



ANALYSIS

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1977, No. 99

An Act to amend the Racing Act 1971

[21 December 1977]

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

1. Short Title and commencement—(1) This Act may be cited as the Racing Amendment Act 1977, and shall be read together with and deemed part of the Racing Act 1971 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of August 1978.

2. Interpretation—Section 2 of the principal Act is hereby amended—

(a) By omitting the definition of the term “double betting”, and substituting the following definition:

“‘Double betting’ means a form of betting in which bets are made by means of a totalisator on a combination of 2 horses or 2 greyhounds, as the case may be, 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 greyhound racing or the rules of the Board, as the case may require:”:

(b) By omitting the definition of the term “forecast betting”, and substituting the following definition:

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

(c) By omitting the definition of the term “place betting”, and substituting the following definition:

“‘Place betting’ means a form of betting in which bets are made by means of a totalisator on a horse or a greyhound, as the case may be, competing in a race on the chance that the horse or greyhound 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 greyhound racing or the rules of the Board, as the case may require:”:

(d) By omitting the definition of the term “quinella betting”, and substituting the following definition:

“‘Quinella betting’ means a form of betting in which bets are made by means of a totalisator on a combination of 2 horses or 2 greyhounds, as the case may be, competing in the same race on the chance that those 2 horses or 2 greyhounds will finish first and second in either order in the race:”:

- (e) By inserting, after the definition of the term “racing year”, the following definition:
“‘Restricted totalisator licence’ means a licence to operate a totalisator only in respect of betting at a racecourse:”:
- (f) By adding to the definition of the term “totalisator licence” the words “; and includes a restricted totalisator licence”:
- (g) By inserting, after the definition of the term “totalisator licence”, the following definition:
“‘Treble betting’ means a form of betting in which bets are made by means of a totalisator on a combination of 3 horses or 3 greyhounds, as the case may be, competing in 3 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 greyhound racing or the rules of the Board, as the case may require:”:
- (h) By omitting the definition of the term “win betting”, and substituting the following definition:
“‘Win betting’ means a form of betting in which bets are made by means of a totalisator on a horse or greyhound, as the case may be, competing in a race on the chance that the horse or greyhound will win the race.”.

3. Membership of Authority—(1) Section 4 of the principal Act is hereby amended by adding to paragraph (a) the words “and the other as the Deputy Chairman”.

(2) The said section 4 is hereby further amended by inserting, after paragraph (c), the following paragraph:

“(ca) One member to be appointed by the Minister on the nomination of the Greyhound Racing Association:”.

(3) Section 4 (e) of the principal Act is hereby amended, by adding the words “, and the New Zealand Standardbred Breeders Association (Incorporated)”.

(4) The said section 4 is hereby further amended by adding the following subsection:

“(2) If the appointment of any member requires the joint nomination of a person by the organisations referred to in paragraph (d) or paragraph (e) of subsection (1) of this section, and such a nomination has not been submitted to the Minister within a time specified by the Minister, he may

require an election to be held among the members of the organisations in such manner and within such time as he thinks fit to direct for the purpose of electing a person to be the joint nominee. The person receiving the most votes at any such election shall be deemed to be the joint nominee.”

(5) The person holding office as a member of the Authority immediately before the commencement of this Act, by virtue of his appointment under section 4 (a) of the principal Act and who is not the Chairman of the Authority shall, on the commencement of this Act, become the Deputy Chairman of the Authority.

4. Term of office of members—Section 5 (2) of the principal Act is hereby amended by adding the following proviso: “Provided that if the filling of a vacancy requires the joint nomination of a person by any of the organisations referred to in paragraph (d) or paragraph (e) of section 4 (1) of this Act and no such joint nomination has been submitted to the Minister within 1 month after the term of office of the member holding office expires, then the office shall become vacant on the expiry of that month and shall remain vacant until such time as a joint nomination has been submitted and the Minister has made an appointment.”

5. Deputy Chairman—Section 7 of the principal Act is hereby repealed.

6. Meetings of Authority—(1) Section 8 (1) of the principal Act is hereby repealed.

(2) Section 8 (2) of the principal Act is hereby amended by omitting the words “Subsequent meetings”, and substituting the word “Meetings”.

