



New South Wales

# Gaming and Betting Amendment (Racing) Act 1995 No 51

## Contents

---

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Gaming and Betting Act 1912 No 25	2
4 Consequential amendment of other Acts	2

---

## Schedules

1 Amendment of Gaming and Betting Act 1912	3
2 Consequential amendment of other Acts	17

---



New South Wales

## **Gaming and Betting Amendment (Racing) Act 1995 No 51**

Act No 51, 1995

---

An Act to amend the *Gaming and Betting Act 1912* to modify and update provisions relating to racecourse licences and race meetings, and to consequentially amend certain other Acts. [Assented to 20 November 1995]

---

**The Legislature of New South Wales enacts:**

**1    Name of Act**

This Act is the *Gaming and Betting Amendment (Racing) Act 1995*.

**2    Commencement**

This Act commences on a day or days to be appointed by proclamation.

**3    Amendment of Gaming and Betting Act 1912 No 25**

The *Gaming and Betting Act 1912* is amended as set out in Schedule 1.

**4    Consequential amendment of other Acts**

Each Act specified in Schedule 2 is amended as set out in that Schedule.

---

## **Schedule 1    Amendment of Gaming and Betting Act 1912**

(Section 3)

### **[1]    Section 3 Definitions**

Omit “made under section 59” from the definition of *Barrier trial meeting*.

### **[2]    Section 3**

Omit “race-course specially licensed under this Act for meetings for greyhound-racing” from the definition of *Greyhound trial track*.  
Insert instead “licensed racecourse”.

### **[3]    Section 3**

Insert in alphabetical order:

*Licensed racecourse* means a racecourse licensed under Part 4.

*Meeting for harness racing* means any meeting at which harness racing is to be carried on.

### **[4]    Section 3**

Omit the definition of *Meeting for horse-racing*.

Insert instead:

*Meeting for horse racing* means any meeting (other than a meeting for harness racing) at which horses may compete.

### **[5]    Section 7 Prohibition of betting or wagering**

Omit “a race-course specially licensed for greyhound-racing, or licensed for harness racing,” from section 7 (2).

Insert instead “a licensed racecourse”.

**[6] Part 4**

Omit the Part. Insert instead:

**Part 4 Racecourses and race meetings**

**Division Preliminary**

**51 Definitions**

In this Part:

*approved body* means any one of the following:

- (a) a non-proprietary association,
- (b) a council within the meaning of the *Local Government Act 1993*,
- (c) a reserve trust constituted under Division 4 of Part 5 of the *Crown Lands Act 1989*.

*financial year* means a period of 12 months commencing on 1 July.

*licensee* means the approved body holding a racecourse licence.

*metropolitan racecourse* means any racecourse (other than the Menangle Park and Hawkesbury Racecourses) situated within 64 kilometres of the General Post Office, Sydney.

*racecourse licence* means a licence, in force under this Part, authorising race meetings to be held at the racecourse in respect of which the licence is issued.

**52 Lawful race meetings**

- (1) A race meeting must not be held at a racecourse unless:
  - (a) the racecourse is licensed under this Part, and
  - (b) the race meeting is conducted by a non-proprietary association (whether or not the licensee), and
  - (c) the race meeting is held in accordance with the applicable requirements of this Part.

- 
- (2) If any race meeting is held at a racecourse in contravention of this section, each of the following is guilty of an offence:
- (a) the owner or trustees of the racecourse,
  - (b) the licensee (if any),
  - (c) the body conducting the meeting (or on whose behalf the meeting is conducted),
  - (d) each trustee, or member of the managing board or committee, of the body conducting the meeting,
  - (e) any person acting at the meeting as a starter or judge.

Maximum penalty: 20 penalty units.

- (3) A person does not commit an offence against this section if the person proves:
- (a) that the person did not know, or could not reasonably be expected to have known, that the race meeting was being held in contravention of this section, or
  - (b) that the race meeting was being held in circumstances over which the person had no control.

## **Division 2 Racecourse licences**

### **53 Applications for racecourse licences**

- (1) An application for a racecourse licence:
  - (a) may only be made by or on behalf of an approved body, and
  - (b) is to be made to the Minister in accordance with the regulations.
- (2) An application for a licence must be accompanied by a fee of \$100.
- (3) In the case of an application for a licence proposed to be held by a non-proprietary association, the Minister may, at the time the application is made or at any time before it is determined, require the applicant to provide such documents and information as may be required by the Minister for the purpose of ascertaining whether the proposed licensee is a non-proprietary association.

