

South Australia

Authorised Betting Operations (Betting Review) Amendment Act 2004

An Act to amend the *Authorised Betting Operations Act 2000*.

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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 (Betting Review) Amendment Act 2004*.

2—Commencement

- (1) Subject to subsection (2), this Act comes into operation on the day on which it is assented to by the Governor.
- (2) The following provisions will come into operation on a day to be fixed by proclamation:
 - (a) section 4(1), (2), (3) and (4);
 - (b) section 15(1), (2), (3) and (5);
 - (c) section 16;
 - (d) section 17;
 - (e) section 18;
 - (f) section 19;
 - (g) section 21;
 - (h) section 24;
 - (i) section 25;
 - (j) clause 1 of Schedule 1.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Authorised Betting Operations Act 2000*

4—Amendment of section 3—Interpretation

- (1) Section 3(1)—before the definition of *approved contingency* insert:

agent's licence—see section 34;
- (2) Section 3(1), definition of *bookmaker*—delete the definition
- (3) Section 3(1), definition of *clerk's licence*—delete the definition

- (4) Section 3(1)—after the definition of *licensed racing club* insert:

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;
- (5) Section 3(1), definition of *State-owned company*—delete the definition
- (6) Section 3(1), definition of *TABCO*, *TABCO(A)* and *TABCO(B)*—delete the definition

5—Amendment of section 4—Approved contingencies

Section 4—after subsection (2) insert:

- (2a) The Authority may be satisfied as to the adequacy of standards of probity applying in relation to an event if the Authority has no reason to believe that the standards are inadequate having regard to the evidence of the past conduct of such events that is available to the Authority, whether from the licensee requesting approval of the contingency or from the making of such inquiries as the Authority thinks fit.

6—Amendment of section 7—Grant of licence

- (1) Section 7(3)—delete subsection (3)
- (2) Section 7(4)—delete "Any later grant" and substitute:

The grant

7—Amendment of section 9—Authority conferred by licence

Section 9(d)—delete paragraph (d) and substitute:

- (d) to conduct other forms of betting on races held by licensed racing clubs or on approved contingencies,

8—Amendment of section 13—Racing distribution agreement

Section 13(10)—delete subsection (10)

9—Amendment of section 16—Transfer of licence

Section 16(2)—delete subsection (2)

10—Amendment of section 17—Dealings affecting licensed business

Section 17(3)—delete subsection (3)

11—Amendment of heading to Part 2 Division 4

Heading to Part 2 Division 4—delete "directors and executive officers" and substitute:
designated persons

12—Amendment of section 20—Approval of designated persons

- (1) Section 20(1)—delete "director or executive officer of the licensee" and substitute:
designated person

- (2) Section 20(2)—delete "director or executive officer of the licensee" wherever occurring and substitute in each case:
designated person
- (3) Section 20(3)—delete "executive officers" and substitute:
designated persons other than directors
- (4) Section 20(4)—delete subsection (4)
- (5) Section 20—after subsection (5) insert:
- (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.

13—Amendment of section 28—Licensee to supply authority with copy of audited accounts

Section 28(2)—delete "*Corporations Law*" and substitute:
Corporations Act 2001 of the Commonwealth

14—Repeal of section 30

Section 30—delete the section

15—Amendment of section 34—Classes of licenses

- (1) Section 34(1)—delete "Authority" first occurring and substitute:
licensing authority
- (2) Section 34(1)(c)—delete paragraph (c) and substitute:
- (c) a licence (an ***agent's licence***) authorising a person to act as the agent of a licensed bookmaker;
- (3) Section 34(2)—delete subsection (2) and substitute:
- (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.

(4) Section 34—before subsection (3) insert:

(2b) A betting shop licence must not be granted on or after the commencement of this subsection.

(5) Section 34(4)—delete "Authority" and substitute:

Commissioner

16—Amendment of section 36—Conditions of licence

(1) Section 36(1)—delete "Authority" and substitute:

licensing authority

(2) Section 36(2)—delete "Authority" and substitute:

licensing authority

(3) Section 36(5)—delete "Authority" and substitute:

Commissioner

17—Amendment of section 37—Application for grant or renewal, or variation of condition, of licence

(1) Section 37—delete "Authority" wherever occurring and substitute in each case:

licensing authority

(2) Section 37(2)—delete "a bookmaker's, clerk's, betting shop or 24 hour sportsbetting licence," and substitute:

a licence,

18—Amendment of section 38—Determination of applications

Section 38—delete "Authority" wherever occurring and substitute in each case:

licensing authority

19—Insertion of section 38A

After section 38 insert:

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.

20—Amendment of section 46—Player return information

Section 46—after subsection (1) insert:

(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.

21—Amendment of section 54—Licensed bookmakers required to hold permits

Section 54—after subsection (1) insert:

- (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.

22—Amendment of section 55—Granting of permits

Section 55—after subsection (6) insert:

- (7) The Commissioner may issue guidelines (not inconsistent with this section) setting out the circumstances in which permits will be issued or refused.

23—Amendment of section 57—Conditions of permits

Section 57—after subsection (1) insert:

- (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.

24—Insertion of section 59

After section 58 insert:

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.

25—Amendment of section 60—Prevention of betting with children by bookmaker or agent

Section 60—after subsection (4) insert:

- (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.

26—Amendment of section 62—Rules relating to bookmakers' operations

Section 62(2)—delete subsection (2) and substitute:

- (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.

27—Insertion of section 79A

Before section 80 insert:

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.

28—Amendment of section 91—Regulations

Section 91(2)—after paragraph (a) insert:

- (ab) declare that a specified form of betting is or is not fixed-odds betting for the purposes of this Act;

29—Repeal of section 92

Section 92—delete the section

30—Variation of Schedule 1—Transitional provisions

Schedule 1, clauses 4, 5 and 6—delete the clauses

Schedule 1—Transitional etc provisions

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.