

## RACING AND GAMING AMENDMENT ACT 1983

## No. 40 of 1983

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## RACING AND GAMING AMENDMENT ACT 1983

—————  
 No. 40 of 1983  
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**AN ACT to amend the Racing and Gaming Act 1952 to authorize the Minister for the time being administering that Act to give directions to the Tasmanian Racing and Gaming Commission and to the Racing Trust, to make further provision with respect to the powers and functions of the Totalizator Agency Board, to increase the borrowing powers of the Racing Trust, to make further provision with respect to offences against that Act, including increasing the pecuniary penalties for those offences, to make further provision with respect to various kinds of lotteries, and for other purposes.**

[Royal Assent 22 September 1983]

**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**—This Act may be cited as the *Racing and Gaming Amendment Act 1983*. Short title.

**2**—(1) Except as provided in subsection (2), this Act shall commence on the fifteenth day after it receives the royal assent. Commencement.

(2) Sections 33 and 43 (1) (c) and (d) (i) shall commence on a day to be fixed by proclamation.

Principal Act.

**3**—In this Act, the *Racing and Gaming Act 1952\** is referred to as the Principal Act.

Amendment of  
section 3 of  
Principal Act  
(Interpreta-  
tion).

**4**—Section 3 of the Principal Act is amended as follows:—

(a) by omitting the definition of “authorized police officer” and substituting the following definition:—

“authorized police officer” means—

(a) a police officer of or above the rank of sergeant; or

(b) a police officer below that rank who is authorized in writing by the Commissioner of Police, either generally or in a particular case, to exercise the powers conferred on authorized police officers by or under this Act;

(b) by inserting the following definition after the definition of “existing club”:—

“functions” includes duties;

(c) by inserting the following definition after the definition of “Registrar”:—

“the regulations” means regulations made and in force under this Act;

(d) by inserting the following definition after the definition of “sporting contingency”:—

“sweepstake” means any transaction, scheme, device, or arrangement, expressed or implied, by which any money or other valuable thing is paid, contributed, or subscribed by any persons for the purpose of payment to, or division among, any person or persons in any proportions on a sporting contingency, whether the race, sport, fight, game, exercise, or pastime on which that contingency is dependent is held or carried on within or outside Tasmania;

(e) by inserting the following definition after the definition of “to bet”:—

“to sell” means to sell, whether by wholesale or retail, and includes to—

\* No. 98 of 1952. For this Act, as amended to 1975, see Appendix D to the Annual Volume of Statutes for 1974. Subsequently amended by No. 71 of 1975, No. 85 of 1976, No. 104 of 1977, No. 54 of 1978, Nos. 19 and 73 of 1979, No. 90 of 1980, and Nos. 9, 10, and 99 of 1982.

- (a) offer or expose for sale;
- (b) keep or have in possession for sale;
- (c) barter or exchange;
- (d) deal in or agree to sell;
- (e) send, forward, deliver, or receive for sale or on sale; and
- (f) authorize, direct, cause, attempt, or permit any act referred to in paragraph (a), (b), (c), (d), or (e);

5—After section 12 of the Principal Act, the following section is inserted:—

Insertion in  
Principal Act  
of new  
section 12AA.

12AA—(1) Subject to subsections (4) and (5), the Minister may give to the Commission any direction that he considers to be necessary or desirable with respect to the performance or exercise by the Commission of its functions or powers under this Act or any other Act.

Power of  
Minister to  
give directions  
to Commission.

(2) Without prejudice to the generality of subsection (1), the Minister may give to the Commission directions under that subsection with respect to matters of policy, including directions concerning the general nature and extent of the operations of the Commission.

(3) The Commission is not bound by a direction given under subsection (1) unless the direction is in writing and signed by the Minister.

(4) The power conferred on the Minister by subsection (1)—

(a) shall not be exercised so as—

- (i) to require the Commission to do anything that it is not empowered to do by this Act or any other Act;
- (ii) to prevent the Commission from performing any function that it is expressly required by this Act or any other Act to perform, whether conditionally or unconditionally;
- (iii) to interfere with the formation by the Commission of any opinion or belief in relation to any matter that is to be determined as a prerequisite to the per-

formance or exercise by the Commission of any of its functions or powers under this Act or any other Act; or

- (iv) to interfere with the hearing of appeals under this Act by the Commission or to prevent the Commission from complying with any order or direction given to it by a court or person acting judicially or otherwise to interfere with the exercise or performance of any judicial or quasi-judicial power or function of the Commission; and

- (b) does not extend to any matter concerning any contract or agreement to which the Commission is a party and which is in force at the commencement of the *Racing and Gaming Amendment Act 1983* as provided for in section 2 (1) of that Act.

(5) Subsection (1) does not authorize the Minister to give a direction to the Commission preventing it from—

- (a) granting or refusing to grant; or  
 (b) exercising its power under this Act to cancel, revoke, or suspend,

any kind of certificate of registration, licence, approval, or other authority that it may grant or issue under this Act.

(6) The Minister may, at any time, by notice in writing given to the Commission, revoke a direction given to it under subsection (1).