**54 Issue of racecourse licences**

- (1) The Minister may, if satisfied that the proposed licensee is an approved body, issue a racecourse licence in respect of the racecourse concerned.
- (2) The following are the classes of racecourse licences:
  - licences for meetings for horse racing,
  - licences for meetings for harness racing,
  - licences for meetings for greyhound racing.
- (3) Separate licences can be issued in respect of a particular racecourse.
- (4) A racecourse licence is subject:
  - (a) to such conditions as may be prescribed by the regulations, and
  - (b) to such other conditions as the Minister may, from time to time, impose in respect of the licence by notice in writing given to the licensee.
- (5) A racecourse licence held by a non-proprietary association is also subject to the condition referred to in section 57G.

**55 Duration and cancellation of racecourse licences**

- (1) A racecourse licence remains in force until it is cancelled by the Minister.
- (2) The Minister may cancel a racecourse licence if the Minister is satisfied:
  - (a) that the licensee has failed to comply with any condition to which the licence is subject, or
  - (b) that the licensee is no longer an approved body, or
  - (c) that a race meeting at the racecourse has been, or is to be, conducted by a body (whether or not the licensee) that is not a non-proprietary association, or
  - (d) that race meetings have been held at the racecourse in contravention of Division 3 or 4.
- (3) The Minister may cancel a racecourse licence for such other cause as the Minister thinks fit.

---

**56 Limitation on number of licences approved bodies can hold**

- (1) An approved body is not entitled to hold more than one class of racecourse licence at any one time.
- (2) However, in respect of non-metropolitan racecourses, the Minister may allow an approved body to hold more than one class of racecourse licence at any one time.

**Division 3 Restrictions on race meetings**

**57 Maximum number of race days allowed for racecourses**

- (1) The maximum number of days in any financial year on which meetings for horse racing may be held at a racecourse prescribed by the regulations for the purposes of this section is the number of days specified in the racecourse licence.
- (2) The maximum number of days in any financial year on which meetings for harness racing may be held at a racecourse is the number of days specified in the racecourse licence.
- (3) The maximum number of days in any period of 12 months commencing 1 October on which meetings for greyhound racing may be held at a racecourse is the number of days specified in the racecourse licence.
- (4) For the purposes of this section, if:
  - (a) a race meeting arranged to be held at a racecourse on a particular day is postponed or abandoned, and
  - (b) lawful betting takes place at the racecourse on that day,a race meeting is taken to have been held at the racecourse on that day.
- (5) Nothing in this section limits the number of days in a year on which barrier trial meetings, greyhound trial meetings and harness racing trial meetings may be held at a racecourse.
- (6) This section is subject to Division 4.



**57A Days on which race meetings can be held**

- (1) The days on which meetings for horse racing at any metropolitan racecourse may be held are as follows:
  - (a) on Wednesdays and Saturdays,
  - (b) on public holidays,
  - (c) on the first Monday in August,
  - (d) if a public holiday falls on a Wednesday or a Saturday, on any other day of the week in which that Wednesday or Saturday falls or in the next week,
  - (e) on such other days (being Mondays, Tuesdays, Thursdays or Fridays) as may be approved by the Minister in writing in respect of the racecourse.
- (2) Nothing in subsection (1) allows any such meeting to be held on a Sunday, Good Friday or Christmas Day.
- (3) Race meetings other than meetings for horse racing at metropolitan racecourses may be held on any day of the year except Sundays, Good Friday or Christmas Day.
- (4) Despite any provision of this section, a barrier trial meeting, harness racing trial meeting or greyhound trial meeting may be held on any day of the year except Good Friday or Christmas Day.
- (5) In each financial year, dates for horse racing are to be determined so that:
  - (a) a meeting for horse racing may be held at the Broadmeadow Racecourse on each of two free Wednesdays that are not free Wednesdays referred to in paragraph (b), and
  - (b) a meeting for horse racing may be held on one free Wednesday at Hawkesbury Racecourse, on another free Wednesday at Wyong Racecourse and on another free Wednesday at Gosford Racecourse.

- 
- (6) For the purposes of subsection (5), a *free Wednesday* is a Wednesday that falls during a week in which meetings for horse racing are not held at any metropolitan racecourse on a weekday during that week.
- (7) This section is subject to Division 4.

