



ANNO TRICESIMO

ELIZABETHAE SECUNDAE REGINAE

No. 19 of 1981

**An Act to amend the Racing and Betting Act 1980 and the
Anzac Day Act 1921-1976 each in certain particulars**

[ASSENTED TO 29th APRIL, 1981]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. **Short title.** This Act may be cited as the *Racing and Betting Act and Another Act Amendment Act 1981*.

2. **Commencement.** (1) Subject to subsections (2) and (3), this Act shall come into operation on the day on which it is assented to for and on behalf of the Crown.

(2) Part II shall come into operation on a day to be fixed by Proclamation.

(3) Part III shall come into operation on a day to be fixed by Proclamation.

3. **Arrangement.** This Act is divided into Parts as follows:—

PART I—PRELIMINARY;

PART II—AMENDMENTS OF THE RACING AND BETTING ACT 1980;

PART III—AMENDMENTS OF THE ANZAC DAY ACT 1921–1976.

PART II—AMENDMENTS OF THE RACING AND BETTING ACT 1980

4. **Citation.** (1) In this Part, the *Racing and Betting Act 1980* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Racing and Betting Act 1980–1981*.

5. **Amendment of s. 5. Interpretation.** Section 5 of the Principal Act is amended by—

(a) in the definition “Commissioner” omitting the expression “1979” and substituting the expression “1980”;

(b) inserting after the definition “credit bet” the following definition:—

“ “drug” includes any substance—

(a) that originates outside the body of a horse or greyhound (whether or not it is endogenous to the horse or, as the case may be, greyhound); or

(b) the origin of which cannot be traced to normal feeding of a horse or, as the case may be, greyhound,

which may affect the performance, behaviour or physical condition of a horse or, as the case may be, greyhound, and any other substance that may be used as an ingredient in formulating or preparing any substance firstmentioned for the purpose of rendering any substance firstmentioned in a form suitable for administration to a horse or, as the case may be, greyhound; ”;

(c) inserting after the definition "paceway" the following definition:—

“ “permanent head” means a person who is a permanent head within the meaning of the *Public Service Act 1922–1978* and who at the material time is the permanent head responsible to the Minister for the administration of this Act;”;

(d) in the definition "race" omitting the words "a contest" where twice occurring and substituting the words "any contest" in each case;

(e) omitting the definition "registered" and substituting the following definition:—

“ “registered” means—

(a) when used in relation to a club, registered—

(i) by a principal club, as a race club;

(ii) by the Trotting Board, as a trotting club: or

(iii) by the Greyhound Board, as a greyhound club;

(b) when used in relation to a horse or greyhound, registered in accordance with—

(i) the Rules of Racing;

(ii) the Rules of Trotting; or

(iii) the Rules of Greyhound Racing,
as the case may be;”;

(f) omitting the definition "Under Treasurer”.

6. Amendment of s. 6. Duty of Commissioner to collect imposts and make payments. Section 6 of the Principal Act is amended by omitting the expression "1979" and substituting the expression "1980”.

7. Amendment of s. 8. Officers. Section 8 of the Principal Act is amended by, in subsection (1), omitting the expression "1979" and substituting the expression "1980”.

8. Amendment of s. 10. Secrecy. Section 10 of the Principal Act is amended by—

(a) in subsection (2) omitting the words "fidelity and”;

(b) in subsection (3) omitting the words "and fidelity”.

9. Amendment of s. 12. Functions, powers and duties of principal clubs. Section 12 of the Principal Act is amended by, in subsection (1), inserting after the words "A principal club" the words, "subject to the direction of the Minister, ”.

10. Amendment of s. 14. Finance. Section 14 of the Principal Act is amended by, in subsection (4), omitting the words "of a capital nature”.

11. Amendment of s. 25. Postponement of whole or part of race meeting. Section 25 of the Principal Act is amended by—

(a) in subsection (1),

(i) omitting the words “, after consultation with the steward or stewards then in charge of a race meeting,”;

(ii) inserting after the words “ the race club may ” the words “, in accordance with the Rules of Racing,”;

(b) omitting subsection (2) and substituting the following subsection:—

“ (2) Where a race club postpones a race meeting or any part or parts thereof after that meeting has commenced, that postponement shall take effect as at the time at which the first public announcement of the postponement is made by or on behalf of the club.”.

12. Amendment of s. 26. Abandonment of whole or part of race meeting. Section 26 of the Principal Act is amended by—

(a) in subsection (1), omitting the words, “, with the prior approval of the principal club or, as the case may be, the steward or stewards then in charge of the meeting, may ” and substituting the words “ may, in accordance with the Rules of Racing,”;

(b) omitting subsection (2) and substituting the following subsection:—

“ (2) Where a race club abandons a race meeting or part thereof after that meeting has commenced, that abandonment shall take effect as at the time at which the first public announcement of the abandonment is made by or on behalf of the club.”.

13. Amendment of s. 29. Trials. Section 29 of the Principal Act is amended by, in subsection (1), inserting after the words “ licensed racecourse ” the words “ or on a course approved for training or the conduct of trials ”.

14. Amendment of s. 36. Composition of Trotting Board. Section 36 of the Principal Act is amended by, in subsection (1)—

(a) omitting the figure “ 9 ” and substituting the figure “ 7 ”;

(b) in subparagraph (a) omitting the figure “ 5 ” and substituting the figure “ 3 ”.

