



## RACING AND GAMING

No. 85 of 1976

### ANALYSIS

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**AN ACT to amend the Racing and Gaming Act 1952 and the Racing and Gaming Act 1961.**

[15 December 1976]

**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 1976*. Short title and citation.

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

Power of committee to remove persons from, or prohibit persons from entering, a racecourse.

**2** Section 39 of the Principal Act is amended by inserting after subsection (8) the following subsection:—

“(8A) It is lawful for a police officer to remove from a racecourse any person who—

(a) being a person who is served with a notice under this section, fails, on service of the notice and on payment or tender of his entrance money, to depart forthwith from the racecourse, being the racecourse to which the notice relates; or

(b) being a person who has been served with a notice under this section (the notice not having been rescinded), enters the racecourse being a racecourse to which the notice relates,

and to use such force as is reasonably necessary for the purpose.”.

Totalizator licences.

**3** Section 57U of the Principal Act is amended by omitting from subsection (4) the numeral and word “ 25 miles ” and substituting the numeral and word “ 40 kilometres ”.

Powers and functions of the Trust.

**4** Section 57zx of the Principal Act is amended—

(a) by inserting in subsection (1), after paragraph (b), the following paragraph:—

“(ba) with the approval of the Minister, may undertake and contract for the capital improvement to or maintenance of a racecourse;”;

(b) by inserting in subsection (2), after the words “ of subsection (1)”, the words “ or an undertaking under paragraph (ba) of that subsection ”.

Betting by bookmakers confined to race meetings.

**5** Section 63 of the Principal Act is amended by adding the following subsections:—

“(2) When the conduct of a race meeting, having been commenced, is abandoned, a bookmaker who has commenced to carry on the business of betting at that meeting may, notwithstanding subsection (1), continue to bet on the racecourse where the meeting was abandoned for as long as a race meeting in any other State of the Commonwealth, in relation to which he carries on the business of betting, is being conducted.

“(3) For the purposes of this section a race meeting, not having been commenced, shall be deemed to have been commenced if it has not been abandoned at any time prior to an hour before the advertised starting time of the first race of that meeting.”

**6** Section 83 of the Principal Act is amended—

Application  
of this Part.

- (a) by transposing the word “ or ” from the end of paragraph (d) of subsection (1) to the end of paragraph (c) of that subsection;
- (b) by omitting paragraph (e) of subsection (1); and
- (c) by omitting subsection (2).

**7** Sections 88, 88A, and 88AB of the Principal Act are repealed Raffles lawful. and the following sections substituted:—

“ 88—(1) Subject to section 88A, it is lawful for any person to conduct a raffle, or a game by way of lottery on the outcome of a sporting event, if 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.

“(2) No person shall sell or offer for sale any ticket, share, or interest in a raffle, or a game by way of lottery on the outcome of a sporting event, the proceeds of which are to be applied wholly or partly for the private gain or benefit of any person other than by way of charity.

Penalty: \$100.

“ 88A—(1) Where a person intends to conduct a raffle or a game by way of a lottery on the outcome of a sporting event, or a number of such raffles or games, and the prize or the totality of prizes in respect of any such raffle or game exceeds \$500 in value, he or some other person shall, if the organization, institution, body, or association of persons for the benefit of which the raffle or game is to be conducted is not already registered under this section for such a purpose, apply to the Commission for such registration of the organization, institution, body, or association of persons. Raffles and games for prizes of a value exceeding \$500.

“(2) Registration under this section shall be effected on payment of the prescribed fee and shall, unless renewed on payment of the prescribed fee, expire one year after it is effected or renewed, as the case may be.

“(3) Subject to subsection (4), where an organization, institution, body, or association of persons is registered under this section, any person may, on behalf of the organization, institution, body, or

association of persons, conduct a raffle or a game by way of lottery on the outcome of a sporting event, or a number of such raffles or games, notwithstanding the prize or the totality of the prizes exceeds \$500 in value.

“(4) The Commission may, in respect of an organization, institution, body, or association of persons registered under this section, either generally or in a particular case, impose conditions, including conditions as to time and place and the furnishing of financial returns, subject to which raffles or games under this section may be conducted, and any person conducting, or taking part in the conduct of, the raffle or game shall comply with the conditions so imposed.

Penalty: \$200.

“(5) Except as provided by and in accordance with this section, no person shall conduct, or take part in the conduct of, a raffle or a game by way of lottery on the outcome of a sporting event if the prize or the totality of the prizes exceeds \$500 in value.

Penalty: \$200.

Lucky envelopes.

“88AB—(1) It is lawful for any person to dispose of prizes by means of the practice known as lucky envelopes or any similar practice if—

- (a) the Commission has approved of the form and type of envelopes to be used and the prizes that may be won; and
- (b) 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.

“(2) Application for approval under subsection (1) shall be made in the prescribed form or, if no form is prescribed, in a form that the Commission considers to be sufficient.

“(3) No person shall sell or offer for sale any chance in a disposition of prizes by means of the practice known as lucky envelopes or any similar practice unless—

- (a) the Commission has approved the form and type of envelopes to be used and the prizes that may be won; and
- (b) the proceeds are to be applied exclusively for the lawful purposes of some organization, institution, body, or association of persons and not for private gain or benefit of any person except by way of charity.

Penalty: \$100.”

**8** Section 88D of the Principal Act is repealed and the following section is substituted:—

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

Fees payable,  
&c.

(a) a calcutta sweepstake as provided by section 88B; or

(b) games being, or played in a manner substantially similar to, the game known as ‘bingo’ as provided by section 88C,

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 calcutta sweepstake, referred to in subsection (1) (a), the Commission shall specify the day, or the period of time, not exceeding 42 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 sweepstake may be lawfully conducted.

“(3) When authorizing the conduct of games referred to in subsection (1) (b), the Commission shall specify the day on which the games may be lawfully conducted.

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

“(5) When determining the period of time during which a calcutta sweepstake or game referred to in subsection (1), or a series of either 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.

“(6) When giving any of the authorizations referred to in subsection (1), the Commission shall specify the place where the calcutta sweepstake or game, or the series of either of them, as the case may be, may be conducted and, subject to section 88E, the day and time at or during which it may be conducted.

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

“(8) For the purposes of subsections (6) and (7), and of section 88E—

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

**9** The Principal Act is amended by inserting after section 99 the following section:—

Defence to  
charges of  
unlawful  
betting, &c.

“99A It is a defence to a charge under section 98 or section 99 (a) if the person charged proves that the transaction in respect of which he is charged was conducted in pursuance of an agreement with another person to place the bet with a bookmaker registered under Part V lawfully carrying on business or on a totalizator being lawfully conducted and that neither he nor the person who authorized him to place the bet should receive any fee, commission, reward, or share of any kind arising out of the bet.”

Amendment to  
*Racing and  
Gaming Act*  
1961.

**10** Section 2 of the *Racing and Gaming Act* 1961 is amended by inserting after the letters and word “(a) and (c)” the words “of subsection (1)”.