

**Reprint
as at 1 August 2020**



Racing Act 2003

Public Act 2003 No 3
Date of assent 10 March 2003
Commencement see section 2

Racing Act 2003: repealed, on 1 August 2020, by section 130(1) of the Racing Industry Act 2020 (2020 No 28).

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Department of Internal Affairs.

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1 Title

This Act is the Racing Act 2003.

Part 1

Preliminary provisions

2 Commencement

This Act comes into force on a date to be appointed by the Governor-General by Order in Council.

Section 2: Racing Act 2003 brought into force, on 1 August 2003, by clause 2 of the Racing Act Commencement Order 2003 (SR 2003/134).

3 Purpose

The purpose of this Act is—

- (a) to provide effective governance arrangements for the racing industry; and
- (b) to facilitate betting on galloping, harness, and greyhound races, and other sporting events; and
- (c) to promote the long-term viability of New Zealand racing.

4 Outline

- (1) This Act replaces the Racing Act 1971.
- (2) Part 1 provides for the commencement of the Act, states the purpose of the Act, defines certain terms used in the Act, and contains other preliminary provisions.
- (3) Part 2 continues the New Zealand Racing Board and renames it the Racing Industry Transition Agency.
- (4) Part 3 contains provisions relating to the 3 racing codes and the racing clubs that are members of those codes. The racing codes are New Zealand Thoroughbred Racing Incorporated, Harness Racing New Zealand Incorporated, and the New Zealand Greyhound Racing Association (Incorporated).

- (5) Part 4 requires each code to have racing rules, and provides for the racing judicial system and other related matters.
- (6) Part 5 relates to the racing calendar and the issue of licences for race meetings.
- (7) Part 6 provides for rules governing betting and related matters.
- (7A) Part 6AA requires offshore betting operators to pay charges in New Zealand in respect of their betting operations that involve racing events or sporting events held in New Zealand and from bets they take from people located in New Zealand.
- (8) Part 7 repeals the Racing Act 1971, makes consequential amendments, and provides for miscellaneous matters.
- (9) *[Repealed]*
Section 4(3): replaced, on 1 July 2019, by section 4(1) of the Racing Reform Act 2019 (2019 No 32).
Section 4(7A): inserted, on 1 July 2019, by section 4(2) of the Racing Reform Act 2019 (2019 No 32).
Section 4(9): repealed, on 1 July 2019, by section 4(3) of the Racing Reform Act 2019 (2019 No 32).

5 Interpretation

- (1) In this Act, unless the context otherwise requires,—

Agency means the New Zealand Racing Board as continued and renamed the Racing Industry Transition Agency under section 7

Agency member means a member of the governing body of the Agency

Agency operator means a person supervising an Agency venue

Agency venue means premises that are owned or leased by the Agency and where the main business carried on at the premises is providing racing betting or sports betting services under this Act

betting includes selections made by, or with the assistance of, computer equipment or by means of a telephone or other electronic facility, or by the use of a telephone betting account or other financial facility, or a combination of those things

betting licence means a licence issued by the Agency to a racing club that authorises the club to hold betting races on a specified date

betting race means a race in respect of which racing betting may occur

chairperson in relation to a racing code, includes a president of the code and any other person acting in a similar capacity

chief executive, except in clauses 29 and 30 of Schedule 1, means the chief executive of the department for the time being responsible for the administration of this Act

constitution, in relation to a racing code or racing club, means the rules or other constitutional document of the code or club

dates committee means the committee established by the Agency under section 42

equalisator betting means a form of betting in which a number of persons bet on the outcome of a race or races, and in which the sum of the contributors' bets, except for the deductions that are required to, or may, be made under this Act, is paid to the persons who, as a result of a ballot held after the close of betting and before the start of each race, draw the horses or greyhounds, as the case may be, that subsequently fill dividend-bearing places in that race

expenses includes costs and charges

galloping race means a horse race in which each competing horse normally moves at a gait commonly known as galloping; and includes a race in which each competing horse has to jump a series of hurdles or fences or other obstacles

governing body, in relation to the Agency, means the governing body referred to in section 10

greyhound race means a competitive pursuit of a lure by 2 or more greyhounds

harm has the same meaning as in section 4(1) of the Gambling Act 2003

harness race means a horse race in which each competing horse normally moves at a gait commonly known as pacing or trotting

hunt club means a club, association, or other body of persons (whether incorporated or not) that is established for the purpose of promoting and conducting the sport of hunting, but that also conducts hunt race meetings, and that is registered with a racing code in accordance with the constitution of that code

Judicial Control Authority or **Authority** means the Judicial Control Authority continued by section 37

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

New Zealand national sporting organisation means an organisation that meets the criteria laid down by Sport and Recreation New Zealand for receiving financial support from that agency, whether or not the organisation actually receives the support

problem gambler has the same meaning as in section 4(1) of the Gambling Act 2003

race means a galloping race, harness race, or greyhound race

race meeting means a meeting held on a day for the purpose of conducting races and for which a betting licence has been granted

racecourse means land and premises used for race meetings

racing betting means betting (including totalisator racing betting, equalisator betting, and fixed-odds betting) conducted by, or on behalf of, the Agency on any race or races run at 1 or more racecourses within or outside New Zealand or both, or on any contingency arising from a sequence of any races, whether the betting takes place on or off a racecourse and within or outside New Zealand

racing betting rules means rules relating to racing betting made under section 52

racing calendar means a racing calendar determined for a racing year under section 42

racing club or **club** means any club, association, or other body of persons (whether incorporated or not) that is established for the purpose of promoting, conducting, and controlling races, and that is registered with a racing code in accordance with the constitution of that code; and includes a hunt club

racing code or **code** means each of New Zealand Thoroughbred Racing Incorporated, Harness Racing New Zealand Incorporated, and the New Zealand Greyhound Racing Association (Incorporated)

racing rules, in relation to a racing code, means rules made by the code for the purposes of section 29 together with any amendments to those rules made under section 30

racing year means a period of 12 months ending on 31 July

recognised industry organisation means,—

- (a) in relation to galloping races,—
 - (i) New Zealand Thoroughbred Racing Incorporated; and
 - (ii) the New Zealand Racehorse Owners Federation (Incorporated); and
 - (iii) the New Zealand Thoroughbred Breeders Association (Incorporated); and
 - (iv) the New Zealand Trainers Association; and
 - (v) the New Zealand Jockeys Association; and
 - (vi) every racing club registered with New Zealand Thoroughbred Racing Incorporated:
- (b) in relation to harness races,—
 - (i) Harness Racing New Zealand Incorporated; and
 - (ii) the New Zealand Standardbred Breeders Association (Incorporated); and
 - (iii) the New Zealand Trotting Owners Association (Incorporated); and
 - (iv) the New Zealand Harness Racing Trainers and Drivers Association (Incorporated); and

- (v) every racing club registered with Harness Racing New Zealand Incorporated;
- (c) in relation to greyhound races,—
 - (i) the New Zealand Greyhound Racing Association (Incorporated); and
 - (ii) every racing club registered with the New Zealand Greyhound Racing Association (Incorporated)

Secretary means the Secretary for Internal Affairs

sporting event means any lawful organised game, competition, or other event involving human competitors, held in or outside New Zealand, in respect of which one of the following applies:

- (a) a New Zealand national sporting organisation administers the sport concerned in New Zealand;
- (b) there is a New Zealand national sporting organisation under whose auspices or control the event is conducted (or, in the case of an event held outside New Zealand, under whose auspices or control the event would be conducted if it were held in New Zealand);
- (c) there is an agreement in accordance with section 55A(2) and (3) between the Agency and Sport and Recreation New Zealand that relates to the sport concerned

sports betting means betting (including totalisator betting and fixed-odds betting) conducted by, or on behalf of, the Agency on any sporting event or events, whether held within or outside New Zealand, or on any contingency arising from a sequence of sporting events, whether held within or outside New Zealand or both, and whether the betting takes place at the event or events or not and within or outside New Zealand

territorial authority—

- (a) has the same meaning as in section 5(1) of the Local Government Act 2002; but
- (b) does not include the Minister of the Crown who is, for the time being, responsible for that Act

territorial authority consent means consent granted by a territorial authority under section 65C

territorial authority district means a district in respect of which a territorial authority is constituted

totalisator racing betting means a form of betting in which bets are made by means of a totalisator on horses or greyhounds competing in 1 or more races, and in which the dividends payable are determined in the manner prescribed by the relevant racing betting rules.

transition period means the period commencing on 1 July 2019 and ending with the close of 30 June 2021 or any later date specified by Order in Council made under section 68A.

- (2) A reference in this Act to a named body is a reference to the body in existence with that name immediately before the commencement of this Act, whether or not the body subsequently changes its name, and nothing in this Act prevents the body changing its name.

Compare: 1971 No 155 s 2

Section 5(1) **Agency**: inserted, on 1 July 2019, by section 5(2) of the Racing Reform Act 2019 (2019 No 32).

Section 5(1) **Agency member**: inserted, on 1 July 2019, by section 5(2) of the Racing Reform Act 2019 (2019 No 32).

Section 5(1) **Agency operator**: inserted, on 1 July 2019, by section 5(2) of the Racing Reform Act 2019 (2019 No 32).

Section 5(1) **Agency venue**: inserted, on 1 July 2019, by section 5(2) of the Racing Reform Act 2019 (2019 No 32).

Section 5(1) **betting licence**: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 5(1) **Board**: repealed, on 1 July 2019, by section 5(1) of the Racing Reform Act 2019 (2019 No 32).

Section 5(1) **Board member**: repealed, on 1 July 2019, by section 5(1) of the Racing Reform Act 2019 (2019 No 32).

Section 5(1) **Board operator**: repealed, on 1 July 2019, by section 5(1) of the Racing Reform Act 2019 (2019 No 32).

Section 5(1) **Board venue**: repealed, on 1 July 2019, by section 5(1) of the Racing Reform Act 2019 (2019 No 32).

Section 5(1) **dates committee**: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 5(1) **governing body**: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 5(1) **harm**: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 5(1) **New Zealand national sporting organisation**: inserted, on 1 July 2019, by section 5(2) of the Racing Reform Act 2019 (2019 No 32).

Section 5(1) **problem gambler**: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 5(1) **racing betting**: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 5(1) **Secretary**: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 5(1) **sporting event**: replaced, on 1 July 2019, by section 5(3) of the Racing Reform Act 2019 (2019 No 32).

Section 5(1) **sports betting**: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 5(1) **territorial authority**: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 5(1) **territorial authority consent**: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 5(1) **territorial authority district**: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 5(1) **totalisator racing betting**: amended, on 17 May 2005, by section 3 of the Racing Amendment Act 2005 (2005 No 66).

Section 5(1) **transition period**: inserted, on 1 July 2019, by section 5(2) of the Racing Reform Act 2019 (2019 No 32).

Section 5(1) **transition period**: the transition period is extended to 30 June 2021, on 25 June 2020, by clause 3 of the Racing (Extension of Transition Period) Order 2020 (LI 2020/104).

6 Act binds the Crown

This Act binds the Crown.

6A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Section 6A: inserted, on 1 July 2019, by section 6 of the Racing Reform Act 2019 (2019 No 32).

Part 2 Racing Industry Transition Agency

Part 2 heading: replaced, on 1 July 2019, by section 7 of the Racing Reform Act 2019 (2019 No 32).

7 Continuation and renaming of Board

- (1) The body called the New Zealand Racing Board—
 - (a) is continued; and
 - (b) is renamed the Racing Industry Transition Agency (the **Agency**).
- (2) The Agency—
 - (a) is a body corporate; and
 - (b) is a legal entity separate from its members, office holders, and employees, and the Crown.
- (3) The Agency has, both within and outside New Zealand,—
 - (a) full capacity to carry on or undertake any business or activity, do any act, or enter into any transaction; and
 - (b) for the purposes of paragraph (a), full rights, powers, and privileges.
- (4) Subsection (3) applies subject to this Act, any other enactment, and the general law of New Zealand.

Section 7: replaced, on 1 July 2019, by section 8 of the Racing Reform Act 2019 (2019 No 32).

8 Objectives of Agency

The objectives of the Agency are—

- (aa) to reform New Zealand racing in a manner that supports effective governance and improves industry sustainability; and
- (a) to promote the racing industry; and
- (b) to facilitate and promote racing betting and sports betting; and
- (c) to maximise its profits for the long-term benefit of New Zealand racing.

Section 8 heading: amended, on 1 July 2019, by section 9(1) of the Racing Reform Act 2019 (2019 No 32).

Section 8: amended, on 1 July 2019, by section 9(2) of the Racing Reform Act 2019 (2019 No 32).

Section 8(aa): inserted, on 1 July 2019, by section 9(3) of the Racing Reform Act 2019 (2019 No 32).

9 Functions of Agency

(1) The functions of the Agency are—

- (aa) to lead and manage the reform of New Zealand racing during the transition period, including (without limitation) by—
 - (i) implementing a fit-for-purpose organisational structure for the governance of the racing industry;
 - (ii) preparing for the transfer of the Agency's functions to the racing codes and its successor organisation;
 - (iii) supporting sustainability of the racing industry by undertaking initiatives to ensure efficiency and drive revenue growth;
 - (iv) carrying out any other things necessary or desirable to promote the objective of reforming New Zealand racing:
- (a) to develop policies that are conducive to the overall economic development of the racing industry, and the economic well-being of people who, and organisations which, derive their livelihoods from racing;
- (b) to determine the racing calendar each year, and issue betting licences, under Part 5;
- (c) to conduct racing betting and sports betting, and make rules relating to betting, under Part 6;
- (d) to distribute funds obtained from betting to the racing codes in accordance with regulations made under section 16;
- (e) to administer the racing judicial system in accordance with sections 36 to 41 and Schedule 3;
- (f) to develop or implement, or arrange for the development or implementation of, programmes for the purposes of reducing problem gambling and minimising the effects of that gambling;
- (g) to undertake, or arrange for the undertaking of, research, development, and education for the benefit of New Zealand racing:

- (h) to use its resources, including financial, technical, physical, and human resources, for purposes that, in the opinion of the Agency, will directly or indirectly benefit New Zealand racing;
 - (i) to keep under review all aspects of racing and to advise the Minister of those aspects, either on its own initiative or at the request of the Minister;
 - (j) any other functions that it is given by or under this Act or any other Act.
- (2) In carrying out its functions, the Agency must—
 - (a) comply with the principles of natural justice; and
 - (b) exhibit a sense of social responsibility by having regard to the interests of the community in which it operates.

Compare: 1971 No 155 ss 12, 62A

Section 9 heading: amended, on 1 July 2019, by section 10(1) of the Racing Reform Act 2019 (2019 No 32).

Section 9(1): amended, on 1 July 2019, by section 10(2) of the Racing Reform Act 2019 (2019 No 32).

Section 9(1)(aa): inserted, on 1 July 2019, by section 9(3) of the Racing Reform Act 2019 (2019 No 32).

Section 9(1)(d): amended, on 1 July 2019, by section 10(4) of the Racing Reform Act 2019 (2019 No 32).

Section 9(1)(h): amended, on 1 July 2019, by section 10(2) of the Racing Reform Act 2019 (2019 No 32).

Section 9(2): amended, on 1 July 2019, by section 10(5) of the Racing Reform Act 2019 (2019 No 32).

Governing body

10 Role of governing body

- (1) The governing body of the Agency (the **governing body**) consists of the members referred to in section 11.
- (2) All decisions relating to the business or affairs of the Agency must be made by or under the authority of its governing body in accordance with the most recent statement of intent of the Agency presented to the House of Representatives under section 19.
- (3) The governing body has all the powers necessary for managing, and for directing or supervising the management of, the business and affairs of the Agency.

