

RACING AND GAMING.

No. 71 of 1955.

AN ACT to amend the *Racing and Gaming Act 1952*.
[22 December, 1955.]

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:—

Short title and citation.

1—(1) This Act may be cited as the *Racing and Gaming Act 1955*.

(2) The *Racing and Gaming Act 1952*, as subsequently amended, is in this Act referred to as the Principal Act.

Interpretation.

2 Section three of the Principal Act is amended—

- (a) by adding at the end of the definition of “book-maker” the words “, and includes a person who is the holder of a provisional certificate of registration under section fifty-nine A ”; and
- (b) by omitting from the definition of “broken money” the word “threepence” and substituting therefor the word “sixpence”.

Returns and information to be furnished by clubs.

3 Section thirty-five of the Principal Act is amended—

- (a) by omitting from subsection (2) the words “certified by the Auditor-General” (first occurring) and substituting therefor the words “audited and certified as provided in section thirty-seven”; and
- (b) by omitting from that subsection the words “by the Auditor-General” (second occurring) and substituting therefor the words “as provided by section thirty-seven”.

4 Section thirty-seven of the Principal Act is repealed and the following section is substituted therefor:—

Audit of accounts.

“37—(1) Each club shall at the end of the financial year used by it cause its accounts for that year to be balanced and full and true statements and accounts of its receipts and expenditure for that year to be prepared, and shall cause its accounts kept under section thirty-six and the statements and accounts prepared under this section to be audited within three months after the end of that year by a person licensed as an auditor for companies under section one hundred and twenty-four of the *Companies Act 1920*.

(2) At an audit under this section the auditor shall either certify that the statements and accounts prepared under this section are correct or, as soon as he finds that he is unable so to certify, report to the Commission that fact and in what respect the statements and accounts are deficient.

(3) The Commission may direct a club or a controlling body to submit all or any of its accounts for audit by the Auditor-General and in that case the provisions of the *Audit Act 1918* shall apply in respect of the relevant accounts as if the club or controlling body, as the case may be, were a local authority within the meaning of that Act."

- 5** Section forty-three of the Principal Act is amended—
- (a) by omitting the word "and" at the end of paragraph (a) of subsection (4);
- (b) by inserting after paragraph (a) the following paragraph:—
- “(ab) all payments made by the Commission pursuant to subsection (4A) of this section; and”;
- (c) by inserting after subsection (4) the following subsections:—
- “(4A) The Commission may, in its absolute discretion, make to the owner or lessee of a race-course or to a committee such grants or advances out of the fund as the Commission thinks fit for the purpose of—
- (a) assisting the owner, lessee, or committee to provide or improve; or
- (b) defraying, or assisting a committee to defray, any expenses incurred by the committee in providing, facilities for the conveyance and treatment of, or for aid to, injured jockeys.
- “(4B) A grant or an advance under subsection (4A) of this section may be made unconditionally or subject to such conditions as the Commission may impose.”

Fund for the relief of jockeys and their dependants.

6 Section fifty-two of the Principal Act is amended by inserting at the end of subsection (2) the words "or of any other fund created by the Commission for the purpose of assisting racing in Tasmania".

Unclaimed dividends.

7 Section fifty-three of the Principal Act is amended by omitting from subsection (2) the word "threepence" and substituting therefor the word "sixpence".

Commission that may be charged by person using a totalizator.

8 Section fifty-five of the Principal Act is amended by omitting subsection (3) and substituting therefor the following subsection:—

Supervision of totalizators.

“(3) The fees to be paid to officers appointed under this section shall be paid by the Commission as part of the costs of the administration of this Act.”

Registration
of bookmakers
and book-
makers'
clerks.

9 Section fifty-nine of the Principal Act is amended by omitting subsection (8) and substituting therefor the following subsections:—

“(8) Where a bookmaker is temporarily unable, owing to illness or other unavoidable cause, or for any other reason approved by the Commission, to carry on his business, the Commission may, in its absolute discretion, or a person authorized by the Commission under subsection (8A) of this section may, subject to that subsection, but otherwise in his absolute discretion, grant a substitute certificate of registration to some person approved by the Commission or the firstmentioned person to act in the bookmaker’s stead for such period as may be specified in the certificate.

“(8A) For the purposes of subsection (8) of this section, substitute certificates of registration may be granted by any person who is authorized in that behalf, in writing, by the Commission, but persons who are so authorized shall, in granting substitute certificates of registration, comply with such conditions and directions as the Commission may impose or give, either generally or in particular cases.

