

# THE NORTHERN TERRITORY OF AUSTRALIA

No. 60 of 1979

## AN ACT

To amend the Lottery and Gaming Act

[Assented to 15 June 1979]

**B**E 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 1979</u> .  | Short title                    |
| 2. This Act shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> .  | Commencement                   |
| 3. The <u>Lottery and Gaming Act</u> is in this Act referred to as the <u>Principal Act</u> .   | Principal Act                  |
| 4. Section 5 of the Principal Act is amended by inserting after the definition of "Commission" the following definition:<br><br>"country bookmaker" means any bookmaker who carries on his business as a bookmaker at a place which is not less than 50 kilometres from the Darwin Post Office or the Alice Springs Post Office;" | Definitions                    |
| 5. Section 7K of the Principal Act is amended -<br><br>(a) by omitting from paragraph (e) "and"; and<br><br>(b) by adding at the end thereof the following:<br><br>" and (g) may make grants or loans from the Industry Assistance Fund on such terms and conditions as it thinks fit, for such purposes as it thinks fit."       | General powers, functions, &c. |

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Registration of racing clubs 6. Section 71C(1) of the Principal Act is amended by omitting "principle" and substituting "principal".

Application of moneys of Commission

7. Section 94J of the Principal Act is amended -

- (a) by omitting from paragraph (a) "the Board" and substituting "the Commission"; and
- (b) by omitting from paragraph (c) "to racing bodies and charities".

8. Section 94KD of the Principal Act is repealed and the following section substituted:

Moneys payable by Commission

"94KD. Subject to this section, out of the total moneys received monthly by the Commission from licences and permit fees, and the taxes specified in section 94BB, the Commission shall -

- (a) pay 40 per cent of that total amount into a fund administered by the Commission, known as the Industry Assistance Fund, to be applied as the Commission thinks fit; and
- (b) pay the balance of that total amount into the Consolidated Fund."

Security may be required

9. Section 94N of the Lottery and Gaming Act is amended -

- (a) by adding at the end of sub-section (1) "or for payment of any moneys payable by that person under section 94BB(1) or 94BB(1A)";
- (b) by omitting from sub-section (2) "to pay a winning bet it may pay that bet" and substituting "to pay any moneys payable under the provisions of section 94BB(1) or 94BB(1A) or a winning bet it may pay those moneys or that bet";
- (c) by omitting from sub-section (3) "pays a bet" and substituting "makes a payment";
- (d) by omitting from sub-section (3) "to the person who placed the bet"; and
- (e) by adding at the end thereof the following sub-section:

"(4) Moneys payable under section 94BB(1) or 94BB(1A) shall be paid in full from any security held by the Commission before payment is made of any winning bet under this section."

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10. Section 94AE of the Principal Act is amended by omitting sub-sections (2) and (2A) and substituting the following sub-section:

"(2) Premises licensed under this Part shall be closed on every Sunday, Christmas Day and Good Friday."

Times during which licensed premises may be open for betting

11.(1) Section 94BB of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-sections:

Turnover tax

"(1) A person who is a licensed bookmaker, other than a licensed country bookmaker, shall pay to the Commission, on or before Wednesday of each week, a tax calculated at the following rates on the following amounts wagered by persons with him or by persons with someone on his behalf in the week ending at midnight on the immediately preceding Saturday:

- (a) for all amounts up to and including \$15,000, at the rate of 2.25 per cent;
- (b) for all amounts over \$15,000 and up to and including \$20,000, at the rate of 2 per cent;
- (c) for all amounts over \$20,000 and up to and including \$25,000, at the rate of 1.75 per cent; and
- (d) for all amounts over \$25,000, at the rate of 1.5 per cent.

Penalty: \$1,000 or imprisonment for 12 months or both.

"(1A) A person who is a registered bookmaker or a licensed country bookmaker shall pay to the Commission, on or before the Wednesday of each week, a tax calculated at the rate of 1.55 per cent of the sum of the amounts wagered by persons with him or by persons with someone on his behalf in the week ending at midnight on the immediately preceding Saturday.

Penalty: \$1,000 or imprisonment for 12 months or both."

(2) Section 94BB(2) of the Principal Act is amended by omitting "sub-section (1)" and substituting "sub-section (1) or (1A)".

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Bookmakers to lodge return amended - 12.(1) Section 94BC(1) of the Principal Act is

- (a) by inserting after "section 94BB(1)" the word and figures "or 94BB(1A)";
- (b) by omitting "with the Commissioner of Taxes" and substituting "at the offices of the Commission"; and
- (c) by adding at the end thereof ", together with such other summary or record of that week's bookmaking business as the Commission may require".

(2) Section 94BC(2) of the Principal Act is amended by inserting after "section 94BB(1)" the word and figures "or 94BB(1A)".

Procedure for payment and returns ed - 13. Section 94BD of the Principal Act is amended -

- (a) by inserting in sub-section (1) after "section 94BB(1)" the word and figures "or 94BB(1A)"; and
- (b) by omitting "Commissioner of Taxes" (wherever occurring) and substituting "Commission".

Suspension of licence or permit ed - 14. Section 94BE of the Principal Act is amended -

- (a) by inserting after "section 94BB(1)" the word and figures "or 94BB(1A)"; and
- (b) by omitting "Commissioner of Taxes" and substituting "Commission".

15. The Principal Act is amended by inserting after section 97 the following section:

Removal of persons "97A.(1) For the purposes of this section, the definitions contained in section 68 apply.

"(2) The committee of a racing club or dog-racing ground may, by notice in writing under the hand of the secretary, require a person -

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

any race-course or dog-racing ground that is under its control, on any specified day or days, or generally, while the notice under this section is in force.

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

"(4) The Commission may, by notice in writing, require a person to refrain from entering any race-course or dog-racing ground specified in the notice, or from race-courses or dog-racing grounds generally, on any specified day or days, or generally, while the notice under this section is in force.

"(5) Where a notice is served on a person under sub-section (4), the Commission shall cause a copy of the notice to be delivered to each racing body that conducts race meetings or dog-racing on the race-course or dog-racing ground specified in the notice, or if the notice relates to race-courses or dog-racing grounds generally, shall cause a copy of the notice to be delivered to every racing body using any race-course or dog-racing ground in the Territory.

"(6) A notice under this section shall be served personally on the person to whom the notice is directed.

"(7) Any person who has had a notice under this section served upon him shall, if he is on a race-course or dog-racing ground to which that notice applies at the time of service, after being paid or having tendered to him the sum he may have paid in order to gain entry to that race-course or dog-racing ground, immediately leave that race-course or dog-racing ground.

"(8) A person who is served with a notice under this section shall not enter, contrary to the notice, any race-course or dog-racing ground specified therein, or, if the notice refers to race-courses or dog-racing grounds generally, enter any race-course or dog-racing ground in the Territory.

Penalty: For the first offence, \$100 and for a subsequent offence, \$200 or imprisonment for 3 months.

"(9) A police officer, within the meaning of the Police Administration Act, may remove from a race-course or dog-racing ground any person who has been served with a notice under this section and fails, on service of the notice or payment or tender of his entrance money, to depart from the race-course or dog-racing ground, being a race-course or dog-racing ground to which the notice relates.

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"(10) The production to a court of a copy of a notice under this section on which there is indorsed a memorandum setting forth the day, place and mode of service of the notice and purporting to be signed by the person by whom the notice was so served is sufficient evidence -

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