

FIRST PRINT

**GAMING AND BETTING (RACE-COURSE LICENCES)  
AMENDMENT BILL 1991**

NEW SOUTH WALES



**EXPLANATORY NOTE**

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Gaming and Betting Act 1912:

- (a) by dispensing with the need for annual renewals, and annual fees, for existing race-course licences while retaining the power of the Minister to cancel a race-course licence for any good cause; and
- (b) by imposing a fee of \$100 for a new race-course licence issued on or after 1 July 1992; and
- (c) by enabling the Minister to subject a race-course licence to a condition; and
- (d) by including non-compliance with a condition of a race-course licence among the grounds for cancellation of the licence, whether the condition is imposed by the regulations, by the licence, or by the Minister.

The Principal Act uses the expression "special licence" to distinguish a licence for a race-course used for greyhound-racing from other race-course licences.

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Clause 1 states the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day or days to be appointed by proclamation.

Clause 3 provides for the amendment of the Principal Act as set out in Schedules 1 and 2.

**SCHEDULE 1—AMENDMENTS RELATING TO LICENCES**

Schedule 1 (1) provides for a race-course licence other than a special licence to be subject to prescribed conditions and any other conditions included in the licence or imposed by the Minister. This Schedule item also retains the current fees payable for race-course licences (other than special licences) issued to existing licensees with effect on and from 1 July 1992. Existing licensees will not be liable for any further licence

*Gaming and Betting (Race-course Licences) Amendment 1991*

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fees but a fee of \$100 will be payable for any new licence granted after 30 June 1992. The present provisions that would otherwise require a race-course licence to be renewed annually are to be repealed.

Schedule 1 (2) makes in relation to a special licence an amendment similar to that made by Schedule 1 (1) in relation to other licences, except that special licences to be issued to existing licensees will take effect on and from 1 October 1992, not 1 July 1992 as is the case with other licences.

Schedule 1 (3) makes a consequential amendment and omits references to an application for renewal of a licence for greyhound-racing held by a person or body other than a non-proprietary association. There are no longer any licences so held and new licences for greyhound-racing may now be issued only to a non-proprietary association.

Schedule 1 (4) makes a consequential amendment.

Schedule 1 (5) inserts proposed section 52E which:

- (a) provides for race-course licences (including special licences) to remain in force until cancelled; and
- (b) sets out the grounds (including the present grounds) on which the Minister may cancel a licence.

Schedule 1 (6) makes a consequential amendment.

Schedule 1 (7) replaces section 53F which enables the Minister to delegate certain functions. The substituted section has the effect of adopting section 49 of the Interpretation Act 1987 which deals with the delegation of statutory functions.

Schedule 1 (8) expands the regulation-making power under the Principal Act as a consequence of the proposed amendments relating to the conditions of a licence.

#### **SCHEDULE 2—AMENDMENTS RELATING TO PONY-RACING**

This Schedule repeals the references in the Principal Act that relate to pony-racing as there are no longer any licences in force in New South Wales for that purpose.

