



Australian Capital Territory

# **Race and Sports Bookmaking Act 2001**

**A2001-49**

**Republication No 19**

**Effective: 12 May 2022 – 25 December 2025**

Republication date: 12 May 2022

Last amendment made by [A2022-8](#)

## About this republication

### The republished law

This is a republication of the *Race and Sports Bookmaking Act 2001* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 12 May 2022. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 12 May 2022.

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, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### 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 the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



Australian Capital Territory

# Race and Sports Bookmaking Act 2001

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Australian Capital Territory

# 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*, 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*, s 127 (1), (4) and (5) for the legal status of notes.

## 4A Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1 Criminal Code*

The [Criminal Code](#), ch 2 applies to the following offences against this Act (see Code, pt 2.1):

- s 19 (Engage in sports bookmaking without licence)
- s 72A (Betting by or on behalf of child)
- s 73A (Bookmakers—unauthorised bookmaking).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2 Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

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

### **Division 2.1 General**

#### **4B Meaning of *security guarantee* for a race bookmaking licence**

In this Act:

*security guarantee*, for 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).

#### **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 include consent to a police officer checking the applicant's criminal record and reporting the results of the check to the commission.
- (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                      Race bookmaking licence—issue or refusal**

- (1) This section applies if the commission receives an application for a race bookmaking licence.
- (2) The commission may issue the licence to the applicant if—
- (a) the applicant—
    - (i) has not been convicted, or found guilty, in the last 5 years, whether in the ACT or elsewhere, of an offence—
      - (A) involving fraud or dishonesty; or
      - (B) against a law about gaming; and
    - (ii) has not been convicted, or found guilty, in Australia in the last 5 years of an offence punishable by imprisonment for at least 1 year; and
    - (iii) has not been convicted, or found guilty, outside Australia in the last 5 years of an offence that, if it had been committed in the ACT, would have been punishable by imprisonment for at least 1 year; and

- (iv) does not owe an amount that has become payable by the applicant to the commission or the Territory under this Act or another gaming law; and
- (v) if the commission has determined a minimum amount for security guarantees for race bookmaking licences under section 90 (Security guarantee—determination of minimum amount)—
  - (A) has given an undertaking acceptable to the commission to provide a security guarantee on issue of the licence; and
  - (B) has demonstrated, to the commission's satisfaction, the ability to provide a security guarantee on issue of the licence; and

*Note* **Security guarantee**, for a race bookmaking licence—see s 4B.

- (b) the commission believes on reasonable grounds that the applicant is likely to be able to pay bets.
- (3) In deciding whether an applicant is likely to be able to pay bets, the commission may consider any business or financial matters about the applicant that the commission considers appropriate.
- (4) If the commission is not satisfied about a matter mentioned in subsection (2), 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 (5).

*Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (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 the period of 14 days after the day the applicant is given the notice or any longer period allowed by the commission (the *representation period*).
- (6) After giving the notice under subsection (4), the commission must—
- (a) take into account—
    - (i) any representations made by the applicant within the representation period; and
    - (ii) any other relevant information available to the commission; and
  - (b) either—
    - (i) if the commission is satisfied about each matter stated in the notice—issue a race bookmaking licence to the applicant; or
    - (ii) if the commission is not satisfied about each matter stated in the notice—refuse to issue the race bookmaking licence to the applicant.
- Note* Under pt 10 (Notification and review of decisions), a decision to refuse to issue a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.
- (7) However, despite subsection (6) (b) (ii), the commission may issue a race bookmaking licence to the applicant if satisfied that—
- (a) the racing industry would not be adversely affected if the licence were issued; and
  - (b) it is otherwise in the public interest for the licence to be issued.

## **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 pt 10 (Notification and review of decisions), a decision to issue a licence subject to a condition, or change a licence condition, may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (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 Term of race bookmaking licence**

A race bookmaking licence is issued for the period of not more than 3 years stated in the licence.

## **10A Race bookmaking licence—application for renewal**

- (1) A race bookmaker may apply to the commission to renew their race bookmaking licence for a period not longer than 3 years.

*Note 1* If a form is approved under the [Gambling and Racing Control Act 1999](#), s 53D for an application, the form must be used.

*Note 2* A fee may be determined under s 97 for this provision.

- (2) The application must—
  - (a) be in writing; and
  - (b) include consent to a police officer checking the applicant's criminal record and reporting the results of the check to the commission; and

(c) be received by the commission at least 30 days before the day the licence expires.

(3) However, the commission may extend the time for making an application.

*Note* A race bookmaking licensee may apply to the commission for the time to be extended, and the commission may extend the time, even though the time has ended (see [Legislation Act](#), s 151C).

(4) If a race bookmaker applies to renew the licence under this section, the licence remains in force until the application is decided.

## **10B Race bookmaking licence—decision on renewal**

(1) This section applies if the commission receives an application for renewal of a race bookmaking licence under section 10A.

(2) The commission must not decide the application until the commission has received and considered a police report, authorised under section 10A (2) (b), about the race bookmaker.

(3) The commission may renew the licence if—

(a) the race bookmaker—

(i) has not been convicted, or found guilty, in the last 5 years, whether in the ACT or elsewhere, of an offence—

(A) involving fraud or dishonesty; or

(B) against a law about gaming; and

(ii) has not been convicted, or found guilty, in Australia in the last 5 years of an offence punishable by imprisonment for at least 1 year; and

(iii) has not been convicted, or found guilty, outside Australia in the last 5 years of an offence that, if it had been committed in the ACT, would have been punishable by imprisonment for at least 1 year; and

- (iv) does not owe an amount that has become payable by the race bookmaker to the commission or the Territory under this Act or another gaming law; and
- (v) if the commission has determined a minimum amount for security guarantees for race bookmaking licences under section 90 (Security guarantee—determination of minimum amount)—has provided a security guarantee; and

*Note* **Security guarantee**, for a race bookmaking licence—see s 4B.

- (b) the commission believes on reasonable grounds that the race bookmaker is likely to be able to pay bets.
- (4) If the commission is not satisfied about a matter mentioned in subsection (3), 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 (5).

*Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (5) 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 the period of 14 days after the day the race bookmaker is given the notice or any longer period allowed by the commission (the **representation period**).
- (6) After giving the notice under subsection (4), the commission must—
- (a) take into account—
    - (i) any representations made by the race bookmaker within the representation period; and
    - (ii) any other relevant information available to the commission; and

(b) either—

- (i) if the commission is satisfied about each matter stated in the notice—renew the race bookmaking licence; or
- (ii) if the commission is not satisfied about each matter stated in the notice—refuse to renew the race bookmaking licence.

