

NORTHERN TERRITORY OF AUSTRALIA

RACING AND BETTING ACT

As in force at 1 September 2004

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 September 2004

RACING AND BETTING ACT

An Act to control racing and betting, and for related purposes

Part I Preliminary

1 Short title

This Act may be cited as the *Racing and Betting Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Repeal

The Acts listed in the Schedule are repealed.

3A Objects

The objects of this Act are:

- (a) to promote probity and integrity in racing and betting in the Territory;
- (b) to maintain the probity and integrity of persons engaged in racing and betting in the Territory;
- (c) to promote fairness, integrity and efficiency in the operations of persons engaged in racing and betting in the Territory; and
- (d) to reduce any adverse social impact of betting.

4 Definitions

- (1) In this Act, unless the contrary intention appears:

approved means approved by the Commission.

approved telephone bookmaking system means a telephone system for bookmaking approved by the Commission.

area of jurisdiction, in relation to a principal club, means the part of the Territory in respect of which the principal club has jurisdiction as a principal club.

betting includes the action, behaviour, conduct or performance of a person who, whether on one or more than one occasion:

- (a) makes or receives a bet or wager;
- (b) pays, receives, negotiates or settles a bet or wager; or
- (c) offers, or agrees or otherwise negotiates to bet or wager or to pay, receive or settle, a bet or wager,

for himself or on behalf of another person, but does not include betting under the *Totalisator Licensing and Regulation Act*.

betting inspector means a betting inspector appointed under section 22.

betting ticket means a betting ticket referred to in section 73.

bookmaker means a person who is a sports bookmaker, a registered bookmaker or a country bookmaker.

bookmaker's agent means a person authorized under this Act by the Commission to conduct the business of a bookmaker in the absence of that bookmaker.

bookmaking means the business of receiving or negotiating bets.

Chairperson means the Chairperson of the Commission.

club means a club registered under this Act as a race club, trotting club or greyhound club.

Commission means the Racing Commission established by this Act.

committee, in relation to a registered club, means the committee or other governing body for the time being of that club.

control body, in relation to:

- (a) a race club, means a principal club; and
- (b) a trotting club or greyhound club, means the Commission.

country bookmaker means a licensed or registered bookmaker who carries on his business as a bookmaker at a place which is not within 50 kilometres of either the Darwin General Post Office or the Alice Springs Post Office.

Court means a court of summary jurisdiction.

employee means a person engaged in the work of the Commission.

feature double means an investment by the nomination of 2 selections on the contingency that such selections shall take first place in 2 races at different race meetings.

greyhound club means a body or association of persons, corporate or unincorporated, that promotes, holds or controls, or is formed to promote, hold or control, greyhound meetings, and includes such a body or association that is not registered.

greyhound meeting means a meeting for the purpose of conducting greyhound races.

greyhound-racing includes a greyhound race and a greyhound meeting.

greyhound-racing ground means a place for the holding of greyhound meetings.

Greyhound Racing Rules means the rules for the time being governing and relating to the control of greyhound-racing made or adopted under this Act by the Commission and approved by the Minister, or continued in force by section 156.

horse-racing means the racing of galloping horses.

identity card, in relation to a totalizator inspector, means the identity card issued under section 120(2) to him in respect of his appointment as a totalizator inspector.

instrument of betting includes:

- (a) a book, card, coin, document, list, money, paper, record, sheet, table, ticket or other writing;
- (b) a mechanical, electrical, telephonic, telegraphic, electronic or other equipment or device;
- (c) a film, microfilm or other photographic or holographic record;

- (d) a tape, cassette, disc or other audio or visual recording or replaying device or equipment;
- (e) a board, chart or screen; and
- (f) any other form or means of recording information or data, used or capable of being used in carrying on or in connection with betting.

investment, in relation to a totalizator, means the amount of money invested on a totalizator the disposal of which is directed or authorized under this Act.

key employee means a person licensed under section 103.

licence means a licence, and includes a renewal of a licence, granted under this Act.

licensed premises means premises in respect of which a licence is granted under section 90.

meeting includes a race meeting, trotting meeting, greyhound meeting and phantom meeting.

member means a member of the Commission appointed under section 7(1)(b).

money includes an instrument for the payment of money that may be negotiated by an ADI by an overdraft of such an instrument or coins, marketable securities, cheques and other orders, warrants, authorities or requests for the payment of money or an acknowledgement, note or other thing purporting or intending to entitle the bearer or another person to money or money's worth.

net pool, in relation to a totalizator, means that part of moneys invested on a totalizator that is available to be paid out by way of dividends.

non-proprietary club means a club the constitution of which:

- (a) provides for the application of profits and other income of the club to the promotion of its objects; and
- (b) prohibits the payment of dividends to the members of the club.

occupier, in relation to a place, includes the owner or keeper at a material time of the place, a person having at a material time the care, management, supervision or control of the place or in any manner conducting the business, if any, of the place and a person

procured or employed by or acting for or on behalf of any such person.

official starting price means the odds declared by the club conducting a meeting to be the official starting price in relation to a runner.

operator, in relation to a totalizator, means a registered club, the agent of such a club or other authorized person that or who operates a totalizator.

owner, in relation to a place, includes a lessee and sub-lessee.

paceway means a place for the holding of trotting meetings.

permit means a permit, and includes the renewal of a permit, granted under this Act.

phantom meeting means a meeting authorized under this Act to be held at which no race is actually conducted or is required to be conducted.

place includes:

- (a) land;
- (b) a building, structure or erection of any kind, whether wholly or partly constructed or erected or in the course of construction or erection;
- (c) a room in a building, structure or erection;
- (d) a road, street, thoroughfare, alley or right of way;
- (e) a racecourse, paceway, greyhound racing ground, athletic ground or other ground;
- (f) a vehicle, vessel or aircraft; and
- (g) a tent, caravan, trailer or other conveyance.

primary totalizator means a totalizator designated by the Commission as a primary totalizator and to which details of investments on any other totalizator are transmitted or at which the net pools of more than one totalizator are amalgamated.

principal club means a club prescribed as a principal club for the purposes of this Act and the Rules of Racing or appointed as a principal club under section 42(2)(a) by the Minister, and includes the Commission, when so appointed.

property includes real and personal property, whether situated in the Territory or elsewhere, and any right thereto or estate or interest therein and a debt, thing in action and any other right or interest in property.

public place includes:

- (a) a public place within the meaning of the *Summary Offences Act*;
- (b) a place regularly used by an association within the meaning of the *Associations Act*; and
- (c) licensed premises within the meaning of the *Liquor Act*.

race means a contest, event or contingency in which 2 or more runners compete, one against the other or others, in a test of speed over a designated distance or period or for the purpose of providing a contingency on which bets may be made, but does not include a contest, event or contingency in which skills other than speed alone are tested or a trial.

race club means a body or association of persons, corporate or unincorporated, that promotes, holds or controls, or is formed to promote, hold or control, race meetings.

racecourse means a place for the holding of race meetings.

race meeting means a meeting for the purpose of conducting horse races.

racings includes a horse race and a race meeting.

racings venue means a racecourse, paceway or greyhound racing ground, whether in the Territory or elsewhere, at which a meeting may lawfully be held.

refund means an investment made on a totalizator, or a bet made with a bookmaker, that is required for any reason to be refunded.

registered means:

- (a) when used in relation to a club, registered:
 - (i) by a principal club as a race club; or
 - (ii) by the Commission as a trotting club or a greyhound club; or

- (b) when used in relation to a horse or greyhound, registered in accordance with:
- (i) the Rules of Racing;
 - (ii) the Rules of Trotting; or
 - (iii) the *Greyhound Racing Rules*,
- as the case may be.

registered bookmaker means a person to whom a licence has been granted under section 102.

remote area licence means a licence granted under section 91.

remote clerk means a key employee authorized under section 104.

Rules includes the Rules of Racing, Rules of Trotting and *Greyhound Racing Rules*.

Rules of Racing means the rules for the time being governing and relating to horse-racing under the control of principal clubs, being in relation to each principal club an amalgamation of the Australian Rules of Racing as adopted by that club and the local rules of racing of that club.

Rules of Trotting means the rules for the time being governing and relating to the control of trotting made or adopted under this Act by the Commission and approved by the Minister, or continued in force by section 156.

runner means a horse or greyhound that is a final acceptor in a race.

special licence means a special licence granted under section 82(2).

special permit means a special permit granted under section 82(2).

sporting event means an event or contingency, whether or not of a sporting nature, declared by the Commission under subsection (2) to be a sporting event.

sports bookmaker means a person to whom a licence is granted under section 90 and, where the person is a corporation, includes the nominee whose name is endorsed on the licence document as required by section 90(5A).

this Act includes the Regulations and Rules made under this Act, or continued in force by section 156.

totalizator means a scheme or system by means of which investments are accepted and aggregated and dividends are calculated, declared and paid on a proportional basis dependent upon the result of a race or series of races in accordance with prescribed formulae and includes a device, instrument, machine, computer or other thing used to effect the aggregation and distribution of investments and the place where such a scheme is operated, but does not include a totalisator that is established or operated in the Territory under a licence granted under the *Totalisator Licensing and Regulation Act*.

totalizator inspector means an inspector appointed under section 120.

totalizator pool means the amount calculated by subtracting from the aggregate of investments on a class of totalizator refunds and prescribed commission.

trial means an event held for the purpose of testing or training horses or greyhounds for which no prize-money, trophy or other reward, gratuity or privilege of more than a nominal value is offered.

trotting includes trotting racing, pacing and a trotting meeting.

trotting club means a body or association of persons, corporate or unincorporated, that promotes, holds or controls, or is formed to promote, hold or control, a trotting meeting.

trotting meeting means a meeting for the purpose of conducting trotting races.

unit of investment, in relation to a totalizator, means the prescribed basic monetary unit that may be invested on the totalizator and on which a dividend is declared and paid.

unlawful betting means betting otherwise than in accordance with this Act or the *Totalisator Licensing and Regulation Act*.

valuable thing includes a benefit or a promise, oral or in writing, conditional or absolute, to pay or give a valuable thing.

- (2) For the purposes of the definition of **sporting event** in subsection (1), the Commission may declare an event or contingency to be a sporting event.

4A Limitation to application of Act

- (1) This Act does not apply to or in relation to:
 - (a) a totalisator established or operated in the Territory under a licence granted under the *Totalisator Licensing and Regulation Act*; and
 - (b) totalisator wagering conducted under a licence granted under that Act.
- (2) To avoid doubt:
 - (a) the Commission must not exercise any of its powers or perform any of its functions under this Act in respect of a totalisator or totalisator wagering referred to in subsection (1); and
 - (b) in the event of a provision of or under this Act and a provision of or under the *Totalisator Licensing and Regulation Act* being capable of applying to or in relation to a totalisator or totalisator wagering referred to in subsection (1), the provision of or under the *Totalisator Licensing and Regulation Act* applies and the provision of or under this Act does not apply.
- (3) This section applies subject to section 89A(3) and (8).

5 Delegation by Minister

- (1) The Minister may, by instrument in writing, delegate to a person any of his powers and functions under this Act, other than this power of delegation.
- (2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Minister.
- (3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Minister.

Part II Establishment and membership of Commission**6 Racing Commission**

- (1) There is established by this Act a commission to be known as the Racing Commission.

- (2) The Commission:
- (a) is a body corporate with perpetual succession;
 - (b) shall have a common seal; and
 - (c) is capable, in its corporate name, of acquiring, holding and disposing of real (including leasehold) and personal property and of suing and being sued.
- (3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Commission affixed to a document and shall assume that it was duly affixed.

7 Composition of Commission

- (1) Subject to this Act, the Commission shall consist of:
- (a) the person appointed by the Minister to be the Chairperson of the Commission; and
 - (b) not less than 4 nor more than 5 persons appointed by the Minister on the grounds of their knowledge and experience of the racing industry in the Territory.
- (2) The exercise of the powers or the performance of the functions of the Commission shall not be affected by reason only of there being a vacancy in the office of a member.

8 Certain persons not qualified for appointment, &c.

A person who is or becomes:

- (a) a member of the committee, or an employee, of a registered club;
- (b) interested or concerned, whether directly or indirectly, in the business carried on by a bookmaker or the holder of a licence under a law of the Territory to operate a casino;
- (c) a person having the management or control of an office or agency established under section 23 of the *Totalizator Administration and Betting Act*;
- (e) a rider or driver of horses, whether professionally or not, in horse-races or trotting,

shall not be appointed a member or continue in office as such a member.

9 Duties of Chairperson

The Chairperson shall, in accordance with the decisions and subject to the directions of the Commission, administer the affairs of the Commission.

10 Tenure of office

- (1) Subject to this Part, a member shall be appointed for a period not exceeding 3 years and is eligible for reappointment.
- (2) Notwithstanding subsection (1), unless a member sooner vacates office or is removed from office under this Part, the member shall continue in office until a successor is appointed.

11 Resignation of members

A member may resign from office by writing signed by the member and delivered to the Minister.

12 Dismissal of members

- (1) The Minister may remove a member from office for inability, inefficiency, misbehaviour or physical or mental incapacity.
- (2) Where a member:
 - (a) is absent, except on leave granted by the Minister, from 3 consecutive meetings of the Commission; or
 - (b) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of the member's remuneration for their benefit,

the Minister shall terminate the appointment of the member.

13 Leave of absence

The Minister may grant leave of absence to a member.

14 Meetings

- (1) The Chairperson shall convene such meetings of the Commission as are necessary for the exercise of its powers and the performance of its functions under this or any other Act.
- (2) At a meeting of the Commission:
 - (a) the Chairperson shall preside;

- (b) the Chairperson and 2 members constitute a quorum;
 - (c) questions arising shall be determined by a majority of the votes of the persons present and voting and, in the event of an equality of votes, the Chairperson shall have a casting vote; and
 - (d) subject to this Act, the Commission shall determine its own procedure.
- (3) The Commission shall keep records of its meetings.

15 Protection of members, &c.

No action or proceeding, civil or criminal, shall lie against the Commission, the Chairperson or a member for or in respect of an act or thing done or omitted to be done whether under this or any other Act, in good faith by the Commission, the Chairperson or member.

16 Deputies of members

- (1) The Minister may appoint a person to be the deputy of a member.
- (2) A deputy appointed under subsection (1) shall, in the event of the absence from a meeting of the Commission of the member for whom the member is the deputy, be entitled to attend the meeting and, when so attending, shall be deemed to be a member both for the purposes of this Act and for the purposes of the *Remuneration (Statutory Bodies) Act*.
- (3) An act done by a deputy appointed under subsection (1) as a deputy shall not, in any proceedings, be questioned on the ground that the occasion for the exercise of any powers or the performance of any functions did not arise or had ceased.

16A Disclosure of interest

- (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons and of which the member is not a director, shall, as soon as practicable after the relevant facts have come to the member's attention, disclose the nature of the interest at a meeting of the Commission.

16B Delegation

- (1) The Commission may, in writing under its common seal, delegate to a member or an employee any of its powers and functions under this Act, except this power of delegation.
- (2) A power delegated under this section may be exercised by the delegate in accordance with the instrument of delegation and, where so exercised, shall, for the purposes of this Act, be deemed to have been exercised by the Commission.
- (3) A delegation under this section to an employee may be to an employee from time to time holding, acting in or performing the duties of an office, designation or position.
- (4) A delegation under this section is revocable at will and does not prevent the exercise of a power so delegated by the Commission.

Part IIA Powers and functions of Commission**17 Functions of Commission**

- (1) The functions of the Commission are to:
 - (a) investigate and make to the Minister such recommendations as it thinks fit with respect to such matters relating to the administration or operation of:
 - (i) this Act; oras are referred to it by the Minister for investigation or as it from time to time thinks fit;
 - (b) undertake research and investigations into matters relating to horse-racing, trotting and greyhound-racing and the breeding of horses for horse-racing and trotting and greyhounds for greyhound-racing, including the financial security of the organizations and persons whose subsistence or livelihood is derived from or directly connected with horse-racing, trotting or greyhound-racing;
 - (c) control, supervise, regulate and develop trotting and greyhound-racing;
 - (d) grant licences and permits in accordance with this Act;
 - (e) define the duties and functions of a person employed as a key employee;

- (f) allot race days for such period or periods as it thinks fit to registered clubs;
 - (g) prosecute persons for offences against this Act; and
 - (j) carry out such other functions as are conferred on it by or under this Act or any other law of the Territory.
- (2) In performing its functions, the Commission must have regard to the following principles:
- (a) minimum regulatory intervention by government;
 - (b) maximum co-operation between industry and government;
 - (c) performance-based risk management controls;
 - (d) proactive and competitive industry positioning;
 - (e) long term viability of the racing industry;
 - (f) a balanced approach to problem betting.

18 Powers of Commission

- (1) Subject to this Act, the Commission has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions and the exercise of its powers.
- (2) Without limiting the generality of subsection (1), the Commission may, in the performance of its functions and the exercise of its powers, including powers or functions conferred on it elsewhere in this or any other Act:
- (a) investigate any matter referred to it by the Minister and report to the Minister thereon;
 - (b) subject to the approval of the Minister, enter into contracts;
 - (c) do all such things as it considers necessary or desirable for the proper regulation and control, in the interests of the public, of betting by and with bookmakers or by means of a totalizator conducted in pursuance of a licence granted under section 111;
 - (d) do all such acts and things as it considers necessary or desirable for the proper regulation and control, in the interests of the public, of bookmakers, horse-racing, trotting and greyhound-racing; and

(e) do anything incidental to any of its powers.

- (3) The Commission may make rules providing for the custody of its property and the form and use of its common seal.

19 Control by Minister

In the exercise of its powers and the performance of its functions, the Commission is subject to the direction of the Minister and it shall, as soon as practicable, comply with a direction given by the Minister.

