

WESTERN AUSTRALIA.



ANNO SECUNDO

GEORGII QUINTI REGIS,

XXVII.

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No. 19 of 1912.

AN ACT to further regulate the use of the  
Totalisator.

[Assented to 9th January, 1912.]

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:—

1. This Act may be cited as the *Totalisator Regulation Act*, Short title. 1911.

2. In this Act, subject to the context—

Definitions.

“Club” means (except in section *fourteen*) any club, company, or association, incorporated or otherwise (not being the Western Australian Turf Club or registered by the Western Australian Turf Club) formed for the purpose of promoting horse-racing;

“Horse-racing” includes trotting racing;

“License” means totalisator license;

“Prescribed” means prescribed by regulations made under this Act;

“Race-course” includes any course used for the purpose of holding trotting races;

“Race-meeting” means any meeting held for the purpose of horse-racing;

“Totalisator” means the instrument, machine, or contrivance known as the “totalisator.”

Totalisator licenses. 3. (1.) The Colonial Treasurer may, on payment of the prescribed fees, issue to clubs totalisator licenses under this Act.

(2.) A totalisator license shall, whilst in force, authorise the club holding the same, its servants and agents, to have, use, and play with one totalisator or the number of totalisators mentioned in the license on a race-course specified in the license during and for the purpose of any and every race-meeting held by the club on such course.

(3.) Any person may, with the express or implied permission of the club, participate in the use of, and the facilities afforded by, a licensed totalisator.

Duration of Licenses.

4. Every license shall expire on the thirty-first day of December in the calendar year in or for which it is granted.

Applications for licenses.

5. Every application for a license shall be accompanied by the prescribed fee, and be made during the currency of the calendar year in which the license is to have effect or in the month of December preceding that year.

Granting of licenses discretionary.

6. The granting of licenses shall not be deemed to be as of right, but shall be in the uncontrolled discretion of the Colonial Treasurer.

Revocation of licenses.

7. A license may be revoked at any time by the Colonial Treasurer in his uncontrolled discretion.

Lost licenses.

8. Whenever a license is lost or destroyed or for any reason cannot be produced when required by the licensee, a duplicate or certified copy thereof may, on payment of the prescribed fee, be issued by the Colonial Treasurer, and shall serve and be available in lieu of the original.

Licensed club deemed to be racing club under Act No. 19 of 1905.

9. Every club licensed hereunder shall be deemed to be a racing club within the meaning of the Totalisator Duty Act, 1905.

User of totalisator under license legalised.

10. The user or keeping of any totalisator pursuant to the authority of a license issued under this Act is hereby legalised, and shall not render any person concerned or participating liable to any penalty or punishment under any enactment relating to gaming or betting, or to the keeping of common gaming or betting houses or lotteries.

11. Any user or keeping of a totalisator by or on behalf of any club without a license under this Act shall be illegal, and shall render all persons concerned or participating liable to any appropriate penalty or punishment provided by law.

User of totalisator without license illegal.

12. The Governor may make regulations with regard to all or any matters which by this Act are required or permitted to be prescribed or which it may be necessary or convenient to regulate for giving effect to this Act, and may by such regulations provide for the imposition of a penalty not exceeding twenty pounds for the breach of any regulation.

Regulations.

13. Any regulations made under this Act shall—

Regulations, how made.

- (i.) be published in the "Government Gazette";
- (ii.) take effect from the date of publication or from a later date to be specified in such regulations;
- (iii.) be laid before both Houses of Parliament within seven days after publication if Parliament is in session, and if not, then within seven days after the commencement of the next session.

(2.) If either House of Parliament passes a resolution at any time within twenty days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Either House may disallow any regulation.

14. (1) The Western Australian Turf Club and every club or company, incorporated or otherwise, registered by the Western Australian Turf Club, and authorised to have, use, or play with the totalisator shall, in the month of January in every year, pay to the Colonial Treasurer, for the use of His Majesty, a sum equal to the fee payable for a license for a totalisator for such year under this Act.

W.A. Turf Club and other clubs authorised to use totalisator to pay annual fee.

(2.) Without prejudice to any other method of recovery, any sum hereby made payable by any such club or company as aforesaid may be recovered from the members thereof, or any of them, by action by or on behalf of the Crown, and such members shall be jointly and severally liable for such sum.

15. No license shall be granted to any club under this Act unless the Colonial Treasurer is satisfied that no profits or gains of any such club are divisible amongst the individual members thereof or any of them.

Restriction as to grant of license.