

NORTHERN TERRITORY OF AUSTRALIA
TOTALIZATOR ADMINISTRATION AND BETTING ACT

No. 21 of 1985

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NORTHERN TERRITORY OF AUSTRALIA

No. 21 of 1985

AN ACT

To provide for the establishment of a Northern Territory Totalizator Administration Board, to make provision for betting by means of a totalizator system, and for related purposes

[Assented to 24 May 1985]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

PART I - PRELIMINARY

1. SHORT TITLE

This Act may be cited as the *Totalizator Administration and Betting Act 1985*.

2. COMMENCEMENT

The several sections of this Act shall come into operation on such dates as are respectively fixed by the Administrator by notice in the *Gazette*.

3. APPLICATION

Notwithstanding anything contained elsewhere in this Act, nothing in this Act shall apply to or in relation to, or affect the operation of -

- (a) a totalizator within the meaning of the *Racing and Betting Act* used in accordance with that Act; or
 - (b) a provision of the *Racing and Betting Act* which relates to the use of a totalizator referred to in paragraph (a).
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4. DEFINITIONS

In this Act, unless the contrary intention appears -

"accounting period" means an accounting period determined under section 30(1) by the Board;

"agency" means an agency, established under section 23, of the Board and includes -

(a) the premises on which the agency is established; and

(b) premises made available under section 24 to the Board for the establishment of such an agency;

"betting" includes the negotiation and acceptance and distribution of moneys in connection with bets and the settling of bets;

"Board" means the Northern Territory Totalizator Administration Board established by section 5(1);

"Chairman" means the Chairman, specified in section 6(1)(a), of the Board but does not include the deputy of the Chairman;

"club" means a club, association, society or other body of persons, whether incorporated or not;

"credit account" means a credit account established under section 39(1) with the Board;

"deputy" means a person appointed under section 11(1) to be the deputy of a member;

"Dividend Equalization Account" means the account established under section 42(1) and called the Dividend Equalization Account;

"General Manager" means the person employed under section 15(1) to be the General Manager of the Board but does not include the deputy of the General Manager;

"identity card", in relation to a totalizator inspector, means the identity card issued under section 120(2) of the *Racing and Betting Act* to him in respect of his appointment as a totalizator inspector;

"Industry Assistance Fund" means the Industry Assistance Fund within the meaning of the *Racing and Betting Act*;

"liquor" means liquor within the meaning of the *Liquor Act*;

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"lawful lottery" means lawful lottery within the meaning of the *Lotteries and Gaming Act*;

"lottery" means lottery within the meaning of the *Lotteries and Gaming Act*;

"member" means a member of the Board and includes the Chairman and General Manager;

"office" means an office, established under section 23, of the Board and includes -

(a) the premises on which the office is established; and

(b) premises made available under section 24 to the Board for the establishment of such an office;

"premises" includes land;

"race" means a horse race, dog race, pony race or trotting race, and includes, in relation to a bet, with one stake, on the results of 2 or more races, all of the races in relation to which the bet is made;

"race club" means a club formed or carried on for the purpose of conducting or controlling races in the Territory;

"race meeting" means a meeting for the purpose of conducting races;

"racecourse" means land, whether within or outside the Territory, that is used for races and to which admission is obtainable by payment of money, by ticket or otherwise;

"Racecourse Development Fund" means the Racecourse Development Fund within the meaning of the *Racing and Betting Act*;

"Rules" means Rules made under section 63;

"this Act" includes the Rules and Regulations made under this Act;

"totalizator" means a scheme or system by means of which bets are accepted and aggregated and dividends are calculated, declared and paid on a proportional basis dependent upon the result of -

(a) a race or series of races; or

(b) an event or contingency approved under section 43(1) by the Minister,

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in accordance with prescribed formulae, and includes a device, instrument, machine, computer or other thing used to effect the aggregation and distribution of bets;

"totalizator betting" means betting, on a racecourse or elsewhere than on a racecourse, by placing bets on a totalizator;

"totalizator inspector" means a totalizator inspector within the meaning of the *Racing and Betting Act*;

"totalizator ticket" includes a ticket, card, token or thing -

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

PART II - NORTHERN TERRITORY TOTALIZATOR ADMINISTRATION BOARD

Division 1 - Establishment and Constitution of Board

5. NORTHERN TERRITORY TOTALIZATOR ADMINISTRATION BOARD

(1) There is established by this Act a Board by the name of the Northern Territory Totalizator Administration Board.

(2) The Board -

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal; and

(c) is capable, in its corporate name, of acquiring, holding and disposing of real, leasehold and personal property and of suing and being sued.

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

(4) The Board is a statutory corporation to which Divisions 1 and 2 of Part IV of the *Financial Administration and Audit Act* apply.

