No. 46 of 1966

An Act to amend the Lottery and Gaming Act, 1936-1966, so as to provide for off-course betting by means of totalizators and the payment of stamp duty on the takings of such totalizators, and for other purposes.

[Assented to 13th October, 1966.]

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

Short titles.

1. (1) This Act may be cited as the "Lottery and Gaming Act Amendment Act (No. 2), 1966".

(2) The Lottery and Gaming Act, 1936-1966, as amended by this Act, may be cited as the "Lottery and Gaming Act, 1936-1966".

(3) The Lottery and Gaming Act, 1936-1966, is hereinafter referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation.

3. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

4. Section 2 of the principal Act is amended by adding after the passage—

PART III.—Totalizator.

the following passage:—

PART IIIa.—Off-Course Betting on Totalizators.
5. Section 4 of the principal Act is amended—

(a) by inserting therein after the definition of “the Executive Committee of the League” the following definition:—

“the Fund” means the account in the Treasury known as the “Hospitals Fund”;

(b) by inserting therein after the definition of “the League” the following definition:—

“the Totalizator Agency Board” means the South Australian Totalizator Agency Board constituted under Part IIIa of this Act;

and

(c) by inserting after the word “principles” being the last word of the definition of “totalizator” therein the passage “and, where the Totalizator Agency Board conducts a totalizator pool on any race or combination of races under a totalizator pool scheme for enabling persons to make bets on that race or combination of races on like principles, includes such totalizator pool scheme”.

6. Section 28 of the principal Act is repealed and re-enacted as follows:—

28. (1) Every club—

(a) shall deduct (for the purpose of being dealt with in accordance with this section) twelve and three-quarters per centum of the moneys invested on the totalizator in respect of each race conducted by the club before the appointed day and fourteen per centum of the moneys invested on the totalizator (otherwise than through the agency of the Totalizator Agency Board) in respect of each race conducted by the club on or after the appointed day;

and

(b) shall pay out by way of dividends all moneys invested on the totalizator, whether directly or through the agency of the Totalizator Agency Board (except the moneys so deducted and the moneys deducted by the Totalizator Agency Board under section 31n of this Act out of moneys invested with that Board on that totalizator in respect of that race) but so that it shall not be necessary to pay out any fraction of five cents in respect of each unit of fifty cents comprised in any bet on that totalizator.
(2) From the amount held by a club on any day before the appointed day by reason of the non-payment of such fractions, the club may apply such amounts as may be required by way of addition to dividends declared by the totalizator used by the club on any day before the appointed day to enable the payment to the person entitled to a dividend an amount not exceeding the amount paid by that person in respect of the ticket or tickets in respect of which such dividend is payable.

(3) The balance remaining from the amount so held by the club after the payments, if any, referred to in subsection (2) of this section have been made shall, before the expiration of three months after the appointed day, be paid by the club to such charitable purposes and in such amount as the committee of the club, with the approval of the Commissioner of Police, thinks fit.

(4) The amount derived by reason of the non-payment of such fractions on the appointed day or any day thereafter on which the club conducts a race meeting or trotting meeting shall be paid by the club within three weeks after that day into an account to be known as the Dividends Adjustment Account which shall be established and maintained in the Treasury for the purposes of this section and section 31n of this Act.

(5) Where the amount of any dividend that would ordinarily be payable by the totalizator used by a club in respect of any race conducted on or after the appointed day is less than fifty cents, the amount of fifty cents shall nevertheless be declared payable as such dividend and the difference between those amounts shall be paid to the club out of the Dividends Adjustment Account which is hereby to the necessary extent appropriated accordingly; but where two or more horses fill any one place in the race (including first place) and that part of the totalizator pool which is appropriated to that place is required to be divided by the number of horses filling that place in order to ascertain the dividend payable in respect of each of those horses, the dividend so ascertained shall be the dividend to be declared and payable in respect of each of those horses notwithstanding that such dividend might be less than fifty cents.

(6) Until there is in the Dividends Adjustment Account a sufficient amount in the opinion of the Treasurer to meet all payments under subsection (5) of this section and subsection (4) of section 31n of this Act, the Treasurer shall out of moneys appropriated by Parliament for the purpose make such advances to that account as are necessary to meet those payments.
(7) After the repayment of the advances made under subsection (6) of this section, if the Treasurer is of the opinion that there is in the Dividends Adjustment Account an amount in excess of a sum adequate to meet all payments to be made under subsection (5) of this section and subsection (4) of section 31n of this Act, he shall pay such amount into the Fund.

