to be used by galloping, trotting, and hunt clubs in any one racing year shall from time to time be fixed by the Governor-General by Order in Council on the recommendation of the Minister, after consultation with the Authority.
- (2) Until such time as the aggregate number of days is first fixed under subsection (1) of this section the number of days on which totalisators may be authorised to be used in any one racing year shall be 254 in respect of galloping clubs, 133 in respect of trotting clubs, and 17 in respect of hunt clubs.

(3) Subject to the provisions of this Act, the Minister may, in his discretion, in respect of each racing year, on the application of any galloping, trotting, or hunt club, grant to the club a licence authorising it to use the totalisator at any race meeting held under the control or management of the club during that year. 5

(4) The day or days on which the totalisator is authorised to be used at *(any one)* the race meeting shall be specified in the licence:

Provided that if the club is compelled by reason of inclement weather or any extraordinary circumstances to postpone any racing to a day or days not specified in the licence, it may, with the prior approval of the Secretary, use the totalisator on the later day or days; and if such approval is given, the licence shall be deemed to authorise the use of the totalisator by the club on the later day or days. 10 15

(5) If, during a racing year, a totalisator club is dissolved, or informs the Minister that for any reason it will not be conducting a race meeting during that year in respect of which it has been granted or might otherwise have been granted a totalisator licence, the Minister may, in his discretion and after consultation with the Authority, grant to such other totalisator club or clubs as he may determine the licence or licences so granted, or that otherwise might have been so granted. 20 25

(6) Every totalisator licence shall be deemed to have been granted subject to the following conditions:

(a) That the totalisator shall not be operated elsewhere than at the racecourse *(on which the race meeting in respect of which the licence was granted is held)* specified in the licence; 30

(b) That every totalisator shall be under the control and management of some competent person, and be under the direct supervision of the stewards or committee of the club; and 35

(c) That before the commencement of racing on every day of a race meeting the club shall give a certificate in writing to an Inspector that the totalisator machinery has been tested within the 48 hours immediately preceding that day and is in proper working order. 40

(7) The Minister may in his discretion at any time revoke any totalisator licence.

(8) While any totalisator licence remains in force and so long as the provisions of this Act and all conditions to which the licence is subject are duly complied with, no person shall be *(liable in respect of the use of the totalisator, pursuant to the licence, to any penalty or forfeiture under this or any other Act or rule of law for the time being in force relating to gaming or lotteries)* convicted of any offence in respect of the use of the totalisator, pursuant to the licence, under this or any other Act for the time being in force relating to gaming or lotteries.

36. Use of totalisator—(1) Subject to the provisions of this Act, any totalisator club may use the totalisator for the purpose of—

- (a) Win betting;
- (b) Place betting;
- (c) Double betting in respect of any 2 races conducted by the club on the same day at the same racecourse; and

New

(ca) With the written consent of the Minister, forecast betting and quinella betting; and

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

(2) Every consent given by the Minister under paragraph (ca) of subsection (1) of this section, and every authorisation under paragraph (d) of (subsection (1) of this section) that subsection, shall be subject to such terms and conditions as the Minister, after consultation with the Authority, thinks fit to impose.

37. Closing of totalisator—(1) Every totalisator club shall publicly indicate the earliest time at which the totalisator will close in respect of betting on each race.

(2) It shall not be lawful for any member, officer, agent, or servant of any totalisator club 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.

(3) Subject to the provisions of this Act, it shall not be lawful for any member, officer, agent, or servant of any totalisator club to receive or permit to be received any bet on the totalisator elsewhere than at the place or places set apart on the racecourse by the club for the acceptance of bets. 5

(4) No race shall start until (*after*) the totalisator has been closed in respect of that race.

(5) Every member, officer, agent, or servant of any totalisator club who commits an offence against this section shall be liable on summary conviction to a fine not exceeding \$500. 10

38. Unit of betting—The unit of 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, as the case may be. 15

39. Refund of money bet on totalisator—A totalisator club shall refund any money bet on the totalisator in respect of win betting, place betting, forecast betting, quinella betting, the first race of double betting, and the first or only race of any other form of betting authorised under paragraph (d) of subsection (1) of section 36 of this Act, on any horse which does not form part of a bracket with another starter in the race and which (*is for any reason withdrawn from the race before the start of the race*)— 20

New 25

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|--|
| <p>(a) Is for any reason withdrawn from the race before the start of the race; or</p> <p>(b) Has been, in the opinion of the club's judicial committee, prevented from taking an effective part in the race owing to the mechanical failure of starting stalls. 30</p> |
|--|

40. Deductions from betting—(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 39 of this Act (*any and*) and any adjustments required to be made under subsection (2) of section 58 of this Act, deduct— 35

- (a) Totalisator duty at such rate as may from time to time be prescribed by the Gaming Duties Act 1971: 40

- (b) A levy, at the rate of 0.5 percent, for the purposes of the Amenities Account:
- (c) A levy, at the rate of 0.5 percent, for the purposes of the Stakes Subsidy Account:
- 5 (d) Commission at the rate of 7.5 percent in respect of win betting and place betting:

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10 (e) Commission at the rate of 10.18 percent in respect of double betting, and any other form of betting approved by the Minister under paragraph (d) of section 36 of this Act—

New

15 (e) Commission at the rate of 10.18 percent in respect of double betting, forecast betting, quinella betting, and any other form of betting authorised by the Minister under paragraph (d) of subsection (1) of section 36 of this Act—

20 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 at the end of each day of a race meeting to the nearest cent or, if any amount includes half a cent, to the next cent above.

25 **41. Commission**—(1) The commission deducted under paragraphs (d) and (e) of subsection (1) of section 40 of this Act in respect of bets made at the racecourse shall be retained by the totalisator club and shall for all purposes be deemed to form part of the club's funds.

30 (2) The commission deducted under paragraphs (d) and (e) of subsection (1) of section 40 of this Act in respect of bets received at totalisator agencies and registered on the totalisator shall for all purposes be deemed to belong to the Board and to form part of the Board's funds.

35 (3) 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.

