



Australian Capital Territory

Bookmakers Act 1985

A1985-43

Republication No 2B

Effective: 14 October 1994 – 13 November 1994

Republication date: 10 August 2006

Last amendment made by A1994-53

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Bookmakers Act 1985* effective from 14 October 1994 to 13 November 1994.

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Australian Capital Territory

BOOKMAKERS ACT 1985

As at 14 October 1994

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Australian Capital Territory

BOOKMAKERS ACT 1985

An Act to provide for the licensing of bookmakers, to impose fees payable by bookmakers, and for other purposes

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Bookmakers Act 1985*.¹

Commencement

2.¹ (1) This section and section 1 shall come into operation on the day on which this Act is notified in the *Gazette*.

(2) Section 3, Divisions 1 and 2 of Part II, and Parts III and V (other than sections 29, 30, 31, 33 and 47) shall come into operation on such date as is, or such dates as respectively are, fixed by the Minister of State for Territories by notice in the *Gazette*.

(3) The remaining provisions of this Act shall come into operation on 1 October 1985.

Interpretation

3. In this Act, unless the contrary intention appears—

“bet” means any stake, pledge or wager in money between a backer and a bookmaker upon any event or contingency relating to—

- (a) a race; or

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(b) a sports betting event;

“bookmaker” means a person who—

(a) carries on the business of, or acts as, a bookmaker; or

(b) makes or endeavours to make his or her living wholly or partly by taking bets;

“bookmaker’s agent’s licence” means a licence granted under section 36;

“Committee” means the Bookmakers Licensing Committee established by section 6;

“company” means a company incorporated, or taken to be incorporated, under the Corporations Law;

“corresponding law” means a law of a State or another Territory imposing a tax on bookmakers’ turnover;

“determined fee” means the fee determined by the Minister under paragraph 55 (1) (a) for the purposes of the provision in which the expression occurs;

“determined percentage”, in relation to a fee, means the percentage of the fee determined by the Minister under paragraph 55 (1) (b);

“determined period”, in relation to the payment of a fee, means the period determined by the Minister under paragraph 55 (1) (c) within which the fee is payable;

“inspector” means an inspector appointed under section 5;

“licensing body” means—

(a) the Australian Capital Territory Racing Club;

(b) the Canberra Trotting Club; and

(c) the Canberra Greyhound Racing Club,

each of which is a body incorporated under the *Associations Incorporation Act 1953*; and

(d) any other racing association or club specified for the purposes of this definition by the Minister by notice in the *Gazette*.

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- “member” means a member of the Committee;
- “race” means a horse race, whether by way of galloping, pacing or trotting, or a dog race;
- “racing club” means a body formed for promoting or controlling horse or dog racing or for holding race meetings;
- “racecourse” means land on which a race meeting is held;
- “race meeting” means a meeting held to conduct races;
- “Register” means the Register of Bookmakers established in pursuance of section 5A;
- “Registrar” means the Registrar of Bookmakers appointed under section 4;
- “security guarantee”, in relation to the suitability requirements governing the exercise of the Committee’s powers in respect of a sports betting licence, a sports betting agent’s licence, or an applicant for either such licence, means a document or documents satisfying the Committee on reasonable grounds that the licensee or applicant has the capacity to cover reasonable losses resulting from sports betting;
- “sports bet” means a bet between a backer and a bookmaker upon any event or contingency relating to a sports betting event;
- “sports betting agent’s licence” means a licence granted under section 39T;
- “Sports Betting Disputes Subcommittee” means the Committee as constituted under section 39ZC;
- “sports betting event” means an event determined by the Minister under subsection 39A (1);
- “sports betting licence” means a licence granted under section 39G;
- “sports betting venue” means a place determined by the Minister under subsection 39B (1);
- “standing licence” means a licence granted under section 25;
- “suitability requirements”, in relation to a person, means requirements that the person should—

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- (a) have a reputation for sound business conduct;
- (b) have a reputation for sound character;
- (c) not have been associated, and not have entered into any business or financial arrangements, with any person who does not have a reputation for sound business conduct and sound character;
- (d) not have been found guilty of an offence against this Act or the regulations, or an offence against a corresponding law;
- (e) not have failed to pay an amount due under this Act, in accordance with this Act;
- (f) within the period of 5 years immediately preceding the date on which the suitability requirements are being applied, not have been found guilty in Australia of an offence punishable by imprisonment for 12 months or more;
- (g) not have been found guilty in Australia of an offence relating to betting upon any event or contingency relating to a race; and
- (h) have provided a security guarantee;

“syndicate” means a group of 2 or more bookmakers;

“Tribunal” means the Australian Capital Territory Administrative Appeals Tribunal.

PART II—ADMINISTRATION

Division 1—General

Registrar and Acting Registrar

4. (1) There shall be a Registrar of Bookmakers who shall be appointed by the Minister.

(2) The Minister may appoint a person to act as the Registrar—

- (a) during a vacancy in the office of the Registrar, whether or not an appointment has previously been made to the office; or

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- (b) during any period, or during all periods, when a person appointed as the Registrar is absent from duty or from the Territory or is, for any other reason, unable to perform the functions of his or her office,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

(3) An appointment of a person under subsection (2) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

(4) The Minister may at any time terminate the appointment of a person appointed under subsection (2).

(5) Where a person is acting as the Registrar in accordance with paragraph (2) (b) and the office of the Registrar becomes vacant while that person is so acting, then, subject to subsection (3), that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

(6) The appointment of a person to act as the Registrar ceases to have effect if the person resigns his or her appointment by writing signed by the person and delivered to the Minister.

(7) While a person is acting as the Registrar, the person has, and may exercise, all the powers, and shall perform all the functions, of the Registrar under this Act.

(8) The validity of anything done by a person purporting to act under subsection (2) shall not be called in question on the ground that the occasion for his or her appointment had not arisen, that there is a defect or irregularity in, or in connection with, his or her appointment, that the appointment had ceased to have effect or that the occasion for the person to act had not arisen or had ceased.

(9) The Minister shall cause to be issued to a person appointed under this section an identity card that specifies the name and appointment of the person and to which is attached a recent photograph of the person.

(10) A person who was appointed under this section shall, upon ceasing to be a Registrar, or to act as Registrar, as the case requires, return to the Minister the identity card issued to him or her under subsection (9).

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(11) A person shall not, without reasonable excuse, fail to comply with the requirements of subsection (10).

Penalty: \$100.

Inspectors

5. (1) The Minister may, by instrument in writing, appoint persons to be inspectors for the purposes of this Act.

(2) An inspector shall, subject to this Act, perform such duties for the purposes of this Act as the Registrar directs.

(3) The Minister shall cause to be issued to each person appointed under this section an identity card that specifies the name and appointment of the person and to which is attached a recent photograph of the person.

(4) A person who was appointed under this section shall, upon ceasing to be an inspector, return to the Minister the identity card issued to him or her under subsection (3).

(5) A person shall not, without reasonable excuse, fail to comply with the requirements of subsection (4).

Penalty: \$100.

Register of Bookmakers

5A. The Registrar shall establish and maintain a register called “The Register of Bookmakers”.

Division 2—Bookmakers Licensing Committee

Establishment

6. There is established by this Act a committee by the name of the Bookmakers Licensing Committee.

Functions

7. The functions of the Committee are—

- (a) to consider and determine applications and other matters relating to licences under this Act; and
- (b) constituted as the Sports Betting Disputes Subcommittee—to consider and determine applications for the review of directions of the Registrar under section 39ZG.

