

# AUSTRALIAN CAPITAL TERRITORY

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## Bookmakers Ordinance 1985

No. 43 of 1985

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# AUSTRALIAN CAPITAL TERRITORY

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## Bookmakers Ordinance 1985

No. 43 of 1985

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 6 September 1985

J.A. ROWLAND  
Administrator

By His Excellency's Command,

G. SCHOLLES  
Minister of State for Territories

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

### PART I—PRELIMINARY

#### Short title

1. This Ordinance may be cited as the *Bookmakers Ordinance 1985*.<sup>1</sup>

#### Commencement

2. (1) This section and section 1 shall come into operation on the day on which this Ordinance 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 Ordinance shall come into operation on 1 October 1985.

### Interpretation

3. In this Ordinance, 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 race;

“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;

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

“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 Ordinance 1953*; and

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

“member” means a member of the Committee;

“race” means a horse race, whether by the 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 meeting;

“racecourse” means land on which a race meeting is held;

“race meeting” means a meeting held to conduct races;

“Registrar” means the Registrar of Bookmakers appointed under section 4;

“standing licence” means a licence granted under section 25;

“Tribunal” means the 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
- (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 sub-section (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 sub-section (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, subject to sub-section (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 Ordinance.

(8) The validity of anything done by a person purporting to act under sub-section (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 issue to a person appointed under this section a certificate signed by the Minister to the effect that the person is the Registrar of Bookmakers.

### **Inspectors**

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

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

(3) The Minister shall issue to a person appointed under sub-section (1) a certificate signed by the Minister to the effect that the person is an inspector for the purposes of this Ordinance.

### ***Division 2—Bookmakers Licensing Committee***

#### **Establishment**

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

#### **Functions**

7. The functions of the Committee are to consider and determine applications and other matters relating to licences under this Ordinance.

**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 5 part-time members appointed by the Minister, of whom—

- (a) one shall be an officer within the meaning of the *Public Service Act 1922*;
- (b) one shall be nominated by the Australian Capital Territory Racing Club, being a body incorporated under the *Associations Incorporation Ordinance 1953*;
- (c) one shall be nominated by the Canberra Trotting Club, being a body incorporated under the *Associations Incorporation Ordinance 1953*; and
- (d) one shall be nominated by the Canberra Greyhound Racing Club, being a body incorporated under the *Associations Incorporations Ordinance 1953*; and
- (e) one shall be nominated by the A.C.T. Bookmakers Association, being a body incorporated under the *Associations Incorporation Ordinance 1953*.

(2) Subject to this Ordinance, a member—

- (a) hold 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.

**Chairman**

10. The member referred to in paragraph 9 (1) (a) or, where a person is appointed under section 13 in place of that member, that person, shall be the Chairman of the Committee.

**Registration 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 the member referred to in paragraph 9 (1) (a) for misbehaviour or physical or mental incapacity.

**(2)** If a member (other than the member referred to in paragraph 9 (1) (a))—

- (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)** Subject to sub-section (2), the Minister may 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)** The Minister may at any time terminate the appointment of a person under this section.

**(4)** The appointment of a person under this section ceases to have effect if the person resigns the appointment by writing signed by the person and delivered to the Minister.

(5) While a person is acting as a member under this section, the person has, and may exercise, all the powers, and shall perform all the functions, of a member of the Committee.

### **Meetings**

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

(2) The Chairman 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 Chairman 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 3 members, one of whom shall be the Chairman.

(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 Chairman 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 sub-section (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 sub-section (2) in relation to a member who has made a disclosure under sub-section (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
- (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**

17. The Committee is a prescribed authority for the purposes of the *Remuneration Ordinance 1976*.

## ***Division 3—Powers of entry and search***

### **Powers of entry, &c.—racecourses**

18. (1) The Registrar or an inspector may, at any time during which a race meeting is being held at a racecourse, with such assistance as he or she thinks necessary, enter the racecourse, without charge, for the purposes of ensuring that the provisions of this Ordinance or the regulations are being complied with.

(2) Where the Registrar or an inspector enters a racecourse in accordance with sub-section (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 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.

**Powers of entry, &c.—non-residential premises**

**19. (1)** The Registrar or an inspector may, at any reasonable hour of the day or night, with such assistance as the Registrar or inspector thinks necessary, 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 Ordinance or the regulations are being complied with.

