

# NORTHERN TERRITORY OF AUSTRALIA

## RACING AND BETTING ACT 1983

As in force at 12 April 2017

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 12 April 2017

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## RACING AND BETTING ACT 1983

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 1983*.

#### 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The Acts listed in the Schedule are repealed.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; and
- (b) to maintain the probity and integrity of persons engaged in racing and betting in the Territory; and
- (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:

***affected person***, for Part IIIA, see section 69A(1).

***another jurisdiction***, for Part IIIA, see section 69A(1).

***approval***, for Part IIIA, see section 69A(1).

**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.

**audit log**, for Part IVA, see section 109A.

**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; or
- (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 2000*.

**betting exchange**, for Part IVA, see section 109A.

**betting exchange agent**, see section 109A.

**betting exchange business**, for Part IVA, see section 109A.

**betting exchange licence**, for Part IVA, see section 109A.

**betting exchange operator**, see section 109A.

**betting inspector** means a betting inspector appointed under section 22.

**betting receipt**, for Part IVA, see section 109Q(1).

**betting service provider**, for Part IIIA, see section 69A(1).

**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.

**bookmaker tax** means the tax imposed by section 106(1) or (3).

**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.

**decision notice**, for Part IIIA, see section 69A(1).

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

**executive officer**, for Part IVA, see section 109A.

**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; and
- (b) a mechanical, electrical, telephonic, telegraphic, electronic or other equipment or device; and
- (c) a film, microfilm or other photographic or holographic record; and
- (d) a tape, cassette, disc or other audio or visual recording or replaying device or equipment; and
- (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.

**internally reviewable decision**, for Part IIIA, see section 69G(1).

**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) a person licensed under section 103; or
- (b) a person who holds a key employee licence.

**key employee licence**, see section 109A.

**key position**, for Part IVA, see section 109A.

**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 or 109C.

**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.

**NT sports information**, for Part IIIA, see section 69A(1).

**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; and
- (b) a building, structure or erection of any kind, whether wholly or partly constructed or erected or in the course of construction or erection; and
- (c) a room in a building, structure or erection; and
- (d) a road, street, thoroughfare, alley or right of way; and
- (e) a racecourse, paceway, greyhound racing ground, athletic ground or other ground; and
- (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(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 1923*; and
- (b) a place regularly used by an association within the meaning of the *Associations Act 2003*; and
- (c) licensed premises within the meaning of the *Liquor Act 1978*.

**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; or
  - (ii) the Rules of Trotting; or
  - (iii) the *Greyhound Racing Rules 1981*,as the case may be.

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

**remote clerk** means a key employee authorized under section 104.

**Rules** includes the Rules of Racing, Rules of Trotting and *Greyhound Racing Rules 1981*.



**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).

**specified event**, for Part IIIA, see section 69A(1).

**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).

**sports control body**, for Part IIIA, see section 69A(1).

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

**totalisator operator**, for Part IIIA, see section 69A(1).

**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 2000*.

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**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.

**tribunal reviewable decision**, for Part IIIA, see section 69N.

**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 2000*.

**uses NT sports information**, for Part IIIA, see section 69A(2).

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

*Note for subsection (1)*

*The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.*

- (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 2000*; 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 2000* 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 2000* applies and the provision of or under this Act does not apply.
- (3) This section applies subject to Part IIIA, and 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; or
- (b) interested or concerned, whether directly or indirectly, in the business carried on by a bookmaker, a betting exchange operator or the holder of a licence under a law of the Territory to operate a casino; or
- (c) a person having the management or control of an office or agency established under section 23 of the *Totalizator Administration and Betting Act 2000*; or
- (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 *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*.

(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 this Act, as are referred to it by the Minister for investigation or as it from time to time thinks fit; and
  - (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; and
  - (c) control, supervise, regulate and develop trotting and greyhound-racing; and
  - (d) grant licences and permits in accordance with this Act; and
  - (e) define the duties and functions of a person employed as a key employee; and
  - (f) allot race days for such period or periods as it thinks fit to registered clubs; and
  - (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; and
  - (b) subject to the approval of the Minister, enter into contracts; and
  - (c) do all such things as it considers necessary or desirable for the proper regulation and control, in the interests of the public, of:
    - (i) betting by and with bookmakers; and
    - (ii) betting by or through betting exchange operators; and
    - (iii) betting by means of a totalizator conducted under a licence granted under section 111; and
  - (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, betting exchange operators, 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; and
- (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.

Maximum penalty: 8 penalty units 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(c) is in force; and
  - (b) the Rules of Trotting apply to and in relation to trotting; and
  - (c) the *Greyhound Racing Rules 1981* 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, 102 or 109C) 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, 102 or 109C:
  - (a) remains in force for the period determined by the Commission and specified in the licence; and
  - (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, other than a betting exchange licence, or a 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.
- (5A) A betting exchange operator must pay to the Commission an annual licence fee of 200 000 revenue units:
  - (a) within 14 days after the grant or renewal of the operator's betting exchange licence; and
  - (b) while the licence remains in force – on or before each anniversary of the date on which the licence was granted or renewed.
- (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; or
  - (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 1992*; 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.

## **26 Costs of investigation of application**

- (1) If, under section 90, 102 or 109C, the Commission carries out an investigation or inquiry in relation to an application for a licence, the Commission may require the applicant 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 evidence of the cost.

## **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 etc.**

- (1) Subject to section 34, a race club must not conduct racing except on a day allocated under section 31 by its principal club.

Maximum penalty: 17 penalty units.

- (2) Subject to section 34:

- (a) a trotting club must not conduct trotting or conduct or hold a phantom meeting except on a day approved for that purpose by the Commission; and
- (b) a greyhound club must not conduct greyhound-racing or conduct or hold a phantom meeting except on a day approved for that purpose by the Commission.

Maximum penalty: 17 penalty units.

- (3) A race club, trotting club or greyhound club must not conduct or hold a meeting on Good Friday or Christmas Day.

Maximum penalty: 17 penalty units.

### **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 1981* 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.

Maximum penalty: 17 penalty units.

**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 1981*, 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 Central Holding Authority; or
  - (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; or
  - (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.

Maximum penalty: 1.7 penalty units.

#### **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; or
  - (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 1981*, 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**

The Minister may, by Gazette notice, do any of the following:

- (a) appoint the Commission or an association to be a principal club;
- (b) declare that an association ceases 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 is to exercise authority and control within its jurisdiction;
- (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(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; and
  - (b) allocate to race clubs registered by it the dates and times on and at which they may hold race meetings; and
  - (c) investigate and report on proposals for the construction of new racecourses or for the alteration or renovation of existing racecourses; and
  - (d) make recommendations to the Commission relating to the licensing of racecourses or to racecourses generally; and
  - (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; and
  - (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; and
  - (g) direct and supervise the lawful dissolution of a race club in its locality that ceases to be registered; and
  - (h) subject to the approval of the Minister, appoint an administrator to conduct the affairs of a race club registered by it; and
  - (j) register and identify galloping horses; and
  - (k) exclude from participating in a race a horse not registered under the Rules of Racing; and
  - (m) prohibit a person from attending at or taking part in a race meeting conducted by it or a race club registered by it; and
  - (n) impose a penalty on a person licensed by it or an owner of a horse for breaches of the Rules of Racing; and
  - (p) impose fees for registration of a race club, person or horse in its locality; and

- (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; and
  - (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; and
  - (s) enter into contracts; and
  - (t) acquire, hold, take on lease and dispose of real and personal property whether in its own right or as trustee; and
  - (u) employ such persons as it thinks fit for the effective performance of its functions and duties; and
  - (w) borrow money; and
  - (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; and
  - (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; and
  - (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; and
  - (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; and
  - (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.

Maximum penalty: 4 penalty units.

#### **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); and
  - (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 2000***

- (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 2000* 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; and

- (b) allocate to trotting clubs the dates and times on and at which they may hold trotting meetings; and
- (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; and
- (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; and
- (e) supervise the activities of trotting clubs, persons licensed by the Commission and all other persons engaged in or associated with trotting; and
- (f) direct and supervise the lawful dissolution of a trotting club that ceases to be registered; and
- (g) subject to the approval of the Minister, appoint an administrator to conduct the affairs of a trotting club; and
- (h) register and identify trotting horses; and
- (j) disqualify a trotting horse from participating in a race; and
- (k) exclude from participating in a race a trotting horse not registered under the Rules of Trotting; and
- (m) prohibit a person from attending at or taking part in a trotting meeting; and
- (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; and
- (p) impose fees for registration of a trotting club, person or trotting horse; and
- (q) require trotting clubs to pay to it such charges as are in its opinion required for providing services to trotting clubs; and
- (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; and
- (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; and

- (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; and
  - (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.

Maximum penalty: 17 penalty units.

