

South Australia

# Authorised Betting Operations Act 2000

An Act to provide for the regulation of totalisator and other betting operations.

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## Legislative history

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### **The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Authorised Betting Operations Act 2000*.

### **3—Interpretation**

- (1) In this Act, unless the contrary intention appears—  
*advertising code of practice*—see section 6A;

**agent's licence**—see section 34;

**approved contingency**—see section 4;

**approved licensing agreement**—see section 12;

**authorised interstate betting operator**—see section 40A(3);

**authorised officer** means—

- (a) the Commissioner; or
- (b) a member or the secretary of the Authority; or
- (c) an inspector; or
- (d) a police officer;

**Authority** means the Independent Gambling Authority established under the *Independent Gambling Authority Act 1995*;

**betting exchange** means a facility, electronic or otherwise, designed to provide a mechanism through which—

- (a) offers to make bets are regularly made and accepted; or
- (b) offers or invitations to make bets are regularly made that are intended to result, or may reasonably be expected to result, directly or indirectly, in the acceptance of the offers or invitations,

but does not include a facility involved in the activities of a bookmaker or the conduct of totalisator betting;

**betting shop licence**—see section 34;

**bookmaker's licence**—see section 34;

**cash facility** means—

- (a) an automatic teller machine; or
- (b) an EFTPOS facility; or
- (c) any other facility, prescribed by regulation, that enables a person to gain access to his or her funds or to credit;

**child** means a person under the age of 18 years;

**close associates**—see section 5;

**Commissioner** means the person for the time being holding or acting in the office of Liquor and Gambling Commissioner under the *Liquor Licensing Act 1997* (or the Commissioner's delegate);

**compliance notice**—see section 69;

**conduct betting operations**—a person conducts betting operations if the person conducts totalisator betting, acts as a bookmaker or conducts a betting exchange;

**contribution agreement**—see section 62E;

***criminal intelligence*** means information relating to actual or suspected criminal activity (whether in this State or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement or to endanger a person's life or physical safety;

***designated person***—see section 20;

***domestic partner*** means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

***duty***—see sections 14 and 39;

***duty agreement***—see section 14;

***executive officer*** of a body corporate is—

- (a) a secretary or public officer of the body corporate; or
- (b) a person responsible for managing the body corporate's business or any aspect of its business;

***greyhound race*** or ***greyhound racing*** means a race or racing between greyhounds in competitive pursuit of a quarry or lure that is not a live animal;

***harness race*** or ***harness racing*** means a pacing race or trotting race or pacing or trotting;

***horse race*** or ***horse racing*** does not include a harness race or harness racing;

***integrity agreement***—see section 62E;

***interstate betting operator*** means—

- (a) a person who holds a prescribed interstate licence (including a licence that is suspended); or
- (b) a statutory body established under the law of another State or a Territory of the Commonwealth for the purpose of conducting betting operations in that State or Territory;

***licensed betting shop*** means premises situated within the City of Port Pirie in respect of which a betting shop licence has been granted under Part 3;

***licensed bookmaker*** means a person who is the holder of a bookmaker's licence;

***licensed racing club*** means a racing club that is the holder of an on-course totalisator betting licence;

***licensing authority*** means—

- (a) in relation to an on-course totalisator betting licence—the Authority;
- (b) in relation to any other licence under Part 3 Division 1—the Commissioner;

***major betting operations licence*** means the licence granted under Part 2;

***on-course totalisator betting*** means totalisator betting that takes place within a racecourse, and ***off-course totalisator betting*** has a corresponding meaning;

***on-course totalisator betting licence***—see section 34;

**prescribed interstate licence** means a licence or other authority issued under the law of another State or a Territory of the Commonwealth authorising the holder to conduct betting operations in that State or Territory, but does not include a licence of a class excluded by regulation from the ambit of this definition;

**race or racing** means—

- (a) a horse race or horse racing; or
- (b) a harness race or harness racing; or
- (c) a greyhound race or greyhound racing;

**racecourse** means a place where a race meeting is held by a racing club, and includes adjacent land or premises to which persons attending the meeting have access in connection with the meeting;

**race meeting** means a meeting at which horse races, harness races or greyhound races are held;

**racing club** means a club or association that—

- (a) is a body corporate; and
- (b) is established for the purpose of holding race meetings; and
- (c) is unable, because of its constitution or its nature, lawfully to return profits to its members; and
- (d) —
  - (i) is related to a racing controlling authority through its membership of the authority, or its membership of a body that is a member of the authority; or
  - (ii) is registered by a racing controlling authority,

and includes a racing controlling authority that holds race meetings;

**racing controlling authority**—see section 6;

**racing distribution agreement**—see section 13;

**responsible gambling code of practice**—see section 6A;

**spouse**—a person is the spouse of another if they are legally married;

**statutory default**—see section 67;

**substantial holding** in a body corporate has the same meaning as in section 9 of the *Corporations Act 2001* of the Commonwealth;

**telephone, Internet or other electronic means**—see subsection (3);

**totalisator betting** means betting in accordance with a system under which the amount paid out in respect of a bet made on a particular contingency is affected by the total amount bet on that contingency, and **totalisator bet** has a corresponding meaning;

**24 hour sportsbetting licence**—see section 34.

- (2) In this Act, **administrator**, **controller** and **liquidator** have (unless the contrary intention appears) the same respective meanings as in the *Corporations Act 2001* of the Commonwealth.

- (3) In this Act, a reference to *telephone, Internet or other electronic means* is a reference to a means of communicating at a distance by the use of electronic devices.

#### 4—Approved contingencies

- (1) The Authority may approve, for all or specified betting operations—
- (a) contingencies related to races within or outside Australia (other than races held by licensed racing clubs); or
  - (b) contingencies related to sporting or other events within or outside Australia; or
  - (c) other contingencies.
- (2) The Authority may vary or revoke an approval.
- (3) Before approving contingencies or varying an approval, the Authority must—
- (a) have regard to—
    - (i) the standards of probity applying in relation to the contingencies; and
    - (ii) available evidence of the past conduct of events to which the contingencies relate (if any); and
    - (iii) the likely nature and scale of betting operations in relation to the contingencies; and
    - (iv) whether betting operations in relation to the contingencies are lawful in another State or a Territory of the Commonwealth; and
    - (v) the appropriateness in other respects of the contingencies for the conduct of betting operations generally or the particular betting operations concerned; and
  - (b) give prior written notice of the proposal to the Minister.
- (3a) The Authority must, within 14 days after approving contingencies or varying or revoking an approval, publish a notice in the Gazette setting out the terms of the approval, variation or revocation.
- (4) The Minister may give the Authority binding directions preventing or restricting the approval of contingencies.

#### 5—Close associates

- (1) Two persons are close associates for the purposes of this Act if—
- (a) one is a spouse, domestic partner, parent, brother, sister or child of the other; or
  - (b) they are members of the same household; or
  - (c) they are in partnership; or
  - (d) they are joint venturers; or
  - (e) one is a body corporate and the other is a director or executive officer of the body corporate; or



- (f) one is a body corporate (other than a public company whose shares are quoted on a prescribed financial market) and the other is a shareholder in the body corporate; or
  - (g) one is a body corporate whose shares are quoted on a prescribed financial market and the other has a substantial holding in the body corporate; or
  - (h) one has a right to participate (otherwise than as a shareholder in a body corporate) in, or is remunerated by reference to, proceeds or profits derived from a business conducted by the other; or
  - (i) one is in a position to exercise control or significant influence over the conduct of the other; or
  - (j) a chain of relationships can be traced between them under any one or more of the above paragraphs.
- (2) In subsection (1)—
- prescribed financial market* means a prescribed financial market within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

## **6—Designation of racing controlling authorities**

- (1) The Governor may, by proclamation—
  - (a) designate a body as the racing controlling authority for horse racing;
  - (b) designate a body as the racing controlling authority for harness racing;
  - (c) designate a body as the racing controlling authority for greyhound racing.
- (2) The Governor may, by subsequent proclamation, substitute the body designated as a racing controlling authority.

## **6A—Codes of practice etc**

- (1) For the purposes of this Act, the Authority may, by notice in the Gazette, prescribe—
    - (a) advertising codes of practice; and
    - (b) responsible gambling codes of practice; and
    - (c) requirements for systems and procedures designed to prevent bets from being made by children in the course of betting operations conducted by telephone, Internet or other electronic means.
  - (3) Without limiting the generality of subsection (1)(b), a responsible gambling code of practice may—
    - (a) require the holder of a licence or authorisation under this Act to provide information to patrons regarding responsible gambling, the availability of services to address problems associated with gambling (including barring orders) and any other matter under this Act, whether by—
      - (i) signs and warning notices; or
      - (ii) the use of audio, visual, or electronic means,
- in accordance with any requirements specified in the code; and

- (ab) make provision relating to the duty to make barring orders under Part 4 of the *Independent Gambling Authority Act 1995*; and
  - (ac) make provision relating to the duty to identify and assist problem gamblers; and
  - (b) deal with training of staff involved in betting operations with respect to responsible gambling practices and the services available to address problems associated with gambling; and
  - (c) —
    - (i) require accounts to be kept for persons who make bets by telephone, Internet or other electronic means; and
    - (ii) require the accounts to be managed in a way that allows the amount available for betting at any given time to be limited; and
    - (iii) require account statements to be provided at regular intervals; and
  - (d) include other matters designed to reduce the incidence of problem gambling.
- (3a) The provisions of a notice prescribed under this section may be of general, limited or varied application according to—
- (a) the classes of person or betting operations; or
  - (b) the circumstances; or
  - (c) any other specified factor,
- to which the provision is expressed to apply.
- (4) The Authority may, by subsequent notice in the Gazette, vary or revoke a notice under this section.
- (4a) Before the Authority publishes a notice in the Gazette, the Authority must—
- (a) give notice in writing of the proposed notice to such bodies representative of licensees and authorised interstate betting operators as the Authority thinks fit; and
  - (b) consider any representations made by such bodies about the proposed notice within 28 days after the notice is given or a longer period allowed in the notice.
- (6) Sections 10, 10AA and 10A of the *Subordinate Legislation Act 1978* apply to a notice published in the Gazette under this section as if it were a regulation within the meaning of that Act.
- (7) The Authority must review the codes of practice prescribed under this section at least every 5 years.
- (8) In preparing and reviewing codes of practice, the Authority must seek and consider written submissions from licensees and authorised interstate betting operators to whom the codes apply and from interested members of the public.
- (9) A code of practice prescribed under this section may be incorporated with any other codes of practice that may be prescribed by the Authority under any other Act.

## **6B—Criminal intelligence**

- (1) No information provided by the Commissioner of Police to the Authority or the Commissioner under this Act may be disclosed to any person (except the Minister, a court or a person to whom the Commissioner of Police authorises its disclosure) if the information is classified by the Commissioner of Police as criminal intelligence.
- (2) If the Authority or the Commissioner—
  - (a) makes a decision under this Act; and
  - (b) the decision is made because of information that is classified by the Commissioner of Police as criminal intelligence,the Authority or the Commissioner is not required to provide any grounds or reasons for the decision other than that, in the view of the Authority or the Commissioner (as the case may be), the making of any other decision would have been contrary to the public interest.
- (3) In any proceedings under this Act, the Authority or the court—
  - (a) must, on the application of the Commissioner of Police, take steps to maintain the confidentiality of information classified by the Commissioner of Police as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the parties to the proceedings and their representatives; and
  - (b) may take evidence consisting of or relating to information classified by the Commissioner of Police as criminal intelligence by way of affidavit of a police officer of or above the rank of superintendent.
- (4) The Commissioner of Police may not delegate the function of classifying information as criminal intelligence for the purposes of this Act except to a Deputy Commissioner or Assistant Commissioner of Police.

## **Part 2—Major betting operations licence**

### **Division 1—Grant, renewal and conditions of licence**

#### **7—Grant of licence**

- (1) The Governor may grant a major betting operations licence.
- (2) There is not to be more than one major betting operations licence in force under this Act at the same time.
- (4) The grant of the licence is to be made, on the recommendation of the Authority, to an applicant for the licence.
- (5) The Governor is not bound to act in accordance with the Authority's recommendation.

#### **8—Eligibility to hold licence**

The holder of the licence must be a body corporate.

## 9—Authority conferred by licence

The licence may authorise the licensee—

- (a) to conduct off-course totalisator betting on races held by licensed racing clubs;
- (b) to conduct off-course totalisator betting on approved contingencies;
- (c) to conduct on-course totalisator betting under agreements with licensed racing clubs on races held by licensed racing clubs and on approved contingencies;
- (d) to conduct other forms of betting on races held by licensed racing clubs or on approved contingencies,

in accordance with this Act.

## 10—Term and renewal of licence

- (1) The licence is to be granted for a term fixed under the licensee's approved licensing agreement.
- (2) If before the end of a term for which the licence has been granted or renewed a new approved licensing agreement, a new racing distribution agreement and a new duty agreement are entered into, the Governor may, on the recommendation of the Authority, renew the licence for a term fixed under the renegotiated approved licensing agreement.
- (3) The Governor is not bound to act in accordance with the Authority's recommendation and the licensee is to have no entitlement to, or legitimate expectation of, renewal.

## 11—Conditions of licence

- (1) The conditions of the licence consist of—
  - (a) the conditions fixed by this Act; and
  - (b) the conditions (*supplementary licence conditions*) fixed by or in accordance with the licensee's approved licensing agreement.
- (2) Subject to the licensee's approved licensing agreement, the Governor may, on the recommendation of the Authority, vary supplementary licence conditions.
- (3) The Governor is not bound to act in accordance with the Authority's recommendation.

## Division 2—Agreements with licensee

### 12—Approved licensing agreement

- (1) There is to be an agreement (the *approved licensing agreement*) between the licensee and the Minister about—
  - (a) the scope and operation of the licensed business; and
  - (b) the term of the licence; and
  - (c) the conditions of the licence; and
  - (d) the performance of the licensee's responsibilities under the licence or this Act.
- (2) The agreement may deal with other subjects relevant to the licence or the licensed business.