40 (4) If payment of the full amount is not made by a club in accordance with subsection (3) 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 as a debt due by the club to the Board in any Court of competent jurisdiction. 5

42. (Calculation and payment) Payment of dividends—
(1) Every totalisator club shall calculate, declare, and pay out dividends to the makers at the racecourse of successful bets, in accordance with the rules of racing or the rules of trotting, as the case may be.) 10

New

(1) Subject to sections 39 and 43 of this Act, every totalisator club shall pay out, by way of dividend, all money received from bets registered on the totalisator, after making the deductions required to be made under section 40 of this Act, in accordance with the rules of racing or the rules of trotting, as the case may be. 15

(2) Every member, officer, agent, or employee of any totalisator club who knowingly makes, authorises, or permits, a payment to any person of any dividend which is not calculated in accordance with subsection (1) of this section commits an offence and shall be liable on summary conviction to a fine not exceeding \$500; and every totalisator club by which any such dividend is knowingly paid to any person also commits an offence and shall be liable on summary conviction to a fine not exceeding \$1,000. 20 25

43. Fractions—(1) It shall not be necessary for any totalisator club, in respect of betting on the totalisator, to pay out as part of a dividend a fraction of 10 cents, unless the fraction amounts to or exceeds 5 cents, in which case 5 cents shall be paid. 30

(2) All amounts not payable as part of a dividend under subsection (1) of this section, or payable to the Board under section 88 of this Act, may be retained by the club, and shall for all purposes be deemed to be part of the club's funds. 35

44. Accounts—(1) Within 1 month after every race meeting, the totalisator club shall send to the Secretary a full report of the working of the totalisator at that meeting, a full record of the bets made on the totalisator at that meeting, and the number of dividends paid. 40

(2) As soon as practicable after the end of *(each racing year)* its annual meeting, every totalisator club shall forward to the Secretary and the Authority a certified copy of its accounts for *(that year)* the preceding financial year.

5 **45. Effect of off-course betting on contracts for operation of totalisator**—(1) Where any person has contracted with any totalisator club to operate the totalisator at race meetings to be conducted by the club, and any remuneration payable to that person under the contract is to be calculated as a part
10 or percentage of the money received from bets registered on the totalisator or of any amount to be deducted or retained by the club from that money pursuant to this Act, or is otherwise to be ascertained by reference to that money or to that
15 amount, no bets received at any totalisator agency shall be taken into account for the purpose of calculating or ascertaining the amount of that remuneration, unless it is expressly provided in the contract that bets so received are to be taken into account for that purpose.

20 (2) Except with the mutual consent of the parties thereto, no such contract shall be deemed to be varied or terminated by reason only of the registration on the totalisator of bets received at any totalisator agency.

25 (3) Where any person has contracted or hereafter contracts with any totalisator club to operate the totalisator at race meetings to be conducted by the club, and the club pays or agrees to pay to that person any sum or sums of money for the purpose of meeting any additional expenses incurred by that person by reason of the registration on the totalisator of bets received at totalisator agencies, the Board may contract
30 with the club, on such terms and conditions as it thinks fit, to pay to the club, by way of contribution, the whole or any part of the sum or sums so paid or agreed to be paid by the club.

35 (4) Subsections (1) and (2) of this section shall apply only to existing contracts which were in force on the 26th day of October 1950, being the date on which the Gaming Amendment Act 1950 was passed.

Equalisator Licences

40 **46. Equalisator licences**—(1) Subject to the provisions of this Act, the Minister may in his discretion, on the application of any galloping, trotting, hunt, or greyhound racing club, not being the holder of a totalisator licence, 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.

(2) The day or days on which equalisator betting is authorised to be conducted at the race meeting shall be specified in the licence:

Provided that if the club is compelled by reason of inclement weather or any extraordinary circumstances to postpone any racing to a day or days not specified in the licence, it may, with the prior approval of the Secretary, conduct equalisator betting on the later day or days; and if such approval is given, the licence shall be deemed to authorise the conduct of equalisator betting by the club on the later day or days.

(3) The Minister may in his discretion at any time revoke any equalisator licence.

(4) Every equalisator licence shall be deemed to have been granted subject to the following conditions:

- (a) That all equalisator betting shall be conducted under the control and management of some competent person, and under the direct supervision of the stewards or committee of the club; and
- (b) That equalisator betting shall not be conducted elsewhere than at the racecourse on which the race meeting in respect of which the licence was granted is held.

(5) While any equalisator licence remains in force and so long as the provisions of this Act and all conditions to which the licence is subject are duly complied with, no person shall be *(liable in respect of the operation or conduct of equalisator betting, pursuant to the licence, to any penalty or forfeiture under this or any other Act or rule of law for the time being in force relating to gaming or lotteries)* convicted of any offence in respect of the operation or conduct of equalisator betting, pursuant to the licence, under this or any other Act for the time being in force relating to gaming or lotteries.

47. Operation of equalisator betting—(1) Subject to the provisions of this Act, any equalisator club may conduct equalisator betting in respect of all or any of the following:

- (a) The winning horse or greyhound, as the case may be, in any race:
- (b) The horses or greyhounds, as the case may be, filling up to the first 3 places in any race:

Provided that no bet under this paragraph shall be permitted on any combination of equalisator numbers:

(c) The winning horses or greyhounds, as the case may be, in 2 races, or the winning horse or greyhound, as the case may be, in one race and the first and second horse or greyhound in the second race.

5 (2) Races referred to in paragraph (c) of subsection (1) of this section shall be races held by the club on the same day on the same racecourse.

(3) Every equalisator club shall publicly indicate the earliest time at which equalisator betting will close in respect of each
10 race.

(4) It shall not be lawful for any member, officer, agent, or servant of any equalisator club to accept any equalisator betting on a race after the closing of the betting for that race.

(5) Subject to the provisions of this Act, it shall not be
15 lawful for any member, officer, agent, or servant of any equalisator club to receive or permit to be received any equalisator betting elsewhere than at the place or places set apart by the club for the acceptance of bets.

(6) No race shall start until the betting has been closed, the
20 ballot has been held in respect of that race, and the public has been informed of the result of the ballot.

(7) Every member, officer, agent, or servant of any equalisator club who commits an offence against this section shall be liable on summary conviction to a fine not exceeding \$500.

25 **48. Unit of equalisator betting**—The unit of equalisator betting shall not exceed 50 cents.

