

2016

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Racing and Gaming)

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

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2016

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Racing and Gaming)

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

A Bill for

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:

1 **Part 1 Preliminary**

2 **1 Name of Act**

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

5 **2 Commencement**

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

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

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

13 **3 Legislation amended**

14 This Act amends the following legislation:

- 15 • [Gaming Machine Act 2004](#)
- 16 • [Gaming Machine Regulation 2004](#)
- 17 • [Race and Sports Bookmaking Act 2001](#)
- 18 • [Race and Sports Bookmaking Regulation 2001](#)
- 19 • [Racing Act 1999](#)
- 20 • [Racing \(Race Field Information\) Regulation 2010](#).

- 1 (ii) for a storage permit for a general purpose—
2 (A) the serial number of each gaming machine to be
3 stored under the permit; and
4 (B) the authorisation number for each machine's
5 associated authorisation; and
6 (iii) for a storage permit for an interim purpose—the serial
7 number of each gaming machine to be stored under the
8 permit; and
9 (iv) for a quarantine permit—
10 (A) the authorisation number for each authorisation to
11 be stored under the permit; and
12 (B) for each authorisation stored with its associated
13 gaming machine—the serial number of the
14 associated gaming machine;

15 **8 Sections 41 and 42**

16 *substitute*

17 **41 Licence and authorisation certificate to be kept at**
18 **premises**

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

1 **42** **Licence and authorisation certificate to be available on**
2 **request**

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

17 **9** **Section 45**

18 *substitute*

19 **45** **Installation certificate**

- 20 (1) It is a condition of a licence that the licensee gives the commission
21 an installation certificate for a gaming machine if—
- 22 (a) a gaming machine is installed on authorised premises; or
- 23 (b) a technical amendment is made to a gaming machine operated
24 under an authorisation.
- 25 *Note* If a form is approved under the [Control Act](#), s 53D for the certificate,
26 the form must be used.
- 27 (2) An installation certificate must—
- 28 (a) be in writing; and

Section 10

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

13 **10 Section 48**

14 *substitute*

15 **48 Approved statement to be displayed**

16 It is a condition of a licence that, if the Minister approves a

17 statement under section 126, the statement is clearly displayed on

18 each gaming machine at authorised premises.

19 **11 New section 54A**

20 *insert*

21 **54A Conditions about guests and temporary membership**

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

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

16 **12 Other conditions of club licences**

17 **Section 55 (f) and (g)**

18 *substitute*

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

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

22 *Temporary member*—see s 54A.

23 **13 Section 104 heading**

24 *substitute*

25 **104 Offence—operating unauthorised, stored or quarantined**

26 **gaming machines**

1 **14 Section 104 (2) (b) and (c)**

2 *omit*

3 storage

4 **15 Destruction of gaming machines—commission’s**
5 **attendance**
6 **Section 113B (1) and note**

7 *substitute*

8 (1) This section applies if a licensee proposes to dispose of a gaming
9 machine by destroying it under—

10 (a) an approval under section 113 (Approval of disposal of gaming
11 machines); or

12 (b) section 113A.

13 (1A) The commission may, but need not, attend the gaming machine’s
14 destruction.

15 **16 Section 126**

16 *substitute*

17 **126 Approval of statement for display on gaming machines**

18 (1) The Minister may approve a statement for display on each gaming
19 machine at authorised premises.

20 (2) An approval is a notifiable instrument.

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

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

3 *substitute*

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

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

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

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

22 **18 Section 127S**

23 *substitute*

24 **127S Permit—form**

25 A permit must—

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

Section 18

- 1 (ii) whether the permit is—
- 2 (A) a storage permit for a general purpose; or
- 3 (B) a storage permit for an interim purpose; or
- 4 (C) a quarantine permit;
- 5 (iii) the day the permit comes into force and the day it
- 6 expires;
- 7 (iv) the authorised premises—
- 8 (A) for a storage permit for a general purpose—for each
- 9 gaming machine with its associated authorisation to
- 10 be stored under the permit; or
- 11 (B) for a storage permit for an interim purpose—where
- 12 each gaming machine to be stored under the permit
- 13 was operated; or
- 14 (C) for a quarantine permit—for each authorisation, and
- 15 gaming machine with its associated authorisation, to
- 16 be stored under the permit;
- 17 (v) the number of each of the following to be stored under
- 18 the permit:
- 19 (A) for a storage permit for a general purpose—gaming
- 20 machines with their associated authorisations;
- 21 (B) for a storage permit for an interim purpose—gaming
- 22 machines;
- 23 (C) for a quarantine permit—authorisations, and gaming
- 24 machines with their associated authorisations;
- 25 (vi) the conditions on the permit; and
- 26 (c) include a statement that—
- 27 (i) a breach of a condition of the permit may be a ground for
- 28 disciplinary action; and

