

# **RACING ACT 1976**

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|------------------------|--------------------------------------|
| Reprint No. 1—15.11.91 |                                      |
| Reprint No. 2—21.9.92  |                                      |
| Reprint No. 3—8.5.93   |                                      |
| Reprint No. 4—6.5.94   | [Whole Act replaced]                 |
| Reprint No. 5—1.7.94   | [New Parts 1, 3 and Appendix]        |
| Reprint No. 6—3.8.95   | [New Part 3 and Appendix]            |
| Reprint No. 7—25.1.96  | [New Parts 1, 3 and Appendix]        |
| Reprint No. 8—11.4.96  | [New Part 3, Schedules and Appendix] |
| Reprint No. 9—23.5.96  | [New Parts 1, 2 and Appendix]        |
| Reprint No. 10—1.7.96  | [Whole Act replaced]                 |
| Reprint No. 11—27.3.97 | [New Part 3 and Appendix]            |

[Each Part is numbered from page 1. Subscribers to the Consolidation Service will receive complete replacement Parts incorporating amendments to this Act as they come into force.]



SOUTH AUSTRALIA

**RACING ACT 1976**

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at 27 **March 1997**.*

*It should be noted that the Act has not been revised (for obsolete references, etc.) by the Commissioner of Statute Revision since the reprint published on 1 July 1996.*

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# RACING ACT 1976

being

Racing Act 1976 No. 104 of 1976 [Assented to 16 December 1976]<sup>1</sup>

as amended by

Racing Act Amendment Act 1978 No. 49 of 1978 [Assented to 13 April 1978]<sup>2</sup>

Racing Act Amendment Act 1980 No. 114 of 1980 [Assented to 18 December 1980]<sup>3</sup>

Racing Act Amendment Act 1981 No. 87 of 1981 [Assented to 10 December 1981]<sup>4</sup>

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]<sup>5</sup>

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]<sup>6</sup>

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]<sup>7</sup>

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]<sup>8</sup>

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]<sup>9</sup>

Racing (Sporting Events Betting and Appeals) Amendment Act 1991 No. 29 of 1991 [Assented to 24 April 1991]<sup>10</sup>

Racing (Interstate Totalizator Pooling) Amendment Act 1992 No. 19 of 1992 [Assented to 7 May 1992]<sup>11</sup>

Racing (Dividend Adjustment) Amendment Act 1992 No. 41 of 1992 [Assented to 10 September 1992]<sup>11</sup>

Racing (Miscellaneous) Amendment Act 1993 No. 29 of 1993 [Assented to 6 May 1993]<sup>12</sup>

Racing (Miscellaneous) Amendment Act 1994 No. 25 of 1994 [Assented to 26 May 1994]<sup>13</sup>

Racing (Re-allocation of Totalizator Betting Deductions) Amendment Act 1995 No. 58 of 1995 [Assented to 3 August 1995]<sup>14</sup>

Racing (Amalgamation of Pools) Amendment Act 1995 No. 103 of 1995 [Assented to 14 December 1995]<sup>15</sup>

Racing (TAB) Amendment Act 1996 No. 4 of 1996 [Assented to 4 April 1996]<sup>16</sup>

Racing (Miscellaneous) Amendment Act 1996 No. 15 of 1996 [Assented to 24 April 1996]<sup>17</sup>

**Racing (Interstate Totalizator) Amendment Act 1997 No. 17 of 1997 [Assented to 27 March 1997]<sup>18</sup>**

## NOTE:

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last reprint.
- For the legislative history of the Act see Appendix.

- <sup>1</sup> Came into operation (except s. 4(1) and Division 3 of Part 2) 1 January 1977: *Gaz.* 16 December 1976, p. 2252; remainder of Act came into operation 1 February 1977: *Gaz.* 27 January 1977, p. 179.
- <sup>2</sup> Came into operation 29 May 1978: *Gaz.* 25 May 1978, p. 1825.
- <sup>3</sup> 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.
- <sup>4</sup> Came into operation (except ss. 5-7, 12, 13 and 29) 14 December 1981: *Gaz.* 10 December 1981, p. 2342; remainder of Act came into operation 1 February 1982: *Gaz.* 28 January 1982, p. 209.
- <sup>5</sup> 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.
- <sup>6</sup> Came into operation 31 January 1985: *Gaz.* 31 January 1985, p. 280.
- <sup>7</sup> 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).
- <sup>8</sup> Came into operation 5 November 1987: *Gaz.* 5 November 1987, p. 1526.
- <sup>9</sup> 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.
- <sup>10</sup> Came into operation 17 June 1991: *Gaz.* 13 June 1991, p. 1864.
- <sup>11</sup> Came into operation 21 September 1992: *Gaz.* 10 September 1992, p. 1060.
- <sup>12</sup> Came into operation 8 May 1993: *Gaz.* 6 May 1993, p. 1576.
- <sup>13</sup> Came into operation (except ss. 4, 8, 9(a) and 10) 6 June 1994; ss. 4, 8, 9(a) and 10 came into operation 1 July 1994: *Gaz.* 2 June 1994, p. 1522.
- <sup>14</sup> Came into operation 1 July 1995: s. 2.
- <sup>15</sup> Came into operation 25 January 1996: *Gaz.* 25 January 1996, p. 807.
- <sup>16</sup> Came into operation 11 April 1996: *Gaz.* 11 April 1996, p. 1944.
- <sup>17</sup> S. 3(b), (d), (e), (j), (k) and (l), definitions of "SAGRA", "SAHRA" and "SATRA" (as inserted by s. 3(m)), new Part 2 (as substituted by s. 4) and clauses 5-8 of Sched. 2 came into operation 23 May 1996, remainder of Act came into operation 1 July 1996: *Gaz.* 23 May 1996, p. 2534.
- <sup>18</sup> **Came into operation 21 September 1992: s. 2.**

N.B. The amendments effected to this Act by the *Racing (Miscellaneous) Amendment Act 1997* had not been brought into operation at the date of, and have not been included in, this reprint.

**An Act to regulate and control certain forms of racing and betting thereon; to provide for betting on sporting and other 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.**

The Parliament of South Australia enacts as follows:

## PART 1 PRELIMINARY

### Short title

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

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### Interpretation

5. (1) In this Act, unless the contrary intention appears—

"**authorised racing club**" means a racing club authorised to conduct on-course totalizator betting on race-results pursuant to Part 3;

"**bookmaker**" includes a bookmaker's agent;

"**controlling authority**"—

- (a) in relation to horse racing, means SATRA;
- (b) in relation to harness racing, means SAHRA;
- (c) in relation to greyhound racing, means SAGRA;

"**dividend**" in relation to a totalizator bet means the amount payable from the totalizator pool in respect of each unit of the bet;

"**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 TAB 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 3 of Part 3;

**"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;

**"harness race"** or **"harness racing"** means a pacing race or trotting race or pacing or trotting;

**"horse race"** or **"horse racing"** does not include a harness race or harness racing;

**"Hospitals Fund"** means the fund of that name established at the Treasury and continued in existence under Part 6;

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

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

**"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;

**"quinella"** means a bet that attempts to predict the runners that will win the first two places in a race;

**"race"** or **"racing"** means—

- (a) a horse race or horse racing; or
- (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;

**"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; and

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- (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 2 of Part 3;

**"racing year"** means the period commencing on the first day of August in any year and expiring on the succeeding 31 July;

**"Recreation and Sport Fund"** means the fund of that name established at the Treasury and continued in existence under the *State Lotteries Act 1966*;

**"registered greyhound racing club"** means a racing club that is established for the purpose of conducting greyhound race meetings and is registered by SAGRA;

**"registered harness racing club"** means a racing club that is established for the purpose of conducting harness race meetings and is registered by SAHRA;

**"registered horse racing club"** means a racing club that is established for the purpose of conducting horse race meetings and is registered by SATRA;

**"registered racing club"** means a registered horse racing club, registered harness racing club or registered greyhound racing club;

**"RIDA"** means the Racing Industry Development Authority established under Part 1A;

**"RIDA Fund"** means the RIDA Fund established under Part 1B;

**"SAGRA"** means the South Australian Greyhound Racing Authority established under Division 3 of Part 2;

**"SAGRA Fund"** means the SAGRA Fund established under Part 1B;

**"SAHRA"** means the South Australian Harness Racing Authority established under Division 2 of Part 2;

**"SAHRA Fund"** means the SAHRA Fund established under Part 1B;

**"SATRA"** means the South Australian Thoroughbred Racing Authority established under Division 1 of Part 2;

"**SATRA Fund**" means the SATRA Fund established under Part 1B;

"**single**" means a contingency, or a combination of not more than two contingencies, in respect of one race;

"**TAB**" means the South Australian Totalizator Agency Board continued in existence under Part 3;

"**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; or
- (b) a football totalizator pool; or
- (c) a pool consisting of the gross amount of the bets made with TAB in relation to an event or combination of events in respect of which TAB conducts totalizator betting under Division 4 of Part 3;

"**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 TAB 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.

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**PART 1A  
RACING INDUSTRY DEVELOPMENT AUTHORITY**

**Establishment of Racing Industry Development Authority**

**6.** (1) The *Racing Industry Development Authority* ("**RIDA**") is established.

(2) RIDA—

- (a) is a body corporate with perpetual succession and a common seal; and
- (b) is capable of suing and being sued; and
- (c) is capable of acquiring, holding, dealing with and disposing of any interest in real and personal property; and
- (d) is capable of acquiring or incurring any other rights or liabilities.

**Constitution of RIDA**

**7.** (1) RIDA consists of not less than five nor more than seven members appointed by the Governor on the recommendation of the Minister.

(2) Each of the members must have—

- (a) qualifications and experience in financial management; or
- (b) qualifications and experience in marketing; or
- (c) experience as a legal practitioner; or
- (d) experience in carrying on a business; or
- (e) experience in the horse racing, harness racing or greyhound racing industry.

(3) At least one of the members of RIDA must be a man and at least one must be a woman.

(4) The Governor must, on the recommendation of the Minister, appoint a member to be the presiding member of RIDA.

(5) A person is not eligible to hold office as a member of RIDA if he or she is—

- (a) a member of a controlling authority; or
- (b) a member of a committee of a racing club; or
- (c) an officer or employee of a controlling authority or racing club.

**Terms and conditions of office**

**8.** (1) A member of RIDA is appointed for a term of office, not exceeding three years, on such conditions as the Governor may determine and, on the expiration of his or her term of office, is eligible for reappointment.

(2) The Governor may, on the recommendation of the Minister, appoint a person to be a deputy of a member other than the presiding member and that person while acting in the absence of that member will be taken to be a member and 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 presiding member and that person while acting in the absence of the presiding member will be taken to be the presiding member and have all the powers, rights and duties of the presiding member.

(4) While any member appointed to be the deputy of the presiding member is, in the absence of the presiding member, acting as his or her 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 from office on any ground that the Governor considers sufficient.

(6) The office of a member becomes vacant if—

(a) he or she dies; or

(b) his or her term of office expires; or

(c) he or she resigns by written notice addressed to the Minister; or

(d) he or she is removed from office by the Governor under subsection (5).

(7) On the office of a member becoming vacant, a person must 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 or she was appointed, the person appointed in his or her place is appointed only for the balance of the term of his or her predecessor.

#### **Remuneration, allowances and expenses**

9. The members of RIDA are entitled to receive such remuneration, allowances and expenses as may be determined by the Governor.

#### **Quorum, etc.**

10. (1) A quorum of RIDA consists of one-half the total number of its members (ignoring any fraction resulting from the division) plus one further member and no business may be transacted at a meeting of RIDA unless a quorum is present.

(2) The presiding member or, in the absence of the presiding member, his or her deputy, will preside at each meeting of RIDA, and, in the absence of both the presiding member and his or her deputy from a meeting of RIDA, the members present will 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 RIDA is a decision of RIDA.

(4) Each member is entitled to one vote on a matter arising for determination by RIDA, and the person presiding at the meeting of RIDA will, in the event of an equality of votes, have a second or casting vote.



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(5) RIDA must cause proper minutes to be kept of its proceedings at meetings.

(6) Subject to this Act, the business of RIDA may be conducted in a manner determined by RIDA.

**Due execution of documents by RIDA**

**11.** (1) A document is duly executed by RIDA if it is sealed with the common seal of RIDA and signed by two members.

(2) An apparently genuine document purporting to have been executed by RIDA in accordance with subsection (1) will be presumed in any legal proceedings, in the absence of proof to the contrary, to have been duly executed by RIDA.

**Validity of acts of RIDA and immunity of its members**

**12.** (1) An act or proceeding of RIDA is not invalid by reason only of a vacancy in its membership and, despite the subsequent discovery of a defect in the appointment of a member, an act or proceeding of RIDA will be as valid and effectual as if the member had been duly appointed.

(2) No personal liability attaches to a member of RIDA for an act or omission by the member, or by RIDA, in good faith and in the exercise or purported exercise of his, her or its powers or functions, or in the discharge, or purported discharge, of his, her or its duties under this Act.

**Disclosure of interest**

**13.** (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, RIDA must not—

- (a) fail to disclose the nature of his or her interest at any meeting of RIDA at which any decision with respect to the contract is made and at which he or she is present; or
- (b) take part in any decision of RIDA with respect to that contract.

Maximum penalty: \$5 000.

(2) Any disclosure made in compliance with subsection (1) must be recorded in the minutes of RIDA.

**Functions and powers of RIDA**

**14.** (1) The functions of RIDA are as follows:

- (a) to assist and guide the development, promotion and marketing of the racing industry and the preparation and implementation of plans and strategies for the industry and its development, promotion and marketing;
- (b) to manage the Funds established under Part 1B and distribute the money in the Funds for the benefit of the racing industry in accordance with that Part;
- (c) to encourage and facilitate the development of the breeding industry for racing;
- (d) to regulate and control betting within the State with bookmakers on races or approved events held within or outside Australia;

- (e) at the request of the Minister or of its own initiative, to conduct inquiries into the racing industry or a part of the racing industry;
- (f) to carry out or commission research and analysis in relation to the racing industry;
- (g) any other function conferred on RIDA by this Act or any other Act or assigned to RIDA by the Minister.

(2) RIDA must, in performing its functions, consult with relevant authorities and clubs in the racing industry.

(3) RIDA may, for the purpose of performing its functions and discharging its duties under this Act—

- (a) establish offices; and
- (b) appoint officers and employees on terms and conditions determined by RIDA; and
- (c) make grants to, or provide subsidies for, any person or body; and
- (d) make a loan, which may be free of interest, to any person or body; and
- (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; and
- (f) acquire, hold, deal with and dispose of any interest in real or personal property; and
- (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.

#### **RIDA subject to general control and direction of Minister**

15. In the performance, exercise and discharge of its functions, powers and duties under this Act, RIDA is, except where it makes, or is required to make, a recommendation to the Minister, subject to the general control and direction of the Minister.

#### **RIDA may require information from controlling authorities**

16. RIDA may, by notice in writing to a controlling authority, require the controlling authority to furnish RIDA with information relating to the racing code for which it is the controlling authority, including financial information or business plans of any racing club within that code.

#### **Delegation**

17. (1) RIDA may delegate to any member, officer or employee of RIDA any of its powers or functions under this Act.

(2) A delegation by RIDA is revocable at will and does not derogate from the power of RIDA to act itself in any matter.

**Racing Act 1976**

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**Borrowing by RIDA**

**18.** (1) RIDA 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) A liability incurred with the consent of the Treasurer under subsection (1) is guaranteed by the Treasurer.

(3) A liability incurred by the Treasurer under a guarantee arising by virtue of subsection (2) is to be satisfied out of the Consolidated Account which is appropriated to the necessary extent.

(4) Any sum paid by the Treasurer under subsection (3) is, when money is properly available for the purpose, to be repaid by RIDA to the Treasurer and, when so repaid, forms part of the Consolidated Account.