## **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 1981*; and
  - (b) allocate to greyhound clubs the dates and times on and at which they may hold greyhound meetings; and
  - (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; and

- (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; and
- (e) supervise the activities of greyhound-racing clubs, persons licensed by the Commission and all other persons engaged in or associated with greyhound-racing; and
- (f) direct and supervise the lawful dissolution of a greyhound club that ceases to be registered; and
- (g) subject to the approval of the Minister, appoint an administrator to conduct the affairs of a greyhound club; and
- (h) register and identify greyhounds; and
- (j) disqualify a greyhound from participating in a race; and
- (k) exclude from participating in a race a greyhound not registered under the *Greyhound Racing Rules 1981*; and
- (m) prohibit a person from attending at or taking part in a greyhound meeting; and
- (n) impose a penalty on a person licensed by it or on an owner of a greyhound for breaches of the *Greyhound Racing Rules 1981*; and
- (p) impose fees for registration of a greyhound club, person or greyhound; and
- (q) require greyhound clubs to pay to it such charges as are in its opinion required for providing services to greyhound clubs; and
- (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; and
- (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; and
- (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; and

- (u) scrutinize the constitutions of greyhound clubs to ensure that they conform with this Act and the *Greyhound Racing Rules 1981* 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 1981* 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 1981*.

Maximum penalty: 17 penalty units.

**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.

Maximum penalty: 17 penalty units.

**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.

Maximum penalty: 17 penalty units.

**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.

Maximum penalty: 4 penalty units.

**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.

Maximum penalty: 0.8 penalty unit.

**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.

Maximum penalty: For a first offence – 4 penalty units.

For a subsequent offence – 8 penalty units  
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; and
  - (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 IIIA      Use of NT sports information**

### **Division 1      Preliminary matters**

#### **69A      Interpretation**

- (1) In this Part:

***affected person:***

- (a) for an internally reviewable decision – see section 69G(3); or
- (b) for a tribunal reviewable decision – see section 69N(2).

***another jurisdiction*** means a State or another Territory.

***approval***, in relation to NT sports information, means an approval granted under section 69C(1)(a) to use that information.

***betting service provider*** means any of the following:

- (a) a bookmaker, sports bookmaker, totalisator operator or betting exchange operator;
- (b) a person carrying on a business under a law of another jurisdiction that substantially corresponds to the business of a bookmaker, sports bookmaker, totalisator operator or betting exchange operator;
- (c) an agent or employee of a person mentioned in paragraph (a) or (b).

**decision notice**, for a decision, means a written notice setting out:

- (a) the decision and the reasons for it; and
- (b) any right the person to whom the notice is to be given has under this Act to apply for a review of, or to appeal, the decision.

**internally reviewable decision**, see section 69G(1).

**NT sports information** means:

- (a) in relation to a specified event that is a race to be held at a meeting at a racing venue in the Territory – information that identifies, or is capable of identifying, the name or number of a horse or greyhound:
  - (i) as a horse or greyhound that has been nominated for, or is taking part in, the race; or
  - (ii) as a horse or greyhound that has been withdrawn from the race; or
- (b) in relation to another specified event in the Territory – information about the event, including information about an individual, a team or a player on a team, who or that is scheduled to take part in the event.

**specified event** means:

- (a) a race at a meeting held or to be held at a racing venue in the Territory; or
- (b) a sporting event as specified by the Commission under subsection (4).

**sports control body** means:

- (a) for a specified event that is a horse-race – Thoroughbred Racing NT Incorporated; or
- (b) for a specified event that is a greyhound-race or trotting race – the Commission; or
- (c) for any other specified event – an organisation authorised by the Commission under subsection (3).

**totalisator operator** means a licensee or operator under the *Totalisator Licensing and Regulation Act 2000*.

**tribunal reviewable decision**, see section 69N(1).

- (2) For this Part, a betting service provider **uses NT sports information** only if the provider, whether in Australia or elsewhere, in the course of business as a betting service provider:
  - (a) publishes the information; or
  - (b) otherwise uses the information in a manner prescribed by regulation.
- (3) For subsection (1), definition **sports control body**, paragraph (c), the Commission may, by *Gazette* notice, authorise an organisation to be the sports control body for a specified event.
- (4) For this Part:
  - (a) a reference to a specified event includes a reference to a specified event scheduled to take place even if the event does not take place; and
  - (b) the Commission may specify a sporting event to be a specified event; and
  - (c) the Commission may specify a class of sporting events and, if it does so, a reference to a specified event in this Part includes a reference to the class or any event in the class.

## **Division 2      Approval to use NT sports information**

### **69B      Application for approval to use NT sports information**

A person may apply to the sports control body under whose authority a specified event is to be held, in the form approved by the body, for approval to use NT sports information about the event.

### **69C      Approval to use NT sports information**

- (1) As soon as practicable after receiving an application under section 69B and, in any event, within 28 days after receiving the application, the sports control body to which the application was made must make one of the following decisions:
  - (a) to grant the application and approve the use of the information, with or without one or more conditions as follows:
    - (i) a condition that the holder of the approval pay a fee imposed as prescribed by regulation;
    - (ii) another condition specified in the approval;
  - (b) to refuse the application.

- (2) An approval must specify the period of its validity.
- (3) As soon as practicable after making the decision, the sports control body must give a decision notice for the decision to the applicant.
- (4) If a condition of the approval is the payment of a fee, the fee is a debt due and payable to the sports control body that granted the approval and is recoverable in a court of competent jurisdiction.

#### **69D      Variation of conditions**

- (1) A sports control body that grants an approval to use NT sports information may decide to vary the conditions of the approval or impose additional conditions on the approval.
- (2) Before exercising its powers under subsection (1), the sports control body must, by written notice to the holder of the approval, notify the holder of the proposed variation of the conditions or proposed additional conditions.
- (3) The sports control body may, not earlier than 28 days after a notice is sent to the holder under subsection (2), vary the conditions or impose the additional conditions.
- (4) The sports control body must, in exercising its powers under subsection (3), consider representations made by the holder.
- (5) If the sports control body decides to vary the conditions or impose additional conditions, it must, as soon as practicable after making the decision, give a decision notice for the decision to the holder of the approval.

#### **69E      Cancellation of approval**

- (1) A sports control body that grants an approval to use NT sports information may decide to cancel the approval if the body is satisfied of one or more of the following:
  - (a) that the holder of the approval has seriously breached a condition of the approval;
  - (b) that the holder has contravened this Act or the Regulations;
  - (c) any other matter prescribed by regulation.
- (2) As soon as practicable after making the decision, the sports control body must give a decision notice for the decision to the holder of the approval.

**69F Use of NT sports information with no approval or contravening condition of approval**

- (1) A betting service provider must not use NT sports information about a specified event unless the provider holds an approval to use the NT sports information from the sports control body under whose authority the event is to be held.

Maximum penalty: 100 penalty units or imprisonment for 12 months.

- (2) A betting service provider must not contravene a condition of an approval to use NT sports information.

Maximum penalty: 100 penalty units.

**Division 3 Review**

**69G Internally reviewable decisions**

- (1) An ***internally reviewable decision*** is a decision:
- (a) to refuse an application under section 69C; or
  - (b) to vary a condition of an approval under section 69D; or
  - (c) to impose an additional condition on an approval under section 69D; or
  - (d) to cancel an approval under section 69E.
- (2) For subsection (1)(c), the following applies in relation to a decision to impose an additional condition about fees:
- (a) if there was no fee payable under the original approval and the decision is that a fee is payable – the decision is not an internally reviewable decision;
  - (b) if the decision is to increase the amount of a fee payable – the decision is an internally reviewable decision.
- (3) An ***affected person***, for an internally reviewable decision, is the applicant for, or holder of, the approval.

**69H Application for internal review**

- (1) An affected person for an internally reviewable decision may apply to the Chief Executive Officer for an internal review of the decision.
- (2) The application must be made:

- (a) within 28 days after the decision notice for the decision is given to the affected person; or
  - (b) if the Chief Executive Officer extends the time allowed for making an application — within the additional time that the Chief Executive Officer allows.
- (3) The application must:
- (a) be in the form approved by the Chief Executive Officer; and
  - (b) be accompanied by any fee prescribed by regulation; and
  - (c) state the grounds on which it is made and the facts relied on to establish the grounds.

**69J Effect of application on internally reviewable decision**

- (1) The making of an application under section 69H does not stay the operation of the internally reviewable decision.
- (2) However, the Chief Executive Officer may stay the operation of the decision pending completion of the review.

**69K Chief Executive Officer to consider application**

- (1) On receipt of an application under section 69H, the Chief Executive Officer must review the internally reviewable decision to which the application relates.
- (2) However, the Chief Executive Officer may reject the application without reviewing the decision if the Chief Executive Officer is satisfied that:
  - (a) the application is frivolous or vexatious; or
  - (b) the application relates to an internally reviewable decision that was made more than 28 days before the application was made; or
  - (c) the application relates to a matter that is the subject of an application to a court or tribunal.

**69L Conducting and determining review**

- (1) In reviewing an internally reviewable decision, the Chief Executive Officer must:
  - (a) take into account any matter that the Regulations require the Chief Executive Officer to take into account in reviewing the decision; and

- (b) follow any procedures for review set out in the Regulations;  
and
  - (c) comply with the rules of natural justice.
- (2) After reviewing the decision, the Chief Executive Officer must:
- (a) affirm the decision; or
  - (b) vary the decision; or
  - (c) set aside the decision and substitute a new decision.

**69M Decision notice**

As soon as practicable after making a decision under section 69L, the Chief Executive Officer must give a decision notice to the applicant.

