



ANNO VICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1972

No. 33 of 1972

An Act to amend the Lottery and Gaming Act, 1936-1971, and for other purposes.

[Assented to 13th April, 1972]

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

Short titles.

1. (1) This Act may be cited as the "Lottery and Gaming Act Amendment Act (No. 2), 1972".

(2) The Lottery and Gaming Act, 1936-1971, as amended by this Act and by all other amendments (if any) amending the same prior to the commencement of this Act, may be cited as the "Lottery and Gaming Act, 1936-1972".

(3) The Lottery and Gaming Act, 1936-1971, is hereinafter referred to as "the principal Act".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of principal Act, s. 2—
Division of Act.

3. Section 2 of the principal Act is amended by inserting after the item—

"PART IV—Licensing of Bookmakers."

the item—

"PART IVA—Racecourses Development Board".

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| <p>4. The following section is enacted and inserted in the principal Act immediately after section 3 thereof:—</p> | <p>Enactment of
s. 3a of
principal Act—</p> |
| <p>3a. The proclamation purporting to fix a day as the day on which the Lottery and Gaming Act Amendment Act, 1966, was to come into operation and published in the <i>Gazette</i> on the 8th day of December, 1966, at page 2152, is hereby cancelled and shall be deemed never to have been made, and, notwithstanding section 2 of the Lottery and Gaming Act Amendment Act (No. 2), 1966, that Act shall for all purposes be deemed to have come into operation on the eighth day of December, 1966.</p> | <p>Commencement of
Lottery and
Gaming Act
Amendment
Act (No. 2),
1966.</p> |
| <p>5. Section 16 of the principal Act is amended by striking out the passage “twenty miles” and inserting in lieu thereof the passage “30 kilometres”.</p> | <p>Amendment of
principal Act,
s. 16—
Restriction on
licences in
metropolitan
area.</p> |
| <p>6. Section 17 of the principal Act is amended—
 <p>(a) by striking out from subsection (1) the passage “ten miles” and inserting in lieu thereof the passage “15 kilometres”;
 and
 <p>(b) by striking out from subsection (1) the passage “twenty miles” and inserting in lieu thereof the passage “30 kilometres”.</p> </p> </p> | <p>Amendment of
principal Act,
s. 17—
Restriction on
licences.</p> |
| <p>7. Section 18 of the principal Act is amended by striking out from paragraph (a) and from paragraph (b) the passage “ten miles” and inserting in lieu thereof in each case the passage “20 kilometres”.</p> | <p>Amendment of
principal Act,
s. 18—
Conditions of
issue of licence.</p> |
| <p>8. Section 19 of the principal Act is amended by striking out from paragraph (e) of subsection (1) the passage “fifty miles” and inserting in lieu thereof the passage “80 kilometres”.</p> | <p>Amendment of
principal Act,
s. 19—
Limitation on
use of
totalizator.</p> |
| <p>9. Section 20 of the principal Act is amended by striking out from subsection (1) the passage “twenty miles” and inserting in lieu thereof the passage “30 kilometres”.</p> | <p>Amendment of
principal Act,
s. 20—
Totalizator on
the flat.</p> |
| <p>10. Section 20a of the principal Act is amended by striking out the passage “one hundred miles” twice occurring and inserting in lieu thereof in each case the passage “160 kilometres”.</p> | <p>Amendment of
principal Act,
s. 20a—
Permits for
trotting races
at horse race
meetings.</p> |

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

11. Section 21 of the principal Act is amended—

(a) by striking out from paragraph (b) of the definition of “Eyre Peninsula” in subsection (3) the passage “five miles” twice occurring and inserting in lieu thereof in each case the passage “10 kilometres”;

and

(b) by striking out from the definition of “metropolitan area” in subsection (3) the passage “twenty miles” and inserting in lieu thereof the passage “30 kilometres”.

Amendment of
principal Act,
s. 22—
Permits to hold
trotting races.

12. Section 22 of the principal Act is amended by striking out from subsection (5) the passage “twenty miles” and inserting in lieu thereof the passage “30 kilometres”.

Amendment of
principal Act,
s. 28—
Mode of dealing
with moneys
paid into a
totalizator used
by a club.