20 Inspection of certain premises

- (1) A member, an authorized employee or a member of the Police Force may, at any time of the day or night, free of charge, enter and inspect:
- (b) a racing venue; or
 - (c) licensed premises.
- (2) Where a member, an employee or a member of the Police Force enters a place in pursuance of this section, he may –
- (a) inspect any books or documents on the place;
 - (b) remove for production as evidence or having copies made any books or documents from the place; and
 - (c) retain a book or document removed in pursuance of paragraph (b) for production as evidence or having copies made.
- (3) A person who, except in the course of his duty under this Act or in the course of proceedings in a court in respect of an offence, divulges to another person information that he has acquired by reason of the inspection of books or documents in pursuance of this section is guilty of an offence.

Penalty: \$1,000 or imprisonment for 6 months.

22 Appointment of betting inspectors

- (1) The Commission may appoint such betting inspectors as it thinks fit for the purposes of this Act.
- (2) The Commission shall issue to each person appointed as a betting inspector an identity card in such form as it thinks fit.

Part III Regulation of racing codes

Division 1 General application

23 Application of Rules of Racing, &c.

- (1) Subject to this Act:
 - (a) the Rules of Racing apply to and in relation to horse-racing in each locality in relation to which a declaration under section 42(2)(c) is in force;
 - (b) the Rules of Trotting apply to and in relation to trotting; and
 - (c) the *Greyhound Racing Rules* apply to and in relation to greyhound-racing.
- (2) In the application of the Rules:
 - (a) a registered club shall not make or permit an exemption to or waiver of any of the Rules if the making or permitting would prevent or avoid effect being given to this Act; and
 - (b) such adaptations of the Rules shall be made as are necessary for the purpose of giving effect to this Act.

24 Licences and permits

- (1) A licence (other than a licence granted under section 90 or 102) or permit:
 - (a) expires on 30 June next following the date on which it is granted, unless the licence or permit is cancelled or suspended before the expiry date; and
 - (b) is not transferable.
- (2) A licence granted under section 90 or 102:
 - (a) remains in force for the period determined by the Commission and specified in the licence;
 - (b) may be renewed; and
 - (c) is not transferable.
- (3) A licence or permit is subject to such conditions as are prescribed and such other conditions, not inconsistent with those prescribed or with this Act, as are endorsed on it.

- (4) The fee for a licence or permit is as prescribed.
- (5) The holder of a licence granted under section 90 or 102 must, while the licence remains in force, pay to the Commission the prescribed annual licence fee on or before each anniversary of the date on which the licence was granted.
- (6) The granting of a licence or permit is not a guarantee of the financial viability of the person to whom the licence or permit is granted.

25 Criminal history checks

- (1) If:
 - (a) a natural person applies for a licence or permit or applies to renew a licence or permit – the person;
 - (b) the partners in a partnership apply for a licence or permit or apply to renew a licence or permit – each partner in the partnership; or
 - (c) a corporation applies for a licence or permit or applies to renew a licence or permit – each officer of the corporation,must attend at a police station and provide to a member of the Police Force the prescribed information together with a signed authority, in the approved form, permitting the Commissioner of Police to release to the Commission details of the person's criminal history.
- (2) As soon as reasonably practicable after receiving a signed authority under subsection (1), the Commissioner of Police must give the Commission:
 - (a) a written report of the criminal history of the person who signed the authority despite that part of the criminal history is a spent conviction within the meaning of the *Criminal Records (Spent Convictions) Act*; and
 - (b) any other evidence that may assist the Commission to determine the application.
- (3) Subsection (2)(a) applies to the criminal history:
 - (a) that is in the Commissioner of Police's possession; or

- (b) to which the Commissioner of Police ordinarily has access through arrangements with the police service of the Commonwealth or a State or another Territory of the Commonwealth.
- (4) The Commissioner of Police may approve a form for the purposes of subsection (1).
- (5) In subsection (1):
 - officer**, of a corporation, means:
 - (a) a director, secretary or executive officer of the corporation; or
 - (b) a person who can control or influence the conduct of the corporation's affairs including, for example, a person on whose directions, advice or instructions the corporation's directors usually act.

28 Reports and books of account

- (1) Subject to subsection (3), each principal club and registered club shall, as soon as practicable after the end of the financial year of the club in each year, prepare and furnish to the Commission a report on its operations during the year ending on that date.
- (2) Subject to subsection (3), each principal club and registered club shall cause to be kept proper books of account and records in relation to its operations as a principal club or registered club and shall, in respect of each financial year of the club, prepare and forward to the Commission at the time it forwards the report referred to in subsection (1) a statement of account and balance sheet audited by a person authorized by the Commission for that purpose.
- (3) The Commission may require a principal club or registered club to furnish a report under subsection (1) or a statement of account and balance sheet under subsection (2) at such times as the Commission thinks fit.

31 Approval of days for race meetings

- (1) The Commission, on application by a principal club, may approve such number of days on which race meetings may be held by the principal club and race clubs registered by the principal club as it thinks fit.
- (2) An application under subsection (1) shall be lodged with the Commission before 30 June in advance for the next succeeding period from 1 August to 31 July.

- (3) On receipt of a notice in writing from the Commission of the number of days approved under subsection (1), the principal club shall:
- (a) allocate the days for race meetings by the race clubs registered by it; and
 - (b) advise the Commission in writing of particulars of the allocations under paragraph (a).

32 Days for meetings, &c.

- (1) Subject to section 34, a race club shall not conduct racing except on a day allocated under section 31 by its principal club.
- (2) Subject to section 34:
- (a) a trotting club shall not conduct trotting; or
 - (b) a greyhound club shall not conduct greyhound-racing,
- or conduct or hold a phantom meeting except on a day approved for that purpose by the Commission.
- (3) A race club, trotting club or greyhound club shall not conduct or hold a meeting on Good Friday or Christmas Day.

Penalty for an offence against this section: \$2,000.

33 Time of commencement of meetings

A meeting shall be deemed to commence at 8 o'clock on the morning of the day on which it is to be held and end at midnight of that day.

34 Postponement, &c., of meeting

- (1) Where:
- (a) owing to adverse weather conditions or other circumstances a registered club considers to be in the nature of an emergency, the registered club considers it impossible or impracticable to hold a meeting or a part of a meeting on a day approved and allocated to the club; or
 - (b) for any reason the control body of the registered club considers to be sufficient, the registered club does not desire to hold the meeting on that day,

the registered club may, in accordance with the Rules of Racing, Rules of Trotting or *Greyhound Racing Rules* applicable to it, postpone that meeting or part of the meeting until such other day as that control body allocates for that purpose, or abandon it.

- (2) Where a registered club postpones a meeting or a part of a meeting, the postponement shall take effect from the time at which the first public announcement of the postponement of the meeting is made on behalf of the club.
- (3) Where a registered club postpones intact part of a meeting comprising 3 or more races until another day, the club may, with the approval of its control body, stage another race or races on that day sufficient to complete what the control body considers to be a meeting normal for that club.

35 Betting may continue at postponed, &c., meeting

Where a meeting has commenced and the registered club conducting that meeting postpones or abandons the whole or part of the meeting, betting with bookmakers or investment on a totalizator in respect of events to be decided at any other racing venue may, in the discretion of the registered club, continue at the racing venue during the time that betting or investment would, but for the postponement or abandonment, have been permitted.

36 Trials

- (1) A registered club:
 - (a) may, with the prior approval of; and
 - (b) shall, when directed in writing by,
its control body, conduct a trial at a racing venue.
- (2) Subject to the condition to which an approval or direction under subsection (1) is given, a trial may be conducted by a registered club during or in conjunction with a meeting.
- (3) A control body may make rules with respect to trials and clubs registered by it shall comply with those rules and this Act in the conduct of trials.
- (4) All trials at a racing venue shall be conducted under the control and supervision of a control body or a person authorized for the purpose by the control body.

- (5) A registered club shall not, in respect of trotting or greyhound-racing, conduct a trial:
- (a) at night at a racing venue unless the racing venue is licensed for the holding of trotting meetings or greyhound meetings at night; or
 - (b) after 11 o'clock at night.
- (6) A person who makes a bet on the outcome of a trial is guilty of an offence.

Penalty for an offence against this section: \$2,000.

37 Licence for racing venue

The Commission may grant a licence in respect of a racecourse, paceway or greyhound-racing ground.

Division 2 Dissolution of registered clubs

38 Dissolution of registered club

- (1) Subject to this section, a club that has ceased to be registered by a control body shall promptly take such steps and do such acts and things as are provided by the club's constitution, the Rules of Racing, Rules of Trotting or *Greyhound Racing Rules*, as the case may be, and the Act with a view to the dissolution of that club.
- (2) Where there is an inconsistency between the constitution of a club referred to in subsection (1), the appropriate Rules or this Act, to the extent of that inconsistency the Rules shall prevail over the club's constitution and this Act shall prevail over the Rules and the club's constitution.
- (3) Where, for reasons accepted by the Commission, it is inappropriate to proceed immediately to dissolution of a club referred to in subsection (1), the control body to which that club was subject, upon being satisfied as to the adequacy and accuracy of books and accounts kept by the club and the security of the club's assets, may grant to the club, in writing, approval to postpone dissolution for a period, in the first instance, not exceeding 12 months from the date on which the club ceased to be registered by the control body.
- (4) In the case of:
- (a) a race club – with the prior approval of the Commission, a principal club; or
 - (b) a club referred to in subsection (1) – the Commission,

may grant to the club further postponements of its dissolution, subject to subsection (5), for a period not exceeding in any case 6 months.

- (5) Where the Commission is satisfied that extenuating circumstances prevail and no omission or neglect by the committee, a member, officer or agent of a club referred to in subsection (1) contributed to the delay in completing the dissolution of the club, the Commission may grant such extension of time as it thinks fit.
- (6) A club referred to in subsection (1) that has failed to complete dissolution within 6 months after the date upon which that club ceased to be registered, or within such longer period as is approved under subsection (3) or (4) by the control body or granted under subsection (5) by the Commission, shall be deemed to be dissolved immediately upon the expiration of such period or periods, as the case may be, and, notwithstanding section 26, the assets of that club shall not thereafter be dealt with or disposed of in a manner other than expressly provided in subsection (7).
- (7) The assets of a club to which subsection (6) applies shall, immediately upon the deemed dissolution of the club, devolve upon and vest in the Minister who may direct that such assets, after realization to the extent approved by him and after the payment of all debts and liabilities, if any, of the club, shall be paid or delivered or transferred to him to be held in trust for distribution at some later date to or amongst, as he thinks fit:
 - (a) the Consolidated Fund;
 - (b) where the club was a race club:
 - (i) the principal club exercising jurisdiction in the locality of the dissolved club, to be used for such purposes as it thinks fit; or
 - (ii) a club that holds or commences to hold race meetings in the same locality as that in which the dissolved club operated;
 - (c) where the club was not a race club:
 - (i) the Commission, to be used for such purposes as it thinks fit; or
 - (ii) a registered club that holds or commences to hold meetings in the same locality as the dissolved club; or
 - (d) for such other purposes as he thinks fit.

- (8) Upon the dissolution or deemed dissolution of a club pursuant to subsection (1), (3) or (6), the control body to which the club was subject shall be responsible to the Minister for the lawful and effective conclusion of that dissolution and may take such steps and do such acts and things as are necessary and lawfully permissible to achieve a proper dissolution.

39 Recovery by control body

- (1) Subject to subsection (2), where a control body incurs reasonable expenses in the performance of the duty imposed by section 38(8) it may, with the prior approval of the Minister, recover the full amount of those expenses, or such lesser amount as it is possible to recover, from the net amount remaining after the realization of all the assets of the club concerned and the payment of all debts and liabilities, if any, of that club.
- (2) Where a control body is unable to recover the whole of the expenses approved in respect of the dissolution of a club referred to in subsection (1), it may recover the amount not then recovered from the net amount realized on the subsequent dissolution of any other club in such amounts as are approved from time to time by the Minister.

40 Notification to Commission

A principal club shall notify the Commission in writing on a cessation of registration by it of a race club.

Penalty: \$200.

41 Control body may appoint administrator

- (1) Notwithstanding the constitution or rules of a registered club or law of the Territory or practice to the contrary, a control body, whenever it appears to it to be necessary and the Minister so approves, shall by order in writing:
- (a) dissolve the committee of the registered club;
 - (b) appoint a person to be the administrator of the club for such period as it specifies in the order; or
 - (c) by the same or a later order, make provision for the election of a committee of the club.
- (2) A control body may make rules, not inconsistent with this Act, to define the duties, responsibilities and authority of an administrator appointed under subsection (1).

- (3) Upon the making of an order under subsection (1), the members of the committee of the registered club concerned shall cease to hold office and every reference in the constitution and rules of the club, the Rules of Racing, Rules of Trotting or *Greyhound Racing Rules*, as the case may be, and this Act to the committee or to an office bearer of that committee shall be deemed to be a reference to the administrator appointed under subsection (1)(b) or committee elected pursuant to subsection (1)(c).
- (4) Following the making of an order under subsection (1), all members of the committee of a registered club holding office immediately before the making of that order and every officer and member of that registered club shall, without delay, disruption or interference, provide free and complete access by the administrator appointed under subsection (1)(b) or committee elected pursuant to subsection (1)(c) to all assets, records and other property of the club and shall provide all information, advice and assistance lawfully requested by the administrator or committee.
- (5) A provision contained in the constitution or rules of a registered club concerning the requirement of an election of a committee or of a person to an office of the club shall be deemed to be suspended and inoperative during such period as the administrator appointed under subsection (1)(b), or committee elected in pursuance of subsection (1)(c), conducts the business of the club.

Division 3 Horse-racing

42 Principal clubs

- (1) Subject to subsection (2), the association of persons known as the Darwin Turf Club is, for the purposes of this Act and the Rules of Racing, a principal club.
- (2) The Minister may, as he thinks fit, by notice in the *Gazette*:
 - (a) appoint the Commission or an association to be a principal club;
 - (b) declare that an association, including the principal club referred to in subsection (1), shall cease to be a principal club;
 - (c) declare a locality to be the locality in respect of which a principal club has jurisdiction as a principal club for the purposes of this Act and the Rules of Racing;
 - (d) specify the race clubs over which each principal club shall exercise authority and control within its jurisdiction; and

- (e) specify the composition of the membership of a principal club's committee.

43 Functions of principal clubs

A principal club shall have the control and general supervision of the race clubs specified under section 42(2)(d) and, to the extent necessary to give effect to this Act, its functions are:

- (a) to control, supervise, regulate and promote horse-racing; and
- (b) to initiate, develop and implement such policies as it considers conducive to the development and welfare of the horse-racing industry and the protection of the public interest,

in the locality in respect of which it has jurisdiction.

44 Powers of principal club

- (1) Subject to this Act, a principal club has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions and the exercise of its powers.
- (2) Without limiting the generality of subsection (1), a principal club may, for the purpose of exercising its powers and performing its functions, including powers and functions conferred on it elsewhere in this Act:
 - (a) make, amend or repeal the Rules of Racing that are the local rules of racing of that club;
 - (b) allocate to race clubs registered by it the dates and times on and at which they may hold race meetings;
 - (c) investigate and report on proposals for the construction of new racecourses or for the alteration or renovation of existing racecourses;
 - (d) make recommendations to the Commission relating to the licensing of racecourses or to racecourses generally;
 - (e) in relation to itself and the race clubs in the locality in respect of which it has jurisdiction, register or license or refuse to register or license, or cancel or suspend the registration or licence, of a race club or an owner, trainer, jockey, bookmaker, key employee or other person associated with racing, or disqualify or suspend any of those persons permanently or for a specified period;

- (f) supervise the activities of race clubs registered by it, persons licensed by it and all other persons engaged in or associated with racing in its locality;
- (g) direct and supervise the lawful dissolution of a race club in its locality that ceases to be registered;
- (h) subject to the approval of the Minister, appoint an administrator to conduct the affairs of a race club registered by it;
- (j) register and identify galloping horses;
- (k) exclude from participating in a race a horse not registered under the Rules of Racing;
- (m) prohibit a person from attending at or taking part in a race meeting conducted by it or a race club registered by it;
- (n) impose a penalty on a person licensed by it or an owner of a horse for breaches of the Rules of Racing;
- (p) impose fees for registration of a race club, person or horse in its locality;
- (q) require race clubs registered by it to pay to it such charges as are, in the opinion of the principal club, required for providing services to registered clubs;
- (r) consult, join, affiliate and maintain liaison with other associations or bodies, whether in the Territory or elsewhere, concerned with the breeding or racing of horses;
- (s) enter into contracts;
- (t) acquire, hold, take on lease and dispose of real and personal property whether in its own right or as trustee;
- (u) employ such persons as it thinks fit for the effective performance of its functions and duties;
- (w) borrow money;
- (y) give such directions to a race club registered by it in relation to the club's racecourse and its affairs as it thinks fit for the advancement of racing whether in the Territory as a whole or in the locality of that racecourse;

- (z) where it thinks fit, order that an audit of the books of accounts of a race club registered by it be conducted by an auditor nominated by the principal club;
 - (za) scrutinize the constitutions of race clubs registered by it to ensure that they conform with this Act and the Rules of Racing and that they clearly express the needs and desires of the clubs concerned and of racing generally;
 - (zb) publish material, including a periodical publication, to inform and keep informed the public concerning matters pertaining to racing whether in the Territory or elsewhere;
 - (zc) when so directed by the Commission, or as it thinks fit, furnish to the Commission a report and recommendation on any matter relating to horse-racing; and
 - (zd) undertake research and investigations into all aspects of the breeding of horses and of horse-racing generally.
- (3) The Rules of Racing shall, to the extent necessary to give effect to this section, be read subject to this section.

45 Delegation by principal club

- (1) A principal club may, by instrument in writing, delegate to a person or a race club any of its powers and functions under this Act, other than this power of delegation.
- (2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the principal club delegating the power or function.
- (3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the principal club delegating the power or function.

46 Registration of race clubs

- (1) Without derogating from section 26, the Rules of Racing relating to the registration of race clubs by a principal club shall be read subject to this section.
- (2) A principal club shall not register a race club unless it is a non-proprietary club or renew the registration of a race club which, after being registered by the principal club, has ceased to be a non-proprietary club.