**69N Review by Tribunal**

- (1) The Tribunal has jurisdiction to review a decision of the Chief Executive Officer under section 69L (a **tribunal reviewable decision**).
- (2) An **affected person**, for a reviewable decision, is the person who was the affected person under section 69L for the internally reviewable decision to which the tribunal reviewable decision relates.
- (3) An affected person for a tribunal reviewable decision may apply to the Tribunal for review of the decision.
- (4) In this section:

**Tribunal** means the Civil and Administrative Tribunal.

*Note for section 69N*

*The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to the Tribunal for review and other relevant matters in relation to reviews.*

## **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.

Maximum penalty:      For a first offence – not less than 60 penalty units and not more than 105 penalty units.

For a second offence – not less than 105 penalty units and not more than 215 penalty units.

For a third or subsequent offence – not less than 215 penalty units and not more than 430 penalty units.

- (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.

Maximum penalty:      For a first offence – not less than 60 penalty units and not more than 105 penalty units.

For a second offence – not less than 105 penalty units and not more than 215 penalty units.

For a third or subsequent offence – not less than 215 penalty units and not more than 430 penalty units.



- (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.

Maximum penalty:        For a first offence – not less than 60 penalty units and not more than 105 penalty units.

For a second offence – not less than 105 penalty units and not more than 215 penalty units.

For a third or subsequent offence – not less than 215 penalty units and not more than 430 penalty units.

- (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.

Maximum penalty:        8 penalty units.

**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 1993*, *Gaming Machine Act 1995* or *Unlawful Betting Act 1989*; 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 bookmaker 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 bookmaker 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; or
  - (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.

Maximum penalty: 17 penalty units.

### **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.

Maximum penalty: 40 penalty units.

## **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 bookmaker 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; and
  - (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.

Maximum penalty: 40 penalty units.

## **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, subsection (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.

Maximum penalty:        For a first offence – 40 penalty units.

   For a second offence – 85 penalty units.

   For a third or subsequent offence –  
   125 penalty units.

## **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.

Maximum penalty:

For a first offence – 40 penalty units.

For a second offence – 85 penalty units.

For a third or subsequent offence –  
125 penalty units.

## **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; or
- (b) issues or delivers to a person in respect of a bet a betting ticket previously used in respect of some other bet; or
- (c) issues or delivers to a person a betting ticket that has not been purchased from the Commissioner of Territory Revenue or his agent or licensee; or
- (e) issues or delivers to a person a betting ticket upon which the name of another bookmaker is printed; or
- (f) sells or transfers a betting ticket to another person; or
- (h) enters or keeps recorded a record under or for the purposes of this Act that is false or misleading in a material particular; or
- (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.

Maximum penalty:      40 penalty units.

**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 17 penalty units or, in the case of a sports bookmaker, not exceeding 170 penalty units 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; or
  - (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; or
  - (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; or
- (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; or
- (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.

Maximum penalty:     40 penalty units.

**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.

#### **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.

#### **88A          Licence and permit not transferable**

A licence or permit (including a special licence or special permit) granted under this Part is not transferable by the holder of the licence or permit.

## **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 2000*, 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 2000***

- (2) A person who holds a licence under the *Totalisator Licensing and Regulation Act 2000* 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 2000* 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 Director-General; and
  - (b) be in a form approved by the Director-General; and
  - (c) be accompanied by:
    - (i) the information required by the Director-General; 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 Director-General may require the applicant to supply additional information that will assist the Director-General to determine the application.
- (6) The Director-General 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 Director-General granted the licence.
- (7) For the purpose of subsection (6), the Director-General 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 Director-General.
- (8) If a person who holds a licence under the *Totalisator Licensing and Regulation Act 2000* applies for and is granted a licence under this Part:
- (a) this Act applies and the Director-General may exercise powers and perform 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 2000* 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 2000* and the licence granted under this Part – the term or condition of the licence held under the *Totalisator Licensing and Regulation Act 2000* is to be complied with.

(9) In this section:

**Director-General**, see section 3 of the *Licensing (Director-General) Act 2014*.

## **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.

Maximum penalty:     40 penalty units.

## **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.

Maximum penalty:      17 penalty units.

- (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.

Maximum penalty:      17 penalty units.

- (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; and
  - (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.

Maximum penalty: 17 penalty units.

- (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; and
  - (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; or
  - (b) at a trotting meeting conducted by a club on a licensed paceway; or
  - (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.

Maximum penalty:        40 penalty units.

**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.

Maximum penalty:      17 penalty units.

- (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.

Maximum penalty:        17 penalty units.

- (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.

Maximum penalty:        17 penalty units.

#### **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      Bookmaker tax**

### **106      Bookmaker's liability to pay tax**

- (1) A sports bookmaker (other than a country bookmaker) must pay to the Commission, on or before the 14th day of each calendar month, a tax:
  - (a) imposed on the bookmaker's gross monthly profit for the preceding calendar month; and
  - (b) calculated at the rate of 10% on the amount of that profit.





- (c) a certificate setting out the terms of an order made under paragraph (b) and filed in a court of competent jurisdiction by the Commission may be enforced as if it were a judgment of that court.
- (6) For subsection (1), a sports bookmaker's **gross monthly profit** for a month is the total amount of bets made by persons during the month with the bookmaker, less the total amount paid by the bookmaker to those persons for the bets during that month.
- (7) In addition, the following amounts must be disregarded in working out the sports bookmaker's gross monthly profit for the month:
  - (a) the total amount of bets made during the month by persons located in Australia with the bookmaker for a sporting event other than a horse race, trotting race or greyhound race;
  - (b) the total amount paid by the bookmaker to the persons for the bets during the month.
- (8) For this section, a reference to an amount of bets made with a bookmaker includes a reference to an amount of bets made with someone acting for the bookmaker.

#### **107 Bookmaker's obligation to lodge returns**

A bookmaker must, on or before the 14th day of each calendar month, lodge with the Commission a return in the approved form setting out the following:

- (a) details of all bets made with the bookmaker during the preceding calendar month;
- (b) all records relating to the bets required to be retained by the bookmaker under section 77(2);
- (c) information about the business carried on by the bookmaker as required by the Commission.

Maximum penalty:      40 penalty units.

#### **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 IVA      Betting exchange operators**

### **Division 1      Definitions**

#### **109A      Definitions**

In this Part:

**audit log** means an approved audit log required to be kept by a betting exchange operator under section 109R.

**betting exchange** means a facility, electronic or otherwise, that enables a person to:

- (a) make or receive, through a betting exchange operator, a bet or wager with other persons; or
- (b) make, through a betting exchange operator, a bet or wager that may be:
  - (i) matched with one or more opposing bets or wagers that have been made through the operator; or
  - (ii) transmitted by the operator to another person for matching with one or more opposing bets or wagers.

**betting exchange agent** means a person permitted under section 109L(2) to act for a betting exchange operator.

**betting exchange business** means the business of operating a betting exchange.

**betting exchange licence** means a licence to conduct a betting exchange business in specified premises granted under section 109C, or a renewal of the licence granted under section 109G.

**betting exchange operator** means:

- (a) a person who holds a betting exchange licence; and
- (b) if the person is a body corporate – the nominee endorsed on the licence document in accordance with section 109F(1).

**betting receipt**, see section 109Q(1).

**executive officer**, of a body corporate, means a director or other person who is concerned with, or takes part in, the management of the body corporate.

**key employee licence** means a licence granted under section 109J(3) permitting a person to be employed or engaged by a betting exchange operator in a key position at licensed premises.

**key position** means:

- (a) a position in a betting exchange business that is designated a key position, or involves the performance of a function that is designated a key function, under section 109J(1); or
- (b) any other position in a betting exchange business if the holder of the position controls, or exercises significant influence over, the business.

## **Division 2      Betting exchange licences**

### **109B      Application for betting exchange licence**

- (1) A person may apply for a licence to conduct a betting exchange business in premises specified in the application.
- (2) The application must:
  - (a) be made to the Commission in the approved form; and
  - (b) be accompanied by:
    - (i) the information evidencing the applicant's ability to conduct a betting exchange business specified in the approved form; and
    - (ii) a processing fee of 200 000 revenue units; and

- (c) if the applicant is a body corporate – specify the name and address of the individual nominated by the applicant to carry out the functions of the betting exchange operator.
- (3) If the applicant is a body corporate, the Commission may require the applicant to supply any information relating to the operations and structure, or executive officers, of the applicant, that the Commission thinks fit.
- (4) In addition, the Commission may require an applicant to supply any other information that will assist the Commission to determine the application.

**109C      Commission may grant betting exchange licence**

- (1) Subject to this section and section 109D, the Commission may grant or refuse to grant a betting exchange licence to an applicant.
- (2) In determining whether to grant or refuse to grant the betting exchange licence, 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) if the applicant is a body corporate – whether it has or has arranged a satisfactory ownership, trust or corporate structure;
  - (d) whether the applicant has obtained or is able to obtain:
    - (i) financial resources that are adequate to ensure the financial viability of the betting exchange business proposed to be conducted; and
    - (ii) 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:
    - (i) is not of good repute having regard to character, honesty and integrity; or
    - (ii) has undesirable or unsatisfactory financial resources;
  - (g) whether each executive officer, partner and trustee of the applicant, and any other 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) For the purpose of determining whether to grant or refuse to grant the betting exchange licence, the Commission may carry out the investigations and inquiries the Commission considers necessary.