*Note* Under pt 10 (Notification and review of decisions), a decision to refuse to renew a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

(7) However, despite subsection (6) (b) (ii), the commission may renew a race bookmaking licence if satisfied that—

- (a) the racing industry would not be adversely affected if the licence were renewed; and
- (b) it is otherwise in the public interest that the licence be renewed.

## **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 include an authorisation, signed by the nominated person, consenting to—
  - (a) being nominated in the application; and
  - (b) a police officer checking the nominated person's criminal record and reporting the results of the check to the commission.
- (4) The commission must not decide the application until the commission has received and considered a police report, authorised under subsection (3) (b), about the nominated person.

### **13 Race bookmaker's agent licence—issue or refusal**

- (1) This section applies if the commission receives an application for a race bookmaker's agent licence for a nominated person.
- (2) The commission may issue the licence to the nominated person if the nominated person—
  - (a) has not been convicted, or found guilty, in the last 5 years, whether in the ACT or elsewhere, of an offence—
    - (i) involving fraud or dishonesty; or
    - (ii) against a law about gaming; and
  - (b) has not been convicted, or found guilty, in Australia in the last 5 years of an offence punishable by imprisonment for at least 1 year; and
  - (c) has not been convicted, or found guilty, outside Australia in the last 5 years of an offence that, if it had been committed in the ACT, would have been punishable by imprisonment for at least 1 year; and
  - (d) does not owe an amount that has become payable by the nominated person to the commission or the Territory under this Act or another gaming law.

- (3) If the commission is not satisfied about a matter mentioned in subsection (2), 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 (4).

*Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (4) 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 the period of 14 days after the day the race bookmaker is given the notice or any longer period allowed by the commission (the ***representation period***).

- (5) After giving the notice under subsection (3), the commission must—

- (a) take into account—
  - (i) any representations made by the race bookmaker within the representation period; and
  - (ii) any other relevant information available to the commission; and
- (b) either—
  - (i) if the commission is satisfied about each matter stated in the notice—issue a race bookmaker's agent licence to the nominated person; or
  - (ii) if the commission is not satisfied about each matter stated in the notice—refuse to issue a race bookmaker's agent licence to the nominated person.

*Note* Under pt 10 (Notification and review of decisions), a decision to refuse to issue a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (6) However, despite subsection (5) (b) (ii), the commission may issue a race bookmaker's agent licence to the nominated person if satisfied that—
- (a) the racing industry would not be adversely affected if the commission issued the licence; and
  - (b) it is otherwise in the public interest that the commission issue the licence.

#### **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 pt 10 (Notification and review of decisions), a decision to issue a licence subject to a condition, or change a licence condition, may, on application, be reconsidered by the commission and reviewed by the ACAT.
- (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 Term of race bookmaker's agent licence**

A race bookmaker's agent licence is issued for the period of not more than 3 years stated in the licence.

**16A Race bookmaker's agent licence—application for renewal**

- (1) This section applies if—
  - (a) a race bookmaker has an agent; and
  - (b) the agent holds a race bookmaker's agent licence.
- (2) The race bookmaker may apply to the commission to renew the agent's race bookmaker's agent licence for a period not longer than 3 years.

*Note 1* If a form is approved under the [Gambling and Racing Control Act 1999](#), s 53D for an application, the form must be used.

*Note 2* A fee may be determined under s 97 for this provision.

- (3) The application must—
  - (a) be in writing; and
  - (b) include consent to a police officer checking the race bookmaker's agent's criminal record and reporting the results of the check to the commission; and
  - (c) be received by the commission at least 30 days before the day the licence expires.
- (4) However, the commission may extend the time for making an application.

*Note* A race bookmaker may apply to the commission for the time to be extended, and the commission may extend the time, even though the time has ended (see [Legislation Act](#), s 151C).

- (5) If a race bookmaker applies to renew the licence under this section, the licence remains in force until the application is decided.

## **16B Race bookmaker's agent licence—decision on renewal**

- (1) This section applies if the commission receives an application for renewal of a race bookmaker's agent licence under section 16A.
- (2) The commission must not decide the application until the commission has received and considered a police report, authorised under section 16A (3) (b), about the race bookmaker's agent.
- (3) The commission may renew the licence if the race bookmaker's agent—
  - (a) has not been convicted, or found guilty, in the last 5 years, whether in the ACT or elsewhere, of an offence—
    - (i) involving fraud or dishonesty; or
    - (ii) against a law about gaming; and
  - (b) has not been convicted, or found guilty, in Australia in the last 5 years of an offence punishable by imprisonment for at least 1 year; and
  - (c) has not been convicted, or found guilty, outside Australia in the last 5 years of an offence that, if it had been committed in the ACT, would have been punishable by imprisonment for at least 1 year; and
  - (d) does not owe an amount that has become payable by the race bookmaker's agent to the commission or the Territory under this Act or another gaming law.
- (4) If the commission is not satisfied about a matter mentioned in subsection (3), 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 agent's rights under subsection (5).

*Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (5) 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 the period of 14 days after the day the race bookmaker's agent is given the notice or any longer period allowed by the commission (the *representation period*).
- (6) After giving the notice under subsection (4), the commission must—
- (a) take into account—
    - (i) any representations made by the race bookmaker's agent within the representation period; and
    - (ii) any other relevant information available to the commission; and
  - (b) either—
    - (i) if the commission is satisfied about each matter stated in the notice—renew the race bookmaker's agent licence; or
    - (ii) if the commission is not satisfied about each matter stated in the notice—refuse to renew the race bookmaker's agent licence.
- Note* Under pt 10 (Notification and review of decisions), a decision to refuse to renew a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.
- (7) However, despite subsection (6) (b) (ii), the commission may renew a race bookmaker's agent licence if satisfied that—
- (a) the racing industry would not be adversely affected if the licence were renewed; and
  - (b) it is otherwise in the public interest that the licence be renewed.

**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 ACAT) 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 Engage in sports bookmaking without licence**

- (1) A person commits an offence if the person engages in sports bookmaking.

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

- (2) Subsection (1) does not apply if the person—

- (a) is a sports bookmaker; or
- (b) is acting in the course of the person's duties as a director, officer or employee of a sports bookmaker; or
- (c) is a sports bookmaker's agent acting for the sports bookmaker who applied for their licence.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

- (3) For subsection (1), a race bookmaker does not engage in sports bookmaking only because the race 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](#).

