



New South Wales

# Racing Legislation Amendment (Bookmakers) Bill 2002

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are:

- (a) to amend the *Greyhound Racing Authority Act 1985*, the *Harness Racing New South Wales Act 1977* and the *Thoroughbred Racing Board Act 1996* to allow eligible proprietary companies to be authorised as bookmakers under those Acts, and
- (b) to provide that any debt that is incurred by a company in carrying on business as a bookmaker so authorised is enforceable jointly and severally against all persons who are directors of the company at the time the debt is incurred, and
- (c) to amend the *Racing Administration Act 1998* to provide that any debt that is incurred by a company in carrying on business as a sports betting bookmaker authorised under that Act is enforceable jointly and severally against all persons who are directors of the company at the time the debt is incurred, and

- (d) to provide for separate individual and corporate penalties in relation to certain offences under the *Racing Administration Act 1998* and the *Unlawful Gambling Act 1998* involving authorised bookmakers, and
- (e) to make consequential and ancillary amendments.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Greyhound Racing Authority Act 1985* set out in Schedule 1.

**Clause 4** is a formal provision giving effect to the amendments to the *Harness Racing New South Wales Act 1977* set out in Schedule 2.

**Clause 5** is a formal provision giving effect to the amendments to the *Thoroughbred Racing Board Act 1996* set out in Schedule 3.

**Clause 6** is a formal provision giving effect to the amendments to the *Racing Administration Act 1998* set out in Schedule 4.

**Clause 7** is a formal provision giving effect to the amendments to the *Unlawful Gambling Act 1998* set out in Schedule 5.

## Schedule 1 Amendment of Greyhound Racing Authority Act 1985

**Schedule 1 [1]** inserts a new section 9AA. The section provides that proprietary companies (as well as natural persons) may apply for registration as a bookmaker under the principal Act. However, the Greyhound Racing Authority must refuse to grant an application to register a company as a bookmaker unless satisfied it is an *eligible company*. The proposed section sets out the relevant criteria in this regard, including the following:

- (a) the company must be taken to be registered in New South Wales for the purposes of the *Corporations Act 2001* of the Commonwealth,
- (b) each director must be registered as an individual as a bookmaker under the Act,

- (c) each shareholder or person concerned in the management of the company who is not a director must, in the opinion of the Authority, be a fit and proper person to be so registered (with the proposed section also providing that it is a condition of the company's registration as a bookmaker that such persons not be registered as individuals as bookmakers under the Act),
- (d) each shareholder who is not a director must be a close family member of a director.

The proposed section sets out certain conditions imposed on a company's registration as a bookmaker. Broadly, these relate to the extent to which persons who are directors, shareholders or persons concerned in the management of a company registered as a bookmaker under the Act are prohibited from operating or participating in the operation of, or having a financial interest in, other bookmaking and related businesses in New South Wales, the States and Territories, and other countries.

The proposed section also provides that any debt that is incurred by a company in carrying on business as a bookmaker registered under the Act is enforceable jointly and severally against all persons who are directors of the company at the time the debt is incurred.

**Schedule 1 [2]** amends Schedule 3 to enable regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed amending Act.

## **Schedule 2   Amendment of Harness Racing New South Wales Act 1977**

**Schedule 2 [1]** inserts a new section 9A which mirrors section 9AA of the *Greyhound Racing Authority Act 1985* (as outlined above).

**Schedule 2 [2]** amends Schedule 5 to enable regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed amending Act.

### **Schedule 3   Amendment of Thoroughbred Racing Board Act 1996**

**Schedule 3 [1]** inserts a new section 14A which mirrors proposed section 9AA of the *Greyhound Racing Authority Act 1985* (as outlined above) and proposed section 9A of the *Harness Racing New South Wales Act 1977*.

**Schedule 3 [2]** amends Schedule 1 to enable regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed amending Act.

### **Schedule 4   Amendment of Racing Administration Act 1998**

**Schedule 4 [1]** amends the penalty provision applying to the offence of conducting unauthorised telephone or electronic betting by a licensed bookmaker. The proposed amendment applies the existing penalty to individual offenders and provides for a monetary penalty (twice that applying to individuals) for corporate offenders.

