



Australian Capital Territory

Gaming and Racing (Red Tape Reduction) Legislation Amendment Act 2016

A2016-45

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Australian Capital Territory

Gaming and Racing (Red Tape Reduction) Legislation Amendment Act 2016

A2016-45

An Act to amend legislation about gaming and racing, to reduce red tape, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Gaming and Racing (Red Tape Reduction) Legislation Amendment Act 2016*.

2 Commencement

- (1) This Act (other than schedule 1) commences on 1 September 2016.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

- (2) Schedule 1 (Gaming Machine Act 2004—other amendments) commences immediately after the commencement of the [Gaming Machine \(Reform\) Amendment Act 2015](#), schedule 1 (Other amendments—compulsory surrender).

3 Legislation amended

This Act amends the following legislation:

- [Gaming Machine Act 2004](#)
- [Gaming Machine Regulation 2004](#)
- [Race and Sports Bookmaking Act 2001](#)
- [Race and Sports Bookmaking Regulation 2001](#)
- [Racing Act 1999](#)
- [Racing \(Race Field Information\) Regulation 2010](#).

Part 2 Gaming Machine Act 2004

4 **Class C licence application—contents** **Section 16 (h) (ii), new note**

insert

Note **Member**, of a club, does not include a temporary member (see dict).

5 **Authorisation certificate for class C gaming machines—** **decision on application** **Section 23 (5) (c), new note**

insert

Note **Member**, of a club, does not include a temporary member (see dict).

6 **Authorisation certificate amendment decision—increase** **maximum amendment** **Section 37 (5) (a), new note**

insert

Note **Member**, of a club, does not include a temporary member (see dict).

7 **Licences and authorisation certificates—register** **Section 37H (2) (d)**

substitute

- (d) if a licensee holds a permit—
- (i) whether the permit is—
 - (A) a storage permit for a general purpose; or
 - (B) a storage permit for an interim purpose; or
 - (C) a quarantine permit; and

- (ii) for a storage permit for a general purpose—
 - (A) the serial number of each gaming machine to be stored under the permit; and
 - (B) the authorisation number for each machine's associated authorisation; and
- (iii) for a storage permit for an interim purpose—the serial number of each gaming machine to be stored under the permit; and
- (iv) for a quarantine permit—
 - (A) the authorisation number for each authorisation to be stored under the permit; and
 - (B) for each authorisation stored with its associated gaming machine—the serial number of the associated gaming machine;

8 Sections 41 and 42

substitute

41 Licence and authorisation certificate to be kept at premises

- (1) It is a condition of a licence that the licensee keeps a copy of the licence and authorisation certificate (including the authorisation schedule) at the authorised premises to which the certificate relates.
- (2) However, subsection (1) does not apply if—
 - (a) the licence or authorisation certificate is lost, stolen or destroyed; and
 - (b) the licensee has given the commission a statement under section 37I (Licences, authorisation certificates and authorisation schedules—replacement copies); and
 - (c) the commission has not given the licensee a replacement.

42 Licence and authorisation certificate to be available on request

- (1) It is a condition of a licence that the licensee allows a person, on request, to view a copy of the licence and authorisation certificate at the authorised premises to which the certificate relates.
- (2) However, the licensee need not allow a person to view the authorisation schedule for the authorisation certificate if the person is not an authorised officer exercising a function under the [Control Act](#).
- (3) Subsection (1) does not apply if—
 - (a) the licence or authorisation certificate is lost, stolen or destroyed; and
 - (b) the licensee has given the commission a statement under section 37I (Licences, authorisation certificates and authorisation schedules—replacement copies); and
 - (c) the commission has not given the licensee a replacement.

9 Section 45

substitute

45 Installation certificate

- (1) It is a condition of a licence that the licensee gives the commission an installation certificate for a gaming machine if—
 - (a) a gaming machine is installed on authorised premises; or
 - (b) a technical amendment is made to a gaming machine operated under an authorisation.

Note If a form is approved under the [Control Act](#), s 53D for the certificate, the form must be used.

- (2) An installation certificate must—
 - (a) be in writing; and

- (b) state the licensee's name and licence number; and
- (c) if a gaming machine is installed—identify the authorised premises where the gaming machine is installed; and
- (d) if the commission has given the licensee a notice under section 124 (Commission may require information) about the installation—include the details required by the notice; and
- (e) be given to the commission not more than 3 days after—
 - (i) the day the gaming machine is installed or the technical amendment made; or
 - (ii) if the commission has given the licensee a notice under section 124 about the installation—the day the commission gave the notice.

