



ANNO DECIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1969

No. 5 of 1969

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

[Assented to 27th February, 1969.]

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), 1969". Short titles.

(2) The Lottery and Gaming Act, 1936, 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, 1936-1969".

(3) The Lottery and Gaming Act, 1936, as amended by all Acts amending the same prior to the enactment of this Act, is hereinafter referred to as "the principal Act".

2. Section 2 of the principal Act is amended by striking out the passage "Part IIIa.—Off-Course Betting on Totalizators" and inserting in lieu thereof the passage "Part IIIa.—Betting on Totalizators conducted by the Totalizator Agency Board". Amendment of
principal Act,
s. 2—
Division of
Act.

3. Section 4 of the principal Act is amended—

(a) by striking out from paragraph (c) of the definition of "public place" the passage "Licensing Act, 1932," and inserting in lieu thereof the passage "Licensing Act, 1967-1968, as amended," ;

and

Amendment of
principal Act,
s. 4—
Interpretation.

- (b) by inserting after the definition of "public place" the following definition :—

"racecourse" means a place where a race meeting or trotting 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. 22—
Permits to hold
trotting races.

4. Section 22 of the principal Act is amended—

- (a) by inserting after the word "area" firstly occurring in subsection (2) the passage "(other than a meeting to be held at Globe Derby Park, Bolivar)";

and

- (b) by inserting after the word "area" lastly occurring in subsection (2) the passage "or a meeting to be held at Globe Derby Park, Bolivar".

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

5. Section 28 of the principal Act is amended—

- (a) by striking out from paragraph (a) of subsection (1) the passage "(otherwise than through the agency of the Totalizator Agency Board)" and inserting in lieu thereof the passage "(other than moneys invested on the totalizator on off-course totalizator betting conducted by the Totalizator Agency Board)";
- (b) by inserting after the word "investments" in subsection (4) the passage "on off-course totalizator betting";
- (c) by striking out from subsection (5) the passage "on the totalizator otherwise than" and inserting in lieu thereof the passage "at the race meeting or trotting meeting on the totalizator, whether directly with the club or";
- (d) by inserting after the passage "held on the day of the meeting by the club" in subsection (5) the passage "or by the Totalizator Agency Board on behalf of the club";
- (e) by inserting after the passage "if the amount so held by" in subsection (5) the passage "or on behalf of";
- (f) by striking out from subsection (6a) the passage "derived by the club" and inserting in lieu thereof the passage "derived from investments made at a race meeting or trotting meeting by the club, whether directly or through the medium of the Totalizator Agency Board,";

- (g) by inserting after the passage "paid by the club" in subsection (6a) the passage "or, as the case might require, by the Totalizator Agency Board on behalf of the club";
- (h) by striking out subsection (6b);
- and
- (i) by striking out from subsection (8) the passage "1923-1966" and inserting in lieu thereof the passage "1923-1968, as amended".

6. Section 29 of the principal Act is amended—

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

- (a) by inserting after the passage "race meeting" in subsection (1) the passage "or trotting meeting";
- (b) by inserting after subsection (1) the following subsection:—

(1a) Where the Totalizator Agency Board conducts, on behalf of any club, totalizator betting at a race meeting or trotting meeting, the Board shall furnish the club with such information and such statements of account and shall make such financial adjustments with the club as are necessary to enable the club to comply with the provisions of this Act.;

and

- (c) by striking out from subsection (6) the passage "or under subsection (1) of section 24 of the Lottery and Gaming Act, 1917,".

7. Part IIIa of the principal Act is amended by striking out the heading thereto entitled "OFF-COURSE BETTING ON TOTALIZATORS" and inserting in lieu thereof the heading entitled "BETTING ON TOTALIZATORS CONDUCTED BY THE TOTALIZATOR AGENCY BOARD".

Amendment to
heading of
Part IIIa of
principal Act.

8. Section 31a of the principal Act is amended by striking out subsection (2) and inserting the following subsection in lieu thereof:—

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

(2) Subject to this Act but, without limiting the powers of the Board—

- (a) the Board may on behalf of any licensed racing club or licensed trotting club conduct the totalizator and totalizator betting at any race meeting or trotting meeting held by the club;

and

- (b) where the Board conducts an off-course totalizator or off-course totalizator betting on any event, it may, by arrangement with any licensed racing club or licensed trotting club, establish at any race meeting or trotting meeting conducted by the club any office, branch or agency of the Board at which bets are received by the Board on that event, and, notwithstanding that any such office, branch or agency is situated on a racecourse, any betting conducted by the Board thereat shall, for the purposes of this Act, be deemed to be off-course totalizator betting conducted by the Board.