- (3) Where a race club registered by a principal club fails, in any respect, to continue to be a non-proprietary club, the principal club shall revoke the registration.
- (4) Where a race club registered by a principal club contravenes or fails to comply with section 28, the principal club shall revoke the registration of the race club and may do so notwithstanding that there has been no prosecution for an offence under this Act in respect of that contravention.
- (5) A race club may request the Commission to review the refusal of a principal club to register it or to renew its registration, or the revocation by a principal club of its registration.
- (6) The Commission may, after considering all information received by it in support of a request under subsection (5) and after giving the relevant principal club an opportunity to explain to the Commission its reasons for the action the subject of the review, and taking that information and that explanation into account, direct the principal club to register or renew the registration of the club or withdraw its revocation of registration, as the case may be, or confirm the action of the principal club.
- (7) A decision of the Commission after a review under this section is final.
- (8) A principal club directed under subsection (6) by the Commission shall comply with that direction.

Penalty: \$500.

47 Review by principal clubs

- (1) A principal club shall, at such times as it thinks fit, but at least once in each calendar year, review the conduct of race meetings conducted or held by each race club registered by it.
- (2) Where a principal club is satisfied that, having regard to:
 - (a) the number of races and runners in each race at a race meeting held by a race club during the period since the last review under subsection (1);
 - (b) the locality of a race club; and
 - (c) any other factors that it considers relevant,

the race meetings:

- (d) were not held in good faith and, except in the case of phantom meetings, the principal object of holding them was not horse-racing; or
- (e) were held contrary to this Act, the Rules of Racing or the public interest,

the principal club shall cancel the remainder of the allotment of racing dates in respect of the race club and refrain from a further allotment until it is satisfied that race meetings will be conducted by the race club in accordance with this Act.

48 Duties of race clubs

A race club that holds race meetings shall take such steps and do such things as are necessary to give effect to sections 43 and 44 and, without limiting the generality of this section, shall not by act or omission refuse or fail to recognize its principal club as the authority having the control and general supervision of race meetings and racing in its area or prevent, hinder or prejudice in any way the exercise or performance by that principal club of a power, authority, function or duty conferred or imposed upon it by this Act or the Rules of Racing.

48A Agreements with licensees under *Totalisator Licensing and Regulation Act*

- (1) A principal club or a race club may enter into an agreement with a person who holds a licence under the *Totalisator Licensing and Regulation Act* for the purpose of operating a totalisator or conducting totalisator wagering under the person's licence.
- (2) If a principal club or a race club enters into an agreement under subsection (1), section 40 of the *Totalisator Licensing and Regulation Act* applies.

Division 4 Trotting clubs

49 Definition

In this Division ***trotting club*** means a trotting club operating in that part of the Territory the control of trotting in which has been assumed under section 50 by the Commission.

50 Control of trotting

The Commission may, by notice in the *Gazette*, assume control of trotting in the Territory or that part of the Territory specified in the notice.

51 Functions of Commission in relation to trotting

Where the Commission assumes control of trotting, the functions of the Commission in relation to trotting are:

- (a) to control, supervise, regulate and develop trotting; and
- (b) to initiate, develop and implement such policies as it considers conducive to the development and welfare of the trotting industry and the protection of the public interest.

52 Powers of Commission in relation to trotting

- (1) Subject to this Act, the Commission has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions and the exercise of its powers in relation to trotting.
- (2) Without limiting the generality of subsection (1), where it assumes control of trotting, the Commission may:
 - (a) make, amend or repeal the Rules of Trotting;
 - (b) allocate to trotting clubs the dates and times on and at which they may hold trotting meetings;
 - (c) investigate and report upon proposals for the construction of new paceways or for the alteration or renovation of existing paceways and supervise the construction of new paceways or alterations or renovations to existing paceways;
 - (d) register or license or refuse to register or license, or cancel or suspend the registration or licence of, a trotting club or an owner, trainer, driver, bookmaker, key employee or other person associated with trotting, or disqualify or suspend any of those persons permanently or for a specified period;
 - (e) supervise the activities of trotting clubs, persons licensed by the Commission and all other persons engaged in or associated with trotting;
 - (f) direct and supervise the lawful dissolution of a trotting club that ceases to be registered;

- (g) subject to the approval of the Minister, appoint an administrator to conduct the affairs of a trotting club;
 - (h) register and identify trotting horses;
 - (j) disqualify a trotting horse from participating in a race;
 - (k) exclude from participating in a race a trotting horse not registered under the Rules of Trotting;
 - (m) prohibit a person from attending at or taking part in a trotting meeting;
 - (n) impose a penalty on a person licensed by it or on an owner of a trotting horse for breaches of the Rules of Trotting;
 - (p) impose fees for registration of a trotting club, person or trotting horse;
 - (q) require trotting clubs to pay to it such charges as are in its opinion required for providing services to trotting clubs;
 - (r) consult, join, affiliate and maintain liaison with other associations or bodies, whether in the Territory or elsewhere, concerned with the breeding or racing of trotting horses;
 - (s) give such directions to a trotting club in relation to its paceway and its affairs as the Commission thinks fit for the advancement of trotting;
 - (t) where it thinks fit, order that an audit of the books and accounts of a trotting club be conducted by an auditor nominated by the Commission;
 - (u) scrutinize the constitutions of trotting clubs to ensure that they conform with this Act and the Rules of Trotting and that they clearly and concisely express the needs and desires of the clubs concerned and of trotting generally; and
 - (w) undertake research and make investigations into all aspects of the breeding of trotting horses and of trotting generally.
- (3) The Rules of Trotting shall, to the extent necessary to give effect to this section, be read subject to this section.

53 Registration of trotting clubs

The Commission may register or renew the registration of a non-proprietary trotting club.

54 Charges payable to Commission

- (1) The Commission may, in writing, require a trotting club to pay to it, from time to time and within the time specified, such amounts as the Commission thinks fit to meet the expenses of services rendered by the Commission to the club and the club shall pay to the Commission the amount required to be paid within the time so specified.
- (2) In an action for the recovery of money payable under subsection (1), a certificate purporting to be signed by the Chairperson or other person authorized by the Commission that the amount specified in the certificate is due and payable to the Commission by the trotting club named in the certificate and which remains unpaid shall, on its production in that action, be prima facie evidence of the matters contained in the certificate.
- (3) Without prejudice to its right to recover an amount due and payable to it by a trotting club, the Commission may suspend the registration of the club until payment is made in full.

55 Duties of trotting club

Where the Commission assumes control of trotting a trotting club that holds trotting meetings shall take such steps and do such acts and things as are necessary to give effect to sections 51 and 52 and, without limiting the generality of this section, shall not by act or omission refuse or fail to recognize the Commission as the authority having the control and general supervision throughout the Territory or relevant part of the Territory of trotting, or prevent, hinder, or prejudice in any way the exercise or performance by the Commission of a power, authority, function or duty conferred or imposed upon it by this Act or the Rules of Trotting.

Penalty: \$2,000.

Division 5 Greyhound clubs

56 Functions, &c., of Commission in relation to greyhound-racing

- (1) The Commission shall have the control and general supervision throughout the Territory of greyhound-racing.
- (2) The functions of the Commission in relation to greyhound-racing are:
 - (a) to control, supervise, regulate and develop greyhound-racing;
and

- (b) to initiate, develop and implement such policies as it considers conducive to the development and welfare of the greyhound-racing industry and the protection of the public interest.

57 Power of Commission in relation to greyhound-racing

- (1) Subject to this Act, the Commission has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions and the exercise of its powers in relation to greyhound-racing.
- (2) Without limiting the generality of subsection (1), the Commission may:
 - (a) make, amend or repeal the *Greyhound Racing Rules*;
 - (b) allocate to greyhound clubs the dates and times on and at which they may hold greyhound meetings;
 - (c) investigate and report upon proposals for the construction of new greyhound-racing grounds or for the alteration or renovation of existing greyhound-racing grounds, and supervise the construction of new greyhound-racing grounds or alterations or renovations to existing greyhound-racing grounds;
 - (d) register or license or refuse to register or license, or cancel or suspend the registration or licence of, a greyhound club or an owner, trainer, bookmaker, key employee or other person associated with greyhound-racing, or disqualify or suspend any of those persons permanently or for a specified period;
 - (e) supervise the activities of greyhound-racing clubs, persons licensed by the Commission and all other persons engaged in or associated with greyhound-racing;
 - (f) direct and supervise the lawful dissolution of a greyhound club that ceases to be registered;
 - (g) subject to the approval of the Minister, appoint an administrator to conduct the affairs of a greyhound club;
 - (h) register and identify greyhounds;
 - (j) disqualify a greyhound from participating in a race;
 - (k) exclude from participating in a race a greyhound not registered under the *Greyhound Racing Rules*;

- (m) prohibit a person from attending at or taking part in a greyhound meeting;
 - (n) impose a penalty on a person licensed by it or on an owner of a greyhound for breaches of the *Greyhound Racing Rules*;
 - (p) impose fees for registration of a greyhound club, person or greyhound;
 - (q) require greyhound clubs to pay to it such charges as are in its opinion required for providing services to greyhound clubs;
 - (r) consult, join, affiliate and maintain liaison with other associations or bodies, whether in the Territory or elsewhere, concerned with the breeding or racing of greyhounds;
 - (s) give such directions to a greyhound club in relation to the club's greyhound-racing grounds and its affairs as it thinks fit for the advancement of greyhound-racing;
 - (t) where it thinks fit, order that an audit of the books and accounts of a greyhound club be conducted by an auditor nominated by the Commission;
 - (u) scrutinize the constitutions of greyhound clubs to ensure that they conform with this Act and the *Greyhound Racing Rules* and that they clearly and concisely express the needs and desires of the clubs concerned and of greyhound-racing generally; and
 - (w) undertake research and make investigations into all aspects of the breeding of greyhounds and of greyhound-racing generally.
- (3) The *Greyhound Racing Rules* shall, to the extent necessary to give effect to this section, be read subject to this section.

58 Registration of greyhound clubs

The Commission may register or renew the registration of a non-proprietary greyhound club.

59 Charges payable to Commission

- (1) The Commission may, in writing, require a greyhound club to pay to it, from time to time and within the time specified, such amounts as the Commission thinks fit to meet the expenses of services rendered by the Commission to the club and the club shall pay to the Commission the amount required to be paid within the time so specified.

- (2) In an action brought for the recovery of money payable under subsection (1), a certificate purporting to be signed by the Chairperson or other person authorized by the Commission that the amount specified in the certificate is due and payable to the Commission by the greyhound club named in the certificate and which remains unpaid shall, on its production in that action, be prima facie evidence of the matters contained in the certificate.
- (3) Without prejudice to its right to recover an amount due and payable to it by a greyhound club, the Commission may suspend the registration of the club until payment is made in full.

60 Duties of greyhound clubs

A greyhound club that holds greyhound meetings shall take such steps and do such acts and things as are necessary to give effect to section 57 and, without limiting the generality of this section, shall not by act or omission refuse or fail to recognize the Commission as the authority having the control and general supervision throughout the Territory of greyhound-racing, or prevent, hinder, or prejudice in any way the exercise or performance by the Commission of a power, authority, function or duty conferred or imposed upon it by this Act or the *Greyhound Racing Rules*.

Penalty: \$2,000.

Division 7 Offences

65 Unlawful racing

A person who holds or conducts a meeting, or who assists in holding or conducting a meeting, otherwise than in accordance with this Act is guilty of an offence.

Penalty: \$2,000.

66 Occupier permitting unlawful racing

An occupier of a place who permits or suffers a person to unlawfully hold a meeting in that place is guilty of an offence.

Penalty: \$2,000.

67 Advertising, &c., unlawful racing

A person who:

- (a) prints, publishes, sells, circulates, distributes, exhibits or posts up; or

- (b) causes, procures, permits or suffers to be printed, published, sold, circulated, distributed, exhibited or posted up,

information which directly or indirectly relates to an intended meeting which it is unlawful to conduct is guilty of an offence.

Penalty: \$500.

68 Presence at unlawful racing

A person who, without lawful excuse, is present or remains at or in a place where racing, trotting or greyhound-racing is being or is about to be conducted unlawfully is guilty of an offence.

Penalty: \$100.

69 Removal of persons

- (1) The committee of a principal club or registered club may, by notice in writing signed by the secretary of the club and served on a person, require the person:

- (a) to depart from; or
(b) to refrain from entering,

on a specified day or days, or generally while the notice is in force, a racing venue that is under its control or under the control of a club registered by it.

- (2) Where a notice under subsection (1) is served on a person, the committee that issued it shall cause a copy of it to be forwarded or delivered to the Commission within 3 days after the service of the notice on the person.
- (3) The Commission may, by notice in writing served on a person, require the person to refrain from entering, on a specified day, or generally while the notice is in force, a racing venue specified in the notice, or racing venues generally.
- (4) Where a notice under subsection (3) is served on a person, the Commission shall cause a copy of it to be delivered to each club that conducts meetings at the racing venue specified in the notice or, if the notice relates to racing venues generally, to every club using a racing venue in the Territory.
- (5) A notice under subsection (1) or (3) shall be served personally on the person to whom it is directed.

- (6) A person served with a notice under this section who contravenes or fails to comply with the notice is guilty of an offence.

Penalty: For a first offence – \$500.

For a subsequent offence – \$1,000 or imprisonment for 3 months.

- (7) A member of the Police Force may remove from a racing venue a person who has been served with a notice under this section and who fails, on service of the notice, to leave the racing venue, being a racing venue to which the notice relates.

- (8) The production to a court of a copy of a notice under this section on which there is endorsed a memorandum stating the day, place and mode of service of the notice and purporting to be signed by the person by whom the notice was served, is prima facie evidence:

- (a) of the notice and the serving of that notice;
- (b) that the endorsement was signed by the person whose signature it purports to be; and
- (c) that the statements contained in the endorsement are true.

Part IV Bookmakers

Division 1 General

70 Licensing of bookmakers, &c.

- (1) A person shall not conduct the business of a sports bookmaker at licensed premises or a racing venue unless the person is the holder of a current bookmaker's licence, granted by the Commission, permitting the conduct of the business of a sports bookmaker at those licensed premises or that racing venue.

Penalty: For a first offence – not less than \$7,500 and not more than \$12,500.

For a second offence – not less than \$12,500 and not more than \$25,000.

For a third or subsequent offence – not less than \$25,000 and not more than \$50,000.

- (1A) A person shall not be employed or engaged by a bookmaker at licensed premises or a racing venue unless the person is the holder of a current permit or key employee's licence granted by the Commission.

Penalty: For a first offence – not less than \$7,500 and not more than \$12,500.

 For a second offence – not less than \$12,500 and not more than \$25,000.

 For a third or subsequent offence – not less than \$25,000 and not more than \$50,000.

- (2) A club shall not permit a person to carry on bookmaking, or to be employed or engaged by a bookmaker, at a meeting held by it at a racing venue unless that person has in his possession at that racing venue a current permit or licence permitting the conduct of that business.

Penalty: For a first offence – not less than \$7,500 and not more than \$12,500.

 For a second offence – not less than \$12,500 and not more than \$25,000.

 For a third or subsequent offence – not less than \$25,000 and not more than \$50,000.

- (3) A person who is or appears to be carrying on bookmaking or who is or appears to be employed or engaged by a bookmaker at licensed premises or a racing venue shall, on demand made by a betting inspector, produce and deliver to that inspector the bookmaker's licence or permit, as the case may be, or the key employee's licence, issued to that person.

Penalty: \$1,000.

71 Person to whom licences or permits under this Part may not be granted

- (1) A licence or permit under this Part shall not be granted to a person who has not attained the age of 18 years.
- (2) A licence under this Part shall not be granted to a person who already holds a licence under this Part or has an interest of any kind in the business of bookmaking conducted by a person who holds such a licence.

- (3) A licence or permit under this Part must not be granted to a person who is not a fit and proper person.
- (4) Without limiting subsection (3), a person is not a fit and proper person if he or she:
 - (a) within 10 years before the date of the application for the licence or permit:
 - (i) has been found guilty of an offence against this Act, the *Gaming Control Act*, *Gaming Machine Act* or *Unlawful Betting Act*; or
 - (ii) has been convicted of an offence prescribed as a disqualifying offence under the Regulations; or
 - (b) does not satisfy the probity requirements under this Act.

72 Security may be required

- (1) The Commission shall not grant under this Part a licence or a permit to a person to carry on the business of a bookmaker unless the person has given security to the Commission, in the approved form, in an amount or to a value determined by the Commission, being no more than the prescribed amount, for payment of all bets accepted by the person in his capacity of a bookmaker that are winning bets or for payment of moneys payable by that person to the Commission.
- (2) The Commission may, from time to time, re-determine the amount or the value of the security required under subsection (1) of a bookmaker and where it does so, it shall not, if the re-determined amount or value is greater than the previous amount or value, renew the licence or permit of the bookmaker until he has increased the security given to the Commission to the re-determined amount or value.
- (3) Where the Commission is satisfied that a bookmaker has refused or omitted to pay an amount payable for turnover tax, winning bets or due to the Commission, it may pay that amount from any money received by it under and in accordance with a security given by the bookmaker and held by it under this section.
- (4) Where the Commission makes a payment under subsection (3), it shall, under section 80, cancel the licence or the permit, as the case may be, of the bookmaker or suspend the licence or the permit until such time as the bookmaker repays to the Commission the amount that it has paid and for such further time, if any, as the Commission thinks fit.

- (5) Moneys payable by a bookmaker for turnover tax or other amounts due to the Commission shall be paid in full from any security given by a bookmaker and held under this section by the Commission before payment is made of a winning bet.

