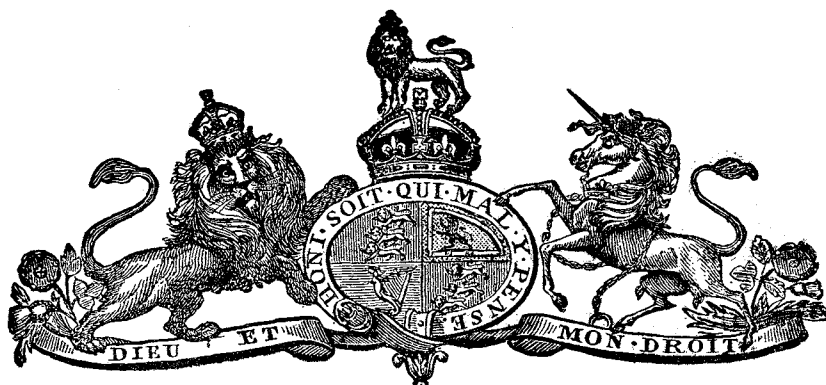


TASMANIA.



1935.

ANNO VICESIMO SEXTO
GEORGII V. REGIS.
No. 29.

ANALYSIS.

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AN ACT to amend the *Bookmakers Act 1932.*

[3 September, 1935.]

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 *Bookmakers Act 1935.*

2—(1) The enactments set forth in the first schedule are hereby repealed.

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Short title.

Repeal.

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(2) The repeal by this Act of the enactments set forth in the fourth column of the first schedule shall not affect the operation of the amendments inserted or effected in the Principal Act by such repealed enactments, and the Principal Act shall continue to be read and construed as altered by such repealed enactments as if the same had not been repealed, subject, however, to any amendments or alterations therein made by any subsequent enactments.

Amendment
of 23 Geo. V.
No. 39.
Section 1.

3 The Principal Act is hereby amended—

I. By deleting from section one thereof the words and figures—

- (a) “a date” to “proclamation” and substituting “the twenty-eighth day of December, one thousand nine hundred and thirty-two”:
- (b) “suppression” to “and”; and
- (c) “1896” to Act)” and substituting “1935”:

Section 2.

II. As to section two thereof—

- (a) By deleting “a” in the first line and substituting “the”:
- (b) By inserting as the first definition therein—
“Approved premises” means any building or premises in respect of which an approval by the Commissioner as provided by section nine is in force: and
- (c) By deleting the word “joint” in the definition of “Committee”:

III. By substituting for repealed sections three and four the following new sections three, four, and four A—

New section Betting,
3. when
lawful.

“**3** It shall be lawful for persons to bet, by way of wagering or gaming, subject to the provisions of this Act, on any racecourse during the holding of a race-meeting or coursing-meeting thereon, or in any approved premises, and their so doing shall not of itself constitute a contravention of the *Gaming Act* 1935, and shall not be a ground for such racecourse or any part thereof, or such premises, being deemed or declared to be, or to be used as, a common-gaming house or public place within the meaning of that Act.”

New section Constitu-
4. tion of com-
mittee.

“**4**—(1) There shall be constituted for the purposes of this Act a body to be called the Bookmakers Control Committee, appointed as hereinafter provided.

(2) The Committee shall consist of six members, who shall be appointed by the Governor.

3) The Governor shall appoint one of such members to be chairman of the Committee, and he shall hold office during the Governor's pleasure.

Bookmakers.

(4) The remaining five members shall be nominated as prescribed, by—

- i. The Tasmanian Racing Club :
- ii. The Tasmanian Turf Club :
- iii. The Tasmanian Trotting Association :
- iv. The Northern Tasmanian Trotting Association :
and
- v. The National Coursing Club—

respectively, and each of such bodies shall nominate one of such members.

(5) If any of the bodies mentioned in subsection (4) hereof fails to nominate as prescribed some person to represent such body, the Governor may appoint some person without such nomination.

(6) Subject to such transitory provisions as may be prescribed for securing the retirement by rotation of one member annually, or two members, each of such five nominated members shall hold office for four years, and the member, or members, to retire in each year shall be the one whose term of office has expired.”

“ 4A—(1) The Committee may make rules (in this Act called ‘ the rules ’) for the purposes of this Act, for—

Rules.