**Investment by RIDA**

**19.** RIDA may, with the approval of the Treasurer, invest any of its money (including money in a Fund established under Part 1B) that is not immediately required for the purposes of this Act in such manner as may be approved by the Treasurer.

**Accounts and audit**

**20.** (1) RIDA must cause proper accounts to be kept of its financial affairs and must in respect of each financial year prepare a statement of accounts in such form as the Treasurer may approve.

(2) The Auditor-General must audit the statement of accounts of RIDA for each financial year and may audit the accounts of RIDA at any time.

**Annual report**

**21.** (1) RIDA must, within three months after the end of each financial year, submit to the Minister a report on the conduct of the business of RIDA during that financial year, together with the audited statement of accounts of RIDA for that financial year.

(2) The Minister must cause the report and audited statement of accounts of RIDA to be laid before each House of Parliament within 12 sitting days after his or her receipt of them.

**Review of RIDA's operations**

**22.** (1) The Minister must, within five years after the commencement of this section, cause a comprehensive review to be conducted of RIDA's operations and a report to be prepared and submitted to him or her on the results of the review.

(2) The Minister must cause the report to be laid before each House of Parliament within 12 sitting days after his or her receipt of the report.

**Racing Act 1976**

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**PART 1B  
FUNDS FOR RACING INDUSTRY****Establishment of Funds for racing industry**

**23.** (1) The following funds are established at the Treasury:

- (a) the *RIDA Fund*;
- (b) the *SATRA Fund*;
- (c) the *SAHRA Fund*;
- (d) the *SAGRA Fund*.

(2) The RIDA Fund is to consist of—

- (a) the money derived from totalizator betting required to be paid to the Fund under Part 3;
- (b) money paid to RIDA in repayment of a loan made by RIDA with money from the Fund;
- (c) income from investment of money from the Fund;
- (d) money paid to RIDA by a controlling authority for payment to the Fund;
- (e) any other money received by RIDA that the Minister directs be paid to the Fund.

(3) The SATRA Fund, SAHRA Fund and SAGRA Fund are each to consist of—

- (a) the money derived from totalizator betting required to be paid to the Fund under Part 3;
- (b) income from investment of money from the Fund;
- (c) any other money received by RIDA that the Minister directs be paid to the Fund.

**Application of Funds**

**24.** (1) The Funds established under this Part must be applied by RIDA in the performance of its functions.

(2) The RIDA Fund must be applied—

- (a) towards the administrative costs of RIDA (including the remuneration, allowances and expenses of its members), but subject to limits from time to time determined by the Minister; and
- (b) towards general racing industry initiatives determined by RIDA; and
- (c) otherwise for the benefit of the racing codes in accordance with plans from time to time prepared by the controlling authorities and approved by RIDA.

(3) The SATRA Fund must be applied for the benefit of the horse racing code in accordance with plans from time to time prepared by SATRA and approved by RIDA.

(4) The SAHRA Fund must be applied for the benefit of the harness racing code in accordance with plans from time to time prepared by SAHRA and approved by RIDA.

(5) The SAGRA Fund must be applied for the benefit of the greyhound racing code in accordance with plans from time to time prepared by SAGRA and approved by RIDA.

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**Racing Act 1976**

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**PART 2  
CONTROLLING AUTHORITIES****DIVISION 1—CONTROLLING AUTHORITY FOR HORSE RACING****Establishment of South Australian Thoroughbred Racing Authority**

25. (1) The *South Australian Thoroughbred Racing Authority* ("**SATRA**") is established as the controlling authority for horse racing.

(2) SATRA—

- (a) is a body corporate with perpetual succession and a common seal; and
- (b) is capable of suing and being sued; and
- (c) is capable of acquiring, holding, dealing with and disposing of any interest in real and personal property; and
- (d) is capable of acquiring or incurring any other rights or liabilities.

**Constitution of SATRA**

26. (1) SATRA consists of five members appointed by the Committee of the South Australian Jockey Club Incorporated ("**SAJC Committee**").

(2) Each of the members must have—

- (a) qualifications and experience in financial management; or
- (b) qualifications and experience in marketing; or
- (c) experience as a legal practitioner; or
- (d) experience in carrying on a business; or
- (e) experience in the horse racing industry.

(3) The SAJC Committee must appoint a member to be the presiding member of SATRA.

**Terms and conditions of office**

27. (1) A member of SATRA is appointed for a term of office, not exceeding three years, on such conditions as the SAJC Committee may determine and, on the expiration of his or her term of office, is eligible for reappointment.

(2) The SAJC Committee may appoint a person to be a deputy of a member other than the presiding member and that person while acting in the absence of that member will be taken to be a member and have all the powers, rights and duties of that member.

(3) The SAJC Committee may appoint a person, who may be a member, to be the deputy of the presiding member and that person while acting in the absence of the presiding member will be taken to be the presiding member and have all the powers, rights and duties of the presiding member.

(4) While any member appointed to be the deputy of the presiding member is, in the absence of the presiding member, acting as his or her 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 SAJC Committee may remove a member from office on any ground that the SAJC Committee considers sufficient.

(6) The office of a member becomes vacant if—

(a) he or she dies; or

(b) his or her term of office expires; or

(c) he or she resigns by written notice addressed to the SAJC Committee; or

(d) he or she is removed from office by the SAJC Committee under subsection (5).

(7) On the office of a member becoming vacant, a person must 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 or she was appointed, the person appointed in his or her place is appointed only for the balance of the term of his or her predecessor.

#### **Remuneration, allowances and expenses**

**28.** (1) The members of SATRA are entitled to receive such remuneration, allowances and expenses as may be determined by the SAJC Committee.

(2) Any amount to which a member of SATRA is entitled under this section must be paid out of the funds of SATRA.

#### **Quorum, etc.**

**29.** (1) Three members constitute a quorum of SATRA and no business may be transacted at a meeting of SATRA unless a quorum is present.

(2) The presiding member or, in the absence of the presiding member, his or her deputy, will preside at each meeting of SATRA, and, in the absence of both the presiding member and his or her deputy from a meeting of SATRA, the members present will 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 SATRA is a decision of SATRA.

(4) Each member is entitled to one vote on a matter arising for determination by SATRA, and the person presiding at the meeting of SATRA will, in the event of an equality of votes, have a second or casting vote.

(5) SATRA must cause proper minutes to be kept of its proceedings at meetings.

(6) Subject to this Act, the business of SATRA may be conducted in a manner determined by SATRA.

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**Due execution of documents by SATRA**

**30.** (1) A document is duly executed by SATRA if it is sealed with the common seal of SATRA and signed by two members.

(2) An apparently genuine document purporting to have been executed by SATRA in accordance with subsection (1) will be presumed in any legal proceedings, in the absence of proof to the contrary, to have been duly executed by SATRA.

**Validity of acts of SATRA and immunity of its members**

**31.** (1) An act or proceeding of SATRA is not invalid by reason only of a vacancy in its membership and, despite the subsequent discovery of a defect in the appointment of a member, an act or proceeding of SATRA will be as valid and effectual as if the member had been duly appointed.

(2) No personal liability attaches to a member of SATRA for an act or omission by the member, or by SATRA, in good faith and in the exercise or purported exercise of his, her or its powers or functions, or in the discharge, or purported discharge, of his, her or its duties under this Act.

**Functions and powers of SATRA**

**32.** (1) The functions of SATRA are as follows:

- (a) to regulate and control the horse racing code and the conduct of horse race meetings and horse races within the State; and
- (b) to prepare and implement plans and strategies for the management of the financial affairs of the horse racing code and for the development, promotion and marketing of the code.

(2) SATRA must, in performing its functions and exercising its powers under this Act, consult with RIDA.

(3) SATRA may, for the purpose of performing its functions and discharging its duties under this Act—

- (a) establish offices; and
- (b) appoint officers and employees on terms and conditions determined by SATRA; and
- (c) make grants to, or provide subsidies for, any registered horse racing club; and
- (d) make a loan, which may be free of interest, to any registered horse racing club; and
- (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 horse racing; and
- (f) provide any amount for, or towards, the prize money for any horse race; and
- (g) borrow any amount, with or without security; and



- (h) enter into reciprocal arrangements with any authority, association or person having the same or like powers as SATRA in administering or controlling the sport of horse racing, harness 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; and
- (i) acquire, hold, deal with and dispose of any interest in any real or personal property; and
- (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.

#### **Provision of information**

33. (1) If SATRA is required by RIDA to provide any information relating to the horse racing code, SATRA must comply with that requirement.

(2) A horse racing club must provide SATRA with such information (including financial information or business plans) as SATRA may require.

#### **Delegation**

34. (1) SATRA may delegate to any member, officer or employee of SATRA any of its powers or functions under this Act.

(2) A delegation by SATRA is revocable at will and does not derogate from the power of SATRA to act itself in any matter.

#### **Investment by SATRA**

35. SATRA may, with the approval of the Treasurer, invest any of its money that is not immediately required for the purposes of this Part in such manner as may be approved by the Treasurer.

#### **Accounts and audit**

36. (1) SATRA must cause proper accounts to be kept of its financial affairs and must 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 SATRA must in respect of each financial year be audited by auditors appointed annually by SATRA.

(3) The Auditor-General may at any time audit the accounts of SATRA.

#### **Annual report**

37. (1) SATRA must, within three months after the end of each financial year, submit to the Minister a report on the conduct of the business of SATRA during that financial year, together with the audited statement of accounts of SATRA for that financial year.

(2) The Minister must cause the report and audited statement of accounts of SATRA to be laid before each House of Parliament within 12 sitting days after his or her receipt of them.

**Racing Act 1976**

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**Prohibition of certain race meetings**

38. (1) A person must not, except with the approval in writing of SATRA 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, under the rules adopted or made by SATRA takes part in a horse race.

Maximum penalty: \$5 000.

(2) SATRA may, on application in writing by any person and on payment of the fee, if any, fixed by SATRA, grant its approval in writing for that person to hold a race meeting.

(3) SATRA may, on granting an approval under this section, attach to the approval such conditions as it considers appropriate.

(4) SATRA 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) SATRA may, at its discretion, by notice in writing to the person granted an approval under this section, cancel the approval and the approval will cease to have any effect.

**Rules of SATRA**

39. (1) SATRA may adopt the *Australian Rules of Racing* (as adopted by a conference of delegates of the principal Australian horse racing clubs and in force from time to time) as rules for the regulation, control and promotion of the sport of horse racing and the conduct of horse race meetings and horse races within the State.

(2) SATRA may make additional rules relating to horse racing within the State.

**DIVISION 2—CONTROLLING AUTHORITY FOR HARNESS RACING****Establishment of South Australian Harness Racing Authority**

40. (1) The *South Australian Harness Racing Authority* ("SAHRA") is established as the controlling authority for harness racing.

(2) SAHRA—

- (a) is a body corporate with perpetual succession and a common seal; and
- (b) is capable of suing and being sued; and
- (c) is capable of acquiring, holding, dealing with and disposing of any interest in real and personal property; and
- (d) is capable of acquiring or incurring any other rights or liabilities.

**Constitution of SAHRA**

40A. (1) SAHRA consists of five members appointed by the Governor on the recommendation of the Minister.

(2) Each of the members must have—

- (a) qualifications and experience in financial management; or

- (b) qualifications and experience in marketing; or
- (c) experience as a legal practitioner; or
- (d) experience in carrying on a business; or
- (e) experience in the harness racing industry.

(3) At least one of the members of SAHRA must be a man and at least one must be a woman.

(4) The Governor must, on the recommendation of the Minister, appoint a member to be the presiding member of SAHRA.

#### **Terms and conditions of office**

**40B.** (1) A member of SAHRA is appointed for a term of office, not exceeding three years, on such conditions as the Governor may determine and, on the expiration of his or her term of office, is eligible for reappointment.

(2) The Governor may, on the recommendation of the Minister, appoint a person to be a deputy of a member other than the presiding member and that person while acting in the absence of that member will be taken to be a member and 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 presiding member and that person while acting in the absence of the presiding member will be taken to be the presiding member and have all the powers, rights and duties of the presiding member.

(4) While any member appointed to be the deputy of the presiding member is, in the absence of the presiding member, acting as his or her 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 from office on any ground that the Governor considers sufficient.

(6) The office of a member becomes vacant if—

- (a) he or she dies; or
- (b) his or her term of office expires; or
- (c) he or she resigns by written notice addressed to the Minister; or
- (d) he or she is removed from office by the Governor under subsection (5).

(7) On the office of a member becoming vacant, a person must 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 or she was appointed, the person appointed in his or her place is appointed only for the balance of the term of his or her predecessor.

#### **Remuneration, allowances and expenses**

**40C.** (1) The members of SAHRA are entitled to receive such remuneration, allowances and expenses as may be determined by the Governor.

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**Racing Act 1976**

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(2) Any amount to which a member of SAHRA is entitled under this section must be paid out of the funds of SAHRA.

**Quorum, etc.**

**40D.** (1) Three members constitute a quorum of SAHRA and no business may be transacted at a meeting of SAHRA unless a quorum is present.

(2) The presiding member or, in the absence of the presiding member, his or her deputy, will preside at each meeting of SAHRA, and, in the absence of both the presiding member and his or her deputy from a meeting of SAHRA, the members present will 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 SAHRA is a decision of SAHRA.

(4) Each member is entitled to one vote on a matter arising for determination by SAHRA, and the person presiding at the meeting of SAHRA will, in the event of an equality of votes, have a second or casting vote.

(5) SAHRA must cause proper minutes to be kept of its proceedings at meetings.

(6) Subject to this Act, the business of SAHRA may be conducted in a manner determined by SAHRA.

**Due execution of documents by SAHRA**

**40E.** (1) A document is duly executed by SAHRA if it is sealed with the common seal of SAHRA and signed by two members.

(2) An apparently genuine document purporting to have been executed by SAHRA in accordance with subsection (1) will be presumed in any legal proceedings, in the absence of proof to the contrary, to have been duly executed by SAHRA.

**Validity of acts of SAHRA and immunity of its members**

**40F.** (1) An act or proceeding of SAHRA is not invalid by reason only of a vacancy in its membership and, despite the subsequent discovery of a defect in the appointment of a member, an act or proceeding of SAHRA will be as valid and effectual as if the member had been duly appointed.

(2) No personal liability attaches to a member of SAHRA for an act or omission by the member, or by SAHRA, in good faith and in the exercise or purported exercise of his, her or its powers or functions, or in the discharge, or purported discharge, of his, her or its duties under this Act.

**Functions and powers of SAHRA**

**40G.** (1) The functions of SAHRA 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 prepare and implement plans and strategies for the management of the financial affairs of the harness racing code and for the development, promotion and marketing of the code.

(2) SAHRA must, in performing its functions and exercising its powers under this Act, consult with RIDA.

(3) SAHRA may, for the purpose of performing its functions and discharging its duties under this Act—

- (a) establish offices; and
- (b) appoint officers and employees on terms and conditions determined by SAHRA; and
- (c) conduct harness race meetings and operate a racecourse and its facilities (including food and liquor facilities); and
- (d) make grants to, or provide subsidies for, any registered harness racing club; and
- (e) make a loan, which may be free of interest, to any registered harness racing club; and
- (f) 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; and
- (g) provide any amount for, or towards, the prize money for any harness race; and
- (h) borrow any amount, with or without security; and
- (i) enter into reciprocal arrangements with any authority, association or person having the same or like powers as SAHRA 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; and
- (j) acquire, hold, deal with and dispose of any interest in any real or personal property; and
- (k) exercise such other powers as are conferred on it by or under this Act; and
- (l) 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.

#### **Provision of information**

**40H.** (1) If SAHRA is required by RIDA to provide any information relating to the harness racing code, SAHRA must comply with that requirement.

(2) A harness racing club must provide SAHRA with such information (including financial information or business plans) as SAHRA may require.

#### **Delegation**

**40I.** (1) SAHRA may delegate to any member, officer or employee of SAHRA any of its powers or functions under this Act.

