

Salary of
Auditor-
General.

2 Section five of the Principal Act is amended—

(a) by omitting subsection (1) and substituting therefor the following subsection:—

“(1) The Auditor-General shall be paid a salary—

(a) during the period commencing on the eighth day of October 1970 and ending on the thirteenth day of January 1971 at the rate of sixteen thousand and two dollars a year; and

(b) thereafter at the rate of sixteen thousand nine hundred and sixty-two dollars a year and such allowances as the Governor may appoint.”; and

(b) by omitting subsection (1B).

RACING AND GAMING.

No. 10 of 1971.

AN ACT to amend the *Racing and Gaming Act 1952*.

[29 April 1971.]

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:—

Short title,
citation, and
commence-
ment.

1—(1) This Act may be cited as the *Racing and Gaming Act 1971*.

(2) The *Racing and Gaming Act 1952*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) Subject to the provisions of section forty-four this Act shall commence on a date to be fixed by proclamation.

Interpreta-
tion.

2 Section three of the Principal Act is amended by inserting, after the definition of ‘race meeting’, the following definition:—

“ ‘Racing Assistance Fund’ means the fund referred to in section forty-five A;”.

3 After section twelve of the Principal Act the following section is inserted:—

Finances of the
Commission.

“12A—(1) Except as otherwise expressly provided in this Act, all moneys received by or on behalf of the Commission shall be paid into the Consolidated Revenue and the expenses of the Commission shall be defrayed out of moneys provided by Parliament for the purpose.

“(2) All moneys required under this section to be paid into the Consolidated Revenue shall be paid to the Treasurer.

“(3) The registrar shall keep, as prescribed, full and true accounts of all moneys received or expended by or on behalf of the Commission and, subject to the foregoing provisions of this section, shall cause all such moneys to be paid into an account in the name of the Commission in such bank as the Commission may direct.

“(4) The accounts kept for the purposes of this section are subject to the *Audit Act 1918*.”.

4 Section thirty-nine of the Principal Act is amended—

(a) by omitting subsection (5) and substituting therefor the following subsection:—

“(5) A notice under this section shall be served personally on the person for whom it is intended.”;

(b) by omitting from subsection (8) all the words following the word “Penalty:” and substituting therefor the words “For a first offence, one hundred dollars; for a subsequent offence, two hundred dollars or three months’ imprisonment.”; and

(c) by adding at the end thereof the following subsection:—

“(9) The production to a court of a copy of such a notice as is referred to in this section on which there is endorsed a memorandum setting forth the day, place, and mode of service of the notice and purporting to be signed by the person by whom the notice was so served is sufficient evidence until the contrary is proved—

(a) that the endorsement was signed by the person whose signature it purports to be; and

(b) that the statements contained in the endorsement are true.”.

Exclusion
of persons
from race-
courses.

5 Section forty of the Principal Act is amended by inserting in paragraph (a), after the word “years”, the words “not accompanied by a person who has attained the age of twenty-one years”.

Prohibition
of certain
persons
entering,
etc., on race-
courses.

6 Section forty A of the Principal Act is amended by omitting subsection (6) and substituting therefor the following subsections:—

Appointment
of stipendiary
stewards by
Commission.

“(6) The Commission shall repay to a controlling body the expenditure incurred by that body under subsection (5) of this section.

“(7) The Commission may make, or participate in, arrangements for the provision of superannuation and other benefits in respect of the service of persons as stipendiary stewards appointed under this section, and, in relation to any such benefits, may make such contributions and other payments as are provided for in that behalf in those arrangements.”.

7 After section forty A of the Principal Act the following section is inserted:—

Contribution to remuneration, etc., of certain stewards.

“40B—(1) Subject to this section, the Commission may contribute to the expenditure incurred by a controlling body (not being a controlling body for which a stipendiary steward is appointed under section forty A) in the remuneration of a chairman of the stipendiary stewards appointed by that body or otherwise in relation to his employment as such.

“(2) Where only one stipendiary steward is appointed by a controlling body he shall, for the purposes of this section, be deemed to be the chairman of the stipendiary stewards appointed by that body.”.

8 After section forty-two of the Principal Act the following section is inserted:—

Effect of disqualifications under Rules of Racing.

“42A—(1) Where, pursuant to any such decision or determination as is referred to in subsection (6D) of section forty-two (whether made before or after the commencement of this section), a person is, whether with or without limitation as to time, disqualified from acting in any prescribed capacity he is, while he is so disqualified, disqualified from acting in any other prescribed capacity and shall be deemed to be so disqualified under the Rules of Racing relating to persons acting in that other capacity.

