



ANNO VICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1976

No. 104 of 1976

An Act to regulate and control certain forms of racing and betting thereon; to repeal the Dog-Racing Control Act, 1966-1967; to amend the Lottery and Gaming Act, 1936-1975; and the Stamp Duties Act, 1923-1976; and for other purposes.

[Assented to 16th December, 1976]

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

PART I

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the "Racing Act, 1976".

Commence-
ment.

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

(2) The Governor may, in a proclamation made for the purposes of subsection (1) of this section, suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

Arrangement
of Act.

3. This Act is arranged as follows:—

PART I—PRELIMINARY

PART II—CONTROLLING AUTHORITIES

DIVISION I—CONTROLLING AUTHORITY FOR HORSE RACING

DIVISION II—CONTROLLING AUTHORITY FOR TROTTING

DIVISION III—CONTROLLING AUTHORITY FOR DOG RACING

PART III—TOTALIZATOR BETTING

DIVISION I—TOTALIZATOR AGENCY BOARD

DIVISION II—CONDUCT OF TOTALIZATOR BETTING

PART IV—BETTING CONTROL BOARD AND BOOKMAKERS

PART V—RACECOURSES DEVELOPMENT BOARD

PART VI—MISCELLANEOUS

THE SCHEDULES.

4. (1) The Act specified in the first schedule to this Act is repealed.

Repeal and
transitional
provisions.

(2) The Acts specified in the first column of the second schedule to this Act are amended in the manner indicated in the second column of that schedule and any Act as amended thereby and by all prior amendments amending the same may be cited by its new citation, if any, as specified in the third column of that schedule.

- (3) Notwithstanding the repeals effected by this section—

- (a) any rules made by the Trotting Control Board or the Betting Control Board under the Lottery and Gaming Act, 1936-1975, and in force immediately before the commencement of this Act shall, to the extent to which they are consistent with the provisions of this Act, continue in force as if they were made under this Act;
- (b) any rules made by the South Australian Totalizator Agency Board under the Lottery and Gaming Act, 1936-1975, prescribing any matter relating to the acceptance of, or payment on, totalizator bets made with the Board and in force immediately before the commencement of this Act shall continue in force as if they were rules made by the Board, with the approval of the Minister, under Division I of Part III of this Act;
- (c) any rules made by the South Australian Totalizator Agency Board, or a racing club, as the case may be, under the Lottery and Gaming Act, 1936-1975, prescribing any matter relating to the calculation of dividends on totalizator bets, the formation of totalizator pools or any other matter relating to the conduct of totalizator betting by the Board, or the racing club, as the case may be, and in force immediately before the commencement of this Act, shall, to the extent to which they are consistent with the provisions of this Act, continue in force and, in relation to the conduct of totalizator betting by the Board, or the racing club, as the case may be, apply as if they were the totalizator rules under this Act;

and

- (d) any permission, approval, authority, licence, permit, registration, suspension or disqualification granted or imposed by the Trotting Control Board or the Betting Control Board under the Lottery and Gaming Act, 1936-1975, and in force immediately before the commencement of this Act shall, to the extent to which it is consistent with this Act, subject to this Act, continue in force and have effect as if it were granted or imposed under this Act.

(4) The mention of particular matters in this section or any other section of this Act shall not effect the general application of the Acts Interpretation Act, 1915-1975, to this Act, except to the extent that that Act is inconsistent with this Act.

Interpretation.**5. In this Act, unless the contrary intention appears—**

“authorized racing club” means a racing club authorized to conduct on-course totalizator betting pursuant to Part III of this Act:

“the Betting Control Board” means the Betting Control Board established under the Lottery and Gaming Act, 1936-1975, and continued in existence under Part IV of this Act:

“controlling authority”—

(a) in relation to horse racing, means the Committee of the South Australian Jockey Club Incorporated;

(b) in relation to trotting, means the Trotting Control Board;

(c) in relation to dog racing, means—

(i) until the commencement of Division III of Part II of this Act, the Minister;

and

(ii) after the commencement of Division III of Part II of this Act, the Dog Racing Control Board:

“dividend” in relation to a totalizator bet on a race-result means the amount payable from the totalizator pool derived from such bets in respect of each unit of the bet:

“the Dividends Adjustment Account” means the Dividends Adjustment Account established at the Treasury under the Lottery and Gaming Act, 1936-1975, and continued in existence under Part VI of this Act:

“dog race” or “dog racing” means a race or racing between dogs in competitive pursuit of a quarry or lure that is not a live animal:

“the Dog Racing Control Board” means the Dog Racing Control Board established under Part II of this Act:

“double” means a contingency, or combination of contingencies, in respect of two races:

“horse races” or “horse racing” does not include trotting races or trotting:

“the Hospitals Fund” means the Fund established at the Treasury and entitled the “Hospitals Fund”:

“the metropolitan area” means the area within a radius of thirty kilometres from the General Post Office at Adelaide in the State:

“multiple” means any contingency, or combination of contingencies, in respect of a race or races, not being a single or a double:

“on-course bet” or “on-course betting” means a bet that is made, or betting that takes place, within a racecourse while a race meeting is taking place at the racecourse and “off-course bet” and “off-course betting” have correlative meanings:

“race” or “racing” means—

- (a) a horse race or horse racing;
- (b) a trotting race or trotting;
- or
- (c) a dog race or dog racing:

“racecourse” means a place where race meetings are held and includes any land or premises appurtenant thereto and to which persons attending such meetings have access in connection with the meetings:

“race meeting” means a meeting at which horse races, trotting races or dog races are held:

“the Racecourses Development Board” means the Racecourses Development Board established under the Lottery and Gaming Act, 1936-1975, and continued in existence under Part V of this Act:

“race-result” in relation to totalizator betting means a single, double or multiple:

“racing club” means a club or association that—

- (a) is a body corporate;
- (b) is established for the purpose of conducting race meetings;
- and
- (c) is not established for the purpose of securing pecuniary profit for its members from its transactions:

“racing year” means the period commencing on the first day of August in any year and expiring on the succeeding thirty-first day of July:

“registered dog racing club” means a racing club that is established for the purpose of conducting dog race meetings and is registered by the Dog Racing Control Board or, until such clubs are registered by the Dog Racing Control Board, licensed immediately before the commencement of Division III of Part II of this Act by the Minister under the Dog Racing Control Act, 1966-1967:

“registered horse racing club” means a racing club that is established for the purpose of conducting horse race meetings and is registered by the controlling authority for horse racing:

“registered racing club” means a registered horse racing club, registered trotting club or registered dog racing club:

“registered trotting club” means a racing club that is established for the purpose of conducting trotting race meetings and is registered by the controlling authority for trotting:

“single” means a contingency, or a combination of not more than two contingencies, in respect of one race:

“the Totalizator Agency Board” means the South Australian Totalizator Agency Board established under the Lottery and Gaming Act, 1936-1975, and continued in existence under Part III of this Act:

“totalizator betting” means betting in accordance with a system under which the amount paid out in respect of a bet made on a race-result is proportioned to the total amount bet on that race-result and “totalizator bet” has a correlative meaning:

“totalizator pool” means—

(a) the amount comprised in the balance remaining of the amount of the totalizator bets made with any body conducting totalizator betting on a race-result after the deduction pursuant to section 68 of this Act;

or

(b) where two or more totalizator pools are pooled pursuant to section 72 of this Act, an amount equal to the sum of those totalizator pools:

“totalizator rules” means the rules made by the Minister pursuant to Division II of Part III of this Act:

“trotting” includes ambling and pacing:

“the Trotting Control Board” means the Trotting Control Board established under the Lottery and Gaming Act, 1936-1975, and continued in existence under Part II of this Act:

“unit” in relation to a totalizator bet means the amount of fifty cents or such other amount as may be prescribed:

“winning bet dividend” means the dividend payable on a totalizator bet on a race-result for successfully predicting that result.

PART II

PART II

CONTROLLING AUTHORITIES

DIVISION I—CONTROLLING AUTHORITY FOR HORSE RACING

DIVISION I

6. (1) Subject to this section, the controlling authority for horse racing shall be the Committee of the South Australian Jockey Club Incorporated.

S.A.J.C. to be
controlling
authority.

(2) The Committee of the South Australian Jockey Club Incorporated shall cease to be the controlling authority for horse racing if the manner in which the Committee is constituted as at the commencement of this Act is varied without the approval of the Minister.

7. (1) A person shall not, except with the approval in writing of the controlling authority for horse racing and in accordance with the conditions attached to such approval, hold a race meeting, or cause a race meeting to be held, at which a person licensed, or a horse registered, by the South Australian Jockey Club Incorporated under its rules takes part in a horse race.

Prohibition of
certain race
meetings.

Penalty: One thousand dollars.

(2) The controlling authority for horse racing may, upon application in writing by any person and upon payment of the fee, if any, fixed by the controlling authority, grant its approval in writing for that person to hold a race meeting.

(3) The controlling authority may, on granting an approval under this section, attach to the approval such conditions as it considers appropriate.

(4) The controlling authority may, by notice in writing to a person granted an approval under this section, amend, vary or revoke a condition attached to the approval or attach a further condition.

(5) The controlling authority may, at its discretion, by notice in writing to the person granted an approval under this section, cancel the approval and the approval shall cease to have any effect.

DIVISION II—CONTROLLING AUTHORITY FOR TROTTING

DIVISION II

8. In this Division, unless the contrary intention appears—

Interpretation.

“the Board” means the Trotting Control Board established under the Lottery and Gaming Act, 1936-1975, and continued in existence under this Division:

“the chairman” means the person holding office as the chairman of the Board under this Division:

“member” means a person holding office as a member of the Board under this Division.

9. (1) The body entitled the “Trotting Control Board” and established under the Lottery and Gaming Act, 1936-1975, shall continue in existence under that name.

Continuation
of Board.

(2) The Board—

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

PART II
DIVISION II

- (b) shall be capable of suing and of being sued;
- (c) shall be capable of acquiring, holding, dealing with and disposing of any interest in real and personal property;
- and
- (d) shall be capable of acquiring or incurring any other rights or liabilities.

(3) The members of the Board in office immediately before the commencement of this Act, shall, subject to this Act, continue in their respective offices for the balance of the respective terms for which they were appointed and shall be eligible for re-appointment.

**Constitution of
Board.**

10. (1) The Board shall consist of seven members appointed by the Governor of whom—

- (a) one shall be appointed on the recommendation of the Minister and shall be appointed to be the chairman;
- (b) one shall be nominated by the Governing Body of the South Australian Breeders, Owners, Trainers and Reinsmens Association, Incorporated;
- (c) two shall be nominated by the Committee of the South Australian Trotting Club Incorporated;
- and
- (d) three shall be nominated by resolution passed at a meeting constituted of one delegate from each of the registered trotting clubs other than the South Australian Trotting Club Incorporated by a majority of the delegates.

(2) A person shall not be eligible to hold office—

- (a) as the chairman of the Board if he is a member of a registered trotting club or an association representing the interests of breeders, owners, trainers or reinsmen of trotting horses;

or

- (b) as any member, including the chairman, of the Board if—

- (i) he holds a reinsman's licence or permit;

- (ii) he holds a trainer's licence;

or

- (iii) he is registered as a stable hand,

under this Act.

(3) Whenever a nomination referred to in subsection (1) of this section is required to be made for the appointment of a member of the Board, the Minister may, by notice in writing served personally or by post upon the body by which the nomination is to be made, request it to make the nomination within twenty-one days of the date of the notice, or such longer period as is specified in the notice, and if no nomination is made in accordance with that request, the Governor may appoint a person nominated by the Minister to be a member of the Board in lieu of a nominee of that body and a person so appointed shall, for all purposes, be deemed to have been duly appointed upon the nomination of that body.

11. (1) A member shall be appointed for a term of office, not exceeding four years, and upon such conditions as the Governor may determine, and, upon the expiration of his term of office, shall be eligible for re-appointment.

(2) The Governor may, on the recommendation of the Minister, appoint a person to be a deputy of a member and that person while acting in the absence of that member shall be deemed to be a member and shall have all the powers, rights and duties of that member.

(3) The Governor may remove a member for—

(a) any breach of, or non-compliance with, the conditions of his appointment;

(b) mental or physical incapacity;

(c) neglect of duty;

or

(d) dishonourable conduct.

(4) The office of a member shall become vacant if—

(a) he dies;

(b) his term of office expires;

(c) he resigns by written notice addressed to the Minister;

or

(d) he is removed from office by the Governor pursuant to subsection (3) of this section.

(5) Upon the office of a member becoming vacant, a person shall be appointed in accordance with this Act to the vacant office, but where the office of a member becomes vacant before the expiration of the term for which he was appointed, the person appointed in his place shall be appointed only for the balance of the term of his predecessor.

12. (1) The members of the Board shall be entitled to receive such remuneration, allowances and expenses, as may be determined by the Governor.

