

Australian Capital Territory

# **Race and Sports Bookmaking Act 2001 No 49**

## **Republication No 2**

Republication date: 8 March 2002

Act not amended up to this date

Provisions effective to 8 March 2002

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Race and Sports Bookmaking Act 2001* as in force on 8 March 2002. It includes any commencement, amendment, repeal or expiry affecting the republished law to 8 March 2002 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

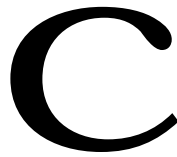
If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

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Australian Capital Territory

# Race and Sports Bookmaking Act 2001

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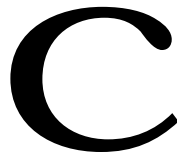
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# **Race and Sports Bookmaking Act 2001**

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An Act to regulate betting on races and other sports events, and for other purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Race and Sports Bookmaking Act 2001*.

### 3 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined in other legislation.

For example, the signpost definition '*authorised officer*—see the *Gambling and Racing Control Act 1999*, section 20.' means that the expression 'authorised officer' is defined in that section and the definition applies to this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

### 4 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

## **Part 2**                      **Race bookmakers and race bookmaker's agents**

### **Division 2.1**              **General**

#### **5**              **Unauthorised race bookmaking**

- (1) A person must not engage in race bookmaking except as permitted under subsection (2).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person may engage in race bookmaking if—
- (a) the person holds a race bookmaking licence; or
  - (b) the person holds a race bookmaker's agent licence and is acting for the race bookmaker who applied for the licence.
- (3) For subsection (1), a sports bookmaker does not engage in race bookmaking only because the bookmaker receives or negotiates bets on races that are sports betting events.

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

#### **6**              **Application for race bookmaking licence**

- (1) An individual may apply to the commission for a race bookmaking licence.

*Note*      If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms), the form must be used.

- (2) The application must contain, or be accompanied by, an authorisation, signed by the applicant, for a police officer to make inquiries, and make a written report to the commission, about the character, and any criminal record, of the applicant.

- (3) The commission must not decide the application until the commission has received and considered a police report, authorised under subsection (2), about the applicant.

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

- (1) If a person applies to the commission for a race bookmaking licence and, after considering the application, the commission is satisfied that the applicant meets the suitability requirements, the commission must issue a race bookmaking licence to the applicant.
- (2) If the commission is not satisfied that the applicant meets the suitability requirements, the commission must give a written notice to the applicant that states—
- (a) each matter about which the commission is not satisfied; and
  - (b) the applicant's rights under subsection (3).
- (3) The applicant may make written representations, or oral representations personally or by an authorised representative, to the commission about a matter stated in the notice within 14 days after the applicant is given the notice or any longer period allowed by the commission.
- (4) After giving the notice, the commission must—
- (a) take into account—
    - (i) any representations made by the applicant within the 14 day period or any longer period allowed by the commission; and
    - (ii) any other relevant information available to the commission; and
  - (b) if the commission is satisfied about each matter stated in the notice—issue a race bookmaking licence to the applicant.

- (5) If the commission is not satisfied about each of those matters, the commission must refuse to issue a race bookmaking licence to the applicant.

*Note* Under s 82 and s 84, a decision to refuse a licence may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (6) This section is subject to section 43 (Prohibition of issue of licences in certain cases).

## 8 Conditions of race bookmaking licence

- (1) A race bookmaking licence may be issued subject to any conditions that the commission considers appropriate—

- (a) for the proper conduct of race bookmaking; or
- (b) otherwise in the public interest.

- (2) The commission may, by written notice to the holder of a race bookmaking licence (the *licensee*), change the conditions to which the licence is subject (other than the condition applying under subsection (6)) if the commission considers it appropriate to do so—

- (a) for the proper conduct of race bookmaking; or
- (b) otherwise in the public interest.

*Note* Under s 82 and s 84, a decision to impose or change a condition of a licence may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (3) The change takes effect—

- (a) on the operative day; or
- (b) if a later day of effect is stated in the notice—on that later day.

*Note* For the meaning of *operative day*, see dict.

- (4) If the licensee receives a notice under subsection (2), the licensee must not fail, without reasonable excuse, to return the licence to the commission within 7 days after receiving the notice.

Maximum penalty: 5 penalty units.

- (5) If the licensee returns the licence to the commission, the commission must, as soon as practicable—
- (a) amend the licence in an appropriate way and return it to the licensee; or
  - (b) if the commission does not consider it practicable to amend the licence—issue an appropriate replacement licence to the licensee.
- (6) It is a condition of a race bookmaking licence that the licensee must comply with any notice under section 91 (Amendment of security guarantee) given to the licensee.

## **9 Race bookmaking licence—entry of particulars in register**

If the commission issues a race bookmaking licence to a person, the commission—

- (a) must enter in the register any particulars required under the regulations; and
- (b) may enter in the register any other particulars that the commission considers appropriate.

## **10 Duration of race bookmaking licence**

The commission must state in a race bookmaking licence the period for which the licence is issued.

*Note* Under s 82 and s 84, a decision to issue a licence for a shorter period than requested by the applicant may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

## **11 Surrender of race bookmaking licence**

- (1) A race bookmaker may surrender the licence by written notice to the commission.
- (2) The surrender of a race bookmaking licence takes effect when the commission receives the notice of surrender or, if a later date of effect is stated in the notice, on that date.

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

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

- (1) A race bookmaker may apply to the commission for a race bookmaker's agent licence for a nominated person.

*Note* If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms), the form must be used.

- (2) The application must not nominate more than 1 person.
- (3) The application must contain, or be accompanied by, an authorisation, signed by the nominated person, for—
  - (a) the person to be nominated in the application; and
  - (b) a police officer to make inquiries, and make a written report to the commission, about the character, and any criminal record, of the nominated person.
- (4) The commission must not decide the application until the commission has received and considered a police report, authorised under subsection (3), about the nominated person.

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

- (1) If a race bookmaker applies to the commission for a race bookmaker's agent licence for a nominated person and, after considering the application, the commission is satisfied that the nominated person meets the suitability requirements, the commission must issue a race bookmaker's agent licence to the nominated person.

- (2) If the commission is not satisfied that the nominated person meets the suitability requirements, the commission must give a written notice to the race bookmaker that states—
- (a) each matter about which the commission is not satisfied; and
  - (b) the race bookmaker's rights under subsection (3).
- (3) The race bookmaker may make written representations, or oral representations personally or by an authorised representative, to the commission about a matter stated in the notice within 14 days after the race bookmaker is given the notice or any longer period allowed by the commission.
- (4) After giving the notice, the commission must—
- (a) take into account—
    - (i) any representations made by the race bookmaker within the 14 day period or any longer period allowed by the commission; and
    - (ii) any other relevant information available to the commission; and
  - (b) if the commission is satisfied about each matter stated in the notice—issue a race bookmaker's agent licence to the nominated person.
- (5) If the commission is not satisfied about each of those matters, the commission must refuse to issue a race bookmaker's agent licence to the nominated person.
- Note* Under s 82 and s 84, a decision to refuse a licence may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).
- (6) This section is subject to section 43 (Prohibition of issue of licences in certain cases).



## 14 Conditions of race bookmaker's agent licence

- (1) A race bookmaker's agent licence may be issued subject to any conditions that the commission considers appropriate—
  - (a) for the proper conduct of race bookmaking; or
  - (b) otherwise in the public interest.
- (2) The commission may, by written notice to the holder of a race bookmaker's agent licence (the *licensee*), change the conditions to which the licence is subject if the commission considers it appropriate to do so—
  - (a) for the proper conduct of race bookmaking; or
  - (b) otherwise in the public interest.

*Note* Under s 82 and s 84, a decision to impose or change a condition of a licence may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (3) The change takes effect—
  - (a) on the operative day; or
  - (b) if a later day of effect is stated in the notice—on that later day.

*Note* For the meaning of *operative day*, see dict.

- (4) If the licensee receives a notice under subsection (2), the licensee must not fail, without reasonable excuse, to return the licence to the commission within 7 days after receiving the notice.

Maximum penalty: 5 penalty units.

- (5) If the licensee returns the licence to the commission, the commission must, as soon as practicable—
  - (a) amend the licence in an appropriate way and return it to the licensee; or

- (b) if the commission does not consider it practicable to amend the licence—issue an appropriate replacement licence to the licensee.
- (6) If the commission—
- (a) issues a race bookmaker's agent licence subject to a condition;  
or
  - (b) changes a condition of a race bookmaker's agent licence;
- the commission must, as soon as practicable, give written notice to the race bookmaker who applied for the licence of the condition or change of condition.

**15 Race bookmaker's agent licence—entry of particulars in register etc**

If the commission issues a race bookmaker's agent licence to a person, the commission—

- (a) must enter in the register any particulars required under the regulations; and
- (b) may enter in the register any other particulars that the commission considers appropriate; and
- (c) must give a copy of the licence to the applicant for the licence.

**16 Duration of race bookmaker's agent licence**

The commission must state in a race bookmaker's agent licence the period for which the licence is issued.

*Note* Under s 82 and s 84, a decision to issue a licence for a shorter period than requested by the applicant may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

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

- (1) The holder of a race bookmaker's agent licence may surrender the licence by written notice to the commission.
- (2) The surrender of a race bookmaker's agent licence takes effect when the commission receives the notice of surrender or, if a later date of effect is stated in the notice, on that date.
- (3) If a licence is surrendered under this section, the commission must give to the applicant for the licence written notice of the surrender.

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

- (1) If a race bookmaking licence is cancelled or surrendered, the commission must cancel any race bookmaker's agent licence issued on the application of the former holder of the race bookmaking licence.
- (2) If a race bookmaking licence is suspended, the commission must suspend, until the end of the suspension of the race bookmaking licence, any race bookmaker's agent licence issued on the application of the holder of the race bookmaking licence.
- (3) If a race bookmaker's agent licence is cancelled or suspended under this section, the commission must give written notice of the cancellation or suspension to—
  - (a) the holder of the race bookmaker's agent licence; and
  - (b) if practicable, the holder or former holder of the race bookmaking licence.
- (4) If a race bookmaking licence is reinstated (by the commission or the AAT) after cancellation, any race bookmaker's agent licence cancelled under subsection (1) because of the cancellation must be reinstated by the commission.

