

CLAUSE NOTES

Racing Regulation Amendment (Bookmaker Betting and Miscellaneous Provisions) Bill 2016

PART I PRELIMINARY

Clause 1 Short title and citation.

Clause 2 Provides for the *Racing Regulation Amendment (Bookmaker Betting & Miscellaneous Provisions) Act 2016* to commence on the date on which it receives the Royal Assent.

PART 2 RACING REGULATION ACT 2004 AMENDED

Clause 3 In Part 2, the *Racing Regulation Act 2004* is referred to as the Principal Act.

Clause 4 Amends section 3 of the Principal Act by deleting certain definitions and inserting additional definitions for the purpose of amendments made under this Bill as follows:

under paragraph (a) by –

- inserting a definition of an “off-course function approval” which means an approval that may be granted to a person holding an off-course function betting endorsement under section 73(5)(b).
- inserting a definition of “off-course function betting” which is betting with a registered bookmaker, who holds an off-course function betting endorsement, where the betting takes place at an approved off-course function under section 75(C)(4)(a)
- inserting a definition of “off-course function betting endorsement” which is an endorsement that provides for a registered bookmaker to be granted such endorsement under section 73(5)(b).
- inserting a definition of “off-course telephone betting” which is betting with a registered bookmaker who holds an off-course telephone betting endorsement under section 73(5)(b).
- inserting a definition of “off-course telephone betting endorsement” which is off-course betting by telephone conducted by a registered bookmaker at a specified premises in accordance with section 73A(1)(a).
- inserting a definition of “on-course telephone betting” which is betting with a registered bookmaker or bookmaker’s agent by telephone whilst they are undertaking activities at a race meeting.
- inserting a definition of “on-course telephone betting endorsement” which means an endorsement under section 73(5)(b).
- providing a definition of “premises” at which a registered bookmaker with an off-course telephone betting endorsement may conduct their business in accordance with section 73A(1)(a) so that premises includes a part of premises (eg an office).

under paragraph (b), by deleting the definition of “telephone betting

endorsement” which is being replaced by “on-course telephone betting endorsement”.

Clause 5 Amends section 28A of the Principal Act, which deals with the rights of appeal to the Tasmanian Racing Appeal Board if a person is aggrieved by a decision of the Director, by providing for the additional rights of appeal as follows:

Under paragraph (d) the reference to “telephone betting endorsement” is changed to “on-course telephone betting endorsement” and references to “off-course telephone betting endorsement” and “off-course function betting endorsement” are included.

Under paragraph (e) the reference to “telephone betting endorsement” is changed to “on-course telephone betting endorsement” and references to “off-course telephone betting endorsement” and “off-course function betting endorsement” are included.

Under paragraph (ea) appeal rights are assigned to a refusal to issue an “off-course function approval” in accordance with section 75C(4)(b).

Under paragraph (eb) appeal rights are assigned to a cancellation of an “off-course function approval” in accordance with section 64(1) or (2) or section 75D(1).

Under paragraph (j) the reference to “telephone betting endorsement” is changed to “on-course telephone betting endorsement” and “off-course telephone betting endorsement” and “off-course function betting endorsement” are included.

Under paragraph (ja) appeal rights are assigned to the imposition of conditions of an “off-course function approval” in accordance with section 75(C)(5).

Clause 6 Amends section 64 of the Principal Act by inserting additional provisions under which the Director may suspend or cancel a registration in the following manner:

Under subsection (1)(e) the reference to “telephone betting endorsement” is changed to “on-course telephone betting endorsement” and “off-course telephone betting endorsement”, “off-course function betting endorsement” and “off-course function approval” are included.

Section 2 now provides that if a condition of “on-course telephone betting endorsement”, “off-course telephone betting endorsement”, “off-course function betting endorsement” or “off-course function approval” is contravened the Director may –

Under paragraph (a) cancel the endorsement or approval or both or suspend the endorsement.

Subsection 4 provides that if action is taken under this section the Director may also suspend or cancel a person’s “on-course telephone betting endorsement”, “off-course telephone betting endorsement”, “off-course function betting

endorsement” or “off-course function approval”.

Clause 7 Amends section 67 of the Principal Act to provide for the places at which a registered bookmaker can conduct their business as follows:

Inserting a new subsection (1) which states that a bookmaker must not engage in bookmaking except (a) on a racecourse (b) if the bookmaker’s registration is endorsed with an off-course betting endorsement at the premises specified, and (c) if a bookmaker’s registration is endorsed with an off-course function betting endorsement at an approved function.

Penalty provisions are included.

Inserting a new subsection (1A) which provides that a bookmaker’s agent must not engage in bookmaking except on a racecourse.

Penalty provisions are included.

Clause 8 Amends the heading under Part 7 Division 3 Subdivision 2 to include all endorsements.

Clause 9 Amends section 72 of the Principal Act which deals with the control of telephone betting and off-course betting as follows:

Inserting a new subsection (1) which provides that a registered bookmaker can only accept a bet from a person not physically present if the bet is an on-course telephone bet or an off-course telephone bet.

