

Queensland



RACING AND BETTING AMENDMENT BILL 1992

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**RACING AND BETTING AMENDMENT
BILL 1992**

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1992

A BILL

FOR

An Act to amend the Racing and Betting Act 1980

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.

Short title

Clause1. This Act may be cited as the *Racing and Betting Amendment Act*
1992.

Amended Act

Clause2. The *Racing and Betting Act 1980* is amended as set out in this Act.

Amendment of s.218 (Prosecution and penalty for unlawful bookmaking, opening, keeping or using common betting house)

Clause3.(1) Section 218(1)—

omit, insert—

‘**218.(1)** This section applies to a person who contravenes section 214,
216 or 217.

‘**(1A)** The person commits an offence that is a misdemeanour.

‘**(1B)** For a first offence, the person is liable to—

(a) subject to subsection (3), a minimum penalty of 300 penalty
units; and

(b) a maximum penalty of 400 penalty units.

‘**(1C)** For a second offence, the person is liable to—

(a) a minimum penalty of 401 penalty units; and

(b) a maximum penalty of 600 penalty units or imprisonment for 18
months.

‘**(1D)** For a third or subsequent offence, the person is liable to—

(a) a minimum penalty of 601 penalty units; and

(b) a maximum penalty of 1 000 penalty units or imprisonment for 5
years.

‘(1E) Despite any other Act, if a court fines the person, the court must order that the person be imprisoned if the fine is not paid.

‘(1F) The term of imprisonment that the court must order under subsection (1E) must be such that, in the court’s opinion, will satisfy the justice of the case, but must be—

- (a) if the person was liable to a fine under subsection (1B)—a term of not less than 3 months and not more than 6 months; and
- (b) if the person was liable to a fine under subsection (1C)—a term of not less than 12 months and not more than 18 months; and
- (c) if the person was liable to a fine under subsection (1D)—a term of not less than 3 years and not more than 5 years.’.

(2) Section 218(3)—

omit, insert—

‘(3) If—

- (a) a person is convicted of an offence mentioned in subsection (1) and it is the person’s first offence against any provision of any of the sections mentioned in subsection (1); and
- (b) the court before whom the person is convicted considers that in the particular case there are special circumstances that make it just to do so;

the court may impose a penalty less than the minimum penalty mentioned in subsection (1B) but not, in any case, less than 50 penalty units.’.

(3) Section 218(5)—

omit, insert—

‘(5) A person is liable for the penalty under this section—

- (a) for a second offence—if the person has been convicted of a single offence against any provision of any of the sections mentioned in subsection (1); or
- (b) for a third or subsequent offence—if the person has been convicted of 2 or more offences against any provisions of any of the sections mentioned in subsection (1).’.

Insertion of new s.218AA and 218AB	1
<i>Clause4.</i> After section 218—	2
<i>insert—</i>	3
‘Orders under s.218 not original orders	4
‘218AA.(1) An order under section 218 is not an original order within the meaning of the <i>Penalties and Sentences Act 1992</i> .	5 6
‘(2) Without limiting subsection (1), a court must not make a fine option order in relation to an offence against any of the sections mentioned in section 218(1).	7 8 9
‘No alternatives to imprisonment	10
‘218AB.(1) This section applies if—	11
(a) a court imposes a term of imprisonment on a person under section 218; or	12 13
(b) an order is made under section 218(1E) and the person fails to pay the fine.	14 15
‘(2) The court must not make an order (including any order under the <i>Penalties and Sentences Act 1992</i>) that would result in the person not serving the sentence in prison.	16 17 18
<i>‘Examples of the orders that the court must not make—</i>	19
<i>Example 1—</i> A probation order.	20
<i>Example 2—</i> A community services order.	21
<i>Example 3—</i> An intensive correction order.	22
<i>Example 4—</i> An order that suspends the term of imprisonment.’.	23
Amendment of s.218A (Recovery of penalties imposed under s.218)	24
<i>Clause5.</i> Section 218A(1)—	25
<i>omit, insert—</i>	26

‘218A.(1) This section applies to an order for the payment of a penalty or costs that is made, before the commencement of the *Racing and Betting Amendment Act 1992*, in relation to an offence against any of the sections mentioned in section 218(1).’.