15. Amendment of s. 43. Vacation of office. Section 43 of the Principal Act is amended by, in subsection (2) (a), omitting the words “ such periods, not exceeding 12 months at any one time, as he determines ” and substituting the words “ a period not exceeding 12 months ”.

16. Amendment of s. 47. Procedure at meetings. Section 47 of the Principal Act is amended by, in subsection (4), omitting the figure “ 5 ” and substituting the figure “ 4 ”.

17. Amendment of s. 52. Functions, powers and duties of Trotting Board. Section 52 of the Principal Act is amended by, in subsection (1), inserting after the words “ The Trotting Board ” the words “, subject to the direction of the Minister,”.

18. Amendment of s. 54. Finance. Section 54 of the Principal Act is amended by, in subsection (4), omitting the words “ of a capital nature ”.

19. Amendment of s. 55. Amendment of Rules of Trotting and saving. Section 55 of the Principal Act is amended by, in subsection (3)—

- (a) omitting the words “ (who ” and substituting the word “ who ”;
- (b) omitting the words “ rule ” and substituting the word “ rule ”.

20. Amendment of s. 65. Postponement of whole or part of a trotting meeting. Section 65 of the Principal Act is amended by—

- (a) in subsection (1),
 - (i) omitting the words “, after consultation with the steward or stewards then in charge of a trotting meeting,”;
 - (ii) inserting after the words “ the club may ” the words “, in accordance with the Rules of Trotting,”;
- (b) omitting subsection (2) and substituting the following subsection:—

“ (2) Where a trotting club postpones a trotting meeting or any part or parts thereof after that meeting has commenced that postponement shall take effect as at the time at which the first public announcement of the postponement is made by or on behalf of the club.”

21. Amendment of s. 66. Abandonment of whole or part of a trotting meeting. Section 66 of the Principal Act is amended by—

- (a) in subsection (1), omitting the words “, with the prior approval of the Trotting Board or, as the case may be, the steward or stewards then in charge of the meeting, may ” and substituting the words “ may, in accordance with the Rules of Trotting ”;
- (b) omitting subsection (2) and substituting the following subsection:—

“ (2) Where a trotting club abandons a trotting meeting or part thereof after that meeting has commenced, that abandonment shall take effect as at the time at which the first public announcement of the abandonment is made by or on behalf of the club.”

22. Amendment of s. 84. Vacation of office. Section 84 of the Principal Act is amended by, in subsection (2) (a), omitting the words “ such periods, not exceeding 12 months at any one time, as he determines ” and substituting the words “ a period not exceeding 12 months ”.

23. Amendment of s. 93. Functions, powers and duties of Greyhound Board. Section 93 of the Principal Act is amended by, in subsection (1), inserting after the words “ The Greyhound Board ” the words “, subject to the direction of the Minister,”.

24. Amendment of s. 95. Finance. Section 95 of the Principal Act is amended by, in subsection (4), omitting the words “ of a capital nature ”.

25. Amendment of s. 96. Amendment of Rules of Greyhound Racing and saving. Section 96 of the Principal Act is amended by, in subsection (3)—

- (a) omitting the words “(who ” and substituting the word “ who ”;
- (b) omitting the words “ rule)” and substituting the word “ rule ”.

26. Amendment of s. 106. Postponement of whole or part of a greyhound meeting. Section 106 of the Principal Act is amended by—

(a) in subsection (1),

(i) omitting the words “, after consultation with the steward or stewards then in charge of a greyhound meeting,”;

(ii) inserting after the words “ that club may ” the words “, in accordance with the Rules of Greyhound Racing,”;

(b) omitting subsection (2) and substituting the following subsection:—

“(2) Where a greyhound club postpones a greyhound meeting or any part or parts thereof after that meeting has commenced, that postponement shall take effect as at the time at which the first public announcement of the postponement is made by or on behalf of the club.”.

27. Amendment of s. 107. Abandonment of whole or part of a greyhound meeting. Section 107 of the Principal Act is amended by—

(a) in subsection (1), omitting the words “, with the prior approval of the Greyhound Board or, as the case may be, the steward or stewards then in charge of the meeting, may abandon that meeting or part ” and substituting the words “ may, in accordance with the Rules of Greyhound Racing, abandon that meeting or part ”;

(b) omitting subsection (2) and substituting the following subsection:—

“(2) Where a greyhound club abandons a greyhound meeting or part thereof after that meeting has commenced, that abandonment shall take effect as at the time at which the first public announcement of the abandonment is made by or on behalf of the club.”.

28. Amendment of s. 116. Establishment of Fund. Section 116 of the Principal Act is amended by—

(a) in subsection (2) omitting the words “ Under Treasurer ” and substituting the words “ permanent head ”;

(b) in subsection (3),

(i) in subparagraph (b) (i), inserting after the word “ fractions ” the words “ and surplus moneys ”;

(ii) in subparagraph (c) (vi), omitting the words “ on advances made from the Fund ” and substituting the words “ that are owing to the Fund ”;

(c) in subsection (5),

(i) in subparagraph (a),

- (A) inserting before the words “ by way of ” the word “ advanced ”;
- (B) in provision (ii) omitting the word “ advances ” and substituting the word “ loans ”.

29. Amendment of s. 117. Purposes for which moneys may be advanced out of Fund. Section 117 of the Principal Act is amended by—

- (a) in subparagraph (d),
 - (i) inserting after the word “ capital ” the words “ or special ”;
 - (ii) omitting the words “ approved from time to time by the Minister.” and substituting the expression “;”;
- (b) inserting after subparagraph (d) the following subparagraph:—
 - “ (e) for any special purpose.”.