49. Refund of money on equalisator betting—A club shall refund all money received by way of equalisator betting on any form of betting authorised under paragraphs (a) and
30 (b), and in respect of the first race of any form of betting authorised under paragraph (c), of subsection (1), of section 47 of this Act, in respect of any horse or greyhound, as the case may be, which does not form part of a bracket with a starter in the race and which is for any reason withdrawn
35 from the race before the start of the race.

50. Commission—Every equalisator club may deduct from the bets made by way of equalisator betting, after first making any refunds under section 49 of this Act, an amount not exceeding 15 percent as commission for the club.

51. Payments from equalisator betting—(1) *(Every)* Subject to sections 49 and 52 of this Act, every equalisator club shall declare and pay out (to the makers of successful bets) all money received by way of equalisator betting, after making any deductions authorised under this Act. 5

(2) Every member, officer, agent, or employee of any equalisator club who knowingly makes, authorises, or permits, any payment from money received by way of equalisator betting otherwise than in accordance with subsection (1) of this section commits an offence and shall be liable on summary conviction to a fine not exceeding \$500; and every equalisator club by which any such payment is knowingly made also commits an offence and shall be liable on summary conviction to a fine not exceeding \$1,000. 10

52. Fractions—(1) It shall not be necessary for any equalisator club, in respect of equalisator betting, to pay out a fraction of 10 cents, unless the fraction amounts to or exceeds 5 cents, in which case 5 cents shall be paid. 15

(2) All amounts not payable under the provisions of subsection (1) of this section may be retained by the club and shall for all purposes be deemed to be part of the club's funds. 20

53. Accounts—(1) Within 1 month after every race meeting, the equalisator club shall send to the Secretary a full report of the amount of equalisator betting at that meeting, and the amounts paid out in respect of each race, and such other information as the Secretary may from time to time or in any particular case require. 25

(2) As soon as practicable after the end of *(each racing year)* its annual meeting, every equalisator club shall forward to the Authority and to the Secretary a certified copy of its accounts for *(that year)* the preceding financial year. 30

Payments to Amenities Account and Stakes Subsidy Account

54. Payments to Amenities Account—(1) Every totalisator club shall pay the levy deducted under paragraph (b) of subsection (1) of section 40 of this Act to the Authority 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 Authority may in any particular case allow. 35

(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 Authority in any Court of competent jurisdiction.

5 **55. Payments to Stakes Subsidy Account**—(1) Every totalisator club shall pay the amount deducted under paragraph (c) of subsection (1) of section 40 of this Act to the Authority 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 Authority may in any particular case allow.

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

Inspectors of Totalisators

56. Inspectors of Totalisators—(1) The Secretary may from time to time appoint a Chief Inspector of Totalisators and such number of persons to be Inspectors of Totalisators
20 as may be required for the purposes of this Act, and may at any time remove any Inspector from his office.

(2) Inspectors of Totalisators shall be paid, from the Consolidated Revenue Account out of money appropriated by Parliament for the purpose, such remuneration and allowances
25 as may from time to time be determined by the State Services Commission.

(3) No person shall be deemed to be employed in the Public Service for the purposes of the State Services Act 1962, or in the Government service for the purposes of the Superannuation Act 1956, by reason only of holding office as an Inspector
30 of Totalisators.

(4) Every Inspector shall exercise and perform such functions and duties as are conferred or imposed on him by this Act or by the Secretary.

35 **57. Authority to act as Inspector**—(1) No person shall act as an Inspector unless the Secretary has issued to him a written authority to do so.

(2) Every person who ceases to hold office as an Inspector shall forthwith return any authority that has been issued to
40 him under subsection (1) of this section.

(3) The production by an Inspector of an authority purporting to have been issued under this section shall be sufficient evidence that it has been so issued in the absence of proof to the contrary.

58. Powers of Inspectors—(1) Every Inspector shall at all times have the right of entry, without charge, to any race-course owned or occupied by a totalisator club or an equalisator club. 5

(2) Any Inspector may at any time enter, for the purpose of inspection, any building or premises in which a totalisator is kept or in which totalisator bets are received or dividends paid, and may, during any such inspection but so that he in no way interferes with the working of the totalisator, examine any part of the machinery or working of the totalisator, and may require such steps to be taken as in his opinion are necessary to ensure the proper working of the totalisator and the calculation of correct dividends. 10 15

(3) Any Inspector may demand any information he considers necessary for the purposes of any inspection from the person or persons appointed by the totalisator club, or by the stewards or the committee of the totalisator club, to have the control and management of the totalisator. 20

(4) Any Inspector may at any time enter, for the purpose of inspection, any premises in which any totalisator agency is operated (including any agency accepting bets on off-course totalisators), and may during the inspection examine any books, accounts, records, or other documents, or any machine or equipment, for the time being used in the operation of the agency or of the off-course totalisator(s), and may demand from any person for the time being having the care and management of the agency or any part thereof any information that he considers necessary for the purposes of the inspection. 25 30

(5) The provisions of subsections (2) and (3) of this section shall, so far as they are applicable and with the necessary modifications, apply in respect of equalisator betting. 35

59. Obstructing Inspector—Every person commits an offence who—

(a) Wilfully hinders or attempts to hinder any Inspector entering, in the execution of his duty, any racecourse, or any premises used for the purposes of operating (a) totalisator or equalisator betting, or any premises 40

in which a totalisator agency is operated (including an agency accepting bets on the off-course totalisator(s); or

- 5 (b) Refuses to give any information which any Inspector has lawfully demanded from him (*by or*) under this Act; or
- (c) Otherwise wilfully hinders or attempts to hinder any Inspector in the execution of any power or duty.

PART IV

10 OFF-COURSE BETTING SYSTEM

Totalisator Agency Board

60. **Totalisator Agency Board**—(1) There shall continue to be a Board known as the Totalisator Agency Board, which shall be the same body corporate as the Totalisator Agency Board established by section 3 of the Gaming Amendment Act 1949.

20 (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.

25 (3) Every reference to the Totalisator Agency Board in any enactment, agreement, deed, instrument, or other document whatsoever shall hereafter be read as a reference to the Totalisator Agency Board.

