



ANNO OCTAVO

GEORGII V REGIS.

A.D. 1917.

No. 1285.

An Act to consolidate certain Acts relating to Lotteries and Gaming in South Australia.

[Assented to, November 8th, 1917.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited as the " Lottery and Gaming Act, 1917." Short title.

2. This Act is divided into parts as follows :—

Division.

PART I.—Preliminary.

PART II.—Lotteries.

PART III.—Totalizator.

PART IV.—Unlawful Gaming.

PART V.—Common Gaming-houses.

PART VI.—Evidence.

PART VII.—Procedure and Miscellaneous.

3. This Act is a consolidation of the Acts mentioned in the Acts consolidated and repealed.
First Schedule, and the said Acts are hereby repealed.

4. In this Act, except where the subject matter or context or Interpretation
some other provision requires a different construction,—

" Court " means a Special Magistrate or two or more Justices Act 943, 1907, s. 3
of the Peace sitting as a Court of Summary Jurisdiction : 685, 1897, s. 1.

" Loiter " means to idle or linger about : " Lottery "

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Act 13, 1875, s. 2.

“Lottery” means any scheme or device for the sale or gift or disposal or distribution of any property, real or personal, or money, or thing, or any right thereto, or of any share therein depending upon or to be determined by lot or drawing, whether out of a box or other receptacle, or by cards, token, coin, or dice, or by any machine, ticket, envelope, or device, or chance whatsoever :

Ibid., s. 13.

“Occupier” in relation to occupiers of any house, office, room, or place used for a purpose forbidden by this Act means and includes the owner, occupier, or keeper of any house, office, room, or place, or any person using the same, or any person procured or employed by or acting for or on behalf of the owner, occupier, or keeper, or person using the same, or any person having the care or management, or in any manner conducting the business thereof :

Act 943, 1907, s. 3.

“Place” means any house, office, room, tent, ship, building, erection, road, street, thoroughfare, alley, right-of-way, (either public or private), and all land (whether public or private) enclosed or otherwise ; and

Act 685, 1897, s. 1.

“Public Place” means and includes every public place and every place to which the public are permitted to have access tacitly or otherwise and whether upon payment of money or not :

Act 943, 1907, s. 3.

“Street” means and includes every public street, thoroughfare, private street or road commonly used by or to which the public are permitted to have access :

Act 685, 1897, s. 1.

“Sweepstakes” means and includes every transaction, scheme, device, or arrangement (expressed or implied) whereby any money or valuable thing shall be paid, contributed, or subscribed by any persons for the purpose of payment to or division among any person or persons in any proportions on any event or contingency dependent on the result of any race, game, sport, or exercise, whether such race, game, sport, or exercise shall be within or without South Australia :

Act 426, 1888, s. 7.

“Totalizator” means and includes the machine or instrument known as “The Totalizator” and any other machine or instrument of a like nature and conducted on like principles :

Act 943, 1907, s. 3.

“Unlawful gaming” means and includes the playing at or engaging in any game with cards or other instruments, or with money, in or as the result of which game any person or persons derives or is intended to derive (other than in his capacity as a player) any part or percentage of any money or thing played for, staked, or wagered, such part or percentage not being money received for deposit in any licensed totalizator ; and also the doing or suffering of any act or thing prohibited by this Act, or in respect of the doing or suffering of which any penalty or punishment is provided by this Act.

Act 812, 1902, s. 1.

PART

*Lottery and Gaming Act.—1917.*PART II.
LOTTERIES.

PART II.

5. Every lottery is hereby declared to be a common nuisance and unlawful, and every sale or gift, disposal or distribution made by means or in pursuance thereof utterly void.

Lotteries declared nuisances.

Act 13, 1875, s. 4.

6. No person shall—

(1) either publicly or privately exercise, open, or show, to be played, thrown, or drawn at, any lottery.

Penalties on persons opening lotteries, and aiding and playing thereat.

Ibid., s. 5.

Penalty—One Hundred Pounds, or in default imprisonment for six months.

(2) employ, aid, or abet, any other person therein.

Penalty—Fifty Pounds, or in default imprisonment for three months.

(3) play, throw, or draw at any such lottery.

Penalty—Ten Pounds, or in default imprisonment for one month.

7. No person shall promise or agree to—

I. pay any sum of money, or

II. deliver any goods, or

III. do or forbear doing anything for the benefit of any person,

Penalty on persons agreeing to pay money or deliver goods, &c., on event of lottery.

Ibid., s. 6.

whether with or without consideration, on any event or contingency relative or applicable to the drawing of any ticket or tickets, lot or lots, numbers, figures, or names in any lottery, or

IV. publish any proposal for any of the purposes aforesaid

Penalty—Fifty Pounds, or in default imprisonment for three months.

8. No person shall print, exhibit, or publish, or cause to be printed, exhibited, or published, any placard, handbill, card, writing, sign, or advertisement of any lottery, or of any proposal for any lottery.

Penalty for advertising lotteries.

Ibid., s. 7.

Penalty—Fifty Pounds, or in default imprisonment for three months.

9. Nothing in this part of this Act shall extend to or affect—

Exceptions from Act.

I. any allotment of real or personal estate or interest which may at any time hereafter be, according to the laws then in force, legally allottable, or allotted to, or held by, or by means of, any allotment or partition by lots:

Act 13, 1875, s. 8.

II. any

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11. any voluntary association or branch thereof which is or may hereafter be formed or established in the said State for the purchase of paintings, drawings, or other works of art to be afterwards allotted and distributed by chance or otherwise among the several members, subscribers, or contributors forming part of such association, or for raising sums of money by subscription or contribution, to be allotted and distributed by chance or otherwise as prizes amongst the members, subscribers, or contributors forming part of such association: Provided that such sums of money so allotted and distributed be expended solely and entirely in the purchase of paintings, drawings, or other works of art. This exception shall exist only so long as the proceedings of such association are carried on in good faith for the encouragement of the fine arts.

Publication of
information regard-
ing lotteries pro-
hibited.

Act 943, 1907, s. 14.

10. No person shall—

- (a) print, publish, or exhibit, or cause to be printed, published, or exhibited in any newspaper, or on any placard, handbill, circular, or card, nor shall any person registered as the proprietor, printer, or publisher of any newspaper permit or suffer to be printed or published in such newspaper any advertisement, sign, notice, or other information of or relating to the establishment, commencement, promotion, carrying on, or drawing, or intended establishment, commencement, promotion, carrying on, or drawing of any illegal lottery, whether wholly or partly established, commenced, carried on, promoted, or managed in South Australia or elsewhere; or
- (b) print any ticket or other thing entitling or intended to entitle any person or persons to any chance or share in any illegal lottery; or
- (c) sell, circulate, exhibit, or dispose of any newspaper printed in any part of the Commonwealth of Australia which contains any advertisement, sign, notice, or information relating to any illegal lottery, or the drawing, conduct, or management thereof.

Unlawful to buy or
sell or accept any
ticket in illegal
lottery.

Ibid., s. 15.

Posting up of
placards relating to
illegal lotteries
forbidden.

Ibid., s. 16

11. No person shall sell, or offer for sale, or deliver, or give, or buy, or pay for, or knowingly receive or accept any ticket, chance, or share in any illegal lottery.

12. (1) No person shall placard, post up, or exhibit, or permit or suffer to be placarded, posted up, or exhibited, or shall assist in placarding, posting up, or exhibiting in or on or about any land, building, hoarding, or premises any information or notice relating to any illegal lottery:

(2) Where

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(2) Where any such information or notice is placarded, posted up, or exhibited on any land, building, or premises, it shall, unless the contrary be proved, be presumed to have been so placarded, posted up, or exhibited by or with the permission of the occupier of such land, building, hoarding, or premises.

