



AUSTRALIAN CAPITAL TERRITORY

Bookmakers (Amendment) Act (No. 2) 1994

No. 53 of 1994

An Act to amend the *Bookmakers Act 1985*

[Notified in ACT Gazette S196: 5 October 1994]

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

Short title

1. This Act may be cited as the *Bookmakers (Amendment) Act (No. 2) 1994*.

Commencement

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Principal Act

3. In this Act, “Principal Act” means the *Bookmakers Act 1985*.¹

Interpretation

4. Section 3 of the Principal Act is amended—

(a) by omitting “relating to a race,” from the definition of “bet” and substituting:

“relating to—

- (a) a race; or
- (b) a sports betting event;”;

(b) by inserting the following definitions:

“ ‘company’ means a company incorporated, or taken to be incorporated, under the Corporations Law;

‘determined fee’ means the fee determined by the Minister under paragraph 55 (1) (a) for the purposes of the provision in which the expression occurs;

‘determined percentage’, in relation to a fee, means the percentage of the fee determined by the Minister under paragraph 55 (1) (b);

‘determined period’, in relation to the payment of a fee, means the period determined by the Minister under paragraph 55 (1) (c) within which the fee is payable;

‘security guarantee’, in relation to the suitability requirements governing the exercise of the Committee’s powers in respect of a sports betting licence, a sports betting agent’s licence, or an applicant for either such licence, means a document or documents satisfying the Committee on reasonable grounds that the licensee or applicant has the capacity to cover reasonable losses resulting from sports betting;

‘sports bet’ means a bet between a backer and a bookmaker upon any event or contingency relating to a sports betting event;

‘sports betting agent’s licence’ means a licence granted under section 39T;

‘Sports Betting Disputes Subcommittee’ means the Committee as constituted under section 39ZC;

‘sports betting event’ means an event determined by the Minister under subsection 39A (1);

‘sports betting licence’ means a licence granted under section 39G;

‘sports betting venue’ means a place determined by the Minister under subsection 39B (1);

‘suitability requirements’, in relation to a person, means requirements that the person should—

- (a) have a reputation for sound business conduct;
- (b) have a reputation for sound character;

- (c) not have been associated, and not have entered into any business or financial arrangements, with any person who does not have a reputation for sound business conduct and sound character;
 - (d) not have been found guilty of an offence against this Act or the regulations, or an offence against a corresponding law;
 - (e) not have failed to pay an amount due under this Act, in accordance with this Act;
 - (f) within the period of 5 years immediately preceding the date on which the suitability requirements are being applied, not have been found guilty in Australia of an offence punishable by imprisonment for 12 months or more;
 - (g) not have been found guilty in Australia of an offence relating to betting upon any event or contingency relating to a race; and
 - (h) have provided a security guarantee;
- ‘syndicate’ means a group of 2 or more bookmakers;”.

Substitution

5. Section 7 of the Principal Act is repealed and the following section substituted:

Functions

“7. The functions of the Committee are—

- (a) to consider and determine applications and other matters relating to licences under this Act; and
- (b) constituted as the Sports Betting Disputes Subcommittee—to consider and determine applications for the review of directions of the Registrar under section 39ZG.”.

Membership

6. (1) Section 9 of the Principal Act is amended—

- (a) by omitting from subsection (1) “5 part-time members” and substituting “7 part-time members”; and
- (b) by omitting paragraph (1) (a) and substituting the following paragraph:

“(a) 3 shall be nominees of the Minister;”.

(2) The public servant holding office as a member of the Committee under paragraph 9 (1) (a) of the Principal Act immediately before the date of commencement of this section is, on and from that date, to be taken to be

appointed to the Committee as 1 of the Ministerial nominees appointed by the Minister as members of the Committee under that paragraph as amended by paragraph (1) (b) of this section.

Substitution

7. (1) Section 10 of the Principal Act is repealed and the following section substituted:

Chairperson

“10. The Minister shall appoint 1 of the members he or she appointed under paragraph 9 (1) (a) as Chairperson of the Committee.”.

(2) The member holding office as Chairman of the Committee under section 10 of the Principal Act immediately before the date of commencement of this section is, on and from that date, to be taken to be appointed as the Chairperson of the Committee under section 10 of the Principal Act as amended by subsection (1) of this section.

