

THE NORTHERN TERRITORY OF AUSTRALIA

No. 134 of 1978

AN ACT

To amend the Lottery and Gaming Act

[Assented to 21 December 1978]

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:

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| 1. This Act may be cited as the <u>Lottery and Gaming Act (No. 4) 1978</u> . | Short title |
| 2. The <u>Lottery and Gaming Act</u> is in this Act referred to as the Principal Act. | Principal Act |
| 3. This Act shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> . | Commencement |
| 4. Section 4 of the Principal Act is repealed. | Repeal |
| 5. Section 5 of the Principal Act is amended - | Definitions |
| (a) by inserting after the definition of "book-maker" the following definitions: | |
| "'casino' means premises licensed under a law of the Territory for the playing of games of chance by persons therein and for the operation of machines installed therein for the purpose of gambling; | |
| 'Chairman' means the Chairman of the Commission appointed under section 7B; | |
| 'Commission' means the Racing and Gaming Commission constituted under Part IA;" | |
| (b) by inserting after the definition of "ground" the following definition: | |
| "'horse-racing' includes trotting-racing and pony-racing;" | |
| (c) by inserting after the definition of "meeting for pony-racing" the following definition: | |

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"member' means a member of the Commission other than the Chairman;"

6. After Part I of the Principal Act the following Part is inserted:

"PART IA - THE RACING AND GAMING COMMISSION

"Division 1 - Establishment and Constitution
of the Commission

Racing and
Gaming
Commission

"7A.(1) For the purposes of this Act, there shall be a 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 presume it was duly affixed.

"(4) The exercise of the rights, powers, authorities or functions or the performance of duties or obligations of the Commission shall not be affected by reason only of there being a vacancy in the office of a member.

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

Composition
of
Commission

"7B.(1) The Commission shall consist of a Chairman and 2 other members.

"(2) The Administrator may appoint a person who is an employee within the meaning of the Public Service Act to be the Chairman and 2 persons to be members.

Tenure of
office

"7C.(1) Subject to this Part -

(a) a member shall be appointed for a period not exceeding 5 years; and

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(b) a member is eligible for reappointment.

"(2) A person who is or becomes -

- (a) a member of a club within the meaning ascribed to that term in Part V;
- (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 a dog used for dog-racing; or
- (d) a rider or driver of horses, whether professionally or not, in races for galloping horses or for trotting horses,

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

"7D.(1) The Chairman shall, in accordance with the decisions and subject to the directions of the Commission, administer the affairs of the Commission.

Terms of
appointment

"(2) A member shall be paid fees, allowances and expenses at rates determined by the Administrator.

"7E.(1) A member may resign his office by writing under his hand addressed to the Minister, but the resignation does not have effect until it is accepted by the Minister.

Termination
of office

"(2) The Administrator may remove a member from office for incapacity or misbehaviour.

"(3) Where a member -

- (a) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors or compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) becomes of unsound mind;
- (c) is convicted in Australia of an offence and is sentenced to a term of imprisonment for a period of not less than 3 months;
- (d) is absent, except on leave granted by the Minister, in any 12 months from 3 consecutive

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meetings of the Commission of which reasonable notice and a requirement to attend have been given to him personally or in the ordinary course of the post; or

- (e) becomes disqualified by virtue of section 7C(2),

the Administrator shall remove the member from office.

Leave of
absence

"7F. The Minister may grant leave of absence to a member.

Meetings

"7G.(1) The Chairman shall, by notice in writing to the members, convene such meetings of the Commission as are necessary for the exercise of its powers and the performance of its functions.

"(2) A meeting of the Commission shall be held at the time and place specified in the notice referred to in sub-section (1).

"(3) At a meeting of the Commission -

- (a) the Chairman shall preside;
- (b) the Chairman and one member shall constitute a quorum;
- (c) all questions shall be decided by a majority of the votes of the Chairman and members present;
- (d) in the event of an equality of votes, the Chairman shall defer consideration of the unresolved question until the earliest practicable date when the Chairman and the 2 members may consider the question at a meeting of the Commission;
- (e) the Commission shall keep a record of its proceedings; and
- (f) subject to this Act, the Commission shall determine its own procedures.

Protection of
members, &c.

"7H. No action or proceeding, civil or criminal, shall lie against the Chairman, an employee engaged in the work of the Commission or a member, 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, an employee engaged in the work of the Commission or a member.

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"7J.(1) Subject to this Act, the Commission may by instrument in writing under its common seal, delegate to -

Delegation

- (a) a member;
- (b) a committee consisting of members; or
- (c) an employee engaged in the work of the Commission,

either generally or otherwise as provided in the instrument of delegation, all or any of the powers of the Commission under this Act, except this power of delegation.