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AMENDMENT BILL 1991**

NEW SOUTH WALES



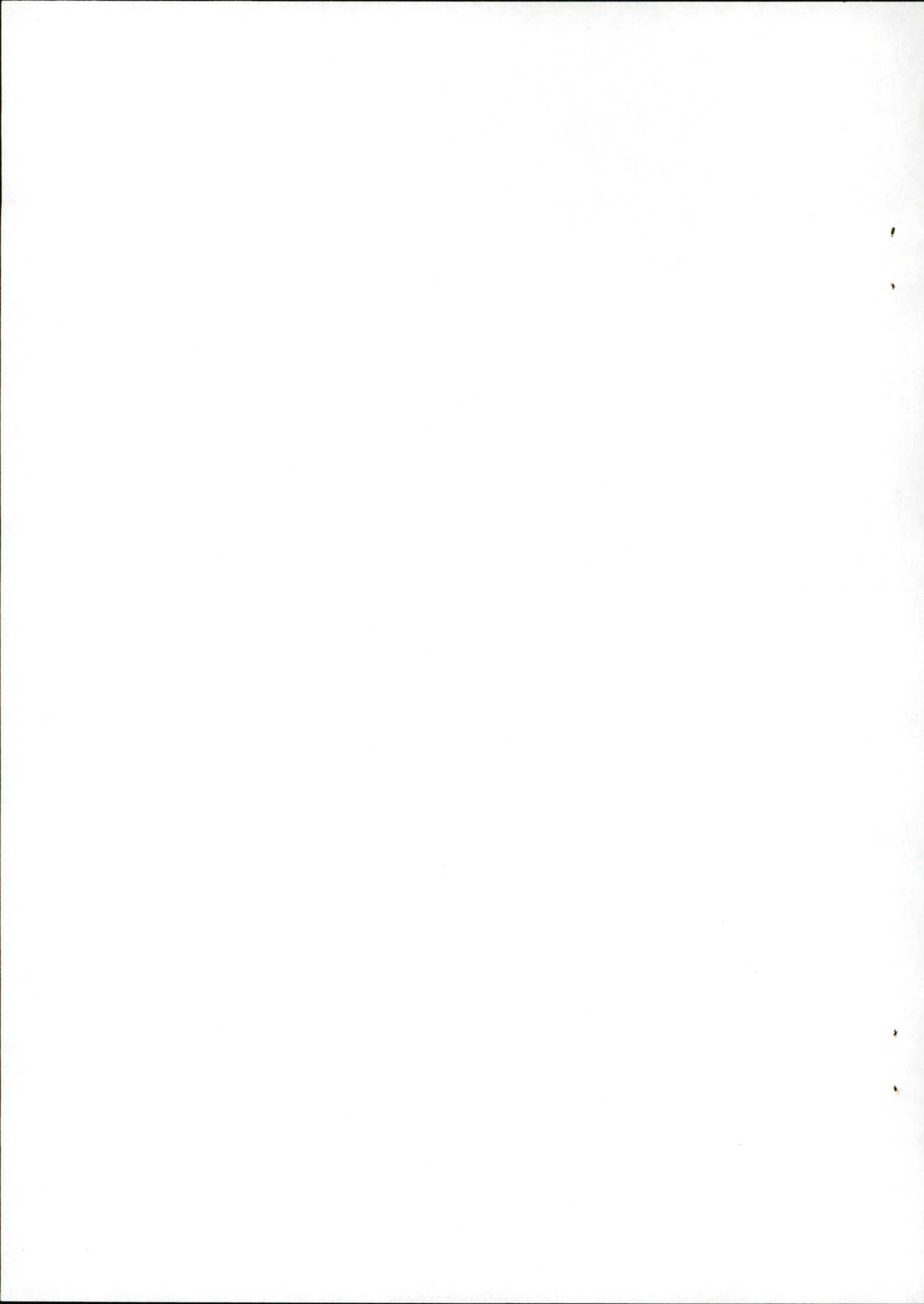
**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Gaming and Betting Act 1912 No. 25

SCHEDULE 1—AMENDMENTS RELATING TO LICENCES

SCHEDULE 2—AMENDMENTS RELATING TO PONY-RACING

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**GAMING AND BETTING (RACE-COURSE LICENCES)  
AMENDMENT BILL 1991**

NEW SOUTH WALES



No.           , 1991

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**A BILL FOR**

An Act to amend the Gaming and Betting Act 1912 so that a race-course licence, instead of being current for 1 year, will continue in force until cancelled; to enable the Minister to subject a race-course licence to a condition; and for other purposes.

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*Gaming and Betting (Race-course Licences) Amendment 1991*

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

**Short title**

1. This Act may be cited as the Gaming and Betting (Race-course Licences) Amendment Act 1991.

**Commencement**

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

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

3. The Gaming and Betting Act 1912 is amended as set out in Schedules 1 and 2.

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**SCHEDULE 1—AMENDMENTS RELATING TO LICENCES**

(Sec. 3)

(1) Section 52 (**Issue of licences**):

(a) Omit section 52 (1)–(2B), insert instead:

(1) The Minister may issue a licence for the purposes of section 51 and each licence is subject to:

- (a) the prescribed conditions relating to the licence; and
- (b) any condition of which the licensee is notified in writing by the Minister at the time of issue of the licence or while the licence is in force.

