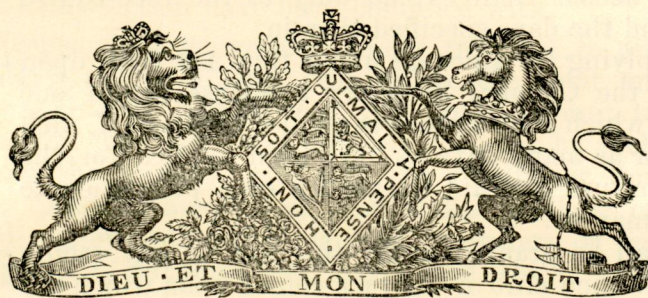


*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council Chamber,  
Sydney, 23rd November, 1899.* }

JOHN J. CALVERT,  
*Clerk of the Parliaments.*

## New South Wales.



ANNO SEXAGESIMO TERTIO

# VICTORIÆ REGINÆ.

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Act No. , 1899.

An Act 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.

**B**E 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 any
- Colonial Secretary may license use of totalizator notwithstanding Acts relating to gaming.



*Totalizator.*

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  
 5 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 or advertisement referring thereto shall be exempt from the provisions of the said Acts and of every other Act prohibiting gaming or wagering.

10       **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  
 15 named in such license and the days specified therein.

Duration and scope of license.

**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  
 20 Colonial Secretary shall return the said license fee or a proportionate part thereof as the case may be.

License fee.

**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  
 25 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, exclusive of all moneys subscribed or paid by owners or nominators of racehorses by way of entrance fees, acceptance fees, or sweepstakes, and before granting any license the  
 30 Colonial Secretary shall require proof that the provisions of this section have been complied with.

Conditions under which license may be granted within 40 miles of 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 within twenty-  
 35 five miles of the Post Office, Newcastle, unless the stakes for each day's racing for which such license shall be granted shall amount to three hundred pounds, exclusive of all moneys subscribed or paid by owners or nominators of racehorses by way of entrance fees, acceptance fees, or sweepstakes, and before granting any license the Colonial Secretary  
 40 shall require proof that the provisions of this section have been complied with.

Conditions under which license may be granted within 25 miles of Newcastle.

**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,  
 45 Rosehill, Canterbury Park, Moorefield, Warwick Farm, and Hawkesbury,  
 but

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



*Totalizator.*

but nothing contained in this section shall be taken to exempt any club owning or using any race-course named herein from compliance with all the provisions of this Act.

7. 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, and be not within twenty-five miles of the post office at Newcastle, unless the stakes for each day's racing for which such license shall be granted shall amount to one hundred and fifty pounds exclusive of all moneys subscribed or paid by owners or nominators of racehorses by way of entrance fees, acceptance fees, or sweepstakes; and before granting any license the Colonial Secretary shall require proof that the provisions of this section have been complied with.
8. No license shall be granted under this Act to any racing club for any day's racing in any year unless the total amount of stakes given by such club during that year shall amount to a sum equal to or greater than the total amount retained by such club as commission from the moneys paid into the totalizator during the preceding year. And the amount of such stakes shall be calculated exclusive of all moneys subscribed or paid by owners or nominators of racehorses by way of entrance fees, acceptance fees, or sweepstakes.
9. No license shall be granted under this Act for the use of the totalizator on any race-course, other than those mentioned in sections four and five of this Act, if such race-course is situated within twenty miles of any other race-course in respect of which a license shall have been granted: Provided that in the event of applications being made simultaneously for licenses in respect of two or more race-courses situated within twenty miles of each other, it shall be in the discretion of the Colonial Secretary to grant a license in respect of whichever one of such race-courses he may think fit.
10. No license granted under this Act shall authorise or sanction the use of any totalizator—
- (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;
- (c) on any other race-course for more than ten days in any one year.
11. 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 eight furlongs.

