

Western Australia

**By-laws for the Western Australian Trotting
Association**

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By-laws for the Western Australian Trotting Association

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Western Australia

Western Australian Trotting Association Act 1946

By-laws for the Western Australian Trotting Association

(Note: These By-laws were in the First Schedule to the Act).
By-laws may be made under s. 7 of the Act and until 1 Aug 2004 or by order published in the *Gazette*, the former by-laws continue as if made under that section (see the *Racing and Gambling Legislation Amendment and Repeal Act 2003* s. 236).

First Schedule

By-laws for the Western Australian Trotting Association

PART I

1. Interpretation

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 Harness Racing 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.

[By-law 1 amended in Gazette 30 May 1969 p.1637; 20 October 1998 p.5789.]

2. Objects

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.

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.

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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.

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.

4. **Management**

The management of the Association shall be vested in a Committee consisting of nine full 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".

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*[By-law 4 amended in Gazette 18 April 1958 p.747;
19 December 1969 p.4189; 20 October 1978 p.3759; 1 May 1987
p.1491; 24 August 1991 p.4338; 22 June 1993 p.3060; 3 August 1993
p.4203; 20 October 1998 p.5789; 29 June 1999 p.2835;
22 September 2000 pp.5433-4.]*

4A. MEMBERSHIP OF THE COMMITTEE

4A.1 Eligibility for Committee

A person is eligible to be elected as a member of the Committee if the person is —

- (a) a full member; and
- (b) has been a full member for not less than 12 continuous months prior to the closing of the date for nomination for election.

4A.2 Disqualification because of employment

- (1) A person is disqualified from membership of the Committee if the person becomes an employee of the Association.
- (2) If a person, who is employed by the Association is declared to be elected as a member of the Committee —
 - (a) then the person is ineligible to attend meetings of the Committee until he or she has ceased employment with the Association; and
 - (b) if the person remains employed by the Association at the expiry of 2 months after the date on which the person is declared elected, then the person is disqualified from membership of the Committee.

[4A.3. Repealed in Gazette 5 Sep 2003 p. 3948.]

4A.4 Disqualification because of ceasing to be a full member

A person is disqualified from membership of the Committee if the person ceases to be a full member of the Association.

[By-law 4A inserted in Gazette 22 September 2000 p.5434.]

5. Election of Committee

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 September and noon on the 30th day of September 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.

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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.

[By-law 6 amended in Gazette 10 August 1990 p.3910.]

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 returning officer shall open the envelopes containing the envelopes endorsed 'Ballot Paper' and 'Counterfoil' at such time or times as he shall decide and of which he shall in each case have notified all of the candidates.

He shall then open each envelope endorsed 'Counterfoil' and check the signature on each Counterfoil with the signature of the voter appearing in the Register of Members and shall reject without opening the same any ballot paper from an envelope the counterfoil of which is signed by a person who is in his opinion not the member purporting to vote or if in his opinion the vote is that of a person who is not qualified or entitled to vote.

The envelopes marked 'Ballot Paper' which shall not be rejected shall be placed by the returning officer 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.

The ballot shall be declared closed at 9.00 am on the day prior to the date of the annual meeting or general meeting as the case may be.

After he has completed the procedure hereinbefore set out for placing in the ballot box those envelopes marked 'Ballot Papers' which shall have not then been rejected the returning officer shall proceed to open the envelopes marked 'Ballot Paper' previously placed in the ballot box and to count the votes.

The returning officer shall reject any ballot paper not endorsed with his initials and any ballot paper which does not record a vote for the full number of vacancies or which in his opinion is marked in such a manner as to destroy the secrecy of the ballot or which in his opinion do not clearly indicate the voters intention.

The candidates who have received the greatest number s the time or times the returning officer notifies that he is to open the envelopes containing the envelopes endorsed 'Ballot Paper' and 'Counterfoil' and at the counting of the votes.

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.

[By-law 7 amended in Gazette 3 August 1979 p.2165; 3 September 1999 p.4312.]

- 8.** At the 1996 Annual Election and at each succeeding annual election —
- (a) all members due to retire shall retire, and the three members shall be elected in accordance with the preceding by-laws;
 - (b) every member elected shall hold office for three years.

[By-law 8 inserted in Gazette 12 July 1996 p.3384.]

- 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

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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.

13. MEMBERSHIP

13.1 Membership Categories

The members of the Association are:

- (a) participating members;
- (b) non-participating members;
- (c) full members;
- (d) junior members;
- (e) corporate members;
- (f) life members;
- (h) honorary members;

13.2 Application generally

Applications for membership shall be made on the form approved by the Controlling Body and shall be accompanied by payment of the relevant annual subscription.

