



Australian Capital Territory

Bookmakers Act 1985

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The republished law

This is a republication of the *Bookmakers Act 1985* effective from 1 July 1994 to 13 October 1994.

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Australian Capital Territory

BOOKMAKERS ACT 1985

As at 1 July 1994

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Australian Capital Territory

BOOKMAKERS ACT 1985

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

PART I—PRELIMINARY

Short title

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

Commencement

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

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

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

Interpretation

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

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

“bookmaker” means a person who—

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- (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 Act 1953*; and

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

“member” means a member of the Committee;

“race” means a horse race, whether by way of galloping, pacing or trotting, or a dog race;

“racing club” means a body formed for promoting or controlling horse or dog racing or for holding race meetings;

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

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

“Register” means the Register of Bookmakers established in pursuance of section 5A;

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

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

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

PART II—ADMINISTRATION

Division 1—General

Registrar and Acting Registrar

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

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

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

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

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

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

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

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

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

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

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

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

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

Penalty: \$100.

Inspectors

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

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

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

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

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

Penalty: \$100.

Register of Bookmakers

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

Division 2—Bookmakers Licensing Committee

Establishment

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

Functions

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

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

(2) Subject to this Act, a member—

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

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.

Resignation of member

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

Termination of appointment

12. (1) The Minister may terminate the appointment of a member (other than 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) The Minister may, in writing, appoint a person to act as a member—

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

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

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

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

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

Meetings

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

(2) The 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.

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

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

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

- (a) be present during any deliberation of the Committee for the purpose of making the determination; or
- (b) take part in the making by the Committee of the determination.

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

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

Protection of members

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

Remuneration and allowances

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

- (2) Subsection (1) does not apply in relation to—
 - (a) remuneration if there is a subsisting determination relating to the remuneration to be paid to a member; or
 - (b) an allowance of a particular kind if there is a subsisting determination relating to an allowance of that kind to be paid to a member.

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

Division 3—Powers of entry and search

Powers of entry etc.—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 is necessary and reasonable, enter the racecourse, without charge, for the purposes of ensuring that the provisions of this Act or the regulations are being complied with.

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

- (a) inspect any books, documents or records, whether in the custody of a bookmaker or otherwise, which the Registrar or inspector has 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 etc.—non-residential premises

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

(2) Where the Registrar or an inspector enters upon or into premises in pursuance of subsection (1) the Registrar or inspector is not authorised to remain on the premises if, on request by or on behalf of the occupier or person apparently in charge of the premises, the Registrar or inspector does not produce a certificate issued to the Registrar or inspector under subsection 4 (9) or 5 (3), as the case requires.

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

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

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

Powers of entry etc.—premises generally

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

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

Search warrants

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

and to exercise all or any of his or her powers under subsection 19 (3) in regard to such books, documents or records.

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

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

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

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

Consent to entry

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

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

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

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

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

Obstruction of Registrar or inspector

23. A person who, without reasonable excuse—

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

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

PART III—LICENSING OF BOOKMAKERS

Division 1—Standing Licences

Application for standing licence

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

(2) An application under this section shall—

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

Grant of standing licence

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

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

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

the Registrar shall refer the application to the Committee.

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

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

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

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

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

Kinds of licence

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

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

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

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

Issue of standing licence

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

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

Duration of standing licence

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

Fees for standing licence

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

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

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

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

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

Reconsideration by Registrar

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

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

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

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

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

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

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

Penalty for late payment

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

Signing of licence by bookmaker

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

Penalty: \$500.

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

the Committee may—

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

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

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

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

Representations to Committee

34. Where the Committee is considering—

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

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

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

Division 2—Bookmaker's Agent's Licences

Application for bookmaker's agent's licence

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

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

(3) An application under this section shall—

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

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

Grant of bookmaker's agent's licence

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

(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

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- (c) has been found guilty of an offence against this Act or the regulations or against a corresponding law.

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

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

Issue of bookmaker's agent's licences

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

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

Duration of licence

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

Effect of licence

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

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

Cancellation of licence

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

PART IV—OFFENCES

Unlicensed bookmaking

Bookmakers Act 1985

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.

Telephone betting

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

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

Penalty: \$3,000.

Interference with prescribed equipment

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

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

Specimen signature

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

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

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

Penalty: \$1,000.

Bookmakers' records

Bookmakers Act 1985

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

Penalty: \$2,000.

Forwarding of records to Registrar

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

Penalty: \$1,000.

Furnishing of information by racing club

45. A racing club that conducts a race meeting at a racecourse in the Territory shall, within 7 days after the date of the race meeting, forward to the Registrar the name and address of each person who carried on business as a bookmaker at the race meeting.

Penalty: \$5,000.

Unlicensed bookmakers on racecourse

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

Penalty: \$10,000.

PART V—MISCELLANEOUS

Availability of forms

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

Notification by Registrar

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

Bookmakers Act 1985

- (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 Act, a certificate signed by the Registrar and stating that the person specified in the certificate was or was not, at that time, or during the period, specified in the certificate, the holder of a standing licence or a bookmaker's agent's licence authorizing the holder to field at race meetings of the kind specified in the certificate is evidence of the matters stated in the certificate.

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

Notification of decisions

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

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

Giving of notices etc.

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

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

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

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

Time for commencement of prosecutions

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

Annual report

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

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 Act.

Maintenance of prescribed equipment

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

Bookmakers Act 1985

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

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

Penalty: \$5,000.

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

Regulations

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

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

Transitional

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

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

Bookmakers Act 1985

NOTE

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

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

Table 1

Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Bookmakers Ordinance 1985</i>	43, 1985	13 Sept 1985	Ss. 1 and 2: 13 Sept 1985 S. 3, Div. 1 (ss. 4 and 5) and Div. 2 (ss. 6-17) of Part II, ss. 24-28, 32, 34-39 and 48-57: 19 Sept 1985 (see <i>Gazette</i> 1985, No. S373) Remainder: 1 Oct 1985	—
<i>Bookmakers (Amendment) Ordinance 1986</i>	38, 1986	15 Aug 1986	15 Aug 1986	—
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss.1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—
<i>Remuneration (Miscellaneous Amendments) Ordinance 1989</i>	50, 1989	10 May 1989	10 May 1989	—

Self-Government day 11 May 1989

NOTE—continued

Table 2
Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Statute Law Revision (Miscellaneous Provisions) Act 1992</i>	23, 1992	4 June 1992	4 June 1992	—
<i>Bookmakers (Amendment) Act 1994</i>	29, 1994	28 June 1994	1 July 1994	—

Table of Amendments

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

Provision	How affected
S. 3	am. No. 38, 1986; No. 38, 1989
Ss. 4, 5	am. No. 38, 1986
S. 5A	ad. No. 38, 1986
S. 9	am. No. 38, 1989
S. 13	am. Act No. 23, 1992
S. 17	rs. No. 50, 1989
Ss. 18, 19	am. No. 38, 1986
Ss. 21, 22	am. No. 38, 1986
S. 25	am. No. 38, 1986
S. 29	am. No. 38, 1989
S. 30	am. No. 38, 1986; No. 38, 1989
S. 36A	ad. No. 38, 1986
S. 37	am. No. 38, 1986
Ss. 41A, 41B	ad. Act No. 29, 1994
S. 44	am. No. 38, 1986
S. 51	am. No. 38, 1986
S. 55A	ad. Act No. 29, 1994
S. 56	am. No. 38, 1989; Act No. 23, 1992; No. 29, 1994