

NORTHERN TERRITORY OF AUSTRALIA

RACING AND BETTING ACT
No. 50 of 1983
TABLE OF PROVISIONS

Section

PART I - PRELIMINARY

1. Short title
2. Commencement
3. Repeal
4. Definitions
5. Delegation by Minister

PART II - RACING AND GAMING COMMISSION

*Division 1 - Establishment and Constitution
of Commission*

6. Racing and Gaming Commission
7. Composition of Commission
8. Tenure of office
9. Certain persons not qualified for appointment,
&c.
10. Duties of Chairman
11. Resignation of members
12. Dismissal of members
13. Leave of absence
14. Meetings
15. Protection of members, &c.
16. Delegation by Commission

Division 2 - Functions and Powers of Commission

17. Functions of Commission
18. Powers of Commission
19. Control by Minister
20. Inspection of certain premises
21. Finances of Commission
22. Appointment of betting inspectors

PART III - REGULATION OF RACING CODES

Division 1 - General Application

23. Application of Rules of Racing, &c.
24. Licences and permits
25. Review by Minister
26. Non-proprietary clubs
27. Non-proprietary club to be registered
28. Reports and books of account
29. Proprietary racing unlawful
30. Approved race at sporting event
31. Approval of days for race meetings
32. Days for meetings, &c.
33. Time of commencement of meetings
34. Postponement, &c., of meeting

- 35. Betting may continue at postponed, &c., meeting
- 36. Trials
- 37. Licence for racing venue

Division 2 - Dissolution of Registered Clubs

- 38. Dissolution of registered club
- 39. Recovery by control body
- 40. Notification to Commission
- 41. Control body may appoint administrator

Division 3 - Horse-racing

- 42. Principal clubs
- 43. Functions of principal clubs
- 44. Powers of principal club
- 45. Delegation by principal club
- 46. Registration of race clubs
- 47. Review by principal clubs
- 48. Duties of race clubs

Division 4 - Trotting Clubs

- 49. Definition
- 50. Control of trotting
- 51. Functions of Commission in relation to trotting
- 52. Powers of Commission in relation to trotting
- 53. Registration of trotting clubs
- 54. Charges payable to Commission
- 55. Duties of trotting club

Division 5 - Greyhound Clubs

- 56. Functions, &c. of Commission in relation to greyhound-racing
- 57. Power of Commission in relation to greyhound-racing
- 58. Registration of greyhound clubs
- 59. Charges payable to Commission
- 60. Duties of greyhound clubs

Division 6 - Industry Assistance Fund

- 61. Industry Assistance Fund
- 62. Payments out of Fund
- 63. Purposes of payments, &c., from Fund
- 64. Fund surplus

Division 7 - Offences

- 65. Unlawful racing
- 66. Occupier permitting unlawful racing
- 67. Advertising, &c., unlawful racing
- 68. Presence at unlawful racing
- 69. Removal of persons

PART IV - BOOKMAKERS

Division 1 - General

- 70. Licensing of bookmakers, &c.
- 71. Persons to whom licences under this Part may not be granted
- 72. Security may be required
- 73. Supply and control of betting tickets
- 74. Bookmakers to issue betting tickets
- 75. Supply and control of betting sheets
- 76. Bookmakers to account for records
- 77. Bookmakers to record all bets on approved betting sheets
- 78. Supervision of bookmakers
- 79. Offences by bookmakers
- 80. Suspension or cancellation of licence or permit
- 81. Licensed or registered bookmaker not to do certain things
- 82. Special betting permitted
- 83. Commission may make rules
- 84. Betting must be with licensed or registered bookmakers
- 85. Legal proceedings in respect of bets
- 86. Orders forbidding impoverished persons to bet
- 87. Liability of bookmaker's employees
- 88. False or misleading statements in applications, &c.

Division 2 - Licensed Bookmakers

- 89. Applications for licences
- 90. Commission may grant licences
- 91. Remote area licences
- 92. Renewal of licences
- 93. Restrictions on betting by licensed bookmakers
- 94. Consumption of intoxicating liquor on licensed premises
- 95. Times during which licensed premises may be open for betting
- 96. Gaming, &c., prohibited on licensed premises
- 97. Power to exclude or remove persons from licensed premises
- 98. Approval of licensed bookmaker's agent
- 99. Licensed premises to be used only for betting

Division 3 - Registered Bookmakers

- 100. Control by control bodies and clubs over registered bookmakers
- 101. Restrictions on betting by registered bookmakers
- 102. Registered bookmakers

Division 4 - Bookmakers' Clerks

- 103. Licensing of bookmakers' clerks
- 104. Remote clerks
- 105. Suspension of licence

Division 5 - Turnover Tax

- 106. Turnover tax
- 107. Bookmakers to lodge returns
- 108. Procedure for payments and returns
- 109. Suspension of licence or permit

PART V - TOTALIZATORS

- 110. Applications for licences
- 111. Totalizator licences
- 112. Conditions of use of totalizators
- 113. Remote control of totalizator
- 114. Application of revenue from totalizators
- 115. Recovery of dividends
- 116. Dividends Adjustment Fund
- 117. Returns of moneys received through totalizators
- 118. Amalgamation of totalizator pools
- 119. Commission may assume control of totalizator
- 120. Totalizator inspectors

PART VI - UNLAWFUL BETTING

- 121. Unlawful bookmaking
- 122. Betting in public place prohibited
- 123. Place for unlawful betting not to be opened, &c.
- 124. Unlawful use of totalizator
- 125. Land used for access to place, &c.
- 126. Owner may evict occupier of house used in
contravention of Act
- 127. Cancellation of notice to quit
- 128. Penalty for receiving money as deposit, &c., on
bet
- 129. Penalty for exhibiting placards, &c., as to
betting
- 130. Penalty for advertising as to betting
- 131. Person named in circular deemed the sender
- 132. Betting with person under 18 years prohibited
- 133. Money stolen, &c., paid in bets recoverable
- 134. False pretences
- 135. Betting contracts
- 136. Powers of betting inspectors
- 137. Special powers relating to searches, &c.
- 138. Not necessary to prove that person found betting
for money, &c.
- 139. Effect of discovery of instruments of betting
- 140. Evidence that place used for unlawful betting
- 141. Act not to extend to stakes payable to winner
of lawful game or race

PART VII - EVIDENCE, PROCEDURE, &c.

- 142. Offences by clubs, &c.
- 143. Evidence as to offences
- 144. Reasonable suspicion sufficient
- 145. Forfeiture

PART VIII - MISCELLANEOUS

- 146. Hindering inspectors
- 147. Time for commencing proceedings
- 148. Regulations

PART IX - TRANSITIONAL AND SAVINGS

- 149. Definitions
- 150. Racing and Gaming Commission
- 151. Licences
- 152. Days for racing
- 153. Registered clubs
- 154. Inspectors
- 155. Fund
- 156. Savings of Regulations, &c.

SCHEDULE



NORTHERN TERRITORY OF AUSTRALIA

No. 50 of 1983

AN ACT

To control racing and betting, and for related purposes

[Assented to 12 October 1983]

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:

PART I - PRELIMINARY

1. SHORT TITLE

This Act may be cited as the *Racing and Betting Act 1983*.

2. COMMENCEMENT

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

3. REPEAL

The Acts listed in the Schedule are repealed.

4. DEFINITIONS

(1) In this Act, unless the contrary intention appears -

"approved" means approved by the Commission;

"area of jurisdiction", in relation to a principal club, means the part of the Territory in respect of which the principal club has jurisdiction as a principal club;

"betting" includes the action, behaviour, conduct or performance of a person who, whether on one or more than one occasion -

Racing and Betting

- (a) makes or receives a bet or wager;
- (b) pays, receives, negotiates or settles a bet or wager; or
- (c) offers, or agrees or otherwise negotiates to bet or wager or to pay, receive or settle, a bet or wager,

for himself or on behalf of another person;

"betting inspector" means a betting inspector appointed under section 22;

"betting ticket" means a betting ticket referred to in section 73;

"bookmaker" means a person who is a licensed bookmaker, a registered bookmaker or a country bookmaker;

"bookmaker's agent" means a person authorized under this Act by the Commission to conduct the business of a bookmaker in the absence of that bookmaker;

"bookmaker's clerk" means a person employed or engaged by a bookmaker as a clerk in the conduct of his business of a bookmaker on or at a racing venue or licensed premises;

"bookmaking" means the business of receiving or negotiating bets;

"casino" has the same meaning as in the *Casino Licence and Control Act*;

"Chairman" means the Chairman of the Commission appointed under section 7(2);

"club" means a club registered under this Act as a race club, trotting club or greyhound club;

"Commission" means the Racing and Gaming Commission established by section 6;

"committee", in relation to a registered club, means the committee or other governing body for the time being of that club;

"control body", in relation to -

- (a) a race club, means a principal club; and
- (b) a trotting club or greyhound club, means the Commission;

Racing and Betting

"country bookmaker" means a licensed or registered bookmaker who carries on his business as a bookmaker at a place which is not within 50 kilometres of either the Darwin General Post Office or the Alice Springs Post Office;

"Court" means a court of summary jurisdiction;

"employee" means a person employed by and engaged in the work of the Commission;

"feature double" means an investment by the nomination of 2 selections on the contingency that such selections shall take first place in 2 races at different race meetings;

"Fund" means the Industry Assistance Fund established by section 61;

"greyhound club" means a body or association of persons, corporate or unincorporated, that promotes, holds or controls, or is formed to promote, hold or control, greyhound meetings, and includes such a body or association that is not registered;

"greyhound meeting" means a meeting for the purpose of conducting greyhound races;

"greyhound-racing" includes a greyhound race and a greyhound meeting;

"greyhound-racing ground" means a place for the holding of greyhound meetings;

"Greyhound Racing Rules" means the rules for the time being governing and relating to the control of greyhound-racing made or adopted under this Act by the Commission and approved by the Minister, or continued in force by section 156;

"horse-racing" means the racing of galloping horses;

"instrument of betting" includes -

- (a) a book, card, coin, document, list, money, paper, record, sheet, table, ticket or other writing;
- (b) a mechanical, electrical, telephonic, telegraphic, electronic or other equipment or device;
- (c) a film, microfilm or other photographic or holographic record;
- (d) a tape, cassette, disc or other audio or visual recording or replaying device or equipment;

Racing and Betting

(e) a board, chart or screen; and

(f) any other form or means of recording information or data,

used or capable of being used in carrying on or in connection with betting;

"investment", in relation to a totalizator, means the amount of money invested on a totalizator the disposal of which is directed or authorized under this Act;

"licence" means a licence, and includes a renewal of a licence, granted under this Act;

"licensed bookmaker" means a person to whom a licence is granted under section 90;

"licensed premises" means premises in respect of which a licence is granted under section 90;

"meeting" includes a race meeting, trotting meeting, greyhound meeting and phantom meeting;

"member" means a member of the Commission and includes the Chairman;

"money" includes bank notes, coins, bank drafts, marketable securities, cheques and other orders, warrants, authorities or requests for the payment of money or an acknowledgement, note or other thing purporting or intended to entitle the bearer or another person to money or money's worth;

"net pool", in relation to a totalizator, means that part of moneys invested on a totalizator that is available to be paid out by way of dividends;

"non-proprietary club" means a club the constitution of which -

(a) provides for the application of profits and other income of the club to the promotion of its objects; and

(b) prohibits the payment of dividends to the members of the club;

"occupier", in relation to a place, includes the owner or keeper at a material time of the place, a person having at a material time the care, management, supervision or control of the place or in any manner conducting the business, if any, of the place and a person procured or employed by or acting for or on behalf of any such person;

Racing and Betting

"official starting price" means the odds declared by the club conducting a meeting to be the official starting price in relation to a runner;

"operator", in relation to a totalizator, means a registered club, the agent of such a club or other authorized person that or who operates a totalizator;

"owner", in relation to a place, includes a lessee and sub-lessee;

"paceway" means a place for the holding of trotting meetings;

"permit" means a permit, and includes the renewal of a permit, granted under this Act;

"phantom meeting" means a meeting authorized under this Act to be held at which no race is actually conducted or is required to be conducted;

"place" includes -

- (a) land;
- (b) a building, structure or erection of any kind, whether wholly or partly constructed or erected or in the course of construction or erection;
- (c) a room in a building, structure or erection;
- (d) a road, street, thoroughfare, alley or right of way;
- (e) a racecourse, paceway, greyhound racing ground, athletic ground or other ground;
- (f) a vehicle, vessel or aircraft; and
- (g) a tent, caravan, trailer or other conveyance;

"primary totalizator" means a totalizator designated by the Commission as a primary totalizator and to which details of investments on any other totalizator are transmitted or at which the net pools of more than one totalizator are amalgamated;

"principal club" means a club prescribed as a principal club for the purposes of this Act and the Rules of Racing or appointed as a principal club under section 42(2)(a) by the Minister, and includes the Commission, when so appointed;

Racing and Betting

"property" includes real and personal property, whether situated in the Territory or elsewhere, and any right thereto or estate or interest therein and a debt, thing in action and any other right or interest in property;

"public place" includes -

- (a) a public place within the meaning of the *Summary Offences Act*;
- (b) a place regularly used by an association within the meaning of the *Associations Incorporation Act*; and
- (c) licensed premises within the meaning of the *Liquor Act*;

"race" means a contest, event or contingency in which 2 or more runners compete, one against the other or others, in a test of speed over a designated distance or period or for the purpose of providing a contingency on which bets may be made, but does not include a contest, event or contingency in which skills other than speed alone are tested or a trial;

"race club" means a body or association of persons, corporate or unincorporated, that promotes, holds or controls, or is formed to promote, hold or control, race meetings;

"racecourse" means a place for the holding of race meetings;

"race meeting" means a meeting for the purpose of conducting horse races;

"racing" includes a horse race and a race meeting;

"racing venue" means a racecourse, paceway or greyhound racing ground, whether in the Territory or elsewhere, at which a meeting may lawfully be held;

"refund" means an investment made on a totalizator, or a bet made with a bookmaker, that is required for any reason to be refunded;

"registered" means -

- (a) when used in relation to a club, registered -
 - (i) by a principal club as a race club; or
 - (ii) by the Commission as a trotting club or a greyhound club; or

Racing and Betting

(b) when used in relation to a horse or greyhound, registered in accordance with -

(i) the Rules of Racing;

(ii) the Rules of Trotting; or

(iii) the Greyhound Racing Rules,

as the case may be;

"registered bookmaker" means a person to whom a permit has been granted under section 102;

"remote area licence" means a licence granted under section 91;

"remote clerk" means a bookmaker's clerk authorized under section 104;

"Rules" includes the Rules of Racing, Rules of Trotting and Greyhound Racing Rules;

"Rules of Racing" means the rules for the time being governing and relating to horse-racing under the control of principal clubs, being in relation to each principal club an amalgamation of the Australian Rules of Racing as adopted by that club and the local rules of racing of that club;

"Rules of Trotting" means the rules for the time being governing and relating to the control of trotting made or adopted under this Act by the Commission and approved by the Minister, or continued in force by section 156;

"runner" means a horse or greyhound that is a final acceptor in a race;

"special licence" means a special licence granted under section 82(2);

"special permit" means a special permit granted under section 82(2);

"sporting event" includes an event or contingency of or relating to a horse race, trotting race or greyhound race and an athletic contest, other race or contest of or relating to a sport, fight, game, exercise or pastime and such other events or contingencies, whether or not of a sporting nature, as the Minister declares to be a sporting event;

"this Act" includes the Regulations and Rules made under this Act, or continued in force by section 156;

Racing and Betting

"totalizator" means a scheme or system by means of which investments are accepted and aggregated and dividends are calculated, declared and paid on a proportional basis dependent upon the result of a race or series of races in accordance with prescribed formulae and includes a device, instrument, machine, computer or other thing used to effect the aggregation and distribution of investments and the place where such a scheme is operated;

"totalizator inspector" means an inspector appointed under section 120;

"totalizator pool" means the amount calculated by subtracting from the aggregate of investments on a class of totalizator refunds and prescribed commission;

"trial" means an event held for the purpose of testing or training horses or greyhounds for which no prize-money, trophy or other reward, gratuity or privilege of more than a nominal value is offered;

"trotting" includes trotting racing, pacing and a trotting meeting;

"trotting club" means a body or association of persons, corporate or unincorporated, that promotes, holds or controls, or is formed to promote, hold or control, a trotting meeting;

"trotting meeting" means a meeting for the purpose of conducting trotting races;

"unit of investment", in relation to a totalizator, means the prescribed basic monetary unit that may be invested on the totalizator and on which a dividend is declared and paid;

"unlawful betting" means betting otherwise than in accordance with this Act;

"valuable thing" includes a benefit or a promise, oral or in writing, conditional or absolute, to pay or give a valuable thing.