Conditions under which license may be granted more than forty miles from Sydney, and not within twenty-five miles from Newcastle.

No license unless stakes for year are equal to or greater than commission retained in preceding year.

No license to be granted to race-course if within twenty miles of one already licensed.

Number of days for which license may be granted.

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



*Totalizator.*

12. 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.
- 5 13. Every club using the totalizator under the provisions of this Act shall, within fourteen days after the holding of any race meeting, pay one-fourth part of the amount deducted by such club as commission under the last preceding section to the Colonial Secretary, to be paid by him into the Consolidated Revenue. Payment of portion of commission to Colonial Secretary.
- 10 14. 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. Application of commission.
- 15 15. 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.
- 20 16. 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 or for the management of horse racing meetings. Interpretation.
- 25 17. All distances from any post office, or from one race-course to another, required to be estimated under this Act, shall be estimated by straight lines from point to point upon the Government maps. Measurement of distances.
- 30 18. This Act shall apply to horse-racing only, and shall not include pony racing. Application of Act.
- 35 19. 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
- 40 twenty pounds for each offence.
- 45



*Totalizator.*

20. The use of the totalizator, when licensed and used pursuant to the provisions of this Act, shall be lawful to all intents and purposes. Use of totalizator when licensed to be lawful.
21. 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. Penalty on person conducting unlicensed totalizator.
22. 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. License to be revocable.
23. 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. Management of totalizator.
24. (a) Except as hereinbefore provided no house, office, room, or other place shall be opened, kept, or used at any time for the purpose of any money or valuable thing being received by or on behalf of the owner, occupier, or keeper, or any other person whomsoever, as or for the consideration for any assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter any money or valuable thing on any such event or contingency of or relating to any horse-race, or as or for the consideration for securing the paying or giving by some other person of any money or valuable thing on any such event or contingency as aforesaid, and any person who shall, except as aforesaid, open, keep, or use any house, office, room, or other place for the purposes aforesaid, or any of them, or who shall knowingly and wilfully permit the same to be opened, kept, or used by any other person for the purposes aforesaid, or any of them, and any person having the care or management of or in any manner assisting in conducting the business of any such office, house, room, or place opened, kept, or used for the purposes aforesaid, or any of them, shall, on summary conviction for the first offence, be liable to a penalty of one hundred pounds, and for any subsequent offence be liable to imprisonment for a term not exceeding six months. For the purposes of this section the word "place" shall mean and include any tent, ship, building, erection, road, street, thoroughfare, alley, right-of-way (either public or private), and all land (whether public or private), enclosed or not enclosed. Penalty on keeping place for the purpose of betting.
- (b) Upon any prosecution under the last preceding subsection it shall not be necessary to prove that the person charged thereunder with an offence had or was capable of acquiring at the time of committing such offence or at any time any exclusive or other right to the permanent or temporary possession, occupation, or use of any such house, office, room, or place. Evidence on prosecution under preceding subsection.



*Totalizator.*

(c) No person shall for fee, commission, reward, share, or interest of any kind whatever, or upon any understanding or agreement, either express or implied, for such fee, commission, reward, share, or interest receive from any other person any money for the purpose of placing, investing, or depositing the same in any totalizator, licensed or otherwise, or shall receive any money upon any such agreement, understanding, or intention that such money shall be so invested, placed, or deposited, and any person acting in contravention of this section shall upon conviction for the first offence be liable to a penalty of not more than one hundred pounds, and for any subsequent offence be liable to imprisonment for a term not exceeding six months.

25. 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.
14 Vic. No. 9 ... ..	An Act to amend the laws concerning games and wagers.
16 Vic. No. 2 ... ..	An Act to prevent lotteries.
20 39 Vic. No. 28 ... ..	An Act for the suppression of betting-houses.
43 Vic. No. 30 ... ..	Betting Houses Suppression Act Amendment Act.

[6d.]

Sydney : William Applegate Gullick, Government Printer.—1899.



