

**WESTERN AUSTRALIAN TROTTING
ASSOCIATION.**

10° and 11° GEO. VI., No. LV.

No. 55 of 1946.

AN ACT to constitute and incorporate a Western Australian Trotting Association and to declare its objects, functions and powers; to provide for the establishment of a Country Clubs' Benefit Fund, and for other purposes incidental thereto.

[Assented to 24th January, 1947.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and com-
mencement

1. This Act may be cited as the *Western Australian Trotting Association Act, 1946*, and shall come into operation on a day to be fixed by proclamation.

Interpreta-
tion.

2. In this Act—

“Association” means the Western Australian Trotting Association as constituted under this Act;

“by-laws” means the by-laws of the Association;

“Committee” means the committee of the Association;

“Country Club” means any club formed for the purpose of holding trotting race meetings, the headquarters or situation of which is outside the metropolitan area;

“District Council” means those councils mentioned in the Second Schedule to this Act and such other councils as may from time to time be approved by the Association;

“metropolitan area” means the area within a radius of thirty miles from the Perth Town Hall;

“Minister” means the Chief Secretary.

3. (1) The Western Australian Trotting Association (Incorporated) is hereby constituted a body corporate under the name of the “Western Australian Trotting Association.” Constitution.

(2) The Association shall have perpetual succession and a common seal and may sue and be sued in its corporate name and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with, real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

(3) Save as in this Act or the by-laws made thereunder is otherwise provided or unless inconsistent therewith, the Association shall have and enjoy all the rights and privileges and be subject to the obligations which are applicable to limited companies registered under the provisions of the Companies Act, 1943, save that the Association shall not be required to use the word “limited” as any part of its name and shall not be required to publish its name or file with the Registrar the annual return mentioned in sections one hundred and twelve and one hundred and thirteen of the Companies Act, 1943.

(4) Upon the commencement of this Act the Western Australian Trotting Association (Incorporated) as constituted under the Associations Incorporation Act, 1895, shall cease to exist and its incorporation under such last-mentioned Act shall be dissolved and its Certificate of Incorporation revoked and the provisions of the Associations Incorporation Act, 1895, shall not apply to the Association.

Vesting of
assets of the
Western
Australian
Trotting
Association
(Incor-
porated) in
Association.

4. (1) The assets, funds, securities, effects, choses in action, and property of every description, both real and personal, belonging to or vested in the Western Australian Trotting Association (Incorporated) immediately before the commencement of this Act shall, upon the commencement of this Act, be and the same are hereby vested in the Association which shall take over and assume liability for all charges, debts, obligations, engagements and liabilities of the Western Australian Trotting Association (Incorporated) as existing immediately before the commencement of this Act.

(2) All deeds, conveyances, assurances, grants, leases, purchases, sales, mortgages, liens, bonds, covenants, agreements, contracts, securities, notices, declarations of trust and other acts and deeds which before the commencement of this Act shall have been executed, made or entered into by the Western Australian Trotting Association (Incorporated), and which shall be then in force, and all obligations and liabilities which at the time of the commencement of this Act shall have been incurred by the Western Australian Trotting Association (Incorporated) shall be as valid and of as full force and effect in favour of or against the Association as if the same had been executed, made or entered into by the Association instead of by the Western Australian Trotting Association (Incorporated).

(3) All causes, suits, actions and rights of action which shall have accrued before or shall be in any manner enforceable by or for or against the Western Australian Trotting Association (Incorporated) at the commencement of this Act shall, subject to the provisions of this Act, be and remain as good, valid and effectual for or against the Association as they would or might have been for or against the Western Australian Trotting Association (Incorporated) if this Act had not been passed.

(4) Where in any other Act reference is made to the Western Australian Trotting Association (Incorporated) such reference shall be deemed to be made to the Association.

Members.

5. The persons who were immediately before the commencement of this Act members of the Western Aus-

tralian Trotting Association (Incorporated) shall become and may remain members of the Association upon the commencement of this Act, provided such person is not a bookmaker.

6. The persons who comprise the committee of the Western Australian Trotting Association (Incorporated) immediately before the commencement of this Act shall constitute the committee of the Association as from the commencement of this Act and shall hold office until the first meeting of members of the Association, which meeting shall be held within two months of the commencement of this Act.

Committee.

7. (1) The by-laws contained in the first schedule to this Act shall be the first by-laws of the Association.

By-laws.

(2) The Committee by an absolute majority in number of the Committee may from time to time amend or repeal such by-laws and make new by-laws not inconsistent with this Act which are necessary or convenient for carrying out or generally giving effect to the purposes of this Act.

(3) Any such new by-law may from time to time be repealed by any other by-law.

(4) Every such amendment or repeal of a by-law and every such new by-law shall be reduced into writing and shall be signed by the President.

(5) The provisions of section thirty-six of the Interpretation Act, 1918-1938, shall apply to and in respect of any amendment or repeal of a by-law and to and in respect of any new by-law made under the powers contained in subsection (2) of this section.

(6) The production of a copy of the *Government Gazette* containing any such amendment or repeal of a by-law or new by-law shall be *prima facie* evidence that such amendment or repeal of a by-law or new by-law was duly made and was not disallowed.

Evidence of
by-laws.

8. The by-laws may impose a penalty not exceeding twenty-five pounds for any breach thereof, to be recoverable upon summary conviction.

Obstructing
of officers.

9. (1) Any person who wilfully obstructs any officer, servant or agent of the Association in the execution of his duty upon any land vested in the Association or of which the control and management is vested in the Association or upon any building or premises connected therewith shall be liable on summary conviction to a penalty not exceeding ten pounds.