(7) The fact that the Minister has power to give a direction to the Commission under subsection (1), or gives such a direction to the Commission, does not have the effect of—

- (a) making the Commission the servant or agent of the Crown for the purposes of this Act or any other Act; or  
 (b) conferring on the Commission any status, privilege, or immunity of the Crown.

Amendment of section 42 of Principal Act (Appeals from decisions of stewards, &c.).

6—Section 42 (4) of the Principal Act is amended by inserting “, unless the chairman of the Commission, at the request of the appellant, fixes an earlier time for the hearing of the appeal ” after “(3)”.

7—The heading to Part IV of the Principal Act is omitted and the following heading is inserted:—

New heading to Part IV of Principal Act.

## PART IV

### TOTALIZATOR BETTING AND BETTING COMPETITIONS CONDUCTED BY THE BOARD

8—After section 57D of the Principal Act, the following section is inserted in Division II of Part IV:—

Insertion in Principal Act of new section 57DA.

57DA—In this Division, unless the contrary intention appears—

Interpretation: Division II of Part IV.

“ approved betting competition ” means a betting competition of a kind or class prescribed in the regulations and which is conducted by the Board pursuant to section 57E (3);

“ approved sporting contingency ” means—

(a) a sporting contingency relating to a horse race or coursing event; or

(b) a sporting contingency relating to any other race or any other event that is approved by the Minister pursuant to section 57E (1) (a);

“ event ” means any coursing event, sport, fight, game, exercise, or pastime.

9—(1) Section 57E (1) of the Principal Act is amended as follows:—

Amendment of section 57E of Principal Act (Powers and functions of the Board).

(a) by omitting from paragraph (a) “ horse race or coursing event ” and substituting “ sporting contingency relating to a horse race or coursing event or, with the approval of the Minister, any sporting contingency relating to any other race or any other event ”;

(b) by omitting from paragraph (c) “ rule or regulation ” and substituting “ the rules or by the regulations ”.

(2) Section 57E of the Principal Act is further amended by inserting the following subsection after subsection (1):—

(1A) The Board may, with the approval of the Minister, enter into such business transactions as the Board considers are in the best interests of the operation of the Board, but which are not authorized by or under subsection (1) (c).

(3) Section 57E of the Principal Act is further amended by inserting the following subsections after subsection (2):—

(3) The Board may—

- (a) conduct betting competitions of such kinds or classes as are prescribed in the regulations; and
- (b) exercise such other powers and perform such functions as may be incidental or ancillary to the power referred to in paragraph (a) or as may be prescribed by the rules or by the regulations.

(4) An approved betting competition of a kind or class referred to in subsection (3) (a) shall be conducted by the Board in accordance with the conditions prescribed in the regulations in respect of a betting competition of that kind or class.

(5) The Board may, for the purpose of conducting approved betting competitions, purchase, or take on lease or licence, any land or premises and may equip, fit, and furnish any premises for such a purpose.

Amendment of section 57G of Principal Act (Classes of totalizator).

**10**—(1) Section 57G (1) of the Principal Act is amended by omitting “horse races and coursing events, whether conducted” and substituting “approved sporting contingencies, whether the races or events on which those contingencies are dependent are conducted”.

(2) Section 57G (2) of the Principal Act is amended as follows:—

- (a) by omitting “horse race or coursing event” and substituting “approved sporting contingency”;
- (b) by omitting “that contingency” and substituting “the result of the race or event on which that contingency is dependent”.

Amendment of section 57H of Principal Act (Betting on totalizators).

**11**—Section 57H of the Principal Act is amended by omitting “horse race or coursing event” and substituting “approved sporting contingency”.

Amendment of section 57J of Principal Act (Payment of dividends).

**12**—Section 57J of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:—

(3) Where bets on an approved sporting contingency have been accepted by the Board, the dividends payable in respect of those bets shall be paid as soon as practicable after the Board



is satisfied that an official decision or official result has been given with respect to the race or event on which the contingency is dependent.

**13**—Section 57K (4) of the Principal Act is amended by omitting “horse race or one particular coursing event” and substituting “race or one particular event on which an approved sporting contingency is dependent”.

Amendment of section 57K of Principal Act (Manner of betting with Board).

**14**—(1) Section 57M (1) of the Principal Act is amended as follows:—

Amendment of section 57M of Principal Act (Deduction of commission; payment of dividends).

- (a) by omitting “each horse race or coursing event” and substituting “each approved sporting contingency”;
- (b) by omitting “that race or event”, wherever occurring, and substituting “that contingency”.

(2) Section 57M of the Principal Act is further amended by omitting subsection (3) and substituting the following subsection:—

(3) The amount held by the Board by reason of the non-payment of a fraction of 5 cents referred to in subsection (2) in respect of an approved sporting contingency on which it conducts totalizator betting shall be paid by the Board into the Dividends Adjustment Account provided pursuant to section 57N.

(3) Section 57M (4) of the Principal Act is amended by omitting “horse race or coursing event” and substituting “approved sporting contingency”.

