

NORTHERN TERRITORY OF AUSTRALIA
RACING AND BETTING AMENDMENT BILL 1995

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Racing and Betting Act*

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Racing and Betting Amendment Act 1995*.

2. COMMENCEMENT

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

3. PRINCIPAL ACT

The *Racing and Betting Act* is in this Act referred to as the Principal Act.

4. DEFINITIONS

Section 4 of the Principal Act is amended -

- (a) by omitting from the definition of "bookmaker" the words "a licensed bookmaker" and substituting "a sports bookmaker";
- (b) by omitting the definition of "licensed bookmaker";

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- (c) by omitting the definition of "sporting event" and substituting the following;

"'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;"

- (d) by inserting after the definition of "sporting event" the following:

"'sports bookmaker' means a person to whom a licence is granted under section 90;" and

- (e) by omitting from subsection (2) "the Minister may, by notice in the Gazette," and substituting "the Commission may".

5. PRINCIPAL CLUBS

Section 42 of the Principal Act is amended -

- (a) by omitting subsection (1) and substituting the following:

"(1) Subject to subsection (2), the association of persons known as the Darwin Turf Club is, for the purposes of this Act and the Rules of Racing, a principal club."; and

- (b) by omitting from subsection (2)(b) "including a principal club" and substituting "including the principal club".

6. DELEGATION BY PRINCIPAL CLUB

Section 45(1) of the Principal Act is amended by omitting "to a person" and substituting "to a person or a race club".

7. LICENSING OF BOOKMAKERS, &c.

Section 70(1) of the Principal Act is amended by omitting "carry on bookmaking" and "a licensed bookmaker" and substituting "conduct the business of a sports bookmaker" and "a sports bookmaker", respectively.

8. BOOKMAKERS TO ISSUE BETTING TICKETS

Section 74(1) of the Principal Act is amended by omitting "A bookmaker" and substituting "Unless otherwise approved, a bookmaker".

9. SUSPENSION OR CANCELLATION OF LICENCE OR PERMIT

Section 80(1) of the Principal Act is amended by omitting "\$2,000" and substituting "\$2,000 or, in the case of a sports bookmaker, not exceeding \$20,000".

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10. SPECIAL BETTING PERMITTED

Section 82 of the Principal Act is amended -

- (a) by omitting from subsection (2) all words after "as the case may be," and substituting "to the bookmaker to conduct feature doubles."; and
- (b) by omitting subsection (3).

11. LEGAL PROCEEDINGS IN RESPECT OF BETS

Section 85 of the Principal Act is amended -

- (a) by inserting before subsection (1) the following:

"(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.";

- (b) by inserting after subsection (2) the following:

"(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.";

- (c) by omitting from subsection (3) "it may" and substituting "or declared under subsection (2A), the Commission may"; and
- (d) by adding at the end of subsection (5) "or, in the case of a dispute declared under subsection (2A), as it thinks fit, including declaring the event void".

12. REPEAL AND SUBSTITUTION

Division 2 of Part IV of the Principal Act is repealed and the following substituted:

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"Division 2 - Sports Bookmakers

"89. APPLICATIONS FOR LICENCES

"(1) A person may apply for a licence under this Part to conduct the business of a sports bookmaker in premises specified in the application.

"(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 sports bookmaker; and

(ii) the prescribed fee.

"(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.

"90. COMMISSION MAY GRANT LICENCES

"(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.

"(3) A licence shall apply to the premises specified in the licence.

"(4) A licence is subject to such conditions, if any, as the Commission thinks fit and endorses on 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.

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"(6) Where a licence is granted to a person who has applied for the licence on behalf of and for the benefit of himself and other persons, the licence shall, in addition to the name of the sports bookmaker, contain an endorsement of the names and addresses of the persons, other than the sports bookmaker, on behalf of whom and for whose benefit the licence is granted.