10 Section 48

substitute

48 Approved statement to be displayed

It is a condition of a licence that, if the Minister approves a statement under section 126, the statement is clearly displayed on each gaming machine at authorised premises.

11 New section 54A

insert

54A Conditions about guests and temporary membership

- (1) It is a condition of a licence for a club that—
 - (a) a local guest may attend the club only if—
 - (i) a club member signs in the guest; and
 - (ii) the guest is accompanied by the member who signed the guest in (a *signed-in guest*); and

- (b) an interstate guest may attend the club only if the guest—
- (i) signs in to the club; and
 - (ii) is issued with temporary membership by the club (a *temporary member*).
- (2) It is a condition of a licence for a club that the club must not—
- (a) require an interstate guest to pay a fee for temporary membership of the club; or
 - (b) allow a temporary member to be a voting member of the club.
- (3) In this section:
- interstate guest*, for a club, means a person who—
- (a) is not a member of the club; and
 - (b) is not a resident of the ACT.
- local guest*, for a club, means a person who—
- (a) is not a member of the club; but
 - (b) is a resident of the ACT.

12 Other conditions of club licences Section 55 (f) and (g)

substitute

- (f) only members, temporary members and signed-in guests can play gaming machines in the club.

Note *Signed-in guest*—see s 54A.
Temporary member—see s 54A.

13 Section 104 heading

substitute

104 Offence—operating unauthorised, stored or quarantined gaming machines

14 Section 104 (2) (b) and (c)

omit

storage

**15 Destruction of gaming machines—commission’s attendance
Section 113B (1) and note**

substitute

- (1) This section applies if a licensee proposes to dispose of a gaming machine by destroying it under—
 - (a) an approval under section 113 (Approval of disposal of gaming machines); or
 - (b) section 113A.
- (1A) The commission may, but need not, attend the gaming machine’s destruction.

16 Section 126

substitute

126 Approval of statement for display on gaming machines

- (1) The Minister may approve a statement for display on each gaming machine at authorised premises.
- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

17 Quarantine permits—notification and issue
Section 127Q (1) and (2) and notes

substitute

- (1) This section applies if a licensee wants to—
 - (a) remove 1 or more gaming machines, and the authorisations for the gaming machines, from the authorised premises where the gaming machines are operated and store the gaming machines and authorisations for a period to be agreed with the commission; or
 - (b) store 1 or more authorisations for a period to be agreed with the commission.
- (2) The licensee must notify the commission that the licensee needs a permit (a *quarantine permit*) for storing—
 - (a) the gaming machines and authorisations; or
 - (b) the authorisations.

Note 1 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Note 2 If a form is approved under the [Control Act](#), s 53D for this provision, the form must be used.

Note 3 A fee may be determined under s 177 for this provision.

18 Section 127S

substitute

127S Permit—form

A permit must—

- (a) be in writing; and
- (b) state the following:
 - (i) the name of the licensee;

- (ii) whether the permit is—
 - (A) a storage permit for a general purpose; or
 - (B) a storage permit for an interim purpose; or
 - (C) a quarantine permit;
- (iii) the day the permit comes into force and the day it expires;
- (iv) the authorised premises—
 - (A) for a storage permit for a general purpose—for each gaming machine with its associated authorisation to be stored under the permit; or
 - (B) for a storage permit for an interim purpose—where each gaming machine to be stored under the permit was operated; or
 - (C) for a quarantine permit—for each authorisation, and gaming machine with its associated authorisation, to be stored under the permit;
- (v) the number of each of the following to be stored under the permit:
 - (A) for a storage permit for a general purpose—gaming machines with their associated authorisations;
 - (B) for a storage permit for an interim purpose—gaming machines;
 - (C) for a quarantine permit—authorisations, and gaming machines with their associated authorisations;
- (vi) the conditions on the permit; and
- (c) include a statement that—
 - (i) a breach of a condition of the permit may be a ground for disciplinary action; and

-
- (ii) it is an offence under section 104 (Offence—operating unauthorised, stored or quarantined gaming machines) to operate a stored or quarantined gaming machine during the period of the permit; and
 - (d) include a schedule of the following information:
 - (i) for a storage permit for a general purpose—
 - (A) the serial number of each gaming machine to be stored under the permit; and
 - (B) the authorisation number for each machine's associated authorisation;
 - (ii) for a storage permit for an interim purpose—the serial number of each gaming machine to be stored under the permit;
 - (iii) for a quarantine permit—
 - (A) the authorisation number for each authorisation to be stored under the permit; and
 - (B) for each authorisation stored with its associated gaming machine—the serial number of the associated gaming machine; and
 - (e) include anything else prescribed by regulation.