- (3) The agreement—
- (a) is to be entered into with a prospective licensee before the licence is granted or with the licensee before renewal of the licence; and
  - (b) is to remain in force for the term of the licence; and
  - (c) must be consistent with the provisions of this Act; and
  - (d) has no effect unless approved by the Authority.
- (4) If the agreement so provides, specified provisions of the agreement become conditions of the licence.
- (5) The agreement may require the Minister, the Authority or the Commissioner to provide information relating to the licensee or the licensee's operations under the licence to a specified person and, if it does so, the information may be provided without breaching any other law.
- (6) The agreement may contain provisions governing the exercise of powers of the Minister, the Authority or the Commissioner under this Act or the *Independent Gambling Authority Act 1995*.
- (7) The agreement binds—
- (a) the licensee; and
  - (b) the Minister; and
  - (c) the Authority; and
  - (d) the Commissioner; and
  - (e) if the agreement so provides, any other person who consents to be bound by the agreement,
- to the extent provided in the agreement.
- (8) The agreement may contain provisions governing its variation by later agreement, but such a variation must be consistent with the provisions of this Act and has no effect unless approved by the Authority.
- (9) The agreement may contain an assurance, on terms and conditions fixed in the agreement, that the licensee's right to conduct specified betting operations in this State will be an exclusive right and not be impugned during a period set out in the agreement.
- (10) Despite the above provisions for approval of the agreement or a variation of the agreement by the Authority, an assurance under subsection (9) or a variation of the terms and conditions of such an assurance is not subject to approval by the Authority.
- (11) The agreement must contain provisions fixing, for a form of betting in which the actual amounts payable on winning bets are not pre-determined, the maximum proportion of money invested that may be retained by the licensee.
- (12) Entering into, giving effect to, or enforcing the agreement is, subject to conditions and limitations prescribed by regulation, authorised for the purposes of section 51 of the *Trade Practices Act 1974* of the Commonwealth, as in force from time to time, and the *Competition Code of South Australia*.

(13) In subsection (12)—

**entering into** an agreement means entering into or negotiating an agreement, including acting collectively or in combination with others in or with respect to the negotiation of an agreement;

**giving effect** to the agreement includes complying with an obligation or exercising a right or power under the agreement.

### 13—Racing distribution agreement

- (1) At all times during the term of the licence the licensee must have in force an agreement (the **racing distribution agreement**) with the racing industry about terms and conditions on which the licensee may conduct betting operations on races held by licensed racing clubs.
- (2) Without limiting the matters that may be included in the agreement, the agreement must include provisions relating to—
  - (a) the arrangement of racing programs and the provision of racing information to the licensee; and
  - (b) the payments to be made by the licensee to the racing industry.
- (3) The agreement is to be entered into with a prospective licensee before the licence is granted or with the licensee before renewal of the licence.
- (4) The agreement may be varied by a later agreement between the parties.
- (5) It is a condition of the licence that the licensee must perform its obligations under the agreement.
- (6) Each racing controlling authority and its related licensed racing clubs are taken to be parties to a contract under seal under which each of the licensed racing clubs agrees to comply with any directions given by the controlling authority for the purposes of enabling the racing industry to perform its obligations and exercise its rights under the agreement.
- (7) Each racing controlling authority must give directions to its related licensed racing clubs as required for the purposes of enabling the racing industry to perform its obligations and exercise its rights under the agreement.
- (8) The following is, subject to conditions and limitations prescribed by regulation, authorised for the purposes of section 51 of the *Trade Practices Act 1974* of the Commonwealth, as in force from time to time, and the *Competition Code of South Australia*:
  - (a) entering into, giving effect to, or enforcing the agreement in so far as such conduct prevents or restricts the acquisition by the licensee or another person specified in the agreement of racing information from a person other than the person specified in the agreement as the supplier of the information;
  - (b) entering into, giving effect to, or enforcing the agreement in so far as such conduct prevents or restricts the supply by a person specified in the agreement of racing information to a person other than the licensee or another person specified in the agreement;

- (c) entering into, giving effect to, or enforcing the agreement in so far as such conduct prevents or restricts the supply by the licensee or a person specified in the agreement of racing information received in accordance with the agreement to another person;
- (d) entering into, giving effect to, or enforcing the agreement in so far as such conduct lessens competition in relation to the conduct of on-course totalisator betting operations;
- (e) entering into, giving effect to, or enforcing provisions of the agreement prescribed by regulation.

(9) In this section—

***entering into*** an agreement means entering into or negotiating an agreement, including acting collectively or in combination with others in or with respect to the negotiation of an agreement;

***giving effect*** to the agreement, or provisions of the agreement, includes—

- (a) complying with an obligation or exercising a right or power under the agreement or provisions; and
- (b) giving or complying with a direction referred to in subsection (6) or (7);

***racing industry*** means either or both of the following:

- (a) the racing controlling authorities; or
- (b) a body for the time being nominated to the Minister by the racing controlling authorities as a body representative of the racing controlling authorities;

***racing information*** means information about races held within the State or elsewhere in Australia;

***related licensed racing club***, in relation to a racing controlling authority, means a licensed racing club that—

- (a) is related to the racing controlling authority through its membership of the authority, or its membership of a body that is a member of the authority; or
- (b) is registered by the racing controlling authority.

## 14—Duty agreement

- (1) There is to be an agreement (the ***duty agreement***) between the licensee and the Treasurer requiring the licensee to pay duty to the Treasurer in respect of the licensee's operations under the licence.
- (2) The agreement may require the licensee to pay all or part of unclaimed winnings or totalisator fractions (or both) to the Treasurer and, if it does so require, a reference in this Part to duty is to be taken to include a reference to the amounts so required to be paid.
- (3) The agreement may—
  - (a) fix the amount, or basis of calculation, of duty; and
  - (b) provide for payments of duty; and

- (c) deal with interest and penalties to be paid for a late payment or non-payment of duty; and
  - (d) require the lodging of periodic returns.
- (4) The rate of duty fixed in respect of betting on races conducted in this State by a body (other than a licensed racing club) pursuant to a licence under another Act (when averaged over a financial year) must not be less than the rate of duty fixed in respect of betting on other forms of races conducted in this State (when averaged over that financial year).
  - (5) The agreement is to be entered into with a prospective licensee before the licence is granted or with the licensee before renewal of the licence, and is to remain in force for the term of the licence.
  - (6) The agreement may be varied by a later agreement between the parties.
  - (7) The agreement or an agreement for variation of the agreement operates as a deed, despite the absence of the formalities of execution and delivery.
  - (8) The agreement does not attract stamp duty.
  - (9) Before entering into the agreement, the Treasurer may require the licensee or prospective licensee to give security for compliance with its obligations under the agreement.

### **15—Approved licensing agreement and duty agreement to be tabled in Parliament**

- (1) The Minister must, within 12 sitting days after—
  - (a) the Authority approves an agreement entered into by the Minister with a view to the agreement becoming an approved licensing agreement under this Division; or
  - (b) the Authority approves an agreement for the variation of an approved licensing agreement,have copies of the agreement laid before both Houses of Parliament.
- (2) The Treasurer must, within 12 sitting days after entering into a duty agreement or an agreement for the variation of a duty agreement, have copies of the agreement laid before both Houses of Parliament.

## **Division 3—Dealings with licence or licensed business**

### **16—Transfer of licence**

- (1) The Governor may, on the recommendation of the Authority, approve the transfer of the licence.
- (3) On a transfer of the licence—
  - (a) the transferee succeeds to all the rights and obligations of the transferor under the approved licensing agreement, the racing distribution agreement and the duty agreement; and
  - (b) the approved licensing agreement governs the conditions of the licence in the same way and to the same extent as before the transfer.



- (4) The Governor is not bound to act in accordance with the Authority's recommendation.

### **17—Dealings affecting licensed business**

- (1) The licensee must not enter into any of the following transactions without the approval of the Authority:
- (a) a partnership agreement that relates to betting operations conducted or to be conducted under the licence;
  - (b) an agreement or arrangement under which the licensee conducts or is to conduct betting operations under the licence jointly with another or as the agent of another;
  - (c) an agreement or arrangement under which a person participates in, or is remunerated by reference to, proceeds or profits of the business conducted or to be conducted under the licence;
  - (d) a transaction to mortgage, charge or encumber the licence or assets associated with operations under the licence;
  - (e) an agreement or arrangement under which the licensee disposes of, or grants an interest in, the business conducted under the licence.
- (2) This section does not invalidate an agreement or arrangement made subject to a condition precedent under which it is not to take effect until approved by the Authority.

### **18—Other transactions under which outsiders may acquire control or influence**

- (1) This section applies to a transaction if it is a transaction (other than one for which the Authority's approval is required under this Division) under which a person or a group of persons who are close associates of each other attain a position of control or significant influence over the conduct of the licensee.
- (2) Within 14 days after the licensee becomes aware of a transaction to which this section applies, the licensee must—
- (a) inform the Commissioner and the Authority of the transaction; and
  - (b) provide any information about the transaction that is available to the licensee.
- Maximum penalty: \$50 000.
- (3) If the licensee is a party to a transaction to which this section applies, and the transaction takes effect before the Authority approves it, the licensee is liable to disciplinary action.
- (4) If a transaction to which this section applies has not been approved or ratified by the Authority, the Authority may, after allowing the parties to the transaction a reasonable opportunity to be heard, make orders of one or more of the following kinds:
- (a) an order avoiding the transaction;
  - (b) an order requiring a person who has acquired an interest under the transaction to dispose of that interest within a specified time;
  - (c) an order terminating a contractual or other relationship under which control or influence might be exercised over the licensee;

- (d) an order preventing or regulating the exercise of power or influence acquired as a result of the transaction;
  - (e) an order (which may include an order for restitution) dealing with any consequential or ancillary issues.
- (5) The Supreme Court may, if satisfied on application by the Authority that there is good reason to do so, register an order of the Authority in the Court and, on registration, the order may be enforced as a judgment of the Court.

## **19—Surrender of licence**

- (1) The licensee may, with the approval of the Authority, surrender the licence.
- (2) The surrender of the licence does not affect liabilities incurred by the licensee before the surrender takes effect.

## **Division 4—Approval of designated persons**

### **20—Approval of designated persons**

- (1) The licensee must ensure that each person who becomes a designated person has been approved by the Authority.  
Maximum penalty: \$20 000.
- (1a) The Authority must give the Commissioner of Police a copy of all applications made under this section and must allow the Commissioner of Police a reasonable opportunity to make representations on the application.
- (1b) The Commissioner of Police must make available to the Authority information about criminal convictions and other information to which the Commissioner of Police has access relevant to whether the application should be granted.
- (2) The licensee must, within 14 days after a person ceases to be a designated person, give the Authority written notice identifying the person and stating the date when, and the reason why, the person ceased to be a designated person.  
Maximum penalty: \$5 000.
- (3) This section applies in relation to designated persons other than directors of a licensee subject to any limitation for the time being specified by the Authority by written notice to the licensee.
- (5) This section does not apply in respect of an administrator, controller or liquidator of the licensee who has assumed control over the licensed business or a person acting on the authority of such a person.
- (6) In this section—  
*designated person* means—
  - (a) a director of the licensee; or
  - (b) an executive officer of the licensee; or
  - (c) a person, or a person of a class, designated by the Authority for the purpose.

## **Division 5—Applications and criteria for determination of applications**

### **21—Applications**

- (1) The following applications may be made to the Authority:
  - (a) an application for the grant, renewal or transfer of the licence;
  - (b) an application for the Authority's approval or ratification of a transaction to which Division 3 applies (other than the transfer of the licence);
  - (c) an application for the Authority's approval of a transaction to which Division 3 would apply if the transaction were entered into;
  - (d) an application for the Authority's approval of a person to become a designated person in relation to the licensee.
- (2) An application—
  - (a) must be in the form required by the Authority; and
  - (b) must be supported by the information required by the Authority verified, if the Authority so requires, by statutory declaration; and
  - (c) must be made as follows:
    - (i) in the case of an application for the Authority's approval of a transfer of the licence—the application must be made jointly by the proposed transferor and transferee;
    - (ii) in the case of an application for the Authority's approval or ratification of a transaction to which Division 3 applies or would apply if the transaction were entered into (other than the transfer of the licence)—the application must be made by the licensee or one or more of the parties to the transaction;
    - (iii) in the case of an application for the Authority's approval of a person to become a designated person in relation to the licensee—the application must be made by the licensee.
- (3) If a change of circumstances occurs after an application is made but before it is determined, the applicant must immediately give the Authority full details of the change.

Maximum penalty: \$10 000.
- (4) An application may be withdrawn by the applicant, or any of the applicants, before the application is determined.

### **22—Determination of applications**

- (1) The Authority must not recommend grant or renewal of the licence unless satisfied that the applicant is a suitable person to carry on the licensed business.
- (2) The Authority must not recommend transfer of the licence unless satisfied that the proposed transferee is a suitable person to carry on the licensed business.

- (3) If—
- (a) a transaction to which Division 3 applies results or might result in the acquisition by a person other than the licensee of power to conduct, or to control or exercise significant influence over the conduct of, the licensed business; or
  - (b) a transaction to which Division 3 would apply if the transaction were entered into would or might result in the acquisition by a person other than the licensee of power to conduct, or to control or exercise significant influence over the conduct of, the licensed business,
- the Authority must not approve or ratify the transaction unless satisfied that the person is or would be a suitable person to exercise the relevant power.
- (4) The Authority must not approve a person to become a designated person in relation to the licensee unless satisfied that the person is a suitable person to become a designated person in relation to the licensee.
- (5) In assessing the suitability of a person, the Authority may have regard to—
- (a) the corporate structure of the person; and
  - (b) the person's financial background and resources; and
  - (c) the person's reputation; and
  - (d) the character, reputation, and financial background of the person's close associates; and
  - (e) any representations made by the Minister; and
  - (f) any other matters the Authority thinks fit.
- (6) If the Authority approves a transaction to which Division 3 would apply if the transaction were entered into, the approval has effect for the purposes of Division 3 in relation to the transaction when it is entered into.

## **Division 6—Investigations by Authority**

### **23—Investigations**

- (1) The Authority must carry out the investigations it considers necessary to enable it to make an appropriate recommendation or decision on an application under this Part.
- (2) The Authority must keep under review the continued suitability of the licensee and the licensee's close associates, and carry out the investigations it considers necessary for that purpose.
- (3) The Authority may obtain from the Commissioner of Police such reports on persons as it considers necessary for the purposes of investigations.