13.3 Election procedure for non-participating, full and corporate members

- (1) A member wishing to propose a new member shall complete a nomination form in a form approved by the Controlling Body and lodge the form with the Secretary.
- (2) The nomination form shall be signed by the nominator, by another member as seconder, and by the candidate for new membership.
- (3) The Secretary shall submit the nomination form to the next meeting of the Committee.
- (4) The Committee shall determine all nominations for new membership under this clause.
- (5) This clause applies to the election of any:
 - (a) non-participating member;
 - (b) full member;
 - (c) corporate member.

13.4 Annual subscriptions

- (1) The Committee shall determine the annual subscriptions payable by members.
- (2) Unless the Committee determines otherwise, the annual subscriptions payable are:

(a) participating member	\$50.00
(b) non participating member	\$100.00
(c) full members	\$210.00
(d) corporate members	\$210.00
(e) junior members	\$25.00
(f) life members	Nil
(g) honorary members	Nil

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(h) in the case of a full member who usually resides more than 80 kilometres from the GPO Perth - an amount equal to 60% of the annual subscription for a full member.

(3) If a member fails to pay the applicable annual subscription on or before 31 August in each year then the member shall forfeit all entitlements under these by-laws until the amount is paid in full.

13.5 Only participating members may apply and nominate under the Rules

(1) This clause shall come into operation on 1 September 1999.

(2) This clause shall apply notwithstanding any provision of the Rules to the contrary.

(3) No person may:

(a) make application for:

(i) registration as a driver, trainer, owner, stable hand, bookmaker or bookmaker's clerk;

(ii) registration of a horse or foal (or for a certificate of service) or of any transfer, lease or cancellation of lease of a horse;

(iii) registration of a syndicate;

(iv) registration of a harness racing stud; or

[(v) deleted]

or any other licence or registration under the Rules excepting the registration of colours;

(b) lodge a nomination of a horse for any race or trial; or

(c) lodge a stable return,

and, subject to subclause (6), the Controlling Body may not accept or deal with such an application, nomination or return, unless

(d) the person is a participating member; and

(e) all persons referred to in the application, nomination or return are participating members.

(4) Subclause (3) shall not apply to a person under 18 years of age.

- (4A) paragraph (e) of subclause (3) shall not apply in the case of an application required to be signed by more than one person and where the manager or person first mentioned in the application is a participating member.
- (5) Where:
- (a) a horse registered elsewhere than in West Australia is brought to West Australia to race; and
 - (b) the horse is nominated for a race which is approved by the Committee as a special feature event for the purpose of this subclause,
- then subclause (3)(b) shall not apply to:
- (c) the first such nomination after the horse is brought to West Australia; and
 - (d) any subsequent such nomination for a race held within 2 months after the race the subject of the first nomination.
- (6) A sub-committee of the Committee, comprising the President and the 2 Vice Presidents, may permit an application, nomination or return, to be accepted or dealt with, notwithstanding that the person making or lodging it, and the persons referred to in it, are not participating members, where the sub-committee considers that extenuating circumstances justify doing so.
- (7) In this clause, “Rules” means the Rules of Harness Racing 1993 or any other rules made under these by-laws.

[By-law 13.5 amended in Gazette 16 November 1999 p.5722; 11 April 2000 p.1843; 7 July 2000 p.3685; 12 November 2002 p. 5467.]

13.6 Applicants for participating membership

- (1) Subject to subclause (2), any person aged 16 years or older who is a:
- (a) bookmaker;
 - (b) bookmaker’s clerk;
 - (c) breeder;
 - (d) driver;
 - (e) employee (full-time) of the Association or of a Club;
 - (f) lessee;

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- (g) lessor;
- (h) member of a syndicate;
- (i) owner;
- (j) racing manager;
- (k) stable hand; or
- (l) trainer,

is eligible for membership as a participating member.

- (2) An eligible person referred to in subclause (1) shall not be entitled to apply for, or renew, membership unless the person has:
 - (a) made an application; or
 - (b) lodged a nomination, return or record,

referred to in clause 13.5(2), within 3 years prior to the application for, or renewal of, membership.

- (3) Upon application and payment of the annual subscription, an eligible person becomes a participating member.

