

RACING AND GAMING.

No. 42 of 1961.

AN ACT to amend the *Racing and Gaming Act*
1952. [15 December 1961.]

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* 1961.

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

Interpre-
tation.

2—(1) Section three of the Principal Act is amended—

(a) by omitting from the definition of “controlling body” the words “Northern Tasmanian Trotting Association, the Southern Tasmanian Trotting Association” and substituting therefor the words “Tasmanian Trotting Association”;

(b) by inserting after the definition of “existing club” the following definitions:—

“‘horse’ includes a pony;

‘horse race’ includes a race for trotting-horses;” and

(c) by omitting from the definition of “Rules of Racing” the words “Northern Tasmanian Trotting Association, the Southern Tasmanian Trotting Association” and substituting therefor the words “Tasmanian Trotting Association”.

(2) Paragraphs (a) and (c) of this section shall commence on a date to be fixed by proclamation.

3 Section twenty of the Principal Act is repealed and the following sections are substituted therefor:—

Prohibition
on certain
race
meetings.

“20—(1) Subject to this section, no person shall conduct, or cause or allow to be conducted, any race meeting that is not an authorized race meeting.

Penalty: Twenty-five pounds.

“(2) For the purposes of this section, a race meeting is an authorized race meeting if it is—

(a) a race meeting conducted by, or under the supervision or control of, a registered club;

- (b) a race meeting in respect of which a licence has been granted under section forty-eight; or
- (c) a race meeting conducted in accordance with a permit granted under section twenty B.

“(3) Nothing in this section prohibits the conducting of a horse race referred to in paragraph (b), paragraph (c), or paragraph (d) of subsection (2) of section twenty A.

“20A—(1) No person shall conduct, or cause or allow to be conducted, an unauthorized horse race—

Prohibition on certain horse races.

- (a) the viewing of which is open to the public (whether on the making of any payment or on any other condition or otherwise) or which persons are allowed to view on payment; or
- (b) in respect of which any payment is made or required in respect of the taking part of any person or horse in that race.

Penalty: Twenty-five pounds.

“(2) For the purposes of this section a horse race is an unauthorized horse race unless it is—

- (a) a horse race conducted at an authorized race meeting within the meaning of section twenty;
- (b) a horse race conducted in accordance with a permit granted under section twenty B;
- (c) a point-to-point steeplechase conducted by a hunt club; or
- (d) a race for trotting-horses conducted, with the approval of the Tasmanian Trotting Association, at an agricultural show.

“(3) In this section—

‘agricultural show’ means a show or exhibition conducted by an agricultural show society a substantial part of which consists of an exhibition of livestock;

‘agricultural show society’ means a society, association, or body of persons constituted for the purpose of, or for purposes which include, the conducting of exhibitions of livestock;

‘hunt club’ means a club or other body of persons constituted wholly or mainly for the purpose of conducting, or providing facilities for persons to take part in, hunting on horseback.

“20B—(1) The Commission may, if in its discretion it thinks fit, grant to a person a permit authorizing that person to conduct, for or on behalf of an association or body of persons (other than a club)—

Permits for certain race meetings and horse races.

- (a) a race meeting for galloping-horses or trotting-horses; or
- (b) a horse race,

at such a place, and on such a day or at such a time, and subject to such conditions, specified in the permit, as the Commission may determine.

“(2) The Commission shall not grant a permit under this section in respect of a race meeting or a horse race unless it is satisfied that —

- (a) the place at which the meeting or the race is to be held is suitable for use as a racecourse;
- (b) the buildings and structures at that place are suitable for use for the purposes for which they are to be, or may be, used at the meeting or the race;
- (c) there are no buildings and structures at that place that may endanger the safety of, or injure, any person taking part in, or attending, the meeting or the race;
- (d) there will be suitable and adequate sanitary conveniences at that place for persons attending the meeting or the race; and
- (e) adequate facilities will be available at the meeting or the race for the conveyance and treatment of, and the giving of aid to, persons injured while taking part in a horse race at the meeting or in the race.