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6. COMPOSITION OF BOARD AND APPOINTMENT OF MEMBERS

(1) Subject to section 7, the Board shall consist of -

- (a) a Chairman, who shall be the Chairman within the meaning of the *Racing and Betting Act*;
- (b) the General Manager; and
- (c) 2 other members.

(2) Subject to sub-section (3), the Minister shall, by notice in the *Gazette*, appoint 2 persons to be the members referred to in sub-section (1)(c).

(3) A person who would not, by virtue of section 9 of the *Racing and Betting Act*, be qualified to be appointed, or continue in office, as a member within the meaning of that Act shall not be -

- (a) appointed under sub-section (2) to be, or continue in office as, a member referred to in sub-section (1)(c); or
- (b) employed under section 15(1) to be, or continue in office as, the General Manager.

(4) The exercise of the powers or the performance of the functions of the Board shall not be affected by reason only of there being a vacancy in the office of a member.

7. MINISTER TO CONSTITUTE BOARD FOR CERTAIN PERIOD

(1) Subject to sub-section (2), the Minister constitutes the Board for the purposes of this Act and any other Act.

(2) The Minister shall cease to constitute under sub-section (1) the Board with effect on and from the first day on which there are sufficient members to constitute a quorum of the Board.

(3) An action taken in pursuance of sub-section (1) by the Minister constituting the Board shall, for the purposes of this Act and any other Act, be deemed to be taken by the Board constituted by a quorum of the members and shall, accordingly, bind the Board.

8. PERIOD OF APPOINTMENT

(1) Subject to this Act, a member appointed under section 6(2) holds office until the expiration of such period, not exceeding 2 years, as is specified in the instrument of his appointment, but is eligible for re-appointment.

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(2) Where a period of appointment is not specified in the instrument of appointment of a member referred to in sub-section (1), the member holds office, subject to this Act, for 2 years.

9. RESIGNATION OF MEMBERS

A member, other than the Chairman, may resign his office by writing signed by him and delivered to the Minister.

10. TERMINATION OF APPOINTMENT OF MEMBERS

(1) The Minister may terminate the appointment of a member, other than the Chairman, for inability, inefficiency, misbehaviour or physical or mental incapacity.

(2) Where a member referred to in sub-section (1) -

(a) is absent, except on leave granted by the Board, from 3 consecutive meetings of the Board; or

(b) 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,

the Minister shall terminate the appointment of the member.

11. DEPUTIES OF MEMBERS

(1) The Minister may appoint a person to be the deputy of a member.

(2) A deputy shall, in the event of the absence from a meeting of the Board of the member of whom he is the deputy, be entitled to attend that meeting and, when so attending, shall be deemed to be a member both for the purposes of this Act and for the purposes of the *Remuneration (Statutory Bodies) Act*.

(3) An act done by a deputy as a deputy shall not, in any proceedings, be questioned on the ground that the occasion for the exercise of his powers or the performance of his functions did not arise or had ceased.

12. MEETINGS OF BOARD

(1) The Chairman shall call such meetings of the Board as are necessary for the exercise of its powers and the performance of its functions.

(2) The Chairman shall preside at each meeting of the Board at which he is present and, in his absence, the General Manager shall preside.

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(3) At a meeting of the Board, the Chairman or the General Manager and 2 other members constitute a quorum.

(4) A question arising at a meeting of the Board shall be determined by a majority of the votes of the members present and voting.

(5) The member presiding at a meeting of the Board shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

(6) Subject to this Act, the Board shall determine the procedure to be followed at or in connection with a meeting of the Board.

(7) The Board shall cause minutes to be kept of its meetings.

13. DISCLOSURE OF INTEREST

(1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons and of which he is not a director, shall, as soon as practicable after the relevant facts have come to his attention, disclose the nature of his interest at a meeting of the Board.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the Board, and the member making the disclosure shall -

- (a) not, while he has that interest, take part after the disclosure in any deliberation or decision; and
- (b) be disregarded for the purpose of constituting a quorum,

of the Board in relation to that matter.

14. DELEGATION BY BOARD

(1) The Board may, by instrument in writing under its common seal, delegate to -

- (a) a member; or
- (b) a person employed under section 17,

any of its powers and functions under this Act, other than this power of delegation.

(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Board.

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(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Board.

Division 2 - Staff of Board

15. GENERAL MANAGER OF BOARD

(1) Subject to section 6(3), the Board shall employ, upon such terms and conditions as it thinks fit, a person to be the General Manager of the Board.

(2) Without limiting the power of the Board to terminate the employment of the General Manager, that employment shall, by virtue of this sub-section, and notwithstanding the terms and conditions upon which he was so employed, terminate immediately upon the -

(a) resignation under section 9; or

(b) termination under section 10,

of the General Manager as a member.