## **Part 3 Sports bookmaking**

### **Division 3.1 General**

#### **19 Unauthorised sports bookmaking**

- (1) A person must not engage in sports bookmaking except as permitted under subsection (2).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person may engage in sports bookmaking if—
- (a) the person holds a sports bookmaking licence; or
  - (b) the person holds a sports bookmaker's agent licence and is acting for the sports bookmaker who applied for the licence; or
  - (c) the person—
    - (i) is a member of a syndicate that holds a sports bookmaking licence; and
    - (ii) is acting on behalf of the syndicate; or
  - (d) the person is acting in the course of the person's duties as a director, officer or employee of a corporation that holds a sports bookmaking licence.
- (3) For subsection (1), a race bookmaker does not engage in sports bookmaking only because the bookmaker receives or negotiates bets on, or in relation to, sports betting events that are races.

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

- (1) The commission may, in writing, determine a sporting or other event to be a sports bookmaking event for this Act.

- (2) A determination under this section is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

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

- (1) The commission may, in writing, determine a place to be a sports bookmaking venue.
- (2) A determination under this section is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

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

- (1) The commission may give written directions for the operation of a sports bookmaking venue.
- (2) A direction under this section is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## **23 Rules for sports bookmaking**

- (1) The commission may, in writing, determine rules for sports bookmaking.
- (2) In particular, rules for sports bookmaking may make provision about—
- (a) minimum bets; and
  - (b) methods of betting, including arrangements for the use of telecommunications equipment; and
  - (c) requirements for the giving of security for liability to backers for long-term bets; and
  - (d) requirements for record keeping by sports bookmakers; and
  - (e) audit requirements for sports bookmakers.

- (3) A determination under this section is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## **Division 3.2 Sports bookmaking licences**

### **24 Maximum number of sports bookmaking licences etc**

- (1) The Minister may, in writing, determine—
- (a) the maximum number of sports bookmaking licences that may be issued by the commission; and
  - (b) the maximum number of sports bookmaking licences that the commission may issue to—
    - (i) individuals; and
    - (ii) syndicates; and
    - (iii) corporations.
- (2) The commission must not issue a sports bookmaking licence if the issue of the licence would contravene a determination under this section.
- (3) A determination under this section is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

### **25 Application for sports bookmaking licence**

- (1) The following entities may apply to the commission for a sports bookmaking licence:
- (a) an individual who—
    - (i) does not hold a sports bookmaking licence; and
    - (ii) is not a member of a syndicate that holds a sports bookmaking licence;

- (b) a syndicate of 2, 3 or 4 individuals, none of whom—
    - (i) holds a sports bookmaking licence; or
    - (ii) is a member of a syndicate that holds a sports bookmaking licence;
  - (c) a corporation, if each of its directors—
    - (i) is an individual; and
    - (ii) does not hold a sports bookmaking licence; and
    - (iii) is not a member of a syndicate that holds a sports bookmaking licence.
- (2) The application must state—
- (a) the period for which the licence is applied for; and
  - (b) for a syndicate applicant—the name and business address of the member of the syndicate to whom notices may be given on behalf of the syndicate for this Act.
- Note* If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms), the form must be used.
- (3) The application must contain, or be accompanied by, an authorisation for a police officer to make inquiries, and make a written report to the commission, about the character, and any criminal record, of—
- (a) the individual applicant; or
  - (b) each member of a syndicate applicant; or
  - (c) each director of a corporation applicant.
- (4) The authorisation may be in more than 1 document, and must be signed by—
- (a) the individual applicant; or
  - (b) each member of a syndicate applicant; or

- (c) each director of a corporation applicant.
- (5) If the applicant is a corporation, the commission may, in writing, tell the applicant that the commission requires an authorisation, signed by the person mentioned in the notice, for a police officer to make inquiries, and make a written report to the commission, about the character, and any criminal record, of the person.
- (6) For subsection (5), the commission may require an authorisation by a person only if, in the commission's opinion, the person is an influential shareholder of the corporation.
- (7) The commission must not decide the application until the commission has received and considered a police report about—
  - (a) if the applicant is an individual—the applicant; or
  - (b) if the applicant is a syndicate—the syndicate members; or
  - (c) if the applicant is a corporation—the corporation's directors and anyone mentioned in a notice under subsection (5).

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

- (1) If an entity applies to the commission for a sports bookmaking licence and, after considering the application, the commission is satisfied about the applicable matter mentioned in subsection (2), the commission must issue a sports bookmaking licence to the applicant.
- (2) For subsection (1), the commission must be satisfied—
  - (a) for an application by an individual—that the individual meets the suitability requirements; or
  - (b) for an application by a syndicate—that each member of the syndicate meets the suitability requirements; or
  - (c) for an application by a corporation—that the corporation and each director of the corporation meets the suitability requirements.



- (3) Despite subsection (2), the commission may refuse to issue a sports bookmaking licence to a corporation if the commission believes on reasonable grounds that an influential shareholder in relation to the corporation does not meet the suitability requirements.
- (4) If the commission is not satisfied that anyone mentioned in subsection (2) in relation to the application meets the suitability requirements, or decides under subsection (3) not to issue a licence to a corporation, the commission must give a written notice to the applicant that states—
- (a) each matter about which the commission is not satisfied, or the reason for the decision under subsection (3); and
  - (b) the applicant's rights under subsection (5).
- (5) The applicant may make written representations, or oral representations personally or by an authorised representative, to the commission about a matter stated in the notice within 14 days after the applicant is given the notice or any longer period allowed by the commission.
- (6) After giving the notice, the commission must—
- (a) take into account—
    - (i) any representations made by the applicant within the 14 day period or any longer period allowed by the commission; and
    - (ii) any other relevant information available to the commission; and
  - (b) if the commission is satisfied about each matter stated in the notice—issue a sports bookmaking licence to the applicant.
- (7) If the commission is not satisfied about each of those matters, the commission must refuse to issue a sports bookmaking licence to the applicant.

*Note* Under s 82 and s 84, a decision to refuse a licence may, on application, be reconsidered by the commission and, if the decision is upheld,

reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (8) This section is subject to section 24 (2) (Maximum number of sports bookmaking licences etc) and section 43 (Prohibition of issue of licences in certain cases).

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

- (1) A sports bookmaking licence may be issued subject to any conditions that the commission considers appropriate—
- (a) for the proper conduct of sports bookmaking; or
  - (b) otherwise in the public interest.
- (2) The commission may, by written notice to the holder of a sports bookmaking licence (the *licensee*), change the conditions to which the licence is subject (other than the condition applying under subsection (6)) if the commission considers it appropriate to do so—
- (a) for the proper conduct of sports bookmaking; or
  - (b) otherwise in the public interest.

*Note* Under s 82 and s 84, a decision to impose or change a condition of a licence may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (3) The change takes effect—
- (a) on the operative day; or
  - (b) if a later day of effect is stated in the notice—on that later day.

*Note* For the meaning of *operative day*, see dict.

- (4) If the licensee receives a notice under subsection (2), the licensee must not fail, without reasonable excuse, to return the licence to the commission within 7 days after receiving the notice.

Maximum penalty: 5 penalty units.

- (5) If the licensee returns the licence to the commission, the commission must, as soon as practicable—
- (a) amend the licence in an appropriate way and return it to the licensee; or
  - (b) if the commission does not consider it practicable to amend the licence—issue an appropriate replacement licence to the licensee.
- (6) It is a condition of a sports bookmaking licence that the licensee must comply with any notice under section 91 (Amendment of security guarantee) given to the licensee.

## **28 Sports bookmaking licence—entry of particulars in register**

If the commission issues a sports bookmaking licence to a person, the commission—

- (a) must enter in the register any particulars required under the regulations; and
- (b) may enter in the register any other particulars that the commission considers appropriate.

## **29 Period for which sports bookmaking licence may be issued**

- (1) The Minister may, in writing, determine criteria for deciding the period for which sports bookmaking licences may be issued.
- (2) A determination under this section is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (3) In deciding the period for which a particular sports bookmaking licence is to be issued, the commission must comply with any criteria determined under subsection (1).

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

The commission must state in a sports bookmaking licence the period for which the licence is issued. The period should generally be 15 years, except where the applicant has specified a shorter period, or the commission is of the opinion that a shorter period should apply.

*Note* Under s 82 and s 84, a decision to issue a licence for a shorter period than requested by the applicant may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

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

- (1) The holder of a sports bookmaking licence may surrender the licence by written notice to the commission.
- (2) The surrender of a sports bookmaking licence takes effect when the commission receives the notice of surrender or, if a later date of effect is stated in the notice, on that date.

### **32 Syndicates—liability of members for amounts payable etc**

Each member of a syndicate that holds a sports bookmaking licence is jointly and severally liable for—

- (a) any civil liability of the syndicate for an amount payable under this Act; and
- (b) any other civil liability of the syndicate under this Act.

### **33 Syndicates—notices by commission**

- (1) The commission may give a notice under this Act to a syndicate by giving it—
  - (a) if the syndicate is an applicant for a sports bookmaking licence—to the member of the syndicate nominated in the application as the member to whom notices may be given; or

- (b) if the syndicate holds a sports bookmaking licence—to the member of the syndicate stated in the register as the member to whom notices may be given.
- (2) A notice given to a syndicate in accordance with subsection (1) is taken to have been given to each member of the syndicate.

## **Division 3.3 Sports bookmaker's agent licences**

### **34 Application for sports bookmaker's agent licence**

- (1) A sports bookmaker may apply to the commission for a sports bookmaker's agent licence for a nominated person.

*Note* If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms), the form must be used.

- (2) The application must not nominate more than 1 person.
- (3) The application must contain, or be accompanied by, an authorisation, signed by the nominated person, for—
  - (a) the person to be nominated in the application; and
  - (b) a police officer to make inquiries, and make a written report to the commission, about the character, and any criminal record, of the nominated person.
- (4) The commission must not decide the application until the commission has received and considered a police report, authorised under subsection (3), about the nominated person.

### **35 Issue or refusal of sports bookmaker's agent licence**

- (1) If a sports bookmaker applies to the commission for a sports bookmaker's agent licence for a nominated person and, after considering the application, the commission is satisfied that the nominated person meets the suitability requirements, the commission must issue a sports bookmaker's agent licence to the nominated person.

