

# AUSTRALIAN CAPITAL TERRITORY

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## Betting (Totalizator Agency) (Amendment) Ordinance 1987

No. 32 of 1987

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 29 June 1987.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

G. SCHOLES  
Minister of State for Territories

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An Ordinance to amend the *Betting (Totalizator Agency) Ordinance 1964*

### Short title

1. This Ordinance may be cited as the *Betting (Totalizator Agency) (Amendment) Ordinance 1987*.<sup>1</sup>

### Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for Territories by notice in the *Gazette*.

### Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Betting (Totalizator Agency) Ordinance 1964*.<sup>2</sup>

(Ord. 12/87)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

**Conduct of betting facilities**

4. Section 18A of the Principal Ordinance is amended by omitting “The Board” and substituting “The Authority”.

**Establishment of offices etc. elsewhere than on racecourses**

5. Section 21 of the Principal Ordinance is amended:

- (a) by omitting from subsection (1) “its powers or functions under this Ordinance” and substituting “its functions referred to in paragraphs 5 (1) (a), (b), (c), (d) and (e) of the Authority Ordinance, its functions or duties under this Ordinance, its powers arising out of those functions or duties or its powers under this Ordinance”; and
- (b) by inserting in subsection (2) “arising out of or relating to any of its functions, duties or powers referred to in subsection (1)” after “business”.

**Operation of offices etc.**

6. Section 22 of the Principal Ordinance is amended by omitting “the Board” (wherever occurring) and substituting “the Authority”.

**Conduct of persons in offices etc.**

7. Section 23 of the Principal Ordinance is amended by omitting from subsection (4) “the Board” and substituting “the Authority”.

**Accounting periods**

8. Section 27 of the Principal Ordinance is amended:

- (a) by omitting from subsection (1) “an accounting year” and substituting “each financial year”;
- (b) by omitting from subsection (1) “that accounting year” and substituting “that financial year”;
- (c) by inserting after subsection (1) the following subsection:

“(1A) The Authority shall, before 1 August 1987, determine 12 periods into which the period commencing on that date and ending at the expiration of 30 June 1988 is to be divided for the purposes of this Ordinance.”; and
- (d) by omitting from subsection (2) “sub-section (1)” and substituting “subsection (1) or (1A)”.

### **Payments to prescribed clubs**

9. Section 29 of the Principal Ordinance is amended by omitting subsection (3) and substituting the following subsection:

“(3) The Minister may, at the expiration of each accounting year and each financial year, direct the Authority in writing to make specified payments out of such of the betting moneys of the Authority as have not been applied or set aside by the Authority during that year.”.

10. Section 30 of the Principal Ordinance is repealed and the following section substituted:

### **Application of moneys**

“30. (1) The betting moneys of the Authority remaining after applying and setting aside amounts under section 28 and subsection 29 (1) shall be applied by the Authority:

- (a) in paying the costs, charges, obligations, liabilities and expenses incurred or undertaken by the Authority in or in connection with the carrying out of its functions referred to in paragraphs 5 (1) (a), (b), (c), (d) and (e) of the Authority Ordinance and its functions under this Ordinance;
- (b) in paying to:
  - (i) members of the Authority;
  - (ii) the Chief executive; and
  - (iii) persons employed by the Authority;remuneration, allowances, fees and salaries that are referable to the functions referred to in paragraph (a); and
- (c) in setting aside such amounts as are, from time to time, necessary for the purpose of making payments under section 42.

“(2) The betting moneys of the Authority remaining after applying amounts under subsection (1) shall be applied in making payments of such amounts as the Minister, on the recommendation of the Authority, approves for the following purposes:

- (a) the repayment of the amounts borrowed by the Authority that are referable to the functions of the Authority referred to in paragraph (1) (a); and

- (b) meeting the costs of capital expenditure and the acquisition by the Authority of capital assets.”.

### **Conditions relating to bets**

**11.** Section 38 of the Principal Ordinance is amended by omitting from subsection (1) “the Board” and substituting “the Authority”.

### **Eligibility of person to bet**

**12.** Section 40 of the Principal Ordinance is amended by omitting from subsection (1) “eighteen” and substituting “18”.

### **Provisions applicable if no winning bets**

**13.** Section 41A of the Principal Ordinance is amended by omitting “credited to the Dividend Equalization Account referred to in section forty-two of this Ordinance” and substituting “set aside for the purpose of making payments under section 42”.