30. Amendment of s. 118. Application for advance from Fund. Section 118 of the Principal Act is amended by omitting the words “ Under Treasurer ” wherever occurring and substituting the words “ permanent head ” in each case.

31. Repeal of and new s. 119. Interest on and nature of advance. The Principal Act is amended by repealing section 119 and substituting the following section:—

“ **119. Interest on loans.** The Governor in Council on the recommendation of the Minister may—

- (a) charge interest on an advance by way of loan, or part thereof, at a rate or rates determined by him;
- (b) vary the rate of interest charged on moneys owing to the Fund.

In making a recommendation the Minister shall have regard to but shall not be bound by guidelines prescribed under section 125.”.

32. Amendment of s. 120. Maximum rate of interest on advances. Section 120 of the Principal Act is amended by—

- (a) in the note appearing in and at the beginning of the section omitting the word “ advances ” and substituting the word “ loans ”;
- (b) inserting after the word “ advance ” the words “ by way of loan ”.

33. Amendment of s. 121. Under Treasurer constituted a corporation sole. Section 121 of the Principal Act is amended by—

- (a) in the note appearing in and at the beginning of the section omitting the words “ Under Treasurer ” and substituting the word “ Minister ”;
- (b) omitting subsection (1) and substituting the following subsection:—

“ (1) For the purposes of this Division the Minister shall be a corporation sole by the name or style “ Racing Development Corporation ” (in this Division referred to as the “ Corporation ”).”.

34. Amendment of s. 122. Security for advances from Fund. Section 122 of the Principal Act is amended by in the note appearing in and at the beginning of the section omitting the word “advances” and substituting the word “loans”.

35. Amendment of s. 123. Manner of dealing with moneys advanced from Fund. Section 123 of the Principal Act is amended by—

(a) in subsection (2), inserting after the word “advanced” the words “by way of loan”;

(b) in subsection (3), omitting the word “advances” and substituting the word “loans”;

(c) in subsection (4), omitting the words “the advance” and substituting the words “a loan”.

36. Amendment of s. 125. Guidelines and priority order of needs for advances from Fund. Section 125 of the Principal Act is amended by, in the second paragraph, inserting after the word “advances” where secondly occurring the words “by way of loan”.

37. Amendment of s. 126. Allowance of special rebates. Section 126 of the Principal Act is amended by—

(a) omitting the words “of interest”;

(b) inserting after the words “interest thereon” where twice occurring the words “(if any)” in each case.

38. Amendment of s. 131. Audit of books and accounts of club and control body. Section 131 of the Principal Act is amended by in subsection (5)—

(a) in subparagraph (c) omitting the words “year.” and substituting the words “year.”;

(b) inserting after subparagraph (c) the following subparagraph:—
“(d) such other matters as are prescribed.”.

39. Amendment of s. 139. Control by clubs and control bodies over bookmakers. Section 139 of the Principal Act is amended by, in subsection (3)—

(a) omitting the words “accordingly.” and substituting the words “accordingly.”;

(b) adding at the end of the subsection the following proviso:—

“Provided that the Minister may direct to the contrary or may direct that the powers of the control body shall be exercised in such manner as he thinks fit.”.

40. Amendment of s. 143. Bookmakers to indemnify bettors against default. Section 143 of the Principal Act is amended by, in subsection (1), omitting the words “bettors,” and substituting the word “bettors”.

41. Amendment of s. 146. Bookmakers may nominate remote clerks in certain circumstances. Section 146 of the Principal Act is amended by, in subsection (6)—

(a) omitting the words “grant an authority” and substituting the words “give an approval”;

(b) omitting the words “revoke an authority granted” and substituting the words “withdraw an approval given”;

(c) inserting at the end of the subsection the following paragraph:—

“Where the Commissioner withdraws an approval he shall notify the control body that granted an authority pursuant to the approval of the withdrawal whereupon the control body shall forthwith revoke the authority.”.

42. Amendment of s. 149. Bookmakers to issue betting tickets for each bet. Section 149 of the Principal Act is amended by—

(a) in the note appearing in and at the beginning of the section omitting the words “for each bet”;

(b) in subsection (2),

(i) omitting the words “him.” and substituting the words “him:”;

(ii) adding at the end thereof the following proviso:—

“Provided that where a bookmaker makes with a person a win bet and a place bet at the same time in respect of the same runner one betting ticket may be issued in respect of those bets.”;

(c) in subsection (5), omitting the words “prescribed form” and substituting the words “form determined by the Commissioner”.

43. Amendment of s. 150. Supply and control of betting sheets. Section 150 of the Principal Act is amended by, in subparagraph (c) of subsection (4) omitting the word “and” and substituting the word “or”.

44. Amendment of s. 154. Supervision of bookmakers. Section 154 of the Principal Act is amended by—

(a) in subsection (1), omitting the words “or the regulations”;

(b) in subsection (2), in the first paragraph,

(i) omitting the words “and the regulations are” and substituting the word “is”;

(ii) omitting the words “observed and” and substituting the words “observed or”;

(iii) omitting the words “or a regulation”.

45. Amendment of s. 156. Commissioner may direct suspension of bookmaker’s licence. Section 156 of the Principal Act is amended by in subparagraph (a) (iii) of subsection (1) inserting after the words “Commissioner, is” where twice occurring the words “incomplete or is” in each case.

