

Racing (Amendment) Act 1993

No. 49 of 1993

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Victoria

No. 49 of 1993

Racing (Amendment) Act 1993

[Assented to 1 June 1993]

The Parliament of Victoria enacts as follows:

1. Purpose

The purpose of this Act is to amend the **Racing Act 1958**—

- (a) to provide for the establishment of a Tabaret at Bendigo; and
- (b) to restructure the Harness Racing Board and to extend the term of appointment of the executive director of the Greyhound Racing Control Board; and
- (c) to restructure the membership of the Totalizator Agency Board; and
- (d) to amend provisions relating to totalizator commission deductions; and

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- (e) to provide for Sunday racing when public holidays fall on a Saturday or Sunday.

2. Commencement

- (1) Section 1 and this section come into operation on the day on which this Act receives the Royal Assent.
- (2) Section 12 comes into operation on 1 July 1998.
- (3) Subject to sub-section (4), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (4) If a provision referred to in sub-section (3) does not come into operation on or before 31 December 1993, it comes into operation on that day.

No. 6353.
 Reprinted to
 No. 49/1993
 and
 subsequently
 amended by
 Nos 65/1988,
 73/1988,
 78/1988,
 12/1989,
 41/1989,
 71/1989,
 12/1991,
 53/1991,
 66/1991 and
 17/1992.

3. Principal Act

In this Act, the **Racing Act 1958** is called the Principal Act.

4. Bendigo Tabaret

- (1) In section 116BU (1B) of the Principal Act, after "Ballarat" insert "and the venue known as Tabaret situated at the All Seasons Motor Inn, 171-183 McIvor Road, Bendigo".
- (2) In section 116CD (4) of the Principal Act, after "Ballarat" insert "or the venue known as Tabaret situated at the All Seasons Motor Inn, 171-183 McIvor Road, Bendigo".

5. Application of the Gaming Machine Control Act 1991

For section 116BU (4) of the Principal Act substitute—

“(4) The Gaming Machine Control Act 1991 (except Parts 2 and 9) applies to approved betting competitions conducted on gaming machines within the meaning of that Act at any of the following venues—

- (a) Tabaret situated at Menzies at Rialto, 495 Collins Street, Melbourne;**
- (b) the Old Ballarat Village situated at 623–643 Main Road, Ballarat;**
- (c) Tabaret situated at the All Seasons Motor Inn, 171–183 McIvor Road, Bendigo.”.**

6. Harness Racing Board

(1) For section 39 (2) of the Principal Act substitute—

“(2) The Board shall consist of 5 members appointed by the Governor in Council of whom—

- (a) one shall be chairperson;**
- (b) one is a person who has experience in business;**
- (c) one is a person who has experience in marketing;**
- (d) two are persons who have experience in the harness racing industry .”.**

(2) Section 39 (3) of the Principal Act is repealed.

(3) For section 39 (4) of the Principal Act substitute—

“(4) Each member of the Board is severally entitled to be paid—

- (a) remuneration determined by the Governor in Council; and**
- (b) travelling and other allowances (if any) that are prescribed by the regulations.”.**

(4) In section 42 (2) of the Principal Act, for “four” substitute “three”.

7. Greyhound Racing Control Board

- (1) In section 70 (1) of the Principal Act, after "Board" insert "(except the executive director)".
- (2) After section 70 (1) of the Principal Act insert—
 “(1A) Subject to this Division, the executive director holds office for the term of 5 years from the date of appointment and is eligible for re-appointment.”.

8. Substitution of section 116B

For section 116B of the Principal Act substitute—

“116B. Membership of the Board

- (1) The Board shall consist of seven members appointed by the Governor in Council on the recommendation of the Minister.
- (2) One of the members shall be appointed chairperson of the Board.
- (3) Another member selected by the Minister shall be deputy chairperson of the Board.”.

9. Amendment of section 116C

In section 116C (2) of the Principal Act, omit “(in the case of the chairman) becomes a member of any of those bodies mentioned in section 116B (1) (a) or”.

10. Commissions

- (1) In section 102 (1) of the Principal Act—
 - (a) after paragraph (b) insert—
 “(ba) in the case of any quinella totalizator—15 per centum;” and
 - (b) in paragraph (c), for “—15 per centum” substitute “or (ba)—14.25 per centum”.

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- (2) In section 102 (2) (e) of the Principal Act, for “thirty-five sixtieths” **substitute** “sixty-seven one hundred and fourteenths”.
- (3) In section 102 (2A) (e) of the Principal Act, for “fifteen sixtieths” **substitute** “twenty-seven one hundred and fourteenths”.
- (4) In section 1160 (2) of the Principal Act, after paragraph (b) **insert**—
 - “(ba) (where such part is derived from commissions deducted from quinella totalizators)—
 - (i) pay twenty-three sixtieths to the Treasurer to be carried to and form part of the Consolidated Fund; and
 - (ii) pay one sixtieth to the Treasurer to be carried to and form part of the Consolidated Fund to be appropriated to (in the case of moneys derived from races other than greyhound races) the Race-courses Development Fund or (in the case of moneys derived from greyhound races) the Greyhound Racing Grounds Development Fund;
 - (iii) pay one sixtieth to the Treasurer to be carried to and form part of the Consolidated Fund to be appropriated to the Country Racing, Harness Racing and Greyhound Racing Clubs’ Assistance Fund.”.
- (5) In section 1160 (2) (c) of the Principal Act—
 - (a) for “and trifecta” **substitute** “, trifecta and quinella”; and
 - (b) in sub-paragraph (i), for “twenty-three sixtieths” **substitute** “forty-three one hundred and fourteenths”; and
 - (c) in sub-paragraph (ii), for “one sixtieth” **substitute** “one fifty-seventh”; and
 - (d) in sub-paragraph (iii), for “one sixtieth” **substitute** “one fifty-seventh”.

