

**2001**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**RACE AND SPORTS BOOKMAKING BILL 2001**

**EXPLANATORY MEMORANDUM**

**Circulated by authority of  
Gary Humphries  
Treasurer**

## RACE AND SPORTS BOOKMAKING BILL 2001

### General Outline

The Government response to the National Competition Policy (NCP) review of the *Bookmakers Act 1985* (the Act) supported the majority of the recommendations of the review. The extent of the amendments to the Act to incorporate the relevant recommendations would have made the Act incongruous in terms of section numbering and a mix of drafting styles and language. As a result, the Act has been redrafted in the form of the Race and Sports Bookmaking Bill 2001 incorporating the Government supported recommendations of the NCP review.

Broadly, the bill is to provide for the appropriate regulation of race and sports bookmaking activities in the Territory.

The major changes to that of the current regulatory regime include:

- the Gambling and Racing Commission (the Commission) assuming the functions of the Bookmakers Licensing Committee and the Registrar of Bookmakers;
- enhanced suitability requirements for bookmakers and their agents;
- powers for the Commission to vary the security guarantee of a bookmaker, to impose conditions on a licence, to give directions to a licensee and to take disciplinary action against a licensee;
- enhanced scrutiny of influential shareholders of licensee corporations; and
- clearly stated provisions about recourse to decisions of the Commissions.

### Financial Considerations

Any additional costs in regulating bookmaking activities are expected to be absorbed within the Commission's proposed future budgets. Pursuant to section 42, no additional costs are anticipated in respect of the Commission's considerations and decisions relating to applications.

There will be an increase in probity costs to some licence applicants. For an individual applicant, the added cost is expected to be approximately \$150.00. In relation to applicants for a race bookmaker's licence or a race bookmaker's agent licence, the increased costs will be partially offset by a single licence that will accommodate all racing codes (thoroughbred, harness, greyhound) compared to the current requirement for a licence for each code of racing. For an applicant that is a corporation, the increased costs will depend upon the complexity of the corporation's structure.

Details of the bill are attached.

# RACE AND SPORTS BOOKMAKING BILL 2001

## PART 1 - PRELIMINARY

### Title

*Clause 1 provides for the short title for this Act to be the Race and Sports Bookmaking Act 2001.*

### Commencement

*Clause 2 provides for the commencement of the Act to be on a day fixed by the Minister by notice in the Gazette.*

### Dictionary

*Clause 3 provides that the dictionary at the end of the Act is part of the Act.*

### Notes

*Clause 4 explains that a note included in the Act is for explanatory purposes and is not part of the Act.*

## PART 2 – RACE BOOKMAKERS AND RACE BOOKMAKER'S AGENTS

This PART provides for the licensing of suitable persons as a race bookmaker or as a race bookmaker's agent. The licensing arrangements have eliminated the prerequisite of obtaining the approval of each race club (thoroughbred, harness, greyhound) at which the person intended to operate. The arrangements have eliminated also the present requirement of a separate licence for each racing code. Both changes are recommendations of the NCP review of the *Bookmakers Act 1985*.

### Division 2.1 – General

#### Unauthorised race bookmaking

*Clause 5 makes it an offence for a person to engage in race bookmaking unless the person holds a race bookmaker's licence or a race bookmaker's agent licence and is acting on behalf of the bookmaker who applied for the licence.*

## **Division 2.2 – Race bookmaking licences**

### **Application for a race bookmaking licence**

*Clause 6* provides that an individual may apply to the Commission for a race bookmaking licence. The application must include a written authorisation from the applicant for a police officer to conduct inquiries into the criminal history and character of the applicant. Until the Commission has received and considered the police officer's written report, it must not decide the application.

### **Issue or refusal of a race bookmaking licence**

*Clause 7* requires the Commission, if it is satisfied as to the applicant's suitability, to issue a licence to the applicant. However, if the Commission is not satisfied about the applicant's suitability, it must notify the applicant in writing of the matters about which it is not satisfied and inform the applicant that they may make within a stated period, representations about the matters. The representations may be made personally or by an authorised representative.

Following consideration of the representations, if the Commission is satisfied as to the applicant's suitability, the Commission must issue a licence. However, if the Commission remains dissatisfied about each of the matters, it must refuse to issue a licence to the applicant. A decision to refuse to issue a licence is reviewable on application to the Commission or to the Administrative Appeals Tribunal (AAT).

### **Conditions of a race bookmaking licence**

*Clause 8* allows the Commission to issue a licence subject to conditions or by written notice to a licensee, change the conditions to which a licence is subject, if it is appropriate to do so for the proper conduct of bookmaking or in the public interest. A licensee receiving a written notice must return the licence to the Commission within 7 days in order that the Commission may amend the licence and reissue it, or if the Commission considers it not practicable to do so, it is to issue an appropriate replacement licence to the licensee.

A change of condition is to take effect the day after it is delivered or the day after when it would be delivered by ordinary post, or on a later day if it is stated in the notice.

### **Race bookmaking licence – entry of particulars in register**

*Clause 9* requires the Commission to maintain a register of issued licences and to enter in the register the prescribed details of each licence. The Commission may keep in the register other details that it considers appropriate.

### **Duration of a race bookmaking licence**

*Clause 10* provides that a bookmaking licence is effective for the period stated in the licence.

Currently, licences are issued for one year. It is anticipated that an applicant for a licence or for the renewal of a licence may apply for the licence to be issued for a minimum of one year and up to a maximum of five years in yearly increments.

### **Surrender of a race bookmaking licence**

*Clause 11* provides for a race bookmaker to surrender their licence by writing to the Commission and for the surrender to take effect from when the Commission receives the notice or from a date stated in the notice.

### **Division 2.3 – Race bookmaker's agent licences**

Under normal circumstances, a race bookmaker is expected to conduct their own race bookmaking business. On occasions a bookmaker may be unable to attend a race meeting and would want another person to stand in for them. This Division provides for the licensing of race bookmaker's agents. An agent is a person licensed to stand in place of the race bookmaker and to conduct the race bookmaker's business on the bookmaker's behalf.

The licensing scheme for a race bookmaker's agent mirrors that for a race bookmaker in most aspects, including the majority of suitability criteria. The exception to the latter being that an agent is not required to provide the appropriate security guarantee because a security guarantee will have been posted for the race bookmaker.

### **Application for a race bookmaker's agent licence**

*Clause 12* allows for a race bookmaker to apply for a race bookmaker's agent licence in respect of a person nominated in the application. The application must be accompanied by an authorisation by the nominated person for a police officer to conduct inquiries about the nominated person's character and criminal history.

The Commission must not decide the application until it has received and considered the police officer's written report.

