

PARLIAMENT OF VICTORIA

Racing Legislation Amendment Bill 2012

TABLE OF PROVISIONS

<i>Clause</i>		<i>Page</i>
1	Purposes	1
2	Commencement	2
3	Principal Act	2
4	Definitions	2
5	Betting with registered bookmaker	3
6	Methods of remote betting	3
7	New sections 4B to 4I inserted	3
4B	Application for approval to use methods of approved remote betting on off-course premises	3
4C	Approval of off-course premises for remote betting usage	4
4D	Cancellation or suspension of approval for approved off-course premises or variation of conditions	5
4E	Minister may prescribe requirements to be complied with by bookmakers for approval to accept bets off-course	6
4F	Commission to notify controlling body of certain matters	7
4G	Offence to breach conditions of approval to operate off-course premises	7
4H	Offence to open approved off-course premises to public	8
4I	Prohibition on publishing prohibited advertising in relation to the approved off-course premises	11
8	Disclosure of information	12
9	Annual report	12
10	Racing Integrity Commissioner may direct that certain appeals be heard—appeals to HRV Racing Appeals and Disciplinary Board	12
11	New section 50KA inserted	13
50KA	Appeals in respect of approvals for approved off-course premises	13
12	HRV Racing Appeals and Disciplinary Board may grant an extension of time	14
13	Racing Integrity Commissioner may direct that certain appeals be heard—appeals to GRV Racing Appeals and Disciplinary Board	14

PARLIAMENT OF VICTORIA

Introduced in the Assembly

**Racing Legislation Amendment Bill
2012**

A Bill for an Act to amend the **Racing Act 1958** and for other purposes.

The Parliament of Victoria enacts:

1 Purposes

The main purposes of this Act are to amend the **Racing Act 1958** to—

- 5
- (a) provide for bookmakers to accept telephone and electronic bets at approved off-course premises;
 - (b) provide for the removal of the turnover cap that applies to the bookmaker's licence levy;
 - 10 (c) provide for the specification of further bodies in respect of which the Racing Integrity Commissioner may disclose integrity related information;

5 Betting with registered bookmaker

- (1) In section 4(1) of the Principal Act, after "a racecourse" insert "or an approved off-course premises".
- (2) In section 4(3) of the Principal Act, after "present on the racecourse" insert "or approved off-course premises".
- (3) In section 4(4) of the Principal Act—
- (a) in paragraph (a), after "present on the racecourse" insert "with a registered bookmaker or approved substitute present on the racecourse";
 - (b) in paragraph (b), omit "not present on the racecourse".

6 Methods of remote betting

In section 4A(1) of the Principal Act omit "not present on the racecourse on which the bookmaker is carrying on business".

7 New sections 4B to 4I inserted

After section 4A of the Principal Act insert—

"4B Application for approval to use methods of approved remote betting on off-course premises

- (1) A registered bookmaker issued with a club bookmaker's licence may apply to the controlling body that issued the licence, for approval to make or accept bets at premises other than a racecourse, using a method of communication approved by the Minister under section 4A.

(b) give the Commission written advice of a decision by the controlling body to grant or refuse an approval under this section.

5 (4) A controlling body may make an approval granted under this section subject to any conditions specified in the written approval.

10 (5) In addition to any condition specified by a controlling body under subsection (4), the following conditions apply to an approval granted under this section—

15 (a) that the approved off-course premises not be open to, or available for use by, the public or a section of the public for any purpose related to betting;

20 (b) that the registered bookmaker granted an approval under this section continue to comply with any requirements prescribed by the Minister under section 4E.

(6) The controlling body that grants an approval under this section may revoke that approval at any time by written notice given to the registered bookmaker.

25 (7) A registered bookmaker may appeal a decision by a controlling body to refuse an approval under this section to the appropriate Racing Appeals and Disciplinary Board.

30 **4D Cancellation or suspension of approval for approved off-course premises or variation of conditions**

35 (1) A controlling body may by written notice to a registered bookmaker cancel, or suspend for a period specified by the controlling body, an approval granted to the registered bookmaker under section 4C if the

communication the Minister has approved under section 4A.

- 5
- (2) The Minister may vary requirements prescribed under subsection (1) by notice published in the Government Gazette.
- 10
- (3) Requirements (including any variation of those requirements) prescribed under this section apply on and from the publication of the notice or on any later date specified in the notice.

