

TASMANIA

**RACING REGULATION AMENDMENT
(BOOKMAKER BETTING AND MISCELLANEOUS
PROVISIONS) BILL 2016**

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**RACING REGULATION AMENDMENT
(BOOKMAKER BETTING AND MISCELLANEOUS
PROVISIONS) BILL 2016**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
13 September 2016

*(Brought in by the Minister for Racing, the Honourable
Jeremy Page Rockliff)*

A BILL FOR

**An Act to amend the *Racing Regulation Act 2004* and the
*Racing (Miscellaneous) Regulations 2015***

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Racing Regulation Amendment (Bookmaker Betting and Miscellaneous Provisions) Act 2016*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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**PART 2 – RACING REGULATION ACT 2004
AMENDED**

3. Principal Act

In this Part, the *Racing Regulation Act 2004** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by inserting the following definitions after the definition of *notice*:

off-course function approval means an approval issued under section 75C(4)(a);

off-course function betting means betting with a registered bookmaker at a function to which relates an off-course function approval issued to the bookmaker;

off-course function betting endorsement means an off-course function betting endorsement that is endorsed under section 73(5)(b) on a

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bookmaker's certificate of registration and that is in force;

off-course telephone betting means betting by telephone with a registered bookmaker who is at the premises specified, in accordance with section 73A(1)(a), in the bookmaker's off-course telephone betting endorsement;

off-course telephone betting endorsement means an off-course telephone betting endorsement that is endorsed under section 73(5)(b) on a bookmaker's certificate of registration and that is in force;

on-course telephone betting means betting by telephone with a registered bookmaker, or a bookmaker's agent, who is at a racecourse;

on-course telephone betting endorsement means an on-course telephone betting endorsement that is endorsed under section 73(5)(b) on a bookmaker's certificate of registration and that is in force;

premises includes a part of premises;

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- (b) by omitting the definition of *telephone betting endorsement*.

5. Section 28A amended (Other rights of appeal to TRAB)

Section 28A(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (d) “a telephone betting endorsement” and substituting “an on-course telephone betting endorsement, an off-course telephone betting endorsement or an off-course function betting endorsement”;
- (b) by omitting from paragraph (e) “telephone betting endorsement” and substituting “on-course telephone betting endorsement, off-course telephone betting endorsement or off-course function betting endorsement”;
- (c) by inserting the following paragraphs after paragraph (e):
 - (ea) refuse under section 75C(4)(b) to issue to the person an off-course function approval; or
 - (eb) cancel under section 64(1) or (2) or section 75D(1) an off-course function approval issued to the person; or

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- (d) by omitting from paragraph (j) “telephone betting endorsement” and substituting “on-course telephone betting endorsement, off-course telephone betting endorsement or off-course function betting endorsement”;
- (e) by inserting the following paragraph after paragraph (j):
 - (ja) impose conditions on an off-course function approval; or

6. Section 64 amended (Suspension or cancellation, &c., of registration for misconduct)

Section 64 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(e) “a telephone betting endorsement” and substituting “an on-course telephone betting endorsement, an off-course telephone betting endorsement, an off-course function betting endorsement or an off-course function approval”;
- (b) by inserting in subsection (2) “in relation to an on-course telephone betting endorsement, an off-course telephone betting endorsement, an off-course function betting endorsement or an off-course function approval” after “applies”;

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- (c) by omitting from subsection (2)(a) “telephone betting endorsement” and substituting “endorsement or approval, or both,”;
- (d) by omitting from subsection (2)(a) “it” and substituting “the endorsement”;
- (e) by omitting from subsection (4) “telephone betting endorsement” and substituting “on-course telephone betting endorsement, off-course telephone betting endorsement or off-course function betting endorsement, or an off-course function approval issued to the person,”.

