



ANNO DECIMO SEXTO

**ELIZABETHAE II REGINAE**

A.D. 1967

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**No. 29 of 1967**

An Act to amend the Lottery and Gaming Act,  
1936-1967

[Assented to 17th August, 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Lottery and Gaming Act Amendment Act (No. 2), 1967" and shall come into operation on a day to be fixed by proclamation. Short titles and commencement.

(2) The Lottery and Gaming Act, 1936-1967, as amended by this Act, may be cited as the "Lottery and Gaming Act, 1936-1967".

(3) The Lottery and Gaming Act, 1936-1967, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Section 19 of the principal Act is repealed and re-enacted as follows :— Repeal and re-enactment of s. 19 of principal Act—

19. (1) Except as otherwise provided by this section, a licence issued under this Part of this Act shall not authorize the use of the totalizator— Limitation on use of totalizator.

- (a) on the Morphettville Racecourse for more than seventeen days in the year 1967 or for more than twenty days in any one year thereafter ;
- (b) on the Victoria Park Racecourse—
- (i) for more than sixteen days in the year 1967 ;
  - (ii) for more than nineteen days in the year 1968 or in each alternate year thereafter ;
- or
- (iii) for more than eighteen days in the year 1969 or in each alternate year thereafter ;
- (c) on the Cheltenham Park Racecourse—
- (i) for more than sixteen days in the year 1967 ;
  - (ii) for more than eighteen days in the year 1968 or in each alternate year thereafter ;
- or
- (iii) for more than nineteen days in the year 1969 or in each alternate year thereafter ;
- (d) on racecourses south of the thirty-sixth parallel of south latitude for more than forty-eight days in the aggregate in any one year ;
- (e) on racecourses which are situated within a radius of fifty miles from the Post Office at Barmera for more days in the aggregate in any one year than the number calculated by multiplying by eight the number of racing clubs situated within that radius ;
- (f) on the Evanston Racecourse, Gawler, for more than eight days in the year 1967 or for more than thirteen days in any year thereafter ;
- or
- (g) on any other racecourse for more than eight days in any one year.

(2) A licence issued under this Part to the South Australian Jockey Club Incorporated may authorize the use of the totalizator on the Morphettville Racecourse on one

day in each year in addition to the days in that year for which the use of the totalizator on that racecourse is authorized under paragraph (a) of subsection (1) of this section if the Commissioner of Police is satisfied that on that day a race meeting will be held on that racecourse by at least three racing clubs jointly, and that the net profits derived from that meeting will be devoted to charitable purposes.

(3) Without limiting the effect of subsections (1) and (2) of this section, licences may be issued under this Part—

(a) to the South Australian Jockey Club Incorporated authorizing the use of the totalizator on the Morphettville Racecourse on one day in the year 1967, and on one day in every third year thereafter, in addition to the days in each of those years for which the use of the totalizator on that racecourse is authorized under paragraph (a) of subsection (1) and subsection (2) of this section ;

(b) to the Adelaide Racing Club Incorporated authorizing the use of the totalizator on the Victoria Park Racecourse on one day in the year 1968, and on one day in every third year thereafter, in addition to the days in each of those years for which the use of the totalizator on that racecourse is authorized under paragraph (b) of subsection (1) of this section ;

and

(c) to the Port Adelaide Racing Club Incorporated authorizing the use of the totalizator on the Cheltenham Park Racecourse on one day in the year 1969, and on one day in every third year thereafter, in addition to the days in each of those years for which the use of the totalizator on that racecourse is authorized under paragraph (c) of subsection (1) of this section,

but every licence to which this subsection refers shall be issued on the condition that the net profits derived by the club from the race meeting to be held by the club on the day for which the licence is issued shall be distributed by the club among such charitable institutions in such proportions as the Governor directs.

