

WESTERN AUSTRALIA

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**TOTALISATOR AGENCY BOARD  
BETTING ACT 1960**

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ARRANGEMENT

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WESTERN AUSTRALIA

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**TOTALISATOR AGENCY BOARD  
BETTING ACT 1960**

**AN ACT to constitute a Totalisator Agency Board and to authorize, regulate and control betting off a race course on totalisators through the Board and betting with the Board and for incidental and other purposes.**

**Short title**

1. This Act may be cited as the *Totalisator Agency Board Betting Act 1960*<sup>1</sup>.

**Commencement**

2. This Act shall come into operation on a day to be fixed by proclamation.<sup>1</sup>

[Section 2 amended by No. 125 of 1987 s.4.]

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**Interpretation**

3. In this Act, unless the context requires otherwise —

“**Association**” means the Western Australian Trotting Association constituted under the *Western Australian Trotting Association Act 1946*;

“**Board**” means the body corporate constituted under this Act as the Totalisator Agency Board;

“**bookmaker**” means any person who (whether on his own account or as employee or agent of another person) carries on the business or vocation of or acts as a bookmaker or turf commission agent, or who gains or endeavours to gain his livelihood wholly or partly by betting or making wagers, but does not include the Board or any of its officers, agents or employees when acting in accordance with this Act for or on behalf of the Board;

“**Chairman**” means the Chairman of the Board;

“**Club**” means the body known as The Western Australian Turf Club;

“**licensed premises**” means premises to which a licence under the *Liquor Licensing Act 1988*<sup>2</sup> relates;

“**member**” means a person occupying any of the offices of the Board, including that of Chairman;

“**novelty bet**” means a bet of a kind prescribed as a novelty bet and known by a prescribed designation;

“**place**” means a building, erection, structure, house, office, room, tent, vessel, vehicle, premises, land whether enclosed or otherwise, or part of any of them, and includes any other place or part of a place whether of the same kind as, or a different kind from, places specified in this interpretation;

**“public place”** means any place, used or available for use by the public, and includes a road, street, lane, footpath, thoroughfare, cul-de-sac, doorway, convenience, reserve or any part of them, and any other place or part of a place used, or available for use, by the public whether of the same kind as, or a different kind from, those specified in this interpretation or the interpretation of the expression **“place”**;

**“race”** means a galloping or trotting horse race or a greyhound race;

**“race course”** means a race course used for races;

**“race meeting”** means a meeting at which races are held;

**“racing club”** means a body which conducts race meetings;

**“racing year”** means the period of 12 months commencing on 1 August and ending on the immediately succeeding 31 July;

**“sporting event”** means a match or a series of matches of a kind referred to in section 19A (a) or (b), or a sporting event of a kind prescribed pursuant to section 57 (1) (b);

**“Sports Betting Promotion Account”** means the account established under section 28A (2) (c);

**“totalisator”** means the instrument known as **“the totalisator”** and includes any other machine, instrument or contrivance of a like nature and conducted on the like principles lawfully operated under the provisions of any Act and also includes any totalisator pool scheme conducted on any race or sporting event by the Board under this Act for enabling any number of persons to make bets with one another on like principles;

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**“totalisator agency”** means any totalisator agency established and operated in accordance with this Act, and includes any premises on which bets may be made on a race or sporting event on a totalisator through or with the Board or bets made with the Board under this Act;

**“Totalisator Agency Board Sports Betting Account”** means the account established under section 28A (2) (d);

**“totalisator ticket”** includes any ticket, card, token or thing —

- (a) entitling, or purporting to entitle, any person to any interest in any division or distribution of any money by means of or in connection with or as the result of the operations of a totalisator; or
- (b) issued by the Board acknowledging that a bet has been made through or with the Board;

**“WAGRA”** means the Western Australian Greyhound Racing Association established under the *Western Australian Greyhound Racing Association Act 1981*.

[Section 3 amended by No. 87 of 1972 s.3 and s.8; No. 125 of 1987 s.5; No. 66 of 1988 s.12.]

**Application of Act**

4. (1) This Act applies only to such portion or portions of the State as the Governor may by proclamation declare to be a totalisator agency region.

(2) The Governor may on the recommendation of the Minister and the Board, from time to time, and at any time, by proclamation declare any portion or portions of the State to be a totalisator agency region for the purposes of this Act and thereupon this Act shall apply to each totalisator region so proclaimed.

(3) A proclamation made under this section may be cancelled or from time to time varied by a subsequent proclamation.

#### **Establishment of the Board**

5. (1) There shall be constituted under and in accordance with the provisions of this Act, a body having the duties imposed and the powers conferred by this Act.

(2) The name of the body shall be the Totalisator Agency Board.

(3) The Board shall be a body corporate with perpetual succession and an official seal in the form prescribed by its rules, in its corporate name is capable of suing or being sued, for the purposes of this Act may —

- (a) acquire, lease, hold, manage, develop, or dispose of real and personal property;
- (b) subject to the approval of the Minister, subscribe for, invest in or otherwise acquire, or deal in or dispose of, shares in, or debentures or other securities of, a corporation or other business undertaking;
- (c) associate with other persons in the conduct of any business undertaking; and
- (d) do and suffer all that bodies corporate generally may lawfully do or suffer,

and shall conduct totalisator betting operations as authorized by this Act, but the Minister may give to the Board directions in writing of a general character as to the exercise of its functions and the Board shall give effect to any such direction.

(3a) The text of any direction received by the Board under subsection (3) shall be included in the annual report submitted by the accountable authority of the Board under section 66 of the *Financial Administration and Audit Act 1985*.



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(4) All courts, judges and persons acting judicially shall take judicial notice of the official seal of the Board affixed to a document and shall presume that it was duly affixed.

(5) When constituted the Board is for the purposes of any Act a public authority.

(6) The exercise of a power or the performance of a function by the Board is not invalidated by reason only of there being a vacancy or vacancies in the membership of the Board.

(7) The appointment of a member is not invalidated and shall not be called in question by reason of a defect or irregularity in or in connection with his nomination.

*[Section 5 amended by No. 125 of 1987 s.6; No. 5 of 1989 s.19.]*

**Constitution of Board**

6. (1) On the coming into operation of section 7 of the *Acts Amendment (Totalisator Agency Board Betting) Act 1987*<sup>1</sup> the persons who immediately prior thereto held office as members of the Board shall cease to hold that office and the Board shall thereafter comprise —

(a) 7 members appointed by the Governor, of whom one shall be a person appointed as a member and as the Chairman on the recommendation of the Minister, and the remaining 6 appointed members shall be persons respectively nominated by —

(i) the Club;

(ii) the Association;

(iii) the Western Australian Greyhound Racing Association;

- (iv) a conference of Country Racing Associations;
  - (v) a conference of Country Trotting Associations;  
and
  - (vi) the W.A.T.A.B. Agents Association (Inc.);  
and
- (b) 2 *ex officio* members, who shall respectively be —
- (i) the chief executive officer<sup>3</sup> of the Office of Racing and Gaming, who shall by virtue of that office be deputy chairman of the Board; and
  - (ii) the person from time to time holding the office of manager of the Board.

(2) If at any time a body referred to in subsection (1) (a) fails to submit to the Minister a nomination of a person or persons for the purposes of this section, within 14 days after the receipt of a written request from the Minister to do so, the Governor may without the nomination appoint any otherwise eligible person or persons to be a member or members of the Board, and the person or persons so appointed shall, for all purposes, be deemed to be duly appointed.

(3) Subject to the provisions of this section, a person is eligible for appointment to office of member of the Board notwithstanding that he has previously occupied that office.

- (4) If a member, other than an *ex officio* member, —
- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
  - (b) is absent, except on leave granted by the Minister, from 4 consecutive meetings of the Board;

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- (c) becomes permanently incapable of performing his duties;
- [(d) *deleted*]
- (e) dies or resigns his office by writing under his hand addressed to the Governor and the resignation is accepted;
- (f) is informed in writing by the Governor that, for good cause, his appointment as member is terminated as at a date therein specified;
- (g) is convicted of any indictable offence;
- (h) otherwise than as a member and in common with other members of an incorporated company consisting of not less than 51 persons —
  - (i) becomes concerned or interested, without the approval of the Governor, in any contract or agreement entered into by or on behalf of the Board;
  - (ii) participates or claims to participate in the profit of any such contract or agreement or in any benefit or emolument arising from such a contract or agreement,

the Governor shall, by notice in the *Gazette*, declare that the office of the member is vacant, and thereupon the office shall be deemed to be vacant.

(5) Subject to subsection (4), a person appointed as a member of the Board shall hold office for such term not exceeding 3 years as is specified in the instrument of appointment, commencing on the date therein specified, and notice of the appointment of the member shall be published for public information in the *Gazette*.

[Section 6 amended by No. 103 of 1972 s.2; No. 125 of 1987 s.7.]

**Filling of vacancies in membership**

7. (1) Where by the operation of the provisions of section 6 an office of appointed member becomes vacant, the vacancy shall be deemed to be an extraordinary vacancy.

(2) On the occurrence of any extraordinary vacancy in the office of an appointed member, other than the Chairman, a person nominated by the body by which the member vacating office was nominated, subject to section 6 (2), shall, in accordance with the provisions of this Act, be appointed by the Governor to fill the vacancy, and any person appointed to fill an extraordinary vacancy holds office, subject to those provisions, for the remainder of the term of office of the person in whose place he is appointed.

