

(Reprint No. 1)

SOUTH AUSTRALIA

RACING ACT, 1976

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 15 November 1991.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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SCHEDULES

RACING ACT, 1976

being

Racing Act, 1976, No. 104 of 1976 [Assented to 16 December 1976]¹

as amended by

Racing Act Amendment Act, 1978, No. 49 of 1978 [Assented to 13 April 1978]²
Racing Act Amendment Act, 1980, No. 114 of 1980 [Assented to 18 December 1980]³
Racing Act Amendment Act, 1981, No. 87 of 1981 [Assented to 10 December 1981]⁴
Racing Act Amendment Act, 1982, No. 83 of 1982 [Assented to 16 September 1982]
Racing Act Amendment Act (No. 2), 1982, No. 98 of 1982 [Assented to 23 December 1982]
Racing Act Amendment Act, 1983, No. 7 of 1983 [Assented to 28 April 1983]⁵
Racing Act Amendment Act, 1984, No. 29 of 1984 [Assented to 10 May 1984]
Racing Act Amendment Act (No. 2), 1984, No. 71 of 1984 [Assented to 8 November 1984]⁶
Racing Act Amendment Act, 1985, No. 40 of 1985 [Assented to 18 April 1985]
Racing Act Amendment Act, 1986, No. 30 of 1986 [Assented to 27 March 1986]⁷
Racing Act Amendment Act (No. 2), 1986, No. 51 of 1986 [Assented to 11 September 1986]
Racing Act Amendment Act, 1987, No. 70 of 1987 [Assented to 5 November 1987]⁸
Racing Act Amendment Act, 1988, No. 53 of 1988 [Assented to 8 September 1988]
Racing Act Amendment Act (No. 2), 1988, No. 91 of 1988 [Assented to 1 December 1988]⁹
Racing (Sporting Events Betting and Appeals) Amendment Act 1991 No. 29 of 1991 [Assented to 24 April 1991]¹⁰

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix 1.

¹ Came into operation (except s. 4(1) and Division III of Part II) 1 January 1977: *Gaz.* 16 December 1976, p. 2252; remainder of Act came into operation 1 February 1977: *Gaz.* 27 January 1977, p. 179.

² Came into operation 29 May 1978: *Gaz.* 25 May 1978, p. 1825.

³ Came into operation (except ss. 3, 8, 10 and 11) 1 January 1981, ss. 10 and 11 came into operation 4 January 1981, ss. 3 and 8 came into operation 1 February 1981: *Gaz.* 18 December 1980, p. 2213.

⁴ Came into operation (except ss. 5-7, 12, 13 and 29) 10 December 1981: *Gaz.* 14 December 1981, p. 2342; remainder of Act came into operation 1 February 1982: *Gaz.* 28 January 1982, p. 209.

⁵ Came into operation (except s. 5) 1 August 1982: s. 2; s. 5 came into operation 29 May 1983: *Gaz.* 12 May 1983, p. 1116.

⁶ Came into operation 31 January 1985: *Gaz.* 31 January 1985, p. 280.

⁷ Came into operation (except s. 5(a)) 14 April 1986: *Gaz.* 10 April 1986, p. 870; s. 5(a) came into operation 1 July 1985: s. 2(3).

⁸ Came into operation 5 November 1987: *Gaz.* 5 November 1987, p. 1526.

⁹ Came into operation (except ss. 11, 12(f), 16-18) 31 January 1989: *Gaz.* 19 January 1989, p. 112; remainder of Act came into operation 3 April 1989: *Gaz.* 23 March 1989, p. 818.

¹⁰ Came into operation 17 June 1991: *Gaz.* 13 June 1991, p. 1864.

An Act to regulate and control certain forms of racing and betting thereon; to provide for totalizator betting on football matches or other sporting events; 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.

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 PRELIMINARY

Short title

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

Commencement

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.

* * * * *

Repeal and transitional provisions

4. (1) The Act specified in the first schedule to this Act is repealed.
- (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 on races by the Board, or the racing club, as the case may be, apply as if they were the racing 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. (1) In this Act, unless the contrary intention appears—

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

* * * * *

“bookmaker” includes a bookmaker’s agent:

“the Bookmakers Licensing Board” means the board continued in existence under Part IV under the name “the Bookmakers Licensing Board”:

“controlling authority”—

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

(b) in relation to harness racing, means the Harness Racing Board;

(c) in relation to greyhound racing, means the Greyhound Racing Board:

“dividend” in relation to a totalizator bet means the amount payable from the totalizator pool 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:

* * * * *

* * * * *

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

“football” means Australian rules football:

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

“football totalizator pool” means—

(a) the amount of the totalizator bets made on a football-result;

(b) where the Totalizator Agency Board pools the totalizator bets made on two or more football-results pursuant to section 84e—the total amount of the totalizator bets made on those football-results:

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

"greyhound race" or "greyhound racing" means a race or racing between greyhounds in competitive pursuit of a quarry or lure that is not a live animal:

"the Greyhound Racing Board" means the board continued in existence under Part II under the name "the South Australian Greyhound Racing Board":

"harness race" or "harness racing" means a pacing race or trotting race or pacing or trotting:

"the Harness Racing Board" means the board continued in existence under Part II under the name "the South Australian Harness Racing Board":

"horse race" or "horse racing" does not include a harness race or harness racing:

"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 and "off-course bet" and "off-course betting" have correlative meanings:

"race" or "racing" means—

(a) a horse race or horse racing;

(b) a harness race or harness racing;

or

(c) a greyhound race or greyhound 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:

"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 meeting" means a meeting at which horse races, harness races or greyhound races are held:

"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 totalizator pool" means—

(a) the amount comprised in the balance remaining of the amount of the totalizator bets on race-results made with any body conducting totalizator betting on a race-result after the deduction of the amounts required by section 68;

or

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

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

“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 greyhound racing club” means a racing club that is established for the purpose of conducting greyhound race meetings and is registered by the Greyhound Racing Board:

“registered harness racing club” means a racing club that is established for the purpose of conducting harness race meetings and is registered by the Harness Racing Board:

“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 harness racing club or registered greyhound racing club:

* * * * *

“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 particular event or combination of events is proportioned to the total amount bet on that event or combination of events; and “totalizator bet” has a corresponding meaning:

“totalizator pool” means—

(a) a racing totalizator pool;

(b) a football totalizator pool;

or

(c) a pool consisting of the gross amount of the bets made with the Totalizator Agency Board in relation to an event or combination of events in respect of which the Board conducts totalizator betting under Division IV of Part III:

* * * * *

“unit” means—

(a) in relation to on-course totalizator betting on race-results—an amount determined by the appropriate controlling authority as constituting a unit;

(b) in relation to other forms of totalizator betting—an amount determined by the Totalizator Agency Board as constituting a unit in relation to that form of totalizator betting:

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

* * * * *

Note: For definition of divisional penalties see Appendix 2.

Validation of certain action prior to commencement of Racing Act Amendment Act (No. 2), 1984

5a. (1) An authorization given by the Minister in respect of a racing club under section 63, 64 or 65 as in force before the commencement of the *Racing Act Amendment Act (No. 2), 1984*, shall be deemed to have authorized any on-course totalizator betting conducted by the club on a day to which the authorization related on a form of racing other than the form of racing conducted by the club.

(2) Any amount paid into the Fund for a form of racing before the commencement of the *Racing Act Amendment Act (No. 2), 1984*, being an amount paid by an authorized racing club in respect of on-course totalizator betting conducted by the club, shall be deemed to have been validly paid into the Fund notwithstanding that part of the amount was derived from betting on a form of racing other than the form of racing conducted by the club.

(3) In subsection (2)—

“Fund” means Fund as defined for the purposes of Part V.

PART II

CONTROLLING AUTHORITIES

DIVISION I—CONTROLLING AUTHORITY FOR HORSE RACING

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

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

(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.

Prohibition of certain race meetings

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.

Penalty: Division 7 fine.

(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.