(8) Subject to section 31q of this Act, out of the amount deducted in accordance with paragraph (a) of subsection (1) of this section, the club shall pay to the Commissioner of Stamps the duty payable under the Stamp Duties Act, 1923-1966, in respect of the gross takings of the totalizator from which takings the moneys were deducted, and the balance of the money so deducted shall be dealt with in accordance with subsection (9) of this section.

(9) Any balance of the amount deducted by a club in accordance with paragraph (a) of subsection (1) of this section, from moneys invested on the totalizator in respect of any race conducted by the club before the expiration of three years after the appointed day may, subject to subsection (10) of this section, be retained by the club for the use and benefit of the club, but out of the balance of the money so deducted by a club from moneys invested on the totalizator in respect of any race conducted by the club on or after the expiration of three years after the appointed day, the club shall pay into the Fund an amount equal to one and one-quarter per centum of the moneys invested on the totalizator in respect of that race (otherwise than through the agency of the Totalizator Agency Board), and any moneys thereafter remaining out of the balance of the moneys so deducted may be retained by the club for the use and benefit of the club.

(10) Out of the moneys retained by a club for its use and benefit as provided by subsection (9) of this section from moneys invested on a totalizator used by the club during the period commencing on the appointed day and ending on the expiration of three years thereafter, the club shall expend such part thereof as the Treasurer approves on making such improvements to its totalizator installations and the totalizator facilities and information services made available by the club to the public as the Treasurer approves.

(11) The moneys paid into the Fund in accordance with this section shall be used for the provision, maintenance, development and improvement of public hospitals as defined in section 31s of this Act and equipment for such hospitals in such amounts as the Treasurer shall, upon the
recommemion of the Chief Secretary (but subject to such appropriations for the purpose as Parliament shall from time to time determine) approve.

(12) In this section, “the appointed day” means a day declared by the Governor by proclamation to be the appointed day for the purposes of this section.

7. Section 29 of the principal Act is amended by inserting after paragraph (b) of subsection (1) thereof the following paragraph:—

(b1) the amount (if any) paid into the Fund under subsection (9) of section 28 of this Act.

8. The following Part is enacted and inserted in the principal Act immediately after Part III thereof:—

PART IIIa.

OFF-COURSE BETTING ON TOTALIZATORS.

31a. (1) In this Part, unless the context otherwise requires—

“double event bet” means a bet in which the person making the bet nominate a combination of two horses or nominates the same horse on the chance that those horses or that horse will fill the first places in two races selected by the Board for the purposes of any totalizator conducted by the Board:

“event” means a race and includes, where the case so requires, two races selected by the Board for the purposes of any totalizator conducted by the Board on which a double event bet may be made:

“licensed racing club” means a racing club licensed under Part III of this Act to use the totalizator:

“licensed trotting club” means a trotting club licensed under Part III of this Act to use the totalizator:

“member” means member of the Board and includes a person appointed under subsection (10) of section 31b of this Act to be a deputy of a member of the Board when such person is acting as a member of the Board:

“participating club” means a licensed racing club or licensed trotting club which is a party to an agreement or arrangement with the Board under section 31ha of this Act:

“the Board” means the South Australian Totalizator Agency Board constituted under this Part:
"the chairman" means the chairman of the Board and includes a person appointed under subsection (10) of section 31b of this Act to be deputy of the chairman or a person elected under subsection (2) of section 31d of this Act to act for the chairman of the Board when such person is acting as the chairman of the Board.

(2) For the purposes of this Part, the Board shall be deemed to conduct off-course totalizator betting at any office, branch or agency of the Board at which bets are received by the Board on any event on which a totalizator is conducted by the Board, notwithstanding that such office, branch or agency is situated on the premises appurtenant to or forming part of a racecourse where horse races or trotting races are being held.

31b. (1) There shall be a board which shall be called the "South Australian Totalizator Agency Board".

(2) Subject to this Act, the Board—

(a) shall be a body corporate with perpetual succession and a common seal;

(b) shall be capable of acquiring, taking or letting out on lease, holding, selling and otherwise disposing of property of all kinds;

(c) may in its name sue and be sued;

and

(d) shall have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.

(3) All courts and persons acting judicially shall take judicial notice of the common seal of the Board affixed to any document and shall presume that it was duly affixed.

(4) Subject to this Act, the Board shall consist of eight members appointed by the Governor of whom—

(a) one who shall be the chairman shall be appointed on the recommendation of the Minister;

(b) one shall be nominated by the committee of South Australian Jockey Club Incorporated;

(c) one shall be nominated by the committee of Adelaide Racing Club Incorporated;

(d) one shall be nominated by the committee of Port Adelaide Racing Club Incorporated.
(e) one shall be nominated by the committee of The South Australian Trotting Club Incorporated;

(f) one shall be nominated by the governing body of the Country Trotting Clubs Association of S.A.

and

(g) two shall be nominated by the governing body of the South Australian Country Racing Clubs Association.