“(2) In this section ‘prescribed capacity’ means the capacity as—

- (a) owner or trainer of a galloping-horse or a trotting-horse, or a dog used for coursing; or
- (b) rider or driver of a galloping-horse or a trotting-horse.”.

9 Section forty-five of the Principal Act is repealed and the following sections are substituted therefor:—

Winding-up of clubs.

“45—(1) Where the Commission is satisfied that—

- (a) a club has given public notice that it has ceased to race;
- (b) a club has given public notice that it intends on a specified day to cease to race and that day has passed;
- (c) a club has been disbanded; or
- (d) a club has failed in any period of twelve months to hold a race meeting,

the Commission shall, by notice in the *Gazette* (in this section referred to as a ‘winding-up notice’), declare that that club is to be wound up in accordance with this section.

“(2) The Commission shall not publish a winding-up notice in respect of a club by reason only of the ground referred to in paragraph (d) of subsection (1) of this section if the Commission is satisfied that there was reasonable cause for the failure of the club to hold race meetings and the club resumes racing within such period as the Commission may allow in that behalf.

“(3) References in this section to a club that is being wound up shall be construed as references to a club in respect of which a winding-up notice has been published.

“(4) No person shall, without the consent of the Commission, dispose of, or otherwise deal with, any of the assets of a club that is being wound up or incur any liability on behalf of that club.

“(5) Where a winding-up notice has been published in respect of a club the Commission is entitled, for the purpose of winding-up the affairs of the club, to take possession of the assets of the club and discharge therefrom any liabilities of the club subsisting at the time the notice was published or arising in respect of any such assets.

“(6) The sums that have been deposited under section fifty by or in respect of a club that is being wound up, and any interest accrued due on those sums, shall be treated as part of the assets of that club and, on application by the Commission, shall be paid by the Treasurer to the Commission.

“(7) Where the Commission is satisfied that the assets of the club being wound up are more than sufficient to discharge its liabilities it may transfer all or any of those assets to some other club that conducts race meetings of the same kind as those that were conducted by the club being wound up, either on the racecourse on which that club conducted race meetings or on some other racecourse within twenty-five miles thereof.

“(8) Any assets transferred under subsection (7) of this section shall be so transferred subject to any mortgage, trust, charge, claim, or obligation secured or charged on, or affecting, those assets.

“(9) Subject to subsection (10) of this section the assets of a club, so far as they are not required to meet the liabilities of the club and are not transferred under subsection (7) of this section, shall be placed to the credit of the Racing Assistance Fund, and, for that purpose, the Commission shall realize such of those assets as are not in the form of money or investments in which moneys standing to the credit of that fund may be invested.

“(10) The Commission may appropriate for any purpose for which it may acquire land under section forty-five c any land that is an asset otherwise required to be realized under subsection (9) of this section, and any land so appropriated shall be deemed to have been acquired by the Commission under that section.

“(11) Any land that is appropriated under subsection (10) of this section may be so appropriated subject to any subsisting mortgage, charge, or other incumbrance.

“(12) For the purposes of the exercise of its powers under this Part in relation to any club that is being wound up the Commission may—

- (a) exercise in relation to any property forming part of the assets of the club the powers that may be exercised in relation thereto by the persons in whom it is vested or by any person who, if this section had not been enacted, would have had power to dispose of or otherwise deal with the property;

- (b) recover any sums due to the club or to any person on behalf of, or for the purposes of, the club, and to take any legal proceedings necessary for that purpose; and
- (c) sell or otherwise realize any property forming part of the assets of the club, or transfer any such property to itself or any other person,

and may do such other things as may be necessary in connection with the exercise of the powers conferred by this subsection.

“(13) Where a winding-up notice is published under this section in respect of a club the Commission may direct the club, within such time as the Commission may allow—

- (a) to surrender, or cause to be surrendered, to the Commission all the documents in the possession of, or available to, the club or any of its members or officers, that relate to the affairs of the club; and
- (b) to cause the accounts of the club to be properly made up and a correct and final balance sheet showing the whole of its assets and liabilities, to be made out, audited and verified as prescribed, and forwarded to the Commission.

“(14) A reference in this section to the assets of a club shall be construed as including a reference to any assets held on behalf, or for the purposes, of the club, and a reference in this section to the liabilities of a club shall be construed as including a reference to any liabilities that may be discharged out of those assets.