### **24—Investigative powers**

- (1) The Authority may, by written notice—
  - (a) require any person to provide to the best of the person's knowledge and belief, information, verified by statutory declaration, on matters relevant to an investigation that are specified in the notice; or

- (b) require any person to appear before the Authority for examination on matters relevant to an investigation; or
  - (c) require any person to produce to the Authority, within a period stated in the notice, documents or other material relevant to an investigation.
- (2) The Authority may also require any person whose suitability to be concerned in or associated with the licensed business is under investigation to submit to the taking of photographs, finger prints and palm prints.
- (3) A person is guilty of an offence if the person—
- (a) fails to comply with a requirement made by the Authority under this section; or
  - (b) having appeared for examination before the Authority, refuses or fails to take an oath, or to answer a question to the best of the person's knowledge and belief, when required to do so by the Authority.

Maximum penalty: \$10 000.

- (4) The powers conferred by this section are in addition to those conferred by the *Independent Gambling Authority Act 1995*.

## 25—Costs of investigation

- (1) If the Authority carries out an investigation under this Part, the Authority must require—
- (a) in the case of an investigation in connection with an application—the applicant; or
  - (b) in the case of an investigation in connection with review of the continued suitability of the licensee or the licensee's close associates—the licensee,
- to meet the cost of the investigation.
- (2) The Authority may require the applicant or licensee to make specified payments towards the costs of the investigation before the investigation begins and during the course of the investigation.
- (3) If a payment is not made by an applicant as required by the Authority, the Authority may discontinue the investigation.
- (4) At the end of the investigation, the Authority must certify the cost of the investigation and any unpaid balance of that cost may be recovered from the applicant or licensee as a debt due to the State.
- (5) In proceedings for recovery of the cost (or the balance of the cost) of an investigation, the Authority's certificate is to be regarded as conclusive evidence of that cost.
- (6) This section does not apply in relation to an application for approval of a person to become a designated person in relation to the licensee.

## 26—Results of investigation

If the Authority carries out an investigation under this Part, the Authority must notify the following persons of the results of the investigation:

- (a) the Minister;

- (b) in the case of an investigation in connection with an application—the applicant;
- (c) in the case of an investigation in connection with review of the continued suitability of the licensee or the licensee's close associates—the licensee.

## **Division 7—Accounts and audit**

### **27—Accounts and audit**

- (1) The licensee must keep proper financial accounts in relation to the operation of the licensed business.  
Maximum penalty: \$50 000.
- (2) The accounts—
  - (a) must be kept in a form approved by the Authority; and
  - (b) must be segregated from accounts relevant to other business carried on by the licensee.
- (3) The licensee must have the accounts periodically audited as required under the conditions of the licence by a registered company auditor.

### **28—Licensee to supply Authority with copy of audited accounts**

- (1) As soon as practicable after the audit of accounts that the licensee is required to keep under this Division is completed, the licensee must give the Authority a copy of the audited accounts.  
Maximum penalty: \$10 000.
- (2) As soon as practicable after the audit of accounts that the licensee is required to keep under the *Corporations Act 2001* of the Commonwealth is completed, the licensee must give the Authority a copy of the audited accounts.  
Maximum penalty: \$10 000.

### **29—Duty of auditor**

- (1) The auditor of accounts that the licensee is required to keep either under this Division or the *Corporations Act 2001* of the Commonwealth must—
  - (a) notify the Authority of any suspected irregularity in the accounts or in the licensee's financial affairs; and
  - (b) must, on the written request of the Authority, provide the Authority with information specified in the request (in a manner and form specified in the request) about the accounts or the licensee's financial affairs.  
Maximum penalty: \$10 000.
- (2) A communication under subsection (1) is absolutely privileged.
- (3) The Authority must, subject to subsection (4), keep information obtained under this section confidential.
- (4) The Authority may divulge information obtained under this section to the Minister or the Commissioner or as otherwise authorised by law.

## **Division 8—Payment of duty**

### **31—Liability to duty**

- (1) The licensee must pay duty (and interest and penalties for late payment or non-payment of duty) in accordance with the duty agreement.
- (2) The Treasurer must pay duty (and interest and penalties) received from the licensee into the Consolidated Account.
- (3) The duty (and interest and penalties) may be recovered as a debt due to the State.

### **32—Evasion of duty**

- (1) The licensee must not attempt to evade the payment of duty.  
Maximum penalty: \$100 000.
- (2) If the licensee contravenes subsection (1), the Treasurer may, within 4 years after the liability for duty arose, make an estimate of the duty that should have been paid and make a reassessment of duty on the basis of the estimate.
- (3) Duty may be recovered on the basis of the reassessment as a debt due to the State.

## **Division 9—General power of direction**

### **33—Directions to licensee**

- (1) The Authority may, by written notice, give directions to the licensee about the management, supervision and control of any aspect of the operation of the licensed business.
- (2) The licensee must ensure that all directions given under this section are diligently observed and carried out.  
Maximum penalty: \$100 000.
- (3) Before the Authority gives directions under this section, the Authority must, unless the Authority considers it contrary to the public interest to do so—
  - (a) give written notice to the licensee of the proposed directions; and
  - (b) consider any representations made by the licensee about the proposed directions within 14 days after the notice is given or a longer period allowed in the notice.

## **Division 10—Recovery of administration costs**

### **33A—Commissioner to recover administration costs**

- (1) The Commissioner must, not less than 1 month before the commencement of each financial year, notify the licensee in writing of the amount fixed by the Minister as the recoverable administration costs for that financial year.
- (2) If, during the course of the financial year, the Minister varies the amount fixed as the recoverable administration costs for the financial year, the Commissioner must notify the licensee in writing of the variation, specifying the amount fixed as the revised recoverable administration costs for that financial year.

- (3) Subject to subsection (4), the licensee must, in each month of the financial year, pay to the Commissioner one-twelfth of the amount of the recoverable administration costs for that financial year.
- (4) If a notice is given to the licensee under subsection (2), the licensee must, in each month of the financial year following that notice, pay to the Commissioner an amount equal to the revised recoverable administration costs specified in the notice less the total of the payments that have fallen due under this section in the financial year, divided by the number of payments yet to fall due under this section in the financial year.
- (5) If the whole or a part of an amount payable by the licensee is not paid to the Commissioner as required, the amount unpaid may be recovered from the licensee as a debt due to the State.
- (6) In proceedings for recovery of an amount unpaid, the Commissioner's certificate is to be regarded as conclusive evidence of the recoverable administration costs or revised recoverable administration costs for the period specified in the certificate.
- (7) In this section—

*administration costs* means the costs of administering this Act arising out of, or in connection with, the carrying out of the Commissioner's administrative and regulatory functions in respect of the licensee.

## Part 3—Bookmaker's and other licences

### Division 1—Licences

#### 34—Classes of licences

- (1) The licensing authority may grant the following classes of licences:
  - (a) a licence (an *on-course totalisator betting licence*) authorising a racing club to conduct on-course totalisator betting in conjunction with a race meeting held by the club, or at other times authorised by the Authority, on races held by the club or another licensed racing club (excluding races of a prescribed kind) and on other races that are approved contingencies;
  - (b) a licence (a *bookmaker's licence*) authorising a person to act as a bookmaker conducting fixed-odds betting on races held by licensed racing clubs (excluding races of a prescribed kind) and approved contingencies;
  - (c) a licence (an *agent's licence*) authorising a person to act as the agent of a licensed bookmaker;
  - (d) a licence (a *betting shop licence*) authorising a licensed bookmaker to conduct fixed-odds betting on races held by licensed racing clubs (excluding races of a prescribed kind) and approved contingencies at specified premises situated within the City of Port Pirie;
  - (e) a licence (a *24 hour sportsbetting licence*) authorising a licensed bookmaker to conduct fixed-odds betting on approved contingencies (excluding races) by telephone on a 24 hour basis.



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- (2) A bookmaker's licence must not be granted—
- (a) to a child; or
  - (b) to a body corporate unless—
    - (i) the body corporate is a proprietary company within the meaning of the *Corporations Act 2001* of the Commonwealth and is taken to be registered in South Australia for the purposes of that Act; and
    - (ii) each of the directors and shareholders of the body corporate holds a bookmaker's licence.
- (2a) An agent's licence must not be granted to a body corporate or a child.
- (2b) A betting shop licence must not be granted on or after the commencement of this subsection.
- (3) The Minister may give the Authority binding directions about authorisations as to the conduct of on-course totalisator betting at times other than in conjunction with a race meeting.
- (4) The Minister may give the Commissioner binding directions about the granting of a 24 hour sportsbetting licence.

### 35—Term of licence

- (1) A licence granted under this Part will, subject to this Act, have effect for a period specified in the licence and may be renewed from time to time in accordance with the regulations.
- (2) The Minister may give the Authority binding directions about the term of an on-course totalisator betting licence.

### 36—Conditions of licence

- (1) The licensing authority may, on granting or renewing a licence under this Part, attach conditions to the licence.
- (2) The licensing authority may, by written notice to the person granted a licence under this Part, vary or revoke a condition attached to the licence or attach a further condition.
- (3) An on-course totalisator betting licence must have attached to it conditions fixing the maximum proportion of money invested in totalisator betting that may be retained by the licensee.
- (4) The Minister may give the Authority binding directions about conditions to be attached to a licence under subsection (3).
- (5) The Minister may give the Commissioner binding directions about a condition to be attached to a 24 hour sportsbetting licence under subsection (1) or (2) preventing betting operations being conducted under that licence on a specified day.

### **37—Application for grant or renewal, or variation of condition, of licence**

- (1) An application for the grant or renewal, or variation of a condition, of a licence under this Part—
  - (a) must be made to the licensing authority in the form required by the licensing authority; and
  - (b) must be supported by the information required by the licensing authority verified, if the licensing authority so requires, by statutory declaration; and
  - (c) must be accompanied by the fee fixed by regulation.
- (2) However, the licensing authority cannot require an applicant for renewal of a licence, or a member of the applicant's family, to provide or to submit to the taking of finger prints or palm prints or to provide or consent to the release of his or her criminal record (if any) if the applicant is a person to whom subclause (1), (2) or (3), as the case may be, of Schedule 1 clause 3 applies.

### **38—Determination of applications**

- (1) The licensing authority must not grant or renew a licence under this Part unless satisfied—
  - (a) that the applicant is a suitable person to hold the licence; and
  - (b) in the case of an on-course totalisator betting licence—as to the adequacy of the standards of probity that will apply to races held by the racing club.
- (2) In assessing the suitability of a person, the licensing authority may have regard to—
  - (a) the person's financial background and resources; and
  - (b) the person's reputation; and
  - (c) the character, reputation, and financial background of the person's close associates; and
  - (d) any representations made by the Minister; and
  - (e) any other matters the licensing authority thinks fit.

### **38A—Suspension of body corporate licence**

A bookmaker's licence held by a body corporate is suspended for any period during which any director or shareholder of the body corporate does not hold a bookmaker's licence.

## **Division 2—Liability to pay duty**

### **39—Liability to duty**

- (1) A licensed racing club or licensed bookmaker must pay duty (and interest and penalties for late payment or non-payment of duty) to the Treasurer in accordance with the regulations.
- (2) The regulations may require licensed racing clubs or licensed bookmakers to pay unclaimed winnings or totalisator fractions (or both) to the Treasurer and, if they do so require, a reference in this Division to duty is to be taken to include a reference to the amounts so required to be paid.

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- (3) The regulations may—
- (a) fix the amount, or basis of calculation, of duty; and
  - (b) provide for payments of duty; and
  - (c) deal with interest and penalties to be paid for a late payment or non-payment of duty; and
  - (d) require the lodging of periodic returns; and
  - (e) make provision for payments to licensed racing clubs or licensed bookmakers in relation to goods and services taxes under Commonwealth law and for the appropriation from the Consolidated Account of money required for the purpose.
- (4) The duty (and interest and penalties) may be recovered as a debt due to the State.

#### **40—Evasion of duty**

- (1) A licensed racing club or licensed bookmaker must not attempt to evade the payment of duty.  
Maximum penalty: \$20 000.
- (2) If a licensee contravenes subsection (1), the Treasurer may, within four years after the liability for duty arose, make an estimate of the duty that should have been paid and make a reassessment of duty on the basis of the estimate.
- (3) Duty may be recovered on the basis of the reassessment as a debt due to the State.

### **Part 3A—Authorisation of interstate betting operators**

#### **40A—Authorisation of interstate betting operators**

- (1) An interstate betting operator may give notice to the Authority of—
  - (a) the operator's intention to conduct betting operations in this State as from a specified date; or
  - (b) the cessation of the conduct of those betting operations in this State as from a specified date.
- (2) The notice must be in the form required by the Authority.
- (3) For the purposes of this Act, an interstate betting operator is an *authorised interstate betting operator* on and from the date specified in a notice of intention to conduct betting operations until the date specified in a notice of the cessation of the conduct of the betting operations.
- (4) An authorised interstate betting operator is authorised to conduct betting operations in this State provided that:
  - (a) the betting is conducted only by telephone, Internet or other electronic means; and
  - (b) the betting is not in any way assisted by facilities established in this State for the purpose of encouraging such betting; and
  - (c) the betting relates only to races held by licensed racing clubs and approved contingencies; and

- (d) the operator is authorised to conduct the operations under a prescribed interstate licence or in the operator's capacity as a statutory body; and
  - (e) a prescribed interstate licence held by the operator authorising the operations is not suspended; and
  - (f) the operator is not prohibited from conducting the operations under this Act.
- (5) The Authority must keep a list of authorised interstate betting operators (including details of notices given under this section and any disciplinary action taken against operators) available for inspection free of charge on a website and at its principal place of business during normal office hours.
- (6) For the purposes of this section—
- (a) if a person in this State may make a bet with an interstate betting operator, the operator conducts betting operations in this State; and
  - (b) if a person in this State may make a bet by means of a betting exchange, the person who conducts the betting exchange conducts betting operations in this State.

#### **40B—Annual fees and returns**

- (1) An authorised interstate betting operator must, within 1 month after giving notice of intention to conduct betting operations in this State under this Part, pay to the Authority the annual fee fixed by the Minister, adjusted on a pro rata basis by applying the proportion that the number of months from the giving of the notice until the next 30 June bears to 12 (with part of a month being counted as a whole month).
- (2) An authorised interstate betting operator must, on or before 30 September in each year—
- (a) lodge with the Authority an annual return for the previous financial year containing the information required by the Authority by written notice; and
  - (b) pay to the Authority the annual fee fixed by the Minister.
- (3) The annual fee is the fee fixed, from time to time, by the Minister in respect of that operator as an amount that the Minister considers to be a reasonable contribution towards administrative costs.
- (4) If an authorised interstate betting operator fails to lodge an annual return or pay an annual fee in accordance with this section, the Authority may, by written notice, require the operator to make good the default and, in addition, to pay to the Authority the amount prescribed as a penalty for default.
- (5) If the authorised interstate betting operator fails to comply with the notice within 28 days after service of the notice, the operator is prohibited from conducting betting operations in this State until the failure is rectified.
- (6) The Authority must notify the authorised interstate betting operator in writing of the prohibition.
- (7) A notice of cessation of the conduct of betting operations in this State given to the Authority by an interstate betting operator under this Part must be accompanied by a return containing the information that would have been required to be included in the next annual return of the operator had its operations continued (and the notice will not be taken to have been given until such a return is provided).