46. Amendment of s. 163. Bookmaker's turnover tax. Section 163 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

“(2) Bookmaker's turnover tax shall be—

(a) where bets are made at a meeting held in the metropolitan area at any time or at a meeting held by the Ipswich Amateur Turf Club on a Saturday—at the rate of 1·66 per centum;

(b) where bets are made at a meeting other than a meeting to which subparagraph (a) applies—at the rate of 1·33 per centum,

calculated on the aggregate of the amounts of all bets made by a bookmaker.”.

47. Amendment of s. 164. Club levy. Section 164 of the Principal Act is amended by—

(a) in subsection (1) omitting the words “ In addition to bookmaker's turnover tax there ” and substituting the word “ There ”;

(b) omitting subsection (2) and substituting the following subsection:—

“(2) Club levy shall be—

(a) where bets are made at a meeting held in the metropolitan area at any time or at a meeting held by the Ipswich Amateur Turf Club on a Saturday—at the rate of 0·84 per centum;

(b) where bets are made at a meeting other than a meeting to which subparagraph (a) applies—at the rate of 0·67 per centum,

calculated on the aggregate of the amounts of all bets made by a bookmaker on which bookmaker's turnover tax is levied and charged.”.

48. Repeal of s. 165. Variation of club levy. The Principal Act is amended by repealing section 165.

49. Amendment of s. 166. When tax and levy payable. Section 166 of the Principal Act is amended by, in subsection (1), omitting the word “ the ” where first occurring.

50. Amendment of s. 170. Penalties for late payment. Section 170 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:—

“(4) The Commissioner, for any reason that he thinks is sufficient, may remit any penalty or additional penalty (or a part of the penalty or additional penalty) charged pursuant to this section.”.

51. Amendment of s. 176. Composition of Totalisator Board. Section 176 of the Principal Act is amended by, in subsection (1), omitting the figure “ 9 ” and substituting the figure “ 10 ”.

52. Amendment of s. 181. Vacation of office. Section 181 of the Principal Act is amended by—

(a) in subsection (1) (f) omitting the words “ is directly ” and substituting the words “ accepts or holds an office of profit under the Totalisator Board or is directly ”;

(b) in subsection (2) (a) omitting the words “such periods, not exceeding 12 months at any one time, as he determines” and substituting the words “a period not exceeding 12 months”.

53. Amendment of s. 189. Functions, powers and duties of Totalisator Board. Section 189 of the Principal Act is amended by—

(a) in subparagraph (c) of subsection (2), omitting the words “annual distributions” and substituting the words “distributions of its profits and other moneys”;

(b) adding at the end of subsection (9) the following paragraph:—

“(c) The Auditor-General, as part of his audit, shall review the reserves and provisions in the accounts of the Totalisator Board and may make recommendations thereon to the Minister.”;

(c) in subsection (10), in subparagraph (b), omitting the words “of a capital nature”;

(d) omitting subsection (11) and substituting the following subsection:—

“(11) The net profit and other moneys of the Totalisator Board, after allowing for reserves and provisions, shall be distributed to such clubs at such times and in such manner as are prescribed.”.

54. Amendment of s. 192. Dissolution and winding up of Totalisator Board. Section 192 of the Principal Act is amended by in the second paragraph—

(a) omitting the words “and distributed”;

(b) omitting subparagraph (c) and substituting the following subparagraph:—

“(c) thirdly, as to any moneys then remaining, for such racing, trotting or greyhound racing purposes as the Governor in Council directs.”.

55. Amendment of s. 194. Totalisator licences. Section 194 of the Principal Act is amended by—

(a) re-numbering subsection (5) as subsection (6);

(b) inserting after subsection (4) the following subsection:—

“(5) A club or person shall not operate or permit to be operated a class of totalisator unless that club or person is, at the material time, the holder of a current totalisator licence in respect of that class of totalisator.”.

56. Amendment of s. 195. Restriction as to totalisator contracts. Section 195 of the Principal Act is amended by inserting after the words “without the” the word “written”.

57. Amendment of s. 199. Method of dealing with moneys paid into totalisator. Section 199 of the Principal Act is amended by—

(a) in subsection (1) omitting the proviso and substituting the following provisos:—

“ Provided that in respect of a place totalisator, all investments on a placegetter on which a dividend would, but for this proviso, be declared shall be refunded and shall not form part of the totalisator pool where—

(a) in a race in which 3 dividends are required to be declared, more than 50 per centum of all investments in that totalisator pool have been made on that placegetter;

(b) in a race in which 2 dividends are required to be declared, more than 75 per centum of all investments in that totalisator pool have been made on that placegetter:

Provided further that in respect of a stakes return totalisator, where the aggregate of investments on all placegetters on which a dividend would, but for this proviso, be declared exceeds the net pool of that totalisator, all investments made on any one of those placegetters shall be refunded and shall not form part of the totalisator pool where—

(a) in a race in which 3 dividends are required to be declared, more than 50 per centum of all investments in that totalisator pool have been made on that placegetter;

(b) in a race in which 2 dividends are required to be declared, more than 75 per centum of all investments in that totalisator pool have been made on that placegetter.”;

(b) in subsection (4), in paragraph (c), omitting the words “ or, as the case may be, (10) or (11)”;

(c) in subsection (8), in paragraph (a), omitting the words “ and not otherwise ”;

(d) omitting subsections (9), (10), (11) and (12) and substituting the following subsection:—

