



New South Wales

Racing Administration Act 1998 No 114

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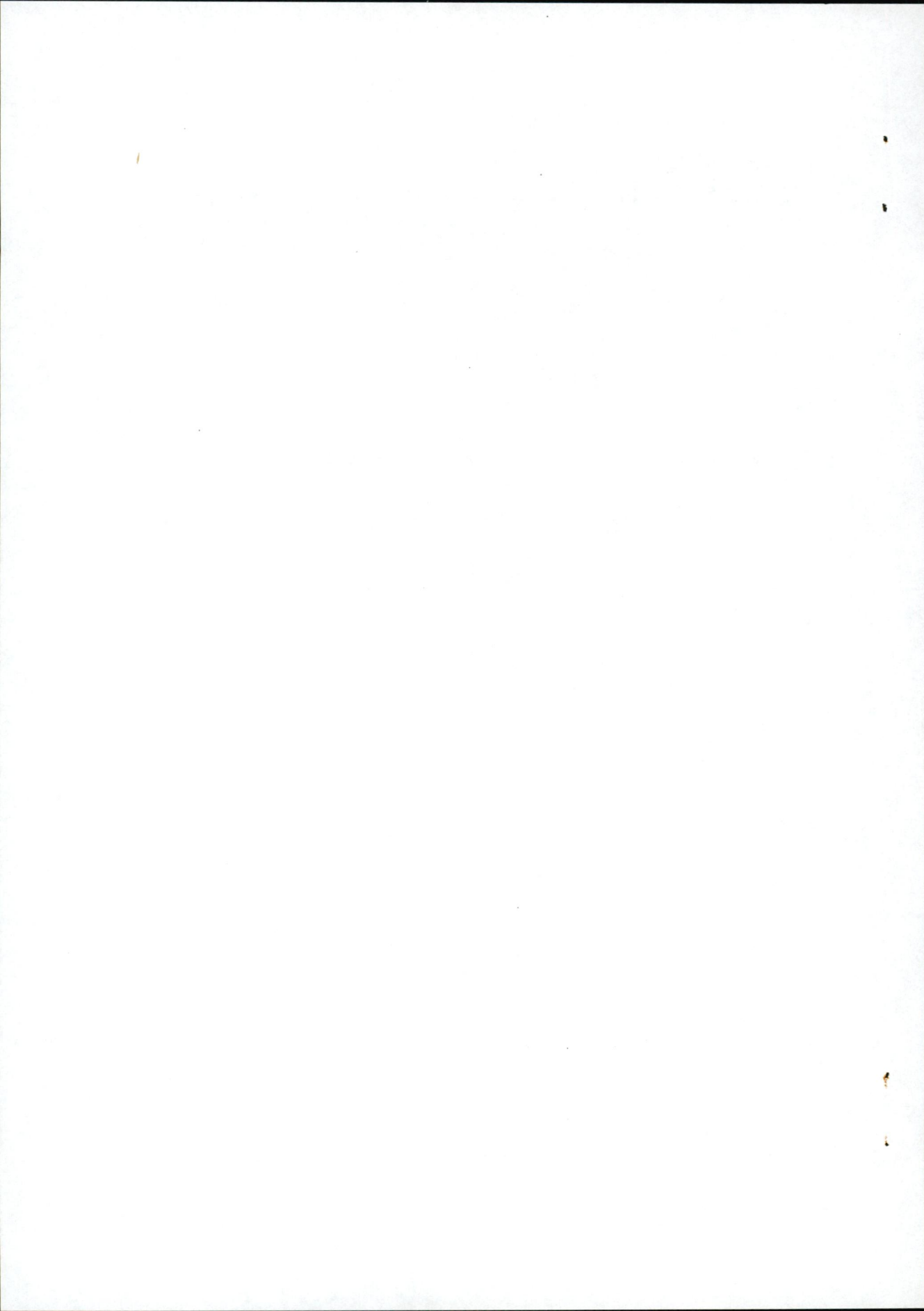
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New South Wales

Racing Administration Act 1998

No 114

Act No 114, 1998

An Act to provide for the licensing of racecourses and the authorisation of certain betting activities; and for related purposes. [Assented to 9 November 1998]

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *Racing Administration Act 1998*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Objects of Act

The objects of this Act are as follows:

- (a) to ensure the integrity of racing in the public interest.
- (b) to ensure that certain betting activities by licensed bookmakers are conducted properly.
- (c) to minimise the adverse social effects of lawful gambling.
- (d) to protect a source of public revenue that is derived from lawful gambling.