13. No person shall, for gain or otherwise, in any manner whatever, directly or indirectly forward or partly forward, or give or receive for the purpose or intent that the same shall be so forwarded, any packet, or parcel, or money, cheque, draft, order for the payment of money, or valuable thing whatsoever to the promoters, managers, or conductors of any illegal lottery or sweepstakes conducted or drawn or intended to be conducted or drawn in any State, country, or place out of South Australia or not, and whether such lottery or sweepstakes shall be illegal according to the law of such State, country, or place, or otherwise.

Money parcels not to be forwarded to promoters of illegal lotteries.

Ibid., s. 17.

14. The allegations in any information laid in relation to any alleged offence against the provisions of the next preceding section—

Allegations *prima facie* proof.

Ibid., s. 18.

- (a) that any packet, parcel, money, cheque, draft, order for the payment of money or valuable thing in such information specified has been forwarded or partly forwarded, or has been given or received for the purpose or intent that the same should be forwarded (as the case may be);
- (b) that any person or persons, club, association, or company in such information named is the promoter, manager, or conductor (as the case may be) of any illegal lottery;
- (c) that any lottery in such information named or described is an illegal lottery,

shall be accepted by the Court as proof of the truth of such allegations, unless the contrary shall be proved.

PART III.

PART III.

TOTALIZATOR.

15. (1) The Commissioner of Police may, upon application being made to him for the purpose, and subject to the approval of the Chief Secretary, issue licences to the committee or other executive body of racing clubs authorising the use of the totalizator upon the terms and conditions prescribed by the regulations appearing in the Second Schedule hereto.

Totalizator licences may be issued by the Commissioner of Police.

Act 426, 1888, s. 1.

(2) Every such application shall be made in writing in the form of the Third Schedule hereto, or to the like effect, by the Chairman or Secretary of the Club seeking to be licensed.

Act 685, 1897, s. 7.

(3) Every

PART III.

Lottery and Gaming Act.—1917.

Ibid.

(3) Every licence so issued shall be in force from the first day of January next after the making of such application, until the succeeding thirty-first day of December (both dates inclusive), and shall entitle the club therein mentioned to use the totalizator upon the race-course of such club upon the days only in such licence specified.

Ibid., s. 7.

(4) Not more than one licence shall be granted to any one club during any one year.

Act 426, 1888, s. 9.

(5) No licence shall be issued to authorise the use of the totalizator, except at horse racing.

Conditions of issue of licence.

Ibid., s. 4.

16. Before a licence may be issued to any racing club it shall be incumbent on the applicant to prove to the satisfaction of the Commissioner of Police as regards racing clubs using a racecourse situate within ten miles of Adelaide—

i. that there are at least one hundred members of such club, and

ii. that the annual value of members' subscriptions of such club amounts to not less than Two Hundred Pounds;

and as regards racing clubs using a racecourse situated a greater distance than ten miles from the City of Adelaide—

(a) that there are at least fifty members of such club, and

(b) that the annual value of members' subscriptions amounts to not less than Fifty Pounds.

The Governor may make new rules and regulations.

Ibid., s. 3.

17. The Governor may, from time to time, make new rules and regulations and alter, amend, or add to any of the rules and regulations set out in the Second Schedule hereto, and such new rules and regulations, alterations, amendments, or additions, shall be laid before both Houses of Parliament within one month if Parliament be sitting, and if Parliament be not sitting, then within one month after the commencement of the next ensuing Session thereof; and if not disallowed by express resolution of either House of Parliament, such regulations, amendments or additions shall, after the expiration of such month, be conclusively deemed to be valid, and shall have the force of law. All such regulations when so amended and prescribed shall be published in the *Government Gazette*.

Persons under 21 years of age not to use totalizator under penalties.

Ibid., s. 2.

18. No person under the age of twenty-one years shall wager by means of the totalizator.

Penalty—First offence, not less than One Pound nor more than Seventy Pounds. Each subsequent offence, not less than Five Pounds nor more than Fifty Pounds.

Ibid., s. 2.

19. (1) A clearly printed copy of this and the preceding section of this Act shall be affixed over each door or opening in every totalizator.

(2) No licensees of any totalizator shall use such totalizator without having affixed such copies as aforesaid.

Penalty—Twenty Pounds.

20. No

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20. No licence shall be issued for the use of the totalizator on any racecourse situated within twenty miles of Adelaide, except for the racecourse known as the Victoria Park, Morphettville, Cheltenham, and Onkaparinga racecourses, unless a resolution shall be passed by both Houses of Parliament authorising the issue of such a licence.

Victoria Park, Morphettville, Cheltenham, and Onkaparinga racecourses only to be licensed within twenty miles of Adelaide.

Ibid., s. 5.

21. (1) No licence shall be issued for the use of the totalizator on any racecourse situate within twenty miles of any racecourse in respect of which a licence to use the totalizator has been or usually is issued, and where more than one application are simultaneously made for racecourses situate within twenty miles of each other, it shall be in the discretion of the Commissioner, subject to the approval of the Chief Secretary, to license which racecourse he thinks fit.

Licences for other racecourses.

Ibid., s. 6.

(2) This section shall not apply to the racecourses mentioned in section 20 nor to the racecourses used by Jamestown Jockey Club, the North-Western Jockey Club, and the Quorn Jockey Club.

Exceptions.

Act 801, 1902, s. 2.

22. No licence granted under this Act shall sanction the use by any one Club at the same time and on the same racecourse of more than one totalizator nor shall sanction the use of any totalizator—

Number of times totalizator may be used.

Act 426, 1888, s. 10.

(a) by any one club for more than seven days in the year,

(b) on any racecourse within twenty miles of the General Post Office for more than twelve days in any one year; nor

(c) on any other racecourse for more than eight days in any one year.

23. Every club may retain as commission out of the moneys paid into the totalizator in respect of any race a sum of money which shall not exceed seven and a half per centum, and all such moneys shall be applied by such club, without any deduction whatever, for the promotion of racing on the racecourse for which the licence shall have been granted.

Amount of commission which club may take.

Ibid., s. 11.

24. (1) Within twenty-one days after the last day for which any licence is granted under this Act every club so licensed shall deposit with the Commissioner of Police 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 licence, and of the commission retained as aforesaid and of the manner in which such commission has been expended, and also a correct schedule of the names, addresses, and occupations of its members.

Club to render account.

Ibid., s. 12.

(2) No chairman of any club shall fail to comply with the provisions of this section.

Penalty—Not less than Twenty Pounds nor more than Fifty Pounds.

25. The

PART III.

Gazette notice.

Act 685, 1897, s. 9.

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25. The Commissioner of Police shall cause to be published in the *Government Gazette* in the month of January in each year particulars of all licences granted for such year, with the names of the clubs to which such licences have been granted and the racecourses whereon and the dates upon which any such clubs are licensed to use the totalizator.

PART IV.

Penalty on persons
obtaining money,
etc., by cheating.

Act 13, 1875, s. 9.

PART IV.

UNLAWFUL GAMING.

26. No person shall win from any other person any sum of money or valuable thing by fraud or any other unlawful means—

- (a) in playing at, or with, cards, dice, tables or other games, or
- (b) in bearing a part in the stakes, wagers or adventures, or in betting on the sides or hands of them that do play, or
- (c) in wagering on the event of any game, sport, pastime, or exercise.

Penalty—Such fine as the Court may determine, or imprisonment for two years.

Contracts by way of
gaming void.

Ibid., s. 10.

27. (1) All contracts or agreements whether by parol or in writing by way of gaming or wagering shall be void.

(2) No action shall be brought or maintained in any Court to recover any sum of money or valuable thing—

- (a) alleged to be won upon any wager, or
- (b) which shall have been deposited in the hands of any person to abide the event on which any wager shall have been made :

Provided that this section shall not apply to any subscription or contribution or agreement to subscribe or contribute for or to any plate, prize, or sum of money to be awarded to the winner of any race or lawful game.