Termination of appointment

8. Section 12 of the Principal Act is amended by omitting from subsections (1) and (2) “the member referred to in paragraph 9 (1) (a)” and substituting “a public servant”.

Meetings

9. Section 14 of the Principal Act is amended—

- (a)** by omitting from subsections (2) and (3) “Chairman” and substituting “Chairperson”;
- (b)** by omitting from subsection (4) all the words after “quorum” and substituting “is constituted by 5 members, 1 of whom shall be the Chairperson”; and
- (c)** by omitting from subsection (6) “Chairman” and substituting “Chairperson”.

Powers of entry—betting venues

10. Section 18 of the Principal Act is amended—

- (a)** by omitting from subsection (1) “a race meeting is being held at a racecourse” and substituting “a betting event is being conducted”;
- (b)** by omitting from subsection (1) “racecourse” (last occurring) and substituting “betting venue”;
- (c)** by omitting from subsection (1) “the provisions of this Act or the regulations” and substituting “this Act and the regulations”;
- (d)** by omitting from subsection (2) “racecourse” and substituting “betting venue”; and
- (e)** by adding at the end the following subsection:

“(3) In this section—

‘betting event’ means—

- (a) a race meeting at a racecourse; or
- (b) a sports betting event;

‘betting venue’ means—

- (a) in relation to a race meeting at a racecourse—the racecourse; or
- (b) in relation to a sports betting event—the corresponding sports betting venue;

‘bookmaker’ includes—

- (a) a syndicate which holds a sports betting licence;
- (b) a company which holds a sports betting licence; and
- (c) each director of such a company.”.

Suspension and cancellation of standing licences

11. Section 33 of the Principal Act is amended by inserting after subsection (1) the following subsection:

“(1A) Where under this Act the Committee cancels a sports betting licence, or a sports betting agent’s licence, held by a standing licensee, or by a syndicate or company of which a standing licensee is a member or director (as the case requires), the Committee may—

- (a) suspend the standing licence for such period as the Committee determines; or
- (b) cancel the standing licence.”.

Insertion

12. After Part III of the Principal Act the following Part is inserted:

“PART IIIA—SPORTS BETTING

“Division 1—General

Sports betting events

“39A. (1) The Minister may, by instrument, determine a sporting or other event to be a sports betting event for the purposes of this Act.

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

Sports betting venues

“39B. (1) The Minister may, by instrument, determine a place to be a sports betting venue.

“(2) The Minister may, by instrument, determine directions for the operation of a sports betting venue.

“(3) A determination under subsection (1) or (2) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.”.

Rules for sports betting

“39C. (1) The Minister may, by instrument, determine or vary rules for sports betting.

“(2) Rules for sports betting may include rules relating to the following:

- (a) different requirements for different sports betting events;
- (b) minimum bets;
- (c) methods of betting, including arrangements for the use of telecommunications equipment;
- (d) requirements for the giving of security by backers for long-term bets;
- (e) requirements for record-keeping by sports betting licensees;
- (f) audit requirements for sports betting licensees.

“(3) A determination under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

“(4) In this section—

‘sports betting licensee’ includes the holder of a sports betting agent’s licence.

“Division 2—Sports betting licences

Number and class of licences

“39D. (1) The Minister may, by instrument, determine—

- (a) the maximum number of sports betting licences that may be granted by the Committee; and
- (b) the maximum number of sports betting licences that the Committee may grant to—
 - (i) individual bookmakers;
 - (ii) syndicates; and
 - (iii) companies.

“(2) A determination under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

Application

“39E. (1) The following persons or bodies may apply for a sports betting licence:

- (a) individual bookmakers who—
 - (i) hold a standing licence; and
 - (ii) do not already hold a sports betting licence or a sports betting agent's licence;
- (b) syndicates of 2, 3 or 4 bookmakers—
 - (i) who each hold a standing licence; and
 - (ii) none of whom already hold a sports betting licence or a sports betting agent's licence;
- (c) companies—
 - (i) at least 1 of whose directors holds a standing licence; and
 - (ii) none of whose directors already holds a sports betting licence or a sports betting agent's licence.