**Remuneration,
allowances and
expenses.**

(2) Any amount to which a member of the Board is entitled under this section shall be paid out of the funds of the Board.

13. (1) Four members shall constitute a quorum of the Board and no business shall be transacted at a meeting of the Board unless a quorum is present.

Quorum, etc.

(2) The chairman or, in the absence of the chairman, his deputy shall preside at a meeting of the Board, and, in the absence of both the chairman and his deputy from a meeting of the Board, the members present shall choose one of their number to preside at the meeting.

(3) A decision carried by a majority of the votes of the members present at a meeting of the Board shall be a decision of the Board.

(4) Each member shall be entitled to one vote on a matter arising for determination by the Board, and the person presiding at the meeting of the Board shall, in the event of an equality of votes, have a second or casting vote.

PART II
DIVISION II

(5) The Board shall cause proper minutes to be kept of its proceedings at meetings.

(6) Subject to this Act, the business of the Board shall be conducted in a manner determined by the Board.

**Due execution
of documents
by the Board.**

14. (1) A document is duly executed by the Board if it is sealed with the common seal of the Board and signed by two members.

(2) An apparently genuine document purporting to have been executed by the Board in accordance with subsection (1) of this section shall be presumed in any legal proceedings, in the absence of proof to the contrary, to have been duly executed by the Board.

**Validity of acts
of the Board
and immunity
of its members.**

15. (1) An act or proceeding of the Board shall not be invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the appointment of a member, an act or proceeding of the Board shall be as valid and effectual as if the member had been duly appointed.

(2) No personal liability shall attach to a member of the Board for an act or omission by him, or by the Board, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge, or purported discharge, of his or its duties under this Act.

**Functions and
powers of the
Board.**

16. (1) The functions of the Board are as follows:—

(a) to regulate and control the sport of trotting and the conduct of trotting race meetings and trotting races within the State;

and

(b) to promote the sport of trotting within the State.

(2) The Board may, for the purpose of performing its functions and discharging its duties under this Act—

(a) establish offices;

(b) appoint officers and employees;

(c) make grants to, or provide subsidies for, any registered trotting club;

(d) make a loan, which may be free of interest, to any registered trotting club;

(e) provide a subsidy or make a loan, (which may be free of interest) for, or in connection with, the operation of any training track for trotting;

(f) provide any amount for, or towards, the prize money for any trotting race;

(g) borrow any amount, with or without security;

(h) enter into reciprocal arrangements with any authority, association or person having the same or like powers as the Board in administering or controlling the sport of trotting, horse racing or dog racing in any part of the Commonwealth or any other part of the world

with respect to the registration of horses or dogs, the endorsement and recognition of disqualifications, licences, permits, defaulters and any other matter or thing relating to the administration and control of those sports;

(i) acquire, hold, deal with and dispose of any interest in any real or personal property;

(j) exercise such other powers as are conferred on it by or under this Act;

and

(k) exercise such other powers as are reasonably necessary for, or in connection with, or incidental to, the performance, exercise or discharge of its functions, powers or duties under this Act.

17. (1) The Board may delegate to any member, officer or employee of the Board any of its powers or functions under this Act. Delegation by the Board.

(2) Any delegation by the Board shall be revocable at will and shall not derogate from the power of the Board to act itself in any matter.

18. A person appointed by the Board to be an officer or employee shall hold office upon such terms and conditions as are from time to time determined by the Board and the provisions of the Public Service Act, 1967-1975, shall not apply to or in relation to persons so appointed. Terms and conditions of employment by the Board.

19. The Board may, with the approval of the Treasurer, invest any of its moneys that are not immediately required for purposes of this Part in such manner as may be approved by the Treasurer. Investment by the Board.

20. (1) The Board shall cause proper accounts to be kept of its financial affairs and shall in respect of each financial year prepare a statement of accounts in such form as the Treasurer may approve. Accounts and audit.

(2) The accounts and statement of accounts of the Board shall in respect of each financial year be audited by auditors appointed annually by the Board.

(3) The Auditor-General may at any time audit the accounts of the Board and shall have and may exercise in respect of the moneys and accounts of the Board and the persons dealing therewith the powers that are vested in the Auditor-General by the Audit Act, 1921-1975, in respect of public accounts and accounting officers.

21. (1) The Board shall, as soon as practicable after the end of each financial year, submit to the Minister a report upon the conduct of the business of the Board during that financial year, together with the audited statement of accounts of the Board for that financial year. Annual report.

(2) The Minister shall cause the report and audited statement of accounts of the Board to be laid before each House of Parliament as soon as practicable after his receipt thereof.

PART II**DIVISION II**

Prohibition of
certain race
meetings.

22. (1) A person shall not, except with the approval in writing of the Board and in accordance with the conditions attached to such approval, hold a race meeting, or cause a race meeting to be held, at which a person licensed, or a horse registered, by the Board under this Act takes part in a trotting race.

Penalty: One thousand dollars.

(2) The Board may, upon application in writing by any person and upon payment of the fee, if any, fixed by the Board, grant its approval in writing for that person to hold a race meeting.

(3) The Board may, on granting an approval under this section, attach to the approval such conditions as it considers appropriate.

(4) The Board may, by notice in writing to a person granted an approval under this section, amend, vary or revoke a condition attached to the approval or attach a further condition.

(5) The Board may, at its discretion, by notice in writing to a person granted an approval under this section, cancel the approval and the approval shall cease to have any further effect.

Appeal
committee.

23. (1) The Board shall appoint a committee or committees to hear and determine appeals against decisions in respect of which the rules made by the Board under this Part confer a right of appeal.

(2) A committee appointed pursuant to subsection (1) of this section may, on an appeal made to it against a decision referred to in that subsection, confirm, vary or reverse the decision.

(3) Any appeal made to an Appeal Committee appointed by the Board under the Lottery and Gaming Act, 1936-1975, and not finally disposed of at the commencement of this Act, may be continued and completed under this Act.

Rules of the
Board.

24. (1) The Board may make rules for the regulation, control and promotion of the sport of trotting and the conduct of trotting race meetings and trotting races within the State.

(2) Without limiting the generality of subsection (1) of this section, the rules may—

- (a)** regulate the practice and procedure at meetings of the Board;
- (b)** make provision for the appointment of stewards and confer and impose upon such stewards powers (including discretionary powers) and duties with respect to the conduct of trotting race meetings and trotting races;
- (c)** make provision for the conduct of inquiries by the Board with respect to any matter or thing relating to the sport of trotting and the conduct of trotting race meetings and trotting races;
- (d)** provide that any activity specified in the rules, being an activity related to trotting, shall not be carried on except in pursuance of a licence, permit or registration granted by the Board;
- (e)** provide for the grant (with or without conditions), renewal, cancellation or suspension of licences, permits or registration by the Board;

- (f) prescribe and provide for the recovery of fees in respect of any application for the grant of a licence, permit or registration by the Board or the provision of any service by the Board;
 - (g) prescribe and provide for the recovery of monetary penalties in respect of the contravention of, or non-compliance with, any rule under this Division or any direction lawfully given in pursuance of any such rule;
 - (h) prescribe the circumstances under which moneys paid to the Board by any person or club will be held by the Board on deposit in trust for that person or club;
 - (i) require every registered trotting club to submit to the Board at such times as the Board might require the proposed dates and programmes for all race meetings to be conducted by the club and to provide for the approval, with or without modification, of such dates and programmes and the adoption, variation or alteration of the form or content of such programmes and the conditions attaching thereto;
- and
- (j) confer rights of appeal against the decisions of the Board, officers of the Board, registered trotting clubs, officers of such clubs and stewards.

DIVISION III—CONTROLLING AUTHORITY FOR DOG RACING

DIVISION III

25. In this Division, unless the contrary intention appears—

Interpretation.

“the Board” means the Dog Racing Control Board established under this Division:

“the chairman” means the person holding office as the chairman of the Board under this Division:

“member” means a person holding office as a member of the Board under this Division.

26. (1) There shall be a board entitled the “Dog Racing Control Board”. Establishment
of Board.

(2) The Board—

- (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) shall be capable of suing and of being sued;
 - (c) shall be capable of acquiring, holding, dealing with and disposing of any interest in real and personal property;
- and
- (d) shall be capable of acquiring or incurring any other rights or liabilities.

27. (1) The Board shall consist of five members appointed by the Governor of whom— Constitution of
Board.

- (a) one shall be appointed on the recommendation of the Minister and shall be appointed to be the chairman;

PART II
DIVISION III

- (b) two shall be nominated by the Adelaide Greyhound Racing Club;
- (c) one shall be nominated jointly by the South Australian Greyhound Racing Club Incorporated and the Southern Greyhound Raceway Incorporated;

and

- (d) one shall be nominated jointly by the Port Pirie and District Greyhound Club Incorporated and the Whyalla Greyhound Racing Club Incorporated.

(2) Whenever a nomination referred to in subsection (1) of this section is required to be made for the appointment of a member of the Board, the Minister may, by notice in writing served personally or by post upon the body by which the nomination is required to be made, request it to make the nomination within twenty-one days of the date of the notice, or such longer period as is specified in the notice, and if no nomination is made in accordance with that request, the Governor may appoint a person nominated by the Minister to be a member of the Board in lieu of a nominee of that body and a person so appointed shall, for all purposes, be deemed to have been duly appointed upon the nomination of that body.

Terms and
conditions of
office.

28. (1) A member shall be appointed for a term of office, not exceeding four years, and upon such conditions as the Governor may determine, and, upon the expiration of his term of office, shall be eligible for re-appointment.

(2) The Governor may, on the recommendation of the Minister, appoint a person to be a deputy of a member and that person while acting in the absence of that member shall be deemed to be a member and shall have all the powers, rights and duties of that member.

(3) The Governor may remove a member for—

- (a) any breach of, or non-compliance with, the conditions of his appointment;
- (b) mental or physical incapacity;
- (c) neglect of duty;

or

- (d) dishonourable conduct.

(4) The office of a member shall become vacant if—

- (a) he dies;
- (b) his term of office expires;
- (c) he resigns by written notice addressed to the Minister;

or

- (d) he is removed from office by the Governor pursuant to subsection (3) of this section.

(5) Upon the office of a member becoming vacant, a person shall be appointed in accordance with this Act to the vacant office, but where the office of a member becomes vacant before the expiration of the term for which he was appointed, the person appointed in his place shall be appointed only for the balance of the term of his predecessor.

PART II

DIVISION III

Remuneration,
allowances and
expenses.

29. (1) The members of the Board shall be entitled to receive such remuneration, allowances and expenses, as may be determined by the Governor.

(2) Any amount to which a member of the Board is entitled under this section shall be paid out of the funds of the Board.

30. (1) Three members shall constitute a quorum of the Board and no business shall be transacted at a meeting of the Board unless a quorum is present. Quorum, etc.

(2) The chairman or, in the absence of the chairman, his deputy, shall preside at a meeting of the Board, and, in the absence of both the chairman and his deputy from a meeting of the Board, the members present shall choose one of their number to preside at the meeting.

(3) A decision carried by a majority of the votes of the members present at a meeting of the Board shall be a decision of the Board.

(4) Each member shall be entitled to one vote on a matter arising for determination by the Board, and the person presiding at the meeting of the Board shall, in the event of an equality of votes, have a second or casting vote.

(5) The Board shall cause proper minutes to be kept of its proceedings at meetings.

(6) Subject to this Act, the business of the Board shall be conducted in a manner determined by the Board.

31. (1) A document is duly executed by the Board if it is sealed with the common seal of the Board and signed by two members. Due execution
of documents
by the Board.

(2) An apparently genuine document purporting to have been executed by the Board in accordance with subsection (1) of this section shall be presumed in any legal proceedings, in the absence of proof to the contrary, to have been duly executed by the Board.

32. (1) An act or proceeding of the Board shall not be invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the appointment of a member, an act or proceeding of the Board shall be as valid and effectual as if the member had been duly appointed. Validity of acts
of the Board
and immunity
of its members.

(2) No personal liability shall attach to a member of the Board for an act or omission by him, or by the Board, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge, or purported discharge, of his or its duties under this Act.

33. (1) The functions of the Board are as follows:—

(a) to regulate and control the sport of dog racing and the conduct of dog race meetings and dog races within the State;

and

(b) to promote the sport of dog racing within the State.

Functions and
powers of the
Board.

