

Chapter 265.
Bookmaking Act 1974.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 265.

Bookmaking Act 1974.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Bookmaking Act 1974,

Being an Act to provide for the licensing of bookmakers and the imposition of licence fees and for related purposes.

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Act, unless the contrary intention appears–

“**betting ticket**” means a betting ticket referred to in Section 16(1);

“**bookmaker**” includes a licensed bookmaker;

“**bookmaker’s licence**” means a licence to conduct the business of a licensed bookmaker issued under Section 6;

¹²“**Commissioner General**” means the Commissioner General of Internal Revenue appointed under Section 6 of the *Income Tax Act 1959*;

“**credit bet**” means a bet made where the amount wagered by the bettor is not paid to the licensed bookmaker when the bet is made;

“**employee of a licensed bookmaker**” means a person employed by a licensed bookmaker to assist him in the business of bookmaking;

“**licensed bookmaker**” means a bookmaker licensed under this Act;

“**licensed premises**” means premises used for the purpose of betting and–

(a) in respect of which a licensed bookmaker holds a licence from a Local-level Government under a rule made under Section 14; or

¹ Section 1 (definition of “Chief Collector”) repealed by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s1(a).

² Section 1 (definition of “Commissioner General”) inserted by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s1(b).

- (b) where there is no rule of the Local-level Government in whose area the premises are situated, the premises the address of which is endorsed on the bookmaker's licence and includes in respect of a licensed bookmaker any racecourse within 30 km of the premises in respect of which he is otherwise licensed and in respect of which the club or association controlling racing on that racecourse is licensed;

“**person**” includes a club or association whether corporate or unincorporate;

“**premises**” includes any building, part of a building, racecourse or part of a racecourse, vehicle and any land on which the building or the racecourse is situated;

“**race**” includes contest or trial;

“**this Act**” includes any regulations made under this Act.

2. APPLICATION OF THE CRIMINAL CODE AND GAMING ACT.

The provisions of—

- (a) Sections 232 and 233 of the *Criminal Code 1974*; and
(b) the *Gaming Act 1959*,

do not apply to a licensed bookmaker or to licensed premises, in relation to the conduct of the business of a licensed bookmaker.

3. RESTRICTIONS ON BETTING.

This Act does not authorize a licensed bookmaker to accept a bet, or a person to make a bet with a licensed bookmaker, except—

- (a) on an event in the program of a race meeting held in the country or in a State or Territory of or under the authority of Australia; or
(b) on a boxing or wrestling bout held in any place; or
(c) on any other prescribed event.

4. DELEGATION.

³The Commissioner General may, by instrument under his hand, delegate to a person all or any of his powers and functions under this Act (except this power of delegation).

³ Section 4 amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

PART II. – LICENSING OF BOOKMAKERS.

5. APPLICATION FOR LICENCES.

(1) A person may apply for a licence under this Act to conduct the business of a licensed bookmaker.

(2) An application under this section shall be—

- (a) made to the Minister in a form approved by the Minister; and
- (b) in respect of premises approved for the purpose by a commissioned officer of police or a person authorized by the Minister for the purpose; and
- (c) accompanied by such evidence as the Minister requires of the applicant's financial ability to carry on the business of a licensed bookmaker and of his character,

and shall state that the application is made—

- (d) on behalf of the applicant and for his sole benefit; or
- (e) on behalf of and for the benefit of himself and other persons—
 - (i) whose names and addresses; and
 - (ii) the extent of whose interest in the business in respect of which the application is made,

shall also be set out in the application.

6. MINISTER MAY GRANT LICENCES.

(1) The Minister may grant or refuse an application for a bookmaker's licence.

(2) A bookmaker's licence is subject to such conditions (if any) as are specified in the licence and permits the licensed bookmaker specified in the licence to carry on the business of bookmaking—

- (a) at the premises specified in the licence; and
- (b) with the approval of the Turf Club or Turf Association concerned, at any racecourse within 30 km of the situation of the premises specified in the licence on any day on which a race meeting is being held.

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

(4) Where a licence is endorsed under Subsection (3), a person whose name is not endorsed on the licence who, without the approval of the Minister, acquires or holds any interest in or derives any benefit from the business carried on by the licensed bookmaker is guilty of an offence.

Penalty: ⁴A fine of not less than K1,000.00 and not exceeding K10,000.00.