Section 10(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 10(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 10(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

11 Membership of governing body

- (1) The governing body may consist of up to 7 members appointed by the Minister.
- (2) An appointment must be made by written notice to the person concerned.
- (3) The Minister must appoint a chairperson from among the members.
- (4) In appointing members, the Minister must have regard to the need for the governing body to have available to it, collectively, from its members,—
 - (a) knowledge of, or experience in, the racing industry and sport administration at a national level; and
 - (b) expertise in organisational change and governance, including relevant commercial or legal expertise to manage organisational change; and
 - (c) expertise in business, marketing, or economics.
- (5) The Minister must notify an appointment in the *Gazette* as soon as practicable after making the appointment.
- (6) An appointed person holds office during the transition period and, if a vacancy occurs during that period, an appointment may be made by the Minister to fill that vacancy for the remainder of the period.

Section 11: replaced, on 1 July 2019, by section 11 of the Racing Reform Act 2019 (2019 No 32).

12 Nomination advisory panel

[Repealed]

Section 12: repealed, on 1 July 2019, by section 12 of the Racing Reform Act 2019 (2019 No 32).

Financial provisions and accountability

13 Accounts and audit

- (1) The Agency must, as soon as practicable after the end of each racing year,—
 - (a) prepare financial statements for that year; and
 - (b) have those financial statements audited by a qualified auditor (within the meaning of section 35 of the Financial Reporting Act 2013).
- (2) The financial statements of the Agency for a racing year must be prepared in accordance with generally accepted accounting practice and must include—
 - (a) a statement of financial position at the balance date; and
 - (b) a statement of financial performance for the year; and
 - (c) a statement of cash flows for the year; and
 - (d) a statement setting out the financial performance to be achieved during the year as established at the beginning of the year; and
 - (e) a statement of commitments as at the balance date; and
 - (f) a statement of contingent liabilities as at the balance date; and

- (g) any other statements that are necessary to fairly reflect the financial operations of the Agency for the year and its financial position at the end of the year; and
- (h) a statement of accounting policies; and
- (i) comparative actual figures for the previous racing year in relation to any of the matters set out in paragraphs (a) to (g) that are appropriate; and
- (j) budgeted figures for the year in relation to any of the matters set out in paragraphs (a) to (g) that are appropriate.

Compare: 1971 No 155 s 21

Section 13(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 13(1)(b): replaced, on 1 July 2015, by section 17 of the Financial Reporting Amendment Act 2014 (2014 No 64).

Section 13(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 13(2)(g): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

14 Performance and efficiency audit

- (1) The Agency must, at least once every 5 years, arrange for an audit to be conducted in relation to its performance and efficiency.
- (2) Schedule 2 applies to an audit conducted under subsection (1).

Compare: 1971 No 155 s 103C

Section 14(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

15 Agency may maintain reserves

- (1) The Agency may maintain 1 or more reserves with the name or names, and containing an amount or amounts, that the Agency considers appropriate.
- (2) The Agency may credit to a reserve any amount that it considers appropriate from any surpluses retained by it under sections 53(2) and 57(2), or any other source whether capital or income.

Section 15 heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 15(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 15(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

16 Regulations for amounts of distribution to codes

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations prescribing the method to be used for determining the amounts that may be distributed by the Agency to the racing codes

from any surpluses referred to in section 53(2) or 57(2) or any other source, whether capital or income.

- (2) For the purposes of subsection (1), the amount must not be less than the total of the surpluses referred to in section 53(2) and 57(2) for that racing year less the total amount credited to reserves for that year from those surpluses.

Section 16: replaced, on 1 July 2019, by section 13 of the Racing Reform Act 2019 (2019 No 32).

17 Distribution to codes

- (1) The Agency may, during or after a racing year, pay to the racing codes the amount determined in accordance with regulations made under section 16 to be distributed among the codes for that year.
- (2) The Agency may withhold all or any part of an amount to be distributed to a code if it has not yet approved the code's statement of intent and business plan under section 23.

Section 17: replaced, on 1 July 2019, by section 13 of the Racing Reform Act 2019 (2019 No 32).

17A Regulations relating to distribution from betting profits

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations prescribing the method to be used for determining the amounts that may be—
 - (a) distributed by the Agency from its betting profits to—
 - (i) the racing codes; and
 - (ii) Sport and Recreation New Zealand; and
 - (b) retained by the Agency from its betting profits for the purpose of carrying out its duties in relation to harm prevention and minimisation in relation to racing betting and sports betting.
- (2) However, regulations made under subsection (1)(a) must not result in an amount to be distributed that exceeds,—
 - (a) for the period beginning on 1 July 2019 and ending on 30 June 2020, 1.33% of the Agency's betting profits;
 - (b) for the period beginning on 1 July 2020 and ending on 30 June 2021, 2.67% of the Agency's betting profits;
 - (c) for any period on or after 1 July 2021, 4% of the Agency's betting profits.
- (3) In this section, **betting profits** means profits for totalisator racing betting, sports betting, and fixed-odds racing betting conducted by the Agency calculated in accordance with the following formula:

$$p = a - b - c$$

where—

p is betting profits

- a is the total of all amounts received by the Agency or its agents (including the net return from bets laid off) for—
 - (i) totalisator racing betting (other than equalisator betting conducted under section 51):
 - (ii) sports betting:
 - (iii) fixed-odds racing betting
 - b is the amount of refunds paid
 - c is the amount of all winning dividends paid out in respect of amounts described above.
- (4) Before making a recommendation under subsection (1), the Minister must consult the Minister for Sport and Recreation.

Section 17A: inserted, on 1 July 2019, by section 13 of the Racing Reform Act 2019 (2019 No 32).

18 Agency must operate in financially responsible manner

The Agency must operate in a financially responsible manner and, for this purpose, must—

- (a) endeavour to maintain its long-term financial viability; and
- (b) endeavour to cover all its annual costs (including the cost of capital) from its net annual income; and
- (c) endeavour to act as a successful going concern; and
- (d) prudently manage its assets and liabilities.

Section 18 heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 18: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

19 Agency must prepare statement of intent

- (1) The Agency must deliver to the Minister, before the commencement of each racing year, a statement of intent relating to that year and to each of the 2 subsequent racing years.
- (2) The statement of intent must set out, for each racing year to which it relates,—
 - (a) the objectives of the Agency:
 - (b) the nature and scope of the activities to be undertaken:
 - (c) the performance targets and other measures by which its performance may be judged in relation to its objectives:
 - (d) a statement of accounting policies.
- (3) Before delivering a statement of intent to the Minister, the Agency must consult the recognised industry organisations on the proposed statement.

- (4) The Minister must present the statement of intent to the House of Representatives not later than 6 sitting days after it has been received by the Minister.

Compare: 1971 No 155 ss 22A, 78A

Section 19 heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 19(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 19(2)(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 19(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

20 Agency must prepare business plan

- (1) Before the commencement of each racing year, the Agency must prepare a business plan.
- (2) The Agency must consult with each racing code in respect of its business plan.

Compare: 1971 No 155 ss 14(2), 62B

Section 20 heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 20(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 20(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

21 Annual report

- (1) The Agency must, as soon as practicable after the end of each racing year, deliver to the Minister and each racing code a report of its proceedings and operations during that year.
- (2) The annual report must include—
- (a) the financial statements of the Agency and the audit report on those statements; and
 - (b) information on the development and implementation under section 9(1)(f) of programmes relating to problem gambling.
- (3) The Minister must present the report and statements to the House of Representatives not later than 6 sitting days after they have been received by the Minister.

Compare: 1971 No 155 ss 22, 78

Section 21(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 21(2)(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

*Miscellaneous***22 Other provisions in Schedule 1 and rules**

- (1) Schedule 1 applies to the Agency and its governing body.
- (2) The Agency may, by resolution, make, alter, and revoke rules not inconsistent with this Act for regulating its proceedings and providing for any matters that may be reasonably necessary or expedient for carrying out its functions, duties, and powers.
- (3) As soon as practicable after making or altering any rules under subsection (2), the Agency must send a copy of the rules or amended rules to the Minister.
- (4) Rules made under subsection (2) are a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.
- (5) Rules made under subsection (2) must be notified in the *Gazette*, and come into force on the date specified for the purpose in the rules (which must not be earlier than the date of their notification) or, if no date is specified, on the date of notification.
- (6) The Agency must make copies of any rules made under subsection (2) available—
 - (a) for inspection free of charge at each of its offices; and
 - (b) for purchase by any person at a reasonable price.

Compare: 1971 No 155 s 9

Section 22(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 22(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 22(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 22(4): replaced, on 5 August 2013, by section 77(3) of the Legislation Act 2012 (2012 No 119).

Section 22(6): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Part 3**Racing codes and clubs****23 Racing codes must prepare statement of intent and business plan**

- (1) Each racing code must deliver to the Agency, before the commencement of each racing year, a proposed statement of intent and business plan relating to that year and to each of the 2 subsequent racing years.
- (2) The proposed statement of intent must set out, for each racing year to which it relates,—

- (a) the code's rules, as required by section 6 of the Incorporated Societies Act 1908; and
 - (b) the objectives of the code; and
 - (c) the nature and scope of the activities to be undertaken by the code; and
 - (d) a statement of the code's policy for distributing funds received from the Agency to racing clubs registered with the code in accordance with section 25; and
 - (e) the performance targets and other measures by which its performance may be judged in relation to its activities; and
 - (f) a statement of accounting policies.
- (3) On receipt of a racing code's proposed statement of intent and business plan, the Agency must, within 1 calendar month, write to the code, either—
 - (a) approving the statement and plan; or
 - (b) setting out the reasons why it has not approved the statement or plan.
- (4) Without limiting the generality of subsection (3), the Agency may decline to approve a racing code's proposed statement of intent or business plan if the Agency considers that—
 - (a) the code's objectives are inconsistent with its own objectives; or
 - (b) any of the code's rules are—
 - (i) unreasonable; or
 - (ii) undemocratic; or
 - (iii) unfairly discriminatory; or
 - (iv) unfairly prejudicial; or
 - (v) contrary to law.
- (5) This section does not prevent—
 - (a) a racing code from submitting a revised statement of intent or business plan after the commencement of a racing year; or
 - (b) the Agency from approving the revised statement or plan.
- (6) Subsection (3) applies to a revised statement of intent or business plan with any necessary modifications.

Section 23(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 23(2)(d): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 23(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 23(4): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 23(5)(b): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

24 Restriction on use of certain names

- (1) No person or association of persons, whether a body corporate or not, may have or use any name calculated to suggest connection with, or endorsement by, the Agency or a racing code, or any name containing the words—
 - (a) “New Zealand Racing Board”; or
 - (aa) “Racing Industry Transition Agency”; or
 - (b) “Totalisator Agency Board” or “TAB”; or
 - (c) “Racing Conference” or “New Zealand Thoroughbred Racing”; or
 - (d) “Trotting Conference” or “Harness Racing New Zealand”; or
 - (e) “New Zealand Greyhound Racing Association”.
- (2) If an Act provides for the registration of any association of persons, the registering authority may refuse registration if, in its opinion, the use of the name by which the association wishes to be registered is prohibited by subsection (1).
- (3) This section applies, with the necessary modifications, to a person carrying on business under any name or style except his or her own.
- (4) Subsection (1)(a), (aa), and (b) do not apply to the Agency.
- (5) Subsection (1)(c) does not apply to New Zealand Thoroughbred Racing Incorporated.
- (6) Subsection (1)(d) does not apply to Harness Racing New Zealand Incorporated.
- (7) Subsection (1)(e) does not apply to the New Zealand Greyhound Racing Association (Incorporated).
- (8) Nothing in this section prevents a racing club from having or using a name containing the word or words “racing”, “thoroughbred racing”, “harness racing”, “trotting”, or “greyhound racing” in any form except those specified in subsection (1).

Compare: 1971 No 155 s 29

Section 24(1): amended, on 1 July 2019, by section 14(1) of the Racing Reform Act 2019 (2019 No 32).

Section 24(1)(aa): inserted, on 1 July 2019, by section 14(2) of the Racing Reform Act 2019 (2019 No 32).

Section 24(4): replaced, on 1 July 2019, by section 14(3) of the Racing Reform Act 2019 (2019 No 32).

25 Distribution to clubs of funds received from Agency

- (1) Each racing code is responsible for distributing among the racing clubs registered with the code the amounts received by it from the Agency under section 17.

- (2) Each racing code must decide how much of any amount referred to in subsection (1) must be distributed among the racing clubs registered with it and the apportionment of that amount among those clubs.
- (3) The Agency may, on the direction of a racing code, pay to a racing club the whole or part of an amount payable by the Agency to the code under section 17, and any amount paid must be regarded as having been paid by the Agency to the code under section 17 and by the code to the club in accordance with subsections (1) and (2).

Section 25 heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 25(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 25(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

26 No pecuniary interest in club property

A member of a racing club must not have any pecuniary interest, in his or her capacity as a member, in the property of the club.

Compare: 1971 No 155 s 34(1)

27 Dissolution of club

- (1) On the dissolution of a racing club, the assets of the club remaining after all legal claims on the club have been satisfied must be disposed of for racing, public, charitable, or other purposes in the manner that the club, with the approval of the racing code with which it is registered, determines.
- (2) The purposes for which the assets must be disposed of must be published by the racing code by notice in the *Gazette*.
- (3) If there is a dispute over the disposition of assets involving a racing club that is an incorporated society or a charitable trust, the dispute must be determined in accordance with section 27 of the Incorporated Societies Act 1908 or section 27 of the Charitable Trusts Act 1957, as the case may be.
- (4) For the purposes of subsection (3), a racing club that is neither an incorporated society nor a charitable trust must be treated as if it were an incorporated society.
- (5) If 2 or more racing clubs propose to combine to form 1 club, the assets of any club that proposes to dissolve as a result of that combination may, with the approval of the racing code with which it is registered, be transferred (whether before or after dissolution) to the club with which it proposes to combine.

Compare: 1971 No 155 s 34

*Financial statements***28 Financial statements must be sent to Agency**

- (1) As soon as practicable after the end of a racing year, every racing code and racing club must send to the Agency a copy of its audited financial statements for that year.
- (2) All financial statements sent to the Agency under subsection (1) must be in a form, and based on accounting principles, determined by the Agency by written notice to the racing codes.

Compare: 1971 No 155 s 46

Section 28 heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 28(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 28(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Part 4**Racing rules and judicial system****29 Racing rules**

- (1) Every racing code must make, and maintain in force, rules regulating the conduct of racing by that code.
- (2) Without limiting subsection (1), any racing rules of a racing code may provide for—
 - (a) the appointment, functions, and duties of stipendiary stewards and race-course inspectors; and
 - (b) the licensing of trainers, jockeys, drivers, and apprentices, and related matters; and
 - (c) the registration of horses, greyhounds, owners, partnerships, syndicates, and colours; and
 - (d) the conduct and control of race meetings, including safety requirements; and
 - (e) prize money and other stakes, programmes, entries, withdrawals, weights, penalties, handicapping, allowances, weighing, starting, and running; and
 - (f) punishments for breaches of the rules; and
 - (g) determinations and appeals; and
 - (h) disqualifications and suspensions; and
 - (i) any other matters relating to the conduct of races and racing that the racing code thinks fit.

- (3) As soon as practicable after the date of commencement of this Act, each racing code must send to the Agency a copy of its racing rules that were in force immediately before that date, and those rules must be regarded as having been made for the purposes of subsection (1).

Compare: 1971 No 155 ss 30(1), 31(1)

Section 29(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

30 Amendment of racing rules

- (1) A racing code must, before amending its racing rules, receive written approval from the Agency for the proposed amendment.
- (2) A racing code to which sections 37 to 41 and Schedule 3 apply must also consult with the Judicial Control Authority before amending its racing rules.
- (3) As soon as practicable after amending its racing rules, a racing code must send a copy of the amended rules to the Agency and, in the case of a racing code to which sections 37 to 41 and Schedule 3 apply, to the Judicial Control Authority.

