

LEGISLATIVE ASSEMBLY

Read 1 1 May 1985

(Brought in by Mr Trezise and Mr Simmonds)

A BILL

To amend the *Racing Act* 1958 with respect to the powers and functions of the Totalizator Agency Board, to make provision with respect to the distribution of the commission deducted under section 116CD of that Act and for other purposes.

5 BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

Short title.

1. This Act may be cited as the *Racing (Amendment) Act* 1985.

Commencement.

10 2. The several provisions of this Act shall come into operation on a day or on the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the *Government Gazette*.

Principal Act.

15 3. In this Act the *Racing Act* 1958 is referred to as the Principal Act.

Act No. 6353.
Reprinted to No.
10087.

Interpretations.

4. Section 116BT of the Principal Act shall be amended as follows:

(a) Before the interpretation of “Board” there shall be inserted the following interpretation:

‘**“Approved betting competition”** means a betting competition of a prescribed kind or class which is conducted by the Board pursuant to section 116BU (1A);’ 5

(b) For the interpretation of “Prescribed competition” there shall be substituted the following interpretation:

‘**“Prescribed competition”** means any sporting competition, whether held within or outside Victoria, that is approved in writing by the Minister as a competition in respect of which the Board may conduct a Tabella totalizator or an approved betting competition.’; 10

(c) For the interpretation of “Prescribed sport” there shall be substituted the following interpretation: 15

‘**“Prescribed sport”** means any sporting contingency, whether held within or outside Victoria, that is approved in writing by the Minister as a sport in respect of which the Board may conduct a Tabella totalizator or an approved betting competition.’; and 20

(d) After the interpretation of “Prescribed sport” there shall be inserted the following interpretation:

‘**“Sporting contingency”** includes any event or contingency of or relating to any horse race or other race, fight, game, sport or exercise.’. 25

Power to Board to conduct approved betting competitions.

5. Section 116BU of the Principal Act shall be amended as follows:

(a) After sub-section (1) there shall be inserted the following sub-section: 30

“(1A) The Board may, with the approval of the Minister, conduct an approved betting competition in accordance with the conditions prescribed in respect of a betting competition of that kind or class.”; and

(b) In sub-section (2) after the words “Tabella totalizator” there shall be inserted the words “or approved betting competition”. 35

Board may use existing facilities for approved betting competitions.

6. In section 116BW (1) of the Principal Act after the words “Tabella totalizators” there shall be inserted the words “or approved betting competitions”. 40

Application of certain provisions of Division 2 of Part V of the Principal Act.

7. Section 116BX of the Principal Act shall be amended as follows:

(a) In sub-section (1)—

(i) the expression “(other than section 116M (2) (c))” shall be repealed; and

(ii) after the words “Tabella totalizators” there shall be inserted the words “and approved betting competitions”; and

(b) In sub-section (2)—

(i) in paragraph (a) after the words “Tabella totalizator” there shall be inserted the words “or an approved betting competition”; and

(ii) paragraph (b) shall be repealed.

15 Rules.

8. In section 116BY of the Principal Act after the words “Tabella totalizators” there shall be inserted the words “and approved betting competitions”.

Time for investment.

20 9. In section 116BZ of the Principal Act after the words “Tabella totalizator” (wherever occurring) there shall be inserted the words “or approved betting competition”.

Non-application of sections 40 and 41 of the *Lotteries Gaming and Betting Act 1966*.

25 10. Section 116CA of the Principal Act shall be amended as follows:

(a) For the expression “116CA. The” there shall be substituted the expression “116CA. (1) The”; and

(b) At the end of the section there shall be added the following sub-section:

30 “(2) The provisions of sections 40 and 41 of the *Lotteries Gaming and Betting Act 1966* shall not apply in relation to an approved betting competition.”

Investment in approved betting competition to be legal.

35 11. In section 116CB of the Principal Act after the words “Tabella totalizator” there shall be inserted the words “or an approved betting competition”.

Money to form part of scheme in which invested.

12. Section 116CC of the Principal Act shall be amended as follows:

40 (a) After the words “Tabella totalizator” there shall be inserted the words “or approved betting competition”; and

- (b) After the word “scheme” there shall be inserted the words “or competition”.

