



New South Wales

Gaming and Betting Amendment (Betting Auditoriums) Act 1996 No 66

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New South Wales

Gaming and Betting Amendment (Betting Auditoriums) Act 1996 No 66

Act No 66, 1996

An Act to amend the *Gaming and Betting Act 1912* to enable betting on sports events, and in betting auditoriums, at racecourses and to provide for the conduct of such betting and betting auditoriums; to amend the *Racing Taxation (Betting Tax) Act 1952* to impose a sports betting tax; and to amend certain other legislation consequently; and for other purposes. [Assented to 27 September 1996]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Gaming and Betting Amendment (Betting Auditoriums) Act 1996*.

2 Commencement

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

3 Amendment of Gaming and Betting Act 1912 No 25

The *Gaming and Betting Act 1912* is amended as set out in Schedule 1.

4 Amendment of Bookmakers (Taxation) Act 1917 No 15

The *Bookmakers (Taxation) Act 1917* is amended as set out in Schedule 2.

5 Amendment of Racing Taxation (Betting Tax) Act 1952 No 19

The *Racing Taxation (Betting Tax) Act 1952* is amended as set out in Schedule 3.

6 Amendment of Totalizator Act 1916 No 75

The *Totalizator Act 1916* is amended as set out in Schedule 4.

7 Amendment of Gaming and Betting (Racecourse Licensing) Regulation 1996

The *Gaming and Betting (Racecourse Licensing) Regulation 1996* is amended as set out in Schedule 5.

Schedule 1 Amendment of Gaming and Betting Act 1912

(Section 3)

[1] Section 3 Definitions

Insert in alphabetical order in section 3 (1) (or, in the case of the definition of *Street*, before the definition of *Television station*):

Authorised betting auditorium means a betting auditorium approved by the Minister under section 57EG.

Authorised sports betting bookmaker means a bookmaker authorised to take sports bets under section 57EB.

Betting auditorium means premises (or part of premises) used for betting or wagering on horse races, harness races, greyhound races or sports betting events.

Sports betting authority means an authority given under section 57EB.

Sports betting event means an event or class of events declared by the Minister to be a sports betting event or events under section 57EA.

Street does not include:

- (a) a licensed racecourse on which an approved betting auditorium is situated, or
- (b) any part of a licensed racecourse on which betting on a sports betting event is taking place.

[2] Section 6C Telephone betting

Omit “Sport, Recreation and Racing” from section 6C (3).
Insert instead “Gaming and Racing”.

[3] Section 6C (4)

Insert “(whether or not from an authorised betting auditorium)” after “racecourse”.

[4] Section 7 Prohibition of betting or wagering

Omit “subsection (2)” from section 7 (1) (d).
Insert instead “subsections (2), (2A) and (2B)”.

[5] Section 7 (2A) and (2B)

Insert after section 7 (2):

- (2A) Betting or wagering on horse races, harness racing, greyhound racing or sports betting events is not prohibited at any time of any day in an authorised betting auditorium on a licensed racecourse.
- (2B) Betting or wagering on sports betting events is not prohibited at any time of any day by an authorised sports betting bookmaker on any other part of a licensed racecourse in accordance with a sports betting authority.

[6] Section 47 Penalty for advertising as to betting

Insert after section 47 (2):

- (3) This section does not operate to prohibit:
 - (a) advertisement by a bookmaker of the willingness of the bookmaker to accept bets in an authorised betting auditorium, or
 - (b) advertisement by an authorised sports betting bookmaker of the willingness of the bookmaker to accept bets on sports betting events at a licensed racecourse.

[7] Section 47A Keeping place for communicating betting information

Insert after section 47A (3) (c):

- (d) This section does not operate to prohibit the communication or conveying of information:
 - (i) solely to persons present in an authorised betting auditorium, or
 - (ii) from an authorised betting auditorium if the information is communicated or conveyed by a bookmaker in response to a telephone request by a person who is not on the racecourse and relates to a bet proposed to, or made with, the bookmaker in accordance with a current authority held by the bookmaker under section 6C.

[8] Section 47B Advertisements relating to betting and forecasting of race results

Insert “or on any sports betting event” after “Australia” in section 47B (1) (a) (i).

[9] Section 47B (1) (a) (ii) and (iii)

Insert “or sports betting event” after “course” wherever occurring.