“(8B) A substitute certificate of registration under subsection (8) of this section has effect to authorize the person to whom it is granted to carry on the business of the relevant bookmaker on his behalf during the period specified in the certificate.”.

10 After section fifty-nine of the Principal Act the following section is inserted:—

Provisional
certificate of
registration
as a book-
maker.

“59A—(1) Upon receipt of an application for registration as a bookmaker by a person who has never before been registered as a bookmaker under this or any corresponding previous enactment the Commission may, in its absolute discretion, grant to that person a provisional certificate of registration as a bookmaker.

(2) A provisional certificate of registration under this section, subject to the observance by the holder thereof of such conditions (if any) as the Commission may impose and as may be specified in the certificate—

- (a) shall, unless it is sooner cancelled, remain in force for such period, not exceeding twelve months after it is granted, as may be specified therein, but may be extended for such further period or periods, not exceeding twelve months in the aggregate, as the Commission may think fit;
- (b) while in force, shall entitle the holder thereof to carry on the business of a bookmaker as if it were a certificate of registration under section fifty-nine; and
- (c) may, in the absolute discretion of the Commission, be cancelled by the Commission at any time by notice in writing to the holder thereof.

(3) The cancellation of a provisional certificate of registration under this section is not subject to appeal.

(4) Subject to this section, the provisions of this Part (other than sections sixty and sixty-three), so far as they are applicable, apply to a provisional certificate of registration under this section and to the holder thereof, as if the certificate were a certificate of registration under section fifty-nine and the holder thereof were the holder of a certificate of registration under that section.”.

11 Section sixty of the Principal Act is amended—

(a) by omitting paragraph (e) of subsection (1) and transposing the word “or”, after paragraph (d) of that subsection, to follow paragraph (c) thereof;

Suspension
or cancellation
of certificates
of registra-
tion.

(b) by inserting after that subsection the following subsection:—

“(1A) If the Commission has reasonable ground to believe that a bookmaker has been guilty of misconduct of such a nature that, in the opinion of the Commission, it is not proper that he should be permitted to continue to hold a certificate of registration as a bookmaker the Commission may, after holding an inquiry in accordance with this section, cancel the certificate of registration of that bookmaker.”;

(c) by inserting after subsection (6) the following subsection:—

“(6A) Where, pursuant to subsection (6) of this section, the Commission suspends the certificate of registration of a bookmaker, or orders the continuance of the suspension of the certificate of a bookmaker, it may also order that the bookmaker be disqualified from the grant of a certificate of registration as a bookmaker for such period after the date on which the first-mentioned certificate would, but for the suspension thereof, have expired as the Commission may think fit.”;

(d) by inserting in subsection (8), after the word “section”, the words “or where the Commission, pursuant to subsection (6A) of this section, orders that a bookmaker be disqualified from the grant of a certificate of registration,”; and by inserting in that subsection, after the word “certificate” (last occurring), the words “or for the disqualification of the bookmaker,”;

(e) by inserting in subsection (9), after the word “continued”, the words “or that the bookmaker be disqualified from the grant of a certificate of registration,”; and

(f) by inserting in subsection (11), after the word “registration”, the words “, or an order for the disqualification of a bookmaker from the grant of a certificate of registration,”.

Betting
premises.

12 Section sixty-six of the Principal Act is amended—

- (a) by inserting in subsection (10), after the word “behalf”, the words “or a police officer who is authorized under section eighty-one to exercise the powers conferred on police officers by that section”;
- (b) by omitting from that subsection the word “officer” (last occurring) and substituting therefor the words “officer of the Commission or a police officer”; and
- (c) by omitting subsection (14).

Provision as
to disposal of
unclaimed
winnings.

13 Section seventy-four of the Principal Act is amended by inserting in subsection (5), after the words “forty-three”, the words “or of any other fund created by the Commission for the purpose of assisting racing in Tasmania”.

Application of
Part VI.

14 Section eighty-three of the Principal Act is amended—

- (a) by omitting the word “or” at the end of paragraph (b); and
- (b) by adding at the end thereof the following paragraph:—

“; or
“(d) a find the ball, missing ball, or similar competition if, of the entrance moneys received by the promoter, one-half is given to such charitable purposes as the Minister may approve and the other half is distributed among the competitors as prize money.”.

15 Section eighty-eight of the Principal Act is repealed and the following section is substituted therefor:—

Raffles, &c.

