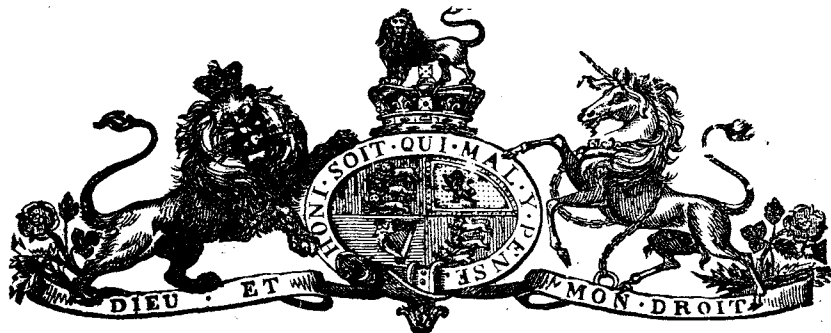


T A S M A N I A .



1899.

ANNO SEXAGESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 3.



AN ACT to further amend "The Lotteries Amendment Act, 1878." A.D. 1899.

[29 September, 1899.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Lotteries Amendment Act, 1899." Short title.

2 "The Lotteries Amendment Act, 1894," is hereby repealed. Repeal. 58 Vict. No. 38.

3 The use of the instrument or device known as the Totalisator, or any other instrument, machine, or contrivance of a like nature, or any device for the distribution of money in a like manner to that effected by the Totalisator, is hereby declared to be illegal, except when used pursuant to a Licence issued under this Act and by the direction of the Committee or Stewards for the time being of any Horse-racing Club upon any racecourse while used by any such Club for the purposes of horse-racing, and in connection with any horse-racing event about to be contested upon such racecourse. Use of Totalisator illegal except at races.

Provided that no such Committee or Stewards shall charge or permit to be charged as and by way of Commission, more than Ten Pounds per centum of any money placed in or upon the Totalisator, but in declaring any dividend fractional parts of a Shilling may be retained in addition to such Commission.

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Licence may be issued.

4 It shall be lawful for the Commissioner of Police, in his discretion, to issue a Licence for the use of the Totalisator to the Committee or Stewards for the time being of any Horse-racing Club ; but every such Licence shall state the place where and the day or days upon which the Totalisator may be used pursuant to such Licence : Provided that no Licence or Licences shall be issued on behalf of any one Club for more than Twelve days in any one year.

Number of Members required for Racing Clubs.

5 No Licence shall be issued to the Committee or Stewards of any Horse-racing Club unless there be at least Twenty-five Members in such Club, and the annual subscriptions paid by the Members thereof shall be at least Twenty-five Pounds ; and a list of Members and the duly audited Balance Sheet of any such Club shall be produced to the Commissioner of Police before any Licence is granted.

Appropriation.

6 Out of moneys retained by any Committee or Stewards as and by way of commission on any money placed in or upon the Totalisator, there shall be payable and paid by such Committee or Stewards to the Treasurer of the Colony, a sum equal to One Pound per centum of the total sum of money placed in or upon the Totalisator, not exceeding Ten Pounds for the use of the Totalisator or Totalisators for each day, and the balance, after deducting the cost of working the Totalisator, shall be appropriated solely for the purposes of promoting horse-racing on the racecourse on which such Totalisator has been conducted, or for maintaining and improving the racecourse.

Provided that the proprietors of any racecourse may appropriate a moiety of such balance to cover the cost of the purchase and preparation of such racecourse and the erection of buildings thereon until such cost shall have been liquidated.

Totalisator to be under supervision of officers.

7 The operation of any Totalisator shall in every case be conducted under the direct supervision of such officers as may be appointed by the Governor in Council, and such officers shall receive such fees as the Governor in Council may prescribe.

Such officers shall at all times have free access to any building or place in which a Totalisator is conducted, and shall be entitled to inspect and check all moneys, books, tickets, vouchers, and other documents in or upon any such building or used in connection with any such Totalisator. They shall also in each case furnish a report to the Commissioner of Police as to the working of the Totalisator under their supervision and the conduct of the persons in charge of same.

Commissioner to be satisfied as to application of money.

8 If at any time the Commissioner of Police is not satisfied that any Committee or Stewards, to whom a Licence has been previously granted has applied any money retained by way of commission as aforesaid in accordance with the provisions of this Act, it shall not be lawful for him to issue another Licence to any such Committee or Stewards until such Committee or Stewards shall have made such full restitution as in his opinion will satisfy the requirements of the Act.

Return of moneys to be made.

9 The Committee or Stewards of any Club to whom a Licence to use a Totalisator shall have been issued shall, within Fourteen days after such Totalisator has been used, forward to the Treasurer of the Colony a Statutory Declaration in such form as may be prescribed under the hand of and made by the Secretary or a Member of the

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Committee or a Steward of such Club, stating the total amount of money placed in or upon such Totalisator, and shall at the same time pay to the Treasurer of the Colony the sum provided by Section Six of this Act. A.D. 1899.

10 If any person who is by this Act required so to do makes default in forwarding any Declaration or making any payment required by this Act, he shall incur a penalty not exceeding One Pound for every day during which such default continues. Penalty on default of forwarding Declaration.

11 If any Declaration required by this Act is false in any particular to the knowledge of any person who signs the same, such person shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding Three years, or to a penalty not exceeding One hundred Pounds. Penalty for making false Declaration.

12 Any person using or permitting to be used, or aiding or abetting in the use, of any Totalisator or any other instrument, machine, or contrivance of a like nature, or any device for the distribution of money in a like manner to that effected by the Totalisator, contrary to the provisions of this Act, shall for every such offence be liable to a penalty not exceeding Fifty Pounds, or to imprisonment for a term not exceeding Six months. Penalty for using Totalisator contrary to this Act.

13 In this Act—

“ Court ” shall mean Supreme Court.

“ Day ” shall include any postponed day.

“ Horse Racing ” shall include “ Pony Racing ” and “ Trotting : ”

“ Horse Racing Club ” shall include any Pony Racing Club and any Trotting Club.

Interpretation.

14 The Commissioner may at his discretion revoke any Licence granted under this Act. Commissioner may revoke Licence.

15 It shall not be lawful for any person in charge of or having control of any Totalisator to accept any money from, or to issue a ticket to, or to pay any dividend or money to, any person who is under the age of Sixteen years under a penalty not exceeding Five Pounds ; and any person under such age who shall obtain any such ticket shall be liable to a like penalty. Money not to be received from any person under 16.

16 In any proceedings under this Act for illegally using a Totalisator, the onus of proof of a licence having been duly issued in respect of the occasion on which it was so used shall rest with the defendant. Onus of proof on defendant.

17 All offences against the provisions of this Act, except those specified in Section Eleven, shall be heard and determined in a summary manner before any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act* ; and any person who thinks himself aggrieved by any summary conviction may appeal against the same in the mode prescribed in the *The Appeals Regulation Act*. Offences against Act to be heard and determined under 19 Vict. No. 8. Appeal. 19 Vict. No. 10.