## **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](#).

## **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](#).

## **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](#).

## **Division 3.2 Sports bookmaking licences**

### **23A Prohibition of issue of licences in certain cases**

- (1) The commission must not issue a sports bookmaking licence, or sports bookmaker's agent 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 sports bookmaking licence, or sports bookmaker's agent 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 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 pt 10 (Notification and review of decisions), a decision to refuse to issue a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

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

- (1) The Minister may, in writing, determine the maximum number of sports bookmaking licences that may be issued by the commission.
- (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](#).

## 25 Application for sports bookmaking licence

- (1) A corporation may apply to the commission for a sports bookmaking licence.
- (2) The application must—
  - (a) be in writing; and
  - (b) state the name and business address of the corporation; and
  - (c) state the period for which the licence is sought; and
  - (d) include a suitability authorisation for each director of the corporation; and
  - (e) if required under subsection (3)—include a suitability authorisation for any influential shareholder of the corporation; and
  - (f) be approved by each director of the corporation; and
  - (g) include anything else prescribed by regulation.
- (3) The commission may, in writing, require the corporation to provide a suitability authorisation for an influential shareholder of the corporation.
- (4) The commission must not decide the application until the commission has received and considered a police report about the corporation's directors and any influential shareholder for whom a suitability authorisation has been required under subsection (3).
- (5) In this section:

***suitability authorisation***, for a person, means a written authorisation by the person authorising a police officer to make inquiries, and make a written report to the commission, about the character, and any criminal record, of the person.



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

- (1) This section applies if the commission receives a licence application from a corporation under section 25.
- (2) The commission must issue a sports bookmaking licence to the corporation if satisfied that the corporation and each director of the corporation meets the suitability requirements.

*Note*     **Suitability requirements**—see s 92.

- (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 of the corporation does not meet the suitability requirements.
- (4) If the commission is not satisfied that the corporation or a director of the corporation 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 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 pt 10 (Notification and review of decisions), a decision to refuse to issue a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.
- (8) This section is subject to—
  - (a) section 23A (Prohibition of issue of licences in certain cases); and
  - (b) section 24 (2) (Maximum number of sports bookmaking licences etc).

## **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 a sports bookmaker (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 pt 10 (Notification and review of decisions), a decision to issue a licence subject to a condition, or change a licence condition, may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (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 corporation, 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](#).

- (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 pt 10 (Notification and review of decisions), a decision to issue a licence for a shorter period than applied for may, on application, be reconsidered by the commission and reviewed by the ACAT.

**31 Surrender of sports bookmaking licence**

- (1) A sports bookmaker may surrender their 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.

## **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 pt 10 (Notification and review of decisions), a decision to refuse to issue a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.
- (6) This section is subject to section 23A (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 pt 10 (Notification and review of decisions), a decision to issue a licence subject to a condition, or change a licence condition, may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (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 Term of sports bookmaker's agent licence**

A sports bookmaker's agent licence is issued for the period of not more than 3 years stated in the licence.

**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 sports bookmaker.
- (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 sports bookmaker.
- (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 sports bookmaker or former sports bookmaker.
- (4) If a sports bookmaking licence is reinstated (by the commission or the ACAT) 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) This section applies if the commission receives an application for a licence or renewal of a licence.
- (2) In deciding whether to issue or renew the 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.
- (3) If a person fails to comply with a notice given to the person under subsection (2) (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 pt 10 (Notification and review of decisions), a decision not to consider an application for a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (4) 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; and
- (c) for an application for renewal of a race bookmaking licence—the race bookmaker; and

- (d) for an application for renewal of a race bookmaker's agent licence—the race bookmaker's agent.

## **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 pt 10 (Notification and review of decisions), a decision about costs may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (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.

#### 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 pt 10 (Notification and review of decisions), a decision not to issue a replacement licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (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 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 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 pt 10 (Notification and review of decisions), a decision not to reissue a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (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) A regulation may require the commission to give information (including the name and address of the licensee) to an entity prescribed under the regulation 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 ACAT), 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](#).

### 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 pt 10 (Notification and review of decisions), a decision to refuse an approval may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (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 pt 10 (Notification and review of decisions), a decision to refuse an authorisation may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (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 pt 10 (Notification and review of decisions), a decision to issue an approval subject to a condition, or change an approval condition, may, on application, be reconsidered by the commission and reviewed by the ACAT.
- (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 pt 10 (Notification and review of decisions), a decision to issue an approval for a shorter period than applied for may, on application, be reconsidered by the commission and reviewed by the ACAT.

**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.
- (2) If the backer or race 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 pt 10 (Notification and review of decisions), a decision not to accept a referral out of time may, on application, be reconsidered by the commission and reviewed by the ACAT.

## **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.

*Note* For how documents may be given, see [Legislation Act](#), pt 19.5.

- (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 pt 10 (Notification and review of decisions), a decision to reject a referral may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (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 pt 10 (Notification and review of decisions), a decision to give a direction may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (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 officer 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 officer—
  - (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 applies to the commission under section 82B (Applications to commission) for reconsideration of the decision to issue the direction, and the amount is confirmed or varied, the bookmaker must pay the confirmed or varied amount within 28 days after the day the bookmaker receives notice under section 83B (Reviewable decision notices).
- (3) If the bookmaker applies to the ACAT under section 84 (Applications to ACAT), the ACAT 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 ACAT.
- (4) If the ACAT confirms or varies the amount, the bookmaker must pay any unpaid part of the confirmed or varied amount within 28 days after the day the bookmaker receives notice of the ACAT's decision, or any other period directed by the ACAT.
- (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 pt 10 (Notification and review of decisions), a decision to give a direction may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (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](#).

## **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 pt 10 (Notification and review of decisions), a decision to cancel a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (2) If the licensee holds a race bookmaking licence, the following criteria apply to the licensee:
  - (a) the licensee does not satisfy a requirement mentioned in section 10B (3) (a) (Race bookmaking licence—decision on renewal);
  - (b) the commission does not hold the belief mentioned in section 10B (3) (b);
  - (c) the licensee has committed a prohibited act.



- (3) If the licensee holds a race bookmaker's agent licence, the following criteria apply to the licensee:
- (a) the race bookmaker's agent does not satisfy a requirement mentioned in section 16B (3) (Race bookmaker's agent licence—decision on renewal);
  - (b) the race bookmaker's agent has committed a prohibited act.
- (4) For subsection (2) and (3), 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).

- (5) If the licensee holds a sports bookmaking licence, the following criteria apply to the licensee:
- (a) the corporation, any director of the corporation, or any influential shareholder of the corporation, does not meet the suitability requirements;
  - (b) the corporation, or any director of the corporation, has engaged in a prohibited act;
  - (c) 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 (7).

