

1996

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Business, Employment and Tourism)

**Betting (Corporatisation)
(Consequential Amendments) Bill 1996**

**A BILL
FOR**

**An Act to amend certain laws of the Territory in
consequence of the corporatisation of the body
providing totalisator betting services and for related
purposes**

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

Short title

- 5 1. This Act may be cited as the *Betting (Corporatisation)
(Consequential Amendments) Act 1996*.

Commencement

- 10 2. (1) Subject to subsections (2) and (3), this Act commences, or
shall be taken to have commenced, as the case may be, on the day referred
to in subsection 2 (2) of the *Betting (Corporatisation) (Consequential
Provisions) Act 1996*.

86013 (1995/156) (T13/96)

(2) Section 1 and Part II of the *Betting (Totalizator Administration) Act 1964*, as amended by this Act, commence or shall be taken to have commenced, as the case may be, on—

- (a) the day on which this Act is notified in the *Gazette*; or
- 5 (b) the day referred to in subsection 2 (2) of the *Betting (Corporatisation) (Consequential Provisions) Act 1996*;

whichever first occurs.

10 (3) Section 41 of the *Betting (Totalizator Administration) Act 1964*, as amended by this Act, commences or shall be taken to have commenced, as the case may be, on the day on which the *Financial Management Act 1996* comes or came into operation.

Amendments of Acts

3. The Acts specified in the Schedule are amended as set out in that Schedule.

15 Amendments of Ombudsman Regulations

4. The Ombudsman Regulations are amended—

- (a) by omitting regulation 2A; and
- (b) by omitting Schedule 1A.

Saving, application and transitional provisions

20 5. (1) In this section—

“Board” means the former Australian Capital Territory Totalizator Administration Board established by the *Betting (Totalizator Administration) Act 1964*;

“Company” means ACTTAB Limited;

25 “former Fund” means the Australian Capital Territory Racecourse Development Fund established by subsection 41 (1) of the *Betting (Totalizator Administration) Act 1964* as in force immediately before the commencement of section 41 of the *Betting (Totalizator Administration) Act 1964* as amended by this Act;

30 “new Fund” means the Racing Development Fund referred to in section 41 of the *Betting (Totalizator Administration) Act 1964* as amended by this Act;

“relevant day” means the day referred to in subsection 2 (1).

35 (2) An act or thing done by or on behalf of the Board under another law before the relevant day shall, for the purposes of the operation of that

law after that date, be taken to have been done by or on behalf of the Company.

5 (3) Section 34 of the *Betting (Totalizator Administration) Act 1964* as amended by this Act applies in respect of the financial year commencing on 1 July 1995.

(4) Notwithstanding the repeal of paragraphs 37 (aa), (a), (b), (c), (d) and (e) of the *Betting (Totalizator Administration) Act 1964*, each of those paragraphs continue to apply in respect of a determination made before the relevant day.

10 (5) A payment properly made to or from the former Fund shall, in respect of anything done or to be done on or after the commencement of section 41 of the *Betting (Totalizator Administration) Act 1964* as amended by this Act be taken to have been properly made to or from the new Fund.

15 (6) The rules of betting in force immediately before the relevant day shall be taken to have been made under section 55 of the *Betting (Totalizator Administration) Act 1964* as amended by this Act.

SCHEDULE 1

Section 3

AMENDMENTS OF ACTS

20 *Betting (Totalizator Administration) Act 1964*

Title—

Repeal the title, substitute the following title:

“An Act relating to the operations of ACTTAB Limited”.

Section 1—

25 Omit “(*Totalizator Administration*)”, substitute “(*ACTTAB Limited*)”.

Subsection 3 (1) (definition of “betting”)—

Omit “connexion”, substitute “connection”.

Subsection 3 (1) (definitions of “Fund”, “rules of betting” and “totalizator betting”)—

30 Omit the definitions, substitute the following definitions:

“ ‘Fund’ means the fund referred to in section 41;

‘rules of betting’ means the rules made under section 55, as in force from time to time;

‘totalisator betting’ means betting on a totalisator operated by the Company in respect of—

(a) a race or sporting event; or

(b) a sports betting event;

5 whether the race or sporting event is conducted in the Territory or elsewhere.”.

Subsection 3 (1) (definitions of “Board” and “member”)—

Omit the definitions.