7. Remuneration and travelling allowances—Section 10 of the principal Act is amended by omitting the word “appointed”.

8. General powers of Authority—(1) The principal Act is hereby further amended by repealing section 13, and substituting the following section:

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

“(2) Subject to section 37 of this Act and without limiting the generality of the Authority’s powers under subsection (1) of this section, the Authority may, 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—

“(a) The aggregate number of days on which the use of totalisators should be authorised in each racing year under section 37 of this Act; and

“(b) Such other matters which require the Minister’s approval, authorisation, decision, determination, or recommendation under this Act.

“(3) The Authority shall, after consultation with the Racing Conference, the Trotting Conference, and the Greyhound Racing Association, determine the distribution as between racing, trotting, and greyhound racing of the total number of totalisator licences to be issued in any racing year.

“(4) In the exercise of its powers the Authority may 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.”

(2) Section 13 (3) of the principal Act (as substituted by subsection (1) of this section) shall not apply until such time as an Order in Council is first made under section 37 (1) of the principal Act (as substituted by section 16 of this Act).

9. Power to adjudicate—The principal Act is hereby further amended by inserting, after section 13, the following section:

“13A. (1) If any dispute arises—

“(a) Between the Racing Conference, the Trotting Conference, or the Greyhound Racing Association; or

“(b) Between any galloping or hunt club and the Racing Conference, or any trotting club and the Trotting Conference, on any matter which is referred to the Authority by the Racing Conference or the Trotting Conference, as the case may be, for adjudication; or

“(c) Between any greyhound racing club and the Greyhound Racing Association on any matter which is referred to the Authority by the Association for adjudication—

the Authority shall, after receiving or hearing submissions

from the parties to the dispute, consider the dispute, 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.

“(2) The findings of the Authority under this section in respect of any dispute shall be final and binding on the parties to that dispute.”

10. Amenities Account—(1) Section 24 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) Money in the Amenities Account shall be disbursed by the Authority solely for the purpose of paying to such totalisator clubs as it from time to time determines such amounts of money as it thinks fit for the purpose of providing, maintaining, improving, and renewing such race courses and race course facilities (including racetracks used primarily for the purpose of providing training facilities), or for such other amenities, as the Authority considers necessary or desirable.”

(2) The said section 24 is hereby further amended by repealing subsection (4).

11. Stakes Subsidy Account—Section 25 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

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

12. Distribution Account—(1) Section 26 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

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

(2) The said section 26 is hereby further amended by repealing subsection (5).

13. Loans to racing clubs—Section 27 of the principal Act is hereby amended—

- (a) By omitting from subsection (1) the words “Distribution Account”, and substituting the words “Amenities Account or the Distribution Account”:
- (b) By omitting from subsection (4) the words “Distribution Account”, and substituting the words “account from which the loan was made”.

14. Classification of racing clubs—(1) Section 33 (3) (a) of the principal Act is hereby amended by inserting, after the words “racing club”, the words “(other than a greyhound racing club)”.

(2) The said section 33 (3) is hereby further amended by inserting, after paragraph (a), the following paragraph:
“(aa) A restricted totalisator club, being a racing club which has been granted a restricted 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”.

(3) Section 33 (4) of the principal Act is hereby amended by omitting the words “racing club” in both places where they occur, and substituting in each case the words “totalisator club”.

15. Limit on use of totalisator—Section 36 of the principal Act is hereby amended by omitting the figure “9”, and substituting the figure “10”.

16. Totalisator licences—The principal Act is hereby further amended by repealing section 37, and substituting the following section:

“37. (1) The aggregate number of days on which totalisators may be authorised to be used by racing clubs in any racing year shall from time to time be fixed by the Governor-General by Order in Council on the recommendation of the Minister given after consultation with the Authority.

“(2) Notwithstanding anything in subsection (1) of this section or in any Order in Council for the time being in force thereunder, the Authority, with the approval of the Minister, may allocate an additional number of days, not exceeding 11 in any racing year, on which totalisators may be used.

“(3) Not later than the 31st day of October in every year the Authority shall notify the Racing Conference, the Trotting Conference, the Greyhound Racing Association, and the Secretary of the total number of totalisator licences which will be allocated within the limits set under subsections (1) and (2) of this section to galloping clubs, hunt clubs, trotting clubs, and greyhound racing clubs in the next succeeding racing year, being not less than the following numbers:

“(a) In respect of totalisator clubs:

“(i) For galloping clubs, 290:

“(ii) For trotting clubs, 182:

“(iii) For hunt clubs, 17:

“(b) In respect of restricted totalisator clubs:

“(i) For galloping clubs, 10:

“(ii) For trotting clubs, 10:

“(iii) For greyhound racing clubs, 60.