“(15) Notwithstanding anything in this section the Commission may retain any document or article coming into its possession under this section that it considers to be of historical interest and may deal with any such document or article in such manner as appears to it most suitable for its preservation.

Amalgamation
of clubs.

“45AA—(1) A club may, with the approval of the Commission, amalgamate with any other club or with a new club proposed to be formed, whether by amalgamation of two or more clubs or otherwise.

“(2) Where under this section the Commission approves the amalgamation of a club with any other club, all the assets and liabilities of the former club are, on a notification in the prescribed form being published by the Commission in the *Gazette* and in a newspaper, vested in and transferred to the latter club without further assurance.

“(3) Subsection (14) of section forty-five has effect in relation to this section as it has effect in relation to that section.”

10 Division IV of Part III of the Principal Act is repealed and the following Division is substituted therefor:—

“*Division IV—The Racing Assistance Fund.*

Racing
Assistance
Fund.

“45A—(1) For the purposes of this Division there shall be maintained by the Commission a fund to be called the Racing Assistance Fund, and that fund is in this Division referred to as ‘the Fund’.

“(2) There shall be credited to the Fund—

- (a) the moneys provided by Parliament for the purposes of section forty-five B;
- (b) the moneys and other assets that are required to be placed to the credit of the Fund under subsection (9) of section forty-five;
- (c) any other moneys received by the Commission in the exercise of its powers under this Division; and
- (d) any moneys paid to the credit of the Fund pursuant to subsection (2) of section fifty-two or subsection (5) of section seventy-four.

“(3) There shall be defrayed out of the Fund the expenses incurred by the Commission in the exercise of its powers under this Division; and those expenses shall not otherwise be defrayed.

“(4) The Commission shall credit to a separate account the moneys referred to in paragraph (a) of subsection (2) of this section and those moneys shall not be defrayed otherwise than for the purpose of making payments under section forty-five B.

“(5) The Commission may invest any moneys standing to the credit of the Fund in any manner in which trustees are authorized to invest trust moneys or in such other manner as may be prescribed.

“45B—(1) The Commission shall from time to time make payments to racing clubs and coursing clubs of such amounts as it thinks desirable for the purpose of encouraging or promoting, or assisting those clubs to encourage or promote, horse-racing or coursing in the State. Assistance to racing.

“(2) A payment made by the Commission under subsection (1) of this section may be made upon and subject to such conditions (including conditions as to the purposes in relation to which or for which the payment may or shall be applied) as the Commission may impose or determine, either generally or in a particular case.

“45C—(1) The Commission may acquire any land that it is of opinion should be so acquired for any purpose calculated to promote or benefit horse-racing or coursing. Acquisition, etc., of land for encouragement of racing.

“(2) Where any land is appropriated under subsection (10) of section forty-five, the expense of discharging any mortgage, charge, or other incumbrance to which that land is subject shall be treated for the purpose of this Division as an expense incurred in acquiring the land.

“(3) Where the Commission acquires land under this section it shall take such steps as are practicable in the circumstances to ensure that the land is used for such purpose as is referred to in subsection (1) of this section, and, without prejudice to the generality of the foregoing provisions of this subsection, may, in order to carry out its duty under this subsection—

- (a) grant leases of, or licences over, the land or any part thereof;
- (b) establish committees to manage, or do any other things in relation to, the land; and

(c) authorize any such committee, subject to such conditions or restrictions as the Commission may determine, to exercise on behalf of the Commission, any of its functions in relation to the land.

“(4) The members of a committee established under this section shall be appointed by the Commission and the Commission may abolish any committee so established and may revoke or vary any authority given by it to such a committee.

“(5) Where the Commission is satisfied that any land acquired under this section is no longer required for use, or should no longer be used, for any such purpose as is referred to in subsection (1) of this section, it may sell, lease, or otherwise dispose of that land.”.

Unclaimed dividends.

11 Section fifty-two of the Principal Act is amended by omitting from subsection (2) all the words following the words “or of” and substituting therefor the words “the Racing Assistance Fund.”.

Registration of book-makers and bookmakers' clerks.

12 Section fifty-nine of the Principal Act is amended by adding at the end thereof the following subsection:—

“(15) Subject to subsection (2) of this section all fees payable under this section shall be paid to the Commission.”.

13 Section sixty of the Principal Act is repealed and the following sections are substituted therefor:—

Cancellation, etc., of certificates of registration on certain convictions.