“(2) An application shall—

- (a) be in writing, on a form supplied by the Registrar, specifying—
 - (i) the period (not exceeding 15 years) for which the licence is applied for; and
 - (ii) in the case of a syndicate applicant—the name and business address of the member of the syndicate to whom notices may be given, and by whom notices may be given, on behalf of the syndicate for the purposes of this Act;
- (b) be made to the Committee; and
- (c) be accompanied by the determined fee.

“(3) An applicant for a sports betting licence shall give the Committee any information reasonably requested in writing by the Chairperson.

Suitability

“39F. (1) Upon an application under section 39E, the Committee shall decide whether the applicant is suitable for the grant of a sports betting licence.

“(2) For the purposes of subsection (1), an applicant is suitable if—

- (a) in the case of an individual applicant—the Committee is satisfied on reasonable grounds that the applicant satisfies the suitability requirements;
- (b) in the case of an applicant syndicate—the Committee is satisfied on reasonable grounds that the syndicate, and each member of the syndicate, satisfy the suitability requirements; and
- (c) in the case of an applicant company—the Committee is satisfied on reasonable grounds that the company, and each director of the company, satisfy the suitability requirements.

“(3) If the Committee decides that an applicant is not suitable for the grant of a sports betting licence, the Chairperson shall give written notice of the decision to—

- (a) the applicant; or
- (b) in the case of an applicant syndicate—each member of the syndicate.

Grant of licence

“39G. (1) The Committee may grant a sports betting licence to a suitable applicant for a period (not exceeding 15 years) specified in the licence, having regard to any criteria determined by the Minister by instrument.

“(2) The Committee shall not grant a sports betting licence if the grant of the licence would cause the number of sports betting licences in force to exceed the maximum determined under paragraph 39D (1) (a) or (b).

“(3) If the Committee grants a sports betting licence to an applicant for a period shorter than that applied for under subparagraph 39E (2) (a) (i), the Chairperson shall give written notice to the licensee accordingly.

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

“(5) In this section—

‘suitable applicant’ means an applicant for a sports betting licence whom the Committee decides under section 39F to be suitable for the grant of such a licence.

Registration of particulars

“39H. (1) Where the Committee grants a sports betting licence, the Registrar shall enter in the Register the following particulars about the licence:

- (a) the date on which the licence was granted;
- (b) the period for which the licence is granted;
- (c) the name and business address of the licensee;
- (d) in the case of a syndicate licensee—
 - (i) the name and business address of each member of the syndicate; and
 - (ii) the name of the member specified in the application under subparagraph 39E (2) (a) (ii);
- (e) in the case of a company licensee—the name and business address of each director, and the secretary, of the company.

“(2) Within 14 days after a change in any of the particulars referred to in paragraph (1) (c), (d) or (e), the licensee shall give written notice to the Registrar of the change.

Penalty:

- (a) in the case of a natural person—\$500;
- (b) in the case of a body corporate—\$2,500.

“(3) After a syndicate licensee or a company licensee gives notice under subsection (2) of a change of membership of the syndicate, or of the board of directors of the company, upon written notice by the Chairperson the licensee shall, within 28 days after the date of the latter notice, give the Chairperson any further information reasonably required by the Chairperson about the membership, or any new member or director, of the licensee.

Duration

“39I. A sports betting licence remains in force for the period specified in the licence, subject to this Part.

Surrender

“39J. (1) A sports betting licensee may surrender the licence by written notice to the Chairperson.

“(2) The surrender of a sports betting licence takes effect from the date of the notice of surrender, or such later date as is specified in the notice.

Fees

“39K. The determined fee for a sports betting licence is payable to the Territory within the determined period.

Syndicates—liability

“39L. Each member of a syndicate to which a sports betting licence is granted is jointly and severally liable for any fee payable by the syndicate under section 39K, and in relation to any other obligation of the licensee under this Act.

Syndicates—notices

“39M. (1) For the purposes of this Part, notices may be given to a syndicate which holds a sports betting licence by giving notice to the member of the syndicate specified in the Register for that purpose, at the address specified in the Register for that purpose.

“(2) For the purposes of this Part, notice may be given to the Registrar, the Chairperson or the Committee on behalf of a syndicate which holds a sports betting licence by the member of the syndicate specified in the Register for that purpose.

Cancellation inquiry

“39N. (1) The Committee may hold an inquiry into the possible cancellation of a sports betting licence.