PART II
DIVISION III

(2) The Board may, for the purpose of performing its functions and discharging its duties under this Act—

- (a) establish offices;
- (b) appoint officers and employees;
- (c) make grants to, or provide subsidies for, any registered dog racing club;
- (d) make a loan, which may be free of interest, to any registered dog racing club;
- (e) provide a subsidy or make a loan (which may be free of interest) for or in connection with, the operation of any training track for dog racing;
- (f) provide any amount for, or towards, the prize money for any dog race;
- (g) borrow any amount, with or without security;
- (h) enter into reciprocal arrangements with any authority, association or person having the same or like powers as the Board in administering or controlling the sport of dog racing, horse racing or trotting in any part of the Commonwealth or any other part of the world with respect to the registration of dogs or horses, the endorsement and recognition of disqualifications, licences, permits, defaulters and any other matter or thing relating to the administration and control of those sports;
- (i) acquire, hold, deal with and dispose of any interest in any real or personal property;
- (j) exercise such other powers as are conferred on it by or under this Act;
and
- (k) exercise such other powers as are reasonably necessary for, or in connection with, or incidental to, the performance, exercise or discharge of its functions, powers or duties under this Act.

**Delegation by
the Board.**

34. (1) The Board may delegate to any member, officer or employee of the Board any of its powers or functions under this Act.

(2) Any delegation by the Board shall be revocable at will and shall not derogate from the power of the Board to act itself in any matter.

**Terms and
conditions of
employment by
the Board.**

35. A person appointed by the Board to be an officer or employee shall hold office upon such terms and conditions as are from time to time determined by the Board and the provisions of the Public Service Act, 1967-1975, shall not apply to or in relation to persons so appointed.

**Investment by
the Board.**

36. The Board may, with the approval of the Treasurer, invest any of its moneys that are not immediately required for the purposes of this Part in such manner as may be approved by the Treasurer.

**Accounts and
audit.**

37. (1) The Board shall cause proper accounts to be kept of its financial affairs and shall in respect of each financial year prepare a statement of accounts in such form as the Treasurer may approve.

(2) The accounts and statement of accounts of the Board shall in respect of each financial year be audited by auditors appointed annually by the Board.

(3) The Auditor-General may at any time audit the accounts of the Board and shall have and may exercise in respect of the moneys and accounts of the Board and the persons dealing therewith the powers that are vested in the Auditor-General by the Audit Act, 1921-1975, in respect of public accounts and accounting officers.

38. (1) The Board shall, as soon as practicable after the end of each financial year, submit to the Minister a report upon the conduct of the business of the Board during that financial year, together with the audited statement of accounts of the Board for that financial year. Annual report.

(2) The Minister shall cause the report and audited statement of accounts of the Board to be laid before each House of Parliament as soon as practicable after his receipt thereof.

39. (1) A person shall not, except with the approval in writing of the Board and in accordance with the conditions attached to such approval, hold a race meeting, or cause a race meeting to be held, at which a person licensed, or a dog registered, by the Board under this Act takes part in a dog race. Prohibition of certain race meetings.

Penalty: One thousand dollars.

(2) The Board may, upon application in writing by any person and upon payment of the fee, if any, fixed by the Board, grant its approval in writing for that person to hold a race meeting.

(3) The Board may, on granting an approval under this section, attach to the approval such conditions as it considers appropriate.

(4) The Board may, by notice in writing to a person granted an approval under this section, amend, vary or revoke a condition attached to the approval or attach a further condition.

(5) The Board may, at its discretion, by notice in writing to a person granted an approval under this section, cancel the approval and the approval shall cease to have any further effect.

40. (1) The Board shall appoint a committee or committees to hear and determine appeals against decisions in respect of which the rules made by the Board under this Part confer a right of appeal. Appeal committee.

(2) A committee appointed pursuant to subsection (1) of this section may, on an appeal made to it against a decision referred to in that subsection, confirm, vary or reverse the decision.

41. The Board may make rules for the regulation, control and promotion of the sport of dog racing and the conduct of dog race meetings and dog races within the State. Rules of the Board.

(2) Without limiting the generality of subsection (1) of this section, the rules may—

(a) regulate the practice and procedure at meetings of the Board;

(b) make provision for the appointment of stewards and confer and impose upon such stewards powers (including discretionary powers) and duties with respect to the conduct of dog race meetings and dog races;

PART II
DIVISION III

- (c) make provision for the conduct of inquiries by the Board with respect to any matter or thing relating to the sport of dog racing and the conduct of dog race meetings and dog races;
- (d) provide that any activity specified in the rules, being an activity related to dog racing, shall not be carried on except in pursuance of a licence, permit or registration granted by the Board;
- (e) provide for the grant (with or without conditions), renewal, cancellation or suspension of licences, permits or registration by the Board;
- (f) prescribe and provide for the recovery of fees in respect of any application for the grant of a licence, permit or registration by the Board or the provision of any service by the Board;
- (g) prescribe and provide for the recovery of monetary penalties in respect of the contravention of, or non-compliance with, any rule under this Division or any direction lawfully given in pursuance of any such rule;
- (h) prescribe the circumstances under which moneys paid to the Board by any person or club will be held by the Board on deposit in trust for that person or club;
- (i) require every registered dog racing club to submit to the Board at such times as the Board might require the proposed dates and programmes for all race meetings to be conducted by the club and to provide for the approval, with or without modification, of such dates and programmes and the adoption, variation or alteration of the form or content of such programmes and the conditions attaching thereto;
- (j) make provision for the adoption or recognition by the Board, subject to such conditions and for such period as may be prescribed, of any lawful decision, determination or act of the National Coursing Association of South Australia, Inc., including the imposition of any disqualification or penalty and the grant, refusal, cancellation or suspension of any licence, permit or registration and for the Board to require the Association to furnish any of its records relating to such decision, determination or act;

and

- (k) confer rights of appeal against decisions of the Board, officers of the Board, registered dog racing clubs, officers of such clubs and stewards.

PART III

PART III

TOTALIZATOR BETTING

DIVISION I

DIVISION I—TOTALIZATOR AGENCY BOARD

42. In this Division, unless the contrary intention appears—

Interpretation.

“the Board” means The South Australian Totalizator Agency Board established under the Lottery and Gaming Act, 1936-1975, and continued in existence under this Division:

“the chairman” means the person holding office as the chairman of the Board under this Division:

“member” means a person holding office as a member of the Board under this Division.

43. (1) The body entitled “The South Australian Totalizator Agency Board” and established under the Lottery and Gaming Act, 1936-1975, shall continue in existence under that name.

Continuation
of Board.

(2) The Board—

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

(b) shall be capable of suing and of being sued;

(c) shall be capable of acquiring, holding, dealing with and disposing of any interest in real and personal property;
and

(d) shall be capable of acquiring or incurring any other rights or liabilities.

(3) The members of the Board in office immediately before the commencement of this Act shall, subject to this Act, continue in their respective offices for the balance of the respective terms for which they were appointed and shall be eligible for re-appointment.

44. The Board shall consist of five members appointed by the Governor of whom—

Constitution of
Board.

(a) two shall be appointed on the recommendation of the Minister, one of whom shall be appointed to be the chairman;

(b) one shall be appointed on the recommendation of the Minister after consultation with the controlling authority for horse racing;

(c) one shall be appointed on the recommendation of the Minister after consultation with the controlling authority for trotting;
and

(d) one shall be appointed on the recommendation of the Minister after consultation with the controlling authority for dog racing.

45. (1) A member shall be appointed for a term of office, not exceeding four years, and upon such conditions as the Governor may determine, and, upon the expiration of his term of office, shall be eligible for re-appointment.

Terms and
conditions of
office.

PART III
DIVISION I

(2) The Governor may, on the recommendation of the Minister, appoint a person to be a deputy of a member other than the chairman and that person while acting in the absence of that member shall be deemed to be a member and shall have all the powers, rights and duties of that member.

(3) The Governor may, on the recommendation of the Minister, appoint a person, who may be a member, to be the deputy of the chairman and that person while acting in the absence of the chairman shall be deemed to be the chairman and shall have all the powers, rights and duties of the chairman.

(4) While any member appointed to be the deputy of the chairman is, in the absence of the chairman, acting as his deputy, the person appointed to be the deputy of that member may act as the deputy of that member as if that member were absent.

(5) The Governor may remove a member for—

(a) any breach of, or non-compliance with, the conditions of his appointment;

(b) mental or physical incapacity;

(c) neglect of duty;

or

(d) dishonourable conduct.

(6) The office of a member shall become vacant if—

(a) he dies;

(b) his term of office expires;

(c) he resigns by written notice addressed to the Minister;

or

(d) he is removed from office by the Governor pursuant to subsection (5) of this section.

(7) Upon the office of a member becoming vacant, a person shall be appointed in accordance with this Act to the vacant office, but where the office of a member becomes vacant before the expiration of the term for which he was appointed, the person appointed in his place shall be appointed only for the balance of the term of his predecessor.

**Remuneration,
allowances and
expenses.**

46. (1) The members of the Board shall be entitled to receive such remuneration, allowances and expenses, as may be determined by the Governor.

(2) Any amount to which a member of the Board is entitled under this section shall be paid out of the funds of the Board.

Quorum, etc.

47. (1) Three members shall constitute a quorum of the Board and no business shall be transacted at a meeting of the Board unless a quorum is present.

(2) The chairman or, in the absence of the chairman, his deputy, shall preside at a meeting of the Board, and, in the absence of both the chairman and his deputy from a meeting of the Board, the members present shall choose one of their number to preside at the meeting.

(3) A decision carried by a majority of the votes of the members present at a meeting of the Board shall be a decision of the Board.

(4) Each member shall be entitled to one vote on a matter arising for determination by the Board, and the person presiding at the meeting of the Board shall, in the event of an equality of votes, have a second or casting vote.

(5) The Board shall cause proper minutes to be kept of its proceedings at meetings.

(6) Subject to this Act, the business of the Board shall be conducted in a manner determined by the Board.

48. (1) A document is duly executed by the Board if it is sealed with the common seal of the Board and signed by two members.

Due execution
of documents
by the Board.

(2) An apparently genuine document purporting to have been executed by the Board in accordance with subsection (1) of this section shall be presumed in any legal proceedings, in the absence of proof to the contrary, to have been duly executed by the Board.

49. (1) An act or proceeding of the Board shall not be invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the appointment of a member, an act or proceeding of the Board shall be as valid and effectual as if the member had been duly appointed.

Validity of acts
of the Board
and immunity
of its members.

(2) No personal liability shall attach to a member of the Board for an act or omission by him, or by the Board, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge, or purported discharge, of his or its duties under this Act.

50. (1) A member who is in any way directly or indirectly interested in a contract, or proposed contract, made by, or in the contemplation of, the Board, shall not—

Disclosure of
interest.

(a) fail to disclose the nature of his interest at any meeting of the Board at which any decision with respect to the contract is made and at which he is present;

or

(b) take part in any decision of the Board with respect to that contract.

Penalty: Five hundred dollars.

(2) Any disclosure made in compliance with subsection (1) of this section shall be recorded in the minutes of the Board.

51. (1) The functions of the Board are as follows:—

Functions and
powers of the
Board.

(a) to conduct off-course totalizator betting on races held within or outside Australia;

and

(b) to act as the agent of an authorized racing club in the conduct by that club of on-course totalizator betting on races held by the club and on any other races held within or outside Australia.

PART III
DIVISION I

(2) The Board may, for the purpose of performing its functions and discharging its duties under this Act, subject to this Act—

- (a) establish offices, branches and agencies and provide facilities for the conduct of totalizator betting;
 - (b) appoint agents, officers and employees;
 - (c) accept totalizator bets made with it by members of the public on races held within or outside Australia and pay dividends on those bets;
 - (d) enter into contracts or arrangements with any racing club, or other person or body of persons, with respect to the conduct of totalizator betting and the exchange or supply of information relating thereto;
 - (e) enter into any contract or arrangement with any person, or body of persons, with respect to the performance of any part of its functions under this Act;
 - (f) acquire, hold, deal with and dispose of any interest in any real or personal property;
 - (g) exercise such other powers as are conferred on it by or under this Act;
- and
- (h) exercise such other powers as are reasonably necessary for, or in connection with, or incidental to, the performance, exercise or discharge of its functions, powers or duties under this Act.

Board subject to general control and direction of Minister.

52. In the performance, exercise and discharge of its functions, powers and duties under this Act, the Board shall, except where it makes, or is required to make, a recommendation to the Minister, be subject to the general control and direction of the Minister.

Delegation by the Board.

53. (1) The Board may delegate to any member, officer or employee of the Board any of its powers or functions under this Act.

(2) Any delegation by the Board shall be revocable at will and shall not derogate from the power of the Board to act itself in any matter.

Terms and conditions of employment by the Board.

54. A person appointed by the Board to be an officer or employee shall hold office upon such terms and conditions as are from time to time determined by the Board and the provisions of the Public Service Act, 1967-1975, shall not apply to or in relation to persons so appointed.

Borrowing by the Board.

55. (1) The Board may borrow money from the Treasurer, or with the consent of the Treasurer, from any other person for the purpose of performing its functions under this Act.

(2) Any liability incurred with the consent of the Treasurer under subsection (1) of this section, or incurred in respect of money borrowed by the Board before the commencement of this Act, is hereby guaranteed by the Treasurer.