13.7 Entitlement of participating members

- (1) A participating member is entitled to:
 - (a) attend and vote at general meetings;
 - (b) propose or second candidates for membership;
 - (c) propose or second candidates for election to the Committee;
 - (d) receive a copy of the annual report of the Association;
 - (e) a 12 months subscription to the Association's monthly magazine; and
 - (f) free entry passes for the member and one guest to all race meetings of the Association and any Club approved for the purpose by the Committee.
- (2) Upon payment of the fee referred to in subclause (3), a participating member shall also be entitled to free entry to, and use of, the members' facilities at Gloucester Park.

- (3) The fee is the difference between the annual subscription for full membership and the annual subscription for participating membership.

13.8 Eligibility and election of non participating members

- (1) Any person aged 16 years or older, other than a person who is eligible to apply for membership as a participating member, is eligible to be elected as a non participating member.
- (2) Clause 13.3 applies to the election of a non participating member.

13.9 Entitlement of non participating members

A non participating member is entitled to:

- (a) attend and vote at general meetings;
- (b) propose or second candidates for membership;
- (c) propose or second candidates for election to the Committee;
- (d) receive a copy of the annual report of the Association; and
- (e) a 12 months subscription to the Association's monthly magazine.

13.10 Eligibility and election of full members

- (1) Any person who is over the age of 18 years is eligible to be elected as a full member.
- (2) Clause **13.3** applies to the election of a full member.

[By-law 13.10 amended in Gazette 11 April 2000 p.1843.]

13.11 Entitlement of full member

- (1) A full member is entitled to:
 - (a) attend and vote at general meetings;
 - (b) propose or second candidates for membership;
 - (c) propose or second candidates for election to the Committee;
 - (d) receive a copy of the annual report of the Association;
 - (e) a 12 months subscription to the Association's monthly magazine;

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- (f) free entry to, and use of, the members' facilities at Gloucester Park during race meetings by the member, one lady and one other guest;
 - (g) stand for election to the Committee provided that he or she has been a full member for not less than 12 continuous months prior to the closing date for nominations for the election; and
 - (h) parking for one vehicle in the members' reserved parking area, subject to availability.
- (2) A full member, who is eligible for participating membership, shall also be entitled to free entry for the member and one guest to all race meetings of the Association and any Club approved for the purpose by the Committee.

13.12 Eligibility and election of corporate members

- (1) Any company or body corporate is eligible to be elected as a corporate member.
- (2) Clause 13.3 applies to the election of a corporate member.

13.13 Entitlement of corporate members

- (1) A corporate member is entitled to:
 - (a) receive a copy of the annual report of the Association;
 - (b) a 12 months subscription to the Association's monthly magazine; and
 - (c) the free entry to, and use of, by any one of its officers or employees, the members' facilities at Gloucester Park.
- (2) A corporate member is not entitled to:
 - (a) attend and vote at general meetings;
 - (b) propose or second candidates for membership; or
 - (c) propose or second candidates for election to the Committee;

13.14 Eligibility and election of junior members

- (1) A person who is:
 - (a) the child or grandchild of a full member; and
 - (b) aged 16 or 17 years of age,

is eligible to be elected as a junior member.

- (2) Clause 13.3 applies to the election of a junior member.

13.15 Entitlement of junior members

- (1) A junior member is entitled to sit in the members' areas of Gloucester Park as if he were a full member.
- (2) A junior member has no entitlement other than that referred to in subclause (1).

13.16 Eligibility of life members

Any full member of the Association is eligible to be elected as a life member.

13.17 Election of life members

- (1) At any general meeting, the members entitled to vote may elect a person, who is considered to have rendered special services to the Association, to be a life member, provided that:
- (a) not less than 14 days notice of the motion is given to the Secretary; and
 - (b) the resolution is passed by not less than 75% of the persons present at the meeting and entitled to vote.
- (2) Persons elected as life members prior to 1 September 1999 continue as life members after that date.

13.18 Entitlement of life members

A life member is entitled to the same privileges as a full member but is not required to pay an annual subscription.

13.19 Election of honorary members

The Committee may, at any time without notice, elect an honorary member and cancel the membership of an honorary member.

13.20 Entitlement of honorary member

- (1) An honorary member is entitled to free entry to, and use of, the members' facilities at Gloucester Park.
- (2) An honorary member is not entitled to:

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- (a) attend and vote at general meetings;
- (b) propose or second candidates for membership;
- (c) propose or second candidates for election to the Committee;
- (d) receive a copy of the annual report of the Association; or
- (e) a 12 months subscription to the Association's monthly magazine.

