

LOTTERY AND GAMING ORDINANCE

(No 2) 1978

111

No. 30 of 1978

An Ordinance to amend the *Lottery and Gaming Ordinance*

[Assented to 20 June 1978]

BE it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the *Lottery and Gaming Ordinance (No. 2) 1978*. Short title

2. The *Lottery and Gaming Ordinance* is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

3. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.^{*} Commencement

4. Sections 93 and 94 of the Principal Ordinance are repealed. Repeal of sections 93 and 94

5. Section 94A of the Principal Ordinance is amended—Definitions
(a) by inserting after the definition of “official starting price” the following definition:
“ ‘permit’ means a permit to conduct the business of a registered bookmaker, being a permit issued under section 94TA;”;
(b) by omitting the definition of “registered bookmaker” and substituting the following definition:
“ ‘registered bookmaker’ means a bookmaker to whom a permit has been issued under section 94TA;”; and
(c) by omitting from the definition of “tax ticket” the words “and issued by the Commonwealth”.

6. Section 94B of the Principal Ordinance is amended by inserting after “licensed bookmaker” (twice occurring) “or a registered bookmaker”. Restrictions on betting under this Part

^{*}The date fixed was 1 July, 1978 (see *Northern Territory Government Gazette* No. 26B of 30 June, 1978, page 2).

7. Section 94H of the Principal Ordinance is repealed and the following section substituted:

Moneys of
the Board

“**94H.** The moneys of the Board consist of such moneys as are received by the Board under or in pursuance of this Ordinance.”.

8. Section 94J of the Principal Ordinance is amended—

- (a) by omitting from paragraph (a) “and” (second occurring); and
- (b) by inserting after paragraph (b) the following:
“; and
- (c) in payment of moneys to racing bodies and charities under section 94KD.”.

Reports

9. Section 94KC of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “Legislative Council” and substituting “Legislative Assembly”; and
- (b) by omitting from sub-section (3) “Legislative Council” and substituting “Legislative Assembly”.

Moneys payable
to racing
bodies and
charities

10. Section 94KD of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1)—
 - (i) “by the Commonwealth” (twice occurring); and
 - (ii) “of the Commonwealth” (twice occurring);
- (b) by omitting from sub-section (1A) “to the Commonwealth”;
- (c) by omitting from sub-section (2) “of the Commonwealth”;
- (d) by omitting from sub-section (3)—
 - (i) “of the Commonwealth” (first occurring);
 - (ii) “to the Commonwealth”; and
 - (iii) paragraphs (b) and (c);
- (e) by inserting after paragraph (a) the following paragraphs:
 - “(b) an amount equal to the costs and expenses of the Board in that financial year arising out of the exercise of its powers and the performance of its functions under this Ordinance; and
 - (c) an amount equal to the remuneration and allowances paid to members of the Board in that financial year under section 94D.”;
- (f) by omitting from sub-section (5) “Treasurer” and substituting “Board”;
- (g) by omitting from sub-section (5) “he” (twice occurring) and substituting “it”;
- (h) by omitting from sub-section (6) “to the Commonwealth”; and

- (i) by omitting from sub-section (6) "Treasurer" (twice occurring) and substituting "Board".

11. Section 94M(3) of the Principal Ordinance is amended—

Applications
for licences
under this
Part

- (a) by omitting "Commonwealth" (first occurring) and substituting "Board"; and
- (b) by omitting "a fee of 500 dollars, and has furnished to the Board the receipt issued by the Commonwealth in respect of that payment" and substituting "the prescribed fee".

12. Section 94N of the Principal Ordinance is amended—

Security may
be required

- (a) by inserting in sub-section (1)—
 - (i) after "licence" the words "or a permit"; and
 - (ii) after "licensed bookmaker" the words "or a registered bookmaker";
- (b) by inserting in sub-section (1A)—
 - (i) after "licensed bookmaker" the words "or a registered bookmaker"; and
 - (ii) after "licence" the words "or a permit";
- (c) by inserting in sub-section (2) after "licensed bookmaker" the words "or a registered bookmaker"; and
- (d) by inserting in sub-section (3) after "licence" (twice occurring) "or the permit, as the case may be,".

13. Section 94R of the Principal Ordinance is amended—

Cancellation
of licences

- (a) by inserting after "licence" (wherever occurring) "or permit";
- (b) by inserting after "a licensed bookmaker" (wherever occurring) "or a registered bookmaker";
- (c) by inserting after "the licensed bookmaker" (wherever occurring) "or the registered bookmaker"; and
- (d) by omitting from sub-section (1)(a) "rules made under section 94TA" and substituting "rules made under section 94U".

