



ANNO DECIMO NONO

ELIZABETHAE II REGINAE

A.D. 1970

No. 51 of 1970

An Act to amend the Lottery and Gaming Act, 1936,
as amended.

[Assented to 10th December, 1970.]

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), 1970". Short titles.

(2) The Lottery and Gaming Act, 1936-1969, as amended by this Act and by all Acts amending the same prior to the commencement of this Act, may be cited as the "Lottery and Gaming Act, 1936-1970".

(3) The Lottery and Gaming Act, 1936-1969, is hereinafter referred to as "the principal Act".

2. Section 4 of the principal Act is amended—

(a) by inserting before the definition of "loiter" the following definition:—

"horse race" includes trotting race;

(b) by striking out the definition of "racecourse" and inserting in lieu thereof the following definitions:—

"racecourse" means a place where a race meeting is held and includes the land and premises appurtenant thereto and to which persons attending such meeting have access in connection with the meeting:

Amendment of
principal Act,
s. 4—
Interpretation.

“race meeting” means a race meeting at which horse races are conducted or a race meeting at which dog-racing as defined in the Dog-Racing Control Act, 1966-1967, is conducted:

“racing club” means a club or association that conducts race meetings;;

and

(c) by striking out from paragraph (a) of the definition of “unlawful gaming” the passage “licensed totalizator” and inserting in lieu thereof the passage “totalizator conducted by the Totalizator Agency Board or in respect of which a licence granted under this Act is in force”.

Repeal of s. 15 of principal Act and enactment of sections in its place—
 Totalizator licences.

3. Section 15 of the principal Act is repealed and the following sections are enacted and inserted in its place:—

15. (1) Subject to this Act, the Commissioner of Police may, upon application being made to him for the purpose, and subject to the approval of the Chief Secretary, issue licences to the committees or other executive bodies of racing clubs authorizing the use of the totalizator upon terms and conditions prescribed by regulations made under this Act.

(2) No person shall conduct or operate a totalizator unless its use has been authorized by this Act or by licence issued under this Act and unless the terms and conditions upon which its use has been authorized are complied with.

Penalty: Five hundred dollars or imprisonment for six months or both.

(3) An application for a licence referred to in subsection (1) of this section must be made in writing in the form in the third schedule by the chairman or secretary of the club seeking the licence.

(4) A licence issued under this section shall have effect from the day specified in the licence until the succeeding thirty-first day of December (both days inclusive), and shall entitle the club therein mentioned to use the totalizator upon the racecourse or racecourses and upon the days specified in the licence, or upon such other racecourse or racecourses or upon such other day or days in place of any of the racecourses or days so specified as the Chief Secretary may, from time to time, in writing upon such licence, approve.

Carry over and transfer of dividend pool.

15a. (1) Notwithstanding any other provision of this Act, but subject to the regulations—

(a) a racing club licensed to use a totalizator on any day may carry over to any other day on which it is licensed to use a totalizator the pool of money

available for the payment of dividends on moneys invested on the first-mentioned totalizator or any pool of money transferred to it from another racing club pursuant to paragraph (b) of this subsection and add that pool to any pool of money available for the payment of dividends on moneys invested on the second-mentioned totalizator;

and

- (b) a racing club licensed to use a totalizator on any day may transfer to any other club licensed to use a totalizator on some other day the pool of money available for the payment of dividends on moneys invested on the first-mentioned totalizator for the purpose of adding that pool to any pool of money available for the payment of dividends on moneys invested on the second-mentioned totalizator.

(2) If a racing club—

- (a) carries over from one day to another the whole or any part of the pool of money available for the payment of dividends on moneys invested on a totalizator or the whole or any part of any pool of money transferred to it from another racing club;

or

- (b) transfers to any other club the whole or any part of the pool of money available for the payment of dividends on moneys invested on any totalizator,

except in accordance with this Act, each member of the committee or other executive body of the first-mentioned racing club shall be guilty of an offence and liable to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

4. Section 16 of the principal Act is amended by inserting after the word “racecourse” the passage “(at which horse races other than trotting races are conducted)”.

Amendment of principal Act, s. 16—

Restriction on totalizator licences in metropolitan area.

5. Section 17 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

Amendment of principal Act, s. 17—

Restriction on other licences.

(1) No licence shall be issued authorizing the use of the totalizator on any racecourse at which horse races other than trotting races are conducted and which is situated within ten miles of any other such racecourse in respect of which a licence to use the totalizator has been or usually is issued and, where

more applications than one are made for the use of the totalizator on the same day on such racecourses situated within twenty miles of each other, it shall be in the discretion of the Commissioner of Police, subject to the approval of the Chief Secretary, to issue any licence or licences in respect of such racecourse or racecourses as he thinks fit.

