

Approved for Reprint, 2nd May, 1977.

WESTERN AUSTRALIA.

WESTERN AUSTRALIAN TROTTING ASSOCIATION.

No. 55 of 1946.¹

(Affected by Acts Nos. 50 of 1960, s. 57 and 113 of 1965, s. 8.)

[As amended by Acts:

No. 10 of 1947, assented to 22nd October, 1947,

No. 62 of 1948, assented to 21st January, 1949,

and by by-laws published in the *Government Gazette* up to and including 19th December, 1969;² and reprinted pursuant to the Amendments Incorporation Act, 1938.]

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—

1. This Act may be cited as the *Western Australian Trotting Association Act, 1946-1948*, and shall come into operation on a day to be fixed by proclamation.¹

Short title
and com-
mencement.
Amended by
No. 62 of 1948
s. 2.

¹ Came into operation 1st February, 1947. See *Gazette* 31st January, 1947, p. 200.

² See First Schedule to this Act.

Interpre-
tation.

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.

Constitution.

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

(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, 1943,¹ 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, 1943.¹

(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.

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.

Vesting of assets of the Western Australian Trotting Association (Incorporated) in Association.

(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

¹ Repealed by Companies Act, 1961.

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 Australian 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.

Committee.

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.

By-laws.

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

(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, 1918-1938,¹ 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 fifty dollars for any breach thereof, to be recoverable upon summary conviction.

Penalty for breach of by-laws. Amended by No. 113 of 1965, s. 8.

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 twenty dollars.

Obstructing of Officers. Amended by No. 113 of 1965, s. 8.

¹ Now Interpretation Act, 1918-1975.

Wilful
trespass on
land of the
Association.

(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 twenty dollars.

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
offender
from other
liabilities.

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 ten dollars 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 ten cents.

Copy of annual account to be transmitted to Minister. Amended by No. 113 of 1965, s. 8.

Minister may establish Country Clubs' Benefit Fund.
Amended by No. 62 of 1948, s. 3.

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—

(a) [*Deleted by No. 62 of 1948, s. 3.*]

(b) authorise three meetings 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 meetings referred to shall not be meetings held at Christmas time or at Easter.

Amount in fund to be distributed amongst district 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 interest of trotting racing in country districts, from time to time determines.

FIRST SCHEDULE.

By-laws for the Western Australian Trotting Association.

PART I.

Interpretation.
Amended by G.C. 30/5/69, p. 1637.

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;

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

“trainer” means a person who holds a License or Permit to train issued under “The Rules of Trotting of the Western Australian Trotting Association”;

“trotting” includes pacing;

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 racecourses 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 not 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.

Western Australian Trotting Association.

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 dividends, 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.

Management.
Amended by
G.G. 18/4/58,
p. 747;
G.G. 19/12/69,
p. 4189.

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.

If and so long as the immediate past president shall be a member of the Committee he shall occupy the office designated as "Immediate Past President".

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.

Provided that this by-law shall not apply to a member of the committee appointed under By-law 58.

Election of
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.

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 the 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.
Amended by
No. 113 of
1965, s. 8.

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 twenty-one dollars and the annual subscription six dollars thirty cents.

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,
trainer or
bookmaker
to be eligible
as member.
Substituted
by G.G.
30/5/69
p. 1637.

16. No employee or servant of the Association, no bookmaker and no trainer 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 or who shall become a trainer 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.

Expulsion of members.

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

- (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 four dollars twenty cents 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.

Amended by
No. 113 of
1965, s. 8.

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.

Annual sub-
scriptions.

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.

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.

30. The annual meeting shall be held at least once in every calendar year and not more than fifteen months after the holding of the last preceding annual general meeting on such day and hour as the Committee may from time to time determine, and shall be convened by seven days' notice.

Meetings.
Substituted
by G.G.
23/10/64,
p. 3618.

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.

Western Australian Trotting Association.

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. Committee.

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.

Stewards.
Substituted
by G.G.
8/7/60
p. 2071.

54. There shall be three or more Stipendiary Stewards who shall be appointed by the Committee and every appointment shall be subject to by-law 55.