- (6) 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.
- (7) For subsections (5) and (6), 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.
- (8) 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 pt 10 (Notification and review of decisions), a decision to take disciplinary action may, on application, be reconsidered by the commission and reviewed by the ACAT.

## **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 pt 10 (Notification and review of decisions), a decision to take disciplinary action may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (2) However, if section 68 (1) (Mandatory cancellation of licence) applies, the commission may act under this section only in accordance with section 68 (8).
- (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 (8); or
  - (ii) a contravention that is an offence.

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

- (4) However, the criterion mentioned in subsection (3) (f) does not apply to a sports bookmaking licence.

*Note* For a sports bookmaking licence, see s (6) (b).

- (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) the licensee has failed to give to the commission a suitability authorisation required under section 80 (5), (6) or (7) (Sports bookmaker to tell commission about certain changes);

- (b) 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).
- (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—

- (a) 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
- (b) 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 pt 10 (Notification and review of decisions), a decision not to end a licence suspension may, on application, be reconsidered by the commission and reviewed by the ACAT.

- (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

### 72A            Betting by or on behalf of child

- (1) A child commits an offence if—
- (a) the child places a bet with another person who is a race bookmaker or sports bookmaker; and
  - (b) the child knows the other person is a race bookmaker or sports bookmaker.

Maximum penalty: 10 penalty units.

- (2) A child commits an offence if—
- (a) the child places a bet with another person who is a race bookmaker or sports bookmaker; and
  - (b) the child knows the other person is a race bookmaker or sports bookmaker; and
  - (c) the child uses a false document of identification or someone else's document of identification for the purpose of placing the bet.

Maximum penalty: 10 penalty units.

- (3) A person commits an offence if—
- (a) the person is a race bookmaker or sports bookmaker; and
  - (b) the person accepts a bet placed by a child.

Maximum penalty: 50 penalty units.

- (4) An offence against subsection (3) is a strict liability offence.

- (5) A person commits an offence if—
- (a) the person places a bet with another person who is a race bookmaker or sports bookmaker; and
  - (b) the person places the bet on behalf of a child.

Maximum penalty: 20 penalty units.

- (6) In this section:

***document of identification***, for a person, means a document that—

- (a) is a driver licence, proof of identity card or passport; and
- (b) contains a photograph that could reasonably be taken to be of the person; and
- (c) indicates that the person to whom the document was issued is at least 18 years old.

***driver licence*** means an Australian driver licence or a licence to drive a motor vehicle (however described) issued under the law of an external Territory or a foreign country.

## **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 described in an approval given under section 49 (1) (Issue or refusal of approval for sports bookmaking venue) to the race bookmaker.

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 described in an approval given under section 49 (1) to 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.

**73A Bookmakers—unauthorised bookmaking**

- (1) A sports bookmaker or sports bookmaker's agent commits an offence if the sports bookmaker or sports bookmaker's agent accepts a bet—
- (a) at a place that is not a sports bookmaking venue; or
  - (b) on something that is not a sports bookmaking event.

Maximum penalty: 50 penalty units.

- (2) A race bookmaker commits an offence if the race bookmaker accepts a bet other than—
- (a) at a race meeting; or
  - (b) at a sports bookmaking venue described in an approval given under section 49 (1) to the race bookmaker.

Maximum penalty: 50 penalty units.

- (3) A race bookmaker's agent commits an offence if the agent accepts a bet other than—
- (a) at a race meeting; or
  - (b) at a sports bookmaking venue described in an approval given under section 49 (1) to 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.

- (4) A race bookmaker, or a race bookmaker's agent, commits an offence if the race bookmaker or race bookmaker's agent accepts a bet on something other than a race.

Maximum penalty: 50 penalty units.

- (5) An offence against this section is a strict liability offence.

**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 their 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 their 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](#).

- (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 Sports bookmaker 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 sports bookmaker;
  - (b) the directors of the sports bookmaker;
  - (c) the name or business address of any director, or the secretary, of the sports bookmaker;
  - (d) if the sports bookmaker is a proprietary company—the people who are influential shareholders of the sports bookmaker;
  - (e) if another corporation is an influential shareholder of the sports bookmaker—the directors, or the people 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, in writing, require the sports bookmaker to give to the commission, within 14 days or any longer period allowed by the commission, further information in writing about—
- (a) the directors, or any stated director, of the sports bookmaker; or
  - (b) the secretary of the sports bookmaker; or
  - (c) any stated shareholder who is an influential shareholder of the sports bookmaker.
- (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) A notice under subsection (1) stating that a person has become a director of the sports bookmaker must include a suitability authorisation for the director.
- (6) If a sports bookmaker gives the commission a notice under subsection (1) stating that a person has become an influential shareholder of the sports bookmaker, the commission may, in writing, require the sports bookmaker to provide a suitability authorisation for the influential shareholder.
- (7) If a sports bookmaker gives the commission a notice under subsection (1) stating that another corporation (the ***incoming corporation***) has become an influential shareholder of the sports bookmaker, the commission may, in writing, require the sports bookmaker to provide a suitability authorisation for each director of the incoming corporation.
- (8) In this section:

***suitability authorisation***, for a person, means a written authorisation by the person authorising a police officer to make inquiries, and make a written report to the commission, about the character, and any criminal record, of the person.



**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.

- (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 Notification and review of decisions

### 82 Definitions—pt 10

In this part:

***internally reviewable decision*** means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

***internal reviewer***—see section 83.

***internal review notice***—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

***reviewable decision*** means a decision of the internal reviewer in relation to an internally reviewable decision.

### 82A Internal review notices

If the commission makes an internally reviewable decision, the commission must give an internal review notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

*Note 1* The commission must also take reasonable steps to give an internal review notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67B).

*Note 2* The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

### 82B Applications to commission

- (1) The following may apply to the commission for reconsideration of an internally reviewable decision:
  - (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
  - (b) any other person whose interests are affected by the decision.

(2) The application must—

- (a) be in writing; and
- (b) state the applicant's name and address; and
- (c) set out the applicant's reasons for making the application.

*Note* If a form is approved under the [Gambling and Racing Control Act 1999](#), s 53D for the application, the form must be used.

(3) The application must be given to the commission—

- (a) within 28 days after the day the applicant is given the internal review notice; or
- (b) within any longer period allowed by the commission before or after the end of the 28-day period.

### **83 Internal reviewer**

The commission must arrange for a person (the *internal reviewer*) who did not make the internally reviewable decision to reconsider the decision.