16. DUTIES OF GENERAL MANAGER

The General Manager shall, in accordance with the decisions and subject to the directions of the Board, administer the affairs of the Board.

17. OTHER STAFF OF BOARD

The Board may employ, upon such terms and conditions as it thinks fit, such persons as it thinks necessary for the purposes of this Act.

Division 3 - Payments to Members, &c.

18. PAYMENTS TO MEMBERS, &c., TO BE FROM MONEYS OF BOARD

Payments of remuneration, allowances and expenses to -

(a) a member referred to in section 6(1)(c);

(b) a deputy;

(c) the General Manager; or

(d) a person employed under section 17,

shall be made from the moneys of the Board.

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Division 4 - Functions and Powers of Board

19. FUNCTIONS OF BOARD

The functions of the Board are -

- (a) to conduct or provide, in accordance with this Act, totalizator betting facilities in relation to races held within or outside the Territory -
 - (i) by operating its own totalizator; or
 - (ii) by means of agreements entered into under section 22, including such an agreement entered into for the purposes of section 43;
- (b) to act as an agent of the person conducting a lawful lottery for the sale of tickets, or shares in tickets, in the lottery;
- (c) to act as an agent of a person by whom a betting game or competition is lawfully being conducted for the receipt of entry forms for, and subscriptions in respect of, the game or competition; and
- (d) to carry out activities specified in Part IV.

20. POWERS OF BOARD

(1) Subject to this Act, the Board has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the exercise of its powers and the performance of its functions.

(2) Without limiting the generality of sub-section (1), the Board may, in the exercise of its powers and the performance of its functions, including powers and functions conferred or imposed on it elsewhere in this or any other Act -

- (a) establish offices and agencies and provide facilities for the conduct of totalizator betting;
- (b) appoint agents and employ persons;
- (c) enter into contracts, including agency contracts, for the purposes of exercising its powers and performing its functions;
- (d) acquire, hold, deal with and dispose of real or personal property;
- (e) erect premises and equip, fit and furnish premises for the purposes of totalizator betting;

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(f) promote its business in such manner as it thinks fit, including, for that purpose, the preparation and sale of form guides for races; and

(g) do anything incidental to any of its powers.

(3) Where it is necessary or convenient to be done for or in connection with or incidental to the exercise of its powers and the performance of its functions, the Board or a subsidiary of the Board may, with the approval of the Minister and subject to such conditions, if any, as the Minister thinks fit -

(a) participate with another person in the formation of an incorporated company;

(b) take, or otherwise acquire, and hold shares or stock in the capital of an incorporated company;

(c) enter into a partnership; or

(d) enter into an agreement for the sharing of receipts.

21. CONTROL BY MINISTER

(1) In the exercise of its powers and the performance of its functions, the Board is subject to the direction of the Minister and it shall, as soon as practicable, comply with a direction given by the Minister.

(2) The Minister may, at any time, direct the Board to supply him with any information that he thinks necessary in relation to the exercise of its powers and the performance of its functions and, where the Board is so directed, it shall, as soon as practicable, supply him with that information.

22. POWER TO ENTER INTO AGREEMENTS WITH TOTALIZATOR BODIES IN STATE OR ANOTHER TERRITORY

(1) In this section, "body" means a board or other body having powers and functions similar to those of the Board.

(2) The Board may enter into an agreement in accordance with this section with a body in a State or another Territory of the Commonwealth that is authorized by a law of that State or other Territory to conduct or provide totalizator betting.

(3) An agreement entered into under sub-section (2) may provide that -

(a) the body in a State or other Territory will place bets transmitted to it by the Board on a totalizator conducted in that State or other

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Territory by the body and return to the Board such dividends in respect of winning bets so transmitted to it as are declared by the totalizator on which the bets were placed;

- (b) that body will return to the Board such amount as commission out of the amount of the bets received by that body from the Board as is agreed upon between that body and the Board;
- (c) the Board will place bets transmitted to it by that body on a totalizator conducted by the Board and return to that body the dividends payable in respect of the winning bets placed, in accordance with this paragraph, with the Board; and
- (d) the Board will return to that body such amount as commission out of the amount of the bets received by the Board from that body as is agreed upon between that body and the Board.

23. SETTING UP OF OFFICES AND AGENCIES

The Board may, as it thinks fit, establish offices and agencies for the exercise of its powers and the performance of its functions and may discontinue an office or agency so established.

24. PREMISES ON RACECOURSES

A race club controlling races at a racecourse in the Territory may, if the Board has not established an office or agency at the racecourse, make available to the Board such premises at the racecourse as are necessary to enable the Board to conduct totalizator betting facilities at the racecourse.

25. OPERATION OF OFFICES, &c.

Subject to this Act, the Board may determine the manner of operation of offices and agencies, including the hours of business of those offices and agencies.