Powers

8. The Committee has power to do all things necessarily incidental to the performance of its functions.

Membership

9. (1) The Committee shall consist of 7 part-time members appointed by the Minister, of whom—

- (a) 3 shall be nominees of the Minister;
- (b) one shall be nominated by the Australian Capital Territory Racing Club, being a body incorporated under the *Associations Incorporation Act 1953*;
- (c) one shall be nominated by the Canberra Trotting Club, being a body incorporated under the *Associations Incorporation Act 1953*;
- (d) one shall be nominated by the Canberra Greyhound Racing Club, being a body incorporated under the *Associations Incorporation Act 1953*; and
- (e) one shall be nominated by the A.C.T. Bookmakers Association, being a body incorporated under the *Associations Incorporation Act 1953*.

(2) Subject to this Act, a member—

- (a) holds office for such a period, not exceeding 3 years, as is specified in the instrument of his or her appointment; and
- (b) is eligible for re-appointment.

Chairperson

10. The Minister shall appoint 1 of the members he or she appointed under paragraph 9 (1) (a) as Chairperson of the Committee.

Resignation of member

11. A member may resign his or her office by writing signed by the member and delivered to the Minister.

Termination of appointment

12. (1) The Minister may terminate the appointment of a member (other than a public servant) for misbehaviour or physical or mental incapacity.

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- (2) If a member (other than a public servant)—
- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
 - (b) is absent, except on leave granted by the Minister, from 3 consecutive meetings of the Committee; or
 - (c) is convicted in Australia of an offence punishable on conviction by imprisonment for one year or more,

the Minister shall terminate the appointment of the member.

Acting member

13. (1) The Minister may, in writing, appoint a person to act as a member—

- (a) during a vacancy in the office of a member, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when a person appointed as a member is unable to attend a meeting of the Committee, is absent from the Territory or is, for any other reason, unable to perform the duties of his or her office,

but a person appointed to act during the vacancy shall not continue so to act for more than 12 months.

(2) A person shall not be appointed to act as a member referred to in paragraph 9 (1) (b), (c), (d) or (e) in pursuance of this section unless the person has been nominated by the body by whom the member in whose place the person is to act was nominated.

(3) Anything done by, or in relation to, a person purporting to act under this section is not invalid on the ground that—

- (a) the occasion for the person's appointment had not arisen;
- (b) there is a defect or irregularity in connection with the person's appointment;
- (c) the person's appointment has ceased to have effect; or
- (d) the occasion for the action had not arisen.

Meetings

14. The Committee shall hold such meeting as are necessary for the performance of its functions.

(2) The Chairperson may, at any time by notice in writing to the other members, convene a meeting of the Committee at the time and place specified in the notice.

(3) The Chairperson shall preside at all meetings of the Committee at which he or she is present.

(4) At a meeting of the Committee, a quorum is constituted by 5 members, 1 of whom shall be the Chairperson.

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

(6) On a question arising at a meeting of the Committee, the Chairperson has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

Disclosure of pecuniary interest

15. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Committee shall, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the member's interest at a meeting of the Committee.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Committee and the member shall not, unless the Minister or the Committee otherwise determines—

- (a)** be present during any deliberations of the Committee with respect to that matter; or
- (b)** take part in any decision of the Committee with respect to that matter.

(3) For the purpose of the making of a determination by the Committee under subsection (2) in relation to a member who has made a disclosure under subsection (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not—

- (a)** be present during any deliberation of the Committee for the purpose of making the determination; or

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(b) take part in the making by the Committee of the determination.

(4) A member referred to in paragraph 9 (1) (e) shall not be regarded as having a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Committee by reason only of the fact that the member carries on business as a bookmaker.

(5) Where a member fails, without reasonable excuse, to comply with the requirements of this section, the Minister shall terminate the appointment of the member.

Protection of members

16. A member has, in the performance of the duties of a member, the same protection and immunity as a Judge of the Supreme Court.

Remuneration and allowances

17. (1) A member shall be paid such remuneration and allowances as are prescribed.

(2) Subsection (1) does not apply in relation to—

- (a) remuneration if there is a subsisting determination relating to the remuneration to be paid to a member; or
- (b) an allowance of a particular kind if there is a subsisting determination relating to an allowance of that kind to be paid to a member.

(3) In subsection (2), “determination” means a determination of the Remuneration Tribunal.

Division 3—Powers of entry and search

Powers of entry—betting venues

18. (1) The Registrar or an inspector may, at any time during which a betting event is being conducted, with such assistance as is necessary and reasonable, enter the betting venue, without charge, for the purposes of ensuring that this Act and the regulations are being complied with.

(2) Where the Registrar or an inspector enters a betting venue in accordance with subsection (1), the Registrar or inspector may—

- (a) inspect any books, documents or records, whether in the custody of a bookmaker or otherwise, which the Registrar or inspector has

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reasonable grounds for believing are, or have been, used by a bookmaker for the purposes of betting;

- (b) require a person who is apparently a bookmaker, a bookmaker's clerk or otherwise an employee of a bookmaker to furnish information relating to any books, documents or records referred to in paragraph (a);
- (c) take extracts from or, for the purpose of making copies, remove, any books, documents or records referred to in paragraph (a); and
- (d) require the person having custody of the books, documents or records to supply his or her name and address.

(3) In this section—

“betting event” means—

- (a) a race meeting at a racecourse; or
- (b) a sports betting event;

“betting venue” means—

- (a) in relation to a race meeting at a racecourse—the racecourse; or
- (b) in relation to a sports betting event—the corresponding sports betting venue;

“bookmaker” includes—

- (a) a syndicate which holds a sports betting licence;
- (b) a company which holds a sports betting licence; and
- (c) each director of such a company.

Powers of entry etc.—non-residential premises

19. (1) The Registrar or an inspector may, at any reasonable hour of the day or night with such assistance as is necessary and reasonable, enter upon or into any premises (other than residential premises) used by a bookmaker for bookmaking for the purpose of ensuring that the provisions of this Act or the regulations are being complied with.

(2) Where the Registrar or an inspector enters upon or into premises in pursuance of subsection (1) the Registrar or inspector is not authorised to remain on the premises if, on request by or on behalf of the occupier or

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person apparently in charge of the premises, the Registrar or inspector does not produce a certificate issued to the Registrar or inspector under subsection 4 (9) or 5 (3), as the case requires.

(3) Where the Registrar or an inspector enters upon or into premises in accordance with subsection (1), the Registrar or inspector may—

- (a) inspect any books, documents or records relating to the recording of bets or otherwise to the business of bookmaking;
- (b) make copies of, or take extracts from, any books, documents or records referred to in paragraph (a);
- (c) require any person on the premises to furnish information relating to bookmaking or to any books, documents or records referred to in paragraph (a); and
- (d) require a person apparently in charge of the premises to supply his or her name and address.

(4) The occupier or person in charge of premises upon or into which the Registrar or an inspector has entered in pursuance of subsection (1) shall provide the Registrar or inspector with all reasonable facilities and assistance for the effective exercise of his or her powers under this section.

Powers of entry etc.—premises generally

20. Subject to sections 18 and 19, the Registrar or an inspector may enter upon or into any premises and may search for, and exercise all or any of the powers under subsection 19 (3) in relation to any books, documents or records which he or she believes on reasonable grounds to be connected with an offence against this Act that are found on or in those premises if, and only if, the search is made and those powers are exercised—

- (a) in pursuance of a warrant issued under section 21; or
- (b) after obtaining the consent of the occupier or person apparently in charge of the premises.