7. RESTRICTION ON NUMBER OF LICENCES.

The Minister may, where for any reason he considers it necessary to do so, by notice in the National Gazette, limit the number of licences that may be issued to persons whose betting premises or proposed betting premises are situated in the area or areas specified in the notice.

8. MINISTER MAY GRANT SOLE RIGHTS TO A BOOKMAKER.

(1) Notwithstanding any other provisions of this Act, the Minister may, where he is of the opinion that it is desirable to do so in the national interest, grant to a person or to a group of persons the exclusive right to operate, on such terms and conditions as the Minister determines, as a bookmaker for the whole or any part of the country.

(2)⁵ ⁶A person or group of persons to whom an exclusive right has been granted under Subsection (1) remains subject to all the provisions of this Act.

9. ANNUAL FEES.

⁷The fee payable for a licence and for each renewal of a licence is K20,000.00.

10. DEPOSITS BY LICENSED BOOKMAKERS.

(1) It is a condition of a licence issued under Section 6 that the licensed bookmaker will at all times during the currency of the licence maintain with the Department of Finance—

(a)⁸ a deposit of K30,000.00; and

(b)⁹ a bank guarantee of K100,000.00 in a form approved by the Minister.

(2) Any money deposited under Subsection (1)(a) remains the property of the licensed bookmaker but any interest arising out of the investment of the money by the Minister shall be paid by him into the Consolidated Revenue Fund.

(3) Any money or guarantee referred to in Subsection (1)—

(a) is security for the discharge of the liabilities of the licensed bookmaker of all bets accepted by him that are winning bets; and

⁴ Section 6 Subsection (4) amended by No. 12 of 2001, s. 1.

⁵ Section 8(2) amended by No. 33 of 1982, s1.

⁶ Section 8(2) amended by No. 33 of 1982, s1.

⁷ Section 9 amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s2.

⁸ Section 10(1)(a) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s3(a).

⁹ Section 10(1)(b) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s3(b); Section 10 Subsection (1) amended by No. 12 of 2001, s. 2.

- (b) is not applicable in the discharge of any other liabilities of the bookmaker until those first-mentioned liabilities have been discharged or otherwise provided for to the satisfaction of the Minister.

(4) Any money or security referred to in Subsection (1) shall not be returned to the licensed bookmaker after the date on which he ceases to be a licensed bookmaker unless the Minister is satisfied that the liabilities of the bookmaker in relation to all bets accepted by him which are winning bets have been discharged or otherwise provided for.

11. CANCELLATION OF LICENCES.

(1) The Minister may at any time cancel a bookmaker's licence where he is satisfied that the licensed bookmaker—

- (a) has committed an offence against this Act or has failed to perform a duty that he is required to perform under this Act; or
- (b) has failed to pay, within three days after having been required by the Minister to do so, any bets accepted by him that are winning bets; or
- (c) has entered into an arrangement with any person under which that person derives or is entitled to derive any benefit or advantage from the business carried on by the bookmaker, unless—
 - (i) that other person is a person whose name is endorsed on the licence in accordance with Section 6(3); or
 - (ii) the arrangement has been approved by the Minister; or
- (d) is not a fit and proper person to continue to hold a licence; or
- (e) has failed to comply with a condition of his licence.

(2) Where a court, under a power conferred on it under this Act, orders that a licensed bookmaker deliver up his licence to the Minister for cancellation, the Minister shall cancel it.

(3) Where the Minister cancels the licence of a bookmaker, the Minister shall enquire whether all bets accepted by the bookmaker that are winning bets have been paid by him, and—

- (a) if he is satisfied that all such bets have been paid—shall vacate the security that he holds under Section 10 in respect of the bookmaker; or
- (b) in any other case—shall realize that security and, out of the proceeds, pay, in the prescribed manner, all such unpaid winning bets and return the balance (if any) to the person or persons entitled to it.

12. RENEWAL OF LICENCES.

(1) A bookmaker's licence granted under this Act remains in force for 12 months and may be renewed by the Minister from time to time for a further period of 12 months.

(2) A renewal of a licence under this section may be on the same conditions as the original licence or, if the Minister so determines, on different conditions.

(3) The Minister may refuse to renew a licence for any of the reasons specified in Section 11(1).

