



**RACING (MISCELLANEOUS) AMENDMENT ACT 1997**

**No. 67 of 1997**

**SUMMARY OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of s. 14—Functions and powers of RIDA
4. Amendment of s. 51—Functions and powers of TAB
5. Amendment of s. 62—Acceptance and payment of bets
6. Amendment of s. 63—Conduct of on course totalizator betting by racing clubs
7. Amendment of s. 69—Application of amount deducted under s. 68
8. Repeal of s. 80
9. Substitution of heading
10. Substitution of s. 84I
  - 84I. Totalizator betting by TAB on other events
11. Insertion of s. 84IA
  - 84IA. Totalizator rules for betting on other events
12. Amendment of s. 84J—Application of amount bet
13. Insertion of s. 84K
  - 84K. Agreement with interstate or overseas totalizator authority
14. Repeal of Division 5 of Part 3
15. Insertion of Part 3A

**PART 3A**

**FIXED ODDS BETTING WITH INTERSTATE OR  
OVERSEAS AUTHORITY**

- 84L. Agreement with interstate or overseas authority
- 84M. Application of profits from fixed odds betting
- 84N. Unclaimed dividends
16. Amendment of s. 85—Interpretation
17. Amendment of s. 112—Permit authorising bookmaker to accept bets
18. Amendment of s. 114—Payment to RIDA of percentage of money bet with bookmakers
19. Amendment of s. 118—Effect of licence
20. Amendment of s. 119—Prohibition of certain information as to racing or betting
21. Amendment of s. 120—RIDA may give or authorise information as to betting
22. Insertion of s. 148A
  - 148A. No offence under other laws in respect of betting under this Act



ANNO QUADRAGESIMO SEXTO

**ELIZABETHAE II REGINAE**

A.D. 1997

\*\*\*\*\*

No. 67 of 1997

**An Act to amend the Racing Act 1976.**

[Assented to 7 August 1997]

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Racing (Miscellaneous) Amendment Act 1997*.
- (2) The *Racing Act 1976* is referred to in this Act as "the principal Act".

**Commencement**

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

**Amendment of s. 14—Functions and powers of RIDA**

3. Section 14 of the principal Act is amended by striking out "approved events held" from subsection (1)(d) and substituting "approved events held or occurring".

**Amendment of s. 51—Functions and powers of TAB**

4. Section 51 of the principal Act is amended by striking out paragraph (d) of subsection (1) and substituting the following paragraphs:

- (d) to conduct totalizator betting on the result of any other sporting event or an event of any other kind or on a combination of sporting or other events whether held or occurring within or outside Australia; and
- (e) such other functions as are conferred on TAB by this Act.

**Amendment of s. 62—Acceptance and payment of bets**

5. Section 62 of the principal Act is amended by striking out subsection (1) and substituting the following subsections:

- (1) TAB may accept a totalizator bet—
  - (a) by the deposit of the amount of the bet in cash at an office, branch or agency of TAB; or

- (b) by letter sent through the post, or telegram or telephone message, to an office, branch or agency of TAB by a person who has established and maintained in accordance with the rules of TAB an account with TAB that is sufficiently in credit to meet the amount of the bet; or
  - (c) by the surrender, or partial surrender, of a cash voucher issued by TAB; or
  - (d) by the electronic transfer of the amount of the bet to TAB.
- (1a) TAB may only accept a bet made electronically if it is made using a card—
- (a) that is approved by TAB; and
  - (b) that does not enable the holder to obtain money on credit for the purpose of making the bet.

**Amendment of s.63—Conduct of on course totalizator betting by racing clubs**

**6. Section 63 of the principal Act is amended—**

- (a) by inserting the following subsections after subsection (1):

(1a) Subject to this Act a racing club that is not registered may, if authorised to do so by RIDA, conduct on course totalizator betting in conjunction with a race meeting held by the club.