Compare: 1971 No 155 ss 30(2), 31(2)

Section 30(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 30(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

31 Racing rules must not conflict with any Act or general law

- (1) Any provision of any racing rules that is in conflict with any provision of this Act, any other Act, or the general law of New Zealand is invalid.
- (2) Despite subsection (1), any racing rules may provide for the appointment of inspectors, in addition to those appointed under section 47.

Compare: 1971 No 155 ss 30(2), 31(3)

32 Review and availability of racing rules

- (1) As soon as practicable after making or altering any rules under section 29 or section 34, each racing code must send a copy of the rules or the amended rules to the Minister.
- (2) Rules made under section 29 or 34 are a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.
- (3) Rules made under section 29 must be notified in the *Gazette*, and come into force on the date specified for the purpose in the rules (which must not be earlier than the date of their notification) or, if no date is specified, on the date of notification.
- (4) Each racing code must make copies of its racing rules available—
- (a) for inspection free of charge at each of its offices; and

(b) for purchase by any person at a reasonable price.

Section 32(2): replaced, on 5 August 2013, by section 77(3) of the Legislation Act 2012 (2012 No 119).

33 Compliance with racing rules

Every racing club must, when holding a race or race meeting, comply with the relevant racing rules.

34 Rules controlling or prohibiting admission to racecourses

- (1) This section applies to any racecourse on the day during which racing is being held on that racecourse, whether or not it is, or forms part of, a reserve or other place for which there exists a right of public use or entry.
- (2) Subject to any enactment and the general law of New Zealand, racing rules may include separate rules controlling or prohibiting the admission of persons to any racecourse used by racing clubs registered with the racing code that made the rules.
- (3) Rules made under this section do not come into force until they have been approved by the Minister and published in the *Gazette*.
- (4) The rules may exclude any specified class or classes of person from entering a racecourse, either absolutely or subject to any special conditions, that may be set out in the rules.
- (5) However, subsection (4) applies only to the extent that it is reasonably necessary for the purpose of maintaining public confidence in—
 - (a) the conduct of horse racing; and
 - (b) the integrity of racing betting.

Section 34(5)(b): amended, on 17 May 2005, by section 4 of the Racing Amendment Act 2005 (2005 No 66).

35 Consequences of breaching rule made under section 34

- (1) Every person who commits a breach of any rule made under section 34 may be removed from the racecourse by any member, officer, agent, or employee of the racing club or of the racing code with which the racing club is registered, or by any constable.
- (2) Every person who commits a breach of any rule made under section 34 also commits an offence.
- (3) Every person who commits an offence under subsection (2) is liable on conviction to a fine not exceeding \$1,000.

Compare: 1971 No 155 s 101

Section 35(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 35(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Racing judicial system

36 Application of sections 37 to 41 and Schedule 3

Sections 37 to 41 and Schedule 3 apply to—

- (a) New Zealand Thoroughbred Racing Incorporated and Harness Racing New Zealand Incorporated, and the racing governed by those codes, on and from the date of commencement of this Act:
- (b) the New Zealand Greyhound Racing Association (Incorporated), and the racing governed by that code, on and from a date specified for the purposes of this paragraph by the Governor-General by Order in Council.

37 Judicial Control Authority

- (1) The Judicial Control Authority established under the Racing Act 1971 is continued.
- (2) The functions of the Authority are as follows:
 - (a) to initiate, develop, and recommend to the Agency and the recognised industry organisations those measures that will, in its opinion, be conducive to the efficient judicial control of racing in New Zealand:
 - (b) to select and appoint, by any procedures and inquiries that it thinks fit, panels of suitable persons established under clauses 15 and 18 of Schedule 3 from which members of a judicial committee or members of an appeals tribunal may be appointed:
 - (c) to appoint the members of judicial committees under section 39:
 - (d) to appoint the members of appeals tribunals under section 40:
 - (e) to recommend to a racing code to which this section applies any changes to the racing rules of the code that it considers desirable in relation to matters of a judicial nature:
 - (f) to exercise and perform other functions, powers, and duties that are conferred or imposed on the Authority by or under this Act or any other enactment or by any racing rules.
- (3) The Authority has and may exercise all the powers that may be reasonably necessary for the purposes of subsection (2).

Compare: 1971 No 155 ss 99U, 99V, 99ZB, 99ZF

Section 37(2)(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

38 Membership of Judicial Control Authority

- (1) The Authority consists of the following members:
 - (a) a chairperson, being a person who is or has been a barrister and solicitor of the High Court of not less than 7 years' practice, appointed by the

unanimous vote of the chairpersons of the racing codes to which this section applies and the Agency; and

- (b) for each racing code to which this section applies, 2 members appointed jointly by the chairperson of the Authority and the chairperson of the code.
- (2) If the chairpersons referred to in subsection (1)(b) fail to agree upon the appointment of a member of the Authority, the chairperson of the Agency must make the appointment.
- (3) A person must not hold office as a member of the Authority under subsection (1) if he or she is a member of the governing body of a racing code or a member of the Agency.
- (4) In appointing any person under subsection (1), the appointers must have regard to the person's knowledge, experience, and expertise relevant to the functions and powers of the Authority.

Compare: 1971 No 155 s 99W

Section 38(1)(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 38(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 38(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

39 Judicial committees

- (1) The Authority must appoint, in accordance with clauses 15 and 16 of Schedule 3, members of judicial committees to exercise and carry out the powers and functions of those committees, whether in relation to matters that arise on a particular day of racing or in relation to other matters.
- (2) The functions of every judicial committee are—
 - (a) to hear, adjudicate on, and determine any matter that is brought before it in accordance with the racing rules of a code to which this section applies; and
 - (b) to exercise and perform the powers, duties, and functions, including the power to impose penalties and award costs, that are conferred or imposed on judicial committees by or under the racing rules of a code to which this section applies.

Compare: 1971 No 155 ss 99ZC, 99ZI(1)

40 Appeals tribunals

- (1) The Authority must appoint, in accordance with clauses 18 and 19 of Schedule 3, members of appeals tribunals to exercise the functions and powers of those tribunals for any appeal.

- (2) The function of every appeals tribunal is to hear and adjudicate on any appeal made to it under clause 20 of Schedule 3.

Compare: 1971 No 155 ss 99ZE, 99ZI(2)

41 Further provisions in schedule

Schedule 3 applies to the Judicial Control Authority, judicial committees, and appeals tribunals.

Part 5 Racing calendar and licences

Racing calendar

42 Agency committee to determine and allocate racing dates

- (1) The Agency must establish and maintain a committee (the **dates committee**).
- (2) The dates committee must, before the end of each racing year, determine—
- (a) all of the dates in the subsequent racing year on which betting races will occur; and
 - (b) the allocation of those dates among racing clubs; and
 - (c) any conditions of allocation.
- (3) Before carrying out its functions under subsection (2), the dates committee must consult with each of the recognised industry organisations on the proposed dates, allocation, and conditions.

Compare: 1971 No 155 s 37

Section 42 heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 42(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

43 Change of racing dates and allocation

- (1) The dates committee may, at any time before or during a racing year, add to, alter, or revoke a date, allocation, or condition determined under section 42.
- (2) Before making a change under subsection (1), the dates committee must consult with each of the racing codes and clubs affected by the change.

Compare: 1971 No 155 s 37A

44 No racing on certain days

A betting licence must not be issued for races on Easter Sunday, Christmas Day, Good Friday, or before 1 pm on Anzac Day.

Compare: 1971 No 155 s 35

*Betting licences***45 Issue of betting licences**

- (1) As soon as practicable after the dates committee has determined the dates, allocation, and conditions for a racing year under section 42, the Agency must issue betting licences to the racing clubs to whom dates have been allocated.
- (2) Each betting licence must state—
 - (a) the name of the racing club; and
 - (b) the name of the racecourse at which the betting races are to take place; and
 - (c) the date on which the betting races may be held; and
 - (d) any other terms and conditions that the Agency considers appropriate.
- (3) Two or more betting licences to be issued to the same racing club may be combined in 1 document.

Compare: 1971 No 155 s 37B

Section 45(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 45(2)(d): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

46 Alteration or revocation of betting licence

- (1) If the dates committee adds to, alters, or revokes a date, allocation, or condition under section 43, the Agency must add to, alter, or revoke accordingly any betting licence that has been issued for that date, allocation, or condition.
- (2) The Agency must give written notice of an addition, alteration, or revocation of a betting licence under this section to each racing code and club affected by the change.

Compare: 1971 No 155 s 37B

Section 46(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 46(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

*Inspectors***47 Chief executive may appoint inspectors**

- (1) The chief executive may appoint, on the terms and conditions that he or she thinks fit, persons (referred to as **government inspectors** in subsection (2) and sections 48 and 49) to inspect racecourses and premises of the Agency for the purpose of ascertaining whether betting licences and betting rules are being complied with.

- (2) The production by a government inspector of a written authority purporting to have been issued under this section is, in the absence of proof to the contrary, sufficient evidence that it has been issued.

Compare: 1971 No 155 ss 58, 59

Section 47(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

48 Powers of inspector

- (1) Every government inspector has the right to enter, at all reasonable times and without charge, any racecourse or premises of the Agency.
- (2) A government inspector may,—
- (a) demand from any officer or employee of a racing club or the Agency, any information that he or she considers necessary for the purposes of an inspection:
 - (b) at any reasonable time, examine any books, accounts, records, or other documents, or any machine or equipment, used for the purposes of racing betting or sports betting.
- (3) An officer or employee of a racing club or the Agency who is required under subsection (2)(a) to provide information must provide that information within 28 days.
- (4) Every government inspector exercising any power under this section must produce his or her authority to act as a government inspector immediately upon request by any person to do so.
- (5) Nothing in this section limits or affects the privilege against self-incrimination.

Compare: 1971 No 155 s 60

Section 48(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 48(2)(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 48(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

49 Obstructing inspector

- (1) Every person commits an offence who—
- (a) wilfully hinders or attempts to hinder a government inspector entering, in the execution of his or her duty, any racecourse or premises of the Agency; or
 - (b) wilfully refuses, except on the grounds of self-incrimination, to comply with the requirement to provide information that a government inspector has lawfully demanded from him or her under section 48(2)(a); or
 - (c) otherwise wilfully hinders or attempts to hinder a government inspector in the execution of any power or duty.

- (2) Every person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding \$1,000.

Compare: 1971 No 155 s 61

Section 49(1)(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 49(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 6

Betting

50 Agency may conduct betting

The Agency may conduct, either by itself or by means of racing clubs or other agents appointed by the Agency for this purpose,—

- (a) racing betting in accordance with rules made under section 52; and
- (b) sports betting in accordance with rules made under section 54; and
- (c) combinations of the betting referred to in paragraphs (a) and (b).

Compare: 1971 No 155 ss 99B, 99K

Section 50 heading: amended, on 1 July 2019, by section 15(1) of the Racing Reform Act 2019 (2019 No 32).

Section 50: amended, on 1 July 2019, by section 15(2) of the Racing Reform Act 2019 (2019 No 32).

Section 50(b): amended, on 1 July 2019, by section 15(3) of the Racing Reform Act 2019 (2019 No 32).

51 Racing clubs may conduct equalisator betting

- (1) A racing club that has a betting licence may conduct equalisator betting on races held by it on the date to which the licence relates and on the terms and conditions set out in the licence.
- (2) A racing club may deduct from the bets made by way of equalisator betting, after first making any refunds of bets, an amount not exceeding 15% as commission for the club.
- (3) Except as provided in rules made under section 52 stating the denomination to which dividends are to be rounded and paid out, a racing club must declare and pay out as dividends all money received by way of equalisator betting, after deducting all refunds of bets and the commission authorised by subsection (2).
- (4) Every racing club, or member, officer, agent, or employee of a racing club commits an offence who knowingly makes, authorises, or permits any payment from money received by way of equalisator betting except in accordance with subsections (2) or (3).
- (5) Every person who commits an offence against subsection (4) is liable on conviction,—
 - (a) in the case of a racing club, to a fine not exceeding \$3,000:

- (b) in the case of a member, officer, agent, or employee of a racing club, to a fine not exceeding \$1,500.

Compare: 1971 No 155 ss 48, 52, 53

Section 51(3): amended, on 1 November 2006, by section 4 of the Racing Amendment Act 2006 (2006 No 52).

Section 51(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Racing betting

52 Agency may make rules relating to racing betting

- (1) The Agency may, by notice in the *Gazette*, make, alter, and revoke rules providing for the establishment of a system or systems of racing betting, and providing for any matter relating to the conduct and operation of racing betting by the Agency.
- (2) Without limiting subsection (1), rules made by the Agency under this section—
 - (a) may state the kinds of betting that may be undertaken; and
 - (b) may state the circumstances in which—
 - (i) a bet may be refunded, and when it may be retained by the Agency; or
 - (ii) any fixed-odds bets may be laid off on other betting systems by the Agency for the purpose of limiting the Agency's exposure on any particular race or races; or
 - (iii) the Agency may cancel any bet; and
 - (c) must state the amounts described in section 58(1).
- (3) Rules made by the Agency under this section must provide that, if there is racing betting on a race, the betting must close before the race starts.

Compare: 1971 No 155 ss 39, 41, 99A

Section 52 heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 52(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 52(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 52(2)(b)(i): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 52(2)(b)(ii): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 52(2)(b)(iii): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 52(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

53 Application of revenue from racing betting

- (1) The Agency must apply the amounts received by it for racing betting, including the net return from bets laid off under any rule in force under section 52(2)(b)(ii), for a racing year in payment of—
 - (a) refunds of bets and winning dividends for that year, including payments to dividend prize pools that will be carried forward and paid out as winning dividends at a future date; and
 - (b) goods and services tax; and
 - (c) totalisator duty as prescribed by the Gaming Duties Act 1971; and
 - (ca) the distribution of betting profits (if any) in accordance with section 17A; and
 - (d) all costs, charges, and expenses incurred by the Agency in the exercise and performance of its functions, duties, and powers under this Act for that year (less any costs, charges, and expenses incurred by it under section 57).
- (2) The surplus, if any, of the amounts received by it for racing betting that remains after making the payments referred to in subsection (1) must be applied by the Agency in accordance with sections 15 to 17.

Compare: 1971 No 155 ss 99E, 99O

Section 53(1): amended, on 1 July 2019, by section 16(1) of the Racing Reform Act 2019 (2019 No 32).

Section 53(1)(ca): inserted, on 1 July 2019, by section 16(2) of the Racing Reform Act 2019 (2019 No 32).

Section 53(1)(d): amended, on 1 July 2019, by section 16(1) of the Racing Reform Act 2019 (2019 No 32).

Section 53(2): amended, on 1 July 2019, by section 16(3) of the Racing Reform Act 2019 (2019 No 32).

*Sports betting***54 Agency may make rules relating to sports betting**

- (1) The Agency may, by notice in the *Gazette*, make, alter, and revoke rules providing for the establishment of a system or systems of sports betting, and providing for any matter relating to the conduct and operation of sports betting by the Agency.
- (2) Without limiting subsection (1), rules made under this section—
 - (a) may state the kinds of betting that may be undertaken; and
 - (b) may state the circumstances in which—
 - (i) a bet may be refunded, and when it may be retained by the Agency; or

- (ii) any fixed-odds bets may be laid off on other betting systems by the Agency for the purpose of limiting the Agency's exposure on any particular event or events; or
 - (iii) the Agency may cancel any bet; and
 - (ba) may declare sporting events to be, or not to be, New Zealand sporting events for the purposes of Part 6AA; and
 - (c) must state the amounts described in section 58(2).
- (3) The Agency must consult Sport and Recreation New Zealand before exercising its powers under this section to make rules declaring sporting events to be, or not to be, New Zealand sporting events for the purposes of Part 6AA, or to make rules amending or revoking those rules.
- (4) The Agency must publish the notice making, altering, or revoking the rules referred to in subsection (3) on an Internet site maintained by or on behalf of the Agency.

