

NORTHERN TERRITORY OF AUSTRALIA
RACING AND BETTING AMENDMENT ACT 2000

No. 16 of 2000

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NORTHERN TERRITORY OF AUSTRALIA

No. 16 of 2000

AN ACT

to amend the *Racing and Betting Act* consequential on the enactment of the
Totalisator Licensing and Regulation Act 2000

[Assented to 6 June 2000]
[Second reading 20 October 1999]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Racing and Betting Amendment Act 2000*.

2. Commencement

This Act comes into operation on the commencement of the *Totalisator Licensing and Regulation Act 2000*.

3. Principal Act

The *Racing and Betting Act* is in this Act referred to as the Principal Act.

4. Definitions

Section 4 of the Principal Act is amended by —

- (a) omitting from the definition of "betting" in subsection (1) "*Totalizator Administration and Betting Act*" and substituting "*Totalisator Licensing and Regulation Act*";

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- (b) by omitting from subsection (1) the definitions of "Fund" and "Racecourse Development Fund";
- (c) by omitting from the definition of "totalizator" in subsection (1) all words after "operated," and substituting "but does not include a totalisator that is established or operated in the Territory under a licence granted under the *Totalisator Licensing and Regulation Act*"; and
- (d) by omitting from the definition of "unlawful betting" in subsection (1) "*Totalizator Administration and Betting Act*" and substituting "*Totalisator Licensing and Regulation Act*".

5. New section

The Principal Act is amended by inserting after section 4 the following:

"4A. Limitation to application of Act

- (1) This Act does not apply to or in relation to –
 - (a) a totalisator established or operated in the Territory under a licence granted under the *Totalisator Licensing and Regulation Act*; and
 - (b) totalisator wagering conducted under a licence granted under that Act.

"(2) To avoid doubt –

- (a) the Commission must not exercise any of its powers or perform any of its functions under this Act in respect of a totalisator or totalisator wagering referred to in subsection (1); and
- (b) in the event of a provision of or under this Act and a provision of or under the *Totalisator Licensing and Regulation Act* being capable of applying to or in relation to a totalisator or totalisator wagering referred to in subsection (1), the provision of or under the *Totalisator Licensing and Regulation Act* applies and the provision of or under this Act does not apply.

"(3) This section applies subject to section 89A(3) and (8)."

6. Heading to Part II

The heading to Part II of the Principal Act is omitted and the following substituted:

**"PART II – ESTABLISHMENT AND MEMBERSHIP OF
COMMISSION".**

7. Repeal

Sections 16C, 16D and 16E of the Principal Act are repealed.

8. New heading

The Principal Act is amended by inserting before section 17 the following:

"PART IIA – POWERS AND FUNCTIONS OF COMMISSION".

9. Functions of Commission

Section 17 of the Principal Act is amended –

- (a) by omitting from paragraph (g) "Act;" and substituting "Act; and"; and
- (b) by omitting paragraph (h).

10. Powers of Commission

Section 18 of the Principal Act is amended by adding at the end the following:

"(3) The Commission may make rules providing for the custody of its property and the form and use of its common seal."

11. Dissolution of registered club

Section 38 of the Principal Act is amended by omitting subsection (7)(a) and substituting the following:

"(a) the Consolidated Fund;"

12. Powers of principal club

Section 44 of the Principal Act is amended by omitting subsection (2)(a) and substituting the following:

"(a) make, amend or repeal the Rules of Racing that are the local rules of racing of that club;"

13. New section

The Principal Act is amended by inserting after section 48 in Division 3 of Part III the following:

"48A. Agreements with licensees under *Totalisator Licensing and Regulation Act*

"(1) A principal club or a race club may enter into an agreement with a person who holds a licence under the *Totalisator Licensing and Regulation Act* for the purpose of operating a totalisator or conducting totalisator wagering under the person's licence.

"(2) If a principal club or a race club enters into an agreement under subsection (1), section 40 of the *Totalisator Licensing and Regulation Act* applies."