(2) For the purposes of the definition of "sporting event" in sub-section (1), the Minister may, by notice in the *Gazette*, declare an event or contingency to be a sporting event.

5. DELEGATION BY MINISTER

(1) The Minister may, by instrument in writing, delegate to a person any of his powers and functions under this Act, other than this power of delegation.

Racing and Betting

(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Minister.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Minister.

PART II - RACING AND GAMING COMMISSION

Division 1 - Establishment and Constitution of Commission

6. RACING AND GAMING COMMISSION

(1) There is established by this Act a Commission by the name of the Racing and Gaming Commission.

(2) The Commission -

(a) is a body corporate with perpetual succession;

(b) shall have a common seal;

(c) may acquire, hold and dispose of real and personal property; and

(d) shall be capable of suing and being sued in its corporate name.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Commission and shall assume that it was duly affixed.

(4) The Commission is a prescribed authority for the purposes of the *Public Service Act*.

7. COMPOSITION OF COMMISSION

(1) The Commission shall consist of -

(a) a Chairman who is an employee within the meaning of the *Public Service Act*; and

(b) 2 members.

(2) The Administrator shall appoint the Chairman and 2 persons to be the members of the Commission.

(3) The exercise of the powers or the performance of the functions of the Commission shall not be affected by reason only of there being a vacancy in the office of a member.

Racing and Betting

8. TENURE OF OFFICE

Subject to this Part, a member shall be appointed for a period not exceeding 5 years and is eligible for reappointment.

9. CERTAIN PERSONS NOT QUALIFIED FOR APPOINTMENT, &c.

A person who is or becomes -

- (a) a member of a registered club;
- (b) interested or concerned, whether directly or indirectly, in the business carried on by a bookmaker or the holder of a licence under a law of the Territory to operate a casino;
- (c) the owner, lessee or trainer of a horse used for horse-racing or trotting or a greyhound used for greyhound-racing; or
- (d) a rider or driver of horses, whether professionally or not, in horse-races or trotting,

shall not be appointed, or continue in office, as a member.

10. DUTIES OF CHAIRMAN

The Chairman shall, in accordance with the decisions and subject to the directions of the Commission, administer the affairs of the Commission.

11. RESIGNATION OF MEMBERS

A member may resign his office by writing signed by him and delivered to the Minister.

12. DISMISSAL OF MEMBERS

(1) The Administrator may remove a member from office for inability, inefficiency, misbehaviour or physical or mental incapacity.

(2) Where a member -

- (a) is absent, except on leave granted by the Minister, from 3 consecutive meetings of the Commission; or
- (b) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit,

the Minister shall terminate the appointment of the member.

Racing and Betting

13. LEAVE OF ABSENCE

The Minister may grant leave of absence to a member.

14. MEETINGS

(1) The Chairman shall convene such meetings of the Commission as are necessary for the exercise of its powers and the performance of its functions.

(2) At a meeting of the Commission -

(a) the Chairman shall preside;

(b) the Chairman and one member constitute a quorum;

(c) questions arising shall be determined by a majority of the votes of the members present and voting and in the event of an equality of votes the matter should be taken to have been defeated; and

(d) subject to this Act, the Commission shall determine the procedure to be followed at or in connection with the meeting.

(3) The Commission shall keep records of its meetings.

15. PROTECTION OF MEMBERS, &c.

No action or proceeding, civil or criminal, shall lie against the Chairman, a member or an employee, for or in respect of an act or thing done or omitted to be done in good faith by him in his capacity as the Chairman, a member or an employee.

16. DELEGATION BY COMMISSION

(1) Subject to this Act, the Commission may, by instrument in writing under its common seal, delegate to -

(a) a member; or

(b) an employee,

any of its powers or functions under this Act, other than this power of delegation.

(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Commission.

(3) A delegation under this section does not prevent the exercise of a power or performance of a function by the Commission.

Racing and Betting

Division 2 - Functions and Powers of Commission

17. FUNCTIONS OF COMMISSION

The functions of the Commission are to -

- (a) investigate and make to the Minister such recommendations as it thinks fit with respect to such matters relating to the administration or operation of -

- (i) this Act; or

- (ii) a law of the Territory relating to the licensing and operation of casinos, lotteries and gaming or the promotion, conduct and operation of soccer football pools,

as are referred to it by the Minister for investigation or as it from time to time thinks fit;

- (b) undertake research and investigations into matters relating to casinos, lotteries, soccer football pools, horse-racing, trotting and greyhound-racing and the breeding of horses for horse-racing and trotting and greyhounds for greyhound-racing, including the financial security of the organizations and persons whose subsistence or livelihood is derived from or directly connected with casinos, lotteries, soccer football pools, horse-racing, trotting or greyhound-racing;
- (c) control, supervise, regulate and develop trotting and greyhound-racing;
- (d) grant licences and permits in accordance with this Act;
- (e) define the duties and functions of a person employed as a bookmaker's clerk;
- (f) allot race days for such period or periods as it thinks fit to registered clubs;
- (g) prosecute persons for offences against this Act or the *Lotteries and Gaming Act*;
- (h) administer the Fund; and
- (j) carry out such other functions as are conferred on it by or under this Act or any other law of the Territory.

Racing and Betting

18. POWERS OF COMMISSION

(1) Subject to this Act, the Commission has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions and the exercise of its powers.

(2) Without limiting the generality of subsection (1), the Commission may, in the performance of its functions and the exercise of its powers, including powers or functions conferred on it elsewhere in this or any other Act -

- (a) investigate any matter referred to it by the Minister and report to the Minister thereon;
- (b) subject to the approval of the Minister, enter into contracts;
- (c) do all such things as it considers necessary or desirable for the proper regulation and control, in the interests of the public, of betting by and with bookmakers or by means of a totalizator conducted in pursuance of a licence granted under section 111;
- (d) do all such acts and things as it considers necessary or desirable for the proper regulation and control, in the interests of the public, of casinos, lotteries, soccer football pools, bookmakers, horse-racing, trotting and greyhound-racing; and
- (e) do anything incidental to any of its powers.

19. CONTROL BY MINISTER

In the exercise of its powers and the performance of its functions, the Commission is subject to the direction of the Minister and it shall, as soon as practicable, comply with a direction given by the Minister.

20. INSPECTION OF CERTAIN PREMISES

(1) A member, an authorized employee or a member of the Police Force may, at any time of the day or night, free of charge, enter and inspect -

- (a) a casino;
- (b) a racing venue; or
- (c) licensed premises.

(2) Where a member, an employee or a member of the Police Force enters a place in pursuance of this section, he may -

- (a) inspect any books or documents on the place;

Racing and Betting

- (b) remove for production as evidence or having copies made any books or documents from the place; and
- (c) retain a book or document removed in pursuance of paragraph (b) for production as evidence or having copies made.

(3) A person who, except in the course of his duty under this Act or in the course of proceedings in a court in respect of an offence, divulges to another person information that he has acquired by reason of the inspection of books or documents in pursuance of this section is guilty of an offence.

Penalty: \$1,000 or imprisonment for 6 months.

21. FINANCES OF COMMISSION

For the purposes of the *Financial Administration and Audit Act*, the Commission is a statutory corporation to which Divisions 1 and 2 of Part IV of that Act apply.

22. APPOINTMENT OF BETTING INSPECTORS

(1) The Commission may appoint such betting inspectors as it thinks fit for the purposes of this Act.

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

PART III - REGULATION OF RACING CODES

Division 1 - General Application

23. APPLICATION OF RULES OF RACING, &c.

- (1) Subject to this Act -
 - (a) the Rules of Racing apply to and in relation to horse-racing in each locality in relation to which a declaration under section 42(2)(c) is in force;
 - (b) the Rules of Trotting apply to and in relation to trotting; and
 - (c) the Greyhound Racing Rules apply to and in relation to greyhound-racing.
- (2) In the application of the Rules -
 - (a) a registered club shall not make or permit an exemption to or waiver of any of the Rules if the making or permitting would prevent or avoid effect being given to this Act; and

Racing and Betting

- (b) such adaptations of the Rules shall be made as are necessary for the purpose of giving effect to this Act.

24. LICENCES AND PERMITS

(1) Subject to sub-section (2), a licence or permit shall be in force for 12 months.

(2) A licence or permit -

- (a) unless it is earlier cancelled or suspended, expires on 30 June next following the date on which it is granted; and

(b) is not transferable.

(3) A licence or permit is subject to such conditions as are prescribed and such other conditions, not inconsistent with those prescribed or with this Act, as are endorsed on it.

(4) The fee for a licence or permit is as prescribed.

25. REVIEW BY MINISTER

(1) Where the Commission refuses to grant a renewal of a licence or permit, it shall give notice in writing to the applicant who may request the Minister to review the refusal.

(2) A request under sub-section (1) shall -

- (a) be in writing stating the grounds for the request; and

(b) be served on the Minister within 14 days after notice of the refusal is given to the applicant,

and a copy of it shall be served on the Commission within the period referred to in paragraph (b).

(3) The Minister may, after considering the grounds stated in a request, an application made for the renewal of a licence or permit and all information furnished in support of that application, and after making such further inquiries as he thinks fit, direct the Commission to grant the renewal of the licence or permit, or confirm the refusal of the Commission.

(4) The decision of the Minister under sub-section (3) is final.

(5) The fee payable in respect of an application for a renewal of a licence or permit shall be repaid to the applicant where -

Racing and Betting

- (a) the applicant withdraws his application before the renewal is granted to him;
- (b) the Commission refuses to grant the applicant a renewal and the applicant does not, within the period referred to in sub-section (2)(b), request the Minister to review the decision; or
- (c) the Minister, on reviewing the decision of the Commission, confirms the refusal to grant the applicant a renewal.

(6) No compensation shall be payable by the Commission or the Territory in respect of refusal to grant or renew a licence or permit.

26. NON-PROPRIETARY CLUBS

(1) A registered club shall not divide, directly or indirectly, any takings, receipts, profits or gains of the club, however derived, amongst its members or any of them.

(2) A registered club shall apply the takings, receipts, profits and gains of the club, however derived, only -

- (a) for the promotion and advancement of horse-racing, trotting or greyhound-racing, as the case may be, to be carried on in good faith for the improvement of the breeding of horses or greyhounds in the Territory; or
- (b) for a purpose approved by the Minister.

(3) For the purposes of sub-section (2), the promotion of horse-racing, trotting or greyhound-racing, as the case may be, includes -

- (a) the purchase by the registered club of its racing venue;
- (b) the improvement of any property of the registered club, the revenue from which is applied solely for the promotion of horse-racing, trotting or greyhound-racing; and
- (c) the maintenance of, and the making of improvements to, its racing venue.

(4) Nothing in this section shall prevent -

- (a) the payment to a member of the registered club of -
 - (i) principal or (subject to the rate per cent not exceeding the most usual rate of interest payable for the time being to the Commonwealth Trading Bank of Australia in

Racing and Betting

respect of bank overdrafts of the same amount as that principal) interest payable in respect of moneys lent to the club by the member; or

- (ii) subject to the Commission having approved of the lease before its execution, rent in respect of a lease by the registered club of a racing venue owned by the member; or
- (b) the expenditure by the registered club of amounts for the purpose of -
 - (i) providing entertainment for the members of the club in common with other persons;
 - (ii) defraying the expenses of a member of the club attending, on behalf of the club, a conference or meeting of persons interested or concerned in horse-racing, trotting or greyhound-racing or in the control or conduct of race meetings, trotting meetings or greyhound meetings;
 - (iii) the payment by a registered club to, or the receipt by, a member of the club of moneys or a valuable thing awarded to the owners or lessees of horses or greyhounds that win or are placed in horse races, trotting races or greyhound races conducted by the club; or
 - (iv) the payment by a registered club to a person (whether a member of the club or not) of such costs, fees or expenses, or such classes of costs, fees or expenses, as are prescribed.

27. NON-PROPRIETARY CLUB TO BE REGISTERED

A non-proprietary club shall not conduct -

- (a) a race meeting at a racing venue situated in an area in respect of which a principal club has jurisdiction unless the non-proprietary club is registered by that principal club; or
- (b) a trotting meeting or greyhound meeting at a racing venue unless it is registered by the Commission as a trotting club or greyhound club, as the case may be.

Penalty: \$2,000.

Racing and Betting

28. REPORTS AND BOOKS OF ACCOUNT

(1) Subject to sub-section (3), each principal club and registered club shall, as soon as practicable after the end of the financial year of the club in each year, prepare and furnish to the Commission a report on its operations during the year ending on that date.

(2) Subject to sub-section (3), each principal club and registered club shall cause to be kept proper books of account and records in relation to its operations as a principal club or registered club and shall, in respect of each financial year of the club, prepare and forward to the Commission at the time it forwards the report referred to in sub-section (1) a statement of account and balance sheet audited by a person authorized by the Commission for that purpose.

(3) The Commission may require a principal club or registered club to furnish a report under sub-section (1) or a statement of account and balance sheet under sub-section (2) at such times as the Commission thinks fit.

29. PROPRIETARY RACING UNLAWFUL

Subject to this Act, a person not being a non-proprietary club who conducts -

- (a) a horse race or holds a race meeting;
- (b) a trotting race or holds a trotting meeting; or
- (c) a greyhound race or holds a greyhound meeting,

is guilty of an offence.

Penalty: \$2,000.

30. APPROVED RACE AT SPORTING EVENT

Nothing in this Part prevents a horse race, trotting race or greyhound race being conducted at a place that is not a racing venue, in conjunction with an approved sporting event, where -

- (a) no betting is permitted at that place; and
- (b) no monetary prize is offered,

in respect of the horse race, trotting race or greyhound race.

31. APPROVAL OF DAYS FOR RACE MEETINGS

(1) The Commission, on application by a principal club, may approve such number of days on which race meetings may be held by the principal club and race clubs registered by the principal club as it thinks fit.

Racing and Betting

(2) An application under sub-section (1) shall be lodged with the Commission before 30 June in advance for the next succeeding period from 1 August to 31 July.

(3) On receipt of a notice in writing from the Commission of the number of days approved under sub-section (1), the principal club shall -

- (a) allocate the days for race meetings by the race clubs registered by it; and
- (b) advise the Commission in writing of particulars of the allocations under paragraph (a).

32. DAYS FOR MEETINGS, &c.

(1) Subject to section 34, a race club shall not conduct racing except on a day allocated under section 31 by its principal club.

(2) Subject to section 34 -

- (a) a trotting club shall not conduct trotting; or
- (b) a greyhound club shall not conduct greyhound-racing,

or conduct or hold a phantom meeting except on a day approved for that purpose by the Commission.

(3) A race club, trotting club or greyhound club shall not conduct or hold a meeting on Good Friday or Christmas Day.

Penalty for an offence against this section: \$2,000.

33. TIME OF COMMENCEMENT OF MEETINGS

A meeting shall be deemed to commence at 8 o'clock on the morning of the day on which it is to be held and end at midnight of that day.

34. POSTPONEMENT, &c., OF MEETING

(1) Where -

- (a) owing to adverse weather conditions or other circumstances a registered club considers to be in the nature of an emergency, the registered club considers it impossible or impracticable to hold a meeting or a part of a meeting on a day approved and allocated to the club; or
- (b) for any reason the control body of the registered club considers to be sufficient, the registered club does not desire to hold the meeting on that day,

Racing and Betting

the registered club may, in accordance with the Rules of Racing, Rules of Trotting or Greyhound Racing Rules applicable to it, postpone that meeting or part of the meeting until such other day as that control body allocates for that purpose, or abandon it.