- (2) If the commission is not satisfied that the nominated person meets the suitability requirements, the commission must give a written notice to the applicant that states—
- (a) each matter about which the commission is not satisfied; and
  - (b) the applicant's rights under subsection (3).
- (3) The applicant may make written representations, or oral representations personally or by an authorised representative, to the commission about a matter stated in the notice within 14 days after the applicant is given the notice or any longer period allowed by the commission.
- (4) After giving the notice, the commission must—
- (a) take into account—
    - (i) any representations made by the applicant within the 14 day period or any longer period allowed by the commission; and
    - (ii) any other relevant information available to the commission; and
  - (b) if the commission is satisfied about each matter stated in the notice—issue a sports bookmaker's agent licence to the nominated person.
- (5) If the commission is not satisfied about each of those matters, the commission must refuse to issue a sports bookmaker's agent licence to the nominated person.
- Note* Under s 82 and s 84, a decision to refuse a licence may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).
- (6) This section is subject to section 43 (Prohibition of issue of licences in certain cases).

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

- (1) A sports bookmaker's agent licence may be issued subject to any conditions that the commission considers appropriate—
  - (a) for the proper conduct of sports bookmaking; or
  - (b) otherwise in the public interest.
- (2) The commission may, by written notice to the holder of a sports bookmaker's agent licence (the *licensee*), change the conditions to which the licence is subject if the commission considers it appropriate to do so—
  - (a) for the proper conduct of sports bookmaking; or
  - (b) otherwise in the public interest.

*Note* Under s 82 and s 84, a decision to impose or change a condition of a licence may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (3) The change takes effect—
  - (a) on the operative day; or
  - (b) if a later day of effect is stated in the notice—on that later day.

*Note* For the meaning of *operative day*, see dict.

- (4) If the licensee receives a notice under subsection (2), the licensee must not fail, without reasonable excuse, to return the licence to the commission within 7 days after receiving the notice.

Maximum penalty: 5 penalty units.

- (5) If the licensee returns the licence to the commission, the commission must, as soon as practicable—
  - (a) amend the licence in an appropriate way and return it to the licensee; or

- (b) if the commission does not consider it practicable to amend the licence—issue an appropriate replacement licence to the licensee.
- (6) If the commission—
- (a) issues a sports bookmaker's agent licence subject to a condition; or
  - (b) changes a condition of a sports bookmaker's agent licence;
- the commission must, as soon as practicable, give written notice to the sports bookmaker who applied for the licence of the condition or change of condition.

**37 Sports bookmaker's agent licence—entry of particulars in register etc**

If the commission issues a sports bookmaker's agent licence to a person, the commission—

- (a) must enter in the register any particulars required under the regulations; and
- (b) may enter in the register any other particulars that the commission considers appropriate; and
- (c) must give a copy of the licence to the applicant for the licence.

**38 Duration of sports bookmaker's agent licence**

The commission must state in a sports bookmaker's agent licence the period for which the licence is issued.

*Note* Under s 82 and s 84, a decision to issue a licence for a shorter period than requested by the applicant may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).



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

- (1) The holder of a sports bookmaker's agent licence may surrender the licence by written notice to the commission.
- (2) The surrender of a sports bookmaker's agent licence takes effect when the commission receives the notice of surrender or, if a later date of effect is stated in the notice, on that date.
- (3) If a licence is surrendered under this section, the commission must give to the applicant for the licence written notice of the surrender.

### **40 Effect of cancellation, surrender or suspension of sports bookmaking licence on agent licence**

- (1) If a sports bookmaking licence is cancelled or surrendered, the commission must cancel any sports bookmaker's agent licence issued on the application of the former holder of the sports bookmaking licence.
- (2) If a sports bookmaking licence is suspended, the commission must suspend, until the end of the suspension of the sports bookmaking licence, any sports bookmaker's agent licence issued on the application of the holder of the sports bookmaking licence.
- (3) If a sports bookmaker's agent licence is cancelled or suspended under this section, the commission must give written notice of the cancellation or suspension to—
  - (a) the holder of the sports bookmaker's agent licence; and
  - (b) if practicable, the holder or former holder of the sports bookmaking licence.
- (4) If a sports bookmaking licence is reinstated (by the commission or the AAT) after cancellation, any sports bookmaker's agent licence cancelled under subsection (1) because of the cancellation must be reinstated by the commission.

## Part 4 Licences generally

### 41 Commission's powers in considering applications

- (1) For its consideration of an application for a licence, the commission may—
- (a) make any inquiries that it considers appropriate; and
  - (b) by written notice, ask a relevant person to provide it with—
    - (i) any information likely to be relevant to the application that is within the person's knowledge or ability to obtain; or
    - (ii) any document likely to be relevant to the application that is within the person's custody or control.
- (2) If a person fails to comply with a notice given to the person under subsection (1) (b), the commission is not required to consider the application unless satisfied that the person has a reasonable excuse for the failure and that it is reasonably practicable to consider the application.

*Note* Under s 82 and s 84, a decision not to consider an application for a licence may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (3) In this section:

*relevant person* means—

- (a) for an application for any kind of licence—the applicant; and
- (b) for an application for a race bookmaker's agent licence or a sports bookmaker's agent licence—the person nominated in the application.

## 42 Costs of considering and deciding applications

- (1) The commission must decide, for each application, the commission's costs of considering and deciding the application.

*Note* Under s 82 and s 84, a decision about costs may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (2) For subsection (1), the commission may—
- (a) estimate the expected amount of costs; and
  - (b) make decisions from time to time.
- (3) Each time the commission decides an amount it must give a written notice to the applicant that—
- (a) states the amount; and
  - (b) requires the applicant to pay the amount to the commission within 14 days after the applicant is given the notice or any longer period allowed by the commission.
- (4) If the total paid by the applicant at any time exceeds the actual costs, the commission must repay the difference (the *excess amount*).
- (5) However, if the commission expects to incur further costs in relation to the application, the commission must—
- (a) estimate the further costs (the *estimated amount*); and
  - (b) repay the amount (if any) by which the excess amount exceeds the estimated amount.
- (6) When no more costs are likely to be incurred, the commission must—
- (a) if the total paid by the applicant, less any amounts already repaid, (the *net total paid*) exceeds the actual costs—repay the difference; or

- (b) if the actual costs exceed the net total paid—by written notice require the applicant to pay the difference to the commission within 14 days after the applicant is given the notice or any longer period allowed by the commission.
- (7) An amount not paid by the applicant in accordance with a notice under this section is a debt owing by the applicant to the commission.
- (8) In this section:
- costs*, in relation to an application, includes any expenses or disbursements reasonably incurred by the commission in considering and deciding the application.

#### **43 Prohibition of issue of licences in certain cases**

- (1) The commission must not issue a licence to a person if the application for the licence is not made in accordance with this Act.
- (2) The commission must not issue a licence to a person if a fee payable for the licence, or any other amount payable by the person to the commission or the Territory under this Act, the *Bookmakers Act 1985* or another gaming law remains unpaid after it has become payable.
- (3) If the commission refuses, under this section, to issue a licence, the commission must give written notice of the refusal to the applicant for the licence.

*Note* Under s 82 and s 84, a decision to refuse a licence may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

#### **44 Replacement of licences**

- (1) The commission may issue a replacement licence if—
- (a) the licensee applies to the commission for a replacement licence; and

- (b) the licence has not been suspended or cancelled; and
- (c) the commission is satisfied that the licence has been lost, stolen or destroyed, or damaged in a way that justifies its replacement.

*Note 1* If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms), the form must be used.

*Note 2* Under s 82 and s 84, a decision not to issue a replacement licence may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (2) The commission's power under this section is additional to any other power of the commission under this Act to issue a replacement licence.

#### **45 Cancellation of licence on death of licensee or syndicate members, or dissolution etc of corporation**

- (1) The commission must cancel a licence that is held—
  - (a) by an individual if the individual dies; or
  - (b) by a syndicate if all members of the syndicate die; or
  - (c) by a corporation if the corporation is wound up or dissolved.
- (2) If the commission is satisfied that a licence was cancelled under this section in error, the commission must reissue the licence.

*Note* Under s 82 and s 84, a decision under (2) not to reissue a licence may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (3) However, the commission need not reissue a licence under subsection (2) if the commission is satisfied that, if the licence had not been cancelled under this section—
  - (a) the licence would, for any reason, no longer be in force; or

- (b) the commission would, under another provision of this Act—
  - (i) be required to cancel the licence; or
  - (ii) have grounds for cancelling, and would exercise the power to cancel, the licence.

#### **46 Disclosure of information by commission in some cases**

- (1) If a licence is issued, suspended or cancelled, or the suspension of the licence is ended, the commission may tell anyone about the matter if, in the commission's opinion, it is in the public interest to do so.
- (2) Information given under subsection (1) may include the name and address of the licensee.
- (3) The regulations may require the commission to give information (including the name and address of the licensee) to an entity prescribed under the regulations about the issue, suspension, cancellation, or the ending of the suspension, of a licence.
- (4) A civil or criminal action, or other proceeding (whether in a court or the AAT), does not lie against the commission, or a member, officer or employee of the commission, merely because of the disclosure of information in accordance with this section or the regulations.
- (5) This section applies despite any other Territory law.

## Part 5

# Race bookmaking at sports bookmaking venues

### 47 Designation of sports bookmaking venues etc

- (1) The commission may, in writing, designate a sports bookmaking venue as a venue where race bookmaking by approved race bookmakers may be carried on.

*Note* An approval for a race bookmaker or race bookmaker's agent to engage in race bookmaking at a sports bookmaking venue may only be given if the venue has been designated under this section (see s 49 (1)). It is an offence for a race bookmaker or race bookmaker's agent to engage in race bookmaking at a sports bookmaking venue unless the race bookmaker holds an approval in relation to the venue (see s 73 (1) and (2)).

- (2) A designation may state the maximum number of race bookmakers that may be accommodated at the designated venue.
- (3) A designation is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

### 48 Application for approval for sports bookmaking venue

- (1) A race bookmaker may apply to the commission for approval to engage in race bookmaking at a designated sports bookmaking venue.

*Note* If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms), the form must be used.

- (2) If an amount is determined under section 90 (Security guarantee—determination of minimum amount), in relation to the designated sports bookmaking venue, for a security guarantee, the applicant must meet any requirement of the commission in relation to the provision of the security guarantee.

*Note* For the meaning of *security guarantee* in relation to an approval under this section, see s 92 (5).