(2) A delegation by SAHRA is revocable at will and does not derogate from the power of SAHRA to act itself in any matter.

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**Investment by SAHRA**

**40J.** SAHRA may, with the approval of the Treasurer, invest any of its money that is not immediately required for the purposes of this Part in such manner as may be approved by the Treasurer.

**Accounts and audit**

**40K.** (1) SAHRA must cause proper accounts to be kept of its financial affairs and must 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 SAHRA must in respect of each financial year be audited by auditors appointed annually by SAHRA.

(3) The Auditor-General may at any time audit the accounts of SAHRA.

**Annual report**

**40L.** (1) SAHRA must, within three months after the end of each financial year, submit to the Minister a report on the conduct of the business of SAHRA during that financial year, together with the audited statement of accounts of SAHRA for that financial year.

(2) The Minister must cause the report and audited statement of accounts of SAHRA to be laid before each House of Parliament within 12 sitting days after his or her receipt of them.

**Prohibition of certain race meetings**

**40M.** (1) A person must not, except with the approval in writing of SAHRA 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, under the rules made by SAHRA takes part in a harness race.

Maximum penalty: \$5 000.

(2) SAHRA may, on application in writing by any person and on payment of the fee, if any, fixed by SAHRA, grant its approval in writing for that person to hold a race meeting.

(3) SAHRA may, on granting an approval under this section, attach to the approval such conditions as it considers appropriate.

(4) SAHRA 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) SAHRA may, at its discretion, by notice in writing to the person granted an approval under this section, cancel the approval and the approval will cease to have any effect.

**Rules of SAHRA**

**40N.** (1) SAHRA 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), the rules may—

(a) regulate the practice and procedure at meetings of SAHRA; and

- (b) make provision for the appointment of stewards and confer and impose on such stewards powers (including discretionary powers) and duties with respect to the conduct of harness race meetings and harness races; and
- (c) make provision for the conduct of inquiries by SAHRA with respect to any matter or thing relating to the sport of harness racing and the conduct of harness race meetings and harness races; and
- (d) provide that any activity specified in the rules, being an activity related to harness racing, must not be carried on except in pursuance of a licence, permit or registration granted by SAHRA; and
- (e) provide for the grant (with or without conditions), renewal, cancellation or suspension of licences, permits or registration by SAHRA; and
- (f) prescribe and provide for the recovery of fees in respect of any application for the grant of a licence, permit or registration by SAHRA or the provision of any service by SAHRA; and
- (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; and
- (h) prescribe the circumstances under which money paid to SAHRA by any person or club will be held by SAHRA on deposit in trust for that person or club; and
- (i) require every registered harness racing club to submit to SAHRA at such times as SAHRA might require the proposed dates and programs for all race meetings to be conducted by the club; and
- (j) provide for an appeal to SAHRA against decisions made under the rules.

### **DIVISION 3—CONTROLLING AUTHORITY FOR GREYHOUND RACING**

#### **Establishment of South Australian Greyhound Racing Authority**

**40O.** (1) The *South Australian Greyhound Racing Authority* ("**SAGRA**") is established as the controlling authority for greyhound racing.

(2) SAGRA—

- (a) is a body corporate with perpetual succession and a common seal; and
- (b) is capable of suing and being sued; and
- (c) is capable of acquiring, holding, dealing with and disposing of any interest in real and personal property; and
- (d) is capable of acquiring or incurring any other rights or liabilities.

#### **Constitution of SAGRA**

**40P.** (1) SAGRA consists of five members appointed by the Governor on the recommendation of the Minister.

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(2) Each of the members must have—

- (a) qualifications and experience in financial management; or
- (b) qualifications and experience in marketing; or
- (c) experience as a legal practitioner; or
- (d) experience in carrying on a business; or
- (e) experience in the greyhound racing industry.

(3) At least one of the members of SAGRA must be a man and at least one must be a woman.

(4) The Governor must, on the recommendation of the Minister, appoint a member to be the presiding member of SAGRA.

**Terms and conditions of office**

**40Q.** (1) A member of SAGRA is appointed for a term of office, not exceeding three years, on such conditions as the Governor may determine and, on the expiration of his or her term of office, is eligible for reappointment.

(2) The Governor may, on the recommendation of the Minister, appoint a person to be a deputy of a member other than the presiding member and that person while acting in the absence of that member will be taken to be a member and 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 presiding member and that person while acting in the absence of the presiding member will be taken to be the presiding member and have all the powers, rights and duties of the presiding member.

(4) While any member appointed to be the deputy of the presiding member is, in the absence of the presiding member, acting as his or her 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 from office on any ground that the Governor considers sufficient.

(6) The office of a member becomes vacant if—

- (a) he or she dies; or
- (b) his or her term of office expires; or
- (c) he or she resigns by written notice addressed to the Minister; or
- (d) he or she is removed from office by the Governor under subsection (5).

(7) On the office of a member becoming vacant, a person must 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 or she was appointed, the person appointed in his or her place is appointed only for the balance of the term of his or her predecessor.



**Remuneration, allowances and expenses**

**40R.** (1) The members of SAGRA are entitled to receive such remuneration, allowances and expenses as may be determined by the Governor.

(2) Any amount to which a member of SAGRA is entitled under this section must be paid out of the funds of SAGRA.

**Quorum, etc.**

**40S.** (1) Three members constitute a quorum of SAGRA and no business may be transacted at a meeting of SAGRA unless a quorum is present.

(2) The presiding member or, in the absence of the presiding member, his or her deputy, will preside at each meeting of SAGRA, and, in the absence of both the presiding member and his or her deputy from a meeting of SAGRA, the members present will 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 SAGRA is a decision of SAGRA.

(4) Each member is entitled to one vote on a matter arising for determination by SAGRA, and the person presiding at the meeting of SAGRA will, in the event of an equality of votes, have a second or casting vote.

(5) SAGRA must cause proper minutes to be kept of its proceedings at meetings.

(6) Subject to this Act, the business of SAGRA may be conducted in a manner determined by SAGRA.

**Due execution of documents by SAGRA**

**40T.** (1) A document is duly executed by SAGRA if it is sealed with the common seal of SAGRA and signed by two members.

(2) An apparently genuine document purporting to have been executed by SAGRA in accordance with subsection (1) will be presumed in any legal proceedings, in the absence of proof to the contrary, to have been duly executed by SAGRA.

**Validity of acts of SAGRA and immunity of its members**

**40U.** (1) An act or proceeding of SAGRA is not invalid by reason only of a vacancy in its membership and, despite the subsequent discovery of a defect in the appointment of a member, an act or proceeding of SAGRA will be as valid and effectual as if the member had been duly appointed.

(2) No personal liability attaches to a member of SAGRA for an act or omission by the member, or by SAGRA, in good faith and in the exercise or purported exercise of his, her or its powers or functions, or in the discharge, or purported discharge, of his, her or its duties under this Act.

**Functions and powers of SAGRA**

**40V.** (1) The functions of SAGRA 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

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- (b) to prepare and implement plans and strategies for the management of the financial affairs of the greyhound racing code and for the development, promotion and marketing of the code.

(2) SAGRA must, in performing its functions and exercising its powers under this Act, consult with RIDA.

(3) SAGRA may, for the purpose of performing its functions and discharging its duties under this Act—

- (a) establish offices; and
- (b) appoint officers and employees on terms and conditions determined by SAGRA; and
- (c) conduct greyhound race meetings and operate a racecourse and its facilities (including food and liquor facilities); and
- (d) make grants to, or provide subsidies for, any registered greyhound racing club; and
- (e) make a loan, which may be free of interest, to any registered greyhound racing club; and
- (f) 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; and
- (g) provide any amount for, or towards, the prize money for any greyhound race; and
- (h) borrow any amount, with or without security; and
- (i) enter into reciprocal arrangements with any authority, association or person having the same or like powers as SAGRA 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; and
- (j) acquire, hold, deal with and dispose of any interest in any real or personal property; and
- (k) exercise such other powers as are conferred on it by or under this Act; and
- (l) 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.

**Provision of information**

**40W.** (1) If SAGRA is required by RIDA to provide any information relating to the greyhound racing code, SAGRA must comply with that requirement.

(2) A greyhound racing club must provide SAGRA with such information (including financial information or business plans) as SAGRA may require.

**Delegation**

**40X.** (1) SAGRA may delegate to any member, officer or employee of SAGRA any of its powers or functions under this Act.

(2) A delegation by SAGRA is revocable at will and does not derogate from the power of SAGRA to act itself in any matter.

**Investment by SAGRA**

**40Y.** SAGRA may, with the approval of the Treasurer, invest any of its money that is not immediately required for the purposes of this Part in such manner as may be approved by the Treasurer.

**Accounts and audit**

**40Z.** (1) SAGRA must cause proper accounts to be kept of its financial affairs and must 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 SAGRA must in respect of each financial year be audited by auditors appointed annually by SAGRA.

(3) The Auditor-General may at any time audit the accounts of SAGRA.

**Annual report**

**40ZA.** (1) SAGRA must, within three months after the end of each financial year, submit to the Minister a report on the conduct of the business of SAGRA during that financial year, together with the audited statement of accounts of SAGRA for that financial year.

(2) The Minister must cause the report and audited statement of accounts of SAGRA to be laid before each House of Parliament within 12 sitting days after his or her receipt of them.

**Prohibition of certain race meetings**

**40ZB.** (1) A person must not, except with the approval in writing of SAGRA 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, under the rules made by SAGRA takes part in a greyhound race.

Maximum penalty: \$5 000.

(2) SAGRA may, on application in writing by any person and on payment of the fee, if any, fixed by SAGRA, grant its approval in writing for that person to hold a race meeting.

(3) SAGRA may, on granting an approval under this section, attach to the approval such conditions as it considers appropriate.

(4) SAGRA 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) SAGRA may, at its discretion, by notice in writing to the person granted an approval under this section, cancel the approval and the approval will cease to have any effect.

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**Rules of SAGRA**

**41.** (1) SAGRA 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), the rules may—

- (a) regulate the practice and procedure at meetings of SAGRA; and
- (b) make provision for the appointment of stewards and confer and impose on such stewards powers (including discretionary powers) and duties with respect to the conduct of greyhound race meetings and greyhound races; and
- (c) make provision for the conduct of inquiries by SAGRA with respect to any matter or thing relating to the sport of greyhound racing and the conduct of greyhound race meetings and greyhound races; and
- (d) provide that any activity specified in the rules, being an activity related to greyhound racing, must not be carried on except in pursuance of a licence, permit or registration granted by SAGRA; and
- (e) provide for the grant (with or without conditions), renewal, cancellation or suspension of licences, permits or registration by SAGRA; and
- (f) prescribe and provide for the recovery of fees in respect of any application for the grant of a licence, permit or registration by SAGRA or the provision of any service by SAGRA; and
- (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; and
- (h) prescribe the circumstances under which money paid to SAGRA by any person or club will be held by SAGRA on deposit in trust for that person or club; and
- (i) require every registered greyhound racing club to submit to SAGRA at such times as SAGRA might require the proposed dates and programs for all race meetings to be conducted by the club; and
- (j) provide for an appeal to SAGRA against decisions made under the rules.

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**PART 2A  
RACING APPEALS TRIBUNAL****Interpretation**

**41A.** In this Part—

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

**"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) where the President considers that the assistance of an assessor or assessors is required, not more than 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; or
- (b) neglect of duty; or
- (c) dishonourable conduct.

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

- (a) the person dies; or
- (b) the person's term of office expires; or
- (c) the person resigns by written notice addressed to the Minister; or
- (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.** (1) There is to be a Registrar of the Tribunal.

(2) A Public Service employee or an employee of RIDA is to be assigned to perform the functions of 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; or

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- (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 will lie on that person) to attend in obedience to the summons; or
- (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 will lie on that person) to comply with the summons; or
- (c) misbehaves before the Tribunal, wilfully insults the Tribunal or any member of the Tribunal or interrupts the proceedings of the Tribunal; or



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- (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.

Maximum penalty: \$5 000.

- (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.

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**PART 3  
TOTALIZATOR BETTING**

**DIVISION 1—TOTALIZATOR AGENCY BOARD**

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**Continuation of TAB**

**43.** (1) The body the *South Australian Totalizator Agency Board* ("**TAB**") continues in existence.

(2) TAB—

- (a) continues to be a body corporate with perpetual succession and a common seal; and
- (b) is capable of suing and of being sued; and
- (c) is capable of acquiring, holding, dealing with and disposing of any interest in real and personal property; and
- (d) is capable of acquiring or incurring any other rights or liabilities.

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**Membership of TAB**

**44.** (1) TAB consists of seven members appointed by the Governor on the recommendation of the Minister.

(2) Each of the members must have—

- (a) qualifications and experience in financial management; or
- (b) qualifications and experience in marketing; or
- (c) experience as a legal practitioner; or
- (d) experience in carrying on a business; or
- (e) experience in the horse racing, harness racing or greyhound racing industry.

(3) At least two of the members of TAB must be men and at least two must be women.

(4) The Governor must, on the recommendation of the Minister, appoint a member to be the presiding member of TAB.

**Terms and conditions of office**

**45.** (1) A member of TAB is appointed for a term of office, not exceeding three years, on such conditions as the Governor may determine and, on the expiration of his or her term of office, is eligible for reappointment.

(2) The Governor may, on the recommendation of the Minister, appoint a person to be a deputy of a member other than the presiding member and that person while acting in the absence of that member will be taken to be a member and 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 presiding member and that person while acting in the absence of the presiding member will be taken to be the presiding member and have all the powers, rights and duties of the presiding member.

(4) While any member appointed to be the deputy of the presiding member is, in the absence of the presiding member, acting as his or her 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 from office on any ground that the Governor considers sufficient.

(6) The office of a member becomes vacant if—

(a) he or she dies; or

(b) his or her term of office expires; or

(c) he or she resigns by written notice addressed to the Minister; or

(d) he or she is removed from office by the Governor pursuant to subsection (5).

(7) On the office of a member becoming vacant, a person must 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 or she was appointed, the person appointed in his or her place is appointed only for the balance of the term of his or her predecessor.

#### **Remuneration, allowances and expenses**

**46.** (1) The members of TAB are entitled to receive such remuneration, allowances and expenses as may be determined by the Governor.

(2) Any amount to which a member of TAB is entitled under this section must be paid out of the funds of TAB.

#### **Quorum, etc.**

**47.** (1) Four members constitute a quorum of TAB and no business may be transacted at a meeting of TAB unless a quorum is present.

(2) The presiding member or, in the absence of the presiding member, his or her deputy will preside at a meeting of TAB and, in the absence of the presiding member and his or her deputy, the members present may 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 TAB is a decision of TAB.

(4) Each member is entitled to one vote on a matter arising for determination by TAB, and the person presiding at the meeting of TAB, will, in the event of an equality of votes, have a second or casting vote.

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(5) TAB must cause proper minutes to be kept of its proceedings at meetings.

(6) Subject to this Act, the business of TAB may be conducted in a manner determined by TAB.

**Due execution of documents by TAB**

**48.** (1) A document is duly executed by TAB if it is sealed with the common seal of TAB and signed by two members.

(2) An apparently genuine document purporting to have been executed by TAB in accordance with subsection (1) will be presumed in any legal proceedings, in the absence of proof to the contrary, to have been duly executed by TAB.

**Validity of acts of TAB and immunity of its members**

**49.** (1) An act or proceeding of TAB is not invalid by reason only of a vacancy in its membership and, despite the subsequent discovery of a defect in the appointment of a member, an act or proceeding of TAB will be as valid and effectual as if the member had been duly appointed.

(2) No personal liability attaches to a member of TAB for an act or omission by the member, or by TAB, in good faith and in the exercise or purported exercise of his, her or its powers or functions, or in the discharge, or purported discharge, of his, her 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, TAB must not—

- (a) fail to disclose the nature of his or her interest at any meeting of TAB at which any decision with respect to the contract is made and at which he or she is present; or
- (b) take part in any decision of TAB with respect to that contract.