Subsection 3 (1)—

10 Insert the following definitions:

“ ‘bet’ means any stake, pledge or wager in money between a backer and the Company upon any event or contingency relating to—

(a) a race;

(b) a sporting event; or

15 (c) a sports betting event;

‘Bookmakers Act’ means the *Bookmakers Act 1985*;

‘Company’ means ACTTAB Limited;

‘licence’ means a licence granted under subsection 4 (1);

20 ‘rules of sports betting’ means the rules in force from time to time under section 39C of the Bookmakers Act;

‘sporting event’ means an event other than a race or a sports betting event;

‘sports betting event’ has the same meaning as in the Bookmakers Act;”.

25 **Part II—**

Repeal the Part, substitute the following Part:

PART II—EXCLUSIVE LICENCE

Grant of licence

30 “4. (1) Subject to subsection (2), the Minister shall grant to the Company in writing a licence to conduct or provide totalisator betting services.

“(2) The Minister shall not grant a licence unless a deed of agreement between the Minister and the Company has come into operation being a deed expressed to be made for the purposes of this section.

Commencement and duration

- 5 “5. Subject to subsection 4 (2), a licence takes effect on the day referred to in subsection 2 (2) of the *Betting (Corporatisation) (Consequential Provisions) Act 1996* and continues in operation for a period of 20 years.

Licence to be exclusive

- 10 “6. This Act does not authorise the operation at the same time of more than 1 licence.

Transfer of licence

“7. A licence is not transferable.”.

Section 32—

- 15 Repeal the section, substitute the following section:

Payments to the Territory

- 20 “32. (1) The Company shall, as soon as practicable after the first day of each month, pay to the Territory the percentage determined under subsection (3) of the amount of bets accepted by the Company during the preceding month.

“ (2) The Company shall, as soon as practicable after the expiration of a financial year, pay to the Territory the percentage determined under subsection (3) of the amount of bets accepted by the Company during that financial year.

- 25 “ (3) The Minister may, in writing, determine a percentage for the purposes of subsection (1) or (2).

“ (4) In this section—

‘bet’ does not include a bet relating to a sporting event or a sports betting event.”.

- 30 **Section 33—**

Repeal the section.

Section 34—

Repeal the section, substitute the following section:

Payments by Minister to Fund

“34. (1) The Minister shall, as soon as practicable after receipt of the amount paid to the Territory under subsection 32 (1), pay that amount to the Fund.

- 5 “(2) The Minister shall, as soon as practicable after receipt of the amount paid to the Territory under subsection 32 (2), pay that amount to the Fund.”.

Section 35—

Repeal the section.

- 10 **Paragraphs 37 (aa), (a), (b), (c), (d) and (e)—**

Omit the paragraphs, substitute the following paragraph:

“(a) a determination of a percentage under subsection 32 (3);”.

Sections 38 and 39—

Repeal the sections.

- 15 **Heading to Part IV—**

Omit “AUSTRALIAN CAPITAL TERRITORY RACECOURSE”, substitute “RACING”.

Section 41—

Repeal the section, substitute the following section:

- 20 **Racing Development Fund**

“41. (1) The Treasurer shall, by instrument in writing, specify an account under the *Financial Management Act 1996* to be the Racing Development Fund.

- 25 “(2) The reference in subsection (1) to an account shall be taken to include a reference to an account under that Act which, for the time being, replaces that account or an earlier replacement of that account.

“(3) In this section—

- 30 ‘Treasurer’ means the Minister administering the *Financial Management Act 1996* and includes a Minister for the time being acting on behalf of that Minister.”.

Paragraph 42 (a)—

Omit “Board”, substitute “Minister”.

Paragraph 42 (d)—

Omit “the account referred to in subsection 41 (2)”, substitute “the Fund”.

Section 43—

- 5 Repeal the section, substitute the following section:

Application of Fund moneys

“43. (1) In this section—

‘person or body’ does not include the National Exhibition Centre Trust.

- 10 “(2) Moneys of the Fund may be applied in making a payment under the authority of this subsection—

(a) to a declared race club in respect of a particular month of the amount (if any) approved by the Minister in writing in respect of that club for that month; or

- 15 (b) to a declared race club or to any other person or body, from time to time, for or in connection with any of the purposes referred to in section 44.

“(3) A payment referred to in paragraph (2) (a) shall be made before the expiration of the last day of the month following the month to which the payment relates.”.

20 **Subsection 44 (1)—**

Omit “payments may be made under section 43 to a person or body”, substitute “the payments referred to in paragraph 43 (2) (b) may be made”.

Paragraph 44 (1) (e)—

Omit “and”.

25 **Paragraph 44 (1) (f)—**

Omit the paragraph, substitute the following paragraphs:

“(f) the construction or alteration of premises at a racecourse to facilitate the conduct of totalisator betting services; and

- 30 (g) any other purpose approved by the Minister in writing, whether or not concerned with infrastructure, that is related to the promotion, advancement, conduct or administration of racing.”.