Wilful tres-
pass on land
of the Asso-
ciation.

(2) Any person who wilfully trespasses upon any land vested in the Association or of which the control and management is vested in the Association or upon any building or premises connected therewith or who removes or wilfully injures any building, enclosure, post, tree or shrub upon any such land shall be liable on summary conviction to a penalty not exceeding ten pounds.

Offender may
be arrested.

(3) Any member of the committee, officer or servant of the Association and any person called by him to his assistance may seize and detain any person who shall have committed any offence against the provisions of this Act or of the by-laws made thereunder and whose name and residence shall not be given to such member of the committee, officer or servant upon his requiring the same to be given and give such offender in charge to a police constable.

Such constable shall convey the offender with all convenient despatch before the nearest Court of Petty Sessions without any other authority than this Act and such Court shall proceed with all convenient despatch to the hearing of the complaint against the offender.

Liability to
penalty not
to relieve of
fender from
other liabili-
ties.

Notwithstanding the liability of any person to any penalty under the provisions of this Act or of the by-laws made thereunder he shall not be relieved from any other liability to which he would have been subject if this Act had not been passed.

Exclusion of
undesirable
persons.

10. (1) Any person may be refused admission to any lands vested in the Association or of which the Association has the control and management or may be expelled from any such lands if he is a person for the time being under any disqualification by the Association.

(2) A person may be refused admission to the said lands or may be expelled therefrom if the committee resolve that there are reasonable grounds for believing that his presence on the said lands would be undesirable

in the interests of the public resorting thereto or prejudicial to the proper conduct of racing or of any other sport.

(3) The preceding provisions of this section shall be construed as supplemental to and not in derogation of or limited by the provisions of this Act relating to by-laws.

11. The Committee shall cause full and accurate accounts to be kept of all sums of money received or expended on account of the Association and of the matters and things for which such sums of money shall have been received or expended.

Accounts to
be kept.

12. The Minister may from time to time appoint an auditor for the purpose of auditing the accounts of the Association and such auditor may from time to time be removed at pleasure.

Appointment
of auditors.

13. The books of the Association shall in each and every year be balanced up to and inclusive of the thirty-first day of July in the year preceding and forthwith on the books being so balanced an annual account shall be made up which shall exhibit a true statement of the total receipts and expenditure of the Association during the year immediately preceding the thirty-first day of July with a statement of the balance of such account and such books and accounts shall be examined and audited by the auditor so to be appointed as aforesaid and the balance and account shall be certified by the President or Honorary Treasurer and by such auditor as aforesaid.

Books to be
balanced and
audited.

14. A copy of such annual account shall be transmitted by the President free of charge to the Minister on or before the fifteenth day of September in each year under a penalty of five pounds for not preparing and rendering the said account to be levied by summary process and such account shall be open at all reasonable hours for the inspection of the public on payment of a fee of one shilling.

Copy of annual account
to be trans-
mitted to
Minister.

15. The Minister may establish a Country Clubs' Benefit Fund which shall be held by the Association and placed in a separate account and may—

Minister may
establish
Country
Clubs' Bene-
fit Fund.

- (a) direct a club in the metropolitan area to devote the whole or any portion of the profits of one specified ordinary trotting race meeting in any year to the benefit fund;
- (b) authorise one meeting in any year additional to those provided for in section three of the Racing Restriction Act, 1917, to be conducted by a club in the metropolitan area the profits of which shall be devoted to such fund.

Provided that the meeting referred to in subsections (a) and (b) shall not be a meeting held at Christmas time or at Easter.

Amount in
fund to be
distributed
amongst dis-
trict councils
or country
clubs.

16. (1) There shall be a committee to be known as the Country Clubs' Benefit Fund Committee consisting of the President of the Association and one representative of each of the district councils mentioned in the Second Schedule to this Act, such representative to be appointed by the governing body of the district council concerned.

(2) The Association shall upon the recommendation of the Country Clubs' Benefit Fund Committee distribute the total amount held by it on behalf of the Country Clubs' Benefit Fund among the district councils or the country clubs in such proportions as the Country Clubs' Benefit Fund Committee, having regard to the best interests of trotting racing in country districts, from time to time determines.

FIRST SCHEDULE.

By-laws for the Western Australian Trotting Association.

Inter; retention

PART I.

1. In these by-laws unless inconsistent with the context—
 - “Act” means the Western Australian Trotting Association Act, 1946;
 - “Annual Meeting” means the Annual General Meeting of the Association;
 - “Association” means the Western Australian Trotting Association;
 - “bookmaker” includes any person who carries on the business of or acts as a bookmaker or turf commission agent, or who gains or endeavours to gain his livelihood wholly or partly by betting or making wagers;

“Club” means and includes any trotting club formed for the promotion of trotting or pacing races in Western Australia;

“general meeting” includes an annual and also a special meeting;

“member” means a member of the Association;

“trotting” includes pacing;

“race” includes plate, match, or sweepstake for trotting;

where reference is made to any officer or official of the Association it shall include any person acting as such for the time being.

2. The main object of the Association shall be to foster and extend the sport of trotting throughout Western Australia and the importation and breeding of trotting horses, and to keep the sport of trotting clean and free from abuse, and also to regulate and control that sport wherever carried on in the State. Objects.

The further objects of the Association shall be to:—

(a) Conduct, hold, and promote races for trotting with or without stakes.