Legislative Council.

No. , 1899.

## 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;—27 July, 1899.]

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:—

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.

C 26—A

any



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.

Duration  
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.

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.

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 five hundred pounds, exclusive of all moneys subscribed or paid by owners or nominators of racehorses by way of entrance fees, acceptance fees, or sweepstakes, and before granting any license the Colonial Secretary shall require proof that the provisions of this section have been complied with.

Conditions under  
which license may be  
granted  
within 25 miles of  
Newcastle.

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 within twenty-five miles of the Post Office, Newcastle, unless the stakes for each day's racing for which such license shall be granted shall amount to three hundred pounds, exclusive of all moneys subscribed or paid by owners or nominators of racehorses by way of entrance fees, acceptance fees, or sweepstakes, and before granting any license the Colonial Secretary shall require proof that the provisions of this section have been complied with.

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, Moorefield, Warwick Farm, and Hawkesbury, but



but nothing contained in this section shall be taken to exempt any club owning or using any race-course named herein from compliance with all the provisions of this Act.

7. 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, and be not within twenty-five miles of the post office at Newcastle, unless the stakes for each day's racing for which such license shall be granted shall amount to one hundred and fifty pounds exclusive of all moneys subscribed or paid by owners or nominators of racehorses by way of entrance fees, acceptance fees, or sweepstakes; and before granting any license the Colonial Secretary shall require proof that the provisions of this section have been complied with.

Conditions under which license may be granted more than forty miles from Sydney, and not within twenty-five miles from Newcastle.

8. No license shall be granted under this Act to any racing club for any day's racing in any year unless the total amount of stakes given by such club during that year shall amount to a sum equal to or greater than the total amount retained by such club as commission from the moneys paid into the totalizator during the preceding year. And the amount of such stakes shall be calculated exclusive of all moneys subscribed or paid by owners or nominators of racehorses by way of entrance fees, acceptance fees, or sweepstakes.

No license unless stakes for year are equal to or greater than commission retained in preceding year.

9. No license shall be granted under this Act for the use of the totalizator on any race-course, other than those mentioned in sections four and five of this Act, if such race-course is situated within twenty miles of any other race-course in respect of which a license shall have been granted: Provided that in the event of applications being made simultaneously for licenses in respect of two or more race-courses situated within twenty miles of each other, it shall be in the discretion of the Colonial Secretary to grant a license in respect of whichever one of such race-courses he may think fit.

No license to be granted to race-course if within twenty miles of one already licensed.

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

Number of days for which license may be granted.

- (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;
- (c) on any other race-course for more than ten days in any one year.

11. 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 eight furlongs.

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



- Commission.** 12. 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.
- Payment of portion of commission to Colonial Secretary.** 13. Every club using the totalizator under the provisions of this Act shall, within fourteen days after the holding of any race meeting, pay one-fourth part of the amount deducted by such club as commission under the last preceding section to the Colonial Secretary, to be paid by him into the Consolidated Revenue. 5
- Application of commission.** 14. 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. 10
- Return of money received through totalizator.** 15. 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. 20
- Interpretation.** 16. 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 or for the management of horse racing meetings. 25 30
- Measurement of distances.** 17. All distances from any post office, or from one race-course to another, required to be estimated under this Act, shall be estimated by straight lines from point to point upon the Government maps.
- Application of Act.** 18. This Act shall apply to horse-racing only.
- Penalty on persons under 21 years of age wagering by means of totalizator.** 19. 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. 35 40



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

21. 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. Penalty on person conducting unlicensed totalizator.

22. 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. License to be revocable.

23. 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. Management of totalizator.

24. 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. Recovery of penalties.

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SCHEDULE.

No. of Acts.	Titles of Acts.
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.
25 43 Vic. No. 30 ... ..	Betting Houses Suppression Act Amendment Act.

Sydney : William Applegate Gullick, Government Printer.—1889.

[6d.]