19 **Permit—conditions**
New section 127T (1) (j)

insert

- (j) for a quarantine permit for an authorisation with no associated gaming machine—the licensee must not acquire a gaming machine under the quarantined authorisation during the period of the permit.

**20 Permit amendment—notification
Section 127X (1) (a), new note**

insert

Note Proposed disposal under s 113A must also be notified to the commission (see s 113A (2)).

21 Section 127Y

substitute

127Y Permit amendment—decision

The commission may amend a permit if the commission receives, within the time required under section 173D (Notifiable actions)—

- (a) notification about a proposed disposal or proposed removal of a gaming machine under—
 - (i) section 113A (Disposal of gaming machines—notifiable action); or
 - (ii) section 127X; and
- (b) any further information requested under section 173D.

**22 Trading authorisations under permits—procedure
Section 127ZB (2) (b), except notes**

substitute

- (b) written notice to amend the disposing licensee's permit to remove references to the stored or quarantined authorisation; and
- (c) for a storage permit for a general purpose, or a quarantine permit for an authorisation and its associated gaming machine—written notice to—
 - (i) amend the disposing licensee's permit to remove references to the gaming machine associated with the authorisation; and

- (ii) if the gaming machine is not being sold to the acquiring licensee—issue to the disposing licensee a storage permit for an interim purpose for the gaming machine.

23 Section 127ZD

substitute

127ZD Trading authorisations under permits—issue of quarantine permit to acquiring licensee

- (1) This section applies if the commission receives written notice under section 127ZB (2) about a disposing licensee trading a quarantined authorisation.
- (2) The commission must issue to the acquiring licensee a quarantine permit for—
 - (a) the authorisation; and
 - (b) if a gaming machine associated with the authorisation is also being traded—the gaming machine.
- (3) The term of the quarantine permit must be equal to the time remaining on the disposing licensee's quarantine permit for the authorisation.

24 Gaming machines and authorisations under permits—inspection

Section 127ZE (1), except note

substitute

- (1) The commission may, by written notice (an *inspection notice*) given to a licensee who holds a permit, require the licensee to, within a stated reasonable time, allow an authorised officer to inspect—
 - (a) the permit; and
 - (b) any gaming machine under the permit; and

- (c) the premises where any gaming machine is stored under the permit.

25 Audit of financial statements etc
Section 158 (2) (a), new note

insert

Note 1 **Member**, of a club, does not include a temporary member (see dict).

26 Section 170

substitute

170 Corporations with gaming machines at multiple clubs

- (1) This section applies if a corporation—
 - (a) is a class C licensee; and
 - (b) operates multiple clubs; and
 - (c) holds authorisation certificates for gaming machines at multiple clubs.
- (2) In working out the community contributions for each club, common expenditure on behalf of the multiple clubs must be allocated between the clubs in proportion to the number of gaming machines operated at each club.

27 New sections 309A and 309B

insert

309A Application to convert in-principle approval to new venue amendment

- (1) This section applies if—
 - (a) before the commencement day, a licensee held an in-principle approval for a new venue amendment under section 38I (In-principle approval decision—new venue amendment); and

- (b) immediately before the commencement day, the licensee had not applied to have the in-principle approval converted into a new venue amendment.
- (2) The in-principle approval is, on the commencement day, taken to be an in-principle authorisation certificate and the maximum number of authorisations stated in the in-principle authorisation certificate is taken to be the same as the number of gaming machines stated in the in-principle approval.
- (3) If, on application by the licensee under section 38M (Conversion of in-principle authorisation certificate to authorisation certificate—application), the commission converts the in-principle authorisation certificate to an authorisation certificate (the *converted authorisation certificate*), the commission must reduce the maximum number of authorisations the licensee holds under other authorisation certificates by the number allowed under the converted authorisation certificate.

309B Temporary storage amendment application

- (1) This section applies if—
 - (a) before the commencement day, the commission amended a licence under section 26 (Licence amendment decision—temporary storage amendment) for a stated period; and
 - (b) immediately before the commencement day, the period of the amendment had not ended.
- (2) The commission must, as soon as practicable after the commencement day, issue the licensee with a storage permit for a general purpose for the period that remains on the amendment up to a maximum of 12 months.

28 Dictionary, definition of *member*

substitute

member, of a club—

(a) means—

(i) a member who, under the rules of the club, is required to pay fees; or

(ii) a life member; but

(b) does not include a temporary member.

29 Dictionary, new definitions

insert

signed-in guest, for a club—see section 54A.

temporary member, of a club—see section 54A.