“60—(1) Where a bookmaker has been convicted of an offence under any of the following provisions of this Act, that is to say:—

- Paragraph (b) or paragraph (c) of subsection (1) of section seventy-seven;
- Sub-paragraph (i) or sub-paragraph (ii) of paragraph (f) of subsection (1) of section seventy-seven;
- Section ninety-three;
- Section ninety-five; or
- Section ninety-nine,

his certificate of registration is cancelled.

“(2) Where a bookmaker has been charged with an offence referred to in subsection (1) of this section and any court has recorded a conviction on that charge (whether or not any appeal or other proceedings may be taken in relation thereto) the Commission may suspend his certificate of registration as a bookmaker until the conclusion of the proceedings on that charge.

Cancellation, etc., of certificates of registration in other cases of misconduct, etc.

“60AA—(1) Where the Commission is satisfied, on an inquiry made in accordance with this section, that a bookmaker has—

- (a) contravened or failed to comply with any of the provisions of this Act;
- (b) failed to comply with any condition of his certificate of registration;
- (c) failed to observe the Rules of Racing in any respect;
- (d) made default in payment of any bet; or
- (e) been guilty of misconduct in relation to his carrying on the business of bookmaker”.

it may cancel, or suspend for such period as it may determine, his certificate of registration as a bookmaker or impose on him a penalty not exceeding one hundred dollars.

“(2) The Commission shall not exercise its powers under subsection (1) of this section in respect of an offence with which a bookmaker has been charged unless that charge is withdrawn.

“(3) Where a bookmaker has been convicted—

(a) of an offence under this Act (not being such an offence as is referred to in subsection (1) of section sixty); or

(b) of an offence (not being an offence under this Act) of such a nature that, in the opinion of the Commission, renders it improper that the bookmaker should be allowed to carry on, at least for the time being, the business of bookmaker,

the Commission, on an inquiry made in accordance with this section, may cancel, or suspend for such period as it may determine, his certificate of registration as a bookmaker.

“(4) Where the Commission suspends the certificate of registration of a bookmaker under this section it may also order that the bookmaker be disqualified from the grant of a certificate of registration as a bookmaker for such period after the date on which the certificate of registration that is suspended would, but for its suspension, have expired as the Commission may think fit.

“(5) Where the Commission proposes, for the purposes of this section, to hold an inquiry into any matter it shall serve on the bookmaker a notice in writing specifying the matter in relation to which the inquiry is to be held and requiring him to appear before the Commission, on the holding of the inquiry, at such place and at such time as may be specified in the notice, to show cause why action should not be taken against him by the Commission under subsection (1) or subsection (3) of this section, as the case may be.

“(6) Where the Commission, under this section, cancels or suspends the certificate of registration of a bookmaker, or orders him to be disqualified from the grant of such a certificate, or imposes a penalty on him it shall notify him in writing of its decision and of the grounds thereof.

“(7) A person who is aggrieved by the cancellation or suspension under this section of his certificate of registration, or by any fine or disqualification imposed on him thereunder, may appeal to a stipendiary magistrate.

“(8) On an appeal under this section a stipendiary magistrate (unless he dismisses the appeal) may quash or vary any decision of the Commission or substitute therefor any other decision the Commission could have made in respect of the matter the subject of the appeal.

“(9) Any penalty imposed on a person under this section may be recovered from him as a debt due to the Commission.

Cancellation of registration on grounds of insufficient assets.

“60AAB—(1) In accordance with this section the Commission may hold an inquiry to determine whether a bookmaker has sufficient assets to enable him satisfactorily to carry on business as a bookmaker.

“(2) Where the Commission proposes to hold an inquiry under this section it shall serve on the bookmaker a notice in writing stating that it intends to do so and requiring him to appear before the Commission, on the holding of the inquiry, at such place and at such time as may be specified in the notice, to satisfy the Commission that his assets are sufficient to enable him satisfactorily to carry on his business as a bookmaker.

“(3) If, on an inquiry under this section, the Commission is not satisfied that the bookmaker has sufficient assets to enable him satisfactorily to carry on business as a bookmaker it may cancel his certificate of registration.

“(4) A person who is aggrieved by the cancellation of his certificate of registration under this section may appeal to a stipendiary magistrate, and, on the hearing of that appeal, the magistrate may confirm or quash the cancellation of the certificate.

General provisions as to inquiries.