Inserting a new subsection (1A) which provides that a registered bookmaker must hold an on-course telephone betting endorsement and be carrying on business as a bookmaker on a racecourse.

Inserting a new subsection (1B) which provides that the registered bookmaker must have an off-course telephone betting endorsement and be at a premises specified in the endorsement.

Omitting subsection (2) to remove the requirement of minimum bet and liability amounts applicable to telephone betting.

Clause 10 Amends section 73 of the Principal Act, which provides for the application process by setting out provisions in relation to applications for an on-course telephone betting endorsement, an off-course telephone betting endorsement or an off-course function betting endorsement as follows:

Inserting a new subsection (1) which omits the reference to a telephone betting endorsement and includes an application for an on-course telephone betting endorsement, an off-course telephone betting endorsement or an off-course function betting endorsement.

Inserting a new subsection (3A) which provides that the Director may only approve an application for an off-course telephone betting endorsement or an off-course

function betting endorsement if the bookmaker had been registered for a period of not less than two years immediately before the application is made.

Subsection (5) provides that the Director may approve an application and endorse the certificate of registration with an on-course telephone betting endorsement, an off-course telephone betting endorsement or an off-course function betting endorsement.

Clause 11 Provides for a new section 73A which details specifications on off-course telephone betting endorsements as follows:

Under subsection (1)(a) specifying the premises from which the registered bookmaker is authorised to engage in off-course telephone betting.

Under subsection (1)(b) specifying the days on which off-course telephone betting can be conducted, which are a Wednesday, a Saturday, a statutory holiday and a maximum of 10 other days as approved by the Director in accordance with subsection(2).

Clause 12 Amends section 74 of the Principal Act by including the requirement for a form of security to be applied to all endorsements.

Clause 13 Amends section 75 of the Principal Act to –

Under subsection (1), enable to apply to an on-course telephone betting endorsement.

Under subsection (2)(ba), enable the Director to authorise a person to monitor any bets accepted by the registered bookmaker in accordance with the bookmaker's on-course telephone betting endorsement.

Under subsection (2)(c), require a registered bookmaker to pay an annual fee in respect to reasonable costs incurred in the administering, auditing and monitoring of the bookmaker's on-course telephone betting endorsement.

Clause 14 Inserts 75A, 75B, 75C and 75D as follows:

Section 75A – conditions of off-course telephone betting endorsement

This section provides for the conditions under which a registered bookmaker may engage in off-course telephone betting under an off-course telephone betting endorsement as follows –

Under subsection 1(a) the bookmaker can only engage in off-course telephone betting from the premises specified in the endorsement.

Under subsection 1(b) the premises must not be accessible by a minor or member of the public at any time when the bookmaker is engaging in off-course telephone betting.

Under subsection (1)(c) the days on which a bookmaker may engage in off-course

telephone betting must be on a Wednesday, Saturday, a statutory holiday and on no more than 10 other days.

Under subsection (1)(e) the bookmaker can only utilise a single telephone unit to conduct off-course telephone betting.

Under subsections (1) (f) (g) (h) the registered bookmaker must use a telephone unit approved by the Director and allow an authorised person to inspect, test or monitor the use of the telephone.

Under subsection (1) (i) the bookmaker must pay an annual fee to the Director in respect to the reasonable costs incurred in administering, auditing and monitoring the endorsement.

Under subsection (1)(j) the Director may specify any other condition under the endorsement.

Section 75B – Conditions of off-course function betting endorsement

This section provides for the conditions under which a registered bookmaker may engage in off-course function betting under an off-course function betting endorsement as follows:

Under subsection (1)(a) the registered bookmaker must be present at the off-course function and can only accept a bet from a person who is at the function.

Under subsection (1)(b), at any time when the registered bookmaker is engaging in bookmaking at an off-course function the following shall apply –

- (i) There shall not be a minor present unless they are accompanied by a parent or guardian or person authorised by a parent or guardian.
- (ii) The premises must be a controlled environment wherein a person may be refused entry or a person may be ejected by the occupier of the premises.

Under subsection (1)(c) any other conditions as determined by the Director.

Section 75C –Off-course function approvals

This section provides for the approval of an off-course function at which a bookmaker who holds an off-course function betting endorsement may undertake bookmaking activities.

Under subsections (1), (2), (3), (4), (5) and (6) the application and approval process is outlined.

Under subsection (7) the Director may not grant approval to a registered bookmaker to undertake bookmaking activities at more than three approved functions in any racing year.

Under subsection (8) the Director is to give the bookmaker a copy of the off-course function approval.

Under subsection (9) if the off-course function approval is refused the Director is to provide the bookmaker with reasons and provide details of the registered bookmaker's right of appeal. The Director may refund all or part of the application fee.

Section 75D – Cancellation of off-course function approval

This section provides for the Director to cancel an off-course function approval as follows –

Under subsection 1(a) the Director may cancel an off-course function approval if information becomes available that the Director was not aware of at the time of approval and if he had been aware of such would have refused to issue the approval.