Extending provi-
sions to gaming
with coin, &c.

Ibid., s. 11.

28. Every person playing at any game or betting, by way of wagering or gaming, in any public place, at or with any table or instrument of gaming, or any coin, card, token, or other article used as an instrument or means of wagering or gaming, at any game or pretended game of chance, shall be deemed a rogue and vagabond within the meaning of the Police Act, 1916, and may be so convicted and punished under the provisions of that Act.

29. No

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29. No person shall in any public place—

- I. exhibit any implements or articles for unlawful gaming, in order to induce or entice any person to engage in any unlawful gaming, or
- II. by any fraudulent act or device, cozen and cheat any person.

Penalty on gambling, etc., in public places.

Ibid., s. 12.

Penalty—Imprisonment for three months, and also at the same time a sentence to repay any money, or restore any property which may have been obtained by means of any such offence, and, failing the immediate payment or restoration, imprisonment for a further sixty days.

30. No person shall make or shall offer to make any bet or wager with any person who is under the age of twenty-one years.

Prohibition of betting with persons under 21 years of age.

Act 685, 1897, s. 2.

Penalty—One Hundred Pounds, or imprisonment for six months.

31. No person under the age of twenty-one years shall make or offer to make a bet or wager with any other person.

Betting under 21 years.

Ibid., s. 3.

Penalty—Twenty Pounds.

32. No person shall either directly or indirectly receive from any person under the age of twenty-one years, whether for himself or on behalf of some other person, any money or any valuable thing upon the understanding or agreement, either expressed or implied, that such money or valuable thing shall be placed in or used either directly or indirectly for the purpose of any totalizator or sweepstakes, or betting or wagering.

Receiving money for gaming from infants.

Act 685, 1897, s. 4.

Act 943, 1907, s. 5.

Penalty—One Hundred Pounds, or imprisonment for six months.

33. No person shall, for fee, commission, or reward, share, or interest—

Promoting sweepstakes for reward.

Act 685, 1897, s. 5.

- I. carry on any sweepstakes ; or
- II. pay, deposit, or receive any money or valuable thing for or in respect of any such sweepstakes ; or
- III. give or receive any card, ticket, paper, document, or other thing relating to or in connection with any such sweepstakes.

Penalty—One Hundred Pounds, or imprisonment for six months.

34. No person shall upon any racecourse or in any other public place or street directly or indirectly invite or solicit any other person to give or entrust to him any money or valuable thing for the purpose or intent that such money or thing, or any part thereof respectively shall be placed or invested in any totalizator (whether such totalizator shall be lawful or not).

Totalizator investments not to be solicited.

Act 943, 1907, s. 12.

Penalty—Twenty-five Pounds, or imprisonment for two months.

35. No

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Totalizator agents
prohibited.

Ibid., s. 6

35. No person shall for fee, commission, reward, share, or interest of any kind whatever, or upon any understanding or agreement, either expressed or implied, for such fee, commission, reward, share, or interest—

(a) receive from any other person any money for the purpose of investing the same in any totalizator licensed or otherwise, or

(b) receive any money upon any such agreement, understanding, or intention that such money shall be so invested ;

Penalty—One Hundred Pounds.

Certain games
unlawful.

Act 685, 1897, s. 15.

Act 943, 1907, s. 13.

36. The games, tricks, or devices commonly known as “the purse trick,” “the three card trick,” “faro,” “banker,” “fan tan,” “two up,” “hazard,” and all other games played in the same way, or of a kindred nature, are hereby declared to be unlawful games.

Penalty on betting,
or inviting or
publishing invita-
tion to subscribe to
a bet or sweep-
stakes

Act 282, 1883, s. 2.

37. No person shall—

I. in any public place bet or offer to bet by way of wagering or gaming ; or

II. in any public place get up or take part in any sweepstakes ; or

III. publish or cause to be published in any public newspaper or by circular, any advertisement inviting the public to subscribe to or take part in any bet or sweepstakes.

Penalty—(1) Not less than Two Pounds nor more than One Hundred Pounds.

(2) For a second offence the offender shall be deemed a rogue and vagabond within the meaning of the Police Act, 1916, and as such may be convicted and punished.

Penalty for unlawful
gaming.

Act 812, 1902, s. 3

Ibid., s. 8.

38. (1) No person shall be guilty of unlawful gaming.

Penalty—Two Hundred Pounds.

(2) No person shall be in any place used for unlawful gaming without lawful excuse.

Penalty—Twenty Pounds.

Betting in public
street.

Act 943, 1907, s. 7.

39. No person shall be in or upon any street or public place for the purpose of betting or wagering, except by means of a totalizator duly licensed under the provisions of this Act.

Penalty—Fifty Pounds.

Persons loitering in
street.

Ibid., s. 30.

40. No person standing in any street shall refuse or neglect to move on when requested by a police constable so to do, or shall loiter (whether such loitering shall cause or tend to cause any obstruction to traffic or not) in any street or public place after a request having been made to him by any police constable not to so loiter.

Penalty—Twenty Pounds, or imprisonment for two months.

41. No

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41. No person shall—

(a) print, exhibit, publish, sell, circulate, distribute, give away, or post up, or

(b) cause to be printed, exhibited, published, sold, circulated, distributed, given away, or posted up

Information as to betting not to be printed or published.
Ibid., s. 22.

any newspaper or printed card or written document, list or card, whether published, written, or printed in South Australia or elsewhere), which contains or purports to contain any advertisement or notification by or on behalf of any person, club, or association,

I. as to betting on any intended horse, pony, trotting race or races in any part of the Commonwealth of Australia :

II. as to the betting odds on any such race or races.

42. No person shall print, write, or exhibit, publish, sell, circulate, distribute, give away, or post up or cause to be printed, written, exhibited, published, sold, circulated, distributed, given away, or posted up any placard, handbill, card, writing sign, advertisement, or notification (whether published, printed, or written in South Australia or elsewhere), or shall be registered as the proprietor, printer, or publisher of any newspaper, whereby it is made to appear that such person or any other person will, if required, bet or give information or advice, directly or indirectly, as to the probable result of any intended horse race or pony race or trotting race in any part of the Commonwealth of Australia, or as to the betting odds on any such race, or whereby any information or advice is given or purported to be given relating to the probable result of any such race or as to the betting thereon, or as to any unlawful game: Provided always that nothing herein contained shall prohibit the publication in a newspaper by the printer or publisher thereof of a forecast of the probable result of any race, being not for money or gain.

Advertising by tipsters prohibited.
Ibid., s. 23.

43. No person shall—

(a) placard, post up, or exhibit, or

(b) permit or suffer to be placarded, posted up, or exhibited, or

(c) assist in placarding, posting up, or exhibiting

Betting notices and placards not to be exhibited.

Ibid., s. 24.

in or on or about any land, building, or premises, any information or notice or list, directly or indirectly relating to betting or any unlawful game.

44. (1) Any club, company, or person for the time being having the use, occupancy, or control of any ground or place upon which is then being carried on any horse racing, foot racing, cycle racing, football match, cricket match, or any other sport of a kind usually attended by the public may require any police officer to, without warrant, arrest and remove, and such police officer shall thereupon arrest

Removal of persons from racecourses, etc., of persons suspected of offence against Act.

Ibid., s. 8.

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arrest and remove from such ground or place any person who by such club, company, or person, or any of their officers or servants, shall be suspected on reasonable grounds of being or having been on that day engaged on such ground or place in doing any act or thing in contravention of the provisions of this Act or any of them.

(2) No person shall re-enter or be again upon such ground or place after such removal and during the same day on which he shall have been so removed.

Penalty—Fifty Pounds, or imprisonment for two months.

(3) Any police officer acting in accordance with such instructions shall not be deemed guilty of an offence or to be liable to any fine, penalty, imprisonment, or in damages in consequence of so acting.

