

## BETTING CONTROL.

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No. 77 of 1976.

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### AN ACT to amend the Betting Control Act, 1954-1972.

[Assented to 18th October, 1976.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Betting Control Act Amendment Act, 1976.*

Short title  
and  
citation.

(2) In this Act the Betting Control Act, 1954-1972 is referred to as the principal Act.

Reprinted  
as  
approved  
for  
reprint  
24th  
March,  
1971 and  
amended  
by Act No.  
46 of 1972.

(3) The principal Act as amended by this Act may be cited as the Betting Control Act, 1954-1976.

Commence-  
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Long title  
amended.

3. The long title to the principal Act is amended by adding after the word "Horse" in line two the words "and Greyhound".

Section 2  
amended.

4. Section 2 of the principal Act is amended—
- (a) by deleting the subsection designation "(1)" in line one; and
  - (b) by repealing subsections (2) and (3).

Section 4  
amended.

5. Section 4 of the principal Act is amended—
- (a) by deleting the interpretation "Board" and substituting the following interpretation—  
"Board" means the Betting Control Board established under this Act; ; and
  - (b) by adding after the word "driven" in line two of the interpretation "race" the words "or by greyhounds".

Section 5  
amended.

6. Section 5 of the principal Act is amended—
- (a) by adding after the word "horse" where it occurs—
    - (i) in line two of subsection (2a);
    - (ii) in line two of paragraph (a) of subsection (2a);
    - (iii) in line one of paragraph (b) of subsection (2a); and
    - (iv) in line six of paragraph (b) of subsection (2a),the words "or greyhound" in each case; and
  - (b) by deleting the words "horse in a horse race" where occurring in line three of subparagraph (i) of paragraph (b) of

subsection (2b) and again in line three of subparagraph (ii) of paragraph (b) of subsection (2b) and substituting the words "horse or greyhound in a race" in both cases.

7. The principal Act is amended by adding after section 5 the following new section—

Section 6  
added.

6. (1) On and after the date fixed for the coming into operation of the Betting Control Act Amendment Act, 1976 there shall be a Betting Control Board established in accordance with the succeeding provisions of this Act in place of the Board existing immediately prior to that date.

Betting  
Control  
Board.

(2) The Board shall consist of two *ex officio* members, namely—

- (a) the chairman for the time being of the Totalisator Agency Board who shall also be chairman of the Board; and
- (b) the person for the time being holding the office of manager of the Totalisator Agency Board who shall also be deputy chairman of the Board,

and of three members appointed by the Minister, of whom—

- (c) one shall be a person nominated for appointment by The Western Australian Turf Club;
- (d) one shall be a person nominated for appointment by the Western Australian Trotting Association; and
- (e) one shall be a person nominated for appointment by the Greyhound Racing Control Board.

(3) Subject to this Act, the appointed members of the Board shall hold office for such terms not exceeding three years as are specified

in the respective instruments of their appointment, but shall be eligible for re-appointment.

(4) The Minister may—

- (a) appoint officers of the Totalisator Agency Board to be deputies of the members referred to in paragraphs (a) and (b) of subsection (2) of this section;
- (b) appoint a person nominated by The Western Australian Turf Club to be the deputy of the member referred to in paragraph (c) of subsection (2) of this section;
- (c) appoint a person nominated by the Western Australian Trotting Association to be the deputy of the member referred to in paragraph (d) of subsection (2) of this section; and
- (d) appoint a person nominated by the Greyhound Racing Control Board to be the deputy of the member referred to in paragraph (e) of subsection (2) of this section,

and at any meeting of the Board at which a member is not present, the deputy of the member may exercise all the powers and functions of the member.

(5) Prior to the first appointment of members and deputies of the Board and from time to time thereafter whenever the office of an appointed member or deputy becomes vacant, the Minister shall in writing request each of the bodies which is to nominate a member or deputy member for appointment to nominate a person or persons for appointment, and the body shall, within fourteen days of receiving the request from the Minister, nominate in writing the person it wishes to be appointed a member or deputy, as the case requires.

(6) Where a body fails to nominate a person for appointment as member or deputy of the Board within the time provided by subsection (5) of this section, the Minister may appoint such person as he thinks fit to be a member or deputy of the Board, as the case requires, and that appointment shall be as valid and effectual for the purposes of this Act as if the person appointed had been nominated for appointment in accordance with subsection (5) of this section.

(7) The appointed members of the Board and the deputies of those members may be paid such fees and allowances as are from time to time determined by the Governor.

8. The principal Act is amended by adding a section as follows—

Section 6A  
added.

6A. (1) The office of an appointed member of the Board shall become vacant if—

Vacancies,  
etc.

- (a) he is absent, except with leave of the Minister, from four consecutive meetings of the Board;
- (b) he resigns his office by writing under his hand served on the Minister;
- (c) the body by which he was nominated for appointment requests the Minister in writing to terminate his appointment; or
- (d) he dies,

and the Minister shall appoint another person nominated for appointment by the appropriate body to that office to hold office for the remainder of the term of office of the person in whose place he is appointed.

(2) The provisions of subsection (3) of section six, and paragraphs (b), (c) and (d) of subsection (1) of this section apply to and in

relation to the deputies of appointed members of the Board as if they were appointed members of the Board. .

Section 6B  
added.

9. The principal Act is amended by adding a section as follows—

Meetings  
of the  
Board.

6B. (1) The Board shall hold such meetings as are necessary for the purposes of discharging its functions under this Act.

(2) The chairman may at any time convene a meeting of the Board.

