



Western Australia.

ANNO QUINQUAGESIMO SEXTO
VICTORIÆ REGINÆ.

No. X.

AN ACT to amend "The Police Act, 1892."

[Assented to, 13th January, 1893.]

BE it enacted by the Queen'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:— Preamble.

1. THIS Act may be cited as "The Police Act Amendment Act, 1893" (No. 1). Short title.

2. SECTION sixty-six, subsection six, of the said Act shall be and the same is hereby amended, by the addition of the following proviso at the end thereof:—"Provided always, that nothing in this subsection contained shall apply to any person playing or betting at or with any instrument known as a wheel totalisator, worked upon a race-course during the progress of any race meeting held under the auspices of any club duly registered by the Western Australian Turf Club." Amendment of subsection 6 of section 66 of Principal Act.

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Repeal of section 93
of Principal Act.

3. SECTION ninety-three of the said Act shall be and the same is hereby repealed.

No house, &c., to be
kept for the purpose
of owner or occu-
pier betting with
other persons.

4. NO house, office, room, or other place shall be opened, kept, or used for the purpose of the owner, occupier or keeper thereof, or any person using the same, or any person procured or employed by or acting for or on behalf of such owner, occupier or keeper, or person using the same, or of any person having the care or management, or in any manner conducting the business thereof, betting with persons resorting thereto, or for the purpose of any money or valuable thing being received by or on behalf of such owner, occupier, keeper or person as aforesaid, as or for the consideration for any assurance, undertaking, promise or agreement, express or implied, to pay or give thereafter any money or valuable thing on any event or contingency of or relating to any horse race or other race, fight, game, sport or exercise, or as or for the consideration for securing the paying or giving by some other person of any money or valuable thing on any such event or contingency as aforesaid; and every house, office, room or other place opened, kept, or used for the purposes aforesaid or any of them, is hereby declared to be common nuisance and contrary to law.

Betting houses to
be gaming houses.

5. EVERY house, room, office, or place opened, kept or used for the purposes in the last mentioned section, or any of them, shall be taken and deemed to be a common gaming house.

Penalty on owner
or occupier of
betting house.

6. ANY person who, being the owner or occupier of any house, office, room, or other place, or a person using the same, shall open, keep or use the same for the purposes hereinbefore mentioned, or any of them, and any person who, being the owner or occupier of any house, room, office or other place, shall knowingly and wilfully permit the same to be opened, kept, or used by any other person for the purposes aforesaid, or any of them, and any person having the care or management of, or in any manner assisting in conducting the business of any house, office, room, or place opened, kept or used for the purposes aforesaid, or any of them, shall be liable on conviction to a penalty of not more than One hundred pounds, or to be imprisoned, with or without hard labor, for any term not exceeding six calendar months.

Penalty on persons
receiving money on
condition of paying
money on event of
any bet.

7. ANY person, being the owner or occupier of any house, office, room, or place opened, kept, or used for the purposes aforesaid, or any of them, or any person acting for or on behalf of any such owner or occupier, or any person having the care or management or in any manner assisting in conducting the business thereof who shall receive directly or indirectly any money or valuable thing as a deposit on any bet on condition of paying any sum of money or other valuable

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thing on the happening of any event or contingency of or relating to a horse race or any other race, or any fight, game, sport, or exercise, or as or for the consideration for any assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter any money or valuable thing on any such event or contingency, and any person giving any acknowledgment, note, security, or draft on the receipt of any money or valuable thing so paid or given as aforesaid, purporting or intended to entitle the bearer or any other person to receive any money or valuable thing on the happening of any such event or contingency as aforesaid, shall be liable on conviction to a penalty of not more than Fifty pounds, or to imprisonment, with or without hard labor, for any term not exceeding three calendar months.

8. ANY money or valuable thing received by any such person aforesaid as a deposit on any bet, or as or for the consideration for any such assurance, undertaking, promise, or agreement as aforesaid, shall be deemed to have been received to or for the use of the person from whom the same was received, and such money or valuable thing or the value thereof may be recovered accordingly, with full costs of suit in any court of competent jurisdiction.