Powers of the police.

Act 13, 1875, s. 21.

Act 812, 1902, s. 6.

45. (1) It shall be lawful for—

- (a) any Special Magistrate or two Justices of the Peace, upon complaint or information upon oath before him or them that there is reason to suspect that unlawful gaming is or is about to be carried on in or upon any place ; or
- (b) the Commissioner of Police, upon receiving a report in writing from any inspector or sub-inspector of police that there are good grounds for believing, and that he does believe, that unlawful gaming is or is about to be carried on in or upon any place,

to give to any constable a warrant in the form of the Fourth Schedule to this Act, or to the like effect.

(2) Such warrant shall authorise such constable, with such assistance as may be necessary—

- (a) to enter or re-enter into and upon and search such place at any time and from time to time, and at all times during the day or night, within the space of three clear days from the date of such warrant ;
- (b) to remain in and upon such place during the whole or any part of the three days aforesaid ;
- (c) to use force if necessary in making entry or re-entry, whether by breaking open doors or otherwise ;
- (d) to arrest and bring before a Special Magistrate or two Justices of the Peace all such persons as may be found therein or thereupon ;
- (e) seize all such dice, balls, counters, tables or other instruments of gaming, money, lists, cards, papers, documents or things found therein or thereupon, or upon such persons, as may reasonably be supposed to have been used or designed for use in connection with or in relation to such suspected offence :

(f) to

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(f) to detain the same until the owner or owners thereof shall appear before a Special Magistrate or two Justices of the Peace to claim the same, and satisfy such Magistrate or Justices how and for what use or purpose the same were intended.

(3) Such Special Magistrate or Justices may confiscate such dice, balls, counters, tables or other instruments of gaming, money, lists, cards, papers, documents and things, or otherwise dispose of them as they may deem fit, if—

- (a) the said owner or owners do not appear before such Magistrate or Justices within four days after such seizure, or
- (b) if he or they do so appear, and do not show to the satisfaction of such Magistrate or two Justices, after due examination, that such dice, balls, counters, tables or other instruments of gaming, money, lists, cards, papers, documents or other things, were not in any such house, office, room, or place, or upon such persons for the purpose of being used in relation to, or in connection with, any matter made unlawful by this Act.

46. No person shall wilfully—

- (a) prevent any constable or other person acting in his assistance under a warrant under the provisions of this Act to enter any house, room, or place, from entering the same or any part thereof, or
- (b) obstruct or delay any such constable or person in so entering, or
- (c) by any bolt, bar, chain, or other contrivance secure any external or internal door of or means of access to any house, room, or place so authorised to be entered, or
- (d) use any means or contrivance whatsoever for the purpose of preventing, obstructing, or delaying the entry of any such constable or person into any such house, room, or place or any part thereof.

Penalty on persons obstructing constables in the execution of their duty.
Act 13, 1875, s. 22.

Penalty—One Hundred Pounds, or imprisonment for six months.

PART V.

COMMON GAMING-HOUSES.

PART V.

47. Any house, office, room, or place which is used for the playing therein of any unlawful game, or which is used principally for the purpose of enabling any person or persons to bet with others or with one another, or to pay or receive money or valuable consideration in respect of any bet on events which have not happened, whether made in or at such house, office, room, or place, or elsewhere, or which

Betting houses or rooms deemed to be common gaming-houses.

Act 943, 1907, s. 21.

PART V.

Lottery and Gaming Act.—1917.

which is occupied by any company or club having for its principal object or one of its principal objects the enabling of shareholders or members thereof to make wagers or bets or pay or receive money in respect of wagers or bets on events which have not happened, whether so made either amongst themselves or with other persons not necessarily being shareholders or members, shall be deemed to be a common gaming-house.

Houses, &c., where unlawful gaming carried on to be common gaming-house.

Ibid., s. 25.

48. A house, office, room, or place where an unlawful game is carried on shall be deemed to be a common gaming-house, notwithstanding that the same is open only for the use of subscribers or of members or shareholders of any particular club or company, and is not open to all persons desirous of using the same.

Owners, agents, and occupiers guilty of offence in allowing house to be used as gaming-house.

Ibid., s. 26.

49. No owner or agent acting on behalf of the owner and no occupier of any house, office, room, or other place shall allow or permit the same to be used as a common gaming-house: Provided that an owner or agent who is not an occupier, and who was in ignorance of and had no reasonable grounds to suspect such use, or had taken all reasonable steps to prevent the same, shall not be guilty of an offence.

Owner, &c., liable for permitting premises to be used as access to a gaming-house.

Ibid., s. 27.

50. No owner or agent acting on behalf of the owner, and no occupier of any house, office, room, or place shall allow or permit or suffer the same to be used as a means of access to or exit or escape from any house, office, room, or place used as a gaming-house: Provided that if such owner, agent, or occupier was in ignorance of and had no reasonable grounds to suspect such use, or had taken all reasonable steps to prevent the same, he shall not be guilty of an offence.

Power to evict occupier of house used as gaming-house, &c.

Ibid., s. 28.

51. (1) Any owner of any house, office, room, or place who has reasonable grounds to suspect that the same is used—

(a) as a common gaming-house; or

(b) as a means of access to or of exit or escape from any house, office, room, or place used as a common gaming-house,

may serve on the tenant or occupier a notice to quit.

(2) The serving of such notice shall, subject to this Act, determine as from the seventh day after the date of such service any tenancy under which the occupier may hold as if the same had expired by effluxion of time. The owner may thereupon, without any authority other than this Act, take legal proceedings to evict, and may evict, such occupier.

(3) Such notice shall be served personally on the occupier, but if he cannot be found service may be effected by posting a copy of the notice on some conspicuous part of the said house, office, room, or place.

(4) Upon

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(4) Upon proof, to the satisfaction of the Registrar-General, that such notice has been served on such tenant or occupier in manner aforesaid, he shall, at the expiry of seven days from the date of such service, cause a memorial of such service and of the date thereof to be entered in respect of land under the provisions of the Real Property Act, 1886, and the Register Book of Titles kept pursuant to such last-mentioned Act, and in respect of land not under the provisions of that Act in the General Registry Office of Deeds for the said State.

52. (1) Any such notice to quit may at any time be cancelled as from the date of such notice and relief be granted by the Supreme Court subject to such terms as the Court thinks fit on application being made to the Court by the occupier and on proof that he has not at any time used or allowed or permitted or suffered the house, office, room, or place to be used—

Cancellation of notice to quit.

Ibid., s. 29

(a) as a common gaming-house; or

(b) as a means of access to or of exit or escape from any house, office, room, or place used as a common gaming-house.

(2) Notice of intention to make such application shall be served on the owner at least seventy-two hours before the hearing of the application, and on being so served shall operate until the determination of the application as a stay of any proceedings under the last preceding section to evict the occupier.

53. On the affidavit of a Commissioner, Inspector, or Sub-inspector of Police, showing reasonable grounds for suspecting that any house, office, room, or other place is used in contravention of this Act, the Judge of the Supreme Court may declare such house, office, room, or place to be a common gaming-house. Such declaration shall be in force until rescinded.

Declaration that house a common gaming-house.

Ibid., s. 32.

54. (1) Any such declaration may be rescinded by a Judge of the Supreme Court, subject to such terms as he thinks fit, on application being made to him—

Rescission of declaration.

Ibid., s. 33.

(a) by the owner, tenant, or occupier of the house, office, room, or place the subject of the declaration, on proof that he has not at any time allowed the house, office, room, or place to be used in contravention of this Act; or

(b) by a Commissioner, Inspector, or Sub-inspector of Police, on proof that the house, office, room, or place is not used in contravention of this Act.

(2) Where the application is made by the owner, tenant, or occupier as aforesaid, notice in writing of intention to make the same shall be served on a Commissioner, Inspector, or Sub-inspector of Police two days at least before the hearing of such application.

