



ANNO TRICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1985

No. 40 of 1985

An Act to amend the Racing Act, 1976.

[Assented to 18 April 1985]

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

Short title.

1. (1) This Act may be cited as the "Racing Act Amendment Act, 1985".

(2) The Racing Act, 1976, is in this Act referred to as "the principal Act".

Amendment of long title.

2. The long title to the principal Act is amended by inserting after the passage "and betting thereon;" the passage "to provide for totalizator betting on football matches;".

Amendment of s. 3—
Arrangement of Act.

3. Section 3 of the principal Act is amended—

(a) by striking out the item:

PART III—TOTALIZATOR BETTING

and substituting the item:

PART III—TOTALIZATOR BETTING ON RACES AND FOOTBALL MATCHES;

and

(b) by striking out the item:

DIVISION II—CONDUCT OF TOTALIZATOR BETTING

and substituting the items:

DIVISION II—CONDUCT OF TOTALIZATOR BETTING ON RACES

DIVISION III—CONDUCT OF TOTALIZATOR BETTING ON FOOTBALL MATCHES.

Amendment of s. 4—
Repeal and transitional provisions.

4. Section 4 of the principal Act is amended—

(a) by inserting in paragraph (c) of subsection (3) after the passage "totalizator betting" secondly occurring the passage "on races";

and

(b) by inserting in paragraph (c) of subsection (3) before the passage “totalizator rules” the word “racing”.

5. Section 5 of the principal Act is amended—

Amendment of
s. 5—
interpretation.

(a) by inserting in the definition of “authorized racing club” in subsection (1) after the passage “totalizator betting” the passage “on race-results”;

(b) by inserting in the definition of “dividend” in subsection (1) after the passage “race-result” the passage “or football-result”;

(c) by inserting in subsection (1) after the definition of “double” the following definitions:

“football” means Australian rules football:

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

“football totalizator pool” means—

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

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

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

(d) by inserting in subsection (1) after the definition of “racing club” the following definitions:

“racing totalizator pool” means—

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

or

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

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

(e) by inserting in the definition of “totalizator betting” in subsection (1) after the passage “race-result”, twice occurring, the passage “or football-result”;

(f) by striking out from subsection (1) the definition of “totalizator pool” and “totalizator rules” and substituting the following definition:

“totalizator pool” means a racing totalizator pool or a football totalizator pool;

(g) by inserting in paragraph (a) of the definition of "unit" in subsection (1) after the passage "totalizator betting" the passage "on race-results or totalizator betting on football-results";

(h) by inserting in paragraph (b) of the definition of "unit" in subsection (1) after the passage "totalizator betting" the passage "on race-results";

and

(i) by inserting in the definition of "winning bet dividend" in subsection (1) after the passage "race-result" the passage "or a football-result".

Repeal of heading to Part III and substitution of new heading.

6. The heading to Part III of the principal Act is repealed and the following heading is substituted:

TOTALIZATOR BETTING ON RACES AND FOOTBALL MATCHES.

Amendment of s. 51—
Functions and powers of the Board.

7. Section 51 of the principal Act is amended—

(a) by striking out the word "and" between paragraphs (a) and (b) of subsection (1) and inserting the following word and paragraph after paragraph (b) of that subsection:

and

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

(b) by inserting in paragraph (c) of subsection (2) after the word "races" the passage "or football matches";

(c) by inserting in paragraph (d) of subsection (2) after the passage "totalizator betting" the passage "on races";

and

(d) by inserting after paragraph (d) of subsection (2) the following paragraph:

(da) enter into contracts or arrangements with the South Australian National Football League or with any other person, or body of persons, with respect to the conduct of totalizator betting on football matches and the exchange or supply of information relating thereto.;

Repeal of s. 56.

8. Section 56 of the principal Act is repealed.

Amendment of s. 61—
Premises for totalizator betting.