4F Commission to notify controlling body of certain matters

- 15
- (1) This section applies if, in respect of a registered bookmaker who holds an approval under section 4C, the Commission—
- (a) finds or is advised that the registered bookmaker failed to comply with a condition of that approval; or
- 20
- (b) suspends or cancels the registration of the bookmaker under section 4.5A.14 of the **Gambling Regulation Act 2003**.
- (2) The Commission must give the controlling body that gave an approval to a bookmaker under section 4C written notice of any finding, advice, suspension or cancellation as soon as practicable.
- 25

4G Offence to breach conditions of approval to operate off-course premises

30

A registered bookmaker who holds an approval for approved off-course premises granted under section 4C must not carry on the business of bookmaking at those premises unless it is in accordance with the conditions of that approval specified by the

5
10
15
20
25
30
35

- (b) for a second relevant offence,
250 penalty units or imprisonment for
6 months or both;
 - (c) for a third or subsequent relevant
offence, 1000 penalty units or
imprisonment for 2 years or both.
- (3) An approved substitute for a bookmaker who
holds an approval for an approved off-course
premises who makes or takes a bet or bets to
the value of less than \$500 from a person
who is present at the premises is guilty of an
offence and liable to a penalty of—
- (a) for a first relevant offence, 60 penalty
units;
 - (b) for a second relevant offence,
250 penalty units or imprisonment for
6 months or both;
 - (c) for a third or subsequent relevant
offence, 1000 penalty units or
imprisonment for 2 years or both.
- (4) An approved substitute for a bookmaker who
holds an approval for an approved off-course
premises, who makes or takes a bet or bets to
the value of \$500 or more from a person who
is present at the premises is guilty of an
offence and liable to a penalty of—
- (a) for a first relevant offence, 100 penalty
units or imprisonment for 3 months or
both;
 - (b) for a second relevant offence,
250 penalty units or imprisonment for
6 months or both;
 - (c) for a third or subsequent relevant
offence, 1000 penalty units or
imprisonment for 2 years or both.

against subsection (1), (2), (3), (4), (5)
or (6).

**4I Prohibition on publishing prohibited
advertising in relation to the approved
off-course premises**

- (1) A registered bookmaker who holds an approval under section 4C must not publish or cause to be published—
- (a) any prohibited advertising in relation to approved off-course premises;
 - (b) the address of the approved off-course premises.

Penalty: 20 penalty units.

- (2) A person must not, on behalf of a registered bookmaker who holds an approval under section 4C, publish or cause to be published—
- (a) any prohibited advertising in relation to approved off-course premises;
 - (b) the address of the approved off-course premises.

Penalty: 20 penalty units.

- (3) In this section—

prohibited advertising means any form of advertising that contains any information, term, expression, symbol or other thing—

- (a) that draws attention to, or can reasonably be taken to draw attention to, the approved off-course premises or the presence of bookmakers or approved substitutes in those premises; or

11 New section 50KA inserted

After section 50K of the Principal Act insert—

"50KA Appeals in respect of approvals for approved off-course premises

(1) A registered bookmaker may appeal to the HRV Racing Appeals and Disciplinary Board against a decision by Harness Racing Victoria—

(a) under section 4C to refuse to give an approval under that section;

(b) under section 4D—

(i) to cancel, or suspend for a period specified by Harness Racing Victoria, an approval granted by Harness Racing Victoria under section 4C;

(ii) to vary an approval granted by Harness Racing Victoria under section 4C;

(iii) to not vary an approval granted by Harness Racing Victoria under section 4C following a request made by the bookmaker for variation of the approval.

(2) An appeal made by a person under subsection (1) must—

(a) be in the prescribed form; and

(b) be lodged with the Boards Registrar by 5.00 p.m. on the third day after the day the appellant receives notice of the decision that the appellant is appealing.

(3) The Boards Registrar must give the Chairperson a copy of an appeal lodged under subsection (2) as soon as practicable.