Search warrants

21. (1) Where an information on oath is laid before a Magistrate alleging that there are reasonable grounds for suspecting that there may be upon or in any premises any books, documents or records connected with a particular offence against a provision of this Act and the information sets out those grounds, the Magistrate may issue a search warrant authorizing the Registrar, or an inspector named in the warrant, with such assistance as

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is necessary and reasonable and by such force as is necessary and reasonable, to enter upon or into those premises, to search those premises and to exercise all or any of his or her powers under subsection 19 (3) in regard to such books, documents or records.

(2) A Magistrate shall not issue a warrant under subsection (1) unless—

- (a) the informant or some other person has given to the Magistrate, either orally or by affidavit, such further information (if any) as the Magistrate requires concerning the grounds on which the issue of the warrant is being sought; and
- (b) the Magistrate is satisfied that there are reasonable grounds for issuing the warrant.

(3) There shall be stated in a warrant issued under this section—

- (a) a statement of the purpose for which the warrant is issued, which shall include a reference to the nature of the offence in relation to which entry, search and exercise of the powers under subsection 19 (3) are authorized;
- (b) whether entry is authorized to be made at any time of the day or night or during specified hours of the day or night; and
- (c) a date, not being later than one month after the date of issue of the warrant, upon which the warrant ceases to have effect.

Consent to entry

22. (1) Before obtaining the consent of a person for the purposes of section 20, the Registrar or an inspector shall inform the person that the person may refuse to give his or her consent.

(2) Where the Registrar or an inspector obtains the consent of a person for the purposes of section 20, the Registrar or inspector, as the case requires, shall ask the person to sign a written acknowledgement—

- (a) of the fact that the person has been informed that he or she may refuse to give his or her consent;
- (b) of the fact that the person has voluntarily given his or her consent; and
- (c) of the day on which, and the time at which, the person gave his or her consent.

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(3) An entry by the Registrar or an inspector by virtue of the consent of a person is not lawful unless the person voluntarily consented to the entry.

(4) Where it is material, in any proceedings, for a court to be satisfied of the voluntary consent of a person for the purposes of section 20 and an acknowledgement in accordance with subsection (2), signed by the person, is not produced in evidence, the court shall assume, unless the contrary is proved, that the person did not voluntarily give such a consent.

Obstruction of Registrar or inspector

23. A person who, without reasonable excuse—

- (a) obstructs or hinders the Registrar or an inspector in the exercise of his or her powers under this Act; or
- (b) fails to comply with a reasonable requirement of the Registrar or an inspector who has entered upon or into any premises in pursuance of this Act,

is guilty of an offence punishable, on conviction, by a fine not exceeding \$1,000 or imprisonment for a term not exceeding 6 months, or both.

PART III—LICENSING OF BOOKMAKERS

Division 1—Standing Licences

Application for standing licence

24. (1) A person who is the holder of a licence, certificate of registration or permit issued by a licensing body, being a licence, certificate or permit authorizing the person to carry on business as a bookmaker at a race meeting of the kind run by that licensing body in the Territory, may apply to the Registrar for a standing licence.

(2) An application under this section shall—

- (a) be in writing, on a form approved by the Registrar;
- (b) specify the kind of race meetings to which the application relates; and
- (c) be accompanied by the determined fee.

Grant of standing licence

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25. (1) On receipt of an application under section 24, together with the determined fee, the Registrar shall, subject to subsection (2), grant a standing licence to the applicant.

(2) Where the Registrar has reasonable grounds for believing that an applicant for a standing licence—

- (a) has been found guilty of an offence against this Act or the regulations or against a corresponding law;
- (b) has, within the period of 5 years immediately preceding the date of the application, been found guilty in Australia of an offence punishable by imprisonment for 12 months or more; or
- (c) has failed to pay, in accordance with this Act, an amount due under this Act,

the Registrar shall refer the application to the Committee.

(3) Where, in respect of an application referred to the Committee under subsection (2), the Committee is satisfied that the applicant—

- (a) has been found guilty of an offence against this Act or the regulations or against a corresponding law;
- (b) has, within the period of 5 years immediately preceding the date of the application, been found guilty in Australia of an offence punishable by imprisonment for 12 months or more; or
- (c) has failed to pay, in accordance with this Act, an amount due under this Act,

the Committee may refuse to grant a standing licence to the applicant.

(4) Where the Registrar refers an application to the Committee, the Registrar shall notify the applicant in writing of the referral and of the applicant's rights under section 34.

(5) Where the Committee refuses to grant a standing licence, the Committee shall notify the applicant in writing of the decision.

Kinds of licence

26. (1) Where the Registrar or the Committee grants a standing licence, the Registrar or the Committee shall—

- (a) specify the kind of race meetings at which the holder of the licence is, by virtue of the licence, entitled to field; and

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(b) specify one kind of race meeting only in respect of each licence.

(2) A bookmaker may hold more than one standing licence at any one time.

Issue of standing licence

27. Where the Registrar or the Committee grants a standing licence to a person, the Registrar shall—

- (a) issue a standing licence to the person; and
- (b) enter the prescribed particulars in the Register.

Duration of standing licence

28. A standing licence remains in force until the 30 June next after the date on which the licence is issued.

Fees for standing licence

29. (1) There is payable to the Territory in respect of a standing licence a fee of an amount equal to the determined percentage of the amount of money paid or promised to the bookmaker as consideration for all bets made with the bookmaker at each race meeting at which the bookmaker fields.

(2) Subject to section 30, the fee referred to in subsection (1) is due and payable within 7 days of the date of the determination of the event or contingency to which the bets relate or, where the bets relate to more than one event or contingency occurring on different days, the date of the determination of the later or latest of the events or contingencies.

(3) For the purposes of subsection (1), the amount of money paid or promised to a bookmaker in respect of a race meeting shall, subject to subsection (4), be determined by reference to the records kept by the bookmaker in respect of the race meeting and furnished to the Registrar in accordance with section 44.

(4) Where, by reason of the loss or destruction of the records referred to in subsection (3), it is not possible to determine an amount of money in accordance with that subsection, the amount shall be determined by the Registrar, having regard to the amount of money paid or promised to the bookmaker as consideration for bets made with the bookmaker in respect of race meetings of the kind to which the lost or destroyed records relate, being race meetings held over the period of 6 months immediately

preceding the date of the race meeting to which the lost or destroyed records relate.

Reconsideration by Registrar

30. (1) Where the Registrar determines an amount under subsection 29 (4)—

- (a) the Registrar shall notify in writing the bookmaker by whom the amount is payable of the amount so determined;
- (b) the amount so determined is payable by the bookmaker within 7 days of receipt of the notification of the amount; and
- (c) the bookmaker may, within 28 days of receipt of the notification of the amount, in writing request the Registrar to reconsider the determination.

(2) The Registrar shall not reconsider a determination in respect of which an application has been made to the Tribunal under section 50.

(3) Where the Registrar has been requested to reconsider a determination, the Registrar shall—

- (a) carry out the reconsideration within 28 days of the receipt by the Registrar of the request; and
- (b) notify in writing the bookmaker who made the request of the result of the reconsideration.

(4) Where on a reconsideration under this section of a determination the amount so determined is reduced, there is payable to the bookmaker an amount equal to the difference between the amount payable under section 29 and the amount payable as a result of the reconsideration.

(5) Where on a reconsideration under this section of a determination the amount so determined is increased, the additional amount payable by virtue of the reconsideration is payable to the Territory within 7 days of receipt by the bookmaker of a notification under paragraph (3) (b).