**Schedule 4 [2]** inserts a new section 19A which provides that any debt that is incurred by a company in carrying on business as a sports betting bookmaker authorised under the Act is enforceable jointly and severally against all persons who are directors of the company at the time the debt is incurred. (The principal Act currently provides for the authorisation of bookmakers registered under the *Greyhound Racing Authority Act 1985* or the *Harness Racing New South Wales Act 1977*, or licensed under the *Thoroughbred Racing Board Act 1996*, to take bets on specified sports betting events.)

**Schedule 4 [3]** and **[4]** substitute sections 26D (4) and 26E, respectively, in order to provide for further grounds on which the Bookmakers Revision Committee may refuse to issue a State bookmakers tax authority to an applicant, or revoke such an authority once issued. These further grounds take into account the proposed company operating structure for bookmakers.

**Schedule 4 [5]** inserts a new section 36B which makes directors and managers of a corporation liable for the corporation's contravention of the Act or the regulations unless they satisfy the court that they had no knowledge of the contravention, were not in a position to influence the conduct of the corporation in relation to the contravention or that they used all due diligence to prevent the contravention. This provision does not affect the liability of corporations.

The new section also provides that evidence that an officer, employee or agent of a corporation had, at any particular time, a particular intention, is evidence that the corporation had that intention.

**Schedule 4 [6]** amends Schedule 1 to enable regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed amending Act.

## **Schedule 5   Amendment of Unlawful Gambling Act 1998**

**Schedule 5 [1]** amends the penalty provision applying to the offence of unlawful bookmaking by a licensed bookmaker. The proposed amendment applies the existing penalty to individual offenders and provides for a monetary penalty (twice that applying to individuals) for corporate offenders.

**Schedule 5 [2]** amends Schedule 1 to enable regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed amending Act.



New South Wales

# Racing Legislation Amendment (Bookmakers) Bill 2002

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New South Wales

# Racing Legislation Amendment (Bookmakers) Bill 2002

No. , 2002

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## A Bill for

An Act to amend the *Greyhound Racing Authority Act 1985*, the *Harness Racing New South Wales Act 1977* and the *Thoroughbred Racing Board Act 1996* to provide for the authorisation of proprietary companies as bookmakers; and for related purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Racing Legislation Amendment (Bookmakers) Act 2002</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on a day or days to be appointed by proclamation.	6 7
<b>3 Amendment of Greyhound Racing Authority Act 1985 No 119</b>	8
The <i>Greyhound Racing Authority Act 1985</i> is amended as set out in Schedule 1.	9 10
<b>4 Amendment of Harness Racing New South Wales Act 1977 No 57</b>	11
The <i>Harness Racing New South Wales Act 1977</i> is amended as set out in Schedule 2.	12 13
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The <i>Thoroughbred Racing Board Act 1996</i> is amended as set out in Schedule 3.	15 16
<b>6 Amendment of Racing Administration Act 1998 No 114</b>	17
The <i>Racing Administration Act 1998</i> is amended as set out in Schedule 4.	18 19
<b>7 Amendment of Unlawful Gambling Act 1998 No 113</b>	20
The <i>Unlawful Gambling Act 1998</i> is amended as set out in Schedule 5.	21



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**Schedule 1    Amendment of Greyhound Racing  
                  Authority Act 1985**

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(Section 3)

3

**[1]    Section 9AA**

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Insert after section 9:

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**9AA    Registration of bookmakers**

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(1) An application for registration as a bookmaker may be made:

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(a) by a natural person of or over the age of 18 years, or

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(b) by a proprietary company.

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(2) The Authority must refuse to grant an application for registration of a proprietary company as a bookmaker unless satisfied that the company is an eligible company.

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(3) For the purposes of this section, an *eligible company* means a proprietary company that is taken to be registered in New South Wales for the purposes of the *Corporations Act 2001* of the Commonwealth and in which:

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(a) each director, shareholder and person concerned in the management of the company is of or over the age of 18 years, and

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(b) each director is registered as an individual as a bookmaker under this Act, and

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(c) each director is a shareholder and person concerned in the management of the company, and

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(d) each shareholder who is not a director is a close family member of a director, and

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(e) each shareholder or person concerned in the management of the company who is not a director is, in the opinion of the Authority, a fit and proper person to be registered as an individual as a bookmaker under this Act.