13. Section 28 of the principal Act is amended—

(a) by inserting after the word “Act” in paragraph (a) of subsection (1) the passage “and not being moneys invested at the race meeting on or after the appointed day on a totalizator conducted by that club for the purpose of betting on any contingency known as a double, treble or jackpot to which rules referred to in subsection (4) of this section apply where betting on that contingency is conducted by the Totalizator Agency Board as the agent of the club whether at or outside the race course where the race meeting is held”;

(b) by inserting after paragraph (a) of subsection (1) the following paragraph:—

(aa) shall, in the case of moneys invested at a race meeting on or after the appointed day on a totalizator conducted by that club for the purpose of betting on any contingency known as a double, treble or jackpot to which paragraph (a) of this subsection refers where betting on that contingency is conducted by the Totalizator Agency Board as the agent of the club whether at or outside the race course where the race meeting is held, deduct (for the purpose of being dealt with in accordance with this section) fifteen per centum of such moneys;;

(c) by inserting after the passage “paragraph (a)” in subsection (5) the passage “or paragraph (aa)”;

(d) by striking out subsection (11) and inserting in lieu thereof the following subsections:—

(11) Subject to section 31q of this Act—

(a) out of the moneys deducted in accordance with paragraphs (a) and (aa) of subsection (1) of this section, the club shall pay to the Commissioner of Stamps the duty payable under the Stamp Duties Act, 1923, as amended, in respect of the gross takings of the totalizator from which takings the moneys were deducted;

and

(b) out of the moneys deducted in accordance with paragraph (aa) of subsection (1) of this section, the club shall pay to the Racecourses Development Board for credit of such of the funds established under section 48e of this Act as is appropriate in accordance with subsection (11a) of this section an amount representing one per centum of the gross takings of the totalizator from which takings the moneys were deducted,

and the balance of the moneys so deducted shall be dealt with in accordance with subsection (12) of this section.

(11a) Out of the moneys paid to the Racecourses Development Board under paragraph (b) of subsection (11) of this section—

(a) such proportion thereof as is derived from or attributable to betting on horse races, other than trotting races, shall be paid by the club to that board for credit of the Horse Racing Grounds Development Fund;

(b) such proportion thereof as is derived from or attributable to betting on trotting races shall be paid by the club to that board for credit of the Trotting Grounds Development Fund;

and

(c) such proportion thereof as is derived from or attributable to betting on dog races shall be paid by the club to that board for credit of the Dog Racing Grounds Development Fund.;

and

(e) by inserting after subsection (13) the following subsection:—

(14) In subsection (1) of this section “the appointed day” means the day which shall be fixed by proclamation as the appointed day for the purposes of this section.

Amendment of
principal Act,
s. 29—
Club to render
account.

14. Section 29 of the principal Act is amended—

(a) by inserting after paragraph (b) of subsection (1) the following paragraph:—

(ba) the amount (if any) paid to the Racecourses Development Board under subsection (11a) of section 28 of this Act and the name of each fund for the credit of which any such amount is so paid;;

and

(b) by redesignating paragraph (b1) of subsection (1) as paragraph (bb).

Amendment of
principal Act,
s. 30b—
Restriction on
licences in
respect of dog
racing.

15. Section 30b of the principal Act is amended—

(a) by striking out from subsection (1) the passage “fifteen miles” and inserting in lieu thereof the passage “25 kilometres”;

(b) by striking out from subsection (2) the passage “fifteen miles” and inserting in lieu thereof the passage “25 kilometres”;

(c) by striking out from subsection (3) the passage “fifteen miles” and inserting in lieu thereof the passage “25 kilometres”;

and

(d) by striking out from paragraph (a) of subsection (3) the passage “seven miles” twice occurring and inserting in lieu thereof in each case the passage “10 kilometres”.

Amendment of
principal Act,
s. 31b—
Constitution of
the Board.

16. Section 31b of the principal Act is amended—

(a) by striking out from subsection (6) the passage “twenty miles” and inserting in lieu thereof the passage “30 kilometres”;

(b) by striking out from subsection (7) the passage “thirty miles” and inserting in lieu thereof the passage “45 kilometres”;

and

- (c) by striking out from subsection (8) the passage “twenty miles” and inserting in lieu thereof the passage “30 kilometres”.

17. Section 31m of the principal Act is amended by striking out subsection (3) and inserting in lieu thereof the following subsection:—

Amendment of principal Act, s. 31m—

Provisions as to off-course totalizator betting.