(3) Any liability incurred by the Treasurer under a guarantee arising by virtue of subsection (2) of this section shall be satisfied out of the General Revenue of the State which is hereby, to the necessary extent, appropriated accordingly.

(4) Any sum paid by the Treasurer under subsection (3) of this section shall, when moneys are properly available for the purpose, be repaid by the Board to the Treasurer and, when so repaid, shall form part of the General Revenue of the State.

56. (1) The moneys comprised in the funds of the Board, other than moneys required to be paid in accordance with any other provisions of this Act, shall be applied as follows:—

Application of funds of Board.

(a) firstly, in payment of the administrative and operating expenses of of the Board;

(b) secondly, in payment into a fund to be applied towards the capital expenses of the Board of an amount equal to one-half of one per centum of the amount of the totalizator bets made with the Board;

and

(c) thirdly, in payment of amounts approved by the Minister towards reserves of the Board, to be applied as the Board, with the approval of the Minister, considers necessary.

(2) The balance, if any, of the funds of the Board remaining at the end of each financial year after deducting the amount of the payments required by subsection (1) of this section or any other provision of this Act to be made in respect of that financial year shall be applied in payment as soon as practicable after the end of that financial year to the controlling authority for each form of racing of an amount being the proportion of the amount of that balance equal to the proportion that that part of the totalizator bets made with the Board, during that financial year on that form of racing, whether conducted within or outside Australia, bears to the total amount of such totalizator bets made with the Board during that financial year on all the forms of racing.

(3) Notwithstanding the provisions of subsection (2) of this section, the Board may, with the approval of the Minister, before the expiration of a financial year make an advance to a controlling authority towards the payment, if any, to be made under that subsection to that controlling authority in respect of that financial year.

(4) Any amount paid to a controlling authority under this section shall be applied by the controlling authority in a manner approved by the Minister.

57. The Board may, with the approval of the Treasurer, invest any of its moneys that are not immediately required for the purposes of this Part in such manner as may be approved by the Treasurer.

Investment by the Board.

58. (1) The Board shall cause proper accounts to be kept of its financial affairs and shall in respect of each financial year prepare a statement of accounts in such form as the Treasurer may approve.

Accounts and audit.

(2) The Auditor-General shall audit the statement of accounts of the Board for each financial year and may at any time audit the accounts of the Board and shall have and may exercise in respect of the moneys and accounts of the Board and the persons dealing therewith the powers that are vested in the Auditor-General by the Audit Act, 1921-1975, in respect of public accounts and accounting officers.

PART III
DIVISION I
Annual report.

59. (1) The Board shall, as soon as practicable after the end of each financial year, submit to the Minister a report upon the conduct of the business of the Board during that financial year, together with the audited statement of accounts of the Board for that financial year.

(2) The Minister shall cause the report and audited statement of accounts of the Board to be laid before each House of Parliament as soon as practicable after his receipt thereof.

Totalizator
rules of the
Board.

60. (1) The Board may, with the approval of the Minister, make rules prescribing any matter relating to the acceptance and payment of totalizator bets made with the Board.

(2) The Board may, with the approval of the Minister, amend, vary or revoke any rules made pursuant to subsection (1) of this section.

(3) The provisions of section 38 of the Acts Interpretation Act, 1915, as amended, shall not apply to or in relation to rules made pursuant to this section.

Premises for
off-course
totalizator
betting.

61. (1) The Board shall not establish an office, branch or agency for the conduct of off-course totalizator betting unless the premises proposed to be used for that purpose and their location have been approved by the Minister.

(2) The Minister shall, in determining whether or not to give the approval referred to in subsection (1) of this section, have regard to the proximity of the premises to places of public worship, schools and other educational institutions and premises licensed under the Licensing Act, 1967-1976, and to such other matters as he considers relevant.

Acceptance of,
and payment
on, off-course
totalizator bets.

62. (1) The Board shall not accept an off-course totalizator bet other than a bet that is made—

(a) by the deposit of the amount of the bet in cash at an office, branch or agency of the Board;

or

(b) by letter sent through the post, or telegram or telephone message, to an office, branch or agency of the Board, by a person who has established and maintained in accordance with the rules of the Board an account with the Board that is sufficiently in credit to meet the amount of the bet.

(2) The Board shall not pay any dividend on an off-course totalizator bet before the conclusion of the race meeting that includes the race on which the bet was made.

(3) Notwithstanding the provisions of subsection (2) of this section, the Board may credit to a credit account established with it any dividend on an off-course totalizator bet at any time after the dividend is declared.

DIVISION II

DIVISION II—CONDUCT OF TOTALIZATOR BETTING

Conduct of
on-course
totalizator
betting by
horse racing
clubs.

63. (1) Subject to this Act, the Minister may, upon the recommendation of the controlling authority for horse racing in respect of each racing year, by notice published in the *Gazette*, authorize a registered horse racing club to conduct, on the days and at the racecourses specified in the notice, on-course totalizator betting on the horse races held by that club and on any other horse races held within or outside Australia.

(2) Subject to this Act, the Minister may, upon the recommendation of the controlling authority for horse racing, by notice published in the *Gazette*, amend, vary or revoke a notice under this section.

(3) The Minister shall not authorize the conduct of on-course totalizator betting on horse racing under this section in respect of any racing year—

(a) at any racecourse situated within the metropolitan area other than the Victoria Park Racecourse, Morphettville Racecourse, Cheltenham Racecourse or Onkaparinga Racecourse;

(b) at the Victoria Park Racecourse, Morphettville Racecourse and Cheltenham Racecourse on days that total in number for all of those racecourses more than 73 days and, in addition, 2 days on which the net proceeds of the race meetings on those days are devoted to charitable purposes approved by the Minister;

(c) at the Onkaparinga Racecourse on more than 8 days;

or

(d) at any racecourse situated outside the metropolitan area on more than the number of days recommended by that controlling authority and approved by the Minister.

64. (1) Subject to this Act, the Minister may, upon the recommendation of the controlling authority for trotting in respect of each racing year, by notice published in the *Gazette*, authorize a registered trotting club to conduct, on the days and at the racecourses specified in the notice, on-course totalizator betting on the trotting races held by that club and on any other trotting races held within or outside Australia.

Conduct of
on-course
totalizator
betting by
trotting clubs.

(2) Subject to this Act, the Minister may, upon the recommendation of the controlling authority for trotting, by notice published in the *Gazette*, amend, vary or revoke a notice under this section.

(3) The Minister shall not authorize the conduct of on-course totalizator betting on trotting under this section in respect of any racing year—

(a) at any racecourse situated within the metropolitan area other than the racecourse known as Globe Derby Park at Bolivar or on more than 55 days and, in addition, 2 days on which the net proceeds of the race meetings on those days are devoted to charitable purposes approved by the Minister;

or

(b) at any racecourse situated outside the metropolitan area on more than the number of days recommended by that controlling authority and approved by the Minister.

65. (1) Subject to this Act, the Minister may, upon the recommendation of the controlling authority for dog racing in respect of each racing year, by notice published in the *Gazette*, authorize a registered dog racing club to conduct, on the days and at the racecourses specified in the notice, on-course totalizator betting on the dog races held by that club and on any other dog races held within or outside Australia.

Conduct of
on-course
totalizator
betting by dog
racing clubs.

(2) Subject to this Act, the Minister may, upon the recommendation of the controlling authority for dog racing, by notice published in the *Gazette*, amend, vary or revoke a notice under this section.

PART III
DIVISION II

(3) The Minister shall not authorize the conduct of on-course totalizator betting on dog racing under this section in respect of any racing year—

(a) at any racecourse situated within the metropolitan area other than the Adelaide Greyhound Raceway at Angle Park or on more than 52 days and, in addition, 2 days on which the net proceeds of the race meetings on those days are devoted to charitable purposes approved by the Minister;

or

(b) at any racecourse situated outside the metropolitan area on more than the number of days recommended by that controlling authority and approved by the Minister.

Totalizator
facilities for
metropolitan
horse race
meetings.

66. A racing club authorized pursuant to this Part to conduct totalizator betting on horse racing at any racecourse situated within the metropolitan area other than the Onkaparinga Racecourse—

(a) shall, on any Saturday or public holiday on which it is so authorized and conducts totalizator betting, provide facilities for totalizator betting in the "Grandstand", "Derby" and "Flat" that are, in the opinion of the Minister, adequate;

and

(b) shall, on any day other than a Saturday or public holiday on which it is so authorised and conducts totalizator betting, provide facilities for totalizator betting that are, in the opinion of the Minister, adequate in a portion of the racecourse for which the fee charged for admission does not exceed—

(i) in the case of any racecourse other than the Victoria Park Racecourse, the fee ordinarily charged on a Saturday for admission to the "Flat" of the racecourse;

and

(ii) in the case of the Victoria Park Racecourse, the fee ordinarily charged on a Saturday for admission to the "Flat" of Morphetville Racecourse.

Totalizator
rules for
authorized
racing clubs.

67. (1) The Minister may, after consultation with the controlling authorities and the Totalizator Agency Board, make rules prescribing any matter relating to the calculation of dividends on totalizator bets, the formation of totalizator pools and any other matter relating to the conduct of totalizator betting by authorized racing clubs or the Totalizator Agency Board.

(2) The Minister may, after consultation with the controlling authorities and the Totalizator Agency Board, amend, vary or revoke any rules made pursuant to subsection (1) of this section.

(3) The provisions of section 38 of the Acts Interpretation Act, 1915, as amended, shall not apply to or in relation to rules made pursuant to this section.

Deduction of
percentage
from
totalizator
moneys.

68. Where the Totalizator Agency Board, or an authorized racing club, conducts totalizator betting on a race-result, the Board, or the club, as the case may be, shall deduct from the amount of the bets—

(a) in the case of bets on a single, an amount equal to 14.5 per centum of that amount;

- (b) in the case of bets on a double, an amount equal to 16·5 per centum of that amount;
- or
- (c) in the case of bets on a multiple, an amount equal to 18 per centum of that amount.

69. (1) The amount deducted pursuant to section 68 of this Act by the Totalizator Agency Board from totalizator bets made with it shall be applied—

Application of percentage deducted from totalizator bets made with Totalizator Agency Board.

- (a) in payment to the Treasurer of an amount equal to 5·25 per centum of the amount of those bets which shall be credited by the Treasurer to the Hospitals Fund;
 - and
 - (b) where the amount was so deducted from bets on a double or a multiple, in payment to the Racecourses Development Board of an amount equal to one per centum of the amount of those bets,
- and the balance may be retained by the Board as part of its funds.

(2) Notwithstanding the provisions of subsection (1) of this section the amount payable by the Totalizator Agency Board to the Treasurer under paragraph (a) of that subsection shall be subject to a rebate as prescribed.

70. (1) An authorised racing club shall, out of the amount deducted by it pursuant to section 68 of this Act from totalizator bets made with it on each day on which it conducts totalizator betting, pay—

Application of percentage deducted from totalizator bets made with authorized racing clubs.

- (a) to the Treasurer for the General Revenue of the State, where the sum of the amounts of those bets made with it on that day—
 - (i) does not exceed ten thousand dollars, an amount equal to 1·25 per centum of that sum;
 - (ii) exceeds ten thousand dollars but does not exceed twenty thousand dollars, an amount equal to 3·75 per centum of that sum;
- or
- (iii) exceeds twenty thousand dollars, an amount equal to 5·25 per centum of that sum;

and

- (b) where the amount was so deducted from bets on a double or a multiple, to the Racecourses Development Board an amount equal to one per centum of the amount of those bets,
- and may retain the balance for the purposes of the club.

(2) The amount payable by an authorized racing club under this section to the Treasurer or, as the case may be, the Racecourses Development Board shall be a debt due to the Treasurer or, as the case may be, the Board and may be recovered by the Treasurer or, as the case may be, the Board, in any court of competent jurisdiction.

(3) Where the Treasurer is satisfied that an authorized racing club is applying the balance derived from the totalizator betting on any day that it may retain under subsection (1) of this section and its net proceeds, if any, from the conduct of the race meeting on that day, towards charitable purposes that he approves, he may authorize that club to apply towards those charitable purposes an amount equal to the amount payable to him under paragraph (a) of that subsection.

PART III
DIVISION II

(4) Notwithstanding the provisions of this section, where an authorized racing club pays, in accordance with the authority of the Treasurer given under subsection (3) of this section, towards charitable purposes an amount equal to the amount that it is liable to pay to the Treasurer under paragraph (a) of subsection (1) of this section, the club is discharged from the liability to pay that amount to the Treasurer.

Amounts that
may be bet on
totalizators.

71. Subject to this Act and any rules made under this Act, the Totalizator Agency Board or an authorized racing club shall accept a totalizator bet of one unit and may accept totalizator bets of a number of units.

Totalizator
pools.