4 Definitions

In this Act:

approved body means:

- (a) a non-proprietary association, or
- (b) a local council, or
- (c) a reserve trust constituted under Division 4 of Part 5 of the *Crown Lands Act 1989*.

authorised betting auditorium means a betting auditorium authorised by the Minister under section 24.

authorised sports betting bookmaker means a licensed bookmaker who is authorised to take bets under section 19.

betting auditorium means premises that are used for betting or wagering on horse races, harness races, greyhound races or sports betting events.

bookmaker includes any person who:

- (a) carries on the business of, or who acts as, a bookmaker, bookmaker's clerk or turf commission agent, or
- (b) gains, or endeavours to gain, a livelihood wholly or partly by betting or making wagers.

Committee means the Bookmakers Revision Committee constituted under the *Bookmakers (Taxation) Act 1917*.

controlling body means any one of the following:

- (a) the NSW Thoroughbred Racing Board,
- (b) Harness Racing New South Wales,
- (c) the Greyhound Racing Authority (NSW).

exercise a function includes perform a duty.

function includes a duty.

licensed bookmaker means a person who is authorised by a controlling body to carry on bookmaking.

licensed racecourse means a racecourse licensed under this Act.

licensee means the approved body that holds a racecourse licence.

meeting for greyhound racing means any meeting at which greyhound racing (ie racing between greyhounds in competitive pursuit of a lure activated by mechanical means) is carried on.

meeting for harness racing means any meeting at which harness racing is carried on.

meeting for horse racing means any meeting (other than a meeting for harness racing) at which horse racing is carried on.

non-proprietary association means a corporation, club, or other unincorporated body of persons, formed for the purpose of promoting and conducting race meetings, the constitution of which:

- (a) provides for the application of profits, if any, and other income of the corporation, club or body to the promotion of its objects, and

- (b) prohibits the payment of any dividends to the shareholders or members of the corporation, club or body.

and that is registered as a racing club by the controlling body responsible for the type of racing conducted by the corporation, club or body.

race meeting means a meeting for horse racing, meeting for greyhound racing or meeting for harness racing.

racecourse means any land that is used to hold or conduct a race meeting.

racecourse licence means a licence in force under this Act that authorises race meetings to be held at the racecourse in respect of which the licence is issued.

sports betting authority means an authority under section 19.

sports betting event means an event or class of event declared by the Minister to be a sports betting event or class of sports betting events under section 18.

trial meeting means a race meeting held for the purposes of enabling horses or greyhounds to compete in a training race or in a trial.

Part 2 Racecourses

Division 1 Licensing of racecourses

5 Requirement for racecourses to be licensed

- (1) A race meeting must not be held at a racecourse unless:
 - (a) the racecourse is licensed under this Division, and
 - (b) the race meeting is conducted by a non-proprietary association (whether or not the licensee), and
 - (c) the race meeting is otherwise held in accordance with this Part.
- (2) Despite subsection (1) (a), a trial meeting may be held at a racecourse that is not a licensed racecourse so long as the meeting is held with the approval of the controlling body that is responsible for the type of racing concerned.
- (3) If a race meeting is held at a racecourse in contravention of this Part, each of the following is guilty of an offence:
 - (a) the owner or trustees of the racecourse,
 - (b) the licensee (if any),
 - (c) the body conducting the race meeting (or on whose behalf the race meeting is conducted),
 - (d) each trustee, or member of the managing board or committee, of the body conducting the race meeting,
 - (e) any person acting at the race meeting as a starter or judge or acting in any other official capacity in connection with the conduct of the race meeting (regardless of whether the person is being paid to act as such).

Maximum penalty:

- for a first offence—50 penalty units.
- for a second or subsequent offence—100 penalty units.