“88.—(1) A police officer of or above the rank of sergeant, or who is in charge of a station, may by a permit under his hand in the prescribed form authorize a person who applies in accordance with subsection (3) of this section to conduct a raffle or series of raffles subject to the prescribed conditions and such other conditions (if any) as he may impose, at a shop, stall, or other place (including a place where a function is being held) and in a district or locality approved by him for the purpose, if he is satisfied that the proceeds of that raffle or series of raffles are to be applied exclusively for the lawful purposes of some organization, institution, body, or association of persons and not for the private gain or benefit of any person except by way of charity.

(2) The conduct of a raffle elsewhere than at a shop, stall, or other place may be authorized only as part of a raffle so conducted.

(3) An application for a permit under subsection (1) of this section shall be in writing in the prescribed form and shall specify—

- (a) the name and address of the applicant;

- (b) the name of the organization, institution, body, or association on behalf of which the raffle is proposed to be conducted;
 - (c) the place at which, and the dates on which, tickets or chances in the raffle are proposed to be sold there;
 - (d) if required, the district or locality in which, and the period for which, tickets or chances in the raffle are proposed to be sold;
 - (e) the place at which and the date on which the raffle is to be drawn; and
 - (f) such other matters, if any, as may be prescribed.
- (4) A permit under subsection (1) of this section shall—
- (a) set forth—
 - (i) the prescribed conditions, if any;
 - (ii) such other conditions as the police officer may think proper to impose; and
 - (iii) the matters mentioned in paragraphs (a), (c), and (e), and if required (d), of subsection (3) of this section, on and subject to which the raffle is permitted; and
 - (b) not authorize the conduct of a raffle for a period in excess of one month preceding the date on which the raffle is to be drawn.

(5) Where a permit is granted to a person under subsection (1) of this section the holder of the permit may sell or cause to be sold and persons authorized by him may sell tickets or chances in the raffle in accordance with the permit.

(6) A permit under subsection (1) of this section and an application therefor may cover more raffles than one whether conducted simultaneously or successively.

(7) The Minister may grant a licence to a charitable, benevolent, or patriotic organization or institution or some person acting on behalf of such an organization or institution authorizing it or him to conduct raffles in this State or any part thereof during such period as is specified in the licence subject to—

- (a) the prescribed conditions, if any;
- (b) such other conditions as the Minister may think proper to impose; and
- (c) the following conditions:—
 - (i) The profit from the raffles authorized shall be applied exclusively to the purposes of the organization or institution by or on whose behalf they are conducted; and
 - (ii) Every raffle so authorized shall be drawn within one month of the date on which the first ticket or chance therein is sold.

(8) Except as provided by subsection (9) of this section, no one article the value of which exceeds fifty pounds, and

no articles the value of which, in the aggregate, exceeds fifty pounds, shall be disposed of by way of raffle.

(9) The Governor may, by order-in-council, authorize a person or body of persons specified in the order-in-council to dispose, by way of raffle, of any article or property so specified where he is satisfied that the proceeds of the raffle are to be devoted exclusively to any patriotic, charitable, or special purposes, notwithstanding that the value of the article or property exceeds fifty pounds.

(10) A raffle that is authorized by subsection (9) of this section shall be conducted subject to such conditions as may be prescribed in the regulations or in the order-in-council authorizing the raffle.”

Avoidance of agreements relating to gaming.

Cf. No. 5741 (Vic.), s. 16.

16 Section one hundred and fourteen of the Principal Act is amended by omitting subsection (3) and substituting therefor the following subsection:—

“(3) This section does not apply to—

- (a) a subscription or contribution, or an agreement to subscribe or contribute, for or towards a plate, prize, or sum of money to be awarded to the winner of a lawful game, sport, pastime, or exercise;
- (b) a person receiving or holding a subscription or contribution for the purpose mentioned in paragraph (a) of this subsection; or
- (c) a bet made by or with a bookmaker in accordance with the provisions of Part V.”

Regulations.

17 Section one hundred and nineteen of the Principal Act is amended by adding the following subsection at the end thereof:—

“(3) The power to make regulations for the control and regulation of betting by and with bookmakers extends to providing for the submission of all disputes in respect of bets so made between the parties thereto to the Commission for decision and that such decisions be final and binding on the parties to the exclusion of the jurisdiction of any court of law or equity.”

MEDICAL.

No. 72 of 1955.

AN ACT to consolidate and amend the law relating to medical practitioners. [22 December, 1955.]

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:—

PART I.

PRELIMINARY.

Short title.

1 This Act may be cited as the *Medical Act 1955*.