New section
4A.

- i. The registration as bookmakers of persons approved by the Committee, the registration of bookmakers’ clerks, and the conditions upon which they may obtain registration, respectively, and the grant and issue of certificates of registration :
- ii. Permitting any registered bookmaker, subject to this Act, to carry on the business of a bookmaker upon any racecourse, and in any approved premises :
- iii. The control of bookmakers and their clerks and for regulating and controlling betting and providing for the cases in which, the grounds upon which, and the manner in which any certificate of registration may be suspended or cancelled by the Committee : and
- iv. Regulating the meetings and procedure of the Committee.

(2) The rules shall impose as one of the conditions of registration the obligation upon every registered bookmaker to pay to the Registrar, on behalf of the Committee, pursuant to, and as and when required by, this Act, a sum by way of commission equal to two pounds ten shillings per centum of all moneys paid or payable,

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contingently or otherwise, to such bookmaker in respect of every bet made by him upon any racecourse in this State, or in relation to any race on any such racecourse, and a sum by way of commission equal to two pounds per centum of all moneys paid or payable, contingently or otherwise, to such bookmaker in respect of all other bets made by him.

(3) The Committee may limit the number of bookmakers to be registered in the State, or any part thereof, and may limit and define the area in which any bookmaker may carry on his business elsewhere than on a racecourse; and may define the duties and functions the performance of which shall be deemed to constitute the acting by any person as a bookmakers' clerk.” :

New section 6.

IV. By substituting for repealed section six the following new section six :—

Application for and effect of certificate of registration.

“ 6—(1) Every application for registration shall be made to the Registrar, and shall contain the particulars required by the rules, and shall be accompanied by a fee of one pound in respect of the registration of a bookmaker or ten shillings in respect of the registration of a clerk, and all such fees shall be paid into the Consolidated Revenue.

(2) A certificate of registration as a bookmaker, while in force, shall entitle the holder thereof to carry on the business of a bookmaker, subject to this Act, upon any racecourse and in any approved premises within the area specified in such certificate, but not otherwise, and in respect only of horse-racing events and coursing events.

(3) A certificate of registration as a clerk, while in force, shall entitle the holder to act as clerk to a bookmaker.

(4) Every certificate of registration shall expire on the thirty-first day of July next after it is issued, unless it is expressed to take effect only until an earlier date, when it shall expire on such earlier date.

(5) Where the Committee issues a certificate of registration for any period less than one year, the fee payable in respect thereof shall be a proportionate part only of the fee prescribed by subsection (1) hereof in respect of a certificate of the like kind.

(6) Where the Committee is satisfied that a bookmaker is temporarily unable, owing to illness or other unavoidable cause, to carry on his business, the Committee in its discretion may issue a substitute certificate of registration to some person approved by it to act in his stead for such period as the Committee may specify therein, and such certificate shall authorise such person to carry on the business of such bookmaker on his behalf during such period.

Bookmakers.

(7) Such person shall be subject to the same liability in all respects as if he were a registered bookmaker, and the bookmaker shall be responsible for all the acts of such person acting, or purporting to act, on his behalf.”:

A.D. 1935.

V. As to section nine thereof—

Section 9.

- (a) By inserting at the end of subsection (2) the words “except with the consent in writing of the Minister on the recommendation of the Committee”:
- (b) By deleting the words “building or” (twice occurring in subsection (3) and twice occurring in subsection (6)) and substituting “approved” in each case: and
- (c) In subsection (6) by deleting the word “twenty” and substituting the word “thirty” therefor, and by deleting the words “is or”:

VI. By deleting the words “and form part of” in section fifteen thereof:

Section 15.

VII. By substituting for repealed section sixteen thereof the following new section sixteen:—

New section 16.

“~~16~~—(1) Upon production to the Treasurer of a certificate from the secretary of any racing club—

Refund of stamp duty in certain cases.

- i. That any race-meeting of such club has been abandoned: or
- ii. That bets made in respect of any race held by such club have been declared off by the competent authority—

and, upon receipt of any ticket issued by a bookmaker in respect of any bet in relation to such abandoned meetings, or of any bet so declared off, the Treasurer shall allow such bookmaker credit for the amount of stamp duty printed on such ticket.