(3) At any meeting of the Board—

(a) the chairman shall preside, and if the chairman is not present the deputy chairman shall preside, but if neither the chairman nor the deputy chairman is present, the members present at the meeting shall appoint one of their number to preside thereat;

(b) three members form a quorum;

(c) all questions arising at the meeting shall be decided by a majority of the votes of the members present;

(d) each member shall be entitled to one vote; and

(e) in the event of an equality of votes the question shall be determined in the negative.

(4) Subject to this Act the Board may regulate its procedure in such manner as it thinks fit, but shall cause minutes to be kept of its proceedings and shall, when so requested by the Minister, furnish to the Minister minutes of its proceedings at any meeting.

(5) The powers of the Board are not affected by any vacancy in the membership of the Board, and if a quorum is present all acts and proceedings of the Board are valid and effectual, notwithstanding the vacancy.

(6) All acts and proceedings of the Board are, notwithstanding any defect in the appointment of any member of the Board or deputy thereof, or that any such member or deputy was disqualified or not entitled to act, as valid as if the member or the deputy had been duly appointed and was qualified to act, and had acted, as a member or deputy, and as if the Board has been duly and fully constituted. .

10. The principal Act is amended by adding a section as follows—

Section 6C added.

6C. A person who is or has been a member of the Board, a deputy of such a member, or a secretary of the Board shall not be personally liable for anything done or omitted to be done in good faith in or in connection with the exercise or purported exercise of any power conferred, or the carrying out of any duty imposed, by, or arising under this Act. .

Members of Board, etc. not personally liable.

11. The principal Act is amended by adding after section 7 the following new section—

Section 8 added.

8. The person for the time being holding or performing the duties of the office of Secretary of the Totalisator Agency Board shall be the Secretary to the Board established under this Act. .

Secretary to Board.

12. Subsection (5) of section 11 of the principal Act is amended—

Section 11 amended.

(a) by deleting the passage "Licensing Act, 1911" in line four of paragraph (a) and substituting the passage "Liquor Act, 1970"; and

- (b) by deleting the words "spirit merchant's license or a gallon license" in lines nine and ten of paragraph (a) and substituting the words "wholesale licence or a store licence".

Section 12  
amended.

13. Section 12 of the principal Act is amended—

- (a) by deleting the word "The" in line one of subsection (2) and substituting the passage "Subject to this section, the"; and
- (b) by adding after subsection (2) the following subsections—

(2a) The committee or other authority controlling a racecourse at which a race meeting for ridden horses is being held shall not permit a bookmaker to bet on races of driven horses or of greyhounds being conducted at any other racecourse, except where the Board, being satisfied that special circumstances exist which warrant its so doing, has authorized the committee or other authority to permit bookmakers so to bet at that race meeting.

(2b) The committee or other authority controlling a racecourse at which a race meeting for driven horses is being held shall not permit a bookmaker to bet on races of ridden horses or of greyhounds being conducted at any other racecourse, except where the Board, being satisfied that special circumstances exist which warrant its so doing, has authorized the committee or other authority to permit bookmakers so to bet at that race meeting.

(2c) The committee or other authority controlling a racecourse at which a race meeting for greyhounds is being held shall not permit a bookmaker to bet on races of ridden or driven horses being conducted at any other racecourse, except



where the Board, being satisfied that special circumstances exist which warrant its so doing, has authorized the committee or other authority to permit bookmakers so to bet at that race meeting. .

14. Section 15 of the principal Act is amended by deleting the words "prescribed form" where occurring in line two of subsection (2) and again in line one of paragraph (a) of subsection (4) and substituting the words "form approved by the Commissioner" in both cases. Section 15 amended.

15. Section 16 of the principal Act is amended— Section 16 amended.

- (a) by deleting the words "prescribed form" where occurring in line two of subsection (2) and again in line one of paragraph (b) of subsection (3) and substituting the words "form approved by the Commissioner" in both cases;
- (b) by deleting the word "and" appearing at the end of paragraph (b) of subsection (2);
- (c) by deleting the passage "State." in line three of paragraph (c) of subsection (2) and substituting the passage "State;"; and
- (d) by adding after paragraph (c) of subsection (2) the following paragraphs—
  - (d) races of greyhounds held or to be held within this State; and
  - (e) races of greyhounds held or to be held elsewhere than in this State. .

16. Subsection (2) of section 20 of the principal Act is amended— Section 20 amended.

- (a) by deleting the word "either" in line two; and

- (b) by adding after the word "Association" in line five the words "or the secretary of the Greyhound Racing Control Board".

Section 23  
amended.

17. Subsection (1) of section 23 of the principal Act is amended by deleting the passage "or a trotting meeting is being held under licence issued under the Racing Restriction Act, 1917" in lines three, four and five of paragraph (a) and substituting the passage "is being held under licence issued under the Racing Restriction Act, 1917 or the Greyhound Racing Control Act, 1972".

Section 27  
amended.

18. Section 27 of the principal Act is amended by deleting the passage "or trotting meeting is being conducted under license issued under the Racing Restriction Act, 1917" in lines three, four, five and six of paragraph (b) and substituting the passage "is being held under licence issued under the Racing Restriction Act, 1917 or the Greyhound Racing Control Act, 1972".

Section 33  
amended.

19. Section 33 of the principal Act is amended by deleting paragraph (a).

Section 34  
amended.

20. Section 34 of the principal Act is amended by adding after the passage "1946," in line four of paragraph (b) the passage "or rules made under Part III of the Greyhound Racing Control Act, 1972,".

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