

Queensland



RACING AND BETTING AMENDMENT ACT 2000

Act No. 21 of 2000

Queensland



**RACING AND BETTING AMENDMENT
ACT 2000**

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Queensland



Racing and Betting Amendment Act 2000

Act No. 21 of 2000

An Act to amend the *Racing and Betting Act 1980* and for other purposes

[Assented to 23 June 2000]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Racing and Betting Amendment Act 2000*.

Commencement

- 2.(1) This Act, other than part 3, commences on 1 July 2000.
- (2) Part 3 commences on the date of assent.

PART 2—AMENDMENT OF RACING AND BETTING ACT 1980

Act amended in pt 2

3. This part amends the *Racing and Betting Act 1980*.

Amendment of s 5 (Definitions)

4.(1) Section 5, definitions, “athletic ground”, “athletic meeting”, “bookmaker”, “bookmaker’s agent”, “bookmaker’s clerk” and “commissioner”—

omit.

(2) Section 5—

insert—

“**accepted representations**”, for part 4, see section 158C.

“**business associate**”, of an applicant for an eligibility certificate or certificate holder, for part 4, see section 139.

“**certificate holder**” see section 139.

“**criminal history**”, of a person, for part 4, see section 139.

“**eligibility certificate**” see section 139.

“**executive associate**”, of an applicant for an eligibility certificate or certificate holder, for part 4, see section 139.

“**executive officer**”, of a corporation, for part 4, see section 139.

“**gaming Act**”, for part 4, see section 139.

“**Gaming Commission**”, for part 4, see section 139.

“**gaming executive**”, for part 4, see section 139.

“**interested person**”, for part 4, see section 158B(1).

“**racing bookmaker**” means a person who holds a licence from a control body as a racing bookmaker for the code of racing for which the control body is responsible.

“**racing bookmaker’s agent**” means a person who is authorised by a control body under section 162 to conduct the bookmaking operations of a racing bookmaker licensed by the control body, for a period stated in the authority.

“**racing bookmaker’s clerk**” means a person licensed by a control body to be employed by a racing bookmaker as a clerk in the conduct of the racing bookmaker’s business on or at a racing venue.

“**registrar**”, of the Gaming Commission, for part 4, see section 139.

“**show cause notice**”, for part 4, see section 158A(2).

“**show cause period**”, for part 4, see section 158A(2)(d).’.

(3) Section 5, definition “credit bet”, before ‘bookmaker’—

insert—

‘racing’.

(4) Section 5, definition “person”, ‘or athletic club’—

omit.

(5) Section 5, definition “refund”, before ‘bookmaker’—
insert—
‘racing’.

Replacement of pt 2 hdg and ss 6–8

5. Part 2 heading and sections 6, 7, 7A and 8—
omit, insert—

‘Act binds all persons

‘6. This Act binds all persons, including the State and, as far as the legislative power of the Parliament permits, the Commonwealth and the other States.

‘PART 2—ADMINISTRATION

‘Delegation by Minister

‘7.(1) The Minister may delegate the Minister’s powers under this Act to an appropriately qualified person.

‘(2) In this section—

“**appropriately qualified**” includes having the qualifications, experience or standing appropriate to exercise the power.

Example of ‘standing’—

A person’s classification level in a department.’.

Amendment of s 10 (Secrecy)

6.(1) Section 10(2) to (5)—
omit.

(2) Section 10(1A) and (1B)—
renumber as section 10(2) and (3).

(3) Section 10(3), as renumbered, ‘subsection (1A)(b)’—

omit, insert—

‘subsection (2)(b)’.

Amendment of s 11B (Powers of Queensland Principal Club)

7.(1) Section 11B(2)(c), ‘bookmaker, bookmaker’s clerk’—

omit, insert—

‘racing bookmaker, racing bookmaker’s clerk’.

(2) Section 11B(2)(l), ‘registration of,’—

omit, insert—

‘the registering or licensing’.

Amendment of s 11G (Disqualification from nomination or appointment)

8. Section 11G(1)(e), before ‘bookmaker’—

insert—

‘racing’.

Amendment of s 18 (Dissolution of race club)

9.(1) Section 18(2), ‘and the commissioner’—

omit.

(2) Section 18(2A), ‘, with the approval of the commissioner first had and obtained,’—

omit.

(3) Section 18(3A) and (7)—

omit.

(4) Section 18(5), ‘(6AA)’—

omit, insert—

‘(7)’.

(5) Section 18(6), ‘, (3A)’—

omit.

(6) Section 18(6AA) and (6A)—

renumber as section 18(7) and (8).

Amendment of s 24 (Time race meeting taken to commence)

10. Section 24, before ‘bookmakers’—

insert—

‘racing’.

Amendment of s 27 (Betting to continue at postponed or abandoned meeting)

11. Section 27, before ‘bookmakers’—

insert—

‘racing’.

Amendment of s 28 (Phantom meeting may be held in certain circumstances)

12. Section 28(3), before ‘bookmakers’—

insert—

‘racing’.

Amendment of s 52 (Functions, powers and duties of Harness Racing Board)

13.(1) Section 52(3)(d), ‘bookmaker, bookmaker’s clerk’—

omit, insert—

‘racing bookmaker, racing bookmaker’s clerk’.

(2) Section 52(3)(m), ‘registration of’—

omit, insert—

‘the registering or licensing’.

Amendment of s 58 (Dissolution of trotting club)

14.(1) Section 58(2), ‘and the commissioner’—

omit.

(2) Section 58(2A), ‘, with the approval of the commissioner first had and obtained,’—

omit.

(3) Section 58(4) and (7)—

omit.

(4) Section 58(5), from ‘(6AA)’ to ‘(4) applies shall’—

omit, insert—

‘(7), the assets of a trotting club to which subsection (3) applies’.

(5) Section 58(6), ‘, (3) or (4)’—

omit, insert—

‘or (3)’.

(6) Section 58(6AA) and (6A)—

renumber as section 58(7) and (8).

Amendment of s 64 (Time trotting meeting taken to commence)

15. Section 64, before ‘bookmakers’—

insert—

‘racing’.

Amendment of s 67 (Betting to continue at postponed or abandoned meeting)

16. Section 67, before ‘bookmakers’—

insert—

‘racing’.

