

Australian Capital Territory

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2006 (No 9)

Disallowable Instrument DI2006—270

EXPLANATORY STATEMENT

The *Race and Sports Bookmaking Act 2001* (the Act) regulates the activities of sports bookmakers in the Australian Capital Territory.

Part 3 of the Act provides for the conduct and control of sports bookmaking. Section 21(1) of the Act provides that the Commission may determine a place to be a sports bookmaking venue for the purpose of the Act.

This instrument revokes DI2006-214 dated 26 September 2006 and notified under the Legislation Register on 3 October 2006. The instrument approves ACTTAB Ltd sub-agencies as sports bookmaking venues.

The new determination approves the areas within a one-metre radius of any selling terminal, owned and operated by ACTTAB Limited and located within the places identified in the Schedules to the instrument. A selling terminal is defined as a SELPOS or AMTOTE AT 1000 selling terminal.

DI2006-214 amended the details of sub-agencies in DI2006-206 by adding two new sub-agencies to the Schedule and correcting a drafting error in the previous instrument by reinstating sports bookmaking venue known as Wests@Turner Club that was inadvertently omitted under DI2006-206.

This instrument re-approves the sub-agencies listed under DI2006-214 and provides for the retrospective approval of Wests@Turner Club to cover the non-approved period.

Schedule 1 of this instrument continues to prospectively determine ACTTAB sub-agencies (with the exception of Wests@Turner Club) as notified in DI2006-214.

Schedule 2 specifically amends the commencement date for Wests@Turner Club retrospectively. The commencement date for this sub-agency as an approved sports bookmaking venue is 5 September 2006. The need to retrospectively apply the commencement date is to correct a clerical error that resulted in Wests@Turner Club not being a determined ACTTAB sub-agency during the period 5 September 2006 to 3 October 2006.

The retrospective commencement of Schedule 2 will not adversely affect a person's rights or impose liabilities on a person as consumers made bets with the ACTTAB sub-agency in the belief that the bets were legally made and were legally binding. The licensee of West@Turner Club also accepted bets and paid out on those bets on the basis that it was lawful to do so.

The retrospective application of Schedule 2 ensures that the legal situation accords to the expectation of parties. It also gives effect to the overall object of the Act in a manner that is just and expedient.

In all other respects DI2006-214 has not been altered.