14. Repeal

Divisions 6 and 6A of Part III of the Principal Act are repealed.

15. Applications for licences

Section 89 of the Principal Act is amended—

(a) by omitting from subsection (1) "may apply for a licence under this Part" and substituting ", other than a person who holds a licence under the *Totalisator Licensing and Regulation Act*, may apply under this section for a licence"; and

(b) by inserting before subsection (2)(a) the following:

"(aa) made to the Commission;".

16. New section

The Principal Act is amended by inserting after section 89 the following:

"89A. Licensing under this Part of person holding licence under *Totalisator Licensing and Regulation Act*

"(1) In this section, 'authority' has the same meaning as in the *Totalisator Licensing and Regulation Act*.

"(2) A person who holds a licence under the *Totalisator Licensing and Regulation Act* may apply under this section for a licence to conduct the business of a sports bookmaker in premises specified in the application.

"(3) If a person referred to in subsection (2) is conducting or will conduct business under the licence held under the *Totalisator Licensing and Regulation Act* that would, but for the grant of that licence, be conducted under a licence granted under this Part, the person may, but is not required to, apply for a licence under subsection (2).

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"(4) An application under subsection (2) is to –

- (a) be made to the authority;
- (b) be in a form approved by the authority;
- (c) be accompanied by –
 - (i) the information required by the authority; and
 - (ii) the prescribed fee; and
- (d) if the applicant is a company or body corporate – nominate a person who will carry out the functions of the sports bookmaker under this Division.

"(5) The authority may require the applicant to supply additional information that will assist it to determine the application.

"(6) The authority may do any of the following:

- (a) grant a licence applied for under subsection (2);
- (b) renew or vary the licence under this Division;
- (c) grant a special licence within the meaning of section 93 to the person to whom the authority granted the licence.

"(7) For the purpose of subsection (6), the authority has the same powers, functions and limitations that the Commission has under this Act and any reference to the Commission in this Act is to be taken to include a reference to the authority.

"(8) If a person who holds a licence under the *Totalisator Licensing and Regulation Act* applies for and is granted a licence under this Part –

- (a) this Act applies and the authority may exercise its powers and perform its functions under subsections (6) and (7) in respect of the licence only to the extent that there is no inconsistency between the operation of the *Totalisator Licensing and Regulation Act* and the operation of this Act; and
- (b) in the event of an inconsistency between a term or condition of the licence held under the *Totalisator Licensing and Regulation Act* and the licence granted under this Part – the term or condition of the licence held under the *Totalisator Licensing and Regulation Act* is to be complied with."

17. Application of revenue from totalizators

Section 114 of the Principal Act is amended by omitting from subsections (3) and (4) "Fund" and substituting "Consolidated Fund".

18. Recovery of dividends

Section 115 of the Principal Act is amended by omitting from subsection (2) "Fund" and substituting "Consolidated Fund".

19. Repeal

Section 118 of the Principal Act is repealed.

20. Totalizator inspectors

Section 120 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) The Commission may appoint a person to be a totalizator inspector for the purposes of Part V."

21. Unlawful use of totalizator

Section 124 of the Principal Act is amended by omitting "under section 112" and substituting "granted under section 111".

22. Savings

(1) On the commencement of this Act—

- (a) all money of and payable to the Industry Assistance Fund or the Racecourse Development Fund immediately before that commencement is money of and payable to the Consolidated Fund; and
- (b) all costs and expenses due and payable out of the Industry Assistance Fund or the Racecourse Development Fund immediately before that commencement are to be paid out of the Consolidated Fund.

23. Validation

To avoid doubt, the decisions and actions made or taken by the Commission before the commencement of this Act for and in relation to the administration of the Industry Assistance Fund or the Racecourse Development Fund in the purported exercise of its powers or the purported performance of its functions in respect of the respective Fund, and the consequences of the decisions or actions, are declared to be and to always have been valid and effectual.