Maximum penalty: \$5 000.

(2) Any disclosure made in compliance with subsection (1) must be recorded in the minutes of TAB.

**Functions and powers of TAB**

**51.** (1) The functions of TAB are as follows:

- (a) to conduct off-course totalizator betting on races held within or outside Australia; and
- (b) to act as the agent of an authorised racing club in the conduct by that club of on-course totalizator betting on races held within or outside Australia; and
- (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) TAB 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; and
- (b) appoint agents, officers and employees on terms and conditions determined by TAB; and
- (c) accept totalizator bets made with it by members of the public and pay dividends on those bets; and
- (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; and

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- (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; and
- (f) acquire, hold, deal with and dispose of any interest in any real or personal property; and
- (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.

(3) TAB must consult with RIDA with respect to any activity to be undertaken by TAB for the promotion or marketing of racing or the promotion or marketing of betting on racing.

#### **TAB subject to control and direction of Minister**

52. (1) In the performance, exercise and discharge of its functions, powers and duties under this Act, TAB is, except where it makes, or is required to make, a recommendation to the Minister, subject to the general control and direction of the Minister.

(2) A direction by the Minister to TAB must be in writing and the text of the direction must be included in TAB's annual report.

#### **Delegation by TAB**

53. (1) TAB may delegate to any member, officer or employee of TAB any of its powers or functions under this Act.

(2) A delegation by TAB is revocable at will and does not derogate from the power of TAB to act itself in any matter.

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#### **Borrowing by TAB**

55. (1) TAB 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.

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(2) A liability incurred with the consent of the Treasurer under subsection (1) is guaranteed by the Treasurer.

(3) A liability incurred by the Treasurer under a guarantee arising by virtue of subsection (2) is to be satisfied out of the Consolidated Account which is appropriated to the necessary extent.

(4) Any sum paid by the Treasurer under subsection (3) is, when money is properly available for the purpose, to be repaid by TAB to the Treasurer and, when so repaid, forms part of the Consolidated Account.

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**Investment by TAB**

57. TAB 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) TAB must cause proper accounts to be kept of its financial affairs and must in respect of each financial year prepare a statement of accounts in such form as the Treasurer may approve.

(2) The Auditor-General must audit the statement of accounts of TAB for each financial year and may audit the accounts of TAB at any time.

**Annual report**

59. (1) TAB must, within three months after the end of each financial year, submit to the Minister a report on the conduct of the business of TAB during that financial year, together with the audited statement of accounts of TAB for that financial year.

(2) The Minister must cause the report and audited statement of accounts of TAB to be laid before each House of Parliament within 12 sitting days after his or her receipt of them.

**Totalizator rules of TAB**

60. (1) TAB may, with the approval of the Minister, make rules prescribing any matter relating to the acceptance and payment of totalizator bets made with TAB.

(2) TAB may, with the approval of the Minister, amend, vary or revoke any rules made pursuant to subsection (1).

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

**Premises for totalizator betting**

61. (1) TAB may 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 must, in determining whether or not to give the approval referred to in subsection (1), have regard to the proximity of the premises to places of public worship, schools and other educational institutions and premises licensed under the *Liquor Licensing Act 1985*, and to such other matters as he or she considers relevant.

**Acceptance of and payment on totalizator bets**

**62.** (1) TAB must 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 TAB;  
or
- (b) by letter sent through the post, or telegram or telephone message, to an office, branch or agency of TAB, by a person who has established and maintained in accordance with the rules of TAB an account with TAB that is sufficiently in credit to meet the amount of the bet.

(2) Except as otherwise directed by the Minister, TAB must 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) Despite subsection (2), TAB may credit to a credit account established with it any dividend on a totalizator bet at any time after the dividend is declared.

**DIVISION 2—CONDUCT OF TOTALIZATOR BETTING ON RACES**

**Conduct of on-course totalizator betting by racing clubs**

**63.** (1) Subject to this Act, a registered racing club may conduct on-course totalizator betting in conjunction with a race meeting held by the club.

(2) Subsection (1) authorises betting on races held at the race meeting and on races of the same form held within or outside Australia.

(3) The race meeting must be held in accordance with a programme published by RIDA by notice in the *Gazette*.

(4) The programme must specify the days on which and the racecourses at which each registered racing club will hold race meetings.

(5) RIDA must not publish a notice under subsection (3) except on the recommendation of the controlling authority for the form of racing concerned and RIDA may, on the recommendation of the controlling authority, vary the programme by notice published in the *Gazette* or, if that is not practicable in the circumstances, by written or oral notice to the racing club affected.

(6) RIDA may, subject to such conditions as RIDA thinks fit, by notice in writing to a registered racing club, authorise the club to conduct on-course totalizator betting in conjunction with a race meeting held by the club on races of other forms held within or outside Australia and may revoke the notice by subsequent notice in writing to the club.

(7) Where a racing club is unable to hold a race meeting in accordance with the programme published by RIDA because of unforeseen circumstances it may, with the approval of RIDA, conduct on-course totalizator betting as if the race meeting had not been cancelled.

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**Conduct of on-course totalizator betting when race meeting not in progress**

64. RIDA may, subject to such conditions as the Minister thinks fit, by notice in writing to a registered racing club, authorise the club to conduct on-course totalizator betting on races of any form held within or outside Australia when a race meeting is not in progress at the racecourse at which the totalizator betting is to be conducted and RIDA may revoke the notice by subsequent notice in writing to the club.

**Revocation of right to conduct on-course totalizator betting**

65. If, in RIDA's opinion, an authorised racing club has contravened or failed to comply with any provision of this Act, the racing totalizator rules or a condition of an authorisation granted by RIDA under this Division, RIDA may, by notice in writing given to the club, revoke, suspend or restrict the club's right to conduct on-course totalizator betting whether the club had that right by virtue of this Act or of an authorisation granted by RIDA under this Act.

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**Totalizator rules for authorised racing clubs**

67. (1) The Minister may, after consultation with the controlling authorities and TAB, 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 authorised racing clubs or TAB.

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

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

**Deduction of percentage from totalizator money**

68. (1) Where TAB, or an authorised racing club, conducts totalizator betting on a race-result, TAB, or the club, as the case may be, must deduct from the amount of the bets an amount or amounts prescribed by regulation.

(2) For the purposes of subsection (1) the regulations may—

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

**Application of amount deducted under s. 68**

69. (1) The amount deducted by TAB from totalizator bets pursuant to section 68 must be applied as follows:



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

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

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

(2) The balance (if any) of the amount deducted by TAB 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, must be applied as soon as practicable after the end of that quarter as follows:

- (a) 45 per cent of the balance must 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) must be shared between the SATRA Fund, SAHRA Fund and SAGRA Fund as follows:
  - (i) 73.5 per cent is to be paid to the SATRA Fund;
  - (ii) 17.5 per cent is to be paid to the SAHRA Fund;

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- (iii) 9 per cent is to be paid to the SAGRA Fund.

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(3) Despite subsection (2), TAB may, with the approval of the Minister, before the expiration of a quarter, make an advance to a Fund established under Part 1B towards the payment to be made under that subsection to the Fund in respect of that quarter.

\* \* \* \* \*

- (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 TAB last expiring in the month of March, June, September or December in any year.

\* \* \* \* \*

#### **Application of percentage deductions**

**70.** (1) Subject to subsection (4), an authorised 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—

- (a) pay to the Treasurer for the credit of the Consolidated Account, 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 cent of that sum; or
  - (ii) exceeds \$30 000 but does not exceed \$60 000—\$300 plus 2 per cent of the amount in excess of \$30 000; or
  - (iii) exceeds \$60 000 but does not exceed \$120 000—\$900 plus 3 per cent of the amount in excess of \$60 000; or
  - (iv) exceeds \$120 000—\$2 700 plus 5.25 per cent of the amount in excess of \$120 000; and
- (b) pay to the RIDA Fund—
- (i) an amount equal to 1 per cent 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
- (c) pay the deficiency (if any) in winning bet dividends (see section 75),

and may retain the balance for the purposes of the club.

(1a) Where, on a particular day, two or more authorised racing clubs conducted totalizator betting on the same race results and one or more of those clubs did not hold a race meeting on that day, the amounts of the totalizator bets made with those clubs on that day must be pooled for the purpose of determining the amounts to be paid pursuant to subsection (1).

(1b) The amount remaining after payments have been made under subsection (1) following pooling under subsection (1a) must be divided between the racing clubs so that—

- (a) the club or clubs that held race meetings on the day concerned receive the amount that they would have retained under subsection (1) if pooling had not occurred; and
- (b) the club that did not hold a race meeting on that day receives the balance or, if there were two or more such clubs, the balance is divided between them in proportion to the amount deducted by each of them pursuant to section 68.

(1c) A racing club that has cancelled a race meeting because of unforeseen circumstances but conducts totalizator betting during the period that the cancelled race meeting would have been held will be taken, for the purposes of subsections (1a) and (1b), to have held the race meeting as originally planned.

(2) An amount payable to the Treasurer or the RIDA Fund under this section may be recovered by the Treasurer as a debt by action in a court of competent jurisdiction.

(3) Where the Treasurer is satisfied that an authorised 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 authorise that club to pay towards those charitable purposes an amount equal to the amount otherwise payable to the Treasurer under subsection (1)(a).

(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 must be included as part of the gross proceeds of that meeting.

(4) Despite the other provisions of this section, where an authorised racing club pays, in accordance with the authority of the Treasurer given under subsection (3), towards charitable purposes an amount equal to the amount that it is liable to pay to the Treasurer under subsection (1)(a), 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), TAB may, by notice published in the *Gazette*—

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

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- (a) fix the amount that will, for the purposes of this Act, constitute a unit in relation to on-course totalizator betting on that form of racing; or
  - (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 must 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) TAB and one, or more than one, authorised racing club; or
- (b) more than one authorised 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 TAB or an authorised racing club holds an amount, being the whole or any part of any racing totalizator pool, it must, 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 TAB or an authorised racing club will, 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) or one unit, whichever is the greater.

(3) Despite subsection (2), 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 will be of an amount equal to the amount referred to in that paragraph.

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

**Jackpot**

74. Despite section 73, TAB or an authorised 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 TAB, that authorised club or another authorised racing club.

**Totalizator pool insufficient to pay dividends**

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

**Application of fractions by TAB**

**76.** (1) The amount of fractions retained by TAB under section 73(4) must be applied by TAB as follows:

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

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

- (a) one half must be paid to the Treasurer to the credit of the Hospitals Fund; and
- (b) the amount remaining after the payment referred to in paragraph (a) must be paid to the RIDA Fund.

**Application of fractions by racing clubs**

**77.** The amount of fractions retained by a racing club under section 73(4) must, within 21 days, be paid to the RIDA Fund unless the controlling authority authorises the club to apply the fractions for the purposes of the club.

**Unclaimed dividends**

**78.** (1) Subject to subsection (1a), TAB will 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.

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

(2) An authorised racing club will 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 TAB by virtue of the operation of subsection (1) must be applied by TAB as follows:

- (a) an amount equal to one-half of the amount must 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) must be paid to the RIDA Fund.

(3a) Any amount accruing to an authorised racing club by virtue of the operation of subsection (2) must be paid by the club to the Treasurer to be credited to the Hospitals Fund.

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(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 (other than an interstate 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; and
- (b) that the person would have been entitled to be paid the dividend by TAB or the authorised racing club, as the case may be, if he or she had made a valid claim for such payment before TAB or the authorised 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.

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**Totalizator betting on races under this Act lawful**

**80.** (1) TAB or an authorised racing club or a servant or agent of TAB or club is not guilty of an offence against any Act by reason only that it or he or she accepts a totalizator bet on a race-result in accordance with this Act and the racing totalizator rules and any premises or place is not a common gaming house or nuisance by reason only that it is used by TAB or club for that purpose.

(2) A person who is not less than eighteen years of age is not guilty of an offence against any Act by reason only that he or she makes a totalizator bet on a race-result with TAB or an authorised racing club.

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**Power to conduct off-course totalizator betting outside State**

**82.** (1) TAB may on and subject to such terms and conditions as may be agreed 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 authorised 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 TAB in any Territory of the Commonwealth or within that other State;
- (c) act as the agent in this State of any person authorised 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) may be carried into effect despite anything to the contrary or otherwise contained in this Act.

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

**82A.** (1) TAB may, with the approval of the Minister, enter into an agreement with an interstate totalizator authority to act as the agent of the interstate totalizator authority in accepting totalizator bets for the formation of racing totalizator pools by the interstate totalizator authority under the law of another State or Territory.

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

(3) TAB may accept bets under an agreement referred to in subsection (1) through the agency of an authorised racing club.

(4) An agreement referred to in subsection (1) cannot be made and does not remain in force unless—

- (a) the law for the time being of the State or Territory in which the interstate totalizator authority is entitled to conduct totalizator betting—
  - (i) includes a provision corresponding to section 68 under which a percentage (being a percentage within a prescribed range) of the amount of the bets accepted by TAB under the agreement either must or may be deducted from those bets; and
  - (ii) does not prevent the execution or operation of the agreement in accordance with subsection (5);
- (b) the agreement includes a provision that TAB may terminate the agreement if the law for the time being of the State or Territory in which the interstate totalizator authority is entitled to conduct totalizator betting does not include the provision referred to in paragraph (a)(i) or prevents the execution or operation of the agreement in accordance with subsection (5).

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

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

- (a) to the amount referred to in subsection (4)(a) that is deducted from the amount of the bets accepted by TAB; and
- (b) to all fractions not included in dividends on bets accepted by TAB; and
- (c) to unclaimed dividends on bets accepted by TAB.

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

- (a) by the amount of a fee to be paid by TAB to the interstate totalizator authority pursuant to the agreement; and

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- (b) where the law of the State or Territory in which the interstate totalizator authority is entitled to conduct totalizator betting provides for a minimum dividend of 50 cents, by an amount necessary to increase a dividend to 50 cents.

(7) The amount to which TAB is entitled under subsection (5)(a) must be applied by TAB in accordance with section 69 as though the amount had been deducted under section 68.

(8) Those fractions to which TAB is entitled under the agreement that are attributable to bets accepted by a racing club as agent for TAB must be applied in accordance with section 77 and the remainder of the fractions to which TAB is entitled under the agreement must be applied in accordance with section 76.

(9) Those unclaimed dividends to which TAB is entitled under the agreement that are attributable to bets accepted by a racing club as agent for TAB must be paid to the Treasurer to be credited to the Hospitals Fund and the remainder of the unclaimed dividends to which TAB is entitled under the agreement must be applied in accordance with section 78(3).

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

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

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

(3) An agreement referred to in subsection (1) may provide that the interstate totalizator authority is entitled to—

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

**Returns by authorised clubs**

**83.** (1) An authorised racing club must, 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; and
- (b) the amount paid in dividends on totalizator bets made with it on that day on each race-result; and
- (c) the amount, if any, paid by it to the RIDA Fund pursuant to section 70 in respect of that day; and
- (d) the amount retained by the club for its purposes from the amount deducted pursuant to section 68; and
- (e) the amount, if any, paid to the RIDA Fund or retained by the club pursuant to section 77 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 authorised racing club fails to furnish a return in accordance with subsection (1), or furnishes a return that is false or misleading in a material particular, the club is guilty of an offence.

Maximum penalty: \$5 000.

**Facilities for police to be provided by authorised racing clubs**

**84.** An authorised racing club must on any day on which it is authorised 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 3—CONDUCT OF TOTALIZATOR BETTING ON FOOTBALL MATCHES**

**Football totalizator rules**

**84A.** (1) The Minister may, after consultation with TAB 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; and
- (b) the formation of football totalizator pools; and
- (c) any other matter relating to the conduct of totalizator betting on football-results by TAB.