#### **Division 4 Special provisions relating to race meetings**

##### **57B Sunday race meetings**

- (1) In this section, *relevant period* means the period beginning at the commencement of this section and ending 30 June 2001.
- (2) For each financial year during the relevant period, the Minister may determine up to 6 Sundays on which race meetings may be held.
- (3) The Minister is to determine which non-proprietary associations are to conduct such Sunday race meetings and on which racecourses they are to be held.
- (4) Any Sunday determined in respect of a particular financial year may be changed by the Minister to some other Sunday in that financial year.
- (5) If race meetings are not held on the maximum number of Sundays determined in respect of a particular financial year because all the race meetings that would have been held on any such Sunday were cancelled or abandoned, the Minister may determine that race meetings may instead be held on an alternative Sunday in a subsequent financial year during the relevant period.
- (6) If a determination under subsection (5) is made, the limit on the number of Sundays on which race meetings may be held in that subsequent financial year is correspondingly increased by the number of Sundays determined in respect of the earlier financial year on which race meetings were cancelled or abandoned.
- (7) Sunday race meetings held under this section are to be disregarded for the purposes of section 57.

- (8) The Minister is to calculate, and notify the Treasurer of, the amount of money that is paid into the Consolidated Fund as a result of betting on horse, greyhound or harness racing at Sunday race meetings held under this section.
- (9) Nothing in this section authorises a race meeting to be held on Christmas Day.

**57C Additional race days**

- (1) The Minister may from time to time, by order published in the Gazette, increase the maximum number of days on which race meetings may be held at a racecourse.
- (2) Any such increase in the number of race days is subject to such conditions as may be set out in the order.

**57D Race meeting at Randwick Racecourse on Melbourne Cup day**

A meeting for horse racing may be held at Randwick Racecourse on the day in each year on which the Melbourne Cup race meeting is held.

**57E Racecourses temporarily unfit for use**

- (1) The Minister may, if any licensed racecourse is temporarily rendered unfit for use as a racecourse, authorise a race meeting set down for that racecourse to be held on another licensed racecourse.
- (2) The Minister may do so only if the licensee of the other racecourse has consented to the race meeting being held on that racecourse.
- (3) For the purposes of section 57, any such race meeting is taken to have been held on the racecourse temporarily unfit for use.

---

**Division 5      Miscellaneous**

**57F Certain persons prohibited from entering racecourses**

- (1) Any person who has been warned off a racecourse, or who is disqualified from participating in any racing activities, by a racing authority must not enter any racecourse under the administration or control of that racing authority while the warning off or disqualification is in force.

Maximum penalty: 50 penalty units or imprisonment for 12 months, or both.

- (2) A person does not commit an offence against this section if the person has been authorised, by notice in writing by the relevant racing authority, to enter the racecourse for a particular purpose specified in the notice and the person is entering for that purpose.
- (3) In this section, ***racing authority*** means the Australian Jockey Club, the Harness Racing Authority or the Greyhound Racing Control Board.

**57G Provisions relating to inspection of records and powers of entry**

- (1) It is a condition of a racecourse licence held by a non-proprietary association that, in order to enable the Minister from time to time to determine whether the licensee has or has not ceased to be a non-proprietary association, the licensee must:
- (a) make available for inspection and examination by an authorised officer all relevant accounts, documents and records, and
  - (b) permit an authorised officer to enter, at any reasonable time, any premises (other than a dwelling-house) occupied or used by or on behalf of the licensee, and to make copies of or extracts from those accounts, documents and records, and
  - (c) furnish the authorised officer with such information, in such form and verified in such manner, as the Minister may from time to time require.

- (2) In order to enable the Minister from time to time to determine whether or not a body (other than a licensee) that conducts race meetings is a non-proprietary association, the Minister may, by notice in writing given to the body, require the body:
- (a) to make available for inspection and examination by an authorised officer all relevant accounts, documents and records, and
  - (b) to permit an authorised officer to enter, at any reasonable time, any premises (other than a dwelling-house) occupied or used by or on behalf of the body, and to make copies of or extracts from those accounts, documents and records, and
  - (c) to furnish the authorised officer with such information, in such form and verified in such manner, as may be specified in the notice.
- (3) If the body fails or refuses to comply with any such requirement, each member of the managing board or committee of the body is guilty of an offence.
- Maximum penalty: 20 penalty units.
- (4) An authorised officer cannot exercise the functions of an authorised officer under this section unless the officer is in possession of an identification card issued by the Minister. In the course of exercising the functions of an authorised officer under this section, the officer must, if requested to do so by any person, produce the officer's identification card to the person.
- (5) In this section, *authorised officer* means a person appointed by the Minister for the purposes of this section.