13. APPEAL.

(1) Where the Minister refuses to grant a licence under Section 6(1), cancels a licence under Section 11 or refuses to renew a licence under Section 12, the Minister shall give written notice of the refusal or cancellation, as the case may be, to the applicant and the applicant may appeal to the Head of State.

(2) An appeal under Subsection (1) shall—

(a) be in writing; and

(b) state the grounds of the appeal; and

(c) be lodged with, or served by post, on the Secretary to the National Executive Council within 14 days after the notice of refusal is received by the applicant.

(3) The Head of State, acting on advice, after considering—

(a) the grounds specified in the notice of appeal; and

(b) the application; and

(c) all information furnished in support of the application,

and after making such further enquiries as he thinks fit, may—

(d) dismiss the appeal; or

(e) uphold the appeal and direct the Minister to grant the licence.

(4) A decision of the Head of State, acting on advice, under Subsection (3) is final.

PART III. – BETTING PREMISES.

14. LOCAL-LEVEL GOVERNMENTS MAY LICENSE BETTING PREMISES.

(1) A Local-level Government may, by rule, provide for the licensing of premises in its area used by licensed bookmakers in the conduct of the business of bookmaking.

(2) A rule under Subsection (1) may provide for payment to the Local-level Government of a licence fee in relation to betting premises not exceeding K250.00 in respect of each such premises.

15. LOCAL-LEVEL GOVERNMENTS MAY INSPECT LICENSED PREMISES.

A Local-level Government may, by rule, provide for the inspection of licensed premises within its area.

PART IV. – TURNOVER TAX.

Division 1.

Betting Records.

16. BETTING TICKETS TO BE PURCHASED FROM COMMISSIONER GENERAL.

(1)^{10 11}The Commissioner General shall have printed and available for sale to licensed bookmakers at the prescribed price, betting tickets in such form as the Commissioner General thinks fit.

(2)^{12 13}All betting tickets issued or used by a bookmaker shall be purchased from the Commissioner General.

(3)^{14 15}A bookmaker who issues or uses a betting ticket other than a ticket purchased from the Commissioner General is guilty of an offence.

Penalty: ¹⁶A fine of not less than K500.00 and not exceeding K5,000.00.

17. RECORD OF BETS.

(1) A bookmaker shall record each bet made with him (including a credit bet) on a separate betting ticket and in such other manner as prescribed.

(2) A bookmaker who accepts a bet and who does not immediately make out a betting ticket for the full amount of that bet and record the bet in such other manner as is prescribed, is guilty of an offence.

Penalty: ¹⁷A fine of not less than K500.00 and not exceeding K5,000.00.

(3) Unless a court recording a conviction under Subsection (2) is satisfied that the offence was committed through inadvertence, it shall order the bookmaker to deliver up his licence (if any) to the Minister for cancellation.

Division 2.

Turnover Tax.

18. INTERPRETATION OF DIVISION 2.

In this Division “**week**” means a period of seven days commencing on a Sunday and ending on and including the next following Saturday.

¹⁰ Section 16(1) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

¹¹ Section 16(1) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

¹² Section 16(2) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

¹³ Section 16(2) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

¹⁴ Section 16(3) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

¹⁵ Section 16(3) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

¹⁶ Section 16 Subsection (3) amended by No. 12 of 2001, s. 3.

¹⁷ Section 17 Subsection (2) amended by No. 12 of 2001, s. 4.

19. IMPOSITION OF TAX.

¹⁸(1)¹⁹ ²⁰Subject to Subsection (2), a turnover tax of 4% is payable by every bookmaker on the gross amount of every bet made with him, whether or not payment for that bet has been received.

(2) For the purposes of Subsection (1), in calculating the amount of a bet made with a licensed bookmaker, the gross amount of that bet shall be reduced by the amount of the bet that is genuinely laid off by that licensed bookmaker with any other licensed bookmaker.

20. COLLECTION OF TAX.

(1)²¹ ²²The turnover tax imposed by Section 19 is a debt due and payable by the bookmaker to the State and shall, in respect of all bets made with the bookmaker during a week, be paid by him to the Commissioner General on or before the first Tuesday after the end of that week or within such other time as the Commissioner General allows.

(2)²³ ²⁴It is sufficient compliance with Subsection (1) if the bookmaker posts to the Commissioner General, within the time referred to in that subsection, the amount of the turnover tax, together with the documents referred to in Section 21, as a correctly addressed pre-paid letter, and the posting of that letter shall be deemed to be payment of the turnover tax contained in it, for the purposes of Sections 23(1) and 24(1).