“(9) An investor who holds a winning ticket on a totalisator other than a 60-40 totalisator shall be paid for each unit of investment represented by that ticket a dividend of not less than—

(i) \$1.05 where the unit of investment is \$1.00:

(ii) 55 cents where the unit of investment is 50 cents:

Provided that an investor who holds a winning ticket on a place totalisator or stakes return totalisator in respect of a placegetter shall be paid a dividend of not less than \$1.00 for each unit of investment represented by that ticket where—

(a) in a race in which 3 dividends are required to be declared more than $33\frac{1}{3}$ per centum of all investments made on that totalisator in relation to that race have been made on that placegetter;

(b) in a race in which 2 dividends are required to be declared more than 50 per centum of all investments made on that totalisator in relation to that race have been made on that placegetter.”;

(e) re-numbering subsection (13) as subsection (10).

58. Amendment of s. 200. Declaration of totalisator transactions and payments to Commissioner. Section 200 of the Principal Act is amended by, in subsection (3), in the first paragraph, omitting the words “ subsection (9), (10) or (11) of section 199 ” and substituting the words “ section 199 (9) ”.

59. Amendment of s. 201. Unpaid dividends and refunds from totalisator other than totalisator operated by Totalisator Board. Section 201 of the Principal Act is amended by, in subsection (1), omitting the word “ or ” where firstly occurring and substituting the word “ and ”.

60. Amendment of s. 203. Unpaid fractions account and unpaid dividends account. Section 203 of the Principal Act is amended by—

(a) in subsection (2),

(i) in paragraph (a) omitting the word “ him ” and substituting the words “ the Commissioner ”;

(ii) in paragraph (b) inserting after the word “ Act ” the words “ or by section (8) (2) (d) of the *Anzac Day Act 1921-1981* ”;

(b) in subsection (3) (a), omitting the word “ him ” and substituting the words “ the Commissioner ”.

61. Amendment of s. 205. Powers, functions and duties of inspector of totalisators generally. Section 205 of the Principal Act is amended by in subsection (1)—

(a) in subparagraph (b), inserting after the word “ operated ” the words “ or in which records relating to a totalisator are kept ”;

(b) in subparagraph (e),

(i) omitting the word “ and ” where secondly occurring and substituting the words “, may ”;

(ii) inserting after the word “ therein ” the words “ and where he considers it necessary may take possession of any of those things ”.

62. Amendment of s. 217. Possession of instrument of betting. Section 217 of the Principal Act is amended by, in subsections (1) and (2) omitting the word “ on ” and substituting the words “ in respect of ” in each case.

63. Repeal of and new ss. 218, 218A and 218B. Penalty for unlawful bookmaking, opening, keeping or using common betting house. The Principal Act is amended by repealing section 218 and substituting the following sections:—

“ **218. Prosecution and penalty for unlawful bookmaking, opening, keeping or using common betting house.** (1) Every District Court is hereby invested with jurisdiction to inquire of, hear and determine all matters of complaint brought before it pursuant to this section with respect to offences alleged to have been committed within its district.

(2) A person who contravenes section 214, 216 or 217 commits an offence against this Act and may be proceeded against in respect of that offence before a District Court constituted by a Judge of District Courts sitting alone and is liable, subject to this subsection and subsection (7)—

- (a) for a first offence, to a penalty of not less than \$15 000 and not more than \$20 000;
- (b) for a second offence, whether against the same or another provision of those sections, to a penalty of not less than \$20 000 and not more than \$30 000;
- (c) for a third or subsequent offence, whether against the same or another provision of those sections, to a penalty of not less than \$30 000 and not more than \$50 000.

Where a Judge constituting a District Court is satisfied in a particular case that there are special circumstances which he considers make it just for him so to do, he may impose a less penalty than that prescribed by subparagraph (a), (b) or (c) of the preceding paragraph.

(3) Proceedings in respect of an offence may be instituted by way of a complaint in writing, and summons, as if such proceedings were to be instituted in a Magistrates Court under the *Justices Act 1886–1980*.

The provisions of that Act relating to the form of complaint and summons and the service, endorsement and proof of service thereof shall apply, with all necessary adaptations, with respect to a complaint and summons that institute proceedings pursuant to this section and, in particular, any reference therein to a Magistrates Court shall be read as a reference to a District Court and any reference to a clerk of a Magistrates Court (however expressed) shall be read as a reference to the registrar of the District Court before which the matter of complaint is to be brought.

(4) If at the time and place appointed by a summons directed to him the defendant does not appear when called and the court is satisfied of due service of the summons upon the defendant a reasonable time before the time so appointed or if at any time and place to which a matter of complaint has been adjourned the defendant does not appear when called the court may—

- (a) proceed *ex parte* to hear and determine the matter of complaint as fully and effectually as if the defendant had appeared before it in obedience to the summons or, as the case may be, the order of adjournment;
- (b) upon oath being made before it substantiating the matter of complaint to its satisfaction, order the issue of a warrant to apprehend the defendant and to bring him before a District Court to answer the complaint and to be further dealt with according to law;
- (c) upon the written plea of guilty of the defendant, if the court thinks fit so to do, proceed to convict the defendant and to impose on him a penalty in accordance with this section; or

(d) adjourn the hearing to a time and place to be then stated or to be determined and notified to the defendant before a District Court constituted by the same or any other Judge of District Courts.