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- (4) It is a condition of a company's registration as a bookmaker that:
- (a) the company continues to be an eligible company, and
  - (b) no shareholder or person concerned in the management of the company, other than a director, is registered as an individual as a bookmaker under this Act, and
  - (c) no director, shareholder or person concerned in the management of the company:
    - (i) carries on the business of a bookmaker, otherwise than on behalf of the company, in relation to any greyhound, horse or harness race, at a meeting for greyhound racing in New South Wales, or
    - (ii) carries on the business of an authorised sports betting bookmaker, otherwise than on behalf of the company, at a racecourse licensed for greyhound racing, or
    - (iii) is a director, shareholder or person concerned in the management of, or is an employee or agent of, any other company that is registered as a bookmaker under this Act, or
    - (iv) has a financial interest in any business of a bookmaker that is carried on by any such other company under the authority of its registration under this Act, and
  - (d) no director, shareholder or person concerned in the management of the company:
    - (i) is registered or otherwise authorised as an individual to carry on, or carries on, the business of a bookmaker, bookmaker's clerk or turf commission agent, or a totalizator business, in another Australian State or Territory, or
    - (ii) is a director, shareholder or person concerned in the management of a corporation, or is a member of a partnership, that is registered or otherwise authorised to carry on, or that carries on, any such business in another Australian State or Territory, or

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|-------|--|----------------------------------|
| (iii) | is an employee or agent of any individual, partnership or corporation referred to in the preceding subparagraphs, or   | 1<br>2<br>3                      |
| (iv)  | has a financial interest in the business of a bookmaker or turf commission agent, or a totalizator business, that is authorised to be carried on or is carried on in another Australian State or Territory, and  | 4<br>5<br>6<br>7<br>8            |
| (e)   | no director, shareholder or person concerned in the management of the company:   | 9<br>10                          |
| (i)   | is registered or otherwise authorised as an individual to carry on, or carries on, the business of a bookmaker, bookmaker's clerk or turf commission agent, or a totalizator business, or any other kind of betting, wagering, gambling or gaming business, in another country, or | 11<br>12<br>13<br>14<br>15<br>16 |
| (ii)  | is a director, shareholder or person concerned in the management of a corporation, or is a member of a partnership, that is registered or otherwise authorised to carry on, or that carries on, any such business in another country, or   | 17<br>18<br>19<br>20<br>21       |
| (iii) | is an employee or agent of any individual, partnership or corporation referred to in the preceding subparagraphs, or   | 22<br>23<br>24                   |
| (iv)  | has a financial interest in the business of a bookmaker or turf commission agent, or a totalizator business, or any other kind of betting, wagering, gambling or gaming business, that is authorised to be carried on or is carried on in another country.                         | 25<br>26<br>27<br>28<br>29<br>30 |
| (5)   | In subsection (4) (c), (d) and (e), a reference to carrying on the business of a bookmaker, or the business of a bookmaker's clerk or turf commission agent, includes a reference to acting as a bookmaker, or a bookmaker's clerk or turf commission agent.                       | 31<br>32<br>33<br>34<br>35       |
| (6)   | The condition set out in subsection (4) (d) does not extend to a person who is a director of a company that is registered as a bookmaker under this Act if:  | 36<br>37<br>38                   |
| (a)   | the person is the sole director of the company, and  | 39                               |