## Part 4—Regulation of betting operations

### Division 1—Major betting operations and on-course totalisator betting operations

#### 41—Approval of rules, systems, procedures and equipment

- (1) It is a condition of the major betting operations licence or an on-course totalisator betting licence that the following must be approved by the Commissioner:
  - (a) the rules governing the betting operations conducted under the licence; and
  - (b) systems and procedures for monitoring and enforcing compliance with those rules and for reporting and dealing with any non-compliance; and
  - (c) other systems and procedures, or equipment of a kind, that the Authority determines from time to time to be subject to this section.
- (2) Without limiting the matters dealt with by rules, the rules must, for a form of betting in which the actual amounts payable on winning bets are not pre-determined, clearly set out—
  - (a) the method of calculation of winnings; and
  - (b) the proportion of money invested that will be retained by the licensee.
- (3) It is a condition of the major betting operations licence or an on-course totalisator betting licence that the licensee must ensure—
  - (a) that the rules are published in a manner approved by the Commissioner; and
  - (b) that the operations under the licence conform with the rules and the systems and procedures approved under this section; and
  - (c) that equipment of a kind that must be approved by the Commissioner is not installed or used unless so approved or contrary to any instructions of the Commissioner.
- (4) Before the Authority makes a determination for the purposes of subsection (1)(c), the Authority must—
  - (a) give written notice to the licensee concerned of the proposed determination; and
  - (b) consider any representations made by the licensee about the proposed determination within 14 days after the notice is given or a longer period allowed in the notice.

#### 42—Location of off-course totalisator offices, branches and agencies

- (1) It is a condition of the major betting operations licence that the licensee must not establish an office, branch or agency at which the public may attend to make bets with the licensee without obtaining the Authority's approval of the location of the office, branch or agency.
- (2) The Minister may give the Authority binding directions preventing or restricting the approval of the location of offices, branches or agencies.

### **43—Prevention of betting by children**

- (1) It is a condition of the major betting operations licence or an on-course totalisator betting licence—
  - (a) that the licensee must not accept or offer to accept a bet from a child; and
  - (b) that the licensee must have systems and procedures approved by the Commissioner designed to prevent bets from being made by children in the course of the licensee's betting operations; and
  - (c) that the licensee must ensure that the operations under the licence conform with the systems and procedures approved under this section.
- (2) In approving systems and procedures under this section, the Commissioner must have regard to any relevant requirements prescribed by the Authority under section 6A for systems and procedures designed to prevent bets from being made by children in the course of betting operations conducted by telephone, Internet or other electronic means.

### **44—Prohibition of lending or extension of credit**

It is a condition of the major betting operations licence or an on-course totalisator betting licence that the licensee must not—

- (a) accept a bet unless the licensee has received the amount of the bet; or
- (b) in connection with the making of a bet, lend money or anything that might be converted into money or extend any other form of credit.

### **45—Cash facilities not to be in certain areas staffed and managed by major betting operations licensee**

It is a condition of the major betting operations licence that the licensee must not provide, or allow another person to provide, a cash facility within a part of premises that is staffed and managed by the licensee and at which the public may attend to make bets.

### **46—Player return information**

- (1) It is a condition of the major betting operations licence or an on-course totalisator betting licence that the licensee must, in accordance with determinations made from time to time by the Commissioner, provide information relating to player returns at places at which the public may attend to make bets with the licensee, on betting tickets issued by the licensee and otherwise as required by the Commissioner.
  - (1a) The information may relate to average or minimum player returns across all forms of betting with the licensee in which the actual amounts payable on winning bets are not pre-determined.
- (2) Before the Commissioner makes a determination for the purposes of subsection (1), the Commissioner must—
  - (a) give written notice to the licensee concerned of the proposed determination; and

- (b) consider any representations made by the licensee about the proposed determination within 14 days after the notice is given or a longer period allowed in the notice.
- (3) In this section—

*player return* means the money that will be returned to persons making bets with the licensee in a form of betting in which the actual amounts payable on winning bets are not pre-determined.

#### **47—Systems and procedures for dispute resolution**

It is a condition of the major betting operations licence or an on-course totalisator betting licence—

- (a) that the licensee must have systems and procedures approved by the Commissioner for the resolution of disputes about bets or winnings arising in the course of the licensee's betting operations; and
- (b) that the licensee must ensure that the operations under the licence conform with the systems and procedures approved under this section.

#### **48—Advertising code of practice**

It is a condition of the major betting operations licence or an on-course totalisator betting licence that the licensee must ensure that advertising by the licensee conforms with the applicable advertising codes of practice.

#### **49—Responsible gambling code of practice**

It is a condition of the major betting operations licence or an on-course totalisator betting licence that the licensee must ensure that operations under the licence conform with the applicable responsible gambling codes of practice.

#### **51—Alteration of approved rules, systems, procedures or equipment**

- (1) The Commissioner may, by written notice to a licensee, require approved rules, systems, procedures or equipment to be altered as set out in the notice.
- (2) Before the Commissioner makes a requirement under subsection (1), the Commissioner must, unless the Commissioner considers it contrary to the public interest to do so—
  - (a) give written notice to the licensee concerned of the proposed requirement; and
  - (b) consider any representations made by the licensee about the proposed requirement within 14 days after the notice is given or a longer period allowed in the notice.
- (3) It is a condition of the major betting operations licence or an on-course totalisator betting licence that the licensee must ensure that all alterations required to be made under subsection (1) are made in accordance with the notice given under that subsection.

## **Division 2—Bookmaking operations**

### **52—Restriction on use of licensed betting shop**

It is a condition of a betting shop licence that the licensee must not—

- (a) carry on business as a bookmaker in the licensed betting shop; or
- (b) keep the licensed betting shop open to the public,

at any time on a day on which horse races are to be held at a racecourse within 15 kilometres of the licensed betting shop.

### **53—Cash facilities at licensed betting shop**

It is a condition of a betting shop licence that the licensee must not provide, or allow another person to provide, a cash facility within the licensed betting shop.

### **53A—Bets by telephone, Internet or other electronic means**

- (1) It is a condition of a bookmaker's licence that the licensee must not accept bets made by telephone, Internet or other electronic means unless the licence is endorsed with an authorisation to do so.
- (2) An endorsement may be expressed generally so as to authorise the acceptance of bets by all forms of electronic communication or may be limited to particular forms of electronic communication.
- (3) The Minister may give the Commissioner binding directions about the granting of licences endorsed with an authorisation to accept bets made by telephone, Internet or other electronic means.

### **54—Licensed bookmakers required to hold permits**

- (1) It is a condition of a bookmaker's licence that the licensee must not accept bets without being authorised to do so by a permit granted by the Commissioner under this Division.
- (1a) It is a condition of an agent's licence that, in conducting operations as agent of a licensed bookmaker, the agent must not accept bets without being authorised to do so by a permit granted by the Commissioner under this Division to the licensed bookmaker.
- (2) This section does not apply to betting operations conducted under a 24 hour sportsbetting licence.

### **55—Granting of permits**

- (1) Subject to this section, the Commissioner may grant a permit authorising an individual licensed bookmaker or a group of licensed bookmakers to accept bets made on a specified day and at a specified place.
- (2) The Commissioner must not grant permits to accept bets on a day and within a racecourse unless—
  - (a) a licensed racing club is authorised to conduct on-course totalisator betting within that racecourse on that day; and



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- (b) the racing club has been consulted by the Commissioner about the granting of the permits.
- (3) The Commissioner must not grant permits in respect of betting on a day and at a place other than a racecourse or licensed betting shop unless the person or body that occupies or has control of that place on that day has been consulted by the Commissioner about the granting of the permits.
- (4) The Minister may give the Commissioner binding directions about the granting of permits in respect of betting referred to in subsection (3).
- (5) The Commissioner must not grant a permit to a group of bookmakers unless—
- (a) the bookmakers have entered into an agreement with each other that—
    - (i) provides for sharing the bets accepted under the permit; and
    - (ii) provides for the shares in which the members of the group will be liable for amounts payable under Part 3 in respect of those bets; and
    - (iii) provides for the shares in which the members of the group will be liable for the amount won on those bets; and
    - (iv) authorises a person (whether a member of the group or some other person approved by the Commissioner) to accept bets on behalf of the group; and
    - (v) includes such other terms as the Commissioner requires; and
  - (b) the Commissioner has approved the agreement.
- (6) Each member of a group of bookmakers to whom the Commissioner has granted a permit is liable for amounts payable under Part 3 in respect of the bets accepted under the permit but the aggregate of amounts recovered from two or more members of the group must not exceed the total amount payable.
- (7) The Commissioner may issue guidelines (not inconsistent with this section) setting out the circumstances in which permits will be issued or refused.

### **57—Conditions of permits**

- (1) The Commissioner may, on granting a permit, attach conditions to the permit.
- (1a) Without limiting the generality of subsection (1), the conditions may restrict the period during the day for which the permit authorises the acceptance of bets.
- (2) The Commissioner may, by written notice to the holder of a permit, vary or revoke a condition attached to the permit or attach a further condition.
- (3) The Minister may give the Commissioner binding directions about conditions to be attached to a permit.

### **58—Revocation of permit**

The Commissioner may, by written notice to the holder of the permit, revoke a permit under this Division.

### **59—Permit authorisation extends to agent of bookmaker**

A permit under this Division authorising a licensed bookmaker to accept bets also authorises a person holding an agent's licence to accept bets as the agent of the licensed bookmaker.

### **60—Prevention of betting with children by bookmaker or agent**

- (1) It is a condition of a bookmaker's licence—
  - (a) that the licensee must not accept or offer to accept a bet from a child; and
  - (b) that the licensee must have systems and procedures approved by the Commissioner designed to prevent bets from being made by children in the course of the licensee's betting operations; and
  - (c) that the licensee must ensure that the operations under the licence conform with the systems and procedures approved under this section.
- (1a) In approving systems and procedures under this section, the Commissioner must have regard to any relevant requirements prescribed by the Authority under section 6A for systems and procedures designed to prevent bets from being made by children in the course of betting operations conducted by telephone, Internet or other electronic means.
- (2) The Commissioner may, by written notice to a licensed bookmaker, require approved systems and procedures to be altered as set out in the notice.
- (3) Before the Commissioner makes a requirement under subsection (2), the Commissioner must, unless the Commissioner considers it contrary to the public interest to do so—
  - (a) give written notice to the licensee concerned of the proposed requirement; and
  - (b) consider any representations made by the licensee about the proposed requirement within 14 days after the notice is given or a longer period allowed in the notice.
- (4) It is a condition of a bookmaker's licence that the licensee must ensure that all alterations required to be made under subsection (2) are made in accordance with the notice given under that subsection.
- (5) It is a condition of an agent's licence that, in acting as the agent of a licensed bookmaker, the licensee—
  - (a) must not accept or offer to accept a bet from a child; and
  - (b) must ensure that the betting operations conform with the systems and procedures of the licensed bookmaker approved under this section.

### **60A—Advertising code of practice**

It is a condition of a bookmaker's licence that the licensee must ensure that advertising by the licensee conforms with the applicable advertising codes of practice.

### **60B—Responsible gambling code of practice**

It is a condition of a bookmaker's licence that the licensee must ensure that operations under the licence conform with the applicable responsible gambling codes of practice.

## 61—Prohibition of certain information as to racing or betting

- (1) Subject to this section, a person must not communicate for fee or reward to any other person information or advice as to the probable result of a race or approved contingency in relation to which a bookmaker is authorised by permit to accept bets.  
Maximum penalty: \$20 000.
- (2) Subsection (1) does not apply to information or advice published in a newspaper or broadcast by radio or television.
- (3) Except with the approval of the Commissioner, a person who is, or was, within a racecourse or other place during a period when bookmakers are, or were, accepting bets on races or approved contingencies must not, before the end of that period, communicate (whether or not for fee or reward) to a person who is outside the racecourse or other place information or advice as to the betting with bookmakers at that racecourse or place.  
Maximum penalty: \$20 000.
- (4) The Commissioner may, on granting an approval for the purposes of subsection (3), attach conditions to the approval.
- (5) The Commissioner may, by written notice to the holder of an approval under this section—
  - (a) vary or revoke a condition attached to the approval or attach a further condition;
  - (b) revoke the approval.
- (6) In this section—  
*communicate* means to communicate by any means either directly or indirectly, and includes to cause to be communicated.

## 62—Rules relating to bookmakers' operations

- (1) The Authority may make rules—
  - (a) regulating the betting operations of licensed bookmakers; and
  - (b) requiring an applicant for a bookmaker's licence to give security for compliance with this Act and any conditions attached to the licence; and
  - (c) providing for the keeping of records by licensed bookmakers, the inspection of such records and the furnishing of returns by licensed bookmakers; and
  - (d) regulating advertising by licensed bookmakers; and
  - (e) dealing with any other matters contemplated by this Division or necessary or expedient for the purposes of this Division; and
  - (f) prescribing penalties not exceeding \$5 000 for breach of a rule.
- (2) The rules may provide that a matter or thing in respect of which rules may be made is to be determined according to the discretion of—
  - (a) the Authority; or
  - (b) the Commissioner; or
  - (c) a race steward; or

- (d) a person of a prescribed class.

### **Division 3—Interstate betting operations**

#### **62A—Prevention of betting by children**

An authorised interstate betting operator—

- (a) must not accept or offer to accept a bet from a child in this State; and
- (b) must have systems and procedures that are designed to prevent bets from being made by children in this State in the course of betting operations conducted by telephone, Internet or other electronic means and that conform with the requirements prescribed by the Authority under section 6A for systems and procedures designed for that purpose.

#### **62B—Advertising code of practice**

An authorised interstate betting operator must ensure that advertising in this State by the operator conforms with the applicable advertising codes of practice.