- 1 (ii) it is an offence under section 104 (Offence—operating
2 unauthorised, stored or quarantined gaming machines) to
3 operate a stored or quarantined gaming machine during
4 the period of the permit; and
- 5 (d) include a schedule of the following information:
- 6 (i) for a storage permit for a general purpose—
- 7 (A) the serial number of each gaming machine to be
8 stored under the permit; and
- 9 (B) the authorisation number for each machine’s
10 associated authorisation;
- 11 (ii) for a storage permit for an interim purpose—the serial
12 number of each gaming machine to be stored under the
13 permit;
- 14 (iii) for a quarantine permit—
- 15 (A) the authorisation number for each authorisation to
16 be stored under the permit; and
- 17 (B) for each authorisation stored with its associated
18 gaming machine—the serial number of the
19 associated gaming machine; and
- 20 (e) include anything else prescribed by regulation.

21 **19 Permit—conditions**
22 **New section 127T (1) (j)**

23 *insert*

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

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

3 *insert*

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

6 **21 Section 127Y**

7 *substitute*

8 **127Y Permit amendment—decision**

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

11 (a) notification about a proposed disposal or proposed removal of
12 a gaming machine under—

13 (i) section 113A (Disposal of gaming machines—notifiable
14 action); or

15 (ii) section 127X; and

16 (b) any further information requested under section 173D.

17 **22 Trading authorisations under permits—procedure**
18 **Section 127ZB (2) (b), except notes**

19 *substitute*

20 (b) written notice to amend the disposing licensee's permit to
21 remove references to the stored or quarantined authorisation;
22 and

23 (c) for a storage permit for a general purpose, or a quarantine
24 permit for an authorisation and its associated gaming
25 machine—written notice to—

26 (i) amend the disposing licensee's permit to remove
27 references to the gaming machine associated with the
28 authorisation; and

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

4 **23 Section 127ZD**

5 *substitute*

6 **127ZD Trading authorisations under permits—issue of**
7 **quarantine permit to acquiring licensee**

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

19 **24 Gaming machines and authorisations under permits—**
20 **inspection**
21 **Section 127ZE (1), except note**

22 *substitute*

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

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

3 **25 Audit of financial statements etc**
4 **Section 158 (2) (a), new note**

5 *insert*

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

8 **26 Section 170**

9 *substitute*

10 **170 Corporations with gaming machines at multiple clubs**

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

20 **27 New sections 309A and 309B**

21 *insert*

22 **309A Application to convert in-principle approval to new venue**
23 **amendment**

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

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

17 **309B Temporary storage amendment application**

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

1 **28 Dictionary, definition of *member***

2 *substitute*

3 *member*, of a club—

4 (a) means—

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

7 (ii) a life member; but

8 (b) does not include a temporary member.

9 **29 Dictionary, new definitions**

10 *insert*

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

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

1 **35 Dictionary, definition of *patron***

2 *substitute*

3 ***patron***, of a club, includes—

4 (a) a member of the club; and

5 (b) a signed-in guest; and

6 (c) a temporary member.