(4) Section 57M of the Principal Act is further amended by omitting subsection (5) and substituting the following subsections:—

(5) Notwithstanding subsection (4), where 2 or more competitors fill any one place in the race or event on which an approved sporting contingency is dependent (including first place) and, in consequence, dividends ascertained in accordance with the rules referred to in that subsection become payable in respect of more competitors or in respect of more combinations of competitors than if only one competitor had filled that place, the dividend so ascertained shall be the dividend to be declared and payable in respect of each of those competitors, or in respect of each such combination, notwithstanding that such a dividend might be less than 50 cents.

(6) In subsection (5), “competitor” includes a team.

Amendment of section 57Q of Principal Act (Disbursement of totalizator commission).

**15**—Section 57Q (3) of the Principal Act is amended by inserting “ or event on which an approved sporting contingency is dependent ” after “ race ”.

Amendment of section 57R of Principal Act (Totalizator returns).

**16**—Section 57R of the Principal Act is amended by omitting “ in the course of its totalizator betting or ” and substituting “ in conducting totalizator betting and approved betting competitions and ”.

Insertion in Principal Act of new section 57RA.

Calculation of prizes in approved betting competitions.

**17**—After section 57R of the Principal Act, the following section is inserted:—

57RA—(1) The following provisions apply in respect of each approved betting competition:—

- (a) the Board shall, for the purpose of calculating the amounts of the prizes in that competition, deduct the prescribed percentage of the total amount paid by persons who are entrants in that competition;
  - (b) after deducting the prescribed percentage of that total amount, the Board shall, in such manner as is prescribed in the regulations—
    - (i) dispose of that percentage; and
    - (ii) calculate the amounts of those prizes; and
  - (c) after calculating the amounts of those prizes, the Board shall pay those prizes to the persons entitled to them.
- (2) Regulations made for the purposes of—
- (a) subsection (1) (a) may prescribe different percentages in respect of different approved betting competitions; or
  - (b) subsection (1) (b) may prescribe—
    - (i) different manners of calculating the amounts of the prizes in different approved betting competitions; and
    - (ii) for or in respect of the rounding off of those amounts to prescribed fractions of a dollar.

Amendment of section 57s of Principal Act (Capital fund to be provided by Board).

**18**—Section 57s (1) of the Principal Act is amended as follows:—

- (a) by inserting in paragraph (b) “ or for the purposes of offices and branches for conducting approved betting competitions ” after “ branches ”;

(b) by omitting from paragraph (c) “totalizator” and substituting “those”;

(c) by inserting “or approved betting competitions” after “betting”.

**19**—Section 57T (1) of the Principal Act is amended by inserting “and approved betting competitions” after “betting”.

Amendment of section 57T of Principal Act (Transfer of profits from Board to Trust)

**20**—Section 57ZN of the Principal Act is amended as follows:—

(a) by omitting from paragraph (b) “totalizator; or” and substituting “totalizator;”;

(b) by omitting from paragraph (c) “totalizator.” and substituting “totalizator;”;

(c) by inserting the following paragraphs after paragraph (c):—

(d) instigate, or cause or permit, a person under the age of 18 years to make a bet by means of a totalizator; or

(e) subject to section 57ZP, instigate, or cause or permit, a person under the age of 18 years to enter or remain in a totalizator, except in the course of that person’s lawful calling or employment.

Amendment of section 57ZN of Principal Act (Offences generally).

**21**—Section 57ZQ of the Principal Act is amended by omitting subsection (4) and substituting the following subsections:—

(4) A person who does not leave the premises of a totalizator when requested to do so under this section is guilty of an offence against this Act and is liable on summary conviction to a penalty not exceeding \$200.

(5) A person who has been ejected from the premises of a totalizator pursuant to this section shall not, during the day on which he has been so ejected from those premises, re-enter them or be in the premises of any other totalizator.

Penalty: \$250.

(6) A person who has left the premises of a totalizator pursuant to a request under this section shall not, during the day on which he has so left those premises, re-enter them or be in the premises of any other totalizator.

Penalty: \$250.

(7) A police officer may arrest without warrant a person who contravenes subsection (4) or (5).

Amendment of section 57ZQ of Principal Act (Removal of persons from totalizator).

Amendment of section 57ZR of Principal Act (Rules of the Board).

**22**—Section 57ZR (1) of the Principal Act is amended by inserting following paragraphs after paragraph (b):—

- (ba) providing for the payment of dividends or refunds on totalizator tickets that have been lost or destroyed, including, without prejudice to the generality of the foregoing, providing for the making of claims with respect to the payment of those dividends or refunds;
- (bb) providing that such a claim shall be verified, to the satisfaction of the Board, by statutory declaration by the claimant or otherwise as provided in the rules;

Amendment of section 57zv of Principal Act (Provisions applicable to the Commission and the Board that are also applicable to the Trust).

**23**—Section 57zv of the Principal Act is amended as follows:—

- (a) by omitting “ 57zv ” and substituting “(2)”;
- (b) by inserting the following before subsection (2) (as numbered by paragraph (a)):—

57zv—(1) Section 12AA (other than subsection (5)) applies to the Trust as if—

- (a) a reference to the Commission in that section (other than the first reference to the Commission in subsection (4) (a) (iv)) were a reference to the Trust; and
- (b) the words “ to interfere with the hearing of appeals under this Act by the Commission or ” were omitted from subsection (4) (a) (iv).