Amendment of s 68 (Phantom meeting may be held in certain circumstances)

17. Section 68(3), before ‘bookmakers’—

insert—

‘racing’.

Amendment of s 93 (Functions, powers and duties of Greyhound Authority)

18.(1) Section 93(3)(d), ‘bookmaker, bookmaker’s clerk’—

omit, insert—

‘racing bookmaker, racing bookmaker’s clerk’.

(2) Section 93(3)(m), ‘registration of’—

omit, insert—

‘the registering or licensing’.

Amendment of s 99 (Dissolution of greyhound club)

19.(1) Section 99(2), ‘and the commissioner’—

omit.

(2) Section 99(2A), ‘, with the approval of the commissioner first had and obtained,’—

omit.

(3) Section 99(4) and (7)—

omit.

(4) Section 99(5), from ‘(6AA)’ to ‘(4) applies shall’—

omit, insert—

‘(7), the assets of a greyhound club to which subsection (3) applies’.

(5) Section 99(6), ‘, (3) or (4)’—

omit, insert—

‘or (3)’.

(6) Section 99(6AA) and (6A)—

renumber as section 99(7) and (8).

Amendment of s 105 (Time greyhound meeting taken to commence)

20. Section 105, before ‘bookmakers’—

insert—

‘racing’.

Amendment of s 108 (Betting to continue at postponed or abandoned meeting)

21. Section 108, before ‘bookmakers’—

insert—

‘racing’.

Amendment of s 109 (Phantom meeting may be held in certain circumstances)

22. Section 109(3), before ‘bookmakers’—

insert—

‘racing’.

Amendment of s 115A (Definitions)

23. Section 115A, definition “licence”, paragraph (b), ‘bookmaker, bookmaker’s clerk’—

omit, insert—

‘racing bookmaker, racing bookmaker’s clerk’.

Amendment of s 128 (Restrictions as to meetings on Anzac Day)

24. Section 128(2), before ‘bookmaker’—

insert—

‘racing’.

Amendment of s 131 (Audit of books and accounts of club)

25.(1) Section 131(2)—

omit, insert—

‘(2) The control body responsible for registering a club may, in writing, authorise a person to audit the club’s books even though the person is not a registered company auditor if the control body is satisfied—

(a) a registered company auditor is not readily available to audit the books; and

(b) the person is competent to audit the books.’.

(2) Section 131(2B), ‘commissioner may’—

omit, insert—

‘control body may’.

(3) Section 131(5), ‘furnish to the commissioner’—

omit, insert—

‘give to the control body responsible for registering the club’.

(4) Section 131(6), ‘commissioner shall’—

omit, insert—

‘control body must’.

(5) Section 131(6), ‘furnished to the commissioner in accordance with’—

omit, insert—

‘given to the control body under’.

(6) Section 131(6), from ‘a statement so’ to ‘commissioner thinks fit’—

omit, insert—

‘the statements, or an item or matter contained in or arising out of the statements, as the control body thinks fit’.

(7) Section 131(7), from ‘, the commissioner’ to ‘to the commissioner’—

omit, insert—

‘(the “**other person**”), the control body responsible for registering the club that conducts racing at the racing venue, by written direction, may require the other person to give to the control body’.

(8) Section 131(7A), ‘person shall be deemed’—

omit, insert—

‘other person is taken’.

(9) Section 131(8)—

omit, insert—

‘(8) The control body may take action against a club or other person under the rules of racing, rules of trotting or rules of greyhound racing, if—

- (a) the control body required the club or person to do something after an enquiry by the control body under subsection (6); and
- (b) the club or person refused, or failed, to fully satisfy the control body’s requisition.’.

Omission of s 133 (Commissioner may make enquiries, investigations and the like for statistical or research purposes)

26. Section 133—

omit.

Amendment of s 134 (Application of receipts and the like of club)

27. Section 134(4)(b)(ii)(B), ‘or commissioner’—

omit.

Amendment of s 136 (Disclosure of criminal history)

28. Section 136(4)—

insert—

‘**“licence”** does not include a racing bookmaker’s licence.’.

Replacement of pt 4 hdg, div 1 hdg and s 139

29. Part 4 heading, division 1 heading and section 139—

omit, insert—

‘PART 4—RACING BOOKMAKERS***‘Division 1—Preliminary*****‘Definitions for pt 4**

‘139. In this part—

“**business associate**”, of a certificate holder, means a person whom the gaming executive reasonably believes will, if the holder is licensed as a racing bookmaker, be associated with the ownership or management of the racing bookmaker’s bookmaking operations.

“**business associate**”, of an applicant for an eligibility certificate, means a person whom the gaming executive reasonably believes will, if the applicant is licensed as a racing bookmaker, be associated with the ownership or management of the racing bookmaker’s bookmaking operations.

“**certificateholder**” means the holder of an eligibility certificate that has not lapsed.

“**criminal history**”, of a person, means the person’s criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, and—

- (a) despite section 6 of that Act, includes a conviction of the person to which the section applies; and
- (b) despite section 5 of that Act, includes a charge made against the

person for an offence.

“eligibility certificate” means an eligibility certificate issued to a person by the gaming executive stating that, until a date stated in the certificate, the person is eligible to apply to a control body for a racing bookmaker’s licence.

“executive associate”, of a certificate holder, means an executive officer of a corporation, partner, trustee, or another person stated by the gaming executive, whom the gaming executive reasonably believes will, if the holder is licensed as a racing bookmaker, be associated with the ownership or management of the racing bookmaker’s bookmaking operations.

“executive associate”, of an applicant for an eligibility certificate, means an executive officer of a corporation, partner, trustee, or another person stated by the gaming executive, whom the gaming executive reasonably believes will, if the applicant is licensed as a racing bookmaker, be associated with the ownership or management of the racing bookmaker’s bookmaking operations.

“executive officer”, of a corporation, means a person who is concerned with, or takes part in, the corporation’s management, whether or not the person is a director or the person’s position is given the name of executive officer.