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

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

**Application of twenty per cent of totalizator bets on football matches**

**84B.** (1) Twenty per cent of each football totalizator pool must be applied by TAB as follows:

- (a) firstly, in payment of such amount, as the Minister directs, towards the administrative and operating expenses of TAB; and
- (b) secondly, in payment into a fund to be applied towards the capital expenses of TAB 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) TAB is not required to make payments under subsection (1) before 31 December in the year in which the bets constituting the football totalizator pool were made.

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**Fixing the amount of betting unit**

**84C.** (1) Subject to subsection (2), TAB may, by notice in the *Gazette*—

- (a) fix the amount that will, for the purposes of this Act, constitute a unit in relation to totalizator betting on football-results; or
- (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 must not be published under this section except with the approval of the Minister.

**Application of football totalizator pools**

**84D.** (1) TAB must apply football totalizator pools in accordance with this Act and the football totalizator rules.

(2) The dividend payable on totalizator bets on football-results will, 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) Despite 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 will be the amount referred to in that paragraph.

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

**Jackpot**

**84E.** TAB 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 TAB.

**Insufficiency of totalizator pool**

**84F.** Where a football totalizator pool is insufficient to pay winning bet dividends payable on bets contributing to the pool, TAB must, to the extent necessary to enable it to pay those dividends, draw on—

- (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 TAB such amount accordingly.

**Application of balance of fractions by TAB**

**84G.** Any balance remaining on any day of the amount accruing to TAB by virtue of the non-payment of fractions after payments pursuant to section 84F must, before the expiration of the period of three weeks commencing on that day, be applied by TAB as follows:

- (a) one-half of the balance must be paid to the Treasurer to be credited to the Recreation and Sport Fund; and
- (b) the other half must be paid to the South Australian National Football League.

**Unclaimed dividends**

**84H.** (1) TAB will 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 TAB by virtue of the operation of subsection (1) must be applied by TAB as follows:

- (a) one-half of the amount must be paid to the Treasurer to be credited to the Recreation and Sport Fund; and
- (b) the other half of the amount must 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; and
- (b) that the person would have been entitled to be paid the dividend by TAB if he or she had made a valid claim for such payment before TAB 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 4—TOTALIZATOR BETTING ON OTHER SPORTING EVENTS**

**Power of TAB to conduct totalizator betting on other major sporting events**

**84I.** (1) TAB—

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

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

(4) This section does not authorise TAB 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 TAB conducts totalizator betting on an event or combination of events in pursuance of this Division—

- (a) twenty per cent of the totalizator pool must 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 TAB;
  - (ii) secondly, in payment into a fund to be applied towards the capital expenses of TAB 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) must be paid into the Recreation and Sport Fund; and
- (b) subject to the rules, the balance of the totalizator pool must 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 5—MISCELLANEOUS**

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

**84L.** Despite any other law—

- (a) it is not unlawful for TAB, its agents and employees, to accept bets in the course of totalizator betting authorised by this Act; and
- (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 TAB.

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PART 4  
REGULATION OF BOOKMAKERS

Interpretation

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

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

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

- (a) at which an approved event that is a sporting event is held; and
- (b) that has been declared by regulation to be an approved sporting venue for the purposes of this Part in relation to the holding of that event;

"**cash bet**" means a bet where the bettor pays the amount bet to the bookmaker when the bet is accepted;

"**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;

"**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 foot race that forms part of a prescribed foot race meeting;

"**racecourse**" includes a foot racing ground used for the holding of a prescribed foot race meeting;

"**race meeting**" includes a prescribed foot race meeting;

"**racing club**" includes 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 RIDA under this Part as premises in which betting on races or approved events may be carried on.

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### Financial provision

**98.** Except as otherwise provided by this Act, money received by RIDA under this Part must be paid to the Treasurer for the credit of the Consolidated Account.

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### Licences

**100.** (1) RIDA may, on 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.

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(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 licence must not be granted to a body corporate.

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### Applications for licences

**101.** (1) An application for a licence under this Part must be made to RIDA in a manner approved by RIDA and be accompanied by the prescribed fee.

(2) An applicant for a licence under this Part must, if RIDA so requires—

- (a) furnish RIDA 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) RIDA may, on granting or renewing a licence under this Part, attach to the licence such conditions as it considers appropriate.

(2) RIDA 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 will, subject to this Act, have effect until 31 July next following 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 31 July.

(2) An application for renewal of a licence under this Part must be made to RIDA in a manner approved by RIDA and be accompanied by the prescribed fee.

**Racing Act 1976**

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(3) An applicant for renewal of a licence under this Part must, if RIDA so requires—

- (a) furnish RIDA with such information as it specifies; and
- (b) verify by statutory declaration any information furnished for the purposes of the application.

(4) RIDA may, on 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) RIDA 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) ceases to have any effect for the period of the suspension; or
- (b) that is cancelled under that subsection ceases to have any effect.

**Power to impose fines**

**104A.** (1) RIDA 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 RIDA.

**Registration of betting premises at Port Pirie**

**105.** (1) RIDA may, on 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 events may be carried on.

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**Applications for registration of premises**

**106.** (1) An application for the registration of premises under this Part must be made to RIDA in a manner approved by RIDA and be accompanied by the prescribed fee.



(2) An applicant for the registration of premises under this Part must, if RIDA so requires—

- (a) furnish RIDA 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) RIDA may, on registering or renewing the registration of any premises under this Part, attach to the registration such conditions as it considers appropriate.

(2) RIDA 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 must 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.

Maximum penalty: \$5 000.

#### **Term of registration**

**109.** (1) The registration of any premises under this Part will, subject to this Act, have effect until 31 January next following 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 31 January.

(2) An application for renewal of the registration of any premises under this Part must be made to RIDA in a manner approved by RIDA and be accompanied by the prescribed fee.

(3) An applicant for renewal of the registration of any premises under this Part must, if RIDA so requires—

- (a) furnish RIDA with such information as it specifies; and
- (b) verify by statutory declaration any information furnished for the purposes of the application.

(4) RIDA may, on 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) RIDA may, as an administrative act, suspend for such period as it thinks fit, or cancel, the registration of any premises under this Part.

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**Racing Act 1976**

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(2) The registration of any premises—

- (a) that is suspended under subsection (1) ceases to have any effect for the period of the suspension; or
- (b) that is cancelled under that subsection ceases to have any effect.

**Permit required to accept bets**

**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 authorise that person to accept bets except in accordance with a permit granted under this Part to the person or to a group of bookmakers of which he or she is a member.

**Permits for licensed bookmakers to bet on racecourses, at approved venues or in registered premises**

**112.** (1) Subject to this section, RIDA may grant to a person who holds a licence under this Part to act as a bookmaker a permit—

- (a) to accept bets on races or approved events made on a day and within a racecourse, or in registered premises, specified in the permit; or
- (b) to accept bets on approved events made on a day and at an approved sporting venue specified in the permit.

(1a) Subject to this Part, a permit must not be granted to a group of licensed bookmakers.

(2) RIDA must not grant a permit under this section in respect of betting on a day and within a racecourse except after consultation with the racing club conducting the race meeting on that day or, if no race meeting is conducted on that day, with the racing club that normally conducts race meetings at that racecourse.

(3) RIDA may, on granting a permit under this section, attach to the permit such conditions as it considers appropriate.

(4) RIDA 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) RIDA must not grant a permit under this section to accept bets made on a day and within a racecourse unless—

- (a) the conduct of totalizator betting is authorised by or under Part 3 on that racecourse on that day; or
- (b) the only races held at that racecourse on that day are foot races.

(6) A permit authorises the acceptance of a bet by telephone or the acceptance of a bet made by facsimile transmission if the permit is endorsed to that effect by RIDA.

**Grant of permit to group of bookmakers**

**112A.** (1) A permit to accept bets within a racecourse when a race meeting is not in progress at the racecourse may be granted under section 112 to a group of licensed bookmakers who, in the opinion of RIDA, collectively have the financial resources to accept bets pursuant to the permit.

(2) A permit to accept bets within a racecourse when a race meeting is not in progress must not be granted to an individual bookmaker unless RIDA is satisfied that—

- (a) the bookmaker has the necessary financial resources to accept bets pursuant to the permit; and
- (b) it is in the interests of the racing industry to grant the permit.

(3) A permit referred to in subsection (1) or (2) must not be granted contrary to a direction of the Minister.

(4) RIDA must not grant a permit to a group of bookmakers unless—

- (a) the bookmakers have entered into an agreement with each other that—
  - (i) provides for sharing the bets accepted pursuant to the permit; and
  - (ii) provides for the shares in which the members of the group will be liable for the amount due to RIDA under section 114 in respect of those bets; and
  - (iii) provides for the shares in which the members of the group will be liable for the amount won on those bets; and
  - (iv) authorises a person (whether a member of the group or some other person approved by RIDA) to accept bets on behalf of the group; and
  - (v) includes such other terms as RIDA requires; and
- (b) RIDA has given its approval to the agreement.

(5) Each member of a group of bookmakers to whom RIDA has granted a permit under this Act is liable to RIDA for the amount due to RIDA under section 114 in respect of the bets accepted pursuant to the permit but the aggregate of the amounts recovered by RIDA from two or more members of the group must not exceed the amount due under section 114.

(6) Where—

- (a) a group of bookmakers has accepted bets within a racecourse pursuant to a permit referred to in subsection (1) when a race meeting was not in progress at the racecourse; and
- (b) a race meeting is subsequently held at the racecourse on the same day,

the group may continue to accept bets pursuant to the permit while the race meeting is in progress.

(7) A permit granted to a group under this section will be taken, for the purposes of this Act and any other Act, to have been granted to each member of the group.

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**Racing Act 1976**

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**Revocation of permit**

**112B.** RIDA may, as an administrative act, revoke a permit under this Part.

**Operation of bookmakers on racecourses**

**113.** (1) A bookmaker who holds a permit under this Part to accept bets on races or approved events made on a day and within a racecourse specified in the permit (whether he or she holds the permit individually or as a member of a group) is entitled to accept bets on that day within that racecourse in accordance with this Act and the licence and permit granted to the bookmaker if he or she has paid the prescribed fee—

- (a) where a race meeting is being conducted on that day at that racecourse—to the racing club conducting the meeting; or
- (b) where a race meeting is not being conducted at that racecourse—to the racing club that normally conducts race meetings at that racecourse.

(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; or
- (b) if the bodies referred to in paragraph (a) fail to agree on 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) 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 RIDA of percentage of money bet with bookmakers**

**114.** (1) Every bookmaker must, not later than 3 p.m. on each Thursday, pay to RIDA in respect of bets made with him or her 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 or her on any racecourse situated within the metropolitan area or in any registered premises—
  - (i) in respect of races held within the State—
    - (A) during the financial year commencing on 1 July 1993—an amount equal to 2.07 per cent of the amount paid or payable to the bookmaker in respect of those bets;
    - (B) during the financial year commencing on 1 July 1994—an amount equal to 1.82 per cent of the amount paid or payable to the bookmaker in respect of those bets;
    - (C) on or after 1 July 1995—an amount equal to 1.57 per cent of the amount paid or payable to the bookmaker in respect of those bets;

- (ii) in respect of races held outside the State—
    - (A) during the financial year commencing on 1 July 1993—an amount equal to 2.67 per cent of the amount paid or payable to the bookmaker in respect of those bets;
    - (B) during the financial year commencing on 1 July 1994—an amount equal to 2.42 per cent of the amount paid or payable to the bookmaker in respect of those bets;
    - (C) on or after 1 July 1995—an amount equal to 2.17 per cent of the amount paid or payable to the bookmaker in respect of those bets;
- (b) in respect of bets made with him or her on any racecourse situated outside the metropolitan area—
  - (i) in respect of races held within the State—
    - (A) during the financial year commencing on 1 July 1993—an amount equal to 1.87 per cent of the amount paid or payable to the bookmaker in respect of those bets;
    - (B) during the financial year commencing on 1 July 1994—an amount equal to 1.62 per cent of the amount paid or payable to the bookmaker in respect of those bets;
    - (C) on or after 1 July 1995—an amount equal to 1.4 per cent of the amount paid or payable to the bookmaker in respect of those bets;
  - (ii) in respect of races held outside the State—
    - (A) during the financial year commencing on 1 July 1993—an amount equal to 2.47 per cent of the amount paid or payable to the bookmaker in respect of those bets;
    - (B) during the financial year commencing on 1 July 1994—an amount equal to 2.22 per cent of the amount paid or payable to the bookmaker in respect of those bets;
    - (C) on or after 1 July 1995—an amount equal to 1.97 per cent of the amount paid or payable to the bookmaker in respect of those bets.

(2) A bookmaker is not liable to pay the amount under subsection (1) 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 RIDA in respect of bets made with the bookmaker on approved events during the week that ended at midnight on the Saturday next preceding that Thursday—

- (a) in respect of bets made during the financial year commencing on 1 July 1993—an amount equal to 2.25 per cent of the amount paid or payable to the bookmaker in respect of those bets;

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- (b) in respect of bets made during the financial year commencing on 1 July 1994—an amount equal to 2 per cent of the amount paid or payable to the bookmaker in respect of those bets;
- (c) in respect of bets made on or after 1 July 1995—an amount equal to 1.75 per cent of the amount paid or payable to the bookmaker in respect of those bets.

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

(4a) For the purposes of this section a bet made with a group of bookmakers will be taken to have been made with a single bookmaker and the amount of the bet will be taken to have been paid, or to be payable, to a single bookmaker.

(5) RIDA 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—
  - (i) where a race meeting was conducted at that racecourse on that day—a payment to the racing club conducting the meeting of an amount equal to 1.4 per cent of the amount of those bets;
  - (ii) where a race meeting was not conducted at that racecourse on that day—a payment to the racing club that normally conducts race meetings at that racecourse of an amount equal to 1.4 per cent of the amount 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 cent of the amount paid or payable to bookmakers in respect of those bets;
- (c) in respect of bets made on an approved 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 cent 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 RIDA 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 RIDA pursuant to this section in respect of those bets.

**Betting tickets**

**115.** A bookmaker must, on accepting a cash bet with a person on a race-result or the result of an approved event, issue and deliver to the person a betting ticket in the prescribed form.

**Recovery of amounts payable by bookmakers**

**116.** (1) An amount payable by a bookmaker to RIDA under this Part is a debt due to RIDA and may be recovered by RIDA in any court of competent jurisdiction.

(2) Every bookmaker must, not later than 3 p.m. on each Thursday, forward to RIDA a return, in such form as RIDA may approve, setting out such matters as are prescribed.

(3) A bookmaker must not forward a return referred to in subsection (2) that is false or misleading in any material particular.

**Licensed bookmakers required to hold permits**

**117.** \* \* \* \* \*

(1a) A person who holds a licence under this Part and who accepts bets without being authorised to do so by a permit granted by RIDA under this Part is guilty of an offence.

Maximum penalty: \$50 000 or imprisonment for 4 years.

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**Effect of licence**

**118.** (1) A person who holds a licence under this Part to act as a bookmaker is not guilty of an offence against any Act by reason only that he or she accepts bets on races or approved events made on a day and within a racecourse or at an approved sporting venue, or in registered premises, in respect of which he or she 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 is not 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).

(3) A person who holds a licence under this Part to act as the clerk of a licensed bookmaker is not guilty of an offence against any Act by reason only that he or she acts as the clerk of the licensed bookmaker in accordance with this Act and the conditions, if any, attached to the licence.

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(5) A person who is not less than eighteen years of age is not guilty of an offence against any Act by reason only that he or she makes a bet with a bookmaker who may lawfully accept that bet.

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**Prohibition of certain information as to racing or betting**

**119.** (1) Subject to this section, a person must 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 event within or outside Australia.

Maximum penalty: \$5 000.

(2) Subsection (1) does not apply to any communication published in a newspaper or broadcast by radio or television.

(3) Subject to this Act, a person who is, or was, within a racecourse or an approved sporting venue during a period when bookmakers are, or were, accepting bets on races or approved events must not, before the end of that period, communicate to a person who is outside the racecourse or approved sporting venue any information or advice as to the betting under this Part at that racecourse or venue.