7. Section 67 amended (Bookmakers and their agents may only field on racecourses, &c.)

Section 67 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:

- (1) A registered bookmaker must not engage in bookmaking except in accordance with any of the following paragraphs:
 - (a) on a racecourse;
 - (b) if the bookmaker’s registration is endorsed with an off-course telephone betting endorsement – at the premises specified, in accordance with

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section 73A(1)(a), in the
endorsement;

- (c) if the bookmaker's registration is endorsed with an off-course function betting endorsement – at a function to which relates an off-course function approval issued to the bookmaker.

Penalty: In the case of –

- (a) a first offence, a fine not exceeding 20 penalty units; and
- (b) a subsequent offence, a fine not exceeding 40 penalty units.

- (1A) A bookmaker's agent must not engage in bookmaking except on a racecourse.

Penalty: In the case of –

- (a) a first offence, a fine not exceeding 20 penalty units; and
- (b) a subsequent offence, a fine not exceeding 40 penalty units.

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8. Part 7, Division 3, Subdivision 2: Heading amended

Subdivision 2 of Division 3 of Part 7 of the Principal Act is amended by omitting “*Telephone betting endorsements*” from the heading to that Subdivision and substituting “*Endorsements*”.

9. Section 72 amended (Control of telephone betting and off-course betting)

Section 72 of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsections:

- (1) A registered bookmaker must not accept a bet from a person who is not physically present at the place where the bet is accepted and recorded unless the bet is –
 - (a) an on-course telephone bet in relation to the registered bookmaker; or
 - (b) an off-course telephone bet in relation to the registered bookmaker.

Penalty: In the case of –

- (a) a first offence, a fine not exceeding 20 penalty units; and

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(b) a subsequent offence, a fine not exceeding 40 penalty units.

(1A) For the purposes of subsection (1)(a), a bet is an on-course telephone bet in relation to a registered bookmaker if –

(a) the registered bookmaker's certificate of registration is endorsed with an on-course telephone betting endorsement; and

(b) the registered bookmaker is on a racecourse and carrying on business as a bookmaker when the bet is accepted; and

(c) the bet is placed and accepted in accordance with the conditions of the on-course telephone betting endorsement.

(1B) For the purposes of subsection (1)(b), a bet is an off-course telephone bet if –

(a) the registered bookmaker's certificate of registration is endorsed with an off-course telephone betting endorsement; and

(b) the bookmaker is at the premises specified, in accordance with section 73A(1)(a), in the

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endorsement and carrying on business as a bookmaker when the bet is accepted; and

- (c) the bet is placed and accepted in accordance with the conditions of the off-course telephone betting endorsement.

10. Section 73 amended (Applications for endorsements)

Section 73 of the Principal Act is amended as follows:

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

- (1) A registered bookmaker may apply to the Director to have his or her certificate of registration endorsed with –

- (a) an on-course telephone betting endorsement; or
 - (b) an off-course telephone betting endorsement; or
 - (c) an off-course function betting endorsement.

- (b) by inserting the following subsection after subsection (3):

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(3A) The Director may only approve an application from a registered bookmaker to have the bookmaker's certificate of registration endorsed with –

- (a) an off-course telephone betting endorsement; or
- (b) an off-course function betting endorsement –

if the registered bookmaker has been a registered bookmaker for a period of not less than 2 years before the application is made.

- (c) by omitting from subsection (5)(b) “the telephone betting endorsement.” and substituting “an on-course telephone betting endorsement, an off-course telephone betting endorsement, or an off-course function betting endorsement, as specified in the application.”;
- (d) by omitting from subsection (6) “telephone betting endorsement” and substituting “on-course telephone betting endorsement, off-course telephone betting endorsement or off-course function betting endorsement”.

