



# RACING (MISCELLANEOUS) AMENDMENT ACT 1994

No. 25 of 1994

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ANNO QUADRAGESIMO TERTIO

**ELIZABETHAE II REGINAE**

A.D. 1994

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No. 25 of 1994

An Act to amend the Racing Act 1976.

[Assented to 26 May 1994]

The Parliament of South Australia enacts as follows:

**Short title**

- 1. (1) This Act may be cited as the *Racing (Miscellaneous) Amendment Act 1994*.
- (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 long title**

- 3. The long title of the principal Act is amended by striking out "totalizator betting on football matches or other sporting events" and substituting "betting on sporting and other events".

**Amendment of s. 5—Interpretation**

- 4. Section 5 of the principal Act is amended by striking out the definition of "interstate TAB" from subsection (1) and substituting the following definition:

"interstate totalizator authority" means a body or person who is entitled under the law of another State or Territory of the Commonwealth to conduct totalizator betting in that State or Territory:.

**Amendment of s. 41a—Interpretation**

- 5. Section 41a of the principal Act is amended by striking out the definition of "the Registrar" and substituting the following definition:

"the Registrar" means the Public Service employee for the time being assigned to perform the functions of the Registrar of the Tribunal;.

**Amendment of s. 41c—Constitution of Tribunal for appeals**

6. Section 41c of the principal Act is amended by inserting in subsection (1)(b) "where the President considers that the assistance of an assessor or assessors is required, not more than" before "two assessors".

**Substitution of s. 41f**

7. Section 41f of the principal Act is repealed and the following section is substituted:

**Registrar**

41f. (1) There is to be a Registrar of the Tribunal.

(2) A Public Service employee is to be assigned to perform the functions of Registrar of the Tribunal.

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

8. Section 68 of the principal Act is amended—

- (a) by striking out from subsection (1)(ab)(i) "interstate TAB" first occurring and substituting "interstate totalizator authority";
- (b) by striking out from subsection (1)(ab)(i) "must, under the law of the State or Territory in which the interstate TAB is established," and substituting ", under the law of the State or Territory in which the interstate totalizator authority is entitled to conduct totalizator betting, must";
- (c) by striking out from subsection (2) "interstate TAB" and substituting "interstate totalizator authority".

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

9. Section 69 of the principal Act is amended—

- (a) by striking out from subsection (2)(a) "an amount equal to one-half" and substituting "45 per cent";
- (b) by striking out subsection (2a) and substituting the following subsections:

(2a) The Totalizator Agency Board must, at the written direction of the Minister, pay to the controlling authorities from the fund referred to in subsection (1)(c) an amount (to be specified in the direction) that does not exceed one million dollars.

(2b) The amount referred to in subsection (2a) must be divided amongst the controlling authorities in the shares set out in subsection (2)(b).

(2c) The Minister must not give more than one direction to the Board under subsection (2a).

**Amendment of s. 82a—Agreement for pooling bets with interstate totalizator authority****10. Section 82a of the principal Act is amended—**

- (a) by striking out from subsection (1) "interstate TAB" first and second occurring and substituting, in each case, "interstate totalizator authority";
  - (b) by striking out from subsection (1) "conducted under the law of the State or Territory in which the interstate TAB is established" and substituting "conducted by the interstate totalizator authority under the law of another State or Territory";
  - (c) by striking out paragraph (a) from subsection (4) and substituting the following paragraph:
    - (a) the law for the time being of the State or Territory in which the interstate totalizator authority is entitled to conduct totalizator betting—
      - (i) includes a provision corresponding to section 68 under which a percentage (being a percentage within a range prescribed by regulation under this Act) of the amount of the bets accepted by the Totalizator Agency Board under the agreement must be deducted from those bets;
- and
- (ii) does not prevent the execution or operation of the agreement in accordance with subsection (5);
  - (d) by striking out from subsection (4)(b) "interstate TAB is established" and substituting "interstate totalizator authority is entitled to conduct totalizator betting";
  - (e) by striking out from subsection (6)(a) "interstate TAB" and substituting "interstate totalizator authority";
  - (f) by striking out from subsection (6)(b) "interstate TAB is established" and substituting "interstate totalizator authority is entitled to conduct totalizator betting".

**Amendment of s. 85—Interpretation****11. Section 85 of the principal Act is amended—**

- (a) by striking out the definition of "approved sporting event" and substituting the following definitions:

"approved event" means a sporting event or an event of any other kind, or a combination of sporting events or other kinds of events, (whether held or occurring within or outside Australia) declared by regulation to be an approved event for the purposes of this Part:

**"approved sporting venue" means a place—**

(a) at which an approved event that is a sporting event is held;

and

(b) that has been declared by regulation to be an approved sporting venue for the purposes of this Part in relation to the holding of that event::

(b) by striking out "sporting" from the definition of "registered premises".

