

BOOKMAKERS.

11 & 12 GEO. VI. No. 79.

AN ACT to amend the *Bookmakers Act* 1932. [19 December, 1947.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Bookmakers Act* 1947. Short title and citation.

(2) The *Bookmakers Act* 1932*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section four A of the Principal Act is amended— Betting rules.

(a) by inserting before the words “make rules” in subsection (1) the words “, with the approval of the Minister,”;

(b) by omitting paragraphs II. and III. of subsection (1) and substituting therefor the following paragraphs:—

“II. Controlling and regulating the conduct of bookmakers and bookmakers’ clerks:

IIA. Controlling and regulating betting by and with bookmakers: and

IIIB. Requiring bookmakers to give security for the proper observance of this Act, and prescribing the cases in which and the manner in which any security so given may be enforced.”.

3 Section six of the Principal Act is amended—

(a) by inserting after subsection (1) the following subsection:— Application for registration.

“(1A.) Without affecting the generality of paragraph I. of subsection (1) of section four A, the Board may, in its discretion, grant or refuse any application for registration, but, if any application is refused, the applicant shall be entitled to a refund of the fee lodged therewith.”;

(b) by omitting subsection (2) and substituting therefor the following subsections:—

“(2) Subject to this Act, a certificate of registration, while in force, shall entitle the holder thereof to carry on the business of a bookmaker—

I. Upon any racecourse or racecourses specified in the certificate:

* 28 Geo. V. No. 39. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 349. Subsequently amended by 4 & 5 Geo. VI. No. 87.

II. In any approved premises within the area specified in the certificate: or

III. Both upon any such racecourse or racecourses and in any such premises,

as may be set forth in the certificate, and also upon such other racecourse or racecourses, if any, and at such times, as the Board, in pursuance of paragraph II. of subsection (8), may, at any time, direct, but not otherwise, and in respect only of horseracing events and coursing events.

(2A.) Notwithstanding anything contained in subsection (2), any bookmaker who is entitled, by virtue of his certificate of registration, to carry on the business of a bookmaker on any specified racecourse or racecourses, may, with the approval, in writing, of the Board, but not otherwise, carry on such business on any racecourse other than a racecourse specified in his certificate of registration on such days or during such period as the Board may determine.”;

(c) by inserting in subsection (6), after the words “unavoidable cause”, the words “or for any other reason approved by the Board,”; and

(d) By adding at the end thereof the following subsections:—

“(8) The holder of any certificate of registration as a bookmaker shall, unless excused by the Board from so doing, carry on business or exercise his calling as a bookmaker—

I. Upon every racecourse specified in his certificate of registration, at all times when any race-meeting is being held thereon:

II. Upon such other racecourse or racecourses, if any, and at such times, as the Board may, in any particular case, direct: and

III. In any approved premises specified in his certificate of registration, during such hours as the Board may, either generally or in any particular case, direct.

(9) Notwithstanding anything contained in paragraph II. of subsection (8), the Board shall not direct any bookmaker to carry on business or exercise his calling as a bookmaker at any racecourse which is situated at a greater distance than thirty miles from any approved premises specified in his certificate of registration, or, if no such premises are specified therein, from his place of residence.”.

4 After section six of the Principal Act the following section is inserted:—

“6A.—(1) If the Board has reasonable cause to believe that any bookmaker has—

Suspension
and cancel-
lation of
certificates of
registration.

- I. Failed to observe any of the provisions of this Act:
- II. Failed to comply with any condition of his certificate of registration:
- III. Committed any offence against the *Gaming Act 1935**:
- IV. Failed to observe the Rules of Racing in any respect:
- or
- v. Made default in payment of any bet,

the Board may suspend the certificate of registration of the bookmaker for such period as it thinks fit, or may, in lieu of suspending such certificate, hold an enquiry in accordance with this section.

(2) When the Board suspends the certificate of registration of a bookmaker in pursuance of subsection (1), the Board shall, within fourteen days after suspending the certificate of registration, hold an enquiry in accordance with this section.

(3) In any case where the Board proposes to hold an enquiry under this section, it shall cause to be served upon the bookmaker notice, in writing, requiring him to appear before the Board, on the holding of such enquiry, at such place and at such time as may be specified in the notice, to show cause why his certificate of registration should not be suspended or cancelled on the grounds specified in the notice.

(4) A bookmaker shall be entitled to be represented by counsel, solicitor, or agent upon the holding of any enquiry under this section.

(5) For the purpose of holding any enquiry under this section, the Board shall have the same powers and authorities as if a commission had been issued to it under Division II. of Part II. of the *Evidence Act 1910†*.

(6) Upon the holding of any enquiry under this section the Board may, if it is satisfied that the grounds specified in the notice served on the bookmaker in accordance with subsection (3) have been sustained, cancel the bookmaker's certificate of registration, or may suspend the same for such period as it thinks fit, or, if such certificate has been suspended by the Board in pursuance of subsection (1) prior to the holding of the enquiry, may order that the suspension thereof shall be continued for such further period as the Board thinks fit.