- (4) A person is not guilty of an offence under this section if the person proves:
- (a) that he or she did not know, or could not reasonably be expected to have known, that the race meeting was being held in contravention of this Part, or
 - (b) that the race meeting was being held in circumstances over which the person had no control.

6 Application for racecourse licence

- (1) An application for a racecourse licence may only be made by or on behalf of an approved body.
- (2) An application for a licence:
 - (a) must be in the form approved by the Minister, and
 - (b) must be accompanied by a fee of \$100 (or such other amount as may be prescribed by the regulations), and
 - (c) must contain the information required by the approved form, and
 - (d) must be delivered or sent to the head office of the Department of Gaming and Racing.
- (3) In the case of an application for a licence proposed to be held by a non-proprietary association, the Minister may, at the time the application is made or at any time before it is determined, require the applicant to provide such documents and information as may be required by the Minister for the purpose of ascertaining whether the proposed licensee is a non-proprietary association.

7 Issue and classes of racecourse licence

- (1) The Minister may, if satisfied that the proposed licensee is an approved body, issue a racecourse licence in respect of the racecourse concerned.
- (2) The following are the classes of racecourse licences:
 - (a) licences for meetings for horse racing,
 - (b) licences for meetings for harness racing,
 - (c) licences for meetings for greyhound racing.
- (3) More than one class of licence may be issued in respect of a racecourse.

8 Conditions of racecourse licence

- (1) A racecourse licence is subject to the following conditions:
 - (a) betting or wagering on the licensed racecourse is prohibited, except for betting on horse races, harness races, greyhound races or sports betting events.
 - (b) the licensee must keep its records and accounts in respect of its income and expenditure in relation to race meetings, and in relation to any lawful betting that is carried on at the racecourse, separate from its other records and accounts.
- (2) A racecourse licence is subject to such other conditions as the Minister may, from time to time, impose in respect of the licence by notice in writing given to the licensee.
- (3) A racecourse licence that is held by a non-proprietary association is also subject to the condition referred to in section 11.

9 Duration and cancellation of racecourse licence

- (1) A racecourse licence remains in force until it is cancelled by the Minister.
- (2) The Minister may cancel a racecourse licence if the Minister is satisfied:
 - (a) that the licensee has failed to comply with any condition to which the licence is subject, or
 - (b) that the licensee is no longer an approved body, or
 - (c) that a race meeting at the racecourse has been, or is to be, conducted by a body (whether or not the licensee) that is not a non-proprietary association, or
 - (d) that race meetings have been held at the racecourse in contravention of this Act.
- (3) The Minister may cancel a racecourse licence for such other reason as the Minister thinks fit (including for the purposes of replacing an existing racecourse licence with another licence).

10 Limitation on number of licences approved bodies can hold

- (1) An approved body is not entitled to hold more than one class of racecourse licence at any one time.

- (2) However, in the case of any racecourse that is situated further than 64 kilometres from the Sydney GPO, the Minister may allow an approved body to hold more than one class of racecourse licence at any one time.

11 Provisions relating to inspection of records

- (1) It is a condition of a racecourse licence held by a non-proprietary association that, in order to enable the Minister from time to time to determine whether the licensee has or has not ceased to be a non-proprietary association, the licensee must:
- (a) make available for inspection and examination by an authorised officer all relevant accounts, documents and records, and
 - (b) permit an authorised officer to enter, at any reasonable time, any premises (other than a dwelling-house) occupied or used by or on behalf of the licensee, and to make copies of or extracts from those accounts, documents and records, and
 - (c) furnish the authorised officer with such information, in such form and verified in such manner, as the Minister may from time to time require.
- (2) In order to enable the Minister from time to time to determine whether or not a body (other than a licensee) that conducts race meetings is a non-proprietary association, the Minister may, by notice in writing given to the body, require the body:
- (a) to make available for inspection and examination by an authorised officer all relevant accounts, documents and records, and
 - (b) to permit an authorised officer to enter, at any reasonable time, any premises (other than a dwelling-house) occupied or used by or on behalf of the body, and to make copies of or extracts from those accounts, documents and records, and
 - (c) to furnish the authorised officer with such information, in such form and verified in such manner, as may be specified in the notice.

