

1999  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Treasurer)

**Gambling and Racing Control  
(Consequential Provisions) Bill 1999**

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**A BILL**

FOR

**An Act to amend certain laws consequent on the  
enactment of the *Gambling and Racing Control Act*  
1999**

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

**PART 1—PRELIMINARY**

**1 Short title**

5 This Act may be cited as the *Gambling and Racing Control (Consequential Provisions) Act 1999*.

**2 Commencement**

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

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99024 (1999/068) (T24/1999)

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

(3) However, if a provision has not commenced on the day 6 months after the day on which the *Gambling and Racing Control Act 1999* is notified in the *Gazette*, it commences automatically on the following day.

## **PART 2—AMENDMENTS OF GAMBLING ACTS**

### **3 Repeal of Part 3 of the Casino Control Act**

Part 3 of the *Casino Control Act 1988*<sup>1</sup> is repealed.

### **4 Repeal of Part 3 of the Gaming Machine Act**

Part 3 of the *Gaming Machine Act 1987*<sup>2</sup> is repealed.

### **5 Amendments of various Acts**

The Acts specified in the Schedule are amended as set out in the Schedule.

**SCHEDULE**

(See s 5)

**AMENDMENTS OF VARIOUS ACTS**

***Bookmakers Act 1985***

**Section 3—**

5           Insert the following definitions:

“ ‘chief executive’ means the Chief Executive of the commission;

‘commission’ means the Gambling and Racing Commission established by the *Gambling and Racing Control Act 1999*;”.

**Further amendments—**

10           The following provisions are amended by omitting “Minister” (wherever occurring) and substituting “commission”:

Section 3 (definitions of “sports betting event” and “sports betting venue”), subsections 39A (1), 39B (1) and (2), 39C (1), 55A (1) and (2).

***Casino Control Act 1988***<sup>1</sup>

15           **Subsection 3 (1) (definition of “authorised person”, paragraph (d))—**

Omit the paragraph, substitute the following paragraph:

“(d) a member of the commission;”.

20           **Subsection 3 (1) (definitions of “Authority”, “Chairperson” and “member”)—**

Omit the definitions.

**Subsection 3 (1)—**

Insert the following definition:

25           “ ‘commission’ means the Gambling and Racing Commission established by the *Gambling and Racing Control Act 1999*;”.

**Subsection 63 (3)—**

Omit the subsection.

**Subsection 64 (2)—**

Omit “he or she”, substitute “the commission”.

**SCHEDULE—continued**

**Subsection 71 (2)—**

Omit the subsection.

**Subsection 72 (4)—**

Omit the subsection.

5 **Paragraph 90 (d)—**

Omit “Authority’s”, substitute “commission’s”.

**Paragraph 100 (5) (b)—**

Omit “Minister, the Authority”, substitute “commission”.

**Paragraph 128 (1) (a)—**

10 Omit “Minister or Authority”, substitute “commission”.

**Subsection 128 (1)—**

Omit “Minister or Authority, as the case requires, shall sign”, substitute “commission shall issue”.

**Subsection 128 (3)—**

15 Omit “Authority shall, as soon as practicable after signing”, substitute “commission shall, as soon as practicable after issuing”.

**New section 134—**

After section 133 insert the following section:

**“134 Commission is successor in title to the authority**

20 “(1) The Gambling and Racing Commission established by the *Gambling and Racing Control Act 1999* is the successor in title to the Casino Surveillance Authority, formerly established by this Act.

Note: The Casino Surveillance Authority was established by section 22, a provision repealed by the *Gambling and Racing Control (Consequential Provisions Act) 1999*.

25 “(2) This section ceases to operate immediately it has had effect.”.

**Further amendments—**

**1** The following provisions are amended by omitting “Authority” (wherever occurring) and substituting “commission”:

30 Subsections 3 (1) (definition of “chips”) and 6 (2), paragraphs 9 (1) (a), (c) and (d) and (2) (b), subsections 15 (2) and (7), paragraph 17 (a), subsections 18 (1), 39 (2), 41 (3), 45 (4) and 47 (2), paragraph 48 (1) (e),

