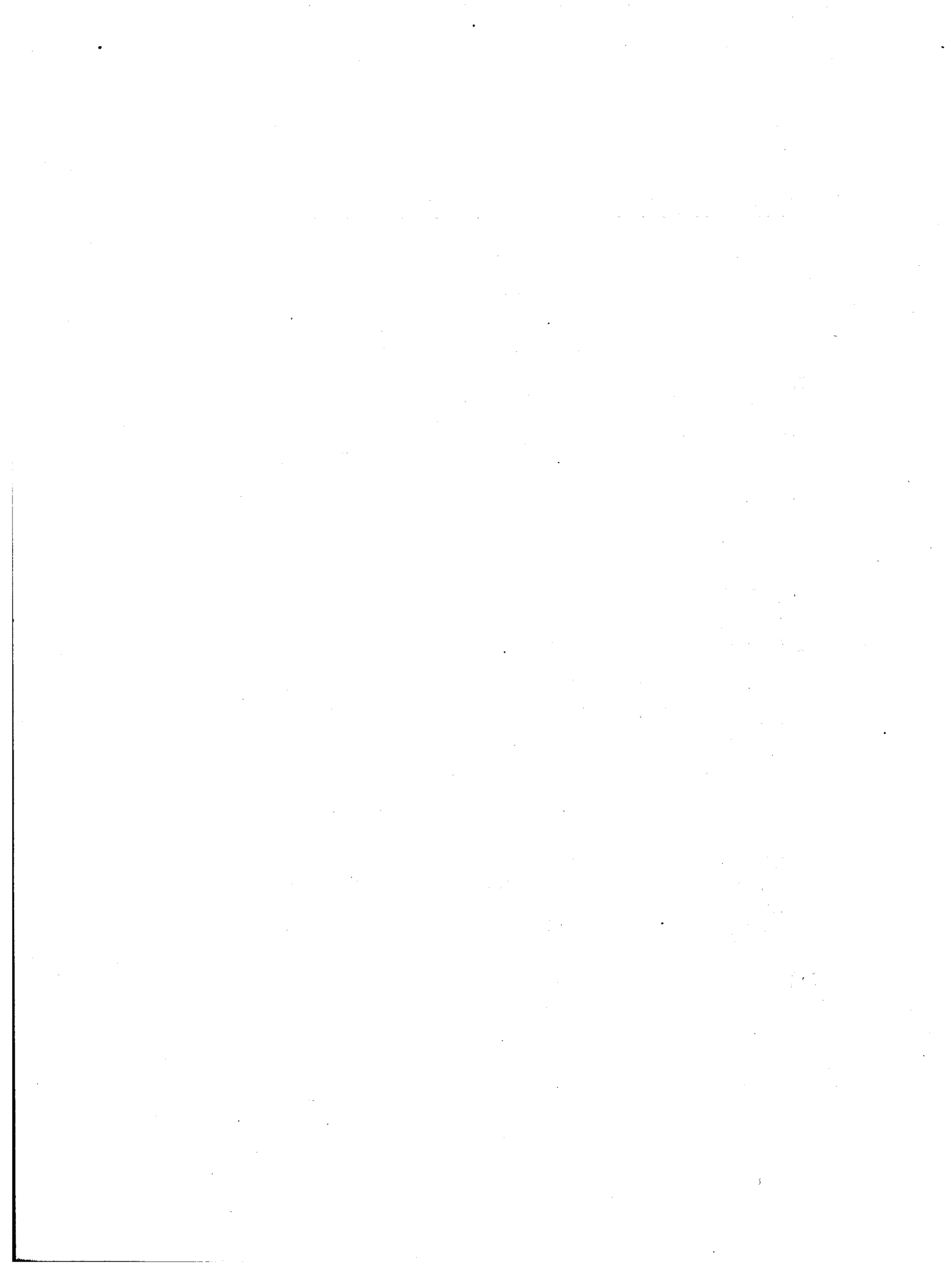


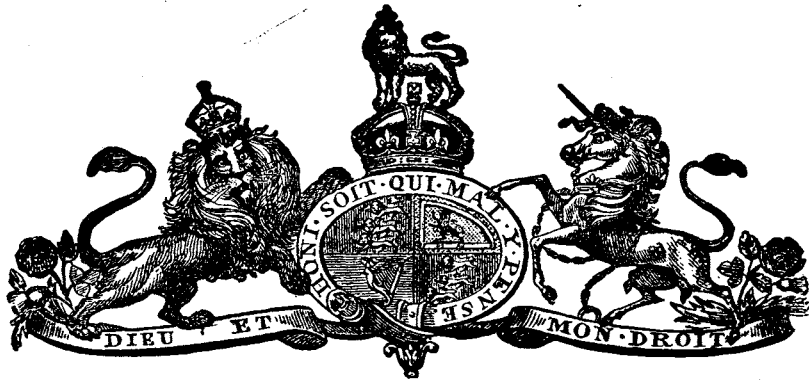
THE LOTTERIES AMENDMENT ACT, 1917.