(3) On the occurrence of any extraordinary vacancy in the office of the member appointed as Chairman, a person shall be appointed by the Governor on the recommendation of the Minister to fill the vacancy, and a person so appointed holds office, subject to this Act, for the term specified in the instrument of appointment.

(4) A notice of the appointment of a person to an extraordinary vacancy pursuant to this section shall be published for public information in the *Gazette*.

*[Section 7 amended by No. 125 of 1987 s.8.]*

**Deputies**

8. (1) Persons nominated in accordance with the provisions of section 6 may be appointed by the Governor as deputies to act in the respective offices of member in the absence of the occupants of the offices.

(2) The provisions of section 6 (2) and (4) apply in respect to deputies for members as if repeated in this subsection.

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(2a) The Minister may from time to time appoint an officer of the Board to be the deputy of the manager in his capacity as member of the Board.

(2b) The Minister may appoint a senior officer of the Office of Racing and Gaming to act as the deputy of the chief executive officer<sup>3</sup> of the Office of Racing and Gaming in his capacity as a member of the Board at any meeting of the Board at which the chief executive officer<sup>3</sup> is unable to attend.

(3) Any person appointed under subsections (1), (2a) or (2b) is entitled, in the event of the absence from a meeting of the Board of the member for whom he is the deputy, to attend that meeting and, when so attending, shall be deemed to be a member and is authorized to carry out any function which the member for whom he is the deputy if present could exercise, or would be required to carry out under this Act.

*[Section 8 amended by No. 103 of 1972 s.3; No. 125 of 1988 s.9.]*

*[9. Repealed by No. 125 of 1988 s.10.]*

**Remuneration of members**

10. (1) The remuneration payable in respect of the respective offices of the Board is such as the Governor determines and is hereby authorized to determine from time to time.

(2) Conditions of service applicable to the respective offices of the Board, including travelling allowances, are, subject to the provisions of this Act, such as the Governor determines and is hereby authorized to determine from time to time.

(3) Remuneration payable and conditions of service applicable in respect to deputies appointed to act in the respective offices of the Board, including travelling allowances, are as the Governor determines and is hereby authorized to determine from time to time.

**Leave of absence**

11. The Minister may grant leave of absence to a member or a deputy for a member upon such terms and conditions as the Minister determines.

**Meetings of Board**

12. (1) The Chairman shall convene the first meeting of the Board to be held at a time and place appointed by him, and the Board shall meet accordingly and shall hold such further meetings as it considers necessary for the efficient conduct of its affairs.

(2) At a meeting of the Board —

- (a) 6 members form a quorum;
- (b) the Chairman or, in his absence, the person appointed his deputy, shall preside;
- (c) all questions shall be decided by a majority of votes of the members present and voting; and
- (d) the Chairman, or the person appointed his deputy when presiding, has a deliberative vote, and in the event of an equality of votes, has a casting vote.

*[Section 12 amended by No. 103 of 1972 s.5; No. 125 of 1987 s.11.]*

**Delegation**

13. (1) The Board may, in relation to any particular matter or class of matters or to a particular place, by writing under its seal, delegate to any number of members as a sub-committee, or where it is inconvenient or impracticable for a sub-committee to act, then to any member, all or any of its powers and functions

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under this Act or the *Betting Control Act 1954*, except this power of delegation, so that the delegated powers and functions may be exercised by the delegate with respect to the matter or class of matters, or to the place, specified in the instrument of delegation.

(2) A delegation under this section is revocable at will and no delegation shall prevent the exercise of a power or function by the Board.

**Exemption from personal liability**

14. A person who is or has been a member, deputy for a member, delegate or employee of the Board, is not personally liable for anything done or omitted 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, on the Board by this Act or the *Betting Control Act 1954*.

**Rules of Board**

15. The Board may from time to time make rules, not inconsistent with any regulations made under this Act, for all or any of the following purposes, namely —

- (a) regulating its proceedings and the conduct of its meetings;
- (b) providing for the custody of its property and the form and use of its official seal;
- (c) prescribing the duties of its officers, agents and employees;
- (d) such purposes as may be deemed necessary or expedient for the operation of this Act or for carrying out the functions of the Board.

**Manager, secretary and other officers of the Board**

16. (1) The Board —

- (a) may appoint and at any time remove a manager and a secretary and such other officers as the Board considers necessary for the purposes of this Act; and
- (b) may employ such temporary or casual employees as it thinks fit for those purposes.

(2) The manager and secretary and other officers and employees respectively hold their office or employment upon such terms and subject to such conditions and are entitled to receive such remuneration for their services as the Board in each case from time to time determines.

(3) Notwithstanding anything in this section, to the extent that there is in the case of a person who is appointed under subsection (1) (a) to be a manager, secretary or other officer and who is a member of the Senior Executive Service within the meaning of the *Public Service Act 1978* an inconsistency between this Act and that Act that Act shall prevail.

*[Section 16 amended by No. 113 of 1987 s.30.]*

**Establishment of offices and agencies**

17. For the purposes of this Act the Board may —

- (a) establish in any totalisator agency region offices and totalisator agencies in such number and at such places (including in licensed premises) therein as the Minister approves at or in which bets may be made in accordance with this Act on any race or sporting event —
  - (i) on a totalisator through or with the Board;
  - or
  - (ii) with the Board;



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- (b) purchase or take on lease or license any land, building or premises and may erect buildings and may equip, fit and furnish any buildings or premises for and as such offices and totalisator agencies;
- (c) enter into any agency contracts or other contracts or arrangements whatsoever and may carry them into effect; and
- (d) exercise such other powers and perform such other functions as may be prescribed by rule or regulation.

(2) The Minister shall not approve the establishment of a totalisator agency in any licensed premises unless the portion of those premises which is to be used as a totalisator agency is clearly defined.

*[Section 17 amended by No. 87 of 1972 s.8; No. 125 of 1987 s.12.]*

**Expenses of establishment of Board and its operations**

18. (1) All expenses of or connected with or arising out of —
- (a) the establishment of the Board and its offices and totalisator agencies and the carrying out of the matters referred to in section 17; and
  - (b) the conduct of the operations of the Board under this Act,

shall until such time as the Board is able to meet them in full from its funds, be borne by —

- (c) an unsecured loan to the Board of a sum of \$100 000 free of interest by the Club and the Association; and
- (d) such other moneys as the Board may borrow under the provisions of section 19.

(2) The loan referred to in subsection (1) (c) shall be made by the Club and the Association in equal shares or such other shares as the Club and the Association agree upon.

(3) The Club and the Association shall pay to the Board the sum of \$100 000 referred to in subsection (1) within 14 days of the Board requesting them in writing so to do.

(4) The Board shall repay the loan referred to in subsection (1) (c) at the expiration of a period of 10 years from the date of the making of the loan or such lesser period as the Board, the Club and the Association, with the approval of the Treasurer, agree upon.

*[Section 18 amended by No. 28 of 1966 s.8.]*

#### **Borrowing powers of Board**

19. (1) With the prior approval of the Treasurer of the State, the Board may borrow moneys, whether by way of mortgage, debentures, bonds, overdraft or otherwise, and may mortgage or charge any of its real or personal property, whether present or future, in such manner as the Treasurer thinks fit.

(2) The Treasurer may from time to time, upon and subject to such terms and conditions as he thinks fit, and without further authority than this section, guarantee on behalf of the Crown in right of the State, the due redemption of the principal moneys so borrowed and the due payment of all interest thereon, but this subsection does not apply to the loan made by the Club and the Association referred to in section 18 (2).

(3) The liability of the Treasurer at any one time under any guarantee or guarantees given by him under this Act shall not exceed in the aggregate the sum of \$700 000 inclusive of interest and any other charges.

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(4) The Treasurer shall cause any money required for fulfilling any guarantee given by him under this Act, to be paid out of the Consolidated Revenue Fund, which is hereby to the necessary extent appropriated accordingly, and shall cause any sums received or recovered by the Treasurer from the Board or otherwise in respect of a sum so paid by the Treasurer to be paid into the Consolidated Revenue Fund.

*[Section 19 amended by No. 28 of 1966 s.8; No. 98 of 1985 s.3.]*

**Totalisator betting on prescribed sporting events**

**19A.** (1) The Board may conduct totalisator betting on the results of —

- (a) any cricket match or series of cricket matches selected by the Board;
- (b) any match or series of matches selected by the Board from Australian Rules Football fixtures; or
- (c) any other prescribed sporting event.

(2) Totalisator betting authorized under this section shall be conducted in accordance with the regulations.