Lay out and prepare, maintain and keep tracks and courses for trotting and training, and also to lay out, prepare, maintain, and keep any such grounds for the purpose of any kind of sport, amusement, recreation, or entertainment, so that the same may be profitably turned to account when not being actually used for trotting.

Erect grand or other stands, totalisators, horse-stabling, boxes, stalls, paddocks, refreshment rooms, bars, booths, and other erections, buildings, adjuncts, and conveniences (whether of a temporary or permanent nature) of whatsoever kind or nature which in the opinion of the Association may add to the convenience or comfort of persons attending any race meeting or any sport, amusement, recreation, or entertainment and whether such persons are members of the Association, competitors, or assistants, or members of the public.

(b) Erect, conduct, and maintain totalisators.

(c) Erect and maintain offices and accommodation for the Committee, officials, and/or members of the Association.

Erect and maintain buildings and premises to be used as a social club—whether licensed or not—for the meeting of members and/or of other persons interested in trotting and to conduct and carry on such a club.

Cater for and provide all refreshments, matters, and things which are usually provided and available on race-courses for the comfort or convenience of members, competitors, or assistants, or members of the public and for such purposes to carry on the business of caterers, refreshment purveyors, and licensed victuallers, and to obtain and hold all licenses necessary for all or any such purpose.

- (d) Purchase, take on lease, or in exchange, hire or otherwise acquire any real and personal property, and any rights or privileges which the Association may think necessary or convenient for any of the purposes aforesaid.

Improve, manage, develop, exchange, lease, mortgage, dispose of, turn to account, or otherwise deal with all or any part of the real and personal property of the Association, and in particular to lay out any land and/or buildings of which the Association is owner or over which it has any control, so that the same may be used for all or any of the purposes aforesaid.

- (e) Borrow or raise or secure the payment of money in such manner as the Association thinks fit, and in particular by the issue of debentures or debenture stock, charged upon all or any of the Association's property, both present and future, and to purchase, redeem, or pay off any such debentures.
- (f) Draw, make, accept, endorse, discount, and issue promissory notes and bills of exchange.
- (g) Enter into and bind all or any part of the assets and undertakings of the Association by guarantees, indemnities, or similar obligations in any cases where it is thought that the objects of the Association can be more fully realised or attained by such obligations.
- (h) Sell and dispose of any or all of the real and personal property of the Association for such consideration as the Association may think fit.
- (i) Make contributions, subsidies, or donations to any trotting club and/or for or towards any trotting event or prize for trotters or pacers in Western Australia.

Make contributions, subsidies, or donations to encourage the importation of trotters into Western Australia and/or the breeding of trotters in that State.

- (j) Invest and deal with the moneys of the Association no immediately required in such manner as may from time to time be determined.
- (k) Promote the establishment of trotting clubs and bodies in Western Australia, and to pay moneys to aid such clubs and bodies, and/or to guarantee the repayment of moneys advanced or to be advanced to any such club.
- (l) Establish and support or aid in the establishment and support of any association, society, fund or movement in Western Australia which is calculated to benefit the sport of trotting. And also to grant allowances and to subscribe to or guarantee money for any patriotic, charitable, benevolent or public object.

Establish or subsidise and support provident funds for distressed drivers, riders, and trainers.

Pay or contribute towards any fund for the payment of premiums for insurance against loss, injury, or damage to, or the illness or death of drivers, riders, trainers and/or employees of the Association.

- (m) Do all such other things as are incidental or conducive to the attainment of its objects.
- (n) Each and all of the powers specified in the preceding subclauses shall be in no wise limited or restricted by reference to or inference from the terms of any other subclause or of the main object as first mentioned.

3. The income and property of the Association shall be applied solely to the promotion of its objects, and no part thereof shall be transferred, directly or indirectly, by way of dividend, bonus, or otherwise by way of pecuniary profit to the members. Provided that remuneration may be made in good faith to any officers or servants of the Association, or any member of the Association, in return for services actually rendered to the Association.

Provided further that no remuneration or other benefit in money or money's worth shall be given by the Association to any member of the Committee, except repayment of out of pocket expenses. Any such payment shall be clearly shown in the annual profit and loss account and be approved by the Association at a general meeting.

4. The management of the Association shall be vested in a Committee consisting of ten members, of whom one shall be the President of the Association, and two others shall be Vice-Presidents.

Management.

No person shall be a candidate for election as a member of the Committee if he is not a member and all his subscriptions paid up to the date of nomination. A member of the Committee who ceases to be a member shall *ipso facto* vacate his office.

No person appointed as a handicapper or steward or acting in the office of handicapper or steward shall become or be eligible to become a member of the Committee.

5. All committeemen shall be elected by ballot, the result of which other than the ballot for the first election held after the commencement of the Act shall be declared at the annual meeting in each year, and they shall hold office until the close of the meeting at which their successors are appointed.

Election of
Committee.

The Committee, at its first meeting after election, shall nominate from its members a President and two Vice-Presidents, who shall hold office until the close of the next annual meeting.

In the case of a casual vacancy in the office of President, one of the Vice-Presidents, to be chosen by the Committee, shall become President until the close of the next annual meeting.

In the case of a casual vacancy in the office of Vice-President, the vacancy shall be filled by the Committee, and the person so chosen shall hold office until the close of the next annual meeting.

The Committee may appoint one of their number to be Honorary Treasurer of the Association and such Honorary Treasurer shall hold office until the close of the next annual meeting. The Honorary Treasurer shall be charged with the duty of supervising the accounts of the Association subject to the control of the Committee.

6. A candidate for election as member of the Committee must lodge with the Secretary a nomination, in writing, signed by two members and countersigned by the candidate.