Penalty for late payment

31. Where a fee payable under section 29 or 30 is not paid on or before the date on which it is due, the amount payable is increased by an amount equal to 10 per cent of that fee.

Signing of licence by bookmaker

32. A person to whom a standing licence is issued shall, as soon as practicable after the person receives the licence, sign the licence in the presence of a prescribed person.

Penalty: \$500.

Suspension and cancellation of standing licences

33. (1) Where the Committee is satisfied that the holder of a standing licence—

- (a) has been found guilty of an offence against this Act or the regulations or against a corresponding law;
- (b) has been found guilty in Australia of an offence punishable by imprisonment for 12 months or more; or
- (c) has failed to pay to the Registrar in accordance with this Act an amount due under this Act,

the Committee may—

- (d) suspend the licence for such period as the Committee determines; or
- (e) cancel the licence.

(1A) Where under this Act the Committee cancels a sports betting licence, or a sports betting agent's licence, held by a standing licensee, or by a syndicate or company of which a standing licensee is a member or director (as the case requires), the Committee may—

- (a) suspend the standing licence for such period as the Committee determines; or
- (b) cancel the standing licence.

(2) Where the Committee suspends or cancels a standing licence—

- (a) the Committee shall notify in writing the person to whom the licence was granted of the suspension or cancellation, as the case requires; and
- (b) the suspension or cancellation has effect on and from the day immediately after the date of the notification.

(3) Where the person is the holder of more than one standing licence, the Committee shall suspend or cancel, as the case requires, all standing licences held by the person.

Representations to Committee

34. Where the Committee is considering—

- (a) an application for a standing licence; or
- (b) the question of the suspension or cancellation of a standing licence,

the bookmaker to whom the application or standing licence relates may—

- (c) make written representations to the Committee with respect to the application, suspension or cancellation; or
- (d) appear in person before the Committee.

Division 2—Bookmaker’s Agent’s Licences

Application for bookmaker’s agent’s licence

35. (1) A bookmaker who is the holder of a standing licence may apply to the Registrar for the issue, in respect of a person nominated by the bookmaker, of a bookmaker’s agent’s licence.

(2) A bookmaker shall not nominate a person for the purposes of this section unless the person is the holder of an approval or authority issued by a licensing body, being an approval or authority authorizing the person to act as a bookmaker in place of the bookmaker making the application at race meetings of the kind conducted by that licensing body during the period to which the application relates.

(3) An application under this section shall—

- (a) be in writing;
- (b) contain the prescribed particulars; and
- (c) be accompanied by a copy of the approval or authority referred to in subsection (2).

(4) Where the bookmaker is unable to make an application under this section, the application may be made by the person authorized by the licensing body to act on behalf of the bookmaker.

Grant of bookmaker’s agent’s licence

36. (1) On the receipt of an application under section 35, the Registrar shall, subject to subsection (2), grant a bookmaker’s agent’s licence to the person nominated in the application.

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(2) The Registrar shall not grant a bookmaker's agent's licence to a person where the Registrar is satisfied that the person—

- (a) has applied for a standing licence and the application has been refused;
- (b) has been the holder of a standing licence that has been cancelled; or
- (c) has been found guilty of an offence against this Act or the regulations or against a corresponding law.

(3) Where the Registrar refuses to grant a bookmaker's agent's licence to a person, the Registrar shall notify in writing the person and the applicant of the refusal.

(4) A bookmaker's agent's licence granted to a person shall specify the kind or kinds of race meetings at which the person may field.

Issue of bookmaker's agent's licences

36A. Where the Registrar grants a bookmaker's agent's licence to a person, the Registrar shall—

- (a) issue a bookmaker's agent's licence to the person; and
- (b) enter the prescribed particulars in the Register.

Duration of licence

37. A bookmaker's agent's licence unless sooner surrendered to the Registrar or cancelled, remains in force for such period, not exceeding 3 months, as is specified in the licence.

Effect of licence

38. While a bookmaker's agent's licence is in force—

- (a) the holder of the licence shall, for the purposes of sections 29, 30 and 31 and Part IV, be deemed to be a bookmaker who is the holder of a standing licence of the kind or kinds specified in the bookmaker's agent's licence; and
- (b) the fees that are, by virtue of paragraph (a), payable in respect of the bookmaker's agent's licence are, if they remain unpaid, recoverable from the bookmaker.

Cancellation of licence

39. Where, while a bookmaker's agent's licence is in force, the standing licence of the bookmaker concerned is suspended or cancelled under section 33, the Registrar shall cancel the bookmaker's agent's licence.

PART IIIA—SPORTS BETTING

Division 1—General

Sports betting events

39A. (1) The Minister may, by instrument, determine a sporting or other event to be a sports betting event for the purposes of this Act.

(2) An instrument under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

Sports betting venues

39B. (1) The Minister may, by instrument, determine a place to be a sports betting venue.

(2) The Minister may, by instrument, determine directions for the operation of a sports betting venue.

(3) A determination under subsection (1) or (2) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

Rules for sports betting

39C. (1) The Minister may, by instrument, determine or vary rules for sports betting.

(2) Rules for sports betting may include rules relating to the following:

- (a) different requirements for different sports betting events;
- (b) minimum bets;
- (c) methods of betting, including arrangements for the use of telecommunications equipment;
- (d) requirements for the giving of security by backers for long-term bets;
- (e) requirements for record-keeping by sports betting licensees;
- (f) audit requirements for sports betting licensees.

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(3) A determination under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

(4) In this section—

“sports betting licensee” includes the holder of a sports betting agent’s licence.

Division 2—Sports betting licences

Number and class of licences

39D. (1) The Minister may, by instrument, determine—

- (a) the maximum number of sports betting licences that may be granted by the Committee; and
- (b) the maximum number of sports betting licences that the Committee may grant to—
 - (i) individual bookmakers;
 - (ii) syndicates; and
 - (iii) companies.

(2) A determination under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

Application

39E. (1) The following persons or bodies may apply for a sports betting licence:

- (a) individual bookmakers who—
 - (i) hold a standing licence; and
 - (ii) do not already hold a sports betting licence or a sports betting agent’s licence;
- (b) syndicates of 2, 3 or 4 bookmakers—
 - (i) who each hold a standing licence; and
 - (ii) none of whom already hold a sports betting licence or a sports betting agent’s licence;
- (c) companies—
 - (i) at least 1 of whose directors holds a standing licence; and

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- (ii) none of whose directors already holds a sports betting licence or a sports betting agent's licence.

(2) An application shall—

- (a) be in writing, on a form supplied by the Registrar, specifying—
 - (i) the period (not exceeding 15 years) for which the licence is applied for; and
 - (ii) in the case of a syndicate applicant—the name and business address of the member of the syndicate to whom notices may be given, and by whom notices may be given, on behalf of the syndicate for the purposes of this Act;
- (b) be made to the Committee; and
- (c) be accompanied by the determined fee.

(3) An applicant for a sports betting licence shall give the Committee any information reasonably requested in writing by the Chairperson.

Suitability

39F. (1) Upon an application under section 39E, the Committee shall decide whether the applicant is suitable for the grant of a sports betting licence.

(2) For the purposes of subsection (1), an applicant is suitable if—

- (a) in the case of an individual applicant—the Committee is satisfied on reasonable grounds that the applicant satisfies the suitability requirements;
- (b) in the case of an applicant syndicate—the Committee is satisfied on reasonable grounds that the syndicate, and each member of the syndicate, satisfy the suitability requirements; and
- (c) in the case of an applicant company—the Committee is satisfied on reasonable grounds that the company, and each director of the company, satisfy the suitability requirements.

