



RACING AND GAMING

No. 104 of 1977

ANALYSIS

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AN ACT to amend the Racing and Gaming Act 1952.

[30 November 1977]

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* 1977. Short title
and citation.

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

* No. 98 of 1952. For this Act as amended to 1974 see the Annual Volume of Statutes for 1974, Appendix D. Subsequently amended by Nos. 30 and 71 of 1975 and No. 85 of 1976.

Prohibition of
proprietary
racing.

2 Section 32 of the Principal Act is amended by omitting from subsection (4) (*b*) the words “ the expenditure by the club of such amounts as the Commission approves for the purpose of ” and substituting the words “ expenditure by a club for the purpose of ”.

Purchase,
improvement,
etc., of
racecourses to
be subject to
the approval of
the
Commission.

3 Section 33 of the Principal Act is amended by omitting subsection (3) and substituting the following subsections—

“(3) A club shall not, without the prior approval of the Commission, incur any expenditure on the improvement of a racecourse that exceeds \$5 000 in any one year unless the expenditure is met from the current funds of the club, exclusive of any additional borrowings.

“(4) For the purposes of subsection (3) in relation to an improvement of a racecourse ‘ additional borrowings ’ means any sums borrowed wholly or partly for the purpose of carrying out the improvement.”.

Transfer of
profits from
Board to
Trust.

4 Section 57T of the Principal Act is repealed and the following section is substituted:—

“57T—(1) The Board shall transfer to the Trust the net income from totalizator betting conducted by the Board.

“(2) The transfer of the amount referred to in subsection (1) shall be made no later than three months after the end of a racing year but interim payments on account of this amount may be made before that date.

“(3) In this section ‘ net income ’ means the surplus remaining in the accounts of the Board at the end of any racing year after deduction of the amounts appropriated or to be appropriated under section 57s and all other outgoings, expenses, and commitments of the Board in relation to that year.”.

Disposal of
net profits from
soccer football
pools
representation.

5 Section 57TA of the Principal Act is repealed.

The Racing
Trust.

6 Section 57zs of the Principal Act is amended—

(*a*) by omitting from subsection (1) the numeral “ 8 ” and substituting therefor the numeral “ 9 ”;

(*b*) by inserting after paragraph (*b*) of that subsection the following paragraph—

“(ba) one shall be the deputy chairman of the Commission.”; and

(*c*) by omitting subsection (2).

7 Section 57zT of the Principal Act is amended—

Period of trusteeship.

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

“(1) The chairman and deputy-chairman of the Commission continue in office as trustees for so long as they continue in office as chairman and deputy-chairman respectively.”; and

(b) by inserting in subsection (2) after the word “ chairman ” the words “ or deputy-chairman ”.

8 Section 57zU of the Principal Act is repealed and the following section substituted:—

“ 57zU Notwithstanding section 21 (2) of the *Acts Interpretation Act 1931*—

Chairman and deputy-chairman of Commission may not resign as trustees.

(a) the deputy-chairman of the Trust shall not, while he continues as the chairman of the Commission, tender his resignation as the deputy-chairman of the Trust and such resignation, if tendered, shall not be accepted; and

(b) the person referred to in paragraph (ba) of section 57zs (1) shall not, while he continues as the deputy-chairman of the Commission, tender his resignation as a trustee and such resignation, if tendered, shall not be accepted.”.

9 Section 57zv of the Principal Act is amended by inserting in paragraph (c) after the word “ deputy-chairman ” the words “ and the person referred to in paragraph (ba) of section 57zs (1) ”.

Provisions relating to Board of application to Trust.

10 After section 57zx of the Principal Act the following section is inserted—

“ 57zy—(1) The Trust may borrow money for the purpose of making such grants (or loans) as are referred to in section 57zx (1) (b) or section 57zx (1) (ba).

Power of Trust to raise loans.

“(2) Money borrowed by the Trust under subsection (1) shall not exceed the aggregate of \$2 500 000.

“(3) The Treasurer may on behalf of the State guarantee the repayment by the Trust of money borrowed by it under this section.

“(4) The power of the Treasurer under this section to guarantee the repayment of the principal moneys shall be deemed to include a power to guarantee the payment of the interest and other charges payable in respect of those moneys.

“(5) Any sums required to be paid by the Treasurer in pursuance of a guarantee given under this section shall be paid out of Consolidated Revenue (which to the necessary extent is appropriated accordingly).

“(6) Where the Treasurer in pursuance of a guarantee given under this section in respect of any money borrowed by the Trust is required to pay any sum to the person to whom the money is repayable, the Trust shall on demand being made on it by the Treasurer, pay to the Treasurer a sum of an equivalent amount together with interest thereon at the same rate of interest as the rate payable by the Trust in respect of the principal moneys so borrowed.

“(7) All moneys received by the Treasurer under subsection (6) shall be paid by him into Consolidated Revenue.

“(8) The Trust shall not disburse any funds received by it under section 57T in respect of any racing year unless it is satisfied that adequate provision has been, or can be, made to meet its liabilities under this section that have arisen or may arise during that racing year.”.

Lucky envelopes, punch-boards, &c.

11 Section 88AB of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “the practice known as lucky envelopes or any similar practice” and substituting therefor the words “a practice to which this section applies”;
- (b) by omitting from paragraph (a) of that subsection the words “of the form and type of envelopes to be used” and substituting therefor the words “the manner of the conduct or operation of the practice”;
- (c) by omitting from subsection (3) the words “the practice known as lucky envelopes or any similar practice” and substituting therefor the words “a practice to which this section applies”;
- (d) by omitting from paragraph (a) of that subsection the words “form and type of envelopes to be used” and substituting therefor the words “manner of the conduct or operation of the practice”; and

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

“(4) This section applies to the practice known as lucky envelopes, the practice known as punch-board, and any other practice prescribed as a practice to which this section applies.”.

12 Section 105 of the Principal Act is amended by:—

Certain games
unlawful.

(a) transposing the word “ and ” from the end of paragraph (a) of subsection (5) to the end of paragraph (b) of that subsection; and

(b) by adding after that paragraph the following paragraph—

“(c) Any instrument or device operated by a player with the intention that he has a chance to win money or tokens that are capable of being converted into money.”.

13 Section 119 of the Principal Act is amended—

Regulations.

(a) by inserting in paragraph (da) of subsection (1) after the word “ sweepstakes ” the words “ and approvals given for the purposes of section 88AB ”;

(b) by omitting from sub-paragraph (i) of that paragraph the words “ authorizations under that Division ” and substituting therefor the words “ any such authorizations or approvals ”; and

(c) by omitting from sub-paragraph (iii) of that paragraph the words “ or calcutta sweepstake ” and substituting therefor the words “ calcutta sweepstake, or practice to which the authorization or approval relates ”.