“(4) Not later than the 20th day of July in every year the Racing Conference, the Trotting Conference, and the Greyhound Racing Association shall notify the Authority and the Secretary of the dates allocated to the individual galloping clubs, hunt clubs, trotting clubs, and greyhound racing clubs under their jurisdiction for race meetings to be held in the next succeeding racing year.

“(5) The Secretary shall in respect of each racing year, on the application of any galloping club, hunt club, trotting club, or greyhound racing club issue to the club a licence, subject to such conditions as he considers necessary or desirable, authorising it to use the totalisator at any race meeting held under the control or management of the club during that year on the days allocated to the club under this section.

“(6) Any such licence issued to a restricted totalisator club shall be designated as a restricted totalisator licence; and in any such case the provisions of sections 56, 57, and 83 to 91 of this Act shall not apply to any race meeting conducted by that club.

“(7) The day or days on which the totalisator is authorised to be used at the race meeting shall be specified in the licence:

“Provided that if the club is compelled by reason of inclement weather or of 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.

“(8) If, during a racing year, a totalisator club or a restricted totalisator club is dissolved, or informs the Secretary that for any reason it will not be conducting a race meeting during that year in respect of which it has been issued or might otherwise have been issued a totalisator licence, the Secretary may, on the application of some other totalisator club or clubs or restricted totalisator club or clubs, as the case may be, in his discretion and after consultation with the Authority, issue to such other totalisator or restricted totalisator club or clubs as he may determine the licence or licences so issued, or that otherwise might have been so issued.

“(9) Every totalisator licence shall be deemed to have been issued subject to the following conditions:

“(a) That the totalisator shall not be operated elsewhere than at the racecourse specified in the licence;

“(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

“(c) That before the commencement of racing on every day of a race meeting the club shall, where machinery is used to operate the totalisator, 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.

“(10) The Secretary may in his discretion at any time revoke any totalisator licence.

“(11) 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 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, lotteries, or prize competitions.”

17. Use of totalisator—The principal Act is hereby further amended by repealing section 38, and substituting the following section:

“38. (1) Subject to the provisions of this Act, any totalisator club or restricted totalisator club may use the totalisator for the purpose of—

“(a) Win betting;

“(b) Place betting;

- “(c) Double betting in respect of the divisions of a race which is run in not more than 2 divisions or any 2 races conducted by the club on the same day at the same racecourse;
- “(d) Forecast betting and quinella betting;
- “(e) Treble betting in respect of any 3 races (including the divisions of a race which is run in not more than 2 divisions) conducted by the club on the same day at the same racecourse; and
- “(f) Such other forms of betting as the Minister may, after consultation with the Authority, from time to time authorise.

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

18. Closing of totalisator—Section 39 of the principal Act is hereby amended—

- (a) By inserting in subsection (1), after the words “totalisator club”, the words “and restricted totalisator club”:
- (b) By inserting in subsection (2), after the words “totalisator club”, the words “or restricted totalisator club”:
- (c) By inserting in subsection (3), after the words “totalisator club”, the words “or restricted totalisator club”:
- (d) By inserting in subsection (5), after the words “totalisator club”, the words “or restricted totalisator club”.

19. Unit of betting—Section 40 of the principal Act is hereby amended by inserting, after the word “trotting”, the words “or the rules of greyhound racing”.

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

- (a) By inserting, after the words “totalisator club”, the words “or restricted totalisator club”:
- (b) By omitting the words “and the first or only race of any other form of betting authorised under paragraph (e) of subsection (1) of section 38”, and substituting the words “the first race of treble betting, and the first or only race of any other form of betting authorised under section 38 (1) (f)”.

21. Deductions from betting—(1) Section 42 (1) (e) of the principal Act (as substituted by section 6 (2) of the Gaming Duties Amendment Act 1976) is hereby amended—

- (a) By inserting, after the words “quinella betting”, the words “treble betting”;
- (b) By omitting the expression “(e)”, and substituting the expression “(f)”.

(2) The said section 42 is further amended by inserting, after subsection (1), the following subsection:

“(1A) Every restricted totalisator club shall, from the total amount of betting registered on the totalisator in respect of each race, after first making any refunds under section 41 of this Act and any adjustments required to be made under section 60 (2) of this Act, deduct—

- “(a) Totalisator duty at such rate as may from time to time be prescribed by the Gaming Duties Act 1971;
- “(b) Commission at the rate of 12.5 percent in respect of win betting and place betting;
- “(c) Commission at the rate of 15.18 percent in respect of double betting, forecast betting, quinella betting, treble betting, and any other form of betting authorised by the Minister under section 38 (1) (f) of this Act—

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.”