(4) On the application of the racing clubs concerned and the recommendation of the Commissioner of Police.

the Chief Secretary, if satisfied that reasonable cause exists for doing so, may direct—

(a) that the number of days in any year on which the use of the totalizator on any racecourse referred to in paragraphs (a), (b) and (c) of subsection (1) of this section is authorized under this section shall be increased on condition that a corresponding reduction is made in the number of days in that year on which the use of the totalizator on any other racecourse referred to in those paragraphs is so authorized ;

or

(b) that the number of days in any year on which the use of the totalizator on any racecourse referred to in paragraphs (f) and (g) of subsection (1) of this section is authorized under this section shall be increased on condition that a corresponding reduction is made in the number of days in that year on which the use of the totalizator on any other racecourse referred to in those paragraphs is so authorized,

and such direction of the Chief Secretary shall have effect according to the tenor thereof.

(5) On the application of the racing clubs concerned, the Chief Secretary, if satisfied that reasonable cause exists for doing so, may direct that the aggregate number of days in the year 1967 on which the use of the totalizator on the racecourses referred to in paragraphs (a), (b) and (c) of subsection (1) of this section is authorized under this section shall be increased by not more than three days on condition that a corresponding reduction is made in the number of days in that year on which the use of the totalizator by the Gawler Jockey Club Incorporated on the Evanston Racecourse, Gawler, is authorized pursuant to paragraph (f) of subsection (1) of this section, and such direction of the Chief Secretary shall have effect according to the tenor thereof.

Amendment  
of principal  
Act, s. 21—  
Use of  
totalizator at  
trotting races.

4. Subsection (2) of section 21 of the principal Act is amended—

(a) by striking out from paragraph (b) thereof the passage “any year, or at any meeting other than a meeting held on a Saturday, or on a public holiday (not being Good Friday or Christmas Day)” and inserting in lieu thereof the passage “the year 1967, or at more than forty meetings in the aggregate in any year thereafter” ;

(b) by striking out from paragraph (c) thereof the passage “, or at any meeting other than a meeting held on a Saturday or public holiday (not being Good Friday or Christmas Day)” ;

and

(c) by striking out from paragraph (c1) thereof the passage “or at any meeting other than a meeting held on a Saturday or public holiday (not being Good Friday or Christmas Day)”.

5. Section 28 of the principal Act is amended—

(a) by striking out subsection (4) thereof and inserting in lieu thereof the following subsections :—

(3a) The amount derived by reason of the non-payment of such fractions in respect of dividends payable in connection with investments made on the totalizator on the appointed day or any day thereafter on which the club conducts a race meeting or trotting meeting shall be dealt with in accordance with subsections (4), (5), (6a) and (6b) of this section.

(4) The amount derived by reason of the non-payment of such fractions in respect of dividends payable in connection with investments made through the agency of the Totalizator Agency Board on the totalizator used by a club at any race meeting or trotting meeting conducted by the club shall, within one week after such meeting or within such further time as the Totalizator Agency Board may allow, be paid by the club to the Totalizator Agency Board to be dealt with in accordance with paragraph (c1) of section 31na of this Act. ;

(b) by striking out subsection (5) thereof and inserting in lieu thereof the following subsection :—

(5) Where, on any day on which a race meeting or trotting meeting is held by a club, the amount invested on a totalizator used by the club in respect of any race conducted on or after the appointed day, after the deduction referred to in paragraph (a) of subsection (1) of this section has been made, is insufficient to enable a dividend, calculated in accordance with the rules of the club referred to in subsection (4a) of this section, of at least fifty cents to be paid, the amount of

Amendment  
of principal  
Act, s. 28—

Mode of  
dealing with  
moneys paid  
into  
totalizator  
used by a  
club.

fifty cents shall nevertheless be declared and payable as such dividend and the difference between the amount of the dividend as so calculated and fifty cents, in respect of investments made on the totalizator otherwise than through the agency of the Totalizator Agency Board, shall be made up from the amount held on the day of the meeting by the club by way of the non-payment of fractions in respect of dividends payable in connection with those investments and, if the amount so held by the club on any day is insufficient to make up such difference, the additional amount required for that purpose shall be paid to the club out of the Dividends Adjustment Account referred to in subsection (3) of section 31n of this Act which is to the necessary extent hereby appropriated accordingly; but, where two or more horses fill any one place in a race (including first place) and, in consequence, dividends ascertained in accordance with the rules of the club referred to in subsection (4a) of this section become payable in respect of more horses or in respect of more combinations of horses than if only one horse had filled that place, the dividend so ascertained shall be the dividend to be declared and payable in respect of each of those horses, or in respect of each such combination, notwithstanding that such dividend might be less than fifty cents. ;

(c) by inserting after subsection (6) thereof the following subsections :—

(6a) Any balance remaining from the amount derived by the club by reason of the non-payment of such fractions, after the payments, if any, therefrom under subsections (4) and (5) of this section have been met, shall be paid by the club, within six months after the date of the meeting at which such fractions accrued, to such charitable purposes and in such amounts as the committee of the club, with the approval of the Commissioner of Police, thinks fit.