(5) Before the Minister makes a recommendation to the Governor for the appointment of the chairman of the Board, he shall consult with such bodies representing racing and trotting interests within the State as he thinks fit.

(6) The person nominated by the governing body of the Country Trotting Clubs Association of S.A. shall be a person whose usual place of residence is situated more than twenty miles from the General Post Office at Adelaide.

(7) One of the persons nominated by the governing body of the South Australian Country Racing Clubs Association shall be a person whose usual place of residence is situated more than thirty miles from the General Post Office at Adelaide and north of a line running east and west and passing through the south-eastern corner of that Post Office.

(8) The other person nominated by the governing body of the South Australian Country Racing Clubs Association shall be a person whose usual place of residence is situated more than twenty miles from the General Post Office at Adelaide and south of a line running east and west and passing through the south-eastern corner of that Post Office.

(9) Whenever a nomination is required for an appointment of a member or a deputy, the Minister may, by written notice addressed to the committee or body required to make the nomination, request it to make the nomination within twenty-eight days after the date of the notice or any longer time specified in the notice, and if no nomination is made pursuant to his request, the Governor may, on the recommendation of the Minister, appoint some person having such qualifications as the Minister thinks appropriate to be a member or deputy member of the Board and the person or persons so appointed shall for all purposes be deemed to be duly appointed.

(10) In the case of the inability of any member to attend to the business of the Board for any period of or exceeding three months the Governor may—
(a) in the case of the chairman, upon the recom- 

dmendation of the Minister;

or

(b) in the case of any other member, upon the nomi-
nation of the committee of the club or the 
governing body of the association on whose 
nomination that member was appointed,

at any time appoint a deputy to act for the member during 
such period or any part thereof and a person so appointed 
shall, while so acting, be deemed, to be a member and the 
person so appointed to be deputy of the chairman shall, 
while so acting, be deemed to be the chairman.

(11) The Board shall be constituted on the day on which 
the first eight members appointed under this section take 
office.

(12) The Public Service Act, 1936-1966, shall not apply 
in relation to the appointment of the members, officers or 
employees of the Board and they shall not, as such, be 
subject to that Act.

(13) The office of member of the Board may be held in 
conjunction with any other appointment or office under the 
Government.

31c. (1) Subject to this section, a member shall be 
appointed for a term of office of three years but the first 
eight members shall be appointed for terms of office 
expiring on the thirty-first day of August, 1970.

(2) On the expiration of his term of office as a member, 
a person shall be eligible for re-appointment as a member.

(3) The Governor may, by notice in writing served on a 
member, remove him from office—

(a) if the Governor is satisfied that by reason of any 
offence or dishonourable or dishonest conduct 
committed by the member, or by reason of 
mental or physical incapacity of the member, 
he ought not to remain a member of the Board;

or

(b) if the committee or body which nominated the 
member or the Minister who recommended the 
member for appointment sends a written request 
to the Governor requesting his removal from 
office on grounds which in the opinion of the 
Governor are sufficient in all the circumstances 
of the case.

(4) The office of a member shall become vacant if—

(a) he dies;

(b) he resigns by written notice given to the Minister;
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31d. (1) The chairman shall preside at every meeting of the Board at which he is present.

(2) If the office of chairman is vacant, or the chairman or the deputy of the chairman is not present at a meeting, a person elected by the members present at the meeting shall act for, and have the powers of, the chairman for that meeting.

(3) Five members shall constitute a quorum at any meeting of the Board for the transaction of business.

(4) On any matter before a meeting of the Board—

(a) the decision of a majority of the members present at the meeting shall be the decision of the Board;

and

(b) the chairman shall have a deliberative vote and in the case of an equality of votes, a second or casting vote also.

(5) An act or proceeding of the Board shall—

(a) not be invalid solely on the ground that there was at the time thereof a vacancy in the office of any member;

and

(b) notwithstanding the subsequent discovery that there was a defect in the nomination, recommendation or appointment of a member, or that a member was not entitled to act as such, be as valid and effectual as if the member was duly nominated or recommended, and was duly appointed and was entitled to act as a member.

31e. (1) The common seal of the Board shall be kept in the custody of such member or officer of the Board as the
Board determines and shall not be affixed to any instrument except in pursuance of a resolution of the Board.

(2) The affixing of the common seal of the Board to any instrument executed by the Board shall be attested by the signatures of any two members.

31f. The chairman and other members of the Board shall be entitled to receive remuneration and allowances from the funds of the Board at such rates as are fixed by the Board with the approval of the Minister.