55. (1) Notice of any such declaration, and of any rescission of the same, shall be published in the *Government Gazette*.

Publication of notice of declaration and rescission.

(2) In

Ibid., s. 34.

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(2) In any proceedings under this Act the production of a copy of the *Government Gazette* containing such notice shall be evidence that the declaration or rescission therein notified was duly made.

Notice given of
declaration.
Ibid., s. 35.

56. (1) The Commissioner, or a Superintendent, Inspector, or Sub-inspector of Police, on such declaration being made with respect to any house, office, room, or place—

- (a) shall cause to be published on two days in a newspaper circulating in the neighborhood of the house, office, room, or place, a notice of the making of such declaration ;
- (b) shall cause such notice to be served on the owner and occupier of the house, office, room, or place. Such service shall be personal, except when it cannot be promptly effected, in which case the notice may be served on the owner, tenant, and occupier aforesaid, by causing a copy thereof to be affixed at or near to the entrance to the house, office, room, or place.

(2) In any proceedings under this Act the production of a copy of a newspaper containing any such notice shall be evidence that such notice was duly published in such newspaper on the date appearing thereon.

Persons found in
house declared a
common gaming-
house.
Ibid., s. 36.

57. If after publication, in pursuance of paragraph (a) of the last preceding section, of notice of the making of such declaration with respect to a house, office, room, or place, and during the time that such declaration is in force, any person is found in or on or entering or leaving—

- (a) such house, office, room, or place ; or
- (b) any land or building used as a means of access to, or of exit or escape from the same,

any member of the police force may, without warrant, arrest such person and take him before a Court. Such person, unless he proves that he was in, or on, or entering, or leaving as aforesaid, for a lawful purpose shall be liable to a penalty of Fifty Pounds, or to imprisonment for three months.

Penalty on owner if
house used in contra-
vention of Act.
Ibid., s. 37.

58. If after service on an owner, in pursuance of paragraph (b) of section 56 of notice of the making of such declaration with respect to a house, office, room, or place, and during the time that such declaration is in force, such house, office, room, or place is used in contravention of this Act, such owner shall, unless he proves that he has taken all reasonable steps to evict the occupier from the same, be liable to a penalty not less than Thirty and not exceeding One Hundred Pounds.

Penalty on occupier
Ibid., s. 38.

59. If after service on an occupier, in pursuance of paragraph (b) of section 56 of notice of the making of a declaration with respect to

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a house, office, room, or place, and during the time that such declaration is in force, such house, office, room, or place is used in contravention of this Act, the said occupier shall be liable to a penalty not less than Thirty and not exceeding Three Hundred Pounds, unless he proves that he has taken reasonable steps to prevent such use.

60. While any such declaration is in force with respect to any house, office, room, or place, any member of the police force may, without warrant—

Entry by police.
Ibid., s. 39.

- (a) enter the said house, office, room, or place ;
- (b) enter any land or building which he has reasonable grounds to suspect is used as a means of access to or of exit or escape from the same ;
- (c) pass through, from, over, and along any other land or building for the purpose of entering in pursuance of paragraph (a) or paragraph (b) aforesaid ;
- (d) for any of the purposes aforesaid, break open doors, windows, and partitions, and do such other acts as may be necessary ;
- (e) seize any instruments of gaming and any instruments of betting and documents relating to betting, and any money and securities for money in any such house, office, room, or place.

61. No person shall or shall solicit any other person to—

Obstructing the
police.
Ibid., s. 40.

- (a) obstruct,
- (b) aid in obstructing

a member of the police force in the exercise of any power conferred on him by this Act.

Penalty—Seventy-five Pounds.

62. (1) Where any member of the police force or other person acting in his assistance authorised under this Act to enter any house, office, room, or place is wilfully prevented from or is obstructed or delayed in entering the same or any part thereof ; or—

Evidence of house
being a gaming-
house.
Ibid., s. 41
Act 13, 1875, s. 23.

(2) where any external or internal door of or means of access to any such house, office, room, or place so authorised to be entered is found to be fitted or provided with any bolt, bar, chain, or any means or contrivance for the purpose of preventing, delaying, or obstructing the entry into the same or any part thereof of any member of the police force authorised as aforesaid, or any person acting in his assistance, for giving an alarm in case of such entry ; or

(3) if such house, office, room, or place is found fitted or provided with any means or contrivance for unlawful gaming, or with any means or contrivance for concealing, removing, or destroying any instruments of gaming, it shall be evidence, until the contrary is made

to

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to appear, that such house, office, room, or place, is used as a common gaming-house, and that the persons found therein were playing an unlawful game therein.

No house to be kept for purpose of gaming.

Act 13, 1875, s. 13.

63. (1) No house, office, room, or place shall be opened, kept, or used for the purpose of—

I. unlawful gaming :

II. the occupier betting with persons resorting thereto :

III. any money or valuable thing being received by or on behalf of the occupier or as or for the consideration for any assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter any money or any valuable thing on any such event or contingency of or relating to any race, fight, game, sport, or exercise, 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.

(2) Every house, office, room, or place opened, kept, or used for any of the purposes aforesaid is hereby declared to be a common nuisance and unlawful.

Ibid., s. 14.

Ibid., s. 20.

(3) No person shall be the occupier of any such house, office, room, or place kept or used for any of the purposes aforesaid.

Penalty—Five Hundred Pounds, or imprisonment for twelve months.

Penalty on persons advancing money for the purpose of gaming.

Ibid., s. 20.

(4) No person shall advance or furnish money for the purpose of gaming with persons frequenting any such house, room or place.

Penalty—Five Hundred Pounds, or imprisonment for twelve months.

Occupier of house receiving money for betting.

Ibid., s. 15.

64. (1) No occupier of any house, office, room, or place shall receive, directly or indirectly, any money or valuable thing as a deposit on any bet on condition of paying any sum of money or valuable thing on the happening of any event, contingency of or relating to any race, fight, game, sport, or exercise, or 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.

Penalty—Fifty Pounds, or imprisonment for six months.

(2) No person shall give any acknowledgment, note, security, or draft on the receipt of any money or valuable thing so paid or given as aforesaid purporting or intending to entitle any other person to receive any money or valuable thing on the happening of any event or contingency as aforesaid.

Penalty—Fifty Pounds, or imprisonment for six months.

Money so received may be recovered from persons receiving the same.

Ibid., s. 16.

(3) Any money or valuable thing received by any such person aforesaid as a deposit on any bet, or as or for the consideration for any such assurance, undertaking, promise, or agreement, as aforesaid, shall

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shall be deemed to have been received to or for the use of the person from whom the same was received, and such money or valuable thing, or the value thereof, may be recovered accordingly, with full costs of suit in any Court of competent jurisdiction.

65. (1) No person shall—

- (a) print, exhibit, or publish, or cause to be printed, exhibited, or published any placard, handbill, card, writing, sign, or advertisement from which it appears that any house, office, room, or place is opened, kept, or used for the purpose of making bets or wagers in manner aforesaid, or for the purpose of exhibiting lists for betting, or with the intent to induce any person to resort to such house, office, room, or place for the purpose of making bets or wagers in manner aforesaid ;
- (b) on behalf of the occupier of any such house, office, room, or place invite other persons to resort thereto, for the purpose of making bets or wagers in manner aforesaid.

Penalty on persons exhibiting placards or advertising betting-houses.

Ibid., s. 18.

Penalty—Thirty Pounds, or imprisonment for two months.

66. No person shall print, send, exhibit, publish, or shall cause to be printed, sent, exhibited, or published any letter, circular, telegram, placard, handbill, card, or advertisement—

Betting advertisements prohibited.
Ibid., s. 19.