“(3) References in paragraphs (b), (c), and (d) of subsection (2) of this section to the race shall, in relation to a permit that authorizes the holding of a horse race at a meeting at which any other sport, game, match, or contest takes place, be construed as references to that meeting.

“(4) The person to whom a permit is granted under this section shall secure that the conditions specified in the permit are complied with.

Penalty: Twenty-five pounds.

“(5) No person shall knowingly contravene any condition specified in a permit granted under this section or knowingly cause or knowingly allow any person to contravene any such condition.

Penalty: Twenty-five pounds.”

Restriction on
conduct of
race meetings
elsewhere than
on registered
racecourses.

4 Section twenty-five of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “ provided by subsection (2) of ” and substituting therefor the words “ otherwise provided in ”; and
- (b) by adding at the end thereof the following subsection:—

“(3) Nothing in this section prohibits the conducting of a race meeting in accordance with a permit granted under section twenty B or the conducting of such a horse race as is referred to in paragraph (b), paragraph (c), or paragraph (d) of subsection (2) of section twenty A.”.

5 After section forty of the Principal Act the following section is inserted:—

“40A—(1) The Commission may, after consultation with a controlling body, appoint for that controlling body a stipendiary steward, and a person so appointed shall, subject to this section, be deemed for the purposes of the Rules of Racing and any rules, regulations, or other provisions relating to the constitution, proceedings, powers, duties, or functions of that controlling body or the officers thereof be deemed to be a stipendiary steward of that controlling body and the chairman of the stipendiary stewards of that body.

Appointment
of stipendiary
stewards by
Commission.

“(2) Notwithstanding anything in subsection (1) of this section a stipendiary steward appointed under that subsection shall not be removed from his office or suspended except by the Commission, and a controlling body or the committee thereof shall not, without the approval of the Commission, otherwise dispense with the services of a stipendiary steward so appointed or do anything whereby he is prevented from discharging his functions as such.

“(3) Where a stipendiary steward is appointed under this section for a controlling body the Commission, or the controlling body, with the approval of the Commission, may, if it thinks it necessary or desirable in the circumstances, dismiss or dispense with the services of any other stipendiary steward of that controlling body.

“(4) Where one person is appointed under this section as stipendiary steward for two or more controlling bodies, the Commission may determine any dispute that may arise between those controlling bodies or any of them with respect to the performance of his functions as a stipendiary steward, and a determination made under this section is binding on the controlling bodies for which he has been appointed as a stipendiary steward.

“(5) Where a stipendiary steward has been appointed for a controlling body under this section, that controlling body shall pay to him, at such times and in such manner as may be approved or directed by the Commission, such remuneration as the Commission may determine and such sums as the Commission may approve or direct in or towards the reimbursement of any expenses incurred by him in the exercise of the functions of his appointment under this section.

“(6) The Commission shall, out of—

(a) the sums paid to the Commission under section fifty-four; or

- (b) the sums paid to the Registrar under section seventy in respect of bets made, elsewhere than on a racecourse, in relation to races held elsewhere than in the State,

repay to a controlling body the expenditure incurred by it under subsection (5) of this section.”.

Appointment,
&c., of
officers
of clubs.

6 Section forty-one of the Principal Act is amended by inserting in paragraph (a) of subsection (9), after the word “steward”, the words “(other than a stipendiary steward appointed under section forty A)”.

Appeals from
decisions of
stewards, &c.

7 Section forty-two of the Principal Act is amended by omitting subsection (6) and substituting therefor the following subsections:—

“(6) Division II of Part II of the *Evidence Act* 1910 applies in respect of the hearing of an appeal under this section as if that hearing was such an inquiry as is referred to in section fourteen of that Act and as if such a commission as is referred to in that section had been issued to the Commission to make that inquiry.

“(6A) On hearing an appeal under this section the Commission may confirm, vary, or quash the decision in respect of which the appeal was brought and shall notify its determination to the appropriate authority.

