

WESTERN AUSTRALIA.

**TOTALISATOR REGULATION  
ACT 1911-1972.**

ARRANGEMENT.

Sec.

1. Short title.
2. Definitions.
3. Totalisator licences.
4. Duration of licences.
5. Application for licences.
6. Granting of licences discretionary.
7. Revocation of licences.
8. Lost licences.
9. Licensed club deemed to be racing club under Act No. 19 of 1905.
10. User of totalisator under licence legalized.
11. User of totalisator without licence illegal.
12. Regulations.
13. Regulations, how made.
14. W.A. Turf Club and other clubs authorized to use totalisator to pay annual fee.
15. Restriction as to grant of licence.

Approved for reprint 17 August 1982.

WESTERN AUSTRALIA.

# TOTALISATOR REGULATION.

No. 19 of 1912.

(Affected by Acts No. 8 of 1925 and 113 of 1965.)

[As amended by Act—

No. 69 of 1972<sup>1</sup>, assented to 16 November 1972,  
and reprinted pursuant to the Amendments Incorporation Act  
1938.]

AN ACT to further regulate the use of the  
Totalisator.

[Assented to 9 January 1912.]

BE it enacted—

1. This Act may be cited as the *Totalisator  
Regulation Act 1911-1972*.

Short title.  
Amended by  
No. 69 of  
1972, s. 1.

2. In this Act, subject to the context—

Definitions.  
Amended by  
No. 69 of  
1972, s. 3.

“Club” means (except in section *fourteen*) any  
club, company, or association, incorporated  
or otherwise (not being the Western Aus-  
tralian Turf Club or registered by the

<sup>1</sup> Came into operation on 1 August 1973; see *Gazette* 15/6/73, p. 2216.

*Totalisator Regulation.*

Western Australian Turf Club) formed for the purpose of promoting horse-racing or greyhound racing;

“Horse-racing” includes trotting racing;

“Licence” means totalisator licence;

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

“Race-course” means land and premises used for the purpose of holding race-meetings;

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

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

Totalisator  
licences.  
Amended by  
No. 8 of  
1925, s. 2.

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

(2) A totalisator licence shall, whilst in force, authorize 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 licence on a race-course specified in the licence 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  
Licences.

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

Applications  
for licences.

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

## *Totalisator Regulation.*

3

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

Granting of licences discretionary. Amended by No. 8 of 1925, s. 2.

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

Revocation of licences. Amended by No. 8 of 1925, s. 2.

8. Whenever a licence 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 Treasurer, and shall serve and be available in lieu of the original.

Lost licences. Amended by No. 8 of 1925, s. 2.

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

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

10. The user or keeping of any totalisator pursuant to the authority of a licence issued under this Act is hereby legalized, 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.

User of totalisator under licence legalized.

11. Any user or keeping of a totalisator by or on behalf of any club without a licence 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 licence 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 forty dollars for the breach of any regulation.

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

Regulations,  
how made.

13. Any regulations made under this Act shall—

- (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.

Either House  
may  
disallow any  
regulation.

(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.

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

Amended by  
No. 8 of  
1925, s. 2.

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

(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.

Restriction  
as to grant  
of licence.  
Amended by  
No. 8 of  
1925, s. 2.

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