- i. from which it appears that any person, either in the State of South Australia or elsewhere, will on application give information or advice for the purpose of or in respect to any bet or wager or any such event or contingency as mentioned in sections 63 and 64 of this Act, or will make on behalf of any other person any such bet or wager as mentioned in the said sections 63 and 64;
- ii. with intent to induce any person to apply to any house, office, room, or place, or to any person with a view to obtaining information or advice for the purpose of any such bet or wager, or with respect to any such event or contingency as mentioned in the said sections 63 and 64;
- iii. inviting any person to make or take any share in or in connection with any such bet or wager.

Penalty—Thirty Pounds, or imprisonment for two months.

67. No person found in any house, room, or place entered by any constable or person assisting him to enter the same, upon being arrested by such constable or person assisting, or upon being brought before any Justices, on being required by such constable or person or by such Justices to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address.

Penalty on persons apprehended for giving false names or addresses.

Ibid., s. 24.

Penalty—Fifty Pounds, or imprisonment for one month.

68. Nothing

PART V.

Entrance and nomination fees exempted.
Act 13, 1875, s. 17.
Act 685, 1897, s. 16.
Act 282, 1883, s. 2.

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68. Nothing in this Act shall extend to the deposit, receipt, subscription, holding or payment of any money or valuable thing as entrance or nomination fees, in respect of any lawful race, game, sport or exercise, or as part of the prize or stakes therefor.

PART VI.

Members of police force not to be convicted or to be deemed accomplices.
Act 943, 1907, s. 6.

PART VI.

EVIDENCE.

69. No member of the police force acting under the order or instructions of any other member of such force who shall be his superior in rank shall be deemed to be an accomplice in the commission of any offence against this Act, nor shall the member giving such order or instructions nor the member who shall act in pursuance or attempted pursuance thereof be liable to conviction or punishment for any act or matter done or committed by either of them in relation to or under such order or instructions, although but for this section such members or either of them might have been deemed to be such accomplices or accomplice or have been liable to such conviction and punishment.

Witnesses not to claim privilege on ground of evidence tending to incriminate.
Ibid., s. 9.

70. (1) No person (other than the defendant) required to be examined as a witness in the hearing of any information laid in relation to any offence alleged to have been committed against the provisions of this Act, or any of them, shall be excused from being so examined or from answering any question or questions put to him as such witness on the ground that his evidence or the answer to any such question or questions might tend to incriminate him or render him liable to a prosecution.

(2) Any such person so required to be examined who refuses to make oath accordingly or to answer any question or questions shall be liable to the same penalties and to be dealt with in all respects as any witness may be dealt with for refusing to be sworn or to give evidence.

(3) Every such person so required to be examined who shall upon such examination make a true and faithful discovery to the best of his knowledge of all matters as to which he is examined shall receive from the Court a certificate in writing to that effect, and thereupon, but not otherwise, be freed from all prosecution, penalties, and punishment to which he might have been or become liable in respect of the matters touching which he has been so examined.

Allegations to be *prima facie* proof.
New.
Ibid., s. 10.

71. The allegations in any information laid in respect of any alleged offence or offences against this Act,

(a) that any person, firm, company, or partnership (as the case may be) in such information named is the owner, user, or occupier (as the case may be) of any place, room, or premises in such information mentioned; (b)

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PART VI.

(b) that any horse race, cycle race, or foot race (as the case may be) in such information mentioned was run at a place and on a date therein specified, and that any horse or horses or person or persons named in such information took part in any race therein mentioned,

shall be accepted by the Court as evidence of the truth of such allegations unless the contrary shall be proved.

72. Any person, club, firm, company, or partnership using or occupying any place, room, or premises for the purpose of unlawful gaming shall be deemed to be so using or occupying such place for such purpose with the knowledge and consent of the owner and the immediate landlord of such place or premises unless the contrary shall be proved.

Occupancy of premises deemed to be with knowledge of owner.

Ibid., s. 11.

73. In every information laid in respect of any offence relating to any illegal lottery alleged to have been or be intended or about to be drawn or conducted elsewhere than in South Australia, the Court may in their discretion receive and act upon such secondary or other evidence as may be adduced for the purpose of proving the existence, drawing, conduct, or intention to draw or conduct such lottery, any rule of law heretofore to the contrary notwithstanding.

Secondary evidence may be received relating to lotteries.

Ibid., s. 19.

74. (1) In any proceedings against any person for establishing, commencing, or being a partner in any illegal lottery, or managing, conducting, or assisting to manage or conduct any illegal lottery, or selling or disposing or buying or accepting any ticket or thing purporting to be or usually known as a lottery ticket and relating to an illegal lottery, it shall, in default of or in addition to other evidence, be sufficient in support of the information to show that such ticket or thing was bought or accepted by the purchaser or acceptor under the belief by him that the possession and production of such ticket purporting to be a lottery ticket or other thing conveyed a right to the purchaser or any holder thereof to draw for, compete, or have an interest in an illegal lottery.

Evidence of illegal lottery.

Ibid., s. 20.

(2) The sale of a ticket or thing commonly known as a Chinese lottery ticket, whether marked or otherwise, shall be *prima facie* evidence of the existence of a lottery and of an undertaking, agreement, or promise expressed or implied, to pay a sum of money to the purchaser or holder of such ticket on the happening of a certain event or contingency.

Chinese lottery ticket.

(3) In any proceedings it shall not be necessary to prove that any ticket purporting to be or usually known as a Chinese lottery ticket relates to any particular lottery, or that any lottery has been or will be drawn.

75. Whenever any place is entered under a warrant under the provisions of this Act, the discovery therein or about the person of any of those found therein (under circumstances which, combined with such discovery, raise in the mind of the Court a reasonable suspicion that the purpose and provisions of this Act have been contravened)

Prima facie evidence of unlawful gaming.

Act 812, 1902, s. 7.

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contravened) of cards, dice, balls, counters, tables, or other instruments of gaming, or of lists, cards, papers, documents, or things relating to racing or betting, shall be *prima facie* evidence that such place is used for unlawful gaming.

Evidence as to offences.

Act 812, 1902, s. 4.

76. If on the hearing of any information against any person for unlawful gaming the Court shall be of opinion that any money or thing which shall to their satisfaction be proved to have been given to, or received, or paid by the accused person, or given to, or received, or paid by any person or persons on his behalf, has been given in circumstances which, in the mind of the Court, raise a reasonable suspicion that such money or thing was so given, received, or paid in contravention of the purposes and provisions of this Act, or any of them, such giving, receiving, or paying as aforesaid shall be deemed *prima facie* evidence of the commission by the accused person of the offence charged against him in such information.

Certain allegations *prima facie* evidence.

Ibid., s. 10.

77. The allegation in any information under section 83 of this Act that any person is the secretary of the company named in such information, or that any person is the manager of such company, or that any person is a director of such company, or that the premises named are or have been in the occupation or under the control of such company, shall be *prima facie* evidence that such person is the secretary, manager, or director, as alleged, or that the premises are or have been in the occupation or under the control of such company (as the case may be).

PART VII.**PART VII.****PROCEDURE AND MISCELLANEOUS.**

Proceedings for offences.

Act 943, 1907, s. 31.

78. (1) All proceedings under this Act shall be disposed of summarily.

(2) There shall be an appeal in respect of such proceedings.

(3) In the event of such appeal a special case may be stated.

(4) Penalties for any offence under this Act shall be recovered summarily.

General penalty for offences.

Act 943, 1907, s. 43.

79. Unless otherwise specified in this Act, every person who shall commit any offence against the provisions of this Act, or any of them, shall be liable to a penalty not exceeding Fifty Pounds, or to imprisonment for not longer than three months.

More than one offence may be charged in information.

Act 943, 1907, s. 4.

80. In any information laid in respect of any alleged offence or offences against this Act any number of offences to the number of not more than three may be in such information charged against the defendant and evidence given in support thereof; and the Court may convict such defendant of any one of such offences as to the satisfaction of the Court shall have been proved, and may inflict such penalty therefor as is by law provided.