Amendment of
principal Act,
s. 19—
Limitation on
use of
totalizator.

6. Section 19 of the principal Act is amended—

- (a) by inserting after the word "latitude" in paragraph (d) of subsection (1) the passage "at which horse races (other than trotting races) are held";
- (b) by inserting after the word "racecourses" in paragraph (e) of subsection (1) the passage "at which horse races (other than trotting races) are held and";
- (c) by inserting after the passage "racing clubs" in paragraph (e) of subsection (1) the passage "that conduct horse races (other than trotting races) and are";
- (d) by inserting after the word "racecourse" in paragraph (g) of subsection (1) the passage "that conducts horse races (other than trotting races)";
- (e) by inserting after subsection (3) the following subsection:—

(3a) Without limiting the effect of subsections (1), (2) and (3) 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 two days in each year;

(b) to the Adelaide Racing Club Incorporated authorizing the use of the totalizator on the Victoria Park Racecourse on two days in each year;

and

(c) to the Port Adelaide Racing Club Incorporated authorizing the use of the totalizator on the Cheltenham Park Racecourse on two days in each year,

in addition to the days for which the use of the totalizator on those racecourses is authorized under those subsections, but every licence to which this subsection refers shall be issued on the condition that the race meeting at which the totalizator for the use of which the licence is issued is to be used will not be held on a Saturday or Sunday.;

and

(f) by striking out subsection (5).

7. Section 20 of the principal Act is amended by inserting after subsection (1) the following subsections:—

Amendment of principal Act, s. 20—

Unit of totalizator ticket to be fifty cents.

(1a) Notwithstanding anything contained in subsection (1) of this section, on and after the coming into operation of this subsection the Commissioner of Police shall, if the Chief Secretary so directs, grant to any club a licence authorizing the use of the totalizator on a racecourse for a race meeting to be held on any day nominated by the Chief Secretary for the purposes of this subsection, not being a Saturday or public holiday, if the Commissioner of Police is satisfied that the club provides or will provide facilities for the public to use the totalizator, on payment of fifty cents for each unit of betting, on those portions of the racecourse known as the "Grandstand" and "Flat" or on those portions of the racecourse known as the "Grandstand" and "Derby" and that, where, pursuant to this subsection, the totalizator is to be used on that portion of the racecourse known as the "Derby", the fee for admission to the "Derby" shall not be greater than the fee ordinarily charged for admission to the "Flat" for a race meeting held by that club on a Saturday: But where the meeting is to be held on the Victoria Park Racecourse and the totalizator is to be used in the "Derby" as well as the "Grandstand", the Commissioner of Police must be satisfied that the fee for admission to the "Derby" will not be greater than the fee ordinarily charged for admission to the "Flat" for a race meeting held on the Morphetville Racecourse on a Saturday.

(1b) Subsection (1a) of this section shall come into operation on a day to be fixed by proclamation for the purposes of this section.

8. Section 20a of the principal Act is amended—

Amendment of principal Act, s. 20a—

Permits for trotting races at horse race meetings.

(a) by inserting after the passage "horse races" secondly occurring the passage "other than trotting races";

(b) by inserting in paragraph (c) after the word "one" the word "such";

and

(c) by inserting in paragraph (d) after the passage "race course" the passage "at which horse races other than trotting races are held and".

9. Section 22b of the principal Act is repealed.

Repeal of s. 22b of principal Act.

10. Section 23 of the principal Act is amended—

Amendment of principal Act, s. 23—

Application of Lottery and Gaming Act to totalizator at trotting and dog races.

(a) by striking out the word "Sections" being the first word therein and inserting in lieu thereof the passage "Without limiting the generality of their application, sections";

(b) by inserting after the passage "Stamp Duties Act, 1923," the passage "as amended,";

and

(c) by inserting after the word "trotting" the passage "and dog".

Amendment of
principal Act,
s. 23a—
Transfer of
racing day.

11. Section 23a of the principal Act is amended—

(a) by striking out from subsection (1) the passage "or trotting club";

(b) by striking out from subsection (1) the passage "or trotting ground" wherever it occurs therein;

and

(c) by striking out from subsection (2) the passage "paragraph (a) or paragraph (b) of section 19" and inserting in lieu thereof the passage "subsection (1) of section 19, subsections (2) and (2a) of section 21 or subsections (1) and (3) of section 30b of this Act".