Duties and functions of S.A.J.C. as controlling authority

7a. (1) The Committee of the South Australian Jockey Club Incorporated has, as the controlling authority for horse racing, the functions of the developing and implementing plans and strategies for the management of the financial affairs of the horse racing code and for promotion and marketing in respect of the code.

(2) The Committee must, in performing its functions and exercising its powers as the controlling authority for horse racing, consult with the Minister.

DIVISION II—CONTROLLING AUTHORITY FOR HARNESS RACING

Interpretation

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

“the Board” means the board continued in existence under this Division under the name “the South Australian Harness Racing Board”;

“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.

Continuation of Board

9. (1) The board to which this Division relates is to continue in existence under the name "the South Australian Harness Racing 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.

Constitution of Board

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

(a) two shall be appointed on the recommendation of the Minister of whom one shall be the chairman and the other the deputy of the chairman;

(b) one shall be a person nominated by the Minister from a panel of three persons nominated by the Governing Body of the South Australian Breeders, Owners, Trainers and Reinsmens Association, Incorporated;

(c) one shall be a person nominated by the Minister from a panel of three persons nominated by the Committee of the South Australian Trotting Club Incorporated;

and

(d) one shall be a person nominated by the Minister from a panel of three persons nominated by resolution passed at a meeting constituted of one delegate from each of the registered harness racing clubs other than the South Australian Trotting Club Incorporated by a majority of those delegates.

(1a) Notwithstanding the provisions of subsection (1), the Minister shall, before making a nomination under that subsection from a panel of nominees, consult with the body or persons that nominated that panel.

(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 harness racing club or an association representing the interests of breeders, owners, trainers or reinsmen of harness racing 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.

Terms and conditions of office

11. (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.

(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.

Remuneration, allowances and expenses

12. (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.

13. (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 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 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 Board

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

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

and

(b) to develop and implement plans and strategies for the management of the financial affairs of the code and for promotion and marketing in respect of the code.

(1a) The Board must, in performing its functions and exercising its powers under this Act, consult with the Minister.

(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 harness racing club;

- (d) make a loan, which may be free of interest, to any registered harness 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 harness racing;
 - (f) provide any amount for, or towards, the prize money for any harness 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 harness racing, horse racing or greyhound racing in any part of the Commonwealth or any other part of the world with respect to the registration of horses or greyhounds, 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 Board

17. (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 Board

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.

Investment by 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.

Accounts and audit

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.

(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.

Annual report

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.

(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.

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 harness race.

Penalty: Division 7 fine.

(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.

* * * * *

Rules of Board

24. (1) The Board may make rules for the regulation, control and promotion of the sport of harness racing and the conduct of harness race meetings and harness 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 harness race meetings and harness races;
- (c) make provision for the conduct of inquiries by the Board with respect to any matter or thing relating to the sport of harness racing and the conduct of harness race meetings and harness races;

- (d) provide that any activity specified in the rules, being an activity related to harness 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 harness 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;
- and
- (j) provide for an appeal to the Board against decisions made under the rules.

DIVISION III—CONTROLLING AUTHORITY FOR GREYHOUND RACING

Interpretation

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

“the Board” means the board continued in existence under this Division under the name “the South Australian Greyhound Racing Board”;

“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.

Continuation of Board

26. (1) The board to which this Division relates is to continue in existence under the name “the South Australian Greyhound Racing 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.

Constitution of Board

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

- (a) two shall be appointed on the recommendation of the Minister of whom one shall be the chairman and the other the deputy of the chairman;
- (b) one shall be a person nominated by the Minister from a panel of three persons nominated by the Adelaide Greyhound Racing Club;
- (c) one shall be a person nominated by the Minister from a panel of three persons nominated by resolution passed at a meeting constituted of one delegate from each of the registered greyhound racing clubs other than the Adelaide Greyhound Racing Club by a majority of those delegates;

and

- (d) one shall be a person nominated by the Minister from a panel of three persons nominated by the Greyhound Owners, Trainers and Breeders' Association of South Australia, Incorporated.

(1a) Notwithstanding the provisions of subsection (1), the Minister shall, before making a nomination under that subsection from a panel of nominees, consult with the body or persons that nominated that panel.

(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 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.

(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.

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.

Quorum, etc.

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.

(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 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.

(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 Board and immunity of its members

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.

(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 Board

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

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

and

(b) to develop and implement plans and strategies for the management of the financial affairs of the code and for promotion and marketing in respect of the code.

(2) The Board must, in performing its functions and exercising its powers under this Act, consult with the Minister.

(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 greyhound racing club;

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

(f) provide any amount for, or towards, the prize money for any greyhound 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 greyhound racing, horse racing or harness racing in any part of the Commonwealth or any other part of the world with respect to the registration of greyhounds 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 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 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 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.

Annual report

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.

(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.

Prohibition of certain race meetings

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 greyhound registered, by the Board under this Act takes part in a greyhound race.

Penalty: Division 7 fine.

(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.

* * * * *

Rules of Board

41. The Board may make rules for the regulation, control and promotion of the sport of greyhound racing and the conduct of greyhound race meetings and greyhound 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 greyhound race meetings and greyhound races;
- (c) make provision for the conduct of inquiries by the Board with respect to any matter or thing relating to the sport of greyhound racing and the conduct of greyhound race meetings and greyhound races;
- (d) provide that any activity specified in the rules, being an activity related to greyhound 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 greyhound 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) provide for an appeal to the Board against decisions made under the rules.

PART IIA
RACING APPEALS TRIBUNAL

Interpretation

41a. In this Part—

“the Registrar” means the person appointed to be Registrar of the Tribunal under this Part;

“the Tribunal” means the Racing Appeals Tribunal established under this Part.

Establishment of Tribunal

41b. (1) A tribunal is established entitled the “Racing Appeals Tribunal”.

(2) The Tribunal is to consist of—

(a) a President and one or more Deputy Presidents appointed by the Governor under this Part;

and

(b) the members of the panels of assessors appointed by the Governor under this Part for the three codes of racing.

Constitution of Tribunal for appeals

41c. (1) For the purpose of hearing any appeal the Tribunal is to be constituted of—

(a) the President or a Deputy President of the Tribunal;

and

(b) two assessors selected by the President from the panel appointed for the code of racing to which the appeal relates.

(2) If the President of the Tribunal is absent or unavailable, or the office of President is vacant, a Deputy President nominated by the Minister may determine the membership of the Tribunal for the purpose of hearing an appeal.

(3) The Tribunal, separately constituted under this section, may sit simultaneously to hear separate appeals.

Appointment of members of Tribunal

41d. (1) The Governor may appoint—

(a) a legal practitioner of not less than seven years standing to be the President or a Deputy President of the Tribunal;

and

(b) a panel of assessors for each code of racing comprising persons with knowledge and experience of that code.

(2) A person is not eligible for appointment as a member of the Tribunal if the person is—

(a) a member of a controlling authority;

or

(b) licensed under this Act or the rules of a controlling authority.

(3) A member of the Tribunal may be appointed for such term of office, not exceeding three years, as the Governor may determine and specifies in the instrument of appointment and, on the expiration of that term of office, is eligible for reappointment.

(4) The Governor may remove a member of the Tribunal from office for—

- (a) mental or physical incapacity to carry out satisfactorily the duties of the office;
- (b) neglect of duty;
- or
- (c) dishonourable conduct.

(5) A person ceases to be a member of the Tribunal if—

- (a) the person dies;
- (b) the person's term of office expires;
- (c) the person resigns by written notice addressed to the Minister;
- (d) the person becomes a member of a controlling authority or the holder of a licence under this Act or the rules of a controlling authority;
- or
- (e) the person is removed from office under subsection (4).

(6) A member of the Tribunal is entitled to such allowances and expenses as may be determined by the Governor.

Immunity from liability

41e. No liability attaches to a member of the Tribunal for an act or omission by the member or the Tribunal in good faith in the exercise or performance, or purported exercise or performance, of powers or functions under this Act.