Power to amend.

Act 685, 1897, s. 12.

81. It shall be held sufficient in any information under this Act if such information shall give the accused a reasonably clear and intelligible statement of the offence with which he is charged, and

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no conviction or warrant of commitment shall be held void, invalid, or quashed for any defect in substance or in form; and the Court shall amend every information which, in their opinion, is defective or ought to be amended upon such terms as to costs, adjournment, or otherwise as the Court may think fit, and any Special Magistrate may amend any conviction or warrant of commitment at any time after the same has been signed and before the same has been executed.

82. Notwithstanding anything contained in any Statute heretofore made, the Registrar of Companies shall not be required to register any club, association, or persons as a company under the provisions of the Companies Act, 1892, or under any Act which may hereafter be passed relating to companies if, in his opinion, the purposes or objects, or any of them, of such club, association, or persons, are designed, or intended either directly or indirectly, or either wholly or in part, to in any way contravene or evade the provisions and purposes of this Act, or any of them.

Discretion of Registrar of Companies.

Act 812, 1902, s. 5.

83. On information being laid on oath before a Special Magistrate by any police constable stating that such constable has reasonable grounds of suspicion that the premises occupied by or under the control of any company registered under the provisions of the Companies Act, 1892, are being or have been during such occupation or control by such company used for the purpose of unlawful gaming, such Special Magistrate may issue his summons to the manager, secretary, or directors of such company, or any of them, requiring him or them or any of them to appear before him, the said Magistrate, at the place and time mentioned in such summons, to answer the matter of such information and to show cause why the registration of such company should not be cancelled. And if the party or parties so summoned do not appear, or if upon the hearing of such information the party or parties so summoned shall fail to show to the satisfaction of such Special Magistrate that the premises in question were not used for the purpose of unlawful gaming, then such Special Magistrate may, by an order under his hand, declare the registration of the company named in such information to be cancelled. And upon such order being made, and immediately after the same shall have been published in the *Government Gazette*, the company in respect of which such order shall have been made shall for all purposes of law be deemed to be unregistered.

Cancellation of registration of companies under certain circumstances.

Ibid., s. 9.

84. One half part of every sum which shall be imposed as a penalty under sections 6, 7, 8, 26, 28, 29, 46, 63, 64, 65, 66, and 67 of this Act shall be paid to the person on whose information the conviction shall have been obtained, unless such information shall be laid by or on behalf of a public officer.

Half penalties to be paid to informer.

Act 13, 1875, s. 29

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.

SCHEDULES

Lottery and Gaming Act.—1917.

SCHEDULES.

Section 3.

THE FIRST SCHEDULE.

ACTS CONSOLIDATED AND REPEALED.

Reference to Act.	Short Title of Act.	Extent of Repeal.
No. 13 of 1875 . .	The Lottery and Gaming Act, 1875	The whole
No. 282 of 1883 .	The Totalizator Repeal Act, 1883	The whole
No. 426 of 1888 .	The Lottery and Gaming Act Amendment Act, 1888	The whole
No. 685 of 1897 .	The Gaming Further Suppression Act, 1897	The whole
No. 801 of 1902 .	The Lottery and Gaming Further Amendment Act, 1902	The whole
No. 812 of 1902 .	The Gaming Law Amendment Act, 1902 .	The whole
No. 943 of 1907 .	The Gaming Further Suppression Act, 1907	The whole

Section 15, ss. (1).

THE SECOND SCHEDULE.

RULES AND REGULATIONS.

1. The Commissioner of Police may, subject to the provisions of this Act and the rules and regulations made thereunder, grant a licence for the use on any racecourse of the totalizator; and the totalizator when used in accordance with such licence, and every office, room, or place upon the racecourse used for the purpose of the totalizator, and every placard, advertisement, letter, or circular referring to the same, shall be exempted from the provisions of the Police Act, 1916, the Lottery and Gaming Act, 1917, and every other Act prohibiting gaming and wagering.

2. All licences for the use of the totalizator heretofore granted or hereafter to be granted shall be subject to the following conditions, namely:—

- i. No person shall be allowed to follow the occupation of a totalizator agent, or any similar occupation, on the racecourse or on any grounds used in connection with any race meeting at which the use of the totalizator is licensed.
- ii. Every person on such racecourse or grounds carrying on or attempting to carry on such occupation, or any similar occupation, or receiving or offering as such totalizator agent, or in any similar manner, to receive money for investment in or in connection with the totalizator, whether gratuitously or otherwise, shall be forthwith removed by the servants of the club, and excluded from the racecourse and grounds for the rest of the meeting.
- iii. On any default by any club or its servants in the observance of the above conditions, or either of them, in any respect, the licence shall be revocable by the Commissioner of Police, or by the chief officer of police on the racecourse or grounds, either immediately or at any time within fourteen days thereafter.
- iv. The provisions of paragraphs i. and ii. hereof do not apply to the servants of the club within the totalizator receiving money from the public for investment in the totalizator in accordance with the provisions of the Lottery and Gaming Act, 1917.

3. Such

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3. Such licence shall be in the following form, or as near thereto as circumstances shall permit, and shall be granted *for one year only* to the committee or executive body of any recognised racing club, or one or more members of such committee or executive body, on application by or on behalf of such club or the committee thereof, but only for the racecourse and the days named in such licence.

Form of Licence.

By virtue of the Lottery and Gaming Act, 1917, and subject thereto, and to all regulations made thereunder, and particularly to the regulations indorsed on this licence, these are to license Mr. _____, being

the Chairman of, and the other members of the committee or executive body of the racing club called the _____, to use the totalizator on the racecourse at _____ during

the	day of
the	day of
the	day of
the	day of
the	day of
the	day of
the	day of
the	day of

Given under my hand the

day of
Commissioner of Police

The Provisions of Regulation 2 of this Schedule shall be indorsed on the Licence.

Every club applying for a licence under this Act shall, on such application, pay to the Commissioner of Police a licence fee of One Pound One Shilling for every day for which such licence is applied for; and if the licence is not granted for as many days as are applied for, the Commissioner of Police shall return the said licence fee, or a proportional part thereof, as the case may be.

On application by any person, and on payment of a sum not exceeding One Shilling for every folio of seventy-two words, the Commissioner of Police shall furnish two copies, certified under his hand as such, of any licence granted, and of any account deposited under this Act.

THE THIRD SCHEDULE.

Section 15, ss. (2).

FORM OF APPLICATION FOR LICENCE.

To _____ Esq., Commissioner of Police.

I, the undersigned, being the _____, do hereby
of the Racing Club, called _____, apply on behalf of such club for a licence under the Lottery and Gaming Act, 1917, for the said club to use the totalizator on the racecourse situate at _____ during the year _____ upon the days hereunder specified.

[Here specify dates.]

Dated the _____ day of _____

Lottery and Gaming Act.—1917.

Section 45.

THE FOURTH SCHEDULE.

SEARCH WARRANT.

South [Royal Arms] Australia.
(To wit.)

To

Whereas it appears to me (or us) [a *Special Magistrate, the Commissioner of Police, or two Justices of the Peace*], acting in and for the State of South Australia, that there is reason to suspect that unlawful gaming is being or is about to be carried on in or upon a certain place, to wit. This is therefore to authorise and require you, with such assistance as may be necessary, to enter and re-enter into and upon and search such place at any time, and from time to time and at all times during day or night, within the space of three clear days from the date of this warrant, and to remain in and upon such place during the whole or any part of the three days aforesaid, and if necessary to use force in making such entry or any re-entry, whether by breaking open doors or otherwise, and to arrest and bring before a Special Magistrate or two Justices of the Peace all such persons as may be found therein or thereupon, and to seize all dice, balls, counters, tables, or other instruments of gaming, moneys, lists, cards, papers, documents, or things found upon such persons, or in or upon such place, as may be reasonably supposed to have been used or designed for use in connection with or in relation to any such suspected offence, and to detain any such dice, balls, counters, tables, or other instruments of gaming, moneys, lists, cards, papers, documents, or things so found, to be dealt with according to law : And for so doing this shall be your warrant.