[10] Section 47B (4) (e) and (f)

Insert after section 47B (4) (d):

- (e) This section does not operate:
 - (i) to prohibit a bookmaker from exhibiting or posting up in an authorised betting auditorium any written or printed matter relating to any betting or betting odds that the bookmaker is prepared to accept or offer, or
 - (ii) to prohibit the printing or publication in any newspaper of an advertisement or notice relating to a bookmaker if the contents of the advertisement or notice are confined to a statement of the name of the bookmaker and the location of the authorised betting auditorium from which the bookmaker is prepared to accept or offer bets.
- (f) This section does not operate:
 - (i) to prohibit a bookmaker from exhibiting or posting up at a licensed racecourse any written or printed matter relating to any betting or betting odds on sports betting events that the bookmaker is prepared to accept or offer, or

- (ii) to prohibit the printing or publication in any newspaper of an advertisement or notice relating to an authorised sports betting bookmaker if the contents of the advertisement or notice are confined to a statement of the name of the bookmaker, the location of the licensed racecourse at which the bookmaker is prepared to accept or offer bets on sports betting events and the betting odds on sports betting events that the bookmaker is prepared to accept or offer.

[11] Section 47C Keeping of place for conveying certain oral statements

Insert “or on any sports betting event” after “Australia” in section 47C (1) (a) (i).

[12] Section 47C (1) (a) (ii) and (iii)

Insert “or sports betting event” after “course” wherever occurring.

[13] Section 47C (3) (c) and (d)

Insert after section 47C (3) (b):

- (c) This section does not operate to prohibit a bookmaker from making any oral statement as to any betting or betting odds that the bookmaker is prepared to accept or offer if the statement is made in an authorised betting auditorium and is made solely to persons present in the authorised betting auditorium or in accordance with an authority held by the bookmaker under section 6C.
- (d) This section does not operate to prohibit an authorised sports betting bookmaker from making any oral statement as to any betting or betting odds that the bookmaker is prepared to accept or offer at a licensed racecourse on sports betting events.

[14] Section 51 Definitions

Insert in alphabetical order:

licensed bookmaker means a person who is the holder of a licence, certificate of registration or permit as a bookmaker issued by a registration authority (as defined in the *Bookmakers (Taxation) Act 1917*).

[15] Part 4, Divisions 4A and 4B (sections 57EA–57EI)

Insert after section 57E:

Division 4A Sports betting

57EA 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 for the purposes of this Act.

57EB Authorised sports betting bookmakers

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

57EC Conditions of authorisation

- (1) A sports betting authority 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 generally, by order published in the Gazette, in relation to taking of bets on sports betting events, and
 - (c) to 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.

57ED 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 interested person all accounts, documents and records relevant to any sports betting event on which the bookmaker has taken bets, and
 - (b) permit the authorised interested 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) furnish the authorised interested person with such information, in such form and verified in such manner, as the Minister may require.
- (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 a bookmaker.
- (3) In this section:

authorised interested person means a person having an interest in the conduct of a sports betting event who is authorised by the Minister for the purposes of this section.

57EE 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 Bookmakers Revision Committee constituted under the *Bookmakers (Taxation) Act 1917*, 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 any applicable rules made under section 57EF, or
 - (d) that the authority should be cancelled for any other cause the Minister thinks fit.

57EF 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 Part, 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. 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 4B Betting auditoriums

57EG Authorisation of betting auditoriums

- (1) The Minister may authorise a non-proprietary association that conducts race meetings on a racecourse licensed under this Part, 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 (or part of the premises) in or 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.
- (3) The authorisation is to be in writing.

- (4) Nothing in this section affects the application of the *Environmental Planning and Assessment Act 1979* to the carrying out on a racecourse of any development (within the meaning of that Act).

57EH 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.

57EI 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.

[16] Section 58A

Insert after section 58:

58A Evidence relating to sports betting and betting auditoriums

In any proceedings for an offence under this Act, the *Totalizator Act 1916*, the *Totalizator (Off-course Betting) Act 1964* or the *Bookmakers (Taxation) Act 1917*, any allegation in the information in respect of the offence that:

- (a) a bookmaker took bets on a sports event on a licensed racecourse on a date specified in the information and that the sports event was not an event declared by the Minister to be a sports betting event under section 57EA, or
- (b) betting (other than sports betting) took place in premises (other than an authorised betting auditorium) on a licensed racecourse on a date specified in the information and at a time lawful betting could not take place at the racecourse except in an authorised betting auditorium,

is to be accepted by the court as evidence of the truth of the allegation unless the contrary is proved.

[17] Fourth Schedule Savings and transitional provisions

Omit “*Gaming and Betting Amendment (Racing) Act 1995*” from clause 1 (1).