“60AAC—(1) Division II of Part II of the *Evidence Act* 1910 applies in relation to an inquiry under section sixty AA or section sixty AAB into a matter as if—

- (a) the Commission were such a board of inquiry as is referred to in paragraph (b) of subsection (1) of section fourteen of that Act; and
- (b) that matter were the matter into which it was appointed to inquire by its instrument of appointment.

“(2) A bookmaker is entitled to be represented by a legal practitioner or an agent at any such inquiry as is referred to in subsection (1) of this section.

“(3) The provisions of section one hundred and twelve apply to proceedings at an inquiry under section sixty AA as they apply to proceedings on the hearing of a charge for an offence under this Act; and for the purposes of this section the notice served under subsection (5) of that section in relation to the inquiry shall be treated as a complaint for an offence and any allegation therein as allegations in the complaint.”

Refusal of application for registration.

14 Section sixty-one of the Principal Act is amended by adding at the end thereof the following subsections:—

“(3) Where the Commission refuses such an application as is referred to in subsection (1) of this section the person by whom the application was made may appeal to a stipendiary magistrate, and, on the hearing of such an appeal the magistrate, if he is satisfied that the refusal was unjust or unreasonable, may direct the Commission to grant that person a certificate of registration under this Part.

“(4) The Commission shall comply with any direction given to it by a stipendiary magistrate under this section.”

15 Sections sixty-two and sixty-three of the Principal Act are repealed and the following section is substituted therefor:—

“62—(1) An appeal to a stipendiary magistrate under this Part shall be instituted, heard, and determined as prescribed. Supplementary provisions as to appeals.

“(2) The decision of a stipendiary magistrate on the hearing of an appeal under this Part is final, and is not subject to appeal.”.

16 Section sixty-eight of the Principal Act is amended—

(a) by omitting from subsection (3) all the words following the word “Penalty:” and substituting therefor the words “For a first offence, one hundred dollars; for a subsequent offence, two hundred dollars or three months’ imprisonment.”; and Power of Commission to remove persons from, and prohibit persons from entering, betting premises.

(b) by adding at the end thereof the following subsection:—

“(4) The production to a court of a copy of such a notice as is referred to in this section on which there is endorsed a memorandum setting forth the day, place, and mode of service of the notice and purporting to be signed by the person by whom the notice was so served is sufficient evidence until the contrary is proved—

(a) that the endorsement was signed by the person whose signature it purports to be; and

(b) that the statements contained in the endorsement are true.”.

17 Section sixty-nine of the Principal Act is amended—

(a) by omitting subsection (1), (2), (3), (3A), and (3B) and substituting therefor the following subsections:— Duties of bookmakers.

“(1) Except as otherwise provided in this section, a bookmaker, on making a bet with any person, shall forthwith—

(a) issue in respect of the bet a betting ticket bearing an inscribed stamp of the prescribed value; and

(b) record the bet in the written record required to be kept pursuant to paragraph (d) of subsection (4) of this section.

“(1A) A bookmaker is not required to comply with the provisions of paragraph (a) of subsection (1) of this section in respect of a bet made by telephone.

“(2) Except where pursuant to subsection (1A) of this section a betting ticket is not issued in respect of a bet, a bookmaker shall—

(a) if a bet is made with him by a person then present, forthwith deliver to that person personally the betting ticket required to be issued under subsection (1) of this section; and

- (b) if a bet is otherwise made with him by any person, deliver to that person that betting ticket within seventy-two hours of the bet being made.

“(3) Where, pursuant to subsection (1A) of this section a betting ticket is not issued in respect of a bet made with a bookmaker the bookmaker shall within the seven days following the day on which the bet was made deliver to the person by whom the bet was made a record of the bet in a form approved by the Commission.

“(3A) Except as otherwise provided in this section, a ticket or record required under the foregoing provisions of this section to be delivered to any person may be so delivered personally or by sending it to him by post, addressed to him at his usual or last-known place of abode or business, and where by any such provision a ticket or record is required to be so delivered to any person within a defined period it is sufficient compliance with that provision if that ticket or record is within that period placed in the post so addressed.”;

- (b) by omitting paragraph (d) of subsection (4) and substituting therefor the following paragraph:—

“(d) keep a written record, in a form approved by the Commission, containing such particulars as may be prescribed or as may be directed by the Commission, of each bet made with him, distinguishing therein—

- (i) bets in respect of which pursuant to subsection (1A) of this section betting tickets were not issued; and

(ii) other bets;” and

- (c) by omitting subsection (5A) and substituting therefor the following subsection:—

“(5A) Until he has recorded a bet in accordance with subsection (1) of this section a bookmaker shall not make any written record or note of that bet.”.