#### **62C—Responsible gambling code of practice**

An authorised interstate betting operator must ensure that the operator's betting operations in this State conform with the applicable responsible gambling codes of practice.

#### **62D—Notification**

If criminal or disciplinary proceedings are commenced against an authorised interstate betting operator, or a close associate of the operator, in relation to the operator's betting operations, the authorised interstate betting operator must give written notice to the Authority setting out details of the proceedings within 14 days after the commencement of the proceedings.

### **Division 4—Betting operations relating to racing**

#### **62E—Integrity agreements and contribution agreements**

- (1) A person (the *operator*) must not conduct betting operations in relation to a race held in this State by a racing club (*SA race betting operations*) unless the operator has entered into an integrity agreement and a contribution agreement with the relevant racing controlling authority conforming with the requirements of this section and both agreements are in force.

Maximum penalty: \$25 000 or imprisonment for 1 year.

- (2) Subsection (1)—
- (a) applies whether the SA race betting operations are conducted wholly within or outside the State or partly in the State and partly outside the State; and
  - (b) does not apply in relation to betting operations conducted by a licensed racing club under an on-course totalisator betting licence in relation to a race held by the club.

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- (3) Without limiting the matters that may be included in an integrity agreement, the agreement must include—
- (a) provisions requiring the operator to provide to the racing controlling authority on request information about the operator's SA race betting operations (which may include information relating to trade secrets or business processes, financial information and information identifying or relating to persons making bets), verified, if the controlling authority so requires, by statutory declaration; and
  - (b) provisions requiring the operator to implement specified measures to identify potential issues of probity in relation to the operator's SA race betting operations and report identified issues to the racing controlling authority; and
  - (c) provisions requiring the operator to inform the racing controlling authority of any criminal or disciplinary proceedings commenced against the operator, or a close associate of the operator, in connection with any betting operations; and
  - (d) provisions requiring the operator to facilitate investigations or inquiries into the conduct of the operator's SA race betting operations; and
  - (e) provisions establishing a dispute resolution procedure; and
  - (f) other provisions prescribed by regulation.
- (4) Without limiting the matters that may be included in a contribution agreement, the agreement must include—
- (a) provisions requiring the operator to make contributions to the relevant racing controlling authority in respect of the operator's SA race betting operations and setting out how those contributions are to be calculated and the terms for payment; and
  - (b) provisions requiring the operator to provide to the relevant racing controlling authority such information as is reasonably required for the purposes of calculating the contributions due to the controlling authority, verified, if the controlling authority so requires, by statutory declaration; and
  - (c) provisions requiring the operator to provide to the relevant racing controlling authority an annual report verifying that contributions have been made as required by the agreement prepared by the auditor of accounts that the operator is required to keep under the *Corporations Act 2001* of the Commonwealth, as in force from time to time, or some other registered company auditor; and
  - (d) provisions establishing a dispute resolution procedure; and
  - (e) other provisions prescribed by regulation.
- (5) If a person seeks to negotiate an agreement with a racing controlling authority under this section, the controlling authority must negotiate with the person in good faith subject to and in accordance with legal requirements (including, without limitation, the requirements relating to authority to conduct betting operations in this State under the *Lottery and Gaming Act 1936* and this Act and the requirements of section 92 of the Constitution of the Commonwealth).

- (6) An integrity agreement or contribution agreement may be varied by a later agreement between the parties.
- (7) Contributions payable under a contribution agreement are recoverable as a debt due to the racing controlling authority.
- (8) If the operator holds a licence under this Act, it is a condition of the licence that the operator must perform its obligations under an integrity agreement and contribution agreement.
- (9) For the purposes of subsection (1), the racing distribution agreement will be taken to be a contribution agreement entered into by the holder of the major betting operations licence with each of the racing controlling authorities.
- (10) The following is, subject to conditions and limitations prescribed by regulation, authorised for the purposes of section 51 of the *Trade Practices Act 1974* of the Commonwealth, as in force from time to time, and the *Competition Code of South Australia*:
  - (a) entering into or giving effect to an agreement by racing controlling authorities, Racing SA Pty Ltd (ACN 095 660 058) and any other agents of racing controlling authorities (or any combination of those persons and bodies) following negotiations conducted for the purposes of a racing controlling authority entering into, giving effect to or enforcing an integrity agreement or contribution agreement;
  - (b) entering into, giving effect to or enforcing an integrity agreement or contribution agreement by racing controlling authorities, Racing SA Pty Ltd (ACN 095 660 058), any other agents of racing controlling authorities (or any combination of those persons and bodies) acting collectively;
  - (c) entering into, giving effect to or enforcing an integrity agreement or contribution agreement by a racing controlling authority acting alone.
- (10a) Subsection (10) applies to action whether taken before or after the commencement of that subsection.
- (11) Subsection (10) applies only in relation to provisions required by this section to be included in an integrity agreement or contribution agreement.
- (12) If an operator conducts SA race betting operations when a contribution agreement is not in force, the relevant racing controlling authority may—
  - (a) recover as a debt due to the controlling authority by the operator contributions in respect of the betting operations calculated in accordance with the regulations; and
  - (b) by written notice to the operator, require the operator to provide to the controlling authority such information as is reasonably required for the purposes of calculating the contributions, verified, if the controlling authority so requires, by statutory declaration.
- (13) In this section—

***entering into*** an agreement means entering into or negotiating an agreement, including acting collectively or in combination with others in or with respect to the negotiation of an agreement;

*giving effect* to an agreement includes complying with an obligation or exercising a right or power under the agreement;

*relevant racing controlling authority*, in relation to a race, means—

- (a) in the case of a horse race—the racing controlling authority for horse racing;
- (b) in the case of a harness race—the racing controlling authority for harness racing;
- (c) in the case of a greyhound race—the racing controlling authority for greyhound racing.

### **62F—Supreme Court review**

- (1) On an application by a person who is a party to an agreement under section 62E or is seeking to negotiate such an agreement, the Supreme Court may, if satisfied that the racing controlling authority's conduct or proposed conduct constitutes or would constitute a contravention of section 62E, make 1 or more of the following orders:
  - (a) if an agreement has been entered into—an order setting aside the agreement (with effect from a specified date which may be a date earlier than the date of the application);
  - (b) an order requiring the controlling authority to refrain from specified action or to take specified action or to remedy any adverse consequence of the controlling authority's conduct;
  - (c) any other order the Court thinks fit.
- (2) In this section—

*conduct* includes a failure to act.

### **62G—Contributions for betting operations on races held on or after 1 September 2008 and before commencement of section 62E**

- (1) If a person who conducted betting operations in relation to a designated race (the *operator*) enters into a contribution agreement on or within 3 months after the commencement of section 62E, the agreement will, subject to any express provision in the agreement to the contrary, be taken to include the following terms:
  - (a) the operator must pay to the relevant racing controlling authority within 1 month after the agreement is entered into the following contributions:
    - (i) in the case of totalisator betting on designated races—1.5% of the gross turnover of the betting operations; and
    - (ii) in the case of other forms of betting on designated races—20% of the gross proceeds of the betting operations;
  - (b) the operator must, at the written request of the racing controlling authority, provide to the controlling authority such information as is reasonably required for the purposes of calculating the contributions, verified, if the controlling authority so requires, by statutory declaration.

- (2) If a person who conducted betting operations in relation to a designated race (the *operator*) has not entered into a contribution agreement within 3 months after the commencement of section 62E, the relevant racing controlling authority may—
- (a) recover as a debt due to the controlling authority by the operator the following contributions:
    - (i) in the case of totalisator betting on designated races—1.5% of the gross turnover of the betting operations; and
    - (ii) in the case of other forms of betting on designated races—20% of the gross proceeds of the betting operations; and
  - (b) by written request, require the operator to provide to the controlling authority such information as is reasonably required for the purposes of calculating the contributions, verified, if the controlling authority so requires, by statutory declaration.
- (3) This section does not apply in relation to betting operations conducted by—
- (a) the holder of the major betting operations licence; or
  - (b) a licensed racing club under an on-course totalisator betting licence in relation to a race held by the club.
- (4) The Governor may, by regulation, declare that an amount of a particular class is or is not to be included in the calculation of gross turnover or gross proceeds of betting operations for the purposes of this section.
- (5) In this section—

*designated race* means a race held in this State by a racing club on or after 1 September 2008 and before the commencement of section 62E;

*relevant racing controlling authority* has the same meaning as in section 62E.

## **62H—Disclosure of information and confidentiality**

- (1) If a person defaults in providing information to a racing controlling authority as required by an integrity agreement or contribution agreement or by this Division, the controlling authority may apply to the Supreme Court for an order requiring the disclosure of the information.
- (2) On an application, the Supreme Court may make such orders as it thinks fit to remedy the default and to prevent recurrence of similar defaults.
- (3) A racing controlling authority may provide information obtained under this Division—
- (a) to an agency or instrumentality of this State, the Commonwealth or another State or a Territory of the Commonwealth for the purposes of the performance of its functions; and
  - (b) to any of the following for purposes connected with an investigation or inquiry into, or other functions relating to, the conduct of a race or betting on a race:
    - (i) other racing controlling authorities;
    - (ii) licensed racing clubs;



- (iii) race stewards;
  - (iv) racing appeals tribunals;
  - (v) other persons with responsibilities for regulating the conduct of a race or betting on a race;
  - (vi) any person or body in another State or a Territory of the Commonwealth corresponding to a person or body referred to in a preceding subparagraph.
- (4) A racing controlling authority must not divulge information relating to trade secrets or business processes, financial information or information tending to identify a person obtained under this Division except—
- (a) as authorised by or under this Act or any other law; or
  - (b) with the consent of the person from whom the information was obtained or to whom the information relates; or
  - (c) for a purpose connected with the payment of contributions under a contribution agreement or this Act; or
  - (d) for the purpose of legal proceedings arising under this Act or in relation to an agreement under this Act.

Maximum penalty: \$10 000.

- (5) Information that has been disclosed under this section for a particular purpose must not be used for any other purpose by—
- (a) the person to whom the information was disclosed; or
  - (b) any other person who gains access to the information (whether properly or improperly and whether directly or indirectly) as a result of that disclosure.

Maximum penalty: \$10 000.

## **62I—Prosecution requires Authority's consent**

- (1) A prosecution for an offence against this Division may only be commenced with the consent of the Authority.
- (2) In legal proceedings, an apparently genuine certificate certifying that the Authority consented to the commencement of a prosecution for an offence against this Division will, in the absence of proof to the contrary, be accepted as proof of that consent.

## **Part 5—Enforcement**

### **Division 1—Commissioner's supervisory responsibility**

#### **63—Responsibility of the Commissioner**

The Commissioner is responsible to the Authority to ensure that the operations of each licensed business are subject to constant scrutiny.

## Division 2—Power to obtain information

### 64—Power to obtain information

- (1) It is a condition of a licence that the licensee must, on the written request of the Authority or the Commissioner, provide information that the Authority or the Commissioner requires for the administration or enforcement of this Act.
- (2) An authorised interstate betting operator must, on the written request of the Authority or the Commissioner, provide information that the Authority or the Commissioner requires for the administration or enforcement of this Act.

## Division 3—Inspectors and powers of authorised officers

### 65—Appointment of inspectors

- (1) There will be such number of inspectors as are necessary for the proper administration of this Act.
- (2) An inspector is a Public Service employee.
- (3) The Commissioner must provide each inspector with a certificate of identity and an inspector must, at the request of a person in relation to whom the inspector has exercised, or intends to exercise, powers under this Act, produce that certificate.

### 66—Power to enter and inspect

- (1) Subject to this section, an authorised officer may—
  - (a) enter or, where necessary, break into any place, using only such force as is reasonably necessary for the purpose;
  - (b) inspect or search the place or anything in the place;
  - (c) require any person in the place to—
    - (i) produce any equipment or other items, or any books, papers or documents, that are in the person's custody or control;
    - (ii) answer any questions put by the authorised officer;
  - (d) inspect any books, papers or documents produced to him or her and retain them for so long as is reasonably necessary for the purpose of copying or taking extracts from any of them;
  - (e) if the authorised officer suspects on reasonable grounds that an offence has been committed, seize and retain anything that he or she believes affords evidence of the offence;
  - (f) give such directions as are reasonably necessary for, or as are incidental to, the effective exercise of the officer's powers under this section.
- (2) An authorised officer may only exercise powers under subsection (1) in relation to a place—
  - (a) at any time when operations of a kind authorised under this Act are being conducted in the place; or

- (b) at any time when there are reasonable grounds to suspect that an offence has been, is being or is about to be committed in the place or that evidence of such an offence is likely to be found in the place; or
  - (c) at any reasonable time when the exercise of the powers is required for the purposes of the administration or enforcement of this Act.
- (3) An authorised officer may only exercise powers under subsection (1)(a) in relation to a place in which there are not any operations of a kind authorised under this Act being conducted on the authority of a warrant issued by a magistrate.
- (4) A magistrate cannot issue a warrant under subsection (3) unless satisfied, on information given on oath—
  - (a) that there are reasonable grounds for suspecting that an offence has been, is being or is about to be committed; and
  - (b) that the warrant is reasonably required in the circumstances.
- (5) An authorised officer may, in exercising powers under this section, be accompanied by such assistants as are reasonably necessary for the purpose.
- (6) Subject to subsection (7), a person who—
  - (a) without reasonable excuse, hinders or obstructs an authorised officer in the exercise of powers under this section; or
  - (b) fails to answer a question put by an authorised officer to the best of his or her knowledge, information or belief; or
  - (c) fails to comply with any other lawful requirement or direction of an authorised officer; or
  - (d) uses abusive, threatening or insulting language to an authorised officer or a person assisting an authorised officer; or
  - (e) falsely represents, by word or conduct, that he or she is an authorised officer,is guilty of an offence.

Maximum penalty: \$20 000.

- (7) A person is not required to answer a question, or to produce books, papers or documents, under this section if—
  - (a) the answer to the question or the contents of the books, papers or documents would tend to incriminate the person of an offence; or
  - (b) answering the question or producing the books, papers or documents would result in a breach of legal professional privilege.
- (8) In this section—

**offence** means an offence against this Act or any other offence arising out of or committed in connection with the conduct of betting operations of a kind authorised by this Act.