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(b)	the relevant matters referred to in subsection (4) (d) (i), (ii), (iii) or (iv) are disclosed in writing to the Authority at the time the company applies for registration as a bookmaker under this Act or, if they do not occur until after that time, within 2 working days after they occur.	1 2 3 4 5
(7)	The Authority may suspend or cancel the registration of a company as a bookmaker if satisfied that any condition referred to in subsection (4) is contravened in respect of the company. This does not limit the powers of the Authority to suspend or cancel the registration of a company as a bookmaker under section 9.	6 7 8 9 10 11
(8)	Any debt that is incurred by a company in carrying on business as a bookmaker registered under this Act is enforceable jointly and severally against all persons who are directors of the company at the time the debt is incurred (whether or not they are directors at the time the debt is sought to be enforced).	12 13 14 15 16
(9)	In this section:	17
	<i>authorised sports betting bookmaker</i> has the same meaning as in section 4 of the <i>Racing Administration Act 1998</i> .	18 19
	<i>close family member of a director</i> means:	20
(a)	a spouse, de facto partner, parent, child, brother or sister of the director, or	21 22
(b)	a person who has a relationship with the director that is prescribed by the regulations for the purposes of this definition.	23 24 25
	<i>financial interest</i> in a bookmaking business means an entitlement to receive any of the income from the business.	26 27
	<i>meeting for greyhound racing</i> has the same meaning as in section 4 of the <i>Racing Administration Act 1998</i> .	28 29
	<i>racecourse licensed for greyhound racing</i> means a racecourse in respect of which a licence for meetings for greyhound racing granted under section 7 of the <i>Racing Administration Act 1998</i> is in force.	30 31 32 33
<b>[2]</b>	<b>Schedule 3 Savings, transitional and other provisions</b>	34
	Insert at the end of clause 1A (1):	35
	<i>Racing Legislation Amendment (Bookmakers) Act 2002</i>	36

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<b>Schedule 2</b>	<b>Amendment of Harness Racing New South Wales Act 1977</b>	1
		2
	(Section 4)	3
<b>[1] Section 9A</b>		4
Insert after section 9:		5
<b>9A Registration of bookmakers</b>		6
(1) An application for registration as a bookmaker may be made:		7
(a) by a natural person of or over the age of 18 years, or		8
(b) by a proprietary company.		9
(2) HRNSW must refuse to grant an application for registration of a proprietary company as a bookmaker unless satisfied that the company is an eligible company.		10
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(3) For the purposes of this section, an <i>eligible company</i> means a proprietary company that is taken to be registered in New South Wales for the purposes of the <i>Corporations Act 2001</i> of the Commonwealth and in which:		13
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(a) each director, shareholder and person concerned in the management of the company is of or over the age of 18 years, and		17
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(b) each director is registered as an individual as a bookmaker under this Act, and		20
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(c) each director is a shareholder and person concerned in the management of the company, and		22
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(d) each shareholder who is not a director is a close family member of a director, and		24
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(e) each shareholder or person concerned in the management of the company who is not a director is, in the opinion of HRNSW, a fit and proper person to be registered as an individual as a bookmaker under this Act.		26
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- (4) It is a condition of a company's registration as a bookmaker that:
- (a) the company continues to be an eligible company, and
  - (b) no shareholder or person concerned in the management of the company, other than a director, is registered as an individual as a bookmaker under this Act, and
  - (c) no director, shareholder or person concerned in the management of the company:
    - (i) carries on the business of a bookmaker, otherwise than on behalf of the company, in relation to any harness, horse or greyhound race, at a meeting for harness racing in New South Wales, or
    - (ii) carries on the business of an authorised sports betting bookmaker, otherwise than on behalf of the company, at a racecourse licensed for harness racing, or
    - (iii) is a director, shareholder or person concerned in the management of, or is an employee or agent of, any other company that is registered as a bookmaker under this Act, or
    - (iv) has a financial interest in any business of a bookmaker that is carried on by any such other company under the authority of its registration under this Act, and
  - (d) no director, shareholder or person concerned in the management of the company:
    - (i) is registered or otherwise authorised as an individual to carry on, or carries on, the business of a bookmaker, bookmaker's clerk or turf commission agent, or a totalizator business, in another Australian State or Territory, or
    - (ii) is a director, shareholder or person concerned in the management of a corporation, or is a member of a partnership, that is registered or otherwise authorised to carry on, or that carries on, any such business in another Australian State or Territory, or