(1b) RIDA's authorisation under subsection (1a)—

- (a) may be subject to such conditions as RIDA thinks fit; and
  - (b) may be varied or revoked by RIDA at any time.;
- (b) by striking out "Subsection (1) authorises" from subsection (2) and substituting "Subsections (1) and (1a) authorise";
- (c) by striking out "registered" from subsection (4);
- (d) by striking out "registered" from subsection (6);

**Amendment of s. 69—Application of amount deducted under s. 68**

**7. Section 69 of the principal Act is amended—**

- (a) by inserting the following subsection after subsection (3):

(4) An amount to be paid to the SATRA Fund, the SAHRA Fund or the SAGRA Fund under subsection (1a)(d) or to be shared between those funds under subsection (2) or that may be advanced to one, two or all of those funds under subsection (3) may, instead, be paid by TAB to RIDA to be paid or advanced to, or shared between, those funds.;

(b) by striking out subsection (5) and substituting the following subsection:

(5) In this section—

"quarter" means a period of approximately one quarter of a year—

(a) commencing on the first days of January, April, July and October if the day concerned is a Thursday or, if it is not, then commencing on the day nearest to that day that is a Thursday; and

(b) ending on 31 March, 30 June, 30 September and 31 December if the day concerned is a Wednesday or, if it is not, then ending on the day nearest to that day that is a Wednesday.

#### Repeal of s. 80

8. Section 80 of the principal Act is repealed.

#### Substitution of heading

9. The heading to Division 4 of Part 3 of the principal Act is repealed and the following heading is substituted:

### DIVISION 4—TOTALIZATOR BETTING ON OTHER EVENTS

#### Substitution of s. 84I

10. Section 84I of the principal Act is repealed and the following section is substituted:

##### Totalizator betting by TAB on other events

84I. (1) TAB may, with the approval of the Minister, conduct totalizator betting under this Division on sporting events or events of any other kind or on a combination of sporting or other events whether held or occurring within or outside Australia.

(2) This section does not authorise TAB to conduct totalizator betting on a race or football match.

#### Insertion of s. 84IA

11. The following section is inserted after section 84I of the principal Act:

##### Totalizator rules for betting on other events

84IA. (1) The Minister may, after consultation with TAB, make rules prescribing—

- (a) any matter relating to the calculation of dividends on totalizator bets on sporting or other events to which this Division applies; and
- (b) the formation of totalizator pools in relation to such bets; and
- (c) any other matter relating to the conduct of totalizator betting by TAB on sporting or other events to which this Division applies.

(2) The Minister may, after consultation with TAB, vary or revoke any rules made pursuant to subsection (1).

(3) The provisions of the *Subordinate Legislation Act 1978* do not apply to or in relation to rules made pursuant to this section.

**Amendment of s. 84J—Application of amount bet**

12. Section 84J of the principal Act is amended by striking out subparagraphs (iii) and (iv) of subsection (1)(a) and substituting the following subparagraph:

- (iii) thirdly, the balance (if any) must be paid into the Recreation and Sport Fund;

**Insertion of s. 84K**

13. The following section is inserted in Part 3, Division 4 after section 84J of the principal Act:

**Agreement with interstate or overseas totalizator authority**

84K. (1) TAB may, with the approval of the Minister, enter into an agreement with an interstate or overseas totalizator authority to act as the agent of the interstate or overseas totalizator authority in accepting totalizator bets for the formation of sporting totalizator pools by the interstate or overseas totalizator authority under the law of another State or Territory or another country.

(2) An agreement referred to in subsection (1) may apply in relation to any kind of totalizator bets.

(3) An agreement referred to in subsection (1) cannot be made and does not remain in force if the law for the time being of the State, Territory or other country in which the interstate or overseas totalizator authority is entitled to conduct totalizator betting—

- (a) does not include a provision under which a percentage (being a percentage within a prescribed range) of the amount of the bets accepted by TAB under the agreement either must or may be deducted from those bets; or
- (b) prevents the execution or operation of the agreement in accordance with subsection (5).

(4) The prescribed range of percentages referred to in subsection (3)(a) is 0 to 20 per cent.

(5) Subject to subsection (6), an agreement referred to in subsection (1) must provide that TAB is entitled—

- (a) to the amount referred to in subsection (3)(a) that is deducted from the amount of the bets accepted by TAB; and
- (b) to all fractions not included in dividends on bets accepted by TAB; and
- (c) to unclaimed dividends on bets accepted by TAB.