**14.** Section 42 of the Principal Ordinance is repealed and the following section substituted:

### **Payment of dividends**

“42. The Authority shall apply:

- (a) amounts set aside under paragraph 30 (c);
- (b) amounts representing unclaimed dividends that the Authority is not liable to distribute by reason of subsection 41 (4); and
- (c) amounts set aside under section 41A;

for the purpose of paying any amounts that, in accordance with subsection 41 (3) or the relevant resolution of the Authority, are included in dividends paid by the Authority on bets in respect of which dividends are payable at amounts higher than the amounts at which they would, but for that subsection or resolution, have been payable.”.

### **Determinations and resolutions of Authority**

**15.** Section 46 of the Principal Ordinance is amended by omitting from subsection (1) “the Board” (wherever occurring) and substituting “the Authority”.

**Further amendments**

**16. (1)** The provisions of the Principal Ordinance specified in Part 1 of the Schedule are amended by omitting “Board” (wherever occurring) and substituting “Authority”.

**(2)** The Principal Ordinance is amended as set out in Part 2 of the Schedule.

**Application of certain amendments in relation to financial years**

**17.** Subsections 27 (1) and 29 (3) of the Principal Ordinance as amended by sections 8 and 9 of this Ordinance, respectively, apply in relation to the financial year commencing on 1 July 1988 and each subsequent financial year.

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## SCHEDULE

Section 16

### FURTHER AMENDMENTS

#### PART 1

Section 4 (definition of “accounting period”), subsection 20 (1), paragraphs 20 (2) (a), (b) and (c), subparagraphs 20 (2) (d) (i) and (ii), paragraphs 20 (4) (a) and (b), subsections 21 (1), (2) and (4) and 21A (1) and (2), paragraphs 23 (5) (a) and (b), section 24, subsections 27 (1) and (2), 28 (1) and 29 (1), (2) and (4), paragraph 35Q (a), section 36, subsection 37 (1), paragraphs 37 (2) (a), (b), (c) and (d), subsections 37 (3) and (4), paragraphs 37A (a) and (b), subsections 38 (2), 39 (1), (3) and (4), 40 (1) and (2) and 41 (1), subparagraphs 41 (2) (a) (i) and (ii) and 41 (2) (b) (i), paragraph 41 (2) (c), subsections 41 (3) and (4), section 41A, paragraphs 44 (1) (a), (b) and (c) and 44 (2) (a) and (c) and subsection 46 (2).

#### PART 2

#### Section 4

- (a) Omit the definitions of “accounting year” and “Authority”, substitute the following definitions:

“ ‘accounting year’ means:

- (a) the period of 12 months that commenced on 1 August 1986; and  
(b) the period commencing on 1 August 1987 and ending at the expiration of 30 June 1988;

‘Authority’ means the Australian Capital Territory Gaming and Liquor Authority established by section 4 of the Authority Ordinance;”.

- (b) After the definition of “betting” insert the following definition:

“ ‘betting moneys of the Authority’ means moneys derived by the Authority in carrying out its functions referred to in paragraphs 5 (1) (a), (b), (c), (d) and (e) of the Authority Ordinance and its functions and duties under this Ordinance;”.

- (c) Omit the definitions of “Chairman” and “Deputy Chairman”.  
(d) Omit “section forty-four of this Ordinance” from the definition of “inspector”, substitute “section 44”.  
(e) After the definition of “racecourse” insert the following definition:

“ ‘the Authority Ordinance’ means the *Australian Capital Territory Gaming and Liquor Authority Ordinance 1987*;”.

#### Heading to Part II:

Omit the heading, substitute the following heading:

#### “PART II—POWERS AND FUNCTIONS OF AUTHORITY”.

**SCHEDULE—continued**

**Heading to Division 1 of Part II:**

Omit the heading.

**Division 2 of Part II:**

Repeal the Division.

**Heading to Division 3 of Part II:**

Omit the heading.

**Sections 18 and 19:**

Repeal the sections.

**Subsection 20 (2):**

Omit “the last preceding sub-section”, substitute “subsection (1)”.

**Paragraph 20 (2) (d):**

Omit “Board” (first occurring), substitute “Authority”.

**Subsection 20 (3):**

Omit “paragraph (b), or sub-paragraph (i) of paragraph (d), of the last preceding sub-section”, substitute “paragraph (2) (b) or subparagraph (2) (d) (i)”.

**Paragraph 20 (4) (b):**

Omit “sub-paragraph (ii) of paragraph (d) of sub-section (2) of this section”, substitute “subparagraph (2) (d) (ii)”.