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TASMANIA.



1917.

ANNO SEPTIMO

GEORGII V. REGIS.

No. 55.



AN ACT to amend "The Lotteries Amendment Act, 1899," and for other purposes. A.D. 1917.

[8 February, 1917.]

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—

- i. May be cited as "The Lotteries Amendment Act, 1917," and shall be construed as one with "The Lotteries Amendment Act, 1899," hereinafter referred to as the Principal Act : Short title and incorporation with 63 Vict. No. 3.
- ii. Shall come into operation on a date to be fixed by the Governor by proclamation. Commencement.

2 Section Three of the Principal Act is hereby repealed and the following substituted therefor :—

"3—(1) The use of the instrument or device known as the totalisator, or any other instrument, machine, or contrivance of a like nature, or any device for the distribution of money in a like manner to that effected by the totalisator, is hereby declared to be illegal, except when used pursuant to a licence issued under this Act, and by the direction of the committee for the time being of any horse-racing club

Repeal and re-enactment of Section 3 of Principal Act. Use of totalisator illegal except upon registered racecourses.

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upon any registered racecourse while used by any such club for the purposes of horse-racing and in connection with any horse-racing event about to be contested upon such racecourse.

Provided that no such committee shall charge, or permit to be charged, as and by way of commission, more than Twelve Pounds and Ten Shillings per centum of any money placed in or upon the totalisator; but in declaring any dividend fractional parts of a Sixpence (in this Act referred to as 'broken moeay') shall be retained in addition to such commission.

(2) Where several totalisator machines are used at a race-meeting, (whether 'inside' or 'outside' machines), they shall not be worked independently of each other so as to create different dividends or prices or several lots of broken money in respect of the same horse in the same race, but the investments on all the machines shall be pooled and dealt with as if all such machines constituted one totalisator: Provided that this subsection shall not come into operation until One month after the date fixed by the proclamation referred to in Section One of this Act.

(3) It shall be the duty of the committee of every horse-racing club to comply with the provisions of this section."

Takings, &c., of club not to be divided amongst members, or applied for other than promoting *bond fide* horse-racing, or, with consent, for charitable or patriotic purposes.

3—(1) After Section Three of the Principal Act the following section is inserted:—

"**3a** (1) No takings, receipts, profits or gains of any horse-racing club, however derived, shall—

- i. Be divisible, directly or indirectly, amongst the individual members thereof, or any of them: or
- ii. Be applied for any purpose other than promoting *bond fide* horse-racing, or (with the consent of the Chief Secretary of the State) for charitable or patriotic purposes or with the consent of the said Chief Secretary for the improvement of any freehold property of the club belonging to the club at the commencement of this Act, and from which the revenue (if any) will be applied for the purpose of promoting *bond fide* horse-racing. The expression 'promoting *bond fide* horse-racing' shall include the maintenance of and improvements to a registered racecourse, and also the defraying of the cost of the purchase, already made or hereafter to be made, by a horse-racing club, of its racecourse:

Provided that the approval of the Commissioner shall first be obtained by any horse-racing club to any purchase of a racecourse hereafter made by such club:

Provided further that where any such maintenance of or improvements to a registered racecourse are proposed to be undertaken by a horse-racing club, the approval of the Commissioner shall first be obtained by such club, but such approval shall not be required—

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- i. In the case of a racecourse owned by such club or by any municipal corporation or other local governing body or vested in or managed by the trustees of any public recreation ground : nor
- ii. In the case of any racecourse not so owned or vested or managed, to any prescribed annual expenditure in respect of such racecourse, not exceeding the sum of Twenty-five Pounds in the whole.

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(2) It shall be the duty of every horse-racing club to comply with the provisions of this section."

4 Section Four of the Principal Act is hereby repealed and the following substituted therefor :—

Repeal and re-enactment of Section 4 of Principal Act.

"**4**—(1) In this Act—

'City Area' means the area within Seven miles of the chief post-office in any city.

