

Serial 197
Racing and Betting Amendment Act (No. 2) 1999
Mr Baldwin

**A BILL
for
AN ACT**

to amend the *Racing and Betting Act* consequential on the enactment of the
Totalisator Licensing and Regulation Act 1999

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NORTHERN TERRITORY OF AUSTRALIA
RACING AND BETTING AMENDMENT ACT (NO. 2) 1999

No. of 1999

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NORTHERN TERRITORY OF AUSTRALIA

No. of 1999

AN ACT

to amend the *Racing and Betting Act* consequential on the enactment of the
Totalisator Licensing and Regulation Act 1999

[Assented to 1999]
[Second reading 1999]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Racing and Betting Amendment Act (No. 2) 1999*.

2. Commencement

This Act comes into operation on the commencement of the *Totalisator Licensing and Regulation Act 1999*.

3. Principal Act

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

4. Definitions

Section 4 of the Principal Act is amended by—

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

Racing and Betting Amendment Act (No. 2) 1999

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

5. New section

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

"4A. Limitation to application of Act

- (1) This Act does not apply to or in relation to—
 - (a) a totalisator established or operated in the Territory under a licence granted under the *Totalisator Licensing and Regulation Act*; and
 - (b) totalisator wagering conducted under a licence granted under that Act.
- "(2) To avoid doubt—
 - (a) the Commission must not exercise any of its powers or perform any of its functions under this Act in respect of a totalisator or totalisator wagering referred to in subsection (1); and
 - (b) in the event of a provision of or under this Act and a provision of or under the *Totalisator Licensing and Regulation Act* being capable of applying to or in relation to a totalisator or totalisator wagering referred to in subsection (1), the provision of or under the *Totalisator Licensing and Regulation Act* applies and the provision of or under this Act does not apply.
- "(3) This section applies subject to sections 89(4) and 90(8)."

6. Heading to Part II

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

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

7. Repeal

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

8. New heading

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

"PART IIA – POWERS AND FUNCTIONS OF COMMISSION".

9. Functions of Commission

Section 17 of the Principal Act is amended –

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

10. Powers of Commission

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

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

11. Powers of principal club

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

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

12. New section

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

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

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

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

13. Repeal

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

14. Applications for licences

Section 89 of the Principal Act is amended by adding at the end the following:

"(4) A person who —

- (a) is authorised under a licence granted under the *Totalisator Licensing and Regulation Act* to conduct totalisator wagering within the meaning of that Act; and
- (b) is conducting or will conduct business under that licence that would, but for the grant of that licence, be conducted under a licence under this Part,

may, but is not required to, apply for a licence under this section."

15. Commission may grant licence

Section 90 of the Principal Act is amended by adding at the end the following:

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

- (a) this Act applies and the Commission may exercise its powers and perform its functions under this Act in respect of the licence granted under this Part only to the extent that there is no inconsistency between the operation of the *Totalisator Licensing and Regulation Act* and the operation of this Act;
- (b) in the event of any inconsistency between a term or condition of the licence held under the *Totalisator Licensing and Regulation Act* and the licence granted under this Part the term or condition of the licence held under the *Totalisator Licensing and Regulation Act* prevails; and
- (c) for the purposes of paragraphs (a) and (b), a reference in or under this Act to a totalisator includes a reference to a totalisator, within the meaning of the *Totalisator Licensing and Regulation Act*, to which the licence granted under the *Totalisator Licensing and Regulation Act* applies."

16. Application of revenue from totalizators

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

17. Repeal

Section 118 of the Principal Act is repealed.

18. Totalizator inspectors

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

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

19. Unlawful use of totalizator

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

20. Savings

(1) On the commencement of this Act –

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

21. Validation

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