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SCHEDULE 1	1
AMOUNTS OF PENALTIES TO PENALTY UNITS	2
section 2	3
1. Section 10(3) (Penalty)—	4
<i>omit, insert—</i>	5
‘Maximum penalty—40 penalty units or imprisonment for 12 months.’.	6
2. Section 33(1) (Penalty)—	7
<i>omit, insert—</i>	8
‘Maximum penalty—10 penalty units.’.	9
3. Section 73(1) (Penalty)—	10
<i>omit, insert—</i>	11
‘Maximum penalty—40 penalty units.’.	12
4. Section 113(1) (Penalty)—	13
<i>omit, insert—</i>	14
‘Maximum penalty—10 penalty units.’.	15
5. Section 126C(4) (Penalty)—	16
<i>omit, insert—</i>	17
‘Maximum penalty—4 penalty units.’.	18
6. Section 149(6)—	19
<i>omit</i> ‘penalty of \$2 000’, <i>insert</i> ‘maximum penalty of 40 penalty units’.	20

7. Section 150(4) (Penalty)—	1
<i>omit, insert—</i>	2
‘Maximum penalty—40 penalty units.’	3
 8. Section 152(5) (Penalty)—	4
<i>omit, insert—</i>	5
‘Maximum penalty—40 penalty units.’	6
 9. Section 153(8)—	7
<i>omit, insert—</i>	8
‘(8) A person who commits an offence against this section is liable to a maximum penalty of—	9
(a) for a first offence—40 penalty units; and	10
(b) for a second offence—80 penalty units; and	11
(c) for a third or subsequent offence—120 penalty units.’	12
 10. Section 154(3) (Penalty)—	13
<i>omit, insert—</i>	14
‘Maximum penalty—	15
(a) for a first offence—40 penalty units; and	16
(b) for a second offence—80 penalty units; and	17
(c) for a third or subsequent offence—120 penalty units.’	18
 11. Section 155 (Penalty)—	19
<i>omit, insert—</i>	20
‘Maximum penalty—40 penalty units.’	21
	22

12. Section 158—	1
<i>omit</i> all words from ‘penalty’ to ‘\$2 000.’,	2
<i>insert—</i>	3
‘maximum penalty of—	4
(a) for a first offence—10 penalty units; and	5
(b) for a second offence—20 penalty units; and	6
(c) for a third or subsequent offence—40 penalty units.’.	7
 13. Section 159(1) and (2)(a) and (b) (Penalties)—	8
<i>omit, insert—</i>	9
‘Maximum penalty—10 penalty units.’.	10
 14. Section 168 (Penalty)—	11
<i>omit, insert—</i>	12
‘Maximum penalty—	13
(a) for a first offence—40 penalty units; and	14
(b) for a second offence—80 penalty units; and	15
(c) for a third or subsequent offence—120 penalty units.’.	16
 15. Section 208(1) (Penalty)—	17
<i>omit, insert—</i>	18
‘Maximum penalty—10 penalty units.’.	19
 16. Section 208(6)—	20
<i>omit</i> ‘penalty of \$500’, <i>insert</i> ‘maximum penalty of 10 penalty units’.	21
 17. Section 208(7) (Penalty)—	22
<i>omit, insert—</i>	23