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| (iii) | is an employee or agent of any individual, partnership or corporation referred to in the preceding subparagraphs, or   | 1<br>2<br>3                      |
| (iv)  | has a financial interest in the business of a bookmaker or turf commission agent, or a totalizator business, that is authorised to be carried on or is carried on in another Australian State or Territory, and  | 4<br>5<br>6<br>7<br>8            |
| (e)   | no director, shareholder or person concerned in the management of the company:   | 9<br>10                          |
| (i)   | is registered or otherwise authorised as an individual to carry on, or carries on, the business of a bookmaker, bookmaker's clerk or turf commission agent, or a totalizator business, or any other kind of betting, wagering, gambling or gaming business, in another country, or | 11<br>12<br>13<br>14<br>15<br>16 |
| (ii)  | is a director, shareholder or person concerned in the management of a corporation, or is a member of a partnership, that is registered or otherwise authorised to carry on, or that carries on, any such business in another country, or   | 17<br>18<br>19<br>20<br>21       |
| (iii) | is an employee or agent of any individual, partnership or corporation referred to in the preceding subparagraphs, or   | 22<br>23<br>24                   |
| (iv)  | has a financial interest in the business of a bookmaker or turf commission agent, or a totalizator business, or any other kind of betting, wagering, gambling or gaming business, that is authorised to be carried on or is carried on in another country.                         | 25<br>26<br>27<br>28<br>29<br>30 |
| (5)   | In subsection (4) (c), (d) and (e), a reference to carrying on the business of a bookmaker, or the business of a bookmaker's clerk or turf commission agent, includes a reference to acting as a bookmaker, or a bookmaker's clerk or turf commission agent.                       | 31<br>32<br>33<br>34<br>35       |
| (6)   | The condition set out in subsection (4) (d) does not extend to a person who is a director of a company that is registered as a bookmaker under this Act if:  | 36<br>37<br>38                   |
| (a)   | the person is the sole director of the company, and  | 39                               |

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(b)	the relevant matters referred to in subsection (4) (d) (i), (ii), (iii) or (iv) are disclosed in writing to HRNSW at the time the company applies for registration as a bookmaker under this Act or, if they do not occur until after that time, within 2 working days after they occur.	1 2 3 4 5
(7)	HRNSW may suspend or cancel the registration of a company as a bookmaker if satisfied that any condition referred to in subsection (4) is contravened in respect of the company. This does not limit the powers of HRNSW to suspend or cancel the registration of a company as a bookmaker under section 9.	6 7 8 9 10
(8)	Any debt that is incurred by a company in carrying on business as a bookmaker registered under this Act is enforceable jointly and severally against all persons who are directors of the company at the time the debt is incurred (whether or not they are directors at the time the debt is sought to be enforced).	11 12 13 14 15
(9)	In this section:	16
	<i>authorised sports betting bookmaker</i> has the same meaning as in section 4 of the <i>Racing Administration Act 1998</i> .	17 18
	<i>close family member of a director</i> means:	19
(a)	a spouse, de facto partner, parent, child, brother or sister of the director, or	20 21
(b)	a person who has a relationship with the director that is prescribed by the regulations for the purposes of this definition.	22 23 24
	<i>financial interest</i> in a bookmaking business means an entitlement to receive any of the income from the business.	25 26
	<i>meeting for harness racing</i> has the same meaning as in section 4 of the <i>Racing Administration Act 1998</i> .	27 28
	<i>racecourse licensed for harness racing</i> means a racecourse in respect of which a licence for meetings for harness racing granted under section 7 of the <i>Racing Administration Act 1998</i> is in force.	29 30 31 32
<b>[2]</b>	<b>Schedule 5 Savings and transitional provisions</b>	33
	Insert at the end of clause 1 (1):	34
	<i>Racing Legislation Amendment (Bookmakers) Act 2002</i>	35