*[Section 19A inserted by No. 125 of 1987 s.13.]*

**Authorizing off course totalisator bets and bets with Board in accordance with Act**

**20.** (1) Notwithstanding anything contained in any other Act or law to the contrary, it shall be lawful in accordance with this Act —

- (a) for bets by way of wagering or gaming in respect of races to be lodged with and received by or on behalf of the Board for transmission of the bets by the Board to a totalisator on a race course within the State;

(aa) for novelty bets by way of wagering or gaming in respect of such races as are selected by the Board, being races conducted on race courses in the State or on such race courses outside the State as are prescribed to be lodged with and received by or on behalf of the Board —

(i) for transmission of the bets by the Board to a totalisator on a race course within the State; or

(ii) to be placed by the Board in a totalisator pool conducted by it on those races in accordance with this Act,

at the Board's discretion;

(b) for the Board to retain any such bets and not so transmit them, where the bets are so lodged or so received after the prescribed closing time for the acceptance of the bets on the race in respect of which the bets are made or if in the opinion of the Board it is impracticable for the Board to so transmit the bets;

(c) for bets by way of wagering or gaming in respect of such races conducted on such race courses outside the State as are prescribed, to be made with and received by or on behalf of the Board, or placed by the Board in a totalisator pool conducted by it on any such race in accordance with this Act;

(ca) for bets by way of wagering or gaming, including novelty bets, in respect of such races as are selected by the Board, being races conducted on race courses in the State or on such race courses outside the State as are prescribed to be lodged with and received by or on behalf of the Board to be transmitted by the Board to a totalisator operated outside the State by a statutory body that is authorized to accept such bets; and

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- (d) for dividends to be paid by the Board in respect of those bets,

at totalisator agencies situated elsewhere than at race courses but with the prior approval of the racing club having the control and management of a race course, totalisator agencies may be situated on that race course for the purpose of bets being made and received or placed and dividends paid in respect of those bets as provided in paragraphs (c) and (d).

(1a) Bets in respect of sporting events selected by the Board may be lodged with and received by or on behalf of the Board in accordance with this Act, and dividends shall be payable by the Board in respect of those bets, notwithstanding any other law.

(2) The mere fact of any persons betting on any totalisator through the Board or conducted by the Board or betting with the Board pursuant to this Act —

- (a) shall not constitute the betting an offence, whether at common law or by any Act, either by those persons or by the Board or any of its officers or agents or any of its employees; and
- (b) shall not be a ground for any office or totalisator agency of the Board or any part thereof, being deemed or declared, whether at common law or by any Act, to be or to be used as a common betting house or a common gaming house, or to be a common nuisance and contrary to law.

(3) A person shall not be prosecuted or convicted, or be liable to prosecution or conviction, or subject to penal consequence under the provisions of any written law by reason only of anything done by him under and in accordance with this Act.

(4) Nothing in this section shall be construed as precluding the Board from determining not to accept bets at all or any of its totalisator agencies on all or any races held at any race meeting or on any sporting event on which bets could be lawfully made by virtue of this section.

*[Section 20 amended by No. 26 of 1963 s.2; No. 28 of 1966 s.3; No. 87 of 1972 s.4 and s.8; No. 64 of 1973 s.3; No. 125 of 1987 s.14; No. 66 of 1988 s.13.]*

**Totalisator investments made through Board to form part of moneys invested on race course totalisator**

21. (1) Subject to subsection (2) every bet made through the Board to be transmitted to a totalisator conducted with respect to a race to be run in the State which is received by the Board before the prescribed closing time for the acceptance of such bet on that race and which is so transmitted, is received by the Board as agent for the racing club conducting the totalisator.

(2) The Board may so receive and so transmit such bets or itself make and receive bets and not so transmit them at such times and on such races run in the State and outside the State as may be prescribed by the regulations.

*[Section 21 amended by No. 87 of 1972 s.8.]*

**Bets transmitted from racing club to Board**

21A. Every bet received and transmitted by a racing club to a totalisator pool conducted by the Board shall be received and dealt with by the Board on behalf of that club in accordance with the regulations.

*[Section 21A inserted by No. 66 of 1988 s.14.]*

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**Payment of dividends by the Board**

**22.** (1) All moneys payable by way of dividends in respect of any bet referred to in section 20 (1) (a), (aa) (i) or (b), shall be paid by the Board to persons entitled thereto in accordance with the respective amounts of the dividends declared by the totalisator conducted on the race course on the race on which the bet was made, notwithstanding that all such bets received by the Board have not formed part of the moneys on which the dividend was so declared.

(2) All moneys payable by way of dividends in respect of any bet referred to in section 20 (1) (c) shall be paid by the Board —

(a) in accordance with the respective amounts of the dividends declared by the totalisator conducted on the race course outside the State on the race on which the bet was made or in accordance with such percentage or amount more or less of the respective amounts of the dividends so declared as is prescribed; or

(b) in accordance with the dividend declared by the Board on any race on which the bet was made where the bet is placed by the Board in a totalisator pool scheme which the Board is hereby authorized to conduct and operate on any race outside the State in accordance with the regulations.

(3) All moneys payable by way of dividend in respect of any bet referred to in section 20 (1) (aa) (ii) that is placed by the Board in a totalisator pool which the Board is hereby authorized to conduct and operate, shall be paid by the Board in accordance with the regulations.

(3a) All moneys payable by way of dividend in respect of any bet referred to in section 20 (1) (ca) shall be paid by the Board in accordance with the regulations.

(4) All moneys in respect of any bet referred to in section 20 (1a) shall be placed by the Board in a totalisator pool which the Board is authorized to conduct and operate in relation to any sporting event, and moneys payable by way of dividend in respect of any such bet shall be paid by the Board in accordance with the regulations.

*[Section 22 amended by No. 26 of 1963 s.3; No. 28 of 1966 s.4; No. 87 of 1972 s.8; No. 64 of 1973 s.4; No. 125 of 1987 s.15; No. 66 of 1988 s.15.]*

### **Dividends on moneys transmitted by Board to race clubs**

**23.** (1) All moneys payable by way of dividends in respect of bets made on a totalisator on a race course through the Board and transmitted to the totalisator by the Board, shall be paid by the race clubs concerned to the Board and shall, subject to this Act, be paid or credited by the Board as agent for the race clubs to persons entitled thereto.

(2) The race club shall pay to the Board in respect of those dividends, the amount of the fractional part of 5c which has not been paid by the racing club by way of such dividends, and the amount shall form part of the general funds of the Board.

*[Section 23 amended by No. 51 of 1963 s.3; No. 28 of 1966 s.8; No. 103 of 1972 s.6; No. 125 of 1987 s.16.]*

### **Unclaimed dividends**

**23A.** (1) All moneys payable by way of dividends and refunds in respect of bets made on horse races before 1 January 1988, whether by the Board or a racing club through the Board, which are unclaimed for 7 months by any person entitled thereto, other than moneys which are credited by the Board to a credit account established with it under this Act, shall be paid by the Board to



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the Treasurer of the State, and shall be carried to and form part of the Consolidated Revenue Fund and thereafter the owner of the money has no enforceable claim in respect thereof.

(2) All moneys payable by way of dividends and refunds by the Board which are unclaimed for 7 months by any person entitled to the moneys, other than moneys which are credited by the Board to a credit account established with it under this Act, shall be paid by the Board, not later than the last operating day of the month following the period of 7 months referred to in this subsection —

(a) into the Racecourse Development Trust Fund established and maintained under the *Racecourse Development Act 1976*, in the case of —

(i) unclaimed dividends and refunds in respect of bets made on or after 1 January 1988 on horse races; and

(ii) a proportion, determined by the Board, of unclaimed dividends in respect of novelty bets known as favourite numbers bets made on or after 1 January 1988;

(b) to WAGRA, in the case of —

(i) unclaimed dividends and refunds in respect of bets made on or after 1 January 1988 on greyhound races; and

(ii) that proportion of unclaimed dividends in respect of novelty bets known as favourite numbers bets made on or after 1 January 1988 remaining after deducting the proportion referred to in paragraph (a) (ii);

and

- (c) into the Totalisator Agency Board Sports Betting Account in the case of unclaimed dividends and refunds in respect of bets made on or after 1 January 1988 on sporting events referred to in section 19A,

and thereafter the owner of the money has no enforceable claim in respect of the money.

*[Subsection (3) of section 23 repealed and re-enacted as section 23A by No. 125 of 1987 s.16; amended by No. 66 of 1988 s.16.]*

#### **Percentage of off course bets to belong to Board**

24. Where the amount of any bet is received by the Board for transmission to a totalisator as agent for a racing club, the Board shall deduct therefrom by way of commission such portion of that amount as equals —

- (a) except as provided in paragraphs (b) and (c)—15% thereof;
- (b) where the totalisator conducted by or on behalf of the racing club is conducted on the system whereby all willing bets for a win or a place are deducted before the totalisator commission is deducted — 20% of that amount in the case of a losing bet made for a win and 25% of that amount in the case of a losing bet made for a place;
- (c) where the bet made on the totalisator was a novelty bet — the amount prescribed as the commission for that novelty bet,

and any amount so deducted by the Board shall be deemed for all purposes to belong to the Board and to form part of the general funds of the Board.

*[Section 24 inserted by No. 87 of 1972 s.5; amended by No. 66 of 1988 s.17.]*

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**Totalisator Board betting tax**

**25.** The Board shall, in accordance with this Act —

- (a) make at such times and in such manner as may be prescribed true and full returns of all amounts of money received by it in respect of bets made in accordance with this Act;
- (b) pay tax on the whole of those moneys at the rate imposed by section 2 of the *Totalisator Agency Board Betting Tax Act 1960*.

[26. *Repealed by No. 94 of 1990 s.4.*]

[27. *Repealed by No. 66 of 1988 s.18.*]

**Allocation of the funds of the Board**

**28.** (1) The Board after paying —

- (a) to any race club the amount transmitted by the Board in accordance with this Act to any totalisator operated by the race club;
- (b) all moneys payable by way of dividends in respect of bets made through or with the Board;
- (c) the amount of the betting tax imposed by section 25;
- (d) all other expenses and outgoings of the Board;
- (e) to WAGRA the total of the amounts of commission retained by the Board in respect of bets referred to in section 20 (1) (aa) and (c) and of commission and duty received by the Board under section 24, in respect of

greyhound races after deducting all amounts of the kind referred to in paragraphs (c) and (d) of this subsection applicable to greyhound races; and

- (f) the amount required to be paid under section 28AA,

shall pay the balance of its funds then remaining from time to time to the Club and the Association by periodical or other payments as agreed between the Board, the Club and the Association and in default of agreement, as the Minister directs.