## Part 6—Power to deal with default or business failure

### Division 1—Statutory default

#### 67—Statutory default

- (1) A *statutory default* occurs if—
  - (a) a licensee contravenes or fails to comply with a provision of this Act or a condition of the licence; or
  - (b) an event occurs, or circumstances come to light, that show a licensee or a close associate of a licensee to be an unsuitable person; or
  - (c) operations under a licence are improperly conducted or discontinued; or
  - (d) a licensee becomes liable to disciplinary action under this Act on some other basis; or
  - (e) an authorised interstate betting operator contravenes or fails to comply with a provision of this Act or fails to discharge an obligation under an integrity agreement or contribution agreement.
- (2) For the purposes of subsection (1), operations under an on-course totalisator betting licence include the races held by the racing club that holds the licence.

#### 68—Effect of criminal proceedings

- (1) The Authority may exercise its powers under this Part in relation to a statutory default whether or not criminal proceedings have been, or are to be, taken for the default and even though a penalty may have been already imposed for the default.
- (2) However—
  - (a) if the licensee or operator expiates a statutory default under this Part, no further action may be taken for that default; and
  - (b) the Authority must, in imposing a fine, take into account any fine that has already been imposed in criminal proceedings.

#### 69—Compliance notice

- (1) If the Authority is satisfied that a statutory default has occurred, the Authority may give written notice to the licensee or operator (a *compliance notice*) specifying the default and requiring the licensee or operator to take specified action, within a period specified in the notice, to remedy the default or to ensure against repetition of the default.
- (2) If the licensee or operator fails to take the specified action within the time allowed in the notice, the licensee or operator is guilty of an offence.

Maximum penalty:

In the case of the holder of the major betting operations licence or an authorised interstate betting operator—\$100 000.

In any other case—\$20 000.

## 70—Expiation notice

- (1) If the Authority believes on reasonable grounds that a statutory default has occurred, the Authority may give written notice to the licensee or operator (an *expiation notice*) specifying the default and informing the licensee or operator that disciplinary action may be avoided by payment of a specified sum not exceeding—
  - (a) in the case of the holder of the major betting operations licence or an authorised interstate betting operator—\$10 000;
  - (b) in any other case—\$1 000,within a period specified in the notice.
- (2) If the specified amount is paid in accordance with the notice, no disciplinary action may be taken under this Act for the default nor may criminal proceedings be taken for the default.

## 71—Injunctive remedies

- (1) If there are reasonable grounds to believe that a statutory default has occurred or may occur or be attempted, the Supreme Court may, on application by the Minister or the Authority, grant an injunction to prevent the statutory default or to prevent recurrence of the statutory default.
- (2) The injunction may be granted on terms the Court considers appropriate.
- (3) An injunction may be granted under this section whether or not—
  - (a) there has been some previous statutory default of the same or a similar nature; or
  - (b) there is imminent danger of substantial damage to any person.
- (4) No undertaking as to damages can be required of the Minister or the Authority in proceedings under this section.

## 72—Disciplinary action

- (1) If the Authority believes on reasonable grounds that a statutory default has occurred, the Authority may give written notice to the licensee or operator—
  - (a) specifying the default; and
  - (b) requiring the licensee or operator to show cause, within a period specified in the notice (which must be at least 14 days), why disciplinary action should not be taken against the licensee or operator.
- (2) The Authority must allow the licensee or operator a reasonable opportunity to make submissions orally or in writing to the Authority.
- (3) After considering the submissions (if any) made by the licensee or operator, the Authority may, by order, take disciplinary action in one or more of the following ways:
  - (a) the Authority may censure the licensee or operator;
  - (b) the Authority may impose a fine on the licensee or operator not exceeding—
    - (i) in the case of the holder of the major betting operations licence or an authorised interstate betting operator—\$100 000;

- (ii) in any other case—\$20 000;
  - (c) in the case of a licensee, the Authority may—
    - (i) vary the conditions of the licence (irrespective, in the case of the major betting operations licence, of any provision of the approved licensing agreement excluding or limiting the power of variation of the conditions of the licence);
    - (ii) give written directions to the licensee as to the winding up of betting operations under the licence;
    - (iii) suspend the licence for a specified or unlimited period;
    - (iv) cancel the licence;
  - (d) in the case of an authorised interstate betting operator, the Authority may—
    - (i) give written directions to the operator as to the winding up of betting operations in this State;
    - (ii) prohibit the operator from conducting betting operations in this State for a specified or unlimited period.
- (4) Disciplinary action takes effect on the date of service of the order on the licensee or operator or on a later date specified in the order.
- (5) If the Authority suspends a licence or imposes a prohibition, the Authority may, at any time, terminate the suspension or prohibition.
- (6) A fine imposed under this section may be recovered as a debt due to the State.
- (7) A person who fails to comply with a direction given under this section is guilty of an offence.

Maximum penalty:

In the case of the holder of the major betting operations licence or an authorised interstate betting operator—\$100 000.

In any other case—\$20 000.

### **73—Alternative remedy**

The Authority may, instead of taking disciplinary action, issue a compliance notice.

## **Division 2—Official management**

### **74—Power to appoint manager**

- (1) If—
- (a) a licence is suspended, cancelled or surrendered or expires and is not renewed; or
  - (b) a licensee otherwise discontinues operations under a licence,
- the Minister may, on the recommendation of the Authority, appoint an official manager of the business conducted under the licence (or former licence).

- (2) If a licensee—
- (a) becomes insolvent within the meaning of Part 7.10 of the *Corporations Act 2001* of the Commonwealth; or
  - (b) goes into liquidation,
- the Minister may, on the recommendation of the Authority, appoint an official manager of the business conducted under the licence (or former licence).
- (3) An appointment under subsection (1) or (2) may be terminated at any time by the Minister.

### **75—Powers of manager**

- (1) The official manager—
- (a) is to assume control of the business conducted under the licence (or former licence); and
  - (b) is entitled to possession and control of property of the licensee (or former licensee) used for the purposes of the business conducted under the licence; and
  - (c) is, while the appointment continues in force, taken to be the holder of a licence of the same kind on conditions determined by the Authority.
- (2) Any proceeds of the business while under official management are to be applied as follows:
- (a) firstly, the proceeds are to be applied towards the costs of official management (including the official manager's remuneration); and
  - (b) secondly, a reasonable rental for the licensee's (or former licensee's) property is to be paid out of the proceeds to the licensee (or former licensee) while the property remains in the official manager's possession; and
  - (c) thirdly, any remaining balance is to be paid into the Consolidated Account.
- (3) However, the approved licensing agreement may operate to exclude or modify the provisions of subsection (2) in relation to the major betting operations licence.
- (4) The regulations may confer powers and impose duties on official managers and regulate official management in other ways.

## **Division 3—Administrators, controllers and liquidators**

### **76—Administrators, controllers and liquidators**

- (1) If an administrator, controller or liquidator of a licensee assumes control over the business conducted under a licence for a period (the *period of administration*), that person—
- (a) stands in the position of the licensee for the period of administration; and
  - (b) is liable for the duty and other liabilities to the Crown accruing during the period of administration; and
  - (c) is subject to this Act, and liable to direction and control under this Act, in the same way as if the person were the licensee; and

- (d) if charged with an offence against this Act, is entitled to a defence on proof that the offence was not committed intentionally and did not arise from the defendant's failure to take reasonable care to avoid the commission of the offence.
- (2) For the purposes of subsection (1), an administrator, controller or liquidator will only be regarded as assuming control of the business if the administrator, controller or liquidator assumes control of all or substantially all of the business assets associated with the operation of the business conducted under the licence.

## **Part 7—Review and appeal**

### **77—Review of Commissioner's decision**

- (1) Subject to this Act, a person aggrieved by a decision of the Commissioner under this Act (including a decision made by the Commissioner as a delegate of the Authority) may, within 30 days after receiving notice of the decision, apply to the Authority for a review of the decision.
- (2) A *decision* includes (for example) refusal to issue a permit.
- (3) On an application under this section, the Authority may confirm, vary, revoke or reverse the decision under review.

### **78—Finality of Authority's decisions**

- (1) A decision of the Authority under this Act is final and without appeal subject however to the following qualifications:
  - (a) an appeal lies to the Supreme Court against a decision to take disciplinary action against a licensee or authorised interstate betting operator; and
  - (b) an appeal lies to the Supreme Court against an order made under section 18(4); and
  - (c) an appeal lies, with the permission of the Supreme Court, against a decision of the Authority on a question of law.
- (2) The Supreme Court may, on an appeal—
  - (a) affirm the decision appealed against;
  - (b) rescind the decision and substitute a decision that the Court considers appropriate;
  - (c) remit matters to the Authority for consideration or further consideration in accordance with any directions or recommendations of the Court;
  - (d) make incidental and ancillary orders.
- (3) An appeal must be commenced, or the application for permission to appeal made, within one month after the decision to which the appeal relates or a longer period allowed by the Supreme Court.

### **79—Finality of Governor's decisions**

A decision by the Governor under this Act is not subject to review or appeal in any court.



## Part 8—Miscellaneous

### 79A—Licensees may bet with interstate licensees conducting fixed-odds betting

A licence that authorises the licensee to conduct fixed-odds betting also authorises the licensee to make, in the course of conducting fixed-odds betting under the licence, bets with persons authorised under the law of another State or a Territory of Australia to conduct fixed-odds betting.

### 80—Lawfulness of betting operations conducted in accordance with this Act

Betting operations conducted in accordance with this Act (including operations of a person of whom the holder of the major betting operations licence is an agent under a transaction approved by the Authority under this Act) are lawful and do not, in themselves, constitute a public or private nuisance.

### 81—Further trade practices authorisations

- (1) Entering into, giving effect to, or enforcing—
  - (a) the Government Agreement; or
  - (b) an agreement substantially in the form of the draft agreement entitled *Racing Distribution Agreement* attached to the Government Agreement; or
  - (c) a prescribed agreement, arrangement or instrument,

is, subject to conditions and limitations prescribed by regulation, authorised for the purposes of section 51 of the *Trade Practices Act 1974* of the Commonwealth, as in force from time to time, and the *Competition Code of South Australia*.

- (2) In this section—

**entering into** an agreement means entering into or negotiating an agreement, including acting collectively or in combination with others in or with respect to the negotiation of an agreement;

**giving effect** to an agreement, or provisions of an agreement, arrangement or instrument, includes complying with an obligation or exercising a right or power under the agreement or provisions;

**Government Agreement** means the agreement of that name entered into between the racing controlling authorities and the State in October 2000;

**prescribed agreement, arrangement or instrument** means an agreement, arrangement or instrument of any of the following kinds prescribed by regulation:

- (a) an Intercode Agreement within the meaning of the Government Agreement;
- (b) an Intracode Agreement within the meaning of the Government Agreement;
- (c) the constitution of a racing controlling authority;
- (d) an agreement or arrangement to which any combination of the following are parties:
  - (i) a body for the time being nominated to the Minister by the racing controlling authorities as a body representative of the racing controlling authorities;

- (ii) racing controlling authorities;
- (iii) racing clubs;
- (iv) the holder of the major betting operations licence;
- (v) the State;
- (e) an agreement, arrangement or instrument related to the major betting operations licence, the approved licensing agreement, the racing distribution agreement or an agreement, arrangement or instrument referred to in a preceding paragraph of this definition.

### 83—False or misleading information

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information furnished, or record kept, under this Act.

Maximum penalty: \$20 000.

### 84—Offences by bodies corporate

- (1) If a body corporate is guilty of a prescribed offence, the manager of the body corporate and each member of the governing body of the body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless the manager or member (as the case may be) proves that he or she could not by the exercise of due diligence have prevented the commission of the offence.
- (2) If a body corporate is guilty of any other offence against this Act (other than an offence against the regulations), the manager of the body corporate and each member of the governing body of the body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence if the prosecution proves that—
  - (a) the manager or member (as the case may be) knew, or ought reasonably to have known, that there was a significant risk that such an offence would be committed; and
  - (b) the manager or member (as the case may be) was in a position to influence the conduct of the body corporate in relation to the commission of such an offence; and
  - (c) the manager or member (as the case may be) failed to exercise due diligence to prevent the commission of the offence.
- (3) Subsection (2) does not apply if the principal offence is an offence against section 24(3) or 66.
- (3a) The regulations may make provision in relation to the criminal liability of members of the governing body, or the manager, of a body corporate that is guilty of an offence against the regulations.
- (4) In this section—

*prescribed offence* means an offence against section 18, 20(1), 27, 32, 33, 40, 61, 62E, 69 or 72.

### 85—Reasons for decision

- (1) The Governor is not bound to give reasons for a decision under this Act.

- (2) The Authority must, at the request of a person affected by a decision, give reasons for a decision if an appeal lies against the decision as of right, or with permission, to the Supreme Court.
- (3) Except as provided in subsection (2), the Authority is not bound to give reasons for a recommendation or decision under this Act.
- (4) The Commissioner must, at the request of the Authority, give reasons to the Authority for a decision of the Commissioner under this Act.
- (5) Except as provided in subsection (4), the Commissioner is not bound to give reasons for a decision under this Act.

### **86—Power of Authority or Commissioner in relation to approvals**

For the purposes of this Act, an approval of the Authority or the Commissioner required under this Act—

- (a) may, if the Authority or Commissioner thinks fit, be of a general nature extending to matters specified by the Authority or Commissioner; and
- (b) may be unconditional or subject to conditions specified by the Authority or Commissioner.

### **87—Confidentiality of information provided by Commissioner of Police**

No information provided by the Commissioner of Police to the Authority or the Commissioner may be disclosed to any person (except the Minister or a person to whom the Commissioner of Police authorises its disclosure) if the Commissioner of Police asks for the information to be kept confidential on the ground that its disclosure might—

- (b) create a risk of loss, harm or undue distress.

### **88—Service**

- (1) A notice or document required or authorised by this Act to be given to or served on a person may—
  - (a) be served on the person personally; or
  - (b) be posted in an envelope addressed to the person's address for service; or
  - (c) be transmitted by facsimile transmission or electronic mail to the person's facsimile number or electronic mail address (in which case the notice or document will be taken to have been given or served at the time of transmission).
- (2) A person's address for service is the postal address of which the Authority has been last notified in writing as the person's address for service.

### **89—Evidence**

- (1) In proceedings for an offence against this Act, an allegation in the complaint—
  - (a) that a person was or was not at a specified time the holder of a specified licence, permit or approval or an authorised interstate betting operator; or
  - (b) that a licence, permit or approval was at a specified time subject to specified conditions; or

- (c) that premises were or were not at a specified time a licensed betting shop; or
  - (d) that a person was or was not at a specified time an authorised officer,
- will be accepted as proved in the absence of proof to the contrary.
- (2) In any legal proceedings, a document apparently certified by the Authority or the Commissioner to be a licence, permit, agreement, approval, notice or other document issued or made under this Act, or to be a copy of such a document, will be accepted as such in the absence of proof to the contrary.