Division 5 - Finance

26. EXPENSES OF ESTABLISHING BOARD, &c.

(1) All expenses of or connected with or arising out of establishing the Board and offices and agencies and the carrying out of matters referred to in section 19 or 20 shall, until such time as the Board is, in the opinion of the Treasurer, able to meet them in full from its moneys, be borne by the Territory, but any such moneys expended by the Territory shall be a debt payable by the Board to the Territory and payable in such manner, and over such period, as is agreed upon between the Board and the Treasurer.

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(2) The Treasurer shall cause moneys required for the payment of expenses referred to in sub-section (1) to be made by way of a loan, in such manner as he thinks fit, from the Territory to the Board.

27. COMMISSION

The Board shall, out of the amount of each bet received by it and placed by it on the totalizator operated by it, retain as commission such amount as the Board, with the approval of the Minister, determines to be so retained for the class of bets in which the bet is included.

28. MONEYS OF BOARD

The moneys of the Board consist of -

- (a) such moneys as it receives in the exercise of its powers and the performance of its functions;
- (b) moneys loaned under section 26;
- (c) returns on investments made in accordance with section 62 of the *Financial Administration and Audit Act*; and
- (d) moneys borrowed in accordance with section 63 of the *Financial Administration and Audit Act*.

29. MONEYS PROPERTY OF TERRITORY

The moneys of, and all debts and other moneys owing to, the Board are the property of the Territory and -

- (a) are and shall be held;
- (b) may be recovered; and
- (c) may be applied in accordance with this Act,

by and in the name of the Board on behalf of the Territory.

30. ACCOUNTING PERIODS

(1) Subject to sub-section (2), the Board shall, before the commencement of a financial year, determine 13 accounting periods into which that year shall be divided for the purposes of this Act.

(2) The Board shall not determine under sub-section (1) an accounting period that is less than 21 days or more than 35 days.

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31. PAYMENTS TO RACECOURSE DEVELOPMENT FUND

The Board shall, at the beginning of an accounting period, or as soon as practicable thereafter, pay into the Racecourse Development Fund an amount equal to -

- (a) where the period occurs before 1 July 1988 - 1.5%; and
- (b) where the period occurs after 30 June 1988 - 1%,

of net bets accepted by the Board during the immediately preceding accounting period.

32. ORDINARY APPLICATION OF REVENUE OF BOARD

The moneys of the Board remaining in an accounting period after making the payment required by section 31 for the period shall be applied by it in -

- (a) paying the costs, charges, obligations, liabilities and expenses incurred or undertaken by it in the exercise of its powers and the performance of its functions, including, for that purpose, repaying a loan made to it;
- (b) paying the remuneration, allowances and expenses referred to in section 18; and
- (c) making such payments as are, from time to time, necessary to balance the Dividend Equalization Account.

33. PAYMENTS TO CONSOLIDATED FUND AND INDUSTRY ASSISTANCE FUND

(1) Subject to this section, the Board shall, at such times as the Minister directs, in respect of its moneys not required for the purposes of making a payment under section 31 or 32, pay those moneys, in equal proportions, into, respectively -

- (a) the Consolidated Fund; and
- (b) the Industry Assistance Fund.

(2) Where, at the end of the financial year 1985-86, the total amount of payments made under sub-section (1) into the Industry Assistance Fund for that financial year is less than the total amount of cash advances or grants that have, in accordance with section 63 of the *Racing and Betting Act*, been made out of the Industry Assistance Fund for the financial year 1984-85, to race clubs the Treasurer shall, as soon as practicable after the end of that first-mentioned financial year, cause to be paid out of the Consolidated Fund into the Industry Assistance Fund such amount, but in any case not more than the total amount of payments that have been made under that

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sub-section into the Consolidated Fund for that first-mentioned financial year, as is the difference between that first-mentioned amount and that second-mentioned amount, for which purpose the Consolidated Fund is, to the extent necessary for the payment, if any, required under this sub-section, appropriated accordingly.

34. BOARD SUBJECT TO TAX, &c.

(1) Subject to sub-section (2), nothing in this or any other Act relieves the Board from the liability to pay Territory taxes, rates and duties in respect of its business and activities that it would have if it were a company incorporated under the *Companies Act*.

(2) Notwithstanding sub-section (1), the Regulations may prescribe a Territory tax, rate or duty as a tax, rate or duty which the Board is not liable to pay and, where such a tax, rate or duty is so prescribed, the Board is not liable accordingly.

PART III - TOTALIZATOR BETTING

35. LAWFUL BETTING ELSEWHERE THAN ON RACECOURSE

A bet on a race that could lawfully be made in the Territory at a racecourse during a race meeting may, notwithstanding any other law to the contrary, be made through the Board at an office or agency as provided by this Act, whether or not a race meeting is being conducted at a racecourse in the Territory on the day the bet is made.