- (3) If the body fails or refuses to comply with any such requirement, each member of the managing board or committee of the body is guilty of an offence.

Maximum penalty: 20 penalty units.

- (4) An authorised officer may not exercise the functions of an authorised officer under this section unless the officer is in possession of an identification card issued by the Minister. In the course of exercising the functions of an authorised officer under this section, the officer must, if requested to do so by any person, produce the officer's identification card to the person.
- (5) In exercising his or her functions under this section, an authorised officer may call to his or her aid a police officer if the authorised officer is obstructed, or believes on reasonable grounds that he or she will be obstructed, in the exercise of those functions.
- (6) A police officer has, while acting in aid of an authorised officer under this section, the functions of an authorised officer.
- (7) In this section:

authorised officer means a person appointed by the Minister for the purposes of this section.

Division 2 Other provisions relating to racecourses

12 Days on which race meetings are prohibited

Race meetings must not be held on Good Friday or on Christmas Day.

13 Certain persons prohibited from entering racecourses

- (1) Any person who has been warned off a racecourse, or who is disqualified from participating in any racing activities, by a controlling body must not enter any racecourse under the administration or control of that controlling body while the warning off or disqualification is in force.

Maximum penalty: 50 penalty units or imprisonment for 12 months (or both).

- (2) A person does not commit an offence under this section if:
- (a) the person has been authorised, by notice in writing by the relevant controlling body, to enter the racecourse for a particular purpose specified in the notice, and
 - (b) the person is entering the racecourse for that purpose.

14 Punters' clubs

- (1) A person must not organise or conduct a punters' club at a race meeting without:
- (a) the consent of the racing club conducting the race meeting, and
 - (b) the written approval of the controlling body responsible for that racing club.

Maximum penalty: 50 penalty units.

- (2) In this section:

punters' club means a syndicate that involves a group of persons contributing money into a fund for the purposes of betting that money:

- (a) with a totalizator conducted at a race meeting, or
- (b) with a licensed bookmaker who is carrying on bookmaking at a race meeting.

but does not include a betting syndicate formed on a social basis only.

15 Harness racing on showgrounds

- (1) This Part does not apply to or in respect of:
- (a) any ground used for the purposes of a show by a pastoral or agricultural association, or
 - (b) any harness racing held on such a ground by such an association.

if the association has been registered by Harness Racing New South Wales, and the conditions of the harness racing have been approved by Harness Racing New South Wales.

- (2) It is a condition of any such registration that betting or wagering is prohibited on any such ground.

Part 3 Authorisation of certain betting activities

Division 1 Authorised telephone or electronic betting

16 Authority to conduct telephone or electronic betting

- (1) The Minister may, in writing, authorise a licensed bookmaker to accept or make bets:
 - (a) by telephone, or
 - (b) electronically by means of the Internet, subscription TV or such other on-line communications systems as may be approved by the Minister.

while the bookmaker is at a licensed racecourse at a time when it is lawful for betting to take place at the racecourse.
- (2) An application for an authority under this section is to be made to the Minister in the manner approved by the Minister.
- (3) The reasonable costs incurred by the Minister in determining an application for an authority under this section, including testing of the equipment to be used by the applicant, are payable to the Minister by the applicant unless the Minister determines otherwise in a particular case.
- (4) The Minister may require part or full payment in advance of the amount the Minister determines is payable by the applicant and may refuse to deal with the application until the required payment is made.
- (5) The Minister may impose conditions that a licensed bookmaker who holds an authority under this section must comply with in accepting, making, dealing with and giving effect to bets to which the authority relates.
- (6) Such fees as are fixed by order of the Minister published in the Gazette are payable by a licensed bookmaker:
 - (a) for the issue of an authority under this section, and
 - (b) for each period of 12 months during which the authority is in force.
- (7) An order may fix a fee despite the fact that the fee may comprise a tax.

- (8) The Minister may, on the recommendation of the Committee, cancel, or suspend for a period specified in the recommendation, the authority held by a licensed bookmaker under this section if the bookmaker fails:
- (a) to comply with a condition to which the authority is subject, or
 - (b) to pay a fee or amount payable by the bookmaker under this section.
- (9) A bet accepted by telephone or electronically as authorised by this section is taken to have been made at the racecourse on which it is accepted.

