

WESTERN AUSTRALIA

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# ACTS AMENDMENT (TOTALISATOR AGENCY BOARD BETTING) ACT

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No. 125 of 1987

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AN ACT to amend the *Totalisator Agency Board Betting Act 1960* and section 110 of the *Gaming Commission Act 1987*.

[Assented to 31 December 1987]

The Parliament of Western Australia enacts as follows:

## PART I—PRELIMINARY

### Short title

1. This Act may be cited as the *Acts Amendment (Totalisator Agency Board Betting) Act 1987*.

### Commencement

2. The provisions of this Act shall come into operation on such day as is, or days as are respectively, fixed by proclamation.

PART II—TOTALISATOR AGENCY BOARD BETTING ACT 1960

**Principal Act**

3. In this Part the *Totalisator Agency Board Betting Act 1960\** is referred to as the principal Act.

[\*Reprinted as approved 22 January 1979 and amended by Acts Nos. 48 and 98 of 1985.]

**Section 2 amended**

4. Section 2 of the principal Act is amended—

- (a) in subsection (1), by deleting the subsection designation; and
- (b) by repealing subsection (2) and subsection (3).

**Section 3 amended**

5. Section 3 of the principal Act is amended—

(a) by inserting in their respective appropriate alphabetical sequence the following definitions—

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

“ “licensed premises” means premises to which a licence under the *Liquor Act 1970* relates; ”;

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

(b) in the definition of “totalisator” by inserting after “race” the following—

“ or sporting event ”; and

(c) in the definition of “totalisator agency” by inserting after “race” the following—

“ or sporting event ”.

### Section 5 amended

6. Section 5 of the principal Act is amended by repealing subsection (3) and substituting the following subsection—

“ (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 of a general character as to the exercise of its functions and the Board shall give effect to any such direction. ”.

### Section 6 amended

7. Section 6 of the principal Act is amended—

- (a) by repealing subsection (1) and substituting the following subsection—

“ (1) On the coming into operation of section 7 of the *Acts Amendment (Totalisator Agency Board Betting) Act 1987* 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 Permanent Head 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. ”;

(b) in subsection (2), by deleting “the Club or Association” and substituting the following—

“ a body referred to in subsection (1) (a) ”;

(c) in subsection (4)—

(i) by deleting “not being the manager” and substituting the following—

“ other than an *ex officio* member ”;

(ii) by deleting paragraph (d);

(iii) in paragraph (f), by deleting “terminated;” and substituting—

“ terminated as at a date therein specified, ”;

(d) after subsection (4) by inserting the following subsection—

“ (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 7 amended**

8. Section 7 of the principal Act is amended—

(a) in subsection (1), by deleting “member” and substituting the following—

“ appointed member ”;

(b) in subsection (2), by deleting “vacancy in an office of member a qualified person” and substituting the following—

“ 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), ”;

and

(c) by adding the following subsections—

“ (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 8 amended**

9. Section 8 of the principal Act is amended—

(a) by inserting after subsection (2a) the following subsection—

“ (2b) The Minister may appoint a senior officer of the Office of Racing and Gaming to act as the deputy of the Permanent Head 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 Permanent Head is unable to attend. ”; and

(b) in subsection (3)—

(i) by deleting “subsection (1) or subsection (2a)” and substituting the following—

“ subsections (1), (2a) or (2b) ”;

and

(ii) by deleting “or the Betting Control Act, 1954”.

### **Section 9 repealed**

**10.** Section 9 of the principal Act is repealed.

### **Section 12 amended**

**11.** Section 12 of the principal Act is amended in subsection (2) (a) by deleting “five” and substituting the following—

“ 6 ”.

### **Section 17 amended**

**12.** Section 17 of the principal Act is amended in paragraph (a)—

(a) by inserting after “places” the following—

“ (including in licensed premises) ”;

(b) by inserting after “race” the following—

“ or sporting event ”; and

(c) by inserting the following subsection—

“ (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 19A inserted**

13. After section 19 of the principal Act the following section is inserted—

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 20 amended**

14. (1) Section 20 of the principal Act is amended—

(a) after subsection (1), by inserting the following subsection—

“ (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. ”;

(b) in subsection (3)—

(i) by deleting “The Criminal Code, 1913, or of the Police Act, 1892, by reason” and substituting the following—

“ any written law by reason only ”; and

(ii) by deleting the passage commencing “Act; but” and comprising the remainder of the subsection and substituting the following—

“ Act. ”;

and

(c) in subsection (4), by inserting after “race meeting” the following—

“ or on any sporting event ”.

