PART VI.—NON-TOTALIZATOR RACE MEETINGS AND SWEEPSTAKES

SECTION 1.—NON-TOTALIZATOR MEETINGS

330. The non-totalizator race meetings and the practice of running sweepstakes have become so completely identified that they call for consideration conjointly. Prior to 1909 there was no statutory regulation of race meetings, the law being directed solely to imposing conditions subject to which the totalizator might be used. For over seventy years race meetings have been held at which the totalizator has never been used. These meetings came to be known as non-registered meetings. This was because they were not recognized by and were outside the control of any general authority organized for the governance of racing. The only detriment which could accrue from participation in unregistered meetings was that, by such participation, the horses concerned, their owners and trainers, became automatically disqualified under the rules of the Racing Conference or of the Trotting Conference after those Conferences came into existence.

331. Initially, too, no notice was taken by racing and trotting authorities of incidental events on mixed sports programmes or incidental galloping or trotting events held at agricultural shows under the control of agricultural and pastoral societies. These meetings and incidental racing and trotting events became, however, the subject of a considerable amount of betting in which bookmakers were sometimes patently and sometimes surreptitiously participants according to whether at any given time bookmaking was lawful or unlawful at the places where the contests were held. Ultimately, scandals arising out of pony racing at Miramar led to the passing of the Race Meetings Act, 1909. It is not improbable that this latter Act has been interpreted more widely than was originally intended.

332. Its principal object was to prevent non-totalizator race meetings being conducted by clubs other than clubs holding a licence under the Act. However, the breadth of the definition given to what, under the Act, was to be regarded as a racing club and the inclusion of trotting races within the meaning of the term " horse race " provided a basis upon which it was held in *Ellison* v. *O'Halloran*, [1916] N.Z.L.R. 935, that the Act extended to a competition between horses which were required to walk a certain distance, trot a certain distance, and gallop a certain distance. The effect of this decision was to include within the term " horse race " any competition between horses in which pace was a deciding factor. From this the result accrued that every competition between horses in which pace was involved required as a condition of legality the obtaining of a licence under the Race Meetings Act, 1909.