(3) If the Committee decides that an applicant is not suitable for the grant of a sports betting licence, the Chairperson shall give written notice of the decision to—

- (a) the applicant; or

- (b) in the case of an applicant syndicate—each member of the syndicate.

Grant of licence

39G. (1) The Committee may grant a sports betting licence to a suitable applicant for a period (not exceeding 15 years) specified in the licence, having regard to any criteria determined by the Minister by instrument.

(2) The Committee shall not grant a sports betting licence if the grant of the licence would cause the number of sports betting licences in force to exceed the maximum determined under paragraph 39D (1) (a) or (b).

(3) If the Committee grants a sports betting licence to an applicant for a period shorter than that applied for under subparagraph 39E (2) (a) (i), the Chairperson shall give written notice to the licensee accordingly.

(4) A determination under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

(5) In this section—

“suitable applicant” means an applicant for a sports betting licence whom the Committee decides under section 39F to be suitable for the grant of such a licence.

Registration of particulars

39H. (1) Where the Committee grants a sports betting licence, the Registrar shall enter in the Register the following particulars about the licence:

- (a) the date on which the licence was granted;
- (b) the period for which the licence is granted;
- (c) the name and business address of the licensee;
- (d) in the case of a syndicate licensee—
 - (i) the name and business address of each member of the syndicate; and
 - (ii) the name of the member specified in the application under subparagraph 39E (2) (a) (ii);

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- (e) in the case of a company licensee—the name and business address of each director, and the secretary, of the company.

(2) Within 14 days after a change in any of the particulars referred to in paragraph (1) (c), (d) or (e), the licensee shall give written notice to the Registrar of the change.

Penalty:

- (a) in the case of a natural person—\$500;
- (b) in the case of a body corporate—\$2,500.

(3) After a syndicate licensee or a company licensee gives notice under subsection (2) of a change of membership of the syndicate, or of the board of directors of the company, upon written notice by the Chairperson the licensee shall, within 28 days after the date of the latter notice, give the Chairperson any further information reasonably required by the Chairperson about the membership, or any new member or director, of the licensee.

Duration

39I. A sports betting licence remains in force for the period specified in the licence, subject to this Part.

Surrender

39J. (1) A sports betting licensee may surrender the licence by written notice to the Chairperson.

(2) The surrender of a sports betting licence takes effect from the date of the notice of surrender, or such later date as is specified in the notice.

Fees

39K. The determined fee for a sports betting licence is payable to the Territory within the determined period.

Syndicates—liability

39L. Each member of a syndicate to which a sports betting licence is granted is jointly and severally liable for any fee payable by the syndicate under section 39K, and in relation to any other obligation of the licensee under this Act.

Syndicates—notices

39M. (1) For the purposes of this Part, notices may be given to a syndicate which holds a sports betting licence by giving notice to the member of the syndicate specified in the Register for that purpose, at the address specified in the Register for that purpose.

(2) For the purposes of this Part, notice may be given to the Registrar, the Chairperson or the Committee on behalf of a syndicate which holds a sports betting licence by the member of the syndicate specified in the Register for that purpose.

Cancellation inquiry

39N. (1) The Committee may hold an inquiry into the possible cancellation of a sports betting licence.

(2) The Chairperson shall give written notice of an inquiry to the licensee, inviting written or personal representations by or on behalf of the licensee within 28 days after the date of the notice.

(3) For the purposes of an inquiry, the affected licensee, or a representative authorised for the purpose by the licensee, may appear before the Committee within the period specified in the notice under subsection (2).

Mandatory cancellation

39P. (1) Following an inquiry under section 39N, the Committee shall cancel a sports betting licence if the Committee considers on reasonable grounds, taking into account any representation made pursuant to the invitation under subsection 39N (2), that any of the conditions referred to in subsection (2) of this section apply.

(2) For the purposes of subsection (1), the conditions for the mandatory cancellation of a sports betting licence are as follows:

- (a) in the case of an individual licensee—the licensee no longer holds a standing licence, or a standing licence held by the licensee has been cancelled or suspended;
- (b) in the case of a syndicate licensee—
 - (i) the syndicate no longer consists of 2, 3 or 4 bookmakers, each of whom has a standing licence;

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- (ii) a standing licence held by a member of the syndicate has been cancelled or suspended;
 - (iii) the membership of the syndicate is changed without notice to the Registrar under subsection 39H (2); or
 - (iv) the syndicate fails to comply with a requirement of the Chairperson under subsection 39H (3);
 - (c) in the case of a company licensee—
 - (i) the company no longer has any director who holds a standing licence;
 - (ii) a standing licence of a director of the company has been cancelled or suspended;
 - (iii) the membership of the board of directors of the company is changed without notice to the Committee under subsection 39H (2); or
 - (iv) the company fails to comply with a requirement of the Committee under subsection 39H (3);
 - (d) the licensee, a member of a syndicate licensee or a director of a company licensee does not satisfy the suitability requirements;
 - (e) a determined fee has not been paid in relation to the licence within the determined period;
 - (f) the licensee, a member of a syndicate licensee or a director of a company licensee has—
 - (i) engaged in sports betting at a place other than a sports betting venue;
 - (ii) contravened a direction under subsection 39B (2); or
 - (iii) contravened a rule under section 39C.
- (3)** Where the Committee cancels a sports betting licence under this section—
- (a) the Chairperson shall give written notice to the licensee of the cancellation; and
 - (b) the cancellation has effect on and from the day immediately after the date of the notice.

Discretionary cancellation

39Q. (1) Following an inquiry under section 39N, the Committee may cancel a sports betting licence, having regard to the considerations referred to in subsection (2), if the licensee—

- (a) has failed to comply with a request of the Registrar under paragraph 39ZE (3) (a) for information about a disputed sports bet; or
- (b) has failed to comply with a direction of the Registrar in relation to a disputed sports bet, as varied by any decision of the Sports Betting Disputes Subcommittee, within the applicable period under subsection 39ZH (2).

(2) For the purposes of subsection (1), the Committee shall have regard to the following considerations in relation to a disputed sports bet:

- (a) any representation made pursuant to the invitation under subsection 39N (2);
- (b) in the case referred to in paragraph (1) (a)—the nature of the information requested, and the reasonableness of the request;
- (c) in the case referred to in paragraph (1) (b)—the merits of the Registrar’s direction, and of any review of that direction by the Subcommittee;
- (d) the amount of the bet, and the amount in dispute;
- (e) the general circumstances of the dispute.

(3) Where the Committee cancels a sports betting licence under this section—

- (a) the Chairperson shall give written notice to the licensee of the cancellation; and
- (b) the cancellation has effect on and from the day immediately after the date of the notice.

Division 3—Sports betting agent’s licences

Interpretation

39R. In this Division—

“agent’s licence” means a sports betting agent’s licence granted under section 39T;

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“head licensee”, in relation to a sports betting agent’s licence, means the sports betting licensee who applies for the issue of the sports betting agent’s licence.

Application

39S. (1) A sports betting licensee may apply for an agent’s licence on behalf of a nominated agent.

(2) An application under this section shall—

- (a) be in writing on a form supplied by the Registrar; and
- (b) be accompanied by the determined fee.

Grant

39T. (1) Upon an application under section 39S, the Committee may grant a sports betting agent’s licence to the person nominated in the application, subject to this section.

