



Australian Capital Territory

Pool Betting Act 1964

A1964-15

Republication No 4

Effective: 9 April 2004 – 10 July 2007

Republication date: 9 April 2004

Last amendment made by A2004-15

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Pool Betting Act 1964* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 9 April 2004 . It also includes any amendment, repeal or expiry affecting the republished law to 9 April 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Pool Betting Act 1964

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09/04/04

Pool Betting Act 1964
Effective: 09/04/04-10/07/07

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Australian Capital Territory

Pool Betting Act 1964

An Act relating to pool betting

1 Name of Act

This Act is the *Pool Betting Act 1964*.

3 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

approved pool betting scheme means a pool betting scheme approval for the carrying on of which has been granted under section 6.

commission means the gambling and racing commission.

pool betting competition means a competition or transaction involving betting by a group of persons one with another at otherwise than fixed odds and on terms that the winnings or prizes of the persons in the group who are winners of the competition or transaction are or include, or are determined by reference to, the amount of the stake money or entry fees paid or agreed to be paid by the group of persons.

pool betting scheme means a scheme or arrangement for the conduct of 1 or more pool betting competitions, including the negotiation, receipt or payment of money in connection with such a competition.

promoter, in relation to a pool betting competition, means the person carrying on the pool betting scheme under which that competition is conducted.

soccer football pool means a pool betting competition in which rights to winnings or prizes are determined by reference to the results of certain soccer football matches.

unlawful game—see the *Unlawful Games Act 1984*.

4 Application

This Act does not apply in relation to betting that may lawfully be conducted under any other Territory law.

5 Prohibition of certain pool betting

- (1) A person shall not conduct a pool betting competition otherwise than under and in accordance with a pool betting scheme approval for the carrying on of which by that person is in force under section 6.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) If an approval granted under section 6 for the carrying on of a pool betting scheme is subject to a condition imposing a requirement or prohibition on the person carrying on the pool betting scheme, the person shall not contravene that condition.

Maximum penalty: 50 penalty units.

6 Approval of pool betting schemes

- (1) A person who wishes to carry on a pool betting scheme (other than a scheme that involves betting on or by reference to the playing of an unlawful game) may apply in writing to the commission for approval for the carrying on of that pool betting scheme by that person.

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

- (2) Subject to subsection (3), the commission may, in its discretion, grant or refuse the approval.

- (3) The commission shall not grant approval under subsection (2) in relation to a pool betting scheme that is lawfully carried on under a law of a State unless an agreement has been entered into under section 13C between the commission and the appropriate authority

of that State in relation to the promoter of the pool betting competitions to be conducted under that scheme.

- (4) Subsection (3) does not apply in relation to a pool betting scheme for the conduct of soccer football pools.
- (5) If the commission grants approval for the carrying on of a pool betting scheme, the approval is subject to the conditions (if any) imposing requirements or prohibitions on the person carrying on the pool betting scheme that the commission considers necessary to ensure that, as far as possible, the scheme and pool betting competitions under the scheme will be properly carried on and conducted and the interests of persons participating in such a pool betting competition will be adequately protected.
- (6) As soon as practicable after the commission has granted or refused approval for the carrying on of a pool betting scheme, the commission shall notify in writing the person who applied for approval of the grant or refusal of approval.
- (7) In any proceeding, a certificate issued by the commission specifying whether an approval for the carrying on of a pool betting scheme specified in the certificate has been granted under this section and, if an approval has been granted, specifying the conditions (if any) to which the approval is subject is evidence of the matters specified.
- (8) If an agreement referred to in subsection (3) is terminated, the approval granted under subsection (2) for the carrying on of the pool betting scheme in relation to which that agreement was entered into shall, by force of this subsection, cease to be in force.

7 Restriction on advertising pool betting

A person shall not—

- (a) print or publish, or cause or permit to be printed or published;
or
- (b) display, or cause or permit to be displayed, in any public place or in any place that is visible from a public place;

an advertisement, sign or notice relating to a pool betting competition other than a pool betting competition under an approved pool betting scheme.

Maximum penalty: 10 penalty units.

8 Restriction on distribution of pool betting coupons

A person shall not distribute or circulate a coupon, entry form or printed card in connection with a pool betting competition other than a pool betting competition under an approved pool betting scheme.

Maximum penalty: 10 penalty units.

9 Printing of coupons for certain pool betting competitions prohibited

A person shall not print, or cause or permit to be printed, a coupon, entry form or printed card in connection with a pool betting competition other than a pool betting competition under an approved pool betting scheme.