(2) A condition of a licence that is imposed or notified by the Minister under this section ceases to have effect if the Minister later notifies the licensee in writing that the condition has been cancelled.

(b) After “rates” in section 52 (3), insert “if the licence is to be issued to an existing licensee with effect on and from 1 July 1992”.

(c) After section 52 (3), insert:

(3A) Except as provided by subsection (3), the fee for the issue of a licence is \$100.

*Gaming and Betting (Race-course Licences) Amendment 1991*

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SCHEDULE 1—AMENDMENTS RELATING TO LICENCES—  
*continued*

- (2) Section 52A (**Special licences**):
- (a) Omit section 52A (2) and (3), insert instead:
- (2) A licence to which this section applies is to be issued by the Minister and is subject to:
- (a) the prescribed conditions relating to the licence; and
- (b) any condition of which the licensee is notified in writing by the Minister at the time of issue of the licence or while the licence is in force.
- (3) A condition of a licence that is imposed or notified by the Minister under this section ceases to have effect if the Minister later notifies the licensee in writing that the condition has been cancelled.
- (b) After “rate” in section 52A (4), insert “if the licence is to be issued to an existing licensee with effect on and from 1 October 1992”.
- (c) After section 52A (4), insert:
- (4A) Except as provided by subsection (4), the fee for the issue of a licence is \$100.
- (3) Section 52B (**Greyhound-racing applicant to be non-proprietary association**):
- (a) From section 52B (1) and (2), omit “or his delegate” wherever occurring.
- (b) Omit section 52B (3).
- (4) Section 52C (**Condition of licence for greyhound-racing**):
- (a) Omit section 52C (1).
- (b) From section 52C (2) (c), omit “or his delegate” wherever occurring.
- (5) Section 52E:
- After section 52D, insert:
- Duration and cancellation of licences**
- 52E. (1) A licence for a race-course remains in force until cancelled if:
- (a) it is not a licence for a race-course specially licensed for greyhound-racing and it takes effect at any time after 30 June 1992; or

*Gaming and Betting (Race-course Licences) Amendment 1991*

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SCHEDULE 1—AMENDMENTS RELATING TO LICENCES—  
*continued*

- (b) it is a licence for a race-course specially licensed for greyhound-racing and it takes effect at any time after 30 September 1992.
- (2) The Minister may cancel a licence (including a licence for a race-course specially licensed for greyhound-racing) for any good cause including, but without limiting the operation of this section:
  - (a) a failure by the licensee to comply with a condition of the licence; and
  - (b) the licensee ceasing to be a non-proprietary association, if the licence is for a race-course specially licensed for greyhound-racing.
- (6) Sections 53A, 53C:  
Omit “or his delegate” wherever occurring.
- (7) Section 53F:  
Omit the section, insert instead:  
**Delegation of Minister’s functions**  
53F. The Minister may delegate any of the functions conferred on the Minister by sections 52–52C, 53A and 53C.
- (8) Section 59 (**Regulations**):  
After section 59 (1), insert:
  - (2) Without affecting the generality of subsection (1), regulations may be made for or with respect to the conditions of a licence for a race-course, including a race-course specially licensed for greyhound-racing.

SCHEDULE 2—AMENDMENTS RELATING TO  
PONY-RACING

(Sec. 3)

- (1) Section 3 (**Definitions**):
  - (a) From section 3 (1), omit the definition of “Meeting for pony-racing”.
  - (b) From the definition of “Race-meeting” in section 3 (1), omit “, or pony-racing,”.