Compare: 1971 No 155 s 99J

Section 54 heading: amended, on 1 July 2019, by section 17(1) of the Racing Reform Act 2019 (2019 No 32).

Section 54(1): amended, on 1 July 2019, by section 17(2) of the Racing Reform Act 2019 (2019 No 32).

Section 54(2)(b)(i): amended, on 1 July 2019, by section 17(2) of the Racing Reform Act 2019 (2019 No 32).

Section 54(2)(b)(ii): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 54(2)(b)(ii): amended, on 1 July 2019, by section 17(2) of the Racing Reform Act 2019 (2019 No 32).

Section 54(2)(b)(iii): amended, on 1 July 2019, by section 17(2) of the Racing Reform Act 2019 (2019 No 32).

Section 54(2)(ba): inserted, on 1 July 2019, by section 17(3) of the Racing Reform Act 2019 (2019 No 32).

Section 54(3): inserted, on 1 July 2019, by section 17(4) of the Racing Reform Act 2019 (2019 No 32).

Section 54(4): inserted, on 1 July 2019, by section 17(4) of the Racing Reform Act 2019 (2019 No 32).

55 Agreements with national sporting organisations

- (1) The Agency may not conduct sports betting on any sporting event or events without the written agreement of the appropriate New Zealand national sporting organisation.
- (2) Every agreement entered into under subsection (1) must be on the terms and conditions that are agreed between the Agency and the New Zealand national sporting organisation concerned, including payment to the sporting organisation, under section 57(1)(d), of revenue derived from sports betting on the event or events to which the agreement relates.

(3) *[Repealed]*

Compare: 1971 No 155 s 99L

Section 55(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 55(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 55(3): repealed, on 1 July 2019, by section 18 of the Racing Reform Act 2019 (2019 No 32).

55A Agreements with Sport and Recreation New Zealand

- (1) This section applies if, in relation to a sport involving human competitors participating in lawful organised games, competitions, or other events held in or outside New Zealand, there is no appropriate New Zealand national sporting organisation—
- (a) that administers the sport in New Zealand; or
 - (b) under whose auspices or control the events held in New Zealand are conducted (or, in the case of events held outside New Zealand, would be conducted if they were held in New Zealand).
- (2) Despite section 55(1), the Agency may conduct sports betting on any event held in relation to the sport concerned if it has entered into a sports betting agreement with Sport and Recreation New Zealand that complies with subsection (3).
- (3) A sports betting agreement must be on the terms and conditions agreed between the parties, including (without limitation) as to payment to Sport and Recreation New Zealand, under section 57(1)(da), of revenue from sports betting on the event or events to which the agreement relates.

Section 55A: inserted, on 1 July 2019, by section 19 of the Racing Reform Act 2019 (2019 No 32).

56 Use of facilities

- (1) For the purposes of operating a sports betting system, the Agency may—
- (a) use any offices or agencies established, or equipment used, for the operation of racing betting; and
 - (b) establish any new offices or agencies or outlets that it thinks fit.
- (2) Subsection (1) does not limit section 7(2).

Compare: 1971 No 155 s 99M

Section 56(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

57 Application of revenue from sports betting

- (1) The Agency must apply the amounts received by it for sports betting, including the net return from bets laid off under section 54(2)(b)(ii), for a racing year in payment of—

- (a) refunds of bets and winning dividends for that year, including payments to dividend prize pools that will be carried forward and paid out as winning dividends at a future date; and
 - (b) goods and services tax; and
 - (c) totalisator duty as prescribed by the Gaming Duties Act 1971; and
 - (d) the distribution of betting profits (if any) in accordance with section 17A; and
 - (da) the amounts (not less than the minimum amounts prescribed by, or calculated in accordance with, the method prescribed in regulations under section 68A) payable to New Zealand national sporting organisations and Sport and Recreation New Zealand under agreements entered into under sections 55 and 55A; and
 - (e) all costs, charges, and expenses incurred by the Agency in the exercise and performance of its functions, duties, and powers during that year in relation to sports betting.
- (2) The surplus, if any, of the amounts received by it for sports betting that remains after making the payments referred to in subsection (1) must be applied by the Agency in accordance with sections 15 to 17.

Compare: 1971 No 155 ss 99N, 99O

Section 57(1): amended, on 1 July 2019, by section 20(1) of the Racing Reform Act 2019 (2019 No 32).

Section 57(1)(d): replaced, on 1 July 2019, by section 20(2) of the Racing Reform Act 2019 (2019 No 32).

Section 57(1)(da): inserted, on 1 July 2019, by section 20(2) of the Racing Reform Act 2019 (2019 No 32).

Section 57(1)(e): amended, on 1 July 2019, by section 20(1) of the Racing Reform Act 2019 (2019 No 32).

Section 57(2): amended, on 1 July 2019, by section 20(3) of the Racing Reform Act 2019 (2019 No 32).

Miscellaneous

58 Deductions for totalisator betting

- (1) For the purposes of determining winning dividends for totalisator racing betting, rules made under section 52 must state, by way of a percentage of the amount bet, the total of the amounts referred to in section 53 for each form of betting.
- (2) For the purposes of determining winning dividends for totalisator sports betting, rules made under section 54 must state, by way of a percentage of the amount bet, the total of the amounts referred to in section 57 for each form of betting.
- (3) Before the Agency determines for the first time or increases any of the percentages required to be stated in the rules by subsection (1), the Agency must give

reasonable notice of the proposed percentages to every recognised industry organisation.

- (4) Before the Agency determines for the first time or increases any of the percentages required to be stated in the rules by subsection (2), the Agency must give reasonable notice of the proposed percentages to every recognised industry organisation and the relevant New Zealand national sporting organisations.
- (5) If the Agency decides to decrease any of the percentages required to be stated in the rules by subsections (1) and (2), it is not necessary for the Agency to amend any rule to reflect the decrease if the decrease is—
 - (a) only temporary; and
 - (b) for the purpose of a particular promotion.

Section 58(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 58(4): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 58(5): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

59 Review and availability of betting rules

- (1) As soon as practicable after making or altering any rules under section 52 or section 54, the Agency must send a copy of the rules or amended rules to the Minister.
- (2) Rules made under section 52 or 54 are a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.
- (3) Rules made under section 52 or section 54 must be notified in the *Gazette*, and come into force on the date specified for the purpose in the rules (which must not be earlier than the date of their notification) or, if no date is specified, on the date of notification.
- (4) The Agency must make copies of any rules made under section 52 or section 54 available—
 - (a) for inspection free of charge at each of its offices; and
 - (b) for purchase by any person at a reasonable price.

Section 59(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 59(2): replaced, on 5 August 2013, by section 77(3) of the Legislation Act 2012 (2012 No 119).

Section 59(4): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

60 Amounts of dividends

- (1) Except in any circumstances that the Agency may specify by notice in the *Gazette*, the Agency must not pay out by way of dividend an amount less than the amount invested for any bet on which a dividend is payable.
- (2) Rules made under sections 52 and 54 must state the denomination to which dividends will be rounded and paid out by the Agency or, in the case of equalisator betting, a racing club.
- (3) All amounts not payable as part of a dividend because of rounding in accordance with rules made under sections 52 and 54 may be retained by the Agency, or the racing club conducting equalisator betting, and must be regarded for all purposes as part of the Agency's or the racing club's funds.

Compare: 1971 No 155 ss 44A, 45, 54

Section 60(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 60(2): substituted, on 1 November 2006, by section 5(1) of the Racing Amendment Act 2006 (2006 No 52).

Section 60(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 60(3): substituted, on 1 November 2006, by section 5(2) of the Racing Amendment Act 2006 (2006 No 52).

Section 60(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

61 Use of betting systems for gaming purposes, etc

- (1) The Agency may operate a totalisator, or any other betting system for the time being authorised under this Act, for the purpose of, or in conjunction with, class 3 gambling conducted by a society that holds a licence under section 37 of the Gambling Act 2003.
- (2) The operation of a totalisator or other betting system under subsection (1) is subject to the provisions of the Gambling Act 2003, and to all the game rules and conditions of the licence that apply to the class 3 gambling for which the operation is being carried out.
- (3) Despite the Gambling Act 2003, the Agency may pay its employees for operating, or assisting in the operation of, a totalisator or other betting system, but the payment (or any part of it) may not be charged to, or be recoverable from, the society on whose behalf the operation is carried out.

Compare: 1971 No 155 ss 99S, 99T

Section 61: substituted, on 1 July 2004, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 61(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 61(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

62 Amalgamation with overseas betting systems

The Agency is authorised to amalgamate the amount available for an event or events for which racing or sports betting is authorised under this Act with amounts available from overseas betting systems to form a combined dividend pool.

Compare: 1971 No 155 s 102A

Section 62: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

63 Restrictions on betting

- (1) Every person commits an offence who,—
 - (a) being under 18 years, makes a bet, whether on his or her own behalf or on behalf of another person; or
 - (b) makes a bet on behalf of any person under 18 years.
- (2) Every member, officer, agent or employee of a racing club, or of the Agency, or of an agent of the Agency, commits an offence who—
 - (a) receives, registers, or takes into account a bet by a person under 18 years, whether the bet is made by that person on his or her own behalf or on behalf of any other person; or
 - (b) permits to be received, registered, or taken into account a bet by a person under 18 years, whether the bet is made by that person on his or her own behalf or on behalf of any other person; or
 - (c) offers or provides credit to any person if he or she knows, or ought to know, that the credit is intended to be used to make a bet.
- (3) It is a defence to a charge under subsection (2)(a) or (b) if the defendant proves that he or she had reasonable grounds to believe the person to whom the charge relates was 18 years or over.
- (4) Without limiting subsection (3), reasonable grounds exist for the purposes of that subsection if the defendant proves that he or she had sighted an evidence of age document of the person to whom the charge relates, indicating that the person was 18 years or over.
- (5) Every person who commits an offence against this section is liable on conviction to,—
 - (a) in the case of an offence against subsection (1)(a), a fine not exceeding \$500;
 - (b) in the case of an offence against subsection (1)(b), a fine not exceeding \$1,000;
 - (c) in the case of an offence against subsection (2)(a) or (b), a fine not exceeding \$5,000;
 - (d) in the case of an offence against subsection (2)(c), a fine not exceeding \$10,000.

- (6) In this section and section 63A,—

approved evidence of age document has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012

bet means a bet made with the Agency (whether directly or through a racing club or other agent) or a racing club conducting equalisator betting.

Compare: 1971 No 155 s 100(1)–(3), (7)

Section 63: replaced, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 63(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 63(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 63(6) **approved evidence of age document**: inserted, on 18 December 2013, by section 417(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

Section 63(6) **bet**: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 63(6) **evidence of age document**: repealed, on 18 December 2013, by section 417(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

63A Power to require particulars

- (1) If any constable, or any member, officer, agent or employee of a racing club, or of the Agency, or of an agent of the Agency (as the case may be) has reasonable grounds to believe that a person has committed, is committing, or is attempting to commit an offence under section 63(1)(a), he or she may demand from that person an evidence of age document verifying his or her age.
- (2) Every person commits an offence who, being required under subsection (1) to give information regarding his or her age, fails to give that information, or supplies any false information relating to his or her age.
- (3) Every person who commits an offence against subsection (2) is liable on conviction to a fine not exceeding \$500.

Compare: 1971 No 155 s 100(4), (5)

Section 63A: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 63A(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 63A(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 63A(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

64 Betting contracts enforceable

Betting contracts authorised by or under this Act are enforceable at law.

65 Bets may be refused

The Agency or any racing club may refuse to accept all or any part of a bet without giving any reason for doing so.

Section 65: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Part 6AA
Offshore betting charges

Part 6AA: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AA Purpose and overview of this Part

- (1) The purpose of this Part is to provide a framework under which offshore betting operators must pay charges in New Zealand in respect of their betting operations involving this country. These charges are to recognise the financial returns that offshore betting operators enjoy from bets that they take on racing and sporting events held in New Zealand and from bets that they take from people located in New Zealand.
- (2) To that end, this Part—
 - (a) establishes a scheme for betting information use charges that requires offshore betting operators to—
 - (i) obtain permission from the designated authority in New Zealand before using New Zealand racing and sporting information for taking bets on racing events and sporting events taking place in New Zealand; and
 - (ii) enter into an agreement with that authority setting out the terms and conditions on which the authority's permission is granted, including the offshore betting operator's agreement to pay charges for using that information in the operator's betting operations:
 - (b) establishes a scheme for consumption charges that requires offshore betting operators to pay charges in respect of bets that they take on racing events and sporting events from persons located in New Zealand, whether those events are held in or outside New Zealand:
 - (c) provides for the designated authority (or its delegate) to implement each scheme, including collecting the charges and applying the money received from the charges to purposes relating to racing and sport in New Zealand.
- (3) Subsection (2) is only a guide to the general scheme and effect of this Part.

Section 65AA: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AB Territorial scope

This Part and any regulations made under it apply to an offshore betting operator regardless of where that offshore betting operator is resident or incorporated.

Section 65AB: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AC Interpretation

In this Part, unless the context otherwise requires,—

betting information use agreement means an agreement referred to in section 65AF(1)(b)

betting information use charges means the charges payable under a betting information use agreement as required by section 65AG(1)(a)

consumption charges means the charges payable under section 65AJ

Department means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

designated authority means the Department or, if the Department has delegated its functions or powers to another entity under section 65AE, then, in relation to those functions or powers, that delegate

New Zealand racing and sporting information means information relating to any New Zealand racing event or New Zealand sporting event on which betting may occur

New Zealand racing event means a betting race held in New Zealand

New Zealand sporting event means a sporting event—

- (a) held in New Zealand; and
- (b) declared by rules made under section 54(2)(ba) to be a New Zealand sporting event for the purposes of this Part; and
- (c) to which one of the following applies:
 - (i) the event is held under the auspices or control of a New Zealand national sporting organisation;
 - (ii) there is a sports betting agreement entered into under section 55A between the Agency and Sport and Recreation New Zealand in respect of the sport concerned

offshore betting charges or **charges** means betting information use charges or consumption charges

offshore betting operator means an organisation that is located outside New Zealand and that—

- (a) takes bets on New Zealand racing events or New Zealand sporting events (whether from persons located in or outside New Zealand); or

- (b) takes bets on racing and sporting events from persons located in New Zealand (whether the events are held in or outside New Zealand)

scheme for betting information use charges means the scheme described in section 65AA(2)(a)

scheme for consumption charges means the scheme referred to in section 65AA(2)(b).

Section 65AC: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

Designated authority

Heading: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AD Designated authority for each scheme

- (1) The Department is the designated authority for the scheme for betting information use charges and the scheme for consumption charges.
- (2) The function of the designated authority for each scheme is to implement the scheme, including enforcing payment of the offshore betting charges and distributing the money collected from the charges, in accordance with this Part.
- (3) The designated authority has the powers specified in, or prescribed under, this Part.

Section 65AD: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AE Delegation

- (1) The Department may delegate in writing any of its functions or powers as the designated authority to another entity.
- (2) The Department's power to delegate under this section may be exercised in respect of the scheme for betting information use charges or the scheme for consumption charges, or both or any part of those schemes.
- (3) The entities to which the Department may delegate its functions and powers include (without limitation) the Agency, 1 or more racing codes, a Crown entity as defined in section 7 of the Crown Entities Act 2004, or another department.
- (4) The Department must, when deciding whether to exercise its power of delegation under this section in favour of another entity, take into account whether the entity has the knowledge of offshore betting operators, and existing relationships with those operators, that is necessary to perform the functions and exercise the powers that the Department proposes to delegate.
- (5) A delegation under this section must not include—
 - (a) the power to delegate under this section:
 - (b) the power to review a decision to issue a penalty notice under section 65AS(4)(b).