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11. Section 73A inserted

After section 73 of the Principal Act, the following section is inserted in Subdivision 2:

73A. Particular specifications on off-course telephone betting endorsements

- (1) The Director must specify in an off-course telephone betting endorsement endorsed on the certificate of registration of a registered bookmaker –
 - (a) the premises from which the registered bookmaker is authorised to engage in off-course telephone betting; and
 - (b) the days, other than a Wednesday, a Saturday or a statutory holiday within the meaning of the *Statutory Holidays Act 2000*, on which the registered bookmaker is authorised to engage in off-course telephone betting.
- (2) The Director may not, in accordance with subsection (1)(b), specify in an off-course telephone betting endorsement more than 10 days on which the registered bookmaker is authorised to engage in off-course telephone betting.

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12. Section 74 amended (Security for endorsements)

Section 74(1) of the Principal Act is amended by omitting “a telephone betting endorsement” and substituting “an on-course telephone betting endorsement, an off-course telephone betting endorsement or an off-course function betting endorsement”.

13. Section 75 amended (Conditions of on-course telephone betting endorsements)

Section 75 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “telephone betting” first occurring and substituting “on-course telephone betting”;
- (b) by omitting from subsection (1) “a telephone betting endorsement” and substituting “an on-course telephone betting endorsement”;
- (c) by omitting from subsection (2) “a telephone betting endorsement” and substituting “an on-course telephone betting endorsement”;
- (d) by inserting the following paragraph after paragraph (b) in subsection (2):
 - (ba) that the registered bookmaker must allow a person authorised

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by the Director to monitor,
including by electronic means,
any bets accepted by the
bookmaker by telephone;

- (e) by omitting from subsection (2)(c) “administering and auditing” and substituting “administering, auditing and monitoring”;
- (f) by omitting from subsection (2)(c) “telephone betting endorsement” and substituting “on-course telephone betting endorsement”.

14. Sections 75A, 75B, 75C and 75D inserted

After section 75 of the Principal Act, the
following sections are inserted in Subdivision 2:

75A. Conditions of off-course telephone betting endorsement

- (1) The following are the conditions on which a registered bookmaker may engage in off-course telephone betting under an off-course telephone betting endorsement:
 - (a) the bookmaker must not engage in off-course telephone betting except at the premises specified, in accordance with section 73A(1)(a), in the endorsement;

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- (b) there is not, on the premises specified, in accordance with section 73A(1)(a), in the endorsement, a minor or a member of the public at any time when the registered bookmaker is engaging in off-course telephone betting;
- (c) the bookmaker must not engage in off-course telephone betting except on –
 - (i) a Wednesday, a Saturday or a statutory holiday within the meaning of the *Statutory Holidays Act 2000*; or
 - (ii) another day that is specified, in accordance with section 73A(1)(b), in the endorsement;
- (d) the bookmaker must engage in bookmaking on a racecourse for at least 10 race meetings in each racing year during which the endorsement is in force;
- (e) the registered bookmaker must only use a single telephone unit to conduct betting under the endorsement;

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- (f) the registered bookmaker's telephone unit must be of a type approved by the Director and adapted and tested as required by the Director to ensure that outgoing calls cannot be made on the telephone unit;
- (g) the registered bookmaker must, on demand, allow a person authorised for the purpose by the Director to inspect and test a telephone unit being used by the bookmaker at premises specified, in accordance with section 73A(1)(a), in the endorsement;
- (h) the registered bookmaker must allow a person authorised by the Director to monitor, including by electronic means, any bets accepted by the bookmaker by telephone;
- (i) the registered bookmaker must pay such annual fee, in respect of the reasonable costs incurred by the Director in administering, auditing and monitoring the endorsement, as is specified in the endorsement;
- (j) any other condition determined by the Director and specified in

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the endorsement under
subsection (2).

- (2) The Director may determine and specify in an off-course telephone betting endorsement the conditions, not inconsistent with the conditions specified in subsection (1), that the Director thinks fit.