*Note for section 109C*

*Section 109P also requires an applicant to give a security to the Commission.*

**109D      Persons to whom betting exchange licence must not be granted**

- (1) A betting exchange licence must not be granted to:
- (a) an individual who has not attained the age of 18 years; or
  - (b) a person who already holds a betting exchange licence; or
  - (c) a person who has an interest of any kind in a betting exchange business conducted by a betting exchange operator; or
  - (d) a person who is not a fit and proper person.
- (2) Without limiting subsection (1)(d), a person is not a fit and proper person if the person, within 10 years before the date of making the application for the betting exchange licence:
- (a) has been found guilty of an offence against this Act or the *Gaming Control Act 1993*, *Gaming Machine Act 1995* or *Unlawful Betting Act 1989*; or
  - (b) has been found guilty of an offence prescribed by regulation as a disqualifying offence.

### **109E      Licensed premises and conditions**

- (1) A betting exchange licence applies in relation to the premises specified in the licence.
- (2) Without limiting section 24(3), the Commission may impose on a betting exchange licence granted to a body corporate conditions relating to the structure and assets of the body corporate, including conditions requiring:
  - (a) the approval of the Commission before any change may be made to the structure or assets, or the executive officers, of the body corporate; and
  - (b) the giving of undertakings and the lodging of securities by executive officers of the body corporate.

### **109F      Endorsements**

- (1) A betting exchange licence granted to a body corporate must be endorsed with the name and address of the individual nominated under section 109B(2)(c) in the application for the licence.
- (2) A betting exchange licence granted to a person who applied for the licence on behalf of, and for the benefit of, the person and other persons, must be endorsed with the names and addresses of those other persons.
- (3) A person commits an offence if:
  - (a) the person acquires or holds an interest in, or derives a benefit from, a betting exchange business conducted by a betting exchange operator; and
  - (b) the person's name is not endorsed on the operator's betting exchange licence.

Maximum penalty:      40 penalty units.

- (4) Subsection (3) does not apply if the person has the approval of the Commission.

### **109G      Renewal of betting exchange licence**

- (1) The Commission may renew a betting exchange licence on application by the betting exchange operator.
- (2) The application must be in the approved form and accompanied by the processing fee of 200 000 revenue units.

- (3) Section 109C(2) applies in relation to an application for the renewal of a betting exchange licence under this section as if the application were for the grant of the betting exchange licence.
- (4) The renewal of a betting exchange licence may be subject to different conditions than those to which the licence being renewed was subject.

#### **109H      Variation of betting exchange licence or conditions**

- (1) A betting exchange operator may apply to the Commission for a variation of the operator's betting exchange licence, or the conditions to which it is subject, and the Commission may vary or refuse to vary the licence or conditions as it thinks fit.
- (2) The Commission may, on its own initiative:
  - (a) vary a betting exchange operator's betting exchange licence or the conditions to which it is subject; or
  - (b) impose additional conditions on the licence.
- (3) However, before doing so, the Commission must:
  - (a) give the betting exchange operator not less than 28 days written notice of the proposed variation of the betting exchange licence or conditions or the additional conditions to be imposed; and
  - (b) consider any representations made by the operator.
- (4) This section does not permit the Commission to vary the effect of a prescribed condition to which a betting exchange licence is subject.

### **Division 3      Employees and betting exchange agent**

#### **109J      Key positions and key employee licence**

- (1) The Commission may, by notice to a betting exchange operator, designate a position or function in the operator's betting exchange business to be a key position or key function.
- (2) A person may apply to the Commission in the approved form accompanied by the prescribed fee for a key employee licence.
- (3) The Commission may, in its discretion:
  - (a) grant a key employee licence subject to the conditions the Commission thinks fit and endorses on the licence; or

- (b) refuse to grant the licence.
- (4) Subsection (5) applies if, in relation to a bet made through a betting exchange operator, a key employee employed or engaged by the operator:
  - (a) fails to enter in the audit log kept by the operator the particulars of the bet prescribed for section 109R(1); or
  - (b) fails to enter those particulars immediately after the bet is made or received and before making any other record or note of the bet.
- (5) Whether or not the key employee is prosecuted for an offence constituted by the employee's act or omission, the Commission may suspend the employee's key employee licence for the period it thinks fit.

**109K      Offences in relation to employees**

- (1) A betting exchange operator must not employ or engage a person in a key position at licensed premises unless the person holds a key employee licence.

Maximum penalty:      17 penalty units.

- (2) A person commits an offence if the person:
  - (a) is employed or engaged by a betting exchange operator in a key position at licensed premises; and
  - (b) does not hold a key employee licence.

Maximum penalty:      17 penalty units.

- (3) A person who is, or appears to be, employed or engaged by a betting exchange operator in a key position at licensed premises must, on demand by a betting inspector or person authorised by the Commission, produce the person's key employee licence.

Maximum penalty:      17 penalty units.

- (4) An offence against subsection (2) or (3) is a regulatory offence.

**109L      Person may act for betting exchange operator**

- (1) A betting exchange operator may apply to the Commission, in the approved form, for permission for a specified person to act for the operator in the operator's absence.



- (2) The Commission may grant the permission for a period not exceeding 12 months or refuse the permission.
- (3) A betting exchange operator must not allow the operator's licensed premises to be open for business when the operator is not in attendance to supervise the conduct of the operator's betting exchange business unless the operator has obtained permission under subsection (2) for a person to act for the operator during the operator's absence.

Maximum penalty:      17 penalty units.

- (4) A betting exchange agent must ensure that a notice stating the following matters is displayed prominently on the betting exchange operator's licensed premises at all times during which the premises are open for business during the operator's absence:
  - (a) the Commission has granted permission for the agent to act for the operator;
  - (b) the period for which the permission has been granted;
  - (c) the agent's name.

Maximum penalty:      17 penalty units.

- (5) A betting exchange agent has the same duties, and is liable to the same extent, as if the agent were the betting exchange operator for whom the agent is acting.

**109M      Liability of betting exchange operator for employees and betting exchange agent**

- (1) If an employee of a betting exchange operator, by act or omission related to the betting exchange business of the operator, commits an offence against this Act, the operator and the employee are severally liable in respect of the offence.
- (2) If a betting exchange agent, by act or omission while acting for a betting exchange operator, commits an offence against this Act, the agent and the operator are severally liable in respect of the offence.
- (3) In a prosecution of a betting exchange operator for an offence against this Act for an act or omission of the operator's employee or a betting exchange agent, it is not a defence:
  - (a) that the operator had no knowledge of the act or omission of the employee or agent; or

- (b) that it was not the intention of the operator that the employee or agent should do the act or make the omission.

#### **Division 4      Matters relating to operating a betting exchange**

##### **109N      Operator of betting exchange must be licensed**

- (1) A person must not operate a betting exchange at premises unless the person is the holder of a betting exchange licence permitting the operation of a betting exchange at the premises.

Maximum penalty:      For a first offence – not less than 60 penalty units and not more than 105 penalty units.

For a second offence – not less than 105 penalty units and not more than 215 penalty units.

For a third or subsequent offence – not less than 215 penalty units and not more than 430 penalty units.

- (2) A person who is, or appears to be, operating a betting exchange must, on demand by a betting inspector, produce the person's betting exchange licence.

Maximum penalty:      8 penalty units.

##### **109P      Security must be given to Commission**

- (1) The Commission must not grant a betting exchange licence to an applicant unless the applicant has given a security to the Commission for payment of the following:

- (a) betting exchange tax;
- (b) other amounts payable by the applicant to the Commission;
- (c) winning bets made or received through the applicant in the applicant's capacity as a betting exchange operator.

- (2) The security must be in the approved form and in an amount or to a value determined by the Commission, which must be no more than the prescribed amount.

- (3) The Commission may, from time to time, redetermine the amount or value of a security.

- (4) If the Commission does so and the redetermined amount or value is greater than the previous amount or value of the security, the Commission must not renew the betting exchange licence to which the security relates until the betting exchange operator has increased the security given to the Commission to the redetermined amount or value.
- (5) If the Commission is satisfied that a betting exchange operator has refused or omitted to pay an amount payable to the Commission for betting exchange tax or otherwise, or payable for a winning bet, the Commission:
- (a) may pay the amount from any money received by it under a security given by the operator and held by it under this section; and
  - (b) if it does so – must, under section 109V, either:
    - (i) cancel the operator's betting exchange licence; or
    - (ii) suspend the licence until the operator repays to the Commission the amount the Commission has paid, or for a longer period, as the Commission thinks fit.
- (6) An amount payable to the Commission by a betting exchange operator for betting exchange tax or otherwise must be paid in full from any security given by a betting exchange operator and held by the Commission under this section before payment is made of a winning bet.
- (7) In this section:

***betting exchange tax*** means tax imposed by section 109Z.

#### **109Q Issue of betting receipt**

- (1) Unless otherwise approved, immediately after a bet is made or received through a betting exchange operator, the operator must issue to the person who made or received the bet a receipt (a ***betting receipt***) that clearly shows, in the prescribed manner, the prescribed particulars of the bet.

