



RACING AND GAMING (No. 3)

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 No. 110 of 1974
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ANALYSIS

1. Short title and citation.
2. Interpretation.
3. Soccer football pools licence may be granted.
 Terms and conditions of soccer football pools licence.
 Period for which soccer football pools licence is effective.
 Effect of soccer football pools licence.
 Approved representatives.
 Penalties.
 Contravention of soccer football pools licence.
 Tax payable by holder of soccer football pools licence.
 Arrangements for soccer football pools taxation purposes.



AN ACT to amend the Racing and Gaming Act 1952.

[24 January 1975]

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* Short title and citation.
 (No. 3) 1974.

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

Interpretation.

2 Section 3 of the Principal Act is amended—

(a) by inserting, before the definition of “ area ”, the following definition:—

“ ‘ approved representative ’ means a person, the subject of a notification referred to in section 87E such notification not having been revoked;” and

(b) by inserting, after the definition of “ Secretary ”, the following definition:—

“ ‘ soccer football pools licence ’ means a licence granted as provided by section 87A;”.

3 The Principal Act is amended by inserting, after section 87, the following sections:—

Soccer football pools licence may be granted.

“ 87A—(1) Subject to this Act, the Treasurer may grant to any person, whether resident in this State or not, a soccer football pools licence.

“(2) A soccer football pools licence shall be in the prescribed form.

“(3) Notwithstanding subsection (1), the Treasurer shall not grant a soccer football pools licence to any person if the effect of so doing would result in more than one such licence being in force at the same time.

“(4) The Treasurer may by notice published in the *Gazette* revoke a soccer football pools licence and such revocation shall be effective on and from the day following such notification.

Terms and conditions of soccer football pools licence.

“ 87B—(1) When granting a soccer football pools licence or at any time while it is in force the Treasurer may include therein or endorse thereon such terms and conditions as he considers appropriate and such terms and conditions may be in respect of the conduct of his duties by an approved representative of the licence holder as well as the conduct of the licence holder himself.

“(2) Without derogating from the generality of subsection (1), the terms and conditions that may be included in or endorsed on a soccer football pools licence may relate to—

- (a) the time when such licence shall come into effect;
- (b) the means of identifying coupons in soccer football pools that are issued in this State;
- (c) any place or class of places where coupons in soccer football pools may, or may not, be issued;

(d) any place or class of places where coupons in a soccer football pool and money on account of them may, or may not, be received; and

(e) any day or period of time during any day when coupons in a soccer football pool may, or may not, be issued or received.

“(3) When imposing any conditions referred to in subsection (2) (e), the Treasurer may differentiate between different places or different classes of places.

“(4) On a request being made by the Treasurer in that behalf, the holder of a soccer football pools licence shall produce the licence to the Treasurer for the purpose of any term or condition being endorsed thereon.

“ 87C A soccer football pools licence shall, unless sooner revoked, continue in force for such period not exceeding 10 years as is specified in the licence or, if no period is specified, for the period of 10 years from the day it becomes effective and it may be renewed from time to time for any period not exceeding 10 years.

Period for which soccer football pools licence is effective.

“ 87D Notwithstanding anything contained in this Act or any law relating to common nuisances a soccer football pools licence while in force has effect, subject to such terms and conditions as are specified therein or endorsed thereon, to authorize the licence holder and his approved representatives, in the course of the conduct of soccer football pools, to issue coupons, to receive money in relation to coupons submitted in each pool, and to pay money prizes to persons who are winners in each pool.

Effect of soccer football pools licence.

“ 87E—(1) The holder of a soccer football pools licence may appoint suitable persons as representatives of the holder for the purpose of the conduct of a pool or a series of pools authorized by the licence but an appointment under this section shall be of no effect for the purposes of this Part until the Minister by notice published in the *Gazette* notifies his approval of it.

Approved representatives.

“(2) The Minister may, by notice published in the *Gazette*, revoke an approval notified under this section whereupon the person, the subject of the notice, shall cease to be an approved representative for the purposes of this Part.

Penalties.

“ 87F—(1) The holder of a soccer football pools licence shall not employ any person to issue coupons to persons who participate in a pool or receive money in relation to a coupon submitted in a pool or to carry out any other duty as his representative unless the person so employed is an approved representative.

Penalty: \$2 000.

“(2) No person shall issue coupons to persons who participate in a pool, receive money in relation to a coupon submitted in a pool, or carry out any other duty related to the conduct of a pool acting, in either case, as a representative of the holder of a soccer football pools licence, unless he is an approved representative.

Penalty: \$500.

Contravention
of soccer
football pools
licence.

“ 87G If the holder of a soccer football pools licence or an approved representative of such a holder, while purportedly acting in accordance with a soccer football pools licence, intentionally contravenes or fails to observe any of the terms or conditions of the licence, he shall be liable to the same penalty that would have been applicable in respect of his conduct if no such licence had been granted.

Tax payable
by holder of
soccer football
pools licence.

“ 87H—(1) The holder of a soccer football pools licence shall, not later than the due dates being the 7th day of April, July, October, and January in each year or such later day as the Treasurer may specify in that behalf, pay to the Treasurer to the credit of the Consolidated Revenue a sum that equals 30 per cent of all amounts paid, in relation to coupons in any pool submitted to the holder, during the 3 months immediately preceding the due date of payment as provided by this section, by persons in this State.

“(2) For the purpose of subsection (1), moneys paid by persons in this State shall include amounts paid to an approved representative in this State of the soccer football pools licence holder or by mail posted in this State to the licence holder.

Arrangements
for soccer
football pools
taxation
purposes.

“ 87J—(1) The Treasurer may enter into an arrangement with the appropriate Minister of the Crown in a State of the Commonwealth other than this State with respect to the transmission to this State of tax, payable as provided by section 87H, by a holder of a soccer football pools licence in a State of the Commonwealth other than this State who conducts business in this State.

“(2) Notwithstanding any of the provisions of this Part, no soccer football pools licence shall be granted to a person resident in a State of the Commonwealth other than this State unless such an arrangement as is referred to in subsection (1) has been entered into with the appropriate Minister in that State of residence.”.