## 90—Annual report

- (1) The Commissioner must, on or before 31 August in each year, prepare and present to the Authority a report on the administration of this Act during the preceding financial year.
- (2) The Authority must, on or before 30 September in each year, prepare and present to the Minister a report on its activities in relation to licensed businesses during the preceding financial year.
- (3) The Authority's report must include—
- (a) details of any statutory default occurring during the course of the relevant financial year; and
  - (b) details of any disciplinary action taken by the Authority; and
  - (c) details of any directions given to the Authority or the Commissioner by the Minister; and
  - (d) the Commissioner's report on the administration of this Act together with any observations on that report that the Authority considers appropriate.
- (4) The Minister must, within 12 sitting days after receiving the Authority's report, have copies of the report laid before both Houses of Parliament.

## 91—Regulations

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) Without limiting the generality of subsection (1), the regulations may—
- (a) provide for *ex gratia* payments in relation to unclaimed winnings by the Treasurer and for the appropriation from the Consolidated Account of money required for the purpose;
  - (ab) declare that a specified form of betting is or is not fixed-odds betting for the purposes of this Act;
  - (b) fix fees in respect of any matter under this Act and provide for their payment, recovery or waiver;
  - (c) impose fines, not exceeding \$5 000, for offences against the regulations.
- (3) The regulations may—
- (a) be of general application or vary in their application according to prescribed factors;

- (b) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Authority or the Commissioner.

## **Schedule 1—Transitional provisions**

### **1—Racing controlling authorities**

- (1) The body for the time being designated as the controlling authority for horse racing by proclamation under Part 2 of the *Racing Act 1976* immediately before the commencement of this clause will, on that commencement, be taken to have been designated as the racing controlling authority for horse racing by proclamation under Part 1 of this Act.
- (2) The body for the time being designated as the controlling authority for harness racing by proclamation under Part 2 of the *Racing Act 1976* immediately before the commencement of this clause will, on that commencement, be taken to have been designated as the racing controlling authority for harness racing by proclamation under Part 1 of this Act.
- (3) The body for the time being designated as the controlling authority for greyhound racing by proclamation under Part 2 of the *Racing Act 1976* immediately before the commencement of this clause will, on that commencement, be taken to have been designated as the racing controlling authority for greyhound racing by proclamation under Part 1 of this Act.

### **2—Racing clubs**

- (1) The Minister may, by order in writing, require that on the commencement of section 34 an on-course totalisator betting licence be granted to each club that was a registered racing club within the meaning of the *Racing Act 1976* immediately before that commencement in accordance with specified requirements as to the terms and conditions of the licence and the races that are to be approved contingencies for betting operations under the licence (without the need for any application by the club).
- (2) Despite any other provisions of this Act, the Authority must comply with a requirement under subclause (1).

### **3—Bookmakers, clerks and licensed betting shops**

- (1) A person authorised to act as a bookmaker by licence under Part 4 of the *Racing Act 1976* immediately before the commencement of this clause will, on that commencement, be taken to have been granted a bookmaker's licence under Part 3 of this Act on the same conditions and for the balance of the term applying to the licence under the *Racing Act 1976*.
- (2) A person authorised to act as the clerk of a licensed bookmaker by licence under Part 4 of the *Racing Act 1976* immediately before the commencement of this clause will, on that commencement, be taken to have been granted a clerk's licence under Part 3 of this Act on the same conditions and for the balance of the term applying to the licence under the *Racing Act 1976*.

- (3) A bookmaker authorised to conduct betting in premises registered under Part 4 of the *Racing Act 1976* immediately before the commencement of this clause will, on that commencement, be taken to have been granted a betting shop licence under Part 3 of this Act on the same conditions and for the balance of the term applying to the registration of the premises under the *Racing Act 1976*.
- (4) A licensed bookmaker or group of licensed bookmakers authorised to accept bets by permit under Part 4 of the *Racing Act 1976* immediately before the commencement of this clause will, on that commencement, be taken to have been granted a permit under Division 2 of Part 4 of this Act authorising the acceptance of the bets.
- (5) An event or combination of events constituting an approved event under Part 4 of the *Racing Act 1976* immediately before the commencement of this clause will, on that commencement, be taken to have been approved by the Authority under section 4 as a contingency for fixed-odds betting by bookmakers.
- (6) Rules in force under Part 4 of the *Racing Act 1976* immediately before the commencement of this clause will, on that commencement, be taken to have been made by the Authority under Division 2 of Part 4 of this Act.
- (7) A bond or other security lodged by an applicant for, or holder of, a licence under Part 4 of the repealed *Racing Act 1976* in accordance with the rules under that Part will be taken to have been lodged with the Authority in accordance with the rules under Division 2 of Part 4 of this Act, and a reference in the bond or other security to the Racing Industry Development Authority or the Bookmakers Licensing Board or the Betting Control Board will be taken to be a reference to the Authority.

## Legislative history

### Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation amended by principal Act

The *Authorised Betting Operations Act 2000* amended the following:

*Criminal Law (Undercover Operations) Act 1995*

*Lottery and Gaming Act 1936*

*Workers Rehabilitation and Compensation Act 1986*

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
2000	95	<i>Authorised Betting Operations Act 2000</i>	21.12.2000	25.1.2001 ( <i>Gazette 25.1.2001 p300</i> ) except s 2(2)—21.12.2000: s 2(3) and except ss 3—12(11), 13(1)—(7) & (10), 14—45, 47, 50—58, 60—80, 83—92, Sch 1 and Sch 2 (cll 1, 3 & 4)—14.12.2001 ( <i>Gazette 6.12.2001 p5266</i> ) and except ss 59 and 82 deleted by 64/2001 without coming into operation and except Sch 2 (cl 2) deleted by 44/2003 without coming into operation and except ss 48 & 49—30.4.2004 ( <i>Gazette 29.1.2004 p292</i> ) and except s 46—1.9.2004 ( <i>Gazette 26.8.2004 p3402</i> )
2001	18	<i>Statutes Amendment (Gambling Regulation) Act 2001</i>	31.5.2001	Pt 2 (ss 4—7)—14.12.2001 ( <i>Gazette 6.12.2001 p5267</i> ); Pt 2 (ss 8—10)—31.5.2003 (s 7(5) <i>Acts Interpretation Act 1915</i> )
2001	64	<i>Statutes Amendment (Bookmakers) Act 2001</i>	6.12.2001	Pt 2 (ss 4 & 5)—7.12.2001 ( <i>Gazette 6.12.2001 p5267</i> )
2002	34	<i>Statutes Amendment (Corporations—Financial Services Reform) Act 2002</i>	28.11.2002	Pt 2 (ss 4—7)—1.8.2003 ( <i>Gazette 10.7.2003 p2913</i> )

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2003	44	<i>Statute Law Revision Act 2003</i>	23.10.2003	Sch 1—24.11.2003 ( <i>Gazette 13.11.2003 p4048</i> )
2003	50	<i>Authorised Betting Operations (Licence and Permit Conditions) Amendment Act 2003</i>	20.11.2003	11.3.2004 ( <i>Gazette 11.3.2004 p783</i> )
2004	11	<i>Authorised Betting Operations (Betting Review) Amendment Act 2004</i>	13.5.2004	13.5.2004: s 2(1) except ss 4(1)—(4), 15(1)—(3), (5), 16—19, 21, 24, 25, Sch 1 cl 1—1.9.2004 ( <i>Gazette 12.8.2004 p3219</i> )
2006	17	<i>Statutes Amendment (New Rules of Civil Procedure) Act 2006</i>	6.7.2006	Pt 10 (ss 43 & 44)—4.9.2006 ( <i>Gazette 17.8.2006 p2831</i> )
2006	43	<i>Statutes Amendment (Domestic Partners) Act 2006</i>	14.12.2006	Pt 10 (ss 34 & 35)—1.6.2007 ( <i>Gazette 26.4.2007 p1352</i> )
2007	45	<i>Statutes Amendment (Investigation and Regulation of Gambling Licensees) Act 2007</i>	1.11.2007	Pt 2 (s 3—8) & Sch 1 (cl 1)—1.11.2007
2008	47	<i>Statutes Amendment (Betting Operations) Act 2008</i>	4.12.2008	Pt 2 (ss 4—33) & Sch 1—1.3.2009 ( <i>Gazette 26.2.2009 p764</i> )
2009	17	<i>Authorised Betting Operations (Trade Practices Exemption) Amendment Act 2009</i>	7.5.2009	1.3.2009 immediately after 47/2008: s 2
2011	36	<i>Statutes Amendment (Directors' Liability) Act 2011</i>	22.9.2011	Pt 7 (s 9)—1.1.2012 ( <i>Gazette 15.12.2011 p4988</i> )
2013	16	<i>Statutes Amendment (Directors' Liability) Act 2013</i>	23.5.2013	Pt 6 (s 10)—17.6.2013 ( <i>Gazette 6.6.2013 p2498</i> )
<b>2013</b>	<b>37</b>	<b><i>Statutes Amendment (Gambling Reform) Act 2013</i></b>	<b>8.8.2013</b>	<b>Pt 2 (s 10)—31.8.2013; s 5—31.10.2013; ss 4, 6, 7, 9 &amp; 11—1.1.2014; s 8—1.7.2014 (<i>Gazette 29.8.2013 p3648</i>)</b>
2016	57	<i>Statutes Amendment (Budget 2016) Act 2016</i>	8.12.2016	Pt 2 (ss 4—59)—uncommenced

## Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended by 44/2003 s 3(1) (Sch 1)	24.11.2003
	amended by 47/2008 s 4	1.3.2009
Pt 1		
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.9.2004</i>
s 3		
s 3(1)		
advertising code of practice	inserted by 47/2008 s 5(1)	1.3.2009
agent's licence	inserted by 11/2004 s 4(1)	1.9.2004
authorised interstate betting operator	inserted by 47/2008 s 5(2)	1.3.2009
Authority	substituted by 18/2001 s 4(a)	14.12.2001



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betting exchange	inserted by 47/2008 s 5(3)	1.3.2009
<i>bookmaker</i>	<i>deleted by 11/2004 s 4(2)</i>	<i>1.9.2004</i>
<i>clerk's licence</i>	<i>deleted by 11/2004 s 4(3)</i>	<i>1.9.2004</i>
Commissioner	amended by 18/2001 s 4(b)	14.12.2001
conduct betting operations	inserted by 47/2008 s 5(4)	1.3.2009
contribution agreement	inserted by 47/2008 s 5(4)	1.3.2009
criminal intelligence	inserted by 37/2013 s 4	1.1.2014
designated person	inserted by 45/2007 s 3	1.11.2007
domestic partner	inserted by 43/2006 s 34(1)	1.6.2007
integrity agreement	inserted by 47/2008 s 5(5)	1.3.2009
interstate betting operator	inserted by 47/2008 s 5(5)	1.3.2009
licensing authority	inserted by 11/2004 s 4(4)	1.9.2004
prescribed interstate licence	inserted by 47/2008 s 5(6)	1.3.2009
responsible gambling code of practice	inserted by 47/2008 s 5(7)	1.3.2009
spouse	inserted by 43/2006 s 34(2)	1.6.2007
<i>State-owned company</i>	<i>amended by 34/2002 s 4(a)</i>	<i>1.8.2003</i>
	<i>deleted by 11/2004 s 4(5)</i>	<i>13.5.2004</i>
substantial holding	amended by 34/2002 s 4(b)	1.8.2003
<i>TABCO, TABCO(A) and TABCO(B)</i>	<i>deleted by 11/2004 s 4(6)</i>	<i>13.5.2004</i>
telephone, Internet or other electronic means	inserted by 47/2008 s 5(8)	1.3.2009
24 hour sportsbetting licence	inserted by 50/2003 s 4	11.3.2004
s 3(2)	amended by 34/2002 s 4(c)	1.8.2003
s 3(3)	inserted by 47/2008 s 5(9)	1.3.2009
s 4		
s 4(1)	amended by 47/2008 s 6(1)	1.3.2009
s 4(2)	substituted by 47/2008 s 6(2)	1.3.2009
s 4(2a)	<i>inserted by 11/2004 s 5</i>	<i>13.5.2004</i>
	<i>deleted by 47/2008 s 6(2)</i>	<i>1.3.2009</i>
s 4(3)	substituted by 47/2008 s 6(2)	1.3.2009
s 4(3a)	inserted by 47/2008 s 6(2)	1.3.2009
s 5		
s 5(1)	s 5 amended and redesignated as s 5(1) by 34/2002 s 5(a)—(c)	1.8.2003

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	amended by 43/2006 s 35	1.6.2007
s 5(2)	inserted by 34/2002 s 5(c)	1.8.2003
s 6A	inserted by 47/2008 s 7	1.3.2009
s 6A(2)	<i>deleted by 37/2013 s 5(1)</i>	31.10.2013
s 6A(3)	amended by 37/2013 s 5(2)	31.10.2013
s 6A(3a)	inserted by 37/2013 s 5(3)	31.10.2013
s 6A(4a)	inserted by 37/2013 s 5(4)	31.10.2013
s 6A(5)	<i>deleted by 37/2013 s 5(5)</i>	31.10.2013
s 6A(6)	amended by 37/2013 s 5(6)	31.10.2013
s 6A(9)	inserted by 37/2013 s 5(7)	31.10.2013
s 6B	inserted by 37/2013 s 6	1.1.2014
Pt 2		
Pt 2 Div 1		
s 7		
s 7(3)	<i>deleted by 11/2004 s 6(1)</i>	13.5.2004
s 7(4)	amended by 11/2004 s 6(2)	13.5.2004
s 9	amended by 11/2004 s 7	13.5.2004
Pt 2 Div 2		
s 12		
s 12(6)	amended by 18/2001 s 5	14.12.2001
s 12(13)		
entering into	inserted by 47/2008 s 8	1.3.2009
s 13		
s 13(9)		
entering into	inserted by 47/2008 s 9	1.3.2009
s 13(10)	<i>deleted by 11/2004 s 8</i>	13.5.2004
Pt 2 Div 3		
s 16		
s 16(2)	<i>deleted by 11/2004 s 9</i>	13.5.2004
s 17		
s 17(3)	<i>deleted by 11/2004 s 10</i>	13.5.2004
Pt 2 Div 4	heading amended by 11/2004 s 11	13.5.2004
s 20		
s 20(1)	amended by 11/2004 s 12(1)	13.5.2004
s 20(1a) and (1b)	inserted by 37/2013 s 7	1.1.2014
s 20(2)	amended by 11/2004 s 12(2)	13.5.2004
s 20(3)	amended by 11/2004 s 12(3)	13.5.2004
s 20(4)	<i>deleted by 11/2004 s 12(4)</i>	13.5.2004
s 20(6)	inserted by 11/2004 s 12(5)	13.5.2004
Pt 2 Div 5		
s 21		
s 21(1)	amended by 45/2007 s 4(1)	1.11.2007
s 21(2)	amended by 45/2007 s 4(2)	1.11.2007

