

No. 30 of 1978

AN ORDINANCE

To amend the *Betting (Totalizator Agency) Ordinance 1964*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this twenty-eighth day of September 1978.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

R. ELLICOTT
Minister of State for the Capital Territory

BETTING (TOTALIZATOR AGENCY) (AMENDMENT) ORDINANCE 1978

1. This Ordinance may be cited as the *Betting (Totalizator Agency) (Amendment) Ordinance 1978*.* Short title
2. In this Ordinance, "Principal Ordinance" means the *Betting (Totalizator Agency) Ordinance 1964*.† Principal Ordinance
3. Section 4 of the Principal Ordinance is amended by inserting before the definition of "betting" the following definitions: Interpretation
 - " 'accounting period' means a period determined by the Board under section 27;
 - 'accounting year' means a period of 12 months commencing on the first day of August;"
4. Section 23 of the Principal Ordinance is amended by omitting sub-sections (1), (2) and (3). Provisions relating to offices and agencies of the Board
5. After section 26 of the Principal Ordinance the following section is inserted: Accounting periods
 - " 27. (1) The Board shall, not later than the commencement of an accounting year, determine 13 periods into which that accounting year is to be divided for the purposes of this Ordinance.
 - " (2) The Board shall not determine, under sub-section (1), a period that is less than 21 days or more than 35 days."

* Notified in the *Commonwealth of Australia Gazette* on 29 September 1978.

† 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; and No. 65, 1977.

Payments to
charities

6. Section 28 of the Principal Ordinance is amended by omitting from sub-section (1) "month" (wherever occurring) and substituting "accounting period".

7. Section 29 of the Principal Ordinance is repealed and the following section substituted:

Payments to
prescribed
clubs

" 29. (1) Subject to this section, the Board shall, at the beginning of each accounting period, set aside in an account in its books, for the purpose of making payments to prescribed race clubs, an amount equal to one per cent of the amount of bets accepted by the Board during the preceding accounting period.

" (2) Subject to sub-section (4), the Board shall pay to each prescribed race club once in each accounting period, out of the moneys set aside for the purposes of sub-section (1), an amount ascertained in accordance with the formula—

$$p = \frac{x}{100n},$$

where—

p is the amount of the payment to the club;

x is the amount of bets accepted by the Board during the preceding accounting period attributable to racing of the kind conducted by the club; and

n is the number for the time being of prescribed race clubs that conduct racing of the same kind as that conducted by the club.

" (3) Subject to sub-section (4), the Board shall pay to each prescribed race club at the expiration of each accounting year, out of the moneys remaining after the application of moneys during that accounting year in accordance with sections 30 and 30A, not being moneys set aside for the purpose of section 28, an amount ascertained in accordance with the formula—

$$p = \frac{xy}{nz},$$

where—

p is the amount payable to the club;

x is the amount of the moneys so remaining;

y is the amount of bets accepted by the Board during that accounting year attributable to racing of the kind conducted by the club;

n is the number for the time being of prescribed race clubs that conduct racing of the same kind as that conducted by the club; and

z is the total amount of bets accepted by the Board during that accounting year.

“(4) The Board shall not make a payment to a club under sub-section (2) or (3) without the approval of the Minister.

“(5) Where the Minister does not approve the making of a payment to a prescribed race club, the amount that, but for the absence of such approval, would have been paid to the club shall be divided among the remaining prescribed race clubs—

- (a) in the case of an amount payable under sub-section (2)—in the same proportions as the amounts respectively payable to each of the remaining clubs under that sub-section bear to the total amount payable to those clubs under that sub-section; and
- (b) in the case of an amount payable under sub-section (3)—in the same proportions as the amounts respectively payable to each of the remaining clubs under that sub-section bear to the total amount payable to those clubs under that sub-section.

“(6) In this section, ‘prescribed race club’ means a body corporate in respect of which there is for the time being in force a determination under sub-section (7).

“(7) The Minister may, from time to time, determine that a race club, being a body corporate incorporated under a law of the Territory, shall be a prescribed race club for the purposes of this section.”.

8. Section 30 of the Principal Ordinance is amended by omitting “section twenty-eight, and paragraph (a) of sub-section (1) of section twenty-nine, of this Ordinance” and substituting “section 28 and sub-section 29 (1)”. Ordinary application of revenue of the Board

9. After section 30 of the Principal Ordinance the following section is inserted:

“30A. (1) The Board shall, in the accounts kept by it in pursuance of section 32, keep an account to be called the Reserve Account. Reserve Account

“(2) The Board shall, from time to time, set aside in the Reserve Account, out of moneys of the Board remaining after setting aside amounts under section 28 and sub-section 29 (1) and making payments under section 30, such amounts as the Minister, on the recommendation of the Board, approves.

“(3) Amounts standing to the credit of the Reserve Account shall be applied by the Board, in accordance with resolutions of the Board—

- (a) in the repayment of amounts borrowed by the Board in accordance with this Ordinance; and
- (b) in meeting the costs of capital expenditure and the acquisition by the Board of capital assets.”.

Dividend
Equalization
Account

10. Section 42 of the Principal Ordinance is amended by omitting from sub-section (3) "financial year" and substituting "accounting year".

Transitional
provisions

11. (1) In this section—

- (a) "current year" means the period of 12 months that commenced on 1 August 1978; and
- (b) unless the contrary intention appears, other expressions used in this section have the same respective meanings as in the Principal Ordinance, as amended by this Ordinance.

(2) Within 28 days after the commencement of this Ordinance, the Board shall determine periods into which the relevant part of the current year is to be divided for the purposes of the Principal Ordinance, as amended by this Ordinance.

(3) For the purpose of sub-section (2), the relevant part of the current year is the part of that year remaining after the expiration of the month in which the Board makes a determination under that sub-section.

(4) The number of periods that the Board may determine under sub-section (2) is the number that equals the difference between 13 and the number of months that commenced on or after 1 August 1978 and before the making of the determination.

(5) The Principal Ordinance, as amended by this Ordinance, shall apply—

- (a) as if the period of 12 months that commenced on 1 August 1978 were an accounting year;
- (b) as if the month that commenced on 1 August 1978 were an accounting period; and
- (c) if the determination made by the Board under sub-section (2) is made during the month commencing on 1 September 1978—as if that month were an accounting period.

(6) For the purpose of sub-section 29 (2) of the Principal Ordinance, as amended by this Ordinance, the month that commenced on 1 July 1978 shall be taken to have been an accounting period.

(7) After the making of a determination under sub-section (2), the Principal Ordinance, as amended by this Ordinance, shall apply as if—

- (a) this Ordinance had been in force on 31 July 1978;
- (b) the Board had, on that day, made a determination under section 27 of the Principal Ordinance, as amended by this Ordinance;
- (c) the Board had, by that determination, divided the current year into 13 periods consisting of—

(i) the month that commenced on 1 August 1978 or the months that commenced on or after 1 August 1978 and before the making of the determination, as the case may be; and

(ii) the periods determined by the Board under subsection (2).

(8) The Principal Ordinance, as amended by this Ordinance, shall apply—

(a) as if an amount set aside on or after 1 August 1978 for the purpose of section 28 or 29 of the Principal Ordinance had been set aside for the purpose of section 28 or 29, as the case may be, of the Principal Ordinance, as amended by this Ordinance; and

(b) as if a payment made on or after 1 August 1978 under section 28 or 29 of the Principal Ordinance had been made in accordance with section 28 or 29, as the case may be, of the Principal Ordinance, as amended by this Ordinance.