

South Australia



**RACING (AMALGAMATION OF POOLS) AMENDMENT ACT 1995**

**No. 103 of 1995**

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**ELIZABETHAE II REGINAE**

A.D. 1995

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**No. 103 of 1995**

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

[Assented to 14 December 1995]

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Racing (Amalgamation of Pools) Amendment Act 1995*.
- (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. 5—Interpretation**

3. Section 5 of the principal Act is amended by inserting after the definition of "the Hospitals Fund" in subsection (1) the following definition:

"interstate bet" in relation to an interstate totalizator authority means a totalizator bet accepted by the authority on behalf of the Totalizator Agency Board pursuant to an agreement under section 82B;

**Amendment of s. 68—Deduction of percentage from totalizator money**

4. Section 68 of the principal Act is amended—

- (a) by striking out paragraphs (a), (ab), (b) and (c) from subsection (1) and substituting "an amount or amounts prescribed by regulation";
- (b) by striking out subsection (2) and substituting the following subsection:
  - (2) For the purposes of subsection (1) the regulations may—
    - (a) prescribe different amounts in relation to different kinds of bets;

- (b) where an agreement under section 82A between the Totalizator Agency Board and an interstate totalizator authority is in force, prescribe an amount by reference to the amount that, under the law of the State or Territory in which the interstate totalizator authority is entitled to conduct totalizator betting, must be deducted from the amount of the bets accepted by the Totalizator Agency Board under the agreement.

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

5. Section 69 of the principal Act is amended by striking out subsection (1) and substituting the following subsections:

(1) The amount deducted by the Totalizator Agency Board from totalizator bets pursuant to section 68 must be applied as follows:

- (a) if an agreement under section 82B is in force between the Totalizator Agency Board and an interstate totalizator authority under which the interstate totalizator authority is entitled to deductions made by the Board under section 68 in respect of interstate bets—the amount of those deductions must be paid to the interstate totalizator authority less any amount or amounts that the agreement provides for by way of fee payable to the Board by the interstate totalizator authority; and
- (b) the balance must be applied in accordance with subsection (1a).

(1a) The amount deducted by the Totalizator Agency Board from totalizator bets pursuant to section 68 or, where subsection (1)(a) applies, the balance referred to in subsection (1)(b) must be applied as follows:

- (a) firstly, in payment of such amount, as the Minister directs, towards the administrative and operating expenses of the Board; and
- (b) secondly, in payment of an amount equal to one per cent of the amount of totalizator bets (other than interstate bets) made with the Board on doubles and an amount equal to 1.4 per cent of the amount of totalizator bets (other than interstate bets) made with the Board on multiples to the Racecourses Development Board; and
- (c) thirdly, in payment into a fund to be applied towards the capital expenses of the Totalizator Agency Board of an amount equal to one half of one per cent of the amount of the totalizator bets (other than interstate bets) made with the Board on race-results; and
- (d) fourthly, in payment to the controlling authorities in the shares specified in subsection (2)(b) of an amount equal to one half of one per cent of the amount of the totalizator bets (other than interstate bets) made with the Board on race-results; and
- (e) fifthly, in payment of amounts approved by the Minister towards reserves of the Totalizator Agency Board, to be applied as the Board, with the approval of the Minister, considers necessary; and
- (f) sixthly, in payment of a deficiency (if any) in winning bet dividends (*see section 75*); and

- (g) seventhly, in accordance with subsection (2).

**Substitution of s. 75**

6. Section 75 of the principal Act is repealed and the following section is substituted:

**Totalizator pool insufficient to pay dividends**

75. If after deducting the amount required by section 68 a racing totalizator pool would be insufficient to pay winning bet dividends on bets contributing to the pool, the amount to be deducted pursuant to section 68 will be reduced so that dividends can be paid.

**Substitution of s. 76**

7. Section 76 of the principal Act is repealed and the following section is substituted:

**Application of fractions by the Board**

76. (1) The amount of fractions retained by the Totalizator Agency Board under section 73(4) must be applied by the Board as follows:

- (a) if an agreement under section 82B is in force between the Board and an interstate totalizator authority under which the authority is entitled to the fractions arising from dividends on interstate bets—the amount of those fractions must be paid to the interstate totalizator authority in accordance with the agreement; and
- (b) the balance must be applied in accordance with subsection (2).

(2) The amount of fractions retained by the Board under section 73(4) or, where subsection (1)(a) applies, the balance referred to in subsection (1)(b) must be applied by the Board as follows:

- (a) one half must be paid to the Treasurer to the credit of the Hospitals Fund; and
- (b) the amount remaining after the payment referred to in paragraph (a) must be divided between the Funds for the various forms of racing kept pursuant to Part 5 in the proportions that the amounts bet (excluding interstate bets) with the Totalizator Agency Board in relation to each form of racing bear to the total amount bet (excluding interstate bets) with the Board in relation to all forms of racing during the period elapsing from the date of the last payment under this section.

**Amendment of s. 78—Unclaimed dividends**

8. Section 78 of the principal Act is amended—

- (a) by striking out "The Totalizator Agency Board" from subsection (1) and substituting "Subject to subsection (1a), the Totalizator Agency Board";
- (b) by inserting after subsection (1) the following subsection:

(1a) If an agreement under section 82B is in force between the Totalizator Agency Board and an interstate totalizator authority under which the authority is entitled to the payment of unclaimed dividends on interstate bets, the Board must pay those dividends to the interstate totalizator authority in accordance with the agreement.;

(c) by inserting after "totalizator bet" in subsection (4) "(other than an interstate bet)".

**Amendment of s. 82A—Agreement with interstate totalizator authority—interstate authority conducts totalizator**

9. Section 82A of the principal Act is amended—

(a) by striking out from subsection (1) "bets on totalizators conducted" and substituting "totalizator bets for the formation of racing totalizator pools";

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

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

(c) by striking out "section 69(1)(b)" from subsection (7) and substituting "section 69(1a)(b)".

**Insertion of s. 82B**

10. The following section is inserted after section 82A of the principal Act:

**Agreement with interstate totalizator authority—Board conducts totalizator**

**82B.** (1) The Totalizator Agency Board may, with the approval of the Minister, enter into an agreement with an interstate totalizator authority under which the interstate totalizator authority agrees to accept totalizator bets as agent for the Totalizator Agency Board.

(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) may provide that the interstate totalizator authority is entitled to—

- (a) deductions made by the Board under section 68 in respect of interstate bets;
- (b) fractions not included in dividends on interstate bets;
- (c) unclaimed dividends on interstate bets.

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

ROMA MITCHELL Governor