



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 127 of 1974

An Act to amend the Lottery and Gaming Act, 1936-1973.

[Assented to 12th December, 1974]

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

1. (1) This Act may be cited as the "Lottery and Gaming Act Amendment Act, 1974". Short titles.

(2) The Lottery and Gaming Act, 1936-1973, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Lottery and Gaming Act, 1936-1974".

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

3. Section 4 of the principal Act is amended—

(a) by inserting after the definition of "chairman" the following definition:— Amendment of principal Act, s. 4— Interpretation.

"controlling authority"—

(a) in relation to horse racing (except trotting) means the South Australian Jockey Club Incorporated;

(b) in relation to trotting, means the South Australian Trotting Control Board;

and

(c) in relation to dog racing, means the National Coursing Association of South Australia Incorporated;

and

(b) by inserting after the definition of "lottery" the following definition:—

"multiple betting" means betting on the result of two or more races.

Amendment of
principal Act,
s. 28—
Mode of
dealing with
moneys paid
into totalizator
used by a club.

4. Section 28 of the principal Act is amended—

(a) by striking out paragraphs (a) and (aa) of subsection (1) and inserting in lieu thereof the following paragraph:—

(a) shall deduct (for the purpose of being dealt with in accordance with this section)—

(i) fourteen per centum of the moneys invested on the totalizator at any race meeting (not being moneys invested in respect of multiple betting);

(ii) sixteen per centum of moneys invested on the totalizator in respect of multiple betting known as a double;

and

(iii) seventeen and a half per centum of moneys invested on the totalizator in respect of any other form of multiple betting,

(but this paragraph does not apply to moneys invested on off-course totalizator betting conducted by the Totalizator Agency Board or moneys transferred to the club pursuant to section 15a of this Act);;

(b) by striking out from subsection (5) the passage “paragraph (a) or paragraph (aa) of”;

(c) by striking out from subsection (9) the passage “shall be paid by the club within six months after the date of the meeting at which such fractions accrued, to such charitable purposes and in such amounts as the committee of the club, with the approval of the Chief Secretary, thinks fit” and inserting in lieu thereof the passage “shall be paid to the Racecourses Development Board, or if the controlling authority approves, may be retained by the club”;

(d) by striking out from paragraph (a) of subsection (11) the passage “paragraphs (a) and (aa) of”;

and

(e) by striking out from paragraph (b) of subsection (11) the passage “paragraph (aa) of subsection (1) of this section” and inserting in lieu thereof the passage “subsection (1) of this section in respect of multiple betting”.

Amendment of
principal Act,
s. 31n—
Application of
moneys
invested with
the Board.

5. Section 31n of the principal Act is amended—

(a) by striking out paragraphs (a) and (aa) of subsection (1) and inserting in lieu thereof the following paragraph:—

(a) shall—

(i) deduct fourteen per centum of the moneys invested with the Board (unless the moneys are invested in respect of multiple betting);

(ii) where the moneys are invested in respect of multiple betting known as a double, deduct sixteen per centum of those moneys;

and

(iii) where the moneys are invested in any other form of multiple betting, deduct seventeen and a half per centum of those moneys;;

and

(b) by striking out from subsection (4) the passage “paragraph (a) or paragraph (aa) of”.

6. Section 31p of the principal Act is amended—

(a) by striking out from subsection (1) the passage “paragraph (a) or paragraph (aa) of”;

(b) by striking out from paragraph (a) of subsection (1) the passage “paragraph (aa) of that subsection” and inserting in lieu thereof the passage “that subsection in respect of multiple betting”;

and

(c) by inserting after subsection (3) the following subsection:—

(4) The controlling authority in relation to horse racing (except trotting) in allocating moneys received by it under paragraph (d) of subsection (1) of this section to country racing clubs for the administration and promotion of horse racing shall have regard to payments made to country racing clubs by the Betting Control Board prior to the commencement of the Lottery and Gaming Act Amendment Act, 1974.

Amendment of principal Act, s. 31p—
Disposal of amount deducted from investments made with the Board.

7. Section 40 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) Every bookmaker shall, not later than 3 p.m. on each Thursday in every week, pay to the Board by way of commission on bets made with him on events decided during the week that ended at midnight on the preceding Saturday, the following amounts:—

(a) in respect of bets made with him on any racecourse or coursing ground in the metropolitan area or in any registered premises—

(i) on events held within this State—an amount equivalent to 2 per centum of all moneys paid or payable to him in respect of all those bets;

(ii) on events held outside the State—an amount equivalent to 2.6 per centum of all moneys paid or payable to him in respect of all those bets;

(b) in respect of bets made with him on racecourses or coursing grounds outside the metropolitan area—

(i) on events held within this State—an amount equivalent to 1.8 per centum of all moneys paid or payable to him in respect of all those bets;

(ii) on events held outside this State—an amount equivalent to 2.4 per centum of all moneys paid or payable to him in respect of all those bets.

Amendment of principal Act, s. 40—
Payment of commission on bets and returns.

Amendment of
principal Act,
s. 41—
Application of
commission.

8. Section 41 of the principal Act is amended—

(a) by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) The Board shall apply the commission as follows:—

(a) an amount equivalent to 1·1 per centum of the total amount of the bets made with bookmakers on events decided on the day the bets were made shall be paid to the clubs at whose meetings those bets were made;

(b) an amount equivalent to 1·1 per centum of the total amount of the bets made with bookmakers on racecourses and coursing grounds on events decided within the State on a day or days subsequent to the day on which the bets were made shall be paid to the club by which the event was conducted;

and

(c) the balance of the commission received by the Board under this section shall be paid to the Treasurer in aid of the General Revenue of this State.;

and

(b) by inserting after subsection (3) the following subsection:—

(4) Out of the commission paid or payable on bets made in registered premises in respect of horse races (other than trotting races) held within South Australia after the thirtieth day of June, 1974, and before the commencement of the Lottery and Gaming Act Amendment Act, 1974, the Board shall apply, in such manner as it thinks fit, the sum of ten thousand dollars for the benefit of country racing clubs, or any of them, and if the aggregate commission paid or payable on such bets does not amount to ten thousand dollars or more, the whole of that commission shall be so applied.

Amendment of
principal Act,
s. 42a—
Unlawful
betting.

9. Section 42a of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsections:—

(1) Any person who carries on business as a bookmaker except in accordance with this Part shall be guilty of an offence and liable to a penalty not exceeding two thousand five hundred dollars or imprisonment for six months.

(1a) Any person who bets with a bookmaker on the result of any racing or coursing event except in accordance with this Part shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars or imprisonment for three months.

10. Section 48f of the principal Act is amended—

Amendment of
principal Act,
s. 48f—
Appropriation
of moneys
in funds.

(a) by striking out the word “and” between paragraph (c) and paragraph (d) of subsection (3);

(b) by inserting after paragraph (d) of subsection (3) the following paragraph:—

and

(e) borrow moneys upon such terms and conditions as the Treasurer may approve.;

and

(c) by inserting after subsection (4) the following subsections:—

(5) The satisfaction of any liability incurred by the Board in borrowing moneys under subsection (3) of this section is hereby guaranteed by the Treasurer.

(6) The Treasurer may, without further appropriation, apply moneys from the General Revenue of the State in satisfaction of a liability incurred by him upon a guarantee under subsection (5) of this section.

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

M. L. OLIPHANT, Governor