31g. (1) The Board shall, not later than the thirtieth day of September in each year, furnish to the Minister a report on the operations of the Board during the year ending on the thirtieth day of June in that year.

(2) The Board shall keep full and proper accounts of all its financial transactions and shall cause those accounts to be audited annually by an auditor approved by the Treasurer.

(3) The Board shall include in its annual report to the Minister—

(a) the audited accounts of the Board showing the amounts of the receipts and payments and the income and expenditure of the Board during the period to which the report relates;

and

(b) an audited balance sheet showing the financial position of the Board as at the end of that period.

(4) The Minister shall cause every annual report of the Board furnished under this section to be tabled in each House of Parliament within fourteen days after it is received by him if Parliament is then in session or, if Parliament is not then in session, within fourteen days after the commencement of the next session of Parliament.

31h. (1) For the purposes of this Act and of exercising its powers, functions and duties thereunder, the Board may—

(a) appoint such officers, employees and agents as it thinks fit;

(b) subject to subsection (2) of this section, establish offices, branches and agencies;

(c) purchase, take on lease or other tenancy, or on licence, hire or other contract, property of any kind;

(d) borrow money and execute any mortgage, charge, lien or other form of security over any of its property to secure repayment of borrowed money;
(e) insure any of its property;
(f) guarantee the repayment of any money borrowed with the approval of the Board;
(g) invest any of its funds in investments of any kind which the Board deems appropriate;
(h) enter into and carry out any other contracts, transactions or arrangements;
(i) lawfully terminate any employment or other contract, transaction or arrangement;
and

(j) do anything incidental or ancillary to any of the foregoing powers.

(2) The Board shall not establish or operate any office, branch or agency unless the location and premises thereof have first been approved in writing by the Minister who, before granting or refusing such approval, shall have regard to the proximity of the proposed office, branch or agency to places of public worship, schools and educational establishments, premises licensed under the Licensing Act, 1932-1964, and such other matters as he considers relevant.

(3) The Board shall not without the approval of the Minister pay to any of its officers, employees or agents any commission based on any amount of money received or handled by such officer, employee or agent on behalf of the Board.

31ha. The Board may make, vary and lawfully terminate agreements or arrangements with any licensed racing club or licensed trotting club under which that club agrees or arranges with the Board to assist the Board in the carrying on by the Board of off-course totalizator betting under this Act, and to make totalizators used by the club available for the purpose of such betting and to give the Board and its officers and employees and to receive from the Board or its officers or employees information as to such matters as are required for the business of the Board.

31j. (1) The Board may conduct off-course totalizator betting on any event scheduled to be held within the Commonwealth or New Zealand and for that purpose may itself conduct an off-course totalizator or, by arrangement with a licensed racing club or licensed trotting club, as agent of the club make use of the totalizator used by that club for off-course betting on that event.

(2) Notwithstanding any other enactment or law—

(a) the conduct of off-course totalizators and off-course totalizator betting by the Board in
accordance with this Act and the doing of anything incidental or ancillary thereto shall be lawful;

(b) off-course totalizator betting conducted by the Board in accordance with this Act and the doing of anything under the authority or on behalf of the Board under this Act and the carrying out of any duties or functions in relation to off-course totalizator betting so conducted shall be deemed not to be unlawful gaming within the meaning of this Act;

(c) any person of or over the age of twenty-one years who bets on any totalizator on which off-course totalizator betting is conducted by the Board in accordance with this Act or who acts under the authority or on behalf of such a person and any person who acts under the authority or on behalf of the Board under this Act or who carries out any duties or functions in relation to the conduct of off-course totalizator betting by the Board in accordance with this Act shall be freed and discharged from all penalties, suits, prosecutions and liabilities to which by law he would be liable, but for this section, by reason of so betting or acting or so carrying out such duties or functions, as the case may be;

and

(d) the premises used for the purpose of such betting shall not by reason only of such use be taken to be a common gaming house or a nuisance.

31k. (1) No person under the age of twenty-one years shall, on his own behalf or on behalf of any other person, bet on any totalizator at or through any office, branch or agency of the Board.

Penalty: For a first offence, twenty dollars and for any subsequent offence, not less than ten dollars nor more than one hundred dollars.

(2) The Board shall affix in a conspicuous place in each office, branch or agency in which it conducts off-course totalizator betting a copy of subsection (1) of this section.

(3) No money or dividend in respect of any bet made by a person under the age of twenty-one years at any office, branch or agency of the Board and no money standing to the credit of any credit account established with the Board by such a person at any office, branch or agency of the
Board shall be paid by the Board to or recoverable from the Board by that person, and the Board shall pay the amount of such money or dividend to the Fund.