### **83A Reconsideration by internal reviewer**

- (1) The internal reviewer for an internally reviewable decision must reconsider the decision.
- (2) The reconsideration must happen within 28 days (the *28-day period*) after the day the commission receives the application for reconsideration of the internally reviewable decision.
- (3) The internal reviewer must—
  - (a) confirm the decision; or
  - (b) vary the decision; or
  - (c) set aside the decision and substitute the reviewer's own decision.

- (4) If the decision is not varied or set aside within the 28-day period, the decision is taken to have been confirmed by the internal reviewer.

### **83B Reviewable decision notices**

If the internal reviewer makes a reviewable decision, the internal reviewer must give a reviewable decision notice to each entity required to be given an internal review notice in relation to the decision.

*Note 1* The internal reviewer must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see [ACT Civil and Administrative Tribunal Act 2008](#), s 67A).

*Note 2* The requirements for reviewable decision notices are prescribed by regulation under the [ACT Civil and Administrative Tribunal Act 2008](#).

### **84 Applications to ACAT**

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity that is given a reviewable decision notice;
- (b) any other person whose interests are affected by the decision.

*Note* If a form is approved under the [ACT Civil and Administrative Tribunal Act 2008](#) for the application, the form must be used.

## Part 11 Miscellaneous

### 85 Evidence of licences

- (1) A certificate that appears to be signed by or on behalf of the chief executive officer, 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 director of a sports bookmaker; or
    - (ii) the secretary of a sports bookmaker; or
    - (iii) an influential shareholder of a sports bookmaker.
- (2) A certificate that appears to be signed by or on behalf of the chief executive officer may be tendered in evidence, without being proved, to a court, the ACAT or a person acting judicially (including an arbitrator).

### 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](#).
- (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* A security guarantee may be required for:

- a race bookmaking licence (see s 7 (2) (a) (v) and s 10B (3) (a) (v));
- a sports bookmaking licence (see s 92 (1) (h) and (i));
- an approval to engage in race bookmaking at a designated sports bookmaking venue (see s 48 (2)).

- (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](#).

**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* A security guarantee may be required for:

- a race bookmaking licence (see s 7 (2) (a) (v) and s 10B (3) (a) (v));
- a sports bookmaking licence (see s 92 (1) (h) and (i));
- an approval to engage in race bookmaking at a designated sports bookmaking venue (see s 48 (2)).

- (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 pt 10 (Notification and review of decisions), 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 reviewed by the ACAT.

- (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 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 sports bookmaker—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 people is a ***relevant person***:
- (a) an applicant for a sports bookmaking licence, and any director or influential shareholder of the applicant;
  - (b) a sports bookmaker, and any director or influential shareholder of the sports bookmaker;
  - (c) a person nominated in an application for a sports bookmaker’s agent licence;
  - (d) a sports bookmaker’s agent.
- (3) A ***security guarantee***, for the suitability requirements applying to a corporation that applies for, or holds, a sports bookmaking licence, means 1 or more documents that satisfy the commission about the corporation’s ability to cover the corporation’s sports bookmaking losses to the amount applying to the corporation under a determination under section 90.
- (4) 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 Self-incrimination 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 any offence in relation to the false or misleading nature of the information or document.

*Note 1* A reference to an offence against a Territory law includes a reference to a related ancillary offence, eg attempt (see [Legislation Act](#), s 189).

*Note 2* The [Legislation Act](#), s 171 deals with the application of client legal privilege.

**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](#) contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

**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](#).

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

## Schedule 1 Internally reviewable decisions

(see pt 10)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	7 (6)	refuse to issue race bookmaking licence	applicant for race bookmaking licence
2	8 (1)	issue race bookmaking licence subject to condition	applicant for race bookmaking licence
3	8 (2)	change race bookmaking licence condition	race bookmaker
4	10B (6)	refuse to renew race bookmaking licence	race bookmaker
5	13 (5)	refuse to issue race bookmaker's agent licence	race bookmaker
6	14 (1)	issue race bookmaker's agent licence subject to condition	race bookmaker
7	14 (2)	change race bookmaker's agent licence condition	race bookmaker
8	16B (6)	refuse to renew race bookmaker's agent's licence	race bookmaker
9	23A	refuse to issue sports bookmaking licence	sports bookmaker
10	23A	refuse to issue sports bookmaker's agent's licence	sports bookmaker
11	26 (7)	refuse to issue sports bookmaking licence	applicant for sports bookmaking licence

column 1 item	column 2 section	column 3 decision	column 4 entity
12	27 (1)	issue sports bookmaking licence subject to condition	applicant for sports bookmaking licence
13	27 (2)	change sports bookmaking licence condition	sports bookmaker
14	30	issue sports bookmaking licence for shorter period than applied for	applicant for sports bookmaking licence
15	35 (5)	refuse to issue sports bookmaker's agent licence	sports bookmaker
16	36 (1)	issue sports bookmaker's agent licence subject to condition	sports bookmaker
17	36 (2)	change sports bookmaker's agent licence condition	sports bookmaker
18	41 (2)	not to consider application for licence	applicant for licence
19	41 (2)	not to consider application for renewal of licence	licensee
20	42	about costs of application	applicant for licence
21	44	not to issue replacement licence	licensee
22	45 (2)	not to reissue licence	licensee
23	49 (6)	refuse to issue approval	applicant for approval
24	49 (7)	refuse authorisation	approval holder
25	50 (1)	issue approval subject to condition	applicant for approval

**Schedule 1**

## Internally reviewable decisions

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<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>	<b>column 4 entity</b>
26	50 (2)	change approval condition	approval holder
27	51	issue approval for shorter period than applied for	applicant for approval
28	57 (3)	not to accept referral out of time	backer making referral
29	58 (3)	reject referral	backer making referral
30	60 (1) or 62 (1)	give direction	entity to whom direction given
31	68 (1)	cancel licence	entity whose licence cancelled
32	68 (8) or 69 (1)	take disciplinary action	licensee
33	72 (1) or (2)	not to end licence suspension	licensee
34	91 (2)	amend, or not amend, nature or amount of security guarantee	bookmaker whose security guarantee affected

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* In particular, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- contravene
- corporation
- fail
- found guilty
- gambling and racing commission
- individual
- person (see s 160)
- reviewable decision notice.

***agent***, for division 6.2 (Betting disputes referred to commission)—see section 56.

***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.

***betting dispute***, for division 6.2 (Betting disputes referred to commission)—see section 56.

***bookmaker***, for division 6.2 (Betting disputes referred to commission)—see section 56.

***chief executive officer*** means the chief executive officer of the gambling and racing 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.