Licences may be issued.

Proviso.

(2) Subject to the regulations, it shall be lawful for the Commissioner to issue to the committee for the time being, of any horse-racing club licences for the use of the totalisator upon any racecourse which is registered as prescribed: Provided that licences shall not be issued in any one year sanctioning the use of the totalisator—

- i. Within any city area for more than Eighteen racing days for galloping horse-racing, nor for more than Eighteen racing days for trotting horse-racing, in such year on all the registered racecourses within such area : nor
- ii. On any other racecourse outside a city area for more than Four racing days in such year : nor
- iii. By any One horse-racing club for more than Twelve racing days in such year.

(3) Every such licence shall state the place where, and the day or days upon which the totalisator may be used pursuant to the licence.

(4) Within a city area not more than Three racecourses shall be registered as racecourses on which the totalisator may be used. In the event of applications for registration being made within the prescribed time in respect of more than Three such racecourses it shall be in the discretion of the prescribed registering authority to register which racecourses such authority thinks fit.

(5) The programme of events for a racing day for galloping horse-racing under Paragraph i. or ii. of Subsection (2) of this section may contain not more than Two trotting races.

(6) Should a meeting on any racing day for any reason be postponed or abandoned the licence to use the totalisator for such day may, with the consent of the Commissioner, apply to the day on which such postponed meeting shall be held, or to the day substituted for the abandoned meeting.

(7) Not more than One licence to use the totalisator on the same day within a city area shall be issued.

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(8) No new racecourse shall be registered except with the permission of the Minister upon the recommendation of the Commissioner."

The allotment of racing days.

5 After Section Four of the Principal Act, the following sections are inserted :—

"4a--(1) The racing days for galloping horse-racing on which the totalisator is to be used shall, from time to time, be allotted in each year as follows :—

- I. In Southern Tasmania by the association of persons controlling galloping horse-racing in that area known as the Tasmanian Racing Club, and in accordance with the rules of racing adopted by that club :
- II. In Northern Tasmania by the association of persons controlling galloping horse-racing in that area known as the Tasmanian Turf Club, and in accordance with the rules of racing adopted by that club.

(2) The racing days for trotting horse-racing on which the totalisator is to be used shall, from time to time, be allotted in each year as follows :—

- I. In Southern Tasmania by the association of persons controlling trotting-horse racing in that area known as the Tasmanian Trotting Association, and in accordance with the rules adopted by that Association :
- II. In Northern Tasmania by the association of persons controlling trotting horse-racing in that area known as the Northern Tasmanian Trotting Association, and in accordance with the rules adopted by that Association.

(3) Each of the controlling bodies mentioned in subsections One and Two hereof shall from time to time give notice in writing to the Commissioner of the racing days allotted by it pursuant to the said subsections and of any change in any one or more of such days.

(4) Should any one of the said controlling bodies or any controlling body substituted therefor as hereinafter provided, at any time cease to exist, the Minister upon being satisfied that some other body controlling racing (hereinafter referred to as 'the substituted controlling body') has been formed in place thereof shall by writing under his hand published once in the 'Government Gazette' appoint the substituted controlling body to allot racing days in lieu of the body it supersedes and which has ceased to exist, and thereupon the substituted controlling body shall thereafter exercise all the powers, and be subject to the obligations conferred or imposed by this section upon the controlling body for which it is so substituted.

(5) For the purposes of this section—

'Southern Tasmania' means such portion of Tasmania as lies on the southern side of an imaginary straight line drawn east and west through the most northerly point of the township of Antill Ponds ; and also includes the County of Montagu."

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'Northern Tasmania' means such portion of Tasmania as is not comprised in the foregoing definition of 'Southern Tasmania.'

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"**4b**—(1) Notwithstanding anything contained in this Act the Commissioner may, with the consent in writing of the Minister, and subject to the regulations, grant to any club or association or body of persons upon such terms and subject to such conditions as may be fixed by the Minister or prescribed—

In certain cases licences may be granted by the Commissioner with the consent of the Minister.

