

BETTING (OFF-COURSE TOTALIZATOR AGENCY)

No. 14 of 1964.

An Ordinance to provide for Off-course Betting on Horse Races conducted through an Agency for Totalizators.

PART I.—PRELIMINARY.

Short title.

1. This Ordinance may be cited as the *Betting (Off-course Totalizator Agency) Ordinance* 1964.*

Commencement.

2. This Ordinance shall come into operation on the first day of September, One thousand nine hundred and sixty-four.

Parts.

3. This Ordinance is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1-4).

Part II.—The Totalizator Agency Board.

Division 1.—Establishment and Constitution of the Board (Sections 5-15).

Division 2.—Staff (Sections 16-17).

Division 3.—Powers and Functions of the Board (Sections 18-23).

Division 4.—Finance (Sections 24-33).

Division 5.—Reports (Sections 34-35).

Part III.—Off-course Betting (Sections 36-42).

Part IV.—Miscellaneous (Sections 43-46).

Definitions.

4. In this Ordinance, unless the contrary intention appears—

“betting” includes the negotiation, acceptance and distribution of moneys in connexion with bets and the settling of bets;

“charitable club” means a club formed or carried on in the Territory for a religious, educational, cultural, benevolent or other charitable purpose, but does not include a club formed or carried on for the purpose of trading or securing pecuniary profit to its members;

“club” means a club, association, society or other body of persons, whether incorporated or not;

“doubles bet” means a bet, with one stake, on the winning of two races;

“inspector” means a person holding office as inspector under section forty-four of this Ordinance;

* Made on 27 August, 1964; notified in the *Commonwealth Gazette* on 28 August, 1964, and commenced on 1 September, 1964 (see section 2).

- “ licensed racecourse ” means a racecourse that is licensed under the *Racecourses Ordinance 1935-1959*;
- “ member ” means a member of the Board;
- “ off-course totalizator betting ” means betting, elsewhere than on a racecourse, by placing bets on a race on a totalizator;
- “ race ” means a horse race, pony race or trotting race, and includes, in relation to a doubles bet, the two races in relation to which the bet is made;
- “ race club ” means a club formed or carried on for the purpose of conducting or controlling races in the Territory;
- “ racecourse ” means land that is used for races and to which admission is obtainable by payment of money, by ticket or otherwise;
- “ the Board ” means the Australian Capital Territory Totalizator Agency Board established under this Ordinance;
- “ the Chairman ” means the Chairman of the Board;
- “ the Council of Race Clubs ” means The Australian Capital Territory Council of Race Clubs Incorporated;
- “ the Deputy Chairman ” means the Deputy Chairman of the Board.

PART II.—THE TOTALIZATOR AGENCY BOARD.

Division 1.—Establishment and Constitution of the Board.

5.—(1.) There is hereby established a Board by the name of the Australian Capital Territory Totalizator Agency Board. Establishment of the Board.

(2.) The Board—

- (a) is a body corporate, with perpetual succession;
- (b) shall have a common seal;
- (c) is capable of acquiring, holding and disposing of real and personal property; and
- (d) may sue and be sued in its corporate name.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to a document and shall presume that it was duly affixed.

6. It is not the intention of this Ordinance that the Board shall be, or shall be regarded as, for any purpose, the servant or agent of the Executive Government of the Commonwealth. Independence of the Board.

**Constitution
of the Board.**

7.—(1.) The Board shall consist of—

- (a) three members appointed by the Minister; and
- (b) two members appointed by the Council of Race Clubs.

(2.) Subject to this Ordinance, a member of the Board shall hold office for three years.

(3.) A member is eligible for re-appointment.

(4.) The performance of the functions or the exercise of the powers of the Board is not affected by reason only of there being a vacancy or vacancies in the membership of the Board.

**Chairman and
Deputy
Chairman.**

8.—(1.) The Minister shall appoint a member to be Chairman of the Board.

(2.) The Minister shall appoint a member, other than the Chairman, to be Deputy Chairman of the Board.

(3.) A member appointed as Chairman or Deputy Chairman shall hold office as such until the appointment of another member as Chairman or Deputy Chairman, as the case may be, until the expiration of the period of his appointment as a member or until he otherwise ceases to be a member, whichever first happens.