(2) Where a registered club postpones a meeting or a part of a meeting, the postponement shall take effect from the time at which the first public announcement of the postponement of the meeting is made on behalf of the club.

(3) Where a registered club postpones intact part of a meeting comprising 3 or more races until another day, the club may, with the approval of its control body, stage another race or races on that day sufficient to complete what the control body considers to be a meeting normal for that club.

35. BETTING MAY CONTINUE AT POSTPONED, &c., MEETING

Where a meeting has commenced and the registered club conducting that meeting postpones or abandons the whole or part of the meeting, betting with bookmakers or investment on a totalizator in respect of events to be decided at any other racing venue may, in the discretion of the registered club, continue at the racing venue during the time that betting or investment would, but for the postponement or abandonment, have been permitted.

36. TRIALS

(1) A registered club -

(a) may, with the prior approval of; and

(b) shall, when directed in writing by,

its control body, conduct a trial at a racing venue.

(2) Subject to the condition to which an approval or direction under sub-section (1) is given, a trial may be conducted by a registered club during or in conjunction with a meeting.

(3) A control body may make rules with respect to trials and clubs registered by it shall comply with those rules and this Act in the conduct of trials.

(4) All trials at a racing venue shall be conducted under the control and supervision of a control body or a person authorized for the purpose by the control body.

(5) A registered club shall not, in respect of trotting or greyhound-racing, conduct a trial -

(a) at night at a racing venue unless the racing venue is licensed for the holding of trotting meetings or greyhound meetings at night; or

Racing and Betting

(b) after 11 o'clock at night.

(6) A person who makes a bet on the outcome of a trial is guilty of an offence.

Penalty for an offence against this section: \$2,000.

37. LICENCE FOR RACING VENUE

The Commission may grant a licence in respect of a racecourse, paceway or greyhound-racing ground.

Division 2 - Dissolution of Registered Clubs

38. DISSOLUTION OF REGISTERED CLUB

(1) Subject to this section, a club that has ceased to be registered by a control body shall promptly take such steps and do such acts and things as are provided by the club's constitution, the Rules of Racing, Rules of Trotting or Greyhound Racing Rules, as the case may be, and the Act with a view to the dissolution of that club.

(2) Where there is an inconsistency between the constitution of a club referred to in sub-section (1), the appropriate Rules or this Act, to the extent of that inconsistency the Rules shall prevail over the club's constitution and this Act shall prevail over the Rules and the club's constitution.

(3) Where, for reasons accepted by the Commission, it is inappropriate to proceed immediately to dissolution of a club referred to in sub-section (1), the control body to which that club was subject, upon being satisfied as to the adequacy and accuracy of books and accounts kept by the club and the security of the club's assets, may grant to the club, in writing, approval to postpone dissolution for a period, in the first instance, not exceeding 12 months from the date on which the club ceased to be registered by the control body.

(4) In the case of -

(a) a race club - with the prior approval of the Commission, a principal club; or

(b) a club referred to in sub-section (1) - the Commission,

may grant to the club further postponements of its dissolution, subject to sub-section (5), for a period not exceeding in any case 6 months.

(5) Where the Commission is satisfied that extenuating circumstances prevail and no omission or neglect by the committee, a member, officer or agent of a club referred to in sub-section (1) contributed to the

Racing and Betting

delay in completing the dissolution of the club, the Commission may grant such extension of time as it thinks fit.

(6) A club referred to in sub-section (1) that has failed to complete dissolution within 6 months after the date upon which that club ceased to be registered, or within such longer period as is approved under sub-section (3) or (4) by the control body or granted under sub-section (5) by the Commission, shall be deemed to be dissolved immediately upon the expiration of such period or periods, as the case may be, and, notwithstanding section 26, the assets of that club shall not thereafter be dealt with or disposed of in a manner other than expressly provided in sub-section (7).

(7) The assets of a club to which sub-section (6) applies shall, immediately upon the deemed dissolution of the club, devolve upon and vest in the Minister who may direct that such assets, after realization to the extent approved by him and after the payment of all debts and liabilities, if any, of the club, shall be paid or delivered or transferred to him to be held in trust for distribution at some later date to or amongst, as he thinks fit -

(a) the Fund;

(b) where the club was a race club -

(i) the principal club exercising jurisdiction in the locality of the dissolved club, to be used for such purposes as it thinks fit; or

(ii) a club that holds or commences to hold race meetings in the same locality as that in which the dissolved club operated;

(c) where the club was not a race club -

(i) the Commission, to be used for such purposes as it thinks fit; or

(ii) a registered club that holds or commences to hold meetings in the same locality as the dissolved club; or

(d) for such other purposes as he thinks fit.

(8) Upon the dissolution or deemed dissolution of a club pursuant to sub-section (1), (3) or (6), the control body to which the club was subject shall be responsible to the Minister for the lawful and effective conclusion of that dissolution and may take such steps and do such acts and things as are necessary and lawfully permissible to achieve a proper dissolution.

Racing and Betting

39. RECOVERY BY CONTROL BODY

(1) Subject to sub-section (2), where a control body incurs reasonable expenses in the performance of the duty imposed by section 38(8) it may, with the prior approval of the Minister, recover the full amount of those expenses, or such lesser amount as it is possible to recover, from the net amount remaining after the realization of all the assets of the club concerned and the payment of all debts and liabilities, if any, of that club.

(2) Where a control body is unable to recover the whole of the expenses approved in respect of the dissolution of a club referred to in sub-section (1), it may recover the amount not then recovered from the net amount realized on the subsequent dissolution of any other club in such amounts as are approved from time to time by the Minister.

40. NOTIFICATION TO COMMISSION

A principal club shall notify the Commission in writing on a cessation of registration by it of a race club.

Penalty: \$200.

41. CONTROL BODY MAY APPOINT ADMINISTRATOR

(1) Notwithstanding the constitution or rules of a registered club or law of the Territory or practice to the contrary, a control body, whenever it appears to it to be necessary and the Minister so approves, shall by order in writing -

- (a) dissolve the committee of the registered club;
- (b) appoint a person to be the administrator of the club for such period as it specifies in the order; or
- (c) by the same or a later order, make provision for the election of a committee of the club.

(2) A control body may make rules, not inconsistent with this Act, to define the duties, responsibilities and authority of an administrator appointed under sub-section (1).

(3) Upon the making of an order under sub-section (1), the members of the committee of the registered club concerned shall cease to hold office and every reference in the constitution and rules of the club, the Rules of Racing, Rules of Trotting or Greyhound Racing Rules, as the case may be, and this Act to the committee or to an office bearer of that committee shall be deemed

Racing and Betting

to be a reference to the administrator appointed under sub-section (1)(b) or committee elected pursuant to sub-section (1)(c).

(4) Following the making of an order under sub-section (1), all members of the committee of a registered club holding office immediately before the making of that order and every officer and member of that registered club shall, without delay, disruption or interference, provide free and complete access by the administrator appointed under sub-section (1)(b) or committee elected pursuant to sub-section (1)(c) to all assets, records and other property of the club and shall provide all information, advice and assistance lawfully requested by the administrator or committee.

(5) A provision contained in the constitution or rules of a registered club concerning the requirement of an election of a committee or of a person to an office of the club shall be deemed to be suspended and inoperative during such period as the administrator appointed under sub-section (1)(b), or committee elected in pursuance of sub-section (1)(c), conducts the business of the club.

Division 3 - Horse-racing

42. PRINCIPAL CLUBS

(1) Subject to sub-section (2), the associations of persons known as -

- (a) the Darwin Turf Club; and
- (b) the Central Australian Racing Club,

are, for the purposes of this Act and the Rules of Racing, principal clubs.

(2) The Minister may, as he thinks fit, by notice in the *Gazette* -

- (a) appoint the Commission or an association to be a principal club;
- (b) declare that an association, including a principal club referred to in sub-section (1), shall cease to be a principal club;
- (c) declare a locality to be the locality in respect of which a principal club has jurisdiction as a principal club for the purposes of this Act and the Rules of Racing;
- (d) specify the race clubs over which each principal club shall exercise authority and control within its jurisdiction; and
- (e) specify the composition of the membership of a principal club's committee.

Racing and Betting

43. FUNCTIONS OF PRINCIPAL CLUBS

A principal club shall have the control and general supervision of the race clubs specified under section 42(2)(d) and, to the extent necessary to give effect to this Act, its functions are -

- (a) to control, supervise, regulate and promote horse-racing; and
- (b) to initiate, develop and implement such policies as it considers conducive to the development and welfare of the horse-racing industry and the protection of the public interest,

in the locality in respect of which it has jurisdiction.

44. POWERS OF PRINCIPAL CLUB

(1) Subject to this Act, a principal club has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions and the exercise of its powers.

(2) Without limiting the generality of subsection (1), a principal club may, for the purpose of exercising its powers and performing its functions, including powers and functions conferred on it elsewhere in this Act -

- (a) make, amend or repeal the Rules of Racing as prescribed;
- (b) allocate to race clubs registered by it the dates and times on and at which they may hold race meetings;
- (c) investigate and report on proposals for the construction of new racecourses or for the alteration or renovation of existing racecourses;
- (d) make recommendations to the Commission relating to the licensing of racecourses or to racecourses generally;
- (e) in relation to itself and the race clubs in the locality in respect of which it has jurisdiction, register or license or refuse to register or license, or cancel or suspend the registration or licence, of a race club or an owner, trainer, jockey, bookmaker, bookmaker's clerk or other person associated with racing, or disqualify or suspend any of those persons permanently or for a specified period;

Racing and Betting

- (f) supervise the activities of race clubs registered by it, persons licensed by it and all other persons engaged in or associated with racing in its locality;
- (g) direct and supervise the lawful dissolution of a race club in its locality that ceases to be registered;
- (h) subject to the approval of the Minister, appoint an administrator to conduct the affairs of a race club registered by it;
- (j) register and identify galloping horses;
- (k) exclude from participating in a race a horse not registered under the Rules of Racing;
- (m) prohibit a person from attending at or taking part in a race meeting conducted by it or a race club registered by it;
- (n) impose a penalty on a person licensed by it or an owner of a horse for breaches of the Rules of Racing;
- (p) impose fees for registration of a race club, person or horse in its locality;
- (q) require race clubs registered by it to pay to it such charges as are, in the opinion of the principal club, required for providing services to registered clubs;
- (r) consult, join, affiliate and maintain liaison with other associations or bodies, whether in the Territory or elsewhere, concerned with the breeding or racing of horses;
- (s) enter into contracts;
- (t) acquire, hold, take on lease and dispose of real and personal property whether in its own right or as trustee;
- (u) employ such persons as it thinks fit for the effective performance of its functions and duties;
- (w) borrow money;
- (y) give such directions to a race club registered by it in relation to the club's racecourse and its affairs as it thinks fit for the advancement of racing whether in the Territory as a whole or in the locality of that racecourse;

Racing and Betting

- (z) where it thinks fit, order that an audit of the books of accounts of a race club registered by it be conducted by an auditor nominated by the principal club;
 - (za) scrutinize the constitutions of race clubs registered by it to ensure that they conform with this Act and the Rules of Racing and that they clearly express the needs and desires of the clubs concerned and of racing generally;
 - (zb) publish material, including a periodical publication, to inform and keep informed the public concerning matters pertaining to racing whether in the Territory or elsewhere;
 - (zc) when so directed by the Commission, or as it thinks fit, furnish to the Commission a report and recommendation on any matter relating to horse-racing; and
 - (zd) undertake research and investigations into all aspects of the breeding of horses and of horse-racing generally.
- (3) The Rules of Racing shall, to the extent necessary to give effect to this section, be read subject to this section.

45. DELEGATION BY PRINCIPAL CLUB

- (1) A principal club may, by instrument in writing, delegate to a person any of its powers and functions under this Act, other than this power of delegation.
- (2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the principal club delegating the power or function.
- (3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the principal club delegating the power or function.

46. REGISTRATION OF RACE CLUBS

- (1) Without derogating from section 26, the Rules of Racing relating to the registration of race clubs by a principal club shall be read subject to this section.
- (2) A principal club shall not register a race club unless it is a non-proprietary club or renew the registration of a race club which, after being registered by the principal club, has ceased to be a non-proprietary club.

Racing and Betting

(3) Where a race club registered by a principal club fails, in any respect, to continue to be a non-proprietary club, the principal club shall revoke the registration.

(4) Where a race club registered by a principal club contravenes or fails to comply with section 28, the principal club shall revoke the registration of the race club and may do so notwithstanding that there has been no prosecution for an offence under this Act in respect of that contravention.

(5) A race club may request the Commission to review the refusal of a principal club to register it or to renew its registration, or the revocation by a principal club of its registration.

(6) The Commission may, after considering all information received by it in support of a request under sub-section (5) and after giving the relevant principal club an opportunity to explain to the Commission its reasons for the action the subject of the review, and taking that information and that explanation into account, direct the principal club to register or renew the registration of the club or withdraw its revocation of registration, as the case may be, or confirm the action of the principal club.

(7) A decision of the Commission after a review under this section is final.

(8) A principal club directed under sub-section (6) by the Commission shall comply with that direction.

Penalty: \$500.

47. REVIEW BY PRINCIPAL CLUBS

(1) A principal club shall, at such times as it thinks fit, but at least once in each calendar year, review the conduct of race meetings conducted or held by each race club registered by it.

(2) Where a principal club is satisfied that, having regard to -

(a) the number of races and runners in each race at a race meeting held by a race club during the period since the last review under sub-section (1);

(b) the locality of a race club; and

(c) any other factors that it considers relevant,
the race meetings -

(d) were not held in good faith and, except in the case of phantom meetings, the principal object of holding them was not horse-racing; or

Racing and Betting

- (e) were held contrary to this Act, the Rules of Racing or the public interest,

the principal club shall cancel the remainder of the allotment of racing dates in respect of the race club and refrain from a further allotment until it is satisfied that race meetings will be conducted by the race club in accordance with this Act.

48. DUTIES OF RACE CLUBS

A race club that holds race meetings shall take such steps and do such things as are necessary to give effect to sections 43 and 44 and, without limiting the generality of this section, shall not by act or omission refuse or fail to recognize its principal club as the authority having the control and general supervision of race meetings and racing in its area or prevent, hinder or prejudice in any way the exercise or performance by that principal club of a power, authority, function or duty conferred or imposed upon it by this Act or the Rules of Racing.

Division 4 - Trotting Clubs

49. DEFINITION

In this Division "trotting club" means a trotting club operating in that part of the Territory the control of trotting in which has been assumed under section 50 by the Commission.

50. CONTROL OF TROTTING

The Commission may, by notice in the Gazette, assume control of trotting in the Territory or that part of the Territory specified in the notice.

51. FUNCTIONS OF COMMISSION IN RELATION TO TROTTING

Where the Commission assumes control of trotting, the functions of the Commission in relation to trotting are -

- (a) to control, supervise, regulate and develop trotting; and
- (b) to initiate, develop and implement such policies as it considers conducive to the development and welfare of the trotting industry and the protection of the public interest.

52. POWERS OF COMMISSION IN RELATION TO TROTTING

(1) Subject to this Act, the Commission has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions and the exercise of its powers in relation to trotting.

