
**RACING AND GAMING AMENDMENT (POOL BETTING) ACT
1989**

No. 32 of 1989

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**RACING AND GAMING AMENDMENT (POOL
BETTING) ACT 1989**

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No. 32 of 1989
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AN ACT to amend the Racing and Gaming Act 1952 with respect to pool betting.

[Royal Assent 18 April 1989]

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—This Act may be cited as the *Racing and Gaming Amendment (Pool Betting) Act 1989*. Short title.

2—This Act shall commence on the day on which it receives the Royal assent. Commencement.

3—In this Act, the *Racing and Gaming Act 1952** is referred to as the **Principal Act**. Principal Act.

* No. 98 of 1952. For this Act, as amended to 1975, see Appendix D to the Annual Volume of Statutes for 1974. Subsequently amended by No. 1 of 1974, No. 71 of 1975, No. 85 of 1976, No. 104 of 1977, No. 54 of 1978, Nos. 19 and 73 of 1979, No. 90 of 1980, Nos. 9, 10, and 99 of 1982, Nos. 40 and 83 of 1983, Nos. 29 and 36 of 1984, Nos. 51, 89, and 123 of 1985, Nos. 13 and 31 of 1986, Nos. 39, 42, and 86 of 1987, and Nos. 1 and 48 of 1988. Affected by S.R. 1983, No. 217, S.R. 1984, No. 214, S.R. 1985, No. 203, S.R. 1986, No. 240, S.R. 1987, No. 177, and S.R. 1988, No. 171.

Amendment of section 3 of Principal Act (Interpretation).

4—Section 3 of the Principal Act is amended as follows:—

(a) by inserting after the definition of “place” the following definitions:

“pool betting” means—

- (a) betting in soccer football pools; and
- (b) such other like forms of betting as are prescribed,

but does not include betting on a totalizator;

“pool betting licence” means a licence granted under section 87A;

(b) by omitting the definition of “soccer football pools licence”.

Substitution for heading to Division 2A of Part VI of Principal Act of division and subdivision headings.

5—The heading to Division 2A of Part VI of the Principal Act is repealed and the following headings are substituted:—

Division 2A—Pool betting

Subdivision A—Pool betting operations conducted under licence

Insertion of new Subdivision B in Division 2A of Part VI of Principal Act.

6—After section 87J of the Principal Act, the following subdivision is inserted in Division 2A of Part VI:—

Subdivision B—Pool betting operations of the Commission

Commission may conduct betting pools.

87K—(1) Subject to this Act and to directions of the Treasurer not inconsistent with this Act, the Commission may, either alone or in collaboration with other persons or bodies of persons—

- (a) promote and conduct, whether as principal or agent or through an agent, pool betting operations within Tasmania and enter into agreements and do or cause to be done all things necessary for, or incidental or ancillary to, the promotion or conduct of pool betting operations within Tasmania;
- (b) appoint on such terms and conditions as it thinks fit, and terminate the services of, persons to act as its agent in the conduct of pool betting operations; and
- (c) do or cause to be done such other things as are necessary or convenient to be done for the administration of the affairs of the Commission in relation to the promotion and conduct of pool betting operations.

(2) The Commission shall not exercise any of the powers conferred by or under this Subdivision for the purpose of conducting a betting pool during any period during which a betting pool is being conducted in pursuance of a licence in force under section 87A.

87L—(1) Notwithstanding section 9 of the *Gaming Act* Pools account. 1983, the Commission shall establish and maintain with a bank approved by the Treasurer an account in the name of the Commission to be known as the Pools Account.

(2) The Commission shall pay into the Pools Account all money received by it in relation to pool betting operations conducted under this Subdivision.

(3) Subject to subsection (4), the money standing to the credit of the Pools Account shall be applied solely in the making by the Commission of payments in the discharge of its obligations in relation to pool betting operations under this Subdivision and as otherwise required by this Subdivision.