Part 3 Gaming Machine Regulation 2004

30 Working out club members—Act, s 23 (5) (c) and s 37 (5) (a) Section 7 (1), new note

insert

Note 2 **Member**, of a club, does not include a temporary member (see [Act](#), dict).

31 Section 70A heading

substitute

70A Form of permit—Act, s 127S (e)

32 Transitional—Gaming Legislation Amendment Regulation 2015 (No 1) Part 15

omit

33 Modification of Act Schedule 1

omit

34 Dictionary, note 3

insert

- member
- signed-in guest
- temporary member

35 Dictionary, definition of *patron*

substitute

patron, of a club, includes—

- (a) a member of the club; and
- (b) a signed-in guest; and
- (c) a temporary member.

Part 4 Race and Sports Bookmaking Act 2001

36 New section 4B

in division 2.1, insert

4B Meaning of *security guarantee* for a race bookmaking licence

In this Act:

security guarantee, for a person who applies for, or holds, a race bookmaking licence, means 1 or more documents that satisfy the commission about the person's ability to cover the person's race bookmaking losses to the amount applying to the person under a determination under section 90 (Security guarantee—determination of minimum amount).

37 Application for race bookmaking licence Section 6 (2)

substitute

- (2) The application must include consent to a police officer checking the applicant's criminal record and reporting the results of the check to the commission.

38 Section 7

substitute

7 Race bookmaking licence—issue or refusal

- (1) This section applies if the commission receives an application for a race bookmaking licence.

- (2) The commission may issue the licence to the applicant if—
- (a) the applicant—
- (i) has not been convicted, or found guilty, in the last 5 years, whether in the ACT or elsewhere, of an offence—
 - (A) involving fraud or dishonesty; or
 - (B) against a law about gaming; and
 - (ii) has not been convicted, or found guilty, in Australia in the last 5 years of an offence punishable by imprisonment for at least 1 year; and
 - (iii) has not been convicted, or found guilty, outside Australia in the last 5 years of an offence that, if it had been committed in the ACT, would have been punishable by imprisonment for at least 1 year; and
 - (iv) does not owe an amount that has become payable by the applicant to the commission or the Territory under this Act or another gaming law; and
 - (v) if the commission has determined a minimum amount for security guarantees for race bookmaking licences under section 90 (Security guarantee—determination of minimum amount)—
 - (A) has given an undertaking acceptable to the commission to provide a security guarantee on issue of the licence; and
 - (B) has demonstrated, to the commission's satisfaction, the ability to provide a security guarantee on issue of the licence; and
- Note* **Security guarantee**, for a race bookmaking licence—see s 4B.
- (b) the commission believes on reasonable grounds that the applicant is likely to be able to pay bets.

- (3) In deciding whether an applicant is likely to be able to pay bets, the commission may consider any business or financial matters about the applicant that the commission considers appropriate.
- (4) If the commission is not satisfied about a matter mentioned in subsection (2), the commission must give a written notice to the applicant that states—
- (a) each matter about which the commission is not satisfied; and
 - (b) the applicant's rights under subsection (5).

Note For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (5) The applicant may make written representations, or oral representations personally or by an authorised representative, to the commission about a matter stated in the notice within the period of 14 days after the day the applicant is given the notice or any longer period allowed by the commission (the *representation period*).
- (6) After giving the notice under subsection (4), the commission must—
- (a) take into account—
 - (i) any representations made by the applicant within the representation period; and
 - (ii) any other relevant information available to the commission; and
 - (b) either—
 - (i) if the commission is satisfied about each matter stated in the notice—issue a race bookmaking licence to the applicant; or
 - (ii) if the commission is not satisfied about each matter stated in the notice—refuse to issue the race bookmaking licence to the applicant.

Note Under pt 10 (Notification and review of decisions), a decision to refuse to issue a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (7) However, despite subsection (6) (b) (ii), the commission may issue a race bookmaking licence to the applicant if satisfied that—
- (a) the racing industry would not be adversely affected if the licence were issued; and
 - (b) it is otherwise in the public interest for the licence to be issued.

39 New sections 10A and 10B

insert

10A Race bookmaking licence—application for renewal

- (1) A race bookmaker may apply to the commission to renew their race bookmaking licence for a period not longer than 3 years.

Note 1 If a form is approved under the [Gambling and Racing Control Act 1999](#), s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 97 for this provision.

- (2) The application must—
- (a) be in writing; and
 - (b) include consent to a police officer checking the applicant's criminal record and reporting the results of the check to the commission; and
 - (c) be received by the commission at least 30 days before the day the licence expires.
- (3) However, the commission may extend the time for making an application.