“(6B) Where the Commission notifies its determination on an appeal under this section to an appropriate authority it may, by an order served on that authority, require the authority to do or cause to be done such acts and things as the Commission thinks necessary to give effect to the determination, and that authority shall secure that the requirements of the order are complied with.

“(6C) In subsections (6A) and (6B) of this section, ‘appropriate authority’ means—

- (a) in respect of an appeal from the decision of a steward, the committee of the controlling body or club of which he is a steward;
- (b) in respect of an appeal from the decision of a committee, that committee; and
- (c) in respect of an appeal from the decision of a controlling body, the committee of that controlling body.

“(6D) No controlling body or the committee thereof, and no committee, and no steward or other officer of any controlling body or the committee thereof or of any committee shall, except with the approval of the Commission, do, or cause or allow to be done, any act or thing that annuls or varies, or has the effect of annulling, varying, or mitigating the effect of—

- (a) a prescribed decision in respect of which no appeal has been brought under this section;

- (b) a prescribed decision confirmed by the Commission on an appeal under this section; or
- (c) a determination of the Commission on an appeal under this section varying a prescribed decision.”.

8 Section fifty-nine of the Principal Act is amended by inserting after subsection (12) the following subsection:— Registration of book-makers and bookmakers' clerks.

“(12A) Nothing in this section authorizes or requires a bookmaker to carry on business as such on a racecourse while there is being conducted thereon any horse-racing, or any meeting for horse-racing or at which horse-racing takes place, unless that horse-racing takes place at, or that meeting is, such a race meeting as is referred to in paragraph (a) or paragraph (b) of subsection (2) of section twenty.”.

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

“60A Where the holder of a certificate of registration under this Part surrenders the certificate, that certificate and the registration under this Part to which the certificate relates shall cease to have effect and shall be deemed to have been cancelled.”. Surrender of certificate of registration.

10 Section sixty-one of the Principal Act is amended by omitting subsections (1) and (2) and substituting therefor the following subsection:— Refusal of application for registration.

“(1) Where the Commission refuses an application for registration as a bookmaker made by a person who holds a subsisting certificate of registration as a bookmaker (other than a substitute or provisional certificate of registration) it shall forthwith after refusing the application serve on the applicant a notice in writing stating that the application has been refused and setting forth the reasons for the refusal.”.

11 Section sixty-six of the Principal Act is amended— Betting premises.

- (a) by omitting from subsection (6) the word “If” and substituting therefor the words “Subject to this section, if”; and
- (b) by inserting after that subsection the following subsection:—

“(6A) Subsection (6) of this section does not apply in respect of a race meeting—

- (a) that is not conducted by, or under the supervision or control of, a registered club; and
- (b) in respect of which no licence has been granted under section forty-eight.”.

12 Section sixty-nine of the Principal Act is amended by inserting after subsection (5) the following subsection:— Duties of bookmakers.

“(5A) A bookmaker shall not make any written record or note of any bet made with him other than that which he is required to make for the purposes of compliance with subsection (3) or subsection (4) of this section unless he has first recorded that bet in the written record which he is required to keep under paragraph (d) of subsection (4) of this section.”.

Application of
commission.

13 Section seventy-one of the Principal Act is amended by inserting after subsection (2) the following subsection:—

“(2A) References in sub-paragraph (i) of paragraph (a) of subsection (2) of this section to the amount of any commission shall be construed as references to the amount of that commission after there has been defrayed out of it any sums that may be so defrayed under subsection (6) of section forty A, and, for the purposes of this section, the sums defrayed under that subsection shall be deemed not to form part of the costs incurred by the Commission in the administration of this Act.”.

Prohibition on
betting with
young persons.

14 Section seventy-six of the Principal Act is amended—

- (a) by inserting in subsection (2), after the word “under”, the words “subsection (1) of”; and
- (b) by adding at the end thereof the following subsection:—

“(3) No person under the age of twenty-one years shall bet with a bookmaker.