(4.) Where a member appointed as Chairman or Deputy Chairman is, upon ceasing to be Chairman or Deputy Chairman, as the case may be, by virtue of the expiration of the period of his appointment as a member, re-appointed as a member, he is eligible for re-appointment as Chairman or Deputy Chairman.

**Appointments
to fill casual
vacancies.**

9. If a member ceases to hold office before the expiration of the period of his appointment, another person may, in accordance with this Division, be appointed in his place for the remainder of that period.

**Remuneration
and allowances
of members.**

10.—(1.) Subject to the next succeeding sub-section, the Chairman and each of the other members shall be paid by the Board such remuneration and allowances as the Board determines.

(2.) The amount of remuneration paid under the last preceding sub-section in any one financial year shall not, unless the Minister otherwise determines, exceed—

- (a) to the Chairman—Five hundred pounds; and
- (b) to each of the other members—Three hundred pounds.

11. The Minister may grant leave of absence to a member upon such terms and conditions as to remuneration or otherwise as the Minister determines. Leave of absence.

12. The Minister may remove a member from office— Removal of members.
 (a) for misbehaviour or inability to carry out the duties of his office; or
 (b) if, whether within or outside the Territory, he is convicted of an indictable offence or an offence against a law relating to gaming or betting.

13. A member may resign his office by writing under his hand addressed to the Minister. Resignation of members.

14.—(1.) If a member— Vacation of office.
 (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
 (b) is absent, except on leave granted by the Minister, from three consecutive meetings of the Board; or
 (c) fails to comply with his obligations under the next succeeding sub-section,

the Minister shall, by notice published in the *Gazette*, remove the member from office.

(2.) A member who (otherwise than as a member of and in common with other members of an incorporated company consisting of not less than twenty-five persons or as a member of the Council of Race Clubs) is directly or indirectly interested in an arrangement or agreement made or entered into, or proposed to be made or entered into, by the Board shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board.

(3.) A disclosure under the last preceding sub-section shall be recorded in the minutes of the Board, and the member—

- (a) shall not take part after the disclosure in any deliberation or decision of the Board with respect to the arrangement or agreement; and
- (b) shall be disregarded for the purposes of constituting a quorum of the Board for any such deliberation or decision.

15.—(1.) Subject to this section, meetings of the Board shall be held at such times and places as the Board from time to time determines. Meetings of the Board.

(2.) The Chairman or, in the event of the absence of the Chairman or of a vacancy of his office, the Deputy Chairman may at any time convene a meeting of the Board.

(3.) The Chairman shall preside at all meetings of the Board at which he is present.

(4.) In the event of the absence of the Chairman from a meeting of the Board, the Deputy Chairman shall preside at the meeting.

(5.) In the event of the absence of both the Chairman and the Deputy Chairman from a meeting of the Board, the members present shall elect one of their number to preside at the meeting.

(6.) At a meeting of the Board, three members constitute a quorum.

(7.) A question arising at a meeting of the Board shall be decided by a majority of the votes of the members present and voting.

(8.) At a meeting of the Board at which the Chairman presides, the Chairman may not exercise a deliberative vote but, in the event of an equality of votes, may exercise a casting vote.

(9.) At a meeting of the Board at which a member other than the Chairman presides, that member may exercise a deliberative vote and, in the event of an equality of votes, also may exercise a casting vote.

(10.) The Board shall keep a record of its determinations and other proceedings.

(11.) Subject to this Ordinance, the procedure of the Board at its meetings shall be as the Board determines.

Division 2.—Staff.

General manager.

16.—(1.) The Board may appoint a person to be general manager of the Board.

(2.) The general manager shall, under the Board, manage the affairs of the Board.

Employees.

17. The Board may employ such persons as it thinks necessary for the purposes of this Ordinance.

Division 3.—Powers and Functions of the Board.

Functions of the Board.

18. The functions of the Board are to conduct or provide, in accordance with this Ordinance, off-course totalizator betting facilities in respect of races held within or outside the Territory.

General powers of the Board.

19. The Board has power to do all things necessary or convenient to be done in connexion with, or as incidental to, the performance of its functions.