### **Issue or refusal of a race bookmaker's agent licence**

*Clause 13 requires the Commission, if it is satisfied as to the suitability of the nominated person, to issue a licence. If the Commission is not satisfied about the nominated person's suitability, it must notify the race bookmaker in writing of the matters about which it is not satisfied. Also, the Commission must inform the race bookmaker that they, within a specified period, may make representations about the matters. Such representations may be made personally or by an authorised representative.*

If, following consideration of the representations, the Commission is satisfied as to the nominated person's suitability, the Commission must issue a licence to the nominated person. However, if the Commission remains dissatisfied about each of the matters, it must refuse to issue a licence to the nominated person. A decision to refuse to issue a licence is reviewable on application to the Commission or the AAT.

### **Conditions of race bookmaker's agent licence**

*Clause 14 allows the Commission, if it is appropriate to do so for the proper conduct of bookmaking or in the public interest, to issue a licence subject to conditions. Under the same criteria, the Commission, by written notice to a licensee, may change the conditions to which a licence is subject.*

A licensee receiving a written notice must return the licence to the Commission within 7 days in order that the Commission may amend the licence and reissue it, or if the Commission considers it not practicable to do so, it is to issue an appropriate replacement licence to the licensee.

A change of condition is to take effect the day after it is delivered or the day after when it would be delivered by ordinary post or on a later day if it is stated in the notice.

When the Commission issues an agent licence subject to a condition or changes a condition of an agent licence, it must inform the relevant race bookmaker of the condition or change of condition.

### **Race bookmaker's agent licence – entry of particulars in register**

*Clause 15 requires the Commission to maintain a register of issued licences and to enter in the register prescribed details. The Commission may enter in the register other details that the Commission considers appropriate and must give a copy of the agent's licence to the applicant race bookmaker.*

### **Duration of a race bookmaker's agent licence**

*Clause 16 provides that a race bookmaker's agent licence is effective for the period stated in the licence.*

*Currently, licences are issued for one year. It is anticipated that an applicant for a licence or for the renewal of a licence may apply for the licence to be issued for a minimum of one year and up to a maximum of five years in yearly increments.*

### **Surrender of a race bookmaker's agent licence**

*Clause 17 provides for a race bookmaker's agent to surrender their licence by writing to the Commission and for the surrender to take effect from when the Commission receives the written notice or from a date stated in the notice.*

*If an agent surrenders their licence, the Commission must give written notice of the surrender to the applicant race bookmaker.*

### **Effect of cancellation, surrender or suspension of a race bookmaker's licence**

*Clause 18 The cancellation, surrender or suspension of a bookmaker's licence, will have the same effect on the licence of a person who is an agent for the bookmaker. The agent licence is to be cancelled by the Commission if the bookmaker surrenders the licence or it is cancelled. If the bookmaker's licence is suspended, the Commission is to suspend for the same period any bookmaker's agent licence for which the bookmaker made application.*

*The Commission must give written notice of the suspension or cancellation of an agent licence to the holder of the licence and if practicable, to the race bookmaker or former race bookmaker, as appropriate.*

## **PART 3 – SPORTS BOOKMAKING**

**This PART provides the regulatory scheme for the licensing of sports bookmakers, their agents and sports bookmaking operations in respect of betting on sports or other events determined as sporting events.**

### **Division 3.1 – General**

#### **Unauthorised sports bookmaking**

*Clause 19 makes it an offence for a person to engage in sports bookmaking unless the person holds a sports bookmaker's licence or a sports bookmaker's agent licence and is acting on behalf of the bookmaker who applied for the licence. It also allows a person who is a member of a syndicate that holds a*

sports bookmaking licence and is acting on behalf of the syndicate, or a person acting in the course of their duties as a director, officer or employee of a corporation that holds a sports bookmaking licence, to engage in sports bookmaking.

#### **Determination of sports bookmaking events**

*Clause 20* provides the Commission's power to determine, in writing, a sporting event or other event, for example the 2001 ACT election, to be a sports bookmaking event, that is, an event upon which betting may be conducted. Such a determination is a disallowable instrument.

#### **Determination of sports bookmaking venues**

*Clause 21* provides the Commission's power to determine where sports bookmaking may occur. Such a determination is a disallowable instrument.

#### **Directions for the operation of sports bookmaking venues**

*Clause 22* provides that the Commission may give a written direction about how a sports bookmaking venue is to be operated. Such a direction is a disallowable instrument.

#### **Rules for sports bookmaking**

*Clause 23* provides the Commission's power to determine, in writing, rules for sports bookmaking and in particular may make rules about minimum bets, methods of betting, security guarantee requirements for long term liabilities, use of telecommunications equipment, and audit requirements. Such a determination is a disallowable instrument.

### **Division 3.2 – Sports bookmaking licences**

#### **Number and class of licences**

*Clause 24* provides that the Minister may determine the maximum number of sports bookmaking licences and the maximum number of licences in each category of licence, that is, the number of licences that may be issued to individuals, syndicates and companies. The determination is to be in writing and is a disallowable instrument.

This provision also precludes the Commission from issuing a licence if it contravenes a maximum number determined by the Minister.

## **Application for a sports bookmaking licence**

*Subclause 25(1)* stipulates that the following may apply to the Commission for a licence:

- an individual who is not a licensed sports bookmaker and is not a member of a licensed sports bookmaking syndicate;
- a syndicate of 2, 3 or 4 individuals, each of whom is not a licensed sports bookmaker or the member of a licensed sports bookmaking syndicate; and
- a corporation, if each of its directors is not a licensed sports bookmaker or a member of a licensed sports bookmaking syndicate.

The purpose of this provision is to ensure that a licensee has involvement in only one licence and that no conflict of interest can arise.

*Subclause 25(2)* requires the applicant to state in the application the period for which the licence is sought and in the case of a syndicate application, to provide the name and business address of a member of the syndicate to whom correspondence may be given on behalf of the syndicate.

*Subclauses 25(3) and 25(4)* require that an individual applicant, each member of a syndicate and each director of a corporation must provide a signed authorisation for a police officer to make inquiries into their character and criminal record. The authorisation must be part of, or accompany, the application and in the case of a syndicate and a corporation, the authorisations may be in more than one document. The police officer is to make a written report to the Commission.

*Subclauses 25(5) and 25(6).* These provisions allow the Commission to have probity inquiries made in relation to shareholders in an applicant corporation. The shareholders of interest are those who, either alone or in concert with others, could influence the operation of a licensed corporation. Where the Commission requires such inquiries to be conducted, it is to write to the applicant, listing the persons in whom the Commission has an interest and seek signed authorisations from those persons so that inquiries about the character and criminal record of each of them can be made.

The directors of an applicant corporation must be natural persons. This requirement has been made in order to curtail prolonged probity inquiries that would be associated with a corporation being a director of an applicant corporation.