**(2)** Where the Registrar or an inspector enters upon or into premises in pursuance of sub-section (1) the Registrar or inspector is not authorised to remain on the premises if, on request by or on behalf of the occupier or 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 sub-section (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 sub-section (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, &c.—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 sub-section 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 Ordinance 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 Ordinance 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 he or she thinks necessary and if necessary by force, to enter upon or into those premises, to search those premises and to exercise all or any of his or her powers under sub section 19 (3) in regard to such books, documents or records.

**(2)** A Magistrate shall not issue a warrant under sub-section (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 sub-section 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.

**(4)** If, in the course of searching, in accordance with a warrant issued under this section, for books, documents or records connected with a particular offence against this Ordinance, being books, documents or records of a kind specified in the warrant, the Registrar or an inspector finds any books,

documents or records that he or she believes on reasonable grounds to be connected with the offence, although not of a kind specified in the warrant, or to be connected with another offence against this Ordinance, and he or she believes on reasonable grounds that it is necessary to exercise all or any of his or her powers under sub-section 19 (3) in relation to those books, documents or records in order to prevent the committing, continuing or repeating of the offence, or that other offence, the warrant shall be deemed to authorized him or her to exercise those powers in relation to those books, documents or records.

**Consent to entry**

**22.** 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.

**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 Ordinance; 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 Ordinance,

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**

**25. (1)** On receipt of an application under section 24, together with the determined fee, the Registrar shall, subject to the sub-section (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 Ordinance 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 Ordinance, an amount due under this Ordinance,

the Registrar shall refer the application to the Committee.

**(3)** Where the respect of an application referred to the Committee under sub-section (2), the Committee is satisfied that the applicant—

- (a) has been found guilty of an offence against this Ordinance 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 Ordinance, an amount due under this Ordinance,

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
  - (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 Commonwealth 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 sub-section (1) is due and payable with 7 days of the date of the determination for 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 sub-section (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 sub-section (3), it is not possible to determine an amount of money in accordance with that sub-section, 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 sub-section 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 28 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 Commonwealth 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.

### **Cancellation or suspension of standing licence**

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

- (a) has been found guilty of an offence against this Ordinance 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 Ordinance an amount due under this Ordinance,

the Committee may—

- (d) suspend the licence for such period as the Committee determines; or
- (e) cancel the 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 licencing 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 sub-section (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 unde section 35, the Registrar shall, subject to sub-section (2), grant a bookmaker's agent's licence to the person nominated in the application.

**(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 Ordinance 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.

### **Duration of licence**

37. A bookmaker's agent's licence remains in force for the period 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 IV—OFFENCES**

### **Unlicensed bookmaking**

40. A bookmaker shall not carry on business as a bookmaker at a race meeting in the Territory unless the bookmaker is the holder of a standing licence authorizing the bookmaker to field at race meetings of that kind.

Penalty: \$2,000.

### **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.

**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 sub-section (1).

Penalty: \$1,000.

**Bookmaker's 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 sub-section 43 (1) 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 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 Ordinance, 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.

### **Evidentiary certificates**

**49.** In proceedings for an offence against this Ordinance, a certificate signed by the Registrar, and stating that the person specified in the certificate was or was not, at the 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.

### **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; or
- (b) suspending or cancelling a standing licence under section 33.

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

- (a) making a determination under sub-section 29 (4); or

- (b) reconsidering a determination under section 30.

### **Notification of decisions**

**51. (1)** A notice given to a person under sub-section 25 (5) or 33 (2) or under paragraph 30 (3) (b) shall include a statement setting out the reasons for the decision.

**(2)** A statement under sub-section (1) shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, 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 sub-section (1) shall not be taken to be affected by a failure to comply with that sub-section.

### **Giving of notices, &c.**

**52. (1)** A document that is required by this Ordinance 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 Ordinance 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
- (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 Ordinance 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.

### **Power to determine fees and percentages**

**55.** The Minister may, by notice in the *Gazette*, determine fees, and determine a percentage in relation to the calculation of fees, for the purposes of this Ordinance.

### **Regulations**

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

- (a) relating to the keeping of records by bookmakers; and
- (b) prescribing penalties not exceeding \$500 for offences against the regulations.

### **Transitional**

**57.** Notwithstanding sub-section 24 (1), during the period commencing on the date fixed under sub-section 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 sub-section 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.



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**NOTE**

1. Notified in the *Commonwealth of Australia Gazette* on 13 September 1985.