17 Offence of conducting unauthorised telephone or electronic betting

A licensed bookmaker must not accept or make a bet by telephone or electronically unless, at the time the bet is accepted or made, the bookmaker is authorised under section 16 to do so.

Maximum penalty: 50 penalty units or imprisonment for 12 months (or both).

Division 2 Authorised sports betting

18 Sports betting events

The Minister may, by order published in the Gazette, declare any sporting events (other than horse racing, harness racing or greyhound racing), or class of sporting events, whether held in New South Wales or elsewhere, to be sports betting events.

19 Authorised sports betting bookmakers

- (1) The Minister may, in writing, authorise a licensed bookmaker to take bets, on any sports betting events specified in the authorisation, at any licensed racecourse.
- (2) An application for a sports betting authority is to be made to the Minister in the manner approved by the Minister.

20 Conditions of authorisation

- (1) A sports betting authority is subject to:
 - (a) such conditions as may be prescribed by the regulations, and
 - (b) such conditions as the Minister may impose generally, by order published in the Gazette, in relation to taking of bets on sports betting events, and
 - (c) such other conditions as the Minister may, from time to time, impose by notice in writing given to the authorised sports betting bookmaker concerned.
- (2) Without limiting conditions that may be prescribed or imposed by the Minister, conditions may relate to any of the following:
 - (a) different requirements for different sports betting events,
 - (b) minimum bets,
 - (c) methods of betting, including arrangements for the use of telecommunications equipment,
 - (d) requirements for the giving of security by bankers for long-term bets,
 - (e) requirements for record keeping by authorised sports betting bookmakers,
 - (f) audit requirements for authorised sports betting bookmakers.

21 Conditions relating to records

- (1) It is a condition of a sports betting authority that the authorised sports betting bookmaker must, if required to do so by the Minister:
 - (a) make available for inspection and examination by an authorised person all accounts, documents and records relevant to any sports betting event on which the bookmaker has taken bets, and
 - (b) permit the authorised person to enter, at any reasonable time, any premises or part of premises (other than a dwelling-house) occupied or used by or on behalf of the bookmaker, and to make copies of or take extracts from those accounts, documents and records, and

- (c) provide the authorised person with such information, in such form and verified in such manner, as the Minister may require, and
 - (d) make available for inspection by the authorised person any computer records, devices or programs that are used in connection with, or that relate to, any electronic betting activities carried on by the bookmaker.
- (2) Nothing in this section affects any power conferred by or under any other Act in relation to the inspection and examination of accounts, documents and records of any bookmaker.
- (3) In this section:

authorised person means a person who is authorised by the Minister for the purposes of this section.

22 Duration and cancellation of authorisation

- (1) A sports betting authority remains in force until it is cancelled by the Minister.
- (2) The Minister may, on the recommendation of the Committee, cancel a sports betting authority if the Minister is satisfied:
- (a) that the authorised sports betting bookmaker has failed to comply with any condition to which the authority is subject, or
 - (b) that the bookmaker is no longer a licensed bookmaker, or
 - (c) that the bookmaker has failed to conduct sports betting in accordance with the rules made under section 23, or
 - (d) that the authority should be cancelled for any other cause the Minister thinks fit.

23 Rules for sports betting

- (1) Rules may be made by any body approved by the Minister for or with respect to sports betting at a licensed racecourse.
- (2) The rules are not to be inconsistent with this Act, the regulations or the conditions (if any) imposed by the Minister.

- (3) The power to make rules includes a power to make a rule to amend or repeal a rule made in accordance with this section.
- (4) Any rule made under this section must, before it is made, be approved in writing by the Minister.
- (5) When it is so made, the rule:
 - (a) is required to be published in the Gazette, and
 - (b) takes effect on and from the date of publication (or such later date as may be specified in the rule).