Amendment of principal Act, s. 31h—
Powers, etc. of the Board as to employment, premises, borrowing, etc.

9. Section 31h of the principal Act is amended by striking out from subsection (2) the passage "Licensing Act, 1932-1964" and inserting in lieu thereof the passage "Licensing Act, 1967-1968, as amended".

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

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

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

(1) The Board may, at any race meeting or trotting meeting or at any office, branch or agency of the Board, conduct totalizator betting on any event scheduled to be held within or outside Australia and for that purpose may itself on its own account conduct a totalizator or, by arrangement with a licensed racing club or licensed trotting club or any other person authorized to use a totalizator, conduct or make use of the totalizator which that club or person uses or is authorized to use for betting on that event. ;

- (b) by striking out the word "off-course" wherever it appears in subsections (1c) and (2) ;

and

- (c) by adding after subsection (2) the following subsection:—

(3) Where, pursuant to subsection (1) of this section the Board, by arrangement with a licensed racing club or licensed trotting club or any other person authorized to use a totalizator, at any race meeting or trotting meeting, conducts or makes use of the totalizator which that club or person is authorized to use, the Board shall, in relation to the conduct or use of that totalizator,

be the agent of that club or person and shall account to that club or person accordingly and anything done by the Board as the agent of the club or person in the course of such conduct or use shall be lawful if it would have been lawful if done by that club itself or by that person himself, as the case may be.

11. Section 31ka of the principal Act is amended—

- (a) by inserting after the word “Board” firstly occurring in subsection (2) the passage “where off-course totalizator betting is conducted” ;

and

- (b) by inserting after the word “public” lastly occurring in subsection (2) the passage “and where off-course totalizator betting is conducted”.

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

12. Section 31m of the principal Act is amended by striking out from subsection (1) the word “No” being the first word in that subsection and inserting in lieu thereof the passage “Where the Board conducts off-course totalizator betting, no”.

Amendment of principal Act, s. 31m—
 Provisions as to off-course totalizator betting.

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

- (a) by inserting after the word “race-course” in paragraph (b) of subsection (1) the passage “or on any totalizator conducted on any racecourse by the Board as the agent of a licensed racing club or licensed trotting club” ;

- (b) by inserting after the word “racecourse” in subsection (5) the passage “or on any totalizator conducted on any racecourse by the Board as the agent of a licensed racing club or licensed trotting club” ;

and

- (c) by inserting after the passage “the club using” in subsection (5) the passage “or authorized to use”.

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

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

- (a) by inserting after the word “racecourse” firstly occurring the passage “or on any totalizator conducted on any racecourse by the Board as the agent of a licensed racing club or licensed trotting club” ;

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

(b) by inserting after the word "club" in paragraph (b) the passage "or by the Board as the agent of the club";

and

(c) by inserting after the word "made" in paragraph (c1) the passage "outside the racecourse".

Amendment of
principal Act,
s. 31u—
Rules of the
Board.

15. Section 31u of the principal Act is amended by striking out from paragraph (c) the word "off-course".

Amendment of
principal Act,
s. 31v—
Regulations.

16. Section 31v of the principal Act is amended by striking out from paragraph (b) the word "off-course".

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

17. Section 38 of the principal Act is amended by striking out from subsection (6) the passage "Licensing Act, 1932" and inserting in lieu thereof the passage "Licensing Act, 1967-1968, as amended".

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

18. Section 48 of the principal Act is amended—

(a) by inserting after the word "area" firstly occurring in subsection (3) the passage "(other than a meeting to be held at Globe Derby Park, Bolivar)";

and

(b) by inserting after the word "area" lastly occurring in subsection (3) the passage "or a meeting to be held at Globe Derby Park, Bolivar".

Amendment of
principal Act,
s. 115—
Entry of shops,
factories and
club premises.

19. Section 115 of the principal Act is amended by striking out from paragraph (a) of subsection (1) the passage "Licensing Act, 1932" and inserting in lieu thereof the passage "Licensing Act, 1967-1968, as amended".

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

J. M. NAPIER, Governor's Deputy.