21. FORM OF RETURN.

²⁵A bookmaker shall send to the Commissioner General with every amount of turnover tax payable by him—

- (a)²⁶ a return, in such form as the Commissioner General requires, setting out the prescribed particulars; and
- (b) a duplicate of each betting ticket issued or used in respect of the week to which the turnover tax relates.

22. COMMISSIONER GENERAL MAY ISSUE ASSESSMENTS.

²⁷(1)²⁸ Where by reason of a bookmaker—

¹⁸ Section 19 amended by No. 33 of 1982, s2.

¹⁹ Section 19(1) amended by No 3 of 2000.

²⁰ Section 19(1) amended by No 3 of 2000.

²¹ Section 20(1) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

²² Section 20(1) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

²³ Section 20(2) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

²⁴ Section 20(2) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

²⁵ Section 21 amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

²⁶ Section 21(a) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

²⁷ Section 22 (headnote) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

²⁸ Section 22(1) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

- (a) failing to keep a proper record of bets made with him; or
- (b) failing to lodge a return or a proper return in respect of any week; or
- (c) lodging a return that is incomplete or is inaccurate in a material particular,

the Commissioner General is of the opinion that the amount of turnover tax payable by a bookmaker in respect of any week has been understated or cannot be correctly determined, the Commissioner General may make an assessment of the amount that he considers is the correct amount of turnover tax in respect of that week and the amount so assessed shall, unless the contrary is proved, be deemed to be the amount of turnover tax payable by the bookmaker in respect of that week.

²⁹(2)^{30 31}The Commissioner General shall within seven days immediately after making an assessment under this section send to the bookmaker, by post, a notice of the assessment, but this section shall not be construed as deferring the date on which any amount of turnover tax becomes due and payable.

(3)^{32 33}Part of the *Income Tax Act* shall, with the necessary modifications, apply to and in relation to an assessment of turnover tax under this section as if that assessment was an assessment of income tax made under that Act by the Commissioner General.

23. PENALTY FOR LATE PAYMENT.

(1) Where any amount of turnover tax remains unpaid after the expiration of the time provided for its payment under this Part, penalty tax of 10% of the amount unpaid shall be due and payable to the State.

(2) An amount of penalty tax payable under this section shall be deemed to be turnover tax due and payable by the bookmaker in respect of the week to which the unpaid tax relates.

24. ADDITIONAL TAX.

(1)^{34 35}In addition to any penalty tax imposed by Section 23, if any turnover tax remains unpaid after the time provided for its payment under this Part, additional turnover tax is due and payable at the rate of 20% per annum on the amount unpaid computed from such date as the Commissioner General determines, not being a date before the date on which the turnover tax was originally due and payable.

²⁹ Section 22(1) amended by *Bookmaking (Budget Provisions) Act* 1992 (No. 31 of 1992), s4.

³⁰ Section 22(2) amended by *Bookmaking (Budget Provisions) Act* 1992 (No. 31 of 1992), s4.

³¹ Section 22(2) amended by *Bookmaking (Budget Provisions) Act* 1992 (No. 31 of 1992), s4.

³² Section 22(3) amended by *Bookmaking (Budget Provisions) Act* 1992 (No. 31 of 1992), s4.

³³ Section 22(3) amended by *Bookmaking (Budget Provisions) Act* 1992 (No. 31 of 1992), s4.

³⁴ Section 24(1) amended by *Bookmaking (Budget Provisions) Act* 1992 (No. 31 of 1992), s4.

³⁵ Section 24(1) amended by *Bookmaking (Budget Provisions) Act* 1992 (No. 31 of 1992), s4.

(2)^{36 37}The Commissioner General may, in any case, for reasons that he thinks sufficient, remit the additional turnover tax or any part of that turnover tax.

25. ACCESS TO BOOKS.

³⁸The Commissioner General or a person authorized by him for the purpose shall at all times have full and free access to all buildings, places, books, documents and other papers for the purposes of obtaining information relating to the determination of the turnover of, and the liability to pay turnover tax under this Part by, a bookmaker, and may make extracts from, or copies of, any such books, documents or papers.