Registrar

41f. A person employed in the Public Service of the State may be appointed by the Governor to be Registrar of the Tribunal.

Appeals to Tribunal

41g. The Tribunal has jurisdiction to hear and determine an appeal against—

- (a) a decision made under the rules of the controlling authority for a code of racing—
 - (i) disqualifying or suspending a person from participating in that code in any particular capacity;
 - or
 - (ii) imposing a fine greater than the amount prescribed by the Minister by rules under this Part;
- (b) a decision made under the rules of the controlling authority for a code of racing disqualifying or suspending a horse or greyhound (but only when made in conjunction with a decision referred to in paragraph (a));
- or
- (c) a decision of a controlling authority or registered racing club requiring a person not to enter a racecourse or training track.

Rules

41h. (1) The Minister may make rules—

- (a) prescribing amounts required to be prescribed for the purposes of this Part;
- (b) fixing time limits within which appeals to the Tribunal must be instituted;
- (c) prescribing any other matter relating to appeals or the procedures on appeals to the Tribunal.

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

(3) The Tribunal may, if satisfied that it is just and reasonable in the circumstances to do so, dispense with a requirement of the rules.

Proceedings on appeal

41i. (1) The Tribunal must give a party to an appeal reasonable notice of the time and place at which it intends to hear the appeal.

(2) The appellant and any body or person determined by the Tribunal to be directly affected by or interested in the subject matter of an appeal are parties to the appeal.

(3) If a person to whom notice has been given pursuant to subsection (1) does not attend at the time and place fixed by the notice, the Tribunal may hear the appeal in that person's absence.

(4) A party to an appeal is entitled to appear—

- (a) personally or by counsel;

or

- (b) by leave of the Tribunal—by some other representative.

(5) The President or a Deputy President of the Tribunal may, if satisfied that an appeal has been instituted against any decision or order and that it is appropriate to do so, suspend the operation of the decision or order pending determination of the appeal.

(6) An appeal may not be heard by the Tribunal unless the appellant has first lodged with the Registrar as a bond the amount prescribed by the Minister by rules under this Part.

(7) The amount lodged as a bond by an appellant is not to be refunded unless—

- (a) the Tribunal allows the appeal in whole or in part;

or

- (b) the appellant satisfies the Tribunal that the appeal was genuinely instituted on reasonable grounds and not for the purpose of delaying the operation of the decision or order under appeal.

(8) An appeal to the Tribunal must be heard in public unless the Tribunal, for good reason, determines otherwise.

(9) Except as otherwise determined by the Tribunal, an appeal is to be conducted by way of rehearing upon the evidence at the original hearing, but the Tribunal may receive fresh evidence given orally or, if the Tribunal so determines, by statutory declaration.

(9a) The Tribunal must afford each party to an appeal a reasonable opportunity to make submissions to the Tribunal and, subject to subsection (9), to call or give evidence and examine or cross-examine witnesses.

(10) Subject to this Act, the Tribunal may conduct an appeal in such manner as it thinks fit.

Powers of Tribunal**41j. (1) The Tribunal may—**

- (a) by summons signed by the President, a Deputy President or the Registrar require the attendance before the Tribunal of any person;
- (b) by summons signed by the President, a Deputy President or the Registrar require the production of any books, papers, documents, films, specimens or other things;
- (c) inspect any books, papers, documents, films, specimens or other things produced before it, and retain them for such reasonable period as it thinks fit, and make copies of any such books, papers or documents or of any of their contents;
- (d) require any person appearing before the Tribunal to answer any relevant questions put by any member of the Tribunal, or by any other person appearing before the Tribunal;
- (e) require any person to make oath or affirmation that the person will truly answer all questions required to be answered in proceedings before the Tribunal.

(2) Any person who—

- (a) has been served with a summons to attend before the Tribunal and fails without reasonable excuse (proof of which shall lie upon that person) to attend in obedience to the summons;
- (b) has been served with a summons to produce any books, papers, documents, films, specimens or other things and fails without reasonable excuse (proof of which shall lie upon that person) to comply with the summons;
- (c) misbehaves before the Tribunal, wilfully insults the Tribunal or any member of the Tribunal or interrupts the proceedings of the Tribunal;

or

- (d) refuses to be sworn or to affirm, or to answer any relevant question, when required to do so by the Tribunal,

is guilty of an offence and liable to a division 7 fine.

(3) In the course of any proceedings, the Tribunal may—

- (a) receive in evidence any transcript of evidence in proceedings before a court or tribunal and draw any conclusions of facts therefrom that it considers proper;

or

- (b) adopt, as in its discretion it considers proper, any findings, decision, or judgment of a court or tribunal that may be relevant to the proceedings.

Procedure for deciding matters before Tribunal

41k. The President or Deputy President sitting on an appeal to the Tribunal must decide all questions arising for decision on the appeal but may seek such advice and assistance from the assessors also sitting on the appeal as the President or Deputy President thinks fit.

Principles upon which decisions made

41l. (1) The Tribunal must act according to equity and good conscience and the substantial merits of the case without regard to technicalities and legal forms.

(2) The Tribunal is not bound by the rules of evidence and may inform itself on any matter in such manner as it thinks fit.

Orders, etc., that may be made by Tribunal

41m. (1) The Tribunal may, on the hearing of an appeal, do one or more of the following, according to the nature of the case:

- (a) affirm, vary or quash the decision or order appealed against, or substitute, and make in addition, any decision or order that should have been made in the first instance;
- (b) remit the subject matter of the appeal to the person or body that heard the original proceedings for further hearing or consideration or for rehearing;
- (c) subject to subsection (2), make any further or other order that the case requires.

(2) Each party to an appeal must bear that party's own costs except where the Tribunal considers that would be unjust, in which case the Tribunal may make such order as to costs as it thinks fit.

Decisions of Tribunal final and binding

41n. Any decision of the Tribunal on an appeal is final and binding on the persons and bodies affected.

PART III

TOTALIZATOR BETTING

DIVISION I—TOTALIZATOR AGENCY BOARD

Interpretation

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

“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.

Continuation of Board

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.

(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

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

(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 harness racing;

and

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

Terms and conditions of office

45. (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.

(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.

Due execution of documents by 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.

(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 Board and immunity of its members

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.

(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.

Disclosure of interest

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—

(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: Division 8 fine.

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

Functions and powers of Board

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

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

(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 within or outside Australia;

(c) to conduct totalizator betting on football-results held within or outside Australia;

and

(d) to conduct, with the approval of the Minister, totalizator betting on the results of any major sporting event held within or outside Australia (other than a race or football match).

(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 and pay dividends on those bets;

(d) enter into contracts or arrangements with any racing club, the South Australian National Football League or with any other person or body of persons with respect to the conduct of totalizator betting and the exchange of information in relation to the events on which it is conducted;

* * * * *

(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 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 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 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.

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Investment by Board

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.

Accounts and audit

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.

(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

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 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 totalizator betting

61. (1) The Board shall not establish an office, branch or agency for the conduct of 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 totalizator bets

62. (1) The Board shall not accept a totalizator bet unless the bet 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) Except as otherwise directed by the Minister, the Board shall pay dividends on totalizator bets as soon as practicable after completion of the race, match or event in relation to 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 a totalizator bet at any time after the dividend is declared.

DIVISION II—CONDUCT OF TOTALIZATOR BETTING ON RACES**Programme for conduct of on-course totalizator betting**

63. (1) The Minister shall, at or about the commencement of each racing year, upon the recommendation of the controlling authority for each form of racing, by notice in the *Gazette*, publish a programme for that racing year setting out in respect of that form of racing the days on which and the racecourses at which each registered racing club that conducts that form of racing is authorized to conduct on-course totalizator betting on races of that form held within or outside Australia.

(2) The Minister may, upon the recommendation of the relevant controlling authority, by notice published in the *Gazette*, or, if that is not practicable in the circumstances, by written or oral notice to the registered racing club affected, vary a programme published under subsection (1).