(3) No agent, officer or servant of the Board shall pay out to a person who has made a bet at an office, branch or agency of the Board where off-course totalizator betting is conducted any dividend in respect of that bet before the conclusion of the race meeting at which the event on which the bet is made is determined nor shall he pay out such dividend except in accordance with the rules of the Board.

Penalty: Two hundred dollars.

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

Amendment of principal Act, s. 31n—

Application of moneys invested with the Board.

(a) by inserting after the word “event” wherever it occurs in subsection (1) the passage “or contingency”;

(b) by striking out paragraph (a) of subsection (1) and inserting in lieu thereof the following paragraphs:—

(a) shall, in the case of moneys invested with the Board on off-course totalizator betting on that event or contingency, (not being moneys invested on or after the appointed day with the Board on off-course totalizator betting on any event or contingency known as a double, treble or jackpot to which rules under subsection (4) of section 28 or section 31u apply) deduct fourteen per centum of that money;

(aa) shall, in the case of moneys invested on or after the appointed day with the Board on off-course totalizator betting on an event or contingency known as a double, treble or jackpot to which paragraph (a) of this subsection refers, deduct fifteen per centum of that money; ;

(c) by inserting after the word “event” wherever it occurs in subsection (3) and subsection (4) the passage “or contingency”;

(d) by inserting after the passage “paragraph (a)” in subsection (4) the passage “or paragraph (aa)”;

and

(e) by inserting after subsection (5) the following subsection:—

(6) In subsection (1) of this section “the appointed day” has the same meaning as that expression in subsection (1) of section 28 of this Act.

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

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

(a) by inserting after the word “events” in paragraph (a) the passage “or contingencies”;

and

(b) by inserting after the word “event” the passage “or contingency”.

Amendment of principal Act, s. 31p—
Disposal of amount deducted from investments made with the Board.

20. Section 31p of the principal Act is amended—

(a) by inserting after the passage “paragraph (a)” in subsection (1) the passage “or paragraph (aa)”;

(b) by inserting after the word “event” in subsection (1) the passage “or contingency”;

(c) by inserting after the word “Act” lastly occurring in paragraph (a) of subsection (1) the passage “, the amount deducted under paragraph (aa) of that subsection being at the same time also applied in payment to the Racecourses Development Board for credit of such of the funds established under section 48e of this Act as is appropriate in accordance with subsection (1a) of this section of an amount representing one per centum of the gross takings from which that amount was deducted”;

and

(d) by inserting after subsection (1) the following subsection:—

(1a) Out of the moneys paid to the Racecourses Development Board under paragraph (a) of subsection (1) of this section—

(a) such proportion thereof as is derived from or attributable to betting on horse races, other than trotting races, shall be paid by the Board to the Racecourses Development Board for credit of the Horse Racing Grounds Development Fund;

(b) such proportion thereof as is derived from or attributable to betting on trotting races shall be paid by the Board to the Racecourses Development Board for credit of the Trotting Grounds Development Fund;

and

(c) such proportion thereof as is derived from or attributable to betting on dog races shall be paid by the Board to the Racecourses Development Board for credit of the Dog Racing Grounds Development Fund.

21. Section 31xc of the principal Act is amended by striking out from paragraph (c) of subsection (1) the passage "twenty miles" and inserting in lieu thereof the passage "30 kilometres".

Amendment of principal Act, s. 31xc—
Powers of the Board.

22. Section 32 of the principal Act is amended—

(a) by striking out from the definition of "country racing club" the passage "twenty miles" and inserting in lieu thereof the passage "30 kilometres";

Amendment of principal Act, s. 32—
Interpretation.

and

(b) by striking out from the definition of "metropolitan racing club" the passage "twenty miles" and inserting in lieu thereof the passage "30 kilometres".

23. Section 38 of the principal Act is amended by striking out from subsection (6) the passage "nor to any person whose usual place of abode throughout the whole of the period of twelve months immediately before his application for a licence is made was not within the State" and inserting in lieu thereof the passage "nor, in the case of a bookmaker's licence, to any person whose usual place of abode throughout the whole of the period of twelve months immediately preceding the time of his application for the licence was outside South Australia".

Amendment of principal Act, s. 38—
Applications and effect of licences.