- i. Licences sanctioning the use of the totalisator on any race-course within a city area for racing-days for horse-racing in excess of the statutory number so fixed as aforesaid by Section Four of this Act, for any charitable, benevolent, patriotic, or special purpose, or for the convenience of a country club whose racecourse, through some misfortune, is not available for racing : Provided that such excess days where allowed for charitable, benevolent, patriotic, or special purpose, shall not exceed Three in the whole for all the racecourses in any such area in any one year :
- ii. In any case where the club or association or body of persons holds a horse-racing meeting upon One day only in the year, a licence to use the totalisator for horse-racing purposes on One day only in the year on any racecourse outside a city area—

notwithstanding that such racecourse is not registered under this Act, and notwithstanding that the provisions of Subsection (1) of Section **4c** of this Act and of Paragraphs i., iv., and v. of Section Five of this Act are not complied with.

(2) The provisions of this Act and the regulations, save as varied by or pursuant to this section or altered by regulations, shall apply to and in respect of any such club, or association, or body of persons to whom a licence is granted pursuant to this Section as if they were a horse-racing club, or the committee of a horse-racing club, as the case may require.

(3) Not more than Twenty-nine such licences shall be granted in any one year under Paragraph ii of Subsection (1.) of this section.

"**4c**—(1) Every existing and every new horse-racing club shall at the time of or prior to making its First application after the passing of this Act for a totalisator licence, out of the funds of the club pay to the Commissioner a sum of Fifty Pounds to be deposited in the State Treasury.

Horse-racing clubs to pay deposit into Treasury. Interest to be paid to club.

Provided that where the racecourse used as a general practice for horse-racing by any such club is not situate within a city area the sum to be so deposited shall be Twenty-five Pounds.

(2) The State Treasurer shall be entitled to use any such deposit on behalf of the State, but shall—unless the same becomes forfeited—pay annually to the club making the deposit interest thereon, or on so much thereof as for the time being remains in the Treasury, at the rate of Four Pounds per centum per annum.

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Whenever club ceases to race its affairs to be wound up, and accounts made up, and a correct final balance-sheet duly made out, audited, and verified, shall be forwarded to the Commissioner.

(3) Whenever a horse-racing club ceases to race it shall cause its affairs to be wound up forthwith in the prescribed manner, and the accounts of the club to be properly made up, and a correct final balance-sheet, showing the whole of its assets and liabilities, to be duly made out, audited, and verified as prescribed, and forwarded to the Commissioner within the prescribed time.

If any breach on the part of any horse-racing club of any of the provisions of this section occurs, every person whose name appears as a member of such club in the last list or copy list of members furnished to the Commissioner by or on behalf of such club, shall be conclusively deemed to have caused the breach, and shall be liable to a penalty of not less than Five Pounds, and not more than Fifty Pounds.

Without restricting the meaning of the expression 'ceases to race' used in this section, any horse-racing club which holds no race meeting for a continuous period of Twelve months shall be deemed conclusively to have ceased racing; provided that if any such club shows cause to the satisfaction of the Minister for so abstaining from racing, the Minister shall substitute for the said period such longer period as he thinks reasonable under the circumstances of the case.

If balance-sheet shows debit balance refund to be made in respect of deposit.

(4) If the said final balance-sheet shows a debit balance and outstanding liabilities the Treasurer of the State shall upon the Commissioner certifying in writing, under his hand, that a refund should be made to the club in respect of its said deposit, pay the amount of the said deposit made with him by such club as aforesaid, together with any interest due and unpaid thereon, or so much thereof as may be needed for the purpose, to the prescribed person, to be applied in or towards the liquidation of such outstanding liabilities.

Where balance-sheet shows credit balance, assets of club to vest in Public Trustee for charitable purposes.

(5) Where any such final balance-sheet of any horse-racing club so ceasing to race, shows a credit balance, all the funds, assets, and property of such club, subject to provision being made thereout for payment of any outstanding liabilities shown in the said balance-sheet, and actually owing, shall become the property of and vest in the Public Trustee without the necessity of any conveyance or assignment, and the Public Trustee shall be deemed to have been appointed a trustee thereof by such club, pursuant to Subsection (7) of Section Ten of 'The Public Trust Office Act, 1912,' and shall hold such funds, assets, and property, upon trust to realise the same, and apply the same and the net proceeds thereof for such charitable purposes as the Chief Secretary for the time being may direct.

3 Geo. V. No. 26.

(6) The provisions of this section applicable to any horse-racing club which ceases to race, shall extend to any horse-racing club to or on behalf of which any totalisator licence was issued during the Twelve months preceding the commencement of this Act, notwithstanding such club ceased to race prior to the commencement of this Act."

Repeal and re-enactment of Section 5 of Principal Act. No licence to be granted unless

6 Section Five of the Principal Act is hereby repealed, and the following substituted therefor :—

"**5** No totalisator licence shall be issued to the committee of any horse-racing club—

Lotteries Amendment.