***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.

***internally reviewable decision***, for part 10 (Notification and review of decisions)—see section 82.

***internal reviewer***, for part 10 (Notification and review of decisions)—see section 83.

***internal review notice***, for part 10 (Notification and review of decisions)—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

***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.

***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.

***proprietary company***—see the [Corporations Act](#), section 9.

***race*** means—

- (a) any of the following, whether conducted within or outside the ACT:
  - (i) a thoroughbred race;
  - (ii) a harness race; or
- (b) a greyhound race conducted outside the ACT; or
- (c) a race of a kind prescribed by regulation.

***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***—

- (a) means the carrying on (whether regularly or on 1 or more occasions) of the business of receiving or negotiating bets on races; but
- (b) does not include conducting a totalisator.

***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).

***reviewable decision***, for part 10 (Notification and review of decisions)—see section 82.

***rules for sports bookmaking*** means the rules determined under section 23 (Rules for sports bookmaking).

***security guarantee***—

- (a) for a person who applies for, or holds, a race bookmaking licence—see section 4B; or
- (b) for a corporation that applies for, or holds, a sports bookmaking licence—see section 92 (3); or
- (c) for a person who applies for an approval in relation to a designated sports bookmaking venue under section 49 (Issue or refusal of approval for sports bookmaking venue)—see section 92 (4).

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

***sports bookmaker*** means a corporation that holds a sports bookmaking licence.

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

***sports bookmaking—***

- (a) means the carrying on (whether regularly or on 1 or more occasions) of the business of receiving or negotiating sports bets; but
- (b) does not include conducting a totalisator.

***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 not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Race and Sports Bookmaking Act 2001 A2001-49**

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 31**

notified 7 September 2001 (Gaz 2001 No S68)

commenced 7 September 2001 (reg 2)

as amended by

#### **Legislation Amendment Act 2002 A2002-11 pt 2.41**

notified LR 27 May 2002

s 1, s 2 commenced 27 May 2002 (LA s 75)

pt 2.41 commenced 28 May 2002 (s 2 (1))

#### **Statute Law Amendment Act 2002 A2002-30 pt 3.58**

notified LR 16 September 2002

s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))

pt 3.58 commenced 17 September 2002 (s 2 (1))

#### **Criminal Code 2002 No 51 pt 1.16**

notified LR 20 December 2002

s 1, s 2 commenced 20 December 2002 (LA s 75 (1))

pt 1.16 commenced 1 January 2003 (s 2 (1))

#### **Statute Law Amendment Act 2003 (No 2) A2003-56 sch 3 pt 3.20**

notified LR 5 December 2003

s 1, s 2 commenced 5 December 2003 (LA s 75 (1))

sch 3 pt 3.20 commenced 19 December 2003 (s 2)

#### **Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.46**

notified LR 12 August 2008

s 1, s 2 commenced 12 August 2008 (LA s 75 (1))

sch 3 pt 3.46 commenced 26 August 2008 (s 2)

**ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.85**

notified LR 4 September 2008  
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))  
sch 1 pt 1.85 commenced 2 February 2009 (s 2 (1) and see [ACT Civil and Administrative Tribunal Act 2008](#) A2008-35, s 2 (1) and [CN2009-2](#))

**Unlawful Gambling Act 2009 A2009-39 sch 2 pt 2.6**

notified LR 17 November 2009  
s 1, s 2 commenced 17 November 2009 (LA s 75 (1))  
sch 2 pt 2.6 commenced 22 March 2010 (s 2 and [CN2010-2](#))

**Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.128**

notified LR 30 June 2011  
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))  
sch 1 pt 1.128 commenced 1 July 2011 (s 2 (1))

**Race and Sports Bookmaking (Validation of Licences) Amendment Act 2011 A2011-53**

notified LR 12 December 2011  
s 1, s 2 commenced 12 December 2011 (LA s 75 (1))  
remainder commenced 13 December 2011 (s 2)

**Totalisator Act 2014 A2014-4 sch 2 pt 2.3**

notified LR 26 March 2014  
s 1, s 2 commenced 26 March 2014 (LA s 75 (1))  
sch 2 pt 2.3 commenced 27 March 2014 (s 2)

**Red Tape Reduction Legislation Amendment Act 2014 A2014-47 pt 11**

notified LR 6 November 2014  
s 1, s 2 commenced 6 November 2014 (LA s 75 (1))  
pt 11 commenced 7 November 2014 (s 2)

**Justice Legislation Amendment Act 2016 A2016-7 sch 1 pt 1.6**

notified LR 29 February 2016  
s 1, s 2 commenced 29 February 2016 (LA s 75 (1))  
sch 1 pt 1.6 commenced 29 August 2016 (s 2 and LA s 79)

## Endnotes

3 Legislation history

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**Gaming and Racing (Red Tape Reduction) Legislation Amendment Act 2016 A2016-45 pt 4**

notified LR 19 August 2016  
s 1, s 2 commenced 19 August 2016 (LA s 75 (1))  
pt 4 commenced 1 September 2016 (s 2 (1))

**Racing (Greyhounds) Amendment Act 2017 A2017-43 sch 1 pt 1.1**

notified LR 5 December 2017  
s 1, s 2 commenced 5 December 2017 (LA s 75 (1))  
sch 1 pt 1.1 commenced 30 April 2018 (s 2)

**Fair Trading and Other Justice Legislation Amendment Act 2022 A2022-8 pt 6**

notified LR 11 May 2022  
s 1, s 2 commenced 11 May 2022 (LA s 75 (1))  
pt 6 commenced 12 May 2022 (s 2 (1))



## 4 Amendment history

### Commencement

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

### Offences against Act—application of Criminal Code etc

s 4A ins [A2009-39](#) amdt 2.9  
am [A2022-8](#) s 177

### Meaning of *security guarantee* for a race bookmaking licence

s 4B ins [A2016-45](#) s 36

### Application for race bookmaking licence

s 6 am [A2016-45](#) s 37

### Race bookmaking licence—issue or refusal

s 7 am [A2002-30](#) amdt 3.637; [A2008-37](#) amdt 1.368  
sub [A2016-45](#) s 38