Division 3 Authorised betting auditoriums

24 Authorisation of betting auditoriums

- (1) The Minister may, in writing, authorise a non-proprietary association that conducts race meetings on a licensed racecourse, or a syndicate consisting of such an association and another non-proprietary association that conducts race meetings, to establish and conduct a betting auditorium on the racecourse.
- (2) An application for an authority to establish and conduct a betting auditorium on a racecourse:
 - (a) may only be made by or on behalf of a non-proprietary association that conducts race meetings on the racecourse or by or on behalf of a syndicate consisting of such an association and another non-proprietary association that conducts race meetings, and
 - (b) is to identify the premises in which it is proposed to conduct the betting auditorium, and
 - (c) is to be made to the Minister in the manner approved by the Minister.

25 Conditions of authorisation

An authority to establish and conduct a betting auditorium is subject:

- (a) to such conditions (if any) as may be prescribed by this Act or the regulations, and

- (b) to such conditions as the Minister may impose when giving the authorisation, and
- (c) to such other conditions as the Minister may, from time to time, impose by notice in writing given to the non-proprietary association or syndicate authorised to establish and conduct the betting auditorium.

26 Duration and cancellation of authorisation

- (1) An authority to establish and conduct a betting auditorium on a licensed racecourse remains in force until it is cancelled by the Minister.
- (2) The Minister may, by notice in writing given to the non-proprietary association or syndicate concerned, cancel an authority to establish and conduct a betting auditorium if the Minister is satisfied:
 - (a) that the non-proprietary association or syndicate has failed to comply with any conditions to which the authority is subject, or
 - (b) that the non-proprietary association has ceased to conduct race meetings on the racecourse, or
 - (c) that the racecourse licence has been cancelled, or
 - (d) that the authority should be cancelled for any other cause the Minister thinks fit.

Part 4 Betting information and advertising

27 Definitions

In this Part:

advertisement includes any information or material in the nature of an advertisement.

betting information includes information or advice as to:

- (a) the betting or betting odds on any race that is to be held at a race meeting, or
- (b) the betting or betting odds on a sports betting event that is to be held.

betting or betting odds includes totalizator dividends.

publish means disseminate, exhibit, provide or communicate by oral, visual, written, electronic or other means (for example, by way of newspaper, radio, television or through the use of the Internet, subscription TV or other on-line communications system), and includes cause to be published.

race meeting includes a race meeting in any part of Australia or any other place.

28 Publication or advertising of certain dividends or betting odds not affected

Nothing in this Part prohibits or restricts the publication or advertising of any information relating to the dividends or betting odds, or probable dividends or betting odds, payable in respect of any betting conducted in accordance with the *Totalizator Act 1997*.

29 Publication of betting information

- (1) A person must not publish any betting information.

Maximum penalty: 50 penalty units or imprisonment for 12 months (or both).

- (2) Subsection (1) does not operate to prohibit:
- (a) the publication in a newspaper of the betting or betting odds on any race to be held at a race meeting, so long as that information:
 - (i) is contained in an edition of the newspaper that is printed, or in respect of which printing has commenced, not less than 30 minutes before the advertised starting time of the first race to be held at the race meeting, and
 - (ii) is identical in all copies of that edition of that newspaper, or
 - (b) the publication, by any other means, of the betting or betting odds on any race to be held at a race meeting, so long as that information is made publicly available not less than 30 minutes before the advertised starting time of the first race to be held at the race meeting, or
 - (c) the publication of any betting information after the scheduled starting time of the last race intended to be held at a race meeting.

30 Advertising betting information and betting services

- (1) A person must not publish an advertisement:
- (a) indicating that the person (or any other person) is prepared:
 - (i) to provide betting information, or
 - (ii) to bet on any race that is to be held at a race meeting, or
 - (iii) to bet on any sports betting event, or
 - (b) that is designed to induce a person to obtain betting information, or
 - (c) that invites any person to make, or take a share in, a bet on any horse race, harness race, greyhound race or sports betting event, or
 - (d) that relates to any gambling operations or services carried on by a person who is not a licensed bookmaker.

Maximum penalty: 50 penalty units or imprisonment for 12 months (or both).