"(7) A person whose name is not endorsed on a licence who, except with the approval of the Commission, acquires or holds an interest in or derives a benefit from the business of bookmaking carried on by a sports bookmaker is guilty of an offence.

Penalty: \$5,000.

"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.

"(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.

"92. VARIATION, &c., 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.

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"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.

"94. TIMES DURING WHICH LICENSED PREMISES MAY BE OPEN FOR BETTING

"A sports bookmaker shall ensure that his licensed premises -

- (a) are open for the purpose of betting on the days and within the hours endorsed on his licence; and
- (b) are closed every Christmas Day and Good Friday.

Penalty: \$5,000.

"95. GAMING, &c., PROHIBITED ON LICENSED PREMISES

"(1) A sports bookmaker who on his licensed premises -

- (a) permits a game of chance or skill to be played or has or permits to be on the premises a gaming machine or device; or
- (b) knowingly permits a person to be on the premises who is intoxicated or under the influence of a drug,

is guilty of an offence.

Penalty: \$5,000.

"(2) Subsection (1)(a) does not apply where the game is being played or the gaming machine or device is on the premises in accordance with a law of the Territory.

"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

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- (b) who is violent, disorderly, quarrelsome or, in the opinion of the bookmaker, incapable of controlling his behaviour.

"(2) A person referred to in subsection (1) who, on being requested by the sports bookmaker, an employee of the sports bookmaker, a betting inspector or a member of the Police Force to leave licensed premises, fails immediately to leave those premises is guilty of an offence.

Penalty: \$2,000.

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

"97. APPROVAL OF SPORTS BOOKMAKER'S AGENT

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

Penalty: \$2,000.

"(2) An application by a sports bookmaker for permission for a bookmaker's agent to act for him in his absence shall be made to the Commission in writing in an approved form.

"(3) The Commission may approve an application under subsection (2) for a period not exceeding 12 months or may refuse the application.

"(4) A bookmaker's agent permitted under subsection (3) to act for a sports bookmaker shall cause a notice stating -

- (a) the fact that the permission has been granted;
- (b) the period for which the permission has been granted; and
- (c) his name,

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

Penalty: \$2,000.

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"(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.

"98. LICENSED PREMISES TO BE USED ONLY FOR BETTING

"A sports bookmaker or his agent who uses the bookmaker's licensed premises for a purpose other than betting is guilty of an offence.

Penalty: \$2,000."

13. RESTRICTIONS ON BETTING BY REGISTERED BOOKMAKERS

Section 101(1) of the Principal Act is amended -

- (a) by omitting from paragraph (a) "meeting;" and substituting "meeting; or";
- (b) by omitting from paragraph (b) "elsewhere; or" and substituting "elsewhere." and
- (c) by omitting paragraph (c).

14. REMOTE CLERKS

Section 104(7) of the Principal Act is amended by omitting "or licensed bookmaker".

15. TURNOVER TAX

Section 106 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) Subject to subsection (6), a sports bookmaker shall pay to the Commission, on or before Wednesday of each week, a tax on the sum of the amounts wagered by

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persons with him or with a person on his behalf in the week ending at midnight on the immediately preceding Sunday, calculated at the rate of -

- (a) 0.5% on amounts wagered by persons in Australia or New Zealand on sporting events, other than horse races, trotting races or greyhound races;
- (b) 1.55% on amounts wagered by persons on sporting events that are horse races, trotting races or greyhound races; or
- (b) in any other case, 0.25%.

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

16. BOOKMAKERS TO LODGE RETURNS

Section 107(1) of the Principal Act is amended by omitting "preceding Saturday" and substituting "preceding Saturday or, in the case of a sports bookmaker, the immediately preceding Sunday".

17. COMMENCEMENT OF APPEALS

Section 145D(1)(b)(iii) of the Principal Act is amended by omitting "for a period longer than 3 months."

18. REGULATIONS

Section 148(k) of the Principal Act is amended by omitting "a licensed bookmaker" and substituting "a bookmaker".

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