“gaming Act” means any of the following Acts—

- *Casino Control Act 1982*
- *Charitable and Non-Profit Gaming Act 1999*
- *Gaming Machine Act 1991*
- *Interactive Gambling (Player Protection) Act 1998*
- *Keno Act 1996*
- *Lotteries Act 1997*
- *Wagering Act 1998*.

“Gaming Commission” means the Queensland Gaming Commission under the *Gaming Machine Act 1991*.

“gaming executive” means the chief executive of the department in which the *Wagering Act 1998* is administered.

“**registrar**”, of the Gaming Commission, means the officer or person designated under a regulation under the *Wagering Act 1998* as the registrar.

‘Division 1A—Licensing of racing bookmakers and related matters’.

Amendment of s 140 (Licensing of bookmakers and bookmakers’ clerks)

30.(1) Section 140, heading—

omit, insert—

‘Licensing of racing bookmakers and racing bookmakers’ clerks’.

(2) Section 140(1), (2), (3) and (5), before ‘bookmaker’—

insert—

‘racing’.

(3) Section 140(1), (4) and (5), before ‘bookmaker’s’—

insert—

‘racing’.

(4) Section 140(6), before ‘bookmakers’—

insert—

‘racing’.

Amendment of s 141 (Restrictions on betting by bookmakers)

31.(1) Section 141, heading, before ‘bookmakers’—

insert—

‘**racing**’.

(2) Section 141(1), (4) and (5), before ‘bookmaker’—

insert—

‘racing’.

(3) Section 141(1)(c), ‘approved under section 147A’—

omit, insert—

‘declared under section 161¹’.

(4) Section 141(2) and (3)—

omit.

(5) Section 141(5)(d)—

omit.

Replacement of ss 142 to 158

32. Sections 142 to 158—

omit, insert—

‘Division 3—Racing bookmakers to be holders of eligibility certificates

‘Applicant for racing bookmaker’s licence to hold eligibility certificate

‘142. An applicant to a control body for licensing as a racing bookmaker must be a certificate holder.

‘Suitability of applicants for eligibility certificate

‘143.(1) This section applies to the gaming executive in deciding whether an applicant for an eligibility certificate is a suitable person to hold an eligibility certificate.

‘(2) The gaming executive may have regard to the following matters—

- (a) the applicant’s character or business reputation;
- (b) the applicant’s current financial position and financial background;
- (c) if the applicant has a business association with another entity—
 - (i) the entity’s character or business reputation; and
 - (ii) the entity’s current financial position and financial background.

¹ Section 161 (Bookmaking on certain declared sporting contingencies)

‘Suitability of associates

‘144.(1) This section applies to the gaming executive in deciding whether a business associate or executive associate of an applicant for an eligibility certificate is a suitable person to be associated with the applicant.

‘(2) The gaming executive may have regard to the following matters—

- (a) the associate’s character or business reputation;
- (b) the associate’s current financial position and financial background;
- (c) if the associate has a business association with another entity—
 - (i) the entity’s character or business reputation; and
 - (ii) the entity’s current financial position and financial background.

‘Other matters about suitability

‘145. Sections 143 and 144 do not limit the matters the gaming executive may have regard to in deciding matters to which the sections relate.

‘Division 4—Application for, and issue of, eligibility certificate**‘Application for eligibility certificate**

‘146. An application for an eligibility certificate may only be made by an individual over 18 years or a corporation.

‘Requirements about applications

‘147.(1) An application for an eligibility certificate must—

- (a) be made to the gaming executive; and
- (b) be in a form approved by the gaming executive; and
- (c) be accompanied by any application fee prescribed under a regulation.

‘(2) It is a condition precedent to consideration of an application for an eligibility certificate that—

- (a) for an application by an individual—the individual is agreeable to the individual’s fingerprints being taken by or for the gaming executive; or
- (b) for an application by a corporation—each of the applicant’s business associates and executive associates, who is an individual, is agreeable to the individual’s fingerprints being taken by or for the gaming executive.

‘Further information or documents to support application

‘**148.(1)** The gaming executive may, by written notice given to an applicant for an eligibility certificate, require the applicant to give the gaming executive further information or a document about the application within the reasonable time stated in the notice.

‘(2) The requirement must relate to information or a document that is necessary and reasonable to help the gaming executive decide the application.

‘Consideration of application

‘**149.(1)** On receipt of an application for an eligibility certificate, and compliance by the applicant with this part in relation to the application, the gaming executive must—

- (a) for an application by an individual—cause the fingerprints of the applicant to be taken; and
- (b) for an application by a corporation—cause the fingerprints of each of the applicant’s business associates and executive associates, who is an individual, to be taken.

‘(2) However, if the gaming executive is satisfied, on reasonable grounds, an individual’s fingerprints are already held by the gaming executive, the gaming executive need not cause the individual’s fingerprints to be taken under subsection (1).

‘(3) The gaming executive must consider the application for an eligibility certificate and either grant or refuse to grant the application.

‘(4) However, the gaming executive is not required to decide an application if—

- (a) the gaming executive has given a person a notice under section 148 or 154 requiring the person to give the gaming executive information or a document as stated in the section; and
- (b) the person has failed, without reasonable excuse, to comply with the requirement within the time stated in the notice.

‘Conditions for granting application for eligibility certificate

‘**150.** The gaming executive may grant an application for an eligibility certificate only if the gaming executive is satisfied—

- (a) the applicant is a suitable person to hold an eligibility certificate; and
- (b) each business and executive associate of the applicant is a suitable person to be associated with the applicant.

‘Investigation of suitability of persons

‘**151.(1)** The gaming executive may investigate an applicant for an eligibility certificate to help the gaming executive decide whether the applicant is a suitable person to be a certificate holder.

‘**(2)** The gaming executive may investigate a business or executive associate of an applicant for an eligibility certificate to help the gaming executive decide whether the associate is a suitable person to be associated with the applicant.

‘Criminal history reports for investigations

‘**152.(1)** If the gaming executive, in investigating a person under section 151, asks the commissioner of the police service for a written report on the person’s criminal history, the commissioner must give the report to the gaming executive.

‘**(2)** The report is to contain—

- (a) relevant information in the commissioner’s possession; and
- (b) relevant information the commissioner can reasonably obtain by asking officials administering police services in other Australian

jurisdictions; and

- (c) other relevant information to which the commissioner has access.

