



AUSTRALIAN CAPITAL TERRITORY

## **Betting (Totalizator Administration) (Amendment) Act 1990**

**No. 55 of 1990**

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### **An Act to amend the *Betting (Totalizator Agency) Act 1964***

*[Notified in ACT Gazette S92: 21 December 1990]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

**1.** This Act may be cited as the *Betting (Totalizator Administration) (Amendment) Act 1990*.

#### **Commencement**

**2. (1)** Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

**(2)** The remaining provisions commence on 1 January 1991.

### Principal Act

3. In this Act, “Principal Act” means the *Betting (Totalizator Agency) Act 1964*.<sup>1</sup>

### Long title

4. The title of the Principal Act is repealed and the following title substituted:

“An Act to provide for betting on horse and greyhound races and other sporting events through a company providing totalizator betting services”.

### Short title

5. Section 1 of the Principal Act is amended by omitting “Agency” and substituting “Administration”.

### Interpretation

6. Section 4 of the Principal Act is amended—

- (a) by omitting “dog race, pony race or trotting race” from the definition of “race” and substituting “greyhound race or harness race”;
- (b) by inserting “or other sporting event,” after “race” in the definition of “totalizator betting”;
- (c) by omitting the definitions of “accounting period”, “accounting year”, “Authority”, “betting moneys of the Authority”, “Committee”, “doubles bet”, “inspector”, “member” and “the Authority Act”; and
- (d) by inserting the following definitions:

“ ‘declared race club’ means a race club declared to be a declared race club under section 10;

‘rules of betting’ means a written record, as amended from time to time, of the terms on which a bet is accepted by the TAB;

‘TAB’ means the company listed in Schedule 1 to the *Territory Owned Corporations Act 1990* the objects of which include the provision of totalizator betting services;”.

## **Repeal of Parts II and IIAA**

7. Parts II and IIAA of the Principal Act are repealed and the following Parts substituted:

### **“PART II—FUNCTIONS OF TAB**

#### **Exclusive right to provide betting facilities**

“5. The TAB has, in the Territory, the exclusive right to conduct or provide totalizator betting services for races and other sporting events held whether within or outside the Territory.

### **“PART IIAA—FINANCE**

#### **Payments to the Territory**

“6. The TAB shall, as soon as practicable after the first day of each month, pay to the Territory 6% of the amount of bets accepted by the TAB during the preceding month.

#### **Monthly payments to declared clubs**

“7. (1) The TAB shall, as soon as practicable after the first day of each month, set aside in an account in its books, for the purpose of making payments to declared race clubs, an amount equal to the percentage determined under subsection (3) of the amount of bets accepted by the TAB during the preceding month.

“(2) The TAB shall, before the expiration of the last day of each month, pay to each declared race club the proportion determined in writing by the Minister of the amount set aside during that month under subsection (1).

“(3) The Minister may, in writing, determine a percentage for the purposes of subsection (1).

#### **Payments to the Racecourse Development Fund**

“8. (1) The TAB shall pay to the Fund, as soon as practicable after the expiration of a financial year, 0.75% or such other higher percentage determined in writing by the Minister, of all bets accepted by the TAB during that financial year.

“(2) In respect of the financial year commencing on 1 July 1990 and ending at the expiration of 30 June 1991, subsection (1) applies as if a reference to all bets accepted by the TAB during that financial year were a reference to all bets accepted by—

- (a) the Australian Capital Territory Gaming and Liquor Authority established under the *Australian Capital Territory Gaming and Liquor Authority Act 1987* during the period commencing on 1 July 1990 and ending at the expiration of 31 December 1990; and
- (b) the TAB during the period commencing on 1 January 1991 and ending at the expiration of 30 June 1991.

### **Special payments to declared clubs**

“9. (1) The Minister may direct the TAB, in writing, to pay to declared race clubs, in proportions determined in writing by the Minister, the percentage determined under subsection (3) of any profit made by the TAB during the preceding financial year.

“(2) The TAB shall comply with a direction given under subsection (1).

“(3) The Minister may, in writing, determine a percentage for the purposes of subsection (1).

### **Declared race clubs**

“10. The Minister may, in writing, declare a race club, being a body corporate incorporated under a law in force in the Territory, to be a declared race club.

### **Disallowable instruments**

“11. The following determinations are disallowable instruments for the purposes of section 10 of the *Subordinate Laws Act 1989*:

- (a) a determination of a proportion under subsection 7 (2);
- (b) a determination of a percentage under subsection 7 (3);
- (c) a determination of a percentage under section 8;
- (d) a determination of a proportion under subsection 9 (1);
- (e) a determination of a percentage under subsection 9 (3);
- (f) a declaration under section 10.”.

### **Repeal**

**8.** Division 1 of Part IIA of the Principal Act is repealed and the following section substituted:

### **Interpretation**

“35A. In this Part—

‘prescribed payment’ means a payment under section 35R for a purpose referred to in section 35S.”.

### **Omission of heading**

**9.** The heading to Division 2 of Part IIA of the Principal Act is omitted.

### **Moneys of Fund**

**10.** Section 35Q of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:

“(a) moneys payable by the TAB under section 8;”.