1 **Part 4** **Race and Sports Bookmaking**
2 **Act 2001**

3 **36** **New section 4B**

4 *in division 2.1, insert*

5 **4B** **Meaning of *security guarantee* for a race bookmaking**
6 **licence**

7 In this Act:

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

14 **37** **Application for race bookmaking licence**
15 **Section 6 (2)**

16 *substitute*

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

20 **38** **Section 7**

21 *substitute*

22 **7** **Race bookmaking licence—issue or refusal**

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

Section 38

- 1 (2) The commission may issue the licence to the applicant if—
- 2 (a) the applicant—
- 3 (i) has not been convicted, or found guilty, in the last
- 4 5 years, whether in the ACT or elsewhere, of an
- 5 offence—
- 6 (A) involving fraud or dishonesty; or
- 7 (B) against a law about gaming; and
- 8 (ii) has not been convicted, or found guilty, in Australia in
- 9 the last 5 years of an offence punishable by imprisonment
- 10 for at least 1 year; and
- 11 (iii) has not been convicted, or found guilty, outside Australia
- 12 in the last 5 years of an offence that, if it had been
- 13 committed in the ACT, would have been punishable by
- 14 imprisonment for at least 1 year; and
- 15 (iv) does not owe an amount that has become payable by the
- 16 applicant to the commission or the Territory under this
- 17 Act or another gaming law; and
- 18 (v) if the commission has determined a minimum amount for
- 19 security guarantees for race bookmaking licences under
- 20 section 90 (Security guarantee—determination of
- 21 minimum amount)—
- 22 (A) has given an undertaking acceptable to the
- 23 commission to provide a security guarantee on issue
- 24 of the licence; and
- 25 (B) has demonstrated, to the commission’s satisfaction,
- 26 the ability to provide a security guarantee on issue
- 27 of the licence; and
- 28 *Note* **Security guarantee**, for a race bookmaking licence—
- 29 see s 4B.
- 30 (b) the commission believes on reasonable grounds that the
- 31 applicant is likely to be able to pay bets.

- 1 (3) In deciding whether an applicant is likely to be able to pay bets, the
2 commission may consider any business or financial matters about
3 the applicant that the commission considers appropriate.
- 4 (4) If the commission is not satisfied about a matter mentioned in
5 subsection (2), the commission must give a written notice to the
6 applicant that states—
- 7 (a) each matter about which the commission is not satisfied; and
8 (b) the applicant's rights under subsection (5).
- 9 *Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.
- 10 (5) The applicant may make written representations, or oral
11 representations personally or by an authorised representative, to the
12 commission about a matter stated in the notice within the period of
13 14 days after the day the applicant is given the notice or any longer
14 period allowed by the commission (the *representation period*).
- 15 (6) After giving the notice under subsection (4), the commission must—
- 16 (a) take into account—
- 17 (i) any representations made by the applicant within the
18 representation period; and
- 19 (ii) any other relevant information available to the
20 commission; and
- 21 (b) either—
- 22 (i) if the commission is satisfied about each matter stated in
23 the notice—issue a race bookmaking licence to the
24 applicant; or
- 25 (ii) if the commission is not satisfied about each matter stated
26 in the notice—refuse to issue the race bookmaking
27 licence to the applicant.
- 28 *Note* Under pt 10 (Notification and review of decisions), a decision to refuse
29 to issue a licence may, on application, be reconsidered by the
30 commission and reviewed by the ACAT.

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

6 **39 New sections 10A and 10B**

7 *insert*

8 **10A Race bookmaking licence—application for renewal**

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

11 *Note 1* If a form is approved under the *Gambling and Racing Control Act 1999*,
12 s 53D for an application, the form must be used.

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

- 14 (2) The application must—
15 (a) be in writing; and
16 (b) include consent to a police officer checking the applicant's
17 criminal record and reporting the results of the check to the
18 commission; and
19 (c) be received by the commission at least 30 days before the day
20 the licence expires.

- 21 (3) However, the commission may extend the time for making an
22 application.

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

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

10B Race bookmaking licence—decision on renewal

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

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

1 (b) the commission believes on reasonable grounds that the race
2 bookmaker is likely to be able to pay bets.

3 (4) If the commission is not satisfied about a matter mentioned in
4 subsection (3), the commission must give a written notice to the race
5 bookmaker that states—

6 (a) each matter about which the commission is not satisfied; and

7 (b) the race bookmaker's rights under subsection (5).

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

9 (5) The race bookmaker may make written representations, or oral
10 representations personally or by an authorised representative, to the
11 commission about a matter stated in the notice within the period of
12 14 days after the day the race bookmaker is given the notice or any
13 longer period allowed by the commission (the ***representation***
14 ***period***).