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s 22		
s 22(4)	substituted by 45/2007 s 5	1.11.2007
Pt 2 Div 6		
s 24		
s 24(4)	amended by 18/2001 s 6	14.12.2001
s 25		
s 25(1)	substituted by 45/2007 s 6(1)	1.11.2007
s 25(2)	amended by 45/2007 s 6(2)	1.11.2007
s 25(3)	amended by 45/2007 s 6(3)	1.11.2007
s 25(4)	amended by 45/2007 s 6(4)	1.11.2007
s 25(6)	amended by 45/2007 s 6(5)	1.11.2007
s 26	substituted by 45/2007 s 7	1.11.2007
Pt 2 Div 7		
s 28		
s 28(2)	amended by 11/2004 s 13	13.5.2004
s 29		
s 29(1)	amended by 34/2002 s 6	1.8.2003
s 30	<i>deleted by 11/2004 s 14</i>	<i>13.5.2004</i>
Pt 2 Div 10	inserted by 45/2007 s 8	1.11.2007
Pt 3		
heading	substituted by 47/2008 s 10	1.3.2009
s 34		
s 34(1)	amended by 50/2003 s 5(1)	11.3.2004
	amended by 11/2004 s 15(1), (2)	1.9.2004
s 34(2)	substituted by 11/2004 s 15(3)	1.9.2004
s 34(2a)	inserted by 11/2004 s 15(3)	1.9.2004
s 34(2b)	inserted by 11/2004 s 15(4)	13.5.2004
s 34(4)	inserted by 50/2003 s 5(2)	11.3.2004
	amended by 11/2004 s 15(5)	1.9.2004
s 36		
s 36(1)	amended by 11/2004 s 16(1)	1.9.2004
s 36(2)	amended by 11/2004 s 16(2)	1.9.2004
s 36(5)	inserted by 50/2003 s 6	11.3.2004
	amended by 11/2004 s 16(3)	1.9.2004
s 37		
s 37(1)	s 37 redesignated as s 37(1) by 18/2001 s 7	14.12.2001
	amended by 11/2004 s 17(1)	1.9.2004
s 37(2)	inserted by 18/2001 s 7	14.12.2001
	amended by 50/2003 s 7	11.3.2004
	amended by 11/2004 s 17(1), (2)	1.9.2004
s 38		
s 38(1) and (2)	amended by 11/2004 s 18	1.9.2004
s 38A	inserted by 11/2004 s 19	1.9.2004

**Authorised Betting Operations Act 2000—1.7.2014 to 14.3.2017**

## Legislative history

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Pt 3A	inserted by 47/2008 s 11	1.3.2009
Pt 4		
Pt 4 Div 1		
heading	substituted by 47/2008 s 12	1.3.2009
s 43		
s 43(1)	s 43 redesignated as s 43(1) by 47/2008 s 13	1.3.2009
s 43(2)	inserted by 47/2008 s 13	1.3.2009
s 46		
s 46(1a)	inserted by 11/2004 s 20	13.5.2004
s 48	substituted by 47/2008 s 14	1.3.2009
s 49	amended by 18/2001 s 8	31.5.2003
	substituted by 47/2008 s 14	1.3.2009
<i>s 50 before deletion by 37/2013</i>		
s 50(1)	<i>amended by 47/2008 s 15</i>	<i>1.3.2009</i>
<b>s 50</b>	<b><i>deleted by 37/2013 s 8</i></b>	<b><i>1.7.2014</i></b>
s 51		
s 51(aa1) and (a1)	<i>inserted by 18/2001 s 9</i>	<i>31.5.2003</i>
	<i>deleted by 47/2008 s 16(1)</i>	<i>1.3.2009</i>
s 51(1)	amended by 47/2008 s 16(2), (3)	1.3.2009
s 51(2)	amended by 47/2008 s 16(2)	1.3.2009
s 51(4)	<i>deleted by 47/2008 s 16(4)</i>	<i>1.3.2009</i>
s 51A	<i>inserted by 18/2001 s 10</i>	<i>31.5.2003</i>
	<i>deleted by 47/2008 s 17</i>	<i>1.3.2009</i>
Pt 4 Div 2		
s 53A	inserted by 47/2008 s 18	1.3.2009
s 54		
s 54(1)	s 54 redesignated as s 54(1) by 50/2004 s 8	11.3.2004
s 54(1a)	inserted by 11/2004 s 21	1.9.2004
s 54(2)	inserted by 50/2003 s 8	11.3.2004
s 55		
s 55(7)	inserted by 11/2004 s 22	13.5.2004
s 56	<i>deleted by 47/2008 s 19</i>	<i>1.3.2009</i>
s 57		
s 57(1a)	inserted by 11/2004 s 23	13.5.2004
s 57(3)	inserted by 50/2003 s 9	11.3.2004
s 59	deleted by 64/2001 s 4	7.12.2001
	inserted by 11/2004 s 24	1.9.2004
s 60		
s 60(1a)	inserted by 47/2008 s 20	1.3.2009
s 60(5)	inserted by 11/2004 s 25	1.9.2004
ss 60A and 60B	inserted by 47/2008 s 21	1.3.2009
s 62		

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s 62(1)	amended by 47/2008 s 22	1.3.2009
s 62(2)	substituted by 11/2004 s 26	13.5.2004
Pt 4 Div 3	inserted by 47/2008 s 23	1.3.2009
Pt 4 Div 4	inserted by 47/2008 s 23	1.3.2009
s 62E		
s 62E(10)	substituted by 17/2009 s 4	1.3.2009
s 62E(10a)	inserted by 17/2009 s 4	1.3.2009
Pt 5		
s 64		
s 64(1)	s 64 redesignated as s 64(1) by 47/2008 s 24	1.3.2009
s 64(2)	inserted by 47/2008 s 24	1.3.2009
Pt 6		
s 67		
s 67(1)	amended by 47/2008 s 25	1.3.2009
s 68		
s 68(2)	amended by 47/2008 s 26	1.3.2009
s 69		
s 69(1)	amended by 47/2008 s 27(1), (2)	1.3.2009
s 69(2)	amended by 47/2008 s 27(2), (3)	1.3.2009
s 70		
s 70(1)	amended by 47/2008 s 28(1)—(3)	1.3.2009
s 71		
s 71(1)	amended by 47/2008 s 29	1.3.2009
s 72		
s 72(1)	amended by 47/2008 s 30(1), (2)	1.3.2009
s 72(2)	amended by 47/2008 s 30(2)	1.3.2009
s 72(3)	amended by 47/2008 s 30(2)—(4)	1.3.2009
	(e), (f) deleted by 47/2008 s 30(4)	1.3.2009
s 72(4)	amended by 47/2008 s 30(2)	1.3.2009
s 72(5)	amended by 47/2008 s 30(5), (6)	1.3.2009
s 72(7)	amended by 47/2008 s 30(7)	1.3.2009
s 74		
s 74(2)	amended by 34/2002 s 7	1.8.2003
Pt 7		
s 78		
s 78(1)	amended by 17/2006 s 43(1)	4.9.2006
	amended by 47/2008 s 31	1.3.2009
s 78(3)	amended by 17/2006 s 43(2)	4.9.2006
Pt 8		
s 79A	inserted by 11/2004 s 27	13.5.2004
s 81		
s 81(2)		
entering into	inserted by 47/2008 s 32	1.3.2009

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s 82	<i>deleted by 64/2001 s 5</i>	7.12.2001
s 84	substituted by 36/2011 s 9	1.1.2012
s 84(2)	amended by 16/2013 s 10(1)	17.6.2013
s 84(3)	amended by 16/2013 s 10(2)	17.6.2013
s 84(3a)	inserted by 16/2013 s 10(3)	17.6.2013
s 85		
s 85(2)	amended by 17/2006 s 44	4.9.2006
s 87	(a) deleted by 37/2013 s 9	1.1.2014
s 89		
s 89(1)	amended by 47/2008 s 33	1.3.2009
s 90		
s 90(1)	amended by 37/2013 s 10(1)	31.8.2013
s 90(2)	amended by 37/2013 s 10(2)	31.8.2013
s 91		
s 91(2)	amended by 11/2004 s 28	13.5.2004
s 92	<i>deleted by 11/2004 s 29</i>	13.5.2004
Sch 1		
<i>cll 4—6</i>	<i>deleted by 11/2004 s 30</i>	13.5.2004
Sch 2	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>	24.11.2003

## **Transitional etc provisions associated with Act or amendments**

### ***Authorised Betting Operations (Licence and Permit Conditions) Amendment Act 2003, Sch 1***

#### **1—Transitional provision**

- (1) The Minister may, by notice in writing within 30 days of the commencement of this Act, invite a licensed bookmaker to apply to the Authority for a grant of a 24 hour sportsbetting licence.
- (2) An application made in response to an invitation under subclause (1) must be in a form determined by the Authority.
- (3) Sections 37(1) and 38 of the principal Act do not apply to an application for the grant of a 24 hour sportsbetting licence made at the invitation of the Minister.

### ***Authorised Betting Operations (Betting Review) Amendment Act 2004, Sch 1***

#### **1—Transitional provision**

- (1) A licence (other than an on-course totalisator betting licence) granted by the Independent Gambling Authority under Part 3 Division 1 of the *Authorised Betting Operations Act 2000* and in force immediately before the commencement of this clause will, on that commencement, be taken to be a licence granted by the Liquor and Gambling Commissioner under that Division as amended by this Act on the same conditions and for the balance of the term applying to the licence at that commencement.

- (2) A person authorised to act as the clerk of a licensed bookmaker by licence under Part 3 Division 1 of the *Authorised Betting Operations Act 2000* immediately before the commencement of this clause will, on that commencement, be taken to have been granted an agent's licence under that Division as amended by this Act on the same conditions and for the balance of the term applying to the clerk's licence.

## 2—Major betting operations licence

Subject to the licensee's approved licensing agreement, the major betting operations licence will be taken to authorise the licensee to conduct the forms of betting set out in section 9 of the *Authorised Betting Operations Act 2000* as amended by this Act.

## 3—Validation of rules

Rules made or purportedly made under section 62 of the *Authorised Betting Operations Act 2000* before the commencement of this Act have the same force and effect, in relation to acts, omissions or things occurring after that commencement, as if made under the section as amended by this Act.

### *Statutes Amendment (Investigation and Regulation of Gambling Licensees) Act 2007, Sch 1—Transitional provisions*

#### 1—Authorised Betting Operations Act—Recovery of administration costs incurred in 2007/2008

Section 33A of the *Authorised Betting Operations Act 2000* (as inserted by this Act) is to apply to the financial year 1 July 2007 to 30 June 2008 subject to the following modifications:

- (a) a reference to the financial year is to be read as a reference to the period commencing on the day on which this Act comes into operation and ending on 30 June 2008;
- (b) subsection (1) is to be read as though it required the notice to be provided not less than 1 month after the commencement of this Act;
- (c) subsection (3) is to be read as though it required the licensee, in each month of the financial year, to pay to the Commissioner an amount equal to the recoverable administration costs for the financial year divided by the number of months in the financial year following the notice under subsection (1).

### *Statutes Amendment (Betting Operations) Act 2008, Sch 1—Transitional provisions*

#### 1—Authorised Betting Operations Act—codes of practice

- (1) Section 6A(6) and (8) of the *Authorised Betting Operations Act 2000* as inserted by this Act does not apply to the first notices published in the Gazette under that section prescribing—
  - (a) an advertising code of practice applicable to operations under the major betting operations licence or an on-course totalisator betting licence; and
  - (b) a responsible gambling code of practice applicable to operations under the major betting operations licence or an on-course totalisator betting licence,

(and, consequently, consultation is not required and the notices need not be laid before both Houses of Parliament and are not subject to disallowance).

- (2) The Authority must ensure that—
- (a) the advertising code of practice first prescribed by the Authority applicable to operations under the major betting operations licence or an on-course totalisator betting licence is substantially in the form of the codes of practice approved by the Authority under section 48 of the *Authorised Betting Operations Act 2000* immediately before the commencement of this paragraph; and
  - (b) the responsible gambling code of practice first prescribed by the Authority applicable to operations under the major betting operations licence or an on-course totalisator betting licence is substantially in the form of the codes of practice approved by the Authority under section 49 of the *Authorised Betting Operations Act 2000* immediately before the commencement of this paragraph.
- (3) Failure to comply with subclause (2) does not affect the validity of a code of practice.

### ***Statutes Amendment (Gambling Reform) Act 2013***

#### **11—Transitional provision**

- (1) The holder of the major betting operations licence must, as soon as practicable after the commencement of section 8, notify the Independent Gambling Authority of all orders that were in force under section 50 of the *Authorised Betting Operations Act 2000* immediately before the commencement of section 8.
- (2) It is taken to be a condition of the major betting operations licence that the licensee comply with subsection (1).
- (3) A person who, immediately before the commencement of section 8, is barred by order under section 50 of the *Authorised Betting Operations Act 2000* from entering or remaining in a particular place or making bets at a particular place or in a particular way, is, on the commencement of section 8, taken to be so barred under section 15C of the *Independent Gambling Authority Act 1995* (as enacted by this Act)—
- (a) for a period of 3 years; or
  - (b) until a review of the order is completed under section 140,
- whichever occurs first.

#### **Historical versions**

Reprint No 1—14.12.2001

Reprint No 2—31.5.2003

Reprint No 3—1.8.2003

Reprint No 4—24.11.2003

Reprint No 5—11.3.2004

30.4.2004 (electronic only)

13.5.2004

1.9.2004



4.9.2006  
1.6.2007  
1.11.2007  
1.3.2009  
1.1.2012  
17.6.2013  
31.8.2013  
31.10.2013  
1.1.2014