Maximum penalty: 5 penalty units.

10 Audit

- (1) The commission may, by written notice to a person who is or has been concerned in the carrying on of a pool betting scheme, require the person to give to the commission, within a period specified in the notice—
 - (a) a written statement showing the whole of the receipts and disbursements in connection with any pool betting competition under the pool betting scheme; and
 - (b) all books, documents, coupons, entry forms or printed cards relating to the pool betting competition.
- (2) The commission may keep any statements, books, documents or printed matter that are so given to the commission and may cause

them to be audited by a person authorised by the commission for the purpose.

- (3) A person so authorised under subsection (2) may, by written notice to a person who is or has been concerned in the conduct of a pool betting competition, require the person, within a period specified in the notice, to give him or her with the information in the possession of the person or to which the person has access, and to answer the questions, that the authorised person considers necessary for the purposes of the audit.
- (4) A person to whom a requirement is directed under this section shall comply with the requirement.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (5) A notice under this section to a person may be given personally to the person or may be sent by post to the last-known place of residence or business of the person.

12 Misappropriation of entry fees or winnings

A person who is concerned in the carrying on of a pool betting scheme shall not convert to his or her own use any of the stake money or entry fees paid in connection with, or any of the winnings or prizes of, a pool betting competition under the pool betting scheme.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

13 Supervision of conduct of pool betting

- (1) If it appears to the commission to be desirable for the purpose of protecting the interests of persons participating in a pool betting competition that the conduct of the pool betting competition should be supervised, the commission may, by written notice, authorise a person to supervise the pool betting competition.

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- (2) The person authorised under subsection (1) may—
- (a) enter any place where a pool betting scheme is being or is to be carried on; and
 - (b) give to persons who have been or become concerned in the carrying on of the scheme or the conduct of a pool betting competition under the scheme the directions in relation to such a pool betting competition that he or she considers necessary to ensure as far as possible that the interests of persons participating in the pool betting competition are protected.
- (3) A person shall not, on being shown the notice of authority under subsection (1)—
- (a) hinder or obstruct the person authorised by the notice in the exercise of his or her powers under this section; or
 - (b) contravene a direction given to him or her under subsection (2).

Maximum penalty:

- (a) for paragraph (a)—50 penalty units, imprisonment for 6 months or both; or
- (b) for paragraph (b)—50 penalty units.

13A Levy on interstate pool betting competitions

- (1) If the promoter of a pool betting competition that is lawfully conducted under a law of a State receives money that was paid in the ACT by or on behalf of a person in connection with the submission in the ACT by the person of an entry in the competition, the promoter is liable to pay to the Territory—
- (a) if the competition is a soccer football pool—an amount equal to; or
 - (b) in any other case—an amount equal to the prescribed percentage of;

the amount that is payable by the promoter by way of duty (however described) under the law of that State in relation to the amount of money so received or that would be so payable but for any provision of that law exempting that promoter from liability for that duty because an amount is payable to the Territory under this section in relation to the money so received.

- (2) For this section, the *prescribed percentage*, in relation to an amount payable under a law of a State, is—
 - (a) if a percentage is determined, in writing, by the commission in relation to such an amount for this section—the determined percentage; or
 - (b) in any other case—50%.
- (3) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

13B Time for payment of levy

An amount that is payable to the Territory under section 13A becomes due 21 days after the end of the calendar month when the amount became payable.

13C Agreement for payment of levy by State

- (1) The commission may enter into an agreement with the appropriate authority of a State in relation to the collection in that State of amounts from time to time payable under section 13A by a specified promoter of pool betting competitions that are lawfully conducted under the law of that State, and the payment of amounts so collected to the Territory.
- (2) If an amount is paid to the Territory under an agreement referred to in subsection (1), the liability that, apart from this subsection, the promoter specified in the agreement would have under section 13A to pay that amount is discharged.

14 Delegation

- (1) The commission may, either generally or otherwise as provided in the instrument of delegation delegate all or any of the commission's powers under this Act except this power of delegation.
- (2) A power so delegated may be exercised by the delegate in accordance with the instrument of delegation.
- (3) A delegation under this section is revocable at will and does not prevent the exercise of a power by the commission.