*Subclause 25(7)* prohibits the Commission from deciding the application until it has considered all of the police officer's reports that were sought in relation to the application.

### **Issue or refusal of sports bookmaking licence**

*Clause 26 requires the Commission, if it is satisfied as to the applicant's suitability, to issue a licence. In relation to a syndicate, each member must meet the suitability criteria and for an applicant corporation, the corporation, each director of the corporation, and each influential shareholder of the corporation, must meet the suitability criteria.*

If the Commission is not satisfied about the applicant's suitability, it must notify the applicant in writing of the matters about which it is not satisfied and inform the applicant that they may make, within a specified period, representations about the matters. The representations may be made personally or by an authorised representative.

If, following consideration of the representations, the Commission is satisfied as to the applicant's suitability, the Commission must issue a licence, or if the Commission remains dissatisfied about each of the matters, it must refuse to issue a licence to the applicant. A decision to refuse to issue a licence is reviewable on application to the Commission or the AAT.

### **Conditions of sports bookmaking licence**

*Clause 27 allows the Commission, if it is appropriate to do so for the proper conduct of sports bookmaking or in the public interest, to issue a licence subject to conditions or by written notice to a licensee, change the conditions to which a licence is subject. A licensee receiving a written notice must return the licence to the Commission within 7 days in order that the Commission may amend the licence and reissue it, or if the Commission considers it not practicable to do so, it is to issue an appropriate replacement licence to the licensee.*

A change of condition is to take effect the day after it is delivered or the day after when it would be delivered by ordinary post or on a later day if it is stated in the notice.

### **Sports bookmaking licence – entry of particulars in register**

*Clause 28 requires the Commission to maintain a register of issued sports bookmaking licences and to enter in the register, prescribed details. The Commission may enter in the register other details that the Commission considers appropriate.*

### **Period for which sports bookmaking licences may be issued**

*Clause 29 provides that the Minister may determine criteria for deciding the period for which a sports bookmaking licence may be issued. The determination must be in writing and is a disallowable instrument.*

The Commission, in deciding the period of a licence, must comply with the criteria and if it issues a licence for a period which is less than that for which the applicant applied, the Commission must give the applicant a written statement of the reason for the shorter period.

### **Duration of sports bookmaking licence**

*Clause 30 The period for which a sports bookmaking licence is issued is to be stated in the licence.*

### **Surrender of sports bookmaking licence**

*Clause 31 allows for a sports bookmaker to surrender their licence by writing to the Commission and for the surrender to take effect from when the Commission receives that advice, or, if the written advice states a later date, the surrender becomes effective from the later date.*

### **Syndicates – liability of members for amounts payable**

*Clause 32 makes each member of a licensed sports bookmaking syndicate liable, individually or jointly with other members, for any amount payable under this Act and for any other liability of the syndicate, arising under this Act. However, this provision does not operate to make a member liable for a criminal offence if the member would not have been liable but for this provision.*

### **Syndicates – notices**

*Clause 33 states the manner in which commission may give a notice under this Act to a syndicate. In the case of a syndicate that is an applicant for a sports bookmaking licence, notice may be given to the member of the syndicate nominated in the application as the member to whom notices may be given. In the case that a syndicate holds a sports bookmaking licence, notice may be given to the member of the syndicate stated in the register as the member to whom notices may be given. A notice given to a syndicate in accordance with this section is taken to have been given to each member of the syndicate.*

### **Division 3.3 – Sports bookmaker’s agent licences**

The licensing regime for sports bookmaker’s agents is similar to that of race bookmaker’s. However, in many instances, a sports bookmaking business can be a 24 hours a day operation and it is impracticable for the licensee (an individual, a member of a syndicate or a director of a corporation) to be continuously available to conduct the bookmaking business. Presently, pursuant to a direction for the operation of a sports bookmaking venue, licensees are required to have an agent acting for them whenever the licensee is absent. This practice will be continued. An agent, licensed under the following provisions, is licensed to act in place of the sports bookmaker and to conduct the sports bookmaker’s business on the sports bookmaker’s behalf.

#### **Application for a sports bookmaker’s agent licence**

*Clause 34 allows for a sports bookmaker to apply for a sports bookmaker’s agent licence in respect of a person nominated in the application. The application must not nominate more than one person and be accompanied by an authorisation by the nominated person for a police officer to conduct inquiries about the nominated person’s character and criminal history.*

The Commission must not decide the application until it has received and considered the police officer’s written report.

#### **Issue or refusal of a sports bookmaker’s agent licence**

*Clause 35 requires the Commission, if it is satisfied as to the suitability of the nominated person, to issue a licence.*

If the Commission is not satisfied about the nominated person’s suitability, it must notify the sports bookmaker in writing of the matters about which it is not satisfied. Also, the Commission must inform the sports bookmaker that they, within specified period, may make representations about the matters. Such representations may be made personally or by an authorised representative.

If, following consideration of the representations, the Commission is satisfied as to the nominated person’s suitability, the Commission must issue a licence to the nominated person. However, if the Commission remains dissatisfied about each of the matters, it must refuse to issue a licence to the nominated person. A decision to refuse to issue a licence is reviewable on application to the Commission or the AAT.

## **Conditions of sports bookmaker's agent licence**

*Clause 36 allows the Commission, if it is appropriate to do so for the proper conduct of sports bookmaking or in the public interest, to issue a licence subject to conditions. Subject to the same criteria, the Commission, by written notice to a licensee, may change the conditions of a licence.*

A licensee receiving a written notice must return the licence to the Commission within 7 days in order that the Commission may amend the licence and reissue it, or if the Commission considers it not practicable to do so, it is to issue an appropriate replacement licence to the licensee.

A change of condition is to take effect the day after it is delivered or the day after when it would be delivered by ordinary post or on a later day if it is stated in the notice.

When the Commission issues an agent licence subject to a condition or changes a condition of an agent licence, it must inform the relevant sports bookmaker of the condition or change of condition.

## **Sports bookmaker's agent licence – entry of particulars in register**

*Clause 37 requires the Commission to maintain a register of issued sport bookmaker's agent licences and to enter in the register prescribed details. The Commission may enter in the register other details that the Commission considers appropriate and must give a copy of the agent's licence to the applicant sports bookmaker.*

## **Duration of a sports bookmaker's agent licence**

*Clause 38 provides that a sports bookmaker's agent licence is effective for the period stated in the licence.*

Currently, licences are issued for one year. It is anticipated that an applicant for a licence or for the renewal of a licence may apply for the licence to be issued for a minimum of one year and up to a maximum of five years in yearly increments.

## **Surrender of a sports bookmaker's agent licence**

*Clause 39 provides for a sports bookmaker's agent to surrender their licence by writing to the Commission and for the surrender to take effect from when the Commission receives the written notice or from a date stated in the notice.*

If an agent surrenders their licence, the Commission must give written notice of the surrender to the relevant sports bookmaker.