**Subsection 20 (4):**

- (a) Omit “the Board shall not”, substitute “the Authority shall not”.
- (b) Omit “section twenty-four of this Ordinance”, substitute “section 24”.

**Subsection 21 (1A):**

Omit the subsection.

**Subsection 21A (2):**

Omit “the last preceding sub-section”, substitute “subsection (1)”.

**Paragraph 23 (5) (a):**

Omit “the last preceding sub-section”, substitute “subsection (4)”.

**Heading to Division 4 of Part II:**

Omit the heading, substitute the following heading:

**“PART IIAA—FINANCE”.**

**SCHEDULE—continued****Sections 25 and 26:**

Repeal the sections.

**Sections 30A, 31, 32 and 33:**

Repeal the sections.

**Division 5 of Part II:**

Repeal the Division.

**Paragraph 35E (1) (a):**

Omit “Australian Capital Territory Gaming and Liquor”.

**Paragraph 35L (2) (e):**

Omit “Australian Capital Territory Gaming and Liquor”.

**Subsection 37 (2):**

Omit “The Board shall”, substitute “The Authority shall”.

**Subparagraph 37 (2) (d) (i):**

Omit “section thirty-nine of this Ordinance”, substitute “section 39”.

**Subsection 37 (3):**

Omit “Fifty” (wherever occurring), substitute “50”.

**Section 37A:**

Omit “The Board shall”, substitute “The Authority shall”.

**Paragraph 37A (b):**

Omit “section twenty of this Ordinance”, substitute “section 20”.

**Subsection 38 (2):**

Omit “Four hundred dollars”, substitute “4400”.

**Subsection 39 (1):**

Omit “Two dollars”, substitute “\$2”.

**Subsection 39 (3):**

Omit “five” substitute “5”.

**Subsection 39 (4):**

Omit “the last preceding sub-section”, substitute “subsection (3)”.

**SCHEDULE—continued**

**Subsection 40 (1), Penalty:**

Omit “Two dollars”, “Forty dollars”, “Ten dollars” and “One hundred dollars”, substitute “\$2”, “\$40”, “\$10” and “\$100”, respectively.

**Subsection 40 (2):**

Omit “eighteen”(wherever occurring), substitute “18”.

**Subsection 41 (2):**

Omit “the last preceding sub-section”, substitute “subsection (1)”.

**Subparagraph 41 (2) (b) (i):**

Omit “sub-paragraph (i) of the last preceding paragraph”, substitute “subparagraph (a) (i)”.

**Subparagraph 41 (2) (b) (ii):**

Omit “sub-paragraph (ii) of the last preceding paragraph”, substitute “subparagraph (a) (ii)”.

**Subsection 41 (3):**

Omit “two” and “Fifty”, substitute “2” and “50”, respectively.

**Subsection 41 (4):**

Omit “six”, substitute “6”.

**Section 41B:**

Omit “Forty dollars”, substitute “\$40”.

**Subsection 43 (1):**

Omit “section twenty-three, sub-section (4) of section thirty-seven, or sub-section (2) of section forty, of this Ordinance”, substitute “section 23 or subsection 37 (4) or 40 (2)”.

**Paragraph 43 (1) (a):**

Omit “Forty dollars”, “Two hundred dollars”, “fourteen” and “three”, substitute “\$40”, “\$200”, “14” and “3”, respectively.

**Paragraph 43 (1) (b):**

Omit “Two hundred dollars”, “Four hundred dollars”, “two” and “three”, substitute “\$200”, “\$400”, “2” and “3”, respectively.

**Paragraph 43 (1) (c):**

Omit “three” and “six”, substitute “3” and “6”, respectively.

**Subsection 43 (2):**

**SCHEDULE—continued**

Omit “paragraphs (a), (b) and (c) of the last preceding sub-section”, substitute “paragraphs (1) (a), (b) and (c)”.

**Section 45, Penalty:**

Omit “One hundred dollars”, substitute “\$100”.

**Subsection 46 (1):**

- (a) Omit “sections twenty-two, thirty-eight and thirty-nine”, substitute “sections 22, 38 and 39”.
- (b) Omit “sub-section (2) of section forty-one, of this Ordinance”, substitute “subsection 41 (2)”.

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**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 30 June 1987.
2. 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; Act No. 116, 1981; No. 38, 1982; No. 42, 1985; Nos. 46 and 69, 1986.