15 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Pool Betting Ordinance 1964* No 15 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

Legislation before becoming Territory enactment

Pool Betting Act 1964 No 15

notified 28 August 1964

commenced 1 September 1964

as amended by

Ordinances Revision (Decimal Currency) Ordinance 1966 No 19

notified 23 December 1966

commenced 23 December 1966

Pool Betting (Amendment) Ordinance 1981 No 1

notified 5 February 1981

ss 1-6, s 8 commenced 22 June 1982 (Cwlth Gaz 1982 No S128)

s 7 commenced 19 July 1982 (Cwlth Gaz 1982 No S153)

Pool Betting (Amendment) Ordinance 1982 No 18

notified 7 May 1982

ss 1-3, s 5, s 6 commenced 22 June 1982 (Cwlth Gaz 1982 No S128)

s 4 commenced 19 July 1982 (Cwlth Gaz 1982 No S153)

Pool Betting (Amendment) Ordinance (No 2) 1982 No 101

notified 31 December 1982

commenced 31 December 1982

Pool Betting (Amendment) Ordinance 1984 No 26

notified 29 June 1984

commenced 1 July 1984 (Cwlth Gaz 1984 No S244)

Endnotes

3 Legislation history

Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1

notified 10 May 1989 (Cwlth Gaz 1989 No S160)
s 1, s 2 commenced 10 May 1989 (s 2 (1))
sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

Legislation after becoming Territory enactment

Pool Betting (Amendment) Act 1990 No 48

notified 10 December 1990 (Gaz 1990 No S87)
s 1, s 2 commenced 10 December 1990 (s 2 (1))
remainder commenced 1 January 1991 (s 2 (2))

Financial Management and Audit (Consequential and Transitional Provisions) Act 1996 No 26 sch pt 24

notified 1 July 1996 (Gaz 1996 No S130)
commenced 1 July 1996 (s 2)

Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)
s 1, s 2 commenced 27 November 1998 (s 2 (1))
sch commenced 9 December 1998 (s 2 (2) and see Gaz 1998 No 49)

Gambling and Racing Control (Consequential Provisions) Act 1999 No 47 sch

notified 17 September 1999 (Gaz 1999 No S54)
s 1, s 2 commenced 17 September 1999 (s 2 (1))
sch commenced 1 December 1999 (s 2 (2) and see Gaz 1999 No S63)

Legislation (Consequential Amendments) Act 2001 No 44 pt 291

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 291 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.69

notified LR 26 March 2004
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))
sch 2 pt 2.69 commenced 9 April 2004 (s 2 (1))

4 Amendment history

Commencement

s 2 om 2001 No 44 amdt 1.3248

Definitions for Act

s 3 am 1981 No 1; 1984 No 26
def **commission** ins 1999 No 47 sch

Application

s 4 am 1981 No 1

Prohibition of certain pool betting

s 5 am 1966 No 19; 1981 No 1; 1998 No 54 sch

Approval of pool betting schemes

s 6 am 1981 No 1; 1982 No 18; 1999 No 47 sch; 2001 No 44 amdt 1.3249; ss renum R2 LA (see 2001 No 44 amdt 1.3250)

Restriction on advertising pool betting

s 7 am 1966 No 19; 1998 No 54 sch

Restriction on distribution of pool betting coupons

s 8 am 1966 No 19; 1998 No 54 sch

Printing of coupons for certain pool betting competitions prohibited

s 9 am 1966 No 19; 1998 No 54 sch

Audit

s 10 am 1966 No 19; 1998 No 54 sch; 1999 No 47 sch

Falsification of books etc

s 11 am 1998 No 54 sch
om A2004-15 amdt 2.146

Misappropriation of entry fees or winnings

s 12 am 1966 No 19; 1998 No 54 sch

Supervision of conduct of pool betting

s 13 am 1966 No 19; 1998 No 54 sch; 1999 No 47 sch

Levy on interstate pool betting competitions

s 13A ins 1981 No 1
am 1982 Nos 18 and 101; 1989 No 38 sch 1; 1999 No 47 sch;
2001 No 44 amdt 1.3251

Time for payment of levy

s 13B ins 1981 No 1
am 1989 No 38 sch 1

Agreement for payment of levy by State

s 13C ins 1981 No 1
am 1982 No 18; 1989 No 38 sch 1; 1999 No 47 sch

Endnotes

5 Earlier republications

Payments of levy to Consolidated Revenue Fund

s 13D ins 1981 No 1
am 1989 No 38 sch 1; 1990 No 48 s 4
om 1996 No 26 sch pt 24

Delegation

s 14 am 1999 No 47 sch

Regulation-making power

s 15 am 1989 No 38 sch 1
sub 2001 No 44 amdt 1.3252

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1990 No 48	30 June 1991
2	Act 1999 No 47	31 December 1999
3	A2001-44	5 August 2002

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