Except in the case of the first election of members of the Committee held after the commencement of the Act all nominations must be lodged with the Secretary between the 15th day of August and

noon on the 31st day of August in each year, and on the latter date and hour all nominations shall be closed.

Nominations for the first election of members of the Committee held after the commencement of the Act must be lodged with the Secretary twenty-one days prior to the date of the general meeting at which such election takes place. The Secretary shall give forty-two days' notice of such meeting to all members of the Association. Such notice shall specify the day on which nominations for election to the Committee close.

The Secretary shall reject the nomination of any candidate who is not a member or whose subscription is in arrear at the hour when the nominations close.

7. If the nominations are in excess of the vacancies, voting papers shall at once be prepared by a returning officer who shall be appointed by the Committee, but who shall not be a member of the Committee or an officer of the Association, and such voting papers shall consist of a ballot paper to be initialled on the back thereof by the returning officer whereon shall be printed the names of all candidates, with a counterfoil attached, and the returning officer shall post a voting paper to each member as soon as practicable after the day on which nominations close. The counterfoil shall be signed by the voter, detached from the ballot paper, and placed in a sealed envelope endorsed "Counterfoil."

The voter shall strike out the names of those candidates on the ballot paper for whom he does not desire to vote, and in every case he must vote for the full number of vacancies or his vote will be disallowed.

The voter shall place the ballot paper in a sealed envelope endorsed "Ballot Paper." The sealed envelopes containing the counterfoil and ballot paper shall then be placed in another sealed and stamped envelope and shall be posted to the returning officer.

The envelopes containing the ballot papers and counterfoils shall be placed by the returning officer as received by him in a closed ballot box, of which he shall hold the key. Any candidate contesting the election may place his own private seal on the ballot box when it is closed by the returning officer if he so desires. The ballot shall be declared closed at noon on the day of the annual meeting or general meeting, as the case may be, at which hour the returning officer shall proceed to count the votes and first open the envelopes endorsed "Counterfoil" and check the signature on each counterfoil with the signature of the voter appearing in the Register of Members, and shall reject ballot papers not endorsed with the initials of the returning officer and any ballot paper (unopened) which in his opinion is not the vote of the member purporting to vote, or who is not qualified to vote.

The returning officer shall then open the ballot papers and shall reject ballot papers whereon there are marks, erasures or omissions, which in his opinion tend to destroy the secrecy of the ballot. Those candidates who have received the greatest number of admitted votes shall be deemed elected, but in the case of a tie, the returning officer shall decide the issue. The returning officer shall sign a memo. of the result of the ballot and hand the same to the Chairman of the annual meeting or general meeting, as the case may be, and the Chairman shall announce the result to the members after reading of the minutes of the previous annual meeting.

Each candidate may by writing delivered to the returning officer appoint a scrutineer, who may be present at the counting of the votes.

The returning officer shall hold all ballot papers, counterfoils and other papers relating to the election for fourteen days after the declaration of the result, after which they shall be destroyed.

8. At the first general meeting held after the commencement of the Act all members of Committee shall retire, and ten members shall be elected in accordance with the preceding by-law, and shall hold office as follows:—

- (1) The five members polling the highest number of votes shall hold office until the close of the next but one succeeding annual general meeting, and in case of a tie, the returning officer shall decide the issue.
- (2) The five members polling the lowest number of votes shall hold office until the close of the next succeeding annual general meeting, and in case of a tie, the returning officer shall decide the issue.
- (3) In the event of there being no ballot, the time for retirement shall be settled by lot.
- (4) At each succeeding annual election the members elected shall hold office for two years.

9. The successful candidates shall take office as at the close of the meeting at which they are elected.

10. If there are no nominations, the committeemen in office shall be continued as if re-elected at the annual meeting or general meeting, as the case may be, and this fact shall be entered in the minute book.

If there are no nominations in excess of the vacancies the members nominated shall be declared elected by the Chairman at the annual meeting or general meeting, as the case may be, and this fact shall be entered in the minute book.

If the candidates nominated, or elected, are less than the vacancies, the vacancies shall be filled by further ballot of the members to be taken within one month from the date of the annual meeting or general meeting, as the case may be.

By-laws 6 and 7 shall as far as applicable apply to such ballot and the Committee shall fix the dates of nomination and close of the ballot, but so that the ballot shall be taken not later than one month from the date of the annual meeting or general meeting, as the case may be, and the report of the returning officer shall be made to the Chairman of the Committee, who shall declare and record the result of the ballot.

11. No nomination, election, ballot, or declaration shall be challenged or questioned by any candidate or member, but the result as entered in the minute book shall be binding and conclusive on all candidates and members.

Any matter relating to the nomination, election, ballot or declaration, not specifically provided for in the foregoing by-laws, shall be decided by the returning officer, whose decisions shall be final.

12. A member of Committee may resign his office by giving written notice to the Secretary.

Members.

13. Any person above the age of twenty-one years who desires to become a member of the Association shall be nominated in writing by two members. The nomination paper shall be countersigned by the candidate, and be accompanied by the entrance fee and full annual subscription for the year then current.

The nomination paper and subscription shall be lodged with the Secretary and be submitted by him to a Committee meeting, when the candidate shall be balloted for by the members of the Committee present.

Provided that no ballot shall be held unless at least two days' notice in writing of the acceptance of such nomination paper shall have been given previously to each member of the Committee by the Secretary and such notice shall specify the name and occupation of the candidate and the names of the members nominating such candidate.

