

LOTTERY AND GAMING ORDINANCE 1958.*

An Ordinance to amend the *Lottery and Gaming Ordinance* 1940-1951.†

Short title
and citation.

1.—(1.) This Ordinance may be cited as the *Lottery and Gaming Ordinance* 1958.*

(2.) The *Lottery and Gaming Ordinance* 1940-1951† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance as amended by this Ordinance may be cited as the *Lottery and Gaming Ordinance* 1940-1958.

Commence-
ment.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.‡

Parts.

3. Section four of the Principal Ordinance is amended by omitting the words “Part V.—Race Meetings.” and inserting in their stead the words “Part V.—Control of Racing.”

4. Part V. of the Principal Ordinance is repealed and the following Part inserted in its stead:—

“PART V.—CONTROL OF RACING.

Definitions.

“68. In this Part, unless the contrary intention appears—

‘club’ means—

(a) a racing club; or

(b) an association or other body of persons established for the purpose of promoting, conducting or controlling the sport of horse racing, and consisting of not less than fifty members;

‘committee’ means the committee or other governing body of a club at any material time;

‘horse racing’ includes trotting racing and pony racing;

* No. 8, 1958; assented to by Administrator on 12th May, 1958.

† See page 1318.

‡ No date had been fixed up to 1st January, 1961.

‘non-proprietary’, in relation to a club, means a club the constitution of which—

(a) provides for the application of profits, if any, and other income of the club to the promotion of its objects; and

(b) prohibits the payment of any dividends to the members of the club;

‘person’ includes a club, and a body or other association of persons incorporated or unincorporated;

‘principal club’ means a racing club prescribed under this Ordinance to be a principal club;

‘race’ includes contest or trial;

‘race meeting’ means a meeting for horse racing;

‘racing club’ includes a body or other association of persons (whether incorporated or unincorporated and whether a registered club or not) promoting, conducting, or controlling or formed for promoting, conducting, or controlling a race meeting;

‘registered’, in relation to a club, means a principal club or a club registered as a racing club by a principal club;

‘Rules of Racing’ means the rules—

(a) governing horse racing (other than trotting racing) under the control of a principal club; and

(b) being, in relation to a principal club, an amalgamation, approved by the Administrator, of the Australian Rules of racing as adopted by that principal club, and the local rules of racing of that principal club.

“69. This Part does not apply to or in relation to a trotting race held on ground used for the purposes of an agricultural, horticultural, pastoral or industrial show if—

Trotting races
on show
grounds

(a) the trotting race is conducted—

(i) by an association approved in writing by the Administrator; and

(ii) on a day on which the show is held by the association;

(b) the Administrator has in writing given approval, which is in force, to—

(i) the holding of the show and the conducting of the trotting race by the association; and

- (ii) the conditions which apply to the trotting race; and
- (c) no betting takes place on the ground.

Duties of the committee.

“ 70. Where a provision of this Ordinance relates to a club, a race-course under the care, management, supervision or control of a club, or a person on such a race-course, the committee of the club shall ensure that the provision is complied with.

Application of Rules of Racing.

“ 71.—(1.) Subject to this Ordinance, the Rules of Racing shall be applied to and in relation to horse racing in each area in relation to which a declaration under paragraph (c) of sub-section (1.) of the next succeeding section is in force.

“ (2.) In the application of the Rules of Racing in accordance with the last preceding sub-section, such adaptations of those Rules shall be made as are necessary for the purpose of giving effect to this Ordinance.

“ (3.) A racing club shall not make or permit an exemption or waiver of any of the Rules of Racing if the making or permitting would prevent or avoid effect being given to this Ordinance.

Principal clubs.

“ 71A.—(1.) For the purpose of this Ordinance and the Rules of Racing, the Administrator may, when he deems it necessary or expedient to do so, by notice in the *Gazette*—

- (a) appoint a racing club to be a principal club;
- (b) declare that a racing club shall cease to be a principal club; and
- (c) declare an area to be the area in respect of which a principal club shall have jurisdiction as a principal club for the purposes of this Ordinance and the Rules of Racing.

“ (2.) A racing club may be appointed under the last preceding sub-section to be a principal club—

- (a) in addition to a racing club already so appointed; or
- (b) instead of a racing club which, pursuant to a notice in the *Gazette* under the last preceding sub-section, ceases to be a principal club.