### Conditions of race bookmaking licence

s 8 am [A2008-37](#) amdt 1.369

### Term of race bookmaking licence

s 10 am [A2008-37](#) amdt 1.370  
sub [A2014-47](#) s 16

### Race bookmaking licence—application for renewal

s 10A ins [A2016-45](#) s 39

### Race bookmaking licence—decision on renewal

s 10B ins [A2016-45](#) s 39

### Application for race bookmaker's agent licence

s 12 am [A2016-45](#) s 40, s 41

### Race bookmaker's agent licence—issue or refusal

s 13 am [A2008-37](#) amdt 1.371  
sub [A2016-45](#) s 42

### Conditions of race bookmaker's agent licence

s 14 am [A2008-37](#) amdt 1.372

### Term of race bookmaker's agent licence

s 16 am [A2008-37](#) amdt 1.373  
sub [A2014-47](#) s 17

### Race bookmaker's agent licence—application for renewal

s 16A ins [A2016-45](#) s 43

### Race bookmaker's agent licence—decision on renewal

s 16B ins [A2016-45](#) s 43

## Endnotes

4 Amendment history

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

s 18 am [A2008-37](#) amdt 1.374

**Engage in sports bookmaking without licence**

s 19 sub [A2022-8](#) s 178

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

s 23A ins [A2016-45](#) s 44

**Maximum number of sports bookmaking licences etc**

s 24 am [A2022-8](#) s 179

**Application for sports bookmaking licence**

s 25 sub [A2022-8](#) s 180

**Issue or refusal of sports bookmaking licence**

s 26 am [A2008-37](#) amdt 1.375; [A2016-45](#) s 45; [A2022-8](#) ss 181-184

**Conditions of sports bookmaking licence**

s 27 am [A2008-37](#) amdt 1.376; [A2022-8](#) s 185

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

s 28 am [A2022-8](#) s 186

**Duration of sports bookmaking licence**

s 30 am [A2008-37](#) amdt 1.377

**Surrender of sports bookmaking licence**

s 31 am [A2022-8](#) s 187

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

s 32 om [A2022-8](#) s 188

**Syndicates—notices by commission**

s 33 om [A2022-8](#) s 188

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

s 35 am [A2008-37](#) amdt 1.378; [A2016-45](#) s 46

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

s 36 am [A2008-37](#) amdt 1.379

**Term of sports bookmaker's agent licence**

s 38 am [A2008-37](#) amdt 1.380  
sub [A2014-47](#) s 18

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

s 40 am [A2008-37](#) amdt 1.381; [A2022-8](#) s 189, s 190

**Commission's powers in considering applications**

s 41 am [A2008-37](#) amdt 1.382; [A2016-45](#) ss 47-49; ss renum R16 LA

**Costs of considering and deciding applications**

s 42 am [A2008-37](#) amdt 1.383

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

s 43 am [A2008-37](#) amdt 1.384  
om [A2016-45](#) s 50

**Replacement of licences**

s 44 am [A2008-37](#) amdt 1.385

**Cancellation of licence on death of licensee or dissolution etc of corporation**

s 45 hdg sub [A2022-8](#) s 191  
s 45 am [A2008-37](#) amdt 1.386; [A2022-8](#) s 192; pars renum R19 LA

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

s 46 am [A2008-37](#) amdt 1.387

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

s 49 am [A2008-37](#) amdt 1.388, amdt 1.389

**Conditions of approval for sports bookmaking venue**

s 50 am [A2008-37](#) amdt 1.390

**Duration of approval for sports bookmaking venue**

s 51 am [A2008-37](#) amdt 1.391

**How disputes about bets may be resolved**

s 55 am [A2022-8](#) s 193, s 194

**Referral of betting disputes to commission**

s 57 am [A2008-37](#) amdt 1.392

**Backer to give information about disputed bet**

s 58 am [A2002-30](#) amdt 3.63; [A2008-37](#) amdt 1.393

**Commission's directions about disputed bets**

s 60 am [A2008-37](#) amdt 1.394; [A2011-22](#) amdt 1.367

**Compliance with direction about disputed bet**

s 61 am [A2008-37](#) amdt 1.395

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

s 62 am [A2008-37](#) amdt 1.396

**Mandatory cancellation of licence**

s 68 am [A2008-37](#) amdt 1.397, amdt 1.398; [A2016-45](#) s 51, s 52;  
ss renum R16 LA; [A2022-8](#) s 195

**Discretionary penalties**

s 69 am [A2008-37](#) amdt 1.399; [A2022-8](#) s 196, s 197

## Endnotes

4 Amendment history

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### Ending of suspension of licence

s 72 am [A2008-37](#) amdt 1.400

### Betting by or on behalf of child

s 72A ins [A2009-39](#) amdt 2.10  
am [A2016-7](#) amdt 1.12

### Restrictions on race bookmakers and sports bookmakers

s 73 am [A2009-39](#) amdt 2.11, amdt 2.12

### Bookmakers—unauthorised bookmaking

s 73A ins [A2009-39](#) amdt 2.13

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

s 74 am [A2022-8](#) s 198

### Sports bookmaker to tell commission about certain changes

s 80 hdg sub [A2022-8](#) s 199  
s 80 am [A2022-8](#) ss 200-202

### Notification and review of decisions

pt 10 hdg sub [A2008-37](#) amdt 1.401

### Definitions—pt 10

s 82 def *internally reviewable decision* ins [A2008-37](#) amdt 1.401  
def *internal reviewer* ins [A2008-37](#) amdt 1.401  
def *internal review notice* ins [A2008-37](#) amdt 1.401  
def *reviewable decision* ins [A2008-37](#) amdt 1.401

### Internal review notices

s 82A ins [A2008-37](#) amdt 1.401

### Applications to commission

s 82B ins [A2008-37](#) amdt 1.401

### Internal reviewer

s 83 sub [A2008-37](#) amdt 1.401

### Reconsideration by internal reviewer

s 83A ins [A2008-37](#) amdt 1.401

### Reviewable decision notices

s 83B ins [A2008-37](#) amdt 1.401

### Applications to ACAT

s 84 sub [A2008-37](#) amdt 1.401

### Evidence of licences

s 85 am [A2008-37](#) amdt 1.402; [A2011-22](#) amdt 1.368; [A2022-8](#)  
s 203

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

s 86 om [A2022-8](#) s 204

**Security guarantee—determination of minimum amount**s 90 am [A2016-45](#) s 53**Amendment of security guarantee**s 91 am [A2008-37](#) amdt 1.403; [A2016-45](#) s 54**Meaning of *suitability requirements* and *security guarantee***s 92 am [A2016-45](#) ss 55-62; ss and pars renum R17 LA; [A2022-8](#) s 205, s 206**Self-incrimination etc**s 94 am [A2002-51](#) amdt 1.34**Legal professional privilege**s 95 om [A2002-11](#) amdt 2.86**Determination of fees**s 97 am [A2002-30](#) amdt 3.638**Regulation-making power**s 98 am [A2002-30](#) amdt 3.639**Temporary provisions**

pt 12 hdg om R4 LA

**Transitional—general**

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

**Transitional—certain existing licences**s 99A ins as mod [SL2001-31](#) reg 9 (exp 7 March 2002)**Transitional—review of decisions about disputed claims**s 99B ins as mod [SL2001-31](#) 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) and see [A2002-30](#) amdt 3.640)**Repeals**