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

- (1) If a race bookmaker applies to the commission for an approval to engage in race bookmaking at a designated sports bookmaking venue and, after considering the application, the commission is satisfied that the applicant meets the requirement stated in section 48 (2), the commission must issue an approval to the applicant in relation to the venue.
- (2) However, if the number of approvals already in force (including any suspended approvals) for the sports bookmaking venue equals the number of places stated under section 47 (2) (Designation of sports bookmaking venues etc) in relation to the venue, the commission—
- (a) must refuse the application on the ground that no place is available at the venue; and
  - (b) must tell the applicant, in writing, the reason for the refusal; and
  - (c) may subsequently issue an approval to the applicant if a place, for which the applicant has priority over later applicants for an approval in relation to the venue, becomes available at the venue.
- (3) If the commission is not satisfied that the applicant meets the requirement, the commission must give a written notice to the applicant that states—
- (a) that the commission is not satisfied that the applicant meets the requirement stated in section 48 (2); and



- (b) the applicant's rights under subsection (4).
- (4) The applicant may make written representations, or oral representations personally or by an authorised representative, to the commission about a matter stated in the notice within 14 days after the applicant is given the notice or any longer period allowed by the commission.
- (5) After giving the notice, the commission must—
- (a) take into account—
    - (i) any representations made by the applicant within the 14 day period or any longer period allowed by the commission; and
    - (ii) any other relevant information available to the commission; and
  - (b) if the commission is satisfied about each matter stated in the notice—issue an approval to the applicant.
- (6) If the commission is not satisfied about each of those matters, the commission must refuse to issue an approval to the applicant.
- Note* Under s 82 and s 84, a decision to refuse an approval may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).
- (7) On the application of a race bookmaker who holds an approval in relation to a sports bookmaking venue, the commission may, in writing, authorise the race bookmaker to field at the venue—
- (a) on stated days; or
  - (b) during stated periods; or
  - (c) for a stated event or series of events.

*Note* Under s 82 and s 84, a decision to refuse an authorisation may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to

apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (8) 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.

## 50 Conditions of approval for sports bookmaking venue

- (1) An approval under section 49 (Issue or refusal of approval for sports bookmaking venue) may be issued subject to any conditions that the commission considers appropriate—
- (a) for the proper conduct of race bookmaking at the sports bookmaking venue to which the approval relates; or
  - (b) otherwise in the public interest.
- (2) The commission may, by written notice to the holder of an approval (the *race bookmaker*), change the conditions to which the approval is subject (other than the condition applying under subsection (4)) if the commission considers it appropriate to do so—
- (a) for the proper conduct of race bookmaking at the sports bookmaking venue to which the approval relates; or
  - (b) otherwise in the public interest.

*Note* Under s 82 and s 84, a decision to impose or change a condition of a licence may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (3) The change takes effect—
- (a) on the operative day; or
  - (b) if a later day of effect is stated in the notice—on that later day.

*Note* For the meaning of *operative day*, see dict.

- (4) It is a condition of an approval in relation to a sports bookmaking venue at the Canberra racecourse that race bookmaking must not be

carried on at the venue when a race meeting is being held at the racecourse.

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

The commission must state in an approval issued under section 49 (Issue or refusal of approval for sports bookmaking venue) the period for which the approval is issued.

*Note* Under s 82 and s 84, a decision to issue an approval for a shorter period than requested by the applicant may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

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

- (1) A race bookmaker may, by written notice to the commission, surrender an approval under section 49 (Issue or refusal of approval for sports bookmaking venue).
- (2) The surrender of an approval takes effect when the commission receives the notice of surrender or, if a later date of effect is stated in the notice, on that date.

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

- (1) If a race bookmaking licence is cancelled or surrendered, the commission must cancel any approval issued under section 49 (Issue or refusal of approval for sports bookmaking venue) to the race bookmaker.
- (2) If a race bookmaking licence is suspended, the commission must suspend, until the end of the suspension of the race bookmaking licence, any approval issued under that section to the race bookmaker.

- (3) Despite subsection (2), the commission may cancel the approval instead of suspending it if—
- (a) the number of approvals already in force under section 49 for a designated sports bookmaking venue equals the number of places stated under section 47 (2) (Designation of sports bookmaking venues etc) in relation to the venue; and
  - (b) there is at least 1 other person who is eligible under section 49 (2) (c) to be issued an approval under section 49 in relation to the venue; and
  - (c) the commission considers, having regard to the circumstances leading to, and the period of, the suspension, it would be unreasonable not to cancel the approval and issue an approval in relation to the venue to someone else.

**54 Application of pt 4**

Part 4 (Licences generally) applies to an approval (including an application for, and issue or refusal of, an approval) under this part as if—

- (a) a reference to an application for a licence were a reference to an application for an approval; and
- (b) a reference to a licence were a reference to an approval.

## **Part 6**                      **Betting disputes, directions and codes of practice**

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

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

- (1) This section applies to a dispute between a backer who claims not to have been paid, or to have been underpaid, for a bet made with a race bookmaker or a sports bookmaker (the *bookmaker*).
- (2) If the backer or bookmaker dies, this division and division 6.2 apply, as nearly as practicable, to the personal representatives of the dead person as they would have applied to that person if still alive.
- (3) A dispute about a bet made with a race bookmaker at a race meeting may be resolved in accordance with the rules of the racing club that held the race meeting.
- (4) If, in a relation to a dispute mentioned in subsection (3), an amount is held under the rules of the racing club to be payable by a race bookmaker to a backer, civil proceedings may be brought to recover the amount, if unpaid, from the race bookmaker.
- (5) Subsection (4) applies despite any other Territory law.
- (6) A backer may refer a dispute about a bet made with a sports bookmaker, or with a race bookmaker at a sports bookmaking venue, to the commission for resolution under division 6.2.

*Note*      If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms), the form must be used.

## **Division 6.2 Betting disputes referred to commission**

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

In this division:

*agent*, of a bookmaker, means—

- (a) for a race bookmaker—a person who holds a race bookmaker’s agent licence that the race bookmaker applied for; or
- (b) for a sports bookmaker—a person who holds a sports bookmaker’s agent licence that the sports bookmaker applied for.

*betting dispute* means a dispute about a bet made with—

- (a) a sports bookmaker; or
- (b) a race bookmaker at a sports bookmaking venue.

*bookmaker* means—

- (a) in relation to a dispute about a bet made with a race bookmaker at a sports bookmaking venue—a race bookmaker; or
- (b) a sports bookmaker.

### **57 Referral of betting disputes to commission**

- (1) If a backer refers a betting dispute with a bookmaker to the commission, the commission must give a written notice of the referral to the bookmaker, unless the commission rejects the referral under subsection (2) or section 58 (3) (Backer to give information about disputed bet).
- (2) If a backer refers the dispute to the commission later than 28 days after completion of the event on which the bet was made, the commission must reject the referral by a written notice to the backer that states the reason for the rejection.

- (3) However, the commission may accept the referral out of time if there are exceptional circumstances that, in the commission's opinion, excuse the delay in referring the dispute to the commission.

*Note* Under s 82 and s 84, a decision under this subsection not to accept a referral out of time may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

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

- (1) If a backer refers a betting dispute to the commission, the commission may, by written notice, require the backer to give the commission stated information that the commission reasonably requires about the dispute within 14 days after the backer is given the notice or any longer period allowed by the commission.
- (2) The notice must include a statement to the effect that the referral may be rejected if the backer fails to comply with the notice within the 14 day period or any longer period allowed by the commission.
- (3) If the backer fails to give the required information to the commission within the 14 day period or any longer period allowed by the commission, the commission may reject the referral by a written notice to the backer that states the reason for the rejection.

*Note* Under s 82 and s 84, a decision under this subsection to reject a referral may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (4) The notice must also include a statement to the effect that the backer may make written representations to the commission about the betting dispute within 14 days or any longer period allowed by the commission.

**59 Bookmaker or agent to give information about disputed bet**

- (1) If a backer refers a betting dispute to the commission, the commission may, by written notice, require the bookmaker, or bookmaker's agent, to give the commission stated information about the dispute within 14 days after the licensee is given the notice or any longer period allowed by the commission.
- (2) If the notice is given to the agent, the commission must give a copy of the notice to the bookmaker.
- (3) The notice must include a statement to the effect that disciplinary action, which may involve cancellation or suspension of the licence, may be taken against the bookmaker and, if the notice is given to an agent, the agent, if the notice is not complied with within 14 days or any longer period allowed by the commission.

*Note* For disciplinary powers for noncompliance by the licensee, see pt 8.

- (4) The notice must also include a statement to the effect that the bookmaker or bookmaker's agent may make written representations to the commission about the betting dispute within 14 days or any longer period allowed by the commission.
- (5) The person to whom the notice is given must give the information stated in the notice to the commission within 14 days or any longer period allowed by the commission.
- (6) If the notice is given to the bookmaker's agent and a copy of it is given to the bookmaker, the bookmaker must ensure that the information stated in the notice is given to the commission (by the agent or the bookmaker) within 14 days or any longer period allowed by the commission.



## **60 Commission's directions about disputed bets**

- (1) On referral of a betting dispute to the commission, the commission must give a written direction about the dispute as soon as practicable.

*Note* Under s 82 and s 84, a decision under this subsection to give a direction may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (2) However, the commission must not give the direction until it has taken into account any representations made in accordance with the statement mentioned in section 58 (4) or 59 (4).
- (3) The direction must be signed by the chief executive and state that, in relation to the dispute, the bookmaker—
  - (a) owes to the backer the amount stated in the direction; or
  - (b) does not owe any amount to the backer.
- (4) The commission must give the backer and the bookmaker a copy of the direction and a statement of the reasons for the direction.
- (5) In a proceeding or arbitration between the backer and the bookmaker about the disputed bet, a direction that appears to be signed by the chief executive—
  - (a) may be tendered in evidence without being proved; and
  - (b) must be accepted as proof of the matters stated in it if there is no evidence to the contrary.

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

- (1) If the commission gives a direction to a bookmaker under section 60 (3) (a) (Commission's directions about disputed bets), the bookmaker must pay the backer the amount stated in the direction within 28 days after the bookmaker receives the direction, unless subsection (2) or (3) applies.

- (2) If the bookmaker asks the commission to reconsider, under section 82 (Reconsideration of decisions by commission), the decision to issue the direction and the commission confirms or amends the amount, the bookmaker must pay the amount (as confirmed or amended) within 28 days after the bookmaker receives notice of the commission's decision on reconsideration.
- (3) If the bookmaker applies to the AAT for review, under section 84 (AAT review of reconsideration decisions), of the commission's decision on the reconsideration, the AAT may, on application by the bookmaker, direct that the bookmaker need not pay the amount, or a stated part of the amount, until—
  - (a) a stated date; or
  - (b) further direction by the AAT.
- (4) If the AAT confirms or amends the amount, the bookmaker must pay the amount (as confirmed or amended), to the extent that it is unpaid, within 28 days after the bookmaker receives notice of the AAT's decision or any other period directed by the AAT.
- (5) Despite any other Territory law, civil proceedings may be brought to recover an amount, if unpaid, that is payable under this section.