24. Section 40 of the principal Act is amended by striking out from subsection (1a) the passage "twenty miles" and inserting in lieu thereof the passage "30 kilometres".

Amendment of principal Act, s. 40—

Payment of commission on bets and returns.

25. Section 42 of the principal Act is amended—

(a) by inserting in subsection (6) after the passage "race meeting" the passage "at which horse races (other than trotting races) are conducted";

Amendment of principal Act, s. 42—
Registration of premises.

(b) by striking out from subsection (6) the passage "ten miles" and inserting in lieu thereof the passage "15 kilometres";

and

(c) by striking out from subsection (7) the passage "twenty miles" and inserting in lieu thereof the passage "30 kilometres".

26. Section 44 of the principal Act is amended by striking out from paragraph (b) of subsection (1a) the passage "twelve miles" and inserting in lieu thereof the passage "20 kilometres".

Amendment of principal Act, s. 44—
Stamp duty on betting tickets.

Amendment of
principal Act,
s. 48—
Control of
trotting races.

27. Section 48 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “the Board” and inserting in lieu thereof the passage “the Trotting Control Board”;

(b) by striking out from subsection (2) the passage “the Board” and inserting in lieu thereof the passage “the Trotting Control Board”;

and

(c) by striking out from paragraph (b) of subsection (5) the passage “twenty-five miles” and inserting in lieu thereof the passage “30 kilometres”.

Enactment of
Part IVA of
principal Act—

28. The following sections and heading thereto are enacted and inserted in the principal Act immediately before Part V thereof:—

PART IVA

RACECOURSES DEVELOPMENT BOARD

Establishment
of Racecourses
Development
Board.

48d. (1) There shall be a board which shall be called the “Racecourses Development Board” (in this Part referred to as “the board”).

(2) Subject to this Act, the board shall—

(a) be a body corporate with perpetual succession and a common seal;

(b) be capable of suing and being sued and of purchasing, acquiring, taking or letting on lease, holding, selling and otherwise disposing of real and personal property of any kind whatsoever;

and

(c) have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act or any other Act.

(3) Where an apparently genuine document purports to bear the common seal of the board, it shall be presumed, in the absence of evidence to the contrary, that the common seal of the board was duly affixed to that document.

(4) The board shall consist of seven members appointed by the Governor, of whom—

(a) one shall also be appointed by the Governor to be the chairman;

(b) two shall represent the interests of horse racing, other than trotting—

(i) one of whom being nominated jointly by the governing bodies of the South Australian Jockey Club Incorporated, the Adelaide Racing Club Incorporated and the Port Adelaide Racing Club Incorporated;

and

(ii) the other nominated by the governing body of the South Australian Country Racing Clubs Incorporated;

(c) two shall represent the interests of trotting—

(i) one of whom being nominated by the governing body of the South Australian Trotting Club Incorporated;

and

(ii) the other nominated by the governing body of the Country Trotting Clubs Association of S.A.;

and

(d) two shall represent the interests of dog racing—

(i) one of whom being nominated by the governing body of the National Coursing Association of South Australia Incorporated;

and

(ii) the other nominated in such manner as the Minister directs by such other dog racing clubs as the Minister may think fit.

(5) Whenever a nomination is required for the appointment of a member, the Minister may, by notice in writing addressed to the associations or clubs concerned, request that the nomination be made within the period of twenty-eight days after the date of the notice or such other longer period as may be specified in the notice and, if that request is not complied with, the Governor may, on the recommendation of the Minister, appoint a person who, in the opinion of the Minister, is suitable, to be a member of the board and a person so appointed shall for all purposes be deemed to have been duly appointed.

(6) A member of the board shall be appointed for such term as the Governor may fix when making the appointment and at the expiration of that term shall be eligible for re-appointment.

(7) The Governor may, as occasion requires and on such nomination as the case may require, appoint a person to fill a casual vacancy in the office of a member for the balance of the term of office of that member and a person so appointed shall for all purposes be deemed to have been duly appointed as a member of the board.

(8) The Governor may, by notice in writing served on a member, remove that member from office on grounds of misconduct or incapacity to perform his duties as a member of the board.

(9) In the event of a member of the board being unable to perform his duties as such, the Governor may, on the recommendation of the Minister, appoint a deputy to act for that member during his incapacity and a person so appointed shall, while so acting, be deemed to be a member of the board in lieu of the member for whom he is so acting.

