

Legislative Council.

No. , 1898.

## A BILL

To legalise the use of an instrument known as "The Totalizator" on race-courses, subject to certain restrictions and regulations, and to more effectually cope with the practice of gaming, and for other purposes in connection therewith.

[MR. PILCHER;—24 August, 1898.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

- 5 1. Notwithstanding anything contained in the Acts enumerated in the Schedule hereto it shall be lawful for the Colonial Secretary, subject to the provisions of this Act, to grant a license for the use on

Colonial Secretary  
may license use of  
totalizator notwith-  
standing Acts  
relating to gaming.

any race-course of the instrument or contrivance for wagering or betting known as "the totalizator," or any machine or instrument of the like nature and conducted on the same principles; and such instrument when used in accordance with such license, and every person engaged or concerned in the use of such instrument, and every house, office, room, or place upon the race-course used for the purposes of such instrument, and every placard, advertisement, letter, or circular referring thereto shall be exempt from the provisions of the said Acts and of every other Act prohibiting gaming or wagering. 5

Duration and scope of license.

2. Such license shall be granted for a period not exceeding one year to the committee or executive body of any recognised racing club or to one or more members of such committee or executive body on application by or on behalf of such club or the committee or executive body thereof, but such license shall extend only to the race-course named in such license and the days specified therein. 10

License fee.

3. Every club applying for a license under this Act shall upon such application pay to the Colonial Secretary a license fee of one pound for every day for which such license is applied for, and if such license be not granted for as many days as have been applied for the Colonial Secretary shall return the said license fee or a proportionate part thereof as the case may be. 15

Conditions under which license may be granted within 40 miles of Sydney.

4. No license shall be granted under this Act to any racing club, if the race-course of such club or the race-course upon which the races promoted or managed by such club are held be within forty miles of the General Post Office, Sydney, unless the stakes to be run for at each day's racing for which such license shall be granted shall amount to four hundred pounds, and before granting any license the Colonial Secretary shall require proof that the provisions of this section have been complied with. 25

Conditions under which license may be granted more than 40 miles from Sydney.

5. No license shall be granted under this Act to any racing club, if the race-course of such club or the race-course upon which the races promoted or managed by such club are held be at a greater distance than forty miles from the General Post Office, Sydney, unless the stakes for each day's racing for which such license shall be granted shall amount to one hundred and fifty pounds, and before granting any license the Colonial Secretary shall require proof that the provisions of this section have been complied with. 30

Race license only to be granted for certain race-courses within 40 miles of Sydney.

6. No license shall be granted under this Act for the use of the totalizator upon any race-course within forty miles of the General Post Office, Sydney, except upon the race-courses known as Randwick, Rosehill, Canterbury Park, Moorfield, Warwick Farm, and Hawkesbury, unless a resolution authorising the granting of such license shall be passed by both Houses of Parliament, but nothing contained in this section shall be taken to exempt any club owning or using any race-course named herein or any race-course which may be brought within the 45

the operation of this section by the passing of such resolution from compliance with all the provisions of this Act.

7. No license granted under this Act shall authorise or sanction the use of any totalizator—

Number of days for which license may be granted.

- 5 (a) by any one club for more than sixteen days in any one year;
- (b) on any race-course within forty miles of the General Post Office, Sydney, for more than twenty-four days in any one year;
- 10 (c) on any other race-course for more than ten days in any one year.

8. No license granted under this Act shall authorise or sanction the use of the totalizator on any race-course the circumference of which measured at a distance of three feet from the inner boundary of the running-ground of such race-course is less than seven furlongs

Condition as to size of race-course entitled to be licensed.

15 9. Every club using the totalizator under the provisions of this Act may retain as commission out of the moneys paid into the totalizator in respect of any race a sum of money not exceeding ten pounds per centum of the money so paid into the totalizator.

Commission.

20 10. Every club using the totalizator under the provisions of this Act shall pay one-fourth part of the amount deducted by such club as commission under the last preceding section to the Colonial Secretary to be disposed of and applied by him in and towards the support or otherwise for the benefit of charitable institutions.

Payment of portion of commission to Colonial Secretary.

25 11. All moneys so retained as commission as aforesaid by any club using the totalizator under the provisions of this Act after deducting the amount paid by such club under the provisions of the last preceding section, and the expenses of conducting such totalizator, shall be expended in stakes or otherwise applied by such club for the promotion of racing.

Application of commission.

30 12. Within fourteen days after the holding of any race meeting whereat any totalizator shall be used, every club so licensed shall deposit with the Colonial Secretary a full and true account under the hand of its Secretary, or the hands of two members of its committee or executive body, of the sums received by such club through the totalizator on the occasion of the use thereof under such license, and of the commission retained as aforesaid, and of the details of the expenses of conducting such totalizator, and the secretary or manager of any club who shall fail to comply with the provisions of this section shall be liable to a penalty of not more than *fifty* pounds.

Return of money received through totalizator.

40 13. In the interpretation of this Act, the term "the totalizator" shall include the instrument or contrivance known as "the totalizator" and any other machine or instrument of a like nature and conducted on the like principles, and the term "racing club" shall include any club or association formed for the purpose of promoting horse racing  
45 or for the management of horse racing meetings.

Interpretation.

Measurement of distances.

14. All distances from the General Post Office, required to be estimated under this Act, shall be estimated by straight lines from point to point upon the Government maps.

Application of Act.

15. This Act shall apply to horse-racing only.

Penalty on persons under 21 years of age wagering by means of totalizator.

16. Any person under the age of twenty-one years who shall be convicted of wagering by means of the totalizator shall be liable to a penalty of not less than *one* pound nor more than *twenty* pounds for the first offence, and not less than *five* pounds nor more than *fifty* pounds for each subsequent offence: Provided that a clearly printed copy of this section of the Act shall be affixed over each door or opening in every totalizator machine at which money is paid or received. And any person or club using any totalizator machine without having such notices so affixed as aforesaid, shall be liable to a penalty not exceeding *twenty* pounds for each offence.

Use of totalizator when licensed to be lawful.

17. The use of the totalizator, when licensed and used pursuant to the provisions of this Act, shall be lawful to all intents and purposes.

Penalty on person conducting unlicensed totalizator.

18. Any person conducting, or assisting in the conduct or working of a totalizator not licensed or used pursuant to the provisions of this Act, shall, upon conviction for the first offence, be liable to a penalty of *one hundred* pounds, and for any subsequent offence to imprisonment for a term not exceeding *six* months.

License to be revocable.

19. Every license granted under this Act shall be in writing, and shall be revocable at any time the Colonial Secretary may think fit to determine the same, either by written notice to the club or by notice published in the Government Gazette.

Management of totalizator.

20. Every totalizator used under the provisions of this Act shall be under the care and management of some competent person appointed by the club, and under the direct supervision of the stewards or committee of the club.

Recovery of penalties.

21. All offences under this Act may be prosecuted, and all fines or penalties under this Act may be recovered, before a stipendiary or police magistrate or before any two justices of the peace in petty sessions.

#### SCHEDULE.

No. of Acts.	Titles of Acts.	35
14 Vic. No. 9 ... ..	An Act to amend the laws concerning games and wagers.	
16 Vic. No. 2 ... ..	An Act to prevent lotteries.	
39 Vic. No. 28 ... ..	An Act for the suppression of betting-houses.	
43 Vic. No. 30 ... ..	Betting Houses Suppression Act Amendment Act.	