‘Decision on application

‘153.(1) If the gaming executive decides to grant an application for an eligibility certificate, the gaming executive must give the certificate to the applicant as soon as practicable after making the decision.

‘(2) The certificate is to be in a form the gaming executive considers appropriate.

‘(3) If the gaming executive decides to refuse to grant an application for an eligibility certificate, the gaming executive must give the applicant written notice of the decision as soon as practicable after making the decision.

‘(4) The notice must include—

- (a) the gaming executive’s decision; and
- (b) the gaming executive’s reasons for the decision; and
- (c) a statement that the applicant may appeal to the Gaming Commission against the decision within 28 days; and
- (d) how the applicant may start the appeal.

‘Requirement to give information or document for investigation

‘154.(1) In investigating a business associate or executive associate of an applicant, the gaming executive may, by written notice given to the associate, require the associate to give the gaming executive information or a document the gaming executive considers relevant to the investigation.

‘(2) When making the requirement, the gaming executive must—

- (a) warn the associate that the application for the eligibility certificate will not be considered further until the requirement is complied with; and
- (b) give a copy of the notice to the applicant.

‘Date by which certificate holder must apply for racing bookmaker’s licence

‘155.(1) An eligibility certificate must state the date by which the certificate holder stated in the certificate must apply for a licence as a racing bookmaker.

‘(2) The date must be at least 2 months after the date the certificate is granted to the certificate holder.

‘(3) If the certificate holder does not apply to a control body for a racing bookmaker’s licence before the date stated in the certificate, the certificate lapses at the end of the day stated in the certificate.

‘Division 5—Investigations of certificate holders and their business and executive associates**‘Audit program**

‘156.(1) The gaming executive may approve an audit program for investigating certificate holders, and the business associates and executive associates of certificate holders.

‘(2) The gaming executive is responsible for ensuring that investigations of certificate holders, and business associates and executive associates of certificate holders, are conducted under an approved audit program in accordance with the program.

‘(3) A person may be investigated under an audit program only if there has not been an investigation of the same person within the preceding 3 years.

‘Investigations into suitability of certificate holders

‘157.(1) The gaming executive may investigate a certificate holder to find out whether the certificate holder is a suitable person to hold, or to continue to hold, an eligibility certificate.

‘(2) However, the gaming executive may investigate the certificate holder under this section only if—

(a) the gaming executive reasonably suspects the certificate holder is

not, or is no longer, a suitable person to hold an eligibility certificate; or

- (b) the investigation is made under an audit program approved by the gaming executive.

‘Investigation of suitability of associates of certificate holders

‘**157A.(1)** The gaming executive may investigate a business associate or executive associate of a certificate holder to decide whether the associate is a suitable person to be, or to continue to be, associated with the certificate holder’s operations.

‘(2) However, the gaming executive may investigate a business associate or executive associate of a certificate holder under this section only if—

- (a) the gaming executive reasonably suspects the associate is not, or is no longer, a suitable person to be associated with a certificate holder’s operations; or
- (b) the investigation is part of an investigation under this division of the certificate holder in relation to whom the associate is a business associate or executive associate.

‘Requirement to give information or document for investigation

‘**157B.(1)** In investigating a certificate holder, or business or executive associate of a certificate holder, the gaming executive may, by written notice given to the person, require the person to give the gaming executive information or a document the gaming executive considers relevant to the investigation.

‘(2) When making the requirement, the gaming executive must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.

‘Failure to give information or document for investigation

‘**157C.(1)** A person of whom a requirement is made under section 157B must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units or 2 years imprisonment.

‘(2) It is a reasonable excuse for the person not to comply with the requirement if complying with the requirement might tend to incriminate the person.

‘(3) The person does not commit an offence against this section if the information or document sought by the gaming executive is not in fact relevant to the investigation.

‘Criminal history report for investigation

‘157D.(1) If the gaming executive in investigating a person under section 157 or 157A asks the commissioner of the police service for a written report on the person’s criminal history, the commissioner must give the report to the gaming executive.

‘(2) The report is to contain—

- (a) relevant information in the commissioner’s possession; and
- (b) relevant information the commissioner can reasonably obtain by asking officials administering police services in other Australian jurisdictions; and
- (c) other relevant information to which the commissioner has access.

‘Gaming executive may ask control body for information about racing bookmakers

‘157E.(1) This section applies if, as part of an investigation under this division, the gaming executive considers—

- (a) the control body that has licensed a certificate holder as a racing bookmaker has information or a document about the certificate holder or a business or executive associate of the certificate holder; and
- (b) the information or document will help the gaming executive in the investigation.

‘(2) The gaming executive must give written notice to the control body stating the information or document the gaming executive considers the control body has and that the information or document is to be given to the

gaming executive.

‘(3) Within 14 days of receipt of the notice under subsection (2), the control body must give the information to the gaming executive or state its reasons for not complying with the notice.

‘Division 6—Cancellation of eligibility certificates

‘Grounds for cancellation

‘158.(1) A ground for cancelling an eligibility certificate exists if the certificate holder—

- (a) is not a suitable person to hold an eligibility certificate; or
- (b) is convicted of an offence against this Act or a gaming Act; or
- (c) is convicted of an indictable offence; or
- (d) contravenes a provision of this Act (being a provision a contravention of which is not an offence against this Act); or
- (e) is affected by bankruptcy action, or by control action under the Corporations Law.

‘(2) Also, a ground for cancelling an eligibility certificate exists if—

- (a) a racing bookmaker’s licence held by the certificate holder is cancelled by the control body for the licence concerned; or
- (b) the eligibility certificate was issued because of a materially false or misleading representation or declaration; or
- (c) a business or executive associate of the certificate holder is not a suitable person to be associated with a certificate holder.

‘(3) For subsection (1)(e), a certificate holder is affected by bankruptcy action if the holder—

- (a) is bankrupt; or
- (b) has compounded with creditors; or
- (c) has otherwise taken, or applied to take, advantage of any law about bankruptcy.

‘(4) For subsection (1)(e), a certificate holder is affected by control action

under the Corporations Law if the holder—

- (a) has executed a deed of company arrangement under the Law; or
- (b) is the subject of a winding-up (whether voluntarily or under a court order) under the Law; or
- (c) is the subject of an appointment of an administrator, liquidator, receiver or receiver and manager under the Law.