Section 65AE: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

Betting information use charges

Heading: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32)

65AF Requirements on offshore betting operators before using New Zealand racing and sporting information

- (1) Every offshore betting operator must, before using New Zealand racing and sporting information in the conduct of the operator's betting operations,—
 - (a) obtain permission from the designated authority; and
 - (b) enter into a betting information use agreement that complies with section 65AG.
- (2) The designated authority must not unreasonably withhold permission under subsection (1) for an offshore betting operator to use New Zealand racing and sporting information.
- (3) Subsection (1) does not apply to an offshore betting operator if, and to the extent that, it is exempted from complying with those requirements under section 65AQ.

Section 65AF: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AG Terms and conditions of betting information use agreement

- (1) The terms and conditions of a betting information use agreement must—
 - (a) require the offshore betting operator to pay betting information use charges to the designated authority for the operator's use of New Zealand racing and sporting information; and
 - (b) require the offshore betting operator to provide prescribed information, in the prescribed manner, to the designated authority for the purpose of enabling the authority to monitor the amounts due as betting information use charges; and
 - (c) provide that the betting information use charges payable under the agreement are recoverable as a debt due to the designated authority under the agreement; and
 - (d) provide that the law applicable to the agreement is New Zealand law; and
 - (e) provide for a dispute resolution process that the parties agree to submit to if they have a dispute relating to the agreement; and
 - (f) provide that the courts of New Zealand are the courts with jurisdiction to hear and determine any proceedings relating to the agreement if the parties are unable to resolve a dispute through the dispute resolution process; and
 - (g) provide that the offshore betting operator submits to the jurisdiction of the courts of New Zealand for the purposes of any proceedings referred to in paragraph (f); and

- (h) provide for any additional matters that may be prescribed.
- (2) In addition, the terms and conditions of a betting information use agreement may—
 - (a) require the offshore betting operator to comply with any applicable integrity policy developed by the designated authority; and
 - (b) require the offshore betting operator to enter into an information sharing protocol with the designated authority.

Section 65AG: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AH Minister must set rates of betting information use charges

- (1) The Minister must set the rates of the betting information use charges that offshore betting operators must pay—
 - (a) in accordance with section 65AM; and
 - (b) in the prescribed manner.
- (2) The Minister may set the rates by way of specified figures or methods of calculation.

Section 65AH: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AI Power to enforce betting information use agreement

The designated authority may issue and conduct proceedings for—

- (a) determining any dispute relating to a betting information use agreement in accordance with the terms of agreement referred to in section 65AG(1)(f);
- (b) enforcing any provisions of a betting information use agreement that do not fall within the power of the designated authority to issue proceedings under section 65AU (which provides powers for the designated authority to recover outstanding charges and penalties).

Section 65AI: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

Consumption charges

Heading: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AJ Requirement to pay consumption charges

Every offshore betting operator must pay consumption charges to the designated authority in respect of bets that it takes on racing and sporting events, held in or outside New Zealand, from persons with a registered address in New Zealand.

Section 65AJ: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AK Minister must set rates of consumption charges

- (1) The Minister must set the rates of the consumption charges that offshore betting operators must pay—

- (a) in accordance with section 65AM ; and
 - (b) in the prescribed manner.
- (2) The Minister may set the rates by way of specified figures or methods of calculation.

Section 65AK: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AL Information to be provided relating to consumption charges

- (1) An offshore betting operator who is required to pay consumption charges must provide the prescribed information to the designated authority for the purpose of enabling the authority to monitor the amounts due as consumption charges.
- (2) The information must be provided in the prescribed manner.

Section 65AL: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

General provisions relating to charges

Heading: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AM Further provisions relating to setting rates of charges

- (1) Before setting rates of betting information use charges under section 65AH or rates of consumption charges under section 65AK, the Minister must take into account—
 - (a) the proposed rates of charges jointly prepared by the Agency and the racing codes after consultation with Sport and Recreation New Zealand and relevant New Zealand national sporting organisations; and
 - (b) the Agency's revenue from racing betting and sports betting in the previous racing year; and
 - (c) the total amount of distributions made by the Agency to the racing codes under section 17 and sports betting revenue paid by the Agency to New Zealand national sporting organisations under section 57 in that period; and
 - (d) the amount of taxation or duties paid by the Agency and offshore betting operators in New Zealand in that period.
- (2) After setting rates of betting information use charges or consumption charges, the Minister must publish a statement of reasons on an Internet site maintained by or on behalf of the designated authority that explains how the rates were set and why the rates are considered to be fair and reasonable.

Section 65AM: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AN Review of rates

- (1) The Minister—
 - (a) must, at least once every 5 years, review the rates of betting information use charges set under section 65AH and consumption charges set under section 65AK; and

- (b) may, if necessary, adjust those rates.
- (2) Any adjustment must be made in the prescribed manner.
- (3) Before adjusting any rate, the Minister must consult the Agency, offshore betting operators, the racing codes, and appropriate New Zealand national sporting organisations.

Section 65AN: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AO Certain offshore betting operators not liable for charges

- (1) An offshore betting operator is not liable to pay offshore betting charges in respect of a financial year if the operator's revenue from an activity specified in subsection (2) is less than the amount specified in section 51(1)(a) of the Goods and Services Tax Act 1985 to become a registered person under that Act.
- (2) The activities are—
 - (a) taking bets on New Zealand racing and New Zealand sporting events (whether from persons who have a registered address in New Zealand or are outside New Zealand); and
 - (b) taking bets on racing and sporting events from persons located in New Zealand (whether the events are held in or outside New Zealand).

Section 65AO: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AP Application of money received from offshore betting charges

- (1) The designated authority must apply the money received from offshore betting charges for the following purposes:
 - (a) paying the cost of administering the enforcement and collection of the betting information use charges, consumption charges, and penalties;
 - (b) promoting the long-term viability of New Zealand racing and sport;
 - (c) funding measures to prevent and minimise harm from gambling.
- (2) The designated authority must apply the money received from offshore betting charges to any 1 or more of the persons specified in, and in the amount specified in, regulations made under section 65AX.

Section 65AP: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

Exemptions

Heading: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AQ Minister may grant exemptions

- (1) The Minister may, by notice in writing, exempt an offshore betting operator or a class of offshore betting operators from the need to comply with any 1 or more of the following:

- (a) the requirement under section 65AF(1)(a) to obtain permission from the designated authority before using New Zealand racing and sporting information:
 - (b) the requirement under section 65AF(1)(b) to enter into a betting information use agreement before using New Zealand racing and sporting information:
 - (c) the requirement under a betting information use agreement to pay betting information use charges:
 - (d) the requirement under section 65AJ to pay consumption charges.
- (2) In deciding whether to grant an exemption, the Minister must—
 - (a) have regard to the purpose of this Act set out in section 3 and the purpose of this Part set out in section 65AA; and
 - (b) for an exemption under subsection (1)(b), be satisfied that—
 - (i) the designated authority (or, as applicable, the Agency, a racing code, appropriate New Zealand national sporting organisation, or Sport and Recreation New Zealand) and the offshore betting operator are parties to an agreement negotiated outside the framework provided for in this Part; and
 - (ii) under the terms of that agreement, the designated authority (or any other applicable body referred to in subparagraph (i)) receives from the offshore betting operator not less than the amount of income that the designated authority would receive from that offshore betting operator under this Part were the exemption not granted; and
 - (c) be satisfied that the exemption will not unduly negatively affect, or be detrimental to, the long-term viability of New Zealand racing and sport.
- (3) Before granting an exemption under this section, the Minister must—
 - (a) consult the Agency and take its advice into account; and
 - (b) consult any of the following affected by the exemption:
 - (i) the relevant racing code or codes:
 - (ii) Sport and Recreation New Zealand:
 - (iii) the appropriate New Zealand national sporting organisation or organisations.
- (4) The Minister may—
 - (a) grant the exemption on any terms and conditions the Minister thinks fit:
 - (b) amend or revoke the exemption:
 - (c) replace an exemption either before or when it expires.
- (5) An exemption granted under this section—

- (a) takes effect on and from the date on which it is notified in the *Gazette*; and
- (b) expires on the date specified in the notice.

Section 65AQ: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AR Status and publication of exemption notices

- (1) For the purposes of the Legislation Act 2012, an exemption granted under section 65AQ—
 - (a) is not a legislative instrument; but
 - (b) is a disallowable instrument and must be presented to the House of Representatives under section 41 of that Act.
- (2) As soon as practicable after it is granted, an exemption must be—
 - (a) published on an Internet site maintained by or on behalf of the Department; and
 - (b) notified in the *Gazette*.
- (3) The Minister's reasons for granting the exemption (including why the exemption is appropriate) must be published in accordance with subsection (2)(a) along with the exemption.
- (4) However, the Minister may, if satisfied that an exemption contains or refers to information that may reasonably be regarded as confidential or commercially sensitive, authorise the designated authority to redact that information from text of the exemption published in accordance with subsection (2)(a).

Section 65AR: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

Penalties

Heading: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AS Penalties

- (1) The designated authority may issue a penalty notice to an offshore betting operator if it is satisfied that the operator has—
 - (a) failed to pay an amount of a betting information use charge or a consumption charge on or before the date on which the charge was due and payable under the regulations; or
 - (b) provided false or misleading information to the designated authority for the purpose of calculating the amount of a charge that the operator is required to pay.
- (2) The penalty notice may require the offshore betting operator to—
 - (a) pay to the designated authority as a penalty, and in addition to the amount of outstanding charges, the amount referred to in subsection (3); and
 - (b) pay the penalty amount by the date specified in the notice.

- (3) The penalty amount stated in the notice must be the amount specified in, or the amount calculated in accordance with, regulations made under section 65AX.
- (4) An offshore betting operator who is issued with a penalty notice under this section—
 - (a) must pay the penalty;
 - (b) may request the designated authority to review the decision to issue the notice.
- (5) A penalty notice under this section must be in the prescribed form (if any) and issued in the prescribed manner.

Section 65AS: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AT Maximum amount of penalties

The amount payable as a penalty under regulations made under section 65AX, whether the regulations specify a fixed amount or a method of calculating the amount, must not exceed—

- (a) NZ\$20,000, for an offshore betting operator who is an individual;
- (b) NZ\$50,000, for an offshore betting operator that is a body corporate.

Section 65AT: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AU Recovery of outstanding charges and penalties

- (1) Outstanding offshore betting charges and penalties payable by an offshore betting operator constitute a debt due to the designated authority, and the designated authority may issue legal proceedings for recovery of the debt from the offshore betting operator.
- (2) The applicable law in respect of recovery of the debt is New Zealand law.
- (3) The courts of New Zealand are the courts with jurisdiction to hear and determine proceedings for recovery of the debt.

Section 65AU: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AV Obligation to pay penalty not suspended by review or legal proceedings

- (1) An offshore betting operator's obligation to pay, and the designated authority's right to receive and recover, a penalty imposed is not suspended by—
 - (a) a request for review under section 65AS(4)(b); or
 - (b) any legal proceedings relating to the penalty.
- (2) Subsection (3) applies if an offshore betting operator pays a penalty amount, and, on review or in legal proceedings, it is found that the betting operator was not liable for the penalty or any part of the penalty.
- (3) The designated authority must, as soon as practicable, refund to the offshore betting operator the amount of the penalty or part of the penalty for which the offshore betting operator was not liable.

Section 65AV: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AW Appeal to District Court

- (1) An offshore betting operator may appeal to the District Court against a decision of the designated authority to issue a penalty notice under section 65AS.
- (2) If an appeal is made under subsection (1), the District Court must determine whether the decision to issue the notice is appropriate.

Section 65AW: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

Regulations

Heading: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

65AX Regulations for offshore betting

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for all or any of the following purposes:
 - (a) prescribing the financial or other relevant information that an offshore betting operator must provide to the designated authority, the manner in which that information is to be provided (including how the information must be presented, calculated, or prepared), and when the information must be provided for the purposes of section 65AG(1)(b):
 - (b) providing for matters relating to integrity policy requirements that offshore betting operators must comply with under section 65AG(2)(a):
 - (c) providing for matters relating to an information sharing protocol that may be entered into between the designated authority and offshore betting operators under section 65AG(2)(b):
 - (d) prescribing the financial or other relevant information that an offshore betting operator must provide to the designated authority, the manner in which that information is to be provided (including how the information must be presented, calculated, or prepared), and when the information must be provided for the purposes of section 65AL:
 - (e) prescribing the manner in which rates and adjustments to rates must be set for the purposes of section 65AH or 65AK:
 - (f) specifying the persons to whom money received from offshore betting charges may be distributed under section 65AP and prescribing the method to be used for determining the amount of distribution of the charge or charges:
 - (g) specifying penalty amounts or the method by which penalty amounts must be calculated for the purposes of section 65AS(3):
 - (h) prescribing the form of penalty notices for the purposes of section 65AS(5) and the manner in which penalty notices must be issued:
 - (i) prescribing the manner in which any other thing must be done for the purposes of this Part:

- (j) prescribing fees or other charges payable in respect of any matter under this Part or the manner in which fees and charges may be calculated;
 - (k) providing for any other matters contemplated by this Part, necessary for its administration, or necessary for giving it full effect.
- (2) Regulations made under this section may provide differently for different classes of offshore betting operator.
- (3) Regulations made under this section are not invalid merely because they confer any discretion on, or allow any matter to be determined or approved by, any person.
- (4) Before making a recommendation under this section, the Minister must consult the Agency, each racing code, and the Minister for Sport and Recreation.

Section 65AX: inserted, on 1 July 2019, by section 21 of the Racing Reform Act 2019 (2019 No 32).

Part 6A

Territorial authority consent

Part 6A: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

65A When territorial authority consent is required

A territorial authority consent is required if the Agency proposes to establish a Agency venue.

Section 65A: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 65A: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

65B Application for territorial authority consent

- (1) An application for a territorial authority consent must be made to the territorial authority for the district in which the Agency venue will be located.
- (2) The application must be accompanied by the information required by the territorial authority to enable it to consider the application properly.

Section 65B: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 65B(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

65C Considering and determining application for territorial authority consent

- (1) A territorial authority must—
 - (a) consider an application for a territorial authority consent in accordance with its Agency venue policy; and
 - (b) either grant or refuse a consent.
- (2) The territorial authority must notify the Agency and the Secretary of its determination within 30 working days after the later of—

- (a) the date of receipt of the application; or
 - (b) the date that it adopts a Agency venue policy.
- (3) A territorial authority must not consider an application for territorial authority consent before it has a Agency venue policy.

Section 65C: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 65C(1)(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65C(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65C(2)(b): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65C(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

65D Territorial authority must adopt Agency venue policy

- (1) A territorial authority must, within 6 months after the commencement of this section, adopt a policy on Agency venues.
- (2) In adopting a policy, the territorial authority must have regard to the social impact of gambling within the territorial authority district.
- (3) The policy must specify whether or not new Agency venues may be established in the territorial authority district and, if so, where they may be located.
- (4) In determining its policy on whether Agency venues may be established in the territorial district and where any Agency venues may be located, the territorial authority may have regard to any relevant matters, including—
- (a) the characteristics of the district and parts of the district;
 - (b) the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities;
 - (c) the cumulative effects of additional opportunities for gambling in the district.