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

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

- (1) The commission may give written directions to the holder of a licence (the *licensee*) about how the licensee is to conduct the licensee's operations as the holder of the licence.

*Note*      Under s 82 and s 84, a decision under this subsection to give a direction may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (2) The directions must not be inconsistent with—
  - (a) this Act or any other Territory law; or
  - (b) a condition of the licence.
- (3) The licensee must comply with the directions.

### **63 Codes of practice**

The holder of a licence of a particular kind must comply with the requirements of a code of practice to the extent that it relates to holders of a licence of that kind.

*Note* For the meaning of *code of practice*, see dict.

## Part 7 Taxation

### 64 Tax on bookmaking

- (1) Tax is imposed, at the rate determined under section 65 (1) (Determination of tax rates etc) for a period, on the amount of a race bookmaker's turnover in the period.
- (2) Tax is imposed, at the rate determined under section 65 (2) for a period, on the amount of a sports bookmaker's turnover in the period.
- (3) For this section, the following provisions apply:
  - (a) the amount of turnover of a race bookmaker or sports bookmaker (the *bookmaker*) for a period is the total of the amounts paid or promised to the bookmaker as consideration for bets completed during the period, reduced by the total of the amounts of bet backs made by the bookmaker in the period;
  - (b) a bet is taken to be completed—
    - (i) for a bet, other than a telephone bet, with a race bookmaker—when the bookmaker issues a numbered betting ticket for the bet; or
    - (ii) for a telephone bet with a race bookmaker—when the bet is confirmed in accordance with rules approved under section 76 (1) (Rules about telephone betting); or
    - (iii) for a bet with a sports bookmaker—when the bet is confirmed in accordance with directions given under section 22 (Directions for operation of sports bookmaking venues) or the rules for sports bookmaking.
  - (c) a bet is taken to be paid or promised to the bookmaker if it is paid or promised to a race bookmaker's agent, or a sports bookmaker's agent, as the agent of the bookmaker;

- (d) a bet back is taken to be made by the bookmaker if it is made by a race bookmaker's agent, or a sports bookmaker's agent, as the agent of the bookmaker.

*Note* Under the *Gambling and Racing Control Act 1999*, s 48, the provisions of the *Taxation Administration Act 1999* (other than pt 9) apply, with modifications, to gaming laws (including this Act). For the provisions relating to objections and appeals in taxation matters (including assessments), see the *Taxation Administration Act 1999*, pt 10, and sch 1 and sch 2.

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

- (1) For section 64 (1) (Tax on bookmaking), the Minister may, in writing, determine—
- (a) the rate of tax applying to the turnover of race bookmakers in a period stated in the determination; and
  - (b) how the tax is to be calculated; and
  - (c) different rates for different amounts or percentages of turnover; and
  - (d) when the tax is payable.
- (2) For section 64 (2), the Minister may, in writing, determine—
- (a) the rate of tax applying to the turnover of sports bookmakers in a period stated in the determination; and
  - (b) how the tax is to be calculated; and
  - (c) different rates for different amounts or percentages of turnover; and
  - (d) when the tax is payable.
- (3) For section 64 (3), the commission may, in writing, determine rules for the calculation of the amount of bet backs made by a race bookmaker or a sports bookmaker in a period.

- (4) A determination under this section is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## 66 Returns for tax

- (1) A person who engages in race bookmaking in a period stated in a determination under section 65 (1) (Determination of tax rates etc) must, within 28 days after the end of the period, give the commission a return for the period.

Maximum penalty: 20 penalty units.

*Note* If a form is approved by the commission under the *Taxation Administration Act 1999*, s 38 (Form of returns) for a return under this section, the form must be used.

- (2) A person who engages in sports bookmaking in a period stated in a determination under section 65 (2) must, within 28 days after the end of the period, give the commission a return for the period.

Maximum penalty: 20 penalty units.

## Part 8                      Disciplinary provisions

### 67      Power to hold inquiry

- (1) The commission may hold an inquiry into the possible need to take action under this part against a licensee.
- (2) If the commission decides to hold an inquiry, the commission must give written notice of the inquiry to the licensee, inviting representations by or on behalf of the licensee within 28 days after the notice is given to the licensee or any longer period allowed by the commission.
- (3) Representations under subsection (2) may be made orally, in writing or both.
- (4) For the inquiry, the licensee, or an authorised representative of the licensee, may appear before the commission within the 28 day period or any longer period allowed by the commission.
- (5) If the commission gives a notice under subsection (2), it may, by further notice to the licensee, suspend the licensee's licence until the end of the inquiry.
- (6) For subsection (5), the following provisions apply:
  - (a) the commission must not give a notice under that subsection unless satisfied that suspension of the licensee's licence is necessary in the public interest;
  - (b) the commission is not obliged to grant the licensee an opportunity to make representations to the commission before suspending the licence;
  - (c) if the commission does not give the licensee an opportunity to make representations to the commission before suspending the licence, the commission must give the licensee a reasonable opportunity to make representations why the suspension should be lifted;

- (d) if paragraph (c) applies, the commission must, as quickly as possible, make a decision about any representations made under that paragraph;
- (e) the commission may (in response to representations or on its own initiative) lift the suspension at any time before the end of the inquiry;
- (f) if, under paragraph (e), the commission lifts a suspension, it may do so on conditions notified in writing to the licensee.

## **68 Mandatory cancellation of licence**

- (1) Following an inquiry in relation to a licensee, the commission must cancel each licence held by the licensee if the commission is satisfied on reasonable grounds that at least 1 criterion that, under this section, applies to the licensee has been established in relation to the licensee.

*Note 1* Despite this subsection, the commission has a discretion, in certain circumstances, to impose another penalty (see s (7)).

*Note 2* Under s 82 and s 84, a decision under this section to cancel a licence may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (2) If the licensee holds a race bookmaking licence or a race bookmaker's agent licence, the following criteria apply to the licensee:
  - (a) the licensee does not meet the suitability requirements;
  - (b) the licensee has not paid a fee payable under this Act in relation to the licence within the period it is required to be paid;
  - (c) the licensee has committed a prohibited act.



- (3) For subsection (2), a *prohibited act* is any of the following:
- (a) engaging in race bookmaking—
    - (i) for a race bookmaker—contrary to section 73 (1) or (3) (Restrictions on race bookmakers and sports bookmakers); or
    - (ii) for a race bookmaker’s agent—contrary to section 73 (2) or (3);
  - (b) accepting a bet by telephone contrary to section 75 (Telephone betting by race bookmaker or race bookmaker’s agent);
  - (c) contravening, without reasonable excuse, the rules about telephone betting approved under section 76 (1) (Rules about telephone betting);
  - (d) interfering, without reasonable excuse, with equipment prescribed under the regulations for section 75 (b), unless the licensee satisfies the commission that the licensee—
    - (i) did not know, and had no reason to believe, that the equipment was prescribed equipment; or
    - (ii) acted under an authorisation under section 87 (Maintenance of prescribed equipment).
- (4) If the licensee holds a sports bookmaking licence, the following criteria apply to the licensee:
- (a) for an individual—
    - (i) the licensee does not meet the suitability requirements; or
    - (ii) the licensee has engaged in a prohibited act; or
    - (iii) the licensee holds another sports bookmaking licence; or
    - (iv) the licensee is a member of a syndicate that holds a sports bookmaking licence;

- (b) for a syndicate—
  - (i) the syndicate does not consist of at least 2, and not more than 4, members; or
  - (ii) any member of the syndicate does not meet the suitability requirements; or
  - (iii) any member of the syndicate holds another sports bookmaking licence; or
  - (iv) any member of the syndicate is a member of another syndicate that holds a sports bookmaking licence; or
  - (v) the syndicate, or any member of the syndicate, has engaged in a prohibited act;
- (c) for a corporation—
  - (i) the corporation, any director of the corporation, or any influential shareholder of the corporation, does not meet the suitability requirements; or
  - (ii) the corporation, or any director of the corporation, has engaged in a prohibited act; or
  - (iii) any director of the corporation is not an individual or holds a sports bookmaking licence;
- (d) the licensee has not paid a fee payable under this Act in relation to the licence within the period it is required to be paid.

*Note* For **prohibited act** for this subsection, see s (6).

- (5) If the licensee holds a sports bookmaker's agent licence, the following criteria apply to the licensee:
  - (a) the licensee does not meet the suitability requirements;
  - (b) the licensee has not paid a fee payable under this Act in relation to the licence within the period it is required to be paid;

- (c) the licensee has committed a prohibited act.
- (6) For subsections (4) and (5), a ***prohibited act*** is any of the following:
- (a) engaging in sports bookmaking at a place other than a sports bookmaking venue;
  - (b) contravening a direction given under section 22 (1) (Directions for operation of sports bookmaking venues) to the licensee;
  - (c) contravening the rules for sports bookmaking.
- (7) Despite subsection (1), the commission may, instead of cancelling the licence, take other disciplinary action under section 69 (Discretionary penalties), if the commission considers that, in the circumstances (for example, the minor nature of the ground for cancellation)—
- (a) the public interest does not require cancellation of the licence; and
  - (b) cancellation of the licence would be an excessively severe penalty.

*Note* Under s 82 and s 84, a decision under this subsection to take disciplinary action under s 69 may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

## **69 Discretionary penalties**

- (1) If, following an inquiry in relation to a licensee, the commission is satisfied on reasonable grounds that a criterion mentioned in this section is established in relation to the licensee, the commission may take 1 or more of the kinds of disciplinary action mentioned in subsection (10) against the licensee.

*Note* Under s 82 and s 84, a decision under this subsection to take disciplinary action may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice

of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (2) However, if section 68 (1) (Mandatory cancellation of licence) applies, the commission may act under this section only in accordance with section 68 (7).
- (3) The following criteria apply irrespective of the kind of licence that the licensee holds:
- (a) the licensee has contravened a condition of the licence;
  - (b) the licensee has failed to pay a financial penalty imposed on the licensee under this section within the period it is required to be paid;
  - (c) the licensee has failed to comply with a direction given to the licensee under section 62 (Commission's directions about conduct of licensee's operations);
  - (d) the licensee has contravened a code of practice;
  - (e) the licence was obtained—
    - (i) by a representation or declaration that was false or misleading in a material particular; or
    - (ii) in any other improper way;
  - (f) subject to subsection (4), the licensee has contravened a provision of this Act or a corresponding law, other than—
    - (i) a contravention mentioned in section 68 (7); or
    - (ii) a contravention that is an offence.