Payment of
commission
by book-
makers.

18 Section seventy of the Principal Act is amended—

- (a) by omitting subsection (1) and substituting therefor the following subsection:—

“(1) A bookmaker shall pay to the Commission a sum by way of commission equal to two and one-half per cent of all moneys paid or payable, contingently or otherwise, in respect of all bets made by him.”;

- (b) by omitting from subsection (2) the words “the Registrar on behalf of”; and

- (c) by omitting subsection (5).

19 Section seventy-one of the Principal Act is repealed and the following section is substituted therefor:—

“71. The Commission shall pay to each club, within seven days after it is received by the Commission, the commission received under subsection (1) of section seventy in respect of all bets made in relation to any race meeting conducted by that club and in respect of all bets made at any race meetings so conducted in relation to races held elsewhere than in this State.”

Payment of certain commission to clubs.

20 Section seventy-two is amended by inserting after subsection (2) the following subsections:—

Stamp duty on betting tickets.

“(2A) Subject to subsection (4) of section seventy-three, in respect of each bet made by a bookmaker in respect of which, pursuant to subsection (1A) of section sixty-nine, a betting ticket is not issued, there is payable by the bookmaker to the Commission a sum of two cents.

“(2B) Where any sum has become payable by a bookmaker to the Commission under subsection (2A) of this section the bookmaker shall pay that sum to the Commission on or before the Tuesday of the week following the week in which the bet was made, and for the purposes of this section a week is the period of seven days ending on a Saturday.

“(2C) Without prejudice to the power to take proceedings for an offence under subsection (2B) of this section, the Commission may, by action in any court of competent jurisdiction, recover, as a debt due to the Commission, any sums that have become payable to it under this section and have not been paid.”

21 Section seventy-three of the Principal Act is amended by adding at the end thereof the following subsection:—

Refunds of stamp duties in certain cases.

“(4) Subsection (2A) of section seventy-two does not apply to—

- (a) bets made in relation to a race meeting in respect of which a certificate is issued pursuant to paragraph (a) of subsection (1) of this section;
- (b) bets in respect of which a certificate is issued pursuant to paragraph (b) of that subsection; or
- (c) any bet in respect of which a statutory declaration, in a form approved by the Commission, is made by the bookmaker stating that the horse or dog on which the bet was made was not a starter in the race in respect of which the bet was made.”

22 Section seventy-four of the Principal Act is amended by omitting from subsection (5) the words “any other fund created by the Commission for the purpose of assisting racing in Tasmania” and substituting therefor the words “the Racing Assistance Fund”.

Provisions as to disposal of unclaimed winnings.

23 Section seventy-five of the Principal Act is amended—

- (a) by omitting from paragraph (a) the word “or” (last occurring); and
- (b) by omitting paragraph (b).

Prohibition of betting at certain odds, etc.

Betting with
minors.

24 Section seventy-six of the Principal Act is amended by adding at the end thereof the following subsections:—

“(4) Where a police officer has reason to believe that a person who has not attained the age of twenty-one years has been betting with a bookmaker he may demand that that person deliver up all the betting tickets in his possession.

“(5) A person who refuses or fails to comply with a demand made by a police officer under this section is guilty of an offence.”.

Offences by
bookmakers.

25 Section seventy-seven of the Principal Act is amended—

(a) by omitting from paragraph (a) of subsection (1) the words “subsections (1), (2), (3), and (4)” and substituting therefor the words “subsection (1), paragraph (a) of subsection (2), subsection (4), or subsection (5A)”;

(b) by omitting from that subsection all the words following the word “Penalty:” and substituting therefor the words “For a first offence, five hundred dollars; for a subsequent offence, one thousand dollars or six months’ imprisonment.”; and

(c) by omitting subsection (3).

Offences by
bettors.

26 Section seventy-eight of the Principal Act is amended by omitting from subsection (1) all the words following the word “Penalty:” and substituting therefor the words “For a first offence, fifty dollars; for a subsequent offence, one hundred dollars.”.

Application
of Part VI.

27 Section eighty-three of the Principal Act is amended by omitting from sub-paragraph (i) of paragraph (c) the words “thirty dollars” and substituting therefor the words “one hundred dollars”.

Raffles, etc.