*Gaming and Betting (Race-course Licences) Amendment 1991*

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SCHEDULE 2—AMENDMENTS RELATING TO PONY-RACING—  
*continued*

- (c) From the definition of “Sports” in section 3 (1), omit “pony-races,”.
  - (2) Section 7 (**Prohibition of betting or wagering**):  
From section 7 (1) (b), omit “pony-races,”.
  - (3) Section 47G (**Regulations relating to newspapers, broadcasting stations and television stations**):  
From section 47G (2) (c), omit “, pony-racing”.
  - (4) Section 51 (**Restrictions on race-meetings and harness racing**):
    - (a) From section 51 (2), omit “or pony-racing”.
    - (b) Omit section 51 (4).
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**GAMING AND BETTING (RACE-COURSE LICENCES)**  
**AMENDMENT BILL, 1991**  
**SECOND READING SPEECH - LEGISLATIVE COUNCIL**

THE MINISTER MOVED THAT THIS BILL BE NOW READ A SECOND TIME.

AS HONOURABLE MEMBERS ARE WELL AWARE, THE GOVERNMENT HAS A COMMITMENT TO MINIMISING REGULATORY CONSTRAINTS ON BUSINESS. IN LINE WITH THIS POLICY, A LICENCE REDUCTION PROGRAMME WAS IMPLEMENTED WHICH INVOLVED THE CRITICAL REVIEW OF ALL BUSINESS LICENCES.

THE RACECOURSE LICENCE, WHICH IS ISSUED BY THE MINISTER FOR SPORT, RECREATION AND RACING IN ACCORDANCE WITH THE PROVISIONS OF THE GAMING AND BETTING ACT, WAS ONE FORM OF LICENCE EXAMINED DURING THE REVIEW.

THIS LICENCE APPLIES TO RACECOURSES ON WHICH HORSE RACING, HARNESS RACING AND GREYHOUND RACING MEETINGS ARE CONDUCTED AND IS ISSUED ON AN ANNUAL BASIS.

AS PART OF THE REVIEW INTO RACECOURSE LICENCES, CONSULTATION TOOK PLACE BETWEEN THE RACING INDUSTRY AND OFFICERS OF THE DEPARTMENT OF SPORT, RECREATION AND RACING.



THE REVIEW EXPLORED THREE OPTIONS, NAMELY TO RETAIN LICENCES UNDER EXISTING CONDITIONS, TO ISSUE LICENCES ON A PERPETUAL BASIS OR TO ABOLISH LICENCES.

AFTER FULL EXAMINATION OF EACH ALTERNATIVE, IT WAS CONCLUDED THAT THE RETENTION OF THE LICENCE IN SOME FORM WAS WARRANTED. HOWEVER, IT WAS ALSO RECOGNISED THAT THE IDENTIFIED BENEFITS IN RETAINING LICENCES COULD STILL BE ACHIEVED IF LICENCES WERE ISSUED ON A PERPETUAL RATHER THAN AN ANNUAL BASIS.

IN THIS REGARD, THE LICENSING PROVISIONS OF THE GAMING AND BETTING ACT ENABLE THE GOVERNMENT TO PROVIDE CONTROLLED ALTERNATIVES TO ILLEGAL BETTING ACTIVITIES, WHILE AT THE SAME TIME RESTRICTING THE NUMBER OF RACECOURSES TO A LEVEL APPROPRIATE TO THE NEEDS OF THE RACING INDUSTRY AND THE COMMUNITY.

IN ADDITION, RESTRICTIONS ARE ABLE TO BE PLACED ON THE MAXIMUM NUMBER OF DAYS ON WHICH RACE MEETINGS MAY BE CONDUCTED AND IN SOME CASES ON THE ACTUAL DAYS ON WHICH RACE MEETINGS MAY BE HELD.

THE PROVISIONS OF THE ACT ALSO ENABLE THE GOVERNMENT TO ENSURE THAT RACECOURSE LICENCES ARE ISSUED TO NON-PROPRIETARY ORGANISATIONS ONLY, THAT IS TO SAY BODIES WHICH DIRECT THEIR PROFITS BACK INTO THE INDUSTRY.

