



ANNO VICESIMO NONO

ELIZABETHAE II REGINAE

A.D. 1980

No. 114 of 1980

An Act to amend the Racing Act, 1976-1978.

[Assented to 18 December 1980]

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

1. (1) This Act may be cited as the "Racing Act Amendment Act, 1980". Short titles.
- (2) The Racing Act, 1976-1978, is in this Act referred to as "the principal Act".
- (3) The principal Act, as amended by this Act, may be cited as the "Racing Act, 1976-1980".

2. (1) This Act shall come into operation on a day to be fixed by proclamation. Commencement.
- (2) The Governor may, in the proclamation made for the purposes of subsection (1), suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

3. Section 5 of the principal Act is amended— Amendment of s. 5— Interpretation.
 - (a) by inserting after the definition of "the Betting Control Board" the following definition:
 - "bookmaker" includes a bookmaker's agent: ;
 - and
 - (b) by striking out the definition of "unit" and substituting the following definition:
 - "unit"—
 - (a) in relation to off-course totalizator betting—means an amount determined by the Totalizator Agency Board as constituting a unit;
 - and
 - (b) in relation to on-course totalizator betting—means an amount determined by the appropriate controlling authority as constituting a unit: .

Amendment
of s. 56—
Application
of funds of
Board.

4. Section 56 of the principal Act is amended—

(a) by striking out from paragraph (b) of subsection (1) the passage “one-half of”;

(b) by striking out subsection (2) and substituting the following subsection:

(2) The balance, if any, of the funds of the Board remaining at the end of each quarter, after deducting the amount of the payments required by subsection (1) or any other provision of this Act to be made in respect of that quarter, shall be applied as soon as practicable after the end of that quarter as follows:

(a) an amount equal to one-half of the balance shall be paid to the Treasurer to be credited to the Hospitals Fund;

and

(b) the amount remaining after the payment referred to in paragraph (a) shall be divided amongst the controlling authorities for the various forms of racing in the proportions that the amounts bet with the Board in relation to each form of racing (whether within or outside Australia) bear to the total amount bet with the Board in relation to all forms of racing (whether within or outside Australia) during the quarter.;

(c) by striking out from subsection (3) the passage “financial year”, twice occurring, and substituting, in each case, the word “quarter”;

and

(d) by inserting after subsection (4) the following subsection:

(5) In this section, “quarter” means a period of three calendar months expiring on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December, in any year.

Repeal of
s. 66.

5. Section 66 of the principal Act is repealed.

Repeal of
s. 69 and
substitution of
new section.

6. Section 69 of the principal Act is repealed and the following section is substituted:

69. The Totalizator Agency Board shall, out of the amount deducted by it pursuant to section 68 from totalizator bets made with it, pay to the Racecourses Development Board an amount equal to one per centum of the amount of such of those bets as were made on a double or a multiple, and may retain the balance as part of its funds.

Amendment of
s. 70—
Application of
percentage
deductions.

7. Section 70 of the principal Act is amended by striking out subparagraphs (i), (ii) and (iii) of paragraph (a) of subsection (1) and substituting the following subparagraphs:

(i) does not exceed \$10 000—an amount equal to 1 per centum of that sum;

- (ii) exceeds \$10 000 but does not exceed \$20 000—\$100 plus 2 per centum of the amount in excess of \$10 000;
 - (iii) exceeds \$20 000 but does not exceed \$40 000—\$300 plus 3 per centum of the amount in excess of \$20 000;
- or
- (iv) exceeds \$40 000—\$900 plus 5.25 per centum of the amount in excess of \$40 000; .

8. Section 71 of the principal Act is repealed and the following section is substituted:

Repeal of s. 71 and substitution of new section.

71. (1) Subject to subsection (3), the Totalizator Agency Board may, by notice published in the *Gazette*—

Fixing the amount of betting unit.

(a) fix the amount that shall, for the purposes of this Act, constitute a unit in relation to off-course totalizator betting on any form of racing;

(b) determine the minimum number of units that may constitute a bet for the purposes of off-course totalizator betting on any form of racing;

or

(c) vary or revoke a notice previously published under this subsection.

(2) Subject to subsection (3), the controlling authority for any form of racing may, by notice published in the *Gazette*—

(a) fix the amount that shall, for the purposes of this Act, constitute a unit in relation to on-course totalizator betting on that form of racing;

(b) determine the minimum number of units that may constitute a bet for the purpose of on-course totalizator betting on that form of racing;

or

(c) vary or revoke a notice previously published under this subsection.

(3) A notice shall not be published under this section except with the approval of the Minister.

9. Section 100 of the principal Act is amended by striking out paragraphs (b) and (c) of subsection (1) and substituting the following paragraph:

Amendment of s. 100—
Licences.

or

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

10. Section 114 of the principal Act is amended—

(a) by striking out from subparagraph (i) of paragraph (a) of subsection (1) the passage “2 per centum” and substituting the passage “2·3 per centum”;

Amendment of s. 114—
Payment to board of percentage of moneys bet with bookmakers.

- (b) by striking out from subparagraph (ii) of paragraph (a) of subsection (1) the passage "2·6 per centum" and substituting the passage "2·9 per centum";
- (c) by striking out from subparagraph (i) of paragraph (b) of subsection (1) the passage "1·8 per centum" and substituting the passage "2·1 per centum";
- (d) by striking out from subparagraph (ii) of paragraph (b) of subsection (1) the passage "2·4 per centum" and substituting the passage "2·7 per centum";

and

- (e) by striking out from paragraphs (a) and (b) of subsection (3) the passage "1·1 per centum" wherever it occurs and substituting, in each case, the passage "1·4 per centum".

Amendment of
s. 115—
Betting tickets.

11. Section 115 of the principal Act is amended by striking out subsections (5), (6) and (7).

Amendment of
s. 116—
Recovery of
amounts
payable by
bookmakers.

12. Section 116 of the principal Act is amended by striking out from subsection (1) the passage "or 115".

Repeal of
s. 117 and
substitution of
new section.

13. Section 117 of the principal Act is repealed and the following section is substituted:

Offences in
respect of
bookmaking.

117. (1) A person who acts as a bookmaker without being licensed as such under this Act shall be guilty of an offence.

(2) If a person who holds a licence or permit under this Part contravenes or fails to comply with a condition of the licence or permit, he shall be guilty of an offence.

(3) A person who is guilty of an offence under subsection (1) or subsection (2) shall be liable—

(a) for a first offence—to a penalty not exceeding five thousand dollars or imprisonment for three months;

or

(b) for a second or subsequent offence—to a penalty not exceeding ten thousand dollars or imprisonment for twelve months.

(4) If a person makes a bet with a bookmaker—

(a) who is unlicensed;

or

(b) in circumstances in which acceptance of the bet by the bookmaker would constitute an offence against this Act,

that person shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars or imprisonment for three months.

Amendment of
s. 118—
Effect
of licence.

14. Section 118 of the principal Act is amended by striking out subsection (4).

15. Section 124 of the principal Act is amended—

(a) by striking out from paragraph (b) the passage “bookmakers’ clerks or bookmakers’ agents” and substituting the passage “or bookmakers’ clerks”;

and

(b) by striking out from paragraph (d) the passage “bookmakers’ clerks and bookmakers’ agents” and substituting the passage “or bookmakers’ clerks”.

Amendment
of s. 124—
Rules of the
Board.

16. Section 146 of the principal Act is amended by striking out from paragraph (b) of subsection (2) the passage “section 69” and substituting the passage “section 56”.

Amendment of
s. 146—
Hospitals
Fund.

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

K. D. SEAMAN, Governor