**SCHEDULE—continued**

5 subsections 50 (3), 51 (2), 52 (3), 55 (1), (2), (4) and (5) and 56 (1) and (2), paragraphs 57 (c) and 58 (d), subsections 59 (1), (2), (3) and (4), section 60, subsections 73 (1) and (2), paragraphs 75 (1) (c) and 86 (1) (a) and (b), subsections 86 (2) and (3), 87 (3) and 89 (3), sections 90, 91 and  
10 92, subsections 93 (1), (2), (3), (4) and (5) and 94 (1) and (2), paragraphs 94 (3) (b) and 95 (1) (c), subsection 95 (3), paragraphs 96 (1) (a) and (2) (a), subsection 96 (3), paragraph 96 (4) (b), subsection 96 (7), paragraphs 96 (8) (c) and 97 (1) (b), subsection 97 (2), subsections 97 (4) and 98 (1) and (4), section 99, paragraph 100 (1) (a), subsections 100 (2) and (3) and  
15 116 (5), section 125 (definition of “primary decision”), subsections 127 (1) and 129 (1), section 130, subsection 133 (3).

**2** The following provisions are amended by omitting “Minister” (wherever occurring) and substituting “commission”:

15 Subsection 15 (6), paragraphs 62 (a) and (b), subsections 63 (1) and (2), 64 (1) and (2), 71 (1) and (3) and 72 (1), (2), (3) and (6), paragraph 79 (f), subsection 80 (2), paragraphs 86 (1) (a) and (b), subparagraphs 89 (1) (d) (i) and (1) (e) (i), section 91, subsections 94 (1) and (2), paragraphs 96 (1) (b) and (2) (b) and 97 (3) (b), subsection 98 (1), paragraph 109 (1) (a),  
20 subsections 119 (1) and 120 (1) and (2), section 122, subsection 123 (2), section 125 (definition of “primary decision”).

***Gaming Machine Act 1987***

**Section 4 (definitions of “Administration Act” and “Commissioner”)—**

Omit the definitions.

25 **Section 4 (definition of “inquiry”)—**

Omit “Commissioner pursuant to section 9”, substitute “commission under the Control Act”.

**Section 4—**

Insert the following definition:

30 “ ‘Control Act’ means the *Gambling and Racing Control Act 1999*.”.

**Paragraph 15 (1) (a)—**

Omit “section 82 of the Administration Act”, substitute “section 17 of the Control Act”.

**Paragraph 15A (2) (b)—**

35 Add at the end “or”.

**SCHEDULE—continued**

**Paragraph 15A (2) (c)—**

Omit the paragraph, substitute the following paragraph:  
“(c) against a tax law or a gaming law.”.

**Paragraph 15A (2) (d)—**

5 Omit the paragraph.

**Paragraph 23 (5) (a)—**

Omit “him or her”, substitute “the commission”.

**Subsection 23B (1)—**

Omit all the words from and including “made—”.

10 **Paragraph 24 (1A) (a)—**

Add at the end “or”.

**Paragraph 24 (1A) (b)—**

Omit the paragraph, substitute the following paragraph:  
“(b) against a tax law or a gaming law.”.

15 **Paragraph 24 (1A) (c)—**

Omit the paragraph.

**Section 30G—**

Omit the section.

**Subsection 64 (1)—**

20 Omit “signed by the Commissioner”, substitute “issued by the commission”.

**Subsection 64 (2)—**

Omit “signed by the Commissioner” and “signed”, substitute “issued by the commission” and “issued” respectively.

25 **Further amendments—**

**1** The following provisions are amended by omitting “Commissioner” (wherever occurring) and substituting “commission”:

30 Sections 6, 8 and 14A, subsection 15 (1), 15A (2), 16 (1) and (2) and 19 (1), paragraph 20 (1) (b), subsections 22 (1), (2), (3), (4) and (6), 23 (1), (1A), (2), (3), (4), (5) and (6) and 23B (2) and (3), section 23C,

**SCHEDULE—continued**

subsections 24 (1) and (2), section 25A, subsection 26 (1), sections 29 and 30, subsections 30A (1), (2) and (3), section 30D, subsection 30F (1), paragraph 31 (1) (b), subsection 31 (2), paragraphs 32 (3) (e) and 33 (3) (d), subsections 34 (1), (2), (4), (5) and (6) and 36 (2), 37 (1), (3) and (4) and 39C (2), paragraph 39C (3) (c), subsections 39F (2) and 41 (1) and (2), sections 43A, 43B and 43C, paragraph 45A (1A) (a), subsections 45A (2), 45B (1) and (1A) and 45C (1) and (2), section 45E, subsections 45F (1) and 45G (1), (2) and (3), section 45H, subsections 45J (1), 45K (1), (3), (4), (5) and (7) and 45L (1), sections 49 and 50, subsections 51 (3) (definitions of “relevant decision” and “required period”) and 52 (1), section 52A, paragraph 56 (1) (a), subsections 56 (2), 59 (1) and (2), 60 (1) and 60B (1) and (2), sections 60D and 60E, subsection 60G (2), section 60K.