14. Section 94S(3) of the Principal Ordinance is amended by omitting "500 dollars" and substituting "such fee as is prescribed".

Renewal of
licences

15. After section 94T of the Principal Ordinance the following sections are inserted:

Bookmakers'
permits

"94TA.(1) A person may apply to the Board for a permit to operate as a bookmaker—

- (a) at a race meeting or race meetings conducted by a club on a specified licensed race-course; or
- (b) at a dog racing meeting or dog racing meetings conducted by a club on a specified licensed dog racing ground.

“(2) The Board may grant or refuse to grant a permit applied for under sub-section (1).

“(3) Where a permit is granted to a person who has applied for the permit on behalf of and for the benefit of himself and other persons, the permit shall contain an endorsement of the names and addresses of the persons other than the registered bookmaker in respect of whom the permit is granted.

“(4) Where a permit is endorsed under sub-section (3), a person whose name is not endorsed on the permit shall not, without the approval of the Board, acquire or hold any interest in or derive any benefit from the business carried on by the registered bookmaker.

Penalty: 1,000 dollars or imprisonment for 6 months.

“(5) A permit granted under sub-section (2)—

- (a) shall be subject to such terms and conditions and to the payment of such fees as are prescribed; and
- (b) may authorize the holder to operate as a bookmaker at a race meeting or a dog racing meeting specified in the permit or at any race meeting or dog racing meeting conducted by the club specified in the permit on the licensed race-course or dog racing ground specified in the permit during a period specified in the permit.

“(6) A person, not being under the age of 18 years, who at any race meeting or dog racing meeting, bets with a bookmaker to whom a permit to operate as a bookmaker at that race meeting or dog racing meeting has been granted under this section, shall not be liable to any penalty or punishment under any law relating to gaming, betting or wagering in respect of betting.

Penalty for
operating as
a bookmaker
on a race-
course, &c.,
without a
permit

“94TB.(1) A person, not being the holder of a bookmaker’s permit granted under section 94TA, shall not operate as a bookmaker on a licensed race-course or licensed dog racing ground.

“(2) The holder of a bookmaker’s permit granted under section 94TA shall not operate as a bookmaker on any licensed race-course or licensed dog racing ground other than the licensed race-course or dog racing ground specified in the permit.

Penalty: 200 dollars for the first offence, and for any subsequent offence, imprisonment for 6 months.”.

Bets placed
with licensed
bookmakers

16. Section 94V of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) A licensed bookmaker shall record on ledger sheets kept by him for the purpose in a form approved by the Board, all bets placed with him or with someone on his behalf in the order in which they were accepted.”.

Tax
tickets

17. Section 94W of the Principal Ordinance is amended by omitting “Commonwealth” and substituting “Board”.

18. Section 94X of the Principal Ordinance is amended—

- (a) by inserting after “licensed bookmaker” (first occurring) “or a registered bookmaker”; and
- (b) by inserting after “licence” (twice occurring) “or permit”.

Licensed or registered bookmakers not to do certain things

19. Section 94Z of the Principal Ordinance is amended by adding the following sub-section:

“(2) A registered bookmaker shall record on ledger sheets kept by him for the purpose, in a form approved by the Board, all bets placed with him or with someone on his behalf in the order in which they were accepted.”.

Record of bets

20. Section 94AB of the Principal Ordinance is amended—

- (a) by inserting after “a licensed bookmaker” (twice occurring) “or a registered bookmaker”; and
- (b) by inserting after “the licensed bookmaker” the words “or the registered bookmaker”.

Odds to be on tax ticket

21. Section 94AE(2A) of the Principal Ordinance is amended—

- (a) by omitting “if the licensed bookmaker—” and substituting “if the licensed bookmaker pays such additional fee as is prescribed in respect of that day.”; and
- (b) by omitting paragraphs (a) and (b).

Times during which licensed premises may be open for betting

22. Section 94AR of the Principal Ordinance is amended—

- (a) by inserting after sub-section (1) the following sub-section:
“(1A) A registered bookmaker shall be personally in attendance at all times when a bet is accepted in his name or placed with someone on his behalf at any race meeting or dog racing meeting unless he has first obtained permission in accordance with this section for a person to act for him during his absence.
Penalty: 40 dollars.”;
- (b) by inserting in sub-section (2)—
 - (i) after “a licensed bookmaker” the words “or a registered bookmaker”; and
 - (ii) after “the licensed bookmaker” (twice occurring) “or the registered bookmaker”;
- (c) by inserting in sub-sections (6), (8), (9) and (10) after “licence” (wherever occurring) “or permit”;
- (d) by omitting from sub-section (7) “The person so permitted” and substituting “A person so permitted to act for a licensed bookmaker”; and
- (e) by inserting after sub-section (7) the following sub-section:

Absence of bookmaker

“(7A) A person so permitted to act for a registered bookmaker shall cause a notice stating—

- (a) the fact that the permission has been granted;
- (b) the period for which the permission has been granted; and
- (c) his name,

to be displayed prominently at the place at which and at all times during which he is in attendance for the purpose of accepting bets at any race meeting or dog racing meeting during the absence of the person for whom he is permitted to act.”.