- i. Unless such club has paid to the Commissioner the deposit mentioned in Section **4c** of this Act ; nor
- ii. Unless the Commissioner is satisfied that such club has complied with the provisions of Section **3a** of this Act ; nor
- iii. Unless the Commissioner is satisfied that such club is not a proprietary club, and has no relations with any persons contrary to the spirit of *bonâ fide* and non-proprietary horse-racing ; nor
- iv. Unless there are at least Fifty members of such club if the racecourse used by such club is situated within a city area, or Twenty-five members if it is situated outside a city area ; nor
- v. Unless the annual subscriptions paid by the members of such club amount to Fifty Pounds if the racecourse used by the club is situate within a city area, or to Twenty-five Pounds if it is situated outside a city area ; nor
- vi. If the Commissioner has reason to believe that such club is not acting with good faith, or is, by payment of excessive salaries or remuneration, or by any other means, attempting to act contrary to or evade the provisions or intention of this Act ; nor
- vii. If the club is a new racing club established or formed after the commencement of this Act, unless with the permission of the Minister upon the recommendation of the Commissioner. Provided that no such permission shall be given during the present war and for Twelve months after the termination thereof.

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deposit paid and club has specified membership which pays specified subscription, &c. Cf. No. 19 of 1912, s. 15 (W.A.).

Before issuing any licence the Commissioner may require proof of compliance with the requirements of this section.

Subject to the provisions of this Act the issue of any totalisator licence shall be in the discretion of the Commissioner."

7 After Section Five of the principal Act the following section is inserted—

"**5a** Every horse-racing club shall annually, or oftener if so required by the Commissioner, cause the name and address of its secretary for the time being, and its list of members and a copy of its balance-sheet and revenue account duly certified to as prescribed, to be supplied to the Commissioner."

Such balance-sheet and revenue account shall—

- i. Be in the prescribed form : and
- ii. Contain the prescribed particulars and be in respect of the prescribed period : and
- iii. Be audited and verified as prescribed.

Until such name and address, list, copy balance-sheet and revenue account are so supplied on behalf of such club, no totalisator licence shall be issued to the committee of that club."

List of members and copy balance-sheet, &c., to be supplied to Commissioner of Police.

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Repeal and
re-enactment of
Section 6 of
Principal Act.
Appropriation.

8 Section Six of the Principal Act is hereby repealed, and the following substituted therefor :—

“**6** Out of the moneys retained by any committee as and by way of commission on any money placed in or upon the totalisator, there shall be payable and paid by such committee to the Treasurer of the State towards the Consolidated Revenue, a sum equal to Two Pounds and Ten Shillings per centum of the total sum of money placed in or upon the totalisator, and such committee shall also pay to the said Treasurer towards the Consolidated Revenue the whole of the broken money retained by such committee.”

Unclaimed
dividend defined.

9 After Section Seven of the Principal Act the following section is inserted :—

“**7a**—(1) In this section the expression ‘unclaimed dividend’ means any dividend payable in respect of an investment on a totalisator which remains unclaimed or unpaid at the expiration of Twenty-eight days after the day of the race-meeting on which the investment was made or the day on which the dividend became payable.

How to be
disposed of.

(2) All unclaimed dividends shall be paid to the credit of, distributed amongst, or applied to such One or more charitable or patriotic funds, institutions, or purposes, and in such proportions as the committee shall, subject to the approval of the Chief Secretary of the State, determine.

Return to be
made to Com-
missioner of
Police.

(3) The committee of any horse-racing club, who, or whose officers, are in possession of any unclaimed dividend shall, within Two calendar months after the day of the race meeting at which the investment was made, in respect of which the unclaimed dividend was payable, forward to the Commissioner a statutory declaration in such form as may be prescribed under the hand of, and made by, the secretary of such club, stating the amount of every such unclaimed dividend, and the manner in which the same has been disposed of, and setting forth such particulars in relation to the foregoing as may be prescribed.

When right of
recovery barred.

(4) The right of an investor on a totalisator, or any person claiming through him, to recover payment of any dividend payable in respect of an investment on a totalisator shall be absolutely barred after the expiration of Twenty-eight days from the day of the race-meeting on which the investment was made or the day on which the dividend became payable, and no action shall thereafter be maintainable in any court for the recovery of any such dividend.”

Amendment of
Section 8 of
Principal Act.