"(2) A power delegated in accordance with subsection (1) may be exercised by the delegate in accordance with the instrument of delegation.

"(3) A delegation under this section is revocable at will and does not prevent the exercise of a power so delegated by the Commission.

"Division 2 - Powers and Functions of
the Commission

"7K.(1) The Commission -

General powers,
functions, &c.

- (a) shall investigate and make to the Minister such recommendations as it may think desirable with respect to such matters relating to the administration or operation of -
 - (i) this Act; or
 - (ii) a law of the Territory which provides for the licensing and operation of casinos,

as may be referred to it by the Minister for investigation;
- (b) shall undertake research and investigations in respect of matters relating to lotteries, casinos, horse-racing, dog-racing and the breeding of horses for horse-racing and dogs for dog-racing, including the financial security of the organizations and persons whose subsistence or livelihood is derived from or directly connected with lotteries, casinos, horse-racing or dog-racing;
- (c) shall report to the Minister from time to time or as required by the Minister on any matter investigated by the Commission;

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- (d) may define the duties and functions the performance of which shall be deemed to constitute the acting by a person as a bookmaker's clerk;
- (e) may do all such other things as it may consider 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 issued under section 77; and
- (f) may do all such acts and things as it may consider necessary or desirable for the proper regulation and control, in the interests of the public, of lotteries, casinos, bookmakers, horse-racing or dog-racing.

"(2) The Commission may make such orders, give such notices and directions, and do such other acts or things as appear to it to be necessary or desirable for giving effect to this section or for the exercise of any of the powers and functions conferred, or the performance of any of the duties imposed, on the Commission by or under this Act.

Inspection
of certain
premises

"7L.(1) The Chairman, a member, an employee engaged in the work of the Commission or a member of the Police Force may at any time of the day or night, without charge, enter and inspect -

- (a) any casino;
- (b) any licensed race course;
- (c) any licensed dog-racing ground; or
- (d) any licensed premises within the meaning ascribed to that term in Part VIIA.

"(2) Where the Chairman, a member, an employee engaged in the work of the Commission or a member of the Police Force enters premises in pursuance of this section, he may -

- (a) inspect any books, documents or other papers on the premises;
- (b) remove any books, documents or papers from the premises for the purpose of having copies made; and

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- (c) retain a book, document or paper removed in pursuance of paragraph (b) for so long as is reasonably necessary for the purpose of having copies of the book, document or paper made.

"(3) A person shall not, except in the course of his duty under this Act or in the course of proceedings in a court in respect of an offence, divulge to another person information that he has acquired by reason of the inspection of books, documents or papers in pursuance of this section.

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

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| 7. Section 68 of the Principal Act is amended by omitting the definition of "horse-racing". | Definitions |
| 8. Section 94A of the Principal Act is amended - | Definitions |
| (a) by omitting from the definition of "official starting price" the words "in accordance with rules determined by the Board" and substituting "in accordance with rules determined by the Commission"; and | |
| (b) by omitting the definition of "the Board". | |
| 9. Sections 94C, 94D, 94E and 94F of the Principal Act are repealed. | Repeal |
| 10. Section 94J of the Principal Act is amended - | Application of moneys of Commission |
| (a) by omitting "The moneys of the Board shall be applied" and substituting "The moneys of the Commission shall be applied"; and | |
| (b) by omitting from paragraph (b) "remuneration and allowances under section 94D" and substituting "salary, fees, allowances and expenses under section 7D". | |
| 11. Section 94PA of the Principal Act is amended by omitting sub-sections (4) and (5). | Substitution of premises |
| 12. Section 94AS of the Principal Act is repealed. | Repeal |
| 13. The following sections of the Principal Act are amended by omitting "Board" (wherever occurring) and substituting "Commission": | References to Board |
| 94KD(2), 94M(2), (3), 94N(1), (1A), (2), (3), 94P(1), (1A), (4), (5), (7), (9), (10), 94PA(1), (3), 94Q(1), (2), 94R(1), (1A), (2), (3), (4), | |

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94S(1), (2), 94TA(1), (2), (4), 94U(2), 94V(1), (5), (6), (7), 94X(1), (2), 94Z(2), 94AC(1), (3), (4), 94ADA(1), 94AE(1), (2A), 94AM(2), (3), (4), (5), (6), (7), 94AR(2), (6), 94AAR(1), (3), (5), 94AU and 94AV.

Savings
provision

14. An action duly taken or done before the commencement of this Act under or for the purposes of the Principal Act, and having effect immediately before the commencement of this Act is as valid and effectual as if duly taken or done under or for the purposes of the Principal Act as amended by this Act, but any action that may be taken or done in respect of an action taken or done under or for the purposes of the Principal Act as amended by this Act may be taken or done in respect of that first-mentioned action.