Insert instead:

following Acts:

Gaming and Betting Amendment (Racing) Act 1995

Gaming and Betting Amendment (Betting Auditoriums) Act 1996

[18] Fourth Schedule, Part 3

Insert after Part 2:

**Part 3 Provisions consequent on enactment of
Gaming and Betting Amendment (Betting
Auditoriums) Act 1996**

5 Amendment or repeal of regulation

The amendments made by the *Gaming and Betting Amendment (Betting Auditoriums) Act 1996* to the *Gaming and Betting (Racecourse Licensing) Regulation 1996* do not affect the future amendment or repeal of that regulation.

Schedule 2 Amendment of Bookmakers (Taxation) Act 1917

(Section 4)

[1] Section 2 Definitions

Insert in alphabetical order:

Betting auditorium means a betting auditorium within the meaning of the *Gaming and Betting Act 1912*.

Harness racing means pacing or trotting.

Sports betting event means an event declared to be a sports betting event under the *Gaming and Betting Act 1912*.

[2] Section 2, definition of “Country racing association”

Omit the following:

the Mid-North Coast Racing Association

the Newcastle, Hunter and Central Coast Racing Association

the Northern and North-Western District Racing Association

Insert instead in alphabetical order:

the Hunter and North West Racing Association

the Mid North Coast Racing Association

the Provincial Association of New South Wales

[3] Section 2, definition of “Meeting for trotting contests”

Omit the definition.

[4] Section 2, definition of “Racecourse”

Insert “and includes any betting auditorium on a racecourse” after “otherwise”.

[5] Section 2, definition of “Race meeting”

Omit “trotting contests”. Insert instead “harness racing”.

[6] Section 2, definition of “Racing club”

Omit the definition. Insert instead:

Racing club means a non-proprietary association formed for promoting or controlling horse racing, greyhound racing or harness racing, or for holding race meetings.

[7] Sections 2, 12, 13, 14, 27, 30, 35B, 36, 36A, 37

Omit “Sport and Recreation” wherever occurring. Insert instead “Gaming and Racing”.

[8] Section 11 Definitions

Omit the definition of *Bet*. Insert instead:

Bet means any stake, pledge or wager in money made between a backer and a bookmaker upon any event or contingency relating to:

- (a) a horse race or greyhound race (within the meaning of the *Gaming and Betting Act 1912*), or
- (b) a sports betting event.

[9] Section 11, definition of “Horse race”

Omit the definition. Insert instead:

Horse race includes harness race.

[10] Section 13 Bookmakers to keep records

Omit “or greyhound races” from section 13 (1).

Insert instead “, greyhound races or sports betting events”.

[11] Section 15A Returns

Omit “trotting contests” wherever occurring.

Insert instead “harness racing”.

[12] Section 15A (3)–(5)

Insert after section 15A (2):

- (3) A racing club that is authorised to establish and conduct a betting auditorium on a racecourse under section 57EG of the *Gaming and Betting Act 1912* must, not later than the Friday immediately following the end of each week during which bets are taken in the betting auditorium, forward to the Minister a return in the prescribed form setting out the name and address of each person who carried on business as a bookmaker in the betting auditorium during that week.

Maximum penalty: 2 penalty units.

- (4) A racing club that conducts race meetings on a racecourse must, not later than the Friday immediately following the end of each week during which bets on sports betting events are taken on the racecourse, forward to the Minister a return in the prescribed form setting out the name and address of each person who took bets as a bookmaker at that racecourse on any sports betting event during that week.

Maximum penalty: 2 penalty units.

- (5) In this section:

week means the period between midnight on Saturday and midnight on the next succeeding Saturday.

[13] Section 24 Penalty for non-production of bookmakers tax receipt

Omit “conducting a race-meeting on such racecourse” wherever occurring.

Insert instead “that conducts race meetings on the racecourse”.

[14] Section 26 Penalty for carrying on business without authority

Omit section 26 (1). Insert instead:

- (1) A bookmaker who carries on business as a bookmaker on any racecourse (or part of a racecourse) must be the holder of a licence, certificate of registration, or permit authorising the bookmaker to do so, issued by the racing club or racing association that conducts race meetings at that racecourse.

Maximum penalty: 1 penalty unit.

[15] Section 26A Bookmaker’s clerk’s authority to carry on business

Omit “at a race-meeting” from section 26A (1).

[16] Section 35 Constitution of Committee

Omit “Director, Department of Sport and Recreation” wherever occurring.