31ka. (1) No waiting rooms or seating accommodation shall be provided or made available for the use of members of the public at any office, branch or agency of the Board where off-course totalizator betting is conducted.

(2) No broadcast or telecast or other description or communication, whether oral or otherwise howsoever, of any event shall be provided or made available for members of the public at any office, branch or agency of the Board and no radio or television set, receiver or loudspeaker or similar device, whether owned by the Board or by any other person, shall be permitted or suffered by the Board to be brought into or to remain in any part of an office, branch or agency of the Board that is open to members of the public.

(3) No announcement, notice or information, whether oral or otherwise howsoever, shall be made, published or given to members of the public at any such office, branch or agency in respect of any event except the name, starting time and location of the event, the condition of the track, the names, handicaps, barrier positions and totalizator numbers of the horses in the event, the weights carried by the horses, and the names of the riders or drivers in the event, and the result of, and the dividends payable in respect of, the event.

(4) If any of the provisions of subsection (1), subsection (2) or subsection (3) of this section are contravened, the person for the time being in charge of the office, branch or agency at which the contravention occurs shall be guilty of an offence and shall be liable to a penalty not exceeding two hundred dollars.

(5) It shall be a defence to a charge under this section if the person in charge of the office, branch or agency at which the contravention occurred shows—

(a) that he did not and could not by the exercise of reasonable diligence have known that the contravention was occurring;

(b) that he took all reasonable steps to prevent the contravention from occurring;

or

(c) that, immediately upon becoming aware that the contravention had occurred, he took all reasonable steps to prevent the contravention from continuing.
31m. (1) No bet shall be accepted by the Board or any person acting on behalf of the Board unless the person making the bet—

(a) deposits the amount of the bet in cash at an office, branch or agency of the Board;

or

(b) makes the bet by letter sent through the post or by telegram or telephone message received at an office, branch or agency of the Board and the conditions prescribed in subsection (2) of this section have been complied with.

(2) A bet on any event made by letter, telegram or telephone message shall not be accepted by the Board or any person acting on behalf of the Board unless—

(a) the person making the bet has established with the Board, in accordance with the rules of the Board, a credit account sufficient to pay the amount of the bet and has maintained that account up to the time of making the bet in accordance with those rules;

or

(b) where the bet is made by letter or telegram, the amount of the bet has been paid or transmitted to the Board or the payment thereof has been undertaken by the person making the bet in accordance with the rules of the Board.

(3) No agent, officer or servant of the Board shall pay out to any person who has made a bet at any office, branch or agency of the Board any dividend in respect of that bet on the day on which the event on which the bet was made was determined.

Penalty: Two hundred dollars.

(4) Notwithstanding subsection (3) of this section, a dividend in respect of a bet made by a person at any office, branch or agency of the Board may be credited to a credit account established by that person with the Board at any time after the dividend is declared.

(5) A person may—

(a) establish a credit account with the Board for any amount not less than two dollars;

and

(b) maintain his credit with the Board, in accordance with the rules of the Board.
(6) An amount of fifty cents or any multiple of that amount shall be accepted by the Board as a bet on any event in connection with which the Board is conducting off-course totalizator betting.

(7) Notwithstanding any other enactment, the result of, and the dividends payable in respect of, any event may be notified or published to members of the public in any office, branch or agency of the Board.

31n. (1) In respect of each event on which it conducts off-course totalizator betting the Board—

(a) shall deduct fourteen per centum of the money invested with the Board on off-course totalizator betting in respect of that event;

and

(b) except where the money has been invested with the Board on any totalizator used by a licensed racing club or licensed trotting club on a race-course, shall, after making such deduction, pay out by way of dividends the balance of the money so invested with the Board in respect of that event except the fractions referred to in subsection (2) of this section.

(2) It shall not be necessary for the Board to pay out under paragraph (b) of subsection (1) of this section in respect of any dividend any fraction of five cents in respect of each unit of fifty cents comprised in any ticket issued by the Board for any bet made.

(3) The amount held by the Board by reason of the non-payment of such fractions on any day on which it conducts an off-course totalizator on any event shall be paid by the Board within three weeks after that day into the Dividends Adjustment Account referred to in subsection (4) of section 28 of this Act.

(4) Where the amount of any dividend that would ordinarily be payable by an off-course totalizator conducted by the Board in respect of any event is less than fifty cents, the amount of fifty cents shall nevertheless be declared and payable as such dividend and the difference between those amounts shall be paid to the Board out of the Dividends Adjustment Account which is hereby to the necessary extent appropriated accordingly; but where two or more horses fill any one place in an event (including first place) and that part of the totalizator pool which is appropriated to that place is required to be divided by the number of horses filling that place in order to ascertain the dividend payable in respect of each of those horses, the
dividend so ascertained shall be the dividend to be declared and payable in respect of each of those horses, notwithstanding that such dividend might be less than fifty cents.