15 (6) After giving the notice under subsection (4), the commission must—

16 (a) take into account—

17 (i) any representations made by the race bookmaker within
18 the representation period; and

19 (ii) any other relevant information available to the
20 commission; and

21 (b) either—

22 (i) if the commission is satisfied about each matter stated in
23 the notice—renew the race bookmaking licence; or

24 (ii) if the commission is not satisfied about each matter stated
25 in the notice—refuse to renew the race bookmaking
26 licence.

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

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

6 **40 Application for race bookmaker's agent licence**
7 **Section 12 (3)**

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

15 **41 Section 12 (4)**

- 16 *omit*
- 17 subsection (3)
- 18 *substitute*
- 19 subsection (3) (b)

20 **42 Section 13**

- 21 *substitute*

22 **13 Race bookmaker's agent licence—issue or refusal**

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

Section 42

- 1 (2) The commission may issue the licence to the nominated person if
2 the nominated person—
- 3 (a) has not been convicted, or found guilty, in the last 5 years,
4 whether in the ACT or elsewhere, of an offence—
- 5 (i) involving fraud or dishonesty; or
6 (ii) against a law about gaming; and
- 7 (b) has not been convicted, or found guilty, in Australia in the last
8 5 years of an offence punishable by imprisonment for at least
9 1 year; and
- 10 (c) has not been convicted, or found guilty, outside Australia in the
11 last 5 years of an offence that, if it had been committed in the
12 ACT, would have been punishable by imprisonment for at least
13 1 year; and
- 14 (d) does not owe an amount that has become payable by the
15 nominated person to the commission or the Territory under this
16 Act or another gaming law.
- 17 (3) If the commission is not satisfied about a matter mentioned in
18 subsection (2), the commission must give a written notice to the race
19 bookmaker that states—
- 20 (a) each matter about which the commission is not satisfied; and
21 (b) the race bookmaker's rights under subsection (4).
- 22 *Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.
- 23 (4) The race bookmaker may make written representations, or oral
24 representations personally or by an authorised representative, to the
25 commission about a matter stated in the notice within the period of
26 14 days after the day the race bookmaker is given the notice or any
27 longer period allowed by the commission (the ***representation***
28 ***period***).

- 1 (5) After giving the notice under subsection (3), the commission must—
- 2 (a) take into account—
- 3 (i) any representations made by the race bookmaker within
- 4 the representation period; and
- 5 (ii) any other relevant information available to the
- 6 commission; and
- 7 (b) either—
- 8 (i) if the commission is satisfied about each matter stated in
- 9 the notice—issue a race bookmaker’s agent licence to the
- 10 nominated person; or
- 11 (ii) if the commission is not satisfied about each matter stated
- 12 in the notice—refuse to issue a race bookmaker’s agent
- 13 licence to the nominated person.
- 14 *Note* Under pt 10 (Notification and review of decisions), a decision to refuse
- 15 to issue a licence may, on application, be reconsidered by the
- 16 commission and reviewed by the ACAT.
- 17 (6) However, despite subsection (5) (b) (ii), the commission may issue a
- 18 race bookmaker’s agent licence to the nominated person if satisfied
- 19 that—
- 20 (a) the racing industry would not be adversely affected if the
- 21 commission issued the licence; and
- 22 (b) it is otherwise in the public interest that the commission issue
- 23 the licence.

24 **43 New sections 16A and 16B**

25 *insert*

26 **16A Race bookmaker’s agent licence—application for renewal**

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

- 1 (b) the agent holds a race bookmaker's agent licence.
- 2 (2) The race bookmaker may apply to the commission to renew the
3 agent's race bookmaker's agent licence for a period not longer than
4 3 years.
- 5 *Note 1* If a form is approved under the [Gambling and Racing Control Act 1999](#),
6 s 53D for an application, the form must be used.
- 7 *Note 2* A fee may be determined under s 97 for this provision.
- 8 (3) The application must—
- 9 (a) be in writing; and
- 10 (b) include consent to a police officer checking the race
11 bookmaker's agent's criminal record and reporting the results
12 of the check to the commission; and
- 13 (c) be received by the commission at least 30 days before the day
14 the licence expires.
- 15 (4) However, the commission may extend the time for making an
16 application.
- 17 *Note* A race bookmaker may apply to the commission for the time to be
18 extended, and the commission may extend the time, even though the
19 time has ended (see [Legislation Act](#), s 151C).
- 20 (5) If a race bookmaker applies to renew the licence under this section,
21 the licence remains in force until the application is decided.