72. Where totalizator betting is conducted on a race-result by more than one body, being—

(a) the Totalizator Agency Board and one, or more than one, authorized racing club;

or

(b) more than one authorized racing club,

those bodies may, in accordance with the totalizator rules, pool their respective totalizator pools in respect of that race-result.

Application of
totalizator
pools.

73. (1) Where the Totalizator Agency Board or an authorized racing club holds an amount, being the whole or any part of any totalizator pool, it shall, subject to this Act, apply the whole of that amount in payment, in accordance with this Act and the totalizator rules, of dividends on the bets contributing to the totalizator pool.

(2) The dividend payable on totalizator bets made with the Totalizator Agency Board or an authorized racing club shall, subject to this section, be of an amount equal to—

(a) the amount ascertained in accordance with the totalizator rules;

or

(b) in the case of a winning bet dividend, the amount referred to in paragraph (a) of this subsection or one unit, whichever is the greater.

(3) Notwithstanding the provisions of subsection (2) of this section, where, in the case of a winning bet dividend, the amount referred to in paragraph (a) of that subsection is less than one unit and the race-result on which the bets were made, is, or includes, a draw, the winning bet dividend shall be of an amount equal to the amount referred to in that paragraph.

(4) Notwithstanding the provisions of this section, the dividend payable on any totalizator bet made pursuant to this Act shall not include any fraction of five cents.

Jackpot.

74. Notwithstanding the provisions of section 73 of this Act, the Totalizator Agency Board or an authorized racing club may, in accordance with the totalizator rules, pool the totalizator pool derived from bets on a race-result on which no winning bet dividend is payable with the totalizator pool derived from bets on another race-result made with the Board, that authorized club or another authorized racing club.

**PART III
DIVISION II**

75. Where a totalizator pool is insufficient to pay winning bet dividends payable on bets contributing to the totalizator pool, the Totalizator Agency Board or the authorized racing club, as the case may be, shall, to the extent necessary to enable it to pay those dividends, draw upon—

Totalizator
pool
insufficient to
meet dividends.

- (a) firstly, the amount accruing to it on the day by virtue of the non-payment of fractions pursuant to subsection (4) of section 73 of this Act;

and

- (b) secondly, the Dividends Adjustment Account, and the Treasurer may pay from that Account to the Board or the club, as the case may be, such amount accordingly.

76. Any balance remaining on any day of the amount accruing to the Totalizator Agency Board by virtue of the non-payment of fractions pursuant to subsection (4) of section 73 of this Act after payments pursuant to section 75 of this Act shall, before the expiration of the period of three weeks commencing on that day, be paid by the Board to the Treasurer and credited to the Dividends Adjustment Account.

Application of
balance of
fractions by
Totalizator
Agency Board.

77. Any balance remaining on any day of the amount accruing to an authorized racing club by virtue of the non-payment of fractions pursuant to subsection (4) of section 73 of this Act after payments pursuant to section 75 of this Act, shall, before the expiration of the period of three weeks commencing on that day, be paid by the club to the Racecourses Development Board, or, with the approval of the controlling authority, may be retained by the club.

Application of
balance of
fractions by
authorized
racing clubs.

78. (1) The Totalizator Agency Board shall not, after the expiration of the period of six months commencing on the day on which a race is held, be liable to pay any dividend on a totalizator bet made with it in respect of that race.

Unclaimed
dividends.

(2) An authorized racing club shall not, after the expiration of the period of two months commencing on the day on which a race is held, be liable to pay any dividend on a totalizator bet made with it in respect of that race.

(3) Any amount which the Totalizator Agency Board or an authorized racing club ceases to be liable to pay as dividend pursuant to subsection (1) or (2) of this section shall be paid by the Board or the club, as the case may be, to the Treasurer and credited to the Hospitals Fund.

(4) Where, before the expiration of the period of twelve months commencing on the day on which a race is held, any person makes a claim to the Treasurer for payment of a dividend on a totalizator bet made in respect of that race and the Treasurer is satisfied—

- (a) that the amount of that dividend has been paid to the Treasurer in accordance with subsection (3) of this section;
- (b) that the person would have been entitled to be paid the dividend by the Totalizator Agency Board or the authorized racing club, as the case may be, if he had made a valid claim for such payment before the Totalizator Agency Board or the authorized racing club, as the case may be, ceased to be liable to pay the dividend;

and

PART III
DIVISION II

- (c) that payment of the dividend has not been made to any person and no other person has a valid claim to be paid the dividend,

the Treasurer may pay to that person from the Hospitals Fund the amount of the dividend.

Prohibition of
conduct of
totalizator
except as
authorized.

79. (1) A person other than the Totalizator Agency Board or an authorized racing club shall not conduct totalizator betting or suffer or permit totalizator betting to be conducted.

Penalty: One thousand dollars.

(2) An authorized racing club shall not cause, suffer or permit totalizator betting to be conducted otherwise than in accordance with any provision of this Act or the totalizator rules.

Penalty: One thousand dollars.

Totalizator
betting under
this Act lawful.

80. (1) The Totalizator Agency Board or an authorized racing club or a servant or agent of the Board or club shall not be guilty of an offence against any Act by reason only that it or he accepts a totalizator bet in accordance with this Act and the totalizator rules and any premises or place shall not be a common gaming house or nuisance by reason only that it is used by the Board or club for that purpose.

(2) A person who is not less than eighteen years of age shall not be guilty of an offence against any Act by reason only that he makes a totalizator bet with the Totalizator Agency Board or an authorized racing club.

Suspension or
revocation of
authority to
conduct
totalizator.

81. If the Minister is satisfied that an authorized racing club has failed to comply with, or contravened, a provision of this Act or the totalizator rules, the Minister may withdraw, for such period as he thinks fit, the authority given to that club to conduct totalizator betting.

Power to
conduct off-
course
totalizator
betting outside
State.

82. (1) The Totalizator Agency Board may, upon and subject to such terms and conditions as may be agreed upon between the Minister and any responsible Minister of the Crown in right of the Commonwealth or in right of any other State, do all or any of the following things:—

- (a) conduct or assist in conducting off-course totalizator betting within any Territory of the Commonwealth or within that other State, for or on behalf of the Commonwealth or that other State, as the case may be, or for or on behalf of any person authorized by or under the law of the Commonwealth or that other State to conduct or provide off-course totalizator betting or off-course totalizator betting facilities in such Territory or other State;
- (b) employ any person as the agent and establish agencies of the Board in any Territory of the Commonwealth or within that other State;
- (c) act as the agent in this State of any person authorized by or under the law of the Commonwealth or that other State to conduct or provide off-course totalizator betting facilities in any Territory of the Commonwealth or in that other State.

(2) Any agreement entered into under subsection (1) of this section may be carried into effect notwithstanding anything to the contrary or otherwise contained in this Act.

83. (1) An authorized racing club shall, before the expiration of the period of twenty-one days commencing on any day on which the club conducts totalizator betting, furnish to the Minister a return in a form approved by the Minister setting out—

Returns by
authorized
clubs.

- (a) the amount of the totalizator bets made with it on that day on each race-result;
 - (b) the amount paid in dividends on totalizator bets made with it on that day on each race-result;
 - (c) the amount, if any, paid by it to the Racecourses Development Board pursuant to section 70 of this Act in respect of that day;
 - (d) the amount retained by the club for its purposes from the amount deducted pursuant to section 68 of this Act;
 - (e) the amount, if any, paid to the Racecourses Development Board or retained by the club pursuant to section 77 of this Act in respect of that day;
- and
- (f) the amount of dividends on totalizator bets made with it on that day on each race-result that are unclaimed.

(2) If an authorized racing club fails to furnish a return in accordance with subsection (1) of this section, or furnishes such a return that is false or misleading in any material particular, the club shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars.

84. An authorized racing club shall on any day on which it is authorized to conduct totalizator betting at a racecourse provide within that racecourse for the sole use of the members of the police force of the State a room constructed, furnished and situated as the Minister, after consultation with the Commissioner of Police, may require.

Facilities for
police to be
provided by
authorized
racing clubs.

PART IV

BETTING CONTROL BOARD AND BOOKMAKERS

Interpretation.

85. In this Part, unless the contrary intention appears—

“the Board” means the Betting Control Board established under the Lottery and Gaming Act, 1936-1975, and continued in existence under this Part:

“the chairman” means the person holding office as the chairman of the Board under this Part:

“coursing event” means the hunting or coursing of hares but does not include any kind of dog race:

“coursing ground” means a place where coursing meetings are held and includes any land or premises appurtenant thereto and to which persons attending such meetings have access in connection with the meetings:

“coursing meeting” means a meeting at which coursing events are held:

“member” means a person holding office as a member of the Board under this Part:

“race” includes a coursing event:

“racecourse” includes any coursing ground:

“race meeting” includes a coursing meeting:

“racing club” includes a club that is established for the purpose of conducting coursing meetings:

“race-result” means a contingency, or combination of contingencies, in respect of one, or more than one, race:

“registered premises” means premises registered by the Board under this Part as premises in which betting on races may be carried on.

Continuation
of Board.

86. (1) The body entitled the “Betting Control Board” and established under the Lottery and Gaming Act, 1936-1975, shall continue in existence under that name.

(2) The Board—

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

(b) shall be capable of suing and of being sued;

(c) shall be capable of acquiring, holding, dealing with and disposing of any interest in real and personal property;

(d) shall be capable of acquiring or incurring any other rights or liabilities;

and

(e) shall hold its property on behalf of the Crown.

(3) The members of the Board in office immediately before the commencement of this Act shall, subject to this Act, continue in their respective offices for the balance of the respective terms for which they were appointed and shall be eligible for re-appointment.

87. The Board shall consist of three members appointed by the Governor of whom one shall be appointed to be the chairman.

Constitution of Board.

88. (1) A member shall be appointed for a term of office not exceeding three years and upon such conditions as the Governor may determine, and, upon the expiration of his term of office, shall be eligible for re-appointment.

Terms and conditions of office.

(2) The Governor may, on the recommendation of the Minister, appoint a person to be a deputy of a member and that person while acting in the absence of that member shall be deemed to be a member and shall have all the powers, rights and duties of that member.

(3) The Governor may remove a member for—

- (a) any breach of, or non-compliance with, the conditions of his appointment;
- (b) mental or physical incapacity;
- (c) neglect of duty;
- or
- (d) dishonourable conduct.

(4) The office of a member shall become vacant if—

- (a) he dies;
- (b) his term of office expires;
- (c) he resigns by written notice addressed to the Minister;
- or
- (d) he is removed from office by the Governor pursuant to subsection (3) of this section.

(5) Upon the office of a member becoming vacant, a person shall be appointed in accordance with this Act to the vacant office, but where the office of a member becomes vacant before the expiration of the term for which he was appointed, the person appointed in his place shall be appointed only for the balance of the term of his predecessor.

89. (1) The members of the Board shall be entitled to receive such remuneration, allowances and expenses, as may be determined by the Governor.

Remuneration, allowances and expenses.

(2) Any amount to which a member of the Board is entitled under this section shall be paid out of the funds of the Board.

90. (1) Two members shall constitute a quorum of the Board and no business shall be transacted at a meeting of the Board unless a quorum is present.

Quorum, etc.

PART IV

(2) The chairman shall preside at a meeting of the Board, and, in the absence of the chairman from a meeting of the Board, the members present shall choose one of their number to preside at the meeting.

(3) A decision carried by a majority of the votes of the members present at a meeting of the Board shall be a decision of the Board.

(4) Each member shall be entitled to one vote on a matter arising for determination by the Board.

(5) The Board shall cause proper minutes to be kept of its proceedings at meetings.

(6) Subject to this Act, the business of the Board shall be conducted in a manner determined by the Board.

Due execution
of documents
by the Board.

91. (1) A document is duly executed by the Board if it is sealed with the common seal of the Board and signed by two members.

(2) An apparently genuine document purporting to have been executed by the Board in accordance with subsection (1) of this section shall be presumed in any legal proceedings, in the absence of proof to the contrary, to have been duly executed by the Board.

Validity of acts
of the Board
and immunity
of its members.

92. (1) An act or proceeding of the Board shall not be invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the appointment of a member, an act or proceeding of the Board shall be as valid and effectual as if the member had been duly appointed.

(2) No personal liability shall attach to a member of the Board for an act or omission by him, or by the Board, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge, or purported discharge, of his or its duties under this Act.

Functions and
powers of the
Board.

93. (1) The functions of the Board are as follows:—

(a) to regulate and control betting within the State with bookmakers on races held within or outside Australia;
and

(b) to perform such other functions as it is authorized to perform under this Act.

(2) The Board may for the purposes of performing its functions and discharging its duties under this Act—

(a) establish offices;

(b) appoint officers and employees;

(c) acquire, hold, deal with and dispose of any interest in any real or personal property;

(d) exercise such other powers as are conferred on it by or under this Act;

and

- (e) exercise such other powers as are reasonably necessary for, or in connection with, or incidental to, the performance, exercise or discharge of its functions, powers or duties under this Act.