(2) The Committee may only grant a sports betting agent’s licence to a person nominated in an application if the agent—

- (a) holds a standing licence; and
- (b) satisfies the suitability requirements.

(3) A licence shall specify the date of its expiry, being the date of expiry of the head licence, or such earlier date as may be applied for.

Notice of refusal

39U. If the Committee refuses an application for an agent’s licence, the Chairperson shall notify the applicant in writing of the decision.

Duration

39V. An agent’s licence remains in force until the expiry date specified on the licence.

Surrender

39W. (1) The holder of an agent’s licence may surrender the licence by written notice to the Chairperson.

(2) The surrender of an agent’s licence takes effect from the date of the notice of surrender, or such later date as is specified in the notice.

Fees

39X. (1) The determined fee for an agent's licence is payable to the Territory within the determined period.

(2) If the determined fee payable under subsection (1) remains unpaid after the expiration of the determined period, the fee is payable to the Territory in relation to the head licence within a further period equal to the determined period.

Cancellation inquiry

39Y. (1) The Committee may hold an inquiry into the possible cancellation of an agent's licence.

(2) The Chairperson shall give written notice of an inquiry to the licensee and to the head licensee inviting written or personal representations by or on behalf of the licensee within 28 days after the date of the notice.

(3) For the purposes of an inquiry, the following persons may appear before the Committee within the period specified in the notice under subsection (2):

- (a) the holder of the agent's licence;
- (b) the head licensee;
- (c) a representative authorised for the purpose by either licensee.

Mandatory cancellation

39Z. (1) Following an inquiry under section 39Y, the Committee shall cancel an agent's licence if the Committee considers on reasonable grounds, taking into account any representation made pursuant to the invitation under subsection 39Y (2), that any of the conditions referred to in subsection (2) of this section apply.

(2) For the purposes of subsection (1), the conditions for the mandatory cancellation of an agent's licence are as follows:

- (a) the licensee no longer holds a standing licence, or a standing licence held by the licensee has been cancelled or suspended;
- (b) the head licence has ceased to be in force;
- (c) the licensee does not satisfy the suitability requirements;

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- (d) the determined fee under subsection 39X (1) has not been paid in relation to the licence within the determined period;
- (e) the licensee has—
 - (i) engaged in sports betting at a place other than a sports betting venue;
 - (ii) contravened a direction under subsection 39B (2); or
 - (iii) contravened a rule under section 39C.
- (3) Where the Committee cancels an agent's licence—
 - (a) the Committee shall give written notice to the licensee of the cancellation; and
 - (b) the cancellation has effect on and from the day immediately after the date of the notice.

Discretionary cancellation

39ZA. (1) Following an inquiry under section 39Y, the Committee may cancel an agent's licence, having regard to the considerations referred to in subsection (2), if the licensee—

- (a) has failed to comply with a request of the Registrar under paragraph 39ZE (3) (a) for information about a disputed sports bet; or
- (b) has failed to comply with a direction of the Registrar in relation to a disputed sports bet, as varied by any decision of the Sports Betting Disputes Subcommittee, within the applicable period under subsection 39ZH (2).

(2) For the purposes of subsection (1), the Committee shall have regard to the following considerations in relation to a disputed sports bet:

- (a) any representation made pursuant to the invitation under subsection 39Y (2);
- (b) in the case referred to in paragraph (1) (a)—the nature of the information requested, and the reasonableness of the request;
- (c) in the case referred to in paragraph (1) (b)—the merits of the Registrar's direction, and of any review of that direction by the Subcommittee;
- (d) the amount of the bet, and the amount in dispute;

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(e) the general circumstances of the dispute.

(3) Where the Committee cancels an agent's licence under this section—

(a) the Chairperson shall give written notice to the licensee of the cancellation; and

(b) the cancellation has effect on and from the day immediately after the date of the notice.

Division 4—Sports betting disputes

Interpretation

39ZB. In this Division—

“Chairperson” means the Chairperson of the Subcommittee;

“direction” means a direction by the Registrar under section 39ZG;

“respondent”, in relation to an application for the review of a direction about a sports bet between a backer and a sports betting licensee, means—

(a) if the backer is the applicant—the licensee; or

(b) if the licensee is the applicant—the backer;

“sports betting licence” includes a sports betting agent's licence;

“Subcommittee” means the Sports Betting Disputes Subcommittee.

Sports Betting Disputes Subcommittee

39ZC. (1) For the purposes of hearing and determining reviews of directions, the Committee shall be constituted under this section as the Sports Betting Disputes Subcommittee.

(2) The Subcommittee shall consist of—

(a) the Chairperson of the Committee; and

(b) 2 other members of the Committee nominated by the Minister by instrument.

(3) The Chairperson of the Subcommittee shall be the Chairperson of the Committee.

Bookmakers Act 1985

(4) An instrument under paragraph (2) (b) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

Referral of disputed claims to Registrar

39ZD. (1) A backer who claims not to have been paid, or to have been underpaid, in relation to a sports bet with a sports betting licensee may refer the claim to the Registrar within 28 days after the completion of the relevant sports betting event.

(2) A referral under subsection (1) shall be in writing on a form supplied by the Registrar.

Notices and information about claims

39ZE. (1) Where a backer refers a claim about a disputed sports bet to the Registrar under section 39ZD, upon written notice from the Registrar the backer shall, within a specified period no shorter than 14 days after the date of the notice, give the Registrar any information about the claim reasonably requested in the notice.

(2) The Registrar shall give written notice of a referral under section 39ZD of a claim about a disputed sports bet to the licensee with whom the bet was made.

(3) Within a specified period no shorter than 14 days after the date of a notice under subsection (2), the licensee, or a person authorised on behalf of the licensee—

- (a) shall give the Registrar any information about the claim reasonably requested by the Registrar in the notice; and
- (b) may make a written representation to the Registrar about the claim.

(4) If a notice under subsection (2) includes a request by the Registrar for information from the licensee, the notice shall include a statement to the effect that the licence may be cancelled if the licensee fails to comply with the request within the period specified in the notice.

Rejection of referral

39ZF. (1) If a backer refers a claim to the Registrar more than 28 days after the completion of the relevant sports betting event, the Registrar shall reject the referral by notice in writing to the backer stating the reason for rejection.

(2) If a backer fails to supply any information reasonably requested in a notice under subsection 39ZE (1) to the Registrar within 14 days after the date of the notice, the Registrar shall reject the referral by notice in writing to the backer stating the reason for rejection.

Registrar's directions

39ZG. (1) Upon referral under section 39ZD of a claim about a disputed sports bet between a backer and a licensee, the Registrar shall issue a direction under this section within 14 days after—

- (a) if a notice is given to the backer under subsection 39ZE (1)—the expiry of the period specified in the notice; or
- (b) the expiry of the period specified under subsection 39ZE (3) in the notice given to the affected licensee;

whichever is later.

(2) A direction shall be in writing stating any amount which the backer is owed, in the opinion of the Registrar based on reasonable grounds, having regard to any information provided by the backer or the licensee, and to any representation made by or on behalf of the licensee.

(3) The Registrar shall give the backer and licensee written notice of a direction, including—

- (a) a copy of the direction;
- (b) a statement of the reasons for the direction; and
- (c) a statement to the effect that he or she may apply to the Subcommittee for a review of the direction within 28 days after the date of the notice.