28 Section eighty-eight of the Principal Act is amended—

(a) by omitting from paragraph (b) of subsection (4) the words “one month” and substituting therefor the words “forty-two days”;

(b) by omitting from sub-paragraph (ii) of paragraph (c) of subsection (7) the words “one month” and substituting therefor the words “forty-two days”;

(c) by omitting from subsection (8) the words “two hundred dollars” (twice occurring) and substituting therefor, in each case, the words “five hundred dollars”; and

(d) by omitting from subsection (9) the words “two hundred dollars” and substituting therefor the words “five hundred dollars”.

- 29** Section ninety-three of the Principal Act is amended by omitting from subsection (2) the words "Ten dollars" and substituting therefor the words "Fifty dollars". Prohibition on unlawful gaming places.
- 30** Section ninety-five of the Principal Act is amended— Prohibition on unlawful betting-places.
- (a) by omitting from subsection (1) all the words following the word "Penalty:" and substituting therefor the words "Four hundred dollars or six months' imprisonment.";
- (b) by omitting from subsection (2) the words "One hundred dollars" and substituting therefor the words "Two hundred dollars"; and
- (c) by omitting from subsection (3) the words "One hundred dollars" and substituting therefor the words "Two hundred dollars".
- 31** Section ninety-six of the Principal Act is amended by omitting the words "One hundred dollars" (wherever occurring) and substituting therefor, in each case, the words "Two hundred dollars". Prohibition on advertisement of unlawful betting-places.
- 32** Section ninety-seven is amended by omitting from subsection (1) the word "six" and substituting therefor the word "three". Betting, etc., with minors.
- 33** Section ninety-eight of the Principal Act is amended— Prohibition of carrying on unauthorized betting business.
- (a) by omitting from subsection (1) all the words following the word "Penalty:" and substituting therefor the words "For a first offence, five hundred dollars or three months' imprisonment; for a subsequent offence, one thousand dollars or six months' imprisonment."; and
- (b) by omitting subsection (2).
- 34** Section ninety-nine of the Principal Act is amended by omitting all the words following the word "Penalty:" and substituting therefor the words "For a first offence, two hundred dollars; for a subsequent offence, four hundred dollars or six months' imprisonment." Prohibition of betting in public places.
- 35** Section one hundred is amended by omitting from subsection (3) all the words following the word "Penalty:" and substituting therefor the words "For a first offence, one hundred dollars; for a subsequent offence, two hundred dollars or three months' imprisonment." Removal of suspected persons from sports grounds, etc.
- 36** Section one hundred and five is amended— Unlawful games.
- (a) by omitting from subsection (6) the words "Twenty dollars" and substituting therefor the words "One hundred dollars";
- (b) by omitting from subsection (7) all the words following the word "Penalty:" and substituting therefor the words "One hundred dollars or one month's imprisonment."; and

- (c) by omitting from subsection (9) the words "Forty dollars" and substituting therefor the words "One hundred dollars".

Forfeiture and destruction of instruments of gaming, etc.

37 Section one hundred and nine of the Principal Act is amended—

- (a) by omitting from subsection (1) the words "(other than an offence against section one hundred and five)"; and
 (b) by adding at the end thereof the following subsection:—
 "(4) Nothing in this section prejudices or affects the operation of subsection (10) of section one hundred and five."

Obstruction, etc., of authorized police officers.

38 Section one hundred and ten of the Principal Act is amended—

- (a) by omitting from subsection (1) the words "One hundred dollars" and substituting therefor "Two hundred dollars"; and
 (b) by omitting from subsection (2) the words "Fifty dollars" and substituting therefor the words "One hundred dollars".

Giving warning of approach, etc., of police officer.

39 Section one hundred and eleven of the Principal Act is amended by inserting after the words "subsequent offence," the words "four hundred dollars or".

Evidentiary provisions.

40 Section one hundred and twelve of the Principal Act is amended by inserting after subsection (12A) the following subsection:—

"(12B) Where, in any proceedings for an offence under section forty in respect of a person entering or remaining on a racecourse, the defence is made that that person was accompanied by a person who had attained the age of twenty-one years and it appears to the court that the person last-mentioned may not, at the time at which the offence is alleged to have been committed, have attained that age it shall be presumed, unless the contrary is shown, that he had not at that time attained that age."

False returns and declarations.

41 Section one hundred and sixteen of the Principal Act is amended by omitting the words "One hundred dollars" and substituting therefor the words "Two hundred dollars".

Penalty for offences by clubs, etc.