Amendment of section 57ZY of Principal Act (Power of Trust to raise loans).

**24**—Section 57ZY (2) of the Principal Act is amended by omitting “ \$2 500 000 ” and substituting “ \$3 000 000 ”.

Amendment of section 59 of Principal Act (Registration of bookmakers and bookmakers' clerks).

**25**—Section 59 (12A) of the Principal Act is amended by omitting “ paragraph (a) or paragraph (b) of section 20 (2)” and substituting “ section 20 (2) (a) or a meeting conducted by the Flinders Island Trotting Club in accordance with a permit granted under section 20B ”.

Amendment of section 76 of Principal Act (Prohibition of betting with minors).

**26**—Section 76 of the Principal Act is amended by inserting the following subsections after subsection (3):—

- (3A) A person shall not instigate, or cause or permit, a person under the age of 18 years to bet with a bookmaker.

Penalty: For a first offence, \$50; for a subsequent offence, \$200.

(3B) It is a defence to a charge under subsection (3A) if the defendant satisfies the court that he had reasonable grounds for believing that the person who is alleged to have made a bet with a bookmaker had attained the age of 18 years.

**27**—Part VI of the Principal Act is amended as follows:—

Amendments of Part VI of Principal Act relating to Divisions.

(a) by omitting the heading to Division I and substituting the following heading:—

*Division I—Preliminary*

(b) by omitting the heading “*Division II—Lotteries*”;

(c) by inserting the following heading before section 85:—

*Division II—Major lotteries*

(d) by inserting the following heading before section 87A:—

*Division IIA—Soccer football pools*

(e) by inserting the following heading before section 88:—

*Division IIB—Other lotteries*

(f) by inserting the following heading before section 89:—

*Division IIC—Offences*

**28**—After section 82 of the Principal Act, the following section is inserted in Division I of Part VI:—

Insertion in Principal Act of new section 82A. Interpretation: Part VI.

82A—In this Division, unless the contrary intention appears, “ticket”, in relation to a ticket in a lottery, means a document evidencing a chance in a lottery, in whatever form the document is issued.

**29**—Section 83 (1) (c) of the Principal Act is amended as follows:—

Amendment of section 83 of Principal Act (Application of this Part).

(a) by omitting from subparagraph (i) “\$100” and substituting “\$2 000”;

(b) by omitting from subparagraph (ii) “50 cents” and substituting “\$20”.

**30**—Section 85A of the Principal Act is amended by inserting the following subsections after subsection (8):—

Amendment of section 85A of Principal Act (Sale in this State of tickets in lotteries conducted elsewhere).

(8A) The promoter shall not employ a person to sell tickets in a lottery to which the permit held by the promoter under this section relates or to perform any other function in relation to that lottery unless that person is an accredited representative of the promoter.

Penalty: \$2 000.

(8B) A person shall not sell in this State tickets in a lottery conducted in another State in respect of which an agreement has been entered into under this section unless—

(a) being the promoter, he holds a permit under this section; or

(b) not being the promoter, he is an accredited representative of the promoter.

Penalty: \$2 000.

Amendment of section 87H of Principal Act (Tax payable by holder of soccer football pools licence).

**31**—(1) Section 87H (1) of the Principal Act is amended by omitting “30 per cent” and substituting “the prescribed percentage”.

(2) Section 87H of the Principal Act is further amended by inserting the following subsection after subsection (1):—

(1A) In subsection (1), “the prescribed percentage” means—

(a) 32.5 per cent; or

(b) such higher percentage as may be prescribed in place of the percentage referred to in paragraph (a).

Amendment of section 88A of Principal Act (Raffles and games for prizes of a value exceeding \$500).

**32**—Section 88A of the Principal Act is amended by inserting the following subsection after subsection (2):—

(2A) The Commission may, in its absolute discretion, at any time cancel a registration under this section.

Substitution of section 88AB of Principal Act.

**33**—Section 88AB of the Principal Act is repealed and the following section is substituted:—

88AB—(1) In this section—

“beer” includes ale and any other malt liquor;

“beer ticket” means a chance in a disposition of prizes where each of the prizes disposed of is beer;

“cash ticket” means a chance in a disposition of prizes where each of the prizes disposed of is an amount of money;

Sale of lucky envelopes and other practices.

“ permit ” means a permit under this section issued by the Commission;

“ prescribed practice ” means—

- (a) the practice of the sale of lucky envelopes;
- (b) the practice known as punchboard; or
- (c) any other practice prescribed in the regulations as a prescribed practice;

“ quarter ” means any one of the periods ending on 31st March, 30th June, 30th September, and 31st December in any year;

“ sale of lucky envelopes ” means the sale of beer tickets or the sale of cash tickets;

“ tickets ”, in relation to beer tickets or cash tickets, includes cards and envelopes.