#### **57H Delegation of certain functions**

The Minister may delegate to any public servant, or to any person (or class of persons) prescribed by the regulations, any function conferred on the Minister under this Part, other than this power of delegation and a function under section 57B, 59C and 57G (5).

---

**57I Harness racing on showgrounds**

- (1) This Part does not apply:
- (a) to any ground used for the purposes of a show by a pastoral or agricultural association, or
  - (b) to any harness racing held on such a ground by such an association,
- if the association has been registered by the Harness Racing Authority and the conditions of the harness racing have been approved by that Authority.
- (2) It is a condition of registration that betting or wagering is prohibited on any such ground.

**57J Savings and transitional provisions**

The Fourth Schedule has effect.

**[7] Section 58**

Insert before section 58A:

**58 Evidence**

In any proceedings for an offence under this Act, the *Totalizator Act 1916*, the *Totalizator (Off-course Betting) Act 1964* or the *Bookmakers (Taxation) Act 1917*, any allegation in the information in respect of the offence that:

- (a) any race meeting mentioned in the information was held at a place and on a date specified in the information, and
- (b) any horse or dog named in the information took part in a race or contest mentioned in the information, and
- (c) any such race or contest commenced at a time mentioned in the information,

is to be accepted by the court as evidence of the truth of the allegations unless the contrary is proved.

**[8] Section 58A Certain allegations prima facie evidence**

Omit the section.

**[9] Section 59 Regulations**

Omit section 59 (2).

**[10] Fourth Schedule**

Omit the Schedule. Insert instead:

**Fourth  
Schedule Savings and transitional provisions**  
(Section 57J)

**Part 1 General**

**1 Savings and transitional regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the *Gaming and Betting Amendment (Racing) Act 1995*.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done before the date of its publication.

---

**Part 2 Provisions consequent on enactment of  
Gaming and Betting Amendment (Racing)  
Act 1995**

**2 Definition**

In this Part:

*relevant commencement* means the commencement of Schedule 1 [6] to the *Gaming and Betting Amendment (Racing) Act 1995*.

**3 Continuation of certain matters**

- (1) A licence issued in respect of a racecourse, and in force immediately before the relevant commencement, is taken to be a racecourse licence, and any body holding any such existing licence is taken to be authorised to hold the licence.
- (2) Any Sunday determined (or changed) by the Minister under section 53AA of this Act (as in force immediately before the relevant commencement) in respect of the financial year beginning 1 July 1995 is to be regarded as a Sunday determined (or changed) under section 57B for that financial year.
- (3) Any proclamation made under section 53E of this Act (and in force immediately before the relevant commencement) is taken to be an order made by the Minister under section 57C.
- (4) A delegation made under section 53F of this Act (and in force immediately before the relevant commencement) is taken to be a delegation made under section 57H.

**4 Operation of certain sections**

- (1) Section 57G extends to a licence issued in respect of a racecourse and in force immediately before the relevant commencement.
- (2) Section 57F extends to persons who have been warned off, or disqualified from participating in racing activities, before the relevant commencement.



**[11] The whole Act (except where amended by this Schedule)**

Omit “race-meetings”, “race-courses”, “horse-racing”, “Greyhound-racing”, “greyhound-racing”, “Race-course”, “Race-meeting”, “foot-races”, “horse-races”, “race-course” “race-meeting” and “horse-race” wherever occurring.  
Insert instead “race meetings”, “racecourses”, “horse racing”, “Greyhound racing”, “greyhound racing”, “Racecourse”, “Race meeting”, “foot races”, “horse races”, “racecourse”, “race meeting” and “horse race”, respectively.

---

## Schedule 2      Consequential amendment of other Acts

(Section 4)

### 2.1      Greyhound Racing Control Board Act 1985 No 119

#### [1]      Section 3 Definitions

Omit “special license referred to in section 51(1A) of” from the definition of *greyhound racing club* in section 3 (1).  
Insert instead “racecourse licence under”.

#### [2]      Section 3 (1)

Omit “specially” from the definition of *greyhound trial track*.

#### [3]      Section 12 Board may grant or lend money from Fund

Omit “specially” from section 12 (b).

### 2.2      Totalizator Act 1916 No 75

#### Section 2 Definitions

Omit “and includes a racecourse specially licensed under that Act for meetings for greyhound-racing” from the definition of *Racecourse* in section 2.

[Minister's second reading speech made in—  
Legislative Assembly on 18 October 1995  
Legislative Council on 14 November 1995]