

## TASMANIA.

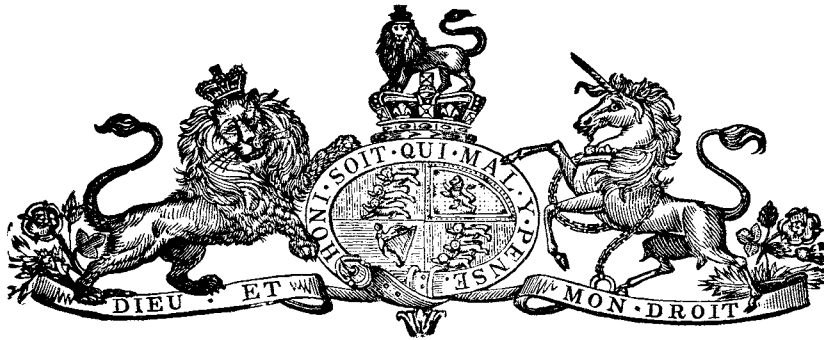
## THE BOOKMAKERS ACT, 1932.

## ANALYSIS.

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| <ol style="list-style-type: none"> <li>1. Short title and commencement.</li> <li>2. Interpretation.</li> <li>3. Betting on racecourses.</li> <li>4. Constitution and powers of Committee.</li> <li>5. Appointment of officers.</li> <li>6. Application for and effect of certificate of registration.</li> <li>7. Bookmaker not to bet on racecourse without consent of controlling body.</li> <li>8. Bookmaker only to bet on authorised parts of racecourse.</li> <li>9. Approval of certain places for betting.</li> <li>10. Bookmaker not to bet without issuing ticket.</li> <li>11. Bookmakers to keep books, &amp;c., and furnish returns to Treasury.</li> <li>12. Commission payable in respect of betting.</li> </ol> | <ol style="list-style-type: none"> <li>13. Application of commission.</li> <li>14. Stamp duty to be paid on betting tickets.</li> <li>15. Application of moneys.</li> <li>16. Refund of stamp duty in certain cases.</li> <li>17. Bookmaker not to bet at totalisator odds or for a place in certain cases.</li> <li>18. Betting with minors prohibited.</li> <li>19. Offences and penalties.</li> <li>20. Other offences.</li> <li>21. Offences by bettors.</li> <li>22. Advertising by bookmaker prohibited.</li> <li>23. Presumption as to offences committed by agents.</li> <li>24. Persons unlawfully betting may be arrested and searched.</li> <li>25. Exclusion of provisions of Principal Act.</li> <li>26. Regulations.</li> <li>27. Limitation of operation of Act.</li> </ol> |
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## TASMANIA



1932.

ANNO VICESIMO TERTIO

GEORGII V. REGIS.

No. 39.

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AN ACT to authorise, regulate, and control Bookmaking. [23 December, 1932.]

A.D.  
1932.  
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**B**E 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**—(1) This Act may be cited as “The Bookmakers Act, 1932.” Short title and commencement.  
 (2) This Act shall come into operation on a date to be fixed by proclamation.  
 (3) This Act shall be incorporated and read as one with the Suppression of Public Betting and Gaming Act, 1896 (herein called “the Principal Act”). 60 Vict No. 7.

**2** In this Act, unless a contrary intention appears— Interpretation.

“Bookmaker” means a person registered pursuant to this Act as a bookmaker:

“Racecourse” means any land which is being used for holding a race-meeting by a racing club holding a totalisator licence and operating a totalisator thereon in respect thereof, and for admission to which a charge is made to the public:

“Racing club” means any club, association, or body of persons promoting or controlling horse-racing or trotting-racing or holding race-meetings for racehorses or trotting-horses;

*Bookmakers.*

A.D. 1932.

“The Commissioner” means the Commissioner of Police :

“The Committee” means the joint Committee constituted as provided by Section Four.

Betting on race-courses.

Cf. No. 3749-1928 (Vic.), s. 150.

**3** Notwithstanding any law to the contrary, 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 thereon or at or in any building or premises approved by the Commissioner of Police for that purpose, pursuant to and in accordance with Section Nine, and their so doing shall not of itself constitute a contravention of any such law and shall not be a ground for such racecourse or any part thereof, or such building or premises, being deemed or declared to be, or to be used as, a common gaming-house or public place within the meaning of the Principal Act.

Constitution and powers of Committee.

**4—(1)** The Committees of the Tasmanian Racing Club and the Tasmanian Turf Club, the Northern Tasmanian Trotting Association, and the Southern Tasmanian Trotting Association shall annually appoint one member each, and the Governor shall annually appoint a chairman to sit together as a joint committee, which may make, alter, and rescind rules (hereinafter called “the Rules”) for—

- 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, 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 building or premises approved as provided by Section Nine :
- 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 cancelled by the Committee : and
- iv. Regulating the meetings and procedure of the Committee.