73 Supply and control of betting tickets

- (1) Subject to subsection (2), all betting tickets used by a bookmaker shall be printed by or at the direction of the Government Printer in an approved form and shall be purchased from the Commission.
- (2) Where a bookmaker, with the prior written approval of the Commission, uses any equipment, device or service for the recording of bets that issues or causes to be issued a form of betting ticket other than the form approved under subsection (1), the Commission may, after entering into such arrangements with that bookmaker as are, in its opinion, adequate to secure the full and proper payment of the purchase price that the bookmaker is liable, or may become liable, to pay under subsection (1), approve, in writing, the use by the bookmaker of a form of betting ticket other than the form approved under subsection (1).
- (3) A person:
- (a) shall not purchase or otherwise acquire a betting ticket in the form referred to in subsection (1) unless that person is a bookmaker and the betting ticket is purchased from the Commission for use in bookmaking by the bookmaker;
 - (b) other than the Commission, shall not sell or supply (except as a bookmaker issuing or delivering it to a bettor in respect of a bet) or cause or permit to be sold or supplied to a person a betting ticket; or
 - (c) shall not issue or deliver, or cause or permit to be issued or delivered, to a bettor a betting ticket in a form other than that approved under this section.

Penalty: \$2,000.

73A Commission to determine purchase price

For the purposes of sections 73 and 75 the purchase price of a betting ticket and a betting sheet shall be as determined, from time to time, by the Commission.

74 Bookmakers to issue betting tickets

- (1) Unless otherwise approved, a bookmaker shall, on making a bet with a person, immediately issue or cause to be issued in respect of

the bet and, except where the bet is a credit bet, deliver or cause to be delivered to the bettor who made the bet, a betting ticket, clearly showing on it in the manner prescribed such particulars of the bet as are prescribed.

- (2) Subject to subsection (3), a bookmaker shall issue or cause to be issued a separate betting ticket in respect of each bet made by him.
- (3) Where a bookmaker makes a win bet and a place bet at the same time in respect of the same runner, he may issue one betting ticket in respect of both those bets.
- (4) A bookmaker shall not destroy a betting ticket presented to him by a bettor for payment of a winning bet claimed by that bettor to be payable to him before that bettor has satisfied himself as to the correctness or otherwise of his claim or of the amount paid or payable to him, and where the bettor is not so satisfied, the bookmaker shall return the betting ticket intact to the bettor.
- (5) For the purposes of subsection (4), a bettor shall be deemed to be satisfied of correct payment if he leaves the immediate area where the bookmaker normally effects payment of winning bets, without the betting ticket, unless before doing so he has disputed an adjudication given by or on behalf of that bookmaker and that bookmaker has refused or failed to return the betting ticket intact to him.

Penalty for an offence against this section: \$5,000.

75 Supply and control of betting sheets

- (1) Subject to subsection (2), all betting sheets used by a bookmaker shall be printed by or at the direction of the Government Printer in an approved form and shall be purchased from the Commission.
- (2) Subject to subsection (3), where a bookmaker, with the prior written approval of the Commission, uses any equipment, device or service for the recording of bets and that equipment, device or service prints or records, or causes to be printed or recorded a form of betting record other than the form approved under subsection (1), the Commission, after entering into such arrangements with that bookmaker as are, in its opinion, adequate to secure the full and proper payment of all bookmaker's turnover tax that the bookmaker is liable or may become liable to pay, may, in writing, approve the use by the bookmaker of a form of betting record other than the form approved under subsection (1).

- (3) A person:
- (a) shall not purchase or otherwise acquire a betting sheet in the form approved under subsection (1) unless he is a bookmaker and the betting sheet is purchased from the Commission for use by him in his bookmaking;
 - (b) without the approval of the Commission, shall not sell, supply, or cause or permit to be sold or supplied to a person a betting sheet in the form approved under subsection (1); and
 - (c) shall not use or cause or permit to be used a betting record that is not a betting sheet in the form approved under subsection (1) purchased from the Commission unless the Commission has approved, in writing, the use of that form of betting record by that person.

Penalty: \$5,000.

76 Bookmakers to account for records

- (1) Subject to subsection (2), a bookmaker shall furnish to the Commission, at the time and in the manner required by the Commission, the original of every betting sheet used by him and shall, on demand made by the Commission, account to its satisfaction for every betting sheet, whether used or unused, supplied to him by the Commission or other person approved by the Commission to supply them.
- (2) A bookmaker to whom the Commission has granted an approval under section 75(2) shall furnish to the Commission, at the time and in the manner required by the Commission, a true copy of each approved form of betting record upon which is recorded the particulars of all bets made by him or on his behalf.
- (3) Notwithstanding that a person has ceased to carry on bookmaking, subsection (1) or, as the case may be, (2) and section 78(3) shall, in respect of such bookmaking, continue to apply to him and he shall be liable accordingly.

77 Bookmakers to record all bets on approved betting sheets

- (1) A bookmaker, in respect of each bet made by him or on his behalf, shall enter or cause to be entered on all copies of the approved form of betting sheet or in, on or through such other form approved under section 75(2) by the Commission, immediately upon the making of that bet and before the making of any other record or note of that bet whether in writing or in any other manner, complete, accurate and legible particulars of that bet as prescribed and shall keep so entered all such particulars of that bet.

- (2) A bookmaker, in respect of each bet made by him or on his behalf, shall retain all records referred to in this section for a period of not less than 3 years from the date on which they were made or such longer period as is prescribed.
- (3) A bookmaker shall, when required to do so by the Commission, furnish to the Commission a duplicate copy of each betting sheet used by him.
- (4) A bookmaker shall, on demand made orally or in writing by the Commission, a betting inspector or a person authorized by the Commission, produce and deliver for inspection all such records and any item of recording equipment or any other equipment, device or thing as are demanded and shall allow such records, recording equipment or other equipment, device or thing to be inspected or investigated by the Commission, betting inspector or authorized person in such manner as it or he thinks fit.
- (5) A bookmaker shall comply with such further requirements for the recording of bets made by him or on his behalf as are prescribed.
- (6) A person who contravenes or fails to comply with this section is guilty of an offence.

Penalty: For a first offence – \$5,000.

 For a second offence – \$10,000.

 For a third or subsequent offence – \$15,000.

78 Supervision of bookmakers

- (1) A betting inspector or other person authorized in writing by the Commission may, at a racing venue or licensed premises, demand from a person the production and delivery to him of a book, document, card, paper, ticket, record or any equipment, device or thing of any kind that he has reasonable grounds for believing is being or has been used for the purpose of making records relating to betting and may, if he believes on reasonable grounds that an offence against this Act has been committed in relation thereto, take possession of the item demanded.
- (2) A person referred to in subsection (1) shall promptly comply fully with the demand made of him under that subsection.
- (3) A betting inspector or person authorized in writing by the Commission may enter a racing venue or licensed premises and may request the occupier thereof or an employee or agent of the occupier or a bookmaker or key employee or an employee or agent of a bookmaker or an employee or agent of a control body

exercising control over that racing venue or licensed premises, to assist that betting inspector or person as the betting inspector or person considers necessary for the purpose of ascertaining whether this Act is being complied with or whether a breach of this Act has been committed.

- (4) A person requested under subsection (3) to assist shall promptly comply with that request.

Penalty for an offence against this section:

For a first offence – \$5,000.

For a second offence – \$10,000.

For a third or subsequent offence – \$15,000.

79 Offences by bookmakers

A bookmaker who:

- (a) procures a person to make on his behalf or on behalf of another bookmaker a bet that, if made by the bookmaker himself, would be contrary to this Act;
- (b) issues or delivers to a person in respect of a bet a betting ticket previously used in respect of some other bet;
- (c) issues or delivers to a person a betting ticket that has not been purchased from the Commissioner of Taxes or his agent or licensee;
- (e) issues or delivers to a person a betting ticket upon which the name of another bookmaker is printed;
- (f) sells or transfers a betting ticket to another person;
- (g) makes a bet in respect of a race whereby he agrees to pay to the bettor, if the latter should win the bet, an amount which is dependent on or related to a dividend declared and paid by a totalizator;
- (h) enters or keeps recorded a record under or for the purposes of this Act that is false or misleading in a material particular;
- (j) fails to include in a return furnished under or for the purposes of this Act information required by or under this Act to be included in the return; or

- (k) advertises his calling as a bookmaker otherwise than as prescribed,

is guilty of an offence.

Penalty: \$5,000.

80 Suspension or cancellation of licence or permit

- (1) The Commission may discipline a bookmaker by reprimanding him, imposing on him a fine not exceeding \$2,000 or, in the case of a sports bookmaker, not exceeding \$20,000 or suspending or cancelling a licence or permit granted under this Part if it is satisfied that the bookmaker:

- (a) has committed an offence against this Act or rules made under section 83 or has failed to perform a duty required of him by this Act;
- (b) has failed to pay, within 3 days after having been required by the Commission to do so, a bet accepted by him that is a winning bet;
- (c) has entered into an arrangement with a person under which that person derives or is entitled to derive a benefit or advantage, unless that person is a person whose name is endorsed on the licence or permit of the bookmaker as provided by section 90(5) or 102(5) or unless the arrangement has been approved by the Commission; or
- (d) has failed to comply with a condition of his licence or permit.

- (1A) The Commission:

- (a) may suspend a licence granted under this Part to a bookmaker if the bookmaker fails to pay the annual licence fee within 30 days after the date on which the fee is payable; or
- (b) may cancel a licence granted under this Part to a bookmaker if the bookmaker fails to pay the annual licence fee within 90 days after the date on which the fee is payable.
- (2) The Commission shall cancel the licence or permit of a bookmaker if it is satisfied that the bookmaker is not a fit and proper person to continue to hold his licence or permit.
- (3) The Commission shall cancel the licence or permit of a bookmaker upon receiving from him a request in writing for the Commission to do so.

- (4) Where a court, in pursuance of a power conferred on it by this Part, orders that a bookmaker deliver up his licence or permit to the Commission for suspension for a period or for cancellation, the Commission, upon the delivery up of the licence or permit, shall suspend it for that period or cancel it, as the case requires.
- (5) Where the Commission cancels the licence or permit of a bookmaker, it shall inquire whether all bets accepted by the bookmaker that are winning bets have been paid by him, and:
 - (a) where it is satisfied that all such bets have been paid – shall vacate the security that it holds under section 72 in respect of the bookmaker; or
 - (b) in any other case – shall realize that security and divide the proceeds, as prescribed, among the persons who made those winning bets.
- (6) Where the Commission suspends the licence or permit of a bookmaker, the licence or permit is, during the period of the suspension, of no effect.

81 Licensed or registered bookmakers not to do certain things

A bookmaker who, except with the approval of the Commission:

- (a) enters into a partnership in relation to the business of bookmaking carried on under his licence or permit with a person whose name is not endorsed on his licence or permit;
- (b) makes an arrangement or enters into an agreement with a person whereby that person becomes entitled to a share in the profits of that business;
- (c) borrows money, except from an approved financial institution, for use in that business; or
- (d) lays off a bet with a person unless the person is licensed or registered in accordance with a law where the person conducts his business of bookmaking,

is guilty of an offence.

Penalty: \$5,000.

82 Special betting permitted

- (1) A bookmaker may, subject to this Act, accept a bet from a person on an event in the programme of a race meeting to be held on a day other than the day on which the bet is placed.

- (2) The Commission may, on the application of a bookmaker, grant a special licence or special permit, as the case may be, to the bookmaker to conduct feature doubles.
- (4) A special licence or special permit granted under subsection (2) shall be subject to such conditions as the Commission thinks fit and endorses on the licence or permit.

83 Commission may make Rules

- (1) In this section, **betting** includes the determination of an official starting price and the negotiation, acceptance and distribution of moneys in connection with bets and the settling of bets.
- (2) The Commission, with the approval of the Minister, may make rules, not inconsistent with this Act, for the control and regulation of betting by bookmakers.
- (3) Rules made under subsection (2) may impose penalties, not exceeding \$5,000, for offences against the Rules.

85 Legal proceedings in respect of bets

- (1A) For the purposes of this section, a bet is not lawful if it is declared by the Commission, after an investigation in accordance with this section, to be not lawful.
- (1) Subject to this section, a person may take proceedings for the recovery of moneys payable on a winning lawful bet, or for the recovery of moneys payable by a bettor on account of a lawful bet made and accepted.
- (2) Where a dispute relating to lawful betting occurs between a bookmaker and a person, the dispute shall be referred by the bookmaker, and may be referred by the other party to the dispute, to the Commission.
- (2A) Where it appears to the Commission, on the complaint of a person or of its own motion, that a sporting event (other than a horse race, trotting race or greyhound race) may not have been fairly or lawfully conducted or for any other reason the result of the event, either generally or in relation to a particular bet or class of bets, is not what would be legitimately expected if all steps in the proceedings of the event or the declaration of its result were honestly and fairly conducted or declared, the Commission may declare the event to constitute a dispute for the purposes of this section and declare any person to be a party to the dispute.

- (3) Where a dispute has been referred under subsection (1) to the Commission or declared under subsection (2A), the Commission may:
 - (a) summon the parties to the dispute to appear and to give evidence before it;
 - (b) take evidence relating to the dispute from other persons; and
 - (c) require a party to the dispute to produce any books, accounts, tickets or other documents which, in the opinion of the Commission, ought to be examined in order to determine the dispute.
- (4) The Commission shall hear and determine all disputes referred to it under this section.
- (5) Where a party to a dispute who has been summoned to attend before the Commission fails without reasonable excuse to attend, the Commission shall determine the dispute in favour of the party who attends or, in the case of a dispute declared under subsection (2A), as it thinks fit, including declaring the event void.
- (6) The determination by the Commission of a dispute referred to it under subsection (1) shall be final and conclusive as to the matter in dispute.
- (7) In determining a dispute under this section, the Commission shall not be bound by rules of procedure or evidence but may inform itself of the facts necessary to determine the dispute in such manner as it thinks fit.

86 Orders forbidding impoverished persons to bet

- (1) Upon complaint in writing made to a Court that a person, by excessive betting, has impoverished or is likely to impoverish himself to such a degree as to expose to want, or endanger the welfare of, himself or his family, the Court shall issue a summons calling on that person to appear at a time and place in the summons, and to show cause why an order should not be made forbidding that person to bet with a bookmaker.
- (2) At the time and place in the summons referred to in subsection (1), the Court may:
 - (a) investigate the matters contained in the complaint, and hear the evidence adduced in support of it, and also the evidence, if any, of the person complained against and of any witnesses called on his behalf;

- (b) summon a bookmaker to give evidence of the matters complained of;
 - (c) adjourn the investigation from time to time; and
 - (d) upon proof to its satisfaction of the facts alleged in the complaint, make an order forbidding that person to bet with a bookmaker for a period not exceeding 2 months from the date of the order.
- (3) A bookmaker who, after receiving notice of an order made under subsection (2), accepts a bet from the person named in the order is guilty of an offence.

Penalty: \$2,000.

- (4) A person in respect of whom an order made under subsection (2) is in force who bets with a bookmaker or loiters about or enters a racing venue or licensed premises, is guilty of an offence.

Penalty: \$2,000.

- (5) An order made under subsection (2) may be revoked by the Court.
- (6) All proceedings under this section shall be held in camera.

87 Liability of bookmakers' employees

- (1) Where an employee of a bookmaker, by act or omission related to the business of the bookmaker, commits an offence against this Act, the bookmaker and the employee shall be severally liable in respect of the offence.
- (2) In a prosecution of a bookmaker for an offence against this Act for an act or omission of his employee, it is not a defence:
- (a) that the bookmaker had no knowledge of the act or omission of the employee; or
 - (b) that it was not the intention of the bookmaker that the employee should do the act or make the omission.

88 False or misleading statements in applications, &c.

A person who in an application, return or other document made or furnished under this Act, knowingly makes a statement which is false or misleading in a material particular is guilty of an offence.

Penalty: \$5,000 or imprisonment for 12 months and, in addition, the Court finding the person guilty shall, if

the person found guilty is a bookmaker, order him to deliver up his licence or permit, as the case may be, to the Commission for cancellation.

Division 2 Sports bookmakers

89 Applications for licences

- (1) A person, other than a person who holds a licence under the *Totalisator Licensing and Regulation Act*, may apply under this section for a licence to conduct the business of a sports bookmaker in premises specified in the application.
- (2) An application under subsection (1) shall be:
 - (aa) made to the Commission;
 - (a) in the approved form; and
 - (b) accompanied by:
 - (i) such evidence as the Commission requires of the applicant's ability to carry on the business of a sports bookmaker; and
 - (ii) the prescribed fee,

and, where the application is made by a corporation, shall nominate a person to carry out the functions of the sports bookmaker under this Division.

- (3) In addition to subsection (2), where an application under subsection (1) is made by a corporation, the Commission may require the corporation to provide such information relating to the operations and structure of the corporation and relating to the directors of, and of all persons concerned in the management or control of, the corporation, as the Commission thinks fit.

89A Licensing under this Part of person holding licence under *Totalisator Licensing and Regulation Act*

- (1) In this section, **authority** has the same meaning as in the *Totalisator Licensing and Regulation Act*.
- (2) A person who holds a licence under the *Totalisator Licensing and Regulation Act* may apply under this section for a licence to conduct the business of a sports bookmaker in premises specified in the application.

- (3) If a person referred to in subsection (2) is conducting or will conduct business under the licence held under the *Totalisator Licensing and Regulation Act* that would, but for the grant of that licence, be conducted under a licence granted under this Part, the person may, but is not required to, apply for a licence under subsection (2).
- (4) An application under subsection (2) is to:
 - (a) be made to the authority;
 - (b) be in a form approved by the authority;
 - (c) be accompanied by:
 - (i) the information required by the authority; and
 - (ii) the prescribed fee; and
 - (d) if the applicant is a company or body corporate – nominate a person who will carry out the functions of the sports bookmaker under this Division.
- (5) The authority may require the applicant to supply additional information that will assist it to determine the application.
- (6) The authority may do any of the following:
 - (a) grant a licence applied for under subsection (2);
 - (b) renew or vary the licence under this Division;
 - (c) grant a special licence within the meaning of section 93 to the person to whom the authority granted the licence.
- (7) For the purpose of subsection (6), the authority has the same powers, functions and limitations that the Commission has under this Act and any reference to the Commission in this Act is to be taken to include a reference to the authority.
- (8) If a person who holds a licence under the *Totalisator Licensing and Regulation Act* applies for and is granted a licence under this Part:
 - (a) this Act applies and the authority may exercise its powers and perform its functions under subsections (6) and (7) in respect of the licence only to the extent that there is no inconsistency between the operation of the *Totalisator Licensing and Regulation Act* and the operation of this Act; and
 - (b) in the event of an inconsistency between a term or condition of the licence held under the *Totalisator Licensing and Regulation Act*

Regulation Act and the licence granted under this Part – the term or condition of the licence held under the *Totalisator Licensing and Regulation Act* is to be complied with.