Non-proprietary clubs.

“ 71B.—(1.) A club shall not divide, directly or indirectly, any takings, receipts, profits, or gains of the club, however derived, among its individual members or any of them.

“(2.) A club shall apply the takings, receipts, profits and gains of the club, however derived, only—

- (a) for the promotion and advancement of horse racing carried on in good faith for the improvement of the breed of horses in the Northern Territory; or
- (b) with the approval of the Administrator, for a charitable, benevolent or patriotic purpose or a special purpose approved by the Administrator.

“(3.) For the purposes of sub-section two of this section, the promotion of horse racing shall be deemed to include—

- (a) the purchase by a club of its race-course;
- (b) the improvement of any property of a club, the revenue from which is applied solely for the promotion of horse racing; and
- (c) the maintenance of, and the making of improvements to, a race-course.

“(4.) Nothing in this section shall prevent—

- (a) the payment to a member of a club of—
 - (i) principal or (subject to the rate per centum not exceeding that payable for the time being to the Commonwealth Trading Bank of Australia in respect of bank overdrafts) interest payable in respect of moneys lent to the club by the member; or
 - (ii) subject to the Administrator having approved of the lease prior to its execution, rent in respect of a lease by the club of a race-course owned by the member; or
- (b) the expenditure by the club of amounts for the purpose of—
 - (i) providing entertainment for the members of the club in common with other persons;
 - (ii) defraying the expenses of a member of the club attending, on behalf of the club, a conference or meeting of persons interested or concerned in the sport of horse racing, or in the control or conduct of race meetings;
 - (iii) the payment by a club to, or the receipt by, a member of a club of moneys awarded to the owners or lessees of horses that win or are placed in horse races conducted by the club; or

- (iv) the payment by a club to a person (whether a member of the club or not) of such costs, fees or expenses, or such classes of costs, fees or expenses, as are prescribed.

Registration of racing clubs.

“71C.—(1.) Without derogating from the provisions of section seventy-one of this Ordinance, the provisions of the Rules of Racing relating to the registration of racing clubs by a principal club shall be read subject to this section.

“(2.) A principal club shall not register any racing club which is not a non-proprietary club or renew the registration of any racing club which after being registered by the principal club has ceased to be a non-proprietary club.

“(3.) If a racing club registered by a principal club fails, in any respect, to continue to be a non-proprietary club, the principal club shall revoke the registration.

“(4.) If a racing club which is registered by a principal club contravenes section seventy-one B of this Ordinance, that principal club shall revoke the registration of the racing club and may do so notwithstanding that there has been no prosecution for an offence under this Ordinance in respect of that contravention.

“(5.) A racing club may appeal to the Administrator against the refusal of a principal club to register it or to renew its registration, or against the revocation by a principal club of its registration.

“(6.) A decision of the Administrator with respect to an appeal under the last preceding sub-section is final and without further appeal and is binding upon the principal club, the racing club, and all other persons concerned.

“(7.) A principal club, racing club, or other person bound by a decision under the last preceding sub-section shall comply with that decision.

Penalty: Fifty pounds.

“(8.) A charge, conviction or penalty under the last preceding sub-section does not operate to prevent the enforcement by any other means of a decision made under sub-section (6.) of this section.

Race meetings outside declared areas.

“71D. A principal club shall not impose any penalty or disadvantage on a person by reason only of the fact that the person has taken part in a race meeting or the conduct of racing outside the area in respect of which the principal club has jurisdiction under this Ordinance.

“71E.—(1.) Every club shall cause its books and accounts to be audited at least once in every financial year—

Audit of books and accounts of clubs.

(a) in the case of a club operating in an area in respect of which a principal club has jurisdiction under section seventy-one A of this Ordinance—by a person qualified and practising as a public accountant; or

(b) in any other case—by a competent person.

Penalty: One hundred pounds.

“(2.) The Administrator may, if he thinks fit, direct a club to permit an auditor nominated by the Administrator to make an audit of the books and accounts of the club.

“(3.) A club so directed shall comply with the direction and render such assistance as the nominated auditor requires and requests for the making of the audit.

Penalty: One hundred pounds.