Note A race bookmaking licensee may apply to the commission for the time to be extended, and the commission may extend the time, even though the time has ended (see [Legislation Act](#), s 151C).

- (4) If a race bookmaker applies to renew the licence under this section, the licence remains in force until the application is decided.

10B Race bookmaking licence—decision on renewal

- (1) This section applies if the commission receives an application for renewal of a race bookmaking licence under section 10A.
- (2) The commission must not decide the application until the commission has received and considered a police report, authorised under section 10A (2) (b), about the race bookmaker.
- (3) The commission may renew the licence if—
 - (a) the race bookmaker—
 - (i) has not been convicted, or found guilty, in the last 5 years, whether in the ACT or elsewhere, of an offence—
 - (A) involving fraud or dishonesty; or
 - (B) against a law about gaming; and
 - (ii) has not been convicted, or found guilty, in Australia in the last 5 years of an offence punishable by imprisonment for at least 1 year; and
 - (iii) has not been convicted, or found guilty, outside Australia in the last 5 years of an offence that, if it had been committed in the ACT, would have been punishable by imprisonment for at least 1 year; and
 - (iv) does not owe an amount that has become payable by the race bookmaker to the commission or the Territory under this Act or another gaming law; and
 - (v) if the commission has determined a minimum amount for security guarantees for race bookmaking licences under section 90 (Security guarantee—determination of minimum amount)—has provided a security guarantee; and

Note **Security guarantee**, for a race bookmaking licence—see s 4B.

- (b) the commission believes on reasonable grounds that the race bookmaker is likely to be able to pay bets.
- (4) If the commission is not satisfied about a matter mentioned in subsection (3), the commission must give a written notice to the race bookmaker that states—
 - (a) each matter about which the commission is not satisfied; and
 - (b) the race bookmaker's rights under subsection (5).

Note For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (5) The race bookmaker may make written representations, or oral representations personally or by an authorised representative, to the commission about a matter stated in the notice within the period of 14 days after the day the race bookmaker is given the notice or any longer period allowed by the commission (the ***representation period***).
- (6) After giving the notice under subsection (4), the commission must—
 - (a) take into account—
 - (i) any representations made by the race bookmaker within the representation period; and
 - (ii) any other relevant information available to the commission; and
 - (b) either—
 - (i) if the commission is satisfied about each matter stated in the notice—renew the race bookmaking licence; or
 - (ii) if the commission is not satisfied about each matter stated in the notice—refuse to renew the race bookmaking licence.

Note Under pt 10 (Notification and review of decisions), a decision to refuse to renew a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (7) However, despite subsection (6) (b) (ii), the commission may renew a race bookmaking licence if satisfied that—
- (a) the racing industry would not be adversely affected if the licence were renewed; and
 - (b) it is otherwise in the public interest that the licence be renewed.

**40 Application for race bookmaker's agent licence
Section 12 (3)**

substitute

- (3) The application must include an authorisation, signed by the nominated person, consenting to—
- (a) being nominated in the application; and
 - (b) a police officer checking the nominated person's criminal record and reporting the results of the check to the commission.

41 Section 12 (4)

omit

subsection (3)

substitute

subsection (3) (b)

42 Section 13

substitute

13 Race bookmaker's agent licence—issue or refusal

- (1) This section applies if the commission receives an application for a race bookmaker's agent licence for a nominated person.

- (2) The commission may issue the licence to the nominated person if the nominated person—
- (a) has not been convicted, or found guilty, in the last 5 years, whether in the ACT or elsewhere, of an offence—
 - (i) involving fraud or dishonesty; or
 - (ii) against a law about gaming; and
 - (b) has not been convicted, or found guilty, in Australia in the last 5 years of an offence punishable by imprisonment for at least 1 year; and
 - (c) has not been convicted, or found guilty, outside Australia in the last 5 years of an offence that, if it had been committed in the ACT, would have been punishable by imprisonment for at least 1 year; and
 - (d) does not owe an amount that has become payable by the nominated person to the commission or the Territory under this Act or another gaming law.
- (3) If the commission is not satisfied about a matter mentioned in subsection (2), the commission must give a written notice to the race bookmaker that states—
- (a) each matter about which the commission is not satisfied; and
 - (b) the race bookmaker's rights under subsection (4).
- Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.
- (4) The race bookmaker may make written representations, or oral representations personally or by an authorised representative, to the commission about a matter stated in the notice within the period of 14 days after the day the race bookmaker is given the notice or any longer period allowed by the commission (the ***representation period***).