### **Effect of cancellation, surrender or suspension of a sports bookmaker's licence**

*Clause 40* The cancellation, surrender or suspension of a sports bookmaker's licence, is to have the same effect on the licence of a person who is an agent for the bookmaker. The agent licence is to be cancelled by the Commission if the bookmaker surrenders the licence or it is cancelled. If the sports bookmaker's licence is suspended, the Commission is to suspend for the same period any sports bookmaker's agent licence for which the sports bookmaker made application.

The Commission must give written notice of the suspension or cancellation of an agent licence to the holder of the licence and if practicable, to the sports bookmaker or former sports bookmaker, as applicable.

## **PART 4 – LICENCES GENERALLY**

### **Commission's powers for consideration of an application**

*Clause 41* empowers the Commission, in its consideration of an application for a licence, to make any inquiries it considers appropriate and by writing to the applicant or the person nominated in an application, ask to be provided with relevant information or documentation.

If a person fails to comply with the written request, the Commission is not required to consider the application unless it is satisfied that the person has a reasonable excuse for the failure and that it is reasonably practicable for the Commission to consider the application.

### **Costs of considering and deciding applications**

*Clause 42* provides that the Commission must decide its costs for considering and deciding each application and, by written notice to the applicant, to recover the costs from the applicant. In instances where the actual costs are less than the Commission's estimated costs, the Commission must refund the difference to the applicant. An amount not paid by the applicant will be a debt owing to the Commission.

### **Prohibition of issue of licence in certain cases**

*Clause 43* prohibits the Commission from issuing a licence if:

- the application is not made in accordance with this Act; or
- the applicant has an outstanding debt under a gaming law that is owed to the Commission or to the Territory.

When, pursuant to this provision, the Commission refuses to issue a licence, it must give written notice of the refusal to the applicant. Such a decision is reviewable on application by the applicant to the Commission or to the AAT.

#### **Replacement of licences**

*Clause 44* allows, subject to certain conditions, for the Commission to issue a replacement licence.

#### **Cancellation of licence if individual licensee dies or corporate licensee is dissolved**

*Clause 45* requires the Commission to cancel a licence if an individual licence holder dies, in the case of a syndicate if all members of the syndicate die or a corporation if it is wound up or dissolved. The provision also provides for the Commission to reissue the licence if it was cancelled in error provided that no other reason exist for it not to be reissued.

#### **Disclosure of information by Commission in some cases**

*Clause 46* provides that despite any other Territory law and it is in the public interest to do so, the Commission may tell anyone about the status of a licence, including the name and address of the licensee. Additionally, the regulations may require the Commission to give the information to a prescribed entity.

This provision also protects the Commission and its staff from a civil or criminal action or other proceeding resulting from the disclosure of information in accordance with this provision or a regulation.

### **PART 5 –RACE BOOKMAKING AT SPORTS BOOKMAKING VENUES**

Provisions under this PART formalise the following arrangements. Currently, the principal sports bookmaking venue is at the Canberra Race Club. On days on which race meetings are held at the Race Club, race bookmakers are required to field in the betting ring. On days on which race meetings are not held at the Race Club, a limited number of race bookmakers have been permitted to field in the sports bookmaking venue on inter-state races, thereby providing competition to the only sports bookmaker engaged in race bookmaking (thoroughbred, harness and greyhound races are designated sports bookmaking events). The number of race bookmakers permitted has been limited due to limited accommodation.

### **Designation of sports bookmaking venues etc.**

*Clause 47 allows for the Commission to designate a sports bookmaking venue as a place where race bookmaking by approved race bookmakers may take place and to establish the maximum number of race bookmakers that can be accommodated there. Such a designation is a notifiable instrument.*

### **Application for approval at sports bookmaking venue**

*Clause 48 provides that a race bookmaker may apply to the Commission for approval to conduct race bookmaking business at a designated sports bookmaking venue and if required, meet any requirement for a security guarantee. Presently, the provision of the security guarantee for a race bookmaker conducting business at a race meeting has been extended to cover the race bookmaker's potential liabilities at the sports bookmaking venue.*

### **Issue or refusal of approval for sports bookmaking venue**

*Clause 49 For a race bookmaker who has made application for approval to conduct business at a sports bookmaking venue, the Commission, subject to the race bookmaker being accommodated within the maximum number and, if required, meeting any security guarantee requirement, must issue an approval.*

A refusal on the grounds that no place is available must be communicated in writing to the applicant and subsequently, the Commission may grant an approval when a place becomes available.

If a refusal is made on the grounds that the Commission is not satisfied that the applicants meets the security guarantee requirement, the decision and reason must be communicated in writing to the applicant. Additionally, in the written communication, the applicant must be informed that they may make, within a specified period, written representations or oral representations personally or by an authorised representative to the Commission about the matter.

Following consideration of representations and any other relevant information, the Commission must issue an approval if it is satisfied about each matter. However, if the Commission remains dissatisfied about each matter, the Commission must refuse the application.

The Commission may authorise, in writing, a race bookmaker who is approved to conduct race bookmaking at a designated sports bookmaking venue, to conduct business at the venue on particular days, periods or for a particular event or series of events. An approval or authorisation in relation to a sports bookmaking venue does not give a right of entry to, or a right to remain on, any part of the premises of the venue.

### **Conditions of approval for sports bookmaking venue**

*Clause 50* provides that the Commission may issue an approval subject to a conditions that is appropriate for the proper conduct of race bookmaking at the sports bookmaking venue to which the approval relates or otherwise in the public interest. Subject to the same criteria, the commission may, by written notice to the race bookmaker, change the conditions to which the approval is given. The change takes effect on the day it is delivered to the licensee or if posted, the day after it would have been delivered in the ordinary course of post, or on a later day if a later day is stated in the notice.

It is a condition of an approval that race bookmakers must not carry on their business at a sports bookmaking venue at the Canberra Racecourse when a race meeting is being held at the racecourse.

### **Duration of approval for sports bookmaking venue**

*Clause 51* requires that the Commission must state in the approval, the period for which the approval is issued.

### **Surrender of approval for sports bookmaking venue**

*Clause 52* allows for a race bookmaker to surrender an approval and for the surrender to take effect from when the commission receives the notice of surrender or, if a later date of effect is stated in the notice, from the later date.

### **Effect of cancellation, surrender or suspension of race bookmaking licence on approval**

*Clause 53* provides that an approval must be cancelled if the race bookmaker's licence is cancelled or surrendered. Similarly, if the race bookmaker's licence is suspended, the approval is suspended also for the same period.