(2) Subject to subsection (3a), the amount to be paid to the Club by the Board from the balance of its funds remaining as provided in subsection (1) shall be —

- (a) prior to 1 August 1989, such amount as is equal to 60% thereof;
- (b) for the period commencing 1 August 1989 and ending 31 July 1990 —
- (i) an amount equal to 62% of moneys received by the Board in respect of bets on horse races run in the State and held in that balance; and
- (ii) an amount equal to 61% of moneys received by the Board in respect of bets on horse races run outside the State and held in that balance;
- (c) for the period commencing 1 August 1990 and ending 31 July 1991 —
- (i) an amount equal to 64% of moneys received by the Board in respect of bets on horse races run in the State and held in that balance; and
- (ii) an amount equal to 62% of moneys received by the Board in respect of bets on horse races run outside the State and held in that balance;

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- (d) for the period commencing 1 August 1991 and ending 31 July 1992 —
  - (i) an amount equal to 66% of moneys received by the Board in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 63% of moneys received by the Board in respect of bets on horse races run outside the State and held in that balance;
  
- (e) for the period commencing 1 August 1992 and ending 31 July 1993 —
  - (i) an amount equal to 68% of moneys received by the Board in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 64% of moneys received by the Board in respect of bets on horse races run outside the State and held in that balance;
  
- (f) for the period commencing 1 August 1993 and ending 31 July 1994 —
  - (i) an amount equal to 70% of moneys received by the Board in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 65% of moneys received by the Board in respect of bets on horse races run outside the State and held in that balance;
  
- (g) for the period commencing 1 August 1994 and ending 31 July 1995 —
  - (i) an amount equal to 70% of moneys received by the Board in respect of bets on horse races run in the State and held in that balance; and

- (ii) an amount equal to 66% of moneys received by the Board in respect of bets on horse races run outside the State and held in that balance;
- (h) for the period commencing 1 August 1995 and ending 31 July 1996 —
  - (i) an amount equal to 70% of moneys received by the Board in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 67% of moneys received by the Board in respect of bets on horse races run outside the State and held in that balance;
- (i) for the period commencing 1 August 1996 and ending 31 July 1997 —
  - (i) an amount equal to 70% of moneys received by the Board in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 68% of moneys received by the Board in respect of bets on horse races run outside the State and held in that balance;
- (j) for the period commencing 1 August 1997 and ending 31 July 1998 —
  - (i) an amount equal to 70% of moneys received by the Board in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 69% of moneys received by the Board in respect of bets on horse races run outside the State and held in that balance;

and

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- (k) for each racing year after 31 July 1998, an amount equal to 70% of all moneys received by the Board in respect of bets on horse races and held in that balance.

(3) Subject to subsection (3a), the amount to be paid to the Association by the Board from the balance of its funds remaining as provided in subsection (1) shall be —

- (a) prior to 1 August 1989, such amount as is equal to 40% thereof;
- (b) for the period commencing 1 August 1989 and ending 31 July 1990 —
  - (i) an amount equal to 38% of moneys received by the Board in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 39% of moneys received by the Board in respect of bets on horse races run outside the State and held in that balance;
- (c) for the period commencing 1 August 1990 and ending 31 July 1991 —
  - (i) an amount equal to 36% of moneys received by the Board in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 38% of moneys received by the Board in respect of bets on horse races run outside the State and held in that balance;
- (d) for the period commencing 1 August 1991 and ending 31 July 1992 —
  - (i) an amount equal to 34% of moneys received by the Board in respect of bets on horse races run in the State and held in that balance; and

- (ii) an amount equal to 37% of moneys received by the Board in respect of bets on horse races run outside the State and held in that balance;
- (e) for the period commencing 1 August 1992 and ending 31 July 1993 —
- (i) an amount equal to 32% of moneys received by the Board in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 36% of moneys received by the Board in respect of bets on horse races run outside the State and held in that balance;
- (f) for the period commencing 1 August 1993 and ending 31 July 1994 —
- (i) an amount equal to 30% of moneys received by the Board in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 35% of moneys received by the Board in respect of bets on horse races run outside the State and held in that balance;
- (g) for the period commencing 1 August 1994 and ending 31 July 1995 —
- (i) an amount equal to 30% of moneys received by the Board in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 34% of moneys received by the Board in respect of bets on horse races run outside the State and held in that balance;



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- (h) for the period commencing 1 August 1995 and ending 31 July 1996 —
  - (i) an amount equal to 30% of moneys received by the Board in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 33% of moneys received by the Board in respect of bets on horse races run outside the State and held in that balance;
- (i) for the period commencing 1 August 1996 and ending 31 July 1997 —
  - (i) an amount equal to 30% of moneys received by the Board in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 32% of moneys received by the Board in respect of bets on horse races run outside the State and held in that balance;
- (j) for the period commencing 1 August 1997 and ending 31 July 1998 —
  - (i) an amount equal to 30% of moneys received by the Board in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 31% of moneys received by the Board in respect of bets on horse races run outside the State and held in that balance; and
- (k) for each racing year after 31 July 1998, an amount equal to 30% of all moneys received by the Board in respect of bets on horse races and held in that balance.

(3a) Notwithstanding subsections (2) and (3), where, of the moneys received by the Board in a racing year in respect of bets on horse races run in the State, the percentage of those moneys received in respect of bets on trotting races run in the State is greater than —

- (a) the percentage specified in subsection (3) (a) or (k); or
- (b) the percentage specified in subsection (3) (b), (c), (d), (e), (f), (g), (h), (i) or (j) in relation to bets on horse races run in the State,

as the case may be, with respect to that first-mentioned racing year, the Board shall —

- (c) increase the percentage, or percentages as the case requires, of moneys to be paid to the Association for that racing year to equal the percentage of moneys received by the Board in that racing year in respect of bets on trotting races run in the State; and
- (d) decrease the percentage, or percentages as the case requires, of moneys to be paid to the Club accordingly.

(4) The Club shall, from any moneys received by it from the Board under subsection (2) —

- (a) distribute 28.09% of those moneys among racing clubs registered with it conducting races outside the Metropolitan Area in such amounts, or in accordance with such criteria, as are determined by the Country TAB Clubs' Racing Association;

and;

- (b) retain the balance of those moneys for its own use.

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(5) The Association shall, from any sum received by it from the Board pursuant to subsection (3) —

- (a) distribute as soon as practicable 20% thereof to racing clubs registered with it conducting races outside the Metropolitan Area in such manner that each of those clubs receives such part of that percentage as bears to the whole of that percentage the ratio which the amount of stakes paid by the club during the last preceding racing years bears to the total amount of stakes paid by all of those clubs during that year;
- (b) with respect to 80% thereof, share that percentage so that the Association receives 62.5% of that percentage and The Fremantle Trotting Club, 17.5% of that percentage.

(6) In subsection (4) and (5) “**Metropolitan Area**” means the part of the State that comprises the region described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959*.

(6) From the amount that would otherwise be payable under this section to any controlling authority within the meaning of the *Racing Penalties (Appeals) Act 1989*, the Board shall —

- (a) deduct such moneys as may be payable by or on behalf of that controlling authority in respect of the Tribunal established under that Act; and
- (b) pay those moneys to the Tribunal to the credit of that controlling authority in advance and at intervals to be determined by the Tribunal.

[Section 28 amended by No. 28 of 1966 s.5; No. 87 of 1972 s.6 and s.8; No. 64 of 1973 s.5; No. 66 of 1988 s.19; No. 46 of 1990 s.29; No. 94 of 1990 s.5.]

**Allocation of certain funds in 1988/89**

**28AA.** (1) The Board shall, from moneys received by it in respect of bets made in accordance with this Act, pay \$1 million into the Racecourse Development Trust Fund established and maintained under the *Racecourse Development Act 1976*.

(2) The payment referred to in subsection (1) shall be made in 10 instalments of \$83 333, commencing 5 days after the coming into operation of this section, and one final instalment of the balance of the moneys, payable not later than 31 July 1989.

[Section 28AA inserted by No. 66 of 1988 s.20.]

**Moneys from sporting events**

**28A.** (1) Where the Board conducts totalisator betting on a sporting event or combination of sporting events the Board shall —

- (a) retain a prescribed percentage (being no less than 20 per centum and no more than 25 per centum) of the totalisator pool on that betting;
- (b) utilise that retained percentage in accordance with subsection (2) to meet, pursuant to section 28 (1) (d), the outgoings and expenses relating to sports betting; and
- (c) apply the balance of the totalisator pool, pursuant to section 28 (1) (b), in the payment of dividends.