-
- (5) After giving the notice under subsection (3), the commission must—
- (a) take into account—
 - (i) any representations made by the race bookmaker within the representation period; and
 - (ii) any other relevant information available to the commission; and
 - (b) either—
 - (i) if the commission is satisfied about each matter stated in the notice—issue a race bookmaker’s agent licence to the nominated person; or
 - (ii) if the commission is not satisfied about each matter stated in the notice—refuse to issue a race bookmaker’s agent licence to the nominated person.

Note Under pt 10 (Notification and review of decisions), a decision to refuse to issue a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (6) However, despite subsection (5) (b) (ii), the commission may issue a race bookmaker’s agent licence to the nominated person if satisfied that—
- (a) the racing industry would not be adversely affected if the commission issued the licence; and
 - (b) it is otherwise in the public interest that the commission issue the licence.

43 New sections 16A and 16B

insert

16A Race bookmaker’s agent licence—application for renewal

- (1) This section applies if—
- (a) a race bookmaker has an agent; and

(b) the agent holds a race bookmaker's agent licence.

- (2) The race bookmaker may apply to the commission to renew the agent's race bookmaker's agent licence for a period not longer than 3 years.

Note 1 If a form is approved under the [Gambling and Racing Control Act 1999](#), s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 97 for this provision.

- (3) The application must—

(a) be in writing; and

(b) include consent to a police officer checking the race bookmaker's agent's criminal record and reporting the results of the check to the commission; and

(c) be received by the commission at least 30 days before the day the licence expires.

- (4) However, the commission may extend the time for making an application.

Note A race bookmaker may apply to the commission for the time to be extended, and the commission may extend the time, even though the time has ended (see [Legislation Act](#), s 151C).

- (5) If a race bookmaker applies to renew the licence under this section, the licence remains in force until the application is decided.

16B Race bookmaker's agent licence—decision on renewal

- (1) This section applies if the commission receives an application for renewal of a race bookmaker's agent licence under section 16A.

- (2) The commission must not decide the application until the commission has received and considered a police report, authorised under section 16A (3) (b), about the race bookmaker's agent.

- (3) The commission may renew the licence if the race bookmaker's agent—
- (a) has not been convicted, or found guilty, in the last 5 years, whether in the ACT or elsewhere, of an offence—
 - (i) involving fraud or dishonesty; or
 - (ii) against a law about gaming; and
 - (b) has not been convicted, or found guilty, in Australia in the last 5 years of an offence punishable by imprisonment for at least 1 year; and
 - (c) has not been convicted, or found guilty, outside Australia in the last 5 years of an offence that, if it had been committed in the ACT, would have been punishable by imprisonment for at least 1 year; and
 - (d) does not owe an amount that has become payable by the race bookmaker's agent to the commission or the Territory under this Act or another gaming law.
- (4) If the commission is not satisfied about a matter mentioned in subsection (3), the commission must give a written notice to the race bookmaker that states—
- (a) each matter about which the commission is not satisfied; and
 - (b) the race bookmaker's agent's rights under subsection (5).
- Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.
- (5) The race bookmaker may make written representations, or oral representations personally or by an authorised representative, to the commission about a matter stated in the notice within the period of 14 days after the day the race bookmaker's agent is given the notice or any longer period allowed by the commission (the ***representation period***).

- (6) After giving the notice under subsection (4), the commission must—
- (a) take into account—
 - (i) any representations made by the race bookmaker’s agent within the representation period; and
 - (ii) any other relevant information available to the commission; and
 - (b) either—
 - (i) if the commission is satisfied about each matter stated in the notice—renew the race bookmaker’s agent licence; or
 - (ii) if the commission is not satisfied about each matter stated in the notice—refuse to renew the race bookmaker’s agent licence.
- Note* Under pt 10 (Notification and review of decisions), a decision to refuse to renew a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.
- (7) However, despite subsection (6) (b) (ii), the commission may renew a race bookmaker’s agent licence if satisfied that—
- (a) the racing industry would not be adversely affected if the licence were renewed; and
 - (b) it is otherwise in the public interest that the licence be renewed.

44 New section 23A

in division 3.2, insert

23A Prohibition of issue of licences in certain cases

- (1) The commission must not issue a sports bookmaking licence, or sports bookmaker’s agent licence, to a person if the application for the licence is not made in accordance with this Act.

- (2) The commission must not issue a sports bookmaking licence, or sports bookmaker's agent licence, to a person if a fee payable for the licence, or any other amount payable by the person to the commission or the Territory under this Act or another gaming law, remains unpaid after it has become payable.
- (3) If the commission refuses, under this section, to issue a licence, the commission must give written notice of the refusal to the applicant for the licence.