(5) Subject to this section, proceedings before a District Court in respect of an offence against section 214, 216 or 217 shall be had in accordance with rules of court made to regulate such proceedings and, in the absence of such rules, in accordance with directions given by the Judge constituting such court.

The power to make rules for regulating the procedure and practice of District Courts conferred by the *District Courts Act 1967-1980* includes power to make such rules relating to matters brought before District Courts pursuant to this Act.

(6) Where a person is charged, whether upon a complaint or otherwise, with an offence against a provision of section 214, 216 or 217 then if an offence against another provision of the section under which he is charged or against a provision of the other of those sections is established by the evidence, he may at the hearing and determination of such charge be convicted of that other offence.

(7) Where separate persons commit offences against any of the provisions of section 214, 216 or 217, whether the same or different provisions, in respect of the same place within a period of time not longer than 12 months, the person secondly so offending is liable for that offence to the increased penalty prescribed by subsection (2) (b) and the person, if any, thirdly or subsequently so offending shall be liable for that offence to the increased penalty prescribed by subsection (2) (c).

For the purposes of this subsection offences committed in different rooms, units or other parts of a building or structure shall be deemed to have been committed in the same place.

(8) The increased penalties prescribed by subsections (2) and (7) shall be imposable and may be imposed notwithstanding that the offence punishable is created by a provision of the sections of this Act referred to in subsection (2) different from that creating—

(a) a prior offence under those sections committed by the defendant in question; or

(b) an offence under those sections committed by a person other than the defendant in question.

(9) Where a person appears before a court on a charge of an offence against section 214, 216 or 217 and subsequently appears before a court on a charge of a further offence against any of those sections, the court before which that person first appeared shall hear and determine all proceedings in respect of the first offence prior to the hearing and determination of proceedings for the second or subsequent offence.

218A. Recovery of penalties imposed under s. 218. (1) Where an order for the payment of a penalty or costs is made against an offender against section 214, 216 or 217 an order that, upon default in payment of the same, the offender should be imprisoned or the same should be recovered by levy and distress shall not be made, but the following provisions of this section shall apply in relation to the recovery of the same.

(2) Where an order referred to in subsection (1) is made the Judge making the order or the Chairman of District Courts shall, if the penalty is not paid within the time allowed by the Judge for payment of the penalty or costs on the expiration of that time or, if no time is allowed for payment, then immediately, furnish to the Attorney-General a certificate in the prescribed form, setting forth—

- (a) the amount of the penalty or costs;
- (b) the full name and place of residence or business of the person on whom the penalty or costs has or have been imposed;
- (c) the reason for the penalty or costs.

(3) Upon receipt of the certificate specified in subsection (2), the Attorney-General shall cause final judgment in the prescribed form to be entered in a court of competent jurisdiction for the amount of the penalty or costs and costs of entering judgment.

A judgment entered pursuant to this subsection is for all purposes a judgment of the court in which it has been entered.

(4) An appeal does not lie in respect of a judgment entered pursuant to subsection (3).

(5) The registrar of a court to whom a certificate referred to in subsection (2) is duly produced for registration shall, upon payment of the appropriate fee, register the certificate in the court and, upon such registration, the certificate shall be a record of the court in which it is registered and the order to which it refers shall be deemed to be a judgment of that court obtained by the Crown as plaintiff against the offender as defendant for the payment to the Crown of money comprising—

- (a) the amount of the penalty or costs;
- (b) costs of registration of such certificate in such court,

to the intent that like proceedings (including proceedings in bankruptcy) may be taken to recover the amount of the judgment as if the judgment had been made by such court in favour of the Crown.

218B. Appeal from District Court orders. A person aggrieved by a decision of a District Court in proceedings in respect of offences against section 214, 216 or 217 may appeal therefrom by way of order to review as if such decision were that of justices constituting a Magistrates Court.

The provisions of Division I of Part IX of the *Justices Act 1886-1980* shall apply, with all necessary adaptations, with respect to the institution conduct and determination of such an appeal.

64. Amendment of s. 225. Batteries, drugs and the like at racing venues and other places. Section 225 of the Principal Act is amended by—

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

“(1) A person who, without reasonable excuse the proof of which shall be upon him, has in his possession or is conveying—

- (a) at a racing venue;
- (b) at any other place where the conduct of a race is permitted:

- (c) at a place where a trial is permitted to be conducted;
- (d) at a place used for the purpose of training a horse or greyhound;
- (e) at a stable or kennel;
- (f) in or about a vehicle or vessel; or
- (g) at any other place where a registered horse or greyhound is or could reasonably be expected to be at the material time,

any—

- (h) battery, cell or other thing that is assembled, designed or manufactured to provide a supply or source of electrical energy;
- (i) capacitor, coil, wire or other thing that is assembled, designed or manufactured to conduct, deliver, discharge, intensify or store any electricity or electric charge, current or voltage;
- (j) hypodermic syringe or hypodermic needle or other medical, surgical or veterinary appliance or instrument;
- (k) applicator, atomizer, dispenser, sprayer, vaporizer or other thing that is assembled, designed or manufactured to apply, deposit, discharge, propel or spray any substance;
- (l) drug, irritant or noxious or toxic substance or thing; or
- (m) object, contrivance or thing that is capable of—
 - (i) inflicting injury to a person, horse or greyhound;
 - (ii) interfering with a horse or greyhound;
 - (iii) interfering with a jockey or driver or a steward or other official;
 - (iv) interfering with the operation of a lighting, power or control system, lure drive or any other plant or equipment; or
 - (v) interfering with or damaging a course prepared or laid out for the purpose of conducting races or trials or a building or other structure,

commits an offence against this Act.