(6b) Any amounts paid into the Dividends Adjustment Account and derived by any club from the non-payment of fractions in respect of dividends declared in connection with investments made on the totalizator used by the club, not being investments made through the agency

of the Totalizator Agency Board, shall be repaid to the club for payment by that club, within two months after the receipt thereof, to such charitable purposes and in such amounts as the committee of the club, with the approval of the Commissioner of Police, thinks fit, and the amounts necessary to make such payments to clubs from the Dividends Adjustment Account are to the necessary extent hereby appropriated accordingly.

6. Section 31n of the principal Act is amended—

- (a) by striking out from subsection (3) thereof the passage “referred to in subsection (4) of section 28 of this Act” and inserting in lieu thereof the passage “established and maintained at the Treasury for the purposes of this section and section 28 of this Act”;

Amendment  
of principal  
Act, s. 31n—  
Application  
of moneys  
invested  
with the  
Board.

and

- (b) by striking out subsection (4) thereof and inserting in lieu thereof the following subsection:—

(4) Where the amount invested on an off-course totalizator conducted by the Board in respect of any event, after the deduction referred to in paragraph (a) of subsection (1) of this section has been made, is insufficient to enable a dividend, calculated in accordance with rules made by the Board in pursuance of paragraph (c) of section 31u of this Act, of at least fifty cents to be paid, the amount of fifty cents shall nevertheless be declared and payable as such dividend and the difference between the amount of the dividend as so calculated and fifty cents shall be paid to the Board out of the Dividends Adjustment Account which is to the necessary extent hereby appropriated accordingly; but where two or more horses fill any one place in an event (including first place) and, in consequence, dividends ascertained in accordance with the rules referred to in this subsection become payable in respect of more horses or in respect of more combinations of horses than if only one horse had filled that place, the dividend so ascertained shall be the dividend to be declared and payable in respect of each of those horses, or in respect of each such combination, notwithstanding that such dividend might be less than fifty cents.

Amendment of  
principal Act,  
s. 31na—  
Calculation  
and payment  
of dividends  
where off-  
course betting  
conducted on  
totalizator  
used by club.

7. Section 31na of the principal Act is amended—

(a) by inserting after the words "paid and" in paragraph (a) thereof the passage ", subject to paragraph (c1) of this section," ;

(b) by inserting after paragraph (c) thereof the following paragraph :—

(c1) the amount derived by reason of the non-payment of fractions in respect of dividends that become payable on any day in connection with investments made on the totalizator through the agency of the Board shall be paid by the Board into the Dividends Adjustment Account within three weeks after that day ;

and

(c) by striking out from paragraph (d) thereof the passage "and (c)" and inserting in lieu thereof the passage ", (c) and (c1)".

Amendment of  
principal Act,  
s. 67a—  
Prohibition of  
broadcasting  
certain betting  
particulars.

8. Section 67a of the principal Act is amended—

(a) by striking out therefrom the word "If" being the first word of that section and inserting in lieu thereof the passage "(1) Subject to subsection (2) of this section, if" ;

and

(b) by adding thereto the following subsection :—

(2) It shall not be an offence under subsection (1) of this section for any person, with the written authority of the committee of the club conducting the meeting concerned, at any time after the result of any horse race or trotting race held at any race meeting or trotting meeting is duly decided, by means of any wireless broadcast to broadcast the dividends declared and payable by any totalizator used or conducted, under this Act or in pursuance of any licence issued thereunder, in respect of that race or in respect of a combination of races including that race or to broadcast any other information relating to the betting on any horse that took part in that race.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.