Amendment of
principal Act,
s. 25—
Duty of
racing clubs
to prevent
illegal betting.

12. Section 25 of the principal Act is amended by striking out from subsection (1) the passage "Inspector or Sub-inspector of Police" and inserting in lieu thereof the passage "member of the police force of or above the rank of Inspector".

Amendment of
principal Act,
s. 26—
Rules and
regulations.

13. Section 26 of the principal Act is amended—

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

(a) make rules and regulations for any of the purposes and providing for any of the things for which rules and regulations could have been made under this section as in force before the commencement of the Lottery and Gaming Act Amendment Act (No. 2), 1970";

(b) by striking out subparagraph v of paragraph (c) and inserting in lieu thereof the following subparagraph:—

v. imposing a penalty not exceeding fifty dollars for the breach of or any non-compliance with any provision of a regulation made under this Act.;

and

(c) by inserting after the present contents thereof, as amended by this section, (which are hereby designated as subsection (1)) the following subsection:—

(2) Notwithstanding the repeal, by section 63 of the Lottery and Gaming Act Amendment Act (No. 2), 1970, of the second schedule to this Act, the regulations which, immediately prior to such repeal, were contained in that schedule shall, until they are specifically revoked by regulations made under this Act, be deemed to

have been made under this Act, to be of full force and effect and to apply to and in relation to every licence granted under this Act authorizing the use of the totalizator.

14. Section 28 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of
s. 28 of
principal Act
and enactment
of section in
its place—
Mode of
dealing with
moneys paid
into totalizator
used by a club.

28. (1) Every club licensed to use the totalizator—

(a) shall deduct (for the purpose of being dealt with in accordance with this section) fourteen per centum of the moneys invested on the totalizator (other than moneys invested on the totalizator on off-course totalizator betting conducted by the Totalizator Agency Board);

and

(b) shall pay out by way of dividends all moneys invested on the totalizator, whether directly or through any agent of the club (except the moneys so deducted and the moneys deducted by the Totalizator Agency Board under section 31n of this Act out of moneys invested with that Board on the totalizator) but it shall not be necessary to pay out any fraction of five cents in respect of a unit of fifty cents comprised in any bet on that totalizator.

(2) 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 any day on which the club conducts a race meeting shall be dealt with in accordance with subsections (3), (5) and (9) of this section.

(3) The amount derived by reason of the non-payment of such fractions in respect of dividends payable in connection with investments on off-course totalizator betting made through the agency of the Totalizator Agency Board on the totalizator used by a club at any race 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.

(4) Notwithstanding any law, rule or practice relating to any totalizator used by a club, every dividend payable by a totalizator used by a club shall be calculated in accordance with rules of the club made or adopted by the club and approved by the Chief Secretary.

(5) Where, on any day on which a race meeting is held by a club, the amount invested on a totalizator used by the club, 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 (4) of this section, 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, in respect of the investments made at the race meeting on the totalizator, whether directly with the club or through any agent of the club, shall be made up from the amount held on the day of the meeting by the club or by the agent on behalf of the club, by way of the non-payment of fractions in respect of dividends payable in connection with those investments.

(6) If the amount so held by or on behalf of 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.

(7) Notwithstanding any other provision of this section, where two or more horses or dogs 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 (4) of this section become payable in respect of more horses or dogs or in respect of more combinations of horses or dogs than if only one horse or dog 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 dogs, or in respect of each such combination, notwithstanding that such dividend might be less than fifty cents.

(8) Until there is in the Dividends Adjustment Account a sufficient amount in the opinion of the Treasurer to meet all payments under subsections (5) and (6) of this section and subsection (4) of section 31n of this Act, the Treasurer shall, out of moneys appropriated by Parliament for the purpose, make such advances to that account as are necessary to meet those payments.

(9) Any balance remaining from the amount derived by the club by reason of the non-payment of such fractions from investments made at a race meeting, whether directly with the club or through any agent of the club, after the payments, if any, therefrom under subsections (3) 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.

(10) After the repayment of the advances made under subsection (8) of this section, if the Treasurer is of the opinion that there is in the Dividends Adjustment Account an amount in excess of a sum adequate to meet all payments to be made under subsections (5) and (6) of this section and subsection (4) of section 31n of this Act, he shall pay the amount of the excess into the Fund.

(11) Subject to section 31q of this Act, out of the amount deducted in accordance with paragraph (a) 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 the balance of the money so deducted shall be dealt with in accordance with subsection (12) of this section.

