

**GAMING AND BETTING (TELEPHONE BETTING)
AMENDMENT ACT 1994 No. 39**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Gaming and Betting Act 1912 No. 25
4. Consequential amendment of Bookmakers Taxation) Act 1917 No. 15

SCHEDULE 1—AMENDMENTS

**GAMING AND BETTING (TELEPHONE BETTING)
AMENDMENT ACT 1994 No. 39**

NEW SOUTH WALES



Act No. 39, 1994

An Act to amend the Gaming and Betting Act 1912 and the Bookmakers (Taxation) Act 1917 with respect to betting by telephone with a bookmaker operating at a race-meeting. [Assented to 2 June 1994]

Gaming and Betting (Telephone Betting) Amendment Act 1994 No. 39

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Gaming and Betting (Telephone Betting) Amendment Act 1994.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Gaming and Betting Act 1912 No. 25

3. The Gaming and Betting Act 1912 is amended as set out in Schedule 1.

Consequential amendment of Bookmakers (Taxation) Act 1917 No. 15

4. The Bookmakers (Taxation) Act 1917 is amended by inserting in section 36A (1) (b) after the words "this Act" the words " , section 6C of the Gaming and Betting Act 1912".

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 6C:

After section 6B, insert:

Telephone betting

6C. (1) The Minister may, in writing, authorise a licensed bookmaker to accept or make bets by telephone while the bookmaker is on a race-course at a time when it is lawful for betting to take place on the race-course.

(2) The Minister may impose conditions that a bookmaker holding an authority under this section is to comply with in accepting, making, dealing with and giving effect to bets to which the authority relates.

Gaming and Betting (Telephone Betting) Amendment Act 1994 No. 39

SCHEDULE 1—AMENDMENTS—*continued*

(3) The Minister may delegate his or her functions under this section (other than this power of delegation) to an officer of the Department of Sport, Recreation and Racing.

(4) A bookmaker who accepts or makes a bet by telephone while the bookmaker is on a race-course is guilty of an offence unless, at the time the bet is accepted or made, the bookmaker is authorised under this section to do so

Maximum penalty: 100 penalty units.

(5) A bet accepted by telephone as authorised by this section is taken to have been made on the race-course on which it is accepted.

(6) Such fees as are fixed by order of the Minister published in the Gazette are payable by a bookmaker:

- (a) for the issue of an authority under this section; and
- (b) for each period of 12 months during which the authority is in force,

(7) The Minister may, on the recommendation of the Committee, cancel, or suspend for a period specified in the recommendation, the authority held by a bookmaker under this section, if the bookmaker has failed:

- (a) to comply with a condition to which the authority is subject; or
- (b) to pay a fee payable by the bookmaker under this Section.

(8) In this section:

“**Committee**” means the Bookmakers Revision Committee constituted under the Bookmakers (Taxation) Act 1917;

“**Minister**” means the Minister administering Part 4.

(2) Section 47 (Penalty for advertising as to betting):

At the end of section 47, insert:

(2) This section does not operate to prohibit advertisement by a bookmaker of the willingness of the bookmaker to accept bets made by telephone if:

SCHEDULE 1—AMENDMENTS—continued

- (a) the bookmaker is authorised by section 6C to engage in telephone betting; and
- (b) the advertisement complies with the conditions to which the authority of the bookmaker under section 6C is subject.

(3) Section 47A (**Keeping place for communicating betting information**):

After section 47A (3) (a), insert:

(a1) This section does not operate to prohibit the communication or conveying of information by a Bookmaker who is on a race-course if the information:

- (i) is communicated or conveyed, on a day on which a race-meeting (other than a barrier trial meeting, a harness racing trial meeting or a greyhound trial meeting) is being held on the race-course, in response to a telephone request by a person who is not on the race-course; and
- (ii) relates to a bet proposed to, or made with, the bookmaker in accordance with a current authority held by the bookmaker under section 6C.

(4) Section 47B (**Advertisements relating to betting and forecasting of race results**):

After section 47B (4) (a), insert:

(a1) This section does not operate to prohibit the printing or publication in a newspaper of an advertisement or notice of the willingness of a bookmaker to accept bets made by telephone if:

- (i) the bookmaker is authorised by section 6C to engage in telephone betting; and
- (ii) the advertisement complies with the conditions to which the authority of the bookmaker is subject.

Gaming and Betting (Telephone Betting) Amendment Act 1994 No. 39

SCHEDULE 1—AMENDMENTS—*continued*

(5) Section 47C (Keeping of place for conveying certain oral statements):

From section 47C (3) (a), omit “such race-meeting”, insert instead “the race-meeting or in accordance with current authority held by the bookmaker under section 6C”.

*[Minister’s second reading speech made in—
Legislative Assembly on 4 May 1994
Legislative Council on 11 May 1994]*