‘Maximum penalty—10 penalty units.’.	1
18. Section 219(2) (Penalty)—	2
<i>omit, insert—</i>	3
‘Maximum penalty—	4
(a) for a first offence—10 penalty units or imprisonment for 1 month; and	5 6
(b) for a second offence (whether for the same or another offence against this section)—20 penalty units or imprisonment for 6 months; and	7 8 9
(c) for a third or subsequent offence (whether for the same or another offence against this section)—40 penalty units or imprisonment for 1 year.’.	10 11 12
19. Section 220(2) and (3) (Penalties)—	13
<i>omit, insert—</i>	14
‘Maximum penalty—100 penalty units or imprisonment for 2 years.’.	15
20. Section 221(1) (Penalty)—	16
<i>omit, insert—</i>	17
‘Maximum penalty—	18
(a) for a first offence—100 penalty units or 6 months imprisonment; and	19 20
(b) for a second offence—200 penalty units or 1 year imprisonment; and	21 22
(c) for a third or subsequent offence—400 penalty units or 2 years imprisonment.’.	23 24
21. Section 223(1) (Penalty)—	25
<i>omit, insert—</i>	26

‘Maximum penalty—20 penalty units or imprisonment for 6 months.’.	1
22. Section 224 (Penalty)—	2
<i>omit, insert—</i>	3
‘Maximum penalty—20 penalty units or imprisonment for 6 months.’.	4
23. Section 225(1) (Penalty)—	5
<i>omit, insert—</i>	6
‘Maximum penalty—400 penalty units or imprisonment for 2 years.’.	7
24. Section 227 (Penalty)—	8
<i>omit, insert—</i>	9
‘Maximum penalty—400 penalty units or imprisonment for 2 years.’.	10
25. Section 228(1) and (2) (Penalties)—	11
<i>omit, insert—</i>	12
‘Maximum penalty—400 penalty units or imprisonment for 2 years.’.	13
26. Section 229(3)—	14
<i>omit</i> all words from ‘a penalty’,	15
<i>insert</i> ‘a maximum penalty of 20 penalty units or imprisonment for 6 months.’.	16
	17
27. Section 230(3)—	18
<i>omit</i> all words from ‘a penalty’,	19
<i>insert</i> ‘a maximum penalty of 100 penalty units or imprisonment for 2 years.’.	20
	21

28. Section 236(3)(a) and (b)—	1
<i>omit, insert—</i>	2
(a) for a first offence—20 penalty units or imprisonment for 6 months; and	3 4
(b) for a second or subsequent offence—40 penalty units or imprisonment for 1 year.’.	5 6
29. Section 236(4)—	7
<i>omit.</i>	8
30. Section 237(5)—	9
<i>omit ‘\$20 000’, insert ‘400 penalty units’.</i>	10
31. Section 244(5) and (7) (Penalties)—	11
<i>omit, insert—</i>	12
‘Maximum penalty—400 penalty units or imprisonment for 2 years.’.	13
32. Section 257(1)(x)—	14
<i>omit ‘\$1 000’, insert ‘20 penalty units’.</i>	15

SCHEDULE 2

STATUTE REVISION AMENDMENTS AND TRANSITIONAL PROVISIONS

section 2

1. Section 120(1)—

omit ‘Order in Council’ (wherever occurring), *insert* ‘regulation’.

2. Section 141(2)—

omit, insert—

‘(2) The Governor in Council may, by regulation, prohibit (either generally or in a particular case) betting at racing venues specified in the regulation on races to be decided on the same day and at the same time of day at another racing venue.’.

3. Section 141(3)—

omit ‘an Order in Council’, *insert* ‘a regulation’.

4. Section 215(2)—

omit, insert—

‘(2) The Governor in Council may, by regulation, approve the payment and settlement, at the place specified in the regulation, of a bet lawfully made by and with a bookmaker at any racing venue or athletic ground specified in the regulation.

‘(3) A place that is specified in a regulation in force under subsection (2) is not a common betting house with respect to the payment and settlement of a bet to which the subsection applies.’.

5. Section 258—*omit, insert—***‘PART 8—TRANSITIONAL PROVISIONS****‘Existing orders in council**

‘258. An order in council in force under this Act immediately before the commencement of this section continues to have effect after the commencement, and may be repealed or amended, as if it were a regulation.

‘References to the Penalties and Sentences Act 1992

‘259. If this section commences before Part 4 of the *Penalties and Sentences Act 1992* then, until the commencement of that Part, references in this Act to the *Penalties and Sentences Act 1992* include the *Corrective Services Act 1988*.’.