20.—(1.) The Board has power to enter into an agreement in accordance with this section with a body in a State or another Territory of the Commonwealth that is authorized by a law of that State or other Territory to conduct or provide off-course totalizator betting.

Power to enter into agreements with State or other Territory off-course totalizator agencies.

(2.) An agreement entered into under the last preceding sub-section may provide that—

- (a) the body in the State or other Territory will place bets transmitted to it by the Board on a totalizator conducted in that State or other Territory and return to the Board such dividends in respect of winning bets so transmitted to it as are declared by the totalizator on which the bets were placed;
- (b) that body will return to the Board such amount as commission out of the amount of the bets received by that body from the Board as is agreed upon between that body and the Board;
- (c) the Board will place any bets transmitted to it by that body on a totalizator conducted at a licensed racecourse in the Territory and return to that body the dividends payable in respect of the winning bets placed by the Board in accordance with this Ordinance; and
- (d) the Board will return to that body such amount as commission out of the amount of bets received by the Board from that body as is agreed upon between that body and the Board.

(3.) The return of an amount as commission referred to in paragraph (b) or (d) of the last preceding sub-section may be made subject to such conditions relating to the application of the commission as are agreed upon between the parties to the agreement.

21.—(1.) Subject to this section, the Board may, from time to time, establish offices and agencies for the carrying out of its powers or functions under this Ordinance, and may discontinue any office or agency so established.

Setting up of offices and agencies of the Board.

(2.) The Board shall not carry on its business except at an office or agency at a place approved by the Minister.

(3.) The Board shall not use premises to which members of the public are admitted for the purposes of betting under this Ordinance unless the premises consist of separate premises that are accessible, without passing through other occupied premises, from a street, road, lane or other place that is open to or used by members of the public.

Operation of
offices, &c.,
of the Board.

22. Subject to this Ordinance, the operation of offices and agencies of the Board, including the hours of business of its offices and agencies, shall be as the Board determines.

Provisions
relating to
offices and
agencies of
the Board.

23.—(1.) The Board shall not, at an office or agency of the Board—

- (a) provide waiting rooms or seating accommodation for members of the public;
- (b) provide, or permit or suffer to be brought or remain, in any part of the office or agency that is open to the public a broadcast receiver or television receiver, whether owned by the Board or another person;
- (c) make or give an announcement, notice or information to members of the public in respect of a race before the race is decided other than the name and starting time of the race, the place where the race is to be run and the names and numbers of the horses starting in the race; and
- (d) make or give an announcement, notice or information to members of the public on the day of a race with respect to the result of the race or the dividends payable.

(2.) Paragraphs (c) and (d) of the last preceding subsection do not apply to information given by telephone in reply to an inquiry made by telephone.

(3.) A person having the management or control of an office or agency of the Board who authorizes, permits or suffers premises of that office or agency to be used or any act or thing to be done or omitted to be done in relation to that office or agency, in contravention of sub-section (1.) of this section is guilty of an offence.

Division 4.—Finance.

Commission on
bets on races in
the Territory.

24. A race club using a totalizator at a licensed racecourse in the Territory to which bets are transmitted by the Board shall return to the Board as commission twelve per centum of the amount of the bets so transmitted.

Investments.

25. Moneys of the Board not immediately required for the purposes of the Board may be invested on fixed deposit with a bank or in securities of or guaranteed by the Commonwealth or a State.

Borrowing
by the Board.

26.—(1.) The Board may borrow moneys on overdraft from a bank for the temporary purposes of paying the expenses of or connected with or arising out of the establishment of the Board,

and of its offices and agencies (including payment of remuneration, fees, salaries and allowances to members of the Board and its staff).

(2.) The rights of a bank from which moneys are borrowed under the last preceding sub-section are not prejudiced or affected by any application by the Board of moneys so borrowed.

(3.) The Board shall not borrow moneys otherwise than in accordance with this section.

(4.) The Board may borrow moneys on overdraft under this section notwithstanding that the Board has repaid an amount under the next succeeding section.

27. While there is an overdraft under the last preceding section, the Board shall, at the beginning of each month, apply an amount equal to one per centum of the amount of bets accepted by the Board during the preceding month in repayment of the overdraft. Repayment of overdraft.