94. In the performance, exercise and discharge of its functions, powers and duties under this Act, the Board shall, except where it makes, or is required to make, a recommendation to the Minister, be subject to the general control and direction of the Minister.

Board subject to general control and direction of Minister.

95. (1) The Board may delegate to any member, officer or employee of the Board any of its powers or functions under this Act.

Delegation by the Board.

(2) Any delegation by the Board shall be revocable at will and shall not derogate from the power of the Board to act itself in any matter.

96. A person appointed by the Board to be an officer or employee shall hold office upon such terms and conditions as are from time to time determined by the Board and the provisions of the Public Service Act, 1967-1975, shall not apply to or in relation to persons so appointed.

Terms and conditions of employment by the Board.

97. The Board may, with the approval of the Minister controlling a department of the Public Service of the State, upon terms mutually arranged, make use of the services of an officer of that department for any purpose related to the performance of the functions of the Board under this Act.

Board may make use of services of public servants.

98. (1) Except as provided by this Act, all moneys received by the Board under this Act shall be paid to the Treasurer for the General Revenue of the State.

Financial provision.

(2) The moneys required by the Board for the performance of its functions under this Act shall be paid out of moneys appropriated by Parliament for that purpose.

99. Notwithstanding the provisions of any other Act, stamp duty is not payable on any receipt given by the Board.

Exemption of Board from certain stamp duties.

100. (1) The Board may, upon application under this Part, at its discretion, without assigning any reason, grant, or refuse to grant, a licence to a person—

Licences.

(a) to act as a bookmaker;

(b) to act as the clerk of a licensed bookmaker;

or

(c) to act as the agent of a licensed bookmaker.

(2) A person shall not be granted a licence to act as a bookmaker unless that person has resided within the State for a period of not less than twelve months immediately preceding the grant of the licence.

PART IV

(3) A licence of a kind referred to in subsection (1) of this section shall not be granted to any person who holds any licence under the Licensing Act, 1967-1976, in respect of any premises for the sale of liquor for consumption on those premises or to any person who is a full-time employee engaged in selling liquor at any such premises.

(4) A licence of a kind referred to in subsection (1) of this section granted under the Lottery and Gaming Act, 1936-1975, and in force immediately before the commencement of this Act shall, subject to this Act, continue in force and have effect as if it had been granted under this Act.

**Applications
for licences.**

101. (1) An application for a licence under this Part must be made to the Board in a manner approved by the Board and be accompanied by the prescribed fee.

(2) An applicant for a licence under this Part must, if the Board so requires—

(a) furnish the Board with such information as it specifies;

and

(b) verify by statutory declaration any information furnished for the purposes of the application.

**Conditions to
licences.**

102. (1) The Board may, on granting or renewing a licence under this Part, attach to the licence such conditions as it considers appropriate.

(2) The Board may, by notice in writing to the holder of a licence under this Part, vary or revoke a condition attached to the licence or attach a further condition.

**Term of
licences.**

103. (1) A licence granted under this Part shall, subject to this Act, have effect until the thirty-first day of July next succeeding the day on which the licence was granted, and may, from time to time, be renewed for successive periods of one year expiring, subject to this Act, on the thirty-first day of July.

(2) An application for renewal of a licence under this Part must be made to the Board in a manner approved by the Board and be accompanied by the prescribed fee.

(3) An applicant for renewal of a licence under this Part must, if the Board so requires—

(a) furnish the Board with such information as it specifies;

and

(b) verify by statutory declaration any information furnished for the purposes of the application.

(4) The Board may, upon application under this section, at its discretion, without assigning any reason, grant, or refuse to grant, renewal of a licence under this Part.

PART IV

Suspension and
cancellation of
licences.

104. (1) The Board may, as an administrative act, suspend for such period as it thinks fit, or cancel, a licence under this Part.

(2) A licence—

(a) that is suspended under subsection (1) of this section shall cease to have any effect for the period of the suspension;

or

(b) that is cancelled under that subsection shall cease to have any effect.

105. (1) The Board may, upon application under this Part by any person who holds a licence under this Part to act as a bookmaker, at its discretion, without assigning any reason, register, or refuse to register, any premises situated within the City of Port Pirie as premises in which betting on races may be carried on.

Registration of
betting
premises at
Port Pirie.

(2) Premises shall not be registered or their registration renewed under this Part in respect of any period occurring after the thirty-first day of January, 1983.

(3) Any registration of premises of a kind referred to in subsection (1) of this section granted under the Lottery and Gaming Act, 1936-1975, and in force immediately before the commencement of this Act shall, subject to this Act, continue in force and have effect as if it had been granted under this Act.

106. (1) An application for the registration of premises under this Part must be made to the Board in a manner approved by the Board and be accompanied by the prescribed fee.

Applications
for registration
of premises.

(2) An applicant for the registration of premises under this Part must, if the Board so requires—

(a) furnish the Board with such information as it specifies;

and

(b) verify by statutory declaration any information furnished for the purposes of the application.

107. (1) The Board may, on registering or renewing the registration of any premises under this Part, attach to the registration such conditions as it considers appropriate.

Conditions to
registration.

(2) The Board may, by notice in writing to the person granted the registration of any premises under this Part, vary or revoke a condition attached to the registration or attach a further condition.

108. A person shall not—

(a) carry on business as a bookmaker in registered premises;

or

(b) keep any registered premises open to the public, at any time on a day on which a race meeting at which horse races are to be conducted is to be held at a racecourse within fifteen kilometres of those premises.

Restriction on
use of
registered
premises.

Penalty: Five hundred dollars.

PART IV

Term of
registration.

109. (1) The registration of any premises under this Part shall, subject to this Act, have effect until the thirty-first day of January next succeeding the day on which the registration was granted, and may, from time to time, be renewed for successive periods of one year expiring, subject to this Act, on the thirty-first day of January.

(2) An application for renewal of the registration of any premises under this Part must be made to the Board in a manner approved by the Board and be accompanied by the prescribed fee.

(3) An applicant for renewal of the registration of any premises under this Part must, if the Board so requires—

(a) furnish the Board with such information as it specifies;

and

(b) verify by statutory declaration any information furnished for the purposes of the application.

(4) The Board may, upon application under this section, at its discretion, without assigning any reason, grant, or refuse to grant, renewal of the registration of any premises under this Part.

Suspension and
cancellation of
registration.

110. (1) The Board may, as an administrative act, suspend for such period as it thinks fit, or cancel, the registration of any premises under this Part.

(2) The registration of any premises—

(a) that is suspended under subsection (1) of this section shall cease to have any effect for the period of the suspension;

or

(b) that is cancelled under that subsection shall cease to have any effect.

Effect of
granting of
bookmaker's
licence or of
registration of
premises.

111. The granting to a person of a licence to act as a bookmaker or of the registration of premises under this Part does not authorize that person to accept bets except in accordance with a permit granted to him under this Part.

Permits for
licensed
bookmakers to
bet on
racecourses.

112. (1) Subject to this section, the Board may grant to a person who holds a licence under this Part to act as a bookmaker a permit to accept bets on races made on a day and within a racecourse, or in registered premises, specified in the permit.

(2) The Board shall not grant a permit under this section in respect of betting on a day and within a racecourse except after consultation with the racing clubs holding the races on that day at that racecourse.

(3) The Board may, on granting a permit under this section, attach to the permit such conditions as it considers appropriate.

(4) The Board may, by notice in writing to the holder of a permit under this section, vary or revoke a condition attached to the permit or attach a further condition.

(5) The Board shall not, in relation to races other than coursing events, grant a permit under this section to accept bets made on a day and within a racecourse, unless the Minister has, pursuant to Part III of this Act, authorized the conduct of totalizator betting on that racecourse and on that day.

113. (1) A bookmaker who has been granted a permit under this Part to accept bets on races made on a day and within a racecourse specified in the permit shall, upon payment of the prescribed fee to the authorized racing club conducting the race meeting on that day at that racecourse, be permitted by that club to accept bets on that day and within that racecourse in accordance with this Act and any conditions attached to his licence and permit.

(2) In this section the "prescribed fee" in relation to a racing year and a bookmaker of a class means—

(a) the fee fixed by agreement between the controlling authority and the South Australian Bookmakers League Incorporated;

(b) if the bodies referred to in paragraph (a) of this subsection fail to agree upon a fee, the fee fixed by an arbitrator appointed by agreement between those bodies;

or

(c) if a fee is not fixed in relation to a racing year in a manner referred to in paragraph (a) or (b) of this subsection before the commencement of the racing year, the fee fixed by an arbitrator appointed by the Minister,

in relation to that racing year and class of bookmakers.

114. (1) Every bookmaker shall, not later than 3 p.m. on each Thursday, pay to the Board in respect of bets made with him on race-results decided during the week that ended at midnight on the Saturday next preceding that Thursday—

Payment to
Board of
percentage of
moneys bet
with
bookmakers.

(a) in respect of bets made with him on any racecourse situated within the metropolitan area or in any registered premises—

(i) in respect of races held within the State, an amount equal to 2 per centum of the amount paid or payable to him in respect of those bets;

or

(ii) in respect of races held outside the State, an amount equal to 2.6 per centum of the amount paid or payable to him in respect of those bets;

or

(b) in respect of bets made with him on any racecourse situated outside the metropolitan area—

(i) in respect of races held within the State, an amount equal to 1.8 per centum of the amount paid or payable to him in respect of those bets;

or

(ii) in respect of races held outside the State, an amount equal to 2.4 per centum of the amount paid or payable to him in respect of those bets.

(2) A bookmaker is not liable to pay the amount under subsection (1) of this section in respect of a bet on a race that is abandoned or in respect of a bet that is declared off.

(3) The Board shall pay out of the amount paid to it pursuant to subsection (1) of this section—

(a) an amount equal to 1·1 per centum of the amount paid or payable to bookmakers in respect of bets made on racecourses on race-results that were decided on the day on which the bets were made to the racing clubs conducting the race meetings at those racecourses;

and

(b) an amount equal to 1·1 per centum of the amount paid or payable to bookmakers in respect of bets made on racecourses on race-results in respect of races held within the State and decided on a day or days subsequent to the day on which the bets were made to the racing clubs holding those races.

Duty on
betting tickets

115. (1) Every bookmaker, upon accepting a bet with any person on a race-result, shall issue and deliver to that person a betting ticket in the prescribed form and obtained in the prescribed manner.

(2) If the bookmaker and the bettor are in each other's presence when the bet is made, the bookmaker shall issue and deliver the betting ticket to the bettor forthwith.

(3) If the bookmaker and the bettor are not in each other's presence when the bet is made, the bookmaker shall issue and deliver the betting ticket personally or by post to the bettor before the expiration of the period of twenty-four hours commencing at the time the bet is made.

(4) A bookmaker shall not issue or deliver in respect of any bet a betting ticket that has been used in respect of any other bet.

(5) Duty shall be payable by a bookmaker on each betting ticket issued by him where—

(a) the ticket is issued within the "Grandstand" of the Victoria Park Racecourse, Morphetville Racecourse or the Cheltenham Racecourse or within the main betting ring within the "Grandstand" of the Onkaparinga Racecourse of an amount of two cents;

or

(b) the ticket is issued at any place other than a place referred to in paragraph (a) of this subsection, of an amount of one cent.

(6) Duty payable under this section shall be paid to the Board not later than 3 p.m. on each Thursday in respect of each betting ticket issued by the bookmaker in respect of bets made with him on race-results decided during the week that ended at midnight on the Saturday next preceding that Thursday.

(7) Duty is not payable under this section on a betting ticket issued in respect of a bet on a race that is abandoned or in respect of a bet that is declared off.

Recovery of
amounts
payable by
bookmakers.

116. (1) An amount payable by a bookmaker to the Board under section 114 or 115 of this Act shall be a debt due to the Board and may be recovered by the Board in any court of competent jurisdiction.

(2) Every bookmaker shall, not later than 3 p.m. on each Thursday, forward to the Board a return, in such form as the Board may approve, setting out such matters as are prescribed.

(3) A bookmaker shall not forward a return referred to in subsection (2) of this section that is false or misleading in any material particular.

PART IV

117. (1) Any person who acts as a bookmaker except in accordance with this Act and any condition attached to a licence or permit granted to him under this Act shall be guilty of an offence and liable to a penalty not exceeding two thousand five hundred dollars or imprisonment for six months.

Offences in respect of bookmaking.

(2) If a person makes a bet with a bookmaker who may not lawfully accept that bet, that person shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars or imprisonment for three months.

118. (1) A person who holds a licence under this Part to act as a bookmaker shall not be guilty of an offence against any Act by reason only that he accepts bets on races made on a day and within a racecourse, or in registered premises, in respect of which he has been granted a permit under this Part and in accordance with this Act and the conditions, if any, attached to the licence and permit.