**2** The following provisions are amended by omitting “Administration” (wherever occurring) and substituting “Control”:

**15** Section 3A, subsection 23 (6), paragraph 25A (2) (b).

**3** The following provisions are amended by inserting “or a gaming law” after “tax law” (wherever occurring):

Paragraphs 22 (3) (a), 45B (2) (c) and (d), 45J (1) (c) and (d) and 45K (1) (c), subparagraph 45K (1) (d) (i).

**20** **4** The following provisions are amended by omitting “he or she” (wherever occurring) and substituting “the commission”:

Subsections 16 (1), 22 (6), 23B (3) and 26 (1), section 29, subsections 39C (2), 45C (2) and 45G (2) and (3).

**25** **5** The following provisions are amended by omitting “tax” (wherever occurring):

Paragraph 39C (3) (b), subsection 39C (4), sections 48 and 50.

***Interactive Gambling Act 1998***

**Section 3 (definitions of “authorised tax officer” and “Commissioner”)—**

**30** Omit the definitions.

**Section 3 (definition of “player’s account”, subparagraph (c) (iii))—**

Omit “chief executive”, substitute “commission”.

**SCHEDULE—continued**

**Section 3—**

Insert the following definition:

“ ‘Control Act’ means the *Gambling and Racing Control Act 1999*;”.

**Paragraph 6 (3) (c)—**

5 Omit “from” (first occurring), substitute “for”.

**Section 7—**

Omit the section, substitute the following section:

**“7. Incorporation of the Control Act**

10 The Control Act is incorporated and shall be read as one with this Act.”.

**Paragraph 9 (2) (b)—**

Omit the paragraph, substitute the following paragraph:

15 “(b) collaboration between the commission and gaming officers of the Territory and authorities and gaming officers of the other jurisdiction engaged in the administration of the relevant law of the other jurisdiction;”.

**Subsection 125 (2)—**

Omit “him or her”, substitute “the commission”.

**Section 149—**

20 Omit the section.

**Further amendments—**

**1** The following provisions are amended by omitting “Commissioner” (wherever occurring) and substituting “commission”:

25 Section 3 (definition of “approved control system”), paragraph 5 (1) (e), subsections 5 (2) and (3), paragraph 9 (2) (b), subsections 16 (2) and (4), 43 (4) and 48 (2), paragraph 49 (1) (b), subsections 49 (2), 50 (1), 51 (1), (2), (3) and (4), 52 (1) and (2), 54 (1) and (2), 55 (1), (2), (3) and (4), 58 (1) and (3), 59 (1), paragraph 59 (2) (a), subsections 59 (3) and (4), section 61, subsections 62 (1) and (4), 63 (1), (2), (4) and (5), 64 (1) and 30 (2), 65 (1), (3) and (4), section 66, subsection 67 (1), paragraph 67 (5) (b), section 68, subsections 69 (2) and (5), subparagraphs 70 (1) (b) (i) and (iii), subsection 70 (2), section 71, subsections 72 (1) and (2), section 73, subsections 75 (1) and (2), section 76, subsections 77 (1) and 78 (1),



**SCHEDULE—continued**

paragraph 79 (1) (b), subsections 80 (1) and (2), sections 84, 86, paragraphs 87 (b), 89 (1) (b), 90 (1) (a), 92 (1) (a) and (2) (a) and (b), subsection 93 (1), paragraph 93 (2) (b), subsection 94 (1), paragraph 94 (2) (b), subsections 95 (1), (2), (3), (4), (5) and (6), 96 (1) and 102 (1),  
5 paragraph 102 (2) (b), subsections 102 (3), (4), (5) and (6), 104 (1) and (2), 108 (1), (2), (4) and (6), 110 (1), 111 (1) and 113 (1), paragraph 113 (2) (a), subsections 114 (1) and (2), 115 (1) and (2) and 116 (1), section 117, subsections 118 (1) and (2), paragraph 120 (2) (a), subparagraph 121 (1) (b) (ii), subsections 121 (2) and (3), paragraph 123 (2) (a), subsection  
10 123 (3), paragraph 124 (2) (a), subsections 124 (3), 125 (1), (2), (3) and (4), 126 (3) and 128 (1), paragraphs 129 (1) (b) and (2) (b), subsections 129 (3) and (4), 130 (1) and (2) and 142 (1) and (2), section 143, subsections 146 (1) and (2), section 147.