28.—(1.) The Board shall, at the beginning of each month, set aside in an account in its books an amount equal to one per centum of the amount of bets accepted by the Board during the preceding month for the purpose of making payments to such charitable clubs as the Minister determines. Payments to charities.

(2.) The Board shall make payments out of the account referred to in this section as the Minister determines.

29.—(1.) The Board shall, at the beginning of each month, set aside in an account in its books, for the purpose of making payments to the Council of Race Clubs and to such other race clubs as the Minister, on the recommendation of the Board, approves— Payments to race clubs.

(a) an amount equal to one per centum of the amount of bets accepted by the Board during the preceding month; and

(b) any amount remaining after the application of moneys during the preceding month in pursuance of the next succeeding section.

(2.) The Board shall make payments out of the account referred to in this section as the Minister, on the recommendation of the Board, determines.

30. The moneys of the Board remaining after applying and setting aside amounts under sections twenty-seven and twenty-eight, and paragraph (a) of sub-section (1.) of section twenty-nine, of this Ordinance shall be applied by the Board— Ordinary application of revenue of the Board.

(a) in paying the costs, charges, obligations, liabilities and expenses incurred or undertaken by the Board in or in connexion with the carrying out of its functions under this Ordinance;

- (b) in paying the remuneration, allowances, fees and salaries of members of the Board and its staff; and
- (c) in making such payments as are, from time to time, necessary to balance the Dividends Adjustment Account opened under section forty-two of this Ordinance.

Expenditure of moneys in an account.

31. The Board shall expend moneys standing to the credit of an account set aside under this Ordinance only for the purposes of the account as provided by this Ordinance.

Proper account to be kept.

32. The Board shall keep proper accounts and records in accordance with the accounting principles generally applied in commercial practice, and shall, in its accounts, make provision for obsolescence or depreciation of its assets and do all things necessary to ensure that all payments are properly authorized and correctly made and that adequate control is maintained over its assets and the incurring by it of liabilities.

Audit.

33.—(1.) The accounts and records of financial transactions of the Board shall be audited by a person appointed by the Board, being a person who is a registered company auditor under section nine of the *Companies Ordinance* 1962-1963.

(2.) The auditor appointed under the last preceding subsection shall forthwith draw to the attention of the Board any irregularity disclosed by the audit that, in his opinion, is of sufficient importance to justify his so doing.

Division 5.—Reports.

Board to keep Minister informed.

34. The Board shall furnish to the Minister such information relating to its operations as the Minister from time to time requires.

Annual report.

35. The Board shall, as soon as practicable after each thirty-first day of July, furnish to the Minister a report of its operations during the year ended on that date, together with financial statements, in such form as the Minister approves, in respect of that year.

PART III.—OFF-COURSE BETTING.

Lawful off-course betting.

36.—(1.) A bet on a race that could lawfully be made in the Territory at a licensed racecourse during a race-meeting may be made through the Board at an office or agency of the Board as provided by this Ordinance, whether or not a race-meeting is being conducted at a licensed racecourse in the Territory on the day the bet is made.

(2.) The Board shall place a bet accepted by the Board under this Ordinance—

- (a) in respect of a race at a licensed racecourse in the Territory—on the totalizator at that racecourse; and
- (b) in respect of a race outside the Territory—on a totalizator at a racecourse in a State or another Territory of the Commonwealth, being the totalizator in respect of which a body conducting off-course totalizator betting in that State or Territory on that race is the agent, in pursuance of an agreement with that body under section twenty of this Ordinance.

(3.) Particulars of the amount of bets accepted by the Board in respect of a race at a licensed racecourse in the Territory shall be transmitted to the totalizator at that racecourse and those bets shall be deemed to form part of the bets placed on that totalizator in respect of that race.

37.—(1.) The Board shall not accept a bet except at an office or agency of the Board and in accordance with this Ordinance.

Acceptance of bets.