(5) Where the Board conducts off-course totalizator betting on any totalizator used by a licensed racing club or licensed trotting club on a racecourse, every bet made with the Board on that totalizator shall, subject to section 28 and this Part of this Act, be received by the Board as agent for the club using the totalizator in relation to the event on which the bet is made and, except as otherwise provided by this Act, the moneys invested with the Board in respect of bets made on that totalizator, shall be treated as if they had been paid into that totalizator and formed part of the moneys invested on that totalizator on the relevant event and the Board shall account to the club for the same accordingly.

31na. Where the Board conducts off-course totalizator betting on any totalizator used by a licensed racing club or licensed trotting club on a racecourse—

(a) all dividends declared by that totalizator shall be calculated, declared and paid and all fractions to which section 28 of this Act applies shall be determined and dealt with as if all moneys invested with the Board on events on which the totalizator is operating were invested on the totalizator;

(b) all dividends in respect of bets made on the totalizator at the racecourse shall be paid by the club to persons entitled thereto;

(c) all dividends in respect of bets made with the Board on the totalizator shall be paid by the Board to persons entitled thereto in accordance with the respective amounts of the dividends declared by that totalizator on the events on which the bets were made and any such dividend, when so paid, shall be deemed to have been paid by the Board on behalf of the club;

and

(d) such information shall be furnished by the Board to the club and by the club to the Board and such financial adjustments shall be made between the club and the Board out of the moneys available for the payment of those dividends as are necessary for the purposes of giving effect to paragraphs (a), (b) and (c) of this subsection,
but where, by any contract, agreement or arrangement, any person or club using a totalizator on a racecourse is remunerated on the basis of a percentage or commission on the amount of turnover or the investments on such totalizator or receives any remuneration which is affected by or based on the amount of turnover or the investments on such totalizator, any moneys invested with the Board on any event on which the totalizator is operating shall, for the purposes of such contract, agreement or arrangement, be deemed not to have been invested on such totalizator.

31nb. (1) The Board may pay or cause to be paid to any person who, in the opinion of the Board, has made a valid claim to a dividend in respect of a bet made at any office, branch or agency of the Board the amount of the dividend payable in respect of that bet and, notwithstanding any law to the contrary, the payment of that amount pursuant to this section shall constitute full satisfaction by the Board of its liability under the bet and a full and valid discharge to the Board.

(2) The Board is not liable to pay to any person a dividend in respect of a bet made by that person at any office, branch or agency of the Board unless, in the Board's opinion, a valid claim for it is made by or on behalf of that person within six months after the day on which it became payable.

(3) The Board shall pay the amounts of all unclaimed dividends into the Fund.

(4) When any person makes a claim to the Treasurer for payment of any unclaimed dividend within twelve months after the day when the dividend became payable, and the Treasurer is satisfied—
   (a) that the amount of such dividend has been paid into the Fund;
   (b) that the person would have been entitled to obtain payment of the dividend from the Board if a valid claim had been made to the Board in respect thereof within six months after the day on which it became payable;
   and
   (c) that no other person has received payment of that dividend or has or is likely to have a valid claim therefor,
the Treasurer may, without any further appropriation than this section, pay to that person out of the Fund the amount of that dividend.
(5) In subsections (3) and (4) of this section—

“unclaimed dividend” means a dividend for which, in the opinion of the Board, no valid claim has been made to the Board within six months after the day on which it became payable.

31p. (1) The amount deducted by the Board under paragraph (a) of subsection (1) of section 31n of this Act in respect of each event shall be applied as follows:—

(a) firstly, in payment to the Commissioner of Stamps of the duty payable under section 31q of this Act but subject to the rebate prescribed by section 31r of this Act;

(b) secondly, in payment of the administration and operating expenses of the Board;

(c) thirdly, in payment of contributions to a fund for the amortization of establishment and other capital expenses incurred by the Board;

(d) fourthly, in making payments to such bodies, and on such conditions as the Board determines and the Minister approves, for the administration and promotion of horse racing (including trotting) in the State;

and

(e) fifthly, in making periodical payments to the participating clubs in accordance with this section.

(2) The money available for payment under paragraph (e) of subsection (1) of this section shall be divided by the Board into two parts bearing the same ratio to each other as the amount invested with the Board on horse races (other than trotting races) wherever conducted during the period in which the money was received by the Board bears to the amount invested with the Board on trotting races wherever conducted during that period.

(3) The Board shall distribute the two parts among such of the racing clubs and trotting clubs respectively as are participating clubs on such basis as the Minister approves having regard to the recommendations of the Board.