9. Section 61 of the principal Act is amended by striking out from subsection (1) the passage "off-course totalizator betting" and substituting the passage "totalizator betting".

Amendment of s. 62—
Acceptance of and payment on totalizator bets.

10. Section 62 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "an off-course totalizator bet other than a bet that is made" and substituting the passage "a totalizator bet unless the bet is made";

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

(2) Except as otherwise directed by the Minister, the Board shall pay the dividend on every off-course totalizator

bet on a race-result and on every totalizator bet on a football-result as soon as practicable after the completion of the race or match in relation to which the bet was made.;

and

(c) by inserting in subsection (3) after the passage "totalizator bet" the passage "on a race-result or a totalizator bet on a football-result".

11. The heading to Division II of Part III is repealed and the following heading is substituted:

CONDUCT OF TOTALIZATOR BETTING ON RACES.

Repeal of heading to Division II of Part III and substitution of new heading.

12. Section 67 of the principal Act is amended by striking out from subsection (1) the passage "the formation of totalizator pools and any other matter relating to the conduct of totalizator betting" and substituting the passage "on race-results, the formation of racing totalizator pools and any other matter relating to the conduct of totalizator betting on race-results".

Amendment of s. 67—
Totalizator rules for authorized racing clubs.

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

Repeal of s. 69 and substitution of new section.

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

Application of amount deducted under s. 68.

- (a) firstly, in payment of such amount, as the Minister directs, towards the administrative and operating expenses of the Board;
- (b) secondly, in payment of an amount equal to one per cent of the amount of totalizator bets made with the Board on doubles and multiples to the Racecourses Development Board;
- (c) thirdly, in payment into a fund to be applied towards the capital expenses of the Totalizator Agency Board of an amount equal to one per cent of the amount of the totalizator bets made with the Board on race-results;
- (d) fourthly, in payment of amounts approved by the Minister towards reserves of the Totalizator Agency Board, to be applied as the Board, with the approval of the Minister, considers necessary;

and

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

(2) The balance (if any) of the amount deducted by the Board pursuant to section 68 remaining at the end of each quarter, after deducting the amount of the payments required by subsection (1) or any other provision of this Act to be made in respect of that quarter, shall be applied as soon as practicable after the end of that quarter as follows:

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

and

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

(3) Notwithstanding the provisions of subsection (2), the Totalizator Agency Board may, with the approval of the Minister, before the expiration of a quarter make an advance to a controlling authority towards the payment, if any, to be made under that subsection to that controlling authority in respect of that quarter.

(4) Any amount paid to a controlling authority under this section shall be applied by the controlling authority in a manner approved by the Minister.

(5) In this section—

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

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

Amendment of
s. 72—
Racing totalizator
pools.

14. Section 72 of the principal Act is amended by inserting before the passage “totalizator rules” the word “racing”.

Amendment of
s. 73—
Application of
racing totalizator
pools.

15. Section 73 of the principal Act is amended—

(a) by inserting in subsection (1) before the passage “totalizator pool”, twice occurring, the word “racing”;

(b) by inserting before the passage “totalizator rules” in subsections (1) and (2) the word “racing”;

(c) by inserting after the passage “totalizator bets” in subsection (2) the passage “on race-results”;

and

(d) by inserting after the passage “totalizator bet” in subsection (4) the passage “on a race-result”.

Amendment of
s. 74—
Jackpot.

16. Section 74 of the principal Act is amended by inserting before the passage “totalizator rules” the word “racing”.

Amendment of
s. 75—
Racing totalizator
pool insufficient
to meet
dividends.

17. Section 75 of the principal Act is amended by striking out the passage “Where a totalizator pool” and substituting the passage “Where a racing totalizator pool”.