Effect of directions

39ZH. (1) A direction about a dispute between a backer and a sports betting licensee (as varied by any decision of the Subcommittee on a review of the direction) has the effect only of providing grounds for the cancellation of the licence in the event that the licensee should fail to comply with the direction within the applicable period under subsection (2).

(2) For the purposes of paragraph 39Q (1) (b) or 39ZA (1) (b), the period for compliance with a direction commences on the date of the notice

of the direction to the licensee under subsection 39ZG (3) and expires on the later of the following days:

- (a) the day immediately following the expiration of the following 28-day period;
- (b) if the backer or the licensee applies to the Subcommittee for a review of the direction—the day immediately following the expiration of the 28-day period after the date of the notice to the applicant of the decision on the review.

Application for review by Subcommittee

39ZI. (1) Within 28 days after the date of notice under subsection 39ZG (3) to a sports betting licensee or a backer of a direction, the licensee or backer may apply to the Subcommittee for a review of the direction.

(2) An application under subsection (1) shall be in writing on a form supplied by the Registrar.

Notice of applications

39ZJ. Where application is made under section 39ZI for the review of a direction, the Chairperson shall give the respondent notice in writing of the application inviting written representations by or on behalf of the respondent within 14 days after the date of the notice.

Rejection of applications

39ZK. If an application for a review of a direction is made more than 28 days after the date of the notice to the applicant of the direction, the Chairperson shall reject the application by notice in writing to the applicant stating the reason for the rejection.

Review by Subcommittee

39ZL. (1) Upon an application under section 39ZI for the review of a direction, the Subcommittee shall affirm or vary the direction, having regard to any representation made by or on behalf of the respondent in accordance with the invitation in section 39ZJ.

(2) The Chairperson shall give the applicant and the respondent written notice of the Subcommittee's decision on the review, including a statement of the reasons for the decision.

PART IV—OFFENCES

Unlicensed bookmaking

Bookmakers Act 1985

40. (1) A bookmaker shall not carry on business as a bookmaker at a race meeting in the Territory unless—

- (a) the bookmaker holds a standing licence authorising him or her to field at race meetings of that kind; and
- (b) the business relates to betting upon an event or contingency relating to a race.

Penalty: \$2,000.

(2) A bookmaker shall not carry on business as a bookmaker at a sports betting venue unless—

- (a) if the business relates to betting upon an event or contingency relating to a race—the bookmaker holds a standing licence; or
- (b) if the business relates to betting upon an event or contingency relating to a sports betting event—
 - (i) the bookmaker holds a sports betting licence or a sports betting agent's licence;
 - (ii) the bookmaker is a member of a syndicate which holds a sports betting licence; or
 - (iii) the bookmaker is a standing licensee who is a director of a company which holds a sports betting licence.

Penalty: \$5,000 or imprisonment for 6 months, or both.

Unsigned licence

41. A bookmaker shall not carry on business as a bookmaker on a racecourse in the Territory unless the bookmaker has complied with the requirements of section 32.

Penalty: \$1,000.

Telephone betting

41A. A bookmaker shall not accept a bet by telephone unless—

- (a) the bet is equal to or greater than the prescribed amount or the amount that may be won on the bet is equal to or greater than the prescribed amount;
- (b) the bet is placed in accordance with the prescribed procedure; and
- (c) the bet is recorded by means of prescribed equipment.

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Penalty: \$3,000.

Interference with prescribed equipment

41B. A person shall not, without reasonable excuse, tamper or interfere with prescribed equipment referred to in paragraph 41A (c).

Penalty: \$5,000 or imprisonment for 6 months, or both.

Specimen signature

42. (1) The Registrar, an inspector or a police officer may require a bookmaker who is carrying on business as a bookmaker at a race meeting in the Territory—

- (a) to produce the standing licence issued to the bookmaker in respect of race meetings of that kind; and
- (b) to write the bookmaker's signature for the purpose of comparing the signature with the signature on the standing licence.

(2) A bookmaker shall not, without reasonable excuse, refuse or fail to comply with a requirement made under subsection (1).

Penalty: \$1,000.

Bookmakers' records

43. A bookmaker shall keep a record, in accordance with a form made available by the Registrar, of all bets made with the bookmaker and containing such particulars in relation to each bet as are prescribed.

Penalty: \$2,000.

Forwarding of records to Registrar

44. A bookmaker shall, not later than 7 days after the determination of an event or contingency to which a bet relates or, where the bet relates to more than one event or contingency occurring on different days, after the determination of the later or latest of the events or contingencies, forward to the Registrar the original of the records required by section 43 to be kept in relation to the bet, together with a return and declaration in the prescribed form.

Penalty: \$1,000.

Furnishing of information by racing club

45. A racing club that conducts a race meeting at a racecourse in the Territory shall, within 7 days after the date of the race meeting, forward to

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the Registrar the name and address of each person who carried on business as a bookmaker at the race meeting.

Penalty: \$5,000.

Unlicensed bookmakers on racecourse

46. A racing club that conducts a race meeting on a racecourse in the Territory shall not knowingly permit a person to carry on business as a bookmaker on that racecourse unless the person is the holder of a standing licence authorizing the bookmaker to field at race meetings of the kind conducted by that racing club.

Penalty: \$10,000.

PART V—MISCELLANEOUS

Availability of forms

47. The Registrar shall do all things necessary to ensure that supplies of the forms referred to in section 43 are made available to bookmakers.

Notification by Registrar

48. Where a standing licence is issued, suspended or cancelled under this Act, the Registrar shall, as soon as practicable, notify each licensing body of—

- (a) the issuing, suspension or cancellation, as the case requires;
- (b) the name and address of the bookmaker concerned; and
- (c) in the case of a suspension, the period for which the standing licence was suspended.

Evidence of licences

49. (1) In proceedings for an offence against this Act, a certificate signed by the Registrar and stating that the person specified in the certificate was or was not, at that time, or during the period, specified in the certificate, the holder of a standing licence or a bookmaker's agent's licence authorizing the holder to field at race meetings of the kind specified in the certificate is evidence of the matters stated in the certificate.

(2) In proceedings for an offence against this Act, a certificate signed by the Registrar and stating, in relation to a specified time or period, that a specified person or body was or was not—

- (a) the holder of a sports betting licence;

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- (b) a member of a syndicate which held a sports betting licence;
- (c) the holder of a standing licence as well as being a director of a company which held a sports betting licence;
- (d) a director of a company which held a sports betting licence; or
- (e) the holder of a sports betting agent's licence;

is evidence of the matters stated in the certificate.

Review of decisions

50. (1) Application may be made to the Tribunal for a review of a decision of the Committee—

- (a) refusing to grant a standing licence under section 25;
- (b) suspending or cancelling a standing licence under section 33;
- (c) deciding under section 39F that an applicant for a sports betting licence is not suitable for the grant of such a licence;
- (d) granting a sports betting licence under section 39G for a period shorter than that applied for;
- (e) cancelling a sports betting licence under section 39P;
- (f) cancelling a sports betting licence under section 39Q;
- (g) refusing to grant a sports betting agent's licence under section 39T;
- (h) cancelling a sports betting agent's licence under section 39Z; or
- (i) cancelling a sports betting agent's licence under section 39ZA.

(2) Application may be made to the Tribunal for a review of a decision of the Registrar—

- (a) making a determination under subsection 29 (4); or
- (b) reconsidering a determination under section 30.