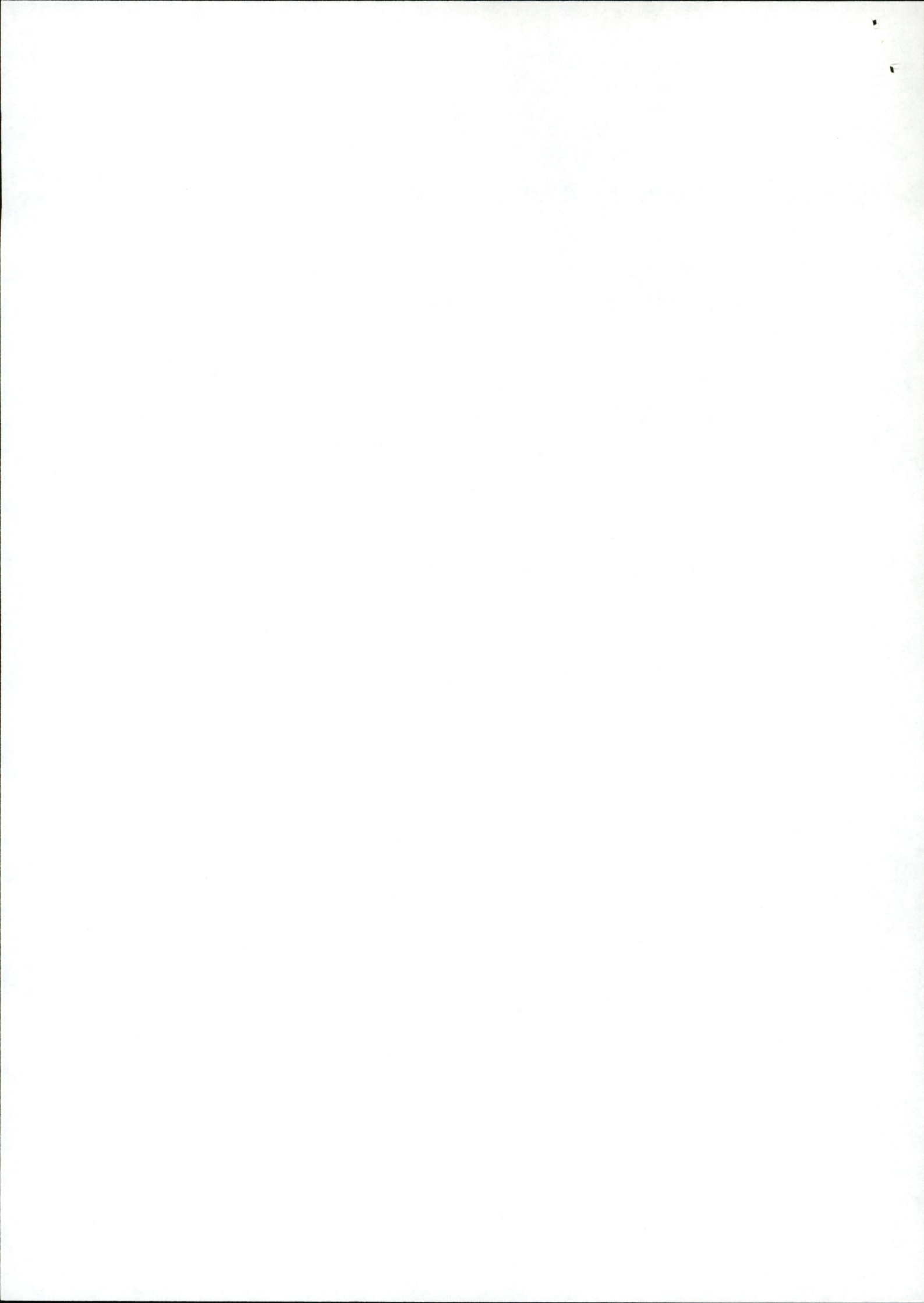


MR. PRESIDENT, THE BILL BEFORE THE HOUSE WILL GIVE EFFECT TO THE FINDINGS OF THE REVIEW BY AMENDING THE GAMING AND BETTING ACT TO REPLACE ANNUAL RACECOURSE LICENCES WITH PERPETUAL LICENCES.