(2) Such rules as aforesaid 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, contingently or otherwise, to such bookmaker in respect of every bet made by him.

Appointment of officers.

**5—(1)** The Committee may appoint some person as Registrar of Bookmakers (in this Act called “the Registrar”) and such other officers as it may think necessary for the purposes of this Act.

(2) The remuneration of any officers so appointed shall be paid out of the moneys received by the Committee under this Act as hereinafter provided.

*Bookmakers.*

(3) If the Committee at any time shall fail to make any such appointment, and the office of Registrar thereby remains vacant for a period exceeding fourteen days, the Governor may authorise some person to perform the duties of Registrar, and such person shall have and may exercise all the powers of the Registrar, and the Committee shall pay to the Treasurer, as and when required, all costs and expenses incurred by such person in carrying out his duties under this Act or by the Treasurer in relation thereto. A.D. 1932.

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, which shall be paid into and form part of the Consolidated Revenue. Application for and effect of certificate of registration.

(2) A certificate of registration as a bookmaker, while in force, shall entitle the holder thereof to carry on the business of a bookmaker, for one year from its date, subject to this Act, upon any racecourse and in any building or premises approved as provided by Section Nine, but not otherwise, and in respect only of horse-racing events.

(3) A certificate of registration as a clerk, while in force, shall entitle the holder to act as clerk to a bookmaker for one year from its date.

7 Nothing in this Act shall authorise a bookmaker to bet or carry on business on any racecourse without the consent of the committee or stewards controlling the same for the time being, or take away from such committee or stewards the right to impose such conditions in respect thereof as they may think fit, or to exclude any bookmaker therefrom. Bookmaker not to bet on racecourse without consent of controlling body.

8—No person shall bet or carry on the business of a bookmaker on any racecourse except on such parts of such racecourse as are specially set apart for that purpose by the committee controlling the same. Bookmaker only to bet on authorised parts of racecourse.

9—(1) The Commissioner, by notice published in the Gazette, may approve of any building or premises set apart for that purpose in any city, or in any town approved by the Commissioner, as a place in which betting may be carried on, subject to the provisions of this Act. Approval of certain places for betting.

(2) Such approval as aforesaid shall not operate at any one time in respect of more than one building or premises in any one city or town.

(3) Upon and after the publication as aforesaid of any such notice in respect of any building or premises, it shall be lawful for any bookmaker and his registered clerk to carry on his business in such building or premises, subject to the provisions of this Act, so long as such approval remains in force.

(4) The Commissioner, at any time by notice in the Gazette, may revoke the approval so given in respect of any building or premises, and thereupon the same shall cease to have effect.

(5) No approval shall be given as hereinbefore provided in respect of any building which does not comply with the prescribed conditions,

*Bookmakers.*

A.D. 1932.

and any such approval may be revoked at any time if the requirements prescribed in relation thereto are not observed.

(6) In any case where a race-meeting is held at or within twenty miles of the city or town in which any such building or premises is or are situate, and bookmakers are permitted to carry on business at such race-meeting, it shall not be lawful for any person to bet or carry on business as a bookmaker at such building or premises after the hour of one of the clock in the afternoon on the day on which such meeting is held.

Bookmaker not to bet without issuing ticket.

**10**—(1) Every bookmaker, upon making a bet with any person, shall issue and deliver to such person a betting ticket bearing an impressed stamp of the prescribed value in respect of each and every bet made with such person.

(2) If both the bookmaker and the bettor are present when the bet is made, such ticket shall be delivered to the bettor forthwith.

(3) If the bet is made by post or other indirect communication, the bookmaker shall deliver, or send by post, such ticket to the bettor within twenty-four hours after receiving such communication.

Bookmakers to keep books, &c., and furnish returns to Treasury.

**11**—(1) Every bookmaker shall—

- i. Keep complete and proper books of account in respect of his business as a bookmaker in the form and manner required by the Rules:
- ii. Enter and record in such books a full, true, and accurate account of all betting transactions entered into by him:
- iii. Keep all such books available at all times, and produce the same at any reasonable time, for inspection by the Registrar or any person authorised by the Registrar or the Committee to inspect the same:
- iv. On Tuesday of every week, forward to the Registrar a return in the prescribed form, and verified by statutory declaration, setting forth a full, true, and complete account of all bets made by him during the week ending on the Saturday immediately preceding the date of such return, and showing the respective race-meetings in relation to which such bets were made and the dates on which the respective races were held, and the names of the racing clubs promoting or controlling each such race-meeting respectively, and setting forth separately the bets which were made on a racecourse and the bets which were made elsewhere respectively.