36. ACCEPTANCE OF BETS

(1) The Board shall not accept a bet except at an office or agency and in accordance with this Act.

(2) The Board shall not accept a bet from a person unless -

- (a) the amount of the bet is deposited in cash at an office or agency at the time of making the bet;
- (b) the amount of the bet is received at an office or agency with a letter from the person setting out the bet;
- (c) the bet is made by telegram from the person received at an office or agency and payment of the amount of the bet is arranged by that telegram; or

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(d) the bet is made by letter, telegram or telephone message to, or personally at, an office or agency by the person and payment of the amount of the bet is authorized to be made from a credit account that -

(i) was established by that person before the commencement of the race meeting at which the race on which the bet is made is run; and

(ii) shows sufficient credit at the time of making the bet to pay the amount of the bet.

(3) The Board shall not accept a bet except in an amount prescribed by the Rules or such greater amount as the Board determines or a multiple of the amount so prescribed or determined.

(4) No dividend shall be payable, nor shall any action, claim or demand be allowed for or in respect of a bet placed, or purporting to have been placed, in contravention of this section.

37. PLACING OF BETS

The Board shall place a bet accepted under this Act by it -

(a) in respect of a race on which it operates its own totalizator - on that totalizator; and

(b) in respect of a race on which it does not operate its own totalizator - on the totalizator in a State or another Territory of the Commonwealth, being the totalizator in respect of which a body conducting totalizator betting in that State or other Territory is, in pursuance of an agreement under section 22 with that body, the agent of the Board.

38. CONDITIONS RELATING TO BETTING THROUGH BOARD

Subject to this Act, the Board may determine -

(a) the arrangements for distributing amounts as dividends on bets made by letter or telegram;

(b) the closing times and other conditions for the acceptance of bets at offices and agencies;

(c) the method of identification of persons offering to make bets;

(d) the manner of acknowledging bets;

(e) the manner of recording bets made; and

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- (f) the period for which its records or other documentation relating to bets shall be retained and the form in which those records or other documentation shall be so retained.

39. CREDIT ACCOUNTS

(1) A person may, as the Board determines, establish a credit account with the Board by depositing with the Board an amount not less than the amount determined for the purposes of this section by the Board and may, as the Board determines, deposit further moneys in, or credit amounts as dividends in respect of bets won by him to, the account.

(2) Where no bets are made through the Board by a person from his credit account for a period of not less than 6 months, the Board may, as it thinks fit, pay the amount of money standing to his credit in that account into the Dividend Equalization Account, but where, after that payment, that person directs the Board to -

- (a) re-establish his credit account by paying into that credit account; or
- (b) refund to him,

the moneys the subject of that payment, the Board shall, accordingly, comply with that direction by making the appropriate payment out of the Dividend Equalization Account.

40. PAYMENT OF DIVIDENDS

(1) The Board shall, as soon as practicable after the conclusion of each race on which totalizator betting facilities are conducted or provided by it, pay in accordance with this section dividends on each bet placed by it in respect of which a dividend is payable.

(2) For the purposes of sub-section (1) -

(a) a bet is a bet in respect of which a dividend is payable -

(i) in a case where bets are on a totalizator operated by the Board - if the bet is declared, in accordance with the resolution of the Board applicable in relation to the class of bets in which the bet is included, to be a bet in respect of which a dividend is payable; and

(ii) in a case where bets are placed by the Board on a totalizator other than a totalizator operated by it - if the bet is declared by the totalizator on which the bets were made to be a bet in respect of which a dividend is payable;

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- (b) the amount of a dividend payable is -
 - (i) in the case of a bet referred to in paragraph (a)(i) - the amount declared, in accordance with the resolution of the Board that is applicable to the race on which the bets were placed and to the class of bets in which that bet is included, to be the dividend for that bet; and
 - (ii) in the case of a bet referred to in paragraph (a)(ii) - the amount declared by the totalizator on which the bets were placed to be the dividend for that bet; and
- (c) a reference to a bet in respect of which a dividend is payable shall be read as including a bet in respect of which a refund is payable in accordance with the resolution of the Board that is applicable to the race on which the bet was placed and the class of bets in which that bet is included or is payable by the totalizator on which the bet was placed, as the case may be.

(3) The minimum amount to be paid by the Board as a dividend in respect of a bet placed by the Board on a race, other than a race in which 2 or more runners were each placed first, second or third, is the amount prescribed by the Rules for the purposes of this subsection or such other greater amount, if any, determined by the Board to be paid for the purposes of this subsection.

(4) The Board is not liable to pay an amount as a dividend in respect of a bet on a race remaining unclaimed after the expiration of 6 months commencing on the first day on which the office or agency at which the bet was made was open for business after the day of the race.