Commission.

13. In section 116CD of the Principal Act after the words “Tabella totalizator” there shall be inserted the words “or approved betting competition”. 5

Calculation of prizes in approved betting competitions.

14. Section 116CE of the Principal Act shall be amended as follows:

- (a) After sub-section (1) there shall be inserted the following sub-section: 10
- “(1A) The Board shall after deducting commission under section 116CD calculate, in such manner as is prescribed, the amounts of the prizes in every approved betting competition and pay those prizes to the persons entitled to them.”; and 15
- (b) In sub-sections (3) and (4) after the word “dividend” there shall be inserted the words “or prize”.

Distribution of commission and surplus money.

15. Section 116CG of the Principal Act shall be amended as follows:

- (a) In sub-section (1)— 20
- (i) after the words “Tabella totalizator” there shall be inserted the words “or approved betting competition”; and
- (ii) for paragraphs (a) to (f) there shall be substituted the expression “pay twelve twentieths to the Treasurer to be carried to and form part of the Consolidated Fund”; and 25
- (b) In sub-section (2)—
- (i) after the word “commission” there shall be inserted the words “and any money remaining after provision is made for the payment of the prizes in an approved betting competition”; and 30
- (ii) for paragraph (b) there shall be substituted the following paragraph: 35
- “(b) secondly, with the approval of the Minister, in or towards paying the costs and expenses of the Board in the carrying out of its functions under the provisions of this Part other than this Division.”.

Power to Board to invest in inter-State off-course totalizator facilities.

5 16. In section 116HA (1) of the Principal Act after the expression “such off-course totalizator facilities” there shall be inserted the expression “or the investment by the Board in those facilities of money held by the Board pursuant to an approved betting competition conducted by the Board under Division 5”.

Inspectors.

10 17. In section 116CH (1) (a) of the Principal Act after the words “Tabella totalizator” (where twice occurring) there shall be inserted the words “or approved betting competition”.

Regulations.

18. Section 116CI of the Principal Act shall be amended as follows:

- 15 (a) In paragraphs (a), (f) and (g) of sub-section (1) after the words “Tabella totalizators” (wherever occurring) there shall be inserted the words “or approved betting competitions”;
- (b) In paragraphs (b) and (c) of sub-section (1) after the word “dividends” there shall be inserted the words “and prizes”; and
- 20 (c) After sub-section (2) there shall be inserted the following sub-section:
- “(2A) Regulations made under sub-section (1) may prescribe different manners of calculating the amounts of the prizes in different approved betting competitions.”.

Power to establish TAB office or agency in licensed premises.

25 19. Section 116M (1) of the Principal Act shall be amended as follows:

- 30 (a) After the word “premises” (where first occurring) there shall be inserted the expression “(including licensed premises within the meaning of the *Liquor Control Act 1968* after consultation with the Liquor Control Commission constituted under that Act)”; and
- (b) The expression “, provided that the premises are not licensed premises within the meaning of the *Liquor Control Act 1968*” shall be repealed.

35 **Provision for betting by means of betting vouchers.**

20. At the end of section 116M of the Principal Act there shall be added the following sub-sections:

“(3) For the purpose of sub-section (2) the tender by a person making a bet of a betting voucher shall be deemed to be the deposit by

that person of an amount of cash equal to the monetary amount specified on the face of the betting voucher.

(4) In sub-section (3) "betting voucher" means a betting voucher issued by the Board, whether or not for consideration."

Amendment of headings in the Principal Act.

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21. (1) At the end of the heading to Part V of the Principal Act there shall be added the words "AND BETTING COMPETITIONS".

(2) At the end of the heading to Division 5 of Part V of the Principal Act there shall be added the words "AND BETTING COMPETITIONS".

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Amendment of Table of Parts and Divisions.

22. In the Table of Parts and Divisions in section 1 of the Principal Act—

(a) for the expression "Totalizators ss. 96—116C1" there shall be substituted the expression "Totalizators and Betting Competitions ss. 96—116C1"; and

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(b) for the expression "Tabella Totalizators ss. 116BT-116C1" there shall be substituted the expression "Tabella Totalizators and Betting Competitions ss. 116BT-116C1".