### **Application of PART 4**

*Clause 54* provides that Part 4 (sections 41 to 46 inclusive) relating to licences generally, applies to an approval in the same way that the PART applies to licences.

## **PART 6 - BETTING DISPUTES, DIRECTIONS AND CODES OF PRACTICE**

### **Division 6.1 – Betting disputes generally**

#### **How disputes about bets may be resolved**

*Clause 55* A dispute between a backer who claims not to have been paid or to have been underpaid for a bet with a race bookmaker at a race meeting has recourse to the race club that held the race meeting to have the dispute settled in accordance that club's rules of racing.

If the dispute is ruled in the backer's favour, the race bookmaker must pay the amount owing, to the backer. If the race bookmaker does not pay the relevant amount to the backer, the backer may recover any unpaid amount by instituting a civil court action.

If either the backer or the race bookmaker has died, the provisions of this *Division* apply to the representatives of the deceased as nearly as it practically can.

### **Division 6.2 - Betting disputes referred to Commission**

#### **Definitions for div 6.2**

*Clause 56* provides definitions applicable to this division.

#### **Referral of betting disputes to Commission**

*Clause 57* When a betting dispute arises between a backer and a sports bookmaker (or agent), the backer may refer the dispute, in writing, to the Commission. The backer has 28 days from completion of the event on which the bet was made to refer the dispute. Unless the Commission rejects the referral on the grounds that it was referred outside the 28 days, the Commission must give written notice of the referral to the sports bookmaker. If the Commission rejects the referral it must give written notice to the backer, inform him or her of the rejection and the reason. The Commission may, in exceptional circumstances, accept the referral even though it may have been referred later than 28 days after the event.

### **Backer to give information about a disputed bet**

*Clause 58* If the Commission writes to the backer requiring information about a referred dispute, the Commission must include a statement that informs the backer that failure to comply within a specified period, may result in the referred dispute being rejected. If the Commission rejects a referred dispute it must by further written notice, advise the backer of the rejection and the reason.

### **Bookmaker or agent to give information about a disputed bet**

*Clause 59* If the Commission writes to the licensee (or licensee's agent) requiring information about a referred dispute, the Commission must include a statement that informs the licensee that failure to comply within a specified period may result in disciplinary action being taken against the licensee. Disciplinary action may involve cancellation or suspension of the sports bookmaker's licence.

### **Commission's direction about disputed bets**

*Clause 60* As soon as practicable after a disputed bet has been referred to it, the Commission decide the matter and must give copies of a written direction, including the reason for it, to the backer and the licensee. The direction must be signed by the chief executive and state in it that the licensee owes to the backer an amount of money or that the licensee does not owe any amount to the backer.

In a proceeding or arbitration about the disputed bet, a direction that appears to be signed by the chief executive may be tendered in evidence without being proved and, if there is no evidence to the contrary, must be accepted as proof of the matters stated in it.

### **Compliance with direction about a disputed bet**

*Clause 61* Within 28 days after receiving the direction, the licensee must pay the amount stated in the direction to the backer unless the licensee has applied to the Commission for the matter to be reconsidered.

Within 28 days of receiving notice of the Commission's decision on reconsideration, the licensee is to pay to the backer the confirmed or varied amount, unless the licensee has applied to the AAT for a review of the Commission's decision on its reconsideration.

On application by the licensee, the AAT may direct that the licensee need not pay the amount or part of the amount until a later date, or a further direction is given or until the AAT confirms or varies the amount. After receipt of the notice of the AAT decision to confirm or vary the amount, the licensee has 28 days or another period if directed by the AAT, in which to pay the unpaid amount to the backer.

## **Division 6.3 – Directions and codes of practice**

### **Commission's directions about conduct of licensee's operations**

*Clause 62 provides the Commission with the power to give directions to licensees to conduct their operations in a particular way, provided that the directions are not inconsistent with a Territory law or a condition of the licence. The licensee must comply with the direction.*

### **Codes of practice**

*Clause 63 imposes a requirement on a licensee to comply with a code of practice related to the licensee's licence. Provision for one or more **codes of practice** to apply to specified classes of persons licensed under a gaming law is made at section 18 of the *Gambling and Racing Control Act 1999*.*

## **PART 7 – TAXATION**

### **Tax on bookmaking**

*Clause 64 provides for a tax to be imposed on race and sports bookmaker's turnover during a period. Turnover is defined and allows for a deduction from turnover of the amount of bet backs.*

*Betting back, also known as laying off, is the practice undertaken by a bookmaker betting with another bookmaker or the Totalisator Agency Board to reduce the first bookmaker's liability in relation to an accepted bet.*

### **Determination of tax rates etc**

*Clause 65 provides for the Minister to determine the tax rate on a bookmaker's turnover or different rates for different amounts or percentages of turnover, the period for which the tax rate applies, the method of calculation and when the tax is to be paid. The period will be aligned with the Goods and Services Tax payment period applying to a bookmaker, that is, either monthly or quarterly depending on the amount of turnover. The determination is a disallowable instrument.*

*This section also provides for the Commission to determine rules for the calculation of the amount of bet backs. This determination is also a disallowable instrument.*

### **Returns for tax**

*Clause 66 requires bookmakers who conduct business in a tax period to submit a return for the period to the Commission within 28 days after the end of the period. The return will contain details of the bookmaker turnover and bet backs to allow for the calculation of tax and its retention for audit purposes.*

## **PART 8 - DISCIPLINARY PROVISIONS**

### **Power to hold inquiry**

*Clause 67 provides for the Commission to hold an inquiry if it considers that it may need to take disciplinary action against a licensee. It also provides for the giving of notices to the licensee and the licensee's rights of representation to the inquiry and to any proposed suspension or actual suspension of the person's licence for the period of the inquiry. Following consideration of any representations about the suspension of a licence or on its own initiative, the Commission may lift the suspension and may place conditions on the licence.*

### **Mandatory cancellation of a licence**

*Clause 68 gives the grounds for the mandatory cancellations of licences. It also gives the Commission the discretion to impose a lesser penalty if the Commission considers that in the circumstances, the public interest does not require cancellation of the licence and cancellation of the licence would be excessively severe.*

Generally, the grounds for the cancellation of a licence include:

- failure to meet suitability criteria;
- engaging in prohibited acts, for example, contravention of a direction or a sports bookmaking rule; and
- failure to pay fees.

### **Discretionary penalties**

*Clause 69 provides that if the Commission is satisfied on reasonable grounds that a licensee meets a given criterion, the Commission may take one or more specified disciplinary actions against the licensee.*

Activities that would warrant the Commission taking disciplinary action against a licensee include the contravention of a code of practice or of a condition of a licence and contravention of a direction issued by the Commission. The types of disciplinary actions may be a change of a condition of the licence, a financial penalty of not more than \$10,000 unless the regulations provide for a higher amount and the suspension or cancellation of the licence.

