



RACING AND GAMING.

No. 108 of 1973.

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AN ACT to amend the *Racing and Gaming Act* 1952 and the *Racing and Gaming Act* 1971.

[22 January 1974.]

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—(1) This Act may be cited as the *Racing and Gaming Act* 1973.

Short title, citation, and commencement.

(2) The *Racing and Gaming Act 1952*, 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 proclamation.

General powers,
functions, &c.,
of Commission.

2 Section twelve of the Principal Act is amended—

(a) by omitting from paragraph (a) of subsection (1) the words “(other than Part VI)”;

(b) by inserting, after paragraph (d) of that subsection, the following paragraph:—

“(da) may do all such acts and things as it may consider necessary or desirable for the proper regulation and control, in the interests of the public, of lotteries including the conduct of, and participation in, any lottery authorized by it;”;

(c) by transposing the word “and” from the end of paragraph (d), to the end of paragraph (da), of that subsection; and

(d) by inserting, in paragraph (a) of subsection (3), after subparagraph (ii), the following word and subparagraph:—

“and

(iii) any premises or any books, documents, records, tickets or other articles or things relating to the conduct of lotteries or to the participation therein that are specified in the order, notice, or direction, or to any class thereof;”.

Returns and
information to
be furnished
by clubs.

3 Section thirty-five of the Principal Act is amended by omitting from subsection (4) the words “(other than Part VI)”.

Appeals from
decisions of
stewards, &c.

4 Section forty-two of the Principal Act is amended by omitting from subsection (10) the symbols and numerals “(i)” and “(ii)” and substituting therefor respectively the symbols and letters “(a)” and “(b)”.

Application of
this Part
(unlawful
gaming).

5—(1) Section eighty-three of the Principal Act is amended by omitting from paragraph (d) the word “Minister” and substituting therefor the word “Commission”.

(2) Notwithstanding subsection (1) of this section, an approval given by the Minister prior to the commencement of this section shall be as effective as if this section had not been enacted.

6 Sections eighty-eight and eighty-eight A of the Principal Act are repealed and the following sections substituted therefor:—

“ 88—(1) Subject to subsection (2) of this section, the Minister may, in his absolute discretion, authorize a person or body of persons (whether incorporated or not) to conduct a raffle for the disposal of any article or property or of any article and property the value of which or the value in the aggregate of which (as the case may be) exceeds five hundred dollars. Raffles authorized by the Minister.

“(2) The Minister may not authorize a raffle as provided by subsection (1) of this section unless he is satisfied that the proceeds will be applied exclusively for the furtherance of such historical, cultural, religious, benevolent, charitable, sporting, or patriotic purposes or objects, or of any community service, or of more than one of those purposes, objects, and services as he may approve.

“(3) The Minister may, in relation to a raffle authorized by him as provided by subsection (1) of this section, specify such conditions in relation, or incidental, to the conduct of the raffle and the disposal of the proceeds as he may think fit.

“(4) Every person being in any way concerned in the conduct of a raffle authorized as provided by this section shall (in addition to complying in all other respects with this Act) comply with such of the conditions specified by the Minister, as provided by subsection (3) of this section, as are applicable to him and any such person who wilfully fails to comply with any such condition shall be guilty of an offence against this Act.

Penalty: Two hundred dollars.

“ 88A—(1) Subject to subsection (5) of this section, the Commission may, in its absolute discretion, authorize a person or a body of persons (whether incorporated or not) to conduct— Lotteries authorized by the Commission.

(a) a raffle or a series of raffles; and

(b) a game conducted and played by way of lottery, or a series of such games, on the happening of sporting contingencies.

“(2) The Commission may, in its absolute discretion, at any time cancel an authorization given under this section.

“(3) No one article the value of which exceeds five hundred dollars, and no articles the value of which, in the aggregate, exceeds five hundred dollars, shall be disposed of by way of any raffle authorized as provided by this section.

“(4) The total value of any prize including any sum of money and any article or property for any game authorized as provided by this section shall not exceed five hundred dollars.

“(5) The Commission shall not authorize the conduct of a raffle or game, or a series of raffles or games, unless the proceeds are to be applied exclusively for the lawful purposes of some organization, institution, body, or association of persons and not for the private gain or benefit of any person except by way of charity.

Calcutta
sweepstakes.