Racing and Betting

(2) Without limiting the generality of sub-section (1), where it assumes control of trotting, the Commission may -

- (a) make, amend or repeal the Rules of Trotting;
- (b) allocate to trotting clubs the dates and times on and at which they may hold trotting meetings;
- (c) investigate and report upon proposals for the construction of new paceways or for the alteration or renovation of existing paceways and supervise the construction of new paceways or alterations or renovations to existing paceways;
- (d) register or license or refuse to register or license, or cancel or suspend the registration or licence of, a trotting club or an owner, trainer, driver, bookmaker, bookmaker's clerk or other person associated with trotting, or disqualify or suspend any of those persons permanently or for a specified period;
- (e) supervise the activities of trotting clubs, persons licensed by the Commission and all other persons engaged in or associated with trotting;
- (f) direct and supervise the lawful dissolution of a trotting club that ceases to be registered;
- (g) subject to the approval of the Minister, appoint an administrator to conduct the affairs of a trotting club;
- (h) register and identify trotting horses;
- (j) disqualify a trotting horse from participating in a race;
- (k) exclude from participating in a race a trotting horse not registered under the Rules of Trotting;
- (m) prohibit a person from attending at or taking part in a trotting meeting;
- (n) impose a penalty on a person licensed by it or on an owner of a trotting horse for breaches of the Rules of Trotting;
- (p) impose fees for registration of a trotting club, person or trotting horse;
- (q) require trotting clubs to pay to it such charges as are in its opinion required for providing services to trotting clubs;

Racing and Betting

- (r) consult, join, affiliate and maintain liaison with other associations or bodies, whether in the Territory or elsewhere, concerned with the breeding or racing of trotting horses;
- (s) give such directions to a trotting club in relation to its paceway and its affairs as the Commission thinks fit for the advancement of trotting;
- (t) where it thinks fit, order that an audit of the books and accounts of a trotting club be conducted by an auditor nominated by the Commission;
- (u) scrutinize the constitutions of trotting clubs to ensure that they conform with this Act and the Rules of Trotting and that they clearly and concisely express the needs and desires of the clubs concerned and of trotting generally; and
- (w) undertake research and make investigations into all aspects of the breeding of trotting horses and of trotting generally.

(3) The Rules of Trotting shall, to the extent necessary to give effect to this section, be read subject to this section.

53. REGISTRATION OF TROTTING CLUBS

The Commission may register or renew the registration of a non-proprietary trotting club.

54. CHARGES PAYABLE TO COMMISSION

(1) The Commission may, in writing, require a trotting club to pay to it, from time to time and within the time specified, such amounts as the Commission thinks fit to meet the expenses of services rendered by the Commission to the club and the club shall pay to the Commission the amount required to be paid within the time so specified.

(2) In an action for the recovery of money payable under sub-section (1), a certificate purporting to be signed by the Chairman or other person authorized by the Commission that the amount specified in the certificate is due and payable to the Commission by the trotting club named in the certificate and which remains unpaid shall, on its production in that action, be prima facie evidence of the matters contained in the certificate.

(3) Without prejudice to its right to recover an amount due and payable to it by a trotting club, the Commission may suspend the registration of the club until payment is made in full.

Racing and Betting

55. DUTIES OF TROTTING CLUB

Where the Commission assumes control of trotting a trotting club that holds trotting meetings shall take such steps and do such acts and things as are necessary to give effect to sections 51 and 52 and, without limiting the generality of this section, shall not by act or omission refuse or fail to recognize the Commission as the authority having the control and general supervision throughout the Territory or relevant part of the Territory of trotting, or prevent, hinder, or prejudice in any way the exercise or performance by the Commission of a power, authority, function or duty conferred or imposed upon it by this Act or the Rules of Trotting.

Penalty: \$2,000.

Division 5 - Greyhound Clubs

56. FUNCTIONS, &c. OF COMMISSION IN RELATION TO GREYHOUND-RACING

(1) The Commission shall have the control and general supervision throughout the Territory of greyhound-racing.

(2) The functions of the Commission in relation to greyhound-racing are -

- (a) to control, supervise, regulate and develop greyhound-racing; and
- (b) to initiate, develop and implement such policies as it considers conducive to the development and welfare of the greyhound-racing industry and the protection of the public interest.

57. POWER OF COMMISSION IN RELATION TO GREYHOUND-RACING

(1) Subject to this Act, the Commission has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions and the exercise of its powers in relation to greyhound-racing.

(2) Without limiting the generality of subsection (1), the Commission may -

- (a) make, amend or repeal the Greyhound Racing Rules;
- (b) allocate to greyhound clubs the dates and times on and at which they may hold greyhound meetings;
- (c) investigate and report upon proposals for the construction of new greyhound-racing grounds or for the alteration or renovation of existing greyhound-racing grounds, and supervise the

Racing and Betting

construction of new greyhound-racing grounds or alterations or renovations to existing greyhound-racing grounds;

- (d) register or license or refuse to register or license, or cancel or suspend the registration or licence of, a greyhound club or an owner, trainer, bookmaker, bookmaker's clerk or other person associated with greyhound-racing, or disqualify or suspend any of those persons permanently or for a specified period;
- (e) supervise the activities of greyhound-racing clubs, persons licensed by the Commission and all other persons engaged in or associated with greyhound-racing;
- (f) direct and supervise the lawful dissolution of a greyhound club that ceases to be registered;
- (g) subject to the approval of the Minister, appoint an administrator to conduct the affairs of a greyhound club;
- (h) register and identify greyhounds;
- (j) disqualify a greyhound from participating in a race;
- (k) exclude from participating in a race a greyhound not registered under the Greyhound Racing Rules;
- (m) prohibit a person from attending at or taking part in a greyhound meeting;
- (n) impose a penalty on a person licensed by it or on an owner of a greyhound for breaches of the Greyhound Racing Rules;
- (p) impose fees for registration of a greyhound club, person or greyhound;
- (q) require greyhound clubs to pay to it such charges as are in its opinion required for providing services to greyhound clubs;
- (r) consult, join, affiliate and maintain liaison with other associations or bodies, whether in the Territory or elsewhere, concerned with the breeding or racing of greyhounds;
- (s) give such directions to a greyhound club in relation to the club's greyhound-racing grounds and its affairs as it thinks fit for the advancement of greyhound-racing;

Racing and Betting

- (t) where it thinks fit, order that an audit of the books and accounts of a greyhound club be conducted by an auditor nominated by the Commission;
- (u) scrutinize the constitutions of greyhound clubs to ensure that they conform with this Act and the Greyhound Racing Rules and that they clearly and concisely express the needs and desires of the clubs concerned and of greyhound-racing generally; and
- (w) undertake research and make investigations into all aspects of the breeding of greyhounds and of greyhound-racing generally.

(3) The Greyhound Racing Rules shall, to the extent necessary to give effect to this section, be read subject to this section.

58. REGISTRATION OF GREYHOUND CLUBS

The Commission may register or renew the registration of a non-proprietary greyhound club.

59. CHARGES PAYABLE TO COMMISSION

(1) The Commission may, in writing, require a greyhound club to pay to it, from time to time and within the time specified, such amounts as the Commission thinks fit to meet the expenses of services rendered by the Commission to the club and the club shall pay to the Commission the amount required to be paid within the time so specified.

(2) In an action brought for the recovery of money payable under sub-section (1), a certificate purporting to be signed by the Chairman or other person authorized by the Commission that the amount specified in the certificate is due and payable to the Commission by the greyhound club named in the certificate and which remains unpaid shall, on its production in that action, be prima facie evidence of the matters contained in the certificate.

(3) Without prejudice to its right to recover an amount due and payable to it by a greyhound club, the Commission may suspend the registration of the club until payment is made in full.

60. DUTIES OF GREYHOUND CLUBS

A greyhound club that holds greyhound meetings shall take such steps and do such acts and things as are necessary to give effect to section 57 and, without limiting the generality of this section, shall not by act or omission refuse or fail to recognize the Commission as the authority having the control and general supervision throughout the Territory of greyhound-racing, or prevent,

Racing and Betting

hinder, or prejudice in any way the exercise or performance by the Commission of a power, authority, function or duty conferred or imposed upon it by this Act or the Greyhound Racing Rules.

Penalty: \$2,000.

Division 6 - Industry Assistance Fund

61. INDUSTRY ASSISTANCE FUND

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

- (a) moneys appropriated to the Fund;
- (b) moneys by way of grant, loan, bequest or donation to the Fund;
- (c) moneys paid to the Fund on the direction of the Minister as a consequence of the dissolution of a registered club;
- (d) moneys received as payments of principal or interest on advances made from the Fund;
- (e) amounts derived by the Commission from -
 - (i) charges for licences and permits issued;
 - (ii) goods and services provided; and
 - (iii) payments made under sections 54 and 59;
- (f) tax on bookmakers' turnover; and
- (g) the amount paid to the Fund of fractions, prescribed commission and unpaid dividends and refunds derived from totalizators.

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

62. PAYMENTS OUT OF FUND

There shall be paid out of the Fund such payments as are permitted to be made under sections 63 and 64.

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

Subject to section 64, the Commission may make such payments, advances or grants as it thinks fit from the Fund -

- (a) in respect of racing venues or proposed racing venues, to develop -

Racing and Betting

- (i) facilities for the public;
- (ii) totalizator facilities;
- (iii) facilities for bookmakers;
- (iv) training, stabling or kennelling facilities; or
- (v) other facilities;
- (b) for acquiring land or an interest in land -
 - (i) that is required -
 - (A) to develop fixed improvements at racing venues; or
 - (B) to establish or extend racing venues; or
 - (ii) as a proposed racing venue;
- (c) to discharge or reduce an existing advance obtained by a registered club;
- (d) to pay for operating costs of registered clubs;
- (e) to meet the capital or special requirements of a control body; and
- (f) for such other purposes as it thinks fit.

64. FUND SURPLUS

The Minister may, where he is satisfied that moneys held in credit in the Fund are in excess of the amount reasonably required for its purpose, direct that the whole or part of the excess be paid by the Commission from the Fund into the Consolidated Fund.

Division 7 - Offences

65. UNLAWFUL RACING

A person who holds or conducts a meeting, or who assists in holding or conducting a meeting, otherwise than in accordance with this Act is guilty of an offence.

Penalty: \$2,000.

66. OCCUPIER PERMITTING UNLAWFUL RACING

An occupier of a place who permits or suffers a person to unlawfully hold a meeting in that place is guilty of an offence.

Penalty: \$2,000.

Racing and Betting

67. ADVERTISING, &c., UNLAWFUL RACING

A person who -

- (a) prints, publishes, sells, circulates, distributes, exhibits or posts up; or
- (b) causes, procures, permits or suffers to be printed, published, sold, circulated, distributed, exhibited or posted up,

information which directly or indirectly relates to an intended meeting which it is unlawful to conduct is guilty of an offence.

Penalty: \$500.

68. PRESENCE AT UNLAWFUL RACING

A person who, without lawful excuse, is present or remains at or in a place where racing, trotting or greyhound-racing is being or is about to be conducted unlawfully is guilty of an offence.

Penalty: \$100.

69. REMOVAL OF PERSONS

(1) The committee of a principal club or registered club may, by notice in writing signed by the secretary of the club and served on a person, require the person -

- (a) to depart from; or
- (b) to refrain from entering,

on a specified day or days, or generally while the notice is in force, a racing venue that is under its control or under the control of a club registered by it.

(2) Where a notice under sub-section (1) is served on a person, the committee that issued it shall cause a copy of it to be forwarded or delivered to the Commission within 3 days after the service of the notice on the person.

(3) The Commission may, by notice in writing served on a person, require the person to refrain from entering, on a specified day, or generally while the notice is in force, a racing venue specified in the notice, or racing venues generally.

(4) Where a notice under sub-section (3) is served on a person, the Commission shall cause a copy of it to be delivered to each club that conducts meetings at the racing venue specified in the notice or, if the notice relates to racing venues generally, to every club using a racing venue in the Territory.

Racing and Betting

(5) A notice under sub-section (1) or (3) shall be served personally on the person to whom it is directed.

(6) A person served with a notice under this section who contravenes or fails to comply with the notice is guilty of an offence.

Penalty: For a first offence - \$500.

For a subsequent offence - \$1,000 or imprisonment for 3 months.

(7) A member of the Police Force may remove from a racing venue a person who has been served with a notice under this section and who fails, on service of the notice, to leave the racing venue, being a racing venue to which the notice relates.

(8) The production to a court of a copy of a notice under this section on which there is endorsed a memorandum stating the day, place and mode of service of the notice and purporting to be signed by the person by whom the notice was served, is prima facie evidence -

- (a) of the notice and the serving of that notice;
- (b) that the endorsement was signed by the person whose signature it purports to be; and
- (c) that the statements contained in the endorsement are true.

PART IV - BOOKMAKERS

Division 1 - General

70. LICENSING OF BOOKMAKERS, &c.

(1) A person shall not carry on bookmaking or be employed or engaged by a bookmaker at licensed premises or a racing venue unless he is the holder of a current bookmaker's licence or permit, as the case may be, or bookmaker's clerk's licence granted by the Commission, permitting the conduct of the business of a licensed bookmaker or bookmaker's clerk at those licensed premises or that racing venue.

Penalty: \$2,000.

(2) A club shall not permit a person to carry on bookmaking, or to be employed or engaged by a bookmaker, at a meeting held by it at a racing venue unless that person has in his possession at that racing venue a current permit or licence permitting the conduct of that business.

Penalty: \$5,000.

Racing and Betting

(3) A person who is or appears to be carrying on bookmaking or who is or appears to be employed or engaged by a bookmaker at licensed premises or a racing venue shall, on demand made by a betting inspector, produce and deliver to that inspector the bookmaker's licence or permit, as the case may be, or the bookmaker's clerk's licence, issued to that person.

Penalty: \$1,000.

71. PERSONS TO WHOM LICENCES OR PERMITS UNDER THIS PART MAY NOT BE GRANTED

(1) A licence or permit under this Part shall not be granted to a person who has not attained the age of 18 years.

(2) A licence under this Part shall not be granted to a person who already holds a licence under this Part or has an interest of any kind in the business of bookmaking conducted by a person who holds such a licence.

72. SECURITY MAY BE REQUIRED

(1) The Commission shall not grant under this Part a licence or a permit to a person to carry on the business of a bookmaker unless the person has given security to the Commission, in the approved form, in an amount or to a value determined by the Commission, being no more than \$25,000, for payment of all bets accepted by the person in his capacity of a bookmaker that are winning bets or for payment of moneys payable by that person to the Commission.

(2) The Commission may, from time to time, re-determine the amount or the value of the security required under sub-section (1) of a bookmaker and where it does so, it shall not, if the re-determined amount or value is greater than the previous amount or value, renew the licence or permit of the bookmaker until he has increased the security given to the Commission to the re-determined amount or value.

(3) Where the Commission is satisfied that a bookmaker has refused or omitted to pay an amount payable for turnover tax, winning bets or due to the Commission, it may pay that amount from any money received by it under and in accordance with a security given by the bookmaker and held by it under this section.

(4) Where the Commission makes a payment under sub-section (3), it shall, under section 80, cancel the licence or the permit, as the case may be, of the bookmaker or suspend the licence or the permit until such time as the bookmaker repays to the Commission the amount that it has paid and for such further time, if any, as the Commission thinks fit.

Racing and Betting

(5) Moneys payable by a bookmaker for turnover tax or other amounts due to the Commission shall be paid in full from any security given by a bookmaker and held under this section by the Commission before payment is made of a winning bet.

73. SUPPLY AND CONTROL OF BETTING TICKETS

(1) Subject to sub-section (4), all betting tickets issued by a bookmaker shall be -

- (a) in a form approved by the Commissioner of Taxes and printed by or at the direction of the Government Printer and bearing the stamp duty imposed under the *Stamp Duty Act*; and
- (b) purchased from the Commissioner of Taxes or his agent or licensee in the manner prescribed.

(2) The Commissioner of Taxes may appoint agents and may license persons for the purpose of selling betting tickets to bookmakers.

(3) An agent appointed or person licensed under sub-section (2) to sell betting tickets to bookmakers shall sell those tickets subject to such conditions, if any, as are prescribed.

(4) A bookmaker may, with the prior written approval of the Commission and the Commissioner of Taxes, use any equipment, device or service for the recording of bets that issues or causes to be issued a form of betting ticket other than the form referred to in sub-section (1), and the Commissioner of Taxes may enter into such arrangements with the bookmaker as are, in the opinion of the Commissioner of Taxes, adequate to secure the full and proper payment of all stamp duty that the bookmaker is liable, or may become liable, to pay.