- (2) Subsection (1) does not operate to prohibit:
- (a) a licensed bookmaker from exhibiting, on a licensed racecourse on a day on which a race meeting is being held on the racecourse, any written or printed matter relating to the betting or betting odds on a race that the bookmaker is prepared to accept or offer, or
 - (b) an advertisement relating to a licensed bookmaker to the effect that the bookmaker is prepared to accept bets electronically or by telephone, so long as:
 - (i) the bookmaker is authorised by section 16 to engage in telephone or electronic betting, and
 - (ii) the advertisement complies with the conditions (if any) to which the authority is subject, or
 - (c) an advertisement relating to a licensed bookmaker to the effect that the bookmaker is prepared to accept bets in an authorised betting auditorium, or
 - (d) an advertisement relating to an authorised sports betting bookmaker, so long as the advertisement is confined to the following information:
 - (i) the name and contact details of the bookmaker,
 - (ii) the location of the licensed racecourse at which the bookmaker is prepared to accept bets on sports betting events,
 - (iii) the sports betting odds that the bookmaker is prepared to offer, or
 - (e) a licensed bookmaker from exhibiting, in an authorised betting auditorium, any written or printed matter relating to the betting or betting odds at which the bookmaker is prepared to accept a bet, or
 - (f) a licensed bookmaker from exhibiting, on a licensed racecourse, any written or printed matter relating to the betting or betting odds on a sports betting event that the bookmaker is prepared to accept or offer, or
 - (g) the publication of an advertisement or other notice relating to a licensed bookmaker, but only if the contents of the advertisement or notice are confined to the following:

- (i) a statement of the name of the bookmaker,
 - (ii) the racecourse on which the bookmaker will operate,
 - (iii) the location of the authorised betting auditorium from which the bookmaker is prepared to accept or offer bets, or
- (h) a person from organising or promoting a punters' club in accordance with section 14.
- (3) A person must not provide by means of the Internet, subscription TV or other on-line communications system any service that enables a person:
- (a) to access the gambling operations carried on by any person other than:
 - (i) a licensed bookmaker, or
 - (ii) the holder of a licence under the *Totalizator Act 1997*, or
 - (b) to access information relating to those gambling operations.
- Maximum penalty: 50 penalty units or imprisonment for 12 months (or both).
- (4) The regulations may exempt any person, or class of persons, from the operation of subsection (3) in such circumstances, and subject to such conditions, as may be specified in the regulations.

31 Premises used for publishing betting information or betting services

- (1) A person is guilty of an offence if the person:
- (a) uses premises for the purpose of publishing:
 - (i) betting information, or
 - (ii) any advertisement that relates to any betting services, or
 - (b) knowingly permits premises to be used for such a purpose, or
 - (c) has the control or management of premises that are used for such a purpose, or
 - (d) is involved in conducting a business on premises that are used for such a purpose.

Maximum penalty: 50 penalty units or imprisonment for 12 months (or both).

- (2) This section does not operate to prohibit:
- (a) information being provided to persons who are at a licensed racecourse when betting at the racecourse is lawful, or
 - (b) information being provided by a licensed bookmaker who is at a racecourse, so long as the information:
 - (i) is provided on a day on which a race meeting is being held on the racecourse and in response to a telephone or electronic request by a person who is not on the racecourse, and
 - (ii) relates to a bet with the bookmaker in accordance with an authority held by the bookmaker under section 16, or
 - (c) information being published in the manner referred to in section 29 (2) (c), or
 - (d) information being provided in any manner referred to in section 30 (2), or
 - (e) information being provided in accordance with section 32, or
 - (f) information being provided to persons who are in an authorised betting auditorium, or
 - (g) information being provided from an authorised betting auditorium, so long as the information:
 - (i) is provided by a licensed bookmaker in response to a request by a person who is not at the racecourse, and
 - (ii) relates to a bet that is made with the bookmaker in accordance with an authority held by the bookmaker under section 16.

32 Betting information provided by authorised persons

- (1) The Minister may, by order in writing:
- (a) appoint a person or body of persons as an authorised person or body for the purposes of this section, and
 - (b) impose conditions to be complied with by the appointee.