The entrance fee and annual subscription shall be fixed by the Committee from time to time and until otherwise determined, the entrance fee shall be ten guineas and the annual subscription three guineas.

Should the candidate not be elected the entrance fee and subscription lodged with the nomination shall be returned to him.

14. Any member desiring to resign may do so by written notice to the Secretary, but shall be liable for the payment of his subscription for the current year and for the payment of any other money due or payable by him at the time of such resignation.

15. The rights and privileges of a member are personal and cease on his death.

No employee
or bookmaker
to be eligible
as member.

16. No employee or servant of the Association and no bookmaker shall be eligible for election as a member of the Association. Any member who at any time shall be or become an employee or servant of the Association or who shall at any time carry on or be engaged or interested or employed in the business of a bookmaker shall thereupon forfeit his right to be and cease to be a member of the Association except as provided by Section 5 of the Act.

Life members.

17. The members in general meeting may by special resolution elect a person to be a life member of the Association. A resolution shall be a special resolution when it has been passed by a majority of not less than three-fourths of such members as, being entitled so to do, vote in person and at a general meeting of which not less than fourteen days' notice, specifying the intention to propose the resolution as a special resolution, has been duly given. Provided that the persons who were at the commencement of the Act life members of the Western Australian Trotting Association (Incorporated) shall become life members of the Association upon the commencement of this Act.

No present or future life member shall, whilst his name is on the register as such, be called upon to pay any annual subscription, but in every other respect shall be deemed to and be an ordinary member.

If a life member ceases by reason of expulsion or otherwise to be an ordinary member, he shall cease to be and his name shall be erased from the register as a life member.

18. The Secretary shall keep a register of members, in which shall appear the name and address of each member, and shall distinguish therein between life members (heretofore or hereafter qualified as such) and members paying an annual subscription. The register shall be conclusive evidence of whether a person is or is not a member or a life member, and no entry in the register shall be altered except by order of the Committee.

Register of
members.

All notices or demands which by these by-laws are required to be served upon or posted to a member shall be deemed served or posted when enclosed in a prepaid letter posted in Perth and addressed to the member at the address appearing in the register book. A certificate by the Secretary stating that a letter so addressed was posted in Perth on a certain date shall be conclusive evidence of that fact.

The Secretary may at any time require any member or members to affix or re-affix his ordinary signature in the register for the purpose of identification.

If any member fails to carry out any such requisition of the Secretary he may be directed by the Committee to affix or re-affix his ordinary signature in the register, and failure to at once comply with such direction shall render the member liable to suspension or expulsion under by-law 22.

19. Honorary members may be elected for such period or extended period as the Committee think fit and shall pay no subscription.

Honorary
members.

20. The Committee may at any time and without any notice and without giving any reasons cancel the election of any honorary member, and thereupon he shall cease to be an honorary member.

21. Honorary members shall not hold any office nor vote at any election or meeting of the Association, nor be present at any such meeting, nor have any right, title, or interest in or to any of the property of the Association, nor propose or second any candidate for admission as a member or honorary member. Except as aforesaid, honorary members shall be accorded all the privileges enjoyed by members.

22. The Committee shall have power to suspend or expel any member—

Expulsion of
members.

- (a) who shall become bankrupt or insolvent or make an assignment for the benefit of his creditors or compound or arrange with his creditors (whether such creditors are his separate creditors or the creditors of any partnership of which he is a member), or
- (b) who shall fail in the observance or commit any breach of any by-law of the Association or racing rule or any other order or direction of the Committee or any general meeting; or
- (c) who shall be convicted of any offence punishable summarily or of any crime or misdemeanour; or
- (d) who shall in the sole and absolute judgment and discretion of the Committee have been guilty of any act, practice, conduct, matter or thing calculated to bring discredit on

the Association or its members or on the sport of trotting, or to impair or affect the enjoyment of the Association by the other members.

23. The Committee may suspend or expel any such member on proof to their satisfaction of the events or any of them above-mentioned.

In the event of the Committee acting under the preceding by-law, the following shall be the mode of procedure:—

- (a) A charge shall be laid against the member complained of. Charges by or on behalf of the Committee shall be laid by the Secretary.
- (b) The Committee shall then cause a notice to be sent by registered letter to the member complained against to attend before the Committee to answer the charge, and also to the accuser (if any), and the Secretary must, on application by either party, send a notice to any other member to appear and give evidence, provided that such application be made three clear days before the date of the hearing of such charge. Seven days' notice must be given of such hearing. Should either of the two parties fail to attend, the Committee may take evidence and decide the case as if all parties had been present.
- (c) If after hearing the evidence the Committee shall be of opinion that the charge is sustained, they shall inflict such penalty as they think fit, either by expulsion forthwith or by suspension from the privileges of membership for a certain time not exceeding three months, which suspension the Committee shall be empowered to extend from time to time, and by expulsion at the determination of the suspension, and shall thereupon cause notice of such penalty to be sent by registered letter to the member charged. In case of expulsion, the name of the said member shall be erased from the list of members and posted on the notice board in the Committee-room, and he shall cease to enjoy the privileges of a member.

24. Any expelled or suspended member who may be aggrieved by any expulsion or suspension by the Committee under the preceding by-law may, by written notice lodged with the Secretary within fourteen days of the expulsion or suspension, require the convening of and appeal to a special meeting of members, and the Committee shall lay the appeal, stating the nature thereof, before such meeting. Before any such special meeting is called, the person aggrieved must, with his notice aforesaid, lodge the sum of £2 2s. with the Secretary to cover the cost of calling such meeting, which shall be forfeited if such meeting uphold the decision of the Committee. Should the meeting by a majority decide to uphold the appeal of such member against the expulsion or suspension imposed by the Committee, the aforesaid sum shall be returned to such member and his rights and privileges shall be restored. Until the hearing of any such appeal the decision of the Committee shall have full effect, but such expelled or suspended member shall have the right to attend such special meeting.