10 Section Eight of the Principal Act is hereby amended by inserting immediately after the word “commission” the words “or otherwise.”

Club to keep
proper accounts.

11 After Section Eleven of the Principal Act, the following section is inserted :—

“**11a** Every horse-racing club shall cause proper books to be provided and kept, and true and regular accounts to be entered therein of all the transactions of the club, and of all sums of money received and

Lotteries Amendment.

paid by, or on behalf of the club or in relation to its affairs, and of the several purposes for which such sums of money have been received and paid. The secretary of the club shall have the custody of all such books and all vouchers and documents connected with the accounts and they shall, at all reasonable times, be open to the inspection of any member of the club, or creditor, or the Commissioner, or any person authorised in writing by the Commissioner to make an inspection, without payment of any fee. A.D. 1917

The persons aforesaid, or any of them, may take copies of, or extracts from, the said books, vouchers, and documents without payment of any fee.

If the secretary or any other person in possession of the said books, vouchers, or documents does not, on the reasonable demand of any such person as aforesaid, permit him to inspect the same, or any of them, or to take copies or extracts as aforesaid, he shall for every such offence, be liable to a penalty not exceeding Fifty Pounds."

12 Section Thirteen of the Principal Act is hereby amended by— Amendment of Section 13 of Principal Act.

i. Inserting immediately before the definition "Court" the following definitions:

"Commissioner of Police" or "Commissioner" means the Commissioner of Police for the time being of this State, and includes an acting or deputy Commissioner of Police: and

"Committee" means the committee of a horse-racing club, and includes the governing or executive body of a horse-racing club:

ii. Inserting at the end thereof the following definition: "This Act" includes regulations made under this Act."

13 The Principal Act is hereby further amended by omitting therefrom the words "or stewards" wherever occurring throughout the Principal Act. Further amendment of Principal Act.

14 After Section Sixteen of the Principal Act the following sections are inserted—

"**16a**—(1) The Governor may make any regulations which he may deem necessary or convenient for carrying out any of the provisions of this Act, or for better effecting the objects of this Act, and preventing any evasion of any provision of this Act, and in particular (without limiting the effect of this section) for all or any of the following purposes, namely:— Governor may make regulations.

- i. As to any matter in connection with which the expression 'prescribed' is used in this Act, or in respect to any purpose for which regulations are contemplated by this Act:
- ii. Prohibiting and preventing anything in the nature of proprietary racing:
- iii. For the investigation of the affairs of horse-racing clubs:

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- iv. With respect to the use of totalisators on racecourses, and the conditions under which they may be used :
- v. Providing for the registration of racecourses on which it is intended to use the totalisator, regulating the manner and duration of such registration ; and prescribing the terms and conditions on which such racecourses may be registered, and the payment of a registration fee of One Pound ; regulating the granting and issue of certificates of registration, and appointing a registry and registering authority where and by whom such racecourses may be registered :
- vi. Prescribing what returns, accounts and balance-sheets shall be furnished by committees of horse-racing clubs, and by owners of racecourses, and the particulars to be contained in such returns, accounts and balance-sheets, and the times when the same shall be furnished, and to whom ; and for the inspection and examination of the books and accounts of horse-racing clubs, and as to the audit and verification of accounts and balance-sheets :
- vii. Providing that a maximum rent shall be fixed by a prescribed authority in respect of the use of any racecourse as such.

(2) Any such regulation may fix penalties, not exceeding in any case the sum of Twenty Pounds, for any breach of the same or any other regulation."

General penalty
for breach of
duty.

"**16b** Where by any provision of this Act the performance of any duty is imposed upon any horse-racing club or the committee thereof, and a breach of such duty occurs, then if no penalty is otherwise expressly provided by this Act in respect of such breach—every member of the committee of such club, and the secretary thereof, shall be conclusively deemed to have caused such breach, and shall be liable to a penalty not exceeding Twenty Pounds."

Amendment of
Section 17 of
Principal Act.

15 Section Seventeen of the Principal Act is hereby amended by—

- i. Inserting immediately after the word "determined" in the Second line thereof the words "and all penalties or other moneys imposed or payable under this Act may be recovered" :
- ii. Omitting from the Third line thereof the words "any Two," and substituting therefor the words "a police magistrate or any Two or more."

Amendment of
Section 2 of
42 Vict. No. 17.

16 The provisions of Section Two of "The Lotteries Act, 1878," shall not apply to any lottery carried on under the authority of the law of this or any other State of the Commonwealth.