“(2) The Chairperson shall give written notice of an inquiry to the licensee, inviting written or personal representations by or on behalf of the licensee within 28 days after the date of the notice.

“(3) For the purposes of an inquiry, the affected licensee, or a representative authorised for the purpose by the licensee, may appear before the Committee within the period specified in the notice under subsection (2).

Mandatory cancellation

“39P. (1) Following an inquiry under section 39N, the Committee shall cancel a sports betting licence if the Committee considers on reasonable grounds, taking into account any representation made pursuant to the invitation under subsection 39N (2), that any of the conditions referred to in subsection (2) of this section apply.

“(2) For the purposes of subsection (1), the conditions for the mandatory cancellation of a sports betting licence are as follows:

- (a) in the case of an individual licensee—the licensee no longer holds a standing licence, or a standing licence held by the licensee has been cancelled or suspended;
- (b) in the case of a syndicate licensee—
 - (i) the syndicate no longer consists of 2, 3 or 4 bookmakers, each of whom has a standing licence;
 - (ii) a standing licence held by a member of the syndicate has been cancelled or suspended;
 - (iii) the membership of the syndicate is changed without notice to the Registrar under subsection 39H (2); or
 - (iv) the syndicate fails to comply with a requirement of the Chairperson under subsection 39H (3);
- (c) in the case of a company licensee—
 - (i) the company no longer has any director who holds a standing licence;
 - (ii) a standing licence of a director of the company has been cancelled or suspended;
 - (iii) the membership of the board of directors of the company is changed without notice to the Committee under subsection 39H (2); or
 - (iv) the company fails to comply with a requirement of the Committee under subsection 39H (3);

- (d) the licensee, a member of a syndicate licensee or a director of a company licensee does not satisfy the suitability requirements;
- (e) a determined fee has not been paid in relation to the licence within the determined period;
- (f) the licensee, a member of a syndicate licensee or a director of a company licensee has—
 - (i) engaged in sports betting at a place other than a sports betting venue;
 - (ii) contravened a direction under subsection 39B (2); or
 - (iii) contravened a rule under section 39C.

“(3) Where the Committee cancels a sports betting licence under this section—

- (a) the Chairperson shall give written notice to the licensee of the cancellation; and
- (b) the cancellation has effect on and from the day immediately after the date of the notice.

Discretionary cancellation

“39Q. (1) Following an inquiry under section 39N, the Committee may cancel a sports betting licence, having regard to the considerations referred to in subsection (2), if the licensee—

- (a) has failed to comply with a request of the Registrar under paragraph 39ZE (3) (a) for information about a disputed sports bet; or
- (b) has failed to comply with a direction of the Registrar in relation to a disputed sports bet, as varied by any decision of the Sports Betting Disputes Subcommittee, within the applicable period under subsection 39ZH (2).

“(2) For the purposes of subsection (1), the Committee shall have regard to the following considerations in relation to a disputed sports bet:

- (a) any representation made pursuant to the invitation under subsection 39N (2);
- (b) in the case referred to in paragraph (1) (a)—the nature of the information requested, and the reasonableness of the request;
- (c) in the case referred to in paragraph (1) (b)—the merits of the Registrar’s direction, and of any review of that direction by the Subcommittee;
- (d) the amount of the bet, and the amount in dispute;
- (e) the general circumstances of the dispute.

“(3) Where the Committee cancels a sports betting licence under this section—

- (a) the Chairperson shall give written notice to the licensee of the cancellation; and
- (b) the cancellation has effect on and from the day immediately after the date of the notice.

“Division 3—Sports betting agent’s licences

Interpretation

“39R. In this Division—

‘agent’s licence’ means a sports betting agent’s licence granted under section 39T;

‘head licensee’, in relation to a sports betting agent’s licence, means the sports betting licensee who applies for the issue of the sports betting agent’s licence.

Application

“39S. (1) A sports betting licensee may apply for an agent’s licence on behalf of a nominated agent.

“(2) An application under this section shall—

- (a) be in writing on a form supplied by the Registrar; and
- (b) be accompanied by the determined fee.

Grant

“39T. (1) Upon an application under section 39S, the Committee may grant a sports betting agent’s licence to the person nominated in the application, subject to this section.