(10) A member of the board shall be entitled to be paid out of such of the separate funds established by the board pursuant to section 48e of this Act as the Minister thinks fit such remuneration, allowances or expenses, or such proportion thereof, as the Minister may determine.

**Establishment
of the funds.**

48e. (1) The board shall establish, maintain and administer three separate and distinct funds, of which—

(a) one shall be called the “Horse Racing Grounds Development Fund”;

(b) one shall be called the “Trotting Grounds Development Fund”;

and

(c) one shall be called the “Dog Racing Grounds Development Fund”.

(2) All moneys from time to time belonging to a fund shall be deposited in a separate account which shall be kept at the Treasury.

(3) A fund shall consist of—

(a) amounts paid to the board for credit of that fund pursuant to sections 28 and 31p of this Act;

(b) income from investment of any moneys belonging to that fund;

(c) amounts paid to the board in repayment of any loan made from that fund;

and

(d) all other moneys paid to or received by the board which should properly be paid into that fund.

(4) Any moneys in a fund that are not for the time being required for the purposes of the fund or its administration may, with the approval of the Treasurer, be invested by the board in any investments authorized by law for the investment of trust moneys.

(5) The board may appoint such officers and employees on such terms and conditions as it thinks fit.

48f. (1) The moneys in each fund established by the board shall be charged with the payment of the expenses incurred by the board in the administration of the funds in such proportions as the Minister may approve.

**Appropriation
of moneys in
funds.**

(2) After payment of the proportion of the remuneration, allowances and expenses referred to in subsection (10) of section 48d of this Act and the expenses referred to in subsection (1) of this section—

(a) the moneys in the Horse Racing Grounds Development Fund may be used for the purposes of providing, erecting, improving or repairing such public facilities in the grounds of any racecourse used or to be used for horse racing, other than trotting, as the Minister may from time to time approve, or for assisting in the provision, erection, improvement or repair of any such facility;

(b) the moneys in the Trotting Grounds Development Fund may be used for the purposes of providing, erecting, improving or repairing such public facilities in the grounds of any racecourse used or to be used for trotting as the Minister may from time to time approve or for assisting in the provision, erection, improvement or repair of any such facility;

and

(c) the moneys in the Dog Racing Grounds Development Fund may be used for the purposes of providing, erecting, improving or repairing such public facilities in the grounds of any racecourse used or to be used

for dog racing as the Minister may from time to time approve or for assisting in the provision, erection, improvement or repair of any such facility.

(3) The board may, for the purpose of providing, erecting, improving or repairing an approved public facility on any racecourse, or for assisting in any such provision, erection, improvement or repair, with the approval of the Treasurer—

- (a) make a grant of any amount to any racing club;
- (b) provide subsidies to any racing club;
- (c) discharge the whole or part of any liability incurred by a racing club with respect to an approved public facility;

and

- (d) make interest-free loans to any racing club upon such terms and conditions as the Treasurer may approve.

(4) In this section “approved public facility” means a public facility approved by the Minister.

Meetings of the board.

48g. (1) At any meeting of the board for the disposal of business arising out of the establishment, maintenance or administration of any of the funds established pursuant to section 48e of this Act, there shall be present not more than three members, one of whom shall be the chairman or his deputy, and the other two being—

(a) in the case of the establishment, maintenance or administration of the Horse Racing Grounds Development Fund and any matters ancillary thereto relating to horse racing, other than trotting, the members referred to in paragraph (b) of subsection (4) of section 48d of this Act;

(b) in the case of the establishment, maintenance or administration of the Trotting Grounds Development Fund and any matters ancillary thereto relating to trotting, the members referred to in paragraph (c) of subsection (4) of section 48d of this Act;

and

(c) in the case of the establishment, maintenance or administration of the Dog Racing Grounds Development Fund and any matters ancillary thereto relating to dog racing, the members referred to in paragraph (d) of subsection (4) of section 48d of this Act.

Amendment of
principal Act,
s. 54a—
Minors in
betting
enclosures.

29. Section 54a of the principal Act is amended by striking out from paragraph (b) the passage "six feet" and inserting in lieu thereof the passage "2 metres".

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

J. M. NAPIER, Governor's Deputy