31q. (1) The amount invested with the Board by way of off-course totalizer betting on any day shall, subject to the rebate provided for in section 31r of this Act, be chargeable with the duty specified in the Second Schedule to the Stamp Duties Act, 1923-1966.
(2) The Board shall be liable to pay that duty, and the rate of the duty shall be calculated without reference to any other money invested directly on any totalizator at a racecourse made available by a racing or trotting club to the Board for the purposes of off-course totalizator betting.

(3) A racing club or trotting club whose totalizator is used in connection with bets made with the Board shall not be liable for duty under the Stamp Duties Act, 1923-1966, on the amounts invested with the Board in respect of those bets, and those amounts shall not be taken into account in computing the rate of duty payable under that Act by a racing club or trotting club.

(4) Sections 87, 88, 89 and 90 of the Stamp Duties Act, 1923-1966, shall, with such modifications as are necessary, apply and have effect in relation to the Board and its operations as if the Board were a racing club or trotting club holding the race meetings or trotting meetings on which off-course totalizator betting is conducted by the Board.

(5) Notwithstanding anything contained in any other Act, the Commissioner of Stamps shall pay into the Fund the amount of all duty paid by the Board under the Stamp Duties Act, 1923-1966, in accordance with this section.

31r. (1) In this section—
“establishment and capital expenses” means money expended by the Board with the approval of the Minister—

(a) in connection with the purchasing or taking on lease, tenancy or licence of any land, building or premises or the erection, alteration, renovation, equipping, fitting and furnishing of any building or premises for the purpose of carrying on the business of the Board;

(b) in procuring and training officers and employees of the Board and paying them during training;

and

(c) to defray other costs incurred by the Board before it commences to conduct off-course totalizator betting.

(2) Subject to subsection (3) of this section, the duty payable by the Board under the Stamp Duties Act, 1923-1966, shall be subject to a rebate of four twenty-firsts of the amount thereof.
(3) When the Minister is satisfied that the aggregate amounts of the rebate referred to in subsection (2) of this section are sufficient wholly or substantially to make up the establishment and capital expenses, he may, by notice published in the Gazette, declare that the rebate of duty prescribed by subsection (2) of this section shall cease as from a day specified in the notice or shall be reduced as specified in the notice, and it shall cease or be reduced, as the case may be, accordingly.

31s. (1) All moneys paid into the Fund under this Part shall after meeting the payments, if any, made under subsection (4) of section 31nb and under section 44c of this Act, be used for the provision, maintenance, development and improvement of public hospitals and equipment for public hospitals in such amounts as the Treasurer shall, upon the recommendation of the Chief Secretary (but subject to such appropriations for the purpose as Parliament may from time to time determine), approve.

(2) In this section—

"public hospital" means—

(a) any hospital which is under the ministerial control of the Chief Secretary;

(b) any hospital to which Part IV of the Hospitals Act, 1934-1962, applies or is deemed to apply;

or

(c) any other hospital or institution which, in the opinion of the Chief Secretary, is not carried on for the purposes of profit to its owner or shareholders and is approved by the Governor as a public hospital for the purposes of this section.

3lt. (1) A person employed by the Board or acting in any capacity in any office, branch or agency of the Board shall not knowingly accept from any person any bet which is not authorized by this Act or the rules of the Board.

Penalty: For a first offence, two hundred dollars, and for any subsequent offence, four hundred dollars or imprisonment for six months.

(2) A person who is not employed by the Board at any office, branch or agency of the Board shall not accept a bet at that office, branch or agency or sell or offer to

sell any ticket or acknowledgment issued or purporting to be issued by the Board in respect of a bet.

Penalty: For a first offence, two hundred dollars, and for any subsequent offence, four hundred dollars or imprisonment for six months.

(3) A person employed by the Board or acting in any capacity in any office, branch or agency of the Board shall not knowingly accept any bet on a totalizator in respect of any event after the closing time fixed by the Board for the acceptance of bets on that event.

Penalty: One hundred dollars.

(4) The person in charge of any office, branch or agency of the Board may

(a) at any time request any person who is not lawfully on the premises of that office, branch or agency to leave the same;

and

(b) use all reasonable and necessary force to eject from such premises any person who, having been so requested to leave, neglects or refuses forthwith to do so.

(5) A member of the police force, at the request of the person in charge of any office, branch or agency of the Board, shall eject or assist in ejecting from the premises of the office, branch or agency any person who, having been so requested to leave, neglects or refuses forthwith to do so.

(6) No member of the police force or other person, acting in good faith in the intended exercise of the powers conferred on him under this section, shall be liable to any proceedings, civil or criminal, in consequence of his having so acted.