61. **Membership of Board**—(1) The Board shall consist of—

- 30 (a) The Chairman for the time being of the Authority, who shall be the Chairman of the Board:
- (b) The 2 persons who are for the time being members of the Authority under paragraph (b) of section 4 of this Act:
- 35 (c) The 2 persons who are for the time being members of the Authority under paragraph (c) of section 4 of this Act:
- (d) One member to be appointed by the Minister on the nomination of the Racing Conference:
- 40 (e) One member to be appointed by the Minister on the nomination of the Trotting Conference:
- (f) Two members to be appointed by the Minister.

62. Term of office of members—(1) Except as otherwise provided by this Act, every appointed member of the Board shall hold office for a term of 3 years, and shall be eligible for reappointment from time to time.

(2) Notwithstanding anything to the contrary in this Act, every appointed member of the Board shall, unless he sooner vacates his office under section 63 of this Act, continue in office until his successor comes into office. 5

63. Extraordinary vacancies—(1) Any appointed member of the Board may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister, or may at any time resign his office by written notice to the Minister. 10

Struck Out

15

(2) When the office of any appointed member of the Board becomes vacant by death, resignation, or removal from office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall hold office for the residue of the term for which his predecessor would have held office if the vacancy had not occurred. 20

New

(2) When the office of any appointed member becomes vacant by death, resignation, or removal from office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made: 25

Provided that if the filling of the vacancy requires the nomination of a person by the Racing Conference or the Trotting Conference, the nomination may be made by the Executive Committee of the Racing Conference or of the Trotting Conference, as the case may require. 30

(3) Every person appointed to fill an extraordinary vacancy shall hold office for the residue of the term for which his predecessor would have held office if the vacancy had not occurred. 35

64. Deputy Chairman—(1) The Board shall, at its first meeting after the commencement of this Act and from time to time thereafter, appoint one of its members to be the Deputy Chairman of the Board.

5 (2) The person so appointed shall hold that office for a period of 1 year unless he sooner vacates his office as a member of the Board, in which case he shall also vacate the office of Deputy Chairman.

10 (3) Notwithstanding the provisions of subsection (2) of this section, the Deputy Chairman shall, unless he dies or resigns that office or vacates his office as a member of the Board, continue to hold the office of Deputy Chairman until his successor is appointed, and shall be eligible for reappointment.

15 (4) When the office of Deputy Chairman becomes vacant the vacancy shall be filled as soon as practicable after its occurrence.

65. Meetings of Board—(1) Meetings of the Board shall be held at such times and places as the Board or the Chairman of the Board may from time to time appoint:

New

25 Provided that the Board shall hold not less than 2 meetings in each racing year of which 1 shall be the annual general meeting to be held within 6 months after the end of each racing year.

(2) At any meeting of the Board 5 members shall form a quorum.

30 (3) The Chairman shall preside at every meeting of the Board at which he is present. If at any meeting the Chairman is not present, the Deputy Chairman shall preside at the meeting; and, if the Deputy Chairman also is not present or there is no Deputy Chairman, the members present shall appoint one of their number to preside at that meeting. The Deputy Chairman or person so appointed shall have and

35 may exercise and perform in any such case all the powers and functions of the Chairman for the purposes of the meeting.

(4) At any meeting of the Board the person presiding shall have a deliberative vote, and, in the case of an equality of

40 votes, shall also have a casting vote.

(5) Every question before any meeting of the Board shall be determined by a majority of the votes of the members present and voting thereon:

Provided that a resolution signed, or assented to by letter or telegram, by all of the members of the Board shall have the same effect as a resolution duly passed at a meeting of the Board.

(6) Subject to the provisions of this Act and subject to the rules of the Board made under section 67 of this Act, the Board may regulate its own procedure. 5

66. Proceedings not invalid by irregularities, etc.—No act or proceeding of the Board or of any person acting as a member of the Board shall be invalidated because of a vacancy in the membership of the Board at the time of the act or proceeding, or because of the subsequent discovery that there was some defect in the appointment of any person so acting or that he was incapable of acting as or being such a member. 10
15

67. Rules—(1) The Board may from time to time, by resolution, make, alter, and rescind rules not inconsistent with this Act for all or any of the following purposes:

- (a) Regulating its proceedings and the conduct of its meetings: 20
- (b) Providing for the custody of its property and the custody and use of its common seal:
- (c) Prescribing the duties of its officers, employees, and agents:
- (d) Providing for the operation and control of totalisator agencies, and the administration and conduct of off-course betting and off-course totalisators: 25
- (e) Controlling or prohibiting the admission of any specified class or classes of persons to totalisator agencies:
- (f) Providing for such other matters as may be reasonably necessary or expedient for duly carrying out its functions and powers. 30

(2) The Board shall cause such of its rules as it considers relevant to be publicly displayed in all totalisator agencies.

(3) No rule made under paragraph (d) or paragraph (e) of subsection (1) of this section, or alteration to such a rule, shall come into force until it is approved by the Minister. 35

(4) Every person who commits a breach of any rule made under paragraph (e) of subsection (1) of this section may be removed from the totalisator agency by any officer, agent, or employee of the Board, or by any member of the Police, and also commits an offence and shall be liable on summary conviction to a fine not exceeding \$100. 40

68. **Remuneration and travelling allowances**—There shall be paid to the members of the Board, out of the Board's funds, such remuneration, and travelling allowances and expenses, as may from time to time be approved by the
5 Minister.

69. **Officers and employees**—(1) The Board may from time to time appoint such officers (*agents*) and employees (including acting or temporary or casual employees) as it thinks necessary for the efficient exercise and performance
10 of its powers and functions under this Act, and, subject to subsection (2) of this section and to any contract of service, may at any time remove any officer (*agent*) or employee from his office (*agency*) or employment.

(2) Subject to subsection (4) of this section, officers
15 (*agents*) and employees of the Board shall be paid such salaries, wages, allowances, or other remuneration, and be employed on such terms and conditions, as the Board from time to time determines.

(3) The Board may, out of its funds, subsidise or contribute
20 to the National Provident Fund, or any other fund or scheme established with the approval of the Minister of Finance, for the purpose of providing superannuation or retiring allowances for its officers and employees.