Maximum penalty: 40 penalty units.

- (2) A betting exchange operator must issue a separate betting receipt for each bet made or received through the operator.

Maximum penalty: 40 penalty units.

- (3) However, if a win bet and a place bet are made or received through the betting exchange operator at the same time in respect of the same runner, the operator may issue one betting receipt for both bets.

#### **109R Audit log of bets**

- (1) A betting exchange operator must keep an approved audit log and record in the audit log the prescribed particulars of each bet made or received through the operator.
- (2) A record of a bet required to be made under subsection (1) must be made immediately after the bet is made or received through the betting exchange operator and before any other record or note of the bet is made.
- (3) In addition, a betting exchange operator must comply with any requirements prescribed by regulation for the recording of bets made or received through the operator.
- (4) A betting exchange operator must retain all records made under subsection (1) or (3) for a period of not less than 3 years from the date on which they were made or any longer period prescribed by regulation.
- (5) A betting exchange operator must not contravene this section.

Maximum penalty: For a first offence – 40 penalty units.

For a second offence – 85 penalty units.

For a third or subsequent offence –  
125 penalty units.

#### **109S Betting exchange operator to account for records**

- (1) A betting exchange operator or person who has ceased to be a betting exchange operator must, at the time and in the manner required by the Commission, give the Commission a true copy of each audit log kept by the operator or person.
- (2) A betting exchange operator must, on the oral or written direction of the Commission, a betting inspector or a person authorised by the Commission (each an **authorised entity**):
- (a) produce for inspection all records and any item of recording equipment or any other equipment, device or thing as directed; and

(b) allow the records, recording equipment or other equipment, device or thing to be inspected or investigated by the authorised entity in the manner the entity thinks fit.

(3) A person must not contravene this section.

Maximum penalty:      For a first offence – 40 penalty units.

For a second offence – 85 penalty units.

For a third or subsequent offence –  
125 penalty units.

### **109T      Supervision of betting exchange operators**

(1) An authorised person may:

(a) direct a person at licensed premises to give the authorised person any property that the authorised person has reasonable grounds for believing is being, or has been, used for making records relating to betting through a betting exchange operator; and

(b) if the authorised person believes on reasonable grounds that an offence against this Act has been committed using the property, take possession of the property.

(2) An authorised person may enter licensed premises and direct any of the following persons to assist the authorised person, as the authorised person considers necessary, for the purpose of ascertaining whether this Act is being complied with:

(a) the occupier of the premises or an employee or agent of the occupier;

(b) a betting exchange operator, betting exchange agent or employee of a betting exchange operator.

(3) A person must not contravene a direction given under subsection (1)(a) or (2).

Maximum penalty:      For a first offence – 40 penalty units.

For a second offence – 85 penalty units.

For a third or subsequent offence –  
125 penalty units.

(4) In this section:

**authorised person** means:

- (a) a betting inspector; or
- (b) a person authorised in writing by the Commission.

**property** means a document or any equipment, device or thing of any kind.

#### **109U Prohibited conduct**

(1) A betting exchange operator must not:

- (a) procure a person to make a bet on behalf of the operator or another betting exchange operator that, if made by the operator personally, would be contrary to this Act; or
- (b) sell or transfer a betting receipt that is required to be issued to a person under section 109Q to another person.

Maximum penalty: 40 penalty units.

(2) A betting exchange operator must not advertise the operator's calling as a betting exchange operator otherwise than as prescribed.

Maximum penalty: 40 penalty units.

(3) An offence against subsection (2) is a regulatory offence.

#### **109V Discipline of betting exchange operator and cancellation of licence**

(1) The Commission may discipline a betting exchange operator if satisfied the operator:

- (a) has committed an offence against this Act or rules made under section 109X or has failed to perform a duty required of the operator by this Act; or
- (b) has failed to pay, within 3 days after being required by the Commission to do so, a bet made or received through the operator that is a winning bet; or

- (c) has entered into an arrangement with a person under which the person derives or is entitled to derive a benefit or advantage from the operator's betting exchange business, unless:
    - (i) the person's name is endorsed on the operator's betting exchange licence as required by section 109F(1) or (2); or
    - (ii) the arrangement has been approved by the Commission; or
  - (d) has failed to comply with a condition of the operator's licence.
- (2) For subsection (1), the Commission may discipline a betting exchange operator in one of the following ways:
- (a) by reprimanding the operator;
  - (b) by imposing a fine not exceeding 170 penalty units on the operator;
  - (c) by suspending or cancelling the operator's betting exchange licence.
- (3) The Commission must cancel a betting exchange operator's betting exchange licence:
- (a) if satisfied the operator is not a fit and proper person to continue to hold the licence; or
  - (b) on the written request of the operator.
- (4) If a court orders that a betting exchange operator deliver the operator's betting exchange licence to the Commission for suspension for a period or cancellation, the Commission, upon the delivery of the licence, must suspend it for that period or cancel it, as required.
- (5) If the Commission cancels a betting exchange operator's betting exchange licence, it must inquire whether all bets made or received through the operator that are winning bets have been paid by the operator, and must:
- (a) if satisfied that all those bets have been paid – vacate the security that it holds under section 109P in relation to the licence; or
  - (b) otherwise – realise the security and divide the proceeds, as prescribed, among the persons who made those bets.

- (6) If the Commission suspends a betting exchange operator's betting exchange licence, the licence is of no effect during the period of the suspension.

**109W      Business arrangements to be approved by Commission**

- (1) Except with the approval of the Commission, a betting exchange operator must not:
- (a) enter into a partnership, in relation to the betting exchange business conducted under the operator's betting exchange licence, with a person whose name is not endorsed on the licence; or
  - (b) make an arrangement with a person under which the person derives or is entitled to derive a benefit or advantage from the operator's betting exchange business; or
  - (c) borrow money, except from an approved financial institution, for use in that business.

Maximum penalty:      40 penalty units.

- (2) An offence against subsection (1) is a regulatory offence.

**109X      Commission may make rules**

- (1) The Commission, with the approval of the Minister, may make rules, not inconsistent with this Act, for the control and regulation of betting through betting exchange operators.
- (2) The rules may impose penalties, not exceeding 33 penalty units, for offences against the rules.
- (3) In this section:

***betting*** includes the negotiation, acceptance and distribution of money in connection with bets and the settling of bets.

**109Y      Legal proceedings in respect of bets**

- (1) Subject to this section, a person may take proceedings for the recovery of money payable on a winning lawful bet made or received through a betting exchange operator.
- (2) If a dispute relating to lawful betting arises between a betting exchange operator and a person, the dispute must be referred by the operator, and may be referred by the other party to the dispute, to the Commission.



- (3) The Commission may declare a sporting event, other than a horse race, trotting race or greyhound race, to constitute a dispute for this section and declare any person to be a party to the dispute if it appears to the Commission, on the complaint of a person or of its own motion, that:
  - (a) the event may not have been fairly or lawfully conducted; or
  - (b) 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.
- (4) If a dispute has been referred under subsection (2) to the Commission or declared under subsection (3), the Commission may:
  - (a) summon the parties to the dispute to appear and to give evidence before it; and
  - (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 that, in the opinion of the Commission, ought to be examined in order to determine the dispute.
- (5) The Commission must hear and determine all disputes referred to it or declared under this section.
- (6) If a party to a dispute who has been summoned to attend before the Commission fails without reasonable excuse to attend, the Commission must determine the dispute in favour of the party who attends or, in the case of a dispute declared under subsection (3), as it thinks fit, including declaring the event void.
- (7) The determination by the Commission of a dispute referred to it under subsection (2) or declared under subsection (3) is final and conclusive as to the matter in dispute.
- (8) In determining a dispute under this section, the Commission is not bound by rules of procedure or evidence, but may inform itself of the facts necessary to determine the dispute in the manner it thinks fit.
- (9) For this section, a bet is not lawful if it is declared by the Commission, after an investigation under this section, to be not lawful.



- (c) a certificate setting out the terms of an order made under paragraph (b) and filed in a court of competent jurisdiction by the Commission may be enforced as if it were a judgment of that court.

(7) In this section:

**commission** means:

- (a) the amount that a betting exchange operator is permitted to retain from a winning bet made or received by a person through the operator (or a person acting for the operator) as authorised by the Commission from time to time; and
- (b) any other commission the operator has charged and received from a customer that it retains as revenue.

#### **109ZA    Lodgement of returns**

- (1) A betting exchange operator must, on or before the 14th day of each calendar month, lodge with the Commission a return in the approved form setting out the following:
  - (a) details of all bets made or received through the operator during the preceding calendar month;
  - (b) all records relating to the bets required to be retained by the operator under section 109R(4);
  - (c) the information about the betting exchange business conducted by the operator required by the Commission.

Maximum penalty:      40 penalty units.

- (2) An offence against subsection (1) is a regulatory offence.

#### **109ZB    Procedure for payments and returns**

- (1) A betting exchange operator who is required to make a payment under section 109Z and lodge a return under section 109ZA may do so by:
  - (a) delivering the payment and return to the office of the Commission; or
  - (b) sending the payment and return by registered mail to the office of the Commission.