“88B—(1) Subject to subsection (4) of this section, the Commission may, in its absolute discretion, authorize a person or a body of persons (whether incorporated or not) to conduct a calcutta sweepstake, or a series of calcutta sweepstakes, on the happening of sporting contingencies.

“(2) The Commission may, in its absolute discretion, at any time cancel an authorization given under this section.

“(3) When a calcutta sweepstake is conducted, not more than ten per cent of the gross proceeds shall be retained by the person or body of persons conducting it and that person or body of persons shall distribute the remainder of those proceeds to the prize-winners.

“(4) The Commission shall not authorize the conduct of a calcutta sweepstake or a series of calcutta sweepstakes unless the net proceeds are to be applied exclusively for the lawful purposes of some organization, institution, body, or association of persons and not for the private gain or benefit of any person except by way of charity.

Bingo.

“88C—(1) The Commission may, in its absolute discretion, authorize a person or a body of persons (whether incorporated or not) to conduct by way of lottery games being, or played in a manner substantially similar to, the game known as ‘bingo’ or a series of such games.

“(2) Games, referred to in subsection (1) of this section, may be authorized under this section and not otherwise.

“(3) The Commission may, in its absolute discretion, at any time cancel an authorization given under this section.

“(4) The Minister may by order determine, either generally or in any particular case, and when so doing may differentiate in particular cases, the maximum amount that may be paid by way of prize-money in respect of a game the conduct of which is authorized by this section.

“(5) The provisions of—

(a) section forty-seven of the *Acts Interpretation Act 1931*; and
(b) the *Subordinate Legislation Committee Act 1969*,

apply to and in relation to an order made by the Minister under subsection (4) of this section as if the order were a regulation.

“(6) The Commission shall not authorize under this section the conduct of games of bingo or a series of games of bingo unless the proceeds are to be applied exclusively for the lawful purposes of some organization, institution, body, or association of persons and not for the private gain or benefit of any person except by way of charity.

“ 88D—(1) An authorization to conduct—

- (a) a raffle as provided by section eighty-eight A;
- (b) a game as provided by that section;
- (c) a calcutta sweepstake as provided by section eighty-eight B;
- or
- (d) games being, or played in a manner substantially similar to, the game known as ‘bingo’ as provided by section eighty-eight C,

Fees payable,
&c.

or a series of any of them, shall be granted only on payment of the fee (if any) prescribed in the particular case and shall remain in force (unless sooner cancelled) for such period as the Commission shall specify therein.

“(2) When authorizing the conduct of a raffle referred to in paragraph (a) of subsection (1) of this section, the Commission shall specify the day, or the period of time not exceeding forty-two days immediately preceding the day on which the raffle is to be drawn, on or during which the raffle may be lawfully conducted.

“(3) When authorizing the conduct of a game or a calcutta sweepstake, referred to in paragraphs (b) and (c) of subsection (1) of this section, the Commission shall specify the day, or the period of time not exceeding forty-two days immediately preceding the scheduled date or the latest scheduled date of the sporting contingency or contingencies (as the case may be) on or during which the game or sweepstake may be lawfully conducted.

“(4) When authorizing the conduct of games referred to in paragraph (d) of subsection (1) of this section, the Commission shall specify the day on which the games may be lawfully conducted.

“(5) When authorizing the conduct of a series of raffles, games, or calcutta sweepstakes referred to in subsection (1) of this section, the Commission shall specify therein the period, not exceeding one year from the date thereof, for which the authorization is to be effective.

“(6) When determining the period of time during which a raffle, game, or calcutta sweepstake, or a series of any of them, may be authorized under this section, the Commission shall have regard to

the reasonable requirements of the organization, institution, body, or association of persons by or on behalf of which it is being conducted and to the public interest.

“(7) When giving any of the authorizations referred to in subsection (1) of this section, the Commission shall specify the place where the raffle, game, or calcutta sweepstake or the series of any of them, as the case may be, may be conducted and, subject to section eighty-eight E, the day and time at or during which it may be conducted.

“(8) Where any of the authorizations referred to in subsection (1) of this section relates to a series of raffles, games, or calcutta sweepstakes, different places may be specified for the purposes of the conduct of the particular raffles, games, or calcutta sweepstakes within the series.