Note Under pt 10 (Notification and review of decisions), a decision to refuse to issue a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

**45 Issue or refusal of sports bookmaking licence
Section 26 (8)**

substitute

- (8) This section is subject to—
- (a) section 23A (Prohibition of issue of licences in certain cases); and
 - (b) section 24 (2) (Maximum number of sports bookmaking licences etc).

**46 Issue or refusal of sports bookmaker's agent licence
Section 35 (6)**

omit

section 43

substitute

section 23A

**47 Commission's powers in considering applications
New section 41 (1A)**

before subsection (1), insert

- (1A) This section applies if the commission receives an application for a licence or renewal of a licence.

48 Section 41 (1)

omit

For its consideration of an application for a licence

substitute

In deciding whether to issue or renew the licence

49 Section 41 (3), definition of *relevant person*, new paragraphs (c) and (d)

insert

- (c) for an application for renewal of a race bookmaking licence—the race bookmaker; and
- (d) for an application for renewal of a race bookmaker's agent licence—the race bookmaker's agent.

**50 Prohibition of issue of licences in certain cases
Section 43**

omit

**51 Mandatory cancellation of licence
Section 68 (2)**

substitute

- (2) If the licensee holds a race bookmaking licence, the following criteria apply to the licensee:
- (a) the licensee does not satisfy a requirement mentioned in section 10B (3) (a) (Race bookmaking licence—decision on renewal);
 - (b) the commission does not hold the belief mentioned in section 10B (3) (b);
 - (c) the licensee has committed a prohibited act.
- (2A) If the licensee holds a race bookmaker's agent licence, the following criteria apply to the licensee:
- (a) the race bookmaker's agent does not satisfy a requirement mentioned in section 16B (3) (Race bookmaker's agent licence—decision on renewal);
 - (b) the race bookmaker's agent has committed a prohibited act.

52 Section 68 (3)

after

subsection (2)

insert

and (2A)

**53 Security guarantee—determination of minimum amount
Section 90 (1) note**

substitute

Note A security guarantee may be required for:

- a race bookmaking licence (see s 7 (2) (a) (v) and s 10B (3) (a) (v));
- a sports bookmaking licence (see s 92 (1) (h) and (i));
- an approval to engage in race bookmaking at a designated sports bookmaking venue (see s 48 (2)).

**54 Amendment of security guarantee
Section 91 (1) (b) note**

substitute

Note A security guarantee may be required for:

- a race bookmaking licence (see s 7 (2) (a) (v) and s 10B (3) (a) (v));
- a sports bookmaking licence (see s 92 (1) (h) and (i));
- an approval to engage in race bookmaking at a designated sports bookmaking venue (see s 48 (2)).

**55 Meaning of *suitability requirements* and *security guarantee*
Section 92 (1) (h)**

omit

a bookmaking licence or

56 Section 92 (1) (i)

omit

race bookmaking licence or

57 Section 92 (2) (a)

omit

race bookmaking licence or

58 Section 92 (2) (b)

omit

any other kind of licence

substitute

a sports bookmaker's agent licence

59 New section 92 (2) (ba)

insert

(ba) the holder of a sports bookmaking licence or sports bookmaker's agent licence;

60 Section 92 (2) (c)

omit

the holder of a licence or,

61 Section 92 (2) (c)

omit

corporation,

substitute

corporation—

62 Section 92 (3)

omit

**63 Internally reviewable decisions
Schedule 1, items 1 to 6**
substitute

1	7 (6)	refuse to issue race bookmaking licence	applicant for race bookmaking licence
2	8 (1)	issue race bookmaking licence subject to condition	applicant for race bookmaking licence
3	8 (2)	change race bookmaking licence condition	race bookmaker
4	10B (6)	refuse to renew race bookmaking licence	race bookmaker
5	13 (5)	refuse to issue race bookmaker's agent licence	race bookmaker
6	14 (1)	issue race bookmaker's agent licence subject to condition	race bookmaker
6A	14 (2)	change race bookmaker's agent licence condition	race bookmaker
6B	16B (6)	refuse to renew race bookmaker's agent's licence	race bookmaker
6C	23A	refuse to issue sports bookmaking licence	sports bookmaker
6D	23A	refuse to issue sports bookmaker's agent's licence	sports bookmaker
6E	26 (7)	refuse to issue sports bookmaking licence	applicant for sports bookmaking licence
6F	27 (1)	issue sports bookmaking licence subject to condition	applicant for sports bookmaking licence
6G	27 (2)	change sports bookmaking licence condition	sports bookmaker
6H	30	issue sports bookmaking licence for shorter period than applied for	applicant for sports bookmaking licence
6I	35 (5)	refuse to issue sports bookmaker's agent licence	sports bookmaker