(5) The Commissioner of Taxes shall, as soon as practicable after they are made, notify the Commission of particulars of purchases under sub-section (1)(b).

(6) A person -

- (a) shall not purchase or otherwise acquire a betting ticket in the form referred to in sub-section (1) unless that person is a bookmaker and the betting ticket is purchased from the Commissioner of Taxes or his agent or licensee for use by that bookmaker in his bookmaking;
- (b) other than the Commissioner of Taxes or his agent or licensee, shall not sell or supply (except as a bookmaker issuing or delivering it to a bettor in respect of a bet) or cause or permit to be sold or supplied to a person a

Racing and Betting

betting ticket in the form referred to in sub-section (1); or

- (c) shall not issue or deliver, or cause or permit to be issued or delivered, to a bettor a betting ticket in a form other than the form referred to in sub-section (1) or approved under sub-section (4).

Penalty: \$1,000.

74. BOOKMAKERS TO ISSUE BETTING TICKETS

(1) A bookmaker shall, on making a bet with a person, immediately issue or cause to be issued in respect of the bet and, except where the bet is a credit bet, deliver or cause to be delivered to the bettor who made the bet, a betting ticket, clearly showing on it in the manner prescribed such particulars of the bet as are prescribed.

(2) Subject to sub-section (3), a bookmaker shall issue or cause to be issued a separate betting ticket in respect of each bet made by him.

(3) Where a bookmaker makes a win bet and a place bet at the same time in respect of the same runner, he may issue one betting ticket in respect of both those bets.

(4) A bookmaker shall not destroy a betting ticket presented to him by a bettor for payment of a winning bet claimed by that bettor to be payable to him before that bettor has satisfied himself as to the correctness or otherwise of his claim or of the amount paid or payable to him, and where the bettor is not so satisfied, the bookmaker shall return the betting ticket intact to the bettor.

(5) For the purposes of sub-section (4), a bettor shall be deemed to be satisfied of correct payment if he leaves the immediate area where the bookmaker normally effects payment of winning bets, without the betting ticket, unless before doing so he has disputed an adjudication given by or on behalf of that bookmaker and that bookmaker has refused or failed to return the betting ticket intact to him.

Penalty for an offence against this section: \$2,000.

75. SUPPLY AND CONTROL OF BETTING SHEETS

(1) Subject to sub-section (2), all betting sheets used by a bookmaker shall be printed by or at the direction of the Government Printer in an approved form and shall be purchased from the Commission.

(2) Subject to sub-section (3), where a bookmaker, with the prior written approval of the Commission, uses

Racing and Betting

any equipment, device or service for the recording of bets and that equipment, device or service prints or records, or causes to be printed or recorded a form of betting record other than the form approved under sub-section (1), the Commission, after entering into such arrangements with that bookmaker as are, in its opinion, adequate to secure the full and proper payment of all bookmaker's turnover tax that the bookmaker is liable or may become liable to pay, may, in writing, approve the use by the bookmaker of a form of betting record other than the form approved under sub-section (1).

(3) A person -

- (a) shall not purchase or otherwise acquire a betting sheet in the form approved under sub-section (1) unless he is a bookmaker and the betting sheet is purchased from the Commission for use by him in his bookmaking;
- (b) without the approval of the Commission, shall not sell, supply, or cause or permit to be sold or supplied to a person a betting sheet in the form approved under sub-section (1); and
- (c) shall not use or cause or permit to be used a betting record that is not a betting sheet in the form approved under sub-section (1) purchased from the Commission unless the Commission has approved, in writing, the use of that form of betting record by that person.

Penalty: \$2,000.

76. BOOKMAKERS TO ACCOUNT FOR RECORDS

(1) Subject to sub-section (2), a bookmaker shall furnish to the Commission, at the time and in the manner required by the Commission, the original of every betting sheet used by him and shall, on demand made by the Commission, account to its satisfaction for every betting sheet, whether used or unused, supplied to him by the Commission or other person approved by the Commission to supply them.

(2) A bookmaker to whom the Commission has granted an approval under section 75(2) shall furnish to the Commission, at the time and in the manner required by the Commission, a true copy of each approved form of betting record upon which is recorded the particulars of all bets made by him or on his behalf.

(3) Notwithstanding that a person has ceased to carry on bookmaking, sub-section (1) or, as the case may be, (2) and section 78(3) shall, in respect of such bookmaking, continue to apply to him and he shall be liable accordingly.

Racing and Betting

77. BOOKMAKERS TO RECORD ALL BETS ON APPROVED BETTING SHEETS

(1) A bookmaker, in respect of each bet made by him or on his behalf, shall enter or cause to be entered on all copies of the approved form of betting sheet or in, on or through such other form approved under section 75(2) by the Commission, immediately upon the making of that bet and before the making of any other record or note of that bet whether in writing or in any other manner, complete, accurate and legible particulars of that bet as prescribed and shall keep so entered all such particulars of that bet.

(2) A bookmaker, in respect of each bet made by him or on his behalf, shall retain all records referred to in this section for a period of not less than 3 years from the date on which they were made or such longer period as is prescribed.

(3) A bookmaker shall, when required to do so by the Commission, furnish to the Commission a duplicate copy of each betting sheet used by him.

(4) A bookmaker shall, on demand made orally or in writing by the Commission, a betting inspector or a person authorized by the Commission, produce and deliver for inspection all such records and any item of recording equipment or any other equipment, device or thing as are demanded and shall allow such records, recording equipment or other equipment, device or thing to be inspected or investigated by the Commission, betting inspector or authorized person in such manner as it or he thinks fit.

(5) A bookmaker shall comply with such further requirements for the recording of bets made by him or on his behalf as are prescribed.

(6) A person who contravenes or fails to comply with this section is guilty of an offence.

Penalty: For a first offence - \$2,000.

For a second offence - \$4,000.

For a third or subsequent offence - \$6,000.

78. SUPERVISION OF BOOKMAKERS

(1) A betting inspector or other person authorized in writing by the Commission may, at a racing venue or licensed premises, demand from a person the production and delivery to him of a book, document, card, paper, ticket, record or any equipment, device or thing of any kind that he has reasonable grounds for believing is being or has been used for the purpose of making records relating to betting and may, if he believes on reasonable grounds that an offence against this Act has been committed in relation thereto, take possession of the item demanded.

Racing and Betting

(2) A person referred to in sub-section (1) shall promptly comply fully with the demand made of him under that sub-section.

(3) A betting inspector or person authorized in writing by the Commission may enter a racing venue or licensed premises and may request the occupier thereof or an employee or agent of the occupier or a bookmaker or bookmaker's clerk or an employee or agent of a bookmaker or an employee or agent of a control body exercising control over that racing venue or licensed premises, to assist that betting inspector or person as the betting inspector or person considers necessary for the purpose of ascertaining whether this Act is being complied with or whether a breach of this Act has been committed.

(4) A person requested under sub-section (3) to assist shall promptly comply with that request.

Penalty for an offence against this section:

For a first offence - \$2,000.

For a second offence - \$4,000.

For a third or subsequent offence - \$6,000.

79. OFFENCES BY BOOKMAKERS

A bookmaker who -

- (a) procures a person to make on his behalf or on behalf of another bookmaker a bet that, if made by the bookmaker himself, would be contrary to this Act;
- (b) issues or delivers to a person in respect of a bet a betting ticket previously used in respect of some other bet;
- (c) issues or delivers to a person a betting ticket that has not been purchased from the Commissioner of Taxes or his agent or licensee;
- (d) issues or delivers to a person a betting ticket in respect of which no betting tax, or betting tax of a less amount than is imposed under the *Stamp Duties Act*, has been paid;
- (e) issues or delivers to a person a betting ticket upon which the name of another bookmaker is printed;
- (f) sells or transfers a betting ticket to another person;

Racing and Betting

- (g) makes a bet in respect of a race whereby he agrees to pay to the bettor, if the latter should win the bet, an amount which is dependent on or related to a dividend declared and paid by a totalizator;
- (h) enters or keeps recorded a record under or for the purposes of this Act that is false or misleading in a material particular;
- (j) fails to include in a return furnished under or for the purposes of this Act information required by or under this Act to be included in the return; or
- (k) advertises his calling as a bookmaker otherwise than as prescribed,

is guilty of an offence.

Penalty: \$2,000.

80. SUSPENSION OR CANCELLATION OF LICENCE OR PERMIT

(1) The Commission may discipline a bookmaker by reprimanding him, imposing on him a fine not exceeding \$2,000 or suspending or cancelling a licence or permit granted under this Part if it is satisfied that the bookmaker -

- (a) has committed an offence against this Act or rules made under section 83 or has failed to perform a duty required of him by this Act;
- (b) has failed to pay, within 3 days after having been required by the Commission to do so, a bet accepted by him that is a winning bet;
- (c) has entered into an arrangement with a person under which that person derives or is entitled to derive a benefit or advantage, unless that person is a person whose name is endorsed on the licence or permit of the bookmaker as provided by section 90(5) or 102(5) or unless the arrangement has been approved by the Commission; or
- (d) has failed to comply with a condition of his licence or permit.

(2) The Commission shall cancel the licence or permit of a bookmaker if it is satisfied that the bookmaker is not a fit and proper person to continue to hold his licence or permit.

(3) The Commission shall cancel the licence or permit of a bookmaker upon receiving from him a request in writing for the Commission to do so.

Racing and Betting

(4) Where a court, in pursuance of a power conferred on it by this Part, orders that a bookmaker deliver up his licence or permit to the Commission for suspension for a period or for cancellation, the Commission, upon the delivery up of the licence or permit, shall suspend it for that period or cancel it, as the case requires.

(5) Where the Commission cancels the licence or permit of a bookmaker, it shall inquire whether all bets accepted by the bookmaker that are winning bets have been paid by him, and -

- (a) where it is satisfied that all such bets have been paid - shall vacate the security that it holds under section 72 in respect of the bookmaker; or
- (b) in any other case - shall realize that security and divide the proceeds, as prescribed, among the persons who made those winning bets.

(6) Where the Commission suspends the licence or permit of a bookmaker, the licence or permit is, during the period of the suspension, of no effect.

81. LICENSED OR REGISTERED BOOKMAKERS NOT TO DO CERTAIN THINGS

A bookmaker who, except with the approval of the Commission -

- (a) enters into a partnership in relation to the business of bookmaking carried on under his licence or permit with a person whose name is not endorsed on his licence or permit;
- (b) makes an arrangement or enters into an agreement with a person whereby that person becomes entitled to a share in the profits of that business;
- (c) borrows money, except from an approved financial institution, for use in that business; or
- (d) lays off a bet with a person unless the person is licensed or registered in accordance with a law where the person conducts his business of bookmaking,

is guilty of an offence.

Penalty: \$2,000.

82. SPECIAL BETTING PERMITTED

(1) A bookmaker may, subject to this Act, accept a bet from a person on an event in the programme of a race meeting to be held on a day other than the day on which the bet is placed.

Racing and Betting

(2) The Commission may, on the application of a bookmaker, grant a special licence or special permit, as the case may be, to the bookmaker -

- (a) to conduct feature doubles; or
- (b) to accept a bet from a person in respect of an approved sporting event or event.

(3) Notwithstanding sections 93 and 101, a special licence or special permit granted under sub-section (2) may permit a bookmaker to carry on the business of bookmaking in relation to an approved sporting event in respect of which it is granted at a sporting venue endorsed on the licence and the bookmaker may carry on that business accordingly.

(4) A special licence or special permit granted under sub-section (2) shall be subject to such conditions as the Commission thinks fit and endorses on the licence or permit.

83. COMMISSION MAY MAKE RULES

(1) In this section, "betting" includes the determination of an official starting price and the negotiation, acceptance and distribution of moneys in connection with bets and the settling of bets.

(2) The Commission, with the approval of the Minister, may make rules, not inconsistent with this Act, for the control and regulation of betting by bookmakers.

(3) Rules made under sub-section (2) may impose penalties, not exceeding \$2,000, for offences against the Rules.

84. BETTING MUST BE WITH LICENSED OR REGISTERED BOOKMAKERS

(1) A person who is not a bookmaker shall not bet with a person who is not a bookmaker.

Penalty: \$1,000.

(2) A person who is not a bookmaker shall not accept a bet.

Penalty: For a first offence - not less than \$1,000 and not more than \$2,500 or imprisonment for 6 months.

For a second offence, whether or not against the same sub-section - not less than \$2,500 and not more than \$5,000 or imprisonment for 12 months.

Racing and Betting

For a third or subsequent offence, whether or not the previous offences were against the same sub-section - imprisonment for 2 years.

85. LEGAL PROCEEDINGS IN RESPECT OF BETS

(1) Subject to this section, a person may take proceedings for the recovery of moneys payable on a winning lawful bet, or for the recovery of moneys payable by a bettor on account of a lawful bet made and accepted.

(2) Where a dispute relating to lawful betting occurs between a bookmaker and a person, the dispute shall be referred by the bookmaker, and may be referred by the other party to the dispute, to the Commission.

(3) Where a dispute has been referred under sub-section (1) to the Commission it may -

- (a) summon the parties to the dispute to appear and to give evidence before it;
- (b) take evidence relating to the dispute from other persons; and
- (c) require a party to the dispute to produce any books, accounts, tickets or other documents which, in the opinion of the Commission, ought to be examined in order to determine the dispute.

(4) The Commission shall hear and determine all disputes referred to it under this section.

(5) Where a party to a dispute who has been summoned to attend before the Commission fails without reasonable excuse to attend, the Commission shall determine the dispute in favour of the party who attends.

(6) The determination by the Commission of a dispute referred to it under sub-section (1) shall be final and conclusive as to the matter in dispute.

(7) In determining a dispute under this section, the Commission shall not be bound by rules of procedure or evidence but may inform itself of the facts necessary to determine the dispute in such manner as it thinks fit.

86. ORDERS FORBIDDING IMPOVERISHED PERSONS TO BET

(1) Upon complaint in writing made to a Court that a person, by excessive betting, has impoverished or is likely to impoverish himself to such a degree as to expose to want, or endanger the welfare of, himself or his family, the Court shall issue a summons calling on that person to appear at a time and place in the summons, and to show cause why an order should not be made forbidding that person to bet with a bookmaker.

Racing and Betting

(2) At the time and place in the summons referred to in sub-section (1), the Court may -

- (a) investigate the matters contained in the complaint, and hear the evidence adduced in support of it, and also the evidence, if any, of the person complained against and of any witnesses called on his behalf;
- (b) summon a bookmaker to give evidence of the matters complained of;
- (c) adjourn the investigation from time to time; and
- (d) upon proof to its satisfaction of the facts alleged in the complaint, make an order forbidding that person to bet with a bookmaker for a period not exceeding 2 months from the date of the order.

(3) A bookmaker who, after receiving notice of an order made under sub-section (2), accepts a bet from the person named in the order is guilty of an offence.

Penalty: \$500.

(4) A person in respect of whom an order made under sub-section (2) is in force who bets with a bookmaker or loiters about or enters a racing venue or licensed premises, is guilty of an offence.

Penalty: \$500.

(5) An order made under sub-section (2) may be revoked by the Court.

(6) All proceedings under this section shall be held *in camera*.

87. LIABILITY OF BOOKMAKERS' EMPLOYEES

(1) Where an employee of a bookmaker, by act or omission related to the business of the bookmaker, commits an offence against this Act, the bookmaker and the employee shall be severally liable in respect of the offence.

(2) In a prosecution of a bookmaker for an offence against this Act for an act or omission of his employee, it is not a defence -

- (a) that the bookmaker had no knowledge of the act or omission of the employee; or
- (b) that it was not the intention of the bookmaker that the employee should do the act or make the omission.

Racing and Betting

88. FALSE OR MISLEADING STATEMENTS IN APPLICATIONS, &c.

A person who in an application, return or other document made or furnished under this Act, knowingly makes a statement which is false or misleading in a material particular is guilty of an offence.

Penalty: \$1,000 or imprisonment for 12 months and, in addition, the Court recording the conviction shall, if the person convicted is a bookmaker, order him to deliver up his licence or permit, as the case may be, to the Commission for cancellation.