The criteria in this provision against which a licensee is assessed is not exhaustive and to this end, the section provides that other criteria may be prescribed in the regulations.

#### **Notice of disciplinary action**

*Clause 70* The Commission must give the licensee written notice if it cancels or suspends a licence and give the date of effect of the cancellation or suspension. If the Commission imposes any other or additional discretionary penalties, it must also give written notice of the action to the licensee and when a financial penalty is involved, the Commission must give the period within which the penalty is to be paid.

#### **Directions to remedy matter**

*Clause 71* For a matter that would attract a discretionary penalty, the Commission may give a licensee the opportunity to rectify the matter. This provision describes the actions that may be taken by the Commission leading to the issue of a direction and the licensee's right to representation.

#### **Ending of suspension of licence**

*Clause 72* allows the Commission, if it considers that special reasons warrant it, to lift the suspension on a licence. However, under this provision the Commission cannot lift the suspension on a licence that was imposed under section 67(5).

## **PART 9 – OFFENCES**

#### **Restrictions on race bookmakers and sports bookmakers**

*Clause 73* makes it an offence for a race bookmaker or an agent of the bookmaker to conduct business at other than a race meeting or if approved, at a sports bookmaking venue. It is also an offence for a race bookmaker or an agent of the bookmaker to contravene a Commission direction about the operation of a sports bookmaking venue.

This provision also makes it an offence for a sports bookmaker or an agent of the sports bookmaker to conduct business at other than a sports bookmaking venue and for the contravention of a sports bookmaking rule.

#### **Unsigned licences – race bookmakers and race bookmaker's agents**

*Clause 74* provides for it to be an offence for a race bookmaker and an agent of the race bookmaker to engage in bookmaking if they have not signed their licence.

#### **Telephone betting by race bookmaker or race bookmaker's agent**

*Clause 75* makes it an offence for a race bookmaker or an agent of the race bookmaker to accept a bet by telephone unless the bet is made in accordance with prescribed procedures (if any) and it is recorded using prescribed equipment (if any).

#### **Rules about telephone betting**

*Clause 76* provides for the Commission to approve by disallowable instrument, rules about telephone betting by race bookmakers and that it is an offence for a race bookmaker and an agent of the race bookmaker to, without reasonable excuse, contravene the rules.

#### **Interference with prescribed equipment**

*Clause 77* makes it an offence for a person to interfere with prescribed telephone equipment. However, it is a defence to a prosecution on this matter if the person was authorised to conduct maintenance on the equipment or the person did not know, or had no reason to believe, that the equipment was prescribed equipment.

#### **Production of licences and specimen signatures**

*Clause 78* makes it an offence for a person engaged in bookmaking not to produce the person's licence and not to provide a specimen signature for comparison purposes, when requested to do so by an authorised officer or police officer. An authorised officer is defined under section 20 of the *Gambling and Racing Control Act 1999*.

#### **Racing club to give details of race bookmaking at race meetings**

*Clause 79* makes it an offence for a racing club to not submit to the Commission within 7 days of the racing club conducting a race meeting, the names and addresses of each person engaged in bookmaking at the race meeting.

### **Holder of sports bookmaking licence to tell Commission about certain changes**

*Clause 80 provides for it to be an offence for a sports bookmaker not to give to the Commission written notice of certain changes, within 14 days of the changes occurring. The matters relate to the business and include among others, a change of name or business address, a change in syndicate membership, company director, secretary and changes in influential shareholders.*

The provision also requires that where there is a new member of a syndicate or director of a corporation, the notice must be accompanied by an authorisation signed by the person in order that a police officer may make inquiries about the person's character and criminal record. Following these inquiries, the police officer is to provide a written report to the Commission.

Additionally, the Commission may seek further information about a syndicate member, or in relation to a corporation, a director, secretary, or influential shareholder. It is an offence for a person to not comply without reasonable excuse.

### **Return of surrendered, cancelled or suspended licence**

*Clause 81 makes it an offence for a person, without reasonable excuse, who surrenders their licence, not to return it to the Commission within 7 days of the surrender taking effect. It is also an offence for a person, without reasonable excuse, whose licence has been cancelled or suspended not to return the licence to the Commission within 7 days of receiving written notice from the Commission to do so.*

## **PART 10 - RECONSIDERATION AND REVIEW**

### **Reconsideration of decisions by Commission**

*Clause 82 provides for a person whose interests are affected by a primary decision (listed at Schedule 1) of the Commission to make application within a specified period to the Commission for a reconsideration of the decision. The application must set out the grounds on which the application is made.*

This provision specifies the actions required to be taken by the Commission, the period within which the actions are to be taken. Importantly, it provides that a person who did not make the primary decision must undertake the reconsideration.

### **Notice of reviewable decisions to be given to affected people etc**

*Clause 83* requires that when the commission makes a primary decision it must take reasonable steps to give written notice of the decision to each person affected. Additionally, if the Commission makes a primary decision or a decision under section 82(3)(c) the notice of the decision must also conform to the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*. The requirements contain particulars of the persons right of appeal, some particulars of which are given in this section.

### **AAT review of reconsideration decisions**

*Clause 84* provides that a person may apply to the AAT for a review of a decision arising from a reconsideration of a primary decision.

## **PART 11 – MISCELLANEOUS**

### **Evidence of licences**

*Clause 85* provides that a certificate that appears to be signed on or on behalf of the chief executive is evidence that a stated person was, or was not, the holder of a stated kind of licence on a stated date or during a stated period. It also provides that the certificate provides evidence that a stated person was, or was not, a member of a syndicate that held a sports bookmaking licence or a director, or the secretary, of a corporation that held a sports bookmaking licence on a stated date or during a stated period. The certificate may be tendered in evidence to a court, the AAT or a person acting judicially (including an arbitrator) without being proved.

### **Action under this Act in case of a syndicate**

*Clause 86* provides that if an obligation under this Act applies to sports bookmaker that is a syndicate, it is sufficient for the obligation to be carried out by any member of the syndicate. If no member of the syndicate carries out the obligation, each member of the syndicate is taken to have failed to carry out the obligation. If failure to carry out the obligation is an offence against this Act, each member of the syndicate is taken to have committed the offence. It also provides that if a member of syndicate that is a sports bookmaker does something as a member of the syndicate that is an offence against this Act, each member of the syndicate is taken to have committed the offence. The section also provides a defence to a prosecution for an offence in relation to this.

## **Maintenance of prescribed equipment**

*Clause 87* permits the Commission, in writing, to authorise a person and give directions to a person, to exercise stated functions in relation to the maintenance of equipment prescribed under the regulations for section 75 (b). An authorisation is a disallowable instrument. An offence for contravening a direction without reasonable excuse is also provided for.