41. PROVISIONS APPLICABLE WHERE NO WINNING BETS

Where the bets on a race placed by the Board on its own totalizator do not include a bet on the winner of the race or on a winning combination on the race, the amount that would, if one or more bets had been placed on the winner of the race or on the winning combination on the race, as the case may be, have been available for distribution as dividends in accordance with the resolution of the Board that is applicable to the race and the class of bets accepted for the race shall, if the resolution so provides, form part of the amount available for distribution as dividends on other bets, whether on the same race or another race, in respect of which dividends are payable or, if the resolution so provides, shall be credited to the Dividend Equalization Account.

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42. DIVIDEND EQUALIZATION ACCOUNT

(1) The Board shall keep an account, to be called the Dividend Equalization Account, and shall set aside in that account amounts -

- (a) which, in accordance with resolutions of the Board, are to be credited to that account;
- (b) to be paid under section 39(2) into that account; or
- (c) as unclaimed dividends that, by reason of section 40(4), the Board is not liable to distribute.

(2) There shall be debited against the Dividend Equalization Account any amounts which -

- (a) it is required under section 39(2) to pay out of the account; or
- (b) in accordance with section 40(3) or in accordance with the appropriate resolution of the Board, are included in dividends paid by the Board on bets in respect of which dividends are payable at amounts higher than the amounts at which they would, but for that section or that resolution, have been payable.

PART IV - OTHER ACTIVITIES OF BOARD

43. TOTALIZATOR BETTING ON EVENTS, &c., OTHER THAN RACES AT RACE MEETING

(1) The Board may, with the approval of the Minister and subject to such conditions, if any, as the Minister thinks fit, conduct totalizator betting upon an event or contingency, including a sporting event within the meaning of the *Racing and Betting Act*, scheduled for decision within or outside the Commonwealth otherwise than at a race meeting at a racecourse.

(2) All bets made with the Board in respect of an event or contingency referred to in sub-section (1) shall be -

- (a) held and accounted for separately from other money coming into the custody or under the control of the Board;
- (b) placed in a totalizator conducted in respect of that event or contingency by the Board; and
- (c) available for distribution in the manner prescribed by the Regulations or, where the manner of distribution is not prescribed, in accordance with the directions of the Minister.

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44. REGULATIONS MAY PRESCRIBE BETTING OTHER THAN TOTALIZATOR BETTING

- (1) The Regulations may prescribe -
 - (a) types of betting other than totalizator betting which the Board may conduct;
 - (b) the events or contingencies upon which types of betting so prescribed may be conducted; and
 - (c) the manner in which bets made with the Board in respect of a type of betting so prescribed shall be held and accounted for, and available for distribution by, the Board.
- (2) Subject to regulations made in pursuance of sub-section (1), the Board may make rules for and in relation to the conduct of betting pursuant to this section.

45. BOARD MAY ACT AS AGENT IN CERTAIN CIRCUMSTANCES

The Board may, with the approval of the Treasurer, and subject to such conditions, if any, as the Treasurer thinks fit, make arrangements whereby offices and agencies act as agents for the collection of moneys for purposes other than betting.

PART V - OFFENCES

46. OFFENCES IN RELATION TO CONDUCT OF OFFICES AND AGENCIES

(1) A person who, having the management or control of an office or agency, authorizes, permits or suffers the office or agency to be constituted or used, or an act or thing to be done or omitted to be done, on or in relation to the office or agency, in contravention of or failure of compliance with this Act is guilty of an offence.

(2) A person who, having the management or control of, or employed in or acting in any capacity in connection with, an office or agency, accepts from a person a bet which is prohibited by or does not conform to this Act is guilty of an offence.

(3) A person who, not being a person -

(a) having the lawful management or control of; or

(b) employed in or acting in any capacity in connection with,

an office or agency, sells or offers to sell a ticket purporting to be, or being, a totalizator ticket is guilty of an offence.

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(4) A person who purchases a ticket purporting to be, or being, a totalizator ticket from a person not authorized under this Act to sell it is guilty of an offence.

Penalty for an offence against this section: \$500 or imprisonment for 6 months.

47. PENALTY FOR UNLAWFULLY ACTING AS TOTALIZATOR EMPLOYEE, &c.

A person, not being a person -

- (a) having the lawful management or control of; or
- (b) employed in or acting in any capacity in connection with,

an office or agency acting in the course of his duty as such, who, for fee, commission, reward, share or interest of any kind, or on an understanding or agreement whether expressed or implied for such fee, commission, reward, share or interest receives from another person money for the purpose of depositing or betting with that money on a totalizator is guilty of an offence.

Penalty: For a first offence - \$500 or imprisonment for 6 months.

For a second or subsequent offence - \$1,000 or imprisonment for 12 months.