(6) An agreement referred to in subsection (1) may provide that the amount that TAB would otherwise be entitled to under subsection (5)(a) may be reduced—

- (a) by the amount of a fee to be paid by TAB to the interstate or overseas totalizator authority pursuant to the agreement; and
- (b) where the law of the State, Territory or other country in which the interstate or overseas totalizator authority is entitled to conduct totalizator betting provides for a minimum dividend of 50 cents, by an amount necessary to increase a dividend to 50 cents.

(7) The amount to which TAB is entitled under subsection (5)(a) must be applied by TAB in accordance with section 84J.

(8) In this section—

"overseas totalizator authority" means a body or person who is entitled under the law of another country to conduct totalizator betting in that country;

"sporting totalizator pool" means the amount of totalizator bets made on the result of a sporting event (including a football match but not including a race).

#### Repeal of Division 5 of Part 3

14. Division 5 of Part 3 of the principal Act is repealed.

#### Insertion of Part 3A

15. The following part is inserted after Part 3 of the principal Act:

### PART 3A FIXED ODDS BETTING WITH INTERSTATE OR OVERSEAS AUTHORITY

#### Agreement with interstate or overseas authority

84L. (1) TAB may, with the approval of the Minister, enter into an agreement with an interstate or overseas authority to act as the agent of the interstate or overseas authority in accepting fixed odds bets on sporting or other events (including football matches but not including races) by the interstate or overseas authority under the law of another State, Territory or country.

(2) An agreement referred to in subsection (1) cannot be made and does not remain in force if the law for the time being of the State, Territory or other country in which the interstate or overseas authority is entitled to conduct betting prevents the execution or operation of the agreement in accordance with subsection (3).

(3) Subject to subsection (4), an agreement referred to in subsection (1) must provide that TAB is entitled—

- (a) to the amount of the bets accepted by TAB remaining after payment of dividends on those bets; and
- (b) to unclaimed dividends on bets accepted by TAB.

(4) An agreement referred to in subsection (1) may provide that the amount that TAB would otherwise be entitled to under subsection (3)(a) may be reduced—

- (a) by the amount of a fee to be paid by TAB to the interstate or overseas authority pursuant to the agreement; and
- (b) by an amount that is payable by TAB to the interstate or overseas authority pursuant to the agreement where the amount of the bets accepted by TAB on a sporting or other event is less than the dividends payable on those bets.

(5) In this section—

"interstate authority" means a body or person who is entitled under the law of another State or Territory of the Commonwealth to conduct fixed odds betting in that State or Territory on sporting or other events;

"overseas authority" means a body or person who is entitled under the law of another country to conduct fixed odds betting on sporting or other events.

#### **Application of profits from fixed odds betting**

**84M.** (1) The amount to which TAB is entitled under section 84L(3)(a) must be applied by TAB as follows:

- (a) firstly, in payment of such amount as the Minister directs towards the administrative and operating costs of TAB under this Part; and
- (b) secondly, in payment into a fund (to be applied towards the capital expenses of TAB) of one per cent of the amount to which TAB is entitled under section 84L(3)(a); and
- (c) thirdly, the balance (if any) must be paid into the Recreation and Sport Fund.

(2) Payments under subsection (1)(c) must be made as soon as practicable after 30 June and 31 December in each year.

#### **Unclaimed dividends**

**84N.** (1) The amount of unclaimed dividends received by TAB under the agreement referred to in section 84L must be paid into the Recreation and Sport Fund.

(2) Where, before the expiration of twelve months after a sporting or other event was held or occurred, a person makes a claim to the Treasurer for payment of an unclaimed dividend referred to in subsection (1) in respect of that event and the Treasurer is satisfied that—

- (a) the amount of the dividend has been paid into the Recreation and Sport Fund in accordance with subsection (1); and
- (b) the person would have been entitled to be paid the dividend if he or she had made a valid claim for such payment; and

- (c) 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 Recreation and Sport Fund the amount of the dividend.

**Amendment of s. 85—Interpretation**

16. Section 85 of the principal Act is amended by striking out the definitions of "approved event" and "approved sporting venue" and substituting the following definitions:

"approved event" means a sporting event (except a race) that has been approved by the Minister for the purposes of this definition or an event of any other kind that has been so approved or a combination of approved sporting events or other kinds of approved events whether held or occurring within or outside Australia;

"betting" means fixed odds betting and "bet" has a corresponding meaning;.