- 18.** Section 79 of the principal Act is amended—
- (a) by inserting after the passage “totalizator betting”, wherever occurring, the passage “on race-results”;
- and
- (b) by inserting before the passage “totalizator rules” in subsection (2) the word “racing”.
- Amendment of s. 79—
Prohibition of conduct of totalizator except as authorized.
- 19.** Section 80 of the principal Act is amended—
- (a) by inserting after the passage “totalizator bet” in subsections (1) and (2) the passage “on a race-result”;
- and
- (b) by inserting before the passage “totalizator rules” in subsection (1) the word “racing”.
- Amendment of s. 80—
Totalizator betting on races under this Act lawful.
- 20.** Section 81 of the principal Act is amended—
- (a) by inserting before the passage “totalizator rules” the word “racing”;
- and
- (b) by inserting after the passage “totalizator betting” the passage “on race-results”.
- Amendment of s. 81—
Suspension of revocation of authority to conduct totalizator.
- 21.** Section 82 of the principal Act is amended—
- (a) by inserting in paragraph (a) of subsection (1) after the passage “totalizator betting”, firstly occurring, the passage “on race-results”;
- (b) by striking out from paragraph (a) of subsection (1) the passage “or off-course totalizator betting facilities” and substituting the passage “on race-results or off-course facilities for totalizator betting on race-results”;
- and
- (c) by striking out from paragraph (c) of subsection (1) the passage “or provide off-course totalizator betting facilities” and substituting the passage “totalizator betting on race-results or to provide off-course facilities for totalizator betting on race-results”.
- Amendment of s. 82—
Power to conduct off-course totalizator betting outside State.
- 22.** Section 83 of the principal Act is amended by inserting after the passage “totalizator betting” in subsection (1) the passage “on race-results”.
- Amendment of s. 83—
Returns by authorized clubs.
- 23.** The following Division is inserted in Part III of the principal Act after section 84:
- Insertion of new Division III in Part III.
- DIVISION III—CONDUCT OF TOTALIZATOR BETTING ON FOOTBALL MATCHES**
- 84a.** (1) The Minister may, after consultation with the Totalizator Agency Board and the South Australian National Football League, make rules prescribing—
- Football totalizator rules.
- (a) any matter relating to the calculation of dividends on totalizator bets on football-results;

(b) the formation of football totalizator pools;

and

(c) any other matter relating to the conduct of totalizator betting on football-results by the Totalizator Agency Board.

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

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

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

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

(a) firstly, in payment of such amount, as the Minister directs, towards the administrative and operating expenses of the Board;

(b) secondly, in payment into a fund to be applied towards the capital expenses of the Board of an amount equal to one per cent of the football totalizator pool;

and

(c) thirdly, in payment of the balance (if any) to the Recreation and Sport Fund and the South Australian National Football League in equal shares.

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

Fixing the
amount of betting
unit.

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

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

(b) determine the minimum number of units that may constitute a bet for the purposes of totalizator betting on football-results;

or

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

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

Application of
football
totalizator pools.

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

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

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

or

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

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

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

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

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

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

and

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

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

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

and

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

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

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

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

and

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

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

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

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

and

(c) that payment of the dividend has not been made to any person and no other person has a valid claim to be paid the dividend,

the Treasurer may pay to that person from the Recreation and Sport Fund the amount of the dividend.

84i. No person, other than the Totalizator Agency Board, shall conduct totalizator betting or suffer or permit totalizator betting to be conducted on football-results.

Penalty: One thousand dollars.

Prohibition of
conduct of
totalizator except
as authorized.

84j. (1) The Totalizator Agency Board or a servant or agent of the Board shall not be guilty of an offence against any Act by reason only that it or he accepts a totalizator bet on a football-result in accordance with this Act and the football totalizator rules and any premises or place shall not be a common gaming house or nuisance by reason only that it is used by the Board for that purpose.

Totalizator
betting under this
Act lawful.

(2) A person who is not less than eighteen years of age shall not be guilty of an offence against any Act by reason only that he makes a totalizator bet on a football-result with the Totalizator Agency Board.

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

D. B. DUNSTAN, Governor