

AUSTRALIAN CAPITAL TERRITORY

BETTING (OFF-COURSE TOTALIZATOR AGENCY) ORDINANCE 1964

EXPLANATORY MEMORANDUM

No. 14 of 1964

A situation has arisen in which the A.C.T. has become the only area in eastern Australia in which some form of off-course betting has not been made lawful.

This Ordinance makes provision for the introduction of lawful off-course betting in the A.C.T. on horse races.

A statutory Board will be constituted to provide totalisator agency facilities for the transmission of bets to on-course totalizators. The A.C.T. Board will not be empowered to establish its own totalisator but its functions will be to act as an agent as between persons desiring to place wagers on horse races and established totalizators either in the Territory or elsewhere.

The Ordinance will enable the A.C.T. Board to make agreements with off-course betting authorities in a State or other Territory to provide for the placement of bets, the return of dividends on winning bets and the return of commission out of the total amount of bets transmitted.

The scheme will neither be financed by the Commonwealth nor will it initially receive any revenue from it.

Statutory disbursements of the Board's funds have been provided for in the Ordinance. Prescribed percentages of the amount of bets received are to be allocated to assist the A.C.T. racing clubs, charitable organizations, and to repay capital borrowed by the Board.

The Ordinance provides that the Board shall comprise five members three of whom shall be appointed by the Minister and two appointed by the A.C.T. Council of Race Clubs, and they will hold office for a term of three years. The Board will be required to present reports to the Minister on its operations and financial position annually or as required by the Minister.

No specific offences for illegal off-course betting have been included in the proposed Ordinance. Concurrent amendments to the Gaming and Betting Ordinance 1945, which are also being recommended, will provide substantially increased penalties for this type of offence.

Under Section 2 of the draft Ordinance the date of commencement for the scheme shall be the first day of September, 1964.

Section 5 provides that the Board shall be a body corporate with perpetual succession, shall have a common seal, is capable of acquiring, holding and disposing of property, may sue or be sued in its corporate name but shall not for any purpose be regarded as the servant or agent of the Executive Government.

The Board may under section 10 determine the remuneration payable to members which in any financial year may not, unless otherwise determined by the Minister exceed Five hundred pounds per annum for the Chairman and Three hundred pounds for a member.

The Minister is empowered under section 12 to remove from office any member who is found guilty of misbehaviour, incapacity or who is convicted of an indictable offence or an offence against any betting or gaming law.

Provision has been made in section 16 for the appointment of a general manager who shall under the Board manage the affairs of the Board. Section 17 empowers the Board to employ staff for the purposes of the Ordinance.

To carry out its functions under the Ordinance the Board may enter into reciprocal agreements with an off-course betting authority in another State or Territory for:—

- (i) the placing of bets transmitted to it on a totalizator in that State or Territory and the return to the Board of winning dividends as declared by the totalizator; and
- (ii) the earning of commission as is mutually agreed upon, for bets so transmitted.

Section 22 of the Ordinance provides that the Board may determine the conditions applicable to the operation of its offices and agencies and hours of business. The Board may carry on business only at such places as are approved by the Minister, and shall not permit broadcast or television receivers to be in an area open to the public on the premises nor give any information to the public on the premises nor give any information to the public on any races except the name, starting time and place where the race is to be run and the names and numbers of the horses starting in the race. This latter restriction, does not, however, apply to telephone enquiries.

Authority is conferred upon the Board by section 26 to borrow monies from a bank for the purpose of establishing the off-course betting scheme in the Territory. The Board is required under section 27 to apply, at the beginning of each month, an amount equal to one per cent of the bets accepted by the Board during the preceding month in repayment of the overdraft.

Pursuant to section 28 the Board shall set aside, at the beginning of each month, one percent of the amount of bets accepted by the Board during the preceding month for the purpose of making payments to such charitable clubs as and when the Minister determines.

Section 29 requires the Board, at the beginning of each month, to set aside one percent of the bets accepted by the Board during the preceding month for the purpose of making payment to the A.C.T. Council of Race Clubs and other approved race clubs.

After payment of operating expenses, the setting aside of an amount for the above purposes and adjustments for dividends, any excess of receipts over expenditure shall be set aside for the purpose of making payments to the Council of Race Clubs and to such other race clubs as the Minister approves.

The Board is authorised by section 28 to invest any moneys not immediately required for the Board's purposes on fixed deposit with a bank or in securities of, or guaranteed by the Commonwealth or a State.

Section 36 of the Ordinance authorises the making of a bet on a race, that could lawfully be made in the Territory at a licensed racecourse during a race meeting, to be made through the Board at an office or agency of the Board as provided by this Ordinance, whether or not a race meeting is being conducted at a licensed racecourse in the Territory on the day the bet is made.

The Board shall accept bets only in Five shillings units or multiples of Five shillings. Dividends on cash transactions will not be available on the day of the race but may be claimed on the first working day after the race at the agency where the bet was originally placed. Dividends on telephone, telegraph or letter betting will be credited as soon as practicable after the conclusion of the race to which the bet refers. In the event of a dividend of less than Five shillings being declared the Board will pay a dividend of Five shillings per unit. Any incorrect payment of dividends will be adjusted through the Dividends Adjustment Account.

Under section 37 betting may only take place at an authorised agency under such conditions as are determined by the Board. Betting shall be on a cash basis except where a telephone credit account has been established. Telephone, telegraph or postal betting must be accompanied by sufficient cash to cover the bet or made from a deposit or credit already established with the Board. The minimum deposit for the establishment of a credit account is One pound.

Section 38 provides that the Board may determine the conditions subject to which betting may be transacted including the payment of dividends, closing time for bets, identification of persons have telephone accounts and the acknowledgement and recording of bets. These conditions are required to be displayed in a conspicuous place in the public area of each agency.

Section 40 prohibits a person under the age of twenty-one years from making a bet through the Board and any person who has the management or control of, or who is employed at an office or agency of the Board, will commit an offence if he accepts a bet from or issues a ticket to the person in respect of a bet if that person is apparently under the age of twenty-one years or he has reason to believe that the person is under the age of twenty-one years.

Section 44 empowers the Minister to appoint inspectors for the purposes of the Ordinance and an inspector in the performance of his duties may enter at any time an office or agency of the Board and demand information or the production of records from a person employed by or is an agent of the Board.

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