Section 65D: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 65D heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65D(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65D(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65D(4): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

65E Adoption and review of Agency venue policy

- (1) A policy on Agency venues under section 65D must be adopted in accordance with the special consultative procedure in section 83 of the Local Government

Act 2002 and, for the purpose of subsection (1)(e) of that section, the territorial authority must give notice of the proposed policy, in a manner that the territorial authority considers appropriate to—

- (a) the Agency; and
 - (b) organisations representing Māori in the territorial authority district.
- (2) A policy may be amended or replaced only in accordance with the special consultative procedure, and this section applies to that amendment or replacement.
 - (3) Subsection (1)(b) does not affect the ability of a territorial authority to take similar action in respect of any other population group.
 - (4) A territorial authority must, as soon as practicable after adopting, amending, or replacing a policy on Agency venues, provide a copy of the policy to the Agency and the Secretary.
 - (5) A territorial authority must complete a review of a policy within 3 years after the policy is adopted and then within 3 years after that review and each subsequent review is completed.
 - (6) A policy does not cease to have effect because it is due for review or being reviewed.

Section 65E: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 65E heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65E(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65E(1)(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65E(4): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Part 6B

Harm prevention and minimisation

Part 6B: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

65F Regulations relating to harm prevention and minimisation

The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

- (a) prescribing requirements for the design, layout, and furnishing of a Agency venue:
- (b) prescribing the information or messages that the Agency must provide to persons about racing betting and sports betting at the venue:
- (c) prescribing codes requiring the advertising of racing betting, sports betting, racecourses, and Agency venues to be responsible:

- (d) requiring the Agency to provide problem gambling awareness training for employees involved in supervising racing betting and sports betting at Agency venues:
- (e) prescribing systems or processes ancillary to racing betting and sports betting, including the availability of automatic teller machines at a Agency venue:
- (f) prescribing any other requirements relating to harm prevention or minimisation.

Section 65F: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 65F(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65F(b): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65F(c): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65F(d): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65F(e): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

65G Regulations relating to admission to and exclusion from Agency venues

- (1) The Governor-General may, by Order in Council, make regulations controlling or prohibiting admission to Agency venues.
- (2) The regulations may exclude from a Agency venue any specified class or classes of person, either absolutely or subject to any special conditions that may be specified in the regulations.
- (3) Every person who enters, or remains on, a Agency venue in breach of a regulation made under this section must be treated as having committed an offence under section 4 of the Trespass Act 1980 and is liable accordingly.

Section 65G: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 65G heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65G(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65G(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65G(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

65H Regulations relating to exclusion of problem gamblers from Agency venues and racecourses

- (1) The Governor-General may, by Order in Council, make regulations—

- (a) prescribing 1 or more procedures to enable an Agency operator or a racing club to identify problem gamblers:
 - (b) prescribing procedures for prohibiting identified problem gamblers from entering a Agency venue or racecourse:
 - (c) prescribing procedures for removing a person who an Agency operator or a racing club has reasonable grounds to believe is a problem gambler:
 - (d) ensuring that access to Agency venues and racecourses by identified problem gamblers is restricted:
 - (e) prescribing 1 or more procedures that must be completed by a problem gambler as a condition of re-entry to a Agency venue or racecourse.
- (2) Regulations made under subsection (1) must—
- (a) specify the grounds on which a person may be identified as a problem gambler:
 - (b) set out the steps to be taken to identify a person as a problem gambler:
 - (c) prescribe the persons (including the qualifications of those persons) who are authorised to perform specific functions in relation to identifying and excluding problem gamblers:
 - (d) set out the rights, including the rights of appeal against specified decisions, of a person who is subject to the procedure.

Section 65H: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 65H heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65H(1)(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65H(1)(b): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65H(1)(c): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65H(1)(d): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65H(1)(e): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

65I Agency must pay problem gambling levy

The Agency must pay a problem gambling levy in accordance with sections 317 to 325 of the Gambling Act 2003 and regulations made under that Act.

Section 65I: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 65I heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65I: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

65J Agency must provide information to Secretary

- (1) The Secretary may require information from the Agency for research, and policy analysis and development, associated with the purposes of the Gambling Act 2003.
- (2) The Secretary may require from the Agency any information necessary to calculate, administer, and collect the problem gambling levy payable under section 65I.
- (3) If required by the Secretary to provide information under subsection (1) or (2), the Agency must provide that information within 10 working days or any longer time that the Secretary may allow.

Section 65J: inserted, on 19 September 2003, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 65J heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65J(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65J(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 65J(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Part 7

Miscellaneous

66 Agency may conduct race meetings

- (1) The Agency may, with the approval of the Minister, promote, conduct, and control a race meeting.
- (2) For the purposes of subsection (1), the Agency may be issued with a betting licence under section 45.
- (3) All or any of the functions under subsection (1) may be carried out by a person acting under a delegation under clause 24(1) of Schedule 1.

Section 66 heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 66(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 66(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

67 Application of Official Information Act 1982

The Agency is an organisation within the meaning of section 2(1) of the Official Information Act 1982, and that Act applies accordingly.

Section 67: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

68 Crown not liable for debts

- (1) The Crown is not liable to contribute towards the payment of any debts or liabilities of the Agency, the Authority, a judicial committee, or an appeals tribunal.
- (2) Subsection (1) does not apply to—
 - (a) any sum the Crown is liable to contribute under any Act; or
 - (b) any sum the Crown is liable to contribute under any guarantee or indemnity given under section 65ZD of the Public Finance Act 1989; or
 - (c) any sum the Crown is liable to pay to a creditor of the Agency, the Authority, a judicial committee, or an appeals tribunal by virtue of a good cause of action against the Crown; or
 - (d) any sum the Crown is liable to pay to any creditor of the Reserve Bank of New Zealand.

Compare: 1971 No 155 s 102B

Section 68(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Section 68(2)(b): amended, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

Section 68(2)(c): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

68A Regulations

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for all or any of the following purposes:
 - (a) prescribing matters to support the performance and exercise of the Agency's relevant functions and powers during the transition period (for example, setting out the framework for managing the transfer of the Agency's functions to the racing codes and specifying the qualifications of directors of any entity carrying out functions under this Act);
 - (b) prescribing the minimum amounts, or the method to be used for calculating minimum amounts, for the purposes of section 57(1)(da);
 - (c) extending the end date of the transition period (as defined in section 5(1)) to a date no later than 30 June 2022;
 - (d) providing for any other matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect.
- (2) Before making a recommendation for regulations under subsection (1)(b), the Minister must consult the Minister for Sport and Recreation.
- (3) No regulations may be made under subsection (1)(c) after 30 June 2020.

Section 68A: inserted, on 1 July 2019, by section 22 of the Racing Reform Act 2019 (2019 No 32).

69 Consequential amendments

- (1) The Acts specified in Schedule 4 are amended in the manner indicated in that schedule.
- (2) The regulations specified in Schedule 5 are amended in the manner indicated in that schedule.

70 Repeals and revocation

- (1) The Racing Act 1971 (1971 No 155) is repealed.
- (2) The enactments listed in Schedule 6 are repealed.
- (3) The Racing (Revocation of Approved Scheme) Notice 1973 (SR 1973/219) is revoked.

Part 8 Transitional provisions

[Repealed]

Part 8: repealed, on 1 July 2019, by section 23 of the Racing Reform Act 2019 (2019 No 32).

71 Application of transitional provisions

[Repealed]

Section 71: repealed, on 1 July 2019, by section 23 of the Racing Reform Act 2019 (2019 No 32).

72 Interpretation

[Repealed]

Section 72: repealed, on 1 July 2019, by section 23 of the Racing Reform Act 2019 (2019 No 32).

73 NZRIB and TAB abolished

[Repealed]

Section 73: repealed, on 1 July 2019, by section 23 of the Racing Reform Act 2019 (2019 No 32).

74 Vesting of property and liabilities

[Repealed]

Section 74: repealed, on 1 July 2019, by section 23 of the Racing Reform Act 2019 (2019 No 32).

75 Records and registers

[Repealed]

Section 75: repealed, on 1 July 2019, by section 23 of the Racing Reform Act 2019 (2019 No 32).

76 Taxes and duties

[Repealed]

Section 76: repealed, on 1 July 2019, by section 23 of the Racing Reform Act 2019 (2019 No 32).

77 Certain matters not affected by restructuring

[Repealed]

Section 77: repealed, on 1 July 2019, by section 23 of the Racing Reform Act 2019 (2019 No 32).

78 Final reports and accounts

[Repealed]

Section 78: repealed, on 1 July 2019, by section 23 of the Racing Reform Act 2019 (2019 No 32).

79 Transfer of employees

[Repealed]

Section 79: repealed, on 1 July 2019, by section 23 of the Racing Reform Act 2019 (2019 No 32).

80 Members not entitled to compensation for loss of office

[Repealed]

Section 80: repealed, on 1 July 2019, by section 23 of the Racing Reform Act 2019 (2019 No 32).

81 Continuation of judicial offices

[Repealed]

Section 81: repealed, on 1 July 2019, by section 23 of the Racing Reform Act 2019 (2019 No 32).

Schedule 1AA

Transitional, savings, and related provisions

s 6A

Schedule 1AA: inserted, on 1 July 2019, by section 24 of the Racing Reform Act 2019 (2019 No 32).

Part 1

Provisions relating to Racing Reform Act 2019

Schedule 1AA Part 1: inserted, on 1 July 2019, by section 24 of the Racing Reform Act 2019 (2019 No 32).

1 Interpretation

In this Part, **commencement date** means the date on which Part 1 of the Racing Reform Act 2019 comes into force.

Schedule 1AA clause 1: inserted, on 1 July 2019, by section 24 of the Racing Reform Act 2019 (2019 No 32).

2 Board members cease to hold office

- (1) Every Board member holding office immediately before the commencement date ceases to hold office on that commencement.
- (2) A Board member to whom subclause (1) applies is not entitled to any compensation or other payment or benefit for the loss of office.
- (3) Despite subclause (1), a Board member remains in office until their successor has been appointed to the Agency.

Schedule 1AA clause 2: inserted, on 1 July 2019, by section 24 of the Racing Reform Act 2019 (2019 No 32).

3 Ministerial powers during transition period

- (1) During the transition period, the Minister may—
 - (a) provide a letter of expectations to the Agency that sets out the Minister's expectations regarding the Agency's strategic direction and specific priorities in relation to the reform of New Zealand racing; and
 - (b) give written directions to the Agency—
 - (i) to use, or improve, its resources (whether physical, financial, or human) in a manner that will benefit New Zealand racing;
 - (ii) to secure economies or efficiencies;
 - (iii) to develop expertise and capability;
 - (iv) to ensure business change or continuity;
 - (v) to manage risks to its financial position; and
 - (c) require the Agency to report to the Minister, at the intervals and in the manner required by the Minister, in relation to the performance of its functions under this Act.

- (2) To avoid doubt, nothing in this clause limits the Minister's powers under this Act or any other Act.

Schedule 1AA clause 3: inserted, on 1 July 2019, by section 24 of the Racing Reform Act 2019 (2019 No 32).

4 Amounts of distributions to racing codes

Section 16 of this Act (as it read immediately before the commencement date) continues to apply until the date on which regulations made under section 16 (as replaced by section 13 of the Racing Reform Act 2019) come into force.

Schedule 1AA clause 4: inserted, on 1 July 2019, by section 24 of the Racing Reform Act 2019 (2019 No 32).

5 Application of revenue from sports betting

Section 57(1)(d) of this Act (as it read immediately before the commencement date) continues to apply until the date on which regulations made under section 68A (as inserted by section 22 of the Racing Reform Act 2019) come into force.

Schedule 1AA clause 5: inserted, on 1 July 2019, by section 24 of the Racing Reform Act 2019 (2019 No 32).

6 Existing betting information use agreements

- (1) In this clause, **existing betting information use agreement** means an agreement between the Board and any offshore betting operator that—

- (a) is in force immediately before the commencement date; and
- (b) confers rights on that betting operator or a sub-licensee of that operator to use New Zealand racing and sporting information in the conduct of its betting operations in respect of racing and sporting events held in New Zealand.

- (2) Part 6AA (as inserted by section 21 of the Racing Reform Act 2019) does not affect any existing betting information use agreement and the agreement continues in force, on and after the commencement date, according to its tenor as if it were entered into by the Agency and the offshore betting operator.

Schedule 1AA clause 6: inserted, on 1 July 2019, by section 24 of the Racing Reform Act 2019 (2019 No 32).

7 Other agreements authorising use of New Zealand racing and sporting information

- (1) This clause applies to an existing agreement between the Board and an entity other than an offshore betting operator—

- (a) that is in force immediately before the commencement date; and
- (b) that confers rights on that entity (or a sub-licensee of that entity) to use New Zealand racing and sporting information.

- (2) Part 6AA (as inserted by section 21 of the Racing Reform Act 2019) does not affect the existing agreement and the agreement continues in force, on and after the commencement date, according to its tenor as if it were entered into by the Agency and the entity.

Schedule 1AA clause 7: inserted, on 1 July 2019, by section 24 of the Racing Reform Act 2019 (2019 No 32).

8 Betting information use agreements entered into by Agency before regulations under section 65AX come into force

- (1) This clause applies to a betting information use agreement—
- (a) that was being negotiated by the Board and an offshore betting operator before the commencement date; and
 - (b) that is entered into by the Agency and the offshore betting operator after the commencement date but before regulations made under section 65AX come into force; and
 - (c) that confers rights on that offshore betting operator or a sub-licensee of that operator to use New Zealand racing and sporting information in the conduct of its betting operations in respect of racing and sporting events held in New Zealand.
- (2) Part 6AA (as inserted by section 21 of the Racing Reform Act 2019) does not affect the betting information use agreement and the agreement continues in force according to its tenor.

Schedule 1AA clause 8: inserted, on 1 July 2019, by section 24 of the Racing Reform Act 2019 (2019 No 32).

Schedule 1

Provisions relating to Racing Industry Transition Agency

s 22

Schedule 1 heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

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Agency members

Schedule 1 heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

1 Duties of Agency members

A Agency member, when exercising powers or performing duties as a Agency member, must act—

- (a) in good faith; and
- (b) with reasonable care, diligence, and skill; and
- (c) with honesty and integrity.

Schedule 1 clause 1 heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 1: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

2 Appointment of deputy chairperson

- (1) The Minister may appoint a Agency member as the deputy chairperson.
- (2) Every person appointed as deputy chairperson holds that office until that person—
 - (a) dies, or resigns from that office; or
 - (b) is removed from office by the Minister; or
 - (c) ceases to be a member.

Schedule 1 clause 2(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

3 Resignation and removal from office

- (1) A Agency member may resign from office by giving written notice to the Minister.
- (2) The Minister may, by giving written notice to the member, remove the member from office at any time, without compensation, for inability to perform the duties of office, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister.

- (3) The Minister may only remove a person under subclause (2) after the Minister has given the person an opportunity to be heard.

Schedule 1 clause 3(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

4 Effect of vacancy in membership

The functions and powers of the Agency or the governing body are not affected by any vacancy in the membership of the governing body.

Schedule 1 clause 4: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

5 Remuneration

The Agency members must be paid, out of the funds of the Agency, remuneration by way of fees, allowances, or expenses that is determined by the Minister.

Schedule 1 clause 5: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

6 Liability of members and committee members

- (1) No Agency member or person who is a member of any committee of the governing body is personally liable—

- (a) for any liability of the Agency or the governing body; or
- (b) for any act done or omitted to be done by the Agency or the governing body in good faith in the performance or intended performance of the functions or powers of the Agency or governing body.

- (2) Every Agency member and every member of any committee of the governing body is indemnified by the Agency—

- (a) for costs and damages for any civil liability arising from any action brought by a third party, provided the member was acting in good faith and in performance or intended performance of the functions or powers of the Agency; and
- (b) for costs arising from any successfully defended criminal action.

Schedule 1 clause 6(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 6(1)(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 6(1)(b): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 6(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 6(2)(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

7 Acts may not be called into question

No person may question the following in any proceedings on the grounds that the occasion for the appointment of the person had not arisen or had ceased:

- (a) an appointment of a chairperson:
- (b) an act done by a Agency member while acting as a member:
- (c) an act done by the governing body while any Agency member is acting as a member.