Division 2 - Licensed Bookmakers

89. APPLICATIONS FOR LICENCES

(1) A person may apply for a licence under this Part to conduct the business of a licensed bookmaker in premises specified in the application.

(2) An application under sub-section (1) shall be -

(a) in the approved form; and

(b) accompanied by -

(i) such evidence as the Commission requires of the applicant's ability to carry on the business of a licensed bookmaker; and

(ii) the prescribed fee.

90. COMMISSION MAY GRANT LICENCES

(1) Subject to sub-section (2), the Commission may grant or refuse to grant a licence applied for under section 89.

(2) The Commission shall not grant a licence in respect of premises that are -

(a) licensed under the *Liquor Act*;

(b) within the immediate vicinity of a place of divine worship or a school; or

(c) in the opinion of the Commission, unsuitable for the purpose of conducting the business of a licensed bookmaker.

(3) A licence shall apply to the premises specified in the licence.

(4) A licence is subject to the conditions, if any, endorsed on the licence.

Racing and Betting

(5) Where a licence is granted to a person who has applied for the licence on behalf of and for the benefit of himself and other persons, the licence shall, in addition to the name of the licensed bookmaker, contain an endorsement of the names and addresses of the persons, other than the licensed bookmaker, on behalf of whom and for whose benefit the licence is granted.

(6) A person whose name is not endorsed on a licence who, except with the approval of the Commission, acquires or holds an interest in or derives a benefit from the business of bookmaking carried on by a licensed bookmaker is guilty of an offence.

Penalty: \$2,000.

(7) A licensed bookmaker may apply to the Commission for a variation of his licence or the conditions to which it is subject.

91. REMOTE AREA LICENCES

(1) A licensed bookmaker may apply for a licence to operate a remote area bookmaking business.

(2) An application for a remote area licence shall be in the approved form and be accompanied by the prescribed fee.

(3) The Commission may grant or refuse to grant a remote area licence applied for under sub-section (1).

(4) A remote area licence -

(a) may be for a specified period;

(b) shall be operated by an approved bookmaker's clerk; and

(c) shall be subject to such conditions, if any, as the Commission thinks fit and endorses on the licence.

(5) A remote area licence shall not be granted by the Commission for the operation of the business of bookmaking within 30 kilometres of premises in respect of which a licence under section 90 is in force.

92. RENEWAL OF LICENCES

(1) On application in the approved form by a licensed bookmaker and payment of the prescribed fee, the Commission may renew a licence granted under this Division.

(2) The renewal of a licence under this Division shall be -

Racing and Betting

- (a) subject to the same conditions as the original licence; or
- (b) if the Commission thinks fit, subject to different conditions.

93. RESTRICTIONS ON BETTING BY LICENSED BOOKMAKERS

A licensed bookmaker shall not take or receive a bet except on his licensed premises and in respect of -

- (a) an event in the programme of a meeting; or
- (b) an approved sporting event.

Penalty: \$2,000.

94. CONSUMPTION OF INTOXICATING LIQUOR ON LICENSED PREMISES

(1) A licensed bookmaker who consumes or permits the consumption of intoxicating liquor on his licensed premises during the time when the premises are open for the purpose of betting is guilty of an offence.

Penalty: \$1,000.

(2) Where a licensed bookmaker is convicted of an offence against this section and, before the expiration of 3 years after the conviction, he commits another offence against this section, the court before which he is convicted in respect of the second offence may, unless he shows cause why such an order should not be made, order him to deliver up his licence to the Commission for suspension for a specified period or for cancellation.

(3) Where a licensed bookmaker is convicted of an offence against this section and, after his conviction, commits another offence against this section and is convicted and, after that second conviction and before the expiration of 3 years after the first-mentioned conviction, he commits another offence against this section, the Court before which he is convicted in respect of the third offence shall, unless he shows cause why such an order should not be made, order him to deliver up his licence to the Commission for cancellation.

95. TIMES DURING WHICH LICENSED PREMISES MAY BE OPEN FOR BETTING

A licensed bookmaker shall ensure that his licensed premises -

- (a) are open for the purpose of betting on the days and within the hours endorsed on his licence; and

Racing and Betting

- (b) are closed every Sunday, Christmas Day and Good Friday.

Penalty: \$2,000.

96. GAMING, &c., PROHIBITED ON LICENSED PREMISES

A licensed bookmaker who on his licensed premises -

- (a) permits a game of chance or skill to be played or has or permits to be on the premises a gaming machine or device; or
- (b) knowingly permits a person to be on the premises who is intoxicated or under the influence of a drug,

is guilty of an offence.

Penalty: \$1,000.

97. POWER TO EXCLUDE OR REMOVE PERSONS FROM LICENSED PREMISES

(1) A licensed bookmaker shall exclude or remove from his licensed premises a person -

- (a) who he believes, on reasonable grounds, to be intoxicated or under the influence of a drug; or
- (b) who is violent, disorderly, quarrelsome or, in the opinion of the bookmaker, incapable of controlling his behaviour.

(2) A person referred to in sub-section (1) who on being requested by the licensed bookmaker, an employee of the licensed bookmaker, a betting inspector or a member of the Police Force to leave licensed premises fails immediately to leave those premises is guilty of an offence.

Penalty: \$500.

(3) A member of the Police Force shall, at the request of a licensed bookmaker, an employee of the licensed bookmaker or a betting inspector, remove or assist to remove from licensed premises a person who has been requested in accordance with sub-section (2) to leave the licensed premises, and may use such force as is reasonably necessary for that purpose.

98. APPROVAL OF LICENSED BOOKMAKER'S AGENT

(1) A licensed bookmaker shall not allow his licensed premises to be open for business on a day when he is not in attendance to supervise the conduct of the business unless he has first obtained permission in

Racing and Betting

accordance with this section for a bookmaker's agent to act for him during his absence.

Penalty: \$500.

(2) An application by a licensed bookmaker for permission for a bookmaker's agent to act for him in his absence shall be made to the Commission in writing in an approved form.

(3) The Commission may approve an application under sub-section (2) for a period not exceeding 12 months or may refuse the application.

(4) A bookmaker's agent permitted under sub-section (3) to act for a licensed bookmaker shall cause a notice stating -

- (a) the fact that the permission has been granted;
- (b) the period for which the permission has been granted; and
- (c) his name,

to be displayed prominently on the licensed premises at all times during which those premises are opened for business during the absence of the person for whom he is permitted to act.

Penalty: \$500.

(5) A bookmaker's agent permitted under sub-section (3) to act for a licensed bookmaker has the same duties, and is liable to the same extent, as if he were the holder of a licence under this Part and the licence of the person for whom he is permitted to act were his licence.

(6) Where an act or omission of a bookmaker's agent permitted under sub-section (3) to act for the holder of a licence constitutes a contravention of or failure to comply with this Act, the bookmaker's agent and the holder of the licence are severally liable in respect of the offence.

(7) In a prosecution of a licensed bookmaker for an offence against this Act for an act or omission of his agent, it is not a defence -

- (a) that the bookmaker had no knowledge of the act or omission of the agent; or
- (b) that it was not the intention of the bookmaker that the agent should do the act or make the omission.

Racing and Betting

99. LICENSED PREMISES TO BE USED ONLY FOR BETTING

A licensed bookmaker or his agent who uses the bookmaker's licensed premises for a purpose other than betting is guilty of an offence.

Penalty: \$500.

Division 3 - Registered Bookmakers

100. CONTROL BY CONTROL BODIES AND CLUBS OVER REGISTERED BOOKMAKERS

(1) Subject to sub-sections (2) and (3), nothing in this Act shall authorize a person to carry on bookmaking at a racing venue without the permission of the club holding a meeting at that venue, or affect the right of that club to impose conditions in respect of the carrying on of bookmaking by a person at that venue.

(2) A control body may in writing authorize a registered bookmaker to field at a meeting held by a club under its control.

(3) A control body may, in an authorization under sub-section (2) -

- (a) direct the authorized registered bookmaker to field in a particular place at the racing venue;
- (b) specify the betting service he may offer to the persons attending a meeting at the racing venue; and
- (c) impose such conditions and restrictions on him as it thinks fit and specifies in the authorization.

101. RESTRICTIONS ON BETTING BY REGISTERED BOOKMAKERS

(1) A registered bookmaker who, at a meeting, makes a bet on an event or contingency other than -

- (a) a race to be decided at that meeting;
- (b) a race to be decided at any other meeting, whether held in the Territory or elsewhere; or
- (c) an approved sporting event,

is guilty of an offence.

Penalty: \$2,000.

(2) Subject to sub-section (3), a registered bookmaker who, at a meeting, makes a bet with a person who

Racing and Betting

is not at the material time present at the racing venue where that meeting is being held is guilty of an offence.

Penalty: \$2,000.

(3) A registered bookmaker at a meeting may make a bet with a person who is not present at the racing venue at which that meeting is being held where -

- (a) the bet is made with a person who is lawfully bookmaking at another racing venue where a meeting is being lawfully held on the same day and at the same time of day and it is lawful for that person to make a bet there and then;
- (b) the bet is made for the purpose of laying off a bet lawfully made by him at that meeting;
- (c) he has made prior application to the club holding that meeting or to a person acting under its authority and has satisfied it or that authorized person that he desires to make a bet in compliance with the requirements of paragraphs (a), (b) and (c); and
- (d) he makes the bet with the permission of, in the presence of and under the control of that club or person acting under its authority.

102. REGISTERED BOOKMAKERS

(1) A person may apply to the Commission for a permit to operate as a registered bookmaker -

- (a) at a race meeting conducted by a club on a licensed race-course;
- (b) at a trotting meeting conducted by a club on a licensed paceway; or
- (c) at a greyhound meeting conducted by a club on a licensed greyhound-racing ground.

(2) An application under sub-section (1) shall be -

- (a) in the approved form; and
- (b) accompanied by -
 - (i) such evidence as the Commission requires of the applicant's ability to carry on the business of a registered bookmaker; and
 - (ii) the prescribed fee.

(3) The Commission may grant or refuse to grant a permit applied for under sub-section (1).

Racing and Betting

(4) A permit granted under sub-section (3) -

(a) is subject to the prescribed conditions; and

(b) may authorize, subject to the approval of the club concerned, the holder to operate as a bookmaker at a meeting on a licensed race-course, paceway or greyhound-racing ground during a period specified in the permit.

(5) Where a permit is granted to a person who has applied for the permit on behalf of and for the benefit of himself and other persons, the permit shall, in addition to the name of the registered bookmaker, contain an endorsement of the names and addresses of the persons, other than the registered bookmaker, on behalf of whom and for whose benefit the permit is granted.

(6) A person whose name is not endorsed on a permit who, except with the approval of the Commission, acquires or holds an interest in or derives a benefit from, the business of bookmaking carried on by the registered bookmaker is guilty of an offence.

Penalty: \$2,000.

Division 4 - Bookmakers' Clerks

103. LICENSING OF BOOKMAKERS' CLERKS

(1) The Commission may, in its discretion, on receipt of an application in the approved form and the prescribed fee, grant or renew, or refuse to grant or renew, a licence permitting a person to be employed or engaged by a bookmaker as a bookmaker's clerk at a racing venue or on licensed premises.

(2) A licence under sub-section (1) shall be subject to such conditions as the Commission thinks fit and endorses on the licence.

(3) A bookmaker who employs or engages a person who is not the holder of a current bookmaker's clerk's licence at a racing venue or on licensed premises is guilty of an offence.

Penalty: \$500.

(4) A person who is employed or engaged as a bookmaker's clerk by a bookmaker at a racing venue or on licensed premises without being the holder of a current bookmaker's clerk's licence is guilty of an offence.

Penalty: \$200.

(5) A person who is, or who appears to be, employed or engaged as a bookmaker's clerk by a bookmaker at a racing venue or on licensed premises shall, on demand by

Racing and Betting

a betting inspector or person authorized by the Commission, produce his bookmaker's clerk's licence.

Penalty: \$100.

104. REMOTE CLERKS

(1) Subject to sub-section (2), upon application in writing made by a bookmaker to the Commission, the Commission may grant a permit to a person who is then licensed by the Commission as a bookmaker's clerk, and who is nominated by that bookmaker, to act as a bookmaker's remote clerk for the purpose of conducting part of that bookmaker's business of bookmaking at a place remote from the place where that bookmaker is permitted by a licence granted under section 90 or his permit to carry on bookmaking.

(2) A permit granted under sub-section (1) shall not authorize a bookmaker's remote clerk to conduct part of a bookmaker's business of bookmaking in a place where or at a time when a bookmaker is normally permitted or could reasonably be permitted to conduct his business.

(3) Where a permit is granted under sub-section (1) in relation to a racing venue, the Commission shall notify the club concerned of the granting of the permit.

(4) A bookmaker shall not nominate or have authorized more than one bookmaker's remote clerk at any one time.

(5) A registered bookmaker's remote clerk shall not conduct part of a bookmaker's business of bookmaking at a meeting under a permit under sub-section (1) unless -

- (a) the bookmaker concerned conducts his business of bookmaking at that meeting; and
- (b) all bets made by or on behalf of that bookmaker's remote clerk are made on behalf of the bookmaker concerned and are aggregated for the purposes of this Act with all other bets made by or on behalf of that bookmaker.

(6) A bookmaker's remote clerk shall, for the purposes of this Act, be deemed to be the bookmaker during the period covered by a permit under sub-section (1) and shall be subject to this Act and the Regulations to the same extent as he would be subject if he were himself the holder of a bookmaker's licence or permit.

(7) The Commission may, in its discretion, grant or refuse to grant a permit sought under sub-section (1), and may withdraw a permit granted by it, without assigning a reason for the refusal or withdrawal, and shall notify the club or licensed bookmaker concerned of a refusal or withdrawal of a permit.

Racing and Betting

105. SUSPENSION OF LICENCE

Where a bookmaker's clerk employed or engaged by a bookmaker -

- (a) fails to enter or cause to be entered on all copies of the approved form or in, on or through any other form of betting record used by that bookmaker with the approval of the Commission, immediately upon the making of a bet, complete, accurate and legible particulars of that bet; or
- (b) makes a record or note of a bet made by that bookmaker, whether in writing or otherwise, before he has entered or caused to be entered complete, accurate and legible particulars of the bet on all copies of the approved form or in, on or through any other form of betting record used by the bookmaker with the approval of the Commission,

the Commission may, whether or not the bookmaker's clerk is prosecuted for an offence constituted by his act or omission, suspend the licence granted to the bookmaker's clerk for such period as it thinks fit.

Division 5 - Turnover Tax

106. TURNOVER TAX

(1) Subject to sub-section (6), a licensed bookmaker, other than a country bookmaker, shall pay to the Commission, on or before Wednesday of each week, a tax calculated at the rate of 2% on the amounts wagered by persons with him or with a person on his behalf in the week ending at midnight on the immediately preceding Saturday.

Penalty: \$2,000 or imprisonment for 12 months.

(2) Subject to sub-section (6), a registered bookmaker or a country bookmaker shall pay to the Commission, on or before the Wednesday of each week, a tax calculated at the rate of 1.55% of the sum of the amounts wagered by persons with him or with a person on his behalf in the week ending at midnight on the immediately preceding Saturday.

Penalty: \$2,000 or imprisonment for 12 months.

(3) A tax payable under this section is recoverable by the Commission as a debt due and payable by the bookmaker.

(4) Where a Court convicts a person of an offence against this section it may, in addition to any penalty imposed, order the convicted person to pay to the Commission the amount of the tax to which the conviction relates.

Racing and Betting

(5) A certificate setting out the terms of an order made under sub-section (4) may be filed in a court of competent jurisdiction and may be enforced as if it were a judgment of that court.

(6) The Minister may, by notice in the *Gazette*, vary the method of calculation and the rate of tax referred to in sub-sections (1) and (2) and the method or rate as varied shall apply, and tax calculated in accordance with that method and rate is payable, accordingly.