(7) No person who has left the premises of an office, branch or agency of the Board pursuant to a request under this section, or who has been removed from such premises under this section, shall, during the day on which he so left or was removed, re-enter or be again on those premises.

Penalty: One hundred dollars.

31u. The Board may, with the approval of the Minister, make rules (not inconsistent with this Act or any regulation made under this Act)—

(a) regulating the practice and procedure of the Board at meetings and in the general conduct of its business;
(b) prescribing the duties of officers, employees and agents of the Board;

(c) prescribing terms and conditions and other matters governing off-course totalizator betting including terms and conditions under which bets generally or bets of any class will be accepted or refused by or on behalf of the Board; the calculation and payment of dividends, and the establishment and conduct of totalizator pools by the Board;

and

(d) any other matters required or permitted by this Act to be dealt with by rules of the Board.

Regulations.

31v. The Governor, on the recommendation of the Minister or the Board, may make any regulations necessary or convenient to be made for the administration and carrying into operation and enforcement of this Part of this Act and, without limiting the generality of the foregoing, such regulations may—

(a) relate to the submission by the Board to the Minister or the Commissioner of Stamps of periodical returns and the manner in which moneys payable into the Fund are to be actually paid or credited;

(b) make suitable provision for the prevention of fraud in connection with off-course totalizator betting and matters incidental thereto;

(c) control the admission of persons to any office, branch or agency of the Board, or exclude from any such office, branch or agency any person of a specified class either absolutely or subject to such conditions as are prescribed in the regulations;

(d) define functions, powers and duties of the Board additional to those expressly mentioned in this Part and the powers of the Commissioner of Stamps and persons authorized by him to enter any premises of the Board and inspect records of the Board and the duties of officers, employees and agents of the Board in relation to such inspection;

and

(e) create offences and prescribe fines recoverable summarily and not exceeding one hundred dollars for any such offence.
9. Section 44a of the principal Act is amended—

(a) by striking out subsection (3) thereof and inserting in lieu thereof the following subsection:

(3) Whether a bet is made upon credit or not, if any amount is credited to any person or any payment is made to any person by a bookmaker in respect of that bet, the tax under this section shall be charged and payable upon the amount of the winnings (as defined in subsection (3b) of this section) payable by the bookmaker to that person in respect of that bet;

and

(b) by inserting after subsection (3a) thereof the following new subsection:

(3b) In this section—

"winnings"—

(a) in relation to any bet made with a bookmaker by any person before the relevant day, means the amount (if any) which the bookmaker is liable to pay or to credit to that person upon the result of the event on which the bet was made, including the amount betted;

and

(b) in relation to any bet made with a bookmaker by any person on or after the relevant day, means the amount (if any) which the bookmaker is liable to pay or to credit to that person upon the result of the event on which the bet was made, exclusive of the amount betted:

"the relevant day" means a day which is fixed by proclamation as the relevant day for the purposes of this section, being a day not earlier than the appointed day as defined in subsection (12) of section 28 of this Act and not later than a day thirteen months after the appointed day as so defined.
10. Section 44b of the principal Act is amended—

(a) by inserting after the word “made” wherever it occurs in subsections (2), (3) and (3a) thereof the passage “before the relevant day”;

and

(b) by inserting after the definition of “half-year” in subsection (10) thereof the following definition:—

“the relevant day” means the relevant day as defined in subsection (3b) of section 44a of this Act.

11. The following section is enacted and inserted in the principal Act after section 44b thereof:—

44c. (1) Before the expiration of twelve months after the relevant day the Treasurer shall, out of moneys paid into the Fund under Part IIIa of this Act, either by one payment or by such instalments as the Treasurer thinks fit, and without any further appropriation than this section, pay to the League and each of the clubs which received under section 44b of this Act any proportion of the tax referred to therein in respect of bets made during the period of twelve months immediately preceding the relevant day, one-half of the gross amount received under that section by the League or that club, as the case may be, as its proportion of the tax paid under section 44a of this Act in respect of bets made during that period.

(2) In this section—

“the relevant day” means the relevant day as defined in subsection (3b) of section 44a of this Act.

12. The Stamp Duties Act, 1923-1965, is amended as specified in the Schedule to this Act and, as so amended, may be cited as the “Stamp Duties Act, 1923-1966.”

THE SCHEDULE.

AMENDMENT OF STAMP DUTIES ACT, 1923-1965

The Stamp Duties Act, 1923-1965, is amended by inserting in the Second Schedule thereof after the paragraph commencing with the word “TOTALIZATOR” the following paragraph:—

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 5½ per centum of the amount invested with the Board by way of off-course totalizator betting on any day.

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

EDRIC BASTYAN, Governor.