### **Application of moneys of Fund**

**11.** Section 35R of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

“(1) Moneys of the Fund may be applied in making payments to a person or body for or in connection with any of the purposes referred to in section 35S.”.

### **Payments out of Fund for purposes relating to racecourses etc.**

**12.** Section 35S of the Principal Act is amended—

- (a) by inserting in paragraph (1) (d) “declared” before “race club” (wherever occurring);
- (b) by omitting from paragraph (1) (d) “and”;
- (c) by omitting from paragraph (1) (e) “, ponies or dogs” and substituting “or greyhounds”;
- (d) by inserting in paragraph (1) (e) “declared” before “race club”;

- (e) by adding at the end the following word and paragraph:
  - “; and (f) the construction or alteration of premises at a racecourse to enable the TAB to conduct totalizator betting services.”;
- (f) by inserting in subsections (3) and (4) “declared” before “race club”; and
- (g) by omitting from subsection (6) “, ponies or dogs” and substituting “or greyhounds”.

### **Insertion**

**13.** After section 35S of the Principal Act the following section is inserted:

#### **Consultation with TAB and declared race clubs**

“35SA. The Minister shall from time to time consult with the TAB and declared race clubs in relation to the application of the moneys of the Fund for any of the purposes referred to in section 35S.”.

#### **Terms applicable to payments relating to racecourses etc.**

- 14.** Section 35T of the Principal Act is amended—
- (a) by omitting subsection (1) and substituting the following subsection:
    - “(1) The Minister may make a prescribed payment on such terms and conditions as, in the opinion of the Minister, are reasonably necessary to promote the purposes of the Fund.”; and
  - (b) by omitting from subsection (3) “, and the payment shall be made on such other terms and conditions,”.

### **Repeal**

- 15.** Division 3 of Part IIA is repealed.

#### **Betting elsewhere than at racecourses**

- 16.** Section 36 of the Principal Act is amended—
- (a) by omitting “through the Authority” (first occurring) and substituting “with the TAB”;
  - (b) by omitting “Authority” (second occurring) and substituting “TAB”; and

- (c) by omitting “as provided by this Act” and substituting “in accordance with the rules of betting and this Act”.

### **Substitution**

**17.** Sections 37, 37A, 38 and 39 of the Principal Act are repealed and the following section is substituted:

### **Depositing of bets**

“37. The TAB shall not accept a bet from a person on credit.”.

### **Persons under 18 not to bet**

**18.** Section 40 of the Principal Act is amended—

- (a) by omitting from subsection (1) “through the Authority” and substituting “with the TAB”;
- (b) by omitting the penalty at the foot of subsection (1);
- (c) by omitting from subsection (2) “Authority” and substituting “TAB”;
- (d) by inserting in subsection (2) “or she” after “he”; and
- (e) by adding at the foot of the section the following penalty:

“Penalty: \$500.”.

### **Substitution**

**19.** Sections 41 to 46 (inclusive) of the Principal Act are repealed and the following section is substituted:

### **Rules of betting and Act to be available for inspection**

“46. (1) A person who has the management or control of an office or agency of the TAB shall not, without reasonable excuse, fail to ensure that a notice, stating that a copy of the rules of betting and of this Act are available for inspection at the office or agency, is exhibited in a part of that office or agency which is conspicuous and to which members of the public have access.

“(2) A person who has the management or control of an office or agency of the TAB shall not, without reasonable excuse, fail to ensure that copies of the rules of betting and of this Act are available for inspection on the premises of the office or agency at any time during which that office or agency is open for business.

Penalty:

- (a) if the offender is a natural person—\$500;
- (b) if the offender is a body corporate—\$2,500.”.

### **Saving**

**20. (1)** Where, but for the amended Act, the Authority would have been liable on or after the commencement date to pay an amount under subsection 28 (1) or 29 (2) of the former Act in respect of—

- (a) in the case of a payment under section 28—a determined period within the meaning of that section; or
- (b) in the case of a payment under section 29—an accounting period within the meaning of that section;

being a period that commenced before the commencement date and would, but for the amended Act, have expired immediately before, on or after the commencement date and the Authority had not made a payment in respect of either, or both, of those periods, the liability of the authority under each of those sections of the former Act is preserved, by force of this section, as if each period expired immediately before the commencement date.

**(2)** In this section—

“amended Act” means the former Act as amended by this Act;

“Authority” means the Australian Capital Territory Gaming and Liquor Authority established under the *Australian Capital Territory Gaming and Liquor Authority Act 1987*;

“commencement date” means 1 January 1991;

“former Act” means the Principal Act as in force immediately before the commencement date.



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**NOTE**

1. Ordinance No. 14, 1964 as amended by No. 19, 1966; No. 13, 1968; No. 24, 1969; No. 13, 1972; No. 35, 1973; No. 47, 1974; No. 66, 1976; No. 65, 1977; Nos. 30 and 46, 1978; No. 36, 1979; No. 7, 1980; No. 12, 1981; Commonwealth Act No. 116, 1981; No. 38, 1982; No. 42, 1985; Nos. 46 and 69, 1986; No. 32, 1987; Nos. 1, 21, 38 and 50, 1989.

*[Presentation speech made in Assembly on 29 November 1990.]*

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