Subsection 44 (2)—

After “prescribed payment” insert “for a purpose referred to in paragraph (1) (a), (b), (c), (d), (e) or (f)”.

Sections 48, 49 and 50—

Repeal the sections.

Heading to Part V—

Omit “TOTALIZATOR”.

5 Sections 51 and 52—

Repeal the sections, substitute the following sections:

Permitted betting activities

“51. (1) In this section—

10 ‘bookmaker’ means a bookmaker who holds a licence under section 39G of the Bookmakers Act;

‘fixed price bet’ means a bet on a sports betting event that is made with the Company otherwise than on a totalisator.

15 “(2) A person may place with the Company a bet referred to in subsection (3) or (4) and a person dealing with the Company, or an employee or agent of the Company, in good faith is entitled to assume—

(a) in the case of a totalisator bet accepted by the Company—that the bet complies with the rules of betting and this Act; or

20 (b) in the case of a fixed price bet accepted by the Company as agent of a bookmaker—that the bet complies with the terms of the agreement between the Company and a bookmaker.

“(3) The Company may accept a totalisator bet where the bet is made in accordance with the rules of betting and this Act.

25 “(4) Subject to the terms of any agreement between the Company and a bookmaker, the Company, as agent of the bookmaker, may accept fixed price bets on a sports betting event in respect of which the bookmaker is carrying on business.

“(5) An agreement referred to in subsection (4) shall be in accordance with the rules of sports betting and this Act.

30 “(6) The Company and its employees or agents shall only accept bets at offices or agencies of the Company.

Penalty:

(a) if the offender is a natural person—50 penalty units, or imprisonment for 6 months, or both;

(b) if the offender is a body corporate—250 penalty units.

“(7) The Company may conduct its activities relating to the acceptance of bets by telephone where the person intending to place the bet authorises payment of the amount of the bet from an account that—

- 5 (a) was established with the Company before the commencement of the race, sporting event or the sports betting event in relation to which the bet is to be placed; and
- (b) contains sufficient moneys, at the time of making the bet, to pay the amount of the bet.

10 “(8) A contract that arises from the acceptance of a bet by or on behalf of the Company from a person outside the Territory shall be taken to have been entered into in the Territory.

Bets on credit

“52. The Company shall not, without reasonable excuse, provide credit to a person for the purpose of providing funds for betting.

15 Penalty: 250 penalty units.”.

Subsection 53 (1)—

At the foot of the subsection insert the following penalty provision:

“Penalty: 5 penalty units.”.

Subsection 53 (2)—

20 Omit the penalty provision at the foot of the subsection, substitute the following penalty provision:

“Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.”.

25 **Subsection 54 (1)—**

Omit “a copy of the rules of betting and of this Act”, substitute—

“a copy of—

- (a) the rules of betting;
- (b) the rules of sports betting; and
- 30 (c) this Act;”.

Section 54—

Omit the penalty provision at the foot of the section, substitute the following penalty provision:

“Penalty:

- (a) if the offender is a natural person—5 penalty units;
- (b) if the offender is a body corporate—25 penalty units.”.

Sections 55 and 56—

5 Repeal the sections, substitute the following section:

Rules of betting

“55. (1) The Company may, from time to time, make rules providing for the terms on which totalisator bets are accepted by the Company.

10 “(2) Rules made under subsection (1) are disallowable instruments for the purposes of section 10 of the *Subordinate Laws Act 1989*.”.

Further amendments—

The following provisions are amended by omitting “Board” (wherever occurring) and substituting “Company”:

Section 45 and subsections 53 (1) and (2) and 54 (1) and (2).

15 *Public Interest Disclosure Act 1994*

Section 3 (definitions of “government agency” and “Territory instrumentality”)—

Omit the definitions, substitute the following definitions:

“ ‘government agency’ means—

- 20
- (a) an administrative unit;
 - (b) a Territory instrumentality; or
 - (c) a statutory office holder and the staff required to assist the statutory office holder;

‘Territory instrumentality’ means—

- 25
- (a) subject to subsection (2), a body corporate that is established by or under an Act, or under the Corporations Law, being a body that is—
 - 30 (i) comprised of persons, or has a governing body comprised of persons, a majority of whom are appointed by a Minister or an agency or instrumentality of the Territory;
 - (ii) subject to control or direction by a Minister; or

(iii) declared under subsection (2) to be a Territory instrumentality; or

(b) a Territory owned corporation or a subsidiary within the meaning of the *Territory Owned Corporations Act 1990*;

5 **Section 3—**

Add at the end the following subsection:

“(2) The Minister may, by notice in the *Gazette*, declare that a specified body is or is not a Territory instrumentality for the purposes of this Act.”.