(4) The Board shall not make or agree to make to any
25 officer, agent, or employee of the Board any payment by way of commission, fee, reward, or other remuneration which is calculated or determined or affected by reference, directly or indirectly, to the amount of any bet or bets received at any totalisator agency by the Board or by that officer, agent,
30 or employee on behalf of the Board.

(5) If the Board acts in contravention of subsection (4)
of this section it commits an offence and shall be liable on summary conviction to a fine not exceeding \$500.

70. **Contracts of Board**—(1) Any contract which, if made
35 between private persons, must be by deed shall, when made by the Board, be in writing under the common seal of the Board.

(2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged
40 therewith shall, when made by the Board, be either in writing under the seal of the Board or in writing signed by any person acting on behalf of and under the express or implied authority of the Board.

(3) Any contract which, if made between private persons, may be made orally may be similarly made by any person acting on behalf of and under the express or implied authority of the Board, but no oral contract shall be made involving the payment by the Board of a sum exceeding \$50. 5

(4) Notwithstanding anything in this section, no contract made by or on behalf of the Board shall be invalid by reason only that it was not made in the manner provided by this section, if it was made pursuant to a resolution of the Board or to give effect to a resolution of the Board. 10

(5) Nothing in this section shall be construed to limit the powers of the Board with respect to the acceptance or receipt of bets at totalisator agencies in accordance with this Act and with any rules or regulations for the time being in force under this Act. 15

Financial Provisions

71. Funds and property—The funds and property of the Board shall consist of—

(a) All profits derived from the operation of totalisator agencies and off-course totalisators: 20

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

(c) All income lawfully derived from any such money or property.

72. Investment of funds—*(1) Subject to the terms of any trust or endowment, any money belonging to the Board and available for investment may be invested in accordance with the provisions of the Trustee Act 1956 for the investment of trust funds.)* 25

New

(1) The Board may invest any money forming part of its funds which is available for investment in such manner and on such securities as it from time to time determines. 30

(2) If any money in the Off-course Betting Development Account established under section 78 of this Act is so invested, the income derived therefrom shall be *(paid into)* credited to and form part of that account. 35

5 **73. Borrowing powers**—The Board may borrow money, whether by way of mortgage, debentures, bonds, overdraft, or otherwise, and may mortgage or charge any of its real or personal property, whether present or future, in such manner as it thinks fit.

Struck Out

10 **74. Money to be paid into bank, etc.**—(1) All money received by the Board, or by an employee of the Board, shall as soon as practicable be paid into such bank account of the Board as is required by this Act, or as the Board from time to time determines, in any other case.

15 (2) No such money shall be withdrawn from the bank except by cheque or other instrument (not being a promissory note or bill) signed by an officer approved by the Board, and countersigned by another such officer:

20 Provided that it shall be lawful for any money to be paid by the Board by a cheque bearing facsimilies of the signatures of the persons so authorised to sign cheques, and every cheque bearing such facsimilies shall be deemed to have been duly signed in accordance with this subsection.

New

74. Bank accounts—(1) The Board shall keep such bank account or bank accounts as it from time to time determines.

25 (2) No money shall be withdrawn from the bank except by cheque or other instrument (not being a promissory note or bill) signed by such person or persons in such manner as the Board from time to time determines.

75. Accounts—(1) The Board shall keep full and correct accounts of all money received and expended by it.

30 (2) At the end of every financial year ending with the 31st day of July, the Board shall cause to be prepared full and true statements and accounts of all its income and expenditure in that year, together with a balance-sheet as at the last day of that year.

35 (3) The statement and balance-sheet shall be audited by a chartered accountant in public practice appointed by the Board for the purpose, who shall have access to such of the Board's books, accounts, securities, and documents the examination of which is in his opinion necessary for the purposes of the audit.

40

(4) Any person who is an officer, agent, employee, or member of the Board shall not be appointed as an auditor under this section.

76. Annual report—*(As soon as practicable after)* On or before the 31st day of October in each year, the Board shall 5
furnish to the Minister, the Authority, the Racing Conference, and the Trotting Conference, a report of its proceedings and operations for the preceding financial year, and shall attach to the report a copy of its audited accounts.

77. Payments to Stakes Subsidy Account—(1) The Board 10
shall pay the amount deducted under paragraph (b) of subsection (1) of section 95 of this Act to the Authority 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 Authority may in any particular case allow. 15

(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 Authority in any Court of competent jurisdiction.

78. Off-course Betting Development Account—(1) The 20
Board shall establish an account to be known as the Off-course Betting Development Account. *(which shall be kept at such bank as the Board from time to time determines.)*

(2) The Board may, at the end of each financial year, deduct from the profits derived from the operation of off-25
course betting (including off-course totalisators) during that year such amount, not exceeding 0.5 percent of the aggregate amount of bets received during that year at totalisator agencies, as it thinks fit, and *(pay)* credit that amount *(into)*
to the Off-course Betting Development Account. 30

Struck Out

(3) Money in the Off-course Betting Development Account shall be available only for the development of the off-course betting system, including the provision, development, maintenance, improvement, and renewal of totalisator agencies and off-course totalisators. 35

New

(3) Money in the Off-course Betting Development Account shall be used by the Board solely for the purposes of meeting capital expenditure incurred by it in the development and improvement of the off-course betting system, and of repaying money borrowed, before or after the commencement of this Act, for the purposes of capital expenditure.

79. Payment of profits to Authority—(1) As soon as practicable after the end of each financial year but not later than the ~~(30th day of November)~~ 31st day of October in each year, the Board shall pay to the Authority all profits derived during that financial year from the operation of off-course betting (including off-course totalisators), less all costs, charges, and expenses incurred by the Board in the exercise and performance of its powers and functions under this Act and the amount of any deduction made under section 78 of this Act.

(2) This section shall apply not only in respect of every financial year ending after the commencement of this Act, but also in respect of the financial year ended with the 31st day of July 1972.

80. Transitional provisions—(1) Until such time as the Board makes the first payment under section 79 of this Act, the Board shall from time to time pay to the Authority such sums of money as the Authority requires for the purposes of meeting the Authority's costs, charges, and expenses.

(2) On receiving any money under subsection (1) of this section, the Authority shall pay it into its Administration Account.