(2) From the percentage of the totalisator pool retained under subsection (1) to meet outgoings and expenses relating to sports betting, the Board shall —

- (a) recoup, subject to the approval of the Minister, the initial costs incurred by the Board in the development and establishment of totalisator betting on sporting events;

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- (b) recover the actual administrative and operating outgoings and expenses of the Board incurred through the conduct of totalisator betting on any sporting event;
- (c) credit an amount representing 1.75% of the totalisator pool to an account to be established and administered by the Board for the purpose of promoting totalisator betting on sporting events, to be known as the Sports Betting Promotion Account; and
- (d) after payment of the appropriate amount in respect of betting tax pursuant to section 28 (1) (c), credit the balance of those moneys then remaining from time to time to an account, to be known as the Totalisator Agency Board Sports Betting Account, which shall be established and, subject to subsection (3), administered by the Board, and from which shall be paid the outgoings referred to in subsection (4).

(3) The Board shall, at quarterly intervals, notify the Minister of the Crown responsible for sport and recreation of the amount of moneys for the time being standing to the credit of the Totalisator Agency Board Sports Betting Account, which shall be held by the Board for distribution in accordance with subsection (4).

(4) The Board on being directed by the Minister of the Crown responsible for sport and recreation, shall distribute the moneys from time to time standing to the credit of the Totalisator Agency Board Sports Betting Account —

- (a) to the persons or bodies of persons;
- (b) for the purposes; and
- (c) in the respective amounts,

directed by that Minister.

*[Section 28A inserted by No. 125 of 1987 s.17;  
amended by No. 94 of 1990 s.6.]*

**Exemption of Board from stamp duties**

29. Notwithstanding the provisions of any law relating to stamp duties, no stamp duty shall be payable upon any totalisator ticket or receipt given or cheque drawn by the Board.

**Bets transmitted by Board to totalisator not subject to certain Acts**

30. The amount of any money transmitted by the Board to a totalisator on a race course as agent for a racing club is not subject to the provisions of the *Totalisator Duty Act 1905*, except section 3 (2) of that Act, or of the *Totalisator Regulation Act 1911*.

**Board to have first right to registered premises**

31. (1) Except with the prior approval in writing of the Board, a person shall not —

- (a) without first notifying the Board in manner prescribed; and
- (b) until 42 days after the area in which the premises are situated has been declared a totalisator agency region, or such lesser period as the Board advises the person in writing —
  - (i) sell or purchase any estate in any premises that were registered premises within the meaning of the expression “registered premises” in the *Betting Control Act 1954* immediately prior to the declaration of the area as a totalisator region;
  - (ii) give or take an option for the purchase of any estate in such premises;

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- (iii) let or take on lease or license such premises;
- (iv) execute a transfer or assignment of any lease of such premises;
- (v) otherwise dispose of, or acquire, any estate in such premises.

(2) Where a transaction is entered into in contravention of this section, the transaction is void and in addition any person who contravenes this section commits an offence.

Penalty: \$400.

(3) Notwithstanding the provisions of this section, the Minister may, where he is of opinion that the circumstances of the particular case justify it, exempt any person from the provisions of this section.

*[Section 31 amended by No. 28 of 1966 s.8.]*

**Registration of licensed premises and licenses for certain bookmakers cancelled**

32. (1) Where any portion of the State is declared under this Act to be a totalisator agency region —

- (a) every premises that were, immediately prior to the declaration, registered premises within the meaning of the expression “**registered premises**” in the *Betting Control Act 1954*, shall by force of this section cease to be such; and
- (b) every licence issued under the *Betting Control Act 1954* which entitles the holder to carry on the business of a bookmaker in person or by his employee at such registered premises and which is current immediately prior to the declaration, is by force of this section cancelled,

and no compensation is payable by the Crown in right of the State or by any person in respect of any loss which may be suffered directly or indirectly as a result of the operation of this section.

(2) Nothing in this Act shall operate so as to prejudice any bet which the holder of a license had lawfully made with any person prior to the date of the declaration referred to in subsection (1).

(3) The Commissioner of State Taxation appointed under the *Public Service Act 1904* \* shall refund to the holder of the license and the holder of the certificate of registration of the premises, an amount which bears to the amount of the license fee or the registration fee, the same proportion which the number of days for which the license or registration ceases to be in operation during the period for which they were respectively granted, bears to 366.

[Section 32 amended by No. 21 of 1970 s.57.]

### **Provisions relating to bets through Board**

**33.** The following provisions apply in relation to betting through the Board —

- (a) the Board, or any of its officers, agents or employees or any employee of an agent of the Board shall not accept a bet unless made —
  - (i) by the deposit of the amount of the bet in cash at a totalisator agency; or
  - (ii) by letter sent through the post or by telegram or telephone message received at a totalisator agency,

in accordance with the provisions of this Act;



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- (b) the Board, or any of its officers, agents or employees or any employee of an agent of the Board shall not accept any bet that is made by letter or by telegram or telephone message unless —
- (i) the person making the bet has established with the Board in accordance with this Act, a credit account sufficient to pay the amount of the bet and has maintained the account up to the time of making the bet and the bet is charged against that account; or
  - (ii) alternatively, in the case of a bet made by letter or telegram, the amount of the bet is forwarded through the post with the letter or payment thereof is arranged by telegram in accordance with this Act.

*[Section 33 amended by No. 39 of 1962 s.3; No. 65 of 1970 s.2; No. 87 of 1972 s.8; No. 125 of 1987 s.18.]*

**Credit accounts**

**34.** A credit account may be established with the Board for any amount of not less than \$2 and may in accordance with this Act be maintained by the payments of further moneys or the credit of winnings to that account.

*[Section 34 amended by No. 28 of 1966 s.8.]*

**Minimum amount of a bet**

**35.** The minimum amount of any bet that may be made pursuant to this Act shall be such as is prescribed, being an amount of not less than 25c.

*[Section 35 amended by No. 28 of 1966 s.8.]*

**Power of members of the Board, Commissioner of State Taxation, and other persons to enter race courses and totalisator agencies, etc.**

36. (1) Members of the Board, the person occupying the office of Commissioner of State Taxation and persons authorized by the Board, the Commissioner or the Minister have at all times access, without charge, to and authority to inspect race courses or any venue at which a sporting event on which betting takes place is being held, totalisators, totalisator agencies and other premises of the Board, and any person refusing such access or otherwise hindering, delaying or obstructing a member, the Commissioner, or person so authorized, in the carrying out of his duties commits an offence.

Penalty: \$1 000.

(2) The person first referred to in subsection (1) shall have such further powers and perform such further duties as may be prescribed.

*[Section 36 amended by No. 28 of 1966 s.8; No. 21 of 1970 s.58; No. 125 of 1987 s.19.]*

**Offences in respect of conducting totalisator agencies**

37. A person who —

- (a) having the management or control of any totalisator agency authorizes or permits or suffers the premises of that agency to be constituted or used, or any act or thing to be done or omitted in or in relation to that agency, in contravention of or failure of compliance with this Act;
- (b) having the management or control of or being employed or acting in any capacity in connection with any totalisator agency, accepts from any person any bet which is prohibited by or does not conform to this Act;

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- (c) not being a person lawfully managing or controlling or being employed in any totalisator agency sells or offers to sell any totalisator ticket purporting to be issued by the Board; or
  - (d) purchases any such ticket from any person not authorized to sell the same,
- commits an offence.

Penalty: \$5 000, and imprisonment for 1 year.

*[Section 37 amended by No. 28 of 1966 s.8; No. 125 of 1987 s.20.]*

**Penalty for acting as totalisator agents**

**38.** Subject to the provisions of section 40, a person who for fee, commission, reward, share or interest of any kind, whether of the same kind as, or a different kind from, those here specified, or upon any understanding or agreement, whether expressed or implied, for such fee, commission, reward, share or interest receives from any other person any money for the purpose of placing, investing or depositing the same or any part thereof in any totalisator commits an offence.

Penalty: \$2 500, and imprisonment for 6 months.

*[Section 38 amended by No. 28 of 1966 s.8; No. 125 of 1987 s.21.]*

**Penalty for officers of racing clubs and employees of totalisators accepting instructions as to investments on totalisators.**

**39.** Subject to the provisions of section 40, any officer, agent or servant of a racing club using a totalisator or any person employed in connection with the totalisator, who accepts or acts on any telegraphic, telephonic or radiographic request,

instructions or directions relating to investments on that totalisator, whether the request, instructions or directions are received on a race course or elsewhere, commits an offence.

Penalty: \$1 000.

*[Section 39 amended by No. 28 of 1966, s.8; No. 125 of 1987 s.22.]*

**Non-application of ss.38 and 39 to Board's officers, etc.**

40. (1) The provisions of sections 38 and 39 do not apply —
- (a) to the Board, any manager, secretary, officer, employee or agent of the Board, or to any employee of the agent in respect of any bet made through or with the Board in accordance with this Act; or
  - (b) to any person employed in connection with a totalisator in respect of the transmission to a totalisator of any such bets made through the Board.
- (2) Notwithstanding the provisions of any other Act it shall be lawful —
- (a) to communicate information from a race course or a venue at which a sporting event is held to a totalisator agency for or in connection with the payment or crediting of dividends to persons making bets through the Board; or
  - (b) to broadcast information as to the amount of dividends payable on any race or sporting event on which the bets have been made through or with the Board, after those dividends have been declared on the totalisator or by the Board.

*[Section 40 amended by No. 125 of 1987 s.23.]*

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**Penalty for accepting bets after closing time**

41. Any manager, secretary, officer, employee or agent of the Board or any employee of the agent, who receives or permits to be received any bets in respect of any race or sporting event after the time notified by the race club or other body conducting the race or sporting event, for the starting of that race or sporting event, commits an offence.