Money so received may be recovered from persons receiving the same.

9. NOTHING in this Act contained shall extend to any person receiving or holding any money or valuable thing by way of stakes or deposit to be paid to the winner of any race or lawful sport, game, or exercise, or to the owner of any horse engaged in any race.

This Act not to extend to stakes due to owner of horse winning a race.

10. ANY person exhibiting or publishing or causing to be exhibited or published any placard, handbill, card, writing, sign or advertisement, whereby it shall be made to appear that any house, office, room, or place is opened, kept, or used for the purpose of making bets or wagers in manner aforesaid, or for the purposes of exhibiting lists for betting, or with the intent to induce any person to resort to such house, office, room, or place for the purpose of making bets or wagers in manner aforesaid, or any person who, on behalf of the owner or occupier of any such house, office, room, or place, or persons using the same, shall invite other persons to resort thereto for the purpose of making bets or wagers in manner aforesaid, shall be liable on conviction to a penalty of not more than Thirty pounds, or to imprisonment, with or without hard labor, for any term not exceeding two calendar months.

Penalty on persons exhibiting placards or advertising betting houses.

11. WHERE any letter, circular, telegram, placard, handbill, card or advertisement is sent, exhibited, or published,—

(a.) Whereby it is made to appear that any person either in Western Australia or elsewhere, will, on application, give

Penalty on persons advertising as to betting or lotteries.

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information or advice for the purpose of or with respect to any such bet or wager, or any such event or contingency as is mentioned in this Act, or will make on behalf of any other person any such bet or wager as is mentioned in this Act; or

- (b.) With intent to induce any person, whether any particular person or generally, to apply to any house, office, room, or place, or to any person with the view of obtaining information or advice for the purpose of any such bet or wager, or with respect to any such event or contingency as is mentioned in this Act;
- (c.) Inviting any person, whether any particular person or generally, to make or take any share in or in connection with any such bet or wager, or to take or purchase any share, ticket, or interest in any lottery, or to subscribe money or goods to entitle him to participate in any distribution of money or goods, on the happening of any such event or contingency as is mentioned in this Act.

Every person sending, exhibiting or publishing, or causing the same to be sent, exhibited or published, shall be subject to the penalties provided in the last preceding section with respect to offences under that section.

Wagers not recoverable at law.

12. ALL contracts or agreements, whether by parol or in writing, by way of gaming or wagering, shall be null and void, and no action or suit shall be brought or maintained in any court of law or equity for recovering any sum of money or valuable thing alleged to be won upon any wager, or which shall have been deposited in the hands of any person to abide the event on which any wager shall have been made. Provided always, that this provision shall not be deemed to apply to any subscription, or contribution, or agreement to subscribe or contribute for or toward any plate, prize, or sum of money to be awarded to the winner of any lawful game, sport, pastime, or exercise.

Fines and penalties payable to municipalities.

13. NOTWITHSTANDING anything to the contrary contained in "The Police Act, 1892," all fines and penalties incurred and recovered under the provisions of that Act, within any municipality, excepting so much as may be payable to any informer, shall be paid to the council of the municipality.

Unlawfully taking or branding animals.

14. WHOSOEVER takes and works or otherwise uses or takes for the purpose of working or using any cattle or dog the property of another person, without the consent of the owner or person in lawful possession thereof, or who takes any such cattle or dog for

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the purpose of secreting the same or obtaining a reward for the restoration or pretended finding thereof or for any other fraudulent purpose, shall be guilty of a misdemeanor, and on conviction before two justices shall be liable to imprisonment for a term not exceeding twelve months, or to pay a fine not exceeding Fifty pounds.

The term "Cattle" mentioned in this section shall include any camel, horse, mare, gelding, colt, foal, filly, ass, mule, bull, cow, ox, steer, heifer, calf, wether, ram, ewesheep, lamb, pig, goat, deer, alpaca, llama or vicuna, and every hybrid or cross thereof.

15. THIS Act and "The Police Act, 1892," shall be read and construed together as one Act. Incorporation.

In the name and on behalf of the Queen I hereby assent to this Act.

W. C. F. ROBINSON, Governor.