90 Commission may grant licence

- (1) The Commission may grant or refuse to grant a licence applied for under section 89.
- (2) For the purposes of determining whether to grant or refuse to grant a licence under this section the Commission may carry out, or cause to be carried out, such investigations and inquiries as the Commission considers necessary.
- (2A) In determining whether to grant or refuse to grant a licence under this section, the Commission must have regard to the following:
 - (a) whether the applicant is of good repute, having regard to character, honesty and integrity;
 - (b) whether the applicant is of sound and stable financial background;
 - (c) in respect of a corporation – whether it has or has arranged a satisfactory ownership, trust or corporate structure;
 - (d) whether the applicant has or is able to obtain financial resources that are adequate to ensure the financial viability of the business proposed to be conducted and to obtain the services of persons who have sufficient experience in the management and operation of the business;
 - (e) whether the applicant has sufficient business ability to establish and maintain the business proposed to be conducted;
 - (f) whether the applicant or any person to be involved in the management or operation of the business proposed to be conducted has any association with any person, body or association who or which, in the opinion of the Commission, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources;
 - (g) whether each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Commission to be associated or connected with the ownership, administration or management of the operations or business of the applicant is a suitable person to act in that capacity.

- (3) A licence shall apply to the premises specified in the licence.
- (5) Without limiting the generality of subsection (4), where the Commission grants a licence to a corporation, it may impose conditions relating to the structure and assets of the corporation, including requiring the approval of the Commission before any change may be made to its structure or assets or to the Directors and persons concerned in the management or control of the corporation and requiring the giving of undertakings and the lodging of securities by directors and persons concerned in the management or control of the corporation.
- (5A) Where a licence is granted to a corporation, the licence document shall, in addition to the name of the corporation to which it is granted, have endorsed on it the name and address of the person nominated in the application for the licence as required by section 89(2).
- (6) Where a licence is granted to a person who has applied for the licence on behalf of and for the benefit of himself and other persons, the licence shall, in addition to the name of the sports bookmaker, contain an endorsement of the names and addresses of the persons, other than the sports bookmaker, on behalf of whom and for whose benefit the licence is granted.
- (7) A person whose name is not endorsed on a licence who, except with the approval of the Commission, acquires or holds an interest in or derives a benefit from the business of bookmaking carried on by a sports bookmaker is guilty of an offence.

Penalty: \$5,000.

90A Costs of investigation of application

- (1) Where the Commission carries out an investigation or inquiry under section 90, the Commission may require the applicant for the licence to meet the cost of the investigation or inquiry.
- (2) The Commission may require the applicant to make specified payments towards the cost of the investigation or inquiry before the investigation or inquiry begins and during the course of the investigation or inquiry.
- (3) If a payment is not made as required by the Commission, the Commission may discontinue the investigation or inquiry.
- (4) At the end of the investigation or inquiry, the Commission must certify the cost of the investigation or inquiry and any unpaid balance of that cost may be recovered from the applicant as a debt due and payable to the Territory.

- (5) In proceedings for recovery of the cost (or the balance of the cost) of an investigation or inquiry, the Commission's certificate is conclusive evidence of the cost.

91 Renewal of licences

- (1) On application in the approved form by a sports bookmaker and payment of the prescribed fee, the Commission may renew a licence granted under this Division.
- (1A) Section 90(2A) applies to an application for the renewal of a licence under this section as if the application were for the grant of the licence.
- (2) The renewal of a licence under this Division shall be:
- (a) subject to the same conditions as the original licence; or
- (b) if the Commission thinks fit, subject to different conditions.
- (3) Subsection (2)(b) does not permit the Commission to impose a condition that varies the effect of a prescribed condition to which the licence is subject.

92 Variation etc. of licences

- (1) A sports bookmaker may apply to the Commission for a variation of his licence or the conditions to which it is subject and the Commission may, or may refuse to, vary the licence or the conditions, as it thinks fit.
- (2) Subject to this section, the Commission may, from time to time, vary the licence of a sports bookmaker or the conditions to which it is subject or impose additional conditions on the licence.
- (3) Before exercising its powers under subsection (2), the Commission shall, by notice in writing to the sports bookmaker, notify the sports bookmaker of the variation of the licence or the conditions or of the conditions to be imposed on the licence.
- (4) The Commission may, not earlier than 28 days after a notice is sent to a sports bookmaker under subsection (3), vary the licence or the conditions to which it is subject or impose additional conditions on the licence.
- (5) The Commission shall, in exercising its powers under subsection (4), consider the representations, if any, of the sports bookmaker.

- (6) This section does not permit the Commission to vary the effect of a prescribed condition to which the licence is subject.

93 Special permit

- (1) The Commission may, on the application of a sports bookmaker, grant a special licence to the bookmaker to carry on the business of bookmaking in relation to a sporting event in respect of which it is granted at a sporting venue endorsed on the licence and the sports bookmaker may carry on that business accordingly.
- (2) A special licence granted under subsection (1) shall be subject to such conditions, if any, as the Commission thinks fit and endorses on the licence.

96 Power to exclude or remove persons from licensed premises

- (1) A sports bookmaker shall exclude or remove from his licensed premises a person:
- (a) who he believes, on reasonable grounds, to be intoxicated or under the influence of a drug; or
 - (b) who is violent, disorderly, quarrelsome or, in the opinion of the bookmaker, incapable of controlling his behaviour.
- (2) A person referred to in subsection (1) who, on being requested by the sports bookmaker, an employee of the sports bookmaker, a betting inspector or a member of the Police Force to leave licensed premises, fails immediately to leave those premises is guilty of an offence.

Penalty: \$2,000.

- (3) A member of the Police Force shall, at the request of a sports bookmaker, an employee of the sports bookmaker or a betting inspector, remove or assist to remove from licensed premises a person who has been requested in accordance with subsection (2) to leave the licensed premises, and may use such force as is reasonably necessary for that purpose.

97 Approval of sports bookmaker's agent

- (1) A sports bookmaker shall not allow his licensed premises to be open for business on a day when he is not in attendance to supervise the conduct of the business unless he has first obtained permission in accordance with this section for a bookmaker's agent to act for him during his absence.

Penalty: \$2,000.

- (2) An application by a sports bookmaker for permission for a bookmaker's agent to act for him in his absence shall be made to the Commission in writing in an approved form.
- (3) The Commission may approve an application under subsection (2) for a period not exceeding 12 months or may refuse the application.
- (4) A bookmaker's agent permitted under subsection (3) to act for a sports bookmaker shall cause a notice stating:
 - (a) the fact that the permission has been granted;
 - (b) the period for which the permission has been granted; and
 - (c) his name,

to be displayed prominently on the licensed premises at all times during which those premises are opened for business during the absence of the person for whom he is permitted to act.

Penalty: \$2,000.

- (5) A bookmaker's agent permitted under subsection (3) to act for a sports bookmaker has the same duties, and is liable to the same extent, as if he were the holder of a licence under this Part and the licence of the person for whom he is permitted to act were his licence.
- (6) Where an act or omission of a bookmaker's agent permitted under subsection (3) to act for the holder of a licence constitutes a contravention of or failure to comply with this Act, the bookmaker's agent and the holder of the licence are severally liable in respect of the offence.
- (7) In a prosecution of a sports bookmaker for an offence against this Act for an act or omission of his agent, it is not a defence:
 - (a) that the bookmaker had no knowledge of the act or omission of the agent; or
 - (b) that it was not the intention of the bookmaker that the agent should do the act or make the omission.

Division 3 Registered bookmakers

100 Control by control bodies and clubs over registered bookmakers

- (1) Subject to subsections (2) and (3), nothing in this Act shall authorize a person to carry on bookmaking at a racing venue

without the permission of the club holding a meeting at that venue, or affect the right of that club to impose conditions in respect of the carrying on of bookmaking by a person at that venue.

- (2) A control body may in writing authorize a registered bookmaker to field at a meeting held by a club under its control.
- (3) A control body may, in an authorization under subsection (2):
 - (a) direct the authorized registered bookmaker to field in a particular place at the racing venue;
 - (b) specify the betting service he may offer to the persons attending a meeting at the racing venue; and
 - (c) impose such conditions and restrictions on him as it thinks fit and specifies in the authorization.

102 Registered bookmakers

- (1) A person may apply to the Commission for a licence to operate as a registered bookmaker:
 - (a) at a race meeting conducted by a club on a licensed race-course;
 - (b) at a trotting meeting conducted by a club on a licensed paceway;
 - (c) at a greyhound meeting conducted by a club on a licensed greyhound-racing ground; or
 - (d) at a prescribed event.
- (2) An application under subsection (1) shall be:
 - (a) in the approved form; and
 - (b) accompanied by:
 - (i) such evidence as the Commission requires of the applicant's ability to carry on the business of a registered bookmaker; and
 - (ii) the prescribed fee.
- (3) The Commission may grant or refuse to grant a licence applied for under subsection (1).

- (3A) In determining whether to grant or refuse to grant a licence applied for under subsection (1), the Commission may carry out, or cause to be carried out, any investigations and inquiries that the Commission considers necessary.
- (3B) In determining whether to grant or refuse to grant a licence applied for under subsection (1), the Commission must have regard to the following:
- (a) whether the applicant is of good repute, having regard to character, honesty and integrity;
 - (b) whether the applicant is of sound and stable financial background;
 - (c) in respect of a corporation – whether it has or has arranged a satisfactory ownership, trust or corporate structure;
 - (d) whether the applicant has or is able to obtain financial resources that are adequate to ensure the financial viability of the business proposed to be conducted and to obtain the services of persons who have sufficient experience in the management and operation of the business;
 - (e) whether the applicant has sufficient business ability to establish and maintain the business proposed to be conducted;
 - (f) whether the applicant or any person to be involved in the management or operation of the business proposed to be conducted has any association with any person, body or association who or which, in the opinion of the Commission, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources;
 - (g) whether each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Commission to be associated or connected with the ownership, administration or management of the operations or business of the applicant is a suitable person to act in that capacity.
- (4) A licence granted under subsection (3):
- (a) is subject to the prescribed conditions; and

- (b) may authorize, subject to the approval of the club concerned, the holder to operate as a bookmaker at a meeting on a licensed race-course, paceway or greyhound-racing ground during a period specified in the licence.
- (5) Where a licence is granted to a person who has applied for the licence on behalf of and for the benefit of himself and other persons, the licence shall, in addition to the name of the registered bookmaker, contain an endorsement of the names and addresses of the persons, other than the registered bookmaker, on behalf of whom and for whose benefit the licence is granted.
- (6) A person whose name is not endorsed on a licence who, except with the approval of the Commission, acquires or holds an interest in or derives a benefit from, the business of bookmaking carried on by the registered bookmaker is guilty of an offence.

Penalty: \$5,000.

102A Costs of investigation of application

- (1) Where the Commission carries out an investigation or inquiry under section 102, the Commission may require the applicant for the licence to meet the cost of the investigation or inquiry.
- (2) The Commission may require the applicant to make specified payments towards the cost of the investigation or inquiry before the investigation or inquiry begins and during the course of the investigation or inquiry.
- (3) If a payment is not made as required by the Commission, the Commission may discontinue the investigation or inquiry.
- (4) At the end of the investigation or inquiry, the Commission must certify the cost of the investigation or inquiry and any unpaid balance of that cost may be recovered from the applicant as a debt due and payable to the Territory.
- (5) In proceedings for recovery of the cost (or the balance of the cost) of an investigation or inquiry, the Commission's certificate is conclusive evidence of the cost.

102B Renewal of licences

- (1) On application in the approved form by a registered bookmaker and payment of the prescribed fee, the Commission may renew a licence granted under this Division.

- (2) The renewal of a licence under this Division is:
 - (a) subject to the same conditions as the original licence; or
 - (b) if the Commission thinks fit – subject to different conditions.
- (3) Subsection (2)(b) does not permit the Commission to impose a condition that varies the effect of a prescribed condition to which the licence is subject.

Division 4 Key employees

103 Licensing of key employees

- (1A) A bookmaker must not employ or engage a person at a racing venue or on licensed premises in a position or to perform a function:
 - (a) where the person controls or exercises significant influence over the operations conducted under the bookmaker's licence; or
 - (b) that is designated a key position or key function,unless the person is holder of a licence granted under this section.

Penalty: \$2 000.
- (1B) The Commission may, by notice to a bookmaker, designate a position to be a key position or a function to be a key function.
 - (1) The Commission may, in its discretion, on receipt of an application in the approved form and the prescribed fee, grant or renew, or refuse to grant or renew, a licence permitting a person to be employed or engaged by a bookmaker as a key employee at a racing venue or on licensed premises.
 - (2) A licence under subsection (1) shall be subject to such conditions as the Commission thinks fit and endorses on the licence.
 - (4) A person who is employed or engaged as a key employee by a bookmaker at a racing venue or on licensed premises without being the holder of a current key employee's licence is guilty of an offence.

Penalty: \$2,000.

- (5) A person who is, or who appears to be, employed or engaged as a key employee by a bookmaker at a racing venue or on licensed premises shall, on demand by a betting inspector or person authorized by the Commission, produce his key employee's licence.

Penalty: \$2,000.

104 Remote clerks

- (1) Subject to subsection (2), upon application in writing made by a bookmaker to the Commission, the Commission may grant a permit to a person who is then licensed by the Commission as a key employee, and who is nominated by that bookmaker, to act as a bookmaker's remote clerk for the purpose of conducting part of that bookmaker's business of bookmaking at a place remote from the place where that bookmaker is permitted by a licence granted under section 90 or his permit to carry on bookmaking.
- (2) A permit granted under subsection (1) shall not authorize a bookmaker's remote clerk to conduct part of a bookmaker's business of bookmaking in a place where or at a time when a bookmaker is normally permitted or could reasonably be permitted to conduct his business.
- (3) Where a permit is granted under subsection (1) in relation to a racing venue, the Commission shall notify the club concerned of the granting of the permit.
- (4) A bookmaker shall not nominate or have authorized more than one bookmaker's remote clerk at any one time.
- (5) A registered bookmaker's remote clerk shall not conduct part of a bookmaker's business of bookmaking at a meeting under a permit under subsection (1) unless:
- (a) the bookmaker concerned conducts his business of bookmaking at that meeting; and
 - (b) all bets made by or on behalf of that bookmaker's remote clerk are made on behalf of the bookmaker concerned and are aggregated for the purposes of this Act with all other bets made by or on behalf of that bookmaker.
- (6) A bookmaker's remote clerk shall, for the purposes of this Act, be deemed to be the bookmaker during the period covered by a permit under subsection (1) and shall be subject to this Act and the Regulations to the same extent as he would be subject if he were himself the holder of a bookmaker's licence or permit.

- (7) The Commission may, in its discretion, grant or refuse to grant a permit sought under subsection (1), and may withdraw a permit granted by it, without assigning a reason for the refusal or withdrawal, and shall notify the club concerned of a refusal or withdrawal of a permit.

105 Suspension of licence

Where a key employee employed or engaged by a bookmaker:

- (a) fails to enter or cause to be entered on all copies of the approved form or in, on or through any other form of betting record used by that bookmaker with the approval of the Commission, immediately upon the making of a bet, complete, accurate and legible particulars of that bet; or
- (b) makes a record or note of a bet made by that bookmaker, whether in writing or otherwise, before he has entered or caused to be entered complete, accurate and legible particulars of the bet on all copies of the approved form or in, on or through any other form of betting record used by the bookmaker with the approval of the Commission,

the Commission may, whether or not the key employee is prosecuted for an offence constituted by his act or omission, suspend the licence granted to the key employee for such period as it thinks fit.

Division 5 Turnover tax

106 Turnover tax

- (1) Subject to subsection (6), a sports bookmaker shall pay to the Commission, on or before Wednesday of each week, a tax on the sum of the amounts wagered by persons with him or with a person on his behalf in the week ending at midnight on the immediately preceding Sunday, calculated at the rate of:
- (a) 0.0% on amounts wagered by persons in Australia on sporting events, other than horse races, trotting races or greyhound races;
- (aa) 0.25% on amounts wagered by persons in New Zealand on sporting events, other than horse races, trotting races or greyhound races;
- (b) 1.0% on amounts wagered by persons on sporting events that are horse races, trotting races or greyhound races; or

(c) in any other case, 0.25%.

Penalty: \$5,000 or imprisonment for 12 months.

- (2) Subject to subsection (6), a registered bookmaker or a country bookmaker shall pay to the Commission, on or before the Wednesday of each week, a tax calculated at the rate of 1.0% of the sum of the amounts wagered by persons with him or with a person on his behalf in the week ending at midnight on the immediately preceding Saturday.

Penalty: \$5,000 or imprisonment for 12 months.

- (3) A tax payable under this section is recoverable by the Commission as a debt due and payable by the bookmaker.
- (4) Where a Court finds a person guilty of an offence against this section it may, in addition to any penalty imposed, order the person found guilty to pay to the Commission the amount of the tax to which the finding of guilt relates.
- (5) A certificate setting out the terms of an order made under subsection (4) may be filed in a court of competent jurisdiction and may be enforced as if it were a judgment of that court.
- (6) The Minister may, by notice in the *Gazette*, vary the method of calculation and the rate of tax referred to in subsections (1) and (2) and the method or rate as varied shall apply, and tax calculated in accordance with that method and rate is payable, accordingly.

107 Bookmakers to lodge returns

- (1) A bookmaker shall, on or before Wednesday of each week, lodge at the offices of the Commission a return showing details of all bets made with him or a person on his behalf in the week ending at midnight on the immediately preceding Saturday or, in the case of a sports bookmaker, the immediately preceding Sunday, together with such other summary or record of that week's bookmaking business carried on by him as the Commission requires.