Penalty: \$20 000 or imprisonment for 2 years or both that penalty and imprisonment.”;

(b) in subsection (3), omitting the second paragraph.

65. Repeal of and new s. 227. Interference with horse or greyhound. The Principal Act is amended by repealing section 227 and substituting the following section:—

“**227. Interference with person, horse, greyhound or property.** A person who—

- (a) at a racing venue or place where a trial is permitted to be conducted—
 - (i) inflicts or causes injury to or interferes with a registered horse or greyhound;
 - (ii) inflicts or causes injury to or interferes with a jockey or driver or any steward or other official;
 - (iii) interferes with the operation of a lighting or power system, lure drive or any other plant or equipment;

- (iv) interferes with or damages a course prepared or laid out for the purpose of conducting races or trials or a building or other structure;
 - (v) uses or causes to be used on a registered horse or greyhound any apparatus or thing referred to in subparagraph (h), (i), (j) or (k) of section 225 (1) without the explicit approval of the control body that has jurisdiction over that venue or place or the delegate of that control body; or
- (b) at any other place, without reasonable excuse the proof of which shall be upon him—
- (i) inflicts or causes injury to or interferes with a registered horse or greyhound;
 - (ii) inflicts or causes injury to or interferes with a jockey or driver or any steward or other official;
 - (iii) uses or causes to be used on a registered horse or greyhound any apparatus or thing referred to in subparagraph (h), (i), (j) or (k) of section 225 (1),
- commits an offence against this Act.

Penalty: \$20 000 or imprisonment for 2 years or both that penalty and imprisonment.”.

66. Repeal of and new s. 228. Use of drugs and the like on horse or greyhound. The Principal Act is amended by repealing section 228 and substituting the following section:—

“ **228. Use of drugs and the like on horse or greyhound.** A person who, at any time, uses on, administers to or causes to be used on or administered to a registered horse or greyhound, any drug, irritant or noxious or toxic substance or thing that may affect the performance, behaviour or physical condition of that horse or greyhound—

- (a) at a racing venue or place where a trial is permitted to be conducted, without the explicit approval of the control body that has jurisdiction over that venue or place or the delegate of that control body; or
 - (b) at any other place, without reasonable excuse the proof of which shall be upon him,
- commits an offence against this Act.

Penalty: \$20 000 or imprisonment for 2 years or both that penalty and imprisonment.”.

67. Amendment of s. 229. Offences relating to members of the police force, officers and records. Section 229 of the Principal Act is amended by, in subsection (1)—

- (a) in subparagraph (e), omitting the words “ this Act.” and substituting the words “ this Act;”;

(b) inserting after subparagraph (e) the following subparagraph:—

“(f) when required by any member of the police force, officer or other person authorized by or under this Act to give information for the purposes of this Act give information that to his knowledge is false or misleading in a material particular.”.

68. Amendment of s. 232. General power of arrest without warrant. Section 232 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

“(2) The power to arrest a person conferred by this Act does not prejudice or in any way affect the power and authority to proceed by way of complaint and summons before justices, being a Judge of District Courts where this Act so requires or other justices in any other case.”.

69. New s. 232A. Police officer may grant bail for offence against s. 214, 216 or 217. The Principal Act is amended by inserting after section 232 the following section:—

“**232A. Police officer may grant bail for offence against s. 214, 216 or 217.** A police officer into whose custody is delivered a person arrested in respect of an offence against section 214, 216 or 217 may exercise in relation to that person the powers conferred on him by section 7 of the *Bail Act 1980*.”.

70. Amendment of s. 237. Proceedings for offences. Section 237 of the Principal Act is amended by—

(a) in subsection (1), in subparagraph (b), inserting after the word “indictment” the words “(other than for an offence against section 214, 216 or 217)”;

(b) in subsection (2), omitting the word “the” and substituting the word “a”;

(c) in subsection (3), omitting the words “may appear before the court” and substituting the words “shall be entitled to appear before a court”;

(d) in subsection (4), omitting the word “court” where firstly and secondly appearing and substituting the words “Magistrates Court” in each case;

(e) in subsection (5), omitting the words “for which the maximum penalty is \$20 000 or more” and substituting the words “(being an offence other than an offence against section 214, 216 or 217) for which the maximum penalty is \$20 000”.

71. Amendment of s. 238. Time limits for payment of penalties. Section 238 of the Principal Act is amended by—

(a) in subsection (1), omitting the words “or 222,” and substituting the words “, 222, 225, 227 or 228,”;

(b) in subsection (3), inserting after the words “this Act” where firstly occurring the words “(other than an offence against section 214, 216 or 217)”.

72. Amendment of s. 247. Personal appearance before court of offenders against certain sections. Section 247 of the Principal Act is amended by—

- (a) in subsection (1),
 - (i) omitting the expression “(1)” appearing at the beginning thereof;
 - (ii) inserting after the words “adjourned,” the words “the Judge or”;
 - (iii) omitting the word “them” and substituting the words “him or them”;
 - (iv) omitting the word “their” wherever occurring and substituting the words “his or their” in each case;
 - (v) omitting the word “justices” where lastly occurring and substituting the words “a Judge or justices”;
- (b) omitting subsection (2).

73. Amendment of s. 254. Protection against liability. Section 254 of the Principal Act is amended by omitting the words “Under Treasurer” where twice occurring and substituting the words “permanent head” in each case.