False or misleading statements in applications, &c., forbidden

23. Section 94AV of the Principal Ordinance is amended—

- (a) by inserting after “licensed bookmaker” the words “or a registered bookmaker”; and
- (b) by inserting after “licence” the words “or permit, as the case may be,”.

24. After Part VIIA of the Principal Ordinance the following Part is inserted:

“PART VIIB—TURNOVER TAX

Definitions

“**94BA.** In this Part unless the contrary intention appears—

‘Board’ means the Betting Control Board established under Part VIIA;

‘licence’ means a licence to conduct the business of a bookmaker issued under Part VIIA;

‘licensed bookmaker’ means a bookmaker licensed under Part VIIA;

‘licensed premises’ means a building or a part of a building used for the purpose of betting and in respect of which a licensed bookmaker holds a licence under Part VIIA;

‘registered bookmaker’ means a bookmaker to whom a permit has been issued under section 94TA.

Turnover tax

“**94BB.**(1) A person who is a licensed bookmaker or a registered bookmaker shall pay to the Board, on or before the Wednesday of each week, a tax calculated at the rate of one and one-quarter per cent of the sum of the amounts wagered by persons with him or by persons with someone on his behalf in the week ending at midnight on the immediately preceding Saturday.

Penalty: 1,000 dollars or imprisonment for 12 months or both.

“(2) A tax payable under sub-section (1) is recoverable as a debt from the bookmaker in a court of competent jurisdiction.

“(3) Where a court convicts a person of an offence under sub-section (1) it may, in addition to any penalty imposed, order the defendant to pay to the Board the amount of the tax to which the conviction relates.

“(4) A certificate setting out the terms of an order made under sub-section (3) may be filed in a court of competent jurisdiction and may be enforced as if it were a judgment of that court.

“**94BC.**(1) A person who is a licensed bookmaker or a registered bookmaker shall, at the same time that he makes the payment referred to in section 94BB(1), on or before Wednesday of each week, lodge with the Board a return showing details of all bets made with him or with someone on his behalf in the week ending at midnight on the immediately preceding Saturday.

Bookmakers to lodge return

“(2) The return required by sub-section (1) shall consist of the originals of the ledger sheets kept in pursuance of section 94V(1) or section 94Z(2), as the case may be, during the week to which a payment under section 94BB(1) relates.

Penalty: 500 dollars.

“**94BD.**(1) A person who is a licensed bookmaker or a registered bookmaker who is required to make a payment under section 94BB(1) and to lodge a return under section 94BC(1) may make the payment and lodge the return—

Procedure for payments and returns

- (a) by delivering the payment and the return to the office of the Board; or
- (b) by delivering the payment and the return to an office of Australia Post for transmission by certified mail to the office of the Board.

“(2) Where a person makes a payment and lodges the return by delivering them to an office of Australia Post in accordance with sub-section (1)(b), the payment is deemed to be made to the Board and the return is deemed to be lodged with the Board when a receipt for them is issued by Australia Post.

“**94BE.** Where a licensed bookmaker or a registered bookmaker fails to make a payment in compliance with section 94BB(1), or fails to lodge the return in compliance with section 94BC(1), his licence or permit, as the case may be, is of no effect until he makes that payment or lodges that return in the required form with the Board.”.

Suspension of licence or permit

25. Section 99 of the Principal Ordinance is amended by—

Regulations

- (a) omitting from paragraph (p) “and”; and
- (b) by adding at the end the following word and paragraph:
 - “; and
 - (r) the fixing of fees for licences, permits and authorities under this Ordinance.”.

26. A licence or permit duly issued, or other action duly taken or done, before the commencement of this Ordinance under or for the purposes of a provision of the Principal Ordinance, and having effect immediately before the commencement of this Ordinance, is as valid and effectual as if duly issued, taken or done under or for the purposes of that provision as amended or as repealed and replaced by this Ordinance, but any action that may be taken or done in respect of a licence or permit issued or action taken or done under or for the purposes of that provision as amended or as repealed and replaced by this Ordinance may be taken or done in respect of that first-mentioned licence, permit or action.