25. Notwithstanding any such expulsion, the member expelled shall be liable for all moneys due by him at the date of such expulsion.

26. No member or expelled member shall be entitled to take action or proceedings against the Association or against the Committee for or in respect of any such suspension or expulsion as aforesaid, and must conform to the decision of the Committee, and no member or expelled member shall bring any action against any person who makes a charge or who gives evidence thereon. It being expressly agreed that all charges, notices, letters, evidence and other matters arising under by-laws 22, 23 and 24, and all proceedings and utterances at Committee or general meetings held in connection therewith shall be absolutely privileged.

Any member who is actuated by personal malice or dishonourable motives in making any charges against another member under by-law 23 shall, however, be liable to expulsion by the Committee.

27. If and whenever the Secretary reports to the Committee that a member has been disqualified under the Rules of Racing for a period not exceeding twenty-three calendar months, the Committee shall at once suspend such member until the disqualification has ceased to operate: Provided that the Committee may at any time thereafter remove such suspension if satisfied that, having regard to all the circumstances, the member is sufficiently punished by the penalties which are attached to disqualification by the Rules of Racing.

If the Secretary's report as aforesaid shows that a member has been disqualified under the Rules of Racing for life or for a term exceeding twenty-three months, then the membership of such member shall be cancelled, and the Committee shall at once remove his name from the register of members.

Every report by the Secretary hereunder shall notwithstanding the same to be untrue or inaccurate and/or malicious be absolutely privileged and no action or proceedings shall be brought against the Secretary in respect thereof, but he shall be liable to punishment by the Committee.

The Committee may on the application of the suspended member remove any suspension which was in the Committee's opinion based on an improper report.

By-laws 23 and 24 shall not apply to a member suspended under this by-law.

28. If a member fails to pay his annual subscription before the 31st July in any year, he shall not be entitled to attend or take part at any meeting of the Association or of the Committee or to vote at any election or to exercise any of the privileges of a member or committeeman until the amount is paid.

Annual sub-
scriptions.

If not paid before the 1st October, he shall *ipso facto* cease to be a member and his name be removed from the register, but he may notwithstanding be sued for all subscriptions in arrear. A member who is in default under this by-law may, on payment of all arrears, have his name reinstated as a member during the current financial year if the Committee thinks fit.

29. Any member intending to leave the State for a period of not less than six months (all subscriptions and liabilities due by him to the Association having been paid) may, on application in writing

to the Secretary, be placed on the list of absentee members. Such member will in his absence be liable for a subscription at the rate of half the amount of the annual subscription payable by members during his absence from the State, as from the 31st July next after his so leaving the State, but on his return to the State must pay to the Association the full subscription for the current half-year, when he shall again be entitled to all the privileges of the Association.

Meetings.

30. The annual meeting shall be held in the month of September in every year on such day and hour as the Committee may from time to time determine, and shall be convened by seven days' notice.

31. Any member may, on giving to the Secretary written notice, together with a copy of the proposed resolution, on or before the 20th day of August in any year, submit any resolution to the then next annual meeting. The Secretary shall upon receipt of any such notice and resolution post the same on the notice board in the Association's office and notify the same in the notices convening the annual meeting.

32. The Committee may at any time convene a special meeting of members, and it shall on a requisition made in writing by not less than thirty members, or by a requisition from a member under by-law 24 so convene a special meeting.

Every requisition shall express the object of the meeting proposed to be called, and such meeting shall be held in not less than ten days nor more than twenty-one days from the time of receipt of the requisition. Should the Committee decline or neglect to convene such meeting, the requisitionists or any of them may do so.

33. Seven days' notice of every special meeting, specifying the time and place of meeting and nature of the business, shall be given to the members.

34. Every general meeting (special or annual) shall be held at such place as the Committee from time to time directs.

35. All business shall be deemed special that is transacted at a special meeting, and also all that is transacted at an annual meeting, with the exception of the consideration of accounts, balance sheets and reports of the Committee and the election of Committee.

36. At any general, special or annual meeting, twenty members present personally shall form a quorum.

37. If within half-an-hour from the time appointed for a general meeting a quorum of members is not present, the meeting shall, unless convened by order of the Committee, be dissolved, but in any other case it shall stand adjourned to the same day in the following week at the same time and place, and if at such adjourned meeting a quorum of members be not present, the members present shall be a quorum, and may transact the business for which the meeting was called.

38. The President, or in his absence one of the Vice-Presidents, or in their absence some member of the Committee, shall preside at every meeting of the Association. If within ten minutes after the time appointed for the meeting none of the persons aforesaid are present, the meeting may elect its own chairman.

39. The chairman of any meeting may with the consent of the meeting adjourn the same from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

40. At any general meeting, a declaration by the Chairman that a resolution has been carried, or carried by a particular majority, or lost, and an entry to that effect in the minute book of the Association shall be sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution, provided that any member may demand a division on such resolution, which shall be taken forthwith, and such decision shall be final.

41. Every member shall be entitled to one vote on a show of hands and at a division.

42. No member shall be entitled to vote at any meeting unless all moneys due from him to the Association shall have been paid.

