

# EXPLANATORY MEMORANDUM BETTING CONTROL AMENDMENT BILL 1998

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## General Overview

Principal changes proposed by this Bill are to-

- simplify the provisions detailing the procedural requirements for the conduct of betting by bookmakers fielding at professional foot racing meetings and to extend the provisions to other designated sporting events and venues;
- stipulate that betting levy payable to government in respect of sports betting is distributed to sporting organisations as directed by the Minister for Sport and Recreation;
- transfer responsibility for approving events for the purposes of sports betting from the Minister to the Betting Control Board;
- establish flexibility in relation to the requirement to issue betting tickets;
- introduce provisions to recognise prior interstate betting offences;
- establish temporary licensing provisions for bookmakers' clerks;
- simplify the provisions relating to betting conducted at "Calling of the Card" events and direct the betting levy payable on that betting to the relevant race club; and
- strengthen the Board's powers in relation to conducting criminal records checks.

<b>Clause 1 Short title</b>	Cites the Act as the Betting Control Amendment Act 1998	<b>Clause 7 Section 5 amended and transitional</b>	Repeals subsection (1a) and replaces it with subsection (2) to allow the Board to authorise and control the settlement of bets and betting on "calling of the card" events. Includes transitional arrangements for authorisations issued under the former subsection (1a).
<b>Clause 2 Commencement</b>	Stipulates that the commencement date shall be a date set by proclamation.	<b>Clause 8 Section 6A amended</b>	Technical amendments to- <ul style="list-style-type: none"> <li>• correct a reference to section 6; and</li> <li>• stipulate that the office of a deputy member of the Board becomes vacant if that deputy member is convicted of an indictable offence or if the appointment of that deputy member is terminated by the Minister.</li> </ul>
<b>Clause 3 Principal Act</b>	Identifies the Betting Control Act 1954 as the principal Act	<b>Clause 9 Section 6D amended</b>	A technical amendment to extend the delegation powers of the Board to its duties as well as its powers.
<b>Clause 4 Section 4 amended</b>	Inserts new definitions for "designated sporting event", "permittee" and "registered place" which relate to the conduct of sports betting at venues other than horse or greyhound race tracks. Inserts a subsection enabling the Board to approve classes of sporting events for the purposes of section 4A by notice published in the Government Gazette	<b>Clause 10 Section 6G amended</b>	Allows revenue from bookmakers' sports betting to be paid into an account held by the Betting Control Board rather than into the Consolidated Fund. Requires the Board to present quarterly reports to the Minister responsible for Sport and Recreation and to distribute the funds according to instructions from this Minister.
<b>Clause 5 Section 4A repealed and a section substituted, and transitional</b>	Broadens the application of section 4A from foot racing to designated sporting events. Sets the provisions for the conduct of betting at designated sporting events, the conditions for application and the issuing of permits. Establishes provision for registered venues for sports betting. Sets penalties for non compliance with the conditions of the permit. Sets transitional arrangements for previous approvals/permits under the former section 4A.	<b>Clause 11 Section 9 amended</b>	Repeals section 9(3) and replaces it with a new section to comply with the new provisions of sections 6G(1a), 6G(1b) and 6G(1c). See notes for clause 10.
<b>Clause 6 Section 4B amended</b>	Empowers the Board rather than the Minister to approve sporting events for bookmaker sports betting conducted at horse and greyhound race tracks.		

**Clause 12**  
**Section 11 amended**

Subsection (1) is consequential to changes to section 5 (refer clause 7).

Subsection (2) extends the penalty for false or misleading statements to the Board to include such statements to stewards in charge of race meetings.

Subsection (3) introduces a new provision allowing recognition of interstate betting offences.

**Clause 13**  
**Section 12A inserted**

Introduces a provision to allow and to set the conditions for stewards to issue temporary bookmaker's employee licences for specified race meetings.

**Clause 14**  
**Section 15 amended**

Subsections (1) and (2) are consequential to amendments to section 4B(2) (refer clause 6).

Subsection (3) clarifies the provisions for the disbursement of bookmakers' betting levy by regulation.

**Clause 15**  
**Section 16 amended**

Subsection (1) is a consequential amendment relating to new section 5(2) (refer clause 7).

Subsection (2) amends section 16(3) to require betting levies and records to be returned to relevant persons (defined as a race clubs for races within the State or the Board for races outside the State) within 7 days of the betting taking place.

Subsection (3) inserts new subsections (3a), (3b) and (3c) to set the provisions and conditions for the collection and remittance of betting levy by race clubs.

New subsection (3d) defines "relevant person".

**Clause 16**  
**Section 17C amended**

Replaces terms relating to foot racing with terms relating to designated sporting events.

**Clause 17**  
**Section 18A amended**

Consequential - replaces reference to section 4B(3) with section 4B(2) (refer clause 6).

**Clause 18**  
**Section 20 amended**

Consequential - replaces reference to section 5(1a) with reference to section 5(2) (refer clause 7).

**Clause 19**  
**Section 23 amended**

Consequential - replaces reference to section 5(1a) with reference to section 5(2) (refer clause 7).

**Clause 20**  
**Section 24 amended**

Inserts a new subsection (1a) to include reference to interstate offences  
Inserts a definition of "interstate offence" into section 24(2).

**Clause 21**  
**Section 27 amended**

Consequential - replaces reference to section 5(1a) with reference to section 5(2) (refer clause 7).

**Clause 22**  
**Section 30A amended**

Repeals subsection (1) and replaces it with a provision to allow any offence committed under either the Betting Control Act or the Totalisator Agency Board Betting Act 1960 to be prosecuted by the Board.

**Clause 23**  
**Section 31 amended**

Amends section 31 to allow regulations to specify how betting tickets are delivered to the bettor.

**Clause 24**  
**Section 31A amended**

Deletes references to the Commissioner (of taxation). Previous amendments to the Act removed the responsibilities of the Commissioner with respect to bookmakers' betting levy.

Expands the provisions of subsection (b)(i) to include permittee as well as authorised persons.

Expands (d)(iii) to include restriction or prohibition as well as condition.

Extends the provision allowing the seizure of evidence to an officer authorised by the Board.

**Clause 25**  
**Section 33 amended**

Simplifies the regulation making power.

Substitutes references to the Commissioner (for State Taxation) (refer clause 24) with the Board.

Inserts a new regulation making power with respect to fees for permits for sports betting.

**Clause 26**  
**Section 36 amended**

Sets the requirement that the principal Act be reviewed five years after proclamation of the Betting control Amendment Act 1998.