(2) A person shall not sell chances in a disposition of prizes of any kind by means of a prescribed practice or dispose of prizes of any kind by that means unless—

- (a) he holds a permit authorizing him to sell chances in the disposal of prizes of that kind by that means and to dispose of those prizes;
- (b) in the case of the sale of beer tickets, he sells those chances, and disposes of those prizes, only on premises in respect of which he holds a general licence or club licence under the *Licensing Act 1976*; and
- (c) the proceeds of the sale of those chances are applied by him exclusively for the lawful purposes of some organization, institution, body, or association of persons and not for the private gain or benefit of a person otherwise than by way of charity.

Penalty: \$600.

(3) A person who seeks a permit shall—

- (a) make an application to the Commission in the prescribed form or, if no form is prescribed, in a form that the Commission considers to be sufficient; and
- (b) in the case of an application for a permit relating to the sale of lucky envelopes, lodge with the application a statement nominating the organization,

institution, body, or association of persons for the lawful purposes of which the proceeds of the sale of lucky envelopes pursuant to the permit are to be applied.

(4) On receipt of an application under subsection (3), the Commission may grant the application or may refuse to grant the application.

(5) Without prejudice to the generality of subsection (4), the Commission may refuse to grant an application to which subsection (3) (b) relates if the Commission does not approve the nomination of the organization, institution, body, or association of persons referred to in the statement lodged with that application.

(6) Where the Commission—

(a) grants an application under subsection (4), it shall issue a permit to the applicant authorizing him to sell chances in the disposal of the prizes of the kind specified in the permit by means of a prescribed practice so specified and to dispose of those prizes; or

(b) refuses to grant such an application, it shall, immediately, by notice in writing served on the applicant, inform him of the refusal and of the ground on which the refusal is based.

(7) A permit—

(a) is in force on and from the date specified in the permit for such period as is specified in the permit; and

(b) may be renewed for such respective successive periods as the Commission determines by application to the Commission—

(i) made in the same manner as the original application for the permit was made under subsection (3); and

(ii) in the case of an application for the renewal of a permit relating to the sale of lucky envelopes, accompanied by a statement nominating the organization, institution, body, or association of persons for the lawful purposes of



which the proceeds of the sale of lucky envelopes pursuant to the permit, as renewed, are to be applied.

(8) A permit is subject to—

(a) a condition that the holder of the permit shall conduct or operate the prescribed practice to which the permit relates in the manner approved by the Commission and specified in the permit;

(b) the following conditions, in the case of a permit relating to the sale of lucky envelopes:—

(i) a condition that the holder of the permit shall purchase lucky envelopes only from a supplier who is a licensed supplier within the meaning of the *Stamp Duties Act 1931*;

(ii) a condition that the holder of the permit shall pay to such a supplier the duty payable in respect of lucky envelopes under that Act before he sells any of those envelopes;

(iii) a condition that the lucky envelopes sold by the holder of the permit shall be in the form approved by the Commission and specified in the permit and shall be endorsed with the words "TAS. STAMP DUTY PAID"; and

(c) such other conditions as the Commission determines in relation to the conduct or operation of the prescribed practice to which the permit relates and as are specified in the permit, including, without prejudice to the generality of the foregoing, conditions as to time and place, and the maximum price that may be charged by the holder of the permit for chances sold pursuant to the permit.

(9) The holder of a permit who contravenes, or fails to comply with, a condition to which the permit is subject is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$600.

(10) Where the holder of a permit authorizing him to sell lucky envelopes contravenes, or fails to comply with, all or any of the conditions to which his permit is subject pursuant to subsection (8), the Commission may revoke the permit.

(11) The holder of a permit shall, within 7 days after the expiration of each quarter, make out and lodge with the Commission a return, in a form approved by the Commission, showing particulars of the sales of chances by him, and of the distribution of the proceeds of the sale of chances, pursuant to that permit during that quarter.

(12) The holder of a permit authorizing him to sell beer tickets shall cause to be displayed in a prominent place for public scrutiny in the premises to which the permit relates a copy of a return lodged by him pursuant to subsection (11) for a period of three months beginning with the day on which the return is required to be lodged under that subsection.

(13) The holder of a permit who fails to comply with subsection (11) or (12) is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$600.

Amendment of section 88B of Principal Act (Calcutta sweepstakes).

**34**—Section 88B of the Principal Act is amended by inserting the following subsection after subsection (4):—

(5) A person or a body of persons (whether incorporated or not) shall not conduct, or cause or permit to be conducted, a calcutta sweepstake, or a series of calcutta sweepstakes, on the happening of sporting contingencies, unless that person or body is the holder of an authorization under this section.

Penalty: For a first offence, \$200; for a subsequent offence, \$500.

Amendment of section 88C of Principal Act (Bingo).

**35**—Section 88C of the Principal Act is amended by inserting the following subsection after subsection (6):—

(7) A person or a body of persons (whether incorporated or not) shall not conduct, or cause or permit to be conducted, any games referred to in subsection (1) or a series of such games, unless that person or body is the holder of an authorization under this section.

Penalty: For a first offence, \$200; for a subsequent offence, \$500.