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- (6) In section 116O (3) (bc) of the Principal Act—
- (a) after sub-paragraph (ii) **insert**—
 - “(iia) (in the case of any commission deducted from quinella totalizators)—one thirtieth; and”;
 - (b) in sub-paragraph (iii)—
 - (i) for “and trifecta” **substitute** “, trifecta and quinella”; and
 - (ii) for “one thirtieth” **substitute** “two fifty-sevenths”.
- (7) In section 116BI of the Principal Act—
- (a) after paragraph (a) **insert**—
 - “(ab) in the case of any quinella totalizator—15 per centum;”;
 - (b) in paragraph (b)—
 - (i) after “trifecta” **insert** “or quinella”; and
 - (ii) for “15” **substitute** “14.25”.
- (8) In section 116BM (1) of the Principal Act, after paragraph (a) **insert**—
- “(ab) (where such commission is deducted from quinella totalizators)—
 - (i) pay twenty-three sixtieths to the Treasurer to be carried to and form part of the Consolidated Fund; and
 - (ii) in the case of races other than greyhound races, pay one sixtieth to the Treasurer to be carried to and form part of the Consolidated Fund to be appropriated to the Race-courses Development Fund; and
 - (iii) in the case of greyhound races, pay one sixtieth to the Treasurer to be carried to and form part of the Consolidated Fund to be appropriated to the Greyhound Racing Grounds Development Fund; and
 - (iv) pay one sixtieth to the Treasurer to be carried to and form part of the Consolidated Fund to be appropriated to the Country Racing,

**Harness Racing and Greyhound Racing
Clubs' Fund."**

- (9) In section 116BM (1) (b) of the Principal Act—
- (a) after "trifecta" insert "and quinella"; and
 - (b) in sub-paragraph (i), for "twenty-three sixtieths" substitute "forty-three one hundred and fourteenths"; and
 - (c) in sub-paragraph (ii), for "one sixtieth" substitute "one fifty-seventh"; and
 - (d) in sub-paragraph (iii), for "one sixtieth" substitute "one fifty-seventh"; and
 - (e) in sub-paragraph (iv), for "one sixtieth" substitute "one fifty-seventh".
- (10) In section 116BM (2) (c) of the Principal Act—
- (a) after sub-paragraph (i) insert—
 "(ia) (in the case of any commission deducted from quinella totalizators)—one thirtieth; or";
 and
 - (b) in sub-paragraph (ii)—
 - (i) after "trifecta" insert "and quinella"; and
 - (ii) for "one thirtieth" substitute "two fifty-sevenths".
- (11) In section 129 (1) of the Principal Act for paragraph (b) substitute—
- "(b) one twenty-third of the amounts paid to the Treasurer under sections 116O (2) (ba) (i), 116AN (1) (a) (i) and 116BM (1) (ab) (i); and
 - (c) two forty-thirds of the amounts paid to the Treasurer under sections 116O (2) (c) (i) and 116BM (1) (b) (i)."

11. Sunday racing

- (1) In section 22C (1) of the Principal Act, after "(1A)" insert "or a Sunday referred to in sub-section (5)".

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- (2) After section 22c (4) of the Principal Act **insert**—
 - “(5) Subject to section 13 (2), a race-meeting may be held on a Sunday if the Sunday or preceding Saturday is a public holiday appointed under Part 3 of Schedule 4 to the **Public Sector Management Act 1992** and no alternative weekday is appointed as the public holiday.”.
- (3) In section 54 (2) of the Principal Act, after “(2A)” **insert** “or a Sunday referred to in sub-section (5)”.
- (4) After section 54 (4) of the Principal Act **insert**—
 - “(5) Subject to sub-section (1), greyhound races may be held on a Sunday if the Sunday or preceding Saturday is a public holiday appointed under Part 3 of Schedule 4 to the **Public Sector Management Act 1992** and no alternative weekday is appointed as the public holiday.”.

12. Approved betting competitions on gaming machines

In section 116BU (4) of the Principal Act—

- (a) **omit** “(except Parts 2 and 9)”; and
- (b) **omit** “approved betting competitions conducted on”.

13. Statute law revision

- (1) Section 2 of the Principal Act is **repealed**.
- (2) The First Schedule to the Principal Act is **repealed**.

14. Transitional

- (1) The amendments to the Principal Act made by section 7 of this Act apply to the person holding the office of executive director of the Greyhound Racing Control Board on the commencement of that section.
- (2) The members of the Totalizator Agency Board in office immediately before the commencement of section 8 go out of office on that commencement.

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Notes

NOTES

1. *Minister's second reading speech—*

Legislative Assembly: 29 April 1993

Legislative Council: 21 May 1993

2. The long title for the Bill for this Act was "A Bill to amend the **Racing Act 1958** and for other purposes."
3. Section headings appear in bold italics and are not part of the Act.
(See **Interpretation of Legislation Act 1984**.)