Cross code betting

63a. The Minister may, subject to such conditions as the Minister thinks fit, authorize a registered racing club to conduct on-course totalizator betting on races of any form held within or outside Australia.

Minister may authorize on-course totalizator betting where race meeting cancelled due to weather, etc.

64. Where, due to inclement weather or any other unforeseen circumstances, a registered racing club is unable to hold races on a day and at a racecourse specified in respect of the club in a programme published under section 63, the club may, if authorized to do so by the Minister (whether by writing or orally), conduct on-course totalizator betting on that day at that racecourse on other races held within or outside Australia.

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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 on race-results, the formation of racing totalizator pools and any other matter relating to the conduct of totalizator betting on race-results 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 money

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 20 per centum of that amount.

Application of amount deducted under section 68

69. (1) The amount deducted by the Totalizator Agency Board from totalizator bets on race-results pursuant to section 68 shall be applied as follows:

- (a) firstly, in payment of such amount, as the Minister directs, towards the administrative and operating expenses of the Board;
- (b) secondly, in payment of an amount equal to one per cent of the amount of totalizator bets made with the Board on doubles and an amount equal to 1.4 per cent of the amount of totalizator bets made with the Board on multiples to the Racecourses Development Board;
- (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 per cent of the amount of the totalizator bets made with the Board on race-results;
- (d) fourthly, 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

- (e) fifthly, in accordance with subsection (2).

(2) The balance (if any) of the amount deducted by the Board pursuant to section 68 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 as follows—

(i) in relation to horse racing—73.5 per cent;

(ii) in relation to harness racing—17.5 per cent;

(iii) in relation to greyhound racing—9 per cent.

(2a) If it appears that, between the first day of July, 1985, and the date of commencement of this subsection, a division has been made under subsection (2) otherwise than in accordance with that subsection as amended by the *Racing Act Amendment Act, 1986*, an appropriate adjustment shall be made in the next division under that subsection.

(3) Notwithstanding the provisions of subsection (2), the Totalizator Agency Board may, with the approval of the Minister, before the expiration of a quarter 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 quarter.

(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.

(5) In this section—

“quarter” means the period elapsing between a quarterly accounting day and the next quarterly accounting day:

“quarterly accounting day” means the last day of the four-weekly accounting period of the Board last expiring in the month of March, June, September or December in any year.

Committee to make recommendation as to T.A.B. deductions

69a. (1) A committee of 3 members appointed by the Minister shall, before 1 July, 1988, recommend to the Minister the shares in which the amount referred to in section 69(2)(b) should be divided between the controlling authorities for the ensuing 3 year period.

(2) The committee shall make its recommendation in the interests of the racing industry as a whole.

Application of percentage deductions

70. (1) Subject to subsection (4), an authorized racing club must, out of the amount deducted by it pursuant to section 68, from totalizator bets made with it on each day on which it conducts totalizator betting, pay—

(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 \$30 000—an amount equal to 1 per centum of that sum;

(ii) exceeds \$30 000 but does not exceed \$60 000—\$300 plus 2 per centum of the amount in excess of \$30 000;

(iii) exceeds \$60 000 but does not exceed \$120 000—\$900 plus 3 per centum of the amount in excess of \$60 000;

or

(iv) exceeds \$120 000—\$2 700 plus 5.25 per centum of the amount in excess of \$120 000;

and

(b) to the Racecourses Development Board—

(i) an amount equal to one per centum of the amount of those bets made on doubles;

(ii) an amount equal to 1.4 per cent of the amount of those bets made on multiples,

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 pays its net proceeds (if any) from a race meeting on any day, towards charitable purposes that the Treasurer approves, the Treasurer may authorize that club to pay towards those charitable purposes an amount equal to the amount otherwise payable to the Treasurer under paragraph (a) of subsection (1).

(3a) For the purpose of determining the net proceeds of a race meeting under subsection (3) the balance retained by the club under subsection (1) in relation to that meeting shall be included as part of the gross proceeds of that meeting.

(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.

Fixing the amount of betting unit

71. (1) Subject to subsection (3), the Totalizator Agency Board 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 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.

Racing 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 racing totalizator rules, pool their respective totalizator pools in respect of that race-result.

Application of racing 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 racing totalizator pool, it shall, subject to this Act, apply the whole of that amount in payment, in accordance with this Act and the racing totalizator rules, of dividends on the bets contributing to the racing totalizator pool.

(2) The dividend payable on totalizator bets on race-results 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 racing 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 on a race-result 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 racing 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.

Racing totalizator pool insufficient to meet dividends

75. Where a racing 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—

- (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.

Application of balance of fractions by Totalizator Agency Board.

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 applied by the Board as follows:

- (a) an amount equal to one-half of the balance shall be paid to the Treasurer to be credited to the Dividends Adjustment Account;

and

- (b) the amount remaining after the payment referred to in paragraph (a) shall be divided between the Funds for the various forms of racing kept pursuant to Part V in the proportions that the amounts bet with the Totalizator Agency 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 period elapsing from the date of the last payment under this section.

Application of balance of fractions by authorized racing clubs

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.

Unclaimed dividends

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.

(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 accruing to the Totalizator Agency Board by virtue of the operation of subsection (1) shall be applied by the Board as follows:

- (a) an amount equal to one-half of the amount 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 between the Funds for the various forms of racing kept pursuant to Part V in the proportions that the amounts bet with the Totalizator Agency 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 period elapsing from the date of the last payment under this subsection.

(3a) Any amount accruing to an authorized racing club by virtue of the operation of subsection (2) shall be paid by the club to the Treasurer to be 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 a payment has been made pursuant to subsection (3) or (3a) in respect of the dividend;
- (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

- (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 on race-results or suffer or permit totalizator betting on race-results to be conducted.

Penalty: Division 7 fine.

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

Penalty: Division 7 fine.

Totalizator betting on races 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 on a race-result in accordance with this Act and the racing 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 on a race-result 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 racing totalizator rules, the Minister may withdraw, for such period as he thinks fit, the authority given to that club to conduct totalizator betting on race-results.

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 on race-results 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 on race-results or off-course facilities for totalizator betting on race-results 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 totalizator betting on race-results or to provide off-course facilities for totalizator betting on race-results 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.

Returns by authorized clubs

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 on race-results, furnish to the Minister a return in a form approved by the Minister setting out—

- (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 division 7 fine.

Facilities for police to be provided by authorized racing clubs

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.

DIVISION III—CONDUCT OF TOTALIZATOR BETTING ON FOOTBALL MATCHES**Football totalizator rules**

84a. (1) The Minister may, after consultation with the Totalizator Agency Board and the South Australian National Football League, make rules prescribing—

- (a) any matter relating to the calculation of dividends on totalizator bets on football-results;
- (b) the formation of football totalizator pools;
- and
- (c) any other matter relating to the conduct of totalizator betting on football-results by the Totalizator Agency Board.

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

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

Application of twenty per cent of totalizator bets on football matches

84b. (1) Twenty per cent of each football totalizator pool shall be applied by the Totalizator Agency Board as follows:

- (a) firstly, in payment of such amount, as the Minister directs, towards the administrative and operating expenses 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 per cent of the football totalizator pool;
- and
- (c) thirdly, in payment of the balance (if any) to the Recreation and Sport Fund and the South Australian National Football League in equal shares.

(2) The Totalizator Agency Board is not required to make payments under subsection (1) before the thirty-first day of December in the year in which the bets constituting the football totalizator pool were made.

Fixing the amount of betting unit

84c. (1) Subject to subsection (2), the Totalizator Agency Board may, by notice in the *Gazette*—

- (a) fix the amount that shall, for the purposes of this Act, constitute a unit in relation to totalizator betting on football-results;
- (b) determine the minimum number of units that may constitute a bet for the purposes of totalizator betting on football-results;
- or
- (c) vary or revoke a notice previously published under this subsection.

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

Application of football totalizator pools

84d. (1) The Totalizator Agency Board shall apply football totalizator pools in accordance with this Act and the football totalizator rules.