Public Sector Management Act 1994

10 **Paragraph 5 (e)—**

Omit “or”.

Paragraph 5 (g)—

Add at the end “or”.

Section 5—

15 After paragraph (g) insert the following paragraph:

“(h) ACTTAB Limited.”.

Subparagraph 251 (2) (r) (i)—

20 Omit “within the public sector”, substitute “between the public sector of the Territory and any body over which the Territory is in a position to exercise control”.

Territory Owned Corporations Act 1990

Section 4—

Add at the end the following subsection:

25 “(2) In its application to ACTTAB Limited, and to the staff of ACTTAB Limited, this Act applies subject to the modifications specified in Schedule 5.”.

Schedule 1—

Insert after “ACTEW Corporation Limited” the following item:

“ACTTAB Limited”.

30 **Schedule 5—**

Add at the end the following Schedule:

SCHEDULE 5

Subsection 4 (2)

MODIFICATIONS IN RELATION TO ACTTAB LIMITED

Interpretation

1. In this Schedule, unless the contrary intention appears—

5 “Board” means the former Australian Capital Territory Totalizator Administration Board established by the *Betting (Totalizator Administration) Act 1964*;

 “Company” means ACTTAB Limited.

Operation of section 14

10 2. Section 14 applies as if subsection (1) were omitted and the following subsections substituted:

15 “(1) Subject to subsection (1A), a Territory owned corporation or a subsidiary shall not enter into a specified transaction if, as a result of the transaction, a company would or could become a partially owned subsidiary of the Territory owned corporation or subsidiary.

 “(1A) Subsection (1) does not apply to the Company.”.

Operation of section 16

3. Section 16 applies as if the following subsection were inserted:

 “(4) In this section—

20 ‘subsidiary’, in relation to a Territory owned corporation, means a body corporate that under the Corporations Law is a subsidiary of the corporation.”.

Operation of section 30

4. (1) In this section—

25 “acquired”, in relation to an asset, means an acquisition of the asset for the purposes of Part IIIA of the Commonwealth Act;

 “asset” has the same meaning as in Part IIIA of the Commonwealth Act;

 “Commonwealth Act” means the *Income Tax Assessment Act 1936* of the Commonwealth;

30 “cost base” has the meaning given by section 160ZH of the Commonwealth Act;

 “disposed of”, in relation to an asset, means a disposal of the asset for the purposes of Part IIIA of the Commonwealth Act;

“indexed cost base” has the meaning given by section 160ZH of the Commonwealth Act;

“reduced cost base” has the meaning given by section 160ZH of the Commonwealth Act;

5 “vested” means vested under section 5 of the *Betting (Corporatisation) (Consequential Provisions) Act 1996*.

(2) For the purposes of section 30, an asset vested in the Company which was acquired by the Board before 20 September 1985 shall be taken to have been acquired by the Company before that date.

10 (3) For the purposes of section 30, where an asset vested in the Company—

(a) was acquired by the Board on or after 20 September 1985; and

(b) is disposed of by the Company;

15 the asset shall be taken to have been acquired by the Company at a cost base to the Company equal to the cost base that would have been the cost base, the indexed cost base or the reduced cost base, as the case may be, to the Board of that asset if the asset had been disposed of by the Board at the time it was disposed of by the Company.

Exclusion of section 33A

20 5. Section 33A does not apply in relation to the Company or the staff of the Company.

NOTE

Penalty units

See section 33AA of the *Interpretation Act 1967*.

Section headings

On the day on which the following Acts are amended by this Act, headings to sections of those Acts are altered as set out in the following table:

Section	Alteration
<i>Betting (Totalizator Administration) Act 1964</i>	
42	Omit the heading, substitute the following heading: Payments to Fund
44	Omit the heading, substitute the following heading: Purposes of prescribed payments
45	Omit from the heading "Board", substitute "Company".
46	Omit from the heading "payments relating to racecourses etc.", substitute "prescribed payments".
47	Omit the heading, substitute the following heading: Repayment of prescribed payments
53	Omit the heading, substitute the following heading: Betting by persons under 18
54	Omit the heading, substitute the following heading: Availability of Act etc. for inspection
<i>Public Sector Management Act 1994</i>	
115A	Omit from the heading "persons", substitute "employees of ACTEW Corporation Limited" .