Penalty: \$5,000.

- (2) The return required by subsection (1) to be lodged shall consist of the originals of the betting sheets kept in pursuance of section 77, during the week to which a payment under section 106 relates.

108 Procedure for payments and returns

- (1) A bookmaker who is required to make a payment under section 106 and to lodge a return under section 107 may make the payment and lodge the return:
 - (a) by delivering the payment and the return to the office of the Commission; or
 - (b) by delivering the payment and the return to an office of Australia Post for transmission by certified mail to the office of the Commission.
- (2) Where a person makes a payment and lodges a return in accordance with subsection (1)(b), the payment is deemed to be made to the Commission and the return is deemed to be lodged with the Commission when a receipt for the envelope containing it is issued by Australia Post.

109 Suspension of licence or permit

Where a bookmaker fails to make a payment in compliance with section 106, or fails to lodge a return in compliance with section 107, his licence or permit, as the case may be, is of no effect until he makes that payment or lodges that return with the Commission.

Part V Totalizators**110 Applications for licences**

A club may apply to the Commission for a licence to establish and use a totalizator at a racing venue at which it holds meetings.

111 Totalizator licences

- (1) The Commission may grant or refuse to grant an application for a licence to establish and use a totalizator at a racing venue.
- (2) Where the Commission grants an application, it shall issue to the applicant a licence to establish and use a totalizator.
- (3) Subject to subsection (4), a licence shall, unless sooner cancelled, be in force from the first day of the month next after the granting of the licence until the succeeding 30 June (both dates inclusive).
- (4) The Commission may at any time cancel a licence.

112 Conditions of use of totalizators

- (1) Subject to section 113, a licence under this Division does not authorize the use of a totalizator except:
 - (a) at its racing venue by the club which established it;
 - (b) in accordance with rules approved under subsection (2);
 - (c) under the care and management of a person appointed for that purpose by the club; and
 - (d) under the supervision of the stewards or committee or governing body of the club.
- (2) The Commission may make rules, not inconsistent with this Act, for the establishment and use of totalizators.

113 Remote control of totalizator

- (1) The Commission may approve the use of a totalizator at a racing venue notwithstanding that the control of the device, instrument, machine, computer or other thing used to effect the aggregation of the distribution of investments is at a place other than the racing venue where investments are accepted or the results of the aggregation are promulgated.
- (2) Where the Commission approves the use of a totalizator under subsection (1), the part of the totalizator that is not maintained or operated by a race club shall be:
 - (a) used in accordance with rules made under section 112(2); and
 - (b) under the care and management of a person appointed for that purpose by the Commission.

114 Application of revenue from totalizators

- (1) A club using a totalizator shall deduct the prescribed commission from the investment paid into the totalizator in respect of a race.
- (2) After deducting the prescribed commission referred to in subsection (1), the club shall, subject to subsection (3), pay by way of dividends as prescribed, all moneys paid into the totalizator in respect of a race.
- (3) A club shall not pay, under subsection (2), a fractional part of a dollar less than 5 cents, and shall pay such fractional parts of a dollar retained by it, and any dividend not paid within 28 days after the declaration of the dividend, into the Consolidated Fund.

- (4) An amount payable under this section into the Consolidated Fund may be recovered from the club as a debt due and payable to the Commission.

115 Recovery of dividends

- (1) A totalizator dividend shall not be recoverable or paid except on presentation of the ticket in relation to which it is claimed.
- (2) Where a dividend is paid under section 114, into the Consolidated Fund, it shall not be recoverable from the Commission unless it is claimed within 3 months after the declaration of the dividend or the Commission, in its discretion, agrees to the payment of the dividend.

116 Dividends Adjustment Fund

- (1) A club using a totalizator shall establish a fund to be called the ***Dividends Adjustment Fund***.
- (2) Subject to subsection (3), where, through error in calculation, the amount of a dividend declared payable in respect of a race is less than, or greater than, the amount which should have been so declared, the difference shall in the first case be credited to, and in the second case debited against, the Dividends Adjustment Fund.
- (3) Where, in the opinion of the Commission, an error referred to in subsection (2) was occasioned by the negligence of a servant or agent of the club, the onus of proving that it was not so occasioned shall be on the club, and any loss caused or contributed to by the error shall be borne by the club.
- (4) On a date to be fixed by the Minister by notice in the *Gazette*, and at the end of every 12 months thereafter, the balance, if any, standing to the credit of the Dividends Adjustment Fund shall be paid into the Fund.

117 Returns of moneys received through totalizators

Within 7 days after the holding of a meeting at which a totalizator is used, the committee or governing body of the club holding the meeting shall lodge with the Commission a return in the approved form.

Penalty: \$100.

119 Commission may assume control of totalizator

- (1) The Commission may, on such terms as it thinks fit, assume control of and use a totalizator which, in its opinion is being mismanaged or misused.
- (2) Where the Commission uses a totalizator in pursuance of this section, it may deduct and retain the prescribed amount of the moneys paid into the totalizator in respect of a race, and shall, subject to subsection (3), pay by way of dividends, as prescribed, the balance of the moneys so paid into the totalizator.
- (3) The Commission shall not pay, under subsection (2) by way of dividends, a fractional part of a dollar less than 5 cents.
- (4) A dividend shall not be recoverable from the Commission unless it is claimed within 3 months, or such longer period as the Commission thinks fit, after the declaration of the dividend.

Part VAA Appeals from decisions of Commission

119A Right to appeal to Local Court

- (1) An applicant for a licence may appeal against the Commission's decision to refuse to grant the licence.
- (2) The holder of a licence may appeal against a decision of the Commission:
 - (a) to suspend or cancel the licence; or
 - (b) to refuse to renew the licence.
- (3) Despite that an applicant is not entitled to be granted a licence by virtue of section 71(3), he or she may appeal against a refusal to grant the licence on the grounds that there are adequate grounds for the Local Court to exercise its power under section 119C to grant the licence.
- (4) Except in respect of an appeal referred to in subsection (3), an appeal may be made only on a question of law.
- (5) The *Local Court Act* and the rules made under that Act apply to an appeal under this Part.

119B Stay of operation of decisions

- (1) The Local Court may grant a stay of a decision appealed against for the purpose of securing the effectiveness of the appeal.

- (2) A stay:
 - (a) may be granted on conditions that the Local Court considers appropriate;
 - (b) has effect for the period specified by the Local Court; and
 - (c) may be revoked or amended by the Local Court.
- (3) The period of a stay specified by the Local Court cannot extend past the time when the Court decides the appeal.
- (4) An appeal against a decision does not affect the operation or carrying out of the decision unless the decision is stayed.

119C Powers of Local Court on appeal

- (1) In deciding an appeal, the Local Court may:
 - (a) confirm the decision appealed against;
 - (b) set aside the decision and substitute another decision; or
 - (c) set aside the decision and return the matter to the Commission with directions that the Local Court considers appropriate.
- (2) In substituting another decision, the Local Court has the same powers as the Commission.
- (3) If the Local Court substitutes another decision, the substituted decision is taken to be the Commission's decision.
- (4) Despite that an appellant is not entitled to be granted a particular licence by virtue of section 71(3), the Local Court may, in substituting another decision, decide to grant the licence if it is satisfied that the appellant is, on the balance of probabilities, a suitable person to be granted the licence.
- (5) The Local Court must not make an order for costs against the Commission.

Part VA Totalizator inspectors

120 Totalizator inspectors

- (1) The Commission may appoint a person to be a totalizator inspector for the purposes of Part V.

- (2) The Commission shall issue to each person appointed as a totalizator inspector an identity card in such form as it thinks fit.
- (3) For the purposes of Part V, a totalizator inspector may:
 - (a) at any time during a race meeting, trotting meeting or greyhound meeting at which a totalizator is used enter free of charge the racing venue where the meeting is being held;
 - (b) at any time, for the purpose of inspecting a totalizator in the building, enter a building containing a totalizator;
 - (c) during an inspection examine a part of the machinery or working of a totalizator, but shall not in any way interfere with the working of it; and
 - (d) require from a person referred to in section 112(1)(c) who has the care and management of a totalizator, any information which the totalizator inspector thinks necessary for the purposes of the inspection.
- (4) A totalizator inspector has such other powers and duties as are prescribed.

Part VI Unlawful betting

124 Unlawful use of totalizator

A person (other than the Commission) who establishes or uses a totalizator except in pursuance of a licence granted under section 111, is guilty of an offence.

Penalty: \$2,000.

132 Betting with person under 18 years prohibited

- (1) A bookmaker or his agent or clerk who:
 - (a) bets with a person who has not attained the age of 18 years;
or
 - (b) bets with a person who he knows is betting on behalf of a person who has not attained that age,

is guilty of an offence.

Penalty: \$500.

- (2) A person having the management or control of a totalizator, or a person employed or acting in any capacity in connection with a

totalizator, who sells to a person who he knows has not attained the age of 18 years, a ticket, card or thing entitling or purporting to entitle a person to an interest in a dividend, is guilty of an offence.

Penalty: \$500.

- (3) A person who has not attained the age of 18 years who makes or offers to make a bet, or who places or attempts to place a bet, with a person or on a totalizator, whether on his own behalf or on behalf of some other person, is guilty of an offence.

Penalty: For a first offence – \$100.

For a subsequent offence – \$500.

- (4) A person who, on behalf of a person who has not attained the age of 18 years, bets with a bookmaker or a clerk or employee of a bookmaker is guilty of an offence.

Penalty: \$500.

- (5) It is a defence to a charge for an offence against this section for the defendant to prove that, at the time of the offence, he believed on reasonable grounds that the person whose age is material to the offence had attained the age of 18 years.

- (6) A person who makes or offers to make a bet with a person who has not attained the age of 18 years shall be deemed to have known that that person had not attained the age unless the person proves that there were reasonable grounds for believing, and that the person did believe, that the person had attained the age of 18 years.

133 Money stolen, &c., paid in bets recoverable

Where money is stolen or embezzled by a person who has not attained the age of 18 years and money is thereafter paid by that person as or for or by way of or on account of a bet, the person from whom the money was stolen or embezzled may, in a court of competent jurisdiction, recover the amount of the money so stolen or embezzled, not exceeding the amount so paid, from the person to whom the money was so paid.

134 False pretences

A person who, by fraud, fraudulent device or practice in betting on a sporting event, pastime or exercise, wins or attempts to win for himself or another person money or a valuable thing is guilty of an offence.

Penalty: Imprisonment for 5 years.

135 Betting contracts

- (1) All contracts or agreements, whether parol or in writing, in relation to unlawful betting are null and void, and no action shall be brought or maintained in a court for recovering money or a valuable thing alleged to be won on an unlawful bet or which has been deposited with a person to abide the event or contingency on which an unlawful bet has been made.
- (2) This section does not apply to a subscription or contribution, or agreement to subscribe or contribute, for or toward a plate, prize or an amount of money to be awarded to the winner of a lawful sporting event.

136 Powers of betting inspectors

- (1) Subject to subsection (4), a betting inspector may, without warrant and with such assistance as he thinks necessary, if necessary by force, enter any place on or in which he has reasonable grounds for suspecting unlawful betting is being, has been or is about to be carried on.
- (2) Subject to subsection (4), a betting inspector who under subsection (1) enters a place referred to in that subsection may direct any person he finds on or in that place to remain on or in that place or a specified part of that place for such period, not exceeding 3 hours, as the betting inspector thinks fit and may direct such person to refrain from doing anything in relation to that place or in the person's possession as the betting inspector thinks fit.
- (3) A person to whom a direction under subsection (2) is given shall comply with and not contravene the direction.

Penalty: \$2,000.

- (4) A betting inspector who enters a place in pursuance of this section is not authorized to:
 - (a) remain in that place; or
 - (b) give a direction under subsection (2),

where, on the request of the person apparently in charge of that place, he does not produce the identity card referred to in section 22(2).

137 Special powers relating to searches, &c.

- (1) Notwithstanding section 117 of the *Police Administration Act*, it shall not be necessary in an information laid or application made for the purpose of obtaining a search warrant for the search of a place on or in which a member of the Police Force has reasonable grounds for suspecting unlawful betting is, has been or is about to be carried on, or in a search warrant issued as a result of that information laid or application made, for the particular items associated with betting for which it is intended to search, or a description of such items, to be specified, and a search for any such item may be conducted by authority of the warrant.
- (2) A member of the Police Force who lawfully enters a place on or in which he has reasonable grounds for suspecting unlawful betting is, has been or is about to be carried on may, with such assistance as he thinks necessary, if necessary by force:
 - (a) open a cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, found on or in the place;
 - (b) without warrant, search a person found on or in the place or the clothing being worn by or property in the control of the person; and
 - (c) seize anything found on or in the place or in the course of the search that he reasonably believes is evidence of or associated with unlawful betting on or in that place.
- (3) The power conferred on a member of the Police Force by this section is in addition to and not in derogation of any other power conferred by a law in force in the Territory.

138 Not necessary to prove that person found betting for money, &c.

It shall not be necessary, in support of a charge for betting on or in, or for suffering betting on or in, or for keeping or using or being concerned in the management or conduct of, a place for unlawful betting, to prove that a person found betting was betting for money or a valuable thing.

139 Effect of discovery of instruments of betting

Where a place suspected to be open, kept or used for unlawful betting is lawfully entered by a member of the Police Force, the discovery therein or on a person found on or in the place of an instrument of a type used for betting is prima facie evidence:

- (a) that the place is used for unlawful betting; and
- (b) that the persons found on or in the place where the instrument was discovered were betting in that place, although no betting was actually going on in the presence of the member of the Police Force lawfully entering or his assistants.

140 Evidence that place used for unlawful betting

Where:

- (a) a member of the Police Force is wilfully prevented from or is obstructed or delayed in entering a place on or in which he has reasonable grounds for suspecting unlawful betting is, has been or is about to be carried on or any part of that place;
- (b) an external or internal door of, or means of access to, such place is found to be fitted or provided with a bolt, bar, chain or means or contrivance for the purpose of preventing, delaying or obstructing the entry into the place or a part of the place, of a member of the Police Force or for giving an alarm in case of that entry; or
- (c) such a place is found fitted or provided with a means or contrivance for concealing, removing or destroying an instrument of betting,

it shall be prima facie evidence that the place is used for unlawful betting, and that the persons found therein were betting unlawfully.

141 Act not to extend to stakes payable to winner of lawful game or race

Nothing in this Part shall extend to a person receiving or holding money or a valuable thing by way of a stake or deposit to be paid to the winner of a lawful sporting event or to the owner of a horse or greyhound engaged in a race.

Part VII Evidence, procedure &c.

142 Offences by clubs, &c.

- (1) Where under this Act a club or committee of a club is guilty of an offence, any officer of the governing body of that club (by whatever name called) or member of the committee, as the case may be, who was in any way, by act or omission, directly or indirectly, knowingly concerned in or party to the commission of the offence is:
 - (a) in the case of an unincorporated club or a committee – guilty of the offence; and
 - (b) in the case of an incorporated club – also guilty of the offence.
- (2) For the purposes of subsection (1), **officer** includes:
 - (a) a director, secretary, executive officer or employee of the club;
 - (b) a receiver, or a receiver and manager, of the property or any part of the property of the club;
 - (c) an official manager or deputy official manager of the club;
 - (d) a liquidator of the club;
 - (e) a trustee or other person administering a compromise or arrangement made between the club and its creditors; and
 - (f) an administrator appointed under section 41.

143 Evidence as to offences

Where, on the hearing of a complaint relating to unlawful betting, the Court is of the opinion that money or a valuable thing which has to its satisfaction been proved to have been given to, received or paid by the accused person, or given to, received or paid by a person on his behalf, has been given, received or paid, as the case may be, in circumstances which, in the mind of the Court, raise a reasonable suspicion that such money or thing was so given, received, or paid in contravention of this Act, that giving, receiving or paying shall be prima facie evidence of the commission by the accused person of the offence charged against him in the complaint.

144 Reasonable suspicion sufficient

Where, on the hearing of a complaint against a person in relation to unlawful betting, the evidence for the prosecution is such as to raise in the mind of the Court a reasonable suspicion that the person is

guilty of the offence charged against him in the complaint, that evidence shall be prima facie evidence that that person is guilty of that offence.

145 Forfeiture

- (1) Where an instrument of betting or thing associated with unlawful betting is seized in pursuance of this Act, it is, on the finding of guilt of a person for an offence in connection with which it was seized, forfeited to the Crown.
- (2) A forfeiture under this section is in addition to and not part of a penalty under this Act.
- (3) All instruments of betting or things associated with unlawful betting seized in pursuance of this Act and forfeited may be sold, destroyed or disposed of as the Minister thinks fit.

145A Regulatory offences

- (1) An offence of contravening or failing to comply with:
 - (a) subject to subsection (2), section 27, 29, 32, 40 or 46(8); or
 - (b) section 36(6), 79(c), (d), (e), (j) or (k), 81, 98(4), 101, 103(3), (4) or (5), 106(1) or (2), 107 or 117,is a regulatory offence.
- (2) Subsection (1)(a) does not apply to a person referred to in section 142(1) who was unknowingly concerned in or party to the commission of the offence.

Part VIIA Appeals

Division 1 Preliminary

145B Definitions

In this Part, unless the contrary intention appears:

appeal means an appeal under this Part.

appeal committee means, in respect of an appeal from a decision made under:

- (a) the Rules of Racing – the committee of a principal club;

- (b) the *Greyhound Racing Rules* – the committee of the greyhound club registered under section 58 and known as the Darwin Greyhound Association of N.T. (Inc.); or
- (c) the Rules of Trotting – the committee of a trotting club registered under section 53 and declared by the Minister to be an appeal committee for the purposes of this Part.

appellant means a person or the owner of an animal who has commenced an appeal under section 145D.

Chairman means the Chairman of the Tribunal appointed under section 145G(1)(a) and includes the Deputy Chairman appointed under section 145G(1)(b) when acting as the Chairman.

decision means a decision made under the Rules of Racing, the *Greyhound Racing Rules* or the Rules of Trotting.

member means a member of the Tribunal appointed under section 145R.

panel means the panel of persons appointed under section 145J.