‘Show cause notice

‘158A.(1) This section applies if the gaming executive believes—

- (a) a ground exists to cancel an eligibility certificate; and
- (b) the act, omission or other thing forming the ground is of a serious and fundamental nature; and
- (c) the public interest may be affected in an adverse and material way.

‘(2) The gaming executive must give the certificate holder a written notice (a **“show cause notice”**) stating the following—

- (a) the action (the **“proposed action”**) the gaming executive proposes taking under this division;
- (b) the grounds for the proposed action;
- (c) an outline of the facts and circumstances forming the basis for the grounds;
- (d) an invitation to the holder to show within a stated period (the **“show cause period”**) why the proposed action should not be taken.

‘(3) The show cause period must be a period ending at least 21 days after the show cause notice is given to the certificate holder.

‘(4) The certificate holder may make written representations about the show cause notice to the gaming executive in the show cause period.

‘Involvement of interested persons in show cause process

‘158B.(1) The gaming executive must promptly give a copy of the show cause notice to—

- (a) each of the control bodies (an **“interested person”**); and
- (b) each person the gaming executive considers has an interest in the eligibility certificate (also an **“interested person”**) if the gaming executive considers—
 - (i) the person’s interest may be affected adversely by the cancellation of the certificate; and
 - (ii) it is otherwise appropriate in the circumstances to give a copy of the notice to the person.

‘(2) In considering whether it is appropriate to give a copy of the show cause notice to an interested person under subsection (1)(b), the issues to which the gaming executive may have regard include the following—

- (a) the nature of the interested person’s interest;
- (b) whether the holder’s interest may be improperly prejudiced.

‘(3) An interested person to whom a copy of the show cause notice is given may make representations about the notice to the gaming executive in the show cause period.

‘Consideration of representations

‘158C. The gaming executive must consider all written representations (the **“accepted representations”**) made in the show cause period by—

- (a) the certificate holder; or
- (b) an interested person to whom a copy of the show cause notice was given.

‘Ending show cause process without further action

‘158D.(1) This section applies if, after considering the accepted representations for the show cause notice, the gaming executive no longer believes a ground exists to cancel the eligibility certificate.

‘(2) The gaming executive must not take any further action about the show cause notice.

‘(3) Notice that no further action about the show cause notice is to be taken must be given by the gaming executive to—

- (a) the certificate holder; and
- (b) each interested person to whom a copy of the show cause notice was given.

‘Censuring certificate holder

‘158E.(1) This section applies if, after considering the accepted representations for the show cause notice, the gaming executive—

- (a) still believes a ground exists to cancel the eligibility certificate; but
- (b) does not believe cancellation of the certificate is warranted.

‘(2) This section also applies if the gaming executive has not given a show cause notice to the certificate holder but—

- (a) believes a ground exists to cancel the certificate; and
- (b) does not believe the giving of a show cause notice is warranted.

‘(3) The gaming executive may, by written notice given to the holder, censure the holder for a matter relating to the ground for cancellation.

‘Cancellation of eligibility certificates

‘158F.(1) The gaming executive may cancel the eligibility certificate if, after considering the accepted representations for the show cause notice, the gaming executive still believes—

- (a) a ground exists to cancel the eligibility certificate; and
- (b) the act, omission or other thing constituting the ground is of a serious and fundamental nature; and
- (c) the public interest may be affected in an adverse and material way.

‘(2) Also, the gaming executive may cancel the eligibility certificate if there are no accepted representations for the show cause notice.

‘(3) The gaming executive must immediately give written notice of the decision to cancel, and a copy of section 158G, to the certificate holder.

‘(4) The notice must include—

- (a) the gaming executive’s decision; and

- (b) the gaming executive's reasons for the decision; and
- (c) a statement that the certificate holder may appeal to the Gaming Commission against the decision within 28 days; and
- (d) how the certificate holder may start the appeal.

‘(5) The decision takes effect—

- (a) on the day the notice is given to the certificate holder; or
- (b) if a later day of effect is stated in the notice—on the later day.

‘(6) If the eligibility certificate is cancelled, the person who held the certificate must, within 14 days after receiving notice of the decision, return the certificate to the gaming executive.

Maximum penalty for subsection (6)—40 penalty units.

‘Automatic cancellation of all licences issued to racing bookmakers

‘158G.(1) This section applies if a person's eligibility certificate is cancelled under section 158F and the person is the holder of a racing bookmaker's licence issued by a control body.

‘(2) On the cancellation of the eligibility certificate, the licence issued by the control body is cancelled.

‘(3) Subsection (2) has effect despite any contrary provision in the rules of racing, rules of trotting or rules of greyhound racing.

‘Notice to interested persons of decisions

‘158H.(1) This section applies if the gaming executive—

- (a) censures the certificate holder under section 158E; or
- (b) cancels an eligibility certificate under section 158F.

‘(2) The gaming executive must give written notice of the decision to each interested person to whom a copy of the show cause notice was given as soon as practicable after making the decision.

‘Division 7—Appeals relating to eligibility certificates**‘Appeals**

‘158I.(1) This section applies if the gaming executive makes a decision—

- (a) refusing an application for an eligibility certificate; or
- (b) cancelling an eligibility certificate.

‘(2) The applicant or certificate holder may appeal to the Gaming Commission against the decision.

‘Starting appeal

‘158J.(1) An appeal is started by—

- (a) filing a written notice of appeal with the registrar of the Gaming Commission; and
- (b) serving a copy of the notice on the gaming executive.

‘(2) The notice of appeal must be filed within 28 days after the appellant receives notice of the decision.

‘(3) The Gaming Commission may at any time extend the period for filing the notice of appeal.

‘(4) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

‘Stay of operation of decisions

‘158K.(1) The Gaming Commission may grant a stay of the operation of a decision appealed against to secure the effectiveness of the appeal.

‘(2) A stay—

- (a) may be given on conditions the Gaming Commission considers appropriate; and
- (b) operates for the period fixed by the commission; and
- (c) may be revoked or amended by the commission.