13.21 Cessation of membership

- (1) A member shall cease to be a member upon the member's:
 - (a) written resignation;
 - (b) death;
 - (c) disqualification under the Rules; or
 - (d) failure to pay the applicable annual subscription on or before 31 August.
- (2) If a former member who has ceased to be a member under paragraph (d) of subclause (1) makes payment of all arrears during the then current financial year, then the Committee may reinstate the person as a member.
- (3) If a member:
 - (a) becomes bankrupt or makes any assignment for the benefit of his creditors;
 - (b) fails to comply with any of the by-laws or Rules or any other order or direction of the Committee or of the members passed at a general meeting;
 - (c) is convicted of any offence punishable summarily or of any crime or misdemeanour; or
 - (d) in the opinion of the Committee, is 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,

then that member shall be liable to be suspended or expelled from membership by resolution of the Committee.

- (4) Before the Committee suspends or expels any member, the Committee shall follow the following procedure:
 - (a) the Secretary, on behalf of the Committee, shall give to the member notice in writing of the matter of complaint;
 - (b) the Committee shall cause notice of the complaint to be sent to the member by registered letter and directing the member and the accuser, if any, to appear before the Committee at a hearing to give evidence;
 - (c) the Committee shall give the member at least 7 days notice in writing before the date of the hearing;
 - (d) the Committee shall give at least 3 days notice in writing of the hearing to any other member required by the Committee to appear before it and give evidence;
 - (e) the Committee may take evidence and decide the case notwithstanding the failure by any party to attend.
- (5) Any person ceasing to be a member for any reason shall remain liable for the payment of all subscriptions and other money due and payable by the person.

13.22 Appeals from expulsion or suspension

- (1) Any member expelled or suspended under clause 13.22(2) who feels aggrieved by the expulsion or suspension by the Committee may appeal to a special meeting of the members.
- (2) An appeal under subclause (1) shall be lodged by written notice lodged with the Secretary within 14 days of the expulsion or suspension.
- (3) A notice of appeal shall set out the grounds of appeal and be accompanied by an appeal fee determined by the Controlling Body.
- (4) Until the hearing of any appeal the decision of the Committee shall have full effect but the expelled or suspended member shall have the right to attend the special meeting.
- (5) If the majority of the members present and entitled to vote at the special meeting resolve to uphold the appeal then the appeal fee shall be returned to the member and the member's rights and privileges shall be restored.

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13.23 Absentee members

(1) If a member:

- (a) intends to leave the State for a period not less than 6 months;
and
- (b) the member has paid all subscriptions and other monies due
by the member to the Association,

then the member may, on application in writing to the Secretary, be placed on the list of absentee members.

(2) During an absentee's period of absence, the member shall be liable for a subscription at the rate of half of the applicable annual subscription commencing as from 31 August next until the person's return.

[13.24 Deleted in Gazette 11 April 2000 p.1844.]

13.25 Protection of Committee members and employees

A member of the Committee or any employee of the Association is not personally liable for any act done or omitted to be done in good faith by the Association in the performance, or purported performance, of any function under these by-laws.

[By-law 13.25 inserted in Gazette 11 April 2000 p.1844.]

[By-law 13 inserted in Gazette 29 June 1999 pp.2835-40.]

[13A. Repealed in Gazette 29 June 1999 p.2835.]

[13B and 13C. Repealed in Gazette 10 August 1990 p.3910.]

[14, 15. Repealed in Gazette 29 June 1999 p.2835.]

16. A person who is by the Act prohibited from being or remaining or becoming a member of the Association shall not be eligible for membership of the Association. Any person who at any time shall be or become a person who is prohibited by the Act from being or becoming or remaining a member of the Association shall thereupon immediately forfeit his right to be and shall cease to be a member of the Association.

[By-law 16 inserted in Gazette 10 August 1990 p.3911.]

[17. Repealed in Gazette 29 June 1999 p.2835.]

18. Register of members

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.

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.

[19-29. Repealed in Gazette 29 June 1999 p.2835.]

30. Meetings

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.

[By-law 30 inserted in Gazette 23 October 1964 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 September in any year, submit any resolution to the then next annual meeting. The Secretary shall upon receipt of any such notice and

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resolution post the same on the notice board in the Association's office and notify the same in the notices convening the annual meeting.

[By-law 31 amended in Gazette 10 August 1990 p.3911.]

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

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

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

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

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

- 36.** At any general special or annual meeting seven point five per centum (7.5%) of members shall form a quorum.

[By-law 36 inserted in Gazette 7 October 1977 p.3609; amended in Gazette 29 June 1999 p.2840.]

- 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

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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. **Committee**

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.

