



NORTHERN TERRITORY OF AUSTRALIA

No. 22 of 1985

AN ACT

To amend the *Racing and Betting Act*

[Assented to 24 May 1985]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Racing and Betting Amendment Act 1985*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

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

4. DEFINITIONS

Section 4(1) of the Principal Act is amended -

- (a) by adding at the end of the definition of "betting" the words ", but does not include betting under the *Totalizator Administration and Betting Act*";
- (b) by adding at the end of the definition of "Chairman" the words ", and includes a person appointed under section 7A(1) to act as the Chairman while he is so acting";

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- (c) by inserting after the definition of "horse-racing" the following:

"'identity card', in relation to a totalizator inspector, means the identity card issued under section 120(2) to him in respect of his appointment as a totalizator inspector;"

- (d) by inserting after the definition of "racecourse" the following:

"'Racecourse Development Fund' means the Racecourse Development Fund established by section 64A;"

- (e) by adding at the end of the definition of "totalizator" the words ", but does not include a totalizator within the meaning of the *Totalizator Administration and Betting Act* used for the purposes of that Act"; and

- (f) by adding at the end of the definition of "unlawful betting" the words "or the *Totalizator Administration and Betting Act*".

5. NEW SECTION

The Principal Act is amended by inserting after section 7, the following:

"7A. ACTING CHAIRMAN

"(1) Where the Chairman is, or is expected to be, absent from duty or from the Territory, the Minister may, by instrument in writing, appoint an employee within the meaning of the *Public Service Act* to act as the Chairman during that absence.

"(2) The Minister may, at any time, terminate an appointment made under sub-section (1).

"(3) A person appointed under sub-section (1) to act as the Chairman has all the powers, functions and duties conferred or imposed upon the Chairman, whether under this Act or under any other Act.

"(4) The validity of a decision of the Commission, or of any other statutory corporation of which the Chairman, by virtue of being the holder of that office, is a member, shall not be questioned in any proceedings on a ground arising from the fact that the occasion for the appointment of a person purporting to be appointed under sub-section (1) had not arisen or that an appointment under that sub-section had ceased to have effect."

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6. FUNCTIONS OF COMMISSION

Section 17(h) of the Principal Act is amended by inserting after "Fund" the words "and the Racecourse Development Fund".

7. REVIEW BY MINISTER

Section 25(1) of the Principal Act is amended by inserting after "licence" the words "(other than a bookmaker's licence)".

8. INDUSTRY ASSISTANCE FUND

Section 61(1) of the Principal Act is amended by omitting paragraphs (f) and (g) and substituting the following:

"(f) tax on bookmakers' turnover;

(g) the amount paid to the Fund of fractions, prescribed commission and unpaid dividends and refunds derived from totalizators; and

(h) amounts paid under section 33(1) of the *Totalizator Administration and Betting Act* to the Fund."

9. PURPOSES OF PAYMENTS, &c., FROM FUND

Section 63 of the Principal Act is amended by omitting paragraphs (a) and (b).

10. NEW DIVISION

The Principal Act is amended by inserting in Part III after Division 6 the following:

"Division 6A - Racecourse Development Fund

"64A. RACECOURSE DEVELOPMENT FUND

"(1) There is hereby established a fund to be known as the Racecourse Development Fund, which shall comprise -

(a) amounts paid under section 31 of the *Totalizator Administration and Betting Act* to;

(b) moneys paid by way of grant, loan, bequest or donation to; and

(c) moneys received as payments of principal or interest on advances made from,

the Racecourse Development Fund.

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"(2) The Commission is responsible for the administration of the Racecourse Development Fund and shall maintain proper records of dealings with the Racecourse Development Fund.

"64B. PAYMENTS OUT OF RACECOURSE DEVELOPMENT FUND

"There shall be paid out of the Racecourse Development Fund such payments as are permitted to be made under section 64C.

"64C. PURPOSES OF PAYMENTS, &c., FROM RACECOURSE DEVELOPMENT FUND

"The Commission may make such payments, advances or grants as it thinks fit from the Racecourse Development Fund -

- (a) in respect of racing venues, or proposed racing venues, to develop -
 - (i) facilities for the public;
 - (ii) totalizator facilities;
 - (iii) facilities for bookmakers;
 - (iv) training, stabling or kennelling facilities; or
 - (v) other facilities; and
- (b) for acquiring land or an interest in land -
 - (i) that is required to -
 - (A) develop fixed improvements at racing venues; or
 - (B) establish or extend racing venues; or
 - (ii) as a proposed racing venue."

11. REPEAL AND SUBSTITUTION

Section 120 of the Principal Act is repealed and the following substituted:

"PART VA - TOTALIZATOR INSPECTORS

"120. TOTALIZATOR INSPECTORS

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

- (a) Part V; and

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(b) the *Totalizator Administration and Betting Act*.

"(2) The Commission shall issue to each person appointed as a totalizator inspector an identity card in such form as it thinks fit.

"(3) For the purposes of Part V, a totalizator inspector may -

- (a) at any time during a race meeting, trotting meeting or greyhound meeting at which a totalizator is used enter free of charge the racing venue where the meeting is being held;
- (b) at any time, for the purpose of inspecting a totalizator in the building, enter a building containing a totalizator;
- (c) during an inspection examine a part of the machinery or working of a totalizator, but shall not in any way interfere with the working of it; and
- (d) require from a person referred to in section 112(1)(c) who has the care and management of a totalizator, any information which the totalizator inspector thinks necessary for the purposes of the inspection.

"(4) A totalizator inspector has such other powers and duties as are prescribed."

12. TRANSITIONAL AND SAVINGS

(1) A person who was, immediately before the commencement of this Act, a totalizator inspector within the meaning of the Principal Act as in force at any time before that commencement shall, on and from that commencement, be deemed to be a totalizator inspector within the meaning of the Principal Act as amended by this Act.

(2) The Commission shall, as soon as practicable after the commencement of this Act, issue to a person who becomes, upon that commencement, a totalizator inspector within the meaning of the Principal Act as amended by this Act, an identity card within the meaning of the Principal Act as so amended.