‘(3) The period of a stay under this section must not extend past the time when the Gaming Commission decides the appeal.

‘(4) An appeal against a decision affects the decision, or the carrying out of the decision, only if the decision is stayed.

‘Hearing procedures

‘**158L.(1)** In deciding an appeal, the Gaming Commission—

- (a) has the same powers as the gaming executive; and
- (b) is not bound by the rules of evidence; and
- (c) must comply with natural justice; and
- (d) may hear the appeal in public or in private.

‘(2) An appeal is by way of rehearing, unaffected by the gaming executive’s decision, on the material before the gaming executive and any further evidence allowed by the Gaming Commission.

‘Power to gather evidence

‘**158M.(1)** The Gaming Commission may, by written notice signed by the registrar, require a person—

- (a) to give written answers to questions, or produce a document, stated in the notice for an appeal mentioned in the notice; or
- (b) to appear before the commission at a stated time and place to answer questions, or produce a stated document, relating to an appeal mentioned in the notice.

‘(2) The answers mentioned in subsection (1)(b) must, if the notice so requires, be verified by statutory declaration.

‘(3) A person must not, without reasonable excuse—

- (a) fail to comply with a requirement under this section; or
- (b) if appearing for examination before the Gaming Commission—
 - (i) fail to take or make an oath when required to do so by a member of the commission or the registrar; or
 - (ii) fail to answer a question relevant to the subject of the appeal

to the best of the person's knowledge, information or belief;
or

- (iii) fail to produce a document the person is required to produce under subsection (1)(b).

Maximum penalty—40 penalty units.

‘(4) A member of the Gaming Commission may administer an oath to a person appearing before the commission for examination.

‘(5) It is a reasonable excuse for a person to fail to comply with a requirement to answer a question or produce a document if complying with the requirement might tend to incriminate the person.

‘Powers of Gaming Commission on appeal

‘**158N.(1)** In deciding an appeal, the Gaming Commission may—

- (a) confirm the decision; or
- (b) set aside the decision and substitute another decision; or
- (c) set aside the decision and return the issue to the gaming executive with the directions the commission considers appropriate.

‘(2) If the Gaming Commission substitutes another decision, the substituted decision is, for this Act (other than this part) taken to be the gaming executive's decision.

‘Appeals to District Court

‘**158O.** An appeal lies to the District Court from a decision of the Gaming Commission only on a question of law.

‘Division 8—Provisions about racing bookmakers

‘Racing bookmakers to maintain policy of insurance or bond to indemnify bettors against default

‘**158P.** A racing bookmaker must have a policy of insurance, or bond acceptable to the control body responsible for licensing the racing

bookmaker, that—

- (a) indemnifies bettors against losses suffered by the bettors for winning bets, and refunds, payable to the bettors by the racing bookmaker; and
- (b) includes conditions required by the control body that licensed the racing bookmaker.

‘Control bodies to ensure racing bookmakers have policies of insurance or bond

‘158Q.(1) A control body must not register a person as a racing bookmaker, or renew a racing bookmaker’s licence, unless the person or racing bookmaker has a policy of insurance or bond under section 158P.

‘(2) If a racing bookmaker does not have a policy of insurance or bond under section 158P, the control body must immediately suspend the racing bookmaker’s licence until it is satisfied the racing bookmaker has the policy or bond.

‘(3) Each control body may make enquires, and do other acts, as it considers necessary to find out if a racing bookmaker has a policy of insurance or bond under section 158P.’.

Amendment of s 159 (Prohibition of betting by bookmaker with infants)

33. Section 159, before ‘bookmaker’—

insert—

‘racing’.

Replacement of ss 160 and 161

34. Sections 160 and 161—

omit, insert—

‘Division 9—Clubs to control racing venues and provisions about sporting contingencies

‘Control by clubs and control bodies over racing bookmakers

‘160.(1) Even though a person is licensed as a racing bookmaker—

- (a) the person may not carry on bookmaking at a racing venue without the permission of the club holding a meeting at the venue; and
- (b) the club may impose conditions on the person for carrying on bookmaking at that venue or exclude the racing bookmaker from the venue.

‘(2) However, despite a club’s powers at a racing venue, the control body responsible for registering the club may nominate and appoint a racing bookmaker to field at a meeting held by the club if the control body considers it justified to do so.

‘(3) If a control body exercises its power under subsection (2), the control body—

- (a) may direct the racing bookmaker to field in a particular place at the racing venue; and
- (b) may stipulate the betting service the racing bookmaker may offer to the persons attending the meeting; and
- (c) may impose other conditions on the racing bookmaker as the control body considers appropriate in the circumstances.

‘(4) To remove doubt, it is declared that an exercise of power by a control body under subsection (2) or (3) prevails over the powers of the club under subsection (1).

‘Bookmaking on certain declared sporting contingencies

‘161.(1) A control body may declare a sporting contingency to be a declared sporting contingency for which racing bookmakers licensed by the control body may carry on bookmaking operations at a racing venue, licensed by the control body, at a time when a lawful meeting is being held at the venue.

‘(2) Before a control body declares a sporting contingency to be a declared sporting contingency, the control body must consider the following—

- (a) whether declaring the sporting contingency brings, or has the potential to bring, the code of racing or racing bookmakers controlled by the control body into disrepute;
- (b) whether declaring the sporting contingency will erode public confidence in the Queensland racing industry;
- (c) whether a decision about the result of the sporting contingency can be relied on by the control body, racing bookmakers and the public.

‘(3) Written notice about the declaration of a sporting contingency by a control body must be given by the control body—

- (a) by publication in the control body’s racing calendar; or
- (b) by giving each racing bookmaker licensed by the control body a copy of the declaration.

‘(4) A racing bookmaker must not carry on bookmaking on a sporting contingency, other than a horse, trotting or greyhound race, unless—

- (a) the sporting contingency has been declared, under subsection (1), by the control body that licensed the racing bookmaker to be a declared sporting contingency; and
- (b) the bookmaking is carried on at a racing venue licensed by the control body at a time when a lawful meeting is being held at the venue.

*Division 10—Miscellaneous***‘Racing bookmaker’s agent during certain periods**

‘162.(1) This section applies if a racing bookmaker applies to the control body that licensed the racing bookmaker to authorise a person to act as the racing bookmaker’s agent to conduct the bookmaking operations of the racing bookmaker for a period.