- (2) If a betting exchange operator makes a payment and lodges a return in accordance with subsection (1)(b), the payment is taken to be made to the Commission, and the return is taken to be lodged with the Commission, when a receipt is issued for the envelope containing it.

### **109ZC Suspension of licence**

If a betting exchange operator fails to make a payment in accordance with section 109Z, or lodge a return in accordance with section 109ZA, the operator's betting exchange licence is suspended until the operator makes the payment, or lodges the 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; and
  - (b) in accordance with rules approved under subsection (2); and
  - (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 Central Holding Authority.
- (4) An amount payable under this section into the Central Holding Authority 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 Central Holding Authority 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.

Maximum penalty: 0.8 penalty unit.

**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.

**119AA Licence not transferable**

A licence granted under this Part is not transferable by the holder of the licence.

**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 because of section 71(3) or 109D(1)(d), the applicant 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.

**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; and
  - (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; or
  - (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 because of section 71(3) or 109D(1)(d), 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; and
  - (b) at any time, for the purpose of inspecting a totalizator in the building, enter a building containing a totalizator; and
  - (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.

Maximum penalty: 17 penalty units.

**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.

Maximum penalty: 4 penalty units.

- (1A) A betting exchange operator commits an offence if the operator:

- (a) allows a person to make or receive a bet through the operator; and

- (b) either:

- (i) the person has not attained the age of 18 years; or  
(ii) the operator knows the person is betting on behalf of a person who has not attained that age.

Maximum penalty: 4 penalty units.

- (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.

Maximum penalty: 4 penalty units.

- (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.

Maximum penalty: For a first offence – 0.8 penalty unit.

For a subsequent offence – 4 penalty units.

- (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.

Maximum penalty: 4 penalty units.

- (4A) A person commits an offence if, on behalf of another person who has not attained the age of 18 years, the person makes or receives a bet through:

- (a) a betting exchange operator; or

- (b) a betting exchange agent; or

(c) a betting exchange operator's employee.

Maximum penalty: 4 penalty units.

- (5) It is a defence to a prosecution for an offence against this section if, at the time of the offence, the defendant 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.

Maximum 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.

Maximum penalty: 17 penalty units.

- (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 1978*, 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 etc.**

**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; and
  - (b) a receiver, or a receiver and manager, of the property or any part of the property of the club; and
  - (c) an official manager or deputy official manager of the club; and
  - (d) a liquidator of the club; and
  - (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 Local 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 Local 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 Local 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 one of the following provisions is a regulatory offence:
- (a) subject to subsection (2) – section 32, 40 or 46(8);
  - (b) section 36(6), 79(c), (e), (j) or (k), 81, 103(1A), (4) or (5), 106(4), 107 or 117.
- (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; or
- (b) the *Greyhound Racing Rules 1981* – 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 1981* 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 1981* 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; or
    - (ii) to impose on the person a suspension or disqualification for a period longer than 3 months; or

- (iii) subject to subsection (3)(c), to impose on an animal a disqualification or suspension; or
  - (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; or
  - (b) concerning the eligibility of an animal to race or the conditions under which an animal can race; or
  - (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; and
  - (b) the representation of the parties to an appeal; and
  - (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; or
  - (b) uphold, reverse or vary a decision appealed against; or
  - (c) set aside, vary, decrease or increase a fine or penalty imposed; or
  - (d) refer the matter for rehearing to the steward or the official of the club whose decision is appealed against; or
  - (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 Supreme Court Judge; or
  - (b) a Local Court Judge; or
  - (c) a lawyer.
- (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.

Maximum penalty:      4 penalty units.



### **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; or
- (b) uphold, reverse or vary a decision appealed against; or
- (c) set aside, vary, decrease or increase a fine or other penalty imposed; or
- (d) refer the matter for rehearing to the steward, official, club or the Commission whose decision is appealed against; or
- (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.

Maximum penalty: 4 penalty units.

**146A Misleading information in application, return etc.**

- (1) A person commits an offence if:
- (a) the person makes or gives an application, return, record or other document under this Act; and
  - (b) the document contains misleading information.
- Maximum penalty: 100 penalty units or imprisonment for 12 months.
- (2) Subsection (1) does not apply if the person, when giving the document:
- (a) draws the misleading aspect of the document to the attention of the person to whom it is made or given; and
  - (b) to the extent to which the person can reasonably do so – gives the person the information necessary to remedy the misleading aspect of the document.

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(3) If a bookmaker or betting exchange operator is found guilty of an offence against subsection (1), the court must order the bookmaker or operator to deliver the bookmaker's or operator's licence to the Commission for cancellation.

(4) In this section:

***misleading information*** means information that is misleading in a material particular or because of the omission of a material particular.

#### **146B Orders forbidding impoverished persons to bet**

(1) Subsection (2) applies if a written complaint is made to a court that a person, by excessive betting, has impoverished or is likely to impoverish himself or herself to such a degree as to expose to want, or endanger the welfare of, the person or the person's family.

(2) The court may issue a summons calling on the person to appear at a time and place specified in the summons, and to show cause why an order should not be made forbidding the person to bet with a bookmaker or betting exchange operator.

(3) The court hearing the complaint may do any of the following:

(a) investigate the matters contained in the complaint, and hear the evidence adduced in support of it, and also any evidence of the person complained against and of any witnesses called on his behalf;

(b) summon a bookmaker or betting exchange operator to give evidence of the matters complained of;

(c) adjourn the investigation from time to time;

(d) if satisfied about the facts alleged in the complaint, make an order forbidding the person, for a period not exceeding 2 months from the date of the order, to:

(i) bet with a bookmaker or betting exchange operator; or

(ii) loiter about or enter a racing venue or licensed premises.

(4) An order made under subsection (3) may be revoked by the court.

(5) All proceedings under this section must be conducted in private and not be open to the public.

- (6) A person must not contravene an order made under subsection (3).

Maximum penalty: 17 penalty units.

- (7) A bookmaker or betting exchange operator (the *licensee*) commits an offence if:

- (a) the licensee accepts a bet from a person or allows a person to make or receive a bet through the licensee; and
- (b) the person is the subject of an order made under subsection (3) that is in force and the licensee has received notice of the order.

Maximum penalty: 17 penalty units.

#### **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; and
- (b) applications for and the grant, issue and renewal of licences, certificates, permits and other authorities under this Act and duplicates thereof; and
- (c) the conditions or restrictions subject to which licences, permits and other authorities under this Act are granted; and
- (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; and
- (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; and

- (f) the conditions upon which totalizator licences may be granted; and
- (g) the settlement of disputes in connection with totalizators, bookmakers and betting exchange operators; and
- (h) the amounts to be returned to bettors by bookmakers or betting exchange operators where a runner is withdrawn from a race; and
- (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:
  - (i) by the bookmaker to the person who made the bet with the bookmaker; or
  - (ii) by the betting exchange operator to the person who made or received the bet through the operator; and
- (k) the realisation of securities given by a bookmaker or betting exchange operator and the division of the proceeds of the realisation among the persons who made with the bookmaker, or made or received through the operator, bets that are winning bets and have not been paid to those persons; and
- (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; and
- (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; and
- (p) the regulation and supervision of bookmakers; and
- (q) betting by or with bookmakers; and
- (qa) the regulation and supervision of betting exchange operators; and
- (qb) betting by or through betting exchange operators; and
- (r) betting at approved sporting events; and

- (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; and
- (t) fees payable for any matter or thing under this Act; and
- (u) penalties not exceeding 17 penalty units 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.

Maximum penalty: 17 penalty units.

## **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 1941*; and
- (b) *Greyhound Racing Rules 1981*; and
- (c) *Totalizator Rules 1979*,

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.

**Part X Transitional matters**

**Division 1 Racing and Betting Amendment Act 2009**

**157 Definition**

In this Division:

***amending Act*** means the *Racing and Betting Amendment Act 2009*.

**158 Application**

- (1) Section 106(1) as inserted by the amending Act applies in relation to a sports bookmaker's gross monthly profit for January 2010 and each subsequent month.
- (2) Section 106(3) as inserted by the amending Act applies in relation to the monthly amount of a registered bookmaker or country bookmaker for January 2010 and each subsequent month.
- (3) Section 107 as amended by the amending Act applies in relation to bets made with a bookmaker for January 2010 and each subsequent month.

**159 Transitional provision – bookmaker tax**

Despite section 106(2), the amount of bookmaker tax payable by a bookmaker for the financial year ending on 30 June 2010 must not exceed the amount equal to the monetary value of 125 000 revenue units worked out in accordance with the *Revenue Units Act 2009*.



**160 Transitional provision – turnover tax**

If, apart from the amending Act, a bookmaker would have an obligation to pay turnover tax or lodge a return in relation an amount wagered with the bookmaker during the last week in 2009:

- (a) the obligation is unaffected by the amending Act; and
- (b) this Act as in force immediately before the commencement of the amending Act applies to the bookmaker in relation to the obligation.