## **Maintenance and control of telephone equipment**

*Clause 88* allows the Commission, by written notice, to give directions to a race bookmaker about the maintenance and control of telephone equipment used for betting. It also provides an offence for a bookmaker contravening a direction given without reasonable excuse.

## **Commission to keep register**

*Clause 89* requires the Commission to keep a register of licensees.

## **Security guarantee – determination of minimum amount**

*Clause 90* allows the Commission, in writing, to determine the minimum amount of security guarantees for race bookmaking licences, sports bookmaking licences, or approvals under section 49 in relation to designated sports bookmaking venues. A determination under this section is a disallowable instrument.

## **Amendment of security guarantee**

*Clause 91* requires the Commission to give a written notice to a race bookmaker or sports bookmaker if it considers that the amount of security guarantee has become inappropriate. The notice must state that the Commission proposes to amend, in the way stated in the notice, the nature or amount, or both, of the security guarantee. The bookmaker may make written representations about the proposal to the Commission within 14 days after the bookmaker is given the notice or any longer period allowed by the Commission. The Commission may, after considering any representations, amend the nature of the security notice in the way stated in the notice or in another way that is not less favourable to the bookmaker. The Commission may amend the amount of the security guarantee to the amount stated in the notice to a lesser amount whether or not the nature of the security guarantee is amended. A decision to amend or not to amend the nature or amount of a security guarantee may, on application, be reconsidered by the Commission and, if the decision is upheld, reviewed by the AAT.

### **Meaning of *suitability requirements* and *security guarantee***

*Clause 92 sets out the meaning 'suitability requirements' for this Act and lists a number of requirements for that person. The clause also sets out the meaning of 'security guarantee' applying to a person who applies for, or holds, a race bookmaking licence, a sports bookmaking licence or an approval under section 49 in relation to a designated sports bookmaking venue.*

### **Meaning of *nominated person***

*Clause 93 provides the meaning of 'nominated person' in the Act for the purpose of a licence as being the person nominated in the application for the licence and the person nominated must be an individual.*

### **Commission's power to extend time**

*Clause 94 provides a power to the Commission to extend the time for doing something required or permitted to be done under this Act before or after the time expires.*

### **Determination of fees**

*Clause 95 allows the Minister, in writing, to determine fees for this Act.*

### **Regulation-making power**

*Clause 96 allows the Executive to make regulations for this Act. The regulations may make provision for, or in relation to, the information that may be supplied by telephone by a race bookmaker engaging in race bookmaking, the keeping of records by race bookmakers and sports bookmakers and matters to be stated on all licences. The regulations may also prescribe offences for contraventions of the regulations and may prescribe maximum penalties not exceeding 10 penalty units for offences against the regulations or against the rules for sports bookmaking.*

## **PART 12 - TEMPORARY PROVISIONS**

### **Transitional – general**

*Clause 97 expires after six months and provides for licences in force immediately before the repeal of the *Bookmakers Act 1985* or applied for under that Act are taken to be an equivalent licence or application under this Act. It also provides for a review of a decision under section 50 the *Bookmakers Act 1985* and not finally dealt with before the repeal of that Act, is to be taken as an application*

under section 84 of this Act for review of the decision. An amount payable under the *Bookmakers Act 1985* and not paid before the repeal of that Act is payable to the Commission or Territory under subsection (5) of this section.

#### **Transitional – regulations**

*Clause 98* remains in force for a period of twelve months after the commencement of the Act and provides the ability of regulations to prescribe savings or transitional matters necessary, or convenient, to be prescribed because of the enactment of this Act.

#### **Repeals**

*Clause 99* repeals the *Bookmakers Act 1985* and the *Bookmakers Regulations*.

#### **Amendment**

*Clause 100* states that the Acts mentioned in Schedule 2 are amended.

### **SCHEDULE 1**

#### **DECISIONS SUBJECT TO RECONSIDERATION**

Schedule 1 lists the sections of the Act and a brief description of the primary decisions which may be made by the Commission and which are subject to reconsideration and / or review.

### **SCHEDULE 2**

#### **AMENDMENT OF OTHER ACTS**

This Schedule contains a number of amendments to other Acts and are consequential to the amendments made to the *Bookmakers Act 1985*.

##### ***Betting (ACTTAB Limited) Act 1964***

Amendments to this Act are of a minor nature and substitute a number of definitions to be consistent with the *Race and Sports Bookmaking Act 2001*.

##### ***Gaming and Betting Act 1906***

Amendments to this Act are of a minor nature and substitute a number of definitions to be consistent with the *Race and Sports Bookmaking Act 2001*.

***Gambling and Racing Control Act 1999***

The amendments to this Act include replacing the *Bookmaker Act 1985* with the *Race and Sports Bookmaking Act 2001* as a gaming law for the purpose of the Act, defining 'executive officer' of a corporation and adding a number of new sections as outlined below;

*Clause 22A* has been inserted giving the commission the authority to request, in writing, a requirement for a stated class of people to keep records of a kind, and in the way, stated in the instrument. An instrument under this section is a disallowable instrument.

*Clause 53A 'Service of documents etc on people generally'* has been inserted. Subsection (1) of that section specifies how a document or anything else that is authorised or required under a gaming law can be served on an individual. This is by giving it to the person, by letter addressed to the person and sent by prepaid post, fax, email, or in any other way prescribed under regulations, to the person's home or business address or, by letter addressed to the person and left at the persons home or business address with someone who appears to be at least 16 years old and to live at the address.

Subsection (2) specifies how the documents, etc mentioned in subsection (1) can be served on a corporation. This is by giving it a persons who is or appears to be an executive officer of the corporation, by letter addressed to the corporation and sent by prepaid post, fax, email, or in any other way prescribed under the regulations to the address of any of its registered offices or any other business address of the corporation or, by letter addressed to the corporation and left at the address of any of the corporations registered offices or any other business address of the corporation with someone who appears to be at least 16 years old and to be employed at the address.

Subsection (3) states that a document or anything else served by post under subsection (1) or (2) is taken to be served at the time when the letter concerned would have been delivered in the ordinary course of post. This does not, however, affect the operation of section 160 of *Evidence Act 1995* as stated in subsection (4).

Subsection (5) states that items served when left at the address in accordance with subsections (1) and (2) is taken to be served when it is left as mentioned in those subsections.

Subsection (6) states that, despite subsections (1) to (5), the regulations may provide additional ways of serving documents or anything else, of a kind prescribed under the regulations and may be served only in the way described in the regulations and provide for the date (or date and time) when service of a document or anything else is taken to have been made.

Subsection (7) states that the section does not apply to service of a document or anything else on the Minister.

Subsection (8) states that the section does not affect the operation of any other law that authorises or requires service of a document or anything else otherwise than as provided under this section, or the power of a court or tribunal to authorise or require service of a document or anything else otherwise than as provided under this section.