(7) Where the certificate of registration of any bookmaker is suspended in pursuance of subsection (1), the Board shall annul the suspension thereof if, on the holding of an enquiry under this section, it is not satisfied that the grounds upon which such certificate was so suspended are sustained.

* 26 Geo. V. No. 31. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 381. Subsequently amended by 4 Geo. V. No. 29, 6 Geo. VI. No. 42, and 8 & 9 Geo. VI. No. 23.

† 1 Geo. V. No. 20. For this Act, as amended to 1936, see Reprint of Statutes, Vol. III., p. 751. Subsequently amended by 6 Geo. VI. No. 64, 7 Geo. VI. No. 40, and 10 Geo. VI. No. 11.

(8) In any case where the certificate of registration of any bookmaker is suspended or cancelled, or where the suspension of any such certificate is ordered by the Board to be continued in pursuance of subsection (6), the Board shall give notice, in writing, to the bookmaker of the suspension or cancellation of such certificate, or, as the case may be, of its order for the continuance of the suspension of such certificate, and of the grounds thereof.

(9) In any case where the Board, after an enquiry under this section, suspends or cancels the certificate of registration of any bookmaker, or, as the case may be, orders that any suspension thereof made prior to the holding of the enquiry shall be continued, the bookmaker, if he is dissatisfied with the decision of the Board, may appeal therefrom to a judge.

(10) Any suspension or cancellation of a certificate of registration made in pursuance of this section shall be in addition to any other penalty which may be imposed on the bookmaker by any court before which he is convicted.

(11) In this section 'the Rules of Racing' means the Australian rules of racing as adopted by the Tasmanian Racing Club and the Tasmanian Turf Club, and includes the rules of racing of the Tasmanian Racing Club, the Tasmanian Turf Club, the Northern Tasmanian Trotting Association, the Southern Tasmanian Trotting Association, the National Coursing Club of Tasmania, or any of those bodies."

Bookmakers
not to be on
racecourse
without
consent of
controlling
body.

5 Section seven of the Principal Act is amended by adding at the end thereof the following subsections:—

"(2) After the commencement of this subsection, the committee or stewards controlling any racecourse, notwithstanding anything contained in subsection (1), shall not, except with the prior approval, in writing, of the Commissioner, demand or receive from any bookmaker any fee or charge for or in connection with the granting to such bookmaker of a consent under that subsection to bet or carry on business on that racecourse; or, where such approval has been given, demand or receive from any such bookmaker any fee or charge in excess of a fee or charge approved by the Commissioner."

(3) For the purposes of subsection (2), any fee or charge in force on the first day of August, One thousand nine hundred and forty-seven in connection with the granting by the committee or stewards controlling any racecourse of any consent under subsection (1) shall be deemed to have been approved by the Commissioner in accordance with the provisions of subsection (2) of this section."

Approval of
betting
premises by
Commissioner.

6 Section nine of the Principal Act is amended—

(a) by adding at the end of subsection (6) the words
" , or such earlier hour as the Board may, either
generally or in any particular case, direct." ; and

(b) by inserting after subsection (6) the following subsections:—

“(6A.) The provisions of subsection (6) shall not apply to any person who bets or carries on business as a bookmaker in approved premises situated in any area or place specified in any order made by the Board under subsection (6B.).

(6B.) The Board may, by order in respect of approved premises situated in any area or place specified in the order, exempt any approved premises so situated from the operation of subsection (6), but no such order shall be made in respect of any approved premises situated within a radius of seven miles from the general post office at Hobart or the principal post office at Launceston.

(6C.) Every order made under subsection (6) shall be in writing under the hand of the Chairman of the Board, and shall, unless sooner revoked, continue in force for twelve months from the date thereof, and may be renewed for any further period or periods not exceeding twelve months at any one time.”.

7 Section nineteen of the Principal Act is amended by omitting subsection (2). Offences by bookmak
ra.

8 Section twenty of the Principal Act is amended by omitting subsection (2). Offences involving fraud.

9 Section twenty-one of the Principal Act is amended by adding at the end thereof the following subsection:— Offences by bettors.

“(6) No person shall knowingly bet with a bookmaker in any place or at any time other than a place or time in or at which the bookmaker is authorised by or under this Act to carry on business or exercise his calling as a bookmaker:

Penalty: For a first offence: Minimum, five pounds, maximum, fifty pounds; for a second or subsequent offence: Minimum, fifty pounds, maximum, one hundred pounds.”.

10 After section twenty-six of the Principal Act the following section is inserted:—

“26A. On or before the thirtieth day of September in each year, the Board shall submit to the Minister a complete and accurate report on the activities of the Board during the year ended on the preceding thirty-first day of July, and shall, whenever directed by the Minister so to do, furnish him with such other information as the Minister may at any time require.”. Annual report of Board.