*Note* For a contravention that is an offence, see s 92 (1).

- (4) The criterion mentioned in subsection (3) (f) does not apply to a sports bookmaking licence held by a syndicate or a corporation.

*Note* For these cases, see s (6) (b) and (c).

- (5) If the licensee is a race bookmaker who holds, or has held, an approval issued under section 49 (Issue or refusal of approval for sports bookmaking venue), the following criteria also apply:
- (a) the licensee has contravened a condition of the approval;
  - (b) the approval was obtained—
    - (i) by a representation or declaration that was false or misleading in a material particular; or
    - (ii) in any other improper way.
- (6) If the licensee holds a sports bookmaking licence, the following criteria also apply:
- (a) if the licensee is a syndicate or a corporation—the licensee has failed to give to the commission an authorisation required under section 80 (5), (6) or (7) (Holder of sports bookmaking licence to tell commission about certain changes);
  - (b) if the licensee is a syndicate—any member of the syndicate has contravened a provision of this Act or a corresponding law, if contravention of the provision is not an offence;
  - (c) if the licensee is a corporation—the corporation, any director of the corporation, or any influential shareholder of the corporation, has contravened a provision of this Act or a corresponding law, if contravention of the provision is not an offence.
- (7) If the licensee holds a race bookmaking licence or sports bookmaking licence, the following criteria also apply:
- (a) the licensee (or a person who, for division 6.2, is an agent of the licensee) has failed to comply with a notice by the commission under section 59 (Bookmaker or agent to give information about disputed bet);
  - (b) the licensee has failed to pay an amount within the period it is required to be paid under section 61 (Compliance with direction about disputed bet).

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- (8) If the licensee holds a race bookmaker's agent licence or sports bookmaker's agent licence, the criterion that the licensee failed to comply with a notice by the commission under section 59 also applies.
- (9) For this section, the regulations may prescribe additional criteria.
- (10) For subsection (1), the following kinds of disciplinary action may be taken against a licensee:
- (a) the issue of a reprimand;
  - (b) a change of the conditions of the licence;
  - (c) unless only the criterion mentioned in subsection (3) (b) applies, the imposition of a financial penalty of not more than \$10 000 or, if a higher amount is prescribed under the regulations, the higher amount;
  - (d) the suspension of the licence—
    - (i) for a stated period; or
    - (ii) until 1 or more stated conditions have been met;
  - (e) the cancellation of the licence (whether or not the licence is already suspended);
  - (f) if the licensee holds an approval issued under section 49 (Issue or refusal of approval for sports bookmaking venue)—the cancellation or suspension of the approval.

**70 Notice of disciplinary action**

- (1) If the commission cancels a licence under section 68 (Mandatory cancellation of licence) or section 69 (Discretionary penalties)—
- (a) the commission must give to the licensee written notice of the cancellation that explains the day of effect of the cancellation; and

(b) the cancellation has effect on the day of effect.

*Note* For the meaning of *day of effect*, see s (6).

- (2) If the commission suspends a licence under section 69—
- (a) the commission must give to the licensee written notice of the suspension that explains the day of effect of the suspension; and
  - (b) the suspension has effect on the day of effect.
- (3) If the commission takes any other or additional disciplinary action against a licensee under section 69, the commission must give written notice to the licensee of the action.
- (4) If the commission imposes a financial penalty on a licensee, the licensee must pay the amount of the penalty to the commission within the period stated in the notice or any longer period allowed by the commission.
- (5) The amount of the financial penalty is a debt owing by the licensee to the commission if it is not paid within the stated period.
- (6) In this section:

*day of effect*, of the cancellation or suspension of a licence, means the day after—

- (i) if the notice of cancellation or suspension is delivered to the licensee or to the last-known address of the licensee—the day when the notice is delivered; or
- (ii) if the notice 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.

**71 Directions to remedy matter**

- (1) This section applies if the commission—
  - (a) is satisfied on reasonable grounds that a ground for disciplinary action against a licensee under section 69 (Discretionary penalties) has been established; and
  - (b) considers that it is appropriate to give to the licensee an opportunity to remedy the matter.
- (2) The commission may give a written notice to the licensee that states—
  - (a) the commission's intention to issue a direction to remedy the matter; and
  - (b) the criterion (mentioned in section 69) in relation to which the commission proposes to issue the direction; and
  - (c) the licensee's right to make written representations, or oral representations personally or by an authorised representative, to the commission, within 14 days after the applicant is given the notice or any longer period allowed by the commission, to show why the proposed direction should not be issued.
- (3) After considering any representations made within the period mentioned in subsection (2) (c), the commission may give a written direction to the licensee to remedy the matter stated in the notice.
- (4) The direction must state—
  - (a) the reasons for the direction; and
  - (b) the action that the licensee must take to remedy the matter; and
  - (c) the period within which the licensee must take the action.
- (5) A person must not, without reasonable excuse, fail to comply with a direction given to the person under subsection (3).

Maximum penalty: 5 penalty units.



**72 Ending of suspension of licence**

- (1) If the commission has suspended a licence until a condition has been met, the commission may end the suspension at any time, even though the condition has not been met.

*Note* Subsections (1) and (2) apply subject to s (3) and s (4).

- (2) If the commission has suspended a licence for a stated period, the commission may end the suspension at any time before the end of the period.

*Note* Under s 82 and s 84, a decision under this section not to end the suspension of a licence may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (3) However, the commission may end a suspension under subsection (1) or (2) only if the commission is satisfied that a special reason justifies ending it.
- (4) This section does not apply to a suspension under section 67 (5) (Power to hold inquiry).

## Part 9 Offences

### 73 Restrictions on race bookmakers and sports bookmakers

- (1) A race bookmaker must not engage in race bookmaking except—
- (a) at a race meeting; or
  - (b) at a sports bookmaking venue in accordance with an authorisation held by the race bookmaker under section 49 (7) (Issue or refusal of approval for sports bookmaking venue).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A race bookmaker's agent must not engage in race bookmaking except—
- (a) at a race meeting; or
  - (b) at a sports bookmaking venue in accordance with an authorisation held under section 49 (7) by the race bookmaker—
    - (i) who applied for the licence held by the race bookmaker's agent; and
    - (ii) for whom the race bookmaker's agent is engaging in race bookmaking at the venue.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A race bookmaker or a race bookmaker's agent must not engage in race bookmaking at a sports bookmaking venue in contravention of a direction under section 22 (1) (Directions for operation of sports bookmaking venues) for the operation of the venue.

Maximum penalty: 50 penalty units.

- (4) A sports bookmaker or a sports bookmaker's agent must not engage in sports bookmaking at a sports bookmaking venue in contravention of a direction under section 22 (1) for the operation of the venue.

Maximum penalty: 50 penalty units.

- (5) A sports bookmaker or a sports bookmaker's agent must not engage in sports bookmaking except at a sports bookmaking venue.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (6) A sports bookmaker or a sports bookmaker's agent must not contravene the rules for sports bookmaking.

Maximum penalty: 50 penalty units.

#### **74 Unsigned licences—race bookmakers and race bookmaker's agents**

- (1) A race bookmaker must not engage in race bookmaking unless the race bookmaker has signed his or her race bookmaking licence.

Maximum penalty: 10 penalty units.

- (2) A race bookmaker's agent must not act for a race bookmaker unless the race bookmaker's agent has signed his or her race bookmaker's agent licence.

Maximum penalty: 10 penalty units.

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

A race bookmaker or a race bookmaker's agent must not accept a bet by telephone unless—

- (a) the bet is placed in accordance with the procedures (if any) prescribed under the regulations; and

- (b) the bet is recorded using equipment (if any) prescribed under the regulations.

Maximum penalty: 30 penalty units.

## **76 Rules about telephone betting**

- (1) The commission may, in writing, approve rules about telephone betting by race bookmakers.
- (2) Rules approved under subsection (1) are a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (3) A race bookmaker, or a race bookmaker's agent acting for a race bookmaker, must not, without reasonable excuse, contravene the rules.

Maximum penalty: 50 penalty units.

## **77 Interference with prescribed equipment**

- (1) A person must not, without reasonable excuse, interfere with equipment prescribed under the regulations for section 75 (b) (Telephone betting by race bookmaker or race bookmaker's agent).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) It is a defence to a prosecution for an offence against subsection (1) if the defendant establishes that the defendant—
- (a) did not know, and had no reason to believe, that the equipment was prescribed equipment; or
- (b) acted under an authorisation under section 87 (Maintenance of prescribed equipment).

**78 Production of licences and specimen signatures**

- (1) An authorised officer or a police officer may require a person who is engaging in race bookmaking—
  - (a) to produce the person's bookmaking licence or race bookmaker's agent licence; and
  - (b) to write the person's signature for the purpose of comparing the signature with the signature on the licence.
- (2) A person must not, without reasonable excuse, fail to comply with a requirement under subsection (1).

Maximum penalty: 10 penalty units.

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

A racing club that conducts a race meeting must, within 7 days after the meeting or within any further period allowed by the commission, give to the commission the name and address of each person who engaged in race bookmaking at the race meeting.

Maximum penalty: 20 penalty units.

**80 Holder of sports bookmaking licence to tell commission about certain changes**

- (1) A sports bookmaker must give written notice to the commission after a change in any of the following particulars:
  - (a) the name or business address of the licensee;
  - (b) for a syndicate—
    - (i) the name or business address of any member of the syndicate; or
    - (ii) the membership of the syndicate;

- (c) for a corporation—
- (i) the directors of the corporation; or
  - (ii) the name or business address of any director, or the secretary, of the corporation; or
  - (iii) if the corporation is a proprietary company—the persons who are influential shareholders of the corporation; or
  - (iv) if another corporation is an influential shareholder in relation to the corporation—the directors, or the persons who are influential shareholders, of the other corporation.
- (2) The sports bookmaker must not fail to give a notice to the commission under subsection (1) within 14 days after the change happens or any longer period allowed by the commission.

Maximum penalty: 20 penalty units.