Maximum penalty: \$5 000.

(3a) In subsection (3)—

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

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

(4) This section does not apply in relation to TAB in the performance of its functions under this Act.

**RIDA may give or authorise information as to betting**

**120.** (1) RIDA 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 event held or to be held within or outside Australia.

(2) RIDA may, on granting an authority under subsection (1), attach to the authority such conditions as it considers appropriate.

(3) RIDA 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) RIDA may, as an administrative act, by notice in writing to the person granted an authority under this section, cancel the authority and the authority will cease to have any effect.

(5) A person granted an authority under this section is not guilty of an offence against this Act or any other Act by reason only that he or she 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) RIDA may hold on behalf of the person entitled thereto the amount payable on a bet that is unclaimed and is paid to RIDA in accordance with the rules made by RIDA 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, RIDA must, subject to those rules, pay the amount to that person.

(2) If an amount held by RIDA is not paid by RIDA within the period of 12 months under subsection (1), RIDA must pay the amount to the Treasurer for the credit of the Consolidated Account.

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**Rules relating to bookmakers**

**124.** (1) RIDA may make rules for any of the following purposes:

- (a) to prescribe any matter or thing relating to the general administration of this Part; and
- (b) to prescribe any matter or thing relating to the licensing of bookmakers, or bookmakers' clerks; and
- (c) to prescribe any matter or thing relating to the registration of premises; and
- (d) to prescribe any matter or thing relating to the conduct of bookmakers, or bookmakers' clerks; and
- (e) to regulate betting by and with bookmakers; and
- (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; and
- (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; and
- (h) to prohibit or restrict advertising by bookmakers; and
- (i) to prescribe fees in respect of any licence, registration, authority or service granted or provided by RIDA; and
- (j) to prescribe penalties not exceeding \$5 000 for contravention of, or failure to comply with, any rule.

(2) Rules made under subsection (1) may confer powers or impose duties on RIDA or any other person.

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**Racing Act 1976****PART 6  
MISCELLANEOUS**

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**Hospitals Fund**

**146.** (1) The Fund entitled the "Hospitals Fund" and established at the Treasury continues in existence under that name.

(2) The Hospitals Fund consists of the following money:

(a) the money in the Fund immediately before the commencement of this Act; and

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(c) the money paid by TAB and authorised racing clubs to the Treasurer and credited to the Fund pursuant to section 78; and

(d) money credited to the Fund under any other provision of this Act; and

(e) any other money paid into the Fund pursuant to any other Act.

(3) The Hospitals Fund must be applied as follows:

(a) firstly, in payment towards the payment of dividends on totalizator bets pursuant to section 78; and

(b) secondly, in the debiting to the Fund and crediting to the Consolidated Account of amounts approved by the Treasurer towards amounts appropriated by Parliament and paid from the Consolidated Account for the purposes of the provision, maintenance, development or improvement of public hospitals or equipment for public hospitals.

**Special conditions of appointment to bodies incorporated under Act**

**146A.** (1) No member of a body corporate established under this Act may, 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) A member of a body corporate established under this Act must, except when the body is required to give effect to a direction of the Minister, make a decision in the performance or discharge of functions, powers or duties as such a member according to his or her own opinion or belief and not according to the directions of any other person or body.

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

**147.** (1) A controlling authority may, at its discretion, by notice in writing served on any person, require that person not to enter on 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), it must 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 must not fail to comply with the requirements of a notice served on him or her under subsection (1).

Maximum penalty: \$1 250.

**Power of racing clubs to remove persons from racecourses**

**148.** (1) A registered racing club may, at its discretion, by notice in writing served on any person, require that person not to enter on 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 on 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 on the racecourse during the day on which the notice is given.

(3) Where a person fails to comply with the requirements of a notice served on or given to him or her 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 must, 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 despite the fact that it has granted that person a right to be present on the racecourse and no liability attaches 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 or her 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 must be paid or tendered to that person.

**Betting with infants**

**149.** (1) A person who is authorised pursuant to this Act to accept bets must 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.

Maximum penalty: \$750.

(2) Despite subsection (1), it is a defence to a charge of an offence against that subsection, if the defendant proves that he or she 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 must not make any bet with a person who is authorised pursuant to this Act to accept bets.

Maximum penalty: \$250.

**Racing Act 1976**

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**Offences by bodies corporate**

152. If a body corporate is guilty of an offence against this Act, a person concerned in the management of the body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that he or she 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.

**Racing Act 1976****SCHEDULE 1***Act Repealed**Dog-Racing Control Act 1966-1967.***SCHEDULE 2***Acts Amended*

| First Column<br>Act Amended             | Second Column<br>How Amended                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Third Column<br>New Citation            |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| <i>Lottery and Gaming Act 1936-1975</i> | <p>Section 2—<br/>Strike out—<br/>"PART 3—Totalizator.<br/>PART 3A—The Totalizator Agency Board.<br/>PART 3B—Trotting Control Board.<br/>PART 4—Licensing of Bookmakers.<br/>PART 4A—Racecourses Development Board."</p> <p>Section 4—<br/>Strike out the definition of "board".<br/>Strike out the definition of "chairman".<br/>Strike out the definition of "controlling authority".<br/>Strike out the definition of "horse race".<br/>Strike out the definition of "multiple betting".<br/>Strike out the definition of "racecourse".<br/>Strike out the definition of "race meeting".<br/>Strike out the definition of "racing club".<br/>Strike out the definition of "the Executive Committee of the League".<br/>Strike out the definition of "the Fund".<br/>Strike out the definition of "the League".<br/>Strike out the definition of "the Totalizator Agency Board".<br/>Strike out the definition of "the Trotting Control Board".<br/>Strike out the definition of "totalizator".<br/>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".</p> <p>PART 3—<br/>PART 3 (comprising sections 15 to 31 inclusive) is repealed.</p> <p>PART 3A—<br/>PART 3A (comprising sections 31A to 31V inclusive) is repealed.</p> <p>PART 3B—<br/>PART 3B (comprising sections 31W to 31XK inclusive) is repealed.</p> <p>PART 4—<br/>PART 4 (comprising sections 32 to 48B inclusive) is repealed.</p> | <i>Lottery and Gaming Act 1936-1976</i> |

*Stamp Duties Act  
1923-1975*

PART 4A—  
PART 4A (comprising sections 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".

Section 62(3)—  
Strike out ", except the settling of bets made on a  
racecourse in accordance with Part 4 of this Act and  
the terms of a licence issued thereunder" and insert  
"except the settling of bets made lawfully under the  
*Racing Act 1976*".

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.

Schedule 3—  
Schedule 3 is repealed.

Schedule 5—  
Schedule 5 is repealed.

PART 3—  
The sub-heading "*Totalizators*" 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.

*Stamp Duties Act  
1923-1976*

**Racing Act 1976**

## Section 89A—

Section 89A is repealed.

## Section 90—

Section 90 is repealed.

## SCHEDULE 2—

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.

TOTALIZATOR AGENCY BOARD—Subject to sections 31Q and 31R of the *Lottery and Gaming Act 1936-1966*, 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.

**SCHEDULE 3***Transitional Provisions*

1. The amount standing to the credit of the Dividends Adjustment Account immediately before the commencement of the *Racing (Dividend Adjustment) Amendment Act 1992* will be credited to the Hospitals Fund.

2. The offices of the members of The South Australian Totalizator Agency Board are vacated on the commencement of the *Racing (TAB) Amendment Act 1996*.

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**Racing Act 1976**

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**APPENDIX****LEGISLATIVE HISTORY****Transitional Provisions**

*(Transitional provisions from Racing (Miscellaneous) Amendment Act 1996, Sched. 2)*

**RIDA and Bookmakers Licensing Board**

1. (1) Subject to any direction in writing by the Minister, the assets and liabilities of the Bookmakers Licensing Board immediately before the commencement of this clause are transferred to and vested in RIDA.

(2) A person employed by the Bookmakers Licensing Board immediately before the commencement of this clause is transferred to the employment of RIDA.

(3) An employee transferred to the employment of RIDA under this clause will have rights and liabilities in respect of his or her employment with RIDA that are the same as or equivalent to those that would apply if the employee continued in the employment of the Bookmakers Licensing Board.

(4) Subclause (3) applies subject to any industrial or enterprise award, determination or agreement that may become binding on RIDA after the commencement of this clause.

(5) A reference in an Act, instrument or document to the Bookmakers Licensing Board is (where the context admits) to be read as a reference to RIDA.

(6) A licence, registration, permit or authority in force under Part 4 of the principal Act immediately before the commencement of this clause continues in force (subject to that Part) as if it had been granted by RIDA.

(7) Rules made by the Bookmakers Licensing Board and in force under Part 4 of the principal Act immediately before the commencement of this clause continue in force (subject to that Part) as if they had been made by RIDA.

(8) Proceedings or processes commenced by or in relation to the Bookmakers Licensing Board before the commencement of this clause may be continued and completed by or in relation to RIDA.

**RIDA and Racecourses Development Board**

2. (1) Subject to any direction in writing by the Minister, the assets and liabilities of the Racecourses Development Board immediately before the commencement of this clause are transferred to and vested in RIDA.

(2) A reference in an Act, instrument or document to the Racecourses Development Board is (where the context admits) to be read as a reference to RIDA.

(3) Proceedings or processes commenced by or in relation to the Racecourses Development Board before the commencement of this clause may be continued and completed by or in relation to RIDA.

**RIDA and Office for Recreation, Sport and Racing**

3. (1) A person employed in the Public Service in the Office for Recreation, Sport and Racing is, if the Minister so directs in writing, transferred to the employment of RIDA.

(2) An employee transferred to the employment of RIDA under this clause will have rights and liabilities in respect of his or her employment with RIDA that are the same as or equivalent to those that would apply if the employee continued in employment in the Public Service.

(3) Subclause (2) applies subject to any industrial or enterprise award, determination or agreement that may become binding on RIDA after the commencement of this clause.



**RIDA Fund and Racing Grounds Development Funds**

4. The money in the following funds immediately before the commencement of this clause:

- (a) the Horse Racing Grounds Development Fund;
- (b) the Harness Racing Grounds Development Fund;
- (c) the Greyhound Racing Grounds Development Fund,

is credited to the RIDA Fund.

**SATRA and SAJC Committee**

5. (1) An approval granted by the Committee of the South Australian Jockey Club Incorporated and in force under Division 1 of Part 2 of the principal Act immediately before the commencement of this clause continues in force (subject to that Division) as if it had been granted by SATRA.

(2) SATRA may make as rules under Division 1 of Part 2 of the principal Act any transitional provisions relating to the regulation or control of horse racing that SATRA considers are required in consequence of its establishment as the controlling authority for horse racing in place of the Committee of the South Australian Jockey Club Incorporated.

**SAHRA and South Australian Harness Racing Board**

6. (1) SAHRA is the same body corporate as the South Australian Harness Racing Board.

(2) A reference in an Act, instrument or document to the South Australian Harness Racing Board is (where the context admits) to be read as a reference to SAHRA.

(3) The offices of the persons holding office as members of the South Australian Harness Racing Board under Division 2 of Part 2 of the principal Act immediately before the commencement of this clause are vacated.

**SAGRA and South Australian Greyhound Racing Board**

7. (1) SAGRA is the same body corporate as the South Australian Greyhound Racing Board.

(2) A reference in an Act, instrument or document to the South Australian Greyhound Racing Board is (where the context admits) to be read as a reference to SAGRA.

(3) The offices of the persons holding office as members of the South Australian Greyhound Racing Board under Division 3 of Part 2 of the principal Act immediately before the commencement of this clause are vacated.

**Acts Interpretation Act not affected**

8. The *Acts Interpretation Act 1915* applies, except to the extent of any inconsistency with this schedule, to the amendments effected by this Act.

**Legislative History**

*(entries in bold type indicate amendments incorporated since the last reprint)*

|             |                                                                                                                                         |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Long title: | amended by 40, 1985, s. 2; 51, 1986, s. 2; 25, 1994, s. 3                                                                               |
| Section 2:  | repealed by 15, 1996, Sched. 1                                                                                                          |
| Section 3:  | amended by 87, 1981, s. 3; 40, 1985, s. 3; repealed by 51, 1986, s. 3                                                                   |
| Section 4:  | amended by 40, 1985, s. 4; repealed by 15, 1996, Sched. 1                                                                               |
| Section 5:  | redesignated as s. 5(1) by 87, 1981, s. 4(h)<br>definition of "authorised racing club" amended by 40, 1985, s. 5(a); 15, 1996, Sched. 1 |

**Racing Act 1976**

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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); repealed by 15, 1996, s. 3(a)

definition of "controlling authority" amended by 87, 1981, s. 4(a); 91, 1988, s. 3(c); substituted by 15, 1996, s. 3(b)

definition of "dividend" amended by 40, 1985, s. 5(b); substituted by 51, 1986, s. 4(a)

definition of "the Dividends Adjustment Account" repealed by 15, 1996, Sched. 1

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); amended by 15, 1996, s. 3(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); repealed by 15, 1996, 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); repealed by 15, 1996, s. 3(e)

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 "Hospitals Fund" substituted by 15, 1996, s. 3(f)

definition of "interstate bet" inserted by 103, 1995, s. 3; amended by 15, 1996, s. 3(g)

definition of "interstate TAB" inserted by 19, 1992, s. 3(a); repealed and definition of "interstate totalizator authority" inserted in its place by 25, 1994, s. 4

definition of "on-course bet" and "on-course betting" amended by 71, 1984, s. 3

definition of "quinella" inserted by 19, 1992, s. 3(b)

definition of "race" or "racing" amended by 87, 1981, s. 4(d); 91, 1988, s. 3(e)

definition of "the Racecourses Development Board" repealed by 15, 1996, s. 3(h)