107. BOOKMAKERS TO LODGE RETURNS

(1) A bookmaker shall, on or before Wednesday of each week, lodge at the offices of the Commission a return showing details of all bets made with him or a person on his behalf in the week ending at midnight on the immediately preceding Saturday, together with such other summary or record of that week's bookmaking business carried on by him as the Commission requires.

Penalty: \$1,000.

(2) The return required by sub-section (1) to be lodged shall consist of the originals of the betting sheets kept in pursuance of section 77, during the week to which a payment under section 106 relates.

108. PROCEDURE FOR PAYMENTS AND RETURNS

(1) A bookmaker who is required to make a payment under section 106 and to lodge a return under section 107 may make the payment and lodge the return -

- (a) by delivering the payment and the return to the office of the Commission; or
- (b) by delivering the payment and the return to an office of Australia Post for transmission by certified mail to the office of the Commission.

(2) Where a person makes a payment and lodges a return in accordance with sub-section (1)(b), the payment is deemed to be made to the Commission and the return is deemed to be lodged with the Commission when a receipt for the envelope containing it is issued by Australia Post.

109. SUSPENSION OF LICENCE OR PERMIT

Where a bookmaker fails to make a payment in compliance with section 106, or fails to lodge a return in compliance with section 107, his licence or permit, as the case may be, is of no effect until he makes that payment or lodges that return with the Commission.

Racing and Betting

PART V - TOTALIZATORS

110. APPLICATIONS FOR LICENCES

A club may apply to the Commission for a licence to establish and use a totalizator at a racing venue at which it holds meetings.

111. TOTALIZATOR LICENCES

(1) The Commission may grant or refuse to grant an application for a licence to establish and use a totalizator at a racing venue.

(2) Where the Commission grants an application, it shall issue to the applicant a licence to establish and use a totalizator.

(3) Subject to sub-section (4), a licence shall, unless sooner cancelled, be in force from the first day of the month next after the granting of the licence until the succeeding 30 June (both dates inclusive).

(4) The Commission may at any time cancel a licence.

112. CONDITIONS OF USE OF TOTALIZATORS

(1) Subject to section 113, a licence under this Division does not authorize the use of a totalizator except -

- (a) at its racing venue by the club which established it;
- (b) in accordance with rules approved under sub-section (2);
- (c) under the care and management of a person appointed for that purpose by the club; and
- (d) under the supervision of the stewards or committee or governing body of the club.

(2) The Commission may make rules, not inconsistent with this Act, for the establishment and use of totalizators.

113. REMOTE CONTROL OF TOTALIZATOR

(1) The Commission may approve the use of a totalizator at a racing venue notwithstanding that the control of the device, instrument, machine, computer or other thing used to effect the aggregation of the distribution of investments is at a place other than the racing venue where investments are accepted or the results of the aggregation are promulgated.

Racing and Betting

(2) Where the Commission approves the use of a totalizator under sub-section (1), the part of the totalizator that is not maintained or operated by a race club shall be -

- (a) used in accordance with rules made under section 112(2); and
- (b) under the care and management of a person appointed for that purpose by the Commission.

114. APPLICATION OF REVENUE FROM TOTALIZATORS

(1) A club using a totalizator shall deduct the prescribed commission from the investment paid into the totalizator in respect of a race.

(2) After deducting the prescribed commission referred to in sub-section (1), the club shall, subject to sub-section (3), pay by way of dividends as prescribed, all moneys paid into the totalizator in respect of a race.

(3) A club shall not pay, under sub-section (2), a fractional part of a dollar less than 5 cents, and shall pay such fractional parts of a dollar retained by it, and any dividend not paid within 28 days after the declaration of the dividend, into the Fund.

(4) An amount payable under this section into the Fund may be recovered from the club as a debt due and payable to the Commission.

115. RECOVERY OF DIVIDENDS

(1) A totalizator dividend shall not be recoverable or paid except on presentation of the ticket in relation to which it is claimed.

(2) Where a dividend is paid under section 114, into the Fund, it shall not be recoverable from the Commission unless it is claimed within 3 months after the declaration of the dividend or the Commission, in its discretion, agrees to the payment of the dividend.

116. DIVIDENDS ADJUSTMENT FUND

(1) A club using a totalizator shall establish a fund to be called the "Dividends Adjustment Fund".

(2) Subject to sub-section (3), where, through error in calculation, the amount of a dividend declared payable in respect of a race is less than, or greater than, the amount which should have been so declared, the difference shall in the first case be credited to, and in the second case debited against, the Dividends Adjustment Fund.

(3) Where, in the opinion of the Commission, an error referred to in sub-section (2) was occasioned by the negligence of a servant or agent of the club, the onus of

Racing and Betting

proving that it was not so occasioned shall be on the club, and any loss caused or contributed to by the error shall be borne by the club.

(4) On a date to be fixed by the Minister by notice in the Gazette, and at the end of every 12 months thereafter, the balance, if any, standing to the credit of the Dividends Adjustment Fund shall be paid into the Fund.

117. RETURNS OF MONEYS RECEIVED THROUGH TOTALIZATORS

Within 7 days after the holding of a meeting at which a totalizator is used, the committee or governing body of the club holding the meeting shall lodge with the Commission a return in the approved form.

Penalty: \$100.

118. AMALGAMATION OF TOTALIZATOR POOLS

(1) Where one or more than one club -

(a) in the Territory; or

(b) in the Territory and a State or another Territory of the Commonwealth,

operates or operate the same class of totalizator in respect of the same race or series of races, the respective net pools of that class of totalizator may, subject to sub-sections (2) and (3), be amalgamated for the purpose of declaring a common dividend or common dividends in respect of that class of totalizator on that race or series of races.

(2) The club or clubs referred to in sub-section (1) may amalgamate the net pool of a class or classes of totalizator operated by it or them on a race or series of races with the net pool of that class or, as the case may be, those classes of totalizator operated on that race or series of races by or on behalf of a club or group of clubs.

(3) The Commission may, by endorsement on the totalizator licence issued to a club or by notice in writing given to a club, direct that the net pool of a class or classes of totalizator operated by or on behalf of that club on a race or series of races be amalgamated with the net pool of that class or, as the case may be, those classes of totalizator operated on that race or series of races by or on behalf of another club or clubs.

(4) For the purpose of an amalgamation referred to in sub-section (3), the Commission may designate a totalizator operated by or on behalf of a club or group of clubs to be a primary totalizator.

Racing and Betting

(5) With the prior approval of the Commission in respect of that place, the net pools of totalizators to which the approval relates may be amalgamated at a place other than a racing venue and that place shall be deemed to be a primary totalizator.

119. COMMISSION MAY ASSUME CONTROL OF TOTALIZATOR

(1) The Commission may, on such terms as it thinks fit, assume control of and use a totalizator which, in its opinion is being mismanaged or misused.

(2) Where the Commission uses a totalizator in pursuance of this section, it may deduct and retain the prescribed amount of the moneys paid into the totalizator in respect of a race, and shall, subject to subsection (3), pay by way of dividends, as prescribed, the balance of the moneys so paid into the totalizator.

(3) The Commission shall not pay, under subsection (2) by way of dividends, a fractional part of a dollar less than 5 cents.

(4) A dividend shall not be recoverable from the Commission unless it is claimed within 3 months, or such longer period as the Commission thinks fit, after the declaration of the dividend.

120. TOTALIZATOR INSPECTORS

(1) The Commission may appoint totalizator inspectors for the purposes of this Part.

(2) 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 the 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 the totalizator, any information which the totalizator inspector thinks necessary for the purposes of the inspection.

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

Racing and Betting

PART VI - UNLAWFUL BETTING

121. UNLAWFUL BOOKMAKING

Subject to this Act, a person who carries on the business of bookmaking or acts as a bookmaker at a place other than -

- (a) a racing venue where, on a day when and at a time of day at which, under this Act -
 - (i) a meeting is lawfully held or is deemed to be lawfully held; and
 - (ii) betting with bookmakers is lawful;
- (b) licensed premises; or
- (c) a sports ground where, on a day when and at a time of day at which a sporting event at which bookmaking is permitted under this Act is lawfully held,

is guilty of an offence.

Penalty: For a first offence - not less than \$1,000 and not more than \$2,500 or imprisonment for 6 months.

For a second offence, whether or not against the same paragraph - not less than \$2,500 and not more than \$5,000 or imprisonment for 12 months.

For a third or subsequent offence, whether or not the previous offences were against the same paragraph - imprisonment for 2 years.

122. BETTING IN PUBLIC PLACE PROHIBITED

Subject to this Act, a person who -

- (a) by himself or an agent, bets in a public place;
- (b) frequents, loiters in, uses or is present in a public place wholly or partly for the purpose of betting; or
- (c) placards, posts up or exhibits, or assists in placarding, posting up or exhibiting in, on or about a public place any information, notice or list relating to betting,

is guilty of an offence.

Penalty: \$1,000.

Racing and Betting

123. PLACE FOR UNLAWFUL BETTING NOT TO BE OPENED, &c.

(1) A person who opens, keeps or uses or knowingly and wilfully permits to be used by another person, or has the care or management of or in any way assists in the conducting of the business of, a place wholly or partly for or in connection with unlawful betting in relation to or on a sporting event in the Territory or elsewhere, is guilty of an offence.

Penalty: For a first offence - not less than \$1,000 and not more than \$2,500 or imprisonment for 6 months.

For a second offence, whether or not against the same paragraph - not less than \$2,500 and not more than \$5,000 or imprisonment for 12 months.

For a third or subsequent offence, whether or not the previous offences were against the same paragraph - imprisonment for 2 years.

(2) A person who without lawful excuse is in a place referred to in sub-section (1) is guilty of an offence.

Penalty: \$500.

124. UNLAWFUL USE OF TOTALIZATOR

A person (other than the Commission) who establishes or uses a totalizator except in pursuance of a licence under section 112, is guilty of an offence.

Penalty: \$2,000.

125. LAND USED FOR ACCESS TO PLACE, &c.

The owner of a place who knowingly allows it to be used as a means of access to, or of exit or escape from, a place used for unlawful betting, is guilty of an offence.

Penalty: \$2,000.

126. OWNER MAY EVICT OCCUPIER OF HOUSE USED IN CONTRAVENTION OF ACT

(1) Where the owner of -

(a) a place has reasonable grounds to suspect that it is being used as a place for unlawful betting; or

Racing and Betting

- (b) land or a building has reasonable grounds to suspect that it is being used as a means of access to, or exit or escape from a place used for unlawful betting,

he may serve on the occupier a notice to quit.

(2) Notwithstanding the *Tenancy Act*, the serving under sub-section (1) of notice determines, as from the tenth day after the date of the service, any tenancy under which the occupier holds as if the tenancy had expired by effluxion of time.

(3) An owner referred to in sub-section (1) may, without any authority other than this Act, take legal proceedings to evict and may evict the occupier of a place referred to in that sub-section.

(4) A notice referred to in sub-section (1) shall be served personally on the occupier but, if he cannot after reasonable inquiry be found, service may be effected by affixing a copy of the notice to the place to which it relates.

127. CANCELLATION OF NOTICE TO QUIT

(1) A court of competent jurisdiction may cancel a notice to quit under section 126, subject to such terms as it thinks fit, on summons taken out by the occupier, on proof that the occupier has not at any time knowingly -

- (a) allowed the place to be used as a place for unlawful betting; or
- (b) allowed the land or building to be used as a means of access to, or exit or escape from, a place used for unlawful betting.

(2) A summons referred to in sub-section (1) shall be served on the owner not later than 7 days before the hearing of the summons and, on being so served, shall operate until the determination of the summons as a stay of proceedings referred to in section 126 to evict the occupier.

128. PENALTY FOR RECEIVING MONEY AS DEPOSIT, &c., ON BET

The owner or occupier of a place used for unlawful betting, or a person acting for him or on his behalf, who -

- (a) receives, directly or indirectly, money or a valuable thing -
 - (i) as a deposit on a bet on condition of paying money or a valuable thing on the happening of an event or contingency or relating to a sporting event; or

Racing and Betting

- (ii) as consideration for an assurance, undertaking, promise or agreement, express or implied, to pay or give the money or a valuable thing on the happening of an event or contingency or relating to a sporting event; or
- (b) gives an acknowledgement, note, security or draft on the receipt of money or a valuable thing so paid or given, purporting or intended to entitle the bearer or another person to receive money or a valuable thing on the happening of an event or contingency or relating to a sporting event,

is guilty of an offence.

Penalty: \$2,000.

129. PENALTY FOR EXHIBITING PLACARDS, &c., AS TO BETTING

A person who -

- (a) exhibits or publishes, or causes to be exhibited or published, a letter, circular, telegram, placard, handbill, card, writing, sign or advertisement -
 - (i) whereby it is made to appear that a place is opened, kept or used for unlawful betting; or
 - (ii) with intent to induce a person to resort to that place for the purpose of unlawful betting;
- (b) publishes in a newspaper, by wireless broadcasting, television or by any other means, the odds on the result of a sporting event which has not been completed at the time when he so publishes those odds, unless -
 - (i) he is a licensed bookmaker and publishes those odds in the manner prescribed in his licensed premises;
 - (ii) he is a registered bookmaker and publishes those odds in a manner prescribed at a racing venue on a day on which a meeting is being held on the racing venue, that meeting being a meeting conducted by the club by which he was approved for the purpose of being registered;
 - (iii) he is the publisher of a newspaper and he publishes those odds in that newspaper otherwise than by way of advertisement; or

Racing and Betting.

(iv) he is the holder of a licence for a broadcasting station or a television station and he broadcasts those odds on that station otherwise than by way of advertisement; or

(c) on behalf of the owner or occupier of or person using a place, invites other persons to that place for the purpose of making a bet,

is guilty of an offence.

Penalty: \$500.

130. PENALTY FOR ADVERTISING AS TO BETTING

A person who sends, exhibits or publishes, or causes to be sent, exhibited or published, a letter, circular, telegram, placard, handbill, card, writing, sign or advertisement -

(a) whereby it is made to appear that a person in the Territory or elsewhere will, on application, give information or advice for the purpose of a bet on an event or contingency, or relating to a sporting event, referred to in section 128, or will make on behalf of another person such a bet;

(b) with intent to induce a person to apply to a place for unlawful betting or person with a view to obtaining information or advice about an event or contingency or a sporting event for the purpose of betting on that event or contingency or sporting event; or

(c) inviting a person to make or take a share in or in connection with a bet,

is guilty of an offence.

Penalty: \$2,000.

131. PERSON NAMED IN CIRCULAR DEEMED THE SENDER

Where a letter, circular, telegram, placard, handbill, card, writing, sign, advertisement, or other document names or refers to anyone as a person to whom a payment may be made, or from whom information may be obtained for the purpose of, or concerning betting, the person so named or referred to shall be taken to have sent, or caused to be sent, that document, unless he proves that he had not consented to being so named, and that he was not in any way a party to, and was wholly ignorant of, or could not by reasonable action on his part have prevented, the sending of the document.

Racing and Betting

132. BETTING WITH PERSON UNDER 18 YEARS PROHIBITED

- (1) A bookmaker or his agent or clerk who -
 - (a) bets with a person who has not attained the age of 18 years; or
 - (b) bets with a person who he knows is betting on behalf of a person who has not attained that age,

is guilty of an offence.

Penalty: \$500.

(2) A person having the management or control of a totalizator, or a person employed or acting in any capacity in connection with a totalizator, who sells to a person who he knows has not attained the age of 18 years, a ticket, card or thing entitling or purporting to entitle a person to an interest in a dividend, is guilty of an offence.

Penalty: \$500.

(3) A person who has not attained the age of 18 years who makes or offers to make a bet, or who places or attempts to place a bet, with a person or on a totalizator, whether on his own behalf or on behalf of some other person, is guilty of an offence.

Penalty: For a first offence - \$100.

For a subsequent offence - \$500.

(4) A person who, on behalf of a person who has not attained the age of 18 years, bets with a bookmaker or a clerk or employee of a bookmaker is guilty of an offence.

Penalty: \$500.

(5) It is a defence to a charge for an offence against this section for the defendant to prove that, at the time of the offence, he believed on reasonable grounds that the person whose age is material to the offence had attained the age of 18 years.