- (2) An authorised person, or the representative of an authorised body of persons, who:
- (a) is present on a licensed racecourse during a race meeting held there, and
 - (b) complies with the conditions of appointment of the authorised person or body.

may publish betting information if the person or representative receiving the information is at a racecourse when it is lawful for betting to take place at the time the information is received.

33 Unauthorised race programs

- (1) A person must not publish:
- (a) a list of the horses or dogs nominated for any intended race that is to be held at any race meeting on a licensed racecourse, or
 - (b) a list of the horses or dogs that will or will not take part in any such race,

unless the publication of the list has been approved or authorised by the person, club or association conducting the race meeting.

Maximum penalty:

- (a) for a first offence—10 penalty units, and
- (b) for a second or subsequent offence—20 penalty units or imprisonment for 6 months (or both).

Part 5 Miscellaneous

34 Delegation

The Minister may delegate to any public servant, or to any person (or class of persons) prescribed by the regulations, any function conferred on the Minister under this Act other than:

- (a) this power of delegation, and
- (b) the appointment of authorised officers for the purposes of section 11.

35 Proceedings for offences

Proceedings for an offence under this Act are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

36 Evidence

- (1) In any proceedings for an offence under this Act, any allegation in the information in respect of the offence that:
 - (a) any race meeting mentioned in the information was held at a place and on a date specified in the information, or
 - (b) a warning off or disqualification by a controlling body in respect of a person is in force.

is evidence of the truth of the allegation concerned unless the contrary is proved.

- (2) If an advertisement referred to in Part 4 refers to a person as being the person:
 - (a) by whom or on whose behalf the advertisement is published, or
 - (b) who is prepared to make or receive bets, or
 - (c) by whom or on whose behalf information or advice has been or will be provided.

the person so referred to is, in the absence of proof to the contrary, taken to have caused the advertisement to be published.

- (3) For the purposes of subsection (2), a person is taken to be referred to in such an advertisement if the person is mentioned or referred to:
- (a) by name, or
 - (b) by any other name or designation:
 - (i) that is used or assumed by the person, or
 - (ii) by which the person is usually known, or
 - (iii) that is usually applied to the person's business or business premises.
- (4) If such an advertisement refers to a telephone number, post office box or an address, the person renting the telephone or post office box, or the occupier of the premises to which the address, is, in the absence of proof to the contrary, taken to have caused the advertisement to be published.

37 Regulations

The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

38 Savings and transitional provisions

Schedule 1 has effect.

39 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

Schedule 1 Savings and transitional provisions

(Section 38)

Part 1 Preliminary

1 Savings and transitional regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:
this Act.
the *Unlawful Gambling Act 1998*.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Part 2 Provisions consequent on enactment of Unlawful Gambling Act 1998 and this Act

2 Definitions

In this Part:

new Act means the *Unlawful Gambling Act 1998*.

repealed Act means the *Gaming and Betting Act 1912*.

3 Continuation of existing racecourse licences

A racecourse licence issued under Part 4 of the repealed Act in respect of a racecourse, and in force immediately before the repeal of that Act by the new Act, is taken to be a racecourse

licence under this Act, and any body holding any such existing licence is taken to be authorised to hold the racecourse licence under this Act.

4 Continuation of certain betting authorisations

- (1) An authorisation under section 6C of the repealed Act, and in force immediately before the repeal of that section by the new Act, is taken to be an authorisation under section 16 of this Act but only to the extent that it authorises the licensed bookmaker concerned to accept or make bets by telephone.
- (2) An order made under section 6C (6) of the repealed Act, and in force immediately before the repeal of that section by the new Act, is taken to be an order made under section 16 (6) of this Act.
- (3) An order made under section 57EA of the repealed Act, and in force immediately before the repeal of that section by the new Act, is taken to be an order made under section 18 of this Act.
- (4) A sports betting authority given under section 57EB of the repealed Act, and in force immediately before the repeal of that section by the new Act, is taken to be a sports betting authority given under section 19 of this Act.
- (5) An authorisation under section 57EG of the repealed Act, and in force immediately before the repeal of that section by the new Act, is taken to be an authorisation under section 24 of this Act.

[Minister's second reading speech made in—
Legislative Assembly on 24 June 1998
Legislative Council on 27 October 1998]

BY AUTHORITY