55. A Steward may be suspended for any term not exceeding a calendar month or may be dismissed by the Committee for any reason they think fit, subject to a right of appeal within fourteen days in case of dismissal to a special meeting of the Committee. And every engagement written or otherwise of a Steward must be taken as being made on the terms of this by-law.

56. The Stewards shall conduct and carry out all race meetings and trotting events, and see that all Rules of Racing are observed. The Stewards shall discharge such other duties as the Committee from time to time directs and/or as may be specified in the by-laws or the Rules of Racing for the time being.

57. The Stewards shall receive such remuneration as the Committee from time to time determines.

58. The Committee may from time to time appoint a Steward or Stewards to fill any casual vacancy or vacancies, or pending the appointment of a Steward or Stewards for a term or to act during the illness, absence, or incapacity of a Steward or Stewards; but no appointment under this by-law shall be made or renewed beyond three months unless a vacancy arises by reason of death or resignation, in which case a Steward may be appointed to hold office for the balance of the term for which the deceased or resigning Steward was appointed.

58A. No handicapper or steward shall—

- (a) Engage directly or indirectly in any business connected with the sale, lease, breeding or management of racehorses.
- (b) Directly or indirectly be interested in the ownership of any racehorse.
- (c) Bet, or be interested in any wager or bet, on any horse race.

59. The Committee shall have power from time to time to make, alter and repeal rules for— Rules of racing.

- (a) determining the terms and conditions under which races shall be conducted, whether on property owned, leased or controlled by the Association, and/or upon any property owned, leased or controlled by an affiliated club;
- (b) determining the rules and conditions to be observed by owners, nominators, riders, drivers, competitors, trainers, and other assistants before, during or after any race meeting, including nominations;
- (c) generally determining such Rules of Racing applicable before, during and/or after the actual racing as the Committee in its absolute and unfettered discretion thinks fit to lay down or prescribe;
- (d) providing for penalties, suspensions, and disqualifications;
- (e) providing for the payment of license fees, registration fees, owners, trainers, riders, drivers and assistants' fees; transfer fees; nomination and acceptance fees and all other fees and charges which the Committee in its absolute discretion think fit to impose;
- (f) determining the terms and conditions upon which persons shall be allowed to be and/or remain on any course whereon a trotting race is being conducted.

Every person who nominates, owns, leases, trains, rides, or drives a horse or has any share, interest, or part in the nomination, ownership, lease or training of a horse and every other class of person who purports to be referred to in and dealt with by any Racing Rule made under this by-law shall be absolutely bound thereby, whether the same is or is not irregular or is or is not *ultra vires* of the Committee.

The provisions of section thirty-six of the Interpretation Act, 1918-1938,¹ shall apply to and in respect of any Rule of Racing made after the commencement of this Act and to any alteration or repeal thereof and to and in respect of any alteration or repeal of any existing Rule of Racing as if such Rule of Racing or such alteration or repeal of a Rule was a new by-law made under this Act.

60. The existing Rules of Racing as made by the Western Australian Trotting Association (Incorporated), unless inconsistent with the by-laws, shall continue in force until amended or repealed by the Committee in accordance with the Act.

Common
seal.

61. The Common Seal of the Association shall be fixed to such deeds, instruments and documents as need to be under seal by order of the Committee and in the presence of two members of the Committee, who shall countersign such deed, instrument or document.

Accounts.

62. Correct accounts and books shall be kept showing the financial affairs of the Association and the particulars usually shown in books of account of a like nature.

63. The financial year shall run from the 1st day of August to the 31st day of July in each year, and the accounts of the Association shall be closed on the last day of July in each year, and a balance sheet containing a summary of the assets and liabilities of the Association on that date shall be made out.

64. Before each annual meeting in September the accounts for the year ending with the last day of July preceding, with all vouchers and receipts and also balance sheet, shall be examined by the Auditor, who shall report thereon to such meeting.

65. A copy of the balance sheet shall be posted to each member seven days previous to each annual meeting.

Auditor.

66. The Auditor shall audit the accounts monthly and shall have power to call for all books, papers, accounts, etc., relating to the affairs of the Association.

¹ Now Interpretation Act, 1918-1975.