43. The following shall be the order of the annual meeting:—

- (a) Confirmation of minutes of last annual meeting, and of any special meeting held since the preceding annual meeting.
- (b) Receiving and discussing the annual accounts and reports of the Committee.
- (c) The election of Committee and the determination of any matter appearing on the notice convening the meeting.
- (d) Special business, if any, brought forward after written notice as before mentioned.
- (e) General business.

44. Minutes of the proceedings at every general meeting shall be entered and kept in a book and the said minutes shall be produced to and signed by the Chairman within thirty days of the holding of such general meeting. Such minutes when signed by the Chairman or by the Chairman of the next following general meeting shall be *prima facie* evidence of the proceedings and matters stated in such minutes.

Minutes of the proceedings at every general meeting shall be confirmed at the next annual general meeting and, unless such minutes shall have been previously circulated to members, shall be read at such annual general meeting prior to being confirmed.

45. General meetings shall be convened by notice given by circular or post card posted in Perth addressed to each member, and every general meeting shall be valid, notwithstanding the inadvertent omission to post to or the non-receipt of any notice by any member.

46. The Association shall be managed and controlled by the Committee which shall meet as often as necessary for transaction of business. Five members shall form a quorum. Minutes of all resolutions and proceedings of the Committee shall be entered in a book provided for the purpose.

Minutes of all resolutions and proceedings of the Committee at any Committee meeting shall be confirmed at the next subsequent Committee meeting and unless such minutes shall have been previously circulated to every member of the Committee shall be read at such subsequent Committee meeting prior to being confirmed.

**Powers of
Committee.**

47. The Committee shall have power to:—

Purchase, take on lease, or otherwise acquire any real or personal property.

Determine from time to time the conditions on which and times when members may use the property or premises of the Association or any parts thereof, and the manner, times and conditions how and when and under which members may enjoy the privileges of the Association.

Determine what persons (if any) not being members shall be allowed to use the property or premises of the Association or any part or parts thereof, and during what time and subject and under what conditions and when and at what times and places and under what conditions such persons may enjoy the privileges of the Association.

Determine whether any and if so which clubs should be affiliated with the Association, and the terms and conditions under which such affiliation is to be allowed and maintained or withdrawn, and the privileges which are to be afforded to the members of affiliated clubs.

Appoint and from time to time remove the Secretary, Stewards and all such servants and assistants as may in the opinion of the Committee be necessary and to pay such salary and wages to and to define the duties of such Secretary, Stewards, servants, or assistants as the Committee think fit.

Delegate, subject to such conditions as they think fit, any of their powers to sub-committees, consisting of such members of the Committee as they think fit, and to make such regulations as to the proceedings of such sub-committees as may be thought desirable.

Pay to any servant or assistant of the Association any gratuity for faithful and diligent service as to them seems fit.

Sign and where necessary affix the common seal to and deliver transfers, assurances, leases, sub-leases, mortgages, and all other deeds and documents, agreements and writings in the name and on behalf of the Association.

Enter into guarantees, indemnities and similar undertakings.

Draw, make, accept, endorse and issue cheques, drafts, promissory notes, bills of exchange, negotiable securities or instruments of whatsoever kind or nature.

Take and defend all legal proceedings by or on behalf of the Association and to appoint all necessary attorneys for any such purpose.

Borrow, raise and/or secure the payment of money and mortgage and charge the assets and undertaking of the Association.

Sell and dispose of any real or personal property of the Association

48. Except where otherwise in these by-laws expressly provided, all questions at any meeting of the Committee shall be determined by a majority of the votes of the members present. The Chairman of the meeting shall in the case of an equality of votes have a second or casting vote. No resolution of the Committee shall be rescinded unless notice of intention to move such rescission has been given on the notice convening the meeting. A rescission may be effected by the majority of members present at the meeting.

49. The Committee shall not act when their number is below five except to fill vacancies or to conduct a ballot to fill vacancies.

If a member of the Committee ceases to be such before the expiration of his term of office, the vacancy shall be filled as follows:—

If when he ceases to be a member of the Committee his term of office has less than six months to run, the Committee may fill the vacancy, but otherwise the vacancy shall be filled by ballot in the manner provided by by-laws 6 and 7 except that the Committee shall fix the dates of nomination and close of the ballot and the report of the returning officer shall be made to the Chairman of Committee, who shall declare and record the result of the ballot.

Every person appointed to a casual vacancy of the Committee shall hold office so long only as the person in whose place he was appointed would have held office had he continued to be a member of the Committee.

50. Notice shall be given of every meeting of the Committee to every member thereof and shall be sent by post or delivered to the registered address of such member, but the inadvertent omission to send such notice or the non-receipt of such notice by any member shall not invalidate the proceedings of the meeting. Notice need not be given of any meeting which is fixed by any resolution of the Committee as a day whereon meetings are to be regularly held.

51. Every meeting of the Committee shall be presided over by the President or one of the Vice-Presidents, but in the absence of all these the members present shall choose a chairman of such meeting.

52. Any member of the Committee who shall—

(a) cease to be a member of the Association or be suspended from membership, or

(b) be absent from meetings of the Committee without leave of the Committee for six consecutive weeks

shall vacate his office unless in the latter case the Committee shall otherwise by resolution determine.

53. All acts done by any meeting of the Committee or a sub-committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such Committee or sub-committee or that the members or any of them were disqualified, be as valid as if every such appointment and member was regular and qualified, as the case may be.

54. There shall be three or more Stipendiary Stewards, who shall be appointed by the Committee. No Steward shall be appointed for more than twelve calendar months, but may be re-appointed, and every appointment shall be subject to by-law 55.