(12) Subject to subsection (11) of this section, any balance of the money referred to in that subsection may be retained by the club as commission for the use and benefit of the club, but—

(a) out of the balance of the amount so deducted by the club from moneys invested on the totalizator at any race meeting conducted or to be conducted by the club until and including the thirty-first day of December, 1970, the club shall pay into the Fund an amount equal to one half per centum of the moneys invested at the race meeting;

and

(b) any moneys remaining out of the balance of the moneys so deducted may be retained by the club as commission for the use and benefit of the club.

(13) The moneys paid into the Fund in accordance with this section shall be used for the provision, maintenance, development and improvement of public hospitals as defined in section 31s of this Act and equipment for such hospitals in such amounts as the Treasurer shall, upon the recommendation of the Chief Secretary (but subject to such appropriations for the purpose as Parliament shall from time to time determine) approve.

15. Section 29 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “or trotting meeting”;

(b) by striking out from paragraph (b1) of subsection (1) the passage “subsection (9)” and inserting in lieu thereof the passage “subsection (12)”;

(c) by striking out from subsection (1a) the passage “or trotting meeting”;

and

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

(d) by striking out from subsection (4) the passage "Not less than forty dollars nor more than one hundred dollars" and inserting in lieu thereof the passage "Not less than fifty dollars nor more than two hundred dollars".

Enactment of
ss. 30a and
30b of principal
Act—

No licence to
be issued for
totalizator at
dog races
without
approval of
National
Coursing
Association.

Restriction on
licences in
respect of dog
racing.

16. The following sections are enacted and inserted in the principal Act immediately after section 30 thereof:—

30a. No licence shall be issued for the use of the totalizator on any racecourse on which dog racing is conducted unless approval for the issue of such licence has been given by the National Coursing Association of South Australia Incorporated.

30b. (1) Subject to subsection (2) of this section, licences issued under this Part of this Act shall not authorize the use of the totalizator on racecourses on which dog racing is conducted and which are situated within a radius of fifteen miles from the General Post Office at Adelaide for more than fifty-two dog race meetings in the aggregate in any year and shall not authorize the use of the totalizator on any such racecourse by any club other than the Adelaide Greyhound Racing Club Incorporated.

(2) Subject to the approval of the National Coursing Association of South Australia Incorporated, the Commissioner of Police may issue to the Adelaide Greyhound Racing Club Incorporated licences authorizing the use of the totalizator on any racecourse situated within a radius of fifteen miles from the General Post Office at Adelaide on which dog racing is conducted by the club for not more than two days in each year in addition to the days in that year for which the use of the totalizator on that racecourse is authorized under 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 racing club from the race meeting to be held on the day for which the licence is issued shall be distributed by the club among such charitable institutions and in such proportions as the Governor directs.

(3) Except as provided in this section, licences issued under this Part of this Act shall not authorize the use of the totalizator on racecourses on which dog racing is conducted and which are situated outside a radius of fifteen miles from the General Post Office at Adelaide for more than one hundred and fifty dog race meetings in the aggregate in any year of which—

(a) not more than one hundred meetings in the aggregate are conducted by the South Australian Greyhound Racing Club Incorporated on any racecourse within a radius of seven miles from the Post Office at Gawler

or by the club known as Southern Greyhound Raceway Incorporated on any racecourse within a radius of seven miles from the Post Office at Strathalbyn;

and

(b) not more than fifty meetings in the aggregate are conducted by the Port Pirie and Districts Greyhound Club on any racecourse within the municipality of Port Pirie or by the Whyalla Greyhound Racing Club on any racecourse within the municipality of Whyalla.

(4) Subject to the approval of the National Coursing Association of South Australia Incorporated, the Commissioner of Police may issue to each of the clubs referred to in subsection (3) of this section a licence authorizing the use of the totalizator at a race meeting at which dog racing is ordinarily conducted by the club on not more than one day in each year in addition to the days in that year for which the use of the totalizator by that club is authorized under subsection (3) 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 on the day for which the licence is issued shall be distributed by the club among such charitable institutions and in such proportions as the Governor directs.

(5) On the application of the clubs concerned approved by the National Coursing Association of South Australia Incorporated 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 paragraph (a) of subsection (3) 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 that paragraph 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 paragraph (b) of subsection (3) 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 that paragraph is so authorized,

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

**Amendment of
principal Act,
s. 31a—
Interpretation.**

17. Section 31a of the principal Act is amended—

- (a) by striking out from subsection (1) the definition of “double event bet” and inserting in its place the following definition:—

“double event bet” means a bet in which the person making the bet—

- (a) nominates a combination of two horses or nominates the same horse on the chance that those horses or that horse will fill the first places;

or

- (b) nominates a combination of two dogs or nominates the same dog on the chance that those dogs or that dog will fill the first places,

in two races selected by the Board for the purposes of any totalizator conducted by the Board.;

- (b) by striking out from subsection (1) the definition of “licensed trotting club”;

- (c) by striking out from the definition of “participating club” in subsection (1) the passage “or licensed trotting club”;

and

- (d) by striking out the passage “or licensed trotting club” and the passage “or trotting meeting” wherever those passages occur in paragraph (a) and paragraph (b) of subsection (2).