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<b>Schedule 3</b>	<b>Amendment of Thoroughbred Racing Board Act 1996</b>	1
		2
	(Section 5)	3
<b>[1] Section 14A</b>		4
Insert after section 14:		5
<b>14A Licensing of bookmakers</b>		6
(1) An application for a bookmaker licence may be made:		7
(a) by a natural person of or over the age of 18 years, or		8
(b) by a proprietary company.		9
(2) The Board must refuse to licence a proprietary company as a bookmaker unless satisfied that the company is an eligible company.		10
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(3) For the purposes of this section, an <i>eligible company</i> means a proprietary company that is taken to be registered in New South Wales for the purposes of the <i>Corporations Act 2001</i> of the Commonwealth and in which:		13
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		16
(a) each director, shareholder and person concerned in the management of the company is of or over the age of 18 years, and		17
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		19
(b) each director is licensed as an individual as a bookmaker under this Act, and		20
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(c) each director is a shareholder and person concerned in the management of the company, and		22
		23
(d) each shareholder who is not a director is a close family member of a director, and		24
		25
(e) each shareholder or person concerned in the management of the company who is not a director is, in the opinion of the Board, a fit and proper person to be licensed as an individual as a bookmaker under this Act.		26
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(4) It is a condition of a bookmaker licence granted to a company that:		30
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(a) the company continues to be an eligible company, and		32

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- (b) no shareholder or person concerned in the management of the company, other than a director, is licensed as an individual as a bookmaker under this Act, and 1  
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  - (c) no director, shareholder or person concerned in the management of the company: 4  
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    - (i) carries on the business of a bookmaker, otherwise than on behalf of the company, in relation to any horse, harness or greyhound race, at a meeting for horse racing in New South Wales, or 6  
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    - (ii) carries on the business of an authorised sports betting bookmaker, otherwise than on behalf of the company, at a racecourse licensed for horse racing, or 11  
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    - (iii) is a director, shareholder or person concerned in the management of, or is an employee or agent of, any other company that is licensed as a bookmaker under this Act, or 15  
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    - (iv) has a financial interest in any business of a bookmaker that is carried on by any such other company under the authority of its licence under this Act, and 19  
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  - (d) no director, shareholder or person concerned in the management of the company: 23  
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    - (i) is licensed or otherwise authorised as an individual to carry on, or carries on, the business of a bookmaker, bookmaker's clerk or turf commission agent, or a totalizator business, in another Australian State or Territory, or 25  
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    - (ii) is a director, shareholder or person concerned in the management of a corporation, or is a member of a partnership, that is licensed or otherwise authorised to carry on, or that carries on, any such business in another Australian State or Territory, or 30  
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    - (iii) is an employee or agent of any individual, partnership or corporation referred to in the preceding subparagraphs, or 36  
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| (iv)  | has a financial interest in the business of a bookmaker or turf commission agent, or a totalizator business, that is authorised to be carried on or is carried on in another Australian State or Territory, and  | 1<br>2<br>3<br>4<br>5            |
| (e)   | no director, shareholder or person concerned in the management of the company:   | 6<br>7                           |
| (i)   | is licensed or otherwise authorised as an individual to carry on, or carries on, the business of a bookmaker, bookmaker's clerk or turf commission agent, or a totalizator business, or any other kind of betting, wagering, gambling or gaming business, in another country, or | 8<br>9<br>10<br>11<br>12<br>13   |
| (ii)  | is a director, shareholder or person concerned in the management of a corporation, or is a member of a partnership, that is licensed or otherwise authorised to carry on, or that carries on, any such business in another country, or   | 14<br>15<br>16<br>17<br>18       |
| (iii) | is an employee or agent of any individual, partnership or corporation referred to in the preceding subparagraphs, or   | 19<br>20<br>21                   |
| (iv)  | has a financial interest in the business of a bookmaker or turf commission agent, or a totalizator business, or any other kind of betting, wagering, gambling or gaming business, that is authorised to be carried on or is carried on in another country.                       | 22<br>23<br>24<br>25<br>26<br>27 |
| (5)   | In subsection (4) (c), (d) and (e), a reference to carrying on the business of a bookmaker, or the business of a bookmaker's clerk or turf commission agent, includes a reference to acting as a bookmaker, or a bookmaker's clerk or turf commission agent.                     | 28<br>29<br>30<br>31<br>32       |
| (6)   | The condition set out in subsection (4) (d) does not extend to a person who is a director of a company that is licensed as a bookmaker under this Act if:  | 33<br>34<br>35                   |
| (a)   | the person is the sole director of the company, and  | 36                               |