(4) The Commission may invest any money standing to the credit of the Pools Account and for which it has no immediate use in any manner in which trustees are authorized to invest trust funds under the *Trustee Act 1898*.

87M—(1) There is payable into the Consolidated Fund by or on behalf of the Commission such amounts as would be payable by way of tax under section 87H if the conduct of betting pools by the Commission were in pursuance of a licence under section 87A. Amounts payable into Consolidated Fund.

(2) The Commission shall pay into the Consolidated Fund at such times as the Treasurer directs all, or so much as the Treasurer may direct, of the money remaining in the Pools Account after the making of all payments (other than payments under this subsection) that the Commission is obliged to make in relation to its pool betting operations under this Subdivision.

87N—The Commission may pay or deliver, or cause to be paid or delivered, to a person who, in its opinion, is the beneficial owner of a coupon entitling him to a prize in a betting pool conducted under this Subdivision the prize won by that coupon and, notwithstanding any law to the contrary, whether relating to infants or persons under other legal disability or otherwise, the payment or delivery of the prize pursuant to this section shall constitute full satisfaction by the Commission of its liability under this Subdivision and a full and valid discharge to the Commission. Payment of prize to owner of prize-winning coupon to be valid discharge to the Commission.

Offences.

87P—(1) A person who, with intent to defraud, forges, utters or alters a coupon relating to a betting pool conducted or to be conducted by the Commission under this Subdivision, or any paper, instrument or matter purporting to be such a coupon, is guilty of an offence.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 5 years.

(2) A person who fraudulently takes or converts to his own use or benefit or to the use or benefit of any other person a prize in, or a coupon relating or purporting to relate to, a betting pool conducted or to be conducted by the Commission under this Subdivision, or any money subscribed or contributed for such a pool, is guilty of an offence.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 5 years.

(3) A person who fraudulently alters or falsifies a book, document or voucher relating to a betting pool conducted by the Commission under this Subdivision or fraudulently omits or causes to be omitted a material particular from a book, document or voucher relating to such a pool is guilty of an offence.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 5 years.

(4) An agent of the Commission, or other person authorized by the Commission to issue and receive coupons in a betting pool conducted by the Commission, who issues and receives coupons in a betting pool except on premises at which he is authorized by the Commission to issue and receive coupons is guilty of an offence.

Penalty: Fine not exceeding 2 penalty units.

(5) Proceedings for an offence against this section may be brought within 3 years after the offence is alleged to have been committed or, with the consent of the Treasurer, at any later time.

Amendment of
section 119 of
Principal Act
(Regulations).

7—Section 119 (2) of the Principal Act is amended as follows:—

(a) by omitting from paragraph (d) “and” (last occurring);

(b) by omitting from paragraph (da) “relates.” and substituting “relates; and”;

(c) by adding after paragraph (da) the following paragraph:—

(e) make provision in relation to the conduct by the Commission of pool betting operations, including, in particular, the imposition of charges.

8—(1) The Principal Act is further amended as follows:— Further amendments.

(a) by omitting from the following provisions “soccer football pools licence” (wherever occurring) and substituting “pool betting licence”:—

Sections 87A (1), (2), (3), and (4), 87B (1), (2), and (4), 87C, 87D, 87E (1), 87F (1) and (2), 87G, 87H (1) and (2), and 87J (1) and (2);

(b) by omitting from section 87B (2) (b) and (c) “in soccer football pools” and substituting “in betting pools”;

(c) by omitting from section 87B (2) (d) and (e) “in a soccer football pool” and substituting “in a betting pool”;

(d) by omitting from section 87D “of soccer football pools” and substituting “of betting pools”.

(2) A soccer football pools licence in force under section 87A of the Principal Act immediately before the commencement of this Act has effect, for the purposes of the Principal Act as amended by this Act as if—

(a) it were a pool betting licence granted under that section as so amended; and

(b) references in that licence to soccer football pools were references to betting pools.