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

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

- (a) by inserting in subsection (4) after the word “shall” the passage “, until the day fixed by proclamation pursuant to subsection (4a) of this section.”;

(b) by inserting after subsection (4) the following subsection:—

(4a) Subject to this Act, on and after a day to be fixed by proclamation the Board shall consist of nine members who shall be the persons referred to in subsection (4) of this section and one additional person who shall be nominated by the committee of the National Coursing Association of South Australia Incorporated.;

and

(c) by striking out from subsection (12) the passage “Public Service Act, 1936-1966” and inserting in lieu thereof the passage “Public Service Act, 1967, as amended”.

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

(a) by inserting after the figures “1970” in subsection (1) the passage “and the first member appointed on the nomination of the committee of the National Coursing Association of South Australia Incorporated shall be appointed for a term of office expiring on the thirty-first day of August, 1973”;

and

(b) by inserting in subsection (6) after the word “vacancy” lastly occurring the passage “, but a person appointed to fill a casual vacancy shall be appointed, and shall be deemed to have been appointed, only for the balance of the term of office of the member in whose place he is appointed”.

Amendment of principal Act, s. 31c—
Tenure of office.

20. Section 31ha of the principal Act is amended by striking out the passage “or licensed trotting club”.

Amendment of principal Act, s. 31ha—
Agreements and arrangements between the Board and licensed clubs.

21. Section 31j of the principal Act is amended—

(a) by striking out from subsection (1) the passage “or trotting meeting” and the passage “or licensed trotting club”;

and

(b) by striking out from subsection (3) the passage “or licensed trotting club” and the passage “or trotting meeting”.

Amendment of principal Act, s. 31j—
Conduct of totalizator betting by the Board.

22. Section 31ka of the principal Act is amended by inserting in subsection (3) after the word “horses” firstly occurring therein the passage “or dogs”.

Amendment of principal Act, s. 31ka—
Provisions with respect to the use of premises for off-course totalizator betting.

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

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

- (a) by striking out from paragraph (b) of subsection (1) the passage “or licensed trotting club” wherever it occurs in that paragraph;
 - (b) by inserting after the word “horses” wherever it occurs in subsection (4) the passage “or dogs”;
 - (c) by inserting after the word “horse” in subsection (4) the passage “or dog”;
- and
- (d) by striking out from subsection (5) the passage “or licensed trotting club” wherever it occurs in that subsection.

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

24. Section 31na of the principal Act is amended by striking out the passage “or licensed trotting club” wherever it occurs therein.

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

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

- (a) by inserting in paragraph (d) of subsection (1) after the passage “(including trotting)” the passage “and dog racing”;
- and
- (b) by striking out subsections (2) and (3) and inserting in their place the following subsections:—

(2) The money available for payment under paragraph (e) of subsection (1) of this section shall be divided by the Board into three parts bearing the same ratio to each other as the amounts invested with the Board—

- (a) on horse races (other than trotting races) wherever conducted during the period in which the money was received by the Board;
 - (b) on trotting races wherever conducted during that period;
- and
- (c) on dog races wherever conducted during that period,

bear to each other.

(3) The Board shall distribute the three parts among such of the racing clubs as are participating clubs on such basis as the Minister approves having regard to the recommendations of the Board.

26. Section 31q of the principal Act is amended—

- (a) by striking out from subsection (2) the passage “or trotting”;
- (b) by striking out from subsection (3) the passage “or trotting club” wherever it occurs therein;
- (c) by inserting in subsection (3) after the word “totalizator” the passage “at the racecourse”;
- (d) by inserting in subsection (3) after the word “Board” firstly occurring the passage “outside the racecourse”;
- and
- (e) by striking out from subsection (4) the passage “or trotting club” and the passage “or trotting meetings”.

Amendment of principal Act, s. 31q—
Liability of the Board to pay duty under Stamp Duties Act.

27. Section 31s of the principal Act is amended by striking out from subsection (1) the passage “and under section 44c”.

Amendment of principal Act, s. 31s—
The Fund.