**36**—Section 88D of the Principal Act is amended by inserting the following subsections after subsection (1):—

Amendment of section 88D of Principal Act (Fees payable, &c.).

(1A) An authorization to conduct a calcutta sweepstake referred to in subsection (1) (a), games referred to in subsection (1) (b), or a series of such calcutta sweepstakes or games may be subject to such conditions with respect to the conduct of the calcutta sweepstakes, games, or series as the Commission determines and as are printed on, or attached to, the authorization.

(1B) The holder of an authorization referred to in subsection (1A) which is subject to conditions under that subsection shall not contravene, or fail to comply with, such a condition.

Penalty: For a first offence, \$200; for a subsequent offence, \$500.

**37**—(1) Section 91 (4) of the Principal Act is amended as follows:—

Amendment of section 91 of Principal Act (Offences connected with printing, advertising, &c.).

(a) by omitting from paragraph (a) “ place;” and substituting “ place; or ”;

(b) by omitting from paragraph (b) “ of; or ” and substituting “ of;”;

(c) by omitting paragraph (c).

(2) Section 91 of the Principal Act is further amended by inserting the following subsection after subsection (4):—

(4A) A person shall not cause, procure, or permit a person—

(a) under the age of 13 years to sell any ticket, share, or interest in a lottery; or

(b) who has attained that age but who has not attained the age of 16 years to sell any ticket, share, or interest in a lottery the prize, or the total of prizes, in respect of which exceeds \$500 in value.

Penalty: \$150.

(3) Section 91 of the Principal Act is further amended by inserting the following subsections after subsection (6):—

(7) A person shall not sell to, or cause or permit to be sold to, a person under the age of 18 years any ticket, share, or interest in a lottery.

Penalty: \$150.

(8) It is a defence to a charge under subsection (7) if the defendant satisfies the court that he had reasonable grounds for believing that the person to whom he is alleged to have sold, or caused or permitted to be sold, any ticket, share, or interest in a lottery had attained the age of 18 years.

Amendment of section 98 of Principal Act (Prohibition of carrying on of unauthorized betting business).

**38**—Section 98 of the Principal Act is amended by omitting the penalty at the end of subsection (1) and substituting the following penalty:—

Penalty: For a first offence, \$20 000 or 6 months' imprisonment or both; for a second offence, \$30 000 or 12 months' imprisonment or both; for a subsequent offence, \$50 000 or 2 years' imprisonment or both.

Amendment of section 99 of Principal Act (Prohibition of betting in public places).

**39**—Section 99 of the Principal Act is amended by omitting the penalty at the end of that section and substituting the following penalty:—

Penalty: For a first offence, \$20 000; for a second offence, \$30 000 or 6 months' imprisonment or both; for a subsequent offence, \$50 000 or 12 months' imprisonment or both.

Repeal of section 103 of Principal Act (Time for taking certain proceedings).

**40**—Section 103 of the Principal Act is repealed.

Amendment of section 105 of Principal Act (Certain games unlawful).

**41**—(1) Section 105 (5) of the Principal Act is amended as follows:—

(a) by omitting paragraph (a);

(b) by omitting paragraph (c) and substituting the following paragraph:—

(c) Any instrument or device operated by a player with the intention that he has a chance to—

(i) win money;

(ii) win or accumulate tokens that are capable of being converted into money or goods; or

- (iii) accumulate credits that are capable of being converted into money or goods.

(2) Section 105 of the Principal Act is further amended by inserting the following subsection after subsection (5A):—

(5AB) The Commission may, by instrument in writing, exclude from the operation of this section any device or instrument (other than a poker machine) that, but for its exclusion by the Commission under this subsection, would be an unlawful instrument for the purposes of this section.

**42**—Section 118 of the Principal Act is repealed and the following section is substituted:—

Substitution of section 118 of Principal Act.

118—A person who is guilty of a contravention of, or failure to comply with, a provision of this Act for which no penalty is prescribed elsewhere in this Act is guilty of an offence against this Act and is liable on summary conviction to a penalty not exceeding \$300.

General penalty.

**43**—(1) Section 119 (2) of the Principal Act is amended as follows:—

Amendment of section 119 of Principal Act (Regulations).

(a) by inserting the following paragraph after paragraph (cb):—

(cc) provide that bets by means of a totalizator may be declared off by any person or persons prescribed in the regulations;

(b) by omitting from paragraph (d) “enforced;” and substituting “enforced; and”;

(c) by omitting from paragraph (da) “and approvals given for the purposes of section 88AB” and substituting “and permits under section 88AB, other than those relating to the sale of lucky envelopes”;

(d) by omitting subparagraph (i) of paragraph (da) and substituting the following subparagraph:—

(i) require the payment of fees for the grant of any such authorizations or the issue of any such permits and, where necessary, the payment of fees for the renewal of any such authorizations or permits;

(e) by omitting from paragraph (da) (iii) “relates; and” and substituting “relates.”;

(f) by omitting paragraph (e).