“(2) The Committee may only grant a sports betting agent’s licence to a person nominated in an application if the agent—

- (a) holds a standing licence; and
- (b) satisfies the suitability requirements.

“(3) A licence shall specify the date of its expiry, being the date of expiry of the head licence, or such earlier date as may be applied for.

Notice of refusal

“39U. If the Committee refuses an application for an agent’s licence, the Chairperson shall notify the applicant in writing of the decision.

Duration

“39V. An agent’s licence remains in force until the expiry date specified on the licence.

Surrender

“39W. (1) The holder of an agent’s licence may surrender the licence by written notice to the Chairperson.

“(2) The surrender of an agent’s licence takes effect from the date of the notice of surrender, or such later date as is specified in the notice.

Fees

“39X. (1) The determined fee for an agent’s licence is payable to the Territory within the determined period.

“(2) If the determined fee payable under subsection (1) remains unpaid after the expiration of the determined period, the fee is payable to the Territory in relation to the head licence within a further period equal to the determined period.

Cancellation inquiry

“39Y. (1) The Committee may hold an inquiry into the possible cancellation of an agent’s licence.

“(2) The Chairperson shall give written notice of an inquiry to the licensee and to the head licensee inviting written or personal representations by or on behalf of the licensee within 28 days after the date of the notice.

“(3) For the purposes of an inquiry, the following persons may appear before the Committee within the period specified in the notice under subsection (2):

- (a) the holder of the agent’s licence;
- (b) the head licensee;
- (c) a representative authorised for the purpose by either licensee.

Mandatory cancellation

“39Z. (1) Following an inquiry under section 39Y, the Committee shall cancel an agent’s licence if the Committee considers on reasonable grounds, taking into account any representation made pursuant to the invitation under subsection 39Y (2), that any of the conditions referred to in subsection (2) of this section apply.

“(2) For the purposes of subsection (1), the conditions for the mandatory cancellation of an agent’s licence are as follows:

- (a) the licensee no longer holds a standing licence, or a standing licence held by the licensee has been cancelled or suspended;
- (b) the head licence has ceased to be in force;
- (c) the licensee does not satisfy the suitability requirements;
- (d) the determined fee under subsection 39X (1) has not been paid in relation to the licence within the determined period;

- (e) the licensee has—
 - (i) engaged in sports betting at a place other than a sports betting venue;
 - (ii) contravened a direction under subsection 39B (2); or
 - (iii) contravened a rule under section 39C.
- “(3) Where the Committee cancels an agent’s licence—
 - (a) the Committee shall give written notice to the licensee of the cancellation; and
 - (b) the cancellation has effect on and from the day immediately after the date of the notice.

Discretionary cancellation

“39ZA. (1) Following an inquiry under section 39Y, the Committee may cancel an agent’s licence, having regard to the considerations referred to in subsection (2), if the licensee—

- (a) has failed to comply with a request of the Registrar under paragraph 39ZE (3) (a) for information about a disputed sports bet; or
- (b) has failed to comply with a direction of the Registrar in relation to a disputed sports bet, as varied by any decision of the Sports Betting Disputes Subcommittee, within the applicable period under subsection 39ZH (2).

“(2) For the purposes of subsection (1), the Committee shall have regard to the following considerations in relation to a disputed sports bet:

- (a) any representation made pursuant to the invitation under subsection 39Y (2);
- (b) in the case referred to in paragraph (1) (a)—the nature of the information requested, and the reasonableness of the request;
- (c) in the case referred to in paragraph (1) (b)—the merits of the Registrar’s direction, and of any review of that direction by the Subcommittee;
- (d) the amount of the bet, and the amount in dispute;
- (e) the general circumstances of the dispute.

“(3) Where the Committee cancels an agent’s licence under this section—

- (a) the Chairperson shall give written notice to the licensee of the cancellation; and
- (b) the cancellation has effect on and from the day immediately after the date of the notice.

“Division 4—Sports betting disputes

Interpretation

“39ZB. In this Division—

‘Chairperson’ means the Chairperson of the Subcommittee;

‘direction’ means a direction by the Registrar under section 39ZG;

‘respondent’, in relation to an application for the review of a direction about a sports bet between a backer and a sports betting licensee, means—

(a) if the backer is the applicant—the licensee; or

(b) if the licensee is the applicant—the backer;

‘sports betting licence’ includes a sports betting agent’s licence;

‘Subcommittee’ means the Sports Betting Disputes Subcommittee.