67. The Auditor, who shall be a chartered accountant or firm of chartered accountants, shall be elected by the members at the annual meeting in each year and at such remuneration as shall be fixed by them.

Amended
by G.G.
19/7/57
p. 2326.

Nominations for auditor, signed by two members of the Association and countersigned by the candidate shall 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.

Should more than one candidate be nominated voting shall be conducted in accordance with the provisions for election for members of Committee under by-law 7.

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.

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.

General.

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.

70. [*Repealed by G.G. 8/7/60, p. 2071.*]

71. Admission and other charges shall be fixed by the Committee from time to time, provided that all members of the Association shall, upon production of their tickets, be admitted to any part of the racecourse, lands and grounds, with exception of the parts set apart for the use of officials or employees of the Association, or drivers or reinsmen, and such other parts as the Committee shall, from time to time determine.

Admission
and other
charges.
Substituted
by G.G.
13/2/57
p. 301.

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.

Applicant to
be of good
character.

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

Committee
may fix fee
for licenses.

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.

Effect of
license.

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:—

- (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.

Committee
may set apart
places for
betting
purposes.

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.

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 twenty dollars, which is hereby imposed as a penalty for any such offence, recoverable upon summary conviction. In addition to incurring such penalty, the person offending may be summarily removed from the racecourse.

Penalty for offences in this Part. Amended by No. 113 of 1965, s. 8.

PART III.

BY-LAWS RELATING TO WORKING OF THE TOTALISATOR.

80. No horse shall be barred on the totalisator.
81. Investors may back any number to an unlimited amount, the numbers on the official programme corresponding with the totalisator numbers.
82. No dividend shall be paid out on any particular race until the horses have been duly weighed in, and until five minutes after the winner has been weighed in.
83. The horse placed first by the Judge shall be deemed to be the winner, unless a protest be lodged in accordance with the provisions of the Rules of Racing.
84. The decision of the Stewards in the event of a protest shall be final.
85. No dividend will be paid except upon presentation of the ticket, and no defaced or damaged ticket will in any case be admissible unless certified to by the Stewards.

No horse barred on.

Investors rights.

Dividend when paid.

The winner defined.

Stewards' decision final.

Dividend how paid.

Where no ticket on winning number.

86. In the event of no ticket being taken on the winning horse in any race, or of a walk-over, the amount paid on the purchase of each ticket for that race will be returned, less the usual commission, on production of tickets.

Effect of a dead heat.

87. In the event of a dead-heat (not run off), the total money shall be divided into as many equal parts as there are horses placed first, and each such part shall be treated as a separate total, and separate dividends shall be paid thereon according to the number of investors upon each horse.

Should the owners of the horses running a dead-heat, which under the Rules of Racing may be run off, decide to run the same off, the totalisator shall be closed so far as the race is concerned, and may be re-opened on the run off, the money in each case to be paid out on the winner of the race.

Dead heat in which one horse only backed.

88. If the final result of a race should be a dead-heat, in which only one horse is backed, the holders of tickets on the horse backed will receive the whole dividend.

Duty of purchaser of ticket.

89. Every purchaser of a ticket must satisfy himself that he has received the ticket applied for and see that his ticket is properly stamped before leaving the counter, as no unstamped tickets will be recognised, and every holder of a ticket must see that he has his proper dividend before leaving the counter, as no subsequent claim will be recognised.

As to change on purchasing ticket.

90. To save time, persons wishing to become purchasers of tickets are requested to provide themselves with change, as no change will be given.

Division of amount invested. Amended by No. 113 of 1965, s. 8.

91. The total amount invested, less commission which shall not exceed the amount authorised or required by the Totalisator Duty Act, 1905, or any Act amending the same to be deducted therefrom, will be divided *pro rata* between the investors on the winning number, but no fractional part of five cents will be paid unless otherwise required by Act of Parliament.

Purchaser bound by these By-laws.

92. Every purchaser of a ticket and every holder of a ticket shall be deemed to have made himself thoroughly acquainted with these by-laws, and to have agreed to be bound thereby.

Effect of purchase of ticket.