**Amendment of s. 93—Functions and powers of Board**

12. Section 93 of the principal Act is amended by striking out from subsection (1)(a) "sporting".

**Amendment of s. 105—Registration of betting premises at Port Pirie**

13. Section 105 of the principal Act is amended by striking out from subsection (1) "sporting".

**Amendment of s. 112—Permits for licensed bookmakers to bet on racecourses, at approved venues or in registered premises**

14. Section 112 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(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—

(a) to accept bets on races or approved events made on a day and within a racecourse, or in registered premises, specified in the permit;

or

(b) to accept bets on approved events made on a day and at an approved sporting venue specified in the permit.

**Amendment of s. 113—Operation of bookmakers on racecourses**

15. Section 113 of the principal Act is amended by striking out from subsection (1) "sporting".

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

16. Section 114 of the principal Act is amended—

(a) by striking out subparagraphs (i) and (ii) of subsection (1)(a) and substituting the following subparagraphs:

(i) in respect of races held within the State—

- (A) during the financial year commencing on 1 July 1993—an amount equal to 2.07 per cent of the amount paid or payable to the bookmaker in respect of those bets;
  - (B) during the financial year commencing on 1 July 1994—an amount equal to 1.82 per cent of the amount paid or payable to the bookmaker in respect of those bets;
  - (C) on or after 1 July 1995—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—
- (A) during the financial year commencing on 1 July 1993—an amount equal to 2.67 per cent of the amount paid or payable to the bookmaker in respect of those bets;
  - (B) during the financial year commencing on 1 July 1994—an amount equal to 2.42 per cent of the amount paid or payable to the bookmaker in respect of those bets;
  - (C) on or after 1 July 1995—an amount equal to 2.17 per cent of the amount paid or payable to the bookmaker in respect of those bets;;
- (b) by striking out subparagraphs (i) and (ii) of subsection (1)(b) and substituting the following subparagraphs:
- (i) in respect of races held within the State—
- (A) during the financial year commencing on 1 July 1993—an amount equal to 1.87 per cent of the amount paid or payable to the bookmaker in respect of those bets;
  - (B) during the financial year commencing on 1 July 1994—an amount equal to 1.62 per cent of the amount paid or payable to the bookmaker in respect of those bets;
  - (C) on or after 1 July 1995—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—
- (A) during the financial year commencing on 1 July 1993—an amount equal to 2.47 per cent of the amount paid or payable to the bookmaker in respect of those bets;

- (B) during the financial year commencing on 1 July 1994—an amount equal to 2.22 per cent of the amount paid or payable to the bookmaker in respect of those bets;
  - (C) on or after 1 July 1995—an amount equal to 1.97 per cent of the amount paid or payable to the bookmaker in respect of those bets.;
- (c) by striking out subsection (3) and substituting the following subsection:
- (3) Every bookmaker must, not later than 3 pm on each Thursday, pay to the Board 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—
- (a) in respect of bets made during the financial year commencing on 1 July 1993—an amount equal to 2.25 per cent of the amount paid or payable to the bookmaker in respect of those bets;
  - (b) in respect of bets made during the financial year commencing on 1 July 1994—an amount equal to 2 per cent of the amount paid or payable to the bookmaker in respect of those bets;
  - (c) in respect of bets made on or after 1 July 1995—an amount equal to 1.75 per cent of the amount paid or payable to the bookmaker in respect of those bets.
- (d) by striking out from subsection (4) "sporting";
- (e) by striking out from subsection (5)(c) "sporting".

**Amendment of s. 115—Betting tickets**

17. Section 115 of the principal Act is amended by striking out "sporting".

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

18. Section 118 of the principal Act is amended—

- (a) by striking out from subsection (1) "sporting";
- (b) by inserting in subsection (1) "or at an approved sporting venue" after "racecourse".

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

19. Section 119 of the principal Act is amended—

- (a) by striking out from subsection (1) "sporting";
- (b) by striking out subsection (3) and substituting the following subsections:

(3) Subject to this Act, a person who is, or was, within a racecourse or an approved sporting venue 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 approved sporting venue any information or advice as to the betting under this Part at that racecourse or venue.

Penalty: Division 7 fine or division 7 imprisonment.

(3a) In subsection (3)—

"communicate" means to communicate (whether or not for fee or reward) by any means either directly or indirectly and includes to cause to be communicated;

"races or approved events" means races or approved events held or to be held within or outside Australia.

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

20. Section 120 of the principal Act is amended by striking out from subsection (1) "sporting".

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

BASIL S. HETZEL, Governor's Deputy