(b)	the relevant matters referred to in subsection (4) (d) (i), (ii), (iii) or (iv) are disclosed in writing to the Board at the time the company applies for a bookmaker license under this Act or, if they do not occur until after that time, within 2 working days after they occur.	1 2 3 4 5
(7)	The Board may suspend or cancel a bookmaker licence granted to a company if satisfied that any condition referred to in subsection (4) is contravened in respect of the company. This does not limit the powers of the Board to suspend or cancel the registration of a company as a bookmaker under section 14.	6 7 8 9 10
(8)	Any debt that is incurred by a company in carrying on business as a bookmaker licensed under this Act is enforceable jointly and severally against all persons who are directors of the company at the time the debt is incurred (whether or not they are directors at the time the debt is sought to be enforced).	11 12 13 14 15
(9)	In this section:	16
	<i>authorised sports betting bookmaker</i> has the same meaning as in section 4 of the <i>Racing Administration Act 1998</i> .	17 18
	<i>close family member of a director</i> means:	19
(a)	a spouse, de facto partner, parent, child, brother or sister of the director, or	20 21
(b)	a person who has a relationship with the director that is prescribed by the regulations for the purposes of this definition.	22 23 24
	<i>financial interest</i> in a bookmaking business means an entitlement to receive any of the income from the business.	25 26
	<i>meeting for horse racing</i> has the same meaning as in section 4 of the <i>Racing Administration Act 1998</i> .	27 28
	<i>racecourse licensed for horse racing</i> means a racecourse in respect of which a licence for meetings for horse racing granted under section 7 of the <i>Racing Administration Act 1998</i> is in force.	29 30 31 32
<b>[2]</b>	<b>Schedule 1 Savings and transitional provisions</b>	33
	Insert at the end of clause 3 (1):	34
	<i>Racing Legislation Amendment (Bookmakers) Act 2002</i>	35

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<b>Schedule 4</b>	<b>Amendment of Racing Administration Act 1998</b>	1
		2
	(Section 6)	3
<b>[1]</b>	<b>Section 17 Offence of conducting unauthorised telephone or electronic betting</b>	4
		5
	Omit “Maximum penalty: 50 penalty units or imprisonment for 12 months (or both)”.	6
		7
	Insert instead:	8
	Maximum penalty:	9
	(a) 100 penalty units, in the case of an offence committed by a corporation, or	10
		11
	(b) 50 penalty units or imprisonment for 12 months (or both), in the case of an offence committed by an individual.	12
		13
		14
<b>[2]</b>	<b>Section 19A</b>	15
	Insert after section 19:	16
	<b>19A Liability of directors of authorised companies</b>	17
	Any debt that is incurred by a company in carrying on business as an authorised sports betting bookmaker is enforceable jointly and severally against all persons who are directors of the company at the time the debt is incurred (whether or not they are directors at the time the debt is sought to be enforced).	18
		19
		20
		21
		22
<b>[3]</b>	<b>Section 26D State bookmakers tax authority</b>	23
	Omit section 26D (4). Insert instead:	24
	(4) Without limiting the grounds on which an application may be refused, the Committee may refuse to issue a State bookmakers tax authority if it is satisfied:	25
		26
		27
	(a) that a bookmaker has failed to pay an amount due in accordance with the provisions of the <i>Betting Tax Act 2001</i> , or	28
		29
		30

- (b) that a bookmaker has been convicted of an offence under the *Taxation Administration Act 1996* in relation to the assessment, collection or payment of betting tax under the *Betting Tax Act 2001*, or
- (c) that a bookmaker has been convicted of an offence under this Act or the *Unlawful Gambling Act 1998*, or
- (d) in the case of an application by a bookmaker that is a company, that a director, shareholder or person concerned in the management of the company has, as an individual, failed to pay an amount due as referred to in paragraph (a) or been convicted of an offence as referred to in paragraph (b) or (c), or
- (e) in the case of an application by an individual bookmaker, that the individual was a director, shareholder or person concerned in the management of a company bookmaker at a time when the company failed to pay an amount due as referred to in paragraph (a) or committed an offence for which it was convicted as referred to in paragraph (b) or (c).