(2.) The Board shall not accept a bet from a person unless—

- (a) the amount of the bet is deposited in cash at an office or agency of the Board at the time of making the bet;
- (b) the amount of the bet is received at an office or agency of the Board with a letter from that person setting out the bet;
- (c) the bet is made by telegram from that person received at an office or agency of the Board and payment of the amount of the bet is arranged by that telegram; or
- (d) the bet is made by letter or telegram or by telephone message to an office or agency of the Board from that person and payment of the amount of the bet is authorized by that letter or telegram or telephone message to be made from a credit account that—
 - (i) was established by that person under section thirty-nine of this Ordinance before the commencement of the race-meeting at which the race on which the bet is made is run; and
 - (ii) contains sufficient credit at the time of making the bet to pay the amount of the bet.

(3.) The Board shall not accept a bet except in an amount of Five shillings or a multiple of Five shillings.

(4.) A person shall not, in respect of a bet, issue a ticket or other acknowledgement purporting to be in respect of a bet and to be issued by the Board unless he is a person lawfully managing or controlling, or is employed in, an office or agency of the Board.

Conditions relating to betting through the Board.

38.—(1.) Subject to this Ordinance, the Board may determine the arrangements for distributing amounts as dividends on bets made by letter or telegram, the closing times and other conditions for the acceptance of bets at its offices and agencies, the method of identification of persons offering to make bets, the manner of acknowledging bets made and the manner of recording the bets made.

(2.) A person employed by the Board who accepts a bet or permits or suffers a bet to be accepted at any time other than the time determined by the Board for the acceptance of that bet is guilty of an offence and is liable upon conviction to a fine not exceeding Two hundred pounds.

Credit accounts.

39.—(1.) A person may, as the Board determines, establish a credit account with the Board by depositing with the Board an amount of not less than One pound and may, as the Board determines, deposit further moneys in, or credit amounts as dividends in respect of bets won by him to, the account.

(2.) A dividend in respect of a bet on a race is not, except in the case of bets made by telephone, available as a credit for further betting until a day on which the office or agency of the Board at which the bet was made is open for business after the day of the race.

(3.) If no bets are made through the Board by a person from his credit account for a period of five months, the Board shall, by letter posted to his last-known address, notify the person of the amount standing to his credit.

(4.) If, within the period of one month after the posting of the notification referred to in the last preceding sub-section, no bets have been made in respect of the credit account of the person, the Board is not liable to refund any amount of money standing to the credit of that person in the account.

Persons who may bet through the Board.

40.—(1.) A person who is under the age of twenty-one years shall not make a bet through the Board.

Penalty: Not less than One pound or more than Twenty pounds for a first offence and not less than Five pounds or more than Fifty pounds for each subsequent offence.

(2.) A person who has the management or control of, or is employed at, an office or agency of the Board shall not accept a bet from or issue a ticket or acknowledgement to a person in respect of a bet if that person is apparently under the age of twenty-one years or if he has reason to believe that the person is under the age of twenty-one years.

41.—(1.) Subject to the next succeeding sub-section, the Board shall distribute amounts representing dividends for bets accepted by the Board to the persons entitled to them in accordance with the respective amounts of the dividends in respect of those bets that are declared by the totalizator on which those bets were placed. **Dividends.**

(2.) The minimum amount to be distributed by the Board as a dividend in respect of a bet through the Board on a race, other than a race in which two or more horses fill first, second or third place, is Five shillings.

(3.) The Board is not liable to distribute an amount as a dividend in respect of a bet made by deposit of an amount of cash under section thirty-seven of this Ordinance at an office or agency of the Board before the first day on which the office or agency is opened for business after the day of the race.

(4.) The Board is not liable to distribute an amount as a dividend in respect of a bet on a race remaining unclaimed after the expiration of the period of six months from the first day on which the office or agency of the Board at which the bet was made was open for business after the day of the race.

(5.) Subject to the next succeeding sub-section, the Board shall not distribute an amount as a dividend in respect of a bet made under this Ordinance in accordance with this Ordinance except at the office or agency of the Board at which the bet was made.

(6.) If an office or agency of the Board at which a bet was made is discontinued before an amount as a dividend in respect of the bet is distributed, the amount as the dividend is distributable at the principal office of the Board.