75B. Conditions of off-course function betting endorsement

- (1) The following are the conditions on which a registered bookmaker may engage in off-course function betting under an off-course function betting endorsement:
 - (a) the bookmaker must not engage in off-course function betting except in person at a function, in relation to a bet made with a person who is at a function, to which relates an off-course function approval issued to the registered bookmaker;
 - (b) at any time when the registered bookmaker is engaging in off-course function betting at a function to which relates an off-course function approval issued to the registered bookmaker –

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- (i) there is not on the premises at which the function is taking place a minor, other than a minor who is accompanied by a parent or guardian or a person authorised by the parent or guardian of the minor to be with the minor at the function; and
 - (ii) the premises must be premises to which a person may be refused entry, or from which a person may be ejected, by the occupier of the premises or an agent of the occupier of the premises;
 - (c) any other condition determined by the Director and specified in the endorsement under subsection (2).
- (2) The Director may determine and specify in an off-course function betting endorsement the conditions, not inconsistent with the conditions specified in subsection (1), that the Director thinks fit.

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75C. Off-course function approvals

- (1) A registered bookmaker whose certificate of registration is endorsed with an off-course function betting endorsement may apply to the Director for an approval of a function specified in the application.
- (2) An application for an approval –
 - (a) is to be in the approved form, if any; and
 - (b) must be accompanied by the prescribed fee, if any; and
 - (c) is to be lodged with the Director; and
 - (d) must be supported by the information or evidence that the Director requires; and
 - (e) must specify –
 - (i) the purpose of the function, or the name of the function, to which the application relates; and
 - (ii) the premises at which the function is to occur; and
 - (iii) the date on which the function is to occur; and

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- (iv) the hours on that date during which the function is to occur; and
 - (v) any other details that the Director requires.
- (3) An application for an approval of a function is to be made under subsection (1) at least 28 days before the date on which the function is to occur.
- (4) The Director, within 14 days after receiving from a registered bookmaker an application under subsection (1) in relation to a function, must –
 - (a) issue to the bookmaker an approval (an *off-course function approval*) in relation to the function; or
 - (b) refuse to issue an off-course function approval in relation to the function.
- (5) The Director may determine and specify in an off-course function approval the conditions that the Director thinks fit.
- (6) An off-course function approval in relation to a function is to specify –
 - (a) the purpose of the function or the name of the function; and

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- (b) the premises at which the function is to occur; and
 - (c) the date on which the function is to occur; and
 - (d) the hours on that date during which the function is to occur; and
 - (e) any other details as the Director thinks fit; and
 - (f) the conditions, if any, that the Director determines under subsection (5).
- (7) The Director may not issue to a registered bookmaker more than 3 off-course function approvals in respect of any racing year.
- (8) The Director is to give to a registered bookmaker a copy of an off-course function approval issued to the bookmaker.
- (9) If the Director refuses to issue an off-course function approval to a registered bookmaker, the Director –
- (a) is to give the bookmaker notice of the refusal, with reasons, and of the bookmaker's right of appeal; and

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- (b) may refund all or part of the fee that accompanied the application for the approval.

75D. Cancellation of off-course function approval

- (1) The Director may cancel an off-course function approval issued to a registered bookmaker in relation to a function, if the Director is satisfied –
 - (a) that there is information in relation to the function that was not available to the Director at the time the approval was issued such that, if the Director had been aware of the information at that time, the Director would have refused to issue the approval; or
 - (b) that the bookmaker has contravened a condition of the off-course function approval.
- (2) If, under subsection (1), the Director decides to cancel an off-course function approval issued to a registered bookmaker, the Director must give to the registered bookmaker notice of –
 - (a) the decision; and
 - (b) the reasons for the decision; and
 - (c) the registered bookmaker's right of appeal.

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- (3) A decision under subsection (1) in relation to a registered bookmaker takes effect when the notice under subsection (2) is given to the bookmaker.