48. OFFENCES BY TOTALIZATOR EMPLOYEES, &c.

A person -

- (a) having the management or control of; or
- (b) employed in or acting in any capacity in connection with,

an office or agency, shall not knowingly -

- (c) accept a bet, or permit or suffer a bet to be accepted, at a time other than the time determined by the Board for the acceptance of the bet;
- (d) accept a bet from, or pay money or deliver a totalizator ticket to, a person who has not attained the age of 18 years;
- (e) accept a bet from, or pay money or deliver a totalizator ticket to, a person apparently under the influence of liquor;
- (f) authorize, or permit or suffer, a payment, otherwise than in accordance with this Act, of a dividend, or of a refund, in respect of a bet made under this Act; or

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- (g) permit a person apparently under the influence of liquor to enter or remain on the office or agency while it is open for the lodging and receiving of bets.

Penalty: For a first offence - \$500.

For a second or subsequent offence - \$500
or imprisonment for 6 months.

49. OFFENCES BY UNDER-AGE PERSONS

A person who has not attained the age of 18 years shall not -

- (a) make a bet; or
- (b) cause another person to make a bet for him, at an office or agency.

Penalty: For a first offence - \$100.

For a second or subsequent offence - \$500.

50. CERTAIN OFFENCES

A person shall not knowingly -

- (a) take liquor or a noxious substance into an office or agency; or
- (b) make a bet at an office or agency for a person who has not attained the age of 18 years or for a person prohibited under this Act from entering an office or agency.

Penalty: For a first offence - \$500.

For a second or subsequent offence - \$500
or imprisonment for 6 months.

51. REMOVAL OF PERSONS FROM OFFICES AND AGENCIES

(1) The person for the time being in charge of an office or agency may -

- (a) at any time request a person who is on the office or agency and who, in the opinion of the person so in charge, has since entering the office or agency committed, or is committing, an offence against this Act or has failed to comply with, or has acted in contravention of, this Act, or who is under the influence of liquor or who is behaving in a disorderly manner, to leave the office or agency; and

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- (b) use all reasonable and necessary force to eject from the office or agency a person who, having been so requested to leave, neglects or refuses forthwith to do so.

(2) A member of the Police Force, at the request of the person for the time being in charge of an office or agency, shall eject or assist in ejecting from the office or agency a person who, having been requested by the person so in charge, acting under sub-section (1), to leave, neglects or refuses forthwith to do so.

(3) A person who has left an office or agency pursuant to a request under this section, or who has been removed under this section from the office or agency, shall not, during the day on which he so left or was removed, re-enter the office or agency or be on another office or agency.

Penalty: \$500 or imprisonment for 6 months.

52. PROHIBITION ON CONDUCT OF TOTALIZATOR BETTING EXCEPT BY BOARD, &c.

A person, other than a person -

- (a) having the lawful management or control of; or
- (b) employed in or acting in any capacity in connection with,

an office or agency acting in his capacity as such, shall not -

- (c) conduct; or
- (d) authorize, permit or suffer to be conducted,

totalizator betting.

Penalty: For a first offence - \$500.

For a second or subsequent offence - \$500 or imprisonment for 6 months.

53. HINDERING AUTHORIZED PERSONS

(1) For the purposes of this section, "authorized person" means -

- (a) a totalizator inspector;
- (b) a person for the time being in charge of an office or agency; or
- (c) a member of the Police Force.

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(2) A person who hinders, or attempts to hinder, an authorized person in the exercise of his powers or the performance of his functions under this Act, or who is required under this Act to give information, books, documents or papers which the authorized person requests but fails or refuses to give that information or those books, documents or papers, is guilty of an offence.

Penalty: \$500.

54. OFFENCES GENERALLY

(1) A person shall not contravene or fail to comply with this Act.

(2) A person who contravenes or fails to comply with a provision of this Act for which a penalty is not provided by this Act other than this section, is punishable upon conviction by a fine of \$500 or imprisonment for 6 months.

55. INSTITUTION OF PROCEEDINGS

(1) Proceedings for an offence against this Act shall -

(a) be dealt with summarily; and

(b) not be commenced without the consent of the Board.

(2) Consent under sub-section (1)(b) may be proved by the production of a notice -

(a) in the form prescribed by the Rules; and

(b) purporting to be signed by the Chairman.

(3) Notwithstanding any other law in force in the Territory, a proceeding for an offence against this Act may be instituted within 3 years after the act or omission alleged to constitute the offence.

56. REGULATORY OFFENCES

An offence of contravening or failing to comply with section 46(1), (2), (3), 47, 49, 51(3), 52 or 53 is a regulatory offence.