(2) Where a bet is made upon the contingency of more races than one, it shall be deemed, for the purposes of such returns as aforesaid, to relate only to the racing club upon whose racecourse the first of such races is held.

(3) If a bet was made in relation to a race-meeting which is abandoned, or if the competent authority has declared any bet off, the same need not be included in the return required by this section.

(4) It shall not be necessary to include in any such return the name of any person with whom any bet was made.

*Bookmakers.*

**12**—(1) Every bookmaker, at the time for delivering the return required by Section Eleven, shall pay to the Registrar on behalf of the Committee a sum equal to the commission imposed as provided by Section Four in respect of every bet included in his return.

A. D. 1932.

Commission payable in respect of betting.

(2) The omission from any such return of any bet which should have been included therein shall not relieve the bookmaker of his liability to pay such commission as aforesaid in respect thereof.

(3) If any bookmaker shall make default in any payment required by this section to be made by him, or any part thereof, the Committee, in addition to any other powers conferred upon it by the Rules, may, at its option, recover the amount thereof from such bookmaker upon complaint by the Registrar under the Justices Procedure Act, 1919, or by action in any court of competent jurisdiction, as a debt due to the Committee.

10 Geo. V. No. 55.

(4) Any such action may be brought in the name of the Registrar without specifically naming him.

**13**—(1) The Registrar shall keep as may be prescribed full and true accounts of all moneys received by him on behalf of the Committee as provided by Section Twelve, and of all moneys received in respect of registration fees under this Act, and shall pay all such moneys to an account in the name of the Committee in such bank as the Committee may direct.

Application of commission.

(2) The Registrar or the Committee shall pay, or cause to be paid, out of such account—

## I. To the Treasurer—

(a) Monthly, as prescribed, the amount of all commission received by the Registrar or the Committee in respect of all bets made elsewhere than on a racecourse in relation to any races held beyond this State after deducting therefrom the prescribed costs incurred by the Committee in the administration of this Act: and

(b) Annually, as prescribed, an amount equal to all registration fees received under this Act: and

## II. To each and every racing club in this State, within seven days after the same is received by the Registrar, the commission received in respect of all bets made in relation to any race-meeting held by such racing club and in respect of all bets made at any such race-meeting in relation to races held beyond this State.

**14** There shall be imposed, levied, and paid, in respect of every betting ticket issued by a bookmaker as provided by this Act, where the ticket is issued in respect of a bet—

Stamp duty to be paid on betting tickets.

- I. Not exceeding Ten Shillings, stamp duty of One Penny: and
- II. Exceeding Ten Shillings, stamp duty of Threepence—

the amount of any such bet being determined by the amount contingently payable by the bettor, and such stamp duty shall be denoted by impressed stamp upon each such ticket.

*Bookmakers.*

A.D. 1932.

Application of moneys.

**15** All moneys received by the Treasurer by way of stamp duty and commission under this Act shall be paid into and form part of the Consolidated Revenue.

Refund of stamp duty in certain cases.

**16**—Upon production to the Treasurer of a certificate from the secretary of any racing club—

- 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 impressed on such ticket.

Bookmaker not to bet at totalisator odds or for a place in certain cases.

**17**—No bookmaker shall take any bet in respect of any race held or to be held in this State—

- i. At a price to be determined, directly or indirectly, by the dividend paid or to be paid in respect thereof upon any totalisator : or
- ii. Conditioned upon any contingency other than that of the horse in respect of which such bet is made being declared the winner of such race.

Penalty : For a first offence : Ten Pounds. For a subsequent offence : Fifty Pounds.

Betting with minors prohibited.

**18**—(1) No bookmaker shall bet with any person apparently under the age of twenty-one years.

Penalty : First offence : Ten Pounds. For a subsequent offence : Fifty Pounds.

(2) It shall be a defence to any charge under this section if a defendant satisfies the court that he had reasonable grounds for believing that the person with whom any bet is alleged to have been made was over the age of twenty-one years.

Offences and penalties.

**19**—(1) No bookmaker shall—

- i. Contravene any of the provisions of Section Eleven :
- ii. Carry on business or exercise his calling as a bookmaker in any place or manner or at any time not authorised by or under this Act :
- iii. Fail to issue and deliver as required by this Act a betting ticket in respect of every bet made by him : or
- iv. Issue or deliver to any person in respect of any bet a betting ticket previously used in respect of any other bet.

Penalty : For a first offence : Minimum, Twenty-five Pounds ; maximum, Fifty Pounds. For a subsequent offence : Minimum, Fifty Pounds ; maximum, One hundred Pounds.