THE MINISTER STRESSED THAT IN PROPOSING THE INTRODUCTION OF PERPETUAL LICENCES, THE GOVERNMENT IS MINDFUL OF THE NEED TO ENSURE THAT IT IS ABLE TO MAINTAIN ITS ABILITY TO EXERCISE A GENERAL OVERSIGHT OF RACING IN THIS STATE AND THE LEGAL GAMBLING ACTIVITIES ASSOCIATED WITH THE INDUSTRY.

ACCORDINGLY, INCLUDED WITHIN THE LEGISLATION IS A PROVISION WHICH WILL ENABLE THE MINISTER FOR SPORT, RECREATION AND RACING TO PLACE CERTAIN CONDITIONS ON PERPETUAL LICENCES WHICH WILL ENSURE THE CONTINUED COMPLIANCE OF THE PROVISIONS OF THE GAMING AND BETTING ACT.

THIS WILL PROVIDE A MEANS OF PROTECTING THE VIABILITY OF RACING CLUBS AND THE LIVELIHOOD OF PERSONS EMPLOYED IN THE RACING INDUSTRY. IT WILL ALSO ENSURE THAT REVENUE GENERATED BY THE RACING INDUSTRY WILL CONTINUE TO BE MAXIMISED AND THAT THE PUBLIC INTEREST IS PROTECTED.





THE BILL ALSO PROVIDES THAT CURRENT LICENCE HOLDERS WILL BE CHARGED A ONE-OFF LICENSING FEE AT EXISTING RATES. A ONE-OFF FEE OF \$100 WILL BE CHARGED IN RESPECT OF ANY NEW RACECOURSE LICENCE.

BASED ON FEEDBACK FROM THE RACING INDUSTRY DURING THE REVIEW, THE GOVERNMENT HAS NO DOUBT THAT THIS LEGISLATION WILL BE WELL RECEIVED THROUGHOUT THE INDUSTRY.

IN THIS REGARD, THE INTRODUCTION OF PERPETUAL LICENCES WILL REDUCE THE ADMINISTRATIVE BURDEN ON LICENCE HOLDERS FOR THE 218 RACECOURSES THROUGHOUT THE STATE AS WELL AS ON GOVERNMENT.

THE MINISTER ADDED THAT IN INTRODUCING THIS LEGISLATION THE GOVERNMENT HAS ALSO TAKEN THE OPPORTUNITY TO DELETE REFERENCES TO LICENCES FOR PONY RACING FROM THE ACT, AS LICENCES FOR THIS FORM OF RACING CEASED TO BE ISSUED SOME YEARS AGO.

THE MINISTER COMMENDED THE BILL TO THE HOUSE.