**Division 2 Licensing (Director-General) Act 2014**

**161 Definitions**

In this Division:

**2014 Acts** means the *Licensing (Director-General) Act 2014* and 2014 Amending Act.

**2014 Amending Act** means the *Licensing (Repeals and Consequential Amendments) Act 2014*.

**authority** means the authority as defined in section 89A(1) as in force immediately before the commencement.

**commencement** means the commencement of section 22 of the *Licensing (Director-General) Act 2014*.

**Director-General**, see section 89A(9).

**162 Application under section 89A – not yet considered**

- (1) This section applies if, before the commencement:
  - (a) an application had been made under section 89A; but
  - (b) the authority had not commenced active consideration of the application.
- (2) The application:
  - (a) is taken to be an application made on the commencement for the decision to be made by the Director-General; and
  - (b) must be dealt with and determined in accordance with this Act as amended by the 2014 Amending Act.

**163 Application under section 89A – under active consideration**

- (1) This section applies if, before the commencement:
  - (a) an application had been made under section 89A and the authority had commenced active consideration of the application; but
  - (b) the authority had not decided the application.
- (2) The authority must deal with and determine the application in accordance with this Act and the *Northern Territory Licensing Commission Act 1999*, both as in force immediately before the commencement, as if the 2014 Acts had not commenced.

**164 Active consideration**

Regulations may make provision for determining when active consideration of an application commences for this Division.

**165 Continuation of ongoing documents and things**

- (1) On the commencement, an ongoing document continues with the same force and effect as if it had been issued by, or given to, the Director-General.
- (2) On the commencement, an ongoing thing continues with the same force and effect as if it had been done by, or in relation to, the Director-General.
- (3) This section applies subject to sections 162 and 163 and Part 5, Division 2 of the *Licensing (Director-General) Act 2014*.
- (4) In this section:

***ongoing document*** means a document that:

- (a) was issued by, or given to, the authority before the commencement in or for the exercise of a power or performance of a function under section 89A, as then in force; and
- (b) immediately before the commencement, had ongoing effect.

***ongoing thing*** means a thing that:

- (a) was done by, or in relation to, the authority before the commencement in or for the exercise of a power or performance of a function under section 89A, as then in force; and

- (b) immediately before the commencement, had ongoing effect.

### **Division 3 Racing and Betting Legislation Amendment Act 2016**

#### **166 Definition**

In this Division:

**commencement** means the commencement of Part 3 of the *Racing and Betting Legislation Amendment Act 2016*.

#### **167 Principal clubs**

An appointment, declaration or specification under section 42(2), as in force immediately before the commencement, is taken to be an appointment, declaration or specification under section 42.

#### **168 No offence if agreement in place**

A person does not commit an offence against section 69F(1), even if the person does not hold an approval to use NT sports information, if the following conditions are complied with:

- (a) the NT sports information that the person uses is about a specified event that is a race at a meeting held or to be held at a racing venue in the Territory;
- (b) the person is a party to an agreement about the use of NT sports information, however described, including NT sports information about the event;
- (c) another party to the agreement is the sports control body under whose authority the event is to be held;
- (d) the information is used in accordance with the agreement;
- (e) the use occurs before the earlier of the following days:
  - (i) the day on which the agreement ceases to have effect;
  - (ii) the day that is 2 years after the commencement.

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**Schedule Repealed Acts**

section 3

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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

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<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

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**ENDNOTES**
**1 KEY**

Key to abbreviations

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

**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

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***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)

***Statute Law Revision Act (No. 2) 2004 (Act No. 54, 2004)***

Assent date 15 September 2004  
Commenced 27 October 2004 (Gaz G43, 27 October 2004, p 3)

***Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006 (Act No. 7, 2006)***

Assent date 26 April 2006  
Commenced 26 April 2006

***Racing and Betting Amendment Act 2006 (Act No. 10, 2006)***

Assent date 26 April 2006  
Commenced 30 January 2008 (Gaz G4, 30 January 2008, p 4)

***Legal Profession (Consequential Amendments) Act 2007 (Act No. 7, 2007)***

Assent date 17 May 2007  
Commenced s 10: 1 July 2007; rem: 17 May 2007 (s 2 and Gaz G26, 27 June 2007, p 3)



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**Statute Law Revision Act 2008 (Act No. 6, 2008)**

Assent date 11 March 2008  
Commenced 11 March 2008

**Revenue Law Reform (Budget Initiatives) Act 2008 (Act No. 23, 2008)**

Assent date 30 June 2008  
Commenced pt 1, ss 3, 12(1), 18 and 19: 1 January 2008; ss 7, 10 and 11(1): 6 May 2008; rem: 1 July 2008 (s 2)

**Racing and Betting Amendment Act 2009 (Act No. 38, 2009)**

Assent date 15 December 2009  
Commenced 1 January 2010 (s 2)

**Personal Property Securities (National Uniform Legislation) Implementation Act 2010 (Act No. 30, 2010)**

Assent date 9 September 2010  
Commenced ss 58 to 60: 30 January 2012 (Gaz, S2, 24 January 2012); rem: 25 November 2011 (Gaz, S68, 25 November 2011)

**Penalties Amendment (Justice and Treasury Legislation) Act 2010 (Act No. 38, 2010)**

Assent date 18 November 2010  
Commenced 1 February 2011 (Gaz S6, 1 February 2011)

**Treasury Legislation Amendment Act 2014 (Act No. 24, 2014)**

Assent date 26 June 2014  
Commenced 13 May 2014 (s 2)

**Licensing (Repeals and Consequential Amendments) Act 2014 (Act No. 44, 2014)**

Assent date 5 December 2014  
Commenced 1 January 2015 (Gaz S130, 19 December 2014, p 2)

**Local Court (Related Amendments) Act 2016 (Act No. 8, 2016)**

Assent date 6 April 2016  
Commenced 1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and Gaz S34, 29 April 2016)

**Racing and Betting Legislation Amendment Act 2016 (Act No. 20, 2016)**

Assent date 8 June 2016  
Commenced pt 3: 10 August 2016 (Gaz G32, 10 August 2016, p 5); rem: 8 June 2016

**Statute Law Revision Act 2017 (Act No. 4, 2017)**

Assent date 10 March 2017  
Commenced 12 April 2017 (Gaz G15, 12 April 2017, p 3)

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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)

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## 4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 4, 4A, 8, 18, 23, 25, 34, 38, 41, 48A, 57, 60, 69A, 69N, 71, 89, 89A, 106, 109D, 109Z, 137, 145B, 145C, 156, 159, 163 and 165.

## 5 LIST OF AMENDMENTS

s 3A	ins No. 26, 2004, s 4 amd No. 38, 2009, s 8
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; No. 38, 2009, s 4; No. 8, 2016, s 45; No. 20, 2016, ss 4 and 18
s 4A	ins No. 16, 2000, s 5 amd No. 20, 2016, s 19
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 19
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; No. 38, 2009, s 8; No. 20, 2016, 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
s 13	rep No. 43, 1986, s 6 ins No. 48, 1993, s 5
s 14	rep No. 43, 1986, s 6 ins No. 48, 1993, s 5 amd No. 38, 2009, s 8
s 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; No. 38, 2009, s 8

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s 18	amd No. 35, 1989, s 3; No. 50, 1994, s 16; No. 16, 2000, s 10; No. 38, 2009, s 8; No. 20, 2016, s 6
s 20	amd No. 35, 1989, s 3; No. 38, 2009, s 8; No. 38, 2010, s 3
s 21	sub No. 43, 1986, s 8 rep No. 47, 1995, s 6
s 23	amd No. 38, 2009, s 8; No. 20, 2016, s 20
s 24	amd No. 73, 1998, s 2; No. 26, 2004, s 7; No. 38, 2009, s 8; No. 20, 2016, s 7
s 25	amd No. 22, 1985, s 7 sub No. 26, 2004, s 8 amd No. 38, 2009, s 8
s 26	rep No. 26, 2004, s 8 ins No. 20, 2016, s 8
s 27	rep No. 26, 2004, s 8
ss 29 – 30	rep No. 26, 2004, s 8
s 32	amd No. 38, 2009, s 8; No. 38, 2010, s 3; No. 4, 2017, s 34
s 36	amd No. 38, 2009, s 8; No. 38, 2010, s 3
s 38	amd No. 16, 2000, s 11; No. 6, 2008, s 3; No. 38, 2009, s 8
s 40	amd No. 38, 2009, s 8; No. 38, 2010, s 3
s 41	amd No. 38, 2009, s 8
s 42	amd No. 19, 1995, s 5; No. 38, 2009, s 8 sub No. 20, 2016, s 21
s 43	amd No. 20, 2016, s 22
s 44	amd No. 16, 2000, s 12; No. 26, 2004, s 23; No. 38, 2009, s 8
s 45	amd No. 19, 1995, s 6
s 46	amd No. 38, 2009, s 8; No. 38, 2010, s 3
s 47	amd No. 38, 2009, s 8
s 48A	ins No. 16, 2000, s 13
s 52	amd No. 26, 2004, s 23; No. 38, 2009, s 8
s 54	amd No. 48, 1993, s 7
s 55	amd No. 38, 2009, s 8; No. 38, 2010, s 3
s 57	amd No. 26, 2004, s 23; No. 38, 2009, s 8
s 59	amd No. 48, 1993, s 8
s 60	amd No. 38, 2009, s 8; No. 38, 2010, s 3
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
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
ss 65 – 69	amd No. 38, 2009, s 8; No. 38, 2010, s 3
pt IIIA hdg	ins No. 20, 2016, s 23
pt IIIA	
div 1 hdg	ins No. 20, 2016, s 23
s 69A	ins No. 20, 2016, s 23
pt IIIA	
div 2 hdg	ins No. 20, 2016, s 23
ss 69B – 69F	ins No. 20, 2016, s 23
pt IIIA	
div 3 hdg	ins No. 20, 2016, s 23
ss 69G – 69N	ins No. 20, 2016, s 23