28. Section 32 of the principal Act is amended—

- (a) by striking out the definition of “country racing clubs” and inserting in lieu thereof the following definition:—

“country racing club” means any horse racing club that is situated outside a radius of twenty miles from the General Post Office at Adelaide and is registered by the South Australian Jockey Club Incorporated;

- (b) by striking out the definition of “metropolitan racing clubs” and inserting in lieu thereof the following definition:—

“metropolitan racing club” means any horse racing club that is situated within a radius of twenty miles from the General Post Office at Adelaide and is registered by the South Australian Jockey Club Incorporated;

- (c) by striking out the definition of “racecourse”;
- (d) by striking out the definition of “racing club”;
- and
- (e) by striking out the definitions of “trotting ground” and “trotting club”.

Amendment of principal Act, s. 32—
Interpretation.

29. Section 32a of the principal Act is repealed.

Repeal of s. 32a of principal Act.

30. Section 33 of the principal Act is amended by striking out paragraph (a) of subsection (1) and inserting in lieu thereof the following paragraph:—

- (a) on any racecourse during the holding of a race meeting thereon;

Amendment of principal Act, s. 33—
Legalization of betting with bookmakers.

Amendment of
principal Act,
s. 34—
Betting Control
Board.

31. Section 34 of the principal Act is amended—

(a) by striking out from subsection (2) the word “Treasurer” and inserting in lieu thereof the passage “Chief Secretary”;

and

(b) by striking out from subsection (6) the passage “1936-1938” and inserting in lieu thereof the passage “1967, as amended”.

Amendment of
principal Act,
s. 34a—
Ministerial
control.

32. Section 34a of the principal Act is amended by striking out the word “Treasurer” and inserting in lieu thereof the passage “Chief Secretary”.

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

33. Section 38 of the principal Act is amended by striking out from subsection (3) the passage “or trotting ground”.

Amendment of
principal Act,
s. 39—
Permits to bet
on racecourses.

34. Section 39 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “or trotting ground” wherever it occurs therein;

and

(b) by striking out subsections (2) and (3) and inserting in lieu thereof the following subsections:—

(2) Subject to this Act, the committee may grant permits to licensed bookmakers subject to such conditions as it thinks fit.

(3) A licence shall not authorize a bookmaker to carry on business as such at any coursing meeting or at any dog race meeting unless he has first obtained a permit to carry on business at that meeting from the committee of the National Coursing Association of South Australia Incorporated.

(4) No such permit shall be issued in respect of any coursing meeting or dog race meeting unless the board consents to the issue of permits for that meeting.

(5) Permits shall not be issued under this section authorizing bookmakers to carry on business at more than sixty-five coursing meetings in any year, nor at more than fifteen enclosed coursing meetings in any year or more than fifty open coursing meetings in any year.

(6) A permit shall not be issued under this section authorizing any bookmaker to carry on business at a dog race meeting unless a licence to use the totalizator at that meeting has been granted to the racing club proposing to conduct that meeting.

35. Section 40 of the principal Act is amended—

Amendment of
principal Act,
s. 40—
Payment of
commission on
bets and
returns.

- (a) by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) Every bookmaker shall, not later than three o'clock p.m. on each Thursday in every week, pay to the board by way of commission a sum equivalent to—

- (a) one and four fifths per centum of all moneys paid or payable to him in respect of any bet made with him at any race meeting or coursing meeting;

and

- (b) two per centum of all moneys paid or payable to him in respect of any bet made with him in any registered premises,

on events decided during the week which ended at midnight on the preceding Saturday.;

and

- (b) by inserting in paragraph (a) of subsection (3) after the passage "bets made by him" the passage "on events decided".

36. Section 41 of the principal Act is amended—

Amendment of
principal Act,
s. 41—
Application of
commission.

- (a) by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) The board shall apply the commission as follows:—

- (a) Out of the commission on bets made in registered premises on horse races (other than trotting races) held within South Australia the sum of ten thousand dollars in each financial year shall be applied by the board, in such manner as it thinks fit, for the benefit of all or any of the country racing clubs: But if the total commission on such bets made in any financial year is less than ten thousand dollars, the whole of that commission shall be so applied:

(b) Except in the case of bets made at a racecourse on races to be run on a day or days subsequent to the day on which such bets are made—

(i) twenty-five thirty-sixths of the commission on bets made at racecourses on races held within South Australia shall be paid to the club which conducted the meetings at which those bets were made;

and

(ii) five thirty-sixths of the commission on bets made at racecourses on races held outside South Australia shall be paid to the club which conducted the meeting at which those bets were made:

(c) In the case of bets made at a racecourse on races to be run on a day or days subsequent to the day on which such bets are made—

(i) twenty-five thirty-sixths of the commission on bets made on such races held within South Australia shall be paid to the club conducting those races;

and

(ii) the whole of the commission on bets made on such races held outside South Australia shall be paid to the Treasurer in aid of the general revenue of the State:

(d) In the case of bets made at coursing meetings, twenty-five thirty-sixths of the commission on bets made on coursing events shall be paid to the club conducting those events:

(e) The balance of the commission received by the board under this section shall be paid to the Treasurer in aid of the general revenue of the State.;

and

(b) by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(3) Payments under this section to the Treasurer and the racing clubs and coursing clubs shall be made monthly or by arrangement between the board and the Treasurer or the clubs concerned, as the case may be.

37. Section 42 of the principal Act is amended—

(a) by striking out subsection (1i) and inserting in lieu thereof the following subsection:—

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

(1i) In this section—

“the metropolitan area” means—

(a) the municipalities of Adelaide, Brighton, Burnside, Enfield, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Payneham, Port Adelaide, Prospect, St. Peters, Thebarton, Unley, West Torrens, Walkerville, Woodville and Campbelltown;

and

(b) The Garden Suburb.;

and

(b) by striking out subsection (4).

38. Section 42a of the principal Act is amended by striking out from paragraph (b) of subsection (1) the passage “horse racing, trotting” and inserting in lieu thereof the word “racing”.

Amendment of
principal Act,
s. 42a—
Unlawful
betting.

39. Section 44 of the principal Act is amended—

(a) by striking out paragraph (a) of subsection (1a);

and

(b) by striking out from paragraph (b) of subsection (1a) the passage “or trotting ground”.

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

40. Sections 44a, 44b and 44c of the principal Act are repealed.

Repeal of
ss. 44a, 44b
and 44c of
principal Act.

41. Section 54a of the principal Act is amended by striking out the passage “or trotting ground while a race meeting or trotting meeting” and inserting in lieu thereof the passage “while a race meeting”.

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

42. Section 60 of the principal Act is amended by inserting after the word “shall” the passage “, unless authorized by any provision of this Act”.

Amendment of
principal Act,
s. 60—
Betting and
inviting to
subscribe to a
bet or sweep-
stakes.

Amendment of
principal Act,
s. 64—
Betting
information.

43. Section 64 of the principal Act is amended—

(a) by inserting after the word “shall” the passage “, except with the written authority of the board granted under section 67 of this Act”;

and

(b) by striking out the word “trotting” and inserting in lieu thereof the passage “or dog”.

Amendment of
principal Act,
s. 65—
Advertising by
tipsters.

44. Section 65 of the principal Act is amended by striking out from paragraph (a) the passage “trotting race” and inserting in lieu thereof the passage “dog race”.

Amendment of
principal Act,
s. 66—
Oral infor-
mation as to
racing.

45. Section 66 of the principal Act is amended by striking out from subsection (1) the word “trotting” and inserting in lieu thereof the word “dog”.

Amendment of
principal Act,
s. 67—
Authorized
information
as to racing.

46. Section 67 of the principal Act is amended by striking out subsections (1) and (2) and inserting in lieu thereof the following subsections:—

(1) The board may in writing grant to any person a general or limited authority to publish or communicate, in any manner specified by the board, oral or written information or advice relating to any horse race, pony race, dog race or coursing event, or any combination of races or events, or to the betting odds thereon.

(2) Any such authority may contain any conditions, which the board is hereby empowered to impose, and is void if any such condition attaching to the authority is not observed.

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

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

(a) by striking out from subsection (1) the passage “, trotting meeting,” wherever it occurs therein;

(b) by striking out from subsection (1) the passage “trotting race” and inserting in lieu thereof the passage “dog race”;

(c) by striking out from subsection (2) the passage “trotting race” and inserting in lieu thereof the passage “dog race”;

(d) by striking out from subsection (2) the passage “or trotting meeting”;

and

(e) by inserting in subsection (2) after the word "horse" lastly occurring therein the passage "or dog".

48. Section 69 of the principal Act is amended by inserting in subsection (1) after the passage "horse racing," the passage "dog racing,".

Amendment of principal Act, s. 69—
Removal from racecourses of persons suspected of offences.

49. Section 70 of the principal Act is amended—

(a) by inserting in paragraph (a) of subsection (1) after the passage "horse races" the passage "or dog races";

(b) by inserting in paragraph (b) of subsection (1) after the passage "horse races" the passage "or dog races":

and

(c) by striking out from subsection (6) the definitions of "racing club" and "racecourse".