Schedule 1 clause 7(b): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 7(c): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Disclosure of interest

8 Obligation to disclose interest

- (1) A Agency member who (except as a member) has a direct or indirect interest in any of the matters listed in subclause (2) (except a betting transaction) must, as soon as practicable after the Agency member knows about the relevant facts, disclose the nature of the interest in accordance with clause 10.
- (2) The matters are—
 - (a) the Agency's performance of its functions or exercise of its powers:
 - (b) an arrangement, agreement, or contract made or entered into, or proposed to be made or entered into, by the Agency.

Schedule 1 clause 8(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 8(2)(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 8(2)(b): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

9 Meaning of interested

A Agency member is **interested** in a transaction to which the governing body is a party if, and only if, the Agency member—

- (a) is a party to, or will or may derive a material financial benefit from, the transaction; or
- (b) has a material financial interest in another party to the transaction; or
- (c) is a director, officer, or trustee of another party to, or person who will or may derive a material financial benefit from, the transaction; or
- (d) is the parent, child, spouse, civil union partner, or de facto partner of another party to, or person who will or may derive a material financial benefit from, the transaction; or
- (e) is otherwise directly or indirectly materially interested in the transaction.

Schedule 1 clause 9: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 9(d): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

10 Disclosure of interest

- (1) A Agency member must, immediately after becoming aware of the fact that he or she is interested in a transaction or proposed transaction with the Agency, cause to be entered in the interests register, and disclosed to the governing body,—
 - (a) the nature and monetary value of the Agency member's interest if the monetary value is able to be quantified; or
 - (b) the nature and extent of the Agency member's interest if the monetary value cannot be quantified.
- (2) A general notice entered in the interests register or disclosed to the Agency to the effect that a Agency member is a shareholder, director, officer, member, or trustee of another named company or other person and is to be regarded as interested in any transaction that may, after the date of the entry or disclosure, be entered into with that company or person is a sufficient disclosure of interest in relation to that transaction.

Schedule 1 clause 10(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 10(1)(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 10(1)(b): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 10(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

11 Consequences of disclosure

A Agency member who discloses his or her interest under clause 10—

- (a) must not vote or take part in any deliberation or decision of the governing body relating to the matter; and
- (b) must be disregarded for the purpose of forming a quorum for that part of a meeting of the governing body during which a deliberation or decision relating to the matter occurs or is made.

Schedule 1 clause 11: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

12 Effect of non-compliance

If a Agency member fails to comply with the disclosure requirements in clauses 8 to 10, the validity of a transaction entered into by the Agency is not affected by that fact.

Schedule 1 clause 12: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Confidentiality of information

13 Confidentiality of information

- (1) A Agency member must not disclose to any person, or make use of or act on, any information that is available to the Agency member only in that capacity.
- (2) Subclause (1) does not apply if a Agency member—
 - (a) is required or authorised by this Act or any other Act to disclose, use, or act on the information; or
 - (b) discloses, uses, or acts on the information for the purposes of the Agency or the requirements of the law.

Schedule 1 clause 13(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 13(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 13(2)(b): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

14 When member may rely on certain information and advice

- (1) A Agency member, when exercising powers or performing duties as a Agency member, may rely on reports, statements, financial data, and other information prepared or supplied, and on professional or expert advice given, by any of the following persons:
 - (a) a person who that member believes on reasonable grounds to be reliable and competent in relation to the matters concerned; or
 - (b) any other Agency member or committee on which that member did not serve in relation to matters within that member's or committee's designated authority.
- (2) Subclause (1) applies to a Agency member only if the Agency member—
 - (a) acts in good faith; and
 - (b) makes proper inquiry if the need for inquiry is indicated by the circumstances; and
 - (c) has no knowledge that the reliance is unwarranted.

Schedule 1 clause 14(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 14(1)(b): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 14(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Procedure of governing body

15 Procedure generally

Except as otherwise provided in this Act, the governing body may regulate its own procedure.

16 Dates, times, and places of meetings

- (1) The governing body or the chairperson must appoint the dates, times, and places for meetings of the governing body and give notice of those meetings to each Agency member who is not present when the appointment is made.
- (2) The chairperson, or any 2 Agency members, may at any time call a special meeting of the governing body by giving at least 7 days' notice (or lesser notice if all Agency members agree) of the special meeting, and of the business to be transacted at the meeting, to each Agency member for the time being in New Zealand.
- (3) Notice of a meeting—
 - (a) must be written, and state the date, time, and place of the meeting; and
 - (b) may be given by post, fax, or email; and
 - (c) must be sent to the Agency member's last known address in New Zealand.
- (4) No business other than that stated in a notice of special meeting may be transacted at that meeting.

Schedule 1 clause 16(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 16(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 16(3)(c): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

17 Methods of holding meetings

A meeting of the governing body may be held either—

- (a) by a number of the Agency members who constitute a quorum being assembled together at the place, date, and time appointed for the meeting; or
- (b) by means of audio, or audio and visual, or electronic communication by which all Agency members participating and constituting a quorum may simultaneously communicate with each other throughout the meeting.

Schedule 1 clause 17(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 17(b): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

18 Quorum

- (1) A quorum for a meeting of the governing body is a majority of the Agency members holding office at the time the meeting is held.
- (2) No business may be transacted at a meeting of the governing body if a quorum is not present.

Schedule 1 clause 18(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

19 Who presides at meetings

- (1) The chairperson must preside at all meetings of the governing body at which the chairperson is present.
- (2) If the chairperson is not present, or if there is no chairperson, the deputy chairperson, if present, must preside.
- (3) The Agency members present must appoint one of their number to be the chairperson for the meeting if—
 - (a) the chairperson or the deputy chairperson is not present; or
 - (b) there is no chairperson and no deputy chairperson.
- (4) A person appointed under subclause (3) has and may exercise all the powers, duties, and functions of the chairperson for the purposes of the meeting.

Schedule 1 clause 19(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

20 Voting at meetings

All resolutions of the governing body must be decided by a majority of the votes cast.

21 Resolutions

- (1) A resolution in writing signed or assented to by letter, fax, or email by all Agency members is as valid and effectual as if it had been passed at a meeting of the governing body duly called and constituted.
- (2) The resolution may consist of several documents in like form, each signed or appearing to have been sent by 1 or more Agency members.

Schedule 1 clause 21(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 21(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

*Method of contracting***22 Method of contracting**

- (1) A contract or other enforceable obligation may be entered into by the Agency as stated in subclauses (2) to (5).

- (2) An obligation that, if entered into by an individual, would be required to be by deed may be entered into on behalf of the Agency in writing, signed under the name of the Agency by—
 - (a) 2 or more Agency members; or
 - (b) 1 or more attorneys appointed by the Agency in accordance with clause 23.
- (3) An obligation that, if entered into by an individual, is required to be in writing may be entered into on behalf of the Agency in writing by a person acting under the Agency's express or implied authority.
- (4) An obligation that, if entered into by an individual, is not required to be in writing may be entered into on behalf of the Agency in writing or orally by a person acting under the Agency's express or implied authority.
- (5) This clause applies to a contract or other obligation—
 - (a) whether or not that contract or obligation was entered into in New Zealand; and
 - (b) whether or not the law governing the contract or obligation is the law of New Zealand.

Schedule 1 clause 22(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 22(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 22(2)(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 22(2)(b): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 22(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 22(4): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

23 Attorneys

- (1) The Agency may, by an instrument in writing executed in accordance with clause 24(1), appoint a person as its attorney either generally or in relation to a specific matter.
- (2) An act of the attorney in accordance with the instrument binds the Agency.

Schedule 1 clause 23(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 23(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

*Delegations***24 Ability to delegate**

- (1) Subject to subclause (2), the governing body may, by writing either generally or specifically, delegate any of the functions or powers of the Agency to a committee of the governing body or to any person.
- (2) The governing body must not delegate any of the following powers:
 - (a) the power of delegation in subclause (1):
 - (b) the power to grant a power of attorney.

Schedule 1 clause 24(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

25 Effect of delegation

- (1) A person to whom any functions or powers are delegated under clause 24(1) may carry out those functions or exercise those powers in the same manner and with the same effect as if they had been conferred on the person directly by this Act and not by delegation.
- (2) Subclause (1) is subject to any direction given, or condition imposed, by the governing body.

26 Delegate presumed to act in accordance with delegation

A person who appears to act under a delegation under clause 24(1) is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation.

27 Other matters relating to delegation

A delegation under clause 24(1)—

- (a) is revocable at will, but the revocation does not take effect until it is communicated to the delegate; and
- (b) does not prevent the governing body from performing the functions or exercising the power.

*Committees***28 Agency committees**

- (1) The governing body may, by writing, appoint a committee to—
 - (a) advise the governing body on any matters relating to the Agency's functions or powers that are referred to the committee by the governing body; or
 - (b) exercise any of the Agency's functions or powers that are delegated to the committee under clause 24(1).

- (2) The governing body may, by resolution, alter, discharge, continue, or reconstitute a committee appointed under subclause (1).
- (3) Committee members may be Agency members or other persons.
- (4) A committee may regulate its own procedure, subject to any direction from the governing body.
- (5) Clauses 7 to 22 apply to the committee.

Schedule 1 clause 28 heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 28(1)(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 28(1)(b): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 28(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Employees

29 Appointment of chief executive

- (1) The governing body may appoint a chief executive.
- (2) The chief executive must be appointed on the terms and conditions that are determined by the governing body.

30 Appointment of other employees

- (1) The chief executive may appoint the employees, including employees on secondment from other organisations, that he or she thinks necessary for the efficient performance of the Agency's functions, and may negotiate the terms and conditions of employment of those employees.
- (2) Subject to the terms and conditions of employment, the chief executive may at any time terminate or suspend the employment of any of the Agency's employees.

Schedule 1 clause 30(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 1 clause 30(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

31 Superannuation or retiring allowances

For the purpose of providing a superannuation fund or retiring allowances for its employees, the governing body may pay sums by way of a subsidy or a contribution into any retirement scheme (within the meaning of section 6(1) of the Financial Markets Conduct Act 2013).

Schedule 1 clause 31: amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Schedule 2

Provisions relating to performance and efficiency audit of Agency

s 14

Schedule 2 heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

1 Performance and efficiency audit

- (1) A performance and efficiency audit must be conducted, at least once every 5 years, in relation to how effectively and efficiently the Agency is performing its functions under section 9.
- (2) While the audit must relate to the Agency's performance on the particular day on which the audit is conducted and its prospective future performance, the person conducting the audit may have regard to the Agency's performance during the 5 years before that day.

Compare: 1971 No 155 s 103C(2), (3)

Schedule 2 clause 1(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 2 clause 1(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

2 Terms of reference

- (1) At least 4 months before the day on which an audit is to be conducted, the Agency must consult the Minister regarding the terms of reference for the audit.
- (2) The Minister must provide written notice of his or her views on the proposed terms of reference within 1 month after having been consulted by the Agency.
- (3) The terms of reference must be determined by the Agency, but before doing so, the Agency must—
 - (a) consult with the recognised industry organisations and make any amendments to the terms that it considers appropriate as a result of the consultation; and
 - (b) obtain approval of the terms from the Minister.
- (4) If the Minister is not satisfied with any proposed terms of reference, the Minister may determine those terms by giving written notice to the Agency.

Compare: 1971 No 155 s 103C(4)–(9)

Schedule 2 clause 2(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 2 clause 2(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 2 clause 2(3): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 2 clause 2(4): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

3 Appointment of auditor

- (1) A performance audit must be conducted by a person (not being a member, former member, or employee of the Agency) appointed at least 1 month before the date on which the audit is to be conducted.
- (2) Before appointing a person under subclause (1), the Agency must consult with, and obtain the approval of, the Minister in relation to the proposed appointment.
- (3) If the Minister is not satisfied with the proposed appointment under subclause (1), the Minister may appoint a person to conduct the audit.

Compare: 1971 No 155 s 103C(10)–(12)

Schedule 2 clause 3(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 2 clause 3(2): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

4 Conduct of audit

In determining the Agency's performance and efficiency, the person appointed to conduct the audit must take into account—

- (a) the extent to which the Agency has established objectives for the performance of its functions; and
- (b) the nature of those objectives; and
- (c) the progress the Agency is making towards the achievement of those objectives; and
- (d) the extent to which the Agency has put in place policies and strategies to use its resources effectively and efficiently for the purpose of achieving those objectives; and
- (e) the nature of those policies and strategies, and the manner in which they were put in place; and
- (f) any other matters determined by the Agency in accordance with clause 3(3).

Compare: 1971 No 155 s 103C(13)

Schedule 2 clause 4: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 2 clause 4(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 2 clause 4(c): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 2 clause 4(d): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 2 clause 4(f): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

5 Report of audit

A person who conducts an audit must, after conducting it,—

- (a) prepare a written report on the conclusions reached as a result of the audit; and
- (b) provide copies of the report to the Minister, the Agency, and the recognised industry organisations.

Compare: 1971 No 155 s 103C(14)

Schedule 2 clause 5(b): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

6 Agency must pay reasonable costs of audit

- (1) The Agency must pay the reasonable costs of an audit to the person who conducted it.
- (2) The reasonable costs of an audit are,—
 - (a) if the Agency appointed the person, the remuneration by way of fees and expenses agreed between the Agency and the person:
 - (b) if the Minister appointed the person, the remuneration by way of fees and expenses agreed between the Minister and the person (after the Minister has consulted the Agency).

Compare: 1971 No 155 s 103C(15), (16)

Schedule 2 clause 6 heading: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 2 clause 6(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 2 clause 6(2)(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 2 clause 6(2)(b): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 3

Provisions relating to racing judicial system

s 41

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*Judicial Control Authority***1 Term of office**

- (1) Except as provided in clause 2, every member of the Authority, including the chairperson, must hold office for a period not exceeding 3 years, and is eligible for reappointment.
- (2) Unless a member sooner vacates office under clause 2, every member of the Authority whose term of office has expired must continue to hold office until—
 - (a) he or she is reappointed; or
 - (b) a successor is appointed; or
 - (c) he or she is informed in writing by the persons responsible for the appointment that he or she is not to be reappointed.

Compare: 1971 No 155 ss 99X, 99Y

2 Extraordinary vacancies

- (1) A member of the Authority may, at any time, be removed from office by the persons responsible for the appointment for inability to perform the duties of office, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the persons concerned.
- (2) A member of the Authority may, at any time, resign his or her office by giving written notice to that effect to the persons responsible for the appointment.
- (3) If a member dies, resigns, or is removed from office, the vacancy created must be filled in the same manner as the appointment of the member vacating that office.
- (4) Every member appointed under subclause (3) must hold office for the remainder of the term for which his or her predecessor would have held office if the vacancy had not occurred.

Compare: 1971 No 155 s 99Z

3 Meetings

- (1) Meetings of the Authority must be held at the times and places that the Authority or its chairperson appoints, but the Authority must meet at least once in each racing year.
- (2) At any meeting of the Authority, the quorum necessary for the transaction of business is 3 members.
- (3) The chairperson must preside at all meetings of the Authority at which the chairperson is present but, if the chairperson is absent, the members present must appoint one of their number to be chairperson of the meeting.
- (4) The person appointed under subclause (3) has and may exercise all the powers and functions of the chairperson for the purposes of that meeting.

4 Voting at meetings

- (1) Every question arising at a meeting of the Authority must be decided by a majority of the valid votes recorded on the question.
- (2) At a meeting of the Authority, the chairperson or other person presiding has a deliberative vote and, in the case of an equality of votes, also has a casting vote.
- (3) A resolution in writing signed or assented to by letter, fax, email, or other method of communication by all members of the Authority has the same effect as a resolution duly passed at a meeting of the Authority.
- (4) Except as provided in this Act, the Authority may regulate its own procedure.