- 5
- 10
- 15
- 20
- 25
- 30
- 35
- (a) under section 4C to refuse to give an approval under that section;
 - (b) under section 4D—
 - (i) to cancel, or suspend for a period specified by Greyhound Racing Victoria, an approval granted by Greyhound Racing Victoria under section 4C;
 - (ii) to vary an approval granted by Greyhound Racing Victoria under section 4C;
 - (iii) to not vary an approval granted by Greyhound Racing Victoria under section 4C following a request made by the bookmaker for variation of the approval.
 - (2) An appeal made by a person under subsection (1) must—
 - (a) be in the prescribed form; and
 - (b) be lodged with the Boards Registrar by 5.00 p.m. on the third day after the day the appellant receives notice of the decision that the appellant is appealing.
 - (3) The Boards Registrar must give the Chairperson a copy of an appeal lodged under subsection (2) as soon as practicable.
 - (4) The GRV Racing Appeals and Disciplinary Board must hear an appeal made by a bookmaker under this section.
 - (5) As soon as is reasonably practicable after the Chairperson receives a copy of an appeal under subsection (3), the GRV Racing Appeals and Disciplinary Board must advise, in writing, the appellant and Greyhound Racing Victoria, of—

83U Right of entry

- 5
- (1) A gambling and liquor inspector may enter and remain on any approved off-course premises for the purposes of exercising his or her functions as a gambling and liquor inspector under section 83T.
- (2) The power of entry may be exercised with the written consent of the occupier of the approved off-course premises at any time.
- 10
- (3) A gambling and liquor inspector who enters approved off-course premises is not authorised to remain on the premises if, on the request of the occupier of the premises, the gambling and liquor inspector does not show his or her identity card to the occupier.
- 15
- (4) If an occupier consents to the entry of approved off-course premises under this section, the gambling and liquor inspector must give the occupier a copy of the consent immediately.
- 20
- (5) If, in any proceeding, a written consent is not produced to the court, it must be presumed, until the contrary is proved, that the occupier did not consent to entry.

25 **83V Powers of gambling and liquor inspectors**

- (1) A gambling and liquor inspector may do any one or more of the following—
- 30
- (a) require any person in possession of, or having control of, any machinery, equipment or records relating to an activity regulated by sections 4B to 4I and section 92 to produce the machinery, equipment or records for inspection and to answer questions or provide information relating to the machinery, equipment or records;
- 35

be obstructed, in the performance of his or her functions;

(g) any other thing authorised by this Act or the regulations to be done by a gambling and liquor inspector.

(2) If a gambling and liquor inspector seizes anything under this section, it may be retained by the gambling and liquor inspector until the completion of any proceedings (including proceedings on appeal) in which it may be evidence but only if, in the case of records, the person from whom the records were seized is provided, within reasonable time after the seizure, with a copy of the records certified by a gambling and liquor inspector as a true copy.

(3) Subsection (2) ceases to have effect in relation to things seized if, on the application of a person aggrieved by the seizure, the court in which proceedings referred to in that subsection are instituted so orders.

(4) A copy of records provided under subsection (2) is, as evidence, of equal validity to the records of which it is certified to be a copy.

83W Power to require names and addresses

(1) A gambling and liquor inspector who exercises a right of entry to an approved off-course premises under section 83U may require a person on the premises to state the person's full name and residential address.

(2) A gambling and liquor inspector is not authorised to require a person to state his or her name or address unless the gambling and liquor inspector—

(a) suspects on reasonable grounds that the person has committed an offence; and

not on a racecourse—evidence of an approval given to the bookmaker under section 4C entitling the bookmaker to carry on that business at that approved off-course premises; or".

(2) In section 92(2) of the Principal Act—

(a) for "or part of a racecourse" **substitute** "**part of a racecourse, an approved off-course premises**";

(b) for "inspection evidence of registration under Part 5A of Chapter 4 of the **Gambling Regulation Act 2003** if so requested by an authorised person." **substitute—**

"inspection—

(a) evidence of registration under Part 5A of Chapter 4 of the **Gambling Regulation Act 2003**; or

(b) in the case of a bookmaker's key employee making and accepting bets using a method of communication approved by the Minister under section 4A at premises not on a racecourse—evidence of an approval given to a bookmaker under section 4C entitling the bookmaker to carry on that business at that approved off-course premises—

if so requested by an authorised person."

(3) For section 92(3)(d) of the Principal Act **substitute—**

"(d) a gambling and liquor inspector."

ENDNOTES

By Authority. Government Printer for the State of Victoria.