Stewards.

A candidate for the position of auditor need not be a member of the Association.

Should a temporary vacancy occur in the office of auditor it shall be filled in accordance with the provisions of by-law 49 similarly as for members of Committee.

A copy of the Auditor's report shall be forwarded to every member of the Association.

General.

68. Notwithstanding anything herein contained, all subscriptions owing by any member under these by-laws and all moneys owing or payable by any member to the Association on any account whatever shall be recoverable by action in any Court of Law against such member, whether such member shall at the time of the commencement of the action have ceased to be a member or not. And in any such proceedings the Association need not prove the election of the Committee, the making of these by-laws, or the authority to sue, but all such matters may be sufficiently proved by the oral evidence of the Secretary.

69. A special meeting may by the votes of at least two-thirds of all the members of the Association for the time being resolve to dissolve the same, and if such resolution is confirmed at a subsequent special meeting held within two calendar months, but no sooner than one calendar month, by another resolution passed by two-thirds of the members present at such subsequent meeting, then the Association shall be dissolved, and the assets of the Association shall be dealt with as the Supreme Court or a Judge thereof may direct.

**Capital ex-
penditure.**

70. No capital expenditure or liability on capital account exceeding £500 shall be made or incurred by the Committee in any year without the consent first obtained of the members of the Association at a special or general meeting.

**Scale of tolls
and charges.**

71. The following is the scale of tolls and charges exclusive of any tax which shall be levied and taken for admission to the several divisions of the Association racecourse lands and grounds, and the buildings thereon respectively:—

	s. d.
For the admission of each male person to the enclosure (not exceeding)	10 0
For the admission of each male person to the leger (not exceeding)	4 0
For the admission of each female to the enclosure or leger (not exceeding)	4 0
For the admission of each vehicle to the parking area	1 0

Provided that all members of the Association shall, upon production of their tickets, be admitted to any part of the said land with the exception of the parts set apart for the use of officials or employees of the Association or trainers or reinsmen.

PART II.**Registration
of and issue
of licenses to
Bookmakers.**

72. The Committee may, in their discretion, from time to time register any person to carry on the business of a bookmaker on the Association racecourse lands and grounds (hereinafter called the "racecourse"), in such place or places as may from time to time be set

apart for the purpose by the Committee. A license may be issued for such period or periods as the Committee may from time to time determine. Nothing in this by-law contained shall be deemed to render it incumbent on the Committee to grant any license whatever to any person.

73. Upon application for any such registration the applicant must satisfy the Committee that he is a person of good fame and character.

Applicant to be of good character.

74. The Committee may from time to time, by resolution at any meeting of that body, declare the fees which shall be payable for licenses granted under this by-law, and may from time to time, by similar resolution, increase or reduce the amount of such fees, or entirely revoke such fees, and declare other fees in lieu thereof. The fees for a license shall be paid before the same is issued.

Committee may fix fee for licenses.

75. So long as a license duly granted as aforesaid shall remain in force or unrevoked, the licensee may carry on the business of a bookmaker, on any day on which any race meeting shall be held on the racecourse at the place or places set apart for the purpose of betting as aforesaid, but not on any other day or at any other place, provided he complies with the following conditions:—

Effect of license.

(a) He shall at all times wear a badge on which shall be painted, printed, worked, or inscribed his name and address in legible letters, and such badge shall be so worn as to be visible to the public.

(b) He produces his license to the Secretary of the Association or any official appointed by him whenever required by them or either of them so to do.

76. The Committee shall set apart some place or places on the racecourse for betting purposes. The Committee may from time to time by notice declare that any place or places set apart for betting purposes shall no longer be used for such purposes, and may set apart another or other place or places in lieu thereof. Any notice necessary under this clause may be given by placard on the racecourse or by an advertisement in a daily newspaper published at Perth.

Committee may set apart places for betting purposes.

77. No person shall carry on the business of a bookmaker, nor make or offer to make any bet or bets with the public on the racecourse unless he be duly licensed as aforesaid; and no person duly licensed as a bookmaker as aforesaid shall carry on his business, or make or offer any bet at any place on the racecourse not then duly set apart for betting purposes as aforesaid.

No person to act as bookmaker without license or to bet at any place not set apart for the purpose.

78. The Committee may at any time and from time to time, in their absolute discretion, and without making any charge against a bookmaker, and without assigning any reason, revoke the license granted to him; and immediately upon such revocation, the privileges granted by the license so revoked shall absolutely cease and determine. The revocation of a license shall not entitle the person whose license is revoked to a refund of the license fee or any part thereof.

Committee may revoke licenses.

79. Any person offending against Part II. of these by-laws, or any clause thereof, shall, for every such offence, forfeit the sum of £10, which is hereby imposed as a penalty for any such offence,

Penalty for offences in this Part.

- (c) Where four or five horses start in a race, the place totalisator shall pay on the first and second horses only. The total amount invested, less commission, will be divided into two equal parts, and paid to the investors on the first and second horses respectively. The investors on horses running a dead-heat for first place will divide the whole, and on horses running a dead-heat for second place will divide one-half of the amount invested.
- (d) If only one horse be placed by the Judge, investors on such horse will divide the whole amount invested.
- (e) If only two horses be placed, investors on each of such horses shall divide one-half of the amount invested.
- (f) In all cases the amount paid will be less commission.
- (g) If only three or a less number of horses start in a race, place totalisator will not be opened.

SECOND SCHEDULE.

Great Southern District Council.

Eastern Goldfields District Council.

South-West District Council.