(2) The dividend payable on totalizator bets on football-results shall, subject to this section, be—

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

or

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

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

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

Jackpot

84e. The Totalizator Agency Board may, in accordance with the football totalizator rules, pool the football totalizator pool derived from bets on a football-result on which no winning bet dividend is payable with the football totalizator pool derived from bets on another football-result made with the Board.

Insufficiency of totalizator pool

84f. Where a football totalizator pool is insufficient to pay winning bet dividends payable on bets contributing to the pool, the Totalizator Agency Board shall, to the extent necessary to enable it to pay those dividends, draw upon—

(a) firstly, the amount accruing to it on the day by virtue of the non-payment of fractions;

and

(b) secondly, the Recreation and Sport Fund, and the Treasurer may pay from that Fund to the Board such amount accordingly.

Application of balance of fractions by Totalizator Agency Board

84g. Any balance remaining on any day of the amount accruing to the Totalizator Agency Board by virtue of the non-payment of fractions after payments pursuant to section 84f shall, before the expiration of the period of three weeks commencing on that day, be applied by the Board as follows:

(a) one-half of the balance shall be paid to the Treasurer to be credited to the Recreation and Sport Fund;

and

(b) the other half shall be paid to the South Australian National Football League.

Unclaimed dividends

84h. (1) The Totalizator Agency Board shall not, after the expiration of the period of six months commencing on the day on which a football match is held, be liable to pay any dividend on a totalizator bet made with it in respect of that match.

(2) Any amount accruing to the Totalizator Agency Board by virtue of the operation of subsection (1) shall be applied by the Board as follows:

(a) one-half of the amount shall be paid to the Treasurer to be credited to the Recreation and Sport Fund;

and

(b) the other half of the amount shall be paid to the South Australian National Football League.

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

(a) that a payment has been made pursuant to subsection (2) in respect of the dividend;

(b) that the person would have been entitled to be paid the dividend by the Totalizator Agency Board if he had made a valid claim for such payment before the Totalizator Agency Board ceased to be liable to pay the dividend;

and

(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 Recreation and Sport Fund the amount of the dividend.

DIVISION IV—TOTALIZATOR BETTING ON OTHER SPORTING EVENTS**Power of Board to conduct totalizator betting on other major sporting events**

84i. (1) The Totalizator Agency Board—

(a) may conduct totalizator betting on the results of any Australian Formula One Grand Prix motor car race;

(b) may conduct totalizator betting on the results of any America's Cup yachting race or series of America's Cup yachting races conducted in Australia;

(c) may conduct totalizator betting on the results of any international cricket match or series of international cricket matches conducted in Australia;

and

(d) may conduct totalizator betting on any other sporting event or combination of sporting events (whether held within or outside Australia) prescribed by regulation.

* * * * *

(3) Any such totalizator betting shall be governed by rules approved by the Minister.

(4) This section does not authorize the Board to conduct totalizator betting in relation to a race or football match.

(5) The *Subordinate Legislation Act, 1978*, does not apply in relation to rules approved under this section.

Application of amount bet

84j. (1) Where the Totalizator Agency Board conducts totalizator betting on an event or combination of events in pursuance of this Division—

(a) twenty per cent of the totalizator pool shall be set aside to be applied as soon as practicable after the end of each half-yearly period as follows:

- (i) firstly, in payment of such amount, as the Minister directs, towards the administrative and operating expenses of the Board;
- (ii) secondly, in payment into a fund to be applied towards the capital expenses of the Board of an amount equal to one per cent of the totalizator pool;
- (iii) thirdly, in payment of such amount (if any) as the Minister directs to the body by which the event or events were conducted or to such other related body as the Minister may determine;
- (iv) fourthly, the balance (if any) shall be paid into the Recreation and Sport Fund;

and

(b) subject to the rules, the balance of the totalizator pool shall be applied in the payment of dividends.

(2) In this section—

“half-yearly period” means a period of 6 months commencing on 1 January or 1 July in a calendar year.

DIVISION V—MISCELLANEOUS**Unauthorized totalizator betting**

84k. Except as authorized by this Act, no person shall conduct totalizator betting.

Penalty: Division 7 fine.

No offence, etc., arises under other laws in respect of totalizator betting authorized by this Act

84l. Notwithstanding any other law—

- (a) it is not unlawful for the Totalizator Agency Board, its agents and employees, to accept bets in the course of totalizator betting authorized by this Act;
- (b) no premises in which any such betting is conducted constitute, by reason of the conduct of that betting, a common gaming house or a nuisance;

and

- (c) it is not unlawful for a person of or above the age of 18 years to place a bet with the Totalizator Agency Board.

PART IV

BOOKMAKERS LICENSING BOARD AND BOOKMAKERS

Interpretation

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

“approved sporting event” means a sporting event or combination of sporting events (whether held within or outside Australia) declared by regulation to be an approved sporting event for the purposes of this Part:

“the Board” means the board continued in existence under this Part under the name “the Bookmakers Licensing Board”:

“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:

“foot race” means a race between persons on foot:

“foot racing ground” means a place where a foot race meeting is held and includes land or premises appurtenant thereto and to which persons attending such meeting have access in connection with the meeting:

“foot race meeting” means a meeting at which foot races are held:

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

“prescribed foot race meeting” means the foot race meeting known as the “Bay Sheffield Carnival” conducted by the South Australian Athletic League Incorporated or any other foot race meeting conducted by that body and prescribed by regulation:

“race” includes a coursing event and a foot race that forms part of a prescribed foot race meeting:

“racecourse” includes any coursing ground and a foot racing ground used for the holding of a prescribed foot race meeting:

“race meeting” includes a coursing meeting and a prescribed foot race meeting:

“racing club” includes a club that is established for the purpose of conducting coursing meetings and the South Australian Athletic League Incorporated:

“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 or approved sporting events may be carried on.

Continuation of Board

86. (1) The board to which this Part relates is to continue in existence under the name “the Bookmakers Licensing 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;
- (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.

Constitution of Board

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

Terms and conditions of office

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.

(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.

Remuneration, allowances and expenses

89. (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.

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.

(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 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 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 Board

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

(a) to regulate and control betting within the State with bookmakers on races or approved sporting events 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.

Board subject to general control and direction of Minister

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.

Delegation by Board

95. (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 Board

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.

Board may make use of services of public servants

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.

Financial provision

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.

(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.

Exemption of Board from certain stamp duties

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

Licences

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—

(a) to act as a bookmaker;

or

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

* * * * *

(1a) Subject to subsections (2) and (3), in determining whether to grant a licence under this Part, the primary consideration is to be the interests of the racing industry.

(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.

* * * * *

(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.

Terms 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.

(5) In determining whether to renew a licence under this Part, the primary consideration is to be the interests of the racing industry.

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.

Power to impose fines

104a. (1) The Board may, if of the opinion—

(a) that the holder of a licence under this Part should be disciplined;

but

(b) that cancellation or suspension of the person's licence is not warranted or appropriate in the circumstances,

impose a fine not exceeding \$5 000 on the person.

(2) A fine imposed under this section may be recovered summarily by the Board.

Registration of betting premises at Port Pirie

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 or approved sporting events may be carried on.

* * * * *

(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.

Applications for registration of premises

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.

(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.

Conditions to registration

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.

(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.

Restriction on use of registered premises

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.

Penalty: Division 8 fine.

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 or approved sporting events 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 must not grant a permit under this section to accept bets made on a day and within a racecourse at which races other than coursing events or foot races are held unless the Minister has, pursuant to Part III, authorized the conduct of totalizator betting on that racecourse on that day.

Revocation of permit

112a. The Board may, as an administrative act, revoke a permit under this Part.

Operation of bookmakers on racecourses

113. (1) A bookmaker who has been granted a permit under this Part to accept bets on races or approved sporting events 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.

Payment to Board of percentage of moneys bet with 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—

(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 2.07 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 2.67 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 1.87 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 2.47 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) 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 sporting events during the week that ended at midnight on the Saturday next preceding that Thursday an amount equal to 2.25 per centum of the amount paid or payable to the bookmaker in respect of those bets.