**GAMING AND BETTING (RACE-COURSE LICENCES)  
AMENDMENT ACT 1991 No. 76**

**NEW SOUTH WALES**



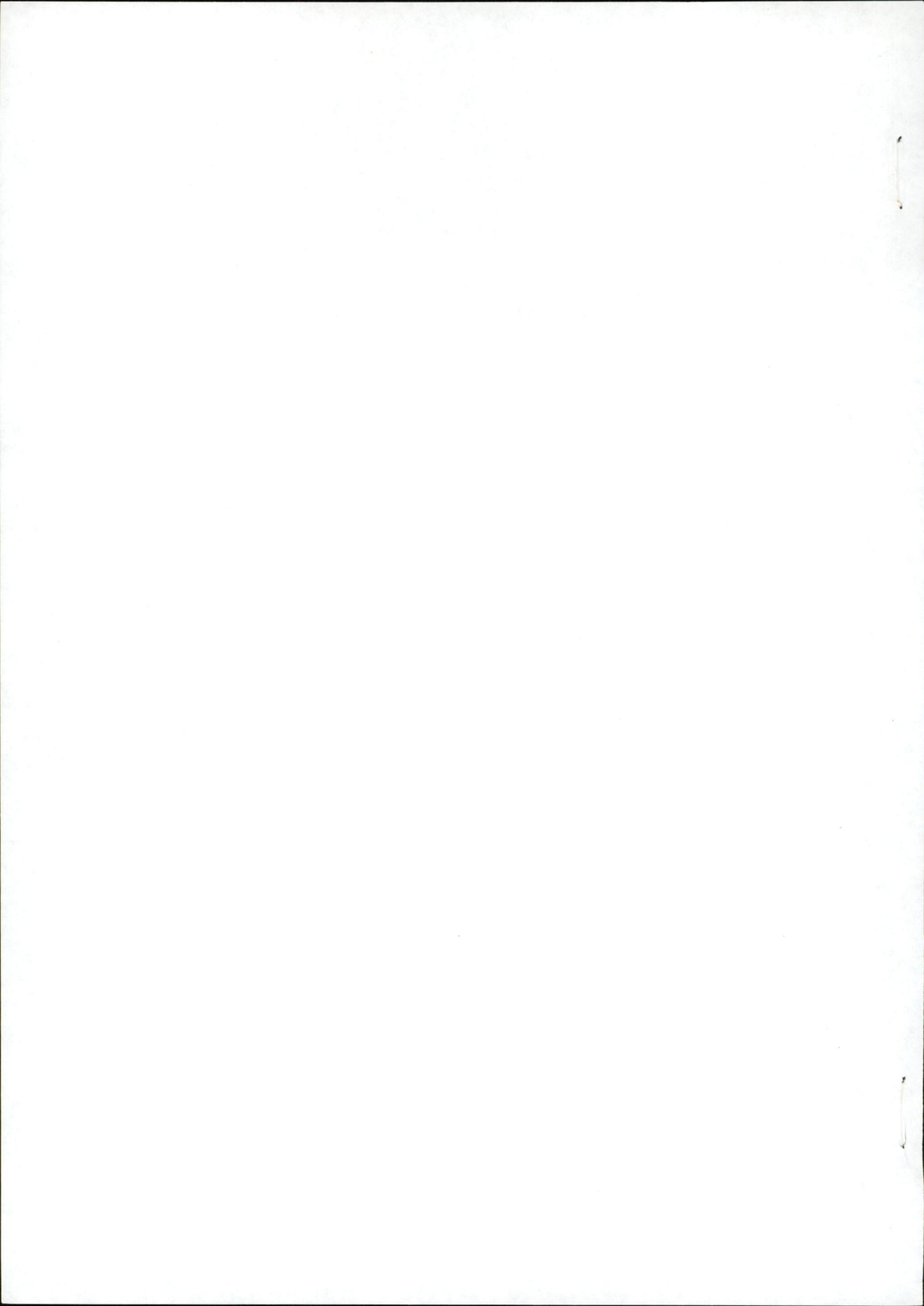
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**SCHEDULE 2—AMENDMENTS RELATING TO PONY-RACING**

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**GAMING AND BETTING (RACE-COURSE LICENCES)  
AMENDMENT ACT 1991 No. 76**

NEW SOUTH WALES



**Act No. 76, 1991**

An Act to amend the Gaming and Betting Act 1912 so that a race-course licence, instead of being current for 1 year, will continue in force until cancelled; to enable the Minister to subject a race-course licence to a condition; and for other purposes. [Assented to 17 December 1991]

*Gaming and Betting (Race-course Licences) Amendment 1991*

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

**Short title**

1. This Act may be cited as the Gaming and Betting (Race-course Licences) Amendment Act 1991.

**Commencement**

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

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

3. The Gaming and Betting Act 1912 is amended as set out in Schedules 1 and 2.

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**SCHEDULE 1—AMENDMENTS RELATING TO LICENCES**

(Sec. 3)

(1) Section 52 (**Issue of licences**):

(a) Omit section 52 (1)–(2B), insert instead:

(1) The Minister may issue a licence for the purposes of section 51 and each licence is subject to:

- (a) the prescribed conditions relating to the licence; and
- (b) any condition of which the licensee is notified in writing by the Minister at the time of issue of the licence or while the licence is in force.

(2) A condition of a licence that is imposed or notified by the Minister under this section ceases to have effect if the Minister later notifies the licensee in writing that the condition has been cancelled.