(2) Upon a statutory declaration made by a bookmaker as prescribed that any ticket has been issued by such bookmaker in respect of a bet made on a horse or dog which was not a starter in the race in respect of which the bet was made, and that the stake for such bet has been refunded or credited to the bettor, or that any ticket has been written in error and never effectively used, and, upon production of such ticket, the Treasurer may allow the bookmaker credit for the amount of stamp duty printed on such ticket.

(3) On the sale of any tickets as provided by section fourteen, the Treasurer may give credit to any bookmaker for the full face value of any stamps printed on any unused betting tickets tendered and delivered to the Treasurer by such bookmaker.”:

Bookmakers.

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Section 17.

VIII. By inserting the figure "(1)" at the beginning of section seven-teen thereof and adding at the end thereof the following new subsection (2) :—

"(2) No bookmaker, except with the consent in writing of the Committee, shall exercise his calling at any coursing meeting unless the club holding such meeting holds, or was entitled to be granted, a totalisator in respect of such meeting.

Penalty : Twenty pounds."

Section 21.

IX. By deleting from subsection (5) of section twenty-one thereof (inserted by the *Bookmakers Act 1934*) the words "The committee may define the duties of a book-makers' clerk and" :

New sec-
tion 24.

X. By substituting for repealed section twenty-four thereof the following new sections twenty-four and twenty-five :—

Search of
premises.

"**24**—(1) Upon receipt of a report from the Committee stating that it has reasonable ground for believing that any bookmaker has committed any contravention of this Act, the Commissioner may authorise a police officer to enter and search any portion of any approved premises occupied or used by such bookmaker.

(2) Such officer may thereupon search such premises, and may take possession of any books, papers, tickets, or documents thereupon found which, in the opinion of such officer, tend to show that any contravention of this Act has been committed by any such person, and anything so seized may be used in evidence in any proceedings which may be taken against any such person under this Act.

New section 25. Betting
premises

"**25**—(1) The Committee, in its discretion, with the consent in writing of the Minister and the approval of the Commissioner as provided by section nine, may provide premises for the use of bookmakers in any city or town and for that purpose may acquire or take on lease any land or buildings.

(2) Where premises are provided by the Committee as aforesaid, the same shall be let or sublet to registered book-makers in such manner and on such terms and conditions as may be prescribed.

(3) For the purposes of this section the Treasurer may authorise the Committee to apply any moneys received by it under this Act in such manner, to such extent, and subject to such conditions as may be prescribed."

Section 25.

XI. By deleting the words "Principal Act" and substituting "*Gaming Act 1935*" therefor in section twenty-five thereof and renumbering that section as twenty-six :

Bookmakers.

XII. As to section twenty-six thereof—

- (a) By inserting the figure “(1)” at the commencement :
 (b) By deleting “under and” in the first line :
 (c) By adding the following new subsection (2):—

“ 2 Such regulations may provide for the payment to the Chairman and members respectively of the Committee of such sums as the Governor may approve by way of remuneration for their services.”—

and renumbering that section as twenty-seven.

4 The *Bookmakers Act* 1934 is hereby amended as from its commencement by deleting the figures “(2)”, “(3)”, and “(3)” in the first, second, and third lines of paragraph iv. of section two thereof and substituting therefor the figures “(3)”, “(4)”, and “(4)” respectively.

5 Subject to the provisions of subsection (2) of section two, this Act shall expire on the thirty-first day of December, one thousand nine hundred and thirty-five.

A.D. 1935.

Section 26.

Amend-
ment of 25
Geo. V. No.
73, s. 2, iv.

Expiry of
this Act.

THE SCHEDULE.

Regnal Year and Number.	Title of Act.	Extent of Repeal.	Enactments the Effect of Which is Preserved Notwithstanding Repeal.
23 Geo. V. No. 39	<i>The Bookmakers Act</i> 1932	Sections 3, 4, 6, 16, 24, 24A, 24B, and 27	
25 Geo. V. No. 73	<i>The Bookmakers Act</i> 1934	The whole Act	Paragraphs I., IV. to IX., and XI. of section 2

1954

1955

1956

1957
1958
1959
1960

1961
1962