‘(2) The control body may authorise the person to act as the racing bookmaker’s agent to conduct the bookmaking operations of the racing bookmaker for the period only if—

(a) the racing bookmaker—

(i) is temporarily incapacitated through illness or accident; or

(ii) is on vacation for a period that, together with any previous period in which the racing bookmaker was on vacation, does not exceed 12 weeks in any year; or

(iii) is temporarily unable, for reasons acceptable to the control body, to conduct the bookmaking operations for a period not exceeding 12 weeks; and

(b) the person nominated in the application as the racing bookmaker’s agent is licensed currently by the control body as the racing bookmaker’s clerk.

‘(3) The application must be made in writing signed by the racing bookmaker.

‘(4) However, if a racing bookmaker is unable to conduct bookmaking for a period due to incapacity caused by illness or accident, the control body may waive the requirement of a written application signed by the racing bookmaker if it is satisfied the person who signed and lodged the application is acting for the racing bookmaker.

‘(5) For this Act, the person authorised as the racing bookmaker’s agent is taken to be the racing bookmaker during the period stated in the authority.

‘(6) To remove doubt, it is declared that the racing bookmaker’s agent does not need to hold an eligibility certificate to be authorised as the racing bookmaker’s agent.

‘Control body to give notice of certain actions about racing bookmakers to gaming executive

‘**162A.(1)** If a control body licences a person as a racing bookmaker, the control body must give written notice of the licensing to the gaming executive within 14 days of the date of the licence.

‘**(2)** If a control body exercises disciplinary action in relation to a racing bookmaker’s licence, the control body must give written notice of the disciplinary action to the gaming executive within 14 days of the date of the action.

‘**(3)** The notice under subsection (2) must state the control body’s reasons for the disciplinary action.

‘**(4)** In this section—

“**disciplinary action**”, by a control body in relation to a racing bookmaker’s licence, means—

- (a) the cancellation, suspension or disqualification by the control body of the racing bookmaker’s licence; or
- (b) other action by the control body relating to the racing bookmaker’s licence that is detrimental to the racing bookmaker.

‘Gaming executive may give information to control bodies about racing bookmakers or applicants for eligibility certificates

‘**162B.(1)** This section applies if, after an investigation under this part or otherwise, the gaming executive has information about a racing bookmaker, or applicant for an eligibility certificate, that the gaming executive considers is appropriate to give to a control body that registers or licences the person in any capacity.

‘**(2)** The gaming executive may give the information to the control body.

‘Surrender of eligibility certificate

‘**162C.(1)** A certificate holder may surrender the holder’s eligibility certificate by written notice given to the gaming executive.

‘**(2)** The surrender of an eligibility certificate takes effect—

- (a) on the day the notice is given to the gaming executive; or
- (b) if a later day of effect is stated in the notice—on the later day.

‘(3) The gaming executive must give information about the surrender to the control body or bodies that have licensed the certificate holder.

‘Destruction of fingerprints

‘**162D.(1)** As soon as practicable after the gaming executive refuses to grant an application for an eligibility certificate or an eligibility certificate is cancelled, the gaming executive must destroy the fingerprints of any individual who is—

- (a) the applicant or certificate holder; and
- (b) a business associate or executive associate of the applicant or certificate holder.

‘(2) Also, if the gaming executive is satisfied an individual who was a business associate or executive associate of an applicant or certificate holder is no longer a business associate or executive associate, the gaming executive must destroy the individual’s fingerprints.

‘Delegation by gaming executive

‘**162E.(1)** The gaming executive may delegate the gaming executive’s powers under this part to an appropriately qualified public service employee.

‘(2) In this section—

“appropriately qualified” includes having the qualifications, experience or standing appropriate to exercise the power.

Example of ‘standing’—

A person’s classification level in a department.

‘Approval of forms for pt 4

‘**162F.** The gaming executive may approve forms for this part.’.

Amendment of s 213 (Application of this part and saving)

35.(1) Section 213(1)(c), before ‘bookmaker’—

insert—

‘racing’.

(2) Section 213(1)(c), ‘, greyhound course or athletic ground’—

omit, insert—

‘or greyhound course’.

(3) Section 213(2)(a)—

omit, insert—

‘(a) the *Charitable and Non-Profit Gaming Act 1999*; or’.

Replacement of s 214 (Unlawful bookmaking)

36. Section 214—

omit, insert—

‘Unlawful bookmaking by persons other than racing bookmakers etc.

‘214.(1) A person must not carry on bookmaking unless the person is—

- (a) a racing bookmaker; or
- (b) a director of a corporation, that is a racing bookmaker, lawfully acting under the racing bookmaker’s licence; or
- (c) a racing bookmaker’s clerk or another person who is an agent or employee of a racing bookmaker, lawfully acting under the racing bookmaker’s licence.

‘(2) A person mentioned in subsection (1)(b) or (c) must not carry on bookmaking unless the racing bookmaker, under whose licence the person is acting, may carry on bookmaking.

‘Unlawful bookmaking by racing bookmakers

‘214A. A racing bookmaker must not carry on bookmaking unless—

- (a) at the time the racing bookmaker carries on bookmaking the place

at which the racing bookmaker carries on bookmaking is a racing venue licensed by the control body that licensed the racing bookmaker; and

- (b) at the place when the racing bookmaker is carrying on bookmaking—
 - (i) a meeting is lawfully held, or is taken to be lawfully held, under this Act; and
 - (ii) betting with racing bookmakers is lawful, or taken to be lawful, under this Act.

Maximum penalty—400 penalty units.’.

Amendment of s 215 (Common betting house)

37. Section 215(2), ‘a bookmaker at any racing venue or athletic ground’—

omit, insert—

‘a racing bookmaker at any racing venue’.

Amendment of s 229 (Offences relating to officers and records)

38. Section 229(1)(d), ‘the commissioner or’—

omit.

Amendment of s 241 (Liability of bookmaker for offence by agent or employee)

39. Section 241, before ‘bookmaker’—

insert—

‘racing’.