Compare: 1971 No 155 Schedule 2 cl 1

5 Remuneration and allowances

There may be paid, out of the funds of the Authority, to the members of the Authority the remuneration by way of fees, salary, or allowances and travelling allowances and expenses that may be approved by the Agency after consultation with the racing codes to which this schedule applies.

Compare: 1971 No 155 Schedule 2 cl 2

Schedule 3 clause 5: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

6 Employees of Authority

- (1) The Authority may, with the written consent of the Agency, employ those persons that it thinks necessary for the efficient performance and exercise of its functions and powers under this Act.
- (2) Persons employed under subclause (1) must be employed on the terms and conditions of employment and paid the salaries and allowances that the Authority may determine.

Compare: 1971 No 155 Schedule 2 cl 3

Schedule 3 clause 6(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

7 Superannuation or retiring allowances

- (1) For the purpose of providing a superannuation fund or retiring allowances for its employees, the Authority may pay sums by way of a subsidy or a contribution into any retirement scheme (within the meaning of section 6(1) of the Financial Markets Conduct Act 2013).
- (2) A person who, immediately before becoming an employee of the Authority, is a contributor to the Government Superannuation Fund under Part 2 or Part 2A of the Government Superannuation Fund Act 1956 must be regarded, for the purposes of that Act, as employed in the Government service so long as that person continues to be an employee of the Authority and that Act applies to

that person in all respects as if that person's service as an employee of the Authority were Government service.

- (3) Nothing in subclause (2) entitles any person to become a contributor to the Government Superannuation Fund after that person has ceased to be a contributor.
- (4) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with subclause (2), to an employee of the Authority who is a contributor to the Government Superannuation Fund, the term **controlling authority**, in relation to that employee, means the Authority.

Compare: 1971 No 155 Schedule 2 cl 4

Schedule 3 clause 7(1): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

8 Application of certain Acts to members and employees

- (1) No person may be regarded as employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government service for the purposes of the Government Superannuation Fund Act 1956 merely because that person is an employee of the Authority.
- (2) This clause applies subject to clause 7(2).

Compare: 1971 No 155 Schedule 2 cl 5

9 Funds of Authority

- (1) The Agency must ensure that the Authority receives those sums of money that are required for the effective carrying out and exercise of the functions, powers, and duties of the Authority, the judicial committees, and the appeals tribunals.
- (2) The funds of the Authority consist of—
 - (a) all money paid to the Authority by the Agency under subclause (1);
 - (b) any money that may be paid to the Authority by a recognised industry organisation;
 - (c) all money lawfully contributed or donated to the Authority or otherwise lawfully payable to it;
 - (d) all money received by the Authority by way of fees, rent, or otherwise for any real or personal property vested in or controlled by the Authority, or for the performance or exercise of any of the functions or powers of the Authority;
 - (e) all money received by the Authority from the sale or other disposal of any of its real or personal property;
 - (f) all accumulations of income derived from the money.

Compare: 1971 No 155 s 26(2A), Schedule 2 cl 6

Schedule 3 clause 9(1): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Schedule 3 clause 9(2)(a): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

10 Bank accounts

- (1) The Authority may open at any bank or banks those accounts that are necessary for the exercise of its functions and powers.
- (2) All money received by the Authority, or by any member or employee of the Authority for the purposes of the Authority, must, as soon as practicable after it has been received, be paid into a bank account of the Authority.
- (3) The withdrawal or payment of money from those accounts must be authorised in the manner that the Authority thinks fit.
- (4) Any bank account of the Authority must be operated only by cheque or other instrument signed by a member or an officer of the Authority who is authorised by the Authority to do so, and must be countersigned by another member or officer of the Authority who is authorised to do so.

Compare: 1971 No 155 Schedule 2 cl 7

11 Investment of money

Without limiting the terms of any trust or endowment, any money held by, or on behalf of, the Authority and that is not immediately required for expenditure may be invested—

- (a) in accordance with the provisions of the Trustee Act 1956 that relate to the investment of trust funds; or
- (b) in any other manner that the Authority, with the prior approval of the Agency, may determine.

Compare: 1971 No 155 Schedule 2 cl 8

Schedule 3 clause 11(b): amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

12 Borrowing powers

The Authority may, with the prior written approval of the Agency, borrow money by way of overdraft, mortgage, debentures, bonds, or otherwise, and may mortgage or charge any of its real or personal property, whether present or future, in the manner it thinks fit.

Compare: 1971 No 155 Schedule 2 cl 9

Schedule 3 clause 12: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

13 Accounts and audit

- (1) The Authority must keep full and correct accounts of all money received and expended by it.

- (2) At the end of every racing year, the Authority must cause to be prepared full and true statements and accounts of all its income and expenditure in that year, together with a balance sheet as at the last day of that year.
- (3) The statement and balance sheet must be audited by a qualified auditor (within the meaning of section 35 of the Financial Reporting Act 2013).
- (4) No person who is an officer, agent, employee, or member of the Authority may be appointed as an auditor under subclause (3).

Compare: 1971 No 155 Schedule 2 cl 10

Schedule 3 clause 13(3): amended, on 1 July 2015, by section 17 of the Financial Reporting Amendment Act 2014 (2014 No 64).

14 Annual report

As soon as practicable after 31 July in each year, the Authority must deliver to the Minister, to each of the racing codes, and to the Agency a report of its proceedings and operations for the previous racing year, and must attach to the report a copy of its audited accounts.

Compare: 1971 No 155 Schedule 2 cl 11

Schedule 3 clause 14: amended, on 1 July 2019, by section 25(1) of the Racing Reform Act 2019 (2019 No 32).

Judicial committees

15 Selection and appointment of panel for judicial committees

- (1) The Authority must select and appoint a panel of persons from which members of a judicial committee may be appointed.
- (2) Every panel of persons appointed under subclause (1) must be in existence for a period not exceeding 1 year. However, panel members may be reappointed.
- (3) In the appointment to any panel of any person under subclause (1), the Authority must have regard to the person's knowledge, experience, and expertise relevant to the functions and powers of judicial committees.
- (4) Any member of a panel may,—
 - (a) at any time, be removed from office by the chairperson of the Authority for inability to perform the duties of office, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the chairperson; or
 - (b) at any time, resign his or her office by written notice to the chairperson.

16 Appointment of members of judicial committees

- (1) The Authority must appoint members of judicial committees to exercise and carry out the powers and functions of those committees, whether in relation to matters that arise on a particular day of racing or in relation to other matters.

- (2) The chairperson of the Authority or, if the chairperson is not available, any other member of the Authority may appoint or replace a member of a judicial committee.
- (3) Every judicial committee must hold office for the period reasonably required to exercise its functions and powers for the matters arising on, or in relation to, any day of racing, or in relation to other matters, as the case may be.
- (4) There may be paid, out of the funds of the Authority, to the members of judicial committees the remuneration by way of fees and expenses that may be approved by the Authority.

17 Representation for hearings held on race days

- (1) No person may be represented by counsel at any hearing held by a judicial committee for any matter that arises on any race day and that is held on that day.
- (2) Subclause (1) does not apply to a hearing of a judicial committee that is not held on the race day on which the subject matter of the hearing arose, or to a hearing held by an appeals tribunal.

Appeals tribunals

18 Selection and appointment of panel for appeals tribunals

- (1) The Authority must select and appoint a panel of persons from which members of an appeals tribunal may be appointed.
- (2) Every panel of persons appointed under subclause (1) must be in existence for a period not exceeding 1 year. However panel members may be reappointed.
- (3) In the appointment to a panel of a person under subclause (1), the Authority must have regard to the person's knowledge, experience, and expertise relevant to the functions and powers of appeals tribunals.
- (4) Any member of a panel may,—
 - (a) at any time, be removed from office by the chairperson of the Authority for inability to perform the duties of office, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the chairperson; or
 - (b) at any time, resign his or her office by written notice to the chairperson.

19 Appointment of members of appeals tribunals

- (1) The Authority must appoint members of appeals tribunals to exercise and carry out the powers and functions of those tribunals in relation to any appeal.
- (2) The chairperson of the Authority or, if the chairperson is not available, any other member of the Authority may appoint or replace a member of an appeals tribunal.
- (3) Every appeals tribunal must hold office for the period reasonably required to exercise its functions and powers in relation to the appeal concerned.

- (4) There may be paid, out of the funds of the Authority, to the members of appeals tribunals the remuneration by way of fees and expenses that may be approved by the Authority.

20 Right of appeal

- (1) Any person properly entitled, by or under the relevant racing rules, to appeal to an appeals tribunal may do so.
- (2) Every appeal properly brought under the relevant racing rules must be heard and determined by an appeals tribunal in accordance with those rules.

21 Appeals against placings and stakes

- (1) No person is entitled to appeal to any appeals tribunal against any decision made by a judicial committee on the day of a race in respect of placings in that race or stakes payable for those placings.
- (2) Nothing in subclause (1) prevents a judicial committee, at any time after the day of any race, from disqualifying a horse for a race, and making any order the committee considers appropriate as to the alteration of the placings in the race and the stakes payable for those placings,—
 - (a) on a ground relating to a drug, stimulant, or depressant having been administered to the horse; or
 - (b) on the ground that the horse was ineligible to start in the race; or
 - (c) on any other ground on which, under the relevant racing rules, a horse may be disqualified for a race after it has started in the race.
- (3) If a judicial committee decides, after the day of a race, that a horse should be disqualified for the race on any ground referred to in subclause (2), the owner of the horse may appeal against the decision to an appeals tribunal.

22 Costs

- (1) In any appeal, the appeals tribunal may award costs to or against any party to the appeal.
- (2) If, under this clause, an award of costs is made and any sum remains unpaid, the person in whose favour the award was made may obtain from the Registrar of the appeals tribunal a certificate of the sum awarded.
- (3) When a certificate obtained under subclause (2) is filed with the racing code concerned, it may be regarded as arrears and be placed on the unpaid forfeit list as defined in the code's racing rules.

23 Power to secure attendance

- (1) Every appeals tribunal, of its own motion or on the application of any party to any proceedings before it, has the power to require (by way of summons signed by the chairperson or other member of the appeals tribunal) any person subject to the relevant racing rules to appear before it to answer any question put to

that person, and to produce to it any papers, documents, records, or things referred to in the summons.

- (2) Every person who is subject to the relevant racing rules may be punished by the appeals tribunal in accordance with the racing rules if he or she, after being summoned to attend to give evidence before an appeals tribunal or to produce to the appeals tribunal any papers, documents, records, or things, without sufficient cause—
- (a) fails to attend in accordance with the summons; or
 - (b) refuses to be sworn or to give evidence or, having been sworn, refuses to answer any questions that the person is lawfully required by the appeals tribunal or any member of it to answer concerning the proceedings; or
 - (c) fails to produce any paper, document, records, or thing.
- (3) Nothing in subclauses (1) and (2) limits the powers of stipendiary stewards or racecourse inspectors as provided for in the relevant racing rules.

24 Power to dismiss frivolous or vexatious appeals

If an appeal is considered by the appeals tribunal to be frivolous or vexatious, the appeals tribunal may dismiss the appeal without a hearing, and make an order for the payment of costs or otherwise that it considers appropriate.

Miscellaneous

25 Privileges and immunities

- (1) Witnesses and counsel appearing before a judicial committee or an appeals tribunal have the same privileges and immunities that they would have in proceedings in the District Court.
- (2) No member of the Authority or person who is a member of any judicial committee or appeals tribunal is personally liable—
- (a) for any liability of the Authority, judicial committee, or appeals tribunal; or
 - (b) for any act done or omitted to be done by the Authority, judicial committee, or appeals tribunal in good faith in the performance or intended performance of the functions, duties, or powers of the Authority, judicial committee, or appeals tribunal.

Schedule 3 clause 25(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Schedule 4

Enactments amended

s 69

Financial Transactions Reporting Act 1996 (1996 No 9)*Amendment(s) incorporated in the Act(s).***Flags, Emblems, and Names Protection Act 1981 (1981 No 47)***Amendment(s) incorporated in the Act(s).***Gaming and Lotteries Act 1977 (1977 No 84)***Amendment(s) incorporated in the Act(s).***Gaming Duties Act 1971 (1971 No 34)***Amendment(s) incorporated in the Act(s).***Goods and Services Tax Act 1985 (1985 No 141)***Amendment(s) incorporated in the Act(s).***Income Tax Act 1994 (1994 No 164)***Amendment(s) incorporated in the Act(s).***Official Information Act 1982 (1982 No 156)***Amendment(s) incorporated in the Act(s).*

Schedule 5
Consequential amendments to regulations

s 69

Gaming and Lotteries (Licensed Promoters) Regulations 1978 (SR 1978/144)

Amendment(s) incorporated in the regulations.

Schedule 6

Enactments repealed

s 70

Finance Act 1977 (1977 No 75)*Amendment(s) incorporated in the Act(s).***Gaming Duties Amendment Act 1976 (1976 No 16)***Amendment(s) incorporated in the Act(s).***Gaming Duties Amendment Act 1995 (1995 No 93)***Amendment(s) incorporated in the Act(s).***Gaming Duties Amendment Act 1996 (1996 No 61)***Amendment(s) incorporated in the Act(s).***Goods and Services Tax Amendment Act 1987 (1987 No 103)***Amendment(s) incorporated in the Act(s).***Goods and Services Tax Amendment Act (No 2) 1989 (1989 No 152)***Amendment(s) incorporated in the Act(s).***Goods and Services Tax Amendment Act 1995 (1995 No 22)***Amendment(s) incorporated in the Act(s).***Goods and Services Tax Amendment Act (No 3) 1995 (1995 No 80)***Amendment(s) incorporated in the Act(s).***Goods and Services Tax Amendment Act (No 4) 1995 (1995 No 83)***Amendment(s) incorporated in the Act(s).***Income Tax Act 1994 Amendment Act (No 5) 1995 (1995 No 79)***Amendment(s) incorporated in the Act(s).***Seddon Shield Districts Trotting Jackpot Empowering Act 1977 (1977 No 2 (P))**

**Racing (New Zealand Greyhound Racing Association
Incorporated) Order 2009**
(SR 2009/180)

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

Order in Council At Wellington this 22nd day of June 2009

Present:

Her Excellency the Administrator of the Government in Council

Order

1 Title

This order is the Racing (New Zealand Greyhound Racing Association Incorporated) Order 2009.

2 Commencement

This order comes into force on 1 August 2009.

3 Application of sections 37 to 41 and Schedule 3 of Racing Act 2003

Sections 37 to 41 and Schedule 3 of the Racing Act 2003 apply to the New Zealand Greyhound Racing Association Incorporated, and the racing governed by that code, on and from 1 August 2009.

Rebecca Kitteridge,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Racing Act 2003 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Racing Industry Act 2020 (2020 No 28): section 130(1)
Racing (Extension of Transition Period) Order 2020 (LI 2020/104)
Racing Reform Act 2019 (2019 No 32)
District Court Act 2016 (2016 No 49): section 261
Financial Reporting Amendment Act 2014 (2014 No 64): section 17
Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150
Sale and Supply of Alcohol Act 2012 (2012 No 120): section 417(1)
Legislation Act 2012 (2012 No 119): section 77(3)
Criminal Procedure Act 2011 (2011 No 81): section 413
Policing Act 2008 (2008 No 72): section 116(a)(ii)
Racing Amendment Act 2006 (2006 No 52)
Racing Amendment Act 2005 (2005 No 66)
Relationships (Statutory References) Act 2005 (2005 No 3): section 7
Public Finance Amendment Act 2004 (2004 No 113): section 37(1)
Gambling Act 2003 (2003 No 51): section 374
Racing Act Commencement Order 2003 (SR 2003/134)