(4) The Board must, on application by a bookmaker in writing and on being satisfied that the bookmaker has paid an amount to the Board pursuant to subsection (3) in respect of a bet on an approved sporting event that has been abandoned or a bet that has been declared off, refund to the bookmaker the amount paid to the Board in respect of that bet.

(5) The Board must make payments out of the amounts paid to it pursuant to this section as follows:

(a) in respect of bets made on a racecourse on race-results that were decided on the day on which the bets were made—a payment to the racing club conducting the race meeting at that racecourse of an amount equal to 1.4 per centum of the amount paid or payable to bookmakers in respect of those bets;

(b) in respect of bets made on a racecourse on race-results of races held within the State and decided on a day or days subsequent to the day on which the bets were made—a payment to the racing club holding those races of an amount equal to 1.4 per centum of the amount paid or payable to bookmakers in respect of those bets;

(c) in respect of bets made on an approved sporting event—

(i) if the Minister has determined that a payment be made to the body conducting the event or some other related body—

(A) a payment to the body determined by the Minister of an amount equal to 1.4 per centum of the amount paid or payable to bookmakers in respect of those bets;

and

(B) a payment to the Recreation and Sport Fund of the balance of the amount paid to the Board pursuant to this section in respect of those bets;

or

(ii) in any other case—a payment to the Recreation and Sport Fund of the amount paid to the Board pursuant to this section in respect of those bets.

Betting tickets

115. (1) Every bookmaker, upon accepting a bet with any person on a race-result or the result of an approved sporting event, 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.

* * * * *

Recovery of amounts payable by bookmakers

116. (1) An amount payable by a bookmaker to the Board under section 114 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.

Unlawful 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 division 4 fine or division 5 imprisonment;

or

(b) for a second or subsequent offence—to a division 2 fine or division 4 imprisonment.

(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—

(c) for a first offence—to a division 7 fine or division 7 imprisonment;

or

(d) for a second or subsequent offence—to a division 6 fine or division 6 imprisonment.

Effect of licence

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 or approved sporting events 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.

(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.

* * * * *

(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.

Prohibition of certain information as to racing or betting

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 or approved sporting event within or outside Australia.

Penalty: Division 8 fine.

(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 or approved sporting event held or to be held within or outside Australia.

Penalty: Division 7 fine or division 7 imprisonment.

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

Board may give or authorize information as to betting

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 or approved sporting event 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.

Rules of Board

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, or bookmakers' clerks;
- (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, or bookmakers' clerks;
 - (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 harness racing, means the “Harness Racing Grounds Development Fund”;

(c) in relation to greyhound racing, means the “Greyhound 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 harness racing;
and

(d) two shall be nominated by the controlling authority for greyhound 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.

Terms and conditions of office

128. (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.

(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.

Remuneration, allowances and expenses

129. (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.

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 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 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 funds for each form of racing kept at the Treasury pursuant to this section as in force before the commencement of the *Racing Act Amendment Act, 1981*, shall continue to be kept at the Treasury—

(a) in the case of the fund for horse racing, under the name the "Horse Racing Grounds Development Fund";

(b) in the case of the fund for harness racing, under the name the "Harness Racing Grounds Development Fund";

(c) in the case of the other fund, as the fund for greyhound racing under the name the "Greyhound Racing Grounds Development Fund".

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

(a) any amount paid to the Board pursuant to section 69 that is derived from bets on that form of racing;

- (b) any amount paid to the Board pursuant to section 70 or 77 by an authorized racing club conducting that form of racing;
- (ba) any amount paid into the Fund pursuant to section 76 or 78;
- (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.

Application of the Funds

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.

Functions and powers of Board

135. (1) The function of the Board is to provide financial assistance—

- (a) for the development of public facilities in the grounds of racecourses used or proposed to be used for horse racing, harness racing or greyhound racing;
- or
- (b) for the development of any other facilities that the Board is satisfied benefit or would benefit horse racing, harness racing or greyhound racing.

(1a) The Board shall not provide financial assistance referred to in subsection (1)(b) except with the approval of the Minister.

(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 person or body;
- (d) with the approval of the Treasurer, provide a subsidy to a person or body;
- (e) with the approval of the Treasurer, make a loan, which may be free of interest, to any person or body;
- (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.

Board subject to general control and direction of Minister

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.

Application of moneys in Fund for provision of stake-moneys

137. Notwithstanding the other provisions of this Part, the Board may, with the approval of the Minister, pay an amount standing to the credit of the Fund for a form of racing to the controlling authority for that form of racing for the purpose of the provision of stake-moneys for races conducted by registered racing clubs.

Delegation by 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 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 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 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.

Annual report

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
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 56 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.

Special conditions of appointment to Boards

146a. (1) No member of a Board shall, without the consent of the Minister, be or become the secretary or an employee of any club or association established in the State for any purpose related to racing.

(2) Every member of a Board shall, except where the Board is required to give effect to directions of the Minister, make each decision required to be made in the performance or discharge of his functions, powers or duties as a member of the Board according to his own opinion or belief and not according to the directions of any person or body.

(3) Where a member of a Board contravenes subsection (1) or (2) he shall be deemed to be in breach of a condition of his appointment as a member and may be removed from office in accordance with the provisions of this Act.

(4) In this section "Board" means—

- (a) the Harness Racing Board;
- (b) the Greyhound Racing Board;
- (c) the Totalizator Agency Board;
- (d) the Bookmakers Licensing Board;

or

- (e) the Racecourses Development Board.

Power of controlling authorities to bar persons from racecourses, etc.

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.

(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: Division 9 fine.

Power of racing clubs to remove persons from racecourses

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.

(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.

Betting with infants

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.

Penalty: Division 10 fine.

(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.

(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: Division 11 fine.

Exemption for South Australia 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 procedure

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.

FIRST SCHEDULE

ACT REPEALED

Dog-Racing Control Act, 1966-1967.

SECOND SCHEDULE

ACTS AMENDED

First Column Act Amended	Second Column How Amended	Third Column New Citation
<i>Lottery and Gaming Act, 1936-1975</i>	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.” 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”. PART III— PART III (comprising sections 15 to 31 inclusive) is repealed. PART IIIA— PART IIIA (comprising sections 31a to 31v inclusive) is repealed. PART IIIB— PART IIIB (comprising sections 31w to 31xk inclusive) is repealed. PART IV— PART IV (comprising sections 32 to 48b inclusive) is repealed. PART IVA— PART IVA (comprising section 48d to 48i inclusive) is repealed. Section 54a— Section 54a is repealed. Section 58— Strike out “licensed or otherwise” and insert “(whether such totalizator is lawful or not)”. Section 62(1)— Strike out “betting except by means of a totalizator duly licensed under this Act” and insert “unlawful betting”.	<i>Lottery and Gaming Act, 1936-1976</i>

SECOND SCHEDULE—*continued*

First Column Act Amended	Second Column How Amended	Third Column New Citation
Stamp Duties Act, 1923-1975	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 <i>Racing Act, 1976</i>”. Section 64— Section 64 is repealed. Section 65— Section 65 is repealed. Section 66— Section 66 is repealed. Section 67— Section 67 is repealed. Section 67a— Section 67a is repealed. Section 70— Section 70 is repealed. The Third Schedule— The Third Schedule is repealed. The Fifth Schedule— The Fifth Schedule is repealed. PART III— The sub-heading “<i>Totalizators</i>” is repealed. Section 85— Section 85 is repealed. Section 86— Section 86 is repealed. Section 87— Section 87 is repealed. Section 88— Section 88 is repealed. Section 89— Section 89 is repealed. Section 89a— Section 89a is repealed. Section 90— Section 90 is repealed. 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:— Where the said gross takings do not exceed \$4 000 the duty shall be: 1¼ per centum of the gross takings. Where the said gross takings exceed \$4 000 but do not exceed \$6 000 the duty shall be: 2¼ per centum of the gross takings. Where the said gross takings exceed \$6 000 but do not exceed \$8 000 the duty shall be: 3¼ per centum of the gross takings. Where the said gross takings exceed \$8 000 but do not exceed \$10 000 the duty shall be: 4¼ per centum of the gross takings. Where the said gross takings exceed \$10 000 the duty shall be: 5¼ per centum of the said gross takings.	Stamp Duties Act, 1923-1976
	TOTALIZATOR AGENCY BOARD—Subject to sections 31q and 31r of the <i>Lottery and Gaming Act, 1936-1966</i>, there shall be paid by the Totalizator Agency Board a duty at the rate of 5¼ per centum of the amount invested with the Board by way of off-course totalizator betting on any day.	