93. A person applying for a ticket shall be deemed to have irrevocably constituted the workers of the totalisator, and each and every one of them, his agents and agent, to invest the money paid by him in advance to the workers of the totalisator, at the price of such ticket, on the horse

indicated in such ticket, and for the race named in such ticket, subject to these by-laws, and so soon as the money so paid shall have been so invested, and the ticket issued to the purchaser, he shall have no rights other than those conferred by these by-laws on the holder of a ticket issued under these by-laws.

94. In the event of the Stewards ordering a race to be run over again, the totalisator shall be closed so far as the first attempt is concerned, and shall be re-opened on the second attempt, and treated as on a distinct race, the money in each case to be paid out on the winner of the final event.

Closing of totalisator where race run over again.

95. Under no circumstances whatever shall any further money be accepted or investments permitted after the totalisator has once been officially closed.

No money accepted after totalisator closed.

96. Immediately after the declaration of a dividend, the amount of such dividend shall be posted in a conspicuous place on or near the totalisator.

Posting of dividend.

97. In the event of a horse in any race never reaching the Starter's hands, the Stewards may order all moneys paid for tickets on that horse in that race to be returned, as they may think advisable, either after or without deducting the usual commission.

Procedure if horse never reaches starter's hands.

98. Should any dispute arise it shall be referred to the Stewards, whose decision in all cases shall be final.

Disputes.

99. The following by-law shall apply exclusively to place totalisators and, subject thereto, the foregoing by-laws shall also apply.

Rules as to place totalisator. Substituted by G.G. 24/11/67 p. 3222.

(a) (i) If eight or more horses remain in a race when the totalisator is opened on that race, three separate pools (one for each horse placed first, second or third) shall be established and dividends calculated for the horses placed first, second and third respectively in the manner hereinafter set out.

(ii) If five, six or seven horses remain in a race when the totalisator is opened on that race, two separate pools (one for the horse placed first and one for the horse placed second) shall be established and dividends calculated for the horses placed first and second respectively in the manner hereinafter set out.

(iii) If less than five horses remain in a race when the win totalisator is opened, the place totalisator shall not be opened.

(b) Calculation of Dividend—

- (i) There shall be deducted from the total amount invested for a place in each race the total amount of the winning bets, i.e., the aggregate of the amounts invested on the horses placed first, second and third, or first and second, as the case may be.
- (ii) The balance then remaining (being the aggregate of the losing bets in that race) shall be divided equally between each pool. There shall then be added to the pool for each placed horse the amount invested on that horse.
- (iii) A commission equal to fifteen per centum shall then be deducted from each pool and the dividend for each pool calculated by dividing the amount remaining in each pool by the number of winning tickets (based on a unit investment of fifty cents (50c) per ticket) on the horse the subject of the pool.

(c) Dead Heats:

In the event of a dead heat which does not necessitate the payment of an additional dividend the following shall apply:—

- (i) There shall be a pool for each such horse.
- (ii) The provisions of subparagraphs (i), (ii) and (iii) of paragraph (b) shall apply *mutatis mutandis*.

In the event of a dead heat which does necessitate the payment of an additional dividend or dividends the following shall apply:—

- (i) For the purpose of subparagraph (i) or (ii) of paragraph (a) (as the case may be) the respective amounts invested on the horses in the dead heat shall be divided by the number of horses in the dead heat and a sub-pool of the amount so obtained constituted for each such horse.
- (ii) There shall be added to each sub-pool an amount obtained by dividing the principal pool constituted under

subparagraph (i) or (ii) of paragraph (a) (as the case may be) in respect of the place relative to the horses in the dead heat by the number of horses in the dead heat.

- (iii) The dividend payable for each horse in the dead heat shall then be calculated in the manner set out in paragraph (b).
- (d) If only one horse be placed by the Judge, investors on such horse will divide the whole of the amount invested less commission and other proper deductions.
- (e) If only two horses be placed subparagraph (ii) of paragraph (a) shall apply and the dividends shall be calculated in accordance with paragraph (b).

SECOND SCHEDULE.

Great Southern District Trotting Council.
North-Eastern Districts Trotting Council.
South-West District Trotting Council.

Amended by
No. 10 of 1947,
s. 3.