6J	36 (1)	issue sports bookmaker's agent licence subject to condition	sports bookmaker
6K	36 (2)	change sports bookmaker's agent licence condition	sports bookmaker
6L	41 (2)	not to consider application for licence	applicant for licence
6M	41 (2)	not to consider application for renewal of licence	licensee
6N	42	about costs of application	applicant for licence

64 Dictionary, definition of *issue*

omit

65 Dictionary, definition of *security guarantee*

substitute

security guarantee—

- (a) for a person who applies for, or holds, a race bookmaking licence—see section 4B; or
- (b) for a person who applies for, or holds, a sports bookmaking licence—see section 92 (4); or
- (c) for a person who applies for an approval in relation to a designated sports bookmaking venue under section 49 (Issue or refusal of approval for sports bookmaking venue)—see section 92 (5).

Part 5 Race and Sports Bookmaking Regulation 2001

66 Disclosure of information by commission—Act, s 46 (3) Section 5 (d) to (f)

substitute

- (d) Greyhound Racing New South Wales;
- (e) Harness Racing New South Wales;
- (f) Racing NSW.

67 Corresponding laws—Act, s 92 (1) (d) Section 7 (i)

substitute

- (i) *Racing Regulation Act 2004* (Tas);

Part 6 Racing Act 1999

68 Rules of thoroughbred racing Section 19 (1)

omit

the Australian Racing Board

substitute

Racing Australia Limited

**Part 7 Racing (Race Field Information)
Regulation 2010**

69 Dictionary, definition of *defined entity*, paragraph (c)

substitute

(c) Racing Australia Limited (ACN 105 994 330);

Schedule 1 Gaming Machine Act 2004— other amendments

(see s 3)

[1.1] Section 10C (7), note 2

substitute

Note 2 A gaming machine stored under a storage permit for an interim purpose is to be disposed of before the permit ends (see s 127T (1) (i)).

[1.2] Section 37H (2) (d)

substitute

- (d) if a licensee holds a storage permit—
- (i) whether the permit is for a general purpose or an interim purpose; and
 - (ii) the serial number of each gaming machine to be stored under the permit; and
 - (iii) for a storage permit for a general purpose—the authorisation number for each gaming machine's associated authorisation;

[1.3] Section 104 heading

substitute

104 Offence—operating unauthorised or stored gaming machines

[1.4] Section 104 (2) (b) and (c)

before

permit

insert

storage

[1.5] Section 127S

substitute

127S Storage permit—form

A storage permit must—

- (a) be in writing; and
- (b) state the following:
 - (i) the name of the licensee;
 - (ii) whether the permit is for a general purpose or an interim purpose;
 - (iii) the day the permit comes into force and the day it expires;
 - (iv) the authorised premises—
 - (A) for a storage permit for a general purpose—for each gaming machine with its associated authorisation to be stored under the permit; or
 - (B) for a storage permit for an interim purpose—where each gaming machine to be stored under the storage permit was operated;
 - (v) the number of gaming machines to be stored under the permit;

- (vi) the conditions on the permit; and
- (c) include a statement that—
 - (i) a breach of a condition of the permit may be a ground for disciplinary action; and
 - (ii) it is an offence under section 104 (Offence—operating unauthorised or stored gaming machines) to operate a stored gaming machine during the period of the permit; and
- (d) include a schedule of the following information:
 - (i) the serial number of each gaming machine to be stored under the permit;
 - (ii) for a storage permit for a general purpose—the authorisation number for each gaming machine’s associated authorisation; and
- (e) include anything else prescribed by regulation.

[1.6] Section 127T (1) (j)

omit

[1.7] Section 127ZB (2) (b) and (c), except notes

substitute

- (b) written notice to—
 - (i) amend the disposing licensee’s permit to remove references to the stored authorisation and its associated gaming machine; and
 - (ii) if the gaming machine is not being sold to the acquiring licensee—issue to the disposing licensee a storage permit for an interim purpose for the gaming machine.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 9 June 2016.

2 Notification

Notified under the [Legislation Act](#) on 19 August 2016.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Gaming and Racing (Red Tape Reduction) Legislation Amendment Bill 2016, which was passed by the Legislative Assembly on 2 August 2016.

Clerk of the Legislative Assembly

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