[By-law 46 amended in Gazette 5 June 1992 p.2367; 15 July 1997 p.3687.]

47. **Powers Of Committee**

The Committee shall have power to:

- (a) Purchase, take on lease, or otherwise acquire any real or personal property.
- (b) 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.
- (c) 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.
- (d) Determine whether any and if so which clubs should be registered with the Association, and the terms and conditions

under which such registration is to be allowed and maintained or withdrawn, and the privileges which are to be afforded to the members of registered clubs.

- (e) 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.
- (f) 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.
- (g) Pay to any servant or assistant of the Association any gratuity for faithful and diligent service as to them seems fit.
- (h) 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.
- (i) Enter into guarantees, indemnities and similar undertakings.
- (j) Draw, make, accept, endorse and issue cheques, drafts, promissory notes, bills of exchange, negotiable securities or instruments of whatsoever kind or nature.
- (k) Take and defend all legal proceedings by or on behalf of the Association and to appoint all necessary attorneys for any such purpose.
- (l) Borrow, raise and/or secure the payment of money and mortgage and charge the assets and undertaking of the Association.
- (m) Sell and dispose of any real or personal property of the Association provided always that no part of the property known as "Gloucester Park" shall be sold or otherwise disposed of unless such sale or disposal shall have first been approved at a referendum conducted for the purpose by Sixty six and two thirds per centum (66.2/3%) or more of the Ordinary Members of the Association who are then entitled to take part in any meeting of the Association provided always that the Sixty six and two thirds per centum (66.2/3%)

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approval shall exceed Fifty per centum (50%) of those ordinary members of the Association eligible to vote in such a referendum.

- (n) Arrange for a referendum to be conducted under the provisions of By-law 47 (m) and shall conduct a referendum on the following basis —
- (i) A referendum shall be conducted by a Returning Officer appointed by the Committee for such purpose and shall be under the absolute control and direction of the Returning Officer so appointed.
 - (ii) The Returning Officer shall —
 - (aa) determine the opening date and the closing date and date of the ballot, which closing date shall be not less than fourteen days after the opening date;
 - (bb) prepare or have prepared and delivered to him/her ballot papers containing:
 - i. the question or issue to be voted on,
 - ii. the manner in which votes are to be recorded,
 - iii. the date and time of closing of the ballot, and,
 - iv. the address to which completed ballot papers are to be returned.
 - (cc) initial every ballot paper prior to its distribution.
 - (dd) on the opening date of the ballot, forward by pre-paid post to each Ordinary Member of the Association entitled to vote in the ballot, a ballot paper, an envelope marked “ballot paper” in which the voter can place his/her ballot paper and a larger envelope addressed to the Returning Officer, and

- (ee) arrange for the use of the Association's post box or other receptacle to which the ballot papers may be returned to the Returning Officer.
- (iii) Each voter shall record his/her vote in the manner specified on the ballot paper, provided that, except as otherwise prescribed in these By-laws, a ballot paper shall not be rejected but effect shall be given according to the voter's intention as far as his/her intention is clear.
- (iv) Every voter shall —
 - (aa) place the completed ballot paper in the envelope marked "ballot paper";
 - (bb) seal that envelope and enclose it in the envelope addressed to the Returning Officer;
 - (cc) write the voter's name and address on the back of the envelope addressed to the Returning Officer and forward it to the Returning Officer bearing the correct postage.
- (v) As soon as practicable after the close of the ballot, the Returning Officer shall —
 - (aa) collect the ballot papers from the post office box or receptacle;
 - (bb) check the names and addresses on the envelopes against the Association's Register of Members and reject any envelopes without names and address as prescribed;
 - (cc) count and record the number of envelopes which have the names and addresses properly shown;
 - (dd) place the envelopes with the name and address of the voter face down,

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- open the envelopes and separate them from the envelopes containing the ballot papers;
- (ee) shuffle the envelopes containing the ballot papers, open them and extract the ballot papers, and
- (ff) count all votes cast and, subject to By-law 47 (n) (vi) declare the result of the ballot.
- (vi) The Returning Officer may at his/her discretion recount the votes prior to the declaration of the result of the ballot.
- (vii) The Returning Officer shall report the result of the ballot to the next Committee meeting of the Association and shall submit to that meeting a full report of the ballot, indicating the number of ballot papers prepared, the number distributed, the number on hand and any other relevant matter.
- (viii) Notwithstanding anything contained in these By-laws the Returning Officer may take such action and give such directions as he/she considers necessary to ensure that no irregularities occur in or in relation to the referendum and/or to remedy any procedural defects that appear to him/her to exist in this By-law.