(2) Section 119 of the Principal Act is further amended by inserting the following subsections after subsection (3):—

(3A) The power to make regulations for the control and regulation of betting by and with bookmakers extends to providing that bets made with a bookmaker may be declared off by any person or persons prescribed in the regulations.

(3B) Where regulations for the control and regulation of betting by and with bookmakers contain a provision that a bookmaker shall not fail to pay a bet as and when directed by the Commission or as otherwise provided by or under those regulations, those regulations may provide in respect of such a contravention for the imposition of a penalty not exceeding \$500.

(3) Section 119 of the Principal Act is further amended by inserting the following subsections after subsection (4):—

(5) Regulations under subsection (1) may be made subject to such conditions, or be made so as to apply differently according to such factors, as may be specified in the regulations or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified.

(6) Regulations under subsection (1), other than a regulation containing such a provision as is mentioned in subsection (3B), may provide that it is an offence, punishable on summary conviction, for a person to contravene, or fail to comply with, any of the regulations and may provide in respect of any such offence for the imposition of a penalty not exceeding \$350.

(7) A regulation under subsection (1) may authorize any matter or thing to be from time to time determined, applied, or regulated by any person or body specified in the regulation.

**44**—The provisions of the Principal Act specified in the first column of Schedule 1 are amended as respectively specified in the second column of that Schedule.

**45**—The provisions of the Principal Act specified in the first column of Schedule 2 are amended as respectively specified in the second column of that Schedule. Consequential amendments of Principal Act.

**46**—(1) In this section, “proclaimed day” means the day fixed by proclamation under section 2 (2). Transitional provision.

(2) An approval in force under section 88AB of the Principal Act immediately before the proclaimed day shall, on and after that day, continue in force as a permit under that section, as substituted by this Act.

## SCHEDULE 1

## Section 44

AMENDMENTS OF PRINCIPAL ACT RELATING TO INCREASES OF PENALTIES  
FOR VARIOUS OFFENCES

COLUMN 1 Provision amended	COLUMN 2 How amended
(1) Section 20 (1)	Omit "\$50", substitute "\$200".
(2) Section 20A (1)	Omit "\$50", substitute "\$200".
(3) Section 20B (4)	Omit "\$50", substitute "\$200".
(4) Section 20B (5)	Omit "\$50", substitute "\$200".
(5) Section 25 (1)	Omit "\$50", substitute "\$200".
(6) Section 39 (8)	Omit "\$100" and "\$200", substitute "\$300" and "\$600" respectively.
(7) Section 57ZG	Omit "\$200", substitute "\$500".
(8) Section 57ZH (2)	Omit "\$100", substitute "\$250".
(9) Section 57ZJ	Omit "\$200" and "\$400", substitute "\$500" and "\$1 000" respectively.
(10) Section 57ZK	Omit "\$200", substitute "\$500".
(11) Section 57ZL	Omit "\$50" and "\$200", substitute "\$200" and "\$500" respectively.
(12) Section 57ZM	Omit "\$25" and "\$100", substitute "\$50" and "\$250" respectively.
(13) Section 57ZN	Omit "\$50" and "\$200", substitute "\$200" and "\$500" respectively.
(14) Section 60AA (1)	Omit "\$100", substitute "\$300".
(15) Section 75 (1)	Omit "\$20" and "\$100", substitute "\$50" and "\$250" respectively.
(16) Section 75 (3)	Omit "\$40", substitute "\$150".
(17) Section 76 (1)	Omit "\$20" and "\$100", substitute "\$75" and "\$350".
(18) Section 76 (3)	Omit "\$10" and "\$50", substitute "\$50" and "\$250" respectively.
(19) Section 77 (1)	Omit "\$500" and "\$1 000", substitute "\$1 500" and "\$3 000" respectively.
(20) Section 77 (1B)	Omit "\$50" and "\$100", substitute "\$200" and "\$350" respectively.
(21) Section 77 (2)	Omit "\$40", substitute "\$150".
(22) Section 78 (1)	Omit "\$50" and "\$100", substitute "\$150" and "\$300" respectively.
(23) Section 79	Omit "\$20", substitute "\$75".
(24) Section 87 (1)	Omit "\$200", substitute "\$700".
(25) Section 87F (1)	Omit "\$2 000", substitute "\$4 000".
(26) Section 87F (2)	Omit "\$500", substitute "\$1 000".
(27) Section 88 (2)	Omit "\$100", substitute "\$200".
(28) Section 88A (4)	Omit "\$200", substitute "\$400".
(29) Section 88A (5)	Omit "\$200", substitute "\$400".
(30) Section 90 (1)	(a) Omit "\$400", where firstly occurring, substitute "\$1 500".