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 "racing year" amended by 15, 1996, Sched. 1

definition of "Recreation and Sport Fund" inserted by 15, 1996, s. 3(i)

|                                                                                                                                                                                                                    |                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                    | 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); 15, 1996, s. 3(j) |
|                                                                                                                                                                                                                    | definition of "registered harness racing club" inserted by 91, 1988, s. 3(h); amended by 15, 1996, s. 3(k)                                                                                           |
|                                                                                                                                                                                                                    | definition of "registered horse racing club" amended by 15, 1996, s. 3(l)                                                                                                                            |
|                                                                                                                                                                                                                    | definition of "registered racing club" amended by 87, 1981, s. 4(g); substituted by 91, 1988, s. 3(i)                                                                                                |
|                                                                                                                                                                                                                    | definitions of "RIDA" and "RIDA Fund" inserted by 15, 1996, s. 3(m)                                                                                                                                  |
|                                                                                                                                                                                                                    | definition of "SAGRA" inserted by 15, 1996, s. 3(m)                                                                                                                                                  |
|                                                                                                                                                                                                                    | definition of "SAGRA Fund" inserted by 15, 1996, s. 3(m)                                                                                                                                             |
|                                                                                                                                                                                                                    | definition of "SAHRA" inserted by 15, 1996, s. 3(m)                                                                                                                                                  |
|                                                                                                                                                                                                                    | definition of "SAHRA Fund" inserted by 15, 1996, s. 3(m)                                                                                                                                             |
|                                                                                                                                                                                                                    | definition of "SATRA" inserted by 15, 1996, s. 3(m)                                                                                                                                                  |
|                                                                                                                                                                                                                    | definition of "SATRA Fund" inserted by 15, 1996, s. 3(m)                                                                                                                                             |
|                                                                                                                                                                                                                    | definition of "registered trotting club" repealed by 91, 1988, s. 3(i)                                                                                                                               |
|                                                                                                                                                                                                                    | definition of "the Totalizator Agency Board" repealed and definition of "TAB" inserted in its place by 15, 1996, s. 3(n)                                                                             |
|                                                                                                                                                                                                                    | 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); amended by 15, 1996, s. 3(o)                                                                                   |
|                                                                                                                                                                                                                    | 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); amended by 15, 1996, s. 3(p)                                            |
|                                                                                                                                                                                                                    | definition of "winning bet dividend" amended by 40, 1985, s. 5(i)                                                                                                                                    |
| Section 5(2):                                                                                                                                                                                                      | inserted by 87, 1981, s. 4(h); repealed by 91, 1988, s. 3(k)                                                                                                                                         |
| Section 5A:                                                                                                                                                                                                        | inserted by 71, 1984, s. 4; repealed by 15, 1996, Sched. 1                                                                                                                                           |
|                                                                                                                                                                                                                    |                                                                                                                                                                                                      |
| Part 1A comprising ss. 6 - 22 and heading inserted by 15, 1996, s. 4                                                                                                                                               |                                                                                                                                                                                                      |
|                                                                                                                                                                                                                    |                                                                                                                                                                                                      |
| Part 1B comprising ss. 23, 24 and heading inserted by 15, 1996, s. 4                                                                                                                                               |                                                                                                                                                                                                      |
|                                                                                                                                                                                                                    |                                                                                                                                                                                                      |
| Part 2 comprising ss. 6 - 41 and headings amended by 49, 1978, s. 3; 87, 1981, ss. 5-16; 91, 1988, ss. 4-17, Sched.; 29, 1993, s. 3; repealed and ss. 25 - 41 and headings inserted in its place by 15, 1996, s. 4 |                                                                                                                                                                                                      |
|                                                                                                                                                                                                                    |                                                                                                                                                                                                      |
| Part 2A comprising ss. 41A - 41N and heading inserted by 91, 1988, s. 18                                                                                                                                           |                                                                                                                                                                                                      |
|                                                                                                                                                                                                                    |                                                                                                                                                                                                      |
| Section 41A:                                                                                                                                                                                                       | definition of "the Registrar" substituted by 25, 1994, s. 5; amended by 15, 1996, s. 5                                                                                                               |
| Section 41C(1):                                                                                                                                                                                                    | amended by 25, 1994, s. 6                                                                                                                                                                            |
| Section 41F:                                                                                                                                                                                                       | substituted by 25, 1994, s. 7                                                                                                                                                                        |
| Section 41F(2):                                                                                                                                                                                                    | amended by 15, 1996, s. 6                                                                                                                                                                            |
| Section 41G:                                                                                                                                                                                                       | amended by 29, 1991, s. 3                                                                                                                                                                            |

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|-------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Section 41I(1):               | amended by 29, 1991, s. 4(a)                                                                                           |
| Section 41I(9a):              | inserted by 29, 1991, s. 4(b)                                                                                          |
| Section 41J(2):               | amended by 15, 1996, Sched. 1                                                                                          |
| 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 42:                   | amended by 4, 1996, s. 3; repealed by 15, 1996, Sched. 1                                                               |
| Section 43(1):                | substituted by 15, 1996, Sched. 1                                                                                      |
| Section 43(2):                | amended by 15, 1996, Sched. 1                                                                                          |
| Section 43(3):                | repealed by 15, 1996, Sched. 1                                                                                         |
| Section 44:                   | amended by 87, 1981, s. 17; 91, 1988, s. 19; 29, 1993, s. 4;<br>substituted by 4, 1996, s. 4                           |
| Section 44(1), (3) and (4):   | amended by 15, 1996, Sched. 1                                                                                          |
| Section 45(1):                | amended by 87, 1981, s. 18; substituted by 15, 1996, Sched. 1                                                          |
| Section 45(2):                | amended by 4, 1996, s. 5(a); 15, 1996, Sched. 1                                                                        |
| Section 45(3):                | amended by 4, 1996, s. 5(b); 15, 1996, Sched. 1                                                                        |
| Section 45(4):                | amended by 4, 1996, s. 5(c), (d)                                                                                       |
| Section 45(5):                | substituted by 4, 1996, s. 5(e)                                                                                        |
| Section 45(6):                | amended by 15, 1996, Sched. 1                                                                                          |
| Section 45(7):                | substituted by 15, 1996, Sched. 1                                                                                      |
| Section 46:                   | substituted by 15, 1996, Sched. 1                                                                                      |
| Section 47(1):                | amended by 29, 1993, s. 5; substituted by 15, 1996, Sched. 1                                                           |
| Section 47(2):                | substituted by 4, 1996, s. 6                                                                                           |
| Section 47(3) - (6):          | substituted by 15, 1996, Sched. 1                                                                                      |
| Section 48(1) and (2):        | amended by 15, 1996, Sched. 1                                                                                          |
| Section 49:                   | substituted by 15, 1996, Sched. 1                                                                                      |
| Section 50:                   | amended by 91, 1988, Sched.; substituted by 15, 1996, Sched. 1                                                         |
| Section 51(1):                | amended by 71, 1984, s. 5; 40, 1985, s. 7(a); 51, 1986,<br>s. 6(a), (b); 15, 1996, Sched. 1                            |
| Section 51(2):                | amended by 40, 1985, s. 7(b)-(d); 51, 1986, s. 6(c), (d);<br>15, 1996, Sched. 1                                        |
| Section 51(2)(da):            | repealed by 51, 1986, s. 6(d)                                                                                          |
| Section 51(3):                | inserted by 15, 1996, s. 7                                                                                             |
| Section 52(1):                | amended and redesignated as s. 52(1) by 29, 1993, s. 6;<br>substituted by 15, 1996, Sched. 1                           |
| Section 52(2):                | inserted by 29, 1993, s. 6(b); amended by 15, 1996, Sched. 1                                                           |
| Section 53:                   | substituted by 15, 1996, Sched. 1                                                                                      |
| Section 54:                   | amended by 29, 1993, s. 7; repealed by 15, 1996, Sched. 1                                                              |
| Section 55:                   | substituted by 15, 1996, Sched. 1                                                                                      |
| Section 56:                   | amended by 114, 1980, s. 4; 87, 1981, s. 19; repealed by<br>40, 1985, s. 8                                             |
| Section 57:                   | amended by 15, 1996, Sched. 1                                                                                          |
| Sections 58 and 59:           | substituted by 15, 1996, Sched. 1                                                                                      |
| Section 60(1) and (2):        | amended by 15, 1996, Sched. 1                                                                                          |
| Section 60(3):                | substituted by 15, 1996, Sched. 1                                                                                      |
| Section 61(1):                | amended by 40, 1985, s. 9; 15, 1996, Sched. 1                                                                          |
| Section 61(2):                | substituted by 15, 1996, Sched. 1                                                                                      |
| Section 62(1):                | amended by 40, 1985, s. 10(a); 15, 1996, Sched. 1                                                                      |
| Section 62(2):                | substituted by 87, 1981, s. 20; 40, 1985, s. 10(b); 51, 1986,<br>s. 7(a); amended by 15, 1996, Sched. 1                |
| Section 62(3):                | amended by 40, 1985, s. 10(c); 51, 1986, s. 7(b); 15, 1996,<br>Sched. 1                                                |
| Heading preceding section 63: | substituted by 40, 1985, s. 11                                                                                         |
| Section 63:                   | amended by 87, 1981, s. 21; substituted by 71, 1984, s. 6;<br>amended by 30, 1986, s. 3; substituted by 29, 1993, s. 8 |
| Section 63(3):                | amended by 15, 1996, s. 8(a)                                                                                           |
| Section 63(5):                | amended by 15, 1996, s. 8(b)                                                                                           |
| Section 63(6):                | amended by 15, 1996, s. 8(c)                                                                                           |

|                          |                                                                                                                                                              |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 63(7):           | amended by 15, 1996, s. 8(d)                                                                                                                                 |
| Section 63A:             | inserted by 30, 1986, s. 4; repealed by 29, 1993, s. 8                                                                                                       |
| Section 64:              | amended by 87, 1981, s. 22; substituted by 71, 1984, s. 6; 29, 1993, s. 8; amended by 15, 1996, s. 9                                                         |
| Section 65:              | amended by 87, 1981, s. 23; repealed by 71, 1984, s. 6; inserted by 29, 1993, s. 8; amended by 15, 1996, s. 10                                               |
| Section 66:              | repealed by 114, 1980, s. 5                                                                                                                                  |
| Section 67(1):           | amended by 40, 1985, s. 12; 15, 1996, Sched. 1                                                                                                               |
| Section 67(2):           | amended by 15, 1996, Sched. 1                                                                                                                                |
| Section 67(3):           | substituted by 15, 1996, Sched. 1                                                                                                                            |
| Section 68(1):           | amended by 70, 1987, s. 3; amended and redesignated as s. 68(1) by 19, 1992, s. 4; amended by 25, 1994, s. 8(a), (b); 103, 1995, s. 4(a); 15, 1996, Sched. 1 |
| Section 68(1)(a)-(c):    | repealed by 103, 1995, s. 4(a)                                                                                                                               |
| Section 68(2):           | inserted by 19, 1992, s. 4(b); amended by 25, 1994, s. 8(c); substituted by 103, 1995, s. 4(b); amended by 15, 1996, Sched. 1                                |
| Section 69:              | substituted by 114, 1980, s. 6; 40, 1985, s. 13                                                                                                              |
| Section 69(1):           | amended by 70, 1987, s. 4; 41, 1992, s. 3; 58, 1995, s. 3(a)-(e); substituted by 103, 1995, s. 5; amended by 15, 1996, Sched. 1                              |
| Section 69(1a):          | inserted by 103, 1995, s. 5; amended by 15, 1996, s. 11(a), (b), Sched. 1                                                                                    |
| Section 69(2):           | amended by 30, 1986, s. 5(a); 91, 1988, s. 20; 25, 1994, s. 9(a); 15, 1996, s. 11(c), Sched. 1                                                               |
| Section 69(2a):          | inserted by 30, 1986, s. 5(b); substituted by 25, 1994, s. 9(b); repealed by 58, 1995, s. 3(f)                                                               |
| Section 69(2b) and (2c): | inserted by 25, 1994, s. 9(b); repealed by 58, 1995, s. 3(f)                                                                                                 |
| Section 69(3):           | substituted by 15, 1996, s. 11(d)                                                                                                                            |
| Section 69(4):           | repealed by 15, 1996, s. 11(d)                                                                                                                               |
| Section 69A:             | inserted by 30, 1986, s. 6; repealed by 29, 1993, s. 9                                                                                                       |
| Section 70(1):           | amended by 114, 1980, s. 7; 30, 1986, s. 7(a); substituted by 70, 1987, s. 5; amended by 41, 1992, s. 4; 15, 1996, s. 12(a), Sched. 1                        |
| Section 70(1a):          | inserted by 29, 1993, s. 10; amended by 15, 1996, s. 12(b)                                                                                                   |
| Section 70(1b):          | amended by 15, 1996, s. 12(c)                                                                                                                                |
| Section 70(1c):          | inserted by 29, 1993, s. 10                                                                                                                                  |
| Section 70(2):           | substituted by 15, 1996, s. 12(d)                                                                                                                            |
| Section 70(3):           | substituted by 30, 1986, s. 7(b); amended by 15, 1996, Sched. 1                                                                                              |
| Section 70(3a):          | inserted by 30, 1986, s. 7(b); amended by 15, 1996, Sched. 1                                                                                                 |
| Section 70(4):           | amended by 15, 1996, Sched. 1                                                                                                                                |
| Section 71(1) - (3):     | substituted by 114, 1980, s. 8; amended by 15, 1996, Sched. 1                                                                                                |
| Section 72:              | amended by 40, 1985, s. 14; 15, 1996, Sched. 1                                                                                                               |
| Section 73(1):           | amended by 40, 1985, s. 15(a), (b); 15, 1996, Sched. 1                                                                                                       |
| Section 73(2):           | amended by 40, 1985, s. 15(b), (c); 15, 1996, Sched. 1                                                                                                       |
| Section 73(3):           | amended by 15, 1996, Sched. 1                                                                                                                                |
| Section 73(4):           | amended by 40, 1985, s. 15(d); 15, 1996, Sched. 1                                                                                                            |
| Section 74:              | amended by 40, 1985, s. 16; 15, 1996, Sched. 1                                                                                                               |
| Section 75:              | amended by 40, 1985, s. 17; substituted by 41, 1992, s. 5; 103, 1995, s. 6                                                                                   |
| Section 76:              | amended by 7, 1983, s. 3; 41, 1992, s. 6; substituted by 103, 1995, s. 7                                                                                     |
| Section 76(1):           | amended by 15, 1996, Sched. 1                                                                                                                                |
| Section 76(2):           | amended by 15, 1996, s. 13, Sched. 1                                                                                                                         |
| Section 77:              | substituted by 41, 1992, s. 7; amended by 15, 1996, s. 14                                                                                                    |
| Section 78(1):           | amended by 103, 1995, s. 8(a); 15, 1996, Sched. 1                                                                                                            |
| Section 78(1a):          | inserted by 103, 1995, s. 8(b); amended by 15, 1996, Sched. 1                                                                                                |
| Section 78(2):           | amended by 15, 1996, Sched. 1                                                                                                                                |

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| Section 78(3):                                                                        | substituted by 7, 1983, s. 4(a); amended by 15, 1996, s. 15, Sched. 1                                                                                                                                                                    |
| Section 78(3a):                                                                       | inserted by 7, 1983, s. 4(a); amended by 15, 1996, Sched. 1                                                                                                                                                                              |
| Section 78(4):                                                                        | amended by 7, 1983, s. 4(b); 103, 1995, s. 8(c); 15, 1996, Sched. 1                                                                                                                                                                      |
| Section 79:                                                                           | amended by 40, 1985, s. 18; 91, 1988, Sched.; repealed by 15, 1996, s. 16                                                                                                                                                                |
| Section 80(1):                                                                        | amended by 40, 1985, s. 19; 15, 1996, Sched. 1                                                                                                                                                                                           |
| Section 80(2):                                                                        | amended by 40, 1985, s. 19(a); 15, 1996, Sched. 1                                                                                                                                                                                        |
| Section 81:                                                                           | amended by 40, 1985, s. 20; repealed by 29, 1993, s. 11                                                                                                                                                                                  |
| Section 82(1):                                                                        | amended by 40, 1985, s. 21; 15, 1996, Sched. 1                                                                                                                                                                                           |
| Section 82(2):                                                                        | amended by 15, 1996, Sched. 1                                                                                                                                                                                                            |
| Section 82A:                                                                          | inserted by 19, 1992, s. 5                                                                                                                                                                                                               |
| Section 82A(1):                                                                       | amended by 25, 1994, s. 10(a), (b); 103, 1995, s. 9(a); 15, 1996, Sched. 1                                                                                                                                                               |
| Section 82A(2):                                                                       | substituted by 103, 1995, s. 9(b)                                                                                                                                                                                                        |
| Section 82A(3):                                                                       | amended by 15, 1996, Sched. 1                                                                                                                                                                                                            |
| <b>Section 82A(4):</b>                                                                | <b>amended by 25, 1994, s. 10(c), (d); 15, 1996, Sched. 1; 17, 1997, s. 3(a), (b)</b>                                                                                                                                                    |
| <b>Section 82A(4a):</b>                                                               | <b>inserted by 17, 1997, s. 3(c)</b>                                                                                                                                                                                                     |
| Section 82A(5):                                                                       | amended by 15, 1996, Sched. 1                                                                                                                                                                                                            |
| Section 82A(6):                                                                       | amended by 25, 1994, s. 10(e), (f); 15, 1996, Sched. 1                                                                                                                                                                                   |
| Section 82A(7):                                                                       | amended by 103, 1995, s. 9(c); 15, 1996, s. 17, Sched. 1                                                                                                                                                                                 |
| Section 82A(8) and (9):                                                               | amended by 15, 1996, Sched. 1                                                                                                                                                                                                            |
| Section 82B:                                                                          | inserted by 103, 1995, s. 10                                                                                                                                                                                                             |
| Section 82B(1) and (3):                                                               | amended by 15, 1996, Sched. 1                                                                                                                                                                                                            |
| Section 83(1):                                                                        | amended by 40, 1985, s. 22; 15, 1996, s. 18, Sched. 1                                                                                                                                                                                    |
| Section 83(2):                                                                        | amended by 91, 1988, Sched.; substituted by 15, 1996, Sched. 1                                                                                                                                                                           |
| Section 84:                                                                           | amended by 15, 1996, Sched. 1                                                                                                                                                                                                            |
| Division 3 of Part 3 comprising ss. 84A - 84J and heading inserted by 40, 1985, s. 23 |                                                                                                                                                                                                                                          |
| Section 84A(1) - (3):                                                                 | amended by 15, 1996, Sched. 1                                                                                                                                                                                                            |
| Section 84B(1) and (2):                                                               | amended by 15, 1996, Sched. 1                                                                                                                                                                                                            |
| Section 84C(1) and (2):                                                               | amended by 15, 1996, Sched. 1                                                                                                                                                                                                            |
| Section 84D(1) - (4):                                                                 | amended by 15, 1996, Sched. 1                                                                                                                                                                                                            |
| Sections 84E - 84G:                                                                   | amended by 15, 1996, Sched. 1                                                                                                                                                                                                            |
| Section 84H(1) - (3):                                                                 | amended by 15, 1996, Sched. 1                                                                                                                                                                                                            |
| Sections 84I and 84J:                                                                 | repealed and Division 4 of Part 3 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); 15, 1996, Sched. 1                                                                                                                                                                                         |
| Section 84I(2):                                                                       | repealed by 29, 1991, s. 6(b)                                                                                                                                                                                                            |
| Section 84I(3) and (4):                                                               | amended by 15, 1996, Sched. 1                                                                                                                                                                                                            |
| Section 84J(1):                                                                       | amended by 15, 1996, Sched. 1                                                                                                                                                                                                            |
| Division 5 of Part 3 comprising ss. 84K, 84L and heading inserted by 51, 1986, s. 8   |                                                                                                                                                                                                                                          |
| Section 84L:                                                                          | amended by 15, 1996, Sched. 1                                                                                                                                                                                                            |
| Section 84K:                                                                          | amended by 91, 1988, Sched.; repealed by 15, 1996, s. 19                                                                                                                                                                                 |
| Part 4 heading:                                                                       | substituted by 91, 1988, s. 21; amended by 15, 1996, s. 20                                                                                                                                                                               |
| Section 85:                                                                           | definition of "approved sporting event" inserted by 29, 1991, s. 7(a); repealed and definition of "approved event" inserted in its place by 25, 1994, s. 11(a)<br>definition of "approved sporting venue" inserted by 25, 1994, s. 11(a) |