Penalty: \$2 500.

*[Section 41 amended by No. 28 of 1966 s.8; No. 87 of 1972 s.8; No. 125 of 1987 s.24.]*

**Prohibition of betting with minors, intoxicated persons, etc.**

42. No manager, secretary, officer, employee or agent of the Board or employee of an agent of the Board shall knowingly —

- (a) accept a bet from, or pay moneys, or deliver a totalisator ticket, to any person apparently under the age of 18 years;
- (b) accept a bet from, or pay moneys, or deliver a totalisator ticket to a person apparently under the influence of intoxicating liquor;
- (c) permit a person under the age of 18 years, or a person apparently under the influence of intoxicating liquor to enter in or remain on a totalisator agency, while it is open for the lodging and receiving of bets, except in the case of a person under the age of 18 years entering the premises for the purpose of delivery of mail or goods or effecting repairs or otherwise carrying out his duties;
- (d) employ in any totalisator agency any person who has not attained the age of 18 years;

- (e) use or permit the use in any totalisator agency, of any appliance capable of being used for receiving broadcast programmes or television or reproducing or increasing the volume of sound, unless the volume of sound, emitted by the appliance is so controlled that it does not constitute an annoyance to persons outside the totalisator agency.

Penalty: \$200.

*[Section 42 amended by No. 28 of 1966 s.8; No. 65 of 1970 s.3; No. 46 of 1972 s.6; No. 125 of 1987 s.25.]*

### **Offences by minors**

43. No person under the age of 18 years shall —

- (a) enter or remain in any totalisator agency while it is open for the lodging or receiving of bets except for the purpose of delivery of mail or goods, or effecting repairs, or otherwise carrying out his duties, but this exception does not authorize employment contrary to the provisions of section 42 (d);
- (b) make a bet with or through the Board; or
- (c) request any other person to place such a bet for him.

Penalty: \$200.

*[Section 43 amended by No. 28 of 1966 s.8; No. 46 of 1972 s.6; No. 125 of 1987 s.26.]*

### **Offences**

44. No person shall knowingly —

- (a) loiter in front of any totalisator agency while it is open for the lodging or receiving of bets;

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- (b) take a person under the age of 18 years into any totalisator agency unless for a purpose referred to in section 43 (a);
- (c) take intoxicating liquor or any noxious substance into a totalisator agency;
- (d) place a bet with or through the Board for a person under the age of 18 years, or for a person prohibited from entering a totalisator agency premises.

Penalty: \$200.

*[Section 44 amended by No. 28 of 1966 s.8; No. 46 of 1972 s.6; No. 125 of 1987 s.27.]*

**Unlawful betting**

**45.** (1) Subject to the provisions of subsection (2), any person who —

- (a) carries on business as a bookmaker or acts as a bookmaker; or
- (b) bets with a bookmaker, other than a bookmaker hereinafter referred to in this section, on the result of any race or sporting event,

at any time or at any place, commits an offence.

Penalty: For a 1st offence a fine not less than \$5 000 nor exceeding \$10 000 or imprisonment for 3 months, but where the offence is the latter of the 2 offences constituted by this subsection the penalty for a 1st offence in respect of that latter offence is a fine not less than \$500 nor exceeding \$2 000 or imprisonment for one month; for a 2nd offence imprisonment for not less than 3 months nor more than 6 months; for a 3rd or any subsequent offence imprisonment for not less

than 6 months nor more than 12 months, and the provisions of section 46 (2) (a) apply to any penalty imposed under this subsection as though it were repeated in this subsection.

(2) Subsection (1) does not apply to any bookmaker who is the holder of a license under the *Betting Control Act 1954* which entitles him to carry on the business of a bookmaker in person upon a race course and who carries on that business and bets in accordance with that Act, or to any person who bets with any such bookmaker in accordance with that Act.

(3) In this section the term "bets" includes negotiating bets, receiving or paying money in connection with bets and settling bets on or in connection with the result of any race or sporting event.

(4) A complaint for an offence against this section committed after the commencement of this subsection, may be made at any time within 5 years from the date the offence was committed.

*[Section 45 amended by No. 39 of 1962 s.4; No. 28 of 1966 s.6; No. 87 of 1972 s.8; No. 48 of 1985 s.2; No. 125 of 1987 s.28.]*

### **Being in public place for betting**

**46.** (1) No person shall be in or upon any public place for the purpose of betting except by means of a totalisator duly authorized to operate under any Act or for the purpose of betting in accordance with this Act.

Penalty: For a 1st offence a fine not less than \$5 000 nor exceeding \$10 000 or imprisonment for 3 months, but if the person who commits the offence is not a bookmaker the penalty for a 1st offence is a fine not less than \$500 nor exceeding \$2 000 or imprisonment for one month; for a 2nd offence imprisonment for not



s. 46A

less than 3 months nor more than 6 months; for a 3rd or any subsequent offence imprisonment for not less than 6 months nor more than 12 months.

(2) Notwithstanding the provisions of the *Justices Act 1902*, or any other enactment, no court has power —

- (a) to impose on any person guilty of a 1st, 2nd or 3rd or subsequent offence under this section, any penalty lower than the minimum fixed by this section; or
- (b) to impose a fine in lieu of imprisonment under this section for any such 2nd or 3rd or subsequent offence.

(3) In this section the term “**betting**” without limiting the meaning thereof includes negotiating bets, receiving or paying money in connection with bets and settling bets, but does not include the negotiating of bets, the receiving or paying money in connection with bets and the settling of bets made —

- (a) on a race course by means of a totalisator; or
- (b) with a bookmaker who is the holder of a current license under the *Betting Control Act 1954*, which entitles him to carry on the business of a bookmaker in person upon a race course and who carries on that business and bets in accordance with that Act; or
- (c) in accordance with this Act.

[Section 46 amended by No. 39 of 1962 s.5; No. 28 of 1966 s.7; No. 48 of 1985 s.2.]

**Search warrant**

**46A.** (1) If it appears to a justice on complaint made on oath before him that there are reasonable grounds for suspecting that unlawful betting is or is about to be carried on in or upon any place or public place, he may give to any member of the police force a warrant in the form of the Second Schedule to this Act.

(2) A warrant so given authorizes the member of the police force therein named, with such assistance as may be necessary, —

- (a) to enter into and upon and search the place or public place named in the warrant at any time during the day or night and to open and break open if necessary and search all things found therein or thereupon;
- (b) to use force if necessary in making entry whether by breaking open doors or otherwise;
- (c) to search all persons found therein or thereupon;
- (d) to arrest and bring before a stipendiary magistrate or 2 justices all persons found therein or thereupon;
- (e) to seize all betting material found therein or thereupon or upon the persons referred to in paragraph (c) that may reasonably be supposed to have been used or designed for use in connection with or in relation to such unlawful betting; and
- (f) to detain such betting material until the owner or owners thereof appear before a stipendiary magistrate or 2 justices to claim the betting material and satisfy the magistrate or justices how and for what use or purposes it was intended.

(3) The stipendiary magistrate or justices may confiscate all or any of the betting material as he or they deem fit, if —

- (a) the owner or owners thereof do not appear before the magistrate or justices within 21 days after the seizure of the betting material; or
- (b) he or they do so appear, and do not show to the satisfaction of the magistrate or justices after due examination that the betting material was not in the place or public place or upon the persons found therein or thereupon for the purpose of being used in relation to, or in connection with, unlawful betting.

**s. 46B**

(4) In this section and in section 46B —

(a) “**unlawful betting**” means any contravention of or failure to observe any provision of section 45 or 46; and

(b) “**betting material**” means —

(i) lists, cards, books, tickets, vouchers and papers and other documents whether they are of the same kind as or a different kind from, those previously specified;

(ii) money, machines and devices; and

(iii) tables and blackboards.

(5) No female person shall be searched under the authority of a warrant given pursuant to this section, except by a female member of the police force and in the presence of female persons only.

*[Section 46A inserted by No. 15 of 1961 s.2.]*

**Betting material *prima facie* evidence of offence**

**46B.** If, on the hearing of any complaint for an offence against section 45 or 46, the Court is of opinion that any betting material that has to its satisfaction been proved to have been found in any place or public place wherein it was suspected that unlawful betting was carried on and entered under a warrant given under section 46A, and to have been so found in circumstances that, in the mind of the Court, raises a reasonable suspicion that the betting material was used or designed for use in contravention of the purposes and provisions of the firstmentioned sections or either of them, such finding shall be deemed *prima facie* evidence of the commission by the accused person of the offence charged against him in the complaint.

*[Section 46B inserted by No. 15 of 1961 s.2.]*

**Loitering in street**

47. If any member of the police force of the State has reasonable grounds for suspecting that any person is standing or loitering in any street or public place for the purpose of or with the intention of betting contrary to this Act, the person shall not refuse or neglect to move on when requested by that member of the police force so to do whether such standing or loitering causes or tends to cause any obstruction to traffic or not in any street or public place.

Penalty: \$200.

[Section 47 amended by No. 28 of 1966 s.8; No. 125 of 1987 s.29.]

**Removal**

48. (1) If any member of the police force of the State has reasonable grounds for suspecting that on any place upon which any sport of a kind usually attended by the public is then being carried on or conducted, or in any other place, any person is guilty of, or has on that day been guilty of, betting contrary to the provisions of any Act, that member of the police force may, without warrant, arrest that person and remove him from that place.