Under subsection 1(b) the Director may cancel an off-course function approval if the bookmaker has contravened a condition of the approval.

Under subsection 2 if the Director has decided to cancel an off-course function approval he must provide the bookmaker notice of the decision, the reasons for the decision and the bookmaker's right of appeal.

Under subsection 3 a decision to cancel an off-course function approval takes effect once a notice under subsection 2 is provided to the bookmaker.

Clause 15

Amends Section 76 of the Principal Act, which relates to features of endorsement, by-

Under subsection (1) omitting the reference to a telephone betting endorsement and substituting an application for an on-course telephone betting endorsement, an off-course telephone betting endorsement or an off-course function betting endorsement.

Under subsection (2) (2A) and (2B), providing that a bookmaker's on-course betting endorsement, off-course telephone betting endorsement or off-course function betting endorsement does not authorise the bookmaker to utilise such endorsements during any period when their registration is suspended.

Amending subsection (3) so that all endorsements are not transferrable.

Amending subsection (4) so that a bookmaker may surrender any endorsement at any time by requesting the Director to cancel the endorsement.

Clause 16

Provides for a new section 76A – What does an endorsement authorise

Under subsection (1) a bookmaker who holds an on-course telephone betting endorsement, an off-course telephone betting endorsement or an off-course function betting endorsement may engage in on-course telephone betting, off-course telephone betting or off-course function betting subject to -

(a) the provisions of this Part.

- (b) any conditions of the endorsement and where applicable conditions placed on an off-course function approval.
- (c) any directions given by the Director, and
- (d) the regulations made and enforced under this Act.

Under subsection (2) a bookmaker's agent is authorised to engage in on-course telephone betting on behalf of a bookmaker who holds a telephone betting endorsement.

Clause 17 Amends section 77 of the Principal Act, which deals with the issue of tickets and recording bets, by -

Under subsection (1)(a) requiring that a betting ticket is issued unless the bet is placed and accepted by a bookmaker by telephone in accordance with an on-course betting endorsement or an off-course betting endorsement.

Omitting subsection (2)(b) to remove any requirement for a betting ticket to be issued if the bet is placed by telephone.

Omitting under subsection (6) reference to a telephone betting endorsement and assigning the requirements of the subsection to of an on-course telephone betting endorsement and an off-course telephone betting endorsement.

Clause 18 Amends section 78 of the Principal Act by omitting a telephone betting endorsement and substituting an on-course telephone betting endorsement and an off-course telephone betting endorsement.

Clause 19 Amends section 79 of the Principal Act, by -

An addition to Subsection (2)(d) to include that a bookmaker must not hinder or obstruct or attempt to hinder or obstruct a person who is conducting any monitoring of the bookmaker's activity.

Clause 20 Amends section 86 of the Principal Act, which relates to authorised and unauthorised betting, by providing for authorised betting to also include on-course telephone betting, off-course telephone betting and off-course function betting.

Clause 21 Amends section 87 of the Principal Act, which deals with offences by bettors, by detailing that a person is not required to demand or obtain from a bookmaker a betting ticket if a bet is placed in accordance with an off-course telephone betting endorsement or an on-course telephone betting endorsement.

Clause 22 Provides for a new section 107A which provides that the Director may by summons require a person to produce documents or appear to give evidence at an inquiry conducted by stewards under the rules of racing.

Subsection (1) provides that the Director may issue a summons if he is of the reasonable opinion that the production of the document or the giving of the evidence is necessary or desirable for the purposes of the inquiry.

Subsection (2) provides penalties for a person who without reasonable excuse fails

to comply with the summons.

Clause 23 Amends section 109 of the Principal Act, which provides for a power to make regulations, by omitting reference to telephone betting endorsement and substituting on-course telephone betting endorsements, off-course telephone betting endorsements, off-course function betting endorsements and the issue of off-course function approvals.

Clause 24 Provides for transitional and savings provisions by inserting new section 112B which provides that a telephone betting endorsement which is in force immediately before the *Racing Regulation Amendment (Bookmaker Betting and Miscellaneous Provisions) Act 2016* commences is to taken on or after that day to be an on-course telephone endorsement.

PART 3 RACING (MISCELLANEOUS) REGULATIONS 2015 AMENDED

Clause 25 In Part 3, the *Racing (Miscellaneous) Regulations 2015* are referred to as the Principal Regulations.

Clause 26 Amends Regulation 3 of the Principal Regulations, by omitting the reference to “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”.

Clause 27 Amends Regulation 4 of the Principal Regulations which provides for enforcement of registration bonds, by omitting the reference to “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”.

Clause 28 Amends Schedule 1 of the Principal Regulations which provides for prescribed fees, by omitting the reference to “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”.

PART 4 CONCLUDING PROVISION

Clause 29 Provides for the automatic repeal of the *Racing Regulation (Bookmaker Betting and Miscellaneous Provisions) Act 2016* one year from the day it commences.