Secretary means the Secretary of the Tribunal appointed under section 145N.

Tribunal means the Racing Appeals Tribunal established by section 145F.

145C Appeal procedures under rules to no longer apply

- (1) Notwithstanding anything to the contrary contained in the Rules of Racing, the *Greyhound Racing Rules* or the Trotting Rules, an appeal shall not, after the commencement of the *Racing and Betting Amendment Act 1990*, be made under those Rules, and an appeal from a decision after that commencement shall be made, conducted, heard and determined in accordance with this Part.
- (2) Where, immediately before the commencement of the *Racing and Betting Amendment Act 1990*, the Rules of Racing of a principal club prescribed rules and procedures applying to appeals under those Rules, the rules and procedures so prescribed shall, on that commencement, be the procedures and rules for the purposes of section 145E of the appeal committee of that club (to the extent that they are not inconsistent with this Act) until the appeal committee determines otherwise under that section.

Division 2 Commencement of appeals

145D Commencement of appeals

- (1) A person or the owner of an animal aggrieved by a decision of a steward or an official of a club made in respect of that person or that animal, as the case may be, may, subject to this Part, appeal from the decision:
 - (a) to the appropriate appeal committee; or
 - (b) where the decision of the steward or official was:
 - (i) to impose a fine greater than \$1,000 or such other amount as may be prescribed;
 - (ii) to impose on the person a suspension or disqualification for a period longer than 3 months;
 - (iii) subject to subsection (3)(c), to impose on an animal a disqualification or suspension;
 - (iv) to warn off the person for more than 12 meetings; or
 - (v) to impose on the person a fine of more than \$500 or such other amount as may be prescribed together with a suspension or disqualification for longer than one month,to the Tribunal.
- (2) A person or the owner of an animal aggrieved by a decision of:
 - (a) a club; or
 - (b) the Commission,made in respect of that person or that animal, as the case may be, may, subject to this Part, appeal from the decision to the Tribunal.
- (3) Notwithstanding subsection (1) or (2), an appeal shall not lie from a decision:
 - (a) imposing a fine on a person of not more than \$100 or such other amount as may be prescribed;
 - (b) concerning the eligibility of an animal to race or the conditions under which an animal can race;
 - (c) disqualifying or suspending an animal from racing (except where that disqualification or suspension is in conjunction with a penalty imposed on a person); or

- (d) where the Rules under which the decision was made prohibit an appeal from such a decision.
- (4) An appeal shall be commenced by lodging a notice of appeal and the prescribed fee with, where the appeal is to:
- (a) an appeal committee, the secretary of the committee; or
 - (b) the Tribunal, the Secretary,
- not later than 7 days after notice of the decision by which a person is aggrieved has been delivered to that person.
- (5) Notwithstanding anything to the contrary in this Part, an appeal by a person which:
- (a) but for this subsection would be an appeal to which subsection (1)(a) applies; and
 - (b) arises out of the same incident or incidents as an appeal by the person that, in accordance with this section, is required to be made to the Tribunal,
- shall be made to, and heard and determined by, the Tribunal.

Division 3 Appeals to appeal committee

145E Procedure on appeal to appeal committee

- (1) An appeal committee shall hear and determine an appeal in accordance with the procedures and rules determined from time to time by the appeal committee, which may include but are not limited to:
- (a) the suspension of the application of the decision appealed against pending the determination of an appeal;
 - (b) the representation of the parties to an appeal;
 - (c) the manner in which evidence is to be heard or received by an appeal committee; and
 - (d) the calling of witnesses.
- (2) On the hearing of an appeal by an appeal committee, the appeal committee may:
- (a) adjourn the appeal;
 - (b) uphold, reverse or vary a decision appealed against;

- (c) set aside, vary, decrease or increase a fine or penalty imposed;
 - (d) refer the matter for rehearing to the steward or the official of the club whose decision is appealed against;
 - (e) order that the whole or part of the fee lodged under section 145D be refunded; or
 - (f) make such other order (including as to costs) as it thinks fit.
- (3) A determination of an appeal committee shall be final and conclusive.

Division 4 Racing Appeals Tribunal

145F Racing Appeals Tribunal

- (1) There is established, for the purposes of this Act, a Tribunal to be known as the Racing Appeals Tribunal.
- (2) The Tribunal shall consist of a Chairman and 2 members.

145G Chairman and Deputy Chairman

- (1) The Minister shall appoint:
 - (a) a person to be the Chairman; and
 - (b) a person to be the Deputy Chairman,
of the Tribunal.
- (2) A person appointed under subsection (1) shall be:
 - (a) a Judge of the Supreme Court;
 - (b) a Magistrate; or
 - (c) a legal practitioner.
- (3) The Deputy Chairman shall perform the duties of the Chairman during the absence or inability to act of the Chairman.
- (4) The Chairman shall preside at all hearings of the Tribunal.

145H Delegation by Chairman

- (1) The Chairman may, by instrument in writing, delegate to the Deputy Chairman any of the powers and functions of the Chairman under this Part, other than this power of delegation.

- (2) A power or function delegated under this section, when exercised or performed by the Deputy Chairman shall, for the purposes of this Part, be deemed to have been exercised or performed by the Chairman.
- (3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Chairman.

145J Panel

- (1) There is, for the purposes of this Act, a panel to be constituted by not less than 6 persons appointed by the Minister.
- (2) The Minister shall not appoint a person to the panel unless satisfied that the person has a sound knowledge of greyhound-racing, horse-racing or trotting.

145K Term of appointment

A person appointed under section 145G or 145J holds office, subject to section 145M, for such period as is determined by the Minister but the person is eligible to be re-appointed.

145M Resignation of office

A person appointed under section 145G or 145J may resign the appointment by notice in writing delivered to the Minister.

145N Secretary of Tribunal

There shall be a Secretary of the Tribunal who shall be an employee appointed by the Commission.

145P Protection of Chairman and members

No action or proceeding, civil or criminal, shall lie against the Chairman or a member for or in relation to an act or thing done or omitted to be done in good faith by:

- (a) the Chairman or the member in his or her capacity as Chairman or a member of the Tribunal; or
- (b) the Tribunal, in the exercise or purported exercise of a power, or the performance or purported performance of a function, under this Act.

Division 5 Appeals to Tribunal

145Q Procedure on commencement of appeal

- (1) The Secretary, on receiving a notice of appeal under section 145D, shall:
 - (a) forward the notice to the Chairman and a copy to the steward, official, club or the Commission, as the case may be, whose decision is the subject of the appeal; and
 - (b) serve on the appellant a transcript of the evidence taken at the hearing in respect of the decision appealed against.
- (2) An appellant shall, not later than 7 days after receiving the transcript of evidence furnished under subsection (1)(b), lodge with the Secretary a notice in writing of the grounds of appeal, and, except by leave of the Tribunal, the appeal shall be limited to those grounds.
- (3) The Secretary shall, on receiving a notice under subsection (2), forward a copy of it to the Chairman and the steward, official, club or the Commission, as the case may be, whose decision is the subject of the appeal, and shall forward to the Chairman a copy of the transcript of the evidence taken at the hearing.
- (4) Subject to subsection (5), the date, time and place for the hearing of an appeal shall be fixed by the Chairman, and not less than 7 days written notice of that date shall be given by the Secretary to the appellant, the steward, official, club or the Commission, as the case may be, whose decision is the subject of the appeal and to such other persons, if any, as the Chairman may direct.
- (5) The Tribunal shall commence hearing an appeal not later than 28 days after the lodging of the notice of the grounds of appeal under subsection (2).
- (6) Notwithstanding this section, the Tribunal may extend by order any period of time prescribed by this section if, in the opinion of the Tribunal, special circumstances so require.

145R Appointment of members

- (1) Subject to subsection (2) the Chairman shall, as soon as practicable after receiving the notice of appeal forwarded under section 145Q(1), appoint 2 of the persons appointed to the panel to be the members of the Tribunal for the purpose of hearing and determining the appeal to which the notice relates.

- (2) A person shall not be appointed a member under subsection (1) unless that person has a sound knowledge of greyhound-racing, horse-racing or trotting, as the case requires, under the Rules of which the decision the subject of the appeal was made.

145S Hearing of appeals

- (1) Subject to this Part, an appeal shall be heard at a place and time determined by the Tribunal.
- (2) Unless the Tribunal determines otherwise, a hearing of an appeal shall be open to the public.
- (3) Subject to this Part, an appeal shall be heard and determined in accordance with the procedures and rules determined from time to time by the Tribunal.

145T Expedited hearing

- (1) Where the Tribunal is of the opinion that an appeal should be heard and determined as a matter of urgency, it may, with the concurrence of the appellant:
- (a) dispense with a requirement of; or
- (b) abridge a time prescribed by,
section 145Q.
- (2) Where the Tribunal makes an order under subsection (1):
- (a) the Tribunal may rely on such evidence as is available to it concerning the hearing in respect of the decision appealed against; and
- (b) the appellant shall lodge a notice of the grounds of appeal in such manner and within such time as the Tribunal directs and, except by leave of the Tribunal, the appeal shall be limited to the grounds specified in that notice.

145U Appeal not to be withdrawn

An appeal shall not be withdrawn without leave of the Tribunal and, where leave to withdraw an appeal is granted, the Tribunal may impose such conditions as to costs or otherwise as it thinks fit.

145W Stay of proceedings

- (1) Subject to subsection (2), the Chairman may, pending the determination of an appeal, order, subject to such conditions as the Chairman thinks fit, a stay of the execution of the penalty, decision or order appealed against.
- (2) Before making an order under subsection (1) the Chairman shall invite submissions from the appellant and the steward, official, club or the Commission, as the case may be, whose decision is the subject of the appeal and shall take into account any submissions received in determining whether or not to make an order under that subsection.

145Y Appearance before Tribunal

The appellant, the steward, official, club or the Commission, as the case may be, whose decision is the subject of the appeal and any other person given notice under section 145Q(4) shall be entitled:

- (a) to be present at the hearing; and
- (b) subject to this Part, where the Tribunal thinks fit, to be heard or to call evidence.

145Z Evidence

- (1) Subject to this Part, on the hearing of an appeal the Tribunal shall not consider any other evidence, other than that adduced at the hearing in respect of the decision appealed against, unless satisfied that the evidence is relevant and that there is good reason why it was not adduced at that hearing.
- (2) On the hearing of an appeal the Tribunal is not bound by the rules of evidence and may inform itself of any matter in such manner as it thinks fit.
- (3) Except with the leave of the Tribunal, evidence of the hearing of an appeal shall be given orally.

145ZA Power to call witnesses

- (1) The Tribunal may direct the Secretary:
 - (a) of its own motion; or
 - (b) on the application of the appellant, the steward, official, club or the Commission, as the case may be, whose decision is the subject of the appeal or a person given notice under section 145Q(4),

to issue and serve on a person a summons to appear before the Tribunal to give evidence or to produce such documents as are specified in the summons, and the Tribunal may make an order for the manner of service of a summons.

- (2) A person served with a summons under subsection (1) who, without lawful excuse, disobeys that summons is guilty of an offence.

Penalty: \$500.

145ZB Legal representation

- (1) An appellant may be represented by a legal practitioner or, with the approval of the Tribunal, by another person where notice of such representation is given to the Secretary by the appellant not later than the day on which the appellant lodges the notice required under section 145Q(2).
- (2) On receiving a notice under subsection (1) the Secretary shall, in writing, notify the steward, official, club or the Commission, as the case may be, whose decision is the subject of the appeal and any other person given notice under section 145Q(4) that the appellant is to be represented by a legal practitioner or another person, as the case may be, and that they may be represented, either by a legal practitioner or another person, if they desire.

145ZC Default of appearance by appellant

The Tribunal may determine an appeal where the appellant fails to attend at the hearing on being satisfied that the appellant has been served with a notice under section 145Q(4).

145ZD Costs

- (1) The Tribunal may make such order as to the costs of an appeal as it thinks fit.
- (2) Costs ordered by the Tribunal to be paid under subsection (1) may be recovered as if the order of the Tribunal were a judgment of the Local Court, and the order shall be entered as a judgment of that Court and shall be enforced accordingly.

145ZE Powers of Tribunal

On the hearing of an appeal, the Tribunal may:

- (a) adjourn the appeal;
- (b) uphold, reverse or vary a decision appealed against;

- (c) set aside, vary, decrease or increase a fine or other penalty imposed;
- (d) refer the matter for rehearing to the steward, official, club or the Commission whose decision is appealed against;
- (e) order that the whole or part of the fee lodged under section 145D be refunded; or
- (f) make such other order as it thinks fit.

145ZF Determination to be final

A determination of the Tribunal is final and conclusive.

145ZG Notification of determination

On the determination of an appeal, the Tribunal shall notify the appellant, the steward, official, club or the Commission, as the case may be, whose decision was the subject of the appeal and any other person given notice under section 145Q(4) of its determination.

Part VIII Miscellaneous

146 Hindering inspectors

A person who hinders or attempts to hinder a totalizator inspector or betting inspector in the exercise of his powers or the performance of his duties under this Act, or who is required by or under this Act to give information which the totalizator inspector or betting inspector requests but fails or refuses to give that information, is guilty of an offence.

Penalty: \$500.

147 Time for commencing proceedings

Notwithstanding any other law in force in the Territory, a proceeding for an offence against this Act may be instituted within 3 years after the act or omission alleged to constitute the offence.

148 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular relating to:

- (a) the powers and duties of totalizator inspectors, betting inspectors and other authorized officers;
- (b) applications for and the grant, issue and renewal of licences, certificates, permits and other authorities under this Act and duplicates thereof;
- (c) the conditions or restrictions subject to which licences, permits and other authorities under this Act are granted;
- (d) all matters and things with respect to licences in respect of racing venues, including, without limiting the generality of this paragraph, applications for and the grant, issue and renewal of such licences;
- (e) the regulation and control of racing venues, including the fixing of prices of admission to racing venues or a specified part of them and the standards of accommodation and essential services to be provided at, in or on racing venues;
- (f) the conditions upon which totalizator licences may be granted;
- (g) the settlement of disputes in connection with totalizators and bookmakers;
- (h) the amounts to be returned to bettors by bookmakers where a runner is withdrawn from a race;
- (j) the time within which, and manner in which, claims may be made to the Commission in cases where a bet that is a winning bet has not been paid by the licensed or registered bookmaker who accepted it to the person who made the bet with him;
- (k) the realization of securities given by a bookmaker and the division of the proceeds of the realization among the persons who made with the bookmaker bets that are winning bets and have not been paid to those persons;
- (m) the submission by registered clubs of their rules to the Minister and the Minister's power to approve or disapprove of all or any rules of a club so submitted to him or to approve all or any of those rules subject to amendment, alteration, substitution,

addition or modification to, for or of those rules as he directs;

- (n) the matters and things to be done and the steps to be taken by clubs to ensure that their rules comply with all directions given by the Minister, including a prohibition against clubs from carrying into effect a rule disapproved by the Minister or from making, without the prior approval of the Minister, a new rule or amending or rescinding a rule so approved;
- (p) the regulation and supervision of bookmakers;
- (q) betting by or with bookmakers;
- (r) betting at approved sporting events;
- (s) the regulation of horse-racing, trotting or greyhound-racing conducted at a place that is not a racing venue in conjunction with an approved sporting event;
- (t) fees payable for any matter or thing under this Act; and
- (u) penalties not exceeding \$2,000 for a breach of the Regulations.

148A Codes of practices

- (1) For the purpose of providing practical guidance to bookmakers on any matter relating to this Act, the Commission may, by notice in the *Gazette*, approve a code of practice.
- (2) A code of practice may consist of a code, standard, rule, specification or provision relating to matters in this Act formulated, prepared or adopted by the Commission and may apply, incorporate or refer to a document formulated or published by a body or authority as in force at the time the code of practice is approved or as amended, formulated or published from time to time.
- (3) A notice under subsection (1) must indicate where a copy of the code of practice to which it relates, and all documents incorporated or referred to in the code, may be inspected by members of the public and the times during which it may be inspected.
- (4) A bookmaker must not contravene or fail to comply with a code of practice approved under this section.

Penalty: \$2 000.

Part IX Transitional and savings

149 Definitions

In this Part, unless the contrary intention appears:

former Chairman means the Chairman of the former Commission.

former Commission means the Racing and Gaming Commission constituted under the repealed Act.

former Fund means the Industry Assistance Fund under the repealed Act.

repealed Act means the Acts repealed by section 3 as in force immediately before the commencement of this Act.

150 Racing and Gaming Commission

The persons who, immediately before the commencement of this Act, were the former Chairman and members of the former Commission are, subject to this Act, the Chairman and members of the Commission and hold office under this Act for the remainder, if any, of their respective terms of office under the repealed Act.

151 Licences

A licence granted under the repealed Act that was current immediately before the commencement of this Act shall remain in force under this Act for the period and subject to the conditions applicable to it under the repealed Act as if it was granted under this Act subject to those conditions, but it may be renewed or varied under this Act.

152 Days for racing

The days approved under the repealed Act for holding race-meetings on licensed race-courses shall be deemed to be approved days for holding race-meetings under this Act.

153 Registered clubs

The registration of a club that, immediately before the commencement of this Act, was registered as a racing club, shall remain in force under this Act for the period and subject to the conditions applicable to it under the repealed Act as if the club was registered under this Act by the relevant control body subject to those conditions, but the conditions may be varied under this Act.

154 Inspectors

A person who, immediately before the commencement of this Act, was an inspector appointed under the repealed Act shall be deemed to be a totalizator inspector appointed under this Act for the remainder of the period of his appointment under the repealed Act.

155 Fund

All moneys which immediately before the commencement of this Act stood to the credit of the Industry Assistance Fund under the repealed Act shall, on that commencement, be moneys in the Fund under this Act.

156 Savings of regulations, &c.

Notwithstanding the repeals effected by section 3, the:

- (a) *Lottery and Gaming Regulations*;
- (b) *Greyhound Racing Rules*; and
- (c) *Totalizator Rules*,

made under the repealed Act, and in force immediately before the commencement of this Act, continue in full force and effect, but may be amended or repealed, as if they were regulations or rules, as the case may be, made under this Act.