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- s 70            amd No. 12, 1989, s 4; No. 19, 1995, s 7; No. 26, 2004, s 23; No. 38, 2009, s 8; No. 38, 2010, s 3
- s 71            amd No. 26, 2004, s 9
- s 72            amd No. 62, 1994, s 4; No. 38, 2009, s 8
- s 73            amd No. 12, 1989, s 7  
                 sub No. 21, 1989, s 3  
                 amd No. 38, 2009, s 8; No. , 2010, s 3
- s 73A           ins No. 21, 1989, s 3
- s 74            amd No. 12, 1989, s 7; No. 19, 1995, s 8; No. 38, 2009, s 8; No. 38, 2010, s 3
- s 75            amd No. 12, 1989, s 7; No. 38, 2009, s 8; No. 38, 2010, s 3
- s 76            amd No. 54, 2004, s 7
- s 77            amd No. 12, 1989, s 7; No. 38, 2009, s 8; No. 38, 2010, s 3
- s 78            amd No. 12, 1989, s 7; No. 26, 2004, s 23; No. 38, 2009, s 8; No. 38, 2010, s 3
- s 79            amd No. 12, 1989, s 7; No. 26, 2004, s 10; No. 10, 2006, s 4; No. 23, 2008, s 21; No. 38, 2009, s 8; No. 38, 2010, s 3
- s 80            amd No. 19, 1995, s 9; No. 26, 2004, s 11; No. 38, 2009, s 8; No. 38, 2010, s 3
- s 81            amd No. 12, 1989, s 7; No. 38, 2009, s 8; No. 38, 2010, s 3
- 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; No. 38, 2009, s 8; No. 38, 2010, s 3; No. 8, 2016, s 45  
                 rep No. 20, 2016, s 9
- s 88            amd No. 12, 1989, s 7; No. 17, 1996, s 7; No. 38, 2009, s 8; No. 38, 2010, s 3; No. 8, 2016, s 45  
                 rep No. 20, 2016, s 9
- s 88A           ins No. 30, 2010, s 47
- pt IV
- div 2 hdg
- s 89            sub No. 19, 1995, s 12  
                 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  
                 amd No. 38, 2009, s 8; No. 44, 2014, s 123
- 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; No. 38, 2009, s 8; No. 38, 2010, s 3
- s 90A           ins No. 26, 2004, s 13  
                 rep No. 20, 2016, s 9
- s 91            sub No. 19, 1995, s 12  
                 amd No. 26, 2004, s 14
- s 92            sub No. 19, 1995, s 12  
                 amd No. 26, 2004, s 15
- 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
- s 96            amd No. 12, 1989, s 7  
                 sub No. 19, 1995, s 12  
                 amd No. 38, 2009, s 8; No. 38, 2010, s 3

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s 97	amd No. 12, 1989, s 7 sub No. 19, 1995, s 12 amd No. 38, 2009, s 8; No. 38, 2010, s 3
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 100	amd No. 38, 2009, s 8
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; No. 38, 2009, s 8; No. 38, 2010, s 3
s 102A	ins No. 26, 2004, s 18 rep No. 20, 2016, s 9
s 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; No. 38, 2009, s 8; No. 38, 2010, s 3
s 104	amd No. 19, 1995, s 14; No. 26, 2004, s 20
s 105	amd No. 26, 2004, s 23
pt IV div 5 hdg	amd No. 38, 2009, s 5
s 106	amd No. 12, 1989, s 7; No. 19, 1995, s 15; No. 17, 1996, s 6; No. 32, 2000, s 40 sub No. 38, 2009, s 6 amd No. 38, 2010, s 3; No. 24, 2014, s 14
s 107	amd No. 12, 1989, s 7; No. 19, 1995, s 16 sub No. 38, 2009, s 6 amd No. 38, 2010, s 3 ins No. 20, 2016, s 10
pt IVA hdg pt IVA div 1 hdg	ins No. 20, 2016, s 10
s 109A	ins No. 20, 2016, s 10
pt IVA div 2 hdg	ins No. 20, 2016, s 10
ss 109B – 109H	ins No. 20, 2016, s 10
pt IVA div 3 hdg	ins No. 20, 2016, s 10
ss 109J – 109M	ins No. 20, 2016, s 10
pt IVA div 4 hdg	ins No. 20, 2016, s 10
ss 109N – 109Y	ins No. 20, 2016, s 10
pt IVA div 5 hdg	ins No. 20, 2016, s 10
ss 109Z – 109ZC	ins No. 20, 2016, s 10
s 112	amd No. 38, 2009, s 8
s 114	amd No. 16, 2000, s 17; No. 6, 2008, s 3
s 115	amd No. 16, 2000, s 18; No. 6, 2008, s 3
s 117	amd No. 38, 2009, s 8; No. 38, 2010, s 3
s 118	rep No. 16, 2000, s 19
s 119AA	ins No. 30, 2010, s 47
pt VAA hdg	ins No. 26, 2004, s 21

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s 119A	ins No. 26, 2004, s 21; No. 8, 2016, s 45 amd No. 20, 2016, s 11
s 119B	ins No. 26, 2004, s 21 amd No. 38, 2009, s 8
s 119C	ins No. 26, 2004, s 21 amd No. 38, 2009, s 8; No. 20, 2016, s 12
pt VA hdg s 120	ins No. 22, 1985, s 11 sub No. 22, 1985, s 11 amd No. 16, 2000, s 20; No. 38, 2009, s 8
ss 121 – 123	rep No. 12, 1989, s 5
s 124	amd No. 16, 2000, s 21; No. 38, 2009, s 8; No. 38, 2010, s 3
ss 125 – 131	rep No. 12, 1989, s 5
s 132	amd No. 12, 1989, s 6; No. 38, 2010, s 3; No. 20, 2016, s 13
s 136	amd No. 38, 2010, s 3
pt VII hdg	amd No. 4, 2017, s 34
ss 143 – 144	amd No. 8, 2016, s 45
s 145	amd No. 17, 1996, s 6
s 145A	ins No. 68, 1983, s 97 sub No. 28, 1984, s 3 amd No. 4, 2017, s 34
pt VIIA hdg	ins No. 39, 1990, s 5
pt VIIA div 1 hdg s 145B	ins No. 39, 1990, s 5 ins No. 39, 1990, s 5 amd No. 38, 2009, s 8
s 145C	ins No. 39, 1990, s 5
pt VIIA div 2 hdg s 145D	ins No. 39, 1990, s 5 ins No. 39, 1990, s 5 amd No. 19, 1995, s 17 amd No. 38, 2009, s 8
pt VIIA div 3 hdg s 145E	ins No. 39, 1990, s 5 ins No. 39, 1990, s 5 amd No. 38, 2009, s 8
pt VIIA div 4 hdg s 145F s 145G	ins No. 39, 1990, s 5 ins No. 39, 1990, s 5 ins No. 39, 1990, s 5 amd No. 7, 2007, s 16; No. 38, 2009, s 8; No. 8, 2016, s 45
ss 145H – 145P	ins No. 39, 1990, s 5
pt VIIA div 5 hdg ss 145Q – 145Z	ins No. 39, 1990, s 5 ins No. 39, 1990, s 5
s 145ZA	ins No. 39, 1990, s 5 amd No. 38, 2009, s 8; No. 38, 2010, s 3
ss 145ZB – 145ZD	ins No. 39, 1990, s 5
s 145ZE	ins No. 39, 1990, s 5 amd No. 38, 2009, s 8
ss 145ZF – 145ZG	ins No. 39, 1990, s 5
s 146	amd No. 38, 2009, s 8; No. 38, 2010, s 3
ss 146A – 146B	ins No. 20, 2016, s 14

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s 148	amd No. 19, 1995, s 18; No. 38, 2009, s 8; No. 38, 2010, s 3; No. 20, 2016, s 15
s 148A	ins No. 26, 2004, s 22 amd No. 38, 2009, s 8; No. 38, 2010, s 3
s 156	amd No. 38, 2009, s 8
pt X hdg	ins No. 38, 2009, s 7 sub No. 44, 2014, s 124
pt X	
div 1 hdg	ins No. 44, 2014, s 124
s 157	ins No. 38, 2009, s 7 amd No. 44, 2014, s 125
ss 158 – 160	ins No. 38, 2009, s 7
pt X	
div 2 hdg	ins No. 44, 2014, s 126
ss 161 – 165	ins No. 44, 2014, s 126
pt X	
div 3 hdg	ins No. 20, 2016, s 24
ss 166 – 168	ins No. 20, 2016, s 24