2 The following provisions are amended by omitting  
15 “Commissioner’s” (wherever occurring) and substituting “commission’s”:

Paragraphs 63 (3) (b) and 129 (4) (a) and (b), section 137.

3 The following provisions are amended by omitting “tax” (wherever occurring):

Section 117, subsection 118 (2).

20 4 The following provisions are amended by omitting “he or she” (wherever occurring) and substituting “the commission”:

Subsections 52 (1) and (2) and 55 (1), section 61, subsections 63 (4), 70 (2), 114 (2), 116 (1), 125 (2), 146 (1).

25 5 The following provisions are amended by omitting “his or her” (wherever occurring) and substituting “the commission’s”:

Subsections 95 (5), 125 (3).

***Lotteries Act 1964***

**Subsection 4 (1)—**

Insert the following definition:

30 “ ‘commission’ means the Gambling and Racing Commission established by the *Gambling and Racing Control Act 1999*.”

**Subsection 7 (2)—**

Omit “his or her”, substitute “the commission’s”.

**SCHEDULE—continued**

**Subsection 7 (5)—**

Omit “under the hand of the Minister”, substitute “issued by the commission”.

**Subsection 18 (1)—**

5 Omit “under his or her hand”.

**Subsection 19 (1)—**

Omit the subsection, substitute the following subsection:

“(1) The commission may, by written instrument, delegate all or any of the commission’s powers under this Act, except this power of delegation.”.

10 **Further amendments—**

**1** The following provisions are amended by omitting “Minister” (wherever occurring) and substituting “commission”:

15 Subparagraph 6 (1) (c) (i), subsections 7 (1), (2), (3) and (4), section 7A, subsections 13 (1) and (2), section 17, subsection 18 (1), section 18A, subsection 19 (3).

**2** The following provisions are amended by omitting “he or she” and substituting “the commission”:

Subsection 7 (4), paragraph 18 (2) (b).

20 **3** The following provisions are amended by omitting “him or her” and substituting “the commission”:

Subsections 13 (2) and (3).

***Pool Betting Act 1964***

**Subsection 4 (1)—**

Insert the following definition:

25 “ ‘commission’ means the Gambling and Racing Commission established by the *Gambling and Racing Control Act 1999*.”.

**Subsection 6 (2)—**

Omit “Minister may, in his”, substitute “commission may, in its”.

**Subsection 6 (2A)—**

30 (a) Omit “Minister” (first and second occurring), substitute “commission”.

**SCHEDULE—continued**

(b) Omit “Minister of State”, substitute “authority”.

**Subsection 6 (4)—**

Omit “he”, substitute “the commission”.

**Subsection 6 (5)—**

5 Omit “under the hand of the Minister”, substitute “issued by the commission”.

**Subsection 10 (2)—**

Omit “him”, substitute “the commission”.

**Subsection 13 (1)—**

10 Omit “under his hand”.

**Subsection 13C (1)—**

Omit “Minister may enter into an agreement with the appropriate Minister of State”, substitute “commission may enter into an agreement with the appropriate authority”.

15 **Subsection 14 (1)—**

Omit “by writing under his hand, delegate all or any of his”, substitute “delegate all or any of the commission’s”.

**Further amendments—**

20 The following provisions are amended by omitting “Minister” (wherever occurring) and substituting “commission”:

Subsections 6 (1), (3) and (4), 10 (1) and (2), 13 (1), paragraph 13A (2) (a), subsections 14 (1) and (3).

***Racing Act 1999***

**Section 3—**

25 Insert the following definitions:

“ ‘chief executive’ means the Chief Executive of the commission;

‘commission’ means the Gambling and Racing Commission established by the *Gambling and Racing Control Act 1999*;

30 ‘inquiry’, in relation to the commission, means an inquiry conducted by the commission in accordance with the *Gambling and Racing Control Act 1999*.”