Acts of bookmakers, and bookmakers' clerks and agents under this Act and betting with bookmakers lawful.

(2) Any premises or place shall not be a common gaming house or nuisance by reason only that it is used for the purpose of accepting bets in the manner referred to in subsection (1) of this section.

(3) A person who holds a licence under this Part to act as the clerk of a licensed bookmaker shall not be guilty of an offence against any Act by reason only that he acts as the clerk of the licensed bookmaker in accordance with this Act and the conditions, if any, attached to the licence.

(4) A person who holds a licence under this Part to act as the agent of a licensed bookmaker shall not be guilty of an offence against any Act by reason only that he acts as the agent of the licensed bookmaker in accordance with this Act and the conditions, if any, attached to the licence.

(5) A person who is not less than eighteen years of age shall not be guilty of an offence against any Act by reason only that he makes a bet with a bookmaker who may lawfully accept that bet.

119. (1) Subject to this section, a person shall not communicate, or cause to be communicated, by any means, directly or indirectly for fee or reward to any other person any information or advice as to the probable result of any race within or outside Australia.

Prohibition of certain information as to racing.

Penalty: Five hundred dollars.

(2) Subsection (1) of this section shall not apply to any communication published in a newspaper or broadcast by radio or television.

(3) Except in accordance with this Act, a person who is, or was, within a racecourse within the State during the course of a race meeting shall not, before the conclusion of the race meeting, communicate, or cause to be communicated, by any means, directly or indirectly, whether or not for fee or reward, to any person who is not within any racecourse at which a race meeting is being held any information or advice as to the betting on a race held or to be held within or outside Australia.

Penalty: Two thousand dollars or imprisonment for three months.

(4) This section shall not apply in relation to the Totalizator Agency Board in the performance of its functions under this Act.

PART IV

Board may give or authorize information as to racing.

120. (1) The Board may—

(a) itself communicate, or cause to be communicated;

or

(b) grant to any person an authority to communicate, in a manner and during a period specified in the notice,

information or advice as to the betting on a race held or to be held within or outside Australia.

(2) The Board may, on granting an authority under subsection (1) of this section, attach to the authority such conditions as it considers appropriate.

(3) The Board may, by notice in writing to the person granted an authority under this section, amend, vary or revoke a condition attached to the authority or attach a further condition.

(4) The Board may, as an administrative act, by notice in writing to the person granted an authority under this section, cancel the authority and the authority shall cease to have any effect.

(5) A person granted an authority under this section shall not be guilty of an offence against any Act by reason only that he communicated, or caused to be communicated, any information or advice in accordance with the authority and any conditions attached to the authority.

Unclaimed bets.

121. (1) The Board may hold on behalf of the person entitled thereto the amount payable on a bet that is unclaimed and is paid to the Board in accordance with the rules made by the Board under this Part for a period of twelve months after the amount became so payable and, if during that period it is claimed by the person entitled thereto, the Board shall, subject to those rules, pay the amount to that person.

(2) Where an amount held by the Board is not paid by the Board within the period of twelve months under subsection (1) of this section, the Board shall pay the amount to the Treasurer for the General Revenue of the State.

Accounts and audit.

122. (1) The Board shall cause proper accounts to be kept of its financial affairs and shall in respect of each financial year prepare a statement of accounts in such form as the Treasurer may approve.

(2) The Auditor-General shall audit the statement of accounts of the Board for each financial year and may at any time audit the accounts of the Board and shall have and may exercise in respect of the moneys and accounts of the Board and the persons dealing therewith the powers that are vested in the Auditor-General by the Audit Act, 1921-1975, in respect of public accounts and accounting officers.

Annual report.

123. (1) The Board shall, as soon as practicable after the end of each financial year, submit to the Minister a report upon the conduct of the business of the Board during that financial year, together with the audited statement of accounts of the Board for that financial year.

(2) The Minister shall cause the report and audited statement of accounts of the Board to be laid before each House of Parliament as soon as practicable after his receipt thereof.

124. The Board may make rules for any of the following purposes:—

- (a) to prescribe any matter or thing relating to the general administration of this Part;
 - (b) to prescribe any matter or thing relating to the licensing of bookmakers, bookmakers' clerks or bookmakers' agents;
 - (c) to prescribe any matter or thing relating to the registration of premises;
 - (d) to prescribe any matter or thing relating to the conduct of bookmakers, bookmakers' clerks and bookmakers' agents;
 - (e) to regulate betting by and with bookmakers;
 - (f) to require an applicant for a licence to give security for compliance with this Act, these rules and any conditions attached to the licence;
 - (g) to require and prescribe any matter or thing relating to the keeping of records by bookmakers, the inspection of such records and the furnishing of returns by bookmakers;
 - (h) to prohibit or restrict advertising by bookmakers;
 - (i) to prescribe fees in respect of any licence, registration, authority or service granted or provided by the Board;
- and
- (j) to prescribe penalties not exceeding two hundred dollars for contravention of, or failure to comply with, any rule.
-

PART V

THE RACECOURSES DEVELOPMENT BOARD

Interpretation.

125. In this Part, unless the contrary intention appears—

“the Board” means the Racecourses Development Board established under the Lottery and Gaming Act, 1936-1975, and continued in existence under this Part:

“the chairman” means the person holding office as the chairman of the Board under this Part:

“development” includes construction, reconstruction, improvement or repair:

“Fund”—

(a) in relation to horse racing, means the “Horse Racing Grounds Development Fund”;

(b) in relation to trotting, means the “Trotting Grounds Development Fund”;

(c) in relation to dog racing, means the “Dog Racing Grounds Development Fund”:

“member” means a person holding office as a member of the Board under this Part:

“public facility” in relation to a racecourse means any facility available for the use of members of the public in attendance at the racecourse.

Continuation of Board.

126. (1) The body entitled the “Racecourses Development Board” and established under the Lottery and Gaming Act, 1936-1975, shall continue in existence under that name.

(2) The Board—

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

(b) shall be capable of suing and of being sued;

(c) shall be capable of acquiring, holding, dealing with and disposing of any interest in real and personal property;

and

(d) shall be capable of acquiring or incurring any other rights or liabilities.

(3) The members of the Board in office immediately before the commencement of this Act shall, subject to this Act, continue in their respective offices for the balance of the respective terms for which they were appointed and shall be eligible for re-appointment.

Constitution of Board.

127. (1) The Board shall consist of seven members appointed by the Governor of whom—

(a) one shall be appointed on the recommendation of the Minister who shall be appointed to be the chairman;

- (b) two shall be nominated by the controlling authority for horse racing;
- (c) two shall be nominated by the controlling authority for trotting;
- and
- (d) two shall be nominated by the controlling authority for dog racing.

(2) Whenever a nomination is required to be made by a controlling authority for the appointment of a member of the Board, the Minister may, by notice in writing addressed to the controlling authority and served personally or by post upon it, request it to make the nomination within twenty-one days of the date of the notice, or such longer period as is specified in the notice, and if no nomination is made in accordance with that request, the Governor may appoint a person nominated by the Minister to be a member of the Board in lieu of a nominee of the controlling authority, and a person so appointed shall, for all purposes, be deemed to have been duly appointed upon the nomination of that controlling authority.

128. (1) A member shall be appointed for a term of office and upon such conditions as the Governor may determine, and, upon the expiration of his term of office, shall be eligible for re-appointment.

Terms and
conditions of
office.

(2) The Governor may, on the recommendation of the Minister, appoint a person to be a deputy of a member and that person while acting in the absence of that member shall be deemed to be a member and shall have all the powers, rights and duties of that member.

(3) The Governor may remove a member for—

- (a) any breach of, or non-compliance with, the conditions of his appointment;
- (b) mental or physical incapacity;
- (c) neglect of duty;
- or
- (d) dishonourable conduct.

(4) The office of a member shall become vacant if—

- (a) he dies;
- (b) his term of office expires;
- (c) he resigns by written notice addressed to the Minister;
- or
- (d) he is removed from office by the Governor pursuant to subsection (3) of this section.

(5) Upon the office of a member becoming vacant, a person shall be appointed in accordance with this Act to the vacant office, but where the office of a member becomes vacant before the expiration of the term for which he was appointed, the person appointed in his place shall be appointed only for the balance of the term of his predecessor.

129. (1) The members of the Board shall be entitled to receive such remuneration, allowances and expenses, as may be determined by the Governor.

Remuneration
allowances and
expenses.

(2) Any amount to which a member of the Board is entitled under this section shall be paid out of the funds of the Board.

PART V

Quorum, etc.

130. (1) Three members shall constitute a quorum of the Board and no business shall be transacted at a meeting of the Board unless a quorum is present.

(2) The chairman or, in the absence of the chairman, his deputy, shall preside at a meeting of the Board, and, in the absence of both the chairman and his deputy from a meeting of the Board, the members present shall choose one of their number to preside at the meeting.

(3) A decision carried by a majority of the votes of the members present at a meeting of the Board shall be a decision of the Board.

(4) Each member shall be entitled to one vote on a matter arising for determination by the Board, and the person presiding at the meeting of the Board shall, in the event of an equality of votes, have a second or casting vote.

(5) The Board shall cause proper minutes to be kept of its proceedings at meetings.

(6) Subject to this Act, the business of the Board shall be conducted in a manner determined by the Board.

Due execution of documents by the Board.

131. (1) A document is duly executed by the Board if it is sealed with the common seal of the Board and signed by two members.

(2) An apparently genuine document purporting to have been executed by the Board in accordance with subsection (1) of this section shall be presumed in any legal proceedings, in the absence of proof to the contrary, to have been duly executed by the Board.

Validity of acts of the Board and immunity of its members.

132. (1) An act or proceeding of the Board shall not be invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the appointment of a member, an act or proceeding of the Board shall be as valid and effectual as if the member had been duly appointed.

(2) No personal liability shall attach to a member of the Board for an act or omission by him, or by the Board, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge, or purported discharge, of his or its duties under this Act.

Establishment of separate funds for forms of racing.

133. (1) The following funds established at the Treasury under the Lottery and Gaming Act, 1936-1975, shall continue in existence under their respective names:—

(a) in relation to horse racing, the fund entitled the “Horse Racing Grounds Development Fund”;

(b) in relation to trotting, the fund entitled the “Trotting Grounds Development Fund”;

and

(c) in relation to dog racing, the fund entitled the “Dog Racing Grounds Development Fund”.

(2) The Fund for each form of racing shall consist of the following moneys:—

(a) the moneys in that Fund immediately before the commencement of this Act;

- (b) any amount paid to the Board pursuant to section 69, 70 or 77 of this Act that is derived from bets on that form of racing;
 - (c) any amount paid to the Board by the controlling authority for that form of racing;
 - (d) any income from investment of any moneys belonging to that Fund;
 - (e) any amount paid to the Board in repayment of any loan made from that Fund;
- and
- (f) any other amount paid to or received by the Board which the Board with the approval of the Minister considers should be paid into that Fund.

134. The Fund for each form of racing shall be applied by the Board in performing its functions under this Act in relation to that form of racing.

Application of the Funds.

135. (1) The function of the Board is to provide financial assistance for the development of public facilities in the grounds of racecourses used or proposed to be used for horse racing, trotting or dog racing.

Function and powers of the Board.

(2) The Board may, for the purpose of performing its function and discharging its duties under this Act—

- (a) establish an office;
 - (b) appoint officers and employees;
 - (c) with the approval of the Treasurer, make a grant of any amount to a registered racing club;
 - (d) with the approval of the Treasurer, provide a subsidy to a registered racing club;
 - (e) with the approval of the Treasurer, make a loan, which may be free of interest, to any registered racing club;
 - (f) acquire, hold, deal with and dispose of any interest in any real or personal property;
 - (g) exercise such other powers as are conferred on it by or under this Act;
- and
- (h) exercise such other powers as are reasonably necessary for, or in connection with, or incidental to, the performance, exercise or discharge of its function, powers or duties under this Act.

136. In the performance, exercise and discharge of its function, powers and duties under this Act, the Board shall, except where it makes, or is required to make, a recommendation to the Minister, be subject to the general control and direction of the Minister.

Board subject to general control and direction of Minister.

137. (1) Notwithstanding the provisions of this Part, the Board may, during the period of three years commencing on the commencement of this Act, pay to a controlling authority from the Fund an amount not exceeding fifty per centum of the amount paid into that Fund during that period.

Special provision for payment to controlling authorities from Funds

PART V

(2) Any amount paid to a controlling authority under subsection (1) of this section shall be applied by the controlling authority in a manner approved by the Minister.

Delegation by
the Board.

138. (1) The Board may delegate to any member, officer or employee of the Board any of its powers or its function under this Act.

(2) Any delegation by the Board shall be revocable at will and shall not derogate from the power of the Board to act itself in any matter.