PART VI - MISCELLANEOUS

57. COMMISSIONER OF POLICE TO MAKE INQUIRIES ON BEHALF OF BOARD

The Board may request the Commissioner, within the meaning of the *Police Administration Act*, to cause to be made such inquiries with respect to an application by a person for appointment as an agent of the Board as are

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specified in the request and, where the Commissioner receives such a request, he shall, as soon as practicable after receiving the request, cause those inquiries to be made and submit to the Board a report on the result of those inquiries.

58. ADVERTISING

The Board may allow advertising on offices and agencies and on stationery or other matter used by it in connection with its business, on such terms and conditions, including terms and conditions relating to payment for advertising, as it thinks fit.

59. TOTALIZATOR INSPECTORS

- (1) A totalizator inspector may inspect -
 - (a) offices and agencies;
 - (b) totalizators on racecourses from which bets are transmitted by the Board; and
 - (c) totalizators on racecourses from which bets are transmitted to the Board,

to ensure that they are being conducted in accordance with this Act.

(2) In the performance of his duties under this Act, a totalizator inspector has power to -

- (a) enter at any time an office or agency or a building containing a totalizator;
- (b) examine the machinery, parts and working of a totalizator; and
- (c) demand any information from a person employed by, or as an agent of, the Board, a person employed by an agent of the Board or a person having the management or control of a totalizator, or require the production of such books, papers or documents, as the inspector thinks necessary for the purpose of the inspection.

(3) A totalizator inspector who examines the machinery, parts or working of a totalizator shall not interfere with the operation of the totalizator during his examination.

(4) A totalizator inspector shall not remain in or on any premises if, on request by the occupier or person in charge of the premises, he does not produce his identity card.

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(5) A totalizator inspector may, at any time during the conduct of a race meeting at a racecourse in the Territory at which a totalizator is used, enter the racecourse without charge for the purpose of performing his duties under this section.

60. PROTECTION OF CHAIRMAN, &c.

No action or proceeding, civil or criminal, shall lie against -

- (a) the Chairman;
- (b) a member;
- (c) the General Manager;
- (d) a deputy;
- (e) a person having the management or control of, or being employed or acting in any capacity in connection with, an office or agency;
- (f) a totalizator inspector; or
- (g) a member of the Police Force,

for or in respect of an act or thing done or omitted to be done under this Act in good faith by him.

61. DELEGATION BY MINISTER

(1) The Minister may, by instrument in writing, delegate to a person any of his powers and functions under this Act, other than this power of delegation.

(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Minister.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Minister.

62. DETERMINATIONS AND RESOLUTIONS OF BOARD

(1) A copy of a determination under section 25, 36(3), 38 (other than section 38(f)) or 39 and of a resolution of the Board referred to in section 40(2), shall be exhibited in every office or agency in a conspicuous place in a part of the office or agency to which members of the public have access.

(2) The production of a document under the common seal of the Board purporting to be a copy of a determination or of a resolution of the Board is, in any proceedings, sufficient evidence of the determination or of the resolution.

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PART VII - RULES AND REGULATIONS

63. RULES

The Board may make rules -

- (a) providing for the establishment, maintenance, conduct and operation of offices and agencies and generally regulating and controlling the lodging and receipt of bets to be transmitted to a totalizator and bets with the Board at offices and agencies and totalizator pools conducted by the Board and further providing for the establishment of totalizator pools by the Board and the mode of conducting and operating such pools by the Board;
- (b) providing for the receiving at offices and agencies of bets in respect of races conducted on racecourses within the Territory and bets in respect of races conducted on racecourses outside the Territory, and the manner in which bets shall be made and the times at which and conditions upon or subject to which the bets shall be made and received;
- (c) controlling the admission of persons to offices and agencies and excluding from those offices and agencies a person or a specified class of persons, either absolutely or subject to such conditions as are prescribed in the Rules, and providing that a person who commits a breach of the Rules made under this paragraph may be removed under section 51 from an office or agency by a person empowered by that section to so remove him;
- (d) providing for the payment at or from offices and agencies of dividends payable in respect of bets made on a totalizator through the Board and bets made with the Board, and the times at which and the manner in which the dividends shall be paid;
- (e) providing for the custody of its property and the form and use of its common seal;
- (f) prescribing the duties of its employees and agents;
- (g) defining the functions and powers of the Board and the powers of members additional to those expressly mentioned in this Act;
- (h) for and in relation to the conduct of totalizator betting pursuant to section 43;

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- (j) prescribing penalties not exceeding \$500 or imprisonment for 6 months for offences against the Rules; and
- (k) for such other purposes as it thinks necessary or expedient for the operation of this Act or for exercising the powers and performing the functions of the Board.

64. REGULATIONS

(1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters -

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of sub-section (1), the Regulations may prescribe penalties not exceeding \$500 or imprisonment for 6 months for offences against the Regulations.
