



**RACING AND GAMING AMENDMENT (BOOKMAKER
TELEPHONE BETTING) ACT 1994**

No. 70 of 1994

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Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Amendment of Acts

3—The Acts specified in Schedule 1 are amended in the manner specified in that Schedule.

Repeal of Acts

4—The Acts specified in Schedule 2 are repealed.

Amendment of regulations and by-laws

5—The regulations and by-laws specified in Schedule 3 are amended in the manner specified in that Schedule.

Administration of Act

6—Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990*—

- (a) the administration of this Act is assigned to the Minister for Justice; and
 - (b) the Department responsible to the Minister for Justice in relation to the administration of this Act is the Department of Justice.
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**RACING AND GAMING AMENDMENT (BOOKMAKER
TELEPHONE BETTING) ACT 1994**

No. 70 of 1994

AN ACT to amend the Racing and Gaming Act 1952

[Royal Assent 10 November 1994]

BE it enacted by His 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:—

Short title

1—This Act may be cited as the *Racing and Gaming Amendment (Bookmaker Telephone Betting) Act 1994*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Principal Act

3—In this Act, the *Racing and Gaming Act 1952** is referred to as the Principal Act.

Section 3 amended (Interpretation)

4—Section 3 of the Principal Act is amended by inserting the following definition after the definition of “sweepstake”—

“**telephone betting endorsement**” means an endorsement on a bookmaker’s certificate of registration, approved by the Authority under section 67, which authorizes that bookmaker to conduct on-course telephone betting;

Section 60AA amended (Cancellation, &c., of certificates of registration in other cases of misconduct, &c.)

5—Section 60AA of the Principal Act is amended as follows:—

(a) by inserting the following paragraph in subsection (1) after paragraph (b):—

(ba) failed to comply with any conditions of a telephone betting endorsement on his or her certificate of registration;

(b) by inserting the following subsection after subsection (1):—

(1A) In a case to which subsection (1) (ba) applies, the Authority, if it considers it appropriate to do so, may cancel the endorsement, or suspend the endorsement for such period as it may determine, as an alternative to taking action under that subsection.

(c) by inserting in subsection (2) “or (1A)” after “(1)”;

(d) by omitting from subsection (5) “(1) or subsection (3)” and substituting “(1), (1A) or (3)”;

* No. 98 of 1952. For this Act, as amended to 1975, see Appendix D to the Annual Volume of Statutes of 1974. Subsequently amended by No. 71 of 1975, No. 85 of 1976, No. 104 of 1977, No. 54 of 1978, Nos. 19 and 73 of 1979, No. 90 of 1980, Nos. 9, 10 and 99 of 1982, Nos. 40 and 83 of 1983, Nos. 29 and 36 of 1984, Nos. 51, 89 and 123 of 1985, Nos. 13 and 31 of 1986, Nos. 39, 42 and 86 of 1987, Nos. 1 and 48 of 1988, No. 32 of 1989, Nos. 5, 22 and 40 of 1990, Nos. 39 and 40 of 1991, No. 37 of 1992, Nos. 53, 54, 55, 93, 94 and 99 of 1993 and Nos. 32 and 68 of 1994.

- (e) by inserting in subsection (6) “or cancels or suspends a telephone betting endorsement on a bookmaker’s certificate of registration,” after “a bookmaker,”;
- (f) by inserting in subsection (7) “or by the cancellation or suspension under this section of a telephone betting endorsement on that certificate of registration,” after “registration,”.

Section 63A repealed

6—Section 63A of the Principal Act is repealed.

Sections 66, 67, 68, 68A and 68B inserted

7—After section 65 of the Principal Act, the following sections are inserted:—

Control of on-course telephone betting

66—(1) Except as provided in this section, a bookmaker must not make a bet with a person who is not physically present at the place where the bet is made and recorded.

(2) A bookmaker may make a bet with a person who is not physically present at the place where the bet is made and recorded if—

- (a) the bookmaker is carrying on business as a bookmaker at a racecourse when the bet is made; and
- (b) the bookmaker’s certificate of registration has a telephone betting endorsement; and
- (c) the bet is made in accordance with the terms and conditions of that telephone betting endorsement; and
- (d) the bookmaker complies with subsection (3).

(3) A bookmaker must not make a bet by telephone unless—

- (a) the bet is for a minimum amount of \$200; or
- (b) the bookmaker’s minimum liability in respect of the bet is \$1 600.

Telephone betting endorsements

67—(1) A bookmaker who wishes to conduct telephone betting as part of his or her business under section 63 may apply to the Authority to have his or her certificate of registration endorsed with a telephone betting endorsement.

(2) An application under subsection (1) is to be—

(a) made in writing; and

(b) in a form approved by the Authority; and

(c) lodged with the Registrar; and

(d) accompanied by the prescribed application fee; and

(e) accompanied by such information as the Authority requires.