22 **16B Race bookmaker's agent licence—decision on renewal**

- 23 (1) This section applies if the commission receives an application for
24 renewal of a race bookmaker's agent licence under section 16A.
- 25 (2) The commission must not decide the application until the
26 commission has received and considered a police report, authorised
27 under section 16A (3) (b), about the race bookmaker's agent.

-
- 1 (3) The commission may renew the licence if the race bookmaker's
2 agent—
- 3 (a) has not been convicted, or found guilty, in the last 5 years,
4 whether in the ACT or elsewhere, of an offence—
- 5 (i) involving fraud or dishonesty; or
6 (ii) against a law about gaming; and
- 7 (b) has not been convicted, or found guilty, in Australia in the last
8 5 years of an offence punishable by imprisonment for at least
9 1 year; and
- 10 (c) has not been convicted, or found guilty, outside Australia in the
11 last 5 years of an offence that, if it had been committed in the
12 ACT, would have been punishable by imprisonment for at least
13 1 year; and
- 14 (d) does not owe an amount that has become payable by the race
15 bookmaker's agent to the commission or the Territory under
16 this Act or another gaming law.
- 17 (4) If the commission is not satisfied about a matter mentioned in
18 subsection (3), the commission must give a written notice to the race
19 bookmaker that states—
- 20 (a) each matter about which the commission is not satisfied; and
21 (b) the race bookmaker's agent's rights under subsection (5).
- 22 *Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.
- 23 (5) The race bookmaker may make written representations, or oral
24 representations personally or by an authorised representative, to the
25 commission about a matter stated in the notice within the period of
26 14 days after the day the race bookmaker's agent is given the notice
27 or any longer period allowed by the commission (the ***representation***
28 ***period***).

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

21 **44 New section 23A**

22 *in division 3.2, insert*

23 **23A Prohibition of issue of licences in certain cases**

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

1 (2) The commission must not issue a sports bookmaking licence, or
2 sports bookmaker's agent licence, to a person if a fee payable for the
3 licence, or any other amount payable by the person to the
4 commission or the Territory under this Act or another gaming law,
5 remains unpaid after it has become payable.

6 (3) If the commission refuses, under this section, to issue a licence, the
7 commission must give written notice of the refusal to the applicant
8 for the licence.

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

12 **45 Issue or refusal of sports bookmaking licence**
13 **Section 26 (8)**

14 *substitute*

15 (8) This section is subject to—

16 (a) section 23A (Prohibition of issue of licences in certain cases);
17 and

18 (b) section 24 (2) (Maximum number of sports bookmaking
19 licences etc).

20 **46 Issue or refusal of sports bookmaker's agent licence**
21 **Section 35 (6)**

22 *omit*

23 section 43

24 *substitute*

25 section 23A

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

3 *before subsection (1), insert*

4 (1A) This section applies if the commission receives an application for a
5 licence or renewal of a licence.

6 **48 Section 41 (1)**

7 *omit*

8 For its consideration of an application for a licence

9 *substitute*

10 In deciding whether to issue or renew the licence

11 **49 Section 41 (3), definition of *relevant person*, new**
12 **paragraphs (c) and (d)**

13 *insert*

14 (c) for an application for renewal of a race bookmaking licence—
15 the race bookmaker; and

16 (d) for an application for renewal of a race bookmaker's agent
17 licence—the race bookmaker's agent.

18 **50 Prohibition of issue of licences in certain cases**
19 **Section 43**

20 *omit*

1 **51 Mandatory cancellation of licence**
2 **Section 68 (2)**

3 *substitute*

4 (2) If the licensee holds a race bookmaking licence, the following
5 criteria apply to the licensee:

6 (a) the licensee does not satisfy a requirement mentioned in
7 section 10B (3) (a) (Race bookmaking licence—decision on
8 renewal);

9 (b) the commission does not hold the belief mentioned in
10 section 10B (3) (b);

11 (c) the licensee has committed a prohibited act.

12 (2A) If the licensee holds a race bookmaker's agent licence, the following
13 criteria apply to the licensee:

14 (a) the race bookmaker's agent does not satisfy a requirement
15 mentioned in section 16B (3) (Race bookmaker's agent
16 licence—decision on renewal);

17 (b) the race bookmaker's agent has committed a prohibited act.