15. Section 76 amended (Features of endorsements)

Section 76 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “telephone betting endorsement” and substituting “on-course telephone betting endorsement, off-course telephone betting endorsement or off-course function betting endorsement”;
- (b) by omitting subsection (2) and substituting the following subsections:
- (2) A registered bookmaker’s on-course telephone betting endorsement does not authorise the bookmaker to engage in on-course telephone betting during any period when his or her registration is suspended.
- (2A) A registered bookmaker’s off-course telephone betting endorsement does not authorise the bookmaker to engage in off-course telephone betting during any period when his or her registration is suspended.

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- (2B) A registered bookmaker's off-course function betting endorsement does not authorise the bookmaker to engage in off-course function betting during any period when his or her registration is suspended.
- (c) by omitting from subsection (3) "A telephone betting endorsement" and substituting "An on-course telephone betting endorsement, an off-course telephone betting endorsement or an off-course function betting endorsement";
- (d) by omitting from subsection (4) "has a telephone betting endorsement" and substituting "is endorsed with an on-course telephone betting endorsement, an off-course telephone betting endorsement or an off-course function betting endorsement".

16. Section 76A inserted

After section 76 of the Principal Act, the following section is inserted in Subdivision 2:

76A. What does an endorsement authorise?

- (1) An on-course telephone betting endorsement, an off-course telephone betting endorsement, or an off-course function betting endorsement, while the endorsement is in force, authorises the

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bookmaker on whose certificate of registration the endorsement is endorsed to, on his or her own behalf, engage in on-course telephone betting, off-course telephone betting or off-course function betting, respectively, subject to –

- (a) the provisions of this Part; and
 - (b) the conditions, if any, of the endorsement and, in the case of an off-course function betting endorsement, the conditions of an off-course function approval under which the off-course betting occurs; and
 - (c) the directions, if any, that the Director gives to the bookmaker; and
 - (d) the regulations made and in force under this Act.
- (2) An on-course telephone betting endorsement endorsed on a registered bookmaker's certificate of registration authorises, while the endorsement is in force, a bookmaker's agent to, on behalf of the bookmaker, engage in on-course telephone betting, subject to –
- (a) the provisions of this Part; and
 - (b) the conditions, if any, of the endorsement; and

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- (c) the directions, if any, that the Director gives to the bookmaker's agent or the bookmaker; and
- (d) the regulations made and in force under this Act.

17. Section 77 amended (Bookmakers and agents must issue tickets and record bets)

Section 77 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1)(a) “, unless the bet is placed and accepted by telephone in accordance with the bookmaker's on-course telephone betting endorsement or off-course telephone betting endorsement” after “form”;
- (b) by omitting paragraph (b) from subsection (2);
- (c) by inserting in subsection (4) “, if at all,” after “required”;
- (d) by omitting from subsection (6) “a telephone betting endorsement” and substituting “an on-course telephone betting endorsement or an off-course telephone betting endorsement”.

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18. Section 78 amended (Bookmakers must keep betting records)

Section 78(5) of the Principal Act is amended by omitting “a telephone betting endorsement” and substituting “an on-course telephone betting endorsement or an off-course telephone betting endorsement”.

19. Section 79 amended (Bookmakers must keep books of account)

Section 79(2) of the Principal Act is amended by inserting “, or conducting any monitoring,” after “audit”.

20. Section 86 amended (Authorised and unauthorised betting, &c.)

Section 86(2) of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraphs:

- (b) on-course telephone betting conducted in accordance with the requirements of Subdivision 2 of division 3 of Part 7 that apply to on-course telephone betting, by or with a registered bookmaker whose certificate of registration is endorsed with an on-course telephone betting endorsement; or
- (ba) off-course telephone betting conducted in accordance with the requirements of

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Subdivision 2 of division 3 of Part 7 that apply to off-course telephone betting, by or with a registered bookmaker whose certificate of registration is endorsed with an off-course telephone betting endorsement; or

- (bb) off-course function betting conducted in accordance with the requirements of Subdivision 2 of division 3 of Part 7 that apply to off-course function betting, by or with a registered bookmaker whose certificate of registration is endorsed with an off-course function betting endorsement and who is conducting betting at a function to which an off-course function approval issued to the bookmaker relates; or

21. Section 87 amended (Offences by bettors)

Section 87 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

- (1) A person who places a bet with a registered bookmaker must not, with intent to evade the provisions of this Act, fail to demand or obtain from the bookmaker, or from a bookmaker's agent who is registered in relation to the bookmaker, a betting ticket for the bet, unless the bet is placed and accepted by telephone in accordance with an off-

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course telephone betting endorsement or
an on-course telephone betting
endorsement.