(2) For the purposes of this section the term, "**betting**" has the same meaning as that term is given by section 46.

(3) If a person suspected of having committed an offence against this Act is arrested under the provisions of this section, a report of the fact and circumstances shall forthwith be made to the Attorney General.

(4) No person who has been so removed from any such place shall, during the day on which he was so removed, re-enter or be again upon that place, or any place contiguous thereto.

Penalty: \$100.

**s. 49**

(5) No member of the police force of the State who has acted *bona fide* in the intended exercise of the powers conferred on him by subsection (1) is liable to any proceedings, civil or criminal, in consequence of his having so acted.

*[Section 48 amended by No. 28 of 1966 s.8; No. 87 of 1972 s.8; No. 125 of 1987 s.30.]*

**Penalty for persons warning offenders of the approach of members of the police force**

49. Any person who is in or near to any place, whether a public place or not, for the purpose of giving any warning to any person of the presence or approach of any member of the police force of the State or for the purpose of preventing the detection of any offence against section 45 or 46 commits an offence.

Penalty: For a 1st offence a fine not less than \$500 nor exceeding \$1 000; for a 2nd offence imprisonment for not less than 3 months nor more than 6 months; for a 3rd or any subsequent offence imprisonment for not less than 6 months nor more than 12 months.

*[Section 49 amended by No. 39 of 1962 s.6; No. 28 of 1966 s.8.]*

**Evidence as to offences**

50. If on the hearing of any complaint for an offence against section 45 or 46 the court is of opinion that any money or thing which has to its satisfaction been proved to have been given to, or received, or paid by the accused person, or given to, or received, or paid by any person or persons on his behalf, has been given, received or paid in circumstances which, in the mind of the court, raise a reasonable suspicion that the money or thing was so given, received, or paid in contravention of the purposes and provisions of this Act, or any of them, such giving, receiving, or

paying shall be deemed *prima facie* evidence of the commission by the accused person of the offence charged against him in the complaint.

**Reasonable suspicion sufficient to set up a *prima facie* case**

51. (1) If on the hearing of any complaint against a person for an offence against section 45 or 46, the evidence of the prosecution is such as to raise in the mind of the person hearing the complaint a reasonable suspicion that the person is guilty of the offence charged against him in the complaint, that evidence shall be deemed to be *prima facie* evidence that the person is guilty of that offence.

(2) the provisions of this section do not limit the effect of any provision of section 50, and the provisions of that section do not limit the effect of any provisions of this section.

**Certain persons not accomplices and evidence of accomplices**

51A. (1) A member of the police force who, and a person who, at the request of such a member, makes a bet is deemed not to be an accomplice and is not guilty of an offence where a complaint, arising out of the making of that bet, is made against another person; and the evidence of the member of the police force or the person who made the bet at his request is deemed, on the hearing of the complaint, not to be the evidence of an accomplice.

(2) In any proceedings against a person for an offence against this Act, an act, admission or statement of an employee or agent of that person is admissible in evidence whether it is done, made or given in the presence of that person or not.

(3) Nothing in this section shall limit the effect of any provision of section 50 or 51.

[Section 51A inserted by No. 65 of 1970 s.4.]

s. 52

**Unlawful betting on licensed premises**

52. (1) If —

- (a) any person is convicted for an offence under section 45 or 46; and
- (b) the offence took place on premises in respect of which a licence has been granted under the *Liquor Act 1970*<sup>2</sup>,

the person holding or entitled to exercise the licence commits an offence.

Penalty: \$1 000.

(2) In any proceedings against a person under this section, any statement on the conviction for the offence under section 45 or 46, as to the place where the offence was committed shall be *prima facie* evidence of the place where the offence was committed.

(3) It is a defence to any charge of an offence under this section to show —

- (a) that the accused person or, if the accused person was not on the premises at the time the offence against section 45 or 46 was committed, the person then in charge of the premises, did not know and could not by the exercise of all practical diligence have known, that the offence was being committed; or
- (b) that the offence was committed contrary to the will of the accused person or, if the accused person was not on the premises at the time the offence was committed, contrary to the will of the person who was then in charge of the premises, and that the accused person or the person so in charge, as the case may be, took all reasonable steps to prevent the offence from being committed.

[Section 52 amended by No. 39 of 1962 s.7; No. 28 of 1966 s.8; No. 125 of 1987 s.31.]

**Power of police to remove persons betting from licensed premises**

53. (1) If any member of the police force of the State has reasonable grounds for suspecting that any person whom he finds on any premises in respect of which a licence has been granted under the *Liquor Act 1970*<sup>2</sup>, has at any time on that day on which he finds him been guilty of betting or offering to bet contrary to the provisions of this Act, on those premises, or that that person is on those premises for the purpose of so betting that member of the police force may without warrant arrest that person and remove him from the premises or cause him to be so arrested or removed.

(2) If any person who has been so removed from any such premises re-enters or is again upon those premises during that day on which he was so removed, he commits an offence.

Penalty: \$100.

(3) No member of that police force who has acted *bona fide* in the intended exercise of the powers conferred on him by subsection (1), and no person acting under the instructions of, or for the purpose of assisting the member, is liable to any proceedings, civil or criminal, in consequence of his having so acted.

[Section 53 amended by No. 28 of 1966 s.8.]

**Offences generally, general penalty**

54. (1) A person who does not do a thing, which by or under this Act he is required or directed to do, and a person who does or attempts to do a thing, which by or under this Act he is prohibited from doing, commits an offence against this Act.



**s. 55**

(2) A person who commits an offence against this Act is liable to the penalty expressly mentioned as the punishment for the offence, but where a penalty is not expressly mentioned, is liable —

- (a) where the offence is not a continuing offence, to a maximum penalty of \$200; and
- (b) where the offence is a continuing offence, to a penalty of \$4 for each day during which the offence continues.

[Section 54 amended by No. 28 of 1966 s.8.]

**Effect of bets transmitted by Board to totalisators  
on existing contracts for working totalisators**

55. (1) Where any person has contracted with any racing club to operate a totalisator at race meetings to be conducted by the racing club, and any remuneration payable to that person under the contract is to be calculated as a part or percentage of the moneys received from bets on the totalisator, or of any amount to be deducted or retained by the racing club from those moneys pursuant to the *Totalisator Duty Act 1905*, or is otherwise to be ascertained by reference to those moneys or to that amount, no amounts transmitted to the totalisator by the Board, as agent for the racing club, shall be taken into account for the purpose of calculating or ascertaining the amount of that remuneration, unless it is expressly provided in the contract that the amounts so transmitted are to be taken into account for that purpose.

(2) Except with the mutual consent of the parties thereto, no contract referred to in subsection (1) shall be deemed to be varied or terminated by reason only of the transmission to the totalisator of such bets as are referred to in that subsection.

(3) This section applies only to contracts in force on the coming into operation of this Act.

**Application of *Financial Administration and Audit Act 1985***

56. (1) The provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Board and its operations.

(2) Notwithstanding the provisions of the *Financial Administration and Audit Act 1985*, the financial year of the Board shall end on 31 July.

[Section 56 inserted by No. 98 of 1985 s.3.]

**Regulations**

57. (1) The Board may, with the approval of the Governor, make regulations for giving effect to the operation of this Act and without affecting the generality of the foregoing may by the regulations —

- (a) control the admission of persons to any totalisator agency and exclude from the totalisator agency any specified class of persons, either absolutely or subject to such conditions as are prescribed in the regulations, and provide that any person who commits a breach of the regulations made under this paragraph may be removed from the totalisator agency by any member, officer, agent or servant of the Board or by an inspector or member of the police force of the State;
- (b) define the functions and powers of the Board additional to those expressly mentioned in this Act, including prescribing the kinds of sporting events and betting on sporting events to which this Act is to apply, and the powers of the members, the Commissioner of State Taxation, and persons authorized under section 36;

**s. 57**

- (c) provide for the establishment, maintenance, conduct and operation of totalisator agencies and generally regulate and control the lodging and receipt of bets to be transmitted to a totalisator and bets with the Board at totalisator agencies and totalisator pools conducted by the Board and further provide for the establishment of totalisator pools by the Board and the mode of conducting and operating such pools by the Board;
- (d) provide for the receiving at totalisator agencies of bets in respect of races conducted on racecourses within the State and bets in respect of races conducted on racecourses outside the State, or in respect of sporting events, and the manner in which the investments and bets may be made and the times at which and conditions upon or subject to which the investments and bets may be made and received;
- (e) provide for the transmission of particulars of the investments to officers, agents or employees of racing clubs at racecourses for registration on totalisators;
- (f) provide for the payment at or from totalisator agencies of dividends payable in respect of bets made on a totalisator through the Board and bets made with the Board, and the times at which and the manner in which the dividends may be paid;
- (g) provide for the method of accounting as between racing clubs and other persons and totalisator agencies in respect of bets received and transmitted or received by the Board, and in respect of dividends;
- (h) such other matters as may be necessary for the proper operation and control of totalisator agencies;
- (i) provide for the imposing as a penalty for the breach of a regulation so made a sum not exceeding \$1 000.

(2) Any rules or regulations made in relation to a totalisator on a racecourse, so far as they are applicable, apply in relation to bets made through the Board on that totalisator as if the bets were made directly into the totalisator and regulations or rules made under his Act may modify any such rule or regulation to such extent as is necessary to make it applicable in relation to bets made through the Board and transmitted to a totalisator.