133. MONEY STOLEN, &c., PAID IN BETS RECOVERABLE

Where money is stolen or embezzled by a person who has not attained the age of 18 years and money is thereafter paid by that person as or for or by way of or on account of a bet, the person from whom the money was stolen or embezzled may, in a court of competent jurisdiction, recover the amount of the money so stolen or embezzled, not exceeding the amount so paid, from the person to whom the money was so paid.

Racing and Betting

134. FALSE PRETENCES

A person who, by fraud, fraudulent device or practice in betting on a sporting event, pastime or exercise, wins or attempts to win for himself or another person money or a valuable thing is guilty of an offence.

Penalty: Imprisonment for 5 years.

135. BETTING CONTRACTS

(1) All contracts or agreements, whether parol or in writing, in relation to unlawful betting are null and void, and no action shall be brought or maintained in a court for recovering money or a valuable thing alleged to be won on an unlawful bet or which has been deposited with a person to abide the event or contingency on which an unlawful bet has been made.

(2) This section does not apply to a subscription or contribution, or agreement to subscribe or contribute, for or toward a plate, prize or an amount of money to be awarded to the winner of a lawful sporting event.

136. POWERS OF BETTING INSPECTORS

(1) Subject to sub-section (4), a betting inspector may, without warrant and with such assistance as he thinks necessary, if necessary by force, enter any place on or in which he has reasonable grounds for suspecting unlawful betting is being, has been or is about to be carried on.

(2) Subject to sub-section (4), a betting inspector who under sub-section (1) enters a place referred to in that sub-section may direct any person he finds on or in that place to remain on or in that place or a specified part of that place for such period, not exceeding 3 hours, as the betting inspector thinks fit and may direct such person to refrain from doing anything in relation to that place or in the person's possession as the betting inspector thinks fit.

(3) A person to whom a direction under sub-section (2) is given shall comply with and not contravene the direction.

Penalty: \$2,000.

(4) A betting inspector who enters a place in pursuance of this section is not authorized to -

(a) remain in that place; or

(b) give a direction under sub-section (2),

where, on the request of the person apparently in charge of that place, he does not produce the identity card referred to in section 22(2).

Racing and Betting

137. SPECIAL POWERS RELATING TO SEARCHES, &c.

(1) Notwithstanding section 117 of the *Police Administration Act*, it shall not be necessary in an information laid or application made for the purpose of obtaining a search warrant for the search of a place on or in which a member of the Police Force has reasonable grounds for suspecting unlawful betting is, has been or is about to be carried on, or in a search warrant issued as a result of that information laid or application made, for the particular items associated with betting for which it is intended to search, or a description of such items, to be specified, and a search for any such item may be conducted by authority of the warrant.

(2) A member of the Police Force who lawfully enters a place on or in which he has reasonable grounds for suspecting unlawful betting is, has been or is about to be carried on may, with such assistance as he thinks necessary, if necessary by force -

- (a) open a cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, found on or in the place;
- (b) without warrant, search a person found on or in the place or the clothing being worn by or property in the control of the person; and
- (c) seize anything found on or in the place or in the course of the search that he reasonably believes is evidence of or associated with unlawful betting on or in that place.

(3) The power conferred on a member of the Police Force by this section is in addition to and not in derogation of any other power conferred by a law in force in the Territory.

138. NOT NECESSARY TO PROVE THAT PERSON FOUND BETTING FOR MONEY, &c.

It shall not be necessary, in support of a charge for betting on or in, or for suffering betting on or in, or for keeping or using or being concerned in the management or conduct of, a place for unlawful betting, to prove that a person found betting was betting for money or a valuable thing.

139. EFFECT OF DISCOVERY OF INSTRUMENTS OF BETTING

Where a place suspected to be open, kept or used for unlawful betting is lawfully entered by a member of the Police Force, the discovery therein or on a person found on or in the place of an instrument of a type used for betting is *prima facie* evidence -

- (a) that the place is used for unlawful betting; and

Racing and Betting

- (b) that the persons found on or in the place where the instrument was discovered were betting in that place, although no betting was actually going on in the presence of the member of the Police Force lawfully entering or his assistants.

140. EVIDENCE THAT PLACE USED FOR UNLAWFUL BETTING

Where -

- (a) a member of the Police Force is wilfully prevented from or is obstructed or delayed in entering a place on or in which he has reasonable grounds for suspecting unlawful betting is, has been or is about to be carried on or any part of that place;
- (b) an external or internal door of, or means of access to, such place is found to be fitted or provided with a bolt, bar, chain or means or contrivance for the purpose of preventing, delaying or obstructing the entry into the place or a part of the place, of a member of the Police Force or for giving an alarm in case of that entry; or
- (c) such a place is found fitted or provided with a means or contrivance for concealing, removing or destroying an instrument of betting,

it shall be prima facie evidence that the place is used for unlawful betting, and that the persons found therein were betting unlawfully.

141. ACT NOT TO EXTEND TO STAKES PAYABLE TO WINNER OF LAWFUL GAME OR RACE

Nothing in this Part shall extend to a person receiving or holding money or a valuable thing by way of a stake or deposit to be paid to the winner of a lawful sporting event or to the owner of a horse or greyhound engaged in a race.

PART VII - EVIDENCE, PROCEDURE &c.

142. OFFENCES BY CLUBS, &c.

(1) Where under this Act a club or committee of a club is guilty of an offence, any officer of the governing body of that club (by whatever name called) or member of the committee, as the case may be, who was in any way, by act or omission, directly or indirectly, knowingly concerned in or party to the commission of the offence is -

- (a) in the case of an unincorporated club or a committee - guilty of the offence; and

Racing and Betting

- (b) in the case of an incorporated club - also guilty of the offence.

(2) For the purposes of sub-section (1), "officer" includes -

- (a) a director, secretary, executive officer or employee of the club;
- (b) a receiver, or a receiver and manager, of the property or any part of the property of the club;
- (c) an official manager or deputy official manager of the club;
- (d) a liquidator of the club;
- (e) a trustee or other person administering a compromise or arrangement made between the club and its creditors; and
- (f) an administrator appointed under section 41.

143. EVIDENCE AS TO OFFENCES

Where, on the hearing of a complaint relating to unlawful betting, the Court is of the opinion that money or a valuable thing which has to its satisfaction been proved to have been given to, received or paid by the accused person, or given to, received or paid by a person on his behalf, has been given, received or paid, as the case may be, in circumstances which, in the mind of the Court, raise a reasonable suspicion that such money or thing was so given, received, or paid in contravention of this Act, that giving, receiving or paying shall be *prima facie* evidence of the commission by the accused person of the offence charged against him in the complaint.

144. REASONABLE SUSPICION SUFFICIENT

Where, on the hearing of a complaint against a person in relation to unlawful betting, the evidence for the prosecution is such as to raise in the mind of the Court a reasonable suspicion that the person is guilty of the offence charged against him in the complaint, that evidence shall be *prima facie* evidence that that person is guilty of that offence.

145. FORFEITURE

(1) Where an instrument of betting or thing associated with unlawful betting is seized in pursuance of this Act, it is, on the conviction of a person for an offence in connection with which it was seized, forfeited to the Crown.

(2) A forfeiture under this section is in addition to and not part of a penalty under this Act.

Racing and Betting

(3) All instruments of betting or things associated with unlawful betting seized in pursuance of this Act and forfeited may be sold, destroyed or disposed of as the Minister thinks fit.

PART VIII - MISCELLANEOUS

146. HINDERING INSPECTORS

A person who hinders or attempts to hinder a totalizator inspector or betting inspector in the exercise of his powers or the performance of his duties under this Act, or who is required by or under this Act to give information which the totalizator inspector or betting inspector requests but fails or refuses to give that information, is guilty of an offence.

Penalty: \$500.

147. TIME FOR COMMENCING PROCEEDINGS

Notwithstanding any other law in force in the Territory, a proceeding for an offence against this Act may be instituted within 3 years after the act or omission alleged to constitute the offence.

148. REGULATIONS

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular relating to -

- (a) the powers and duties of totalizator inspectors, betting inspectors and other authorized officers;
- (b) applications for and the grant, issue and renewal of licences, certificates, permits and other authorities under this Act and duplicates thereof;
- (c) the conditions or restrictions subject to which licences, permits and other authorities under this Act are granted;
- (d) all matters and things with respect to licences in respect of racing venues, including, without limiting the generality of this paragraph, applications for and the grant, issue and renewal of such licences;
- (e) the regulation and control of racing venues, including the fixing of prices of admission to racing venues or a specified part of them and the standards of accommodation and essential services to be provided at, in or on racing venues;

Racing and Betting

- (f) the conditions upon which totalizator licences may be granted;
- (g) the settlement of disputes in connection with totalizators and bookmakers;
- (h) the amounts to be returned to bettors by bookmakers where a runner is withdrawn from a race;
- (j) the time within which, and manner in which, claims may be made to the Commission in cases where a bet that is a winning bet has not been paid by the licensed or registered bookmaker who accepted it to the person who made the bet with him;
- (k) the realization of securities given by a licensed bookmaker and the division of the proceeds of the realization among the persons who made with the bookmaker bets that are winning bets and have not been paid to those persons;
- (m) the submission by registered clubs of their rules to the Minister and the Minister's power to approve or disapprove of all or any rules of a club so submitted to him or to approve all or any of those rules subject to amendment, alteration, substitution, addition or modification to, for or of those rules as he directs;
- (n) the matters and things to be done and the steps to be taken by clubs to ensure that their rules comply with all directions given by the Minister, including a prohibition against clubs from carrying into effect a rule disapproved by the Minister or from making, without the prior approval of the Minister, a new rule or amending or rescinding a rule so approved;
- (p) the regulation and supervision of bookmakers;
- (q) betting by or with bookmakers;
- (r) betting at approved sporting events;
- (s) the regulation of horse-racing, trotting or greyhound-racing conducted at a place that is not a racing venue in conjunction with an approved sporting event;
- (t) fees payable for any matter or thing under this Act; and
- (u) penalties not exceeding \$2,000 for a breach of the Regulations.

Racing and Betting

PART IX - TRANSITIONAL AND SAVINGS

149. DEFINITIONS

In this Part, unless the contrary intention appears -

"former Chairman" means the Chairman of the former Commission;

"former Commission" means the Racing and Gaming Commission constituted under the repealed Act;

"former Fund" means the Industry Assistance Fund under the repealed Act;

"repealed Act" means the Acts repealed by section 3 as in force immediately before the commencement of this Act.

150. RACING AND GAMING COMMISSION

The persons who, immediately before the commencement of this Act, were the former Chairman and members of the former Commission are, subject to this Act, the Chairman and members of the Commission and hold office under this Act for the remainder, if any, of their respective terms of office under the repealed Act.

151. LICENCES

A licence granted under the repealed Act that was current immediately before the commencement of this Act shall remain in force under this Act for the period and subject to the conditions applicable to it under the repealed Act as if it was granted under this Act subject to those conditions, but it may be renewed or varied under this Act.

152. DAYS FOR RACING

The days approved under the repealed Act for holding race-meetings on licensed race-courses shall be deemed to be approved days for holding race-meetings under this Act.

153. REGISTERED CLUBS

The registration of a club that, immediately before the commencement of this Act, was registered as a racing club, shall remain in force under this Act for the period and subject to the conditions applicable to it under the repealed Act as if the club was registered under this Act by the relevant control body subject to those conditions, but the conditions may be varied under this Act.

Racing and Betting

154. INSPECTORS

A person who, immediately before the commencement of this Act, was an inspector appointed under the repealed Act shall be deemed to be a totalizator inspector appointed under this Act for the remainder of the period of his appointment under the repealed Act.

155. FUND

All moneys which immediately before the commencement of this Act stood to the credit of the Industry Assistance Fund under the repealed Act shall, on that commencement, be moneys in the Fund under this Act.

156. SAVINGS OF REGULATIONS, &c.

Notwithstanding the repeals effected by section 3, the -

- (a) Lottery and Gaming Regulations;
- (b) Greyhound Racing Rules; and
- (c) Totalizator Rules,

made under the repealed Act, and in force immediately before the commencement of this Act, continue in full force and effect, but may be amended or repealed, as if they were regulations or rules, as the case may be, made under this Act.

Racing and Betting

SCHEDULE

Section 3

REPEALED ACTS

Short title	Number and year
<i>Lottery and Gaming Ordinance</i> 1940	No. 13, 1940
<i>Lottery and Gaming Ordinance</i> 1951	No. 5, 1951
<i>Lottery and Gaming Ordinance</i> 1952	No. 16, 1952
<i>Lottery and Gaming Ordinance</i> 1952	No. 36, 1952
<i>Lottery and Gaming Ordinance</i> 1958	No. 8, 1958
<i>Administrator's Council Ordinance</i> 1959	No. 22, 1959
<i>Lottery and Gaming Ordinance</i> 1960	No. 8, 1960
<i>Lottery and Gaming Ordinance</i> 1962	No. 15, 1962
<i>Lottery and Gaming Ordinance</i> (No. 2) 1962	No. 20, 1963
<i>Lottery and Gaming Ordinance</i> 1964	No. 24, 1964
<i>Lottery and Gaming Ordinance</i> (No. 2) 1964	No. 29, 1964
<i>Lottery and Gaming Ordinance</i> (No. 3) 1964	No. 34, 1964
<i>Lottery and Gaming Ordinance</i> 1965	No. 19, 1965
<i>Lottery and Gaming Ordinance</i> (No. 2) 1965	No. 59, 1965
<i>Lottery and Gaming Ordinance</i> 1966	No. 47, 1966
<i>Lottery and Gaming Ordinance</i> 1968	No. 16, 1968
<i>Lottery and Gaming Ordinance</i> (No. 2) 1968	No. 62, 1968
<i>Lottery and Gaming Ordinance</i> 1970	No. 15, 1970
<i>Lottery and Gaming Ordinance</i> (No. 2) 1970	No. 25, 1970
<i>Lottery and Gaming Ordinance</i> (No. 3) 1970	No. 33, 1970
<i>Lottery and Gaming Ordinance</i> 1971	No. 7, 1971
<i>Lottery and Gaming Ordinance</i> 1972	No. 15, 1972
<i>Lottery and Gaming Ordinance</i> (No. 2) 1972	No. 16, 1972
<i>Lottery and Gaming Ordinance</i> (No. 3) 1972	No. 31, 1972
<i>Lottery and Gaming Ordinance</i> (No. 2) 1971	No. 45, 1972
<i>Lottery and Gaming Ordinance</i> (No. 5) 1972	No. 72, 1972
<i>Lottery and Gaming Ordinance</i> (No. 4) 1972	No. 75, 1972
<i>Lottery and Gaming Ordinance</i> 1973	No. 26, 1973
<i>Lottery and Gaming Ordinance</i> (No. 2) 1973	No. 77, 1973
<i>Lottery and Gaming Ordinance</i> 1974	No. 55, 1974
<i>Lottery and Gaming Ordinance</i> (No. 2) 1974	No. 71, 1974
<i>Lottery and Gaming Ordinance</i> (No. 3) 1974	No. 72, 1974
<i>Lottery and Gaming Ordinance</i> (No. 4) 1974	No. 73, 1974
<i>Lottery and Gaming Ordinance</i> 1976	No. 36, 1976
<i>Lottery and Gaming Ordinance</i> 1978	No. 11, 1978
<i>Lottery and Gaming Ordinance</i> (No. 2) 1978	No. 30, 1978
<i>Lottery and Gaming Ordinance</i> (No. 3) 1978	No. 52, 1978
<i>Lottery and Gaming Ordinance</i> (No. 4) 1978	No. 134, 1978
<i>Lottery and Gaming Ordinance</i> 1979	No. 60, 1979
<i>Lottery and Gaming Act</i> 1980	No. 44, 1980
<i>Lottery and Gaming Amendment Act</i> 1981	No. 53, 1981
<i>Racing and Betting Act</i> 1982	No. 33, 1982
<i>Racing and Betting Amendment Act</i> 1982	No. 85, 1982