### **Section 22 amended**

15. Section 22 of the principal Act is amended by inserting the following subsection—

- “ (4) All moneys in respect of any bet referred to in subsection (1a) of section 20 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 23 amended**

16. Section 23 of the principal Act is amended—

- (a) by deleting the subsection designation “(3)” and substituting the following—

Unclaimed dividends

“ 23A. ”; and

- (b) subject to paragraph (a), repealing subsection (3) and re-enacting it to stand as section 23A.

### **Section 28A inserted**

17. The principal Act is amended by inserting after section 28 the following section—

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;
- (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 one and three-quarter per centum 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 betting tax and section 26 contributions pursuant to section 28 (1) (c) and (d), 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 33 amended**

18. Section 33 of the principal Act is amended—

(a) in paragraph (b)—

(i) by deleting “on any race”; and

(ii) by deleting “Act;” and substituting “Act.”; and

(b) by deleting paragraph (c).

**Section 36 amended**

19. Section 36 of the principal Act is amended—

(a) in subsection (1) by inserting after “race courses” the following—

“ or any venue at which a sporting event on which betting takes place is being held ”;

and

(b) by deleting the penalty provision at the foot of the section and substituting the following—

“ Penalty: \$1 000. ”.

**Section 37 amended**

20. Section 37 of the principal Act is amended by deleting the penalty provision at the foot of the section and substituting the following—

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

**Section 38 amended**

21. Section 38 of the principal Act is amended by deleting the penalty provision at the foot of the section and substituting the following—

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

**Section 39 amended**

**22.** Section 39 of the principal Act is amended by deleting the penalty provision at the foot of the section and substituting the following—

“ Penalty: \$1 000. ”.

**Section 40 amended**

**23.** Section 40 of the principal Act is amended—

(a) in subsection (2) (a)—

(i) by inserting after “race course” the following—

“ or a venue at which a sporting event is held ”; and

(ii) by deleting “those”; and

(b) in subsection (2) (b), by inserting before “event” the following—

“ race or sporting ”.

**Section 41 amended**

**24.** Section 41 of the principal Act is amended—

(a) by deleting “after the time notified by the race club conducting the race, for the starting of that race,” and substituting the following—

“ 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, ”;

and

(b) by deleting the penalty provision at the foot of the section and substituting the following—

“ Penalty: \$2 500. ”.

**Section 42 amended**

25. Section 42 of the principal Act is amended by deleting the penalty provision at the foot of the section and substituting the following—

“ Penalty: \$200. ”.

**Section 43 amended**

26. Section 43 of the principal Act is amended by deleting the penalty provision at the foot of the section and substituting the following—

“ Penalty: \$200. ”.

**Section 44 amended**

27. Section 44 of the principal Act is amended by deleting the penalty provision at the foot of the section and substituting the following—

“ Penalty: \$200. ”.

**Section 45 amended**

28. Section 45 of the principal Act is amended—

(a) in subsection (1) (b) by inserting after “race” the following—

“ or sporting event ”; and

(b) in subsection (3) by inserting after “race” the following—

“ or sporting event ”.

**Section 47 amended**

29. Section 47 of the principal Act is amended by deleting the penalty provision at the foot of the section and substituting the following—

“ Penalty: \$200. ”.

**Section 48 amended**

30. Section 48 of the principal Act is amended in subsection (1) by deleting “on any race or races”.

**Section 52 amended**

31. Section 52 of the principal Act is amended by deleting the penalty provision at the foot of subsection (1) and substituting the following—

“ Penalty: \$1 000. ”.

**Section 57 amended**

32. Section 57 of the principal Act is amended in subsection (1)—

(a) in paragraph (b), by inserting after “Act,”, where it first appears, the following—

“ , including prescribing the kinds of sporting events and betting on sporting events to which this Act is to apply, ”;

(b) in paragraph (d), by inserting after “State”, where it occurs for the second time, the following—

“ , or in respect of sporting events ”;

(c) in paragraph (g), by inserting after “clubs” the following—

“ and other persons ”; and

(d) in paragraph (i), by deleting “two hundred dollars” and substituting the following—

“ \$1 000 ”.

PART III—*GAMING COMMISSION ACT 1987*

**Section 110 amended**

**33.** Section 110 of the *Gaming Commission Act 1987*\* is amended in subsection (1) (a) by inserting after “permitted gaming” the following—

“ , or is betting conducted in accordance with the *Totalisator Agency Board Betting Act 1960*, which is ”.

[\*Act No. 50 of 1987, to be proclaimed.]

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