30 *Operation of Off-course Betting*

81. Off-course betting—(1) Subject to the provisions of this Act, the Board shall operate a system of off-course betting; and shall have and may exercise all such powers as may be reasonably necessary for that purpose:

New

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. 5

(2) Except in respect of betting on the off-course totalisator authorised by the Minister under Part V of this Act, the Board, unless it is unable to do so because of circumstances beyond its control, shall transmit all bets received at a totalisator agency, in respect of a race held at a race meeting at which a totalisator is being operated pursuant to a totalisator licence, to the totalisator club for registration on the totalisator for that race; 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. 10 15

(3) The Board shall establish, maintain, and operate such number of totalisator agencies as in its opinion is necessary for the efficient conduct of off-course betting and for the reasonable convenience of members of the public who wish to make bets off-course. 20

(4) Every totalisator agency shall be established on premises reserved solely for the purposes of the agency:

Provided that if, in the Board's opinion, it is not practicable or economic for any premises to be so reserved, the agency shall have a separate entrance and be physically isolated from any other activity being carried on in the same premises so as to ensure complete privacy. 25 30

(5) Any totalisator agency may be—

(a) Established directly by the Board and operated under the direct supervision of an officer of the Board; or

(b) Established by an agent who has entered into a written agreement with the Board to operate a totalisator agency; or 35

(c) Established by any combination of those means.

(6) For the purposes of subsection (5) of this section, the Board may, subject to subsection (4) of section 69 of this Act, enter into a written agreement with any person, on such terms and conditions as it thinks fit, whereby that person will act as the Board's agent in the operation of any totalisator agency. 40

(7) No totalisator agency may be closed or moved from the locality in which it is established without the prior written consent of the Minister. 45

82. Receipt of bets—(1) The Board shall, subject to the provisions of this section, determine the manner in which and the conditions under which bets may be received at totalisator agencies.

5 (2) The times when any totalisator agency will be open for the receipt of bets shall be determined from time to time by the Board, having regard to the reasonable convenience of the public.

Struck Out

10 (3) The Board, or any officer, employee, or agent of the Board authorised by it in that behalf, may for good and sufficient reason at any time decline to accept part or all of any bet.

New

15 (3) The senior officer on duty or, as the case may be, the Board's agent, at any totalisator agency, may, unless otherwise directed by the Board or the general manager of the Board, refuse to accept all or part of any bet without giving any reason for doing so.

20 **83. Unit of betting**—The unit of betting at totalisator agencies shall be 50 cents or such multiples of 50 cents as the Board may from time to time determine.

25 **84. Transmission of bets to totalisator**—The Board shall from time to time, after consultation with the Racing Conference and the Trotting Conference, determine the manner in which details of off-course betting shall be transmitted to totalisator clubs for registration on the totalisator (s).

30 **85. Refunds**—The Board shall refund every bet received at a totalisator agency in respect of win betting, place betting, forecast betting, quinella betting, the first race of double betting, and the first or only race of any other form of betting authorised under paragraph (d) of subsection (1) of section 36 of this Act, on any horse which does not form part of a bracket with a starter in the race and which—*(is for any*
35 *reason withdrawn before the start of the race.)*

New

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

86. Payment of dividends—(1) Subject to subsection (2) of this section, the dividends paid by the Board in respect of any race or races shall be the same as those (*properly payable in respect of the race or races by the totalisator on the racecourse.*) declared on the racecourse or those subsequently amended and notified to the Board by the totalisator club, the totalisator contractor, or an Inspector.

(2) If, because of circumstances beyond its control, the Board is unable to transmit part or all of the bets received by it in respect of any race or races for registration on the totalisator on-course, the dividends payable in respect of bets not so registered shall be either—

- (a) The same as those properly payable in respect of the race or races by the totalisator on the racecourse; or
- (b) Such as may from time to time be provided for in the rules of the Board—

as the Board in its absolute discretion determines.

(3) The provisions of sections 39, 40, 41, 43, 54, and 55 of this Act, so far as they are applicable and with the necessary modifications, shall apply in respect of bets received at totalisator agencies under this Part of this Act and not subsequently registered on the totalisator as if references in those sections to a totalisator club were references to the Board.

(4) All dividends shall be payable in such manner and at such times as the Board from time to time determines.

87. Fractions—(1) It shall not be necessary for the Board, in respect of bets received at totalisator agencies, to pay out as part of a dividend a fraction of 10 cents, unless the fraction amounts to or exceeds 5 cents, in which case 5 cents shall be paid.

(2) All amounts not payable as part of a dividend under subsection (1) of this section may be retained by the Board, and shall for all purposes be deemed to form part of the Board's funds.

5 88. **Method of accounting between Board and clubs**—
 The Board shall, after consultation with the Racing Conference and the Trotting Conference, from time to time determine the method of accounting as between the Board and totalisator clubs in respect of bets received and registered on totalisators at racecourses and of dividends declared to be payable on racecourses and of commission payable and of any other financial adjustments required to be made.

10 89. **Adjustment of differences in units of betting**—The Board shall from time to time, after consultation with the Racing Conference and the Trotting Conference, determine 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.

15 90. **Provision for revocation of approved scheme**—(1) Parts I, II, and IV of the approved totalisator agency scheme, as defined in the Gaming Act 1908 immediately before the commencement of this Act, are hereby revoked and shall no longer have any force or effect.

20 (2) When the Minister is satisfied that the Board has made adequate rules under this Act in respect of the operation of off-course betting, he may by notice in the *Gazette* revoke Part III of the said approved totalisator agency scheme, and thereupon that Part shall no longer have any force or effect.

25 (3) Until Part III of the approved scheme is revoked under subsection (2) of this section:

- (a) The said Part III shall continue in full force and effect; and
- 30 (b) Any rules made by the Board under this Act shall, so far as they provide for the same matters provided for in the said Part III, not have any force or effect.