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

**Amendments**

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

**Validation of Bookmakers Act licences**pt 20 hdg ins [A2011-53](#) s 4  
exp 13 December 2011 (s 202)

## Endnotes

4 Amendment history

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### Definitions—pt 20

s 200 ins [A2011-53](#) s 4  
exp 13 December 2011 ( s 202)  
def **former part 12** ins [A2011-53](#) s 4  
exp 13 December 2011 ( s 202)  
def **former section 99 (3)** ins [A2011-53](#) s 4  
exp 13 December 2011 ( s 202)  
def **modifying regulation** ins [A2011-53](#) s 4  
exp 13 December 2011 ( s 202)  
def **relevant period** ins [A2011-53](#) s 4  
exp 13 December 2011 ( s 202)  
def **repealed Act** ins [A2011-53](#) s 4  
exp 13 December 2011 ( s 202)

### Bookmakers Act licences—validation

s 201 ins [A2011-53](#) s 4  
exp 13 December 2011 ( s 202)

### Expiry—pt 20

s 202 ins [A2011-53](#) s 4  
exp 13 December 2011 ( s 202)

### Internally reviewable decisions

sch 1 sub [A2008-37](#) amdt 1.404  
am [A2014-47](#) s 19; [A2016-45](#) s 63; items renum R17 LA;  
[A2022-8](#) s 207

### Amendments of other Acts

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

### Dictionary

dict am [A2002-30](#) amdt 3.641; [A2008-37](#) amdt 1.405; [A2011-22](#)  
amdt 1.369; [A2022-8](#) s 208  
def **agent** ins [A2008-28](#) amdt 3.143  
def **betting dispute** ins [A2008-28](#) amdt 3.143  
def **bookmaker** ins [A2008-28](#) amdt 3.143  
def **chief executive** om [A2011-22](#) amdt 1.370  
def **chief executive officer** ins [A2011-22](#) amdt  
def **controlling body** am [A2003-56](#) amdt 3.178  
om [A2017-43](#) amdt 1.1  
def **internally reviewable decision** ins [A2008-37](#) amdt 1.406  
def **internal reviewer** ins [A2008-37](#) amdt 1.406  
def **internal review notice** ins [A2008-37](#) amdt 1.406  
def **issue** om [A2016-45](#) s 64  
def **licensee** om [A2022-8](#) s 209  
def **person** om [A2022-8](#) s 209  
def **primary decision** om [A2008-37](#) amdt 1.407  
def **race** sub [A2017-43](#) amdt 1.2  
def **race bookmaking** sub [A2014-4](#) amdt 2.8

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def **reviewable decision** ins [A2008-37](#) amdt.1.408  
def **security guarantee** sub [A2016-45](#) s 65  
am [A2022-8](#) s 210  
def **sports bookmaker** sub [A2022-8](#) s 211  
def **sports bookmaker's agent** ins [A2022-8](#) s 212  
def **sports bookmaking** sub [A2014-4](#) amdt 2.9

## Endnotes

### 5 Earlier republishings

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## 5 Earlier republishings

Some earlier republishings 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 republishings have also been published in printed format. These republishings are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 24 Oct 2001	7 Sept 2001– 7 Mar 2002	not amended	new Act and modifications by <a href="#">SL2001-31</a>
R2 8 Mar 2002	8 Mar 2002– 27 May 2002	not amended	commenced expiry
R3 31 May 2002	28 May 2002– 7 Sept 2002	<a href="#">A2002-11</a>	amendments by <a href="#">A2002-11</a>
R4 9 Sept 2002	8 Sept 2002– 16 Sept 2002	<a href="#">A2002-11</a>	commenced expiry
R5 27 Sept 2002	17 Sept 2002– 31 Dec 2002	<a href="#">A2002-30</a>	amendments by <a href="#">A2002-30</a>
R6 1 Jan 2003	1 Jan 2003– 18 Dec 2003	<a href="#">A2002-51</a>	amendments by <a href="#">A2002-51</a>
R7 19 Dec 2003	19 Dec 2003– 25 Aug 2008	<a href="#">A2003-56</a>	amendments by <a href="#">A2003-56</a>
R8 26 Aug 2008	26 Aug 2008– 1 Feb 2009	<a href="#">A2008-28</a>	amendments by <a href="#">A2008-28</a>
R9 2 Feb 2009	2 Feb 2009– 21 Mar 2010	<a href="#">A2008-37</a>	amendments by <a href="#">A2008-37</a>
R10 22 Mar 2010	22 Mar 2010– 30 June 2011	<a href="#">A2009-39</a>	amendments by <a href="#">A2009-39</a>
R11 1 July 2011	1 July 2011– 12 Dec 2011	<a href="#">A2011-22</a>	amendments by <a href="#">A2011-22</a>
R12 13 Dec 2011	13 Dec 2011– 13 Dec 2011	<a href="#">A2011-53</a>	amendments by <a href="#">A2011-53</a>



Republication No and date	Effective	Last amendment made by	Republication for
R13 14 Dec 2011	14 Dec 2011– 26 Mar 2014	<a href="#">A2011-53</a>	expiry of validation provision (pt 20)
R14 27 Mar 2014	27 Mar 2014– 6 Nov 2014	<a href="#">A2014-4</a>	amendments by <a href="#">A2014-4</a>
R15 7 Nov 2014	7 Nov 2014– 28 Aug 2016	<a href="#">A2014-47</a>	amendments by <a href="#">A2014-47</a>
R16 29 Aug 2016	29 Aug 2016– 31 Aug 2016	<a href="#">A2016-7</a>	amendments by <a href="#">A2016-7</a>
R17 1 Sept 2016	1 Sept 2016– 29 Apr 2018	<a href="#">A2016-45</a>	amendments by <a href="#">A2016-45</a>
R18 30 Apr 2018	30 Apr 2018– 11 May 2022	<a href="#">A2017-43</a>	amendments by <a href="#">A2017-43</a>

## Endnotes

6 Expired transitional or validating provisions

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### 6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see [Legislation Act 2001](#), s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation ‘exp’ followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

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