(b) After “rates” in section 52 (3), insert “if the licence is to be issued to an existing licensee with effect on and from 1 July 1992”.

(c) After section 52 (3), insert:

(3A) Except as provided by subsection (3), the fee for the issue of a licence is \$100.

*Gaming and Betting (Race-course Licences) Amendment 1991*

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SCHEDULE 1—AMENDMENTS RELATING TO LICENCES—  
*continued*

- (2) Section 52A (**Special licences**):
- (a) Omit section 52A (2) and (3), insert instead:
- (2) A licence to which this section applies is to be issued by the Minister and is subject to:
- (a) the prescribed conditions relating to the licence; and
- (b) any condition of which the licensee is notified in writing by the Minister at the time of issue of the licence or while the licence is in force.
- (3) A condition of a licence that is imposed or notified by the Minister under this section ceases to have effect if the Minister later notifies the licensee in writing that the condition has been cancelled.
- (b) After “rate” in section 52A (4), insert “if the licence is to be issued to an existing licensee with effect on and from 1 October 1992”.
- (c) After section 52A (4), insert:
- (4A) Except as provided by subsection (4), the fee for the issue of a licence is \$100.
- (3) Section 52B (**Greyhound-racing applicant to be non-proprietary association**):
- (a) From section 52B (1) and (2), omit “or his delegate” wherever occurring.
- (b) Omit section 52B (3).
- (4) Section 52C (**Condition of licence for greyhound-racing**):
- (a) Omit section 52C (1).
- (b) From section 52C (2) (c), omit “or his delegate” wherever occurring.
- (5) Section 52E:
- After section 52D, insert:
- Duration and cancellation of licences**
- 52E. (1) A licence for a race-course remains in force until cancelled if:
- (a) it is not a licence for a race-course specially licensed for greyhound-racing and it takes effect at any time after 30 June 1992; or

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SCHEDULE 1—AMENDMENTS RELATING TO LICENCES—  
*continued*

- (b) it is a licence for a race-course specially licensed for greyhound-racing and it takes effect at any time after 30 September 1992.
- (2) The Minister may cancel a licence (including a licence for a race-course specially licensed for greyhound-racing) for any good cause including, but without limiting the operation of this section:
  - (a) a failure by the licensee to comply with a condition of the licence; and
  - (b) the licensee ceasing to be a non-proprietary association, if the licence is for a race-course specially licensed for greyhound-racing.
- (6) Sections 53A, 53C:  
Omit “or his delegate” wherever occurring.
- (7) Section 53F:  
Omit the section, insert instead:  
**Delegation of Minister’s functions**  
53F. The Minister may delegate any of the functions conferred on the Minister by sections 52–52C, 53A and 53C.
- (8) Section 59 (**Regulations**):  
After section 59 (1), insert:  
(2) Without affecting the generality of subsection (1), regulations may be made for or with respect to the conditions of a licence for a race-course, including a race-course specially licensed for greyhound-racing.

SCHEDULE 2—AMENDMENTS RELATING TO  
PONY-RACING

(Sec. 3)

- (1) Section 3 (**Definitions**):
  - (a) From section 3 (1), omit the definition of “Meeting for pony-racing”.
  - (b) From the definition of “Race-meeting” in section 3 (1), omit “, or pony-racing,”.



*Gaming and Betting (Race-course Licences) Amendment 1991*

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SCHEDULE 2—AMENDMENTS RELATING TO PONY-RACING—  
*continued*

- (c) From the definition of “Sports” in section 3 (1), omit “pony-races,”.
- (2) Section 7 (**Prohibition of betting or wagering**):  
From section 7 (1) (b), omit “pony-races,”.
- (3) Section 47G (**Regulations relating to newspapers, broadcasting stations and television stations**):  
From section 47G (2) (c), omit “, pony-racing”.
- (4) Section 51 (**Restrictions on race-meetings and harness racing**):  
(a) From section 51 (2), omit “or pony-racing”.  
(b) Omit section 51 (4).

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[*Minister's second reading speech made in—  
Legislative Assembly on 14 November 1991  
Legislative Council on 10 December 1991*]