Schedule Repealed Acts

section 3

Short title	Number and year
<i>Lottery and Gaming Ordinance 1940</i>	No. 13, 1940
<i>Lottery and Gaming Ordinance 1951</i>	No. 5, 1951
<i>Lottery and Gaming Ordinance 1952</i>	No. 16, 1952
<i>Lottery and Gaming Ordinance 1952</i>	No. 36, 1952
<i>Lottery and Gaming Ordinance 1958</i>	No. 8, 1958
<i>Administrator's Council Ordinance 1959</i>	No. 22, 1959
<i>Lottery and Gaming Ordinance 1960</i>	No. 8, 1960
<i>Lottery and Gaming Ordinance 1962</i>	No. 15, 1962
<i>Lottery and Gaming Ordinance (No. 2) 1962</i>	No. 20, 1963
<i>Lottery and Gaming Ordinance 1964</i>	No. 24, 1964
<i>Lottery and Gaming Ordinance (No. 2) 1964</i>	No. 29, 1964
<i>Lottery and Gaming Ordinance (No. 3) 1964</i>	No. 34, 1964
<i>Lottery and Gaming Ordinance 1965</i>	No. 19, 1965
<i>Lottery and Gaming Ordinance (No. 2) 1965</i>	No. 59, 1965
<i>Lottery and Gaming Ordinance 1966</i>	No. 47, 1966
<i>Lottery and Gaming Ordinance 1968</i>	No. 16, 1968
<i>Lottery and Gaming Ordinance (No. 2) 1968</i>	No. 62, 1968
<i>Lottery and Gaming Ordinance 1970</i>	No. 15, 1970
<i>Lottery and Gaming Ordinance (No. 2) 1970</i>	No. 25, 1970
<i>Lottery and Gaming Ordinance (No. 3) 1970</i>	No. 33, 1970
<i>Lottery and Gaming Ordinance 1971</i>	No. 7, 1971
<i>Lottery and Gaming Ordinance 1972</i>	No. 15, 1972

<i>Lottery and Gaming Ordinance (No. 2) 1972</i>	No. 16, 1972
<i>Lottery and Gaming Ordinance (No. 3) 1972</i>	No. 31, 1972
<i>Lottery and Gaming Ordinance (No. 2) 1971</i>	No. 45, 1972
<i>Lottery and Gaming Ordinance (No. 5) 1972</i>	No. 72, 1972
<i>Lottery and Gaming Ordinance (No. 4) 1972</i>	No. 75, 1972
<i>Lottery and Gaming Ordinance 1973</i>	No. 26, 1973
<i>Lottery and Gaming Ordinance (No. 2) 1973</i>	No. 77, 1973
<i>Lottery and Gaming Ordinance 1974</i>	No. 55, 1974
<i>Lottery and Gaming Ordinance (No. 2) 1974</i>	No. 71, 1974
<i>Lottery and Gaming Ordinance (No. 3) 1974</i>	No. 72, 1974
<i>Lottery and Gaming Ordinance (No. 4) 1974</i>	No. 73, 1974
<i>Lottery and Gaming Ordinance 1976</i>	No. 36, 1976
<i>Lottery and Gaming Ordinance 1978</i>	No. 11, 1978
<i>Lottery and Gaming Ordinance (No. 2) 1978</i>	No. 30, 1978
<i>Lottery and Gaming Ordinance (No. 3) 1978</i>	No. 52, 1978
<i>Lottery and Gaming Ordinance (No. 4) 1978</i>	No. 134, 1978
<i>Lottery and Gaming Ordinance 1979</i>	No. 60, 1979
<i>Lottery and Gaming Act 1980</i>	No. 44, 1980
<i>Lottery and Gaming Amendment Act 1981</i>	No. 53, 1981
<i>Racing and Betting Act 1982</i>	No. 33, 1982
<i>Racing and Betting Amendment Act 1982</i>	No. 85, 1982

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Racing and Betting Act 1983 (Act No. 50, 1983)***

Assent date	12 October 1983
Commenced	26 October 1983 (<i>Gaz S34</i> , 26 October 1983)

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), <i>Gaz G46</i> , 18 November 1983, p 11 and <i>Gaz G8</i> , 26 February 1986, p 5)

Statute Law Revision Act 1984 (Act No. 28, 1984)

Assent date	20 July 1984
Commenced	20 July 1984

Racing and Betting Amendment Act 1985 (Act No. 22, 1985)

Assent date	24 May 1985
Commenced	5 June 1985 (<i>Gaz S24</i> , 5 June 1985)

Public Service and Statutory Authorities Amendment Act 1985 (Act No. 28, 1985)

Assent date	26 June 1985
Commenced	26 June 1985

Racing and Betting Amendment Act 1986 (Act No. 43, 1986)

Assent date	19 September 1986
Commenced	1 October 1986 (s 2, s 2 <i>Racing, Gaming Liquor Commission Act 1986</i> (Act No. 39, 1986) and <i>Gaz S70</i> , 1 October 1986, p 2)

Racing and Betting Amendment Act 1989 (Act No. 12, 1989)

Assent date	5 April 1989
Commenced	3 May 1989 (s 2, s 2 <i>Unlawful Betting Act 1989</i> (Act No. 13, 1989) and <i>Gaz G17</i> , 3 May 1989, p 2)

Racing and Betting Amendment Act (No. 2) 1989 (Act No. 21, 1989)

Assent date 15 June 1989
 Commenced 29 November 1989 (*Gaz G47*, 29 November 1989, p 7)

Amending Legislation

Statute Law Revision Act 1989 (Act No. 60, 1989)

Assent date 2 October 1989
 Commenced 2 October 1989

Racing and Betting Amendment Act (No. 3) 1989 (Act No. 35, 1989)

Assent date 20 September 1989
 Commenced 8 November 1989 (s 2, s 2 *Casino Licensing and Gaming Control Amendment Act 1989* (Act No. 56, 1989) and *Gaz G44*, 8 November 1989, p 3)

Racing and Betting Amendment Act 1990 (Act No. 39, 1990)

Assent date 22 June 1990
 Commenced 26 September 1990 (*Gaz G38*, 26 September 1990, p 3)

Racing and Betting Amendment Act 1991 (Act No. 15, 1991)

Assent date 3 June 1991
 Commenced 1 July 1991 (s 2)

Racing and Betting Amendment Act 1993 (Act No. 48, 1993)

Assent date 27 September 1993
 Commenced 1 November 1993 (s 2, s 2 *Racing and Gaming Authority Act 1993* (Act No. 49, 1993) and *Gaz S87*, 1 November 1993)

Amending Legislation

Statute Law Revision Act 1994 (Act No. 50, 1994)

Assent date 20 September 1994
 Commenced 20 September 1994

Statute Law Revision Act 1994 (Act No. 50, 1994)

Assent date 20 September 1994
 Commenced 20 September 1994

Racing and Betting Amendment Act 1994 (Act No. 62, 1994)

Assent date 24 October 1994
 Commenced 15 March 1995 (*Gaz G11*, 15 March 1995, p 6)

Financial Management (Consequential Amendments) Act 1995 (Act No. 5, 1995)

Assent date 21 March 1995
 Commenced 1 April 1995 (s 2, s 2 *Financial Management 1995* (Act No. 4, 1995) and *Gaz S13*, 31 March 1995)

Racing and Betting Amendment Act 1995 (Act No. 19, 1995)

Assent date 26 June 1995
 Commenced 1 August 1995 (*Gaz S29*, 1 August 1995)

Racing and Betting Amendment Act (No. 2) 1995 (Act No. 47, 1995)

Assent date 15 November 1995
 Commenced 15 November 1995

Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)

Assent date 19 April 1996
 Commenced 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and Gaz S15, 13 June 1996)

Racing and Betting Amendment Act 1998 (Act No. 73, 1998)

Assent date 12 October 1998
 Commenced 12 October 1998

Statute Law Revision Act 1999 (Act No. 27, 1999)

Assent date 18 June 1999
 Commenced 18 June 1999

Racing and Betting Amendment Act 1999 (Act No. 74, 1999)

Assent date 17 December 1999
 Commenced 14 February 2000 (Gaz G5, 9 February 2000, p 6)

Racing and Betting Amendment Act 2000 (Act No. 16, 2000)

Assent date 6 June 2000
 Commenced 12 June 2000 (s 2)

Financial Relations Agreement (Consequential Provisions) Act 2000 (Act No. 32, 2000)

Assent date 27 June 2000
 Commenced 1 July 2000 (s 2)

Statute Law Revision (Financial Provisions) Act 2002 (Act No. 38, 2002)

Assent date 13 September 2002
 Commenced 30 October 2002 (Gaz G43, 30 October 2002, p 3)

Statute Law Revision Act 2004 (Act No. 18, 2004)

Assent date 15 March 2004
 Commenced 5 May 2004 (s 2(1), s 2 *Associations Act 2003* (Act No. 56, 2003) and Gaz G18, 5 May 2004, p 2)

Racing and Betting Amendment Act 2004 (Act No. 26, 2004)

Assent date 28 April 2004
 Commenced 1 September 2004 (Gaz G35, 1 September 2004, p 8)

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SAVINGS AND TRANSITIONAL PROVISIONS

s 12 *Racing and Betting Amendment Act 1985* (Act No. 22, 1985)
 s 10 *Public Service and Statutory Authorities Amendment Act 1985* (Act No. 28, 1985)
 s 4 *Racing and Betting Amendment Act (No. 2) 1989* (Act No. 21, 1989)
 s 10 *Racing and Betting Amendment Act 1993* (Act No. 48, 1993)
 ss 22 and 23 *Racing and Betting Amendment Act 2000* (Act No. 16, 2000)

4

LIST OF AMENDMENTS

s 3A ins No. 26, 2004, s 4
 s 4 amd No. 22, 1985, s 4; No. 43, 1986, s 4; No. 35, 1989, s 3; No. 15, 1991, s 3; No. 48, 1993, s 4; No. 62, 1994, s 3; No. 19, 1995, s 4; No. 47, 1995, s 3; No. 74, 1999, s 4; No. 16, 2000, s 4; No. 38, 2002, s 6; No. 18, 2004, s 3; No. 26, 2004, ss 5 and 23

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s 4A	ins No. 16, 2000, s 5
pt II hdg	amd No. 43, 1986, s 5 sub No. 16, 2000, s 6
pt II	
div 1 hdg	rep No. 43, 1986, s 6
s 6	rep No. 43, 1986, s 6 ins No. 48, 1993, s 5 amd No. 5, 1995, s 1
s 7	rep No. 43, 1986, s 6 ins No. 48, 1993, s 5 amd No. 47, 1995, s 4; No. 74, 1999, s 5
s 7A	ins No. 22, 1985, s 5 rep No. 43, 1986, s 6
s 8	rep No. 43, 1986, s 6 ins No. 48, 1993, s 5 amd No. 47, 1995, s 5
ss 9 – 11	rep No. 43, 1986, s 6 ins No. 48, 1993, s 5
s 12	amd No. 28, 1985, s 9 rep No. 43, 1986, s 6 ins No. 48, 1993, s 5
ss 13 – 15	rep No. 43, 1986, s 6 ins No. 48, 1993, s 5
s 16	rep No. 43, 1986, s 6 ins No. 48, 1993, s 5 amd No. 7, 2006, s 30
pt II	
div 2 hdg	rep No. 43, 1986, s 7
ss 16A – 16B	ins No. 48, 1993, s 5
ss 16C – 16E	ins No. 48, 1993, s 5 rep No. 16, 2000, s 7
pt IIA hdg	ins No. 16, 2000, s 8
s 17	amd No. 22, 1985, s 6; No. 35, 1989, s 3; No. 48, 1993, s 6; No. 16, 2000, s 9; No. 26, 2004, s 6
s 18	amd No. 35, 1989, s 3; No. 50, 1994, s 16; No. 16, 2000, s 10
s 20	amd No. 35, 1989, s 3
s 21	sub No. 43, 1986, s 8 rep No. 47, 1995, s 6
s 24	amd No. 73, 1998, s 2; No. 26, 2004, s 7
s 25	amd No. 22, 1985, s 7 sub No. 26, 2004, s 8
ss 26 – 27	rep No. 26, 2004, s 8
ss 29 – 30	rep No. 26, 2004, s 8
s 38	amd No. 16, 2000, s 11
s 42	amd No. 19, 1995, s 5
s 44	amd No. 16, 2000, s 12; No. 26, 2004, s 23
s 45	amd No. 19, 1995, s 6
s 48A	ins No. 16, 2000, s 13
s 52	amd No. 26, 2004, s 23
s 54	amd No. 48, 1993, s 7
s 57	amd No. 26, 2004, s 23
s 59	amd No. 48, 1993, s 8
pt III	
div 6 hdg	rep No. 16, 2000, s 14
s 61	amd No. 22, 1985, s 8; No. 27, 1999, s 15 rep No. 16, 2000, s 14
s 62	rep No. 16, 2000, s 14

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s 63	amd No. 22, 1985, s 9; No. 39, 1990, s 4 rep No. 16, 2000, s 14
s 64	rep No. 27, 1999, s 15
pt III	
div 6A hdg	ins No. 22, 1985, s 10 rep No. 16, 2000, s 14
ss 64A – 64C	ins No. 22, 1985, s 10 rep No. 16, 2000, s 14
s 70	amd No. 12, 1989, s 4; No. 19, 1995, s 7; No. 26, 2004, s 23
s 71	amd No. 26, 2004, s 9
s 72	amd No. 62, 1994, s 4
s 73	amd No. 12, 1989, s 7 sub No. 21, 1989, s 3
s 73A	ins No. 21, 1989, s 3
s 74	amd No. 12, 1989, s 7; No. 19, 1995, s 8
s 75	amd No. 12, 1989, s 7
s 77	amd No. 12, 1989, s 7
s 78	amd No. 12, 1989, s 7; No. 26, 2004, s 23
s 79	amd No. 12, 1989, s 7; No. 26, 2004, s 10
s 80	amd No. 19, 1995, s 9; No. 26, 2004, s 11
s 81	amd No. 12, 1989, s 7
s 82	amd No. 19, 1995, s 10
s 83	amd No. 12, 1989, s 7
s 84	rep No. 12, 1989, s 5
s 85	amd No. 19, 1995, s 11
s 86	amd No. 12, 1989, s 7
s 88	amd No. 12, 1989, s 7; No. 17, 1996, s 7
pt IV	
div 2 hdg	sub No. 19, 1995, s 12
s 89	sub No. 19, 1995, s 12 amd No. 47, 1995, s 7; No. 16, 2000, s 15
s 89A	ins No. 16, 2000, s 16
s 90	amd No. 12, 1989, s 7 sub No. 19, 1995, s 12 amd No. 47, 1995, s 8; No. 26, 2004, s 12
s 90A	ins No. 26, 2004, s 13
s 91	sub No. 19, 1995, s 12 amd No. 26, 2004, s 14
s 92	sub No. 19, 1995, s 12
s 93	amd No. 12, 1989, s 7 sub No. 19, 1995, s 12
s 94	amd No. 12, 1989, s 7 sub No. 19, 1995, s 12 amd No. 17, 1996, s 6 rep No. 26, 2004, s 16
s 95	amd No. 12, 1989, s 7 sub No. 19, 1995, s 12 rep No. 26, 2004, s 16
ss 96 –97	amd No. 12, 1989, s 7 sub No. 19, 1995, s 12
s 98	amd No. 12, 1989, s 7 sub No. 19, 1995, s 12 rep No. 26, 2004, s 16
s 99	amd No. 12, 1989, s 7
s 101	amd No. 12, 1989, s 7; No. 62, 1994, s 5; No. 19, 1995, s 13 rep No. 26, 2004, s 16
s 102	amd No. 12, 1989, s 7; No. 26, 2004, s 17

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ss 102A –	
102B	ins No. 26, 2004, s 18
pt IV	
div 4 hdg	amd No. 26, 2004, s 23
s 103	amd No. 12, 1989, s 7; No. 26, 2004, s 19
s 104	amd No. 19, 1995, s 14; No. 26, 2004, s 20
s 105	amd No. 26, 2004, s 23
s 106	amd No. 12, 1989, s 7; No. 19, 1995, s 15; No. 17, 1996, s 6; No. 32, 2000, s 40
s 107	amd No. 12, 1989, s 7; No. 19, 1995, s 16
s 114	amd No. 16, 2000, s 17
s 115	amd No. 16, 2000, s 18
s 118	rep No. 16, 2000, s 19
pt VAA hdg	ins No. 26, 2004, s 21
ss 119A –	
119C	ins No. 26, 2004, s 21
pt VA hdg	ins No. 22, 1985, s 11
s 120	sub No. 22, 1985, s 11 amd No. 16, 2000, s 20
ss 121 – 123	rep No. 12, 1989, s 5
s 124	amd No. 16, 2000, s 21
ss 125 – 131	rep No. 12, 1989, s 5
s 132	amd No. 12, 1989, s 6
s 145	amd No. 17, 1996, s 6
s 145A	ins No. 68, 1983, s 97 sub No. 28, 1984, s 3
pt VIIA hdg	ins No. 39, 1990, s 5
pt VIIA	
div 1 hdg	ins No. 39, 1990, s 5
ss 145B –	
145C	ins No. 39, 1990, s 5
pt VIIA	
div 2 hdg	ins No. 39, 1990, s 5
s 145D	ins No. 39, 1990, s 5 amd No. 19, 1995, s 17
pt VIIA	
div 3 hdg	ins No. 39, 1990, s 5
s 145E	ins No. 39, 1990, s 5
pt VIIA	
div 4 hdg	ins No. 39, 1990, s 5
ss 145F –	
145P	ins No. 39, 1990, s 5
pt VIIA	
div 5 hdg	ins No. 39, 1990, s 5
ss 145Q –	
145ZG	ins No. 39, 1990, s 5
s 148	amd No. 19, 1995, s 18
s 148A	ins No. 26, 2004, s 22