“(9) For the purposes of subsections (7) and (8) of this section, and of section eighty-eight E—

- (a) a game is played at any place where, and at any time when, players participate in the game; and
- (b) a raffle and a calcutta sweepstake is conducted at any place where and at any time when tickets or chances are sold therein.

Lotteries not to be conducted on Sunday, &c.

“88E Notwithstanding anything in this Division, it is not lawful for any raffle, game, or calcutta sweepstake to be conducted at any time on Good Friday.”

Offences connected with printing, advertising, &c.

7 Section ninety-one of the Principal Act is amended—

- (a) by omitting from paragraph (b) of subsection (2) the words “section eighty-eight” and substituting therefor the words “this Division”;
- (b) by omitting from paragraph (a) of subsection (3) the words “as provided by section eighty-five or by a permit under section eighty-five A” and substituting therefor the words “, or if the sale is not permitted under this Division”;
- (c) by omitting paragraph (a) of subsection (5); and
- (d) by adding at the end thereof the following subsection:—

“(6) No person who is under the age of eighteen years shall play, draw, throw, stake, or venture at or in a lottery, or contribute any money or other valuable property, matter, or thing to a disposition of property or money by way of lottery.

Penalty: Forty dollars.”

8 Section one hundred and five of the Principal Act is amended— Certain games unlawful.

(a) by inserting in subsection (1), after the words “ Except as provided by ”, the words “ Division II of this Part and ”;

(b) by omitting paragraph (b) of subsection (9) and substituting therefor the following paragraph:—

“(b) except as provided by subsection (9A) of this section, have in his possession,”;

(c) by omitting subsection (9A) and substituting therefor the following subsection:—

“(9A) It shall be lawful for the owner or master of a vessel that is in, or travelling to or from, a port in this State prior to, or after the termination of, a voyage between this State and a port outside this State, to have in his possession any instrument or device that is an unlawful instrument, if, when the vessel is in this State, the unlawful instrument is kept locked or otherwise dealt with so as to render it—

(a) incapable of being used by any person; or

(b) inaccessible to the public.”; and

(d) by omitting subsection (13).

9 The Principal Act is amended by inserting the following section after section one hundred and six:—

“ 106A Any member of the Commission, or any officer of the Commission authorized in writing by the Commission in that behalf, and any police officer may attend any place or enter any premises where a game of bingo or a calcutta sweepstake is being or is about to be conducted in pursuance or purportedly in pursuance of an authorization given under Division II of Part VI or while any person remains in those premises after the conduct of such a game or sweepstake and may inspect any books, accounts, records, or documents or any equipment capable of being used in the conduct and playing of bingo or the conduct of a calcutta sweepstake and may demand of any person found in those premises his name, age, address, and any information known to that person relating to the playing or the conduct at any time of the game of bingo or a calcutta sweepstake in those premises.” Power to attend games of bingo and calcutta sweepstakes.

Obstruction,
&c., of
authorized
(and other)
police officers.

10 Section one hundred and ten of the Principal Act is amended by adding at the end thereof the following subsections:—

“(3) No person, when required by a police officer (whether an authorized police officer or not) acting in the execution of his duty under this Act to give his name, age, and address, shall refuse or neglect to give those particulars or give a false name, age, or address.

Penalty: One hundred dollars or one month’s imprisonment.

“(4) A police officer making a requirement under subsection (3) of this section may arrest, without warrant, a person who fails or refuses to comply with that requirement or who, in response to that requirement, gives a name, age, or address that the police officer believes on reasonable grounds to be false.”.

Regulations.

11 Section one hundred and nineteen of the Principal Act is amended by omitting the word “and” from the end of paragraph (d) and substituting therefor the following paragraph and word:—

“(da) in relation to authorizations to conduct, as provided by Division II of Part VI, raffles, games, and calcutta sweepstakes—

- (i) require the payment of fees for authorizations under that Division;
- (ii) differentiate as to the fees to be charged in different cases; and
- (iii) provide that the fee to be paid in any case shall depend on the profits, either gross or net, deriving from the conduct of the raffle, game, or calcutta sweepstake; and”.

The *Racing and
Gaming Act*
1971.

12 The *Racing and Gaming Act* 1971 is amended by omitting from sub-paragraph (1) of paragraph 3 of the schedule the word “has” (first occurring).