(3) The Authority may require an applicant to provide such further information as it considers necessary in order to consider the application.

(4) On receipt of an application, the Authority, in its discretion having regard to such matters as it considers appropriate, may—

(a) endorse the applicant's certificate of registration with a telephone betting endorsement; or

(b) refuse to endorse the applicant's certificate of registration with a telephone betting endorsement.

(5) Subsection (4) has effect subject to any prescribed requirements.

(6) Without limiting the matters that the Authority may have regard to under subsection (4), it may, for the purposes of that subsection, have regard to the following:—

(a) the financial and material resources of the applicant;

(b) the reputation and conduct of the applicant as a bookmaker;

- (c) the reputation and conduct of any bookmakers' clerks or other persons employed by the applicant in connection with bookmaking.

(7) If the Authority refuses an application it must give written notice of the refusal and the reasons for the refusal to the applicant and it may, by the same notice, order that the applicant is not entitled to submit a further application for a telephone betting endorsement for such period as the Authority specifies in the notice.

(8) The Authority must give written notice of its decision under subsection (4) to the Minister.

Terms and conditions of telephone betting endorsements

68—(1) The terms and conditions under which a bookmaker may conduct on-course telephone betting under a telephone betting endorsement are as determined by the Minister and specified in the endorsement.

(2) Without limiting the terms and conditions that may be imposed on a bookmaker's telephone betting endorsement by the Minister, those terms and conditions may include any one or more of the following:—

- (a) the bookmaker must not make a telephone bet when absent from a racecourse;
- (b) the bookmaker's telephone unit must be of a type approved by the Authority and adapted and tested at the direction of the Authority to ensure that out-going calls cannot be made on that telephone unit;
- (c) all telephone calls to the bookmaker's telephone unit must pass through the Authority's voice-logging equipment;
- (d) the bookmaker must inform each person seeking to make a bet with the bookmaker by telephone that all calls to the bookmaker's telephone unit are subject to voice-logging;
- (e) the Authority may retain the voice-logging tapes for checking purposes for such period as it considers necessary;

- (f) the bookmaker must, on demand, allow a person authorized for the purpose by the Authority to inspect and test a telephone unit being used by the bookmaker at a racecourse;
- (g) the bookmaker must not, by telephone, disclose the price of more than 3 competitors to any one client in relation to any race or, if applicable, other sporting contingency;
- (h) the bookmaker must, on accepting a bet by telephone, immediately issue a betting ticket and record the bet in accordance with section 69;
- (i) each bet accepted by the bookmaker by telephone is to be identified on the bookmaker's betting sheet, in a manner acceptable to the Authority, as a telephone bet;
- (j) the bookmaker must provide such information and returns in regard to bets made by telephone, in addition to the information and returns required under the Act or the regulations, as may be required by the Authority;
- (k) the bookmaker must pay such annual fee in respect of the reasonable costs incurred by the Authority in administering and auditing the bookmaker's telephone betting as is specified in the endorsement.

Telephone betting depends on registration

68A—A telephone betting endorsement on a bookmakers' certificate of registration does not authorize that bookmaker to conduct telephone betting if the certificate of registration is cancelled or during any period when the certificate of registration is suspended.

Surrender of endorsement

68B—A bookmaker whose certificate of registration has a telephone betting endorsement may request the Authority to cancel that endorsement at any time.

Section 69 amended (Duties of bookmakers)

8—Section 69 of the Principal Act is amended as follows:—

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

(1) On making a bet with a person a bookmaker must—

(a) immediately issue a betting ticket for the bet and—

(i) in the case of a bet made by telephone— as soon as practicable deliver that ticket to that person by post, or deal with the ticket in such other manner as the Authority may from time to time direct; or

(ii) in any other case—immediately deliver that ticket directly to that person; and

(b) immediately record the bet in the written record required to be kept under subsection (4) (d).

(b) by omitting from subsection (7) “It” and substituting “Except as may be provided by the terms and conditions of a telephone betting endorsement, it”.

Section 77 amended (Offences by bookmakers)

9—Section 77 of the Principal Act is amended as follows:—

(a) by omitting from subsection (1) (a) “subsection (2) (a),”;

(b) by inserting in subsection (1) (d) “, a telephone betting endorsement” after “licence”.

Section 78 amended (Offences by bettors)

10—Section 78 (1A) of the Principal Act is amended by inserting “or with a bookmaker who conducts on-course betting by telephone under the authority of a telephone betting endorsement” after “licence”.

Section 119 amended (Regulations)

11—Section 119 (2) of the Principal Act is amended by inserting the following paragraph after paragraph (ba):—

(bb) prescribe or regulate any matters that it is necessary or expedient to prescribe or regulate in respect of telephone betting endorsements;

*[Second reading presentation speech made in:—
House of Assembly on 18 October 1994
Legislative Council on 2 November 1994]*