Penalty: For a first offence, five pounds; for a subsequent offence, twenty-five pounds.”.

Offences by
bookmakers.

15 Section seventy-seven of the Principal Act is amended—

- (a) by inserting in paragraph (d) of subsection (1), before the word “have”, the words “except as may otherwise be necessary in order to comply with subsection (1B) of this section,”; and
- (b) by inserting after that subsection the following subsections:—

“(1A) Subject to subsection (1C) of this section, the Commission may by notice in writing served on a bookmaker require him, in respect of the bets made by him during such period as may be specified in the notice (being a period commencing after the service of the notice and not exceeding fourteen days in length), to deliver to the Commission the betting tickets issued to bettors in respect of those bets that have been presented for payment to him or to any person on his behalf and the receipts given for the payments of any of those bets made otherwise than on the presentation of a betting ticket.

“(1B) Where a bookmaker is required by a notice under subsection (1A) of this section to deliver a betting ticket or receipt to the Com-

mission he shall so deliver that betting ticket or receipt before the expiration of whichever of the following periods that is last to expire (namely) :—

- (a) The period specified in the notice; or
- (b) A period of seven days after the betting ticket is presented for payment to him or to some person on his behalf or after the receipt is given to him or to any person on his behalf (as the case may be).

Penalty: For a first offence, twenty-five pounds; for a subsequent offence, fifty pounds.

“(1C) The Commission shall not serve a notice under subsection (1A) of this section on any one bookmaker on more than three occasions in any period of twelve consecutive months.”.

16 Section eighty-eight of the Principal Act is amended— *Raffles, &c.*

- (a) by omitting from subsection (8) the word “fifty” (twice occurring) and substituting therefor, in each case, the words “one hundred”; and
- (b) by omitting from subsection (9) the word “fifty” and substituting therefor the words “one hundred”.

17 Section ninety-five of the Principal Act is amended by adding at the end thereof the following subsection:— *Prohibition on using, &c., unlawful betting places.*

“(4) No person shall—

- (a) bet with the occupier of an unlawful betting place or with any person acting for or on behalf of that occupier or in any manner assisting in the conduct of the business of that unlawful betting place; or
- (b) pay, hand, or deliver to, or deposit with, or promise to pay, hand, or deliver to, any such person as is referred to in paragraph (a) of this subsection any money or valuable thing in the expectation of receiving, or as a condition of being paid or given, or in consideration of an undertaking to be paid or given, any money or valuable thing on the happening of a sporting contingency.

Penalty: Fifty pounds.”.

18 Section ninety-eight of the Principal Act is amended by inserting after subsection (1) the following subsections:— *Prohibition on unauthorized betting business.*

“(1A) No person shall bet with any person carrying on the business of betting unless the person carrying on that business is registered as a bookmaker under Part V.

Penalty: One hundred pounds.

“(1B) It is a defence in proceedings for an offence alleged to have been committed against subsection (1A) of this section for the defendant to show that he believed, and had reasonable grounds for believing, that the person with whom the bet was made was registered as a bookmaker under Part V.”.

Unlawful
games.

19 Section one hundred and five of the Principal Act is amended—

- (a) by inserting in paragraph (c) of subsection (1), after the word “roulette,”, the words “dinah minah, baccarat, manilla, housey housey,”; and
- (b) by omitting subsection (5) and substituting therefor the following subsections:—

“(5) For the purposes of this section the following instruments and devices are unlawful instruments, namely:—

- (a) A pin-table and any instrument or device that, after the insertion therein of a coin or disc, may, for the purpose of causing a ball or similar object to be moved or propelled within the instrument or device, be operated by means of a handle, lever, or similar device; and
- (b) Any instrument or device the operation of which is effected or initiated by the insertion of a coin or disc in a slot or by any other mechanical means and which is used or designed for the purpose of deciding, on any contingency, whether any person is to be entitled to receive a prize or reward other than the fair equivalent in value of any money or money's worth staked by that person.