Subsection (9) provides definitions for this section of 'address', 'business address' and 'home address'.

*Clause 53B 'Serving documents etc on commission' has been inserted.*

Subsection (1) provides as to how a document or anything else that is authorised or required under a gaming law to be served on the commission may be served. These are by letter addressed to the commission and sent by prepaid post to the address of any office of the commission, by letter addressed to the commission and left at the address of any office of the commission with someone who appears to be employed in the office or, by letter addressed to the commission and sent by fax to a fax number, or sent by email to an email address, prescribed under the regulations.

Subsection (2) states that a document or anything else served under subsection (1) in relation to letters addressed to the commission and sent by prepaid post are taken to be served at the time when the letter concerned would have been delivered in the ordinary course of post.

Subsections (3) to (6) have the same meanings to the relevant parts of subsections (4), (5), (6) and (8) of section 53A.

*Clause 53C 'Acts and omissions of representatives' provides a legislative base to apply the section to a prosecution for any offence against a gaming law.*

Subsection (3) provides that if it is relevant to prove a persons state of mind about an act or omission, it is enough to show that act was done or omission made by a representative of the person within the scope of the representative's actual or apparent authority and the representative had the state of mind.

Subsection (4) provides that a person must establish that reasonable precautions were taken and appropriate diligence was exercised to avoid the act or omission otherwise it is taken that the person has done or omitted to do the act.

Subsection (5) states that an individual who is convicted of an offence cannot be punished by imprisonment for the offence if the individual would not have been convicted of the offence without subsections (3) or (4).

### **Spent Convictions Act 2000**

The amendment to this Act involves the insertion of a subsection removing the requirement to comply with section 16 in relation to the making of an application for, or for the renewal of, a licence or approval under the *Race and Sports Bookmaking Act 2001*. Section 16 does not require a person to disclose information about a spent conviction and a question about a person's criminal history is taken not to refer to the spent conviction, but to refer only to any of the persons convictions that are not spent.

### **Taxation Administration Act**

Changes to this Act relate to removing the *Gaming Machine Act 1987* and the *Interactive Gambling Act 1998* as being tax laws for the purpose of this Act.

## **DICTIONARY**

Defines the following terms used in this Act:

- 'application', for a licence, includes an application for renewal of a licence.
- 'authorised officer' as defined in section 20 of the *Gambling and Racing Control Act 1999*.
- 'bet' refers to any stake, pledge or wager in money between two people on any event or contingency relating to a race or sports bookmaking event.
- 'bet back' in relation to a race bookmaker or sports bookmaker means a bet by the bookmaker on one or more runners in a race if the bet is made with the objective of offsetting completely or partly the bookmakers liability for bets made with the bookmaker on the runner, or runners, in the race.
- 'chief executive' means the chief executive of the Gambling and Racing Commission.
- 'code of practice' refers to a code of practice prescribed under the regulations of the *Gambling and Racing Control Act 1999*.
- 'commission' means the Gambling and Racing Commission.
- 'controlling body' as defined under section 3 of the *Racing Act 1999*.
- 'corporation' includes an entity that is, in relation to the corporation, a related body corporate.
- 'corresponding law' means a State law regulating bookmaking or any similar activity.

- 'designated sports bookmaking venue' means a sports bookmaking venue designated by the commission under section 47.
- 'gaming law' means a law mentioned in section 4 of the *Gambling and Racing Control Act 1999*.
- 'influential shareholder' of a corporation means a person who
  - (a) owns (legally or beneficially) 5% or more of the voting shares in the corporation or if the corporation has more than one class of shares, the voting shares in at least one of the classes.
  - (b) can control or influence the way voting rights are exercised in relation to 5% or more of –
    - (i) the voting shares in the corporation; or
    - (ii) if the corporation has more than one class of shares, the voting shares in at least one of the classes.
  - (c) owns (legally or beneficially) voting shares (**the owned shares**) in the corporation and can control or influence the way voting rights are exercised in relation to other voting shares (**the non-owned shares**) in the corporation if –
    - (i) the total of the owned shares and the non-owned shares is 5% or more of the voting shares in the corporation; or
    - (ii) the total of the owned shares and the non-owned shares in a particular class of shares is 5% or more of the voting shares in the class.
- 'issue', of a licence, includes renewal of a licence.
- 'licence' means a race bookmaking licence, a race bookmakers agents licence, a sports bookmaking licence or a sports bookmakers agents licence.
- 'licensee', of a sports bookmaking licence held by a syndicate, includes each member of the syndicate.
- 'nominated person' is defined in section 93 of the Act and for a licence is the person nominated in the application for the licence and must be an individual.
- 'operative day', for a change of the conditions of a licence, means the day after –
  - (a) if written notice of the change is delivered to the licensee or to the last known address of the licensee – the day when the notice is delivered; or
  - (b) if written notice of the change is posted to the licensee at the last known address of the licensee – the day when the notice would be delivered in the ordinary course of post.
- 'person' includes a syndicate.

- '**primary decision**' means a decision of the commission under a provision of this Act mentioned in schedule 1.
- '**proprietary company**' refers to section 9, *Corporation Law*.
- '**race**' means a horse race, whether by way of galloping, pacing or trotting, or a dog race.
- '**race bookmaker**' means a person who holds a bookmaking licence.
- '**race bookmakers agent**' means a person who holds a race bookmakers agent licence.
- '**race bookmaking**' means carrying on, whether regularly or one or more occasions, of the business of receiving or negotiating bets on races.
- '**racing club**' means a corporation that promotes or controls horse racing or dog racing, or that holds race meetings.
- '**racecourse**' means land where a race meeting is held.
- '**race meeting**' means a meeting held to conduct races.
- '**register**' means the register kept under section 89 (Commission to keep register).
- '**rules for sports bookmaking**' means the rules determined under section 23 (Rules for sports bookmaking).
- '**security guarantee**' refers to section 92 (Meaning of suitability requirements and security guarantee).
- '**sports bet**' means a bet on any event or contingency relating to a sports bookmaking event.
- '**sports bookmaker**' means the holder of a sports bookmaking licence.
- '**sports bookmaking**' means the carrying on, whether regularly or one or more occasions, of the business of receiving or negotiating sports bets.
- '**sports bookmaking event**' means a sporting or other event determined under section 20 (Determination of sports bookmaking events) to be a sports bookmaking event for this Act.

- '**sports bookmaking venue**' means a place determined by the commission under section 21 (Determination of sports bookmaking venues).
- '**suitability requirements**' refers to section 92 (Meaning of suitability requirements and security guarantee).
- '**voting**' share', for the definition of '**influential shareholder**', refers to section 9, *Corporation Law*.

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