(7.) A person who authorizes or permits a payment to another person as a dividend in respect of a bet made under this Ordinance otherwise than in accordance with this Ordinance is guilty of an offence punishable upon conviction to a fine not exceeding Twenty pounds.

42.—(1.) The Board shall set aside in its books in an account called the Dividends Adjustment Account any amounts as unclaimed dividends that, by reason of sub-section (4.) of the last preceding section, the Board is not liable to distribute. **Dividends
Adjustment
Account.**

(2.) Where an amount is incorrectly distributed as a dividend in respect of a bet made through the Board and that amount is greater than the amount of the dividend that should have been distributed, the amount of the difference shall be debited against the Dividends Adjustment Account.

(3.) Where an amount is incorrectly distributed as a dividend in respect of a bet made through the Board and that amount is less than the amount of the dividend that should have been distributed, the amount of the difference shall be credited to the Dividends Adjustment Account.

(4.) Where the amount of the dividend declared in respect of a bet made through the Board by the totalizator on which the bet was placed is less than Five shillings and the Board distributes an amount of Five shillings as a dividend by reason of sub-section (2.) of the last preceding section in respect of that bet, the amount of the difference between the amount of Five shillings and the amount of the dividend declared to be payable in respect of that bet by the totalizator shall be debited against the Dividends Adjustment Account.

(5.) Any balance standing to the credit or debit of the Dividends Adjustment Account at the end of each financial year shall be transferred to the revenue account of the Board.

PART IV.—MISCELLANEOUS.

Penalties for
certain offences.

43.—(1.) A person is liable upon conviction for an offence against section twenty-three, sub-section (4.) of section thirty-seven, or sub-section (2.) of section forty, of this Ordinance—

- (a) for a first offence—to a fine of not less than Twenty pounds or more than One hundred pounds or imprisonment for not less than fourteen days or more than three months;
- (b) for a second offence—to a fine of not less than One hundred pounds or more than Two hundred pounds or imprisonment for not less than two months or more than three months; and
- (c) for a subsequent offence—to imprisonment for not less than three months or more than six months.

(2.) For the purposes of the application of paragraphs (a), (b) and (c) of the last preceding sub-section, all offences committed by a person on the one day shall be deemed to be the one offence, but separate penalties may be imposed in respect of each of those offences in accordance with whichever of those paragraphs is applicable.

44.—(1.) The Minister may appoint a person to be an Inspectors. inspector for the purpose, as directed by the Minister, of inspecting offices and agencies of the Board to ensure that they are being conducted in accordance with this Ordinance.

(2.) In the performance of his duties under this Ordinance, an inspector has power—

- (a) to enter at any time an office or agency of the Board or a building containing a totalizator;
- (b) to examine the machinery, parts and working of a totalizator; and
- (c) to demand any information from a person employed by, or as an agent of, the Board, or a person having the management or control of a totalizator, or require the production of any books, papers or documents, as the inspector thinks necessary for the purpose of the inspection.

(3.) An inspector who examines the machinery, parts or working of a totalizator shall not interfere with the operation of the totalizator during his examination.

(4.) An inspector shall not remain in or on any premises if, on request by the occupier or person in charge of the premises, he does not produce a statement in writing under the hand of the Minister certifying that he is an inspector under this section.

(5.) An inspector may, at any time during the conduct of a race-meeting at a racecourse in the Territory at which a totalizator is used, enter the racecourse without charge.

45.—(1.) A person shall not, without reasonable excuse, obstruct an inspector in the execution or performance of his powers or duties under this Ordinance. Obstruction, &c., of inspectors.

(2.) A person shall not—

- (a) refuse entry to an inspector to any place to which the inspector is empowered to enter under this Ordinance; or
- (b) refuse to give to such an inspector any information, books, papers or documents that he has demanded under this Ordinance.

Penalty: Fifty pounds.

46.—(1.) A copy of determinations of the Board under sections twenty-two, thirty-eight and thirty-nine of this Ordinance shall be exhibited in every office or agency of the Board in a conspicuous place in a part of the office or agency to which members of the public have access. Determinations of the Board.

(2.) The production of a document under the common seal of the Board purporting to be a copy of a determination of the Board is, in any proceedings, sufficient evidence of the determination.