Amendment of s 249 (Circumstances in which bookmaker may sue or be sued)

40.(1) Section 249, heading, before ‘bookmaker’—

insert—

‘racing’.

(2) Section 249, ‘or athletic ground’—

omit.

Amendment of s 256 (Evidentiary provisions)

41.(1) Section 256(b)(ii)—

omit.

(2) Section 256(g)—

omit.

(3) Section 256(h)—

omit.

(4) Section 256(j)(ii), before ‘bookmaker’—

insert—

‘racing’.

(5) Section 256(k)(ii)(A), ‘, greyhound meeting or athletic meeting’—

omit, insert—

‘ or greyhound meeting’.

Amendment of s 257 (Regulations)

42.(1) Section 257(2)(n), ‘, chief executive or commissioner’—

omit, insert—

‘or chief executive’.

(2) Section 257(2)(q), (u) and (v), before ‘bookmakers’—

insert—

‘racing’.

Replacement of pt 8, div 6

43. Part 8, division 6—

omit, insert—

‘Division 6—Transitional provisions for the Racing and Betting Amendment Act 2000 and other relevant amendments

‘Definition for division

‘273. In this division—

“repeal” means the omission of the *Racing and Betting Act 1980*, part 4, division 2.²

‘Purpose of division

‘274.(1) The purpose of this division is to provide for transitional provisions because of the *Racing and Betting Amendment Act 2000* and the repeal.

‘(2) In particular, this division is to provide that—

- (a) persons who, immediately before 1 July 2000, are licensed as bookmakers and bookmakers’ clerks, continue to be licensed as racing bookmakers and racing bookmakers’ clerks; and
- (b) a liability relating to bookmaker’s turnover tax arising before 1 July 2000 continues and action may be taken under this Act as if this Act had not been amended by the *Racing and Betting Amendment Act 2000* and *GST and Related Matters Act 2000* in relation to the liability.

‘(3) To remove doubt, it is declared that this division does not limit the *Acts Interpretation Act 1954*, part 6.³

² Part 4 (Bookmakers), division 2 (Bookmaker’s turnover tax) is omitted by the *GST and Related Matters Act 2000*, schedule 3.

³ *Acts Interpretation Act 1954*, part 6 (Amendment and repeal of Acts)

‘References to bookmakers and bookmakers’ clerks

‘275. A reference in an Act or other document—

- (a) to a bookmaker’s licence may, if the context permits, be read as a racing bookmaker’s licence; and
- (b) to a bookmaker’s clerk may, if the context permits, be read as a racing bookmaker’s clerk.

‘Licensing of bookmakers and bookmakers’ clerks

‘276.(1) A person who, immediately before 1 July 2000, is licensed by a control body as a bookmaker—

- (a) continues to be licensed by the control body as a racing bookmaker; and
- (b) is taken to be the holder of an eligibility certificate that can not lapse under section 155.⁴

‘(2) A person who, immediately before 1 July 2000, is licensed by a control body as a bookmaker’s clerk continues to be licensed by the control body as a racing bookmaker’s clerk.

‘(3) A person to whom subsection (1) applies is a certificate holder who is a racing bookmaker.

‘Continuation of bookmaker’s agent

‘277.(1) This section applies to a person who, before 1 July 2000, was authorised under section 145 to act as a bookmaker’s agent for a bookmaker for a period that did not end before 1 July 2000.

‘(2) The person is taken to be authorised, under section 162, as a bookmaker’s agent for the racing bookmaker for the remaining period of the authority.

‘(3) Subsection (2) applies subject to the written authority under section 145.

⁴ Section 155 (Date by which certificate holder must apply for racing bookmaker’s licence)

‘Continuing application for bets before repeal

‘278.(1) This section applies in relation to every bet made by or for a bookmaker before 1 July 2000.

‘(2) The provisions of this Act, including provisions creating offences, that would have applied before 1 July 2000 in relation to the bet and the liability for the bookmaker’s turnover tax relating to the bet, apply as if this Act had not been amended by the *Racing and Betting Amendment Act 2000* and the *GST and Related Matters Act 2000*.

‘(3) To remove doubt, it is declared that the following apply as if this Act had not been amended by the *Racing and Betting Amendment Act 2000* and the *GST and Related Matters Act 2000*—

- (a) the bookmaker with or for whom the bet was made—
 - (i) must do all things relating to the bet that the bookmaker would have had to have done if this Act had not been so amended, including, for example, keeping appropriate records; and
 - (ii) is liable for the bookmaker’s turnover tax relating to the bet and may become liable for penalties for a late payment of the tax;
- (b) a person, other than a bookmaker, who must do a thing relating to the bet, or a liability for bookmaker’s turnover tax relating to the bet, must do the thing;
- (c) a person who could, before 1 July 2000, exercise a power relating to a bet, or a liability for bookmaker’s turnover tax relating to the bet, may exercise the power, including, for example, a power under a delegation under section 7A⁵ before the commencement.

‘(4) Also, to remove doubt, it is declared that a person may become liable for an offence relating to a matter that the person must do after the commencement because of the application of subsection (2).

⁵ Section 7A (Delegation by commissioner)

‘Continuing application about auditing clubs and providing certain information

‘**279.(1)** Section 131 continues to apply to each club in relation to the 1999-2000 financial year as if the Act had not been amended by the *Racing and Betting Amendment Act 2000*.

(2) Section 133 has effect in relation to an entity mentioned in the section if the request, enquiry or investigation is about a matter that arose before 1 July 2000, or a matter to which section 278 applies, as if the Act had not been amended by the *Racing and Betting Amendment Act 2000*.’.

PART 3—AMENDMENT OF POLICE POWERS AND RESPONSIBILITIES ACT 2000**Act amended in pt 3**

44. This part amends the *Police Powers and Responsibilities Act 2000*.

Amendment of sch 3 (Acts amended after assent)

45. Schedule 3, amendment of the *Racing and Betting Act 1998*, amendments 1 to 5—

omit.

PART 4—AMENDMENT OF WAGERING ACT 1998**Act amended in pt 4**

46. This part amends the *Wagering Act 1998*.

Amendment of s 12 (Relationship with other laws)

47. Section 12(2), before ‘bookmaker’s licence’—

insert—

‘racing’.