**SCHEDULE—continued**

**Paragraph 5 (4) (b)—**

Omit “satisfying himself or herself”, substitute “determining by an inquiry”.

**Subsection 20 (1)—**

5 Omit “if satisfied that unusual circumstances make it necessary”, substitute “if advised to do so by the commission following an inquiry”.

**Paragraph 20 (2) (b)—**

Omit “statement of the circumstances that make the action necessary”, substitute “copy of the advice of the commission”.

10 **Subsection 26 (1)—**

Omit “if satisfied that unusual circumstances make it necessary”, substitute “if advised to do so by the commission following an inquiry”.

**Paragraph 26 (2) (b)—**

15 Omit “statement of the circumstances that make the action necessary”, substitute “copy of the advice of the commission”.

**Subsection 32 (1)—**

Omit “if satisfied that unusual circumstances make it necessary”, substitute “if advised to do so by the commission following an inquiry”.

**Paragraph 32 (2) (b)—**

20 Omit “statement of the circumstances that make the action necessary”, substitute “copy of the advice of the commission”.

**Subsection 34 (2)—**

Omit “he or she is satisfied”, substitute “it has determined by an inquiry”.

25 **Section 34—**

Add at the end the following subsections:

“(6) An applicant who is refused approval under subsection (3) on the ground that the commission is satisfied that it would be against the public interest may apply to the Minister for a review of the decision.

30 “(7) The Minister, on reviewing the decision, may direct the commission to grant approval to the applicant.

“(8) A direction by the Minister under subsection (7)—

**SCHEDULE—continued**

- (a) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*; and
- (b) takes effect, unless disallowed, at the end of the period during which it is disallowable.”.

5 **Subsection 35 (1)—**

Omit “his or her”, substitute “its”.

**Subsection 35 (3)—**

Omit “himself or herself”, substitute “itself”.

**Section 36—**

- 10 (a) Omit “Minister is satisfied”, substitute “commission is satisfied, following an inquiry,”.

- (b) Add at the end the following subsections:

15 “(2) Where the Minister is satisfied that it is no longer in the public interest that an ARO be approved, he or she may direct the commission to revoke the organisation’s approval.

“(3) A direction by the Minister under subsection (2)—

- 20 (a) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*; and
- (b) takes effect, unless disallowed, at the end of the period during which it is disallowable.”.

**Further amendments—**

**1** The following provisions are amended by omitting “Minister” (wherever occurring) and substituting “commission”:

25 Section 3 (definition of “authorised race meeting”, paragraph (a)), subsections 5 (1) and (4), 6 (1) and (2) and 7 (2), section 9, paragraphs 10 (d) and 11 (d), section 12, subsection 15 (2), section 18, subsection 21 (2), section 24, subsection 27 (2), section 30, subsections 33 (1) and (3), paragraph 34 (1) (c), subsections 34 (2), (3) and (5) and 35 (1), (2) and (3), sections 36 and 37.

30 **2** The following provisions are amended by omitting “he or she” and substituting “it”:

Subsections 34 (5) and 35 (3), section 36.

**SCHEDULE—continued**

**3** The following provisions are amended by omitting “himself or herself” and substituting “itself”:

Paragraph 5 (4) (b), subsection 35 (3).

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**NOTES**

**Acts amended**

1 Reprinted as at 31 December 1997. See also Acts No. 54, 1998; and No. 19, 1999.

2 Reprinted as at 1 March 1999.

**Additional changes to section headings**

On the day the sections specified below are amended by this Act, in addition to any alteration of section headings indicated in the text of this Act, headings to those sections are altered as set out in the following table:

<b>Section</b>	<b>Alteration</b>
	<i>Casino Control Act 1988</i>
64	Omit “Minister”, substitute “commission”.
130	Omit “Authority”, substitute “commission”.
	<i>Gaming Machine Act 1987</i>
3A	Omit “Administration”, substitute “Control”.
41, 53	Omit “Commissioner”, substitute “commission”.
60E	Omit “Commissioner”, substitute “Commission”.
45F, 60F	Omit “Commissioner’s”, substitute “commission’s”.
	<i>Interactive Gambling Act 1998</i>
61, 76	Omit “Commissioner’s”, substitute “Commission’s”.
75, 142	Omit “Commissioner’s”, substitute “commission’s”.
118	Omit “tax”.
	<i>Lotteries Act 1964</i>
18A	Omit “Minister”, substitute “commission”.