**Amendment of s. 112—Permit authorising bookmaker to accept bets**

17. Section 112 of the principal Act is amended—

- (a) by striking out paragraphs (a) and (b) of subsection (1) and substituting "to accept bets on races or approved events made on a day and within a racecourse, in registered premises or at any other place, specified in the permit";
- (b) by inserting the following subsection after subsection (2):

(2a) RIDA must not grant a permit under this section in respect of betting on a day and at a place (not being a racecourse or registered premises) if it has not first consulted the person or body that occupies or has control of that place on that day.

**Amendment of s. 114—Payment to RIDA of percentage of money bet with bookmakers**

18. Section 114 of the principal Act is amended—

- (a) by striking out paragraphs (a) and (b) of subsection (1) and substituting the following paragraphs:
- (a) in respect of bets made with him or her on any racecourse situated within the metropolitan area or in any registered premises or at any other place (except a racecourse situated outside the metropolitan area)—
- (i) in respect of races held within the State—an amount equal to 1.57 per cent of the amount paid or payable to the bookmaker in respect of those bets;
- (ii) in respect of races held outside the State—an amount equal to 2.17 per cent of the amount paid or payable to the bookmaker in respect of those bets;



- (b) in respect of bets made with him or her on any racecourse situated outside the metropolitan area—
- (i) in respect of races held within the State—an amount equal to 1.4 per cent of the amount paid or payable to the bookmaker in respect of those bets;
- (ii) in respect of races held outside the State—an amount equal to 1.97 per cent of the amount paid or payable to the bookmaker in respect of those bets.
- (b) by striking out subsection (3) and substituting the following subsection:
- (3) Every bookmaker must, not later than 3.00 p.m. on each Thursday, pay to RIDA in respect of bets made with the bookmaker on approved events during the week that ended at midnight on the Saturday next preceding that Thursday an amount equal to 1.75 per cent of the amount paid or payable to the bookmaker in respect of those bets.;
- (c) by striking out paragraph (c) of subsection (5) and substituting the following paragraph:
- (c) in respect of bets made on the result of an approved event—payment to the Recreation and Sport Fund of the amount paid to RIDA pursuant to this section in respect of those bets.

**Amendment of s. 118—Effect of licence**

19. Section 118 of the principal Act is amended by striking out from subsection (1) "an approved sporting venue" and substituting "some other place".

**Amendment of s. 119—Prohibition of certain information as to racing or betting**

20. Section 119 of the principal Act is amended—

- (a) by striking out from subsection (1) "within or outside Australia" and substituting "within or outside Australia in relation to which a bookmaker is authorised by permit under this Part to accept bets.";
- (b) by striking out subsection (3) and substituting the following subsection:
- (3) Subject to this Act, a person who is, or was, within a racecourse or other place during a period when bookmakers are, or were, accepting bets on races or approved events must not, before the end of that period, communicate to a person who is outside the racecourse or other place any information or advice as to the betting under this Part at that racecourse or place.

Maximum penalty: \$5 000.;

- (c) by striking out the definition of "races or approved events" from subsection (3a) and substituting the following definition:

"races or approved events" means races or approved events held or occurring or that will be held or will occur within or outside Australia.

**Amendment of s. 120—RIDA may give or authorise information as to betting**

21. Section 120 of the principal Act is amended by striking out "held or to be held" from subsection (1) and substituting "held or occurring or that will be held or will occur".

**Insertion of s. 148A**

22. The following section is inserted after section 148 of the principal Act:

**No offence under other laws in respect of betting under this Act**

**148A.** Despite any other law—

- (a) it is not unlawful for TAB, its agents or employees, to accept bets in the course of totalizator betting or fixed odds betting authorised by this Act;
- (b) it is not unlawful for an authorised racing club, its agents or employees, to accept bets in the course of on-course totalizator betting authorised by this Act;
- (c) premises in which TAB or an authorised racing club conducts betting referred to in paragraphs (a) or (b) does not constitute, by reason of the conduct of that betting, a common gaming house or nuisance;
- (d) it is not unlawful for a person of or above the age of 18 years to make a bet with TAB or an authorised racing club.

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

E. J. NEAL Governor