

# AUSTRALIAN CAPITAL TERRITORY

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## Bookmakers (Amendment) Ordinance 1986

No. 38 of 1986

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

Dated 7 August 1986.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

G. SCHOLES  
Minister of State for Territories

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An Ordinance to amend the *Bookmakers Ordinance 1985*

### Short title

1. This Ordinance may be cited as the *Bookmakers (Amendment) Ordinance 1986*.<sup>1</sup>

### Principal Ordinance

2. In this Ordinance "Principal Ordinance" means the *Bookmakers Ordinance 1985*.<sup>2</sup>

### Interpretation

3. Section 3 of the Principal Ordinance is amended by inserting after the definition of "race meeting" the following definition:

“ ‘Register’ means the Register of Bookmakers established in pursuance of section 5A.”.

**Registrar and Acting Registrar**

4. Section 4 of the Principal Ordinance is amended by omitting sub-section (9) and substituting the following sub-sections:

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

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

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

Penalty: \$100.”.

**Inspectors**

5. Section 5 of the Principal Ordinance is amended by omitting sub-section (3) and substituting the following sub-sections:

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

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

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

Penalty: \$100.”.

6. After section 5 of the Principal Ordinance the following section is inserted:

**Register of Bookmakers**

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

**Powers of entry, &c.—racecourses**

7. Section 18 of the Principal Ordinance is amended by omitting from sub-section (1) “as he or she thinks necessary” and substituting “as is necessary and reasonable”.

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

8. Section 19 of the Principal Ordinance is amended by omitting from sub-section (1) “as the Registrar or inspector thinks necessary” and substituting “as is necessary and reasonable”.

**Search warrants**

9. Section 21 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “as he or she thinks necessary and if necessary by force” and substituting “as is necessary and reasonable and by such force as is necessary and reasonable”; and
- (b) by omitting sub-section (4).

**Consent to entry**

10. Section 22 of the Principal Ordinance is amended by adding at the end the following sub-sections:

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

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

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

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

**Grant of standing licence**

11. Section 25 of the Principal Ordinance is amended by omitting from sub-section (3) “the” (first occurring) and substituting “, in”.

**Reconsideration by Registrar**

**12.** Section 30 of the Principal Ordinance is amended by omitting from sub-section (4) “28” and substituting “29”.

**13.** After section 36 of the Principal Ordinance the following section is inserted in Part III:

**Issue of bookmaker’s agent’s licences**

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

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

**Duration of licence**

**14.** Section 37 of the Principal Ordinance is amended by omitting “remains in force for the period specified in the licence” and substituting “unless sooner surrendered to the Registrar or cancelled, remains in force for such period, not exceeding 3 months, as is specified in the licence”.

**Forwarding of records to Registrar**

**15.** Section 44 of the Principal Ordinance is amended by omitting “sub-section 43 (1)” and substituting “section 43”.

**Notification of decisions**

**16.** Section 51 of the Principal Ordinance is amended by omitting from sub-section (3) “that sub-section” and substituting “sub-section (2)”.

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**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 15 August 1986.
2. No. 43, 1985.