- (3) After receiving a notice under subsection (1), the commission may, by written notice, require the licensee to give to the commission, within 14 days after the licensee is given the notice or any longer period allowed by the commission, further information in writing about—
- (a) if the licensee is a syndicate—the membership, or any stated member, of the syndicate; or
  - (b) if the licensee is a corporation—
    - (i) the directors, or any stated director, of the corporation; or
    - (ii) the secretary of the corporation; or
    - (iii) any stated shareholder who is an influential shareholder in relation to the corporation.
- (4) A person who receives a notice under subsection (3) must not, without reasonable excuse, fail to comply with the notice.

Maximum penalty: 50 penalty units.

- (5) If a notice under subsection (1) states that someone (the *incoming person*) has become a member of a syndicate, or a director of a corporation, that holds a sports bookmaking licence, the notice must contain, or be accompanied by, an authorisation, signed by the incoming person, for a police officer to make inquiries, and make a written report to the commission, about the character, and any criminal record, of the incoming person.
- (6) If a corporation gives a notice under subsection (1) that states that an individual (the *incoming individual*) has become an influential shareholder in relation to the corporation, the commission may, in writing, tell the corporation that the commission requires an authorisation, signed by the incoming individual, for a police officer to make inquiries, and make a written report to the commission, about the character, and any criminal record, of the incoming individual.
- (7) If a corporation gives a notice under subsection (1) stating that another corporation (the *incoming corporation*) has become an influential shareholder in relation to the corporation, the commission may, in writing, tell the corporation that the commission requires an authorisation, signed by each director of the incoming corporation, for a police officer to make inquiries, and make a written report to the commission, about the character, and any criminal record, of each director of the incoming corporation.

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

- (1) A person who surrenders a licence under this Act must not fail, without reasonable excuse, to return the licence to the commission within 7 days after the surrender takes effect.

Maximum penalty: 5 penalty units.

- (2) If a licence is cancelled or suspended, the commission may give written notice to the licensee to return the licence to the commission.

**Part 9**                      Offences

Section 81

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- (3) A person who receives a notice under subsection (2) must not fail, without reasonable excuse, to return the licence to the commission within 7 days after receiving the notice.

Maximum penalty: 5 penalty units.



## Part 10 Reconsideration and review

### 82 Reconsideration of decisions by commission

- (1) A person whose interests are affected by a primary decision may apply in writing to the commission for internal review of the decision.

*Note 1* For the meaning of *primary decision*, see dict.

*Note 2* For requirements about giving notice of a primary decision, see s 83.

- (2) The application must—
- (a) be made within 28 days after the day when the applicant is given written notice of the decision, or any longer period allowed by the commission; and
  - (b) set out the grounds for the application.
- (3) If the application is made in accordance with subsection (2), the commission must—
- (a) review the primary decision; and
  - (b) within 28 days after the commission receives the application for reconsideration of the decision, make a decision (the *reconsideration decision*) that confirms, amends or revokes the primary decision; and
  - (c) give written notice of the reconsideration decision, to the applicant as soon as practicable after making the decision.
- (4) The review must be conducted, for the commission, by a person who did not make the primary decision.
- (5) If the primary decision is not amended or revoked within 28 days after the commission receives the application, the primary decision is taken to have been confirmed by the commission.

- (6) If the commission revokes or amends the primary decision, the commission may take any action under this Act that it considers appropriate to give effect to the reconsideration decision.

**Example**

If the primary decision was to refuse, or cancel, a licence, revoking the decision would empower the commission to issue, or reissue, the licence.

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

- (1) If the commission makes a primary decision, the commission must take reasonable steps to give written notice of the decision to each person whose interests are affected by the decision.
- (2) A notice of a primary decision, or a decision under section 82 (3) (c), must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1) and, in particular, the notice must tell the person—
- (a) that the person has the right to apply for review by the commission of the primary decision; and
  - (b) how to make the application; and
  - (c) that, if the person is dissatisfied with the decision on internal review (the *reconsideration decision*), the person has the right to apply to the AAT for review of the reconsideration decision; and
  - (d) about the options available under other ACT laws to have a primary decision or a reconsideration decision reviewed by a court or the ombudsman.

*Note* The AAT code of practice is distinct from the codes of practice mentioned in other provisions of this Act. For the meaning of *code of practice* in other provisions, see dict, def of *code of practice*.

**84 AAT review of reconsideration decisions**

A person may apply in writing to the AAT for review of a decision made on internal review under section 82 (Reconsideration of decisions by commission).

## Part 11 Miscellaneous

### 85 Evidence of licences

- (1) A certificate that appears to be signed by or on behalf of the chief executive, is evidence that, on a stated date or during a stated period—
  - (a) a stated person was, or was not, the holder of a stated kind of licence; or
  - (b) a stated person was, or was not—
    - (i) a member of a syndicate that held a sports bookmaking licence; or
    - (ii) a director, or the secretary, of a corporation, or an influential person in relation to a corporation, that held a sports bookmaking licence.
- (2) A certificate that appears to be signed by or on behalf of the chief executive may be tendered in evidence, without being proved, to a court, the AAT or a person acting judicially (including an arbitrator).

### 86 Application of this Act if licence is held by syndicate

- (1) If an obligation under this Act applies to a sports bookmaker—
  - (a) it is sufficient for the obligation to be carried out, for a syndicate that is a sports bookmaker, by any member of the syndicate; and
  - (b) if no member of a syndicate that is a sports bookmaker carries out the obligation for the syndicate—
    - (i) each member of the syndicate is taken to have failed to carry out the obligation; and

- (ii) 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.
- (2) If any member of a 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.
- (3) It is a defence to a prosecution for an offence for which the defendant would not be liable apart from subsection (1) or (2) if the defendant establishes that the defendant—
  - (a) exercised due diligence to prevent the contravention constituting the defence; or
  - (b) could not reasonably have been expected to know of the contravention constituting the defence.
- (4) Without limiting subsection (1), an obligation under this Act is taken to apply to a sports bookmaker if it applies to—
  - (a) the holder of a sports bookmaking licence; or
  - (b) a licensee that is a sports bookmaker.

## **87 Maintenance of prescribed equipment**

- (1) The commission may, in writing, authorise a person to exercise stated functions in relation to the maintenance of equipment prescribed under the regulations for section 75 (b) (Telephone betting by race bookmaker or race bookmaker's agent).
- (2) An authorisation is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.
- (3) The commission may, by written notice, give directions to a person authorised under subsection (1) about the exercise of the person's functions.

- (4) A person must not, without reasonable excuse, contravene a direction.

Maximum penalty: 50 penalty units.

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

- (1) The commission may, by written notice, give directions to a race bookmaker about the maintenance and control of telephone equipment used for betting.
- (2) A race bookmaker must not, without reasonable excuse, contravene a direction given to the race bookmaker.

Maximum penalty: 50 penalty units.

### **89 Commission to keep register**

The commission must keep a register of licensees.

### **90 Security guarantee—determination of minimum amount**

- (1) The commission may, in writing, determine the minimum amount of security guarantees for race bookmaking licences, sports bookmaking licences, or approvals under section 49 (Issue or refusal of approval for sports bookmaking venue) in relation to designated sports bookmaking venues.

*Note* For the requirement to provide a security guarantee, see s 92 (1) (h) and (i), and for security guarantees, see s 92 (3) to (5).

- (2) A determination under this section is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

### **91 Amendment of security guarantee**

- (1) If the commission considers that the amount of the security guarantee of a race bookmaker or a sports bookmaker (the *bookmaker*) has become inappropriate, the commission must give a written notice to the bookmaker that states—

- (a) that the commission proposes to amend, in the way stated in the notice, the nature or amount (or both) of the security guarantee; and
- (b) that 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.

*Note* For the requirement to provide a security guarantee, see s 92 (1) (h) and (i), and for security guarantees, see s 92 (3) to (5).

- (2) After considering any representations made in accordance with subsection (1) (b), the commission may—
  - (a) amend, in the way stated in the notice or in another way that is not less favourable to the bookmaker, the nature of the security guarantee; or
  - (b) whether or not the nature of the security guarantee is amended, amend the amount of the security guarantee to the amount stated in the notice or to a lesser amount.

*Note* Under s 82 and s 84, 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. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (3) If the commission amends the nature or amount of a security guarantee, the commission must, by written notice given to the bookmaker, require the bookmaker to provide to the commission the amended security guarantee within 14 days after the bookmaker is given the notice or any longer period allowed by the commission.

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

- (1) For this Act, the *suitability requirements*, for a relevant person, are the requirements that the person—
- (a) has a reputation for sound business conduct; and
  - (b) for an individual—has a reputation for sound character; and
  - (c) has a satisfactory financial position and financial background; and
  - (d) has not, within 5 years before the suitability requirements are applied, been convicted or found guilty of an offence against a gaming law or against a corresponding law prescribed under the regulations; and
  - (e) does not owe an amount that has become payable by the person to the commission or the Territory under this Act or another gaming law; and
  - (f) has not been convicted or found guilty (in Australia or a foreign country) of an offence punishable by death or imprisonment, other than an offence that does not, having regard to all relevant circumstances (including, for example, the nature of the offence and how long ago the offence was committed), establish reasonable grounds for believing that the person is now of unsound character; and
  - (g) has not, at any time, associated, or entered into any business or financial arrangements, with a person who has a reputation for unsound business conduct or unsound character; and
  - (h) for an applicant for a bookmaking licence or a sports bookmaking licence—has given an undertaking acceptable to the commission to provide, and has demonstrated to the commission's satisfaction the ability to provide, a security guarantee on issue of the licence; and



- (i) for a holder of a race bookmaking licence or sports bookmaking licence—has provided a security guarantee; and
  - (j) for a corporation—has, or has arranged, a satisfactory ownership, trust or corporate structure; and
  - (k) meets the conditions (if any) prescribed under the regulations.
- (2) For subsection (1), each of the following persons is a ***relevant person***:
- (a) an applicant for a race bookmaking licence or sports bookmaking licence;
  - (b) a person nominated in an application for any other kind of licence;
  - (c) the holder of a licence or, for a sports bookmaking licence applied for, or held, by a syndicate or a corporation, a member of the syndicate, a director of the corporation or an influential shareholder of the corporation.
- (3) A ***security guarantee***, for the suitability requirements applying to a person who applies for, or holds, a race bookmaking licence, means 1 or more documents that satisfy the commission about the person's ability to cover the person's race bookmaking losses to the amount applying to the person under a determination under section 90 (Security guarantee—determination of minimum amount).
- (4) A ***security guarantee***, for the suitability requirements applying to a person who applies for, or holds, a sports bookmaking licence, means 1 or more documents that satisfy the commission about the person's ability to cover the person's sports bookmaking losses to the amount applying to the person under a determination under section 90.
- (5) A ***security guarantee***, for the requirement for the issue to a person of an approval under section 49 (Issue or refusal of approval for sports bookmaking venue) in relation to a designated sports bookmaking venue, means 1 or more documents that satisfy the commission about the person's ability to cover the person's race

bookmaking losses at the venue to the amount applying to the person under a determination under section 90 in relation to the venue.