(3) Where and to the extent that there is inconsistency between —

- (a) the provisions of regulations having effect under this Act; and
- (b) the provisions of any rules made by the Board having effect under this Act or by-laws having effect under *The Western Australian Turf Club Act 1892*, or under the *Western Australian Trotting Association Act 1946*, or rules having effect under Part III of the *Greyhound Racing Control Act 1972*<sup>5</sup>, or by-laws, rules or regulations made by a racing club under the *Associations Incorporation Act 1895*<sup>6</sup>, or any other Act,

the provisions referred to in paragraph (a) prevail.

[*Section 57 amended by No. 28 of 1966 s.8; No. 21 of 1970 s.59; No. 87 of 1972 s.7 and s.8; No. 125 of 1987 s.32.*]

[*Schedule omitted under s.7 (4) (a) of the Reprints Act 1984*]

**SECOND SCHEDULE** (Section 46A.)

Form of Warrant

To wit To

WHEREAS it appears to me \_\_\_\_\_ a justice of the  
peace, by the complaint on oath of (A.B.) \_\_\_\_\_ of  
in the State \_\_\_\_\_ (occupation) that there is  
reason to suspect that unlawful betting within the meaning of  
section 46A of the *Totalisator Agency Board Betting Act 1960*, as  
amended, is being or is about to be carried on upon a certain  
place or public place, to wit,

This is therefore to authorize and require you, with such  
assistance as may be necessary, to enter into and upon and  
search such place or public place at any time during the day or  
night and there to open or break open if necessary and search all  
things found therein or thereupon and to search all persons  
found therein or thereupon subject to section 46A (5) and if  
necessary to use force in making such entry into or upon the  
place or public place, whether by breaking open doors or  
otherwise and to arrest and bring before a stipendiary magistrate  
or 2 justices of the peace all such persons as may be found  
therein or thereupon and seize all betting material as defined in  
the said Act found upon such persons or in or upon such place, as  
may reasonably be supposed to have been used or designed for  
use in connection with or in relation to such unlawful betting,  
and to detain any such betting material so found, to be dealt with  
according to law: And for so doing this shall be your Warrant.

Given under my hand at \_\_\_\_\_ in Western Australia  
this \_\_\_\_\_ day or  
19 \_\_\_\_\_

[*Second Schedule inserted by No. 15 of 1961 s.3.*]

## *Totalisator Agency Board Betting Act 1960*

### NOTES

<sup>1</sup> This reprint is a compilation as at 27 September 1991 of the *Totalisator Agency Board Betting Act 1960* and includes all amendments effected by the other Acts referred to in the following Table.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Totalisator Agency Board Betting Act 1960</i>	50 of 1960	28 November 1960	31 December 1960 (see <i>Gazette</i> 23 December 1960 p.4073)	
<i>Totalisator Agency Board Betting Act Amendment Act 1961</i>	15 of 1961	20 October 1961	20 October 1961	
<i>Totalisator Agency Board Betting Act Amendment Act (No. 2) 1962</i>	39 of 1962	29 October 1962	29 October 1962	
<i>Totalisator Agency Board Betting Act Amendment Act 1963</i>	26 of 1963	13 November 1963	13 November 1963	
<i>Totalisator Agency Board Betting Act Amendment Act (No. 4) 1963</i>	51 of 1963	17 December 1963	1 January 1964 (see section 2)	

*Totalisator Agency Board Betting Act 1960*

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Totalisator Agency Board Betting Act Amendment Act 1966</i>	28 of 1966	27 October 1966	Sections 1, 2 and 5: deemed to have come into operation on 1 August 1966 (See section 2 (1)) Sections 3, 4, 6, 7 and 8: 11 November 1966 (See <i>Gazette</i> 11 November 1966 p.2899)	
<i>Acts Amendment (Commissioner of State Taxation) Act 1970; Part XI</i>	21 of 1970	8 May 1970	1 July 1970 (See <i>Gazette</i> 26 June 1970 p.1831)	
<i>Totalisator Agency Board Betting Act Amendment Act 1970</i>	65 of 1970	17 November 1970	17 November 1970	
<i>Age of Majority Act 1972; Section 6 (2)</i>	46 of 1972	18 September 1972	1 November 1972 (See <i>Gazette</i> 13 October 1972 p.4069)	
<i>Totalisator Agency Board Betting Act Amendment Act (No. 2) 1972</i>	87 of 1972	20 November 1972	1 August 1973 (See <i>Gazette</i> 15 June 1973 p.2216)	
<i>Totalisator Agency Board Betting Act Amendment Act (No. 3) 1972</i>	103 of 1972	6 December 1972	6 December 1972	

*Totalisator Agency Board Betting Act 1960*

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Totalisator Agency Board Betting Act Amendment Act 1973</i>	64 of 1973	28 November 1973	11 August 1978 (See <i>Gazette</i> 11 August 1978 p.2859)	
<i>Totalisator Agency Board Betting Amendment Act 1985</i>	48 of 1985	16 October 1985	13 November 1985	
<i>Acts Amendment (Financial Administration and Audit) Act 1985; Section 3 (as amended by Act No. 4 of 1986)</i>	98 of 1985	4 December 1985	1 July 1985 (See <i>Gazette</i> 30 June 1986 p.2255)	
<i>Acts Amendment (Public Service) Act 1987; Section 32</i>	113 of 1987	31 December 1987	16 March 1988 (See <i>Gazette</i> 16 March 1988 p.813)	
<i>Acts Amendment (Totalisator Agency Board Betting) Act 1987; Part II</i>	125 of 1987	31 December 1987	Act other than sections 6 to 11: 25 March 1988 (See <i>Gazette</i> 25 March 1988 p.933); Sections 6 to 11: 27 May 1988 (See <i>Gazette</i> 27 May 1988 p.1716)	



*Totalisator Agency Board Betting Act 1960*

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Acts Amendment (Racing Industry Act 1988; Part 3</i>	66 of 1988	22 December 1988	Sections 11 and 18: deemed operative 1 August 1988 (See section 2 (1)); Sections 12, 13, 15, 16, 17, 19 and 20: 22 December 1988 (See section 2 (3)) Section 14: 26 May 1989 (See <i>Gazette</i> 26 May 1989 p.1543)	Part 7 Transitional <sup>7</sup>
<i>Acts Amendment (Accountability) Act 1989; Part 7</i>	5 of 1989	26 April 1989	1 July 1989 (See <i>Gazette</i> 30 June 1989 p.1893)	
<i>Racing Penalties (Appeals) Act 1990; Section 29</i>	46 of 1990	26 November 1990	15 April 1991 (See <i>Gazette</i> 12 April 1991 p.1597)	
<i>Totalisator Agency Board Betting Amendment Act 1990</i>	94 of 1990	22 December 1990	Sections 5 (b) and 5 (c): 22 December 1990 balance: 1 February 1990 (See <i>Gazette</i> 25 January 1991 p.267)	Transitional <sup>8</sup>

Nb. The *Totalisator Agency Board Betting Act 1960* is affected by the *Totalisator Agency Board Betting Tax Act 1960*.

<sup>2</sup> Now see the *Liquor Licensing Act 1988*.

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3. Title changed pursuant to section 7 (5) (a) of the *Reprints Act 1984* to give effect to section 31 (1) (f) of the *Acts Amendment (Public Service) Act 1987*.
4. Now see the *Public Service Act 1978*.
5. Now see the *Western Australian Greyhound Racing Association Act 1981*.
6. Now see the *Associations Incorporation Act 1987*.
7. Part 7 of No. 66 of 1988 reads as follows —

**"PART 7 — TRANSITIONAL**

**Refunds**

28. The Commissioner of State Taxation appointed under the *Public Service Act 1978* shall —

- (a) refund to the Board any amount of Totalisator Agency Board betting tax paid to the Commissioner on moneys received by the Board on or after 1 August 1988 and before the coming into operation of this section that is in excess of the amount required to be paid under section 25 of the *Totalisator Agency Board Betting Act 1960* and section 2 of the *Totalisator Agency Board Betting Tax Act 1960* as amended by this Act; and
- (b) refund to a racing club any amount of duty paid by that racing club to the Commissioner under section 3 (4) of the *Totalisator Duty Act 1905* upon the gross takings of a totalisator taken on or after 1 August 1988. ”.

8. Section 4 (2), (3) and (4) of 94 of 1990 reads as follows —

“ (2) Any moneys standing to the credit of the account maintained under section 26 of the principal Act immediately before the coming into operation of this section may be used by the Totalisator Agency Board for carrying

*Totalisator Agency Board Betting Act 1960*

out the matters referred to in section 17 of the principal Act or generally for the conduct of the operation of the Board under the principal Act.

(3) The following actions taken by the Totalisator Agency Board before the coming into operation of this section are deemed to have always been valid and effective —

- (a) the payment of moneys received by the Board from the sale of any property of the Board into the account maintained under section 26 of the principal Act;
- (b) the use of moneys in the account maintained under section 26 of the principal Act for the purchase of shares in any corporation or business undertaking to facilitate the dissemination and publication of information relating to races, dividends and the operation of the Board.

(4) Notwithstanding its terms, subsection (3) shall not relieve any person from any civil liability arising from any duty owed to The Board or under any written law or any criminal liability that he or she would otherwise have had, had it not been for the enactment of that subsection in respect of any act or omission which occurred prior to the coming into operation of this Act.

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