“(4.) Where an auditor nominated by the Administrator makes an audit of the books and accounts of a club under this section, the cost of the audit shall be paid by the club to the Administrator, and, if not paid forthwith, upon the amount of the cost being made known to the club by the Administrator, may be recovered in any court of competent jurisdiction.

“71F.—(1.) A race meeting shall not be held at any race-course unless the race-course is licensed under this Ordinance.

Licensing of race-courses.

“(2.) A race meeting shall not be held at any race-course if the circumference of the running ground of the race-course, measured three feet from the inner boundary is less than six furlongs.

“(3.) The number of days in any one year on which race meetings are held on any licensed race-course, shall not exceed such number as is prescribed.

“(4.) If a race meeting is held in contravention of this section—

(a) the owner or trustees of the race-course at which the race meeting is held; and

(b) the club, association or person and each member of the managing body of the trustees, club or association by or on behalf of which or whom the race meeting is held,

shall be guilty of an offence and punishable, upon conviction of a fine not exceeding One thousand pounds.

“71G.—(1.) The Administrator may, on such terms and conditions as are prescribed, grant a licence in respect of any race-course, and renew such a licence.

Issue of licences.

“(2.) A licence under the last preceding sub-section shall continue in force until the thirty-first day of December in the year in which it is granted, or in which it is renewed, as the case may be, and no longer.

“(3.) The Administrator may, for any good cause, cancel a licence granted or renewed under this section.

“(4.) The fee for a licence shall be as prescribed.

Days of race meetings.

“71H.* Race meetings may be held on licensed race-courses on such days as are approved by the Administrator in Council.

Proprietary racing unlawful.

“71J. Subject to this Ordinance, no person other than a non-proprietary club shall conduct a race meeting.

Unlawful racing.

“71K.—(1.) A person shall not—

(a) unlawfully conduct a race meeting; or

(b) assist in conducting, or promote or assist in promoting, a race meeting which it is unlawful to conduct.

Penalty: One thousand pounds.

“(2.) For the purpose of this section ‘assist in conducting’ includes, without limit to the generality of the meaning of that phrase, act as starter, judge or stipendiary steward.

Occupier permitting unlawful racing.

“71L. An occupier of any ground shall not permit or suffer a person to unlawfully conduct a race meeting on that ground.

Penalty: One thousand pounds.

Advertising, &c., unlawful racing.

“71M. A person shall not—

(a) print, publish, sell, circulate, distribute, exhibit or post up; or

(b) cause, procure, permit or suffer to be printed, published, sold, circulated, distributed, exhibited or posted up,

any placard, handbill, card, writing, advertisement, information or notice which directly or indirectly relates to any intended race meeting or horse race which it is unlawful to conduct.

Penalty: Fifty pounds.

Application to unlawful race meetings, &c.

“71N. The provisions of the last three preceding sections apply with respect to a race meeting the conducting of which is in any respect unlawful under any of the provisions of this Part.

Duties of clubs with respect to illegal bookmaking.

“71P.—(1.) A racing club shall not permit or suffer a person to carry on the business of or act as a bookmaker contrary to a provision of this Ordinance on a race-course then under the control of that racing club.

Penalty: One hundred pounds.

“(2.) For the purposes of this section and without prejudice to any other means of proving that element of any alleged offence against this section, proof that a racing club on any day conducted a race meeting on a race-course shall be conclusive proof that that race-course was at all time throughout that day under the control of that club.

“71Q. The regulations under this Ordinance may—

- (a) require all clubs, or all clubs included in a prescribed class of clubs, to submit their rules to the Administrator;
- (b) provide that the Administrator may, in his discretion, approve or disapprove all or any of the rules of a club so submitted to him or approve all or any of those rules subject to such amendments as he directs;
- (c) prescribe what a club shall do or cause to be done to ensure that its rules are in accordance with a direction given in accordance with the last preceding paragraph;
- (d) prohibit a club from—
 - (i) making a new rule; or
 - (ii) amending or rescinding a rule approved by the Administrator,
without the approval of the Administrator;
- (e) provide for the hearing of appeals under this Ordinance; and
- (f) provide that the Administrator may require that a person to whom he has delegated his powers under this Ordinance to hear appeals under this Part shall make a recommendation on an appeal heard in the exercise of the delegated powers.”.

Regulations may provide for certain matters.