18 **52 Section 68 (3)**

19 *after*

20 subsection (2)

21 *insert*

22 and (2A)

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

3 *substitute*

4 *Note* A security guarantee may be required for:

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

10 **54 Amendment of security guarantee**
11 **Section 91 (1) (b) note**

12 *substitute*

13 *Note* A security guarantee may be required for:

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

19 **55 Meaning of *suitability requirements* and *security***
20 ***guarantee***
21 **Section 92 (1) (h)**

22 *omit*

23 a bookmaking licence or

24 **56 Section 92 (1) (i)**

25 *omit*

26 race bookmaking licence or

1 **57 Section 92 (2) (a)**
2 *omit*
3 race bookmaking licence or

4 **58 Section 92 (2) (b)**
5 *omit*
6 any other kind of licence
7 *substitute*
8 a sports bookmaker's agent licence

9 **59 New section 92 (2) (ba)**
10 *insert*
11 (ba) the holder of a sports bookmaking licence or sports
12 bookmaker's agent licence;

13 **60 Section 92 (2) (c)**
14 *omit*
15 the holder of a licence or,

16 **61 Section 92 (2) (c)**
17 *omit*
18 corporation,
19 *substitute*
20 corporation—

21 **62 Section 92 (3)**
22 *omit*

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

3 *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

1 **64 Dictionary, definition of issue**

2 *omit*

3 **65 Dictionary, definition of security guarantee**

4 *substitute*

5 *security guarantee—*

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

1 **Part 5** **Race and Sports Bookmaking**
2 **Regulation 2001**

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

5 *substitute*

6 (d) Greyhound Racing New South Wales;

7 (e) Harness Racing New South Wales;

8 (f) Racing NSW.

9 **67 Corresponding laws—Act, s 92 (1) (d)**
10 **Section 7 (i)**

11 *substitute*

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

1 **Part 6** **Racing Act 1999**

2 **68** **Rules of thoroughbred racing**
3 **Section 19 (1)**

4 *omit*

5 the Australian Racing Board

6 *substitute*

7 Racing Australia Limited

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

3 **69 Dictionary, definition of *defined entity*, paragraph (c)**

4 *substitute*

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

1 **Schedule 1** **Gaming Machine Act 2004—**
2 **other amendments**

3 (see s 3)

4 **[1.1] Section 10C (7), note 2**

5 *substitute*

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

8 **[1.2] Section 37H (2) (d)**

9 *substitute*

10 (d) if a licensee holds a storage permit—

- 11 (i) whether the permit is for a general purpose or an interim
12 purpose; and
- 13 (ii) the serial number of each gaming machine to be stored
14 under the permit; and
- 15 (iii) for a storage permit for a general purpose—the
16 authorisation number for each gaming machine's
17 associated authorisation;

18 **[1.3] Section 104 heading**

19 *substitute*

20 **104 Offence—operating unauthorised or stored gaming**
21 **machines**

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

1 *before*
2 permit
3 *insert*
4 storage
5

[1.5] Section 127S

6 *substitute*
7

127S Storage permit—form

8 A storage permit must—
9

10 (a) be in writing; and

11 (b) state the following:

12 (i) the name of the licensee;

13 (ii) whether the permit is for a general purpose or an interim
14 purpose;

15 (iii) the day the permit comes into force and the day it
16 expires;

17 (iv) the authorised premises—

18 (A) for a storage permit for a general purpose—for each
19 gaming machine with its associated authorisation to
20 be stored under the permit; or

21 (B) for a storage permit for an interim purpose—where
22 each gaming machine to be stored under the storage
23 permit was operated;

24 (v) the number of gaming machines to be stored under the
25 permit;

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

16 **[1.6] Section 127T (1) (j)**

17 *omit*

18 **[1.7] Section 127ZB (2) (b) and (c), except notes**

19 *substitute*

- 20 (b) written notice to—
- 21 (i) amend the disposing licensee’s permit to remove
- 22 references to the stored authorisation and its associated
- 23 gaming machine; and
- 24 (ii) if the gaming machine is not being sold to the acquiring
- 25 licensee—issue to the disposing licensee a storage permit
- 26 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 2016.

3 Republications of amended laws

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

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