74. Amendment of s. 256. Evidentiary provisions. Section 256 of the principal Act is amended by—

- (a) in subparagraphs (a) and (b) omitting the words “Under Treasurer” and substituting the words “permanent head” in each case;
 - (b) inserting after subparagraph (g) the following subparagraph:—
 - “(ga) a document purporting to be signed by a person employed or engaged by a control body to perform tests on, or on samples taken from, horses or, as the case may be, greyhounds stating that—
 - (i) a particular substance may affect the performance, behaviour or physical condition of a horse or, as the case may be, greyhound;
 - (ii) a particular substance may be used as an ingredient in formulating or preparing another substance for the purpose of rendering the lastmentioned substance in a form suitable to be administered to a horse or, as the case may be, greyhound;
 - (iii) the origin of a particular substance cannot be traced to normal feeding of a horse or, as the case may be, greyhound; or
 - (iv) the presence or evidence of a particular substance or any metabolite or artifact of a substance was found or detected during tests of, or of a sample taken from, a horse or, as the case may be, greyhound,
- shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in that document;”.

75. Amendment of s. 257. Regulations. Section 257 of the Principal Act is amended by, in subsection (1)—

(a) in subparagraph (n) omitting the words “ Under Treasurer ” and substituting the words “ permanent head ”;

(b) re-numbering subparagraphs (u), (v), (w) and (x) as subparagraphs (x), (y), (z) and (za) respectively;

(c) inserting after subparagraph (t) the following subparagraphs:—

“(u) the regulation and supervision of bookmakers;

(v) all matters and things relating to betting by or with bookmakers;

(w) all matters and things for or with respect to the administration of the Fund, the making of advances from the Fund and all other matters and things necessary for or conducive to the efficient administration of the Fund;”.

76. Amendment of Second Schedule. The Second Schedule of the Principal Act is amended by omitting the table appearing in Part I and substituting the following table:—

“ Class of Totalisator	Totalisator Tax %	Racing Development Fund Levy %	Commission %	Total Deduction %
Win	2.5	0.5	12	15
Place	2.5	0.5	12	15
60-40	2.5	0.5	12	15
Stakes Return	2.5	0.5	12	15
Quinella ..	2.5	0.5	12	15
Forecast ..	2.5	0.5	12	15
Double	5.5	0.5	12	18
Treble	5.5	0.5	12	18
Trio	5.5	0.5	12	18
Trifecta ..	5.5	0.5	12	18”.

PART III—AMENDMENTS OF THE ANZAC DAY ACT 1921-1976

77. Citation. (1) In this Part the *Anzac Day Act 1921-1976* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Anzac Day Act 1921-1981*.

78. Amendment of s. 2. Anzac Day to be a national holiday. Section 2 of the Principal Act is amended by—

(a) omitting the expression “(1)” appearing at the beginning of subsection (1);

(b) omitting subsections (2), (3) and (4).

79. New s. 2A. Interpretation. The Principal Act is amended by inserting after section 2 the following section:—

“2A. Interpretation. In this Act save where the contrary intention appears—

“Minister” means the Minister for Employment and Labour Relations or other Minister of the Crown for the time being charged with the administration of this Act and includes any person who for the time being performs the duties of the Minister;

“racing venue”, “race meeting”, “trotting meeting”, “greyhound meeting”, “bookmaker”, “Totalisator Board” and “totalisator” have the same respective meanings as are assigned to each of those terms by the *Racing and Betting Act 1980–1981*.”.

80. Amendment of s. 3. Anzac Day to be a public holiday. Section 3 of the Principal Act is amended by—

(a) in subsection (2), inserting after subparagraph (a) the following subparagraph:—

“(aa) a racing venue at which a race meeting, trotting meeting or greyhound meeting is to be or is being held lawfully, or an office or agency of the Totalisator Board;”;

(b) in subsection (3),

(i) omitting subparagraph (b) and substituting the following subparagraph:—

“(b) at a racing venue at which a race meeting, trotting meeting or greyhound meeting is lawfully held, of any person;”;

(ii) inserting after subparagraph (b) the following subparagraph:—

“(ba) at an office or agency of the Totalisator Board, of any person;”;

(c) in subparagraphs (c) and (d) of subsection (4) omitting the words “one o’clock in the afternoon” and substituting the words “30 minutes after midday” in each case.

81. Amendment of s. 8. The Anzac Day Trust Fund. Section 8 of the Principal Act is amended by, in subsection (2)—

(a) omitting subparagraphs (c) and (d) and substituting the following subparagraphs:—

“(c) subject to appropriation by Parliament, from the Consolidated Revenue Fund, the following amounts certified by the Commissioner of Stamp Duties to be—

(i) an amount equal to 5 per centum of the aggregate of investments made on totalisators operated at a racing venue and by the Totalisator Board on Anzac Day; and

(ii) an amount equal to 1·3 per centum of the aggregate of all bets made by a bookmaker at a racing venue on Anzac Day; and

(d) by the Commissioner of Stamp Duties from the unpaid fractions account kept by him, an amount certified by him to be 0·7 per centum of the aggregate of all bets made by a bookmaker at a racing venue on Anzac Day;”;

(b) in the paragraph commencing with the words “ In this subsection ” omitting the words “ and in section nine of this Act ”;

(c) omitting the last paragraph.

82. Repeal of s. 9. Payments by racing clubs. The Principal Act is amended by repealing section 9.