Penalty: In the case of –

- (a) a first offence, a fine not exceeding 20 penalty units; and
- (b) a subsequent offence, a fine not exceeding 30 penalty units.

22. Section 107A inserted

After section 107 of the Principal Act, the following section is inserted in Part 10:

107A. Director may require attendance at inquiry by stewards under *Rules of Racing*

- (1) The Director may, by summons to a person, require the person to –
 - (a) produce documents, specified in the summons, for the purposes of an inquiry conducted by stewards under the *Rules of Racing*; or
 - (b) appear to give evidence at a hearing being conducted, or to be conducted, in relation to an inquiry conducted by stewards under the *Rules of Racing* –

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if the Director is of the opinion, on reasonable grounds, that the production of the document, or the giving of the evidence, as the case may be, is necessary or desirable for the purposes of the inquiry, or in relation to the matter in respect of which the inquiry by stewards is being conducted.

- (2) A person served with a summons to produce any document or appear before an inquiry conducted by stewards under the *Rules of Racing* must not, without reasonable excuse –
- (a) fail to produce the document or attend as required by the summons; or
 - (b) fail to appear from time to time in the course of the inquiry by stewards as required by the Director.

Penalty: Fine not exceeding 20 penalty units.

23. Section 109 amended (Regulations)

Section 109(2)(e) of the Principal Act is amended by omitting “telephone betting endorsements” and substituting “on-course telephone betting endorsements, off-course telephone betting endorsements or off-course

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function betting endorsements and the issue of off-course function approvals”.

24. Section 112B inserted

After section 112A of the Principal Act, the following section is inserted in Part 10:

112B. Transitional and savings provisions consequent on *Racing Regulation Amendment (Bookmaker Betting and Miscellaneous Provisions) Act 2016*

A telephone betting endorsement that is endorsed on a bookmaker’s certificate of registration and is in force immediately before the day on which the *Racing Regulation Amendment (Bookmaker Betting and Miscellaneous Provisions) Act 2016* commences is to be taken, on and after that day, to be an on-course telephone betting endorsement endorsed on the certificate of registration, but may be cancelled or suspended under this Act.

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Part 3 – Racing (Miscellaneous) Regulations 2015 Amended

**PART 3 – RACING (MISCELLANEOUS)
REGULATIONS 2015 AMENDED**

25. Principal Regulations

In this Part, the *Racing (Miscellaneous) Regulations 2015** are referred to as the Principal Regulations.

26. Regulation 3 amended (Interpretation)

Regulation 3 of the Principal Regulations is amended by omitting “a telephone betting endorsement” from the definition of *guarantor* and substituting “an on-course telephone betting endorsement, an off-course telephone betting endorsement or an off-course function betting endorsement”.

27. Regulation 4 amended (Enforcement of registration bonds)

Regulation 4(1)(a)(ii) of the Principal Regulations is amended by omitting “telephone betting endorsement” and substituting “an on-course telephone betting endorsement, an off-course telephone betting endorsement or an off-course function betting endorsement”.

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28. Schedule 1 amended (Prescribed fees)

Schedule 1 to the Principal Regulations is amended by omitting “a telephone betting endorsement” from column 2 of item 3 and substituting “an on-course telephone betting endorsement, an off-course telephone betting endorsement or an off-course function betting endorsement”.

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Part 4 – Concluding Provision

PART 4 – CONCLUDING PROVISION

29. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.