Statements of reasons and review rights

51. (1) A notice about a decision given to a person under any of the following provisions shall include a statement setting out the reasons for the decision:

- (a) subsection 25 (5);

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- (b) subsection 33 (2);
- (c) paragraph 30 (3) (b);
- (d) subsection 39F (3);
- (e) subsection 39G (3);
- (f) paragraph 39P (3) (a);
- (g) paragraph 39Q (3) (a);
- (h) section 39U;
- (i) paragraph 39Z (3) (a);
- (j) paragraph 39ZA (3) (a).

(2) A statement under subsection (1) shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, a person whose interests are affected by the decision to which the statement relates is entitled to apply to the Tribunal for a review of the decision.

(3) The validity of a decision referred to in subsection (1) shall not be taken to be affected by a failure to comply with subsection (2).

Giving of notices etc.

52. (1) A document that is required by this Act to be lodged with or given to the Registrar may be so lodged or given—

- (a) by delivering the document to the Registrar personally;
- (b) by sending the document by certified mail addressed to the Registrar; or
- (c) by leaving the document at the office of the Registrar with a person apparently employed at that office.

(2) A document that is required by this Act to be given to a person other than the Registrar may be so given—

- (a) by delivering the document to the person personally;
- (b) by leaving the document at the person's last known place of residence or business with a person apparently resident or employed at that place and apparently not less than 16 years of age; or

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- (c) by sending the document by post addressed to the person at the person's last known place of residence or business.

Time for commencement of prosecutions

53. A prosecution in respect of an offence against this Act may be commenced at any time within 2 years after the commission of the offence.

Annual report

54. The Committee shall, as soon as practicable after 30 June in each year, prepare and furnish to the Minister a report concerning the activities of the Committee during the period of 12 months ending on that day.

Determination of fees

55. (1) For the purposes of this Act, the Minister may, by instrument, determine the following:

- (a) fees, calculated by reference to turnover or otherwise;
- (b) percentages for the calculation of fees;
- (c) periods within which fees are to be payable.

(2) A determination under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

Maintenance of prescribed equipment

55A. (1) The Minister may, in writing, authorise persons to perform specified duties in relation to the maintenance of prescribed equipment referred to in paragraph 41A (c).

(2) The Minister may, from time to time, give directions to a person authorised under subsection (1) with respect to the performance of his or her duties.

(3) A person shall not, without reasonable excuse, contravene a direction given under subsection (2).

Penalty: \$5,000.

(4) An instrument of authorisation under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

Regulations

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56. The Executive may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, may make regulations—

- (aa) relating to the information that may be supplied by telephone by a bookmaker in the course of carrying on business as a bookmaker;
- (a) relating to the keeping of records by bookmakers; and
- (b) prescribing penalties not exceeding \$1,000 for offences against the regulations.

Transitional

57. Notwithstanding subsection 24 (1), during the period commencing on the date fixed under subsection 2 (2) and ending 2 months after that date—

- (a) a person who is the holder of a licence, certificate of registration or permit issued by a racing club that is not a licensing body, being a licence, certificate or permit authorizing the person to carry on business as a bookmaker at race meetings in the Territory, may make an application under subsection 24 (1); and
- (b) Division 1 of Part III applies to and in relation to an application by such a person as if the licence, certificate or permit were issued by a licensing body.

NOTE

1. The *Bookmakers Act 1985* as shown in this reprint comprises Act No. 43, 1985 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table 1

Table of Ordinances

| Ordinance | Number and year | Date of notification in <i>Gazette</i> | Date of commencement | Application, saving or transitional provisions |
|-----------|-----------------|--|----------------------|--|
|-----------|-----------------|--|----------------------|--|

| | | | | |
|--|----------|--------------|---|---|
| <i>Bookmakers Ordinance 1985</i> | 43, 1985 | 13 Sept 1985 | Ss. 1 and 2: 13 Sept 1985 S. 3, Div. 1 (ss. 4 and 5) and Div. 2 (ss. 6-17) of Part II, ss. 24-28, 32, 34-39 and 48-57: 19 Sept 1985 (see <i>Gazette</i> 1985, No. S373) Remainder: 1 Oct 1985 | |
| <i>Bookmakers (Amendment) Ordinance 1986</i> | 38, 1986 | 15 Aug 1986 | 15 Aug 1986 | — |
| <i>Self-Government (Consequential Amendments) Ordinance 1989</i> | 38, 1989 | 10 May 1989 | Ss.1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164) | — |

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NOTE—continued

Table of Ordinances—continued

| Ordinance | Number and year | Date of notification in <i>Gazette</i> | Date of commencement | Application, saving or transitional provisions |
|---|-----------------|--|----------------------|--|
| <i>Remuneration (Miscellaneous Amendments) Ordinance 1989</i> | 50, 1989 | 10 May 1989 | 10 May 1989 | — |

Self-Government day 11 May 1989

Table 2

Table of Acts

| Act | Number and year | Date of notification in <i>Gazette</i> | Date of commencement | Application, saving or transitional provisions |
|---|-----------------|--|---|--|
| <i>Statute Law Revision (Miscellaneous Provisions) Act 1992</i> | 23, 1992 | 4 June 1992 | 4 June 1992 | — |
| <i>Bookmakers (Amendment) Act 1994</i> | 29, 1994 | 28 June 1994 | 1 July 1994 | — |
| <i>Bookmakers (Amendment) Act (No. 2) 1994</i> | 53, 1994 | 5 Oct 1994 | Ss. 1 and 2: 5 Oct 1994 Remainder: 14 Oct 1994 (see <i>Gazette</i> 1994, No. S226) | Ss. 6 (2), 7 (2) and 17 (2) |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision | How affected |
|-----------|--|
| S. 3 | am. No. 38, 1986; No. 38, 1989; Act No. 53, 1994 |
| Ss. 4, 5 | am. No. 38, 1986 |
| S. 5A | ad. No. 38, 1986 |
| S. 7 | rs. Act No. 53, 1994 |
| S. 9 | am. No. 38, 1989; Act No. 53, 1994 |
| S. 10 | rs. Act No. 53, 1994 |
| S. 12 | am. Act No. 53, 1994 |
| S. 13 | am. Act No. 23, 1992 |
| S. 14 | am. Act No. 53, 1994 |
| S. 17 | rs. No. 50, 1989 |
| S. 18 | am. No. 38, 1986; Act No. 53, 1994 |

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NOTE—continued

Table of Amendments—continued

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision | How affected |
|---------------------------------------|--|
| S. 19 | am. No. 38, 1986 |
| Ss. 21, 22 | am. No. 38, 1986 |
| S. 25 | am. No. 38, 1986 |
| S. 29 | am. No. 38, 1989 |
| S. 30 | am. No. 38, 1986; No. 38, 1989 |
| S. 33 | am. Act No. 53, 1994 |
| S. 36A | ad. No. 38, 1986 |
| S. 37 | am. No. 38, 1986 |
| Part IIIA (ss. 39A-39Z, 39ZA-39ZL) | ad. Act No. 53, 1994 |
| Ss. 39A-39Z | ad. Act No. 53, 1994 |
| Ss. 39ZA-39ZL | ad. Act No. 53, 1994 |
| S. 40 | am. Act No. 53, 1994 |
| Ss. 41A, 41B | ad. Act No. 29, 1994 |
| S. 44 | am. No. 38, 1986 |
| Ss. 49, 50 | am. Act No. 53, 1994 |
| S. 51 | am. No. 38, 1986; Act No. 53, 1994 |
| S. 55 | rs. Act No. 53, 1994 |
| S. 55A | ad. Act No. 29, 1994 |
| S. 56 | am. No. 38, 1989; Act No. 23, 1992; No. 29, 1994 |

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