[By-law 47 inserted in Gazette 23 August 1994 pp.4396-7.]

- 48.**
- (a) 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 and voting. The Chairman of the meeting shall, in the case of an equality of votes, have a second or casting vote.
 - (b) Subject to subclause (c) of this rule no resolution of the Committee shall be rescinded unless 24 hours written notice of notice of intention to move such rescission has been given to each member of the Committee in accordance with Rule 50.
 - (c) The Committee may proceed to consider a motion to rescind a previous resolution of the Committee without complying with subclause (b) hereof if all members of the Committee

can be contacted and verbal notice given of such motion and provided that a majority of the Committee agree to the motion and sign the written resolution of rescission indicating their approval of the same.

- (d) The Committee shall not vote upon a resolution to amend or repeal a by-law or to make a new by-law unless notice of the resolution and the fact that the Committee intends to vote upon it shall have been posted on the Notice Board in the Association's office for a period of 28 days.

[By-law 48 inserted in Gazette 30 December 1988 p.5090.]

- 49.** The Committee shall not act when their number is below five except to fill a vacancy or 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 (in this By-law "the Retiring Member") then in the discretion of a majority of the remaining members of the committee the casual vacancy may:

- (i) be filled by an appointee of a majority of remaining members of the Committee;
- (ii) be filled by a ballot at a by-election;
- (iii) not be filled until at the next ordinary election of the Committee; or
- (iv) not be filled at all.

Provided That —

- (i) if the effect of the Retiring Members ceasing to be a member of the Committee is that the number of members of Committee shall be less than five (5) then the casual vacancy shall be filled by the conduct of a by-election
- (ii) if the Committee determined that the casual vacancy shall be filled by the conduct of a by-election or if by reason of the provision of paragraph (i) the casual vacancy is required to be filled by the conduct of a by-election then the same shall be conducted by a ballot to which the provision of by-laws 6 and 7 shall apply *mutatis mutandis* save and except that the Committee shall fix the date upon which nominations shall close and the date upon which the ballot shall be declared respectively and the Returning Officer shall make his report

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to the President of the Association who shall declare and record the result of the ballot. Every person appointed to a casual vacancy of the Committee shall hold office until the term of the office of the Retiring Member in whose place he was appointed would have expired had the Retiring Member continued to be a member of the Committee.

- (iii) if the Committee appoints a person to fill a casual vacancy the person appointed to fill the vacancy shall retire at the next ordinary election and the vacancy created shall be filled by the candidate for election to membership of the Committee who at that next ordinary election shall poll the next highest number of votes after the candidate for election to membership of the Committee who shall be elected last to membership of the Committee.
- (iv) if the Committee does not appoint a person to fill the vacancy then the vacancy shall be filled at the next ordinary election for the Committee by the candidate for election to membership of the Committee who at that next ordinary election shall poll the next highest number of votes after the candidate for election as a member of the Committee who shall be elected last to the Committee and
- (v) the member elected pursuant to sub-paragraph (iii) or (iv) as the case may be, shall hold office so long as the Retiring Member in whose place he was elected would have held office had the former member continued to be a member of the Committee.

[By-law 49 inserted in Gazette 29 September 1989 p.3668-69; amended in Gazette 3 August 1993 p.4203.]

- 50.** Notice shall be given of every meeting of the Committee to every member thereof and shall be sent by **facsimile, email, post** or delivered to the registered address of such member, **or notified by telephone**, 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.

[By-law 50 inserted in Gazette 13 May 2003 p. 1669.]

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.

52A. Any member who has been convicted of a criminal offence and been imprisoned for that offence shall be ineligible for election to Committee.

[By-law 52A inserted in Gazette 20 November 2001 p.6023.]

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

54. Stewards

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.

[By-law 54 inserted in Gazette 8 July 1960 p.2071.]

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.

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The Stewards shall conduct and carry out all race meetings and trotting events, and see that all Rules of Harness 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 Harness Racing for the time being.

[By-law 56 amended in Gazette 20 October 1998 pp.5789-90.]

- 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. Rules of racing

The Committee shall have power from time to time to make, alter and repeal rules for —

- (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 Harness 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 Harness 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*,² shall apply to and in respect of any Rule of Harness 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 Harness Racing as if such Rule of Harness Racing or such alteration or repeal of a Rule was a new by-law made under this Act.

[By-law 59 amended in Gazette 20 October 1998 p.5790.]

- 60.** The existing Rules of Harness 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.