(3) Section 42 (2) of the principal Act is hereby amended by inserting, after the words “subsection (1)”, the words “, and paragraphs (a) to (c) of subsection (1A),”.

22. Commission—Section 43 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) The commission deducted under section 42 (1A) (b) and (c) of this Act shall be retained by the restricted totalisator club and shall for all purposes be deemed to form part of the club’s funds.”

23. Payment of dividends—(1) Section 44 (1) of the principal Act is hereby amended—

- (a) By inserting, after the words “totalisator club”, the words “and restricted totalisator club”;
- (b) By inserting, after the words “rules of trotting”, the words “or the rules of greyhound racing”.

(2) Section 44 (2) of the principal Act is hereby amended by inserting, after the words "totalisator club" in both places where they occur, the words "or restricted totalisator club".

24. Fractions—Section 45 (1) of the principal Act is hereby amended by inserting, after the words "totalisator club", the words "or restricted totalisator club".

25. Accounts—Section 46 of the principal Act is hereby amended—

- (a) By inserting in subsection (1), after the words "totalisator club", the words "or restricted totalisator club":
- (b) By inserting in subsection (2), after the words "totalisator club", the words "and every restricted totalisator club".

26. Equalisator licences—Section 48 of the principal Act is hereby amended—

- (a) By omitting from subsection (1) the word "Minister", and substituting the word "Secretary":
- (b) By inserting in subsection (1), after the words "totalisator licence", the words "(other than a restricted totalisator licence)":
- (c) By omitting from subsection (3) the word "Minister", and substituting the word "Secretary":
- (d) By omitting from subsection (5) the words "or lotteries", and substituting the words ", lotteries, or prize competitions".

27. Powers of Inspectors—Section 60 of the principal Act is hereby amended—

- (a) By inserting in subsection (1), after the words "totalisator club", the words "or a restricted totalisator club":
- (b) By inserting in subsection (3), after the words "totalisator club" in both places where they occur, the words "or restricted totalisator club".

28. Officers and employees of Board—Section 71 of the principal Act is hereby amended by repealing subsections (4) and (5).

29. Repealing spent provision relating to approved scheme—Section 92 of the principal Act is hereby repealed.

30. Off-course totalisator—(1) Section 93 (1) of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraphs:

“(ba) Forecast betting or quinella betting on any horse race to be held in New Zealand or outside New Zealand.

“(bb) Treble betting in respect of any 3 horse races to be held in New Zealand by a racing club on the same day at the same racecourse:”.

(2) Section 93 (4) of the principal Act is hereby amended by repealing paragraph (b), and substituting the following paragraph:

“(b) Continue in force until it is revoked by the Minister.”

(3) Section 93 (6) of the principal Act is hereby amended by omitting the words “or lotteries”, and substituting the words “, lotteries, or prize competitions”.

31. Refund of bets—(1) Section 96 of the principal Act is hereby amended—

(a) By inserting, after the words “double betting,”, the words “the first race of treble betting,”:

(b) By adding to paragraph (b) the word “; or”.

(2) The said section 96 is hereby further amended by adding the following paragraph:

“(c) Where the race has been held outside New Zealand, has for any reason been treated by the authority conducting the race as a withdrawal from that race.”

32. Restrictions on betting—Section 100 of the principal Act is hereby amended by omitting the words “20 years” wherever they occur, and substituting in each case the words “18 years”.

33. Delegation of powers by Minister—The principal Act is hereby further amended by inserting, after section 103, the following section:

“103A. (1) The Minister may from time to time, by writing under his hand, either generally or particularly, delegate to any officer of the Department of Internal Affairs all or any of the powers which are conferred on the Minister by this Act, other than any power conferred under Part I of this Act and the power to delegate under this section.

“(2) Subject to any general or special directions given or conditions attached by the Minister, any officer may exercise any powers so delegated to him in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

“(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

“(4) Any delegation under this section may be made to a specified officer or to officers of a specified class, or may be made to the holder or holders for the time being of a specified office or class of office.

“(5) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister.

“(6) Every such delegation shall, until it is revoked, continue in force according to its tenor, notwithstanding the fact that the Minister by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Minister.”

This Act is administered in the Department of Internal Affairs.