“(5A) A device or instrument that is used only by a person who is licensed to conduct lotteries solely for the purposes of a lottery authorized by or under Division II of this Part is not an unlawful instrument for the purposes of this section.

“(5B) A person who uses or plays on an unlawful instrument shall, for the purposes of this section, be deemed to be playing an unlawful game.”.

Powers of
arrest and
search.

20 Section one hundred and eight of the Principal Act is amended by omitting subsections (2) and (3) and substituting therefor the following subsections:—

“(2) If an authorized police officer has reasonable grounds for believing that a person is, or has recently been, playing an unlawful game he may arrest that person without warrant

and may seize and retain any articles, instruments, or devices that appear to him to have been used in the playing of that game.

“(3) Where a person is arrested under this section, the police officer by whom he is arrested may search him in a police station, or in a private room in some hotel, public-house, or racecourse in the vicinity of the place in which he was arrested, or in some other place to which the person arrested agrees to go for the purpose of being searched, and the police officer may require the person arrested to accompany him to any place in which that person may be searched under this subsection.

“(4) A police officer may, on arresting or searching a person under this section, retain any moneys, books, papers, tickets, vouchers, documents, instruments, devices, and other articles and things found on that person or in his care or charge or under his control that, in the opinion of the police officer, constitute or contain evidence that that person was, or had recently been, engaged in betting unlawfully or in playing an unlawful game.

“(5) Anything retained under this section on the arrest or search of any person may be used in evidence in any proceedings that may be taken against that person in respect of an offence alleged to have been committed by him at the time of, or immediately before, his arrest.”.

21 Section one hundred and twelve of the Principal Act is amended— Evidentiary provisions.

(a) by inserting after subsection (12) the following subsection:—

“(12A) In any proceedings in respect of an offence under this Act an allegation in the complaint that the defendant, at the time at which the offence is alleged to have been committed, was under a specified age shall be deemed to be proved in the absence of proof to the contrary.”; and

(b) by omitting paragraph (a) of subsection (13).

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

“(4) Where by virtue of this section a dispute in respect of a bet is submitted to the Commission for decision, Division II of Part II of the *Evidence Act 1910* applies in respect of any hearing conducted by the Commission in relation to the dispute as if that hearing was such an inquiry as is referred to in section fourteen of that Act and as if such a commission as is referred to in that section had been issued to the Commission to make that inquiry.”.

Consequential
amendments.

23—(1) Section three of the Principal Act is amended by omitting from the definition of “registered club” the symbol “I” and substituting therefor the symbol “IA”.

(2) Part III of the Principal Act is amended—

(a) by omitting the heading “*Division I—Registration of racing clubs and coursing clubs.*” and substituting therefor the following heading:—
“*Division I—Restrictions on race meetings and horse races.*”; and

(b) by inserting immediately before section twenty-one the heading “*Division IA—Registration of racing clubs and coursing clubs.*”.

(3) In section sixty-one of the Principal Act subsection (3) is re-numbered as subsection (2).

Transitory
provisions.

24 Until the commencement of paragraphs (a) and (c) of subsection (1) of section two of this Act subsection (2) of section twenty A of the Principal Act (as amended by this Act) has effect as if the reference therein to the Tasmanian Trotting Association were a reference to the Southern Tasmanian Trotting Association or the Northern Tasmanian Trotting Association.

TASMANIAN TROTTING ASSOCIATION.

No. 43 of 1961.

AN ACT to provide for the establishment and constitution of a Tasmanian Trotting Association, and for purposes incidental thereto.

[15 December 1961.]

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 com-
mencement.

1—(1) This Act may be cited as the *Tasmanian Trotting Association Act 1961*.

(2) This Act shall commence on a date to be fixed by proclamation.

Interpretation.

2—(1) In this Act, unless the contrary intention appears—
“Association” means the Tasmanian Trotting Association established under this Act;
“chairman” means the chairman of the Association;