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

For this Act, the *nominated person*, for a race bookmaker's agent licence or a sports bookmaker's agent licence, is the individual nominated in the application for the licence.

### **94 Selfincrimination etc**

(1) A person is not excused from providing information or producing a document when required to do so under this Act on the ground that the information or document may tend to incriminate the person.

(2) However—

- (a) the information or production of the document; or
- (b) any other information, document or thing obtained as a direct or indirect consequence of providing the information or producing the document;

is not admissible in evidence against the person in a criminal proceeding.

(3) Subsection (2) does not apply to a proceeding for—

- (a) any offence in relation to the false or misleading nature of the information or document; or
- (b) an offence against the *Crimes Act 1900*, part 9 (Aiding and abetting, accessories, attempts, incitement and conspiracy) that relates to an offence mentioned in paragraph (a).

### **95 Legal professional privilege**

In response to a requirement under this Act, a person does not have to—

- (a) make available information or a document; or

(b) answer a question;

if the person is entitled to claim, and does claim, legal professional privilege in relation to the requirement.

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

A power of the commission to extend the time for doing something required or permitted to be done under this Act may be exercised by the commission before or after the time expires.

## **97 Determination of fees**

(1) The Minister may, in writing, determine fees for this Act.

*Note* The *Legislation Act 2001* deals with fees (see s 56 and s 57).

(2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## **98 Regulation-making power**

(1) The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

(2) The regulations may make provision for or in relation to—

- (a) the information that may be supplied by telephone by a race bookmaker engaging in race bookmaking; and
- (b) the keeping of records by race bookmakers and sports bookmakers; and
- (c) matters to be stated on licences.

(3) The regulations may prescribe offences for contraventions of the regulations and may prescribe maximum penalties of not more than 10 penalty units for offences against the regulations or against the rules for sports bookmaking.

## Part 12 Temporary provisions

### **M** 99B Transitional—review of decisions about disputed claims

#### **100** Transitional—regulations

- (1) The regulations may prescribe savings or transitional matters necessary or convenient to be prescribed because of the enactment of this Act.
- (2) Without limiting the scope of subsection (1), the regulations may prescribe matters necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act instead of the provisions of the *Bookmakers Act 1985*.
- (3) The regulations may modify the operation of this part to make provision with respect to any matter that is not, or not adequately, dealt with in this part.
- (4) Regulations made for this section must be taken to be consistent with this Act as far as they can operate concurrently with this Act.
- (5) This section expires 1 year after it commences.

#### **101** Transitional—modification of s 99

- (1) The regulations may modify the operation of section 99 to make provision with respect to any matter that is not, or not adequately, dealt with in this part.
- (2) This section expires 1 year after it commences.

## Schedule 1      Decisions subject to reconsideration

(see dict)

<b>column 1</b> <b>item no</b>	<b>column 2</b> <b>Act provision</b>	<b>column 3</b> <b>nature of decision</b>
1	section 7 (5), 13 (5), 26 (6) or 35 (5)	a decision to refuse an application for a licence
2	section 8 (1), 14 (1), 27 (1) or 36 (1)	a decision to impose a condition of a licence
3	section 8 (2), 24 (2), 27 (2) or 36 (2)	a decision to change a condition of a licence
4	section 10, 16, 30 or 38	a decision to issue a licence for a shorter period than applied for
5	section 41 (2)	a decision not to consider an application for a licence
6	section 42	a decision about costs of application
7	section 43	a decision to refuse to issue a licence
8	section 44	a decision not to issue a replacement licence
9	section 45 (2)	a decision not to reissue a licence
10	section 49 (6)	a decision to refuse an application for an approval in relation to a sports bookmaking venue
11	section 49 (7)	a decision to refuse authorisation to a race bookmaker to field at a sports bookmaking venue
12	section 50 (1)	a decision to impose a condition of an approval under section 49
13	section 50 (1)	a decision to change a condition of an approval under section 49

**Schedule 1**      Decisions subject to reconsideration

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<b>column 1 item no</b>	<b>column 2 Act provision</b>	<b>column 3 nature of decision</b>
14	section 51	a decision to issue an approval under section 49 for a shorter period than applied for
15	section 57 (3)	a decision not to accept a referral to the commission out of time
16	section 58 (3)	a decision to reject a referral to the commission
17	section 60 (1) or 62 (1)	a decision to give a direction
18	section 68 (1)	a decision to cancel a licence
19	section 68 (7) or 69 (1)	a decision to take disciplinary action
20	section 72 (1) or (2)	a decision not to end the suspension of a licence
21	section 91 (2)	a decision to amend, or not to amend, the nature or amount of a security guarantee

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## Dictionary

(see s 3)

**application**, for a licence, includes an application for renewal of a licence.

**authorised officer**—see the *Gambling and Racing Control Act 1999*, section 20.

**bet** means any stake, pledge or wager in money between 2 people on any event or contingency relating to—

- (a) a race; or
- (b) a sports bookmaking event.

**bet back**, in relation to a race bookmaker or sports bookmaker (the **bookmaker**), means a bet by the bookmaker on 1 or more runners in a race if the bet is made with the objective of offsetting completely or partly the bookmaker's liability for bets made with the bookmaker on the runner, or runners, in the race.

**chief executive** means the chief executive of the commission.

**code of practice** means a code of practice prescribed under the regulations under the *Gambling and Racing Control Act 1999*.

**commission** means the gambling and racing commission.

**controlling body**—see the *Racing Act 1999*, section 3.

**corporation** includes an entity that is, in relation to the corporation, a related body corporate (as defined in the Corporations Act, section 9).

**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 (Designation of sports bookmaking venues etc).

***gaming law*** means a law mentioned in the *Gambling and Racing Control Act 1999*, section 4.

***influential shareholder***, of a corporation, means a person who—

- (a) solely or with others, owns or has a beneficial interest in 5% or more of—
  - (i) the voting shares in the corporation; or
  - (ii) if the corporation has more than 1 class of shares—the voting shares in at least 1 of the classes; or
- (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 1 class of shares—the voting shares in at least 1 of the classes; or
- (c) solely or with others, owns or has a beneficial interest in 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 any of the following licences:

- (a) a race bookmaking licence;
- (b) a race bookmaker's agent licence;
- (c) a sports bookmaking licence;



(d) a sports bookmaker's agent licence.

**licensee**, of a sports bookmaking licence held by a syndicate, includes each member of the syndicate.

**nominated person**—see section 93 (Meaning of *nominated person*).

**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**—see the Corporations Act, section 9.

**race** means—

- (a) a thoroughbred race; or
- (b) a harness race; or
- (c) a greyhound race; or
- (d) a race of a kind prescribed under the regulations.

**race bookmaker** means a person who holds a race bookmaking licence.

**race bookmaker's agent** means a person who holds a race bookmaker's agent licence.

**race bookmaking** means the carrying on (whether regularly or on 1 or more occasions) of the business of receiving or negotiating bets on races.

**race meeting** means a meeting held to conduct races (even if other events are also held at the meeting).

**racing club** means a corporation that promotes or controls horse racing or dog racing, or that holds race meetings.

**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**—see section 92 (Meaning of *suitability requirements* and *security guarantee*).

**sports bet** means a bet on, or in relation to, a sports bookmaking event.

**sports bookmaker** means the holder of a sports bookmaking licence.

**sports bookmaking** means the carrying on (whether regularly or on 1 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**—see section 92 (Meaning of *suitability requirements* and *security guarantee*).

**voting share**, for the definition of **influential shareholder**—see the Corporations Act, section 9.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Race and Sports Bookmaking Act 2001 No 49**

notified 12 July 2001 (Gaz 2001 No 28)

s 1, s 2 commenced 12 July 2001 (IA s 10B)

remainder commenced 7 September 2001 (s 2 and Gaz 2001 No S68)

as modified by

#### **Race and Sports Bookmaking Regulations 2001 No 3**

notified 7 September 2001 (Gaz 2001 No S68)

commenced 7 September 2001 (reg 2)

### 4 Amendment history

#### **Commencement**

s 2 om R1 (LA s 89 (4))

#### **Transitional—general**

s 99 exp 7 March 2002 (s 99 (6))

#### **Transitional—certain existing licences**

s 99A ins as mod SL 2001 No 31 reg 9 (exp 7 March 2002)

#### **Transitional—review of decisions about disputed claims**

s 99B ins as mod SL 2001 No 31 reg 9 (exp 7 September 2002)

#### **Transitional—regulations**

s 100 exp 7 September 2002 (s 100 (5))

#### **Transitional—modification of s 99**

s 101 exp 7 September 2002 (s 101 (2))

#### **Repeals**

s 102 om R1 (LA s 89 (3))

#### **Amendments**

s 103 om R1 (LA s 89 (3))

#### **Amendments of other Acts**

sch 2 om R1 (LA s 89 (3))

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	24 October 2001

## 6 Modifications of republished law with temporary effect

The following modifications have not been included in this republication:

**Race and Sports Bookmaking Regulations 2001 No 31 reg 9**

## 9 Modification of Act, pt 12—Act, s 100 (3)

The Act, part 12 (Temporary provisions) is modified by inserting the following sections after section 99:

### 99B Transitional—review of decisions about disputed claims

- (1) This section applies to an application under the *Bookmakers Act 1985*, section 39ZI in relation to a direction of the registrar if, before the repeal of that Act—
  - (a) the application had not been rejected under that Act, section 39ZK; and
  - (b) the Sports Betting Disputes Subcommittee established under that Act, section 39ZC had not affirmed or varied the application.

## Endnotes

6 Modifications of republished law with temporary effect

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- (2) The decision to issue the direction is taken to be a decision made on internal review under section 82 (Reconsideration of decisions by commission).
- (3) The application is taken to be an application under section 84 (AAT review of reconsideration decisions) for review of the decision to issue the direction.
- (4) This section expires 1 year after it commences.

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