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|                         | definition of "the Board" substituted by 91, 1988, s. 22; repealed by 15, 1996, s. 21(a)                 |
|                         | definition of "cash bet" inserted by 29, 1993, s. 12(a)                                                  |
|                         | definition of "coursing event" repealed by 29, 1993, s. 12(b)                                            |
|                         | definition of "coursing ground" repealed by 29, 1993, s. 12(c)                                           |
|                         | definition of "coursing meeting" repealed by 29, 1993, s. 12(d)                                          |
|                         | definition of "the chairman" repealed by 15, 1996, s. 21(a)                                              |
|                         | 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 "member" repealed by 15, 1996, s. 21(a)                                                    |
|                         | definition of "prescribed foot race meeting" inserted by 98, 1982, s. 2(b)                               |
|                         | definition of "race" amended by 98, 1982, s. 2(c); 29, 1993, s. 12(e)                                    |
|                         | definition of "racecourse" amended by 98, 1982, s. 2(d); 29, 1993, s. 12(f)                              |
|                         | definition of "race meeting" amended by 98, 1982, s. 2(e); 29, 1993, s. 12(g)                            |
|                         | definition of "racing club" amended by 98, 1982, s. 2(f); 29, 1993, s. 12(h)                             |
|                         | definition of "registered premises" amended by 29, 1991, s. 7(b); 25, 1994, s. 11(b); 15, 1996, s. 21(b) |
| Section 86:             | substituted by 91, 1988, s. 23; repealed by 15, 1996, s. 22                                              |
| Sections 87 - 92:       | repealed by 15, 1996, s. 22                                                                              |
| Section 93:             | amended by 29, 1991, s. 8; 25, 1994, s. 12; repealed by 15, 1996, s. 22                                  |
| Sections 94 - 97:       | repealed by 15, 1996, s. 22                                                                              |
| Section 98:             | substituted by 15, 1996, s. 23                                                                           |
| Section 99:             | repealed by 15, 1996, s. 23                                                                              |
| Section 100(1):         | amended by 114, 1980, s. 9; 15, 1996, s. 24(a)                                                           |
| Section 100(1)(c):      | repealed by 114, 1980, s. 9                                                                              |
| Section 100(1a):        | inserted by 91, 1988, s. 24                                                                              |
| Section 100(2):         | substituted by 29, 1993, s. 13                                                                           |
| Section 100(3):         | repealed by 29, 1991, s. 9                                                                               |
| Section 100(4):         | repealed by 15, 1996, s. 24(b)                                                                           |
| Section 101(1) and (2): | amended by 15, 1996, s. 25                                                                               |
| Section 102(1) and (2): | amended by 15, 1996, s. 26                                                                               |
| Section 103(1):         | substituted by 15, 1996, Sched. 1                                                                        |
| Section 103(2) and (3): | amended by 15, 1996, s. 27(a)                                                                            |
| Section 103(4):         | amended by 15, 1996, s. 27(b)                                                                            |
| Section 103(5):         | inserted by 91, 1988, s. 25                                                                              |
| Section 104A:           | inserted by 91, 1988, s. 26                                                                              |
| Section 104(1):         | amended by 15, 1996, s. 28                                                                               |
| Section 104(2):         | amended by 15, 1996, Sched. 1                                                                            |
| Section 104A(1):        | amended by 15, 1996, s. 29(a)                                                                            |
| Section 104A(2):        | amended by 15, 1996, s. 29(b)                                                                            |
| Section 105(1):         | amended by 29, 1991, s. 10; 25, 1994, s. 13; 15, 1996, s. 30(a)                                          |
| Section 105(2):         | repealed by 83, 1982, s. 2                                                                               |
| Section 105(3):         | repealed by 15, 1996, s. 30(b)                                                                           |
| Section 106(1) and (2): | amended by 15, 1996, s. 31                                                                               |
| Section 107(1) and (2): | amended by 15, 1996, s. 32                                                                               |
| Section 108:            | amended by 91, 1988, Sched.; 15, 1996, Sched. 1                                                          |
| Section 109(1):         | substituted by 15, 1996, Sched. 1                                                                        |
| Section 109(2) and (3): | amended by 15, 1996, s. 33(a)                                                                            |
| Section 109(4):         | amended by 15, 1996, s. 33(b)                                                                            |
| Section 110(1):         | amended by 15, 1996, s. 34                                                                               |
| Section 110(2):         | amended by 15, 1996, Sched. 1                                                                            |

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| Section 111:             | amended by 29, 1993, s. 14                                                                                                            |
| Section 112(1):          | amended by 29, 1991, s. 11(a); substituted by 25, 1994, s. 14;<br>amended by 15, 1996, s. 35(a)                                       |
| Section 112(1a):         | inserted by 29, 1993, s. 15(a)                                                                                                        |
| Section 112(2):          | amended by 29, 1993, s. 15(b); 15, 1996, s. 35(b), Sched. 1                                                                           |
| Section 112(3) and (4):  | amended by 15, 1996, s. 35(b)                                                                                                         |
| Section 112(5):          | amended by 98, 1982, s. 3; substituted by 29, 1991, s. 11(b);<br>amended by 29, 1993, s. 15(c); 15, 1996, s. 35(b)                    |
| Section 112(6):          | inserted by 29, 1993, s. 15(d); amended by 15, 1996, s. 35(a)                                                                         |
| Section 112A:            | inserted by 71, 1984, s. 7; substituted by 29, 1993, s. 16                                                                            |
| Section 112A(1) and (2): | amended by 15, 1996, s. 36(a)                                                                                                         |
| Section 112A(4):         | amended by 15, 1996, s. 36(a), (b)                                                                                                    |
| Section 112A(5):         | amended by 15, 1996, s. 36(a)                                                                                                         |
| Section 112A(7):         | inserted by 15, 1996, s. 36(c)                                                                                                        |
| Section 112B:            | inserted by 29, 1993, s. 16; amended by 15, 1996, s. 37                                                                               |
| Section 113(1):          | amended by 29, 1991, s. 12; substituted by 29, 1993, s. 17;<br>amended by 25, 1994, s. 15                                             |
| Section 113(2):          | amended by 15, 1996, Sched. 1                                                                                                         |
| Section 114(1):          | amended by 114, 1980, s. 10(a)-(d); 7, 1983, s. 5; 25, 1994,<br>s. 16(a), (b); 15, 1996, s. 38(a), Sched. 1                           |
| Section 114(2):          | amended by 15, 1996, Sched. 1                                                                                                         |
| Section 114(3):          | amended by 114, 1980, s. 10(e); substituted by 29, 1991, s. 13;<br>25, 1994, s. 16(c); amended by 15, 1996, s. 38(a)                  |
| Section 114(4):          | inserted by 29, 1991, s. 13; amended by 25, 1994, s. 16(d);<br>15, 1996, s. 38(a), (b)                                                |
| Section 114(4a):         | inserted by 29, 1993, s. 18(a)                                                                                                        |
| Section 114(5):          | inserted by 29, 1991, s. 13; amended by 29, 1993, s. 18(b);<br>25, 1994, s. 16(e); 15, 1996, s. 38(a), (b), Sched. 1                  |
| Section 115:             | amended by 114, 1980, s. 11; 29, 1991, s. 14; substituted by<br>29, 1993, s. 19; amended by 25, 1994, s. 17; 15, 1996,<br>Sched. 1    |
| Section 116(1):          | amended by 114, 1980, s. 12; 29, 1993, s. 20; 15, 1996, s. 39,<br>Sched. 1                                                            |
| Section 116(2):          | amended by 15, 1996, s. 39, Sched. 1                                                                                                  |
| Section 116(3):          | amended by 15, 1996, Sched. 1                                                                                                         |
| Section 117:             | substituted by 114, 1980 s. 13                                                                                                        |
| Section 117(1):          | repealed by 15, 1996, s. 40(a)                                                                                                        |
| Section 117(1a):         | inserted by 29, 1993, s. 21(a); amended by 15, 1996,<br>s. 40(b), (c)                                                                 |
| Section 117(2):          | amended by 29, 1993, s. 21(b); repealed by 15, 1996, s. 40(d)                                                                         |
| Section 117(3):          | amended by 29, 1984, s. 2(a), (b); 53, 1988, s. 2(a), (b);<br>91, 1988, Sched.; 29, 1993, s. 21(c); repealed by 15, 1996,<br>s. 40(d) |
| Section 117(4):          | amended by 29, 1984, s. 2(c); 53, 1988, s. 2(c); 91, 1988,<br>Sched.; repealed by 15, 1996, s. 40(d)                                  |
| Section 118(1):          | amended by 29, 1991, s. 15; 25, 1994, s. 18; 15, 1996, Sched. 1                                                                       |
| Section 118(2) and (3):  | amended by 15, 1996, Sched. 1                                                                                                         |
| Section 118(4):          | repealed by 114, 1980, s. 14                                                                                                          |
| Section 118(5):          | amended by 15, 1996, Sched. 1                                                                                                         |
| Section 119(1):          | amended by 91, 1988, Sched.; 29, 1991, s. 16(a); 25, 1994,<br>s. 19(a); 15, 1996, Sched. 1                                            |
| Section 119(2):          | amended by 15, 1996, Sched. 1                                                                                                         |
| Section 119(3):          | amended by 91, 1988, Sched.; 29, 1991, s. 16(b); substituted by<br>25, 1994, s. 19(b); 15, 1996, Sched. 1                             |
| Section 119(3a):         | inserted by 25, 1994, s. 19(b)                                                                                                        |
| Section 119(4):          | substituted by 15, 1996, Sched. 1                                                                                                     |
| Section 120(1):          | amended by 29, 1991, s. 17; 25, 1994, s. 20; 15, 1996, s. 41                                                                          |
| Section 120(2):          | amended by 15, 1996, s. 41, Sched. 1                                                                                                  |



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| Section 120(3):                                                                                                                                                 | amended by 15, 1996, s. 41                                                                                    |
| Section 120(4):                                                                                                                                                 | amended by 15, 1996, s. 41, Sched. 1                                                                          |
| Section 120(5):                                                                                                                                                 | amended by 29, 1993, s. 22; 15, 1996, Sched. 1                                                                |
| Section 121(1):                                                                                                                                                 | amended by 15, 1996, s. 42(a), (b), Sched. 1                                                                  |
| Section 121(2):                                                                                                                                                 | substituted by 15, 1996, s. 42(c)                                                                             |
| Sections 122 and 123:                                                                                                                                           | repealed by 15, 1996, s. 43                                                                                   |
| Section 124(1):                                                                                                                                                 | amended by 114, 1980, s. 15; amended and redesignated as s. 124(1) by 29, 1993, s. 23; 15, 1996, s. 44(a)-(c) |
| Section 124(2):                                                                                                                                                 | inserted by 29, 1993, s. 23(b); amended by 15, 1996, s. 44(d)                                                 |
| Part 5 comprising ss. 125 - 144 and heading amended by 7, 1983, ss. 6, 7; 71, 1984, s. 8; 91, 1988, ss. 27-30; 87, 1991, ss. 24-28; repealed by 15, 1996, s. 45 |                                                                                                               |
| Section 145:                                                                                                                                                    | repealed by 41, 1992, s. 8                                                                                    |
| Section 146(1):                                                                                                                                                 | amended by 15, 1996, Sched. 1                                                                                 |
| Section 146(2):                                                                                                                                                 | amended by 114, 1980, s. 16; 41, 1992, s. 9; 15, 1996, Sched. 1                                               |
| Section 146(2)(b):                                                                                                                                              | repealed by 15, 1996, Sched. 1                                                                                |
| Section 146(3):                                                                                                                                                 | amended by 15, 1996, Sched. 1                                                                                 |
| Section 146A:                                                                                                                                                   | inserted by 87, 1981, s. 29                                                                                   |
| Section 146A(1):                                                                                                                                                | amended by 15, 1996, s. 46(a)                                                                                 |
| Section 146A(2):                                                                                                                                                | substituted by 15, 1996, s. 46(b)                                                                             |
| Section 146A(3):                                                                                                                                                | repealed by 15, 1996, s. 46(b)                                                                                |
| Section 146A(4):                                                                                                                                                | amended by 91, 1988, s. 31; repealed by 15, 1996, s. 46(b)                                                    |
| Section 147(1) and (2):                                                                                                                                         | amended by 15, 1996, Sched. 1                                                                                 |
| Section 147(3):                                                                                                                                                 | amended by 91, 1988, Sched.; substituted by 15, 1996, Sched. 1                                                |
| Section 148(1) - (4):                                                                                                                                           | amended by 15, 1996, Sched. 1                                                                                 |
| Section 149(1):                                                                                                                                                 | amended by 91, 1988, Sched.; 15, 1996, Sched. 1                                                               |
| Section 149(2):                                                                                                                                                 | substituted by 15, 1996, Sched. 1                                                                             |
| Section 149(3):                                                                                                                                                 | amended by 91, 1988, Sched.; 15, 1996, Sched. 1                                                               |
| Sections 150 and 151:                                                                                                                                           | repealed by 15, 1996, Sched. 1                                                                                |
| Section 152:                                                                                                                                                    | substituted by 15, 1996, Sched. 1                                                                             |
| Schedule 3:                                                                                                                                                     | inserted by 41, 1992, s. 10                                                                                   |
| Clause 2:                                                                                                                                                       | inserted by 4, 1996, s. 7                                                                                     |