26. COMMISSIONER GENERAL MAY OBTAIN INFORMATION.

³⁹(1)^{40 41}The Commissioner General may, by written notice, require a bookmaker—

- (a) to furnish him with such information as he may require; and
- (b) to attend and give evidence before him (or before a person authorized by him for the purpose),

concerning bets made by or with that bookmaker or any other bookmaker, and may require him to produce books, documents and other papers in his custody or under his control relating to those bets.

(2)^{42 43}The Commissioner General may require the information or evidence referred to in Subsection (1) to be given on oath, orally or in writing, and for that purpose he, or the person so authorized by him, may administer an oath.

(3)^{44 45}A bookmaker required to attend and give evidence under this section shall be paid such reasonable expenses as the Commissioner General determines.

³⁶ Section 24(2) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.
³⁷ Section 24(2) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.
³⁸ Section 25 amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.
³⁹ Section 26 (headnote) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.
⁴⁰ Section 26(1) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.
⁴¹ Section 26(1) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.
⁴² Section 26(2) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.
⁴³ Section 26(2) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.
⁴⁴ Section 26(3) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.
⁴⁵ Section 26(3) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

PART V. – OFFENCES.**27. OFFENCES RELATING TO TURNOVER TAX.**

(1)⁴⁶ A bookmaker who–

- (a) fails or neglects to lodge; or
- (b) makes a false or misleading statement in,

a return required to be lodged with the Commissioner General under Part IV, is guilty of an offence.

⁴⁷Penalty: ⁴⁸A fine not less than K500.00 and not exceeding K5,000.00.

Default penalty: A fine not exceeding K100.00.

(2)⁴⁹ ⁵⁰In addition to any penalty imposed by the court under Subsection (1) in respect of a false or misleading statement in a return, the court may order the person convicted to pay to the Commissioner General a sum not exceeding double the amount of turnover tax that would have been avoided if the statement in the return had been accepted as correct.

(3) On the conviction of a person for an offence under Subsection (1), the court may order him to furnish the return or a corrected return, as the case may be, within the time specified in the order, and a person who does not comply with such an order is guilty of an offence.

Penalty: ⁵¹A fine not less than K500.00 and not exceeding K5,000.00.

28. LICENSED BOOKMAKERS NOT TO DO CERTAIN THINGS.

(1) A licensed bookmaker who, except with the approval of the Minister–

- (a) enters into a partnership with respect to the betting business carried on under his licence with a person whose name is not endorsed on his licence; or
- (b) makes an arrangement or enters into an agreement with a person by which that person becomes entitled to a share in the profits of that business; or
- (c) borrows money except from a bank in the country for the use in that business; or
- (d) lays off any bet with a person unless that person is a licensed bookmaker,

is guilty of an offence.

⁴⁶ Section 27(1) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

⁴⁷ Section 27(1) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

⁴⁸ Section 27 Subsection (1) amended by No. 12 of 2001, s. 5.

⁴⁹ Section 27(2) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

⁵⁰ Section 27(2) amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

⁵¹ Section 27 Subsection (3) amended by No. 12 of 2001, s. 5.

Penalty: ⁵²A fine of not less than K500.00 and not exceeding K5,000.00.

(2) An approval of the Minister given under Subsection (1) may be given generally with respect to all transactions of a type specified in the approval or specially with respect to a particular transaction.

29. BOOKMAKERS TO COMPLY WITH ACT.

A licensed bookmaker or an employee of a licensed bookmaker who accepts a bet, unless he complies with the provisions of this Act which are applicable to him, is guilty of an offence.

Penalty: ⁵³A fine of not less than K500.00 and not exceeding K5,000.00.

30. RESTRICTION ON BETTING.

(1) A person who places a bet with, or offers to place a bet with, a person other than a licensed bookmaker or an employee of a licensed bookmaker is guilty of an offence.

(2) A person, other than a licensed bookmaker or an employee of a licensed bookmaker, who accepts a bet, or offers to accept a bet, from a person is guilty of an offence.

Penalty: ⁵⁴A fine of not less than K500.00 and not exceeding K5,000.00.

31. OFF-COURSE BETTING ON RACE DAYS.

⁵⁵(1) Subject to Subsection (2) a licensed bookmaker whose premises are situated within 30 km of a racecourse at which race meetings are conducted by a recognized turf club or association who accepts, or permits the acceptance of, any bet other than a telephone credit bet at his licensed premises outside the racecourse on any day on which a race meeting is being conducted at that racecourse is guilty of an offence.