[By-law 60 amended in Gazette 20 October 1998 p.5790.]

61. Common seal

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

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Committee and in the presence of two members of the Committee, who shall countersign such deed, instrument or document.

62. Accounts

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.** (a) The financial year for the season **2002/03** shall run from the **1st day in September 2002 to the 31st day of July 2003** and the accounts of the Association shall be closed on the **31st day of July 2003**, and a balance sheet containing a summary of assets and liabilities of the Association on that date shall be made out.
- (b) From and after the **31st day of July 2003** the financial year shall run from the **1st day of August to the 31st day of July in the following year** and the accounts of the Association shall be closed on the **31st day of July in each year**, and a balance sheet containing a summary of assets and liabilities of the Association on that date shall be made out.

[By-law 63 inserted in Gazette 11 Jul 2003 p. 2741.]

- 64.** Before each annual meeting in November the accounts for the preceding financial year, with all vouchers and receipts and also balance sheet, shall be examined by the Auditor, who shall report thereon to such meeting.

[By-law 64 amended in Gazette 10 August 1990 p.3911; 5 Sep 2003 p. 3948.]

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

66. Auditor

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.

- 67.** (a) The Auditor, who shall be a registered company auditor, shall be appointed by the members at the first annual general meeting held after the coming into effect of this By-law for a

term of two years at such remuneration as shall be fixed by the Committee from time to time.

- (b) At the third annual general meeting held after the coming into effect of this By-law and at each succeeding alternate annual general meeting, an Auditor shall be appointed for a term of two years at such remuneration as shall be fixed by the Committee from time to time.
- (c) Expressions of interests from registered company auditors will be sought by the Committee three calendar months prior to any annual general meeting to appoint an Auditor by advertising in a daily newspaper circulating in Perth in the State of Western Australia.
- (d) Any outgoing or past Auditor is not precluded from submitting an expression of interest or from being appointed for a further term or terms of office.
- (e) A copy of a statement containing the names of all eligible nominees and remunerations sought will be posted to each member seven days prior to such annual general meeting.
- (f) At such annual general meeting, the Committee may make a recommendation to members on the basis of expressions of interest and submissions received. The appointment of the Auditor shall be decided by the highest number of votes counted from a show of hands. In the event of a tie, the Chairman shall decide the issue by a casting vote.
- (g) In the event that the Auditor dies, is unwilling or unable to continue in that position before the expiration of his or its appointed term, then the vacancy shall be filled by a registered company auditor for the time being appointed by a majority of the members of the Committee at a meeting of the Committee.
- (h) The Auditor (including any employees, partners, associates and any persons with an interest therein) shall be not be eligible to serve as a member of the Committee.
- (i) A copy of the Auditor's report shall be forwarded annually to every member of the Association.

[By-law 67 inserted in Gazette 3 August 1993 pp.4202-3.]

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68. General

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

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

[70. Repealed in Gazette 8 July 1960 p.2071.]

71. Admission and other charges

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.

[By-law 71 inserted in Gazette 13 February 1957 p.301.]

PART II

72. Registration of and issue of licenses to bookmakers

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

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

73. Applicant to be of good character

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

74. Committee may fix for licenses

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.

75. Effect of license

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.

76. Committee may set apart places for betting purposes

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

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may be given by placard on the racecourse or by an advertisement in a daily newspaper published at Perth.

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

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.

78. Committee may revoke licenses

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.

79. Penalty for offences in this Part

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.

[By-law 79 amended by No. 113 of 1965 s.8.]

PART III

BY-LAWS RELATING TO WORKING OF THE TOTALISATOR

80. No horse barred on

No horse shall be barred on the totalisator.

81. Investors rights

Investors may back any number to an unlimited amount, the numbers on the official programme corresponding with the totalisator numbers.

82. Dividend when paid

All dividends shall be paid out as soon as reasonably possible after the all clear or correct weight shall have been given or made and notified.

[By-law 82 inserted in Gazette 3 August 1979 p.2165.]

83. The winner defined

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 Harness Racing.

[By-law 83 amended in Gazette 20 October 1998 p.5790.]

84. Stewards' decision final

The decision of the Stewards in the event of a protest shall be final.

85. Dividend how paid

No dividend will be paid except upon presentation of the ticket. No payment will be made on a defaced or damaged ticket unless certified to by the Manager of the Authority for the time being having the control or conduct of the Totalisator at the meeting at which such ticket is taken or in the event of such Manager not being present at the meeting at which the ticket is taken then the Chief Steward or Steward in charge of such meeting.