Amendment of principal Act, s. 70—
Power for racing clubs to revoke tickets and remove persons from racecourses.

50. Section 73 of the principal Act is amended by striking out from subsection (1) the passage "sub-inspector" and inserting in lieu thereof the word "Inspector".

Amendment of principal Act, s. 73—
Power of police as to premises where unlawful gaming is carried on.

51. Section 78 of the principal Act is amended by striking out from subsection (4) the passage "of Titles".

Amendment of principal Act, s. 78—
Power to evict occupier of house used as gaming-house, etc.

52. Section 80 of the principal Act is amended by striking out from subsection (1) the passage "commissioner, inspector, or sub-inspector of police," and inserting in lieu thereof the passage "member of the police force of or above the rank of Inspector".

Amendment of principal Act, s. 80—
Declaration that house a common gaming-house.

53. Section 81 of the principal Act is amended—

(a) by striking out from paragraph (b) of subsection (1) the passage "Commissioner, inspector, or sub-inspector of police" and inserting in lieu thereof the passage "member of the police force of or above the rank of Inspector";

(b) by striking out from subsection (2) the passage "Commissioner, inspector, or sub-inspector of police" and inserting in lieu thereof the passage "member of the police force of or above the rank of Inspector";

and

Amendment of principal Act, s. 81—
Rescission of declaration.

(c) by striking out from subsection (3) the passage “Commissioner, Inspector or sub-inspector of Police,” and inserting in lieu thereof the passage “member of the police force of or above the rank of Inspector”.

Amendment of principal Act, s. 83—
Notice given of declaration.

54. Section 83 of the principal Act is amended by striking out from subsection (1) the passage “, inspector, or sub-inspector” and inserting in lieu thereof the passage “or an inspector”.

Amendment of principal Act, s. 99—
Allegations to be *prima facie* proof.

55. Section 99 of the principal Act is amended by striking out from paragraph (b) the passage “trotting race” and inserting in lieu thereof the passage “dog race”.

Amendment of principal Act, s. 104—
Evidence as to offences.

56. Section 104 of the principal Act is amended by striking out the passage “the Act” and inserting in lieu thereof the passage “this Act”.

Repeal of s. 106 of principal Act and enactment of section in its place—
Certain allegations *prima facie* evidence.

57. Section 106 of the principal Act is repealed and the following section is enacted and inserted in its place:—

106. The allegation in any complaint under section 114 of this Act that any person is an officer or agent of the body corporate named in the complaint or that any premises named in the complaint are or have been in the occupation or under the control of such body corporate shall be *prima facie* evidence of the facts alleged.

Enactment of s. 110a of principal Act—
Confiscation of instrument of gaming, etc., upon conviction.

58. The following section is enacted and inserted in the principal Act immediately after section 110 thereof:—

110a. Without limiting the effect of section 71 of this Act, upon the conviction of a person of an offence under this Act, the court convicting that person may, in addition to any other penalty or punishment inflicted on him, by order, confiscate and forfeit to the Crown any instrument of gaming, money, lists, cards, papers, document or other thing used or received by the person in relation to or in connection with the offence or in relation to or in connection with any matter giving rise to or arising out of the commission of the offence.

Repeal of s. 113 of principal Act and enactment of section in its place—
Discretion of Registrar of Companies.

59. Section 113 of the principal Act is repealed and the following section is enacted and inserted in its place:—

113. The Registrar of Companies is not obliged to register—

(a) any club, association or persons;

or

(b) any document lodged by any club, association or persons for registration,

under any Act if, in his opinion, the purposes or objects, or any of them, of such club, association or persons are designed, or intended either directly or indirectly, or either wholly or in part, to contravene or evade in any way the provisions and purposes of this Act or any of them.

60. Section 114 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 114 of principal Act and enactment of section in its place—

114. (1) Where premises occupied by or under the control of a body corporate are, or during their occupation or control by that body corporate have been, used for the purpose of unlawful gaming, the body corporate and every officer and agent thereof who knowingly caused or permitted such unlawful gaming to take place commits an offence against this Act and on conviction is liable to a penalty of five hundred dollars.

Where premises of body corporate are used for unlawful gaming.

(2) In subsection (1) of this section—

“officer”, in relation to a body corporate, means officer, in relation to a corporation within the meaning of the Companies Act, 1962, as amended:

“agent” includes agent within the meaning of Division III of Part XI of the Companies Act, 1962, as amended.

61. The second schedule to the principal Act is repealed.

Repeal of second schedule of principal Act.

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

J. W. HARRISON, Governor.