

Queensland



RACING AND BETTING AMENDMENT ACT 1993

Act No. 19 of 1993

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**RACING AND BETTING AMENDMENT
ACT 1993**

TABLE OF PROVISIONS

Section	Page
1 Short title	4
2 Amended Act	4
3 Amendment of s.218 (Prosecution and penalty for unlawful bookmaking, opening, keeping or using common betting house)	4
4 Insertion of new s.218AA and 218AB	6
218AA Orders under s.218 not original orders	6
218AB No alternatives to imprisonment	6
5 Amendment of s.218A (Recovery of penalties imposed under s.218)	6
SCHEDULE 1	8
AMOUNTS OF PENALTIES TO PENALTY UNITS	
SCHEDULE 2	14
STATUTE REVISION AMENDMENTS AND TRANSITIONAL PROVISIONS	

Queensland



Racing and Betting Amendment Act 1993

Act No. 19 of 1993

*An Act to amend the **Racing and Betting Act 1980***

[Assented to 28 May 1993]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Racing and Betting Amendment Act 1993*.

Amended Act

2. 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)

3.(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

4. After section 218—

insert—

‘Orders under s.218 not original orders

‘218AA.(1) An order under section 218 is not an original order within the meaning of the *Penalties and Sentences Act 1992*.

‘(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).

‘No alternatives to imprisonment

‘218AB.(1) This section applies if—

- (a) a court imposes a term of imprisonment on a person under section 218; or
- (b) an order is made under section 218(1E) and the person fails to pay the fine.

‘(2) The court must not make an order (including any order under the *Penalties and Sentences Act 1992*) that would result in the person not serving the sentence in prison.

‘Examples of the orders that the court must not make—

*Example 1—*A probation order.

*Example 2—*A community services order.

*Example 3—*An intensive correction order.

*Example 4—*An order that suspends the term of imprisonment.’.

Amendment of s.218A (Recovery of penalties imposed under s.218)

5. Section 218A(1)—

omit, insert—

‘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 1993*, in relation to an offence against any of the sections mentioned in section 218(1).’.

SCHEDULE 1**AMOUNTS OF PENALTIES TO PENALTY UNITS**

section 2

1. Section 10(3) (Penalty)—*omit, insert—*

‘Maximum penalty—40 penalty units or imprisonment for 12 months.’.

2. Section 33(1) (Penalty)—*omit, insert—*

‘Maximum penalty—10 penalty units.’.

3. Section 73(1) (Penalty)—*omit, insert—*

‘Maximum penalty—40 penalty units.’.

4. Section 113(1) (Penalty)—*omit, insert—*

‘Maximum penalty—10 penalty units.’.

5. Section 126C(4) (Penalty)—*omit, insert—*

‘Maximum penalty—4 penalty units.’.

6. Section 149(6)—*omit* ‘penalty of \$2 000’, *insert* ‘maximum penalty of 40 penalty units’.

7. Section 150(4) (Penalty)—

omit, insert—

‘Maximum penalty—40 penalty units.’.

8. Section 152(5) (Penalty)—

omit, insert—

‘Maximum penalty—40 penalty units.’.

9. Section 153(8)—

omit, insert—

‘(8) A person who commits an offence against this section is liable to a maximum penalty of—

- (a) for a first offence—40 penalty units; and
- (b) for a second offence—80 penalty units; and
- (c) for a third or subsequent offence—120 penalty units.’.

10. Section 154(3) (Penalty)—

omit, insert—

‘Maximum penalty—

- (a) for a first offence—40 penalty units; and
- (b) for a second offence—80 penalty units; and
- (c) for a third or subsequent offence—120 penalty units.’.

11. Section 155 (Penalty)—

omit, insert—

‘Maximum penalty—40 penalty units.’.

12. Section 158—

omit all words from ‘penalty’ to ‘\$2 000.’,

insert—

‘maximum penalty of—

- (a) for a first offence—10 penalty units; and
- (b) for a second offence—20 penalty units; and
- (c) for a third or subsequent offence—40 penalty units.’.

13. Section 159(1) and (2)(a) and (b) (Penalties)—

omit, insert—

‘Maximum penalty—10 penalty units.’.

14. Section 168 (Penalty)—

omit, insert—

‘Maximum penalty—

- (a) for a first offence—40 penalty units; and
- (b) for a second offence—80 penalty units; and
- (c) for a third or subsequent offence—120 penalty units.’.

15. Section 208(1) (Penalty)—

omit, insert—

‘Maximum penalty—10 penalty units.’.

16. Section 208(6)—

omit ‘penalty of \$500’, *insert* ‘maximum penalty of 10 penalty units’.

17. Section 208(7) (Penalty)—

omit, insert—

‘Maximum penalty—10 penalty units.’.

18. Section 219(2) (Penalty)—

omit, insert—

‘Maximum penalty—

- (a) for a first offence—10 penalty units or imprisonment for 1 month; and
- (b) for a second offence (whether for the same or another offence against this section)—20 penalty units or imprisonment for 6 months; and
- (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.’.

19. Section 220(2) and (3) (Penalties)—

omit, insert—

‘Maximum penalty—100 penalty units or imprisonment for 2 years.’.

20. Section 221(1) (Penalty)—

omit, insert—

‘Maximum penalty—

- (a) for a first offence—100 penalty units or 6 months imprisonment; and
- (b) for a second offence—200 penalty units or 1 year imprisonment; and
- (c) for a third or subsequent offence—400 penalty units or 2 years imprisonment.’.

21. Section 223(1) (Penalty)—

omit, insert—

‘Maximum penalty—20 penalty units or imprisonment for 6 months.’.

22. Section 224 (Penalty)—

omit, insert—

‘Maximum penalty—20 penalty units or imprisonment for 6 months.’.

23. Section 225(1) (Penalty)—

omit, insert—

‘Maximum penalty—400 penalty units or imprisonment for 2 years.’.

24. Section 227 (Penalty)—

omit, insert—

‘Maximum penalty—400 penalty units or imprisonment for 2 years.’.

25. Section 228(1) and (2) (Penalties)—

omit, insert—

‘Maximum penalty—400 penalty units or imprisonment for 2 years.’.

26. Section 229(3)—

omit all words from ‘a penalty’,

insert ‘a maximum penalty of 20 penalty units or imprisonment for 6 months.’.

27. Section 230(3)—

omit all words from ‘a penalty’,

insert ‘a maximum penalty of 100 penalty units or imprisonment for 2 years.’.

28. Section 236(3)(a) and (b)—

omit, insert—

- (a) for a first offence—20 penalty units or imprisonment for 6 months; and
- (b) for a second or subsequent offence—40 penalty units or imprisonment for 1 year.’.

29. Section 236(4)—

omit.

30. Section 237(5)—

omit ‘\$20 000’, insert ‘400 penalty units’.

31. Section 244(5) and (7) (Penalties)—

omit, insert—

‘Maximum penalty—400 penalty units or imprisonment for 2 years.’.

32. Section 257(1)(x)—

omit ‘\$1 000’, insert ‘20 penalty units’.

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.’.