APPENDIX 1

Legislative History

Long title:	amended by 40, 1985, s. 2; 51, 1986, s. 2
Section 3:	amended by 87, 1981, s. 3; 40, 1985, s. 3; repealed by 51, 1986, s. 3
Section 4(3):	amended by 40, 1985, s. 4
Section 5:	redesignated as s. 5(1) by 87, 1981, s. 4(h)
Section 5(1):	definition of "authorized racing club" amended by 40, 1985, s. 5(a)
	definition of "the Betting Control Board" repealed by 91, 1988, s. 3(a)
	definition of "bookmaker" inserted by 114, 1980, s. 3(a)
	definition of "the Bookmakers Licensing Board" inserted by 91, 1988, s. 3(b)
	definition of "controlling authority" amended by 87, 1981, s. 4(a); 91, 1988, s. 3(c)
	definition of "dividend" amended by 40, 1985, s. 5(b); substituted by 51, 1986, s. 4(a)
	definition of "dog race" or "dog racing" repealed by 87, 1981, s. 4(b)
	definition of "the Dog Racing Control Board" repealed by 87, 1981, s. 4(b)
	definition of "football" inserted by 40, 1985, s. 5(c)
	definition of "football-result" inserted by 40, 1985, s. 5(c)
	definition of "football totalizator pool" inserted by 40, 1985, s. 5(c)
	definition of "football totalizator rules" inserted by 40, 1985, s. 5(c)
	definition of "greyhound race" or "greyhound racing" inserted by 87, 1981, s. 4(c)
	definition of "the Greyhound Racing Control Board" inserted by 87, 1981, s. 4(c);
	repealed and definition of "the Greyhound Racing Board" inserted in its place by
	91, 1988, s. 3(d)
	definition of "harness race" or "harness racing" inserted by 91, 1988, s. 3(d)
	definition of "the Harness Racing Board" inserted by 91, 1988, s. 3(d)
	definition of "horse races" or "horse racing" repealed and definition of "horse race"
	or "horse racing" inserted in its place by 91, 1988, s. 3(d)
	definition of "on-course bet" and "on-course betting" amended by 71, 1984, s. 3
	definition of "race" or "racing" amended by 87, 1981, s. 4(d); 91, 1988, s. 3(e)
	definition of "race meeting" amended by 87, 1981, s. 4(e); 91, 1988, s. 3(f)
	definition of "racing totalizator pool" inserted by 40, 1985, s. 5(d)
	definition of "racing totalizator rules" inserted by 40, 1985, s. 5(d)
	definition of "registered dog racing club" repealed and definition of "registered
	greyhound racing club" inserted in its place by 87, 1981, s. 4(f); amended by
	91, 1988, s. 3(g)
	definition of "registered harness racing club" inserted by 91, 1988, s. 3(h)
	definition of "registered racing club" amended by 87, 1981, s. 4(g); substituted by
	91, 1988, s. 3(i)
	definition of "registered trotting club" repealed by 91, 1988, s. 3(i)
	definition of "totalizator betting" and "totalizator bet" amended by 40, 1985, s. 5(e);
	substituted by 51, 1986, s. 4(b)
	definition of "totalizator pool" substituted by 40, 1985, s. 5(f); 51, 1986, s. 4(c)
	definition of "totalizator rules" repealed by 40, 1985, s. 5(f)
	definition of "trotting" repealed by 91, 1988, s. 3(j)
	definition of "the Trotting Control Board" repealed by 91, 1988, s. 3(j)
	definition of "unit" substituted by 114, 1980, s. 3(b); amended by 40, 1985, s. 5(g), (h);
	substituted by 51, 1986, s. 4(d)
	definition of "winning bet dividend" amended by 40, 1985, s. 5(i)
	inserted by 87, 1981, s. 4(h); repealed by 91, 1988, s. 3(k)
	inserted by 71, 1984, s. 4
Section 5(2):	amended by 91, 1988, Sched.
Section 5a:	inserted by 91, 1988, s. 4
Section 7(1):	substituted by 91, 1988, s. 5
Section 7a:	definition of "the Board" substituted by 91, 1988, s. 6
Heading preceding section 8:	substituted by 91, 1988, s. 7
Section 8:	substituted by 87, 1981, s. 5; amended by 91, 1988, s. 8(a)
Section 9(1):	inserted by 87, 1981, s. 5
Section 10(1):	amended by 91, 1988, s. 8(b)
Section 10(1a):	amended by 87, 1981, s. 6
Section 10(2):	amended by 87, 1981, s. 7
Section 11(1):	substituted by 91, 1988, s. 9(a)
Section 13(1):	inserted by 91, 1988, s. 9(a)
Section 16(1):	amended by 87, 1981, s. 8; 91, 1988, s. 9(b)-(d)
Section 16(2):	amended by 91, 1988, s. 10, Sched.
Section 22(1):	repealed by 91, 1988, s. 11
Section 23:	substituted by 91, 1988, s. 12(a)
Section 24(1):	amended by 91, 1988, s. 12(b)-(f)
Section 24(2):	substituted by 87, 1981, s. 9
Heading preceding section 25:	definition of "the Board" substituted by 87, 1981, s. 10; 91, 1988, s. 13
Section 25:	substituted by 87, 1981, s. 11; 91, 1988, s. 14
Section 26(1):	amended by 49, 1978, s. 3; substituted by 87, 1981, s. 12
Section 27(1):	inserted by 87, 1981, s. 12
Section 27(1a):	amended by 87, 1981, s. 13
Section 28(1):	amended by 87, 1981, s. 14(a); substituted by 91, 1988, s. 15(a)
Section 33(1):	inserted by 91, 1988, s. 15(a)
Section 33(2):	amended by 87, 1981, s. 14; 91, 1988, s. 15(b)
Section 33(2):	amended by 87, 1981, s. 15; 91, 1988, Sched.
Section 39(1):	repealed by 91, 1988, s. 16
Section 40:	amended by 87, 1981, s. 16
Section 41:	amended by 87, 1981, s. 16; 91, 1988, s. 17
Section 41(2):	