PART V

35 SPECIAL BETTING AT TOTALISATOR AGENCIES

91. **Off-course totalisator(s)**—(1) Subject to the provisions of this Act, the Board may use the off-course totalisator(s) for the purpose of—

- 40 (a) Win betting and place betting on any horse race to be held outside New Zealand;
- (b) Double betting on any 2 horse 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
- 45 the same race meeting:

(c) Such other forms of betting in respect of horse 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 paragraph (c) of subsection (1) of this section shall be subject to such terms and conditions as the Minister, after consultation with the Authority, thinks fit to impose. 5

(3) The off-course totalisator(s) shall not be used in accordance with subsection (1) of this section except in respect of such horse race or horse 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. 10

(4) Every approval given by the Minister under subsection (3) of this section shall— 15

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

(b) Lapse with the expiry of the racing year during which it was given.

(5) Any such approval may at any time be revoked by the Minister. 20

(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 *(liable in respect of the use of off-course totalisators, pursuant to any such approval, to any penalty or forfeiture under this or any other Act or rule of law for the time being in force relating to gaming or lotteries.)* 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 or lotteries. 25 30

92. **Use of facilities**—For the purposes of using the off-course totalisator(s) under this Part of this Act, the Board may use any offices or agencies established, or equipment used, for the operation of off-course betting under Part IV of this Act. 35

93. **Unit of betting**—The unit of betting on the off-course totalisator(s) shall be 50 cents or such multiples of 50 cents as the Board may from time to time determine.

94. Refund of bets—(1) 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, and the first or only race of any other form of betting authorised under paragraph (c) of subsection (1) of section 91 of this Act on any horse which does not form part of a bracket with a starter in the race and which—*(is for any reason withdrawn from the race before the start of the race.)*

New

- 10 (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.

95. Deductions from betting—(1) The Board shall deduct from the total amount of betting registered on the off-course totalisator(s) under this Part of this Act, after first making any refunds under section 94 of this Act,—

- (a) Totalisator duty at such rate as may from time to time be prescribed by the Gaming Duties Act 1971;
- (b) A levy, at the rate of 0.5 percent, for the purposes of the Stakes Subsidy Account;
- 25 (c) Commission at the rate of 8 percent in respect of win betting and place betting;
- (d) Commission at the rate of 10.68 percent in respect of double betting and any other form of betting authorised under paragraph (c) of subsection (1) of section 91 of this Act—

30 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 (d) of subsection (1) of this section shall be calculated on the aggregate amount of betting registered to the nearest cent or, if the amount includes half a cent, to the next cent above.

(3) All commission deducted under paragraphs (c) and (d) of subsection (1) of this section shall form part of the Board's funds.

Struck Out

96. Calculation and payment of dividends—The Board shall calculate, declare, and pay out dividends to the makers of successful bets on off-course totalisators, in accordance with the rules of the Board. 5

New

96. Payment of dividends—Subject to sections 94 and 97 of this Act, the Board shall pay out, by way of dividend, all money received from bets registered on the off-course totalisator, after making the deductions required to be made under section 95 of this Act, in accordance with the rules of the Board. 10

97. Fractions—(1) It shall not be necessary for the Board, in respect of betting on the off-course totalisator(s), to pay out as part of a dividend a fraction of 10 cents unless the fraction amounts to or exceeds 5 cents, in which case 5 cents shall be paid. 15

(2) All amounts not payable as part of a dividend under subsection (1) of this section may be retained by the Board, and shall for all purposes be deemed to form part of the Board's funds. 20

PART VI

MISCELLANEOUS PROVISIONS

98. Restrictions on betting—(1) In this section, "bet" means a bet made on a totalisator or at a totalisator agency or on an off-course totalisator, or participation in equalisator betting. 25

(2) Every person commits an offence who, being a member, officer, agent, or employee of a racing club, or of the Board, or being an employee of an agent of the Board,— 30

(a) Knowingly receives or registers or takes into account, or knowingly permits to be received or registered or taken into account, any bet by any person apparently under the age of 20 years, whether the bet is made by that person on his own behalf or on behalf of any other person; 35

(b) In his official capacity knowingly extends credit to any person for the purpose of enabling that person to make a bet.

(3) Every person who, being under the age of 20 years, makes or attempts to make a bet, whether on his own behalf or on behalf of another person, commits an offence and shall be liable on summary conviction to a fine not exceeding
5 \$10.

(4) If any person appearing to be under the age of 20 years makes or attempts to make a bet, any member of the Police or any member, officer, agent, or employee of the racing club or of the Board, as the case may be, may
10 demand from that person particulars of his age, name, and address. If there are reasonable grounds to suppose that any particulars so given by him are false, the person demanding the particulars may require him to supply satisfactory evidence of the correctness of the particulars given.

(5) Every person commits an offence and shall be liable on summary conviction to a fine not exceeding \$20 who, being required under this section to give particulars of his age, name, and address, fails to give those particulars, or gives any false particulars, or supplies any false evidence with
20 respect thereto.

(6) Where any person being required under this section by any member of the Police to give particulars of his age, name, and address, or to supply satisfactory evidence of the correctness of any particulars given by him, fails to give
25 those particulars or to supply that evidence, the member of the Police shall caution him and, if he persists in that failure, may arrest him without warrant.

(7) Every person commits an offence and shall be liable on summary conviction to a fine not exceeding \$50 who
30 makes or attempts to make a bet on behalf of any person under the age of 20 years.

99. Regulation of admission to racecourses—(1) The Racing Conference, the Trotting Conference, and the Greyhound Racing Association, respectively, may from time to time
35 make rules controlling or prohibiting the admission of persons to any racecourse used by racing clubs that are registered with the Racing Conference, the Trotting Conference, or the Greyhound Racing Association, as the case may be.

(2) Any such rules may exclude from any such racecourse
40 any specified class or classes of person, either absolutely or subject to such special conditions as may be prescribed in the rules.