[By-law 85 inserted in Gazette 3 August 1979 p.2165.]

86. Where no ticket on winning number

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.

Sch. First

87. Effect of a dead heat

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 Harness 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 reopened on the run off, the money in each case to be paid out on the winner of the race.

[By-law 87 amended in Gazette 20 October 1998 p.5791.]

88. Dead heat in which one horse only backed

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.

89. Duty of purchaser of ticket

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.

90. As to change on purchasing ticket

To save time, persons wishing to become purchasers of tickets are requested to provide themselves with change.

[By-law 90 amended in Gazette 3 August 1979 p.2165.]

91. Division of amount invested

The total amount invested, less commission which shall not exceed the amount authorized 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.

[By-law 91 amended by No. 113 of 1965 s.8.]

92. Purchaser bound by these By-laws

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.

93. Effect of purchase of ticket

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. Closing of totalisator where race run over again

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 reopened 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.

95. No money accepted after totalisator closed

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

96. Posting of dividend

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

Sch. First

97. Procedure if horse never reaches starter's hands

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.

98. Disputes

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

99. Rules as to place totalisator

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

- (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 totalisators 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 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.

Sch. First

- (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).

[By-law 99 inserted in Gazette 24 Nov 1967 p.3222.]

[First Schedule inserted in Gazette 13 Feb 1957 p.301; amended in Gazette 18 Apr 1958 p.747; 8 Jul 1960 p.2071; 23 Oct 1964 p.3618; 24 Nov 1967 p.3222; 19 Dec 1969 p.4189; 30 May 1969 p.1637; 7 Oct 1977 p.3609; 20 Oct 1978 p.3759; 3 Aug 1979 p.2165; 1 May 1987 p.1491; 30 Dec 1988 p.5090; 29 Sep 1989 p.3668-69; 10 Aug 1990 p.3910; 24 Aug 1991 p.4338; 5 Jun 1992 p.2367; 3 Aug 1993 p.4202-3; 22 Jun 1993 p.3060; 23 Aug 1994 p.4396-7; 12 Jul 1996 p.3384; 15 Jul 1997 p.3687; 20 Oct 1998 p.5789-90; 29 Jun 1999 p.2835-40; 16 Nov 1999 p.5722; 3 Sep 1999 p.4312; 11 Apr 2000 p.1843-4; 7 Jul 2000 p.3685; 22 Sep 2000 p.5433-4; 20 Nov 2001 p.6023; 12 Nov 2002 p.5467; 11 Jul 2003 p.2741; 13 May 2003 p.1669; amended by No. 113 of 1965 s.8.]

Notes

¹ This is a compilation of the *Western Australian Trotting Association By-laws* and includes all amendments made by the other written laws referred to in the following Table.

These By-laws were in the First Schedule to the Act).
 By-laws may be made under s. 7 of the Act and until 1 Aug 2004 or by order published in the Gazette, the former by-laws continue as if made under that section (see the *Racing and Gambling Legislation Amendment and Repeal Act 2003* s. 236).

Compilation table

Citation	Gazettal	Commencement
<i>Western Australian Trotting Association By-laws</i>	13 Feb 1957 p. 301	13 Feb 1957
	18 Apr 1958 p. 747	
	8 Jul 1960 p.2 071	
	23 Oct 1964 p. 3618	7 October 1977 p.3609
<i>Decimal Currency Act 1965</i> assented to 21 Dec 1965		s. 4-9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965 (see s. 2(1))
	24 Nov 1967 p.3222	
	30 May 1969 p.1637	
	19 Dec 1969 p.4189	
	7 Oct 1977 p.3609	
	20 Oct 1978 p.3759	
	3 Aug 1979 p.2165	
	1 May 1987 p.1491	

30 Dec 1988
p.5090
29 Sep 1989
p.3668-69
10 Aug 1990
p.3910
24 Aug 1991
p.4338
5 Jun 1992
p.2367
22 Jun 1993
p.3060
3 Aug 1993
p.4202-3
23 Aug 1994
p.4396-7
12 Jul 1996
p.3384
15 Jul 1997
p.3687
20 Oct 1998
p.5789-90
29 Jun 1999
p.2835-40
3 Sep 1999
p.4312
16 Nov 1999
p.5722
11 Apr 2000
p.1843-4
7 Jul 2000
p.3685
22 Sep 2000
p.5433-4
20 Nov 2001
p.6023
12 Nov 2002
p.5467
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p.1669

11 Jul 2003
p.2741

5 Sep 2003
p. 3948

² Repealed by *Interpretation Act 1984*.