Penalty: ⁵⁶A fine of not less than K500.00 and not exceeding K5,000.00.

(2) Subsection (1) does not apply to a licensed bookmaker who—

- (a) being so licensed—also carries on the business of bookmaking at the racecourse on the day on which the race meeting is being conducted; or
- (b) except with the written approval of the Minister—is refused right of entry to the racecourse for the purpose of carrying on the business of bookmaker on the day on which a race meeting is being conducted; or
- (c) by reason of the withholding of approval of the Turf Club or Turf Association concerned, does not have a licence to carry on the business

⁵² Section 28 Subsection (1) amended by No. 12 of 2001, s. 6.

⁵³ Section 29 Amended by No. 12 of 2001, s. 7.

⁵⁴ Section 30 Subsection (2) amended by No. 12 of 2001, s. 8.

⁵⁵ Section 31 replaced by No. 49 of 1981.

⁵⁶ Section 31 Subsection (1) amended by No. 12 of 2001, s. 9.

of bookmaking at the racecourse at which the race meeting is being conducted.

32. PERSONS UNDER 18 YEARS NOT PERMITTED TO ENTER LICENSED PREMISES.

(1) A licensed bookmaker who, without lawful excuse, permits a person under the age of 18 years to enter or remain on his licensed premises is guilty of an offence.

Penalty: ⁵⁷A fine of not less than K200.00 and not exceeding K2,000.00.

(2) A person under the age of 18 years who, without lawful excuse, enters any licensed premises is guilty of an offence.

Penalty: ⁵⁸A fine of not less than K100.00 and not exceeding K1,000.00.

(3) Subsections (1) and (2) do not apply to persons under 18 years of age entering or remaining on any racecourse.

33. DRINKING NOT PERMITTED ON LICENSED PREMISES.

(1) A licensed bookmaker who sells or supplies or permits the sale, supply or consumption of alcoholic liquor on his licensed premises is guilty of an offence.

Penalty: ⁵⁹A fine of not less than K200.00 and not exceeding K2,000.00.

(2) A person who purchases, obtains or consumes alcoholic liquor on licensed premises is guilty of an offence.

Penalty: ⁶⁰A fine of not less than K100.00 and not exceeding K1,000.00.

(3) This section does not apply to the sale, supply or consumption of alcoholic liquor on premises situated on a racecourse that are licensed under the *Liquor (Licensing) Act 1963*.

34. OTHER OFFENCES BY LICENSED BOOKMAKERS.

A licensed bookmaker or an employee of a licensed bookmaker who—

- (a) issues or delivers to a person in respect of a bet a betting ticket previously used in respect of some other bet; or
- (b) has in his possession for a longer period than is necessary to enable him to record it in his books of account and destroy it, a betting ticket that has been used and issued to a bettor; or
- (c) procures a person to make on his behalf or on behalf of another licensed bookmaker a bet which, if made by the licensed bookmaker himself would be contrary to any of the provisions of this Act; or

⁵⁷ Section 32 Subsection (1) amended by No. 12 of 2001, s. 10.

⁵⁸ Section 32 Subsection (2) amended by No. 12 of 2001, s. 10.

⁵⁹ Section 33 Subsection (1) amended by No. 12 of 2001, s. 11.

⁶⁰ Section 33 Subsection (2) amended by No. 12 of 2001, s. 11.

(d) fails to enter or keep recorded every bet made or accepted by him,
is guilty of an offence.

Penalty: ⁶¹A fine of not less than K500.00 and not exceeding K5,000.00.

35. BOOKMAKERS TO KEEP PROPER BOOKS.

A bookmaker who fails—

- (a) to keep complete and proper books in respect of his carrying on the business of a bookmaker; and
- (b) to enter and keep recorded in the books specified in Paragraph (a) a full and accurate account of all betting transactions entered into by him; and
- (c) to retain the books specified in Paragraph (a) for such period as is prescribed; and
- (d)⁶² to produce the books specified in Paragraph (a) when requested to do so by the Minister or Commissioner General or a person authorized by the Minister or Commissioner General for the purpose and to allow the books and all entries in the books to be inspected,

is guilty of an offence.

Penalty: A fine not exceeding K500.00.

⁶¹ Section 34 Amended by No. 12 of 2001, s. 12.