**[4] Section 26E**

Omit the section. Insert instead:

**26E Committee may revoke State bookmakers tax authority if taxation not paid**

The Committee may revoke a State bookmakers tax authority issued under this Part if it is satisfied:

- (a) that a bookmaker has failed to pay an amount due in accordance with the provisions of the *Betting Tax Act 2001*, or
- (b) that a bookmaker has been convicted of an offence under the *Taxation Administration Act 1996* in relation to the assessment, collection or payment of betting tax under the *Betting Tax Act 2001*, or
- (c) that a bookmaker has been convicted of an offence under this Act or the *Unlawful Gambling Act 1998*, or

- (d) that a bookmaker has ceased to hold a licence, certificate of registration or permit issued by any racing club, or 1  
2  
3
- (e) in the case of an authority issued to a bookmaker that is a company, that a director, shareholder or person concerned in the management of the company has, as an individual, failed to pay an amount due as referred to in paragraph (a), been convicted of an offence as referred to in paragraph (b) or (c), or ceased to hold a licence, certificate or permit as referred to in paragraph (d), or 4  
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- (f) in the case of an authority issued to an individual bookmaker, that the individual was a director, shareholder or person concerned in the management of a company bookmaker at a time when the company failed to pay an amount due as referred to in paragraph (a), committed an offence for which it was convicted as referred to in paragraph (b) or (c), or ceased to hold a licence, certificate or permit as referred to in paragraph (d). 11  
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**[5] Section 36B** 20

Insert after section 36A: 21

**36B Offences by corporations** 22

- (1) If a corporation contravenes (whether by act or omission) any provision of this Act or the regulations, each person who is a director of the corporation or who is concerned in the management of the corporation is taken to have contravened the same provision, unless the person satisfies the court that: 23  
24  
25  
26  
27
  - (a) the corporation contravened the provision without the actual, imputed or constructive knowledge of the person, or 28  
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  - (b) the person was not in a position to influence the conduct of the corporation in relation to its contravention of the provision, or 31  
32  
33
  - (c) the person, being in such a position, used all due diligence to prevent the contravention by the corporation. 34  
35  
36

Racing Legislation Amendment (Bookmakers) Bill 2002

Schedule 4      Amendment of Racing Administration Act 1998

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(2) A person may be proceeded against and convicted under a provision pursuant to this section whether or not the corporation has been proceeded against or been convicted under that provision.	1 2 3 4
(3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation under this Act or the regulations.	5 6 7
(4) Without limiting any other law or practice regarding the admissibility of evidence, evidence that an officer, employee or agent of a corporation (while acting in his or her capacity as such) had, at any particular time, a particular intention, is evidence that the corporation had that intention.	8 9 10 11 12
<b>[6] Schedule 1 Savings and transitional provisions</b>	13
Insert at the end of clause 1 (1):	14
the <i>Racing Legislation Amendment (Bookmakers) Act 2002</i>	15



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<b>Schedule 5</b>	<b>Amendment of Unlawful Gambling Act 1998</b>	1
		2
	(Section 7)	3
<b>[1]</b>	<b>Section 9 Offence of unlawful bookmaking</b>	4
	Omit the matter setting out the maximum penalty for offences under section 9 (2).	5
	Insert instead:	6
	Maximum penalty:	7
	(a) for a first offence, 200 penalty units (in the case of an offence committed by a corporation) or 100 penalty units or imprisonment for 2 years or both (in the case of an offence committed by an individual), or	8
	(b) for a second or subsequent offence, 1,000 penalty units (in the case of an offence committed by a corporation) or 500 penalty units or imprisonment for 2 years or both (in the case of an offence committed by an individual).	9
		10
		11
		12
		13
		14
		15
		16
<b>[2]</b>	<b>Schedule 1 Savings and transitional provisions</b>	17
	Omit “of this Act” from clause 1 (1). Insert instead:	18
	of this Act and the following Acts:	19
	<i>Racing Legislation Amendment (Bookmakers) Act 2002</i>	20