42 Section one hundred and seventeen of the Principal Act is amended by omitting from subsection (1) the words "a club ceases to race and there is any failure to comply with any of the provisions of subsection (1) of section forty-five," and substituting therefor the words "there is any failure to comply with any directions given by the Commission under subsection (13) of section forty-five,".

General penalty.

43 Section one hundred and eighteen of the Principal Act is amended by omitting the words "fifty dollars" and substituting therefor the words "one hundred dollars".

Transitory provisions.

44 The provisions of the schedule have effect in relation to the commencement of certain provisions of this Act and other matters connected therewith.

THE SCHEDULE.

(Section 44.)

TRANSITORY PROVISIONS.

Financial provisions.

1—(1) Until such day as the Treasurer may notify the Commission (in this paragraph referred to as “the appointed day”)—

- (a) section seventy-one of the Principal Act as it had effect immediately before the commencement of this Act continues so to have effect as if this Act had not been enacted; and
- (b) the expenses of the Commission under section forty A or section forty B of the Principal Act shall be defrayed out of the sums paid to it under section fifty-four of that Act or the sums paid to the Registrar under section seventy thereof in respect of bets made, elsewhere than on the racecourse, in relation to races held elsewhere than in the State.

(2) Where moneys are provided by Parliament for the purpose of defraying any expenses of the Commission incurred in respect of any period commencing before the appointed day the Commission shall pay to the Treasurer a sum of an amount equivalent to the aggregate of—

- (a) the amounts of the deductions made under sub-paragraph (i) of paragraph (a) of subsection (2) of section seventy-one of the Principal Act (not being deductions in respect of sums required to be made to the Anzac Day Trust) in relation to the payments made under that paragraph to the Treasurer during that period; and
- (b) the amounts of the payments made by the Commission in respect of so much of that period as falls before the appointed day under section forty A or section forty B of the Principal Act.

2. Any sums that immediately before the commencement of this Act stand to the credit of the Fund referred to in Division IV of Part III of the Principal Act shall be paid to the credit of the Racing Assistance Fund.

Winding-up of clubs.

3—(1) The new section forty-five applies to a club notwithstanding that it had ceased to race before the commencement of this Act, except where—

- (a) a payment had been made in respect of the club under subsection (4) of the old section forty-five;
- (b) any of the assets of the club had been transferred under paragraph (a) of subsection (6) of that section; or
- (c) an order-in-council had been published under paragraph (b) of that subsection in respect of the club,

and where the new section forty-five does not so apply to a club that has ceased to race the old section forty-five continues to apply in respect of the club as if this Act had not been enacted.

(2) Subject to sub-paragraph (1) of this paragraph the powers of the Commission under the new section forty-five may be exercised in respect of a club notwithstanding that any of its funds, property, or other assets have vested in the Public Trustee under the old section forty-five.

(3) Where by virtue of this paragraph the old section forty-five continues to apply in respect of a club subsection (1) of section one hundred and seventeen of the Principal Act continues to apply in respect of that club as if this Act had not been enacted.

(4) In this paragraph—

“the new section forty-five” means section forty-five of the Principal Act as amended by this Act; and

“the old section forty-five” means section forty-five of the Principal Act as it had effect before the commencement of this Act,

and a reference in this paragraph to a club ceasing to race shall be construed as a reference to its ceasing to race within the meaning of the old section forty-five.

Certificates of registration of bookmakers.

4—(1) Where, before the commencement of this Act, the Commission has suspended or cancelled the certificate of registration of a bookmaker, or served on a bookmaker a notice under subsection (3) of section sixty, or subsection (1) of section sixty-one, of the Principal Act, the like proceedings shall be had in respect of that suspension, cancellation, or notice as if this Act had not been enacted, and the provisions of the Principal Act apply in relation thereto accordingly.

(2) The powers conferred by section sixty AA of the Principal Act (as amended by this Act) may be exercised in relation to any matter notwithstanding that that matter arose before the commencement of this Act except that no pecuniary penalty shall be imposed under that section in respect of any matter arising before that commencement.

CLOSER SETTLEMENT.

No. 11 of 1971.

AN ACT to amend the *Closer Settlement Act 1957*. [29 April 1971.]

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:—

Short title,
citation, and
commence-
ment.

1—(1) This Act may be cited as the *Closer Settlement Act 1971*.

(2) The *Closer Settlement Act 1957*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by the Governor by proclamation.

Director of
Land
Settlement.

2 Section ten of the Principal Act is repealed.