(2) Subject to the provisions of Subsection (3) hereof, the court before which any bookmaker is convicted under the provisions of this section in respect of an offence, not being a first offence, may order that



*Bookmakers.*

the certificate of registration held by such bookmaker shall be cancelled, and such cancellation shall be in addition to any other penalty that may be imposed. A.D. 1932.

(3) If the defendant in any proceedings under this section, other than in respect of an offence under Paragraph iv. of Subsection (1), satisfies the court that his offence was due to accident or excusable inadvertence, the court may convict the defendant and impose a penalty of such amount less than the minimum above prescribed as it may think fit in the circumstances, and any such conviction, if the Court so directs, shall not be counted as a first or subsequent offence for the purposes of any penalty imposed by Subsection (1) hereof.

**20**—(1) No bookmaker, with intent to defraud, shall—

Other offences.

- i. Furnish to the Registrar any return required by this Act which is false in any material particular :
- ii. Fail to include in any such return any bet made by him :
- iii. Fail to record, as prescribed, every bet made by him : or
- iv. Issue to any person a betting ticket which is unstamped or insufficiently stamped.

Penalty : Fifty Pounds or three months' imprisonment.

(2) If any bookmaker is twice convicted under the provisions of this section, his certificate of registration shall be cancelled, and such cancellation shall be in addition to any other penalty imposed upon him.

**21**—(1) No person shall bet with a bookmaker without obtaining or demanding from such bookmaker a betting ticket, as provided by this Act, in respect of every bet so made. Offences by bettors.

Penalty : Five Pounds.

(2) No person, with intent to evade any of the provisions of this Act, when making any bet with a bookmaker, shall fail to obtain from such bookmaker a ticket in respect of such bet, as provided by this Act.

Penalty : For a first offence : Minimum, Ten Pounds ; maximum, Twenty-five Pounds. For a subsequent offence : Minimum, Twenty-five Pounds ; maximum, Fifty Pounds.

(3) If, in any proceedings under the provisions of Subsection (2) hereof, it is proved that the defendant habitually attended race-meetings, or habitually made bets with bookmakers, after the commencement of this Act, the intent mentioned in that subsection shall be presumed against the defendant unless he satisfies the court that his failure to comply with the provisions of this Act was due to accident or excusable inadvertence.

(4) In any such case as last aforesaid, the court may, if it thinks fit, convict the defendant of an offence under the provisions of Subsection (1) of this section in the same manner as if he were charged under those provisions.

**22** No bookmaker shall advertise his calling or place of business as a bookmaker except as may be prescribed, Advertising by bookmaker prohibited,

Penalty : Twenty Pounds.

*Bookmakers.*

A.D. 1932.

Presumption as to offences committed by agents.

**23—(1)** If any person acting or purporting to act for or on behalf of a bookmaker does any act or makes any omission which, if done or made by such bookmaker, would constitute a breach of this Act, both such person and such bookmaker shall be deemed to be guilty of such contravention unless it is shown to the satisfaction of the Court that such contravention was committed without the authority and contrary to the orders or direction of such bookmaker.

(2) In any such case such person and such bookmaker may be prosecuted jointly or severally, but shall not both be punished in respect of the one offence.

Persons unlawfully betting may be arrested and searched.

**24—(1)** If the Commissioner has reasonable grounds for believing that any unauthorised person is carrying on the business or vocation of betting or wagering in any room, building, or place, notwithstanding that such building or place shall not come within the definition of a public place as defined by the Principal Act, any police officer who is authorised generally or specially by the Commissioner in that behalf may enter and search such room, building, or place, and may arrest such person without warrant.

(2) Such officer may thereupon search such person, and may take possession of all money, books, papers, or tickets found upon such person or in any such room, building, or place which contain evidence tending to show that such person was, or had recently been, engaged in betting unlawfully.

(3) Any such books, papers, or tickets as aforesaid may be used in evidence in any proceedings which may be taken against the person from whom the same were obtained in respect of any offence alleged to have been committed by him at the time of, or immediately prior to, his arrest as aforesaid, and the onus of proving that such money, books, papers, or tickets as aforesaid do not relate to, or are in anywise connected with, any act of unlawful betting shall lie upon the person so charged.

Penalty: Not less than Fifty Pounds nor more than One hundred Pounds for a first offence. Imprisonment for not less than three months for a second or subsequent offence.

Exclusion of provisions of Principal Act.

**25** No person shall be prosecuted or convicted under the provisions of the Principal Act for anything done by him under and in accordance with the provisions of this Act.

Regulations.

**26** The Governor may make regulations under and for the purposes of this Act, and any such regulations may prescribe a penalty not exceeding Twenty Pounds for the breach of any regulations so made.

Limitation of operation of Act.

**27** This Act shall expire on the thirty-first day of December, one thousand nine hundred and thirty-four.