COLUMN 1 Provision amended	COLUMN 2 How amended
	(b) Omit "\$400", where secondly occurring, substitute "\$3 000".
(31) Section 90 (2)	Omit "\$100", substitute "\$350".
(32) Section 90 (3)	Omit "\$200", substitute "\$700".
(33) Section 91 (1)	Omit "\$200", substitute "\$700".
(34) Section 91 (2)	Omit "\$100", substitute "\$250".
(35) Section 91 (3)	Omit "\$100", substitute "\$250".
(36) Section 91 (4)	Omit "\$40", substitute "\$150".
(37) Section 91 (6)	Omit "\$40", substitute "\$100".
(38) Section 93 (1)	Omit "\$400", substitute "\$1 500".
(39) Section 93 (2)	Omit "\$50", substitute "\$150".
(40) Section 95 (1)	Omit "\$400", substitute "\$1 200".
(41) Section 95 (2)	Omit "\$200", substitute "\$600".
(42) Section 95 (3)	Omit "\$200", substitute "\$600".
(43) Section 95 (4)	Omit "\$100", substitute "\$350".
(44) Section 96 (1)	Omit "\$200", substitute "\$600".
(45) Section 96 (2)	Omit "\$200", substitute "\$600".
(46) Section 96 (3)	Omit "\$200", substitute "\$600".
(47) Section 97 (1)	Omit "\$200", substitute "\$600".
(48) Section 98 (1A)	Omit "\$500", substitute "\$1 250".
(49) Section 100 (3)	Omit "\$100" and "\$200", substitute "\$250" and "\$600" respectively.
(50) Section 105 (6)	Omit "\$100", substitute "\$250".
(51) Section 105 (7)	Omit "\$100", substitute "\$250".
(52) Section 105 (9)	Omit "\$100", substitute "\$250".
(53) Section 110 (1)	Omit "\$200", substitute "\$600".
(54) Section 110 (2)	Omit "\$100", substitute "\$300".
(55) Section 110 (3)	Omit "\$100", substitute "\$350".
(56) Section 111	Omit "\$200" and "\$400", substitute "\$600" and "\$1 200" respectively.
(57) Section 116	Omit "\$200", substitute "\$600".
(58) Section 117 (1)	Omit "\$100", substitute "\$300".

## SCHEDULE 2

Section 45

## CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT

COLUMN 1 Provision amended	COLUMN 2 How amended
(1) Section 7	(a) Omit " of the chairman's powers, functions, and duties ", substitute " and performance of the chairman's powers and functions ";
(2) Section 9 (2) (e)	(b) Omit " the powers, functions, and duties ", substitute " and perform the powers and functions ";
(3) Section 9 (2) (f)	(c) Insert " and performed " after " exercised ".
(4) Section 11 (1)	Omit " duties ", substitute " functions ".
(5) Section 11 (2A)	Omit " duties ", substitute " functions ".
(6) Section 12 (1) (c)	Omit " duties and ".
(7) Section 12 (1) (e)	(a) Omit " and functions ";
(8) Section 12 (2)	(b) Omit " duties ", substitute " functions ".
(9) Section 13 (1)	(a) Omit " and functions ";
(10) Section 13 (2)	(b) Omit " duties ", substitute " functions ".
(11) Section 13 (3)	(a) Omit " such of its powers, functions, and duties ", substitute " the exercise and performance of such of its powers and functions ";
(12) Section 18 (1)	(b) Omit " , function, or duty ", substitute " or function ";
(13) Section 53 (1)	(c) Insert " or performed " after " exercised ".
(14) Section 54 (1)	(a) Omit " such of his powers, functions, and duties ", substitute " the exercise and performance of such of his powers and functions ";
	(b) Omit " , function, or duty ", substitute " or function ";
	(c) Insert " or performed " after " exercised ".
	Omit " of any power, function, or duty ", substitute " or performance of any power or function ".
	Omit " , functions, or duties ", substitute " or functions ".
	(a) Omit " , function, or duty ", substitute " or function ";
	(b) After " exercise ", wherever occurring, insert " or perform ".
	(a) Omit " such of its powers, functions, and duties ", substitute " the exercise and performance of such of its powers and functions ";

COLUMN 1 Provision amended	COLUMN 2 How amended
	(b) Omit “, function, or duty”, substitute “ or function”;
(15) Section 54 (2)	(c) Insert “ or performed ” after “ exercised ”. Omit “ of any power, function, or duty ”, substitute “ or performance of any power or function ”.
(16) Section 55 (1)	Omit “, functions, and duties”, substitute “ and functions ”.
(17) Section 56	Omit “, functions, or duties”, substitute “ or functions ”.
(18) Section 57c	Omit “, functions, and duties”, substitute “ and functions ”.
(19) Section 57D (6)	Omit “ duties ”, substitute “ functions ”.
(20) Section 57zJ (c)	Omit “ or offers to sell ”.
(21) Section 57zK	Omit “ duty ”, substitute “ functions ”.
(22) Section 57zW	Omit “ duty ”, wherever occurring, substitute “ functions ”.
(23) Section 58 (2)	Omit “ duties ”, wherever occurring, substitute “ functions ”.
(24) Section 87 (1)	Omit “ or offer for sale ”.
(25) Section 88 (2)	Omit “ or offer for sale ”.
(26) Section 91 (3) (a)	Omit “ or offer for sale ”.
(27) Section 91 (4) (a)	Omit “ or offer for sale ”.
(28) Section 91 (4) (c)	Omit “ or offer for sale ”.
(29) Section 91 (5) (c)	Omit “ or offered ”, wherever occurring.

