

[Act 1995 No 51]



New South Wales

Gaming and Betting Amendment (Racing) Bill 1995

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to modify and update the provisions of the *Gaming and Betting Act 1912* relating to the licensing of racecourses and the restrictions on race meetings. The Bill re-enacts Part 4 of the *Gaming and Betting Act 1912* in a more modern form and also removes a number of obsolete provisions. The main features of proposed Part 4 are as follows:

- the race day entitlements for racecourses licensed for horse racing, harness racing or greyhound racing will be specified in the individual licence rather than in the Act,
 - the requirement that race meetings can only be conducted by non-proprietary associations is affirmed,
 - the categories of bodies that can hold racecourse licences (whether the racecourse concerned is licensed for horse racing, harness racing or greyhound racing) is expanded to include local councils and reserve trusts,
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- authorised officers will be able to inspect the records of bodies that conduct race meetings (whether or not they are licensees) to ascertain whether they are non-proprietary associations,
- the Minister will be able, by order published in the Gazette (rather than the Governor by proclamation), to increase the maximum number of days on which race meetings can be held on a particular racecourse,
- it will be an offence for a person who has been warned off a racecourse, or who has been disqualified from participating in racing activities, by a racing authority to enter a racecourse under the control or administration of that racing authority.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides that the proposed Act will commence on a day or days to be proclaimed.

Clause 3 gives effect to the Schedule of amendments to the *Gaming and Betting Act 1912*.

Clause 4 gives effect to the Schedule of consequential amendments to other Acts.

Schedules

Schedule 1 (1)-(5), (7)-(9) and (11) contain amendments to the *Gaming and Betting Act 1912* that are ancillary or consequential to the re-enactment of Part 4.

Schedule 1 (6) substitutes Part 4 of the *Gaming and Betting Act 1912*. Most of the new provisions merely clarify and restate the existing provisions. The following new sections contain changes:

- **Proposed section 52** restates the existing offence provision concerning unlawful race meetings, with the addition that a race meeting held at a racecourse will be unlawful unless it is conducted by a non-proprietary association (ie a corporation, club or other body formed to promote or conduct race meetings, and the constitution of which provides for the application of its income to promote its objects and prohibits the payment of dividends to the shareholders or members of the club or body).

- **Proposed sections 53 and 54** provide that an application for a racecourse licence may only be made by, and a racecourse licence can only be issued to, an approved body (ie a non-proprietary association, local council or reserve trust). Proposed section 54 also makes it clear that more than one class of racecourse licence can be issued in respect of a particular racecourse.
- **Proposed section 55** enables the Minister to cancel a racecourse licence if the Minister is satisfied that the licensee has failed to comply with a licence condition, or is no longer an approved body, or if the Minister is satisfied that a race meeting at the racecourse has been conducted by a body that is not a non-proprietary association.
- **Proposed section 56** restates the existing provision which restricts metropolitan licensees to only one class of racecourse licence at the one time, but enables the Minister (rather than the Governor by proclamation) to approve of country licensees holding more than one class of racecourse licence at the one time.
- **Proposed section 57** limits the number of days in a year on which race meetings can be held at racecourses. With respect to horse racing on certain major prescribed racecourses, and with respect to greyhound racing and harness racing, the maximum yearly quota will be specified in the racecourse licence.
- **Proposed section 57A** restates the existing restrictions applying to the days on which race meetings can be held (eg race meetings cannot ordinarily be held on Sundays).
- **Proposed section 57B** restates the existing section 53AA of the Act (that section allows for race meetings to be held on a maximum of 6 Sundays in each year during the period ending 30 June 2001).
- **Proposed section 57C** allows the Minister by order published in the Gazette, rather than the Governor by proclamation, to increase the maximum number of race days in a year allocated to a racecourse.
- **Proposed section 57F** prohibits any person who has been warned off a racecourse, or who is disqualified from participating in racing activities, by a racing authority (eg the Australian Jockey Club) from entering any racecourse under the administration or control of that racing authority. The penalty for such an offence is \$5,000 or 12 months imprisonment (or both).

- **Proposed section 57G** provides that it will be a condition of a licence held by a non-proprietary association that the licensee must make certain documents available for inspection by authorised officers, allow authorised officers to enter certain premises to make copies of records, and provide such information as may be required. The purpose of this licence condition is to ascertain whether the licensee is still a non-proprietary association. The new section also enables the Minister and authorised officers to exercise these functions in respect of bodies that are not licensees.

Schedule 1 (10) omits the Fourth Schedule (which presently contains the yearly quotas for horse racing at metropolitan racecourses) and inserts a new Schedule containing provisions of a savings or transitional nature (for example, provision is made for the continuation of existing racecourse licences).

Schedule 2 contains consequential amendments to other Acts.