Part IIA comprising ss. 41a - 41n and heading inserted by 91, 1988, s. 18

Section 41g:	amended by 29, 1991, s. 3
Section 41i(1):	amended by 29, 1991, s. 4(a)
Section 41i(9a):	inserted by 29, 1991, s. 4(b)
Section 41m:	amended and redesignated as s. 41m(1) by 29, 1991, s. 5
Section 41m(2):	inserted by 29, 1991, s. 5(b)
Heading preceding section 42:	substituted by 40, 1985, s. 6; amended by 51, 1986, s. 5
Section 44:	amended by 87, 1981, s. 17; 91, 1988, s. 19
Section 45(1):	amended by 87, 1981, s. 18
Section 50(1):	amended by 91, 1988, Sched.
Section 51(1):	amended by 71, 1984, s. 5; 40, 1985, s. 7(a); 51, 1986, s. 6(a), (b)
Section 51(2):	amended by 40, 1985, s. 7(b)-(d); 51, 1986, s. 6(c), (d)
Section 51(2)(da):	repealed by 51, 1986, s. 6(d)
Section 56:	amended by 114, 1980, s. 4; 87, 1981, s. 19; repealed by 40, 1985, s. 8
Section 61(1):	amended by 40, 1985, s. 9
Section 62(1):	amended by 40, 1985, s. 10(a)
Section 62(2):	substituted by 87, 1981, s. 20; 40, 1985, s. 10(b); 51, 1986, s. 7(a)
Section 62(3):	amended by 40, 1985, s. 10(c); 51, 1986, s. 7(b)
Heading preceding section 63:	substituted by 40, 1985, s. 11
Section 63:	amended by 87, 1981, s. 21; substituted by 71, 1984, s. 6
Section 63(1):	amended by 30, 1986, s. 3
Section 63a:	inserted by 30, 1986, s. 4
Section 64:	amended by 87, 1981, s. 22; substituted by 71, 1984, s. 6
Section 65:	amended by 87, 1981, s. 23; repealed by 71, 1984, s. 6
Section 66:	repealed by 114, 1980, s. 5
Section 67(1):	amended by 40, 1985, s. 12
Section 68:	amended by 70, 1987, s. 3
Section 69:	substituted by 114, 1980, s. 6; 40, 1985, s. 13
Section 69(1):	amended by 70, 1987, s. 4
Section 69(2):	amended by 30, 1986, s. 5(a); 91, 1988, s. 20
Section 69(2a):	inserted by 30, 1986, s. 5(b)
Section 69a:	inserted by 30, 1986, s. 6
Section 70(1):	amended by 114, 1980, s. 7; 30, 1986, s. 7(a); substituted by 70, 1987, s. 5
Section 70(3):	substituted by 30, 1986, s. 7(b)
Section 70(3a):	inserted by 30, 1986, s. 7(b)
Section 71:	substituted by 114, 1980, s. 8
Section 72:	amended by 40, 1985, s. 14
Section 73(1):	amended by 40, 1985, s. 15(a), (b)
Section 73(2):	amended by 40, 1985, s. 15(b), (c)
Section 73(4):	amended by 40, 1985, s. 15(d)
Section 74:	amended by 40, 1985, s. 16
Section 75:	amended by 40, 1985, s. 17
Section 76:	amended by 7, 1983, s. 3
Section 78(3):	substituted by 7, 1983, s. 4(a)
Section 78(3a):	inserted by 7, 1983, s. 4(a)
Section 78(4):	amended by 7, 1983, s. 4(b)
Section 79(1):	amended by 40, 1985, s. 18(a); 91, 1988, Sched.
Section 79(2):	amended by 40, 1985, s. 18; 91, 1988, Sched.
Section 80(1):	amended by 40, 1985, s. 19
Section 80(2):	amended by 40, 1985, s. 19(a)
Section 81:	amended by 40, 1985, s. 20
Section 82(1):	amended by 40, 1985, s. 21
Section 83(1):	amended by 40, 1985, s. 22
Section 83(2):	amended by 91, 1988, Sched.

Division III of Part III comprising ss. 84a - 84j and heading inserted by 40, 1985, s. 23

Sections 84i and 84j:	repealed and Division IV of Part III comprising ss. 84i, 84j and heading inserted in their place by 51, 1986, s. 8
Section 84i(1):	amended by 29, 1991, s. 6(a)
Section 84i(2):	repealed by 29, 1991, s. 6(b)

Division V of Part III comprising ss. 84k, 84l and heading inserted by 51, 1986, s. 8

Section 84k:	amended by 91, 1988, Sched.
Heading preceding section 85:	substituted by 91, 1988, s. 21
Section 85:	definition of "approved sporting event" inserted by 29, 1991, s. 7(a)
	definition of "the Board" substituted by 91, 1988, s. 22
	definition of "foot race" inserted by 98, 1982, s. 2(a)
	definition of "foot racing ground" inserted by 98, 1982, s. 2(a)
	definition of "foot race meeting" inserted by 98, 1982, s. 2(a)
	definition of "prescribed foot race meeting" inserted by 98, 1982, s. 2(b)
	definition of "race" amended by 98, 1982, s. 2(c)
	definition of "racecourse" amended by 98, 1982, s. 2(d)
	definition of "race meeting" amended by 98, 1982, s. 2(e)
	definition of "racing club" amended by 98, 1982, s. 2(f)
	definition of "registered premises" amended by 29, 1991, s. 7(b)
Section 86(1):	substituted by 91, 1988, s. 23
Section 93(1):	amended by 29, 1991, s. 8
Section 100(1):	amended by 114, 1980, s. 9
Section 100(1)(c):	repealed by 114, 1980, s. 9
Section 100(1a):	inserted by 91, 1988, s. 24

Section 100(3):	repealed by 29, 1991, s. 9
Section 103(5):	inserted by 91, 1988, s. 25
Section 104a:	inserted by 91, 1988, s. 26
Section 105(1):	amended by 29, 1991, s. 10
Section 105(2):	repealed by 83, 1982, s. 2
Section 108:	amended by 91, 1988, Sched.
Section 112(1):	amended by 29, 1991, s. 11(a)
Section 112(5):	amended by 98, 1982, s. 3; substituted by 29, 1991, s. 11(b)
Section 112a:	inserted by 71, 1984, s. 7
Section 113(1):	amended by 29, 1991, s. 12
Section 114(1):	amended by 114, 1980, s. 10(a)-(d); 7, 1983, s. 5
Section 114(3):	amended by 114, 1980, s. 10(e); substituted by 29, 1991, s. 13
Section 114(4) and (5):	inserted by 29, 1991, s. 13
Section 115(1):	amended by 29, 1991, s. 14
Section 115(5) - (7):	repealed by 114, 1980, s. 11
Section 116(1):	amended by 114, 1980, s. 12
Section 117:	substituted by 114, 1980, s. 13
Section 117(3):	amended by 29, 1984, s. 2(a), (b); 53, 1988, s. 2(a), (b); 91, 1988, Sched.
Section 117(4):	amended by 29, 1984, s. 2(c); 53, 1988, s. 2(c); 91, 1988, Sched.
Section 118(1):	amended by 29, 1991, s. 15
Section 118(4):	repealed by 114, 1980, s. 14
Section 119(1):	amended by 91, 1988, Sched.; 29, 1991, s. 16(a)
Section 119(3):	amended by 91, 1988, Sched.; 29, 1991, s. 16(b)
Section 120(1):	amended by 29, 1991, s. 17
Section 124:	amended by 114, 1980, s. 15
Section 125:	definition of "Fund" amended by 87, 1981, s. 24; 91, 1988, s. 27
Section 127(1):	amended by 87, 1981, s. 25; 91, 1988, s. 28
Section 128(1):	amended by 87, 1981, s. 26
Section 133(1):	substituted by 87, 1981, s. 27; amended by 91, 1988, s. 29
Section 133(2):	amended by 7, 1983, s. 6; 71, 1984, s. 8
Section 135(1):	substituted by 87, 1981, s. 28(a); amended by 91, 1988, s. 30
Section 135(1a):	inserted by 87, 1981, s. 28(a)
Section 135(2):	amended by 87, 1981, s. 28(b)
Section 137:	substituted by 7, 1983, s. 7
Section 146(2):	amended by 114, 1980, s. 16
Section 146a:	inserted by 87, 1981, s. 29
Section 146a(4):	amended by 91, 1988, s. 31
Section 147(3):	amended by 91, 1988, Sched.
Section 149(1) and (3):	amended by 91, 1988, Sched.

APPENDIX 2

Divisional Penalties

At the date of publication of this reprint divisional penalties are, as provided by section 28a of the *Acts Interpretation Act, 1915*, as follows:

Division	Maximum imprisonment	Maximum fine
1	15 years	\$60 000
2	10 years	\$40 000
3	7 years	\$30 000
4	4 years	\$15 000
5	2 years	\$8 000
6	1 year	\$4 000
7	6 months	\$2 000
8	3 months	\$1 000
9	—	\$500
10	—	\$200
11	—	\$100
12	—	\$50

Note: This appendix is provided for convenience of reference only.