Sports Betting Disputes Subcommittee

“39ZC. (1) For the purposes of hearing and determining reviews of directions, the Committee shall be constituted under this section as the Sports Betting Disputes Subcommittee.

“(2) The Subcommittee shall consist of—

(a) the Chairperson of the Committee; and

(b) 2 other members of the Committee nominated by the Minister by instrument.

“(3) The Chairperson of the Subcommittee shall be the Chairperson of the Committee.

“(4) An instrument under paragraph (2) (b) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

Referral of disputed claims to Registrar

“39ZD. (1) A backer who claims not to have been paid, or to have been underpaid, in relation to a sports bet with a sports betting licensee may refer the claim to the Registrar within 28 days after the completion of the relevant sports betting event.

“(2) A referral under subsection (1) shall be in writing on a form supplied by the Registrar.

Notices and information about claims

“39ZE. (1) Where a backer refers a claim about a disputed sports bet to the Registrar under section 39ZD, upon written notice from the Registrar the backer shall, within a specified period no shorter than 14 days after the date of the notice, give the Registrar any information about the claim reasonably requested in the notice.

“(2) The Registrar shall give written notice of a referral under section 39ZD of a claim about a disputed sports bet to the licensee with whom the bet was made.

“(3) Within a specified period no shorter than 14 days after the date of a notice under subsection (2), the licensee, or a person authorised on behalf of the licensee—

- (a) shall give the Registrar any information about the claim reasonably requested by the Registrar in the notice; and
- (b) may make a written representation to the Registrar about the claim.

“(4) If a notice under subsection (2) includes a request by the Registrar for information from the licensee, the notice shall include a statement to the effect that the licence may be cancelled if the licensee fails to comply with the request within the period specified in the notice.

Rejection of referral

“39ZF. (1) If a backer refers a claim to the Registrar more than 28 days after the completion of the relevant sports betting event, the Registrar shall reject the referral by notice in writing to the backer stating the reason for rejection.

“(2) If a backer fails to supply any information reasonably requested in a notice under subsection 39ZE (1) to the Registrar within 14 days after the date of the notice, the Registrar shall reject the referral by notice in writing to the backer stating the reason for rejection.

Registrar’s directions

“39ZG. (1) Upon referral under section 39ZD of a claim about a disputed sports bet between a backer and a licensee, the Registrar shall issue a direction under this section within 14 days after—

- (a) if a notice is given to the backer under subsection 39ZE (1)—the expiry of the period specified in the notice; or
- (b) the expiry of the period specified under subsection 39ZE (3) in the notice given to the affected licensee;

whichever is later.

“(2) A direction shall be in writing stating any amount which the backer is owed, in the opinion of the Registrar based on reasonable grounds, having regard to any information provided by the backer or the licensee, and to any representation made by or on behalf of the licensee.

“(3) The Registrar shall give the backer and licensee written notice of a direction, including—

- (a) a copy of the direction;
- (b) a statement of the reasons for the direction; and

- (c) a statement to the effect that he or she may apply to the Subcommittee for a review of the direction within 28 days after the date of the notice.

Effect of directions

“39ZH. (1) A direction about a dispute between a backer and a sports betting licensee (as varied by any decision of the Subcommittee on a review of the direction) has the effect only of providing grounds for the cancellation of the licence in the event that the licensee should fail to comply with the direction within the applicable period under subsection (2).

“(2) For the purposes of paragraph 39Q (1) (b) or 39ZA (1) (b), the period for compliance with a direction commences on the date of the notice of the direction to the licensee under subsection 39ZG (3) and expires on the later of the following days:

- (a) the day immediately following the expiration of the following 28-day period;
- (b) if the backer or the licensee applies to the Subcommittee for a review of the direction—the day immediately following the expiration of the 28-day period after the date of the notice to the applicant of the decision on the review.

Application for review by Subcommittee

“39ZI. (1) Within 28 days after the date of notice under subsection 39ZG (3) to a sports betting licensee or a backer of a direction, the licensee or backer may apply to the Subcommittee for a review of the direction.

“(2) An application under subsection (1) shall be in writing on a form supplied by the Registrar.