(3) This section shall apply to any racecourse on the day during which racing is being held on that racecourse, notwithstanding the fact that it may be, or form part of, a reserve or other place in respect of which there exists a right of public use or entry. 5

(4) Rules made under this section shall not come into force until they have been approved by the Minister and have been gazetted. A copy of the *Gazette* containing such rules shall be received as sufficient evidence of the same in any legal proceedings. 10

(5) Every person who commits a breach of any rule made under this section may be removed from the racecourse by any member, officer, agent or employee of the racing club conducting the meeting, or by a racecourse inspector or deputy racecourse inspector appointed by the Racing Conference or the Trotting Conference or the Greyhound Racing Association (as the case may be), or by any member of the Police, and also commits an offence and shall be liable on summary conviction to a fine not exceeding \$100. 15

(6) Until such time as rules made under this section come into force, all regulations made by clubs pursuant to section 33 of the Gaming Act 1908 controlling the admission of persons to racecourses shall continue to be of full force and effect. 20

100. Racing clubs to exclude bookmakers—(1) Every racing club shall use all reasonable and lawful means to prevent bookmakers from acting as such at any race meeting being conducted by the club. 25

(2) If the Minister is satisfied that any racing club has wilfully or negligently failed to comply with this section he shall revoke any totalisator or equalisator licence that has been granted to the club and shall not grant another licence for a period of 1 year after the date of such revocation. 30

(3) Any bookmaker may be removed from a racecourse by any member, officer, agent, or employee of the racing club having the use or control of the racecourse, or by a racecourse inspector or deputy racecourse inspector appointed by the Racing Conference or the Trotting Conference or the Greyhound Racing Association (as the case may be), or by any member of the Police. 35 40

(4) If any person so removed re-enters the racecourse on the day of such removal he commits an offence and shall be liable on summary conviction to a fine not exceeding \$500.

5 (5) This section shall extend and apply to every racecourse, whether it is or is not in the occupation of the racing club having the use or control thereof, and whether it is or is not subject to any right of public use or entry; but nothing in this section shall be so construed as to limit or take away the right of any racing club to exclude or remove any person from any
10 racecourse of which that club is the occupier and which is free from any right of public use or entry.

(6) In this section, "bookmaker" has the same meaning as in the Gaming Act 1908.

15 **101. Money bet not recoverable**—No action shall be brought or maintained in any Court against the Authority, the Board, or any racing club for the recovery of any money won, lost, or bet at any totalisator agency under Part IV or Part V of this Act or at any racecourse under Part III of this Act.

20 **102. Offences and penalties**—(1) Every person commits an offence against this Act who acts in contravention of or fails to comply in any respect with any provision of this Act.

(2) Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section shall be liable on summary conviction to a fine not
25 exceeding \$200 and, if the offence is a continuing one, to a further fine not exceeding \$10 for every day or part of a day during which the offence has continued.

(3) If any body corporate is convicted of an offence against this Act, every director and every officer concerned in the
30 management of the body corporate shall be guilty of the offence if it is proved that the act or omission that constituted the offence took place with his authority, permission, or consent.

35 **103. Regulations**—The Governor-General may from time to time, by Order in Council, make regulations providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

104. Amendments and repeals—(1) Section 2 of the Gaming Act 1908 is hereby amended by repealing the definitions of the terms “approved totalisator agency scheme”, “forecast betting”, “horse race”, “quinella betting”, “race-course”, “race meeting”, “racing club”, and “totalisator agency”. 5

(2) Subsection (4) of section 26 of the Gaming Act 1908 is hereby amended by omitting from the definition of the term “sports” the words “dog races” (as inserted by section 19 (2) (a) of the Gaming Amendment Act 1949). 10

(3) Section 27 of the Gaming Act 1908 is hereby amended by inserting, after the words “horse race,”, the words “greyhound race,”.

(4) Section 4 of the Gaming Duties Act 1971 is hereby amended by omitting from subsection (1) the words “9.32 percent”, and substituting the words “8.82 percent”. 15

(5) The enactments specified in the Schedule to this Act are hereby repealed.

SCHEDULE

Section 104 (5)

ENACTMENTS REPEALED

- 1908, No. 68—The Gaming Act 1908. (1957 Reprint, Vol. 5, p. 505.):
Sections 8 (2); 28; 29; 31; 31A; 32; 33; 35; 45; 50;
52; 53.
- 1909, No. 23—The Race Meetings Act 1909. (1957 Reprint, Vol. 13,
p. 93.)
- 1910, No. 56—The Gaming Amendment Act 1910. (1957 Reprint, Vol.
5, p. 562.): Sections 4; 8.
- 1920, No. 10—The Gaming Amendment Act 1920. (1957 Reprint, Vol.
5, p. 563.): Sections 6; 7.
- 1924, No. 41—The Gaming Amendment Act 1924. (1957 Reprint, Vol. 5,
p. 563.)
- 1949, No. 32—The Gaming Amendment Act 1949. (1957 Reprint, Vol.
5, p. 564.): Sections 2 (a), (c); 3; 4; 5; 5A; 5B; 5C;
5D; 6; 6A; 7; 8; 8A; 9; 9A; 9B; 11; 12; 15; 19 (2) (a);
20; 21.
- 1950, No. 36—The Gaming Amendment Act 1950. (1957 Reprint, Vol. 5,
p. 566.)
- 1953, No. 109—The Gaming Amendment Act 1953. (1957 Reprint, Vol.
5, p. 567.): Sections 4; 6 to 11.
- 1955, No. 96—The Gaming Amendment Act 1955. (1957 Reprint, Vol. 5,
p. 568.)
- 1957, No. 93—The Income Tax Assessment Act 1957: So much of the
Third Schedule as relates to the Gaming Amendment
Act 1949.
- 1961, No. 82—The Gaming Amendment Act 1961: Section 3.
- 1962, No. 114—The Gaming Amendment Act 1962: Part II.
- 1963, No. 28—The Gaming Amendment Act 1963: Section 3.
- 1964, No. 53—The Gaming Amendment Act 1964.
- 1965, No. 124—The Decimal Currency Amendment Act 1965: So much
of the Fifth Schedule as relates to the Gaming Amend-
ment Act 1949.
- 1967, No. 8—The Stamp Duties Amendment Act 1967. (*Section 4*)
- 1967, No. 39—The Gaming Amendment Act 1967.
- 1968, No. 2—The Gaming Amendment Act 1968.
- 1968, No. 141—The Gaming Amendment Act (No. 2) 1968.
- 1970, No. 64—The Gaming Amendment Act 1970.
- 1970, No. 137—The Age of Majority Act 1970: So much of the First
Schedule as relates to the Gaming Amendment Act
1910, and the Gaming Amendment Act 1949.
- 1971, No. 70—The Gaming Amendment Act 1971.