⁶² Section 35(d) amended by *Bookmaking (Budget Provisions) Act* 1992 (No. 31 of 1992), s4.

PART VI. – MISCELLANEOUS.

36. LEGAL PROCEEDINGS IN RESPECT OF BETS.

(1) Subject to this section, a person shall not take any proceeding for the recovery of, or with respect to or arising out of, any bet.

(2) Where a dispute occurs between a licensed bookmaker and any person with respect to—

- (a) whether or not a bet has been made or accepted; or
- (b) the amount of a bet; or
- (c) the odds at which a bet has been made or accepted; or
- (d) the odds at which a winning bet is paid,

the dispute—

- (e) shall be referred by the licensed bookmaker; and
- (f) may be referred by the other party to the dispute,

to the Minister who shall, by instrument, appoint an arbitrator to determine the dispute.

(3) Where a dispute has been referred to an arbitrator under this section, the arbitrator may—

- (a) summon the parties to the dispute to appear and give evidence before him; and
- (b) take evidence from any person relating to the dispute; and
- (c) require a party to the dispute to produce any books accounts, tickets or other documents or papers which, in the opinion of the arbitrator, ought to be examined in order to determine the dispute.

(4) The arbitrator shall hear and determine all disputes referred to him under this section.

(5) Where a party to a dispute who has been summoned to attend before the arbitrator fails, without reasonable excuse, to attend before the arbitrator, the arbitrator shall determine the dispute in favour of the other party.

(6) The determination by the arbitrator of a dispute referred to him under this section shall be final and no legal proceedings shall be taken with respect to any moneys due or alleged to be due under the bet or arising out of, or in connection with the bet.

(7) In determining a dispute under this section the arbitrator is not a judicial body and is not bound by any law or technical rule of procedure or evidence but may inform himself of the facts necessary to determine the dispute in any manner that he thinks fit.

(8) This section does not prevent any legal proceeding being taken on a cheque, promissory note or bill of exchange.

37. APPLICATION OF SECTION 6 OF MERCANTILE ACT.

Section 6 of the *Mercantile Act 1953* does not apply—

- (a) to the consideration or any part of the consideration for any bill, note, cheque or mortgage, drawn, accepted, made, given, granted or executed; or
- (b) to the reimbursement or repayment of money knowingly lent or advanced,

for the purpose of betting or wagering under this Act.

38. LIABILITY OF EMPLOYEE OF BOOKMAKER.

(1) Where an employee of a licensed bookmaker by any act or omission related to the business of the licensed bookmaker as a licensed bookmaker commits an offence against this Act, the licensed bookmaker and the employee are jointly and severally liable in respect of the offence.

(2) In a prosecution of a licensed bookmaker for an offence against this Act with respect to an act or omission of his employee, it is not a defence—

- (a) that the defendant had no knowledge of the act or omission of the employee; or
- (b) that it was not the intention of the defendant that the employee should do the act or make the omission.

39. OBSTRUCTION.

⁶³A person who hinders or obstructs the Minister, the Commissioner General or a person authorized by the Commissioner General under Part IV or a member of the Police Force in the carrying out, exercise or performance of any of his functions, duties and powers under this Act is guilty of an offence.

Penalty: ⁶⁴A fine of not less than K500.00 and not exceeding K5,000.00.

40. FALSE OR MISLEADING INFORMATION IN APPLICATION.

A person who, in an application, return or other document made or furnished under this Act, makes any statement which is false or misleading in a material particular is guilty of an offence.

Penalty: ⁶⁵A fine of not less than K500.00 and not exceeding K5,000.00.

⁶³ Section 39 amended by *Bookmaking (Budget Provisions) Act 1992* (No. 31 of 1992), s4.

⁶⁴ Section 39 Amended by No. 12 of 2001, s. 13.

⁶⁵ Section 40 Amended by No. 12 of 2001, s. 14.

41. BETS MADE BY TELEPHONE, ETC.

For the purposes of this Act, any bet made by post, or by telephone, or by other indirect communication with a licensed bookmaker at his licensed premises shall be deemed to be made in those premises.

42. REGULATIONS.

⁶⁶The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to this Act and in particular for prescribing the imposition of penalties of fines not exceeding K500.00 for offences against the regulations.

Office of Legislative Counsel, PNG

⁶⁶ Section 42 Amended by No. 12 of 2001, s. 15.