Notice of applications

“39ZJ. Where application is made under section 39ZI for the review of a direction, the Chairperson shall give the respondent notice in writing of the application inviting written representations by or on behalf of the respondent within 14 days after the date of the notice.

Rejection of applications

“39ZK. If an application for a review of a direction is made more than 28 days after the date of the notice to the applicant of the direction, the Chairperson shall reject the application by notice in writing to the applicant stating the reason for the rejection.

Review by Subcommittee

“39ZL. (1) Upon an application under section 39ZI for the review of a direction, the Subcommittee shall affirm or vary the direction, having regard

to any representation made by or on behalf of the respondent in accordance with the invitation in section 39ZJ.

“(2) The Chairperson shall give the applicant and the respondent written notice of the Subcommittee’s decision on the review, including a statement of the reasons for the decision.”.

Unlicensed bookmaking

13. Section 40 of the Principal Act is amended—

(a) by omitting all the words from and including “unless” to and including “kind” and substituting “unless—

(a) the bookmaker holds a standing licence authorising him or her to field at race meetings of that kind; and

(b) the business relates to betting upon an event or contingency relating to a race.”; and

(b) by adding at the end the following subsection:

“(2) A bookmaker shall not carry on business as a bookmaker at a sports betting venue unless—

(a) if the business relates to betting upon an event or contingency relating to a race—the bookmaker holds a standing licence; or

(b) if the business relates to betting upon an event or contingency relating to a sports betting event—

(i) the bookmaker holds a sports betting licence or a sports betting agent’s licence;

(ii) the bookmaker is a member of a syndicate which holds a sports betting licence; or

(iii) the bookmaker is a standing licensee who is a director of a company which holds a sports betting licence.

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

Evidence of licences

14. Section 49 of the Principal Act is amended by adding at the end the following subsection:

“(2) In proceedings for an offence against this Act, a certificate signed by the Registrar and stating, in relation to a specified time or period, that a specified person or body was or was not—

(a) the holder of a sports betting licence;

(b) a member of a syndicate which held a sports betting licence;

- (c) the holder of a standing licence as well as being a director of a company which held a sports betting licence;
- (d) a director of a company which held a sports betting licence; or
- (e) the holder of a sports betting agent's licence;

is evidence of the matters stated in the certificate.”.

Review of decisions

15. Section 50 of the Principal Act is amended—

- (a) by omitting from paragraph (1) (a) “or”; and
- (b) by adding at the end of subsection (1) the following paragraphs:
 - “(c) deciding under section 39F that an applicant for a sports betting licence is not suitable for the grant of such a licence;
 - (d) granting a sports betting licence under section 39G for a period shorter than that applied for;
 - (e) cancelling a sports betting licence under section 39P;
 - (f) cancelling a sports betting licence under section 39Q;
 - (g) refusing to grant a sports betting agent's licence under section 39T;
 - (h) cancelling a sports betting agent's licence under section 39Z; or
 - (i) cancelling a sports betting agent's licence under section 39ZA.”.

Statements of reasons and review rights

16. Section 51 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

“(1) A notice about a decision given to a person under any of the following provisions shall include a statement setting out the reasons for the decision:

- (a) subsection 25 (5);
- (b) subsection 33 (2);
- (c) paragraph 30 (3) (b);
- (d) subsection 39F (3);
- (e) subsection 39G (3);
- (f) paragraph 39P (3) (a);
- (g) paragraph 39Q (3) (a);
- (h) section 39U;
- (i) paragraph 39Z (3) (a);

(j) paragraph 39ZA (3) (a).”.

Substitution

17. (1) Section 55 of the Principal Act is repealed and the following section substituted:

Determination of fees

“55. (1) For the purposes of this Act, the Minister may, by instrument, determine the following:

- (a) fees, calculated by reference to turnover or otherwise;
- (b) percentages for the calculation of fees;
- (c) periods within which fees are to be payable.

“(2) A determination under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.”.

(2) The amendments to the Principal Act effected by subsection (1) of this section do not affect the continuing validity of any determination under section 55 of the Principal Act in force immediately before the commencement of this section.

NOTE

1. Reprinted as at 31 August 1992. See also Act No. 29, 1994.

[Presentation speech made in Assembly on 25 August 1994]