Terms and
conditions of
employment by
the Board.

139. A person appointed by the Board to be an officer or employee shall hold office upon such terms and conditions as are from time to time determined by the Board and the provisions of the Public Service Act, 1967-1975, shall not apply to or in relation to persons so appointed.

Board may
make use of
services of
public servants.

140. The Board may, with the approval of the Minister controlling a department of the Public Service of the State, upon terms mutually arranged, make use of the services of an officer of that department for any purpose related to the performance of the function of the Board under this Act.

Borrowing by
the Board.

141. (1) The Board may, with the consent of the Treasurer, borrow money from any person for the purpose of performing its function under this Act.

(2) Any liability incurred with the consent of the Treasurer under subsection (1) of this section, or incurred in respect of money borrowed by the Board before the commencement of this Act, is hereby guaranteed by the Treasurer.

(3) Any liability incurred by the Treasurer under a guarantee arising by virtue of subsection (2) of this section shall be satisfied out of the General Revenue of the State which is hereby, to the necessary extent, appropriated accordingly.

(4) Any sum paid by the Treasurer under subsection (3) of this section shall, when moneys are properly available for the purpose, be repaid by the Board to the Treasurer and, when so repaid, shall form part of the General Revenue of the State.

Investment by
the Board.

142. The Board may, with the approval of the Treasurer, invest any of the moneys standing to the credit of the Fund for a form of racing that are not immediately required for the purposes of this Part in such manner as may be approved by the Treasurer.

Accounts and
audit.

143. (1) The Board shall cause proper accounts to be kept of its financial affairs and shall in respect of each financial year prepare a statement of accounts in such form as the Treasurer may approve.

(2) The Auditor-General shall audit the statement of accounts of the Board for each financial year and may at any time audit the accounts of the Board and shall have and may exercise in respect of the moneys and accounts of the Board and the persons dealing therewith the powers that are vested in the Auditor-General by the Audit Act, 1921-1975, in respect of public accounts and accounting officers.

144. (1) The Board shall, as soon as practicable after the end of each financial year, submit to the Minister a report upon the conduct of the business of the Board during that financial year, together with the audited statement of accounts of the Board for that financial year.

(2) The Minister shall cause the report and audited statement of accounts of the Board to be laid before each House of Parliament as soon as practicable after his receipt thereof.

PART VI

PART VI

MISCELLANEOUS

Dividends
Adjustment
Account.

145. (1) The Fund entitled the "Dividends Adjustment Account" and established at the Treasury under the Lottery and Gaming Act, 1936-1975, shall continue in existence under that name.

(2) The Dividends Adjustment Account shall consist of the moneys in the Account immediately before the commencement of this Act and the moneys paid by the Totalizator Agency Board to the Treasurer and credited to the Account pursuant to section 76 of this Act.

(3) The Dividends Adjustment Account shall be applied in payments to the Totalizator Agency Board and authorized racing clubs pursuant to section 75 of this Act.

(4) Notwithstanding the provisions of subsection (3) of this section, where the Treasurer is of the opinion that there is in the Dividends Adjustment Account an amount in excess of the amount required to meet all payments referred to in that subsection, the amount of that excess shall be debited to the Account and credited to the Hospitals Fund.

Hospitals
Fund.

146. (1) The Fund entitled the "Hospitals Fund" and established at the Treasury shall continue in existence under that name.

(2) The Hospitals Fund shall consist of the following moneys:—

- (a) the moneys in the Fund immediately before the commencement of this Act;
- (b) the moneys paid by the Totalizator Agency Board to the Treasurer and credited to the Fund pursuant to section 69 of this Act;
- (c) the moneys paid by the Totalizator Agency Board and authorized racing clubs to the Treasurer and credited to the Fund pursuant to section 78 of this Act;
- (d) the moneys credited to the Fund pursuant to section 145 of this Act;

and

- (e) any other moneys paid into the Fund pursuant to any other Act.

(3) The Hospitals Fund shall be applied as follows:—

- (a) firstly, in payment towards the payment of dividends on totalizator bets pursuant to section 78 of this Act;

and

- (b) secondly, in the debiting to the Fund and crediting to the General Revenue of the State of amounts approved by the Treasurer towards amounts appropriated by Parliament and paid from the General Revenue for the purposes of the provision, maintenance, development or improvement of public hospitals or equipment for public hospitals.

147. (1) A controlling authority may, at its discretion, by notice in writing served upon any person, require that person not to enter upon such racecourse or training track used in connection with the form of racing for which that controlling authority is the controlling authority as is specified in the notice for such period as is specified in the notice or for an indefinite period.

Power of
controlling
authorities to
bar persons
from race-
courses, etc.

(2) Where a controlling authority exercises the power conferred by subsection (1) of this section, it shall serve a copy of the notice on the racing clubs or persons that use the racecourse or training track in connection with that form of racing.

(3) A person shall not fail to comply with the requirements of a notice served upon him under subsection (1) of this section.

Penalty: Two hundred dollars.

148. (1) A registered racing club may, at its discretion, by notice in writing served upon any person, require that person not to enter upon such racecourse as is specified in the notice for such period as is specified in the notice or for an indefinite period at any time when the racecourse is being used by the club in connection with racing.

Power of
racing clubs to
remove persons
from race-
courses.

(2) A registered racing club may, at its discretion, by verbal notice given to any person who is upon a racecourse that is being used by the club in connection with racing, require that person to leave the racecourse and not to re-enter upon the racecourse during the day upon which the notice is given.

(3) Where a person fails to comply with the requirements of a notice served upon or given to him under this section—

(a) the registered racing club may use such force as is reasonably necessary for the purpose of ejecting that person from the racecourse;

and

(b) a member of the police force of the State shall, at the request of the registered racing club, assist in so ejecting that person from the racecourse.

(4) A registered racing club may exercise the powers conferred by this section in relation to any person notwithstanding that it has granted that person a right to be present upon the racecourse and no liability shall attach to the club or any person or member of the police force acting on behalf of the club for an act or omission by it or him in good faith and in the exercise or purported exercise of those powers but the amount of any valuable consideration given by that person to the club for the grant of that right shall be paid or tendered to that person.

149. (1) A person who is authorized pursuant to this Act to accept bets shall not accept a bet, or cause, suffer or permit a bet to be accepted, from any person who is less than eighteen years of age.

Betting with
infants.

Penalty: One hundred dollars.

(2) Notwithstanding the provisions of subsection (1) of this section, it shall be a defence to a charge of an offence against that subsection, if the defendant proves that he had reasonable cause to believe that the person was not less than eighteen years of age.

PART VI

(3) A person who is less than eighteen years of age shall not make any bet with a person who is authorized pursuant to this Act to accept bets.

Penalty: Fifty dollars.

Exemption for
South
Australian
Jockey Club
from certain
stamp duty.

150. (1) Notwithstanding the provisions of any other Act, stamp duty is not payable in respect of the conveyance, transfer or vesting of the land specified in subsection (2) of this section in the South Australian Jockey Club Incorporated.

(2) The land referred to in subsection (1) of this section is the land comprised in Certificate of Title Register Book:—

Volume 1993, Folio 18

Volume 2611, Folio 11

Volume 3485, Folio 25

Volume 1698, Folio 186

Volume 1698, Folio 187

Volume 2958, Folio 19

Volume 3519, Folio 74.

Summary
proceedings.

151. Proceedings in respect of an offence against this Act shall be disposed of summarily.

Offences by
bodies
corporate.

152. Where a body corporate is guilty of an offence against this Act, any person concerned in the management of that body corporate shall be guilty of an offence and liable to the same penalty as prescribed for that offence unless he proves that he had no knowledge of, or could not by the exercise of reasonable diligence have prevented, the commission of that offence.

Service of
notices.

153. A notice to be given under this Act may be served by post.

Regulations.

154. The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

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

D. NICHOLLS, Governor

FIRST SCHEDULE

Section 4 (1)

ACT REPEALED

Dog-Racing Control Act, 1966-1967.

SECOND SCHEDULE

Section 4 (2)

ACTS AMENDED

First Column Act Amended	Second Column How Amended	Third Column New Citation
Lottery and Gaming Act, 1936-1975	<p>Section 2— Strike out— “PART III—Totalizator. PART IIIA—The Totalizator Agency Board. PART IIIB—Trotting Control Board. PART IV—Licensing of Bookmakers. PART IVA—Racecourses Development Board.”</p> <p>Section 4— Strike out the definition of “board”. Strike out the definition of “chairman”. Strike out the definition of “controlling authority”. Strike out the definition of “horse race”. Strike out the definition of “multiple betting”. Strike out the definition of “racecourse”. Strike out the definition of “race meeting”. Strike out the definition of “racing club”. Strike out the definition of “the Executive Committee of the League”. Strike out the definition of “the Fund”. Strike out the definition of “the League”. Strike out the definition of “the Totalizator Agency Board”. Strike out the definition of “the Trotting Control Board”. Strike out the definition of “totalizator”. Strike out from the definition of “unlawful gaming” the passage “, such part or percentage not being money received for deposit in any totalizator conducted by the Totalizator Agency Board or in respect of which a licence granted under this Act is in force”.</p> <p>PART III— PART III (comprising sections 15 to 31 inclusive) is repealed.</p> <p>PART IIIA— PART IIIA (comprising sections 31a to 31v inclusive) is repealed.</p> <p>PART IIIB— PART IIIB (comprising sections 31w to 31xk inclusive) is repealed.</p> <p>PART IV— PART IV (comprising sections 32 to 48b inclusive) is repealed.</p> <p>PART IVA— PART IVA (comprising sections 48d to 48i inclusive) is repealed.</p>	Lottery and Gaming Act, 1936-1976

SECOND SCHEDULE—continued

First Column Act Amended	Second Column How Amended	Third Column New Citation
Lottery and Gaming Act, 1936-1975	<p>Section 54a— Section 54a is repealed.</p> <p>Section 58— Strike out “licensed or otherwise” and insert “(whether such totalizator is lawful or not)”.</p> <p>Section 62 (1)— Strike out “betting except by means of a totalizator duly licensed under this Act” and insert “unlawful betting”.</p> <p>Section 62 (3)— Strike out “, except the settling of bets made on a racecourse in accordance with Part IV, of this Act and the terms of a licence issued thereunder” and insert “except the settling of bets made lawfully under the Racing Act, 1976”.</p> <p>Section 64— Section 64 is repealed.</p> <p>Section 65— Section 65 is repealed.</p> <p>Section 66— Section 66 is repealed.</p> <p>Section 67— Section 67 is repealed.</p> <p>Section 67a— Section 67a is repealed.</p> <p>Section 70— Section 70 is repealed.</p> <p>The Third Schedule— The Third Schedule is repealed.</p> <p>The Fifth Schedule— The Fifth Schedule is repealed.</p>	Lottery and Gaming Act, 1936-1976
Stamp Duties Act, 1923-1975	<p>PART III— The sub-heading “Totalizators” is repealed.</p> <p>Section 85— Section 85 is repealed.</p> <p>Section 86— Section 86 is repealed.</p> <p>Section 87— Section 87 is repealed.</p> <p>Section 88— Section 88 is repealed.</p> <p>Section 89— Section 89 is repealed.</p> <p>Section 89a— Section 89a is repealed.</p> <p>Section 90— Section 90 is repealed.</p> <p>THE SECOND SCHEDULE— Strike out the following paragraphs:— TOTALIZATOR—There shall be payable for each day on which any totalizator is used by any racing club a duty calculated according to the gross takings of all the totalizators or other like machines used by the club on that day in accordance with the following scale:—</p>	Stamp Duties Act, 1923-1976

SECOND SCHEDULE—continued

First Column Act Amended	Second Column How Amended	Third Column New Citation
Stamp Duties Act, 1923-1975	<p>Where the said gross takings do not exceed \$4 000 the duty shall be: $1\frac{1}{2}$ per centum of the gross takings.</p> <p>Where the said gross takings exceed \$4 000 but do not exceed \$6 000 the duty shall be: $2\frac{1}{2}$ per centum of the gross takings.</p> <p>Where the said gross takings exceed \$6 000 but do not exceed \$8 000 the duty shall be: $3\frac{1}{2}$ per centum of the gross takings.</p> <p>Where the said gross takings exceed \$8 000 but do not exceed \$10 000 the duty shall be: $4\frac{1}{2}$ per centum of the gross takings.</p> <p>Where the said gross takings exceed \$10 000 the duty shall be: $5\frac{1}{2}$ per centum of the said gross takings.</p> <p>TOTALIZATOR AGENCY BOARD—Subject to sections 31q and 31r of the Lottery and Gaming Act, 1936-1966, there shall be paid by the Totalizator Agency Board a duty at the rate of $5\frac{1}{2}$ per centum of the amount invested with the Board by way of off-course totalizator betting on any day.</p>	Stamp Duties Act, 1923-1976