Insert instead “Director-General, Department of Gaming and Racing”.

[17] Section 35 (1)

Omit “Secretary, Australian Jockey Club”.

Insert instead “Chief Executive, Australian Jockey Club”.

[18] Section 35 (1)

Omit “Secretary, Trotting Authority of New South Wales”.
Insert instead “Chief Executive, Harness Racing Authority of New South Wales”.

[19] Section 35 (3) and (6)

Omit “Director’s” wherever occurring.
Insert instead “Director-General’s”.

[20] Section 36 Bookmakers tax receipts

Insert “or in respect of any sports betting event” after “at any race-meeting” in section 36 (1).

[21] Section 37 Minister may furnish information

Omit “Trotting Authority”.
Insert instead “Harness Racing Authority”.

[22] Section 39

Omit the section. Insert instead:

39 Proceedings

Proceedings for an offence against this Act or the regulations are to be dealt with summarily by a Local Court constituted by a Magistrate sitting alone.

[23] Section 40 and Schedule 1

Insert after section 39:

40 Savings, transitional and other provisions

Schedule 1 has effect.

Schedule 1 Savings, transitional and other provisions

(Section 40)

Part 1 Preliminary

1 Regulations

- (1) The regulations may include provisions of a savings or transitional nature consequent on the enactment of the following Acts:

Gaming and Betting Amendment (Betting Auditoriums) Act 1996

- (2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of assent to the Act concerned or from a later date.
- (3) To the extent to which a provision referred to in subclause (1) 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
Gaming and Betting Amendment (Betting
Auditoriums) Act 1996**

2 Bookmakers tax receipts

A bookmakers tax receipt issued in respect of any race meeting under section 36 as in force immediately before the commencement of Schedule 2 [20] to the *Gaming and Betting Amendment (Betting Auditoriums) Act 1996* is taken to have been issued in respect of the race meeting under section 36 as in force after that commencement.

[24] The whole Act (except where amended by this Schedule)

Omit “race-meeting” wherever occurring.
Insert instead “race meeting”.

Schedule 3 Amendment of Racing Taxation (Betting Tax) Act 1952

(Section 5)

Section 3

Insert after section 2:

3 Imposition of sports betting tax

- (1) Subject to Part 3 of the *Bookmakers (Taxation) Act 1917* and the regulations made under that Act, there is to be charged, levied, collected and paid for payment into the Consolidated Fund, a tax at the rate of 1% (or such lower rate as the Governor may declare by order published in the Gazette) of the total amount of specified sports bets.
- (2) An order under this section may be made only on recommendation of the Treasurer.
- (3) Before recommending the making of an order under this section, the Treasurer must consult with, and have regard to the advice of, the Minister.
- (4) In this section:

specified sports bets means bets made by backers with any bookmaker (whether before or after the commencement of this section) upon any event or contingency of or relating to a sports betting event determined after the commencement of this section.

sports betting event means an event or class of events declared to be a sports betting event or events under the *Gaming and Betting Act 1912*.

Schedule 4 Amendment of Totalizator Act 1916

(Section 6)

[1] Section 2 Definitions

Insert in alphabetical order:

Authorised betting auditorium means an authorised betting auditorium within the meaning of the *Gaming and Betting Act 1912*.

[2] Section 4A Use of totalizators on racecourses and in betting auditoriums

Insert “on which no authorised betting auditorium is established and conducted” after “racecourse” where firstly occurring.

[3] Section 4A (2)

Insert at the end of section 4A:

- (2) Any totalizator established and conducted on a racecourse on which an authorised betting auditorium is conducted pursuant to the provisions of this Act may be used in connection with any races to be run on that racecourse or on any other racecourse within or outside New South Wales.

[4] Section 10A Rebate

Insert at the end of the definition of *race-meeting turnover* in section 10A (5):

, or

- (c) any money derived from bets made in an authorised betting auditorium.

[5] The whole Act (except where amended by this Schedule)

Omit “race-meeting” wherever occurring.
Insert instead “race meeting”.

Schedule 5 Amendment of Gaming and Betting (Racecourse Licensing) Regulation 1996

(Section 7)

[1] Clause 5 Conditions of licences

Omit clause 5 (a). Insert instead:

- (a) that betting or wagering on the racecourse is prohibited except in respect of horse races, harness races, greyhound races and sports betting events,

[2] Clause 5 (b)

Insert “and betting on sports betting events” after “race meetings”.

[Minister’s second reading speech made in—
Legislative Assembly on 5 June 1996
Legislative Council on 17 September 1996]