Given under my hand at
Australia, this

day of

in South

Lottery and Gaming Act.—1917.

LOTTERY AND GAMING ACT, 1917.

Table showing how the Sections of Acts Consolidated have been dealt with.

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Lottery and Gaming Act, 13 of 1875... s. 1	Repeal.....	—
Ibid. s. 2	Words "Lands, houses, plate, jewels, ships' securities for money, goods, or chattels", omitted, and the words, "any property real or personal" substituted therefor	4
" s. 3	Division of Act	—
" s. 4	Words "from and after the passing of this Act" "by whatever name it may be called shall be deemed" and "to all intents and purposes" omitted as unnecessary	5
" s. 5	Divided into subsections	6
" s. 6	Divided into subsections. Words from "on or under" to "whatsoever" omitted as unnecessary, and word "such" omitted as having no application	7
" s. 7	—	8
" s. 8	—	9
" s. 9	Divided into subsections. Words "to himself or any other or others" omitted as unnecessary	26
" s. 10	Word "null" omitted as unnecessary. Word "action" substituted for "suit." Words "of Law or Equity" omitted as unnecessary.	27
" s. 11	Words "true intent" omitted as unnecessary. Other words omitted covered by definition of "Public Place"	28
" s. 12	Words "or attempt to cozen or cheat" unnecessary by Act 1215 of 1915. Other words omitted covered by definition of "Public Place"	29
" s. 13	Divided into subsections. Words omitted covered by definition of "occupier"	63 (1), (2)
" s. 14	Included in s. 20 of Act 13 of 1875, as to which see	63 (3)
" s. 15	Divided into subsections. Words omitted covered by definition of "occupier"	64 (1), (2)
" s. 16	—	64 (3)
" s. 17	Incorporated with s. 3 of Act 282 of 1883, and s. 16 of Act 685 of 1897, all of which are included in	68

Table

*Lottery and Gaming Act.—1917.**Table showing how the Sections of Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Lottery and Gaming Act, 13 of 1875 s. 18	Divided into subsections. Words "owner" and "or person using the same" omitted as included in definition of "occupier"	65
Ibid. s. 19	—	66
" s. 20	Words omitted covered by definition of "occupier"	63 (3) (4)
" s. 21	Re-enacted with addition by s. 6 of Act 812 of 1902	45
" s. 22	Divided into subsections	46
" s. 23	Unnecessary by s. 41 of Act 943 of 1907, as to which see	62
" s. 24	—	67
" s. 25	Unnecessary by s. 9 of Act 943 of 1907, as to which see	70
" s. 26	Unnecessary by s. 9 of Act 943 of 1907, as to which see	70
" s. 27	Words "Information may be laid at the instance of any person" omitted as unnecessary. As to the short form for remainder of section see Act 1215 of 1915	78 (1), (4)
" s. 28	See Act 1215 of 1915 as to short form.	78 (2)
" s. 29	Words "and the other half of every such penalty shall be paid to the Treasurer for the public uses of the said Province"; and the words "the whole of the penalty shall be paid to the Treasurer for the uses aforesaid" omitted as unnecessary	84
" s. 30	Short title.	—
Schedule	Incorporated in Schedule to Act 812 of 1902, as to which see	4th Sched.
The Totalisator Repeal Act, 282 of 1883, s. 1	Repeal.	—
Ibid. s. 2	Divided into subsections. Words omitted covered by definition of "public place"	37
" s. 3	Incorporated with s. 16 of 685 of 1897, and s. 17 of 13 of 1875, all of which are included in	68
" s. 4	Short title.	—
The Lottery and Gaming Act Amendment Act, 426 of 1888.... s. 1	Redrawn.	15 (1) (part),
Ibid. s. 2	Divided into two sections. The words from "The penalties" to "1850" included in s. 79	18 19
" s. 3	Concluding words "for general information" struck out as unnecessary	17
" s. 4	Divided into subsections	16
" s. 5	Words "Victoria Park Racecourse" substituted for "East Park Lands Racecourse"	20

Table

*Lottery and Gaming Act.—1917.**Table showing how the Sections of Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Lottery and Gaming Act Amendment Act, 426 of 1888 . . s. 6	Word "licensed" in third line interpreted to mean "in respect of which a licence has been or usually is issued"	21 (1)
Ibid. s. 7	Word "machine" substituted for "contrivance"	4
" s. 8	Unnecessary by s. 28 (b) of Act 1215 of 1915	—
" s. 9	—	15 (5)
" s. 10	Words "reckoned from the passing of this Act" omitted as unnecessary	22
" s. 11	—	23
" s. 12	—	24
" s. 13	Short title.	—
Schedule	As altered and added to by Proclamation dated 26th January, 1898. Word "machine" substituted for "contrivance"; and words "in the ordinary way" interpreted to mean "in the instrument or machine in accordance with the provisions of the Lottery and Gaming Act, 1917"	2nd Sched.
The Gaming Further Suppression Act, 685 of 1897. s. 1	Incorporation unnecessary. Definitions included in	4
Ibid. s. 2	—	30
" s. 3	—	31
" s. 4	As amended by s. 5 of Act 943 of 1907..	32
" s. 5	Divided into subsections	33
" s. 6	Divided into subsections. Words "placing" and "or depositing" omitted as redundant	35
" s. 7	—	15 (2)
" s. 8	—	15 (3), (4)
" s. 9	—	25
" s. 10	Repealed by s. 2 of Act 812 of 1902. . . .	—
" s. 11	Repealed by s. 2 of Act 812 of 1902	—
" s. 12	—	81
" s. 13	As to short form see Act 1215 of 1915..	78 (1)
" s. 14	Unnecessary by s. 6 of Act 943 of 1907, as to which see	69
" s. 15	As added to by s. 13 of Act 943 of 1907	36
" s. 16	Incorporated with s. 17 of Act 13 of 1875, and s. 3 of Act 282 of 1883, all of which are included in	68
" s. 17	Unnecessary	—
" s. 18	As to short form see Act 1215 of 1915. . . .	78 (2)
" s. 19	As to short form see Act 1215 of 1915. . . .	78 (3)
" s. 20	Short title.	—
Schedule A	—	3rd Sched.
Schedule B	Incorporated in schedule to Act 812 of 1902, as to which see	4th Sched.

*Lottery and Gaming Act.—1917.**Table showing how the Sections of Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Lottery and Gaming Further Amendment Act, 801 of 1902 s. 1	Short title.....	—
Ibid. s. 2	Proviso unnecessary by s. 4 of Act 426 of 1888. Redrawn. Words "to the race-courses mentioned in section 20" inserted	21 (2)
The Gaming Law Amendment Act, 812 of 1902..... s. 1	Incorporation and definition of "Registrar" omitted as unnecessary.	4
Ibid. s. 2	Repeal.....	—
" s. 3	—	38 (1)
" s. 4	—	76
" s. 5	—	82
" s. 6	Divided into subsections	45
" s. 7	—	75
" s. 8	—	38 (2)
" s. 9	—	83
" s. 10	—	77
" s. 11	As to short form see Act 1215 of 1915..	78 (1)
" s. 12	Short title.....	—
Schedule	—	4th Sched.
The Gaming Further Suppression Act, 943 of 1907..... s. 1	Short title.....	—
Ibid. s. 2	Incorporation.....	—
" s. 3	Definitions	4
" s. 4	—	80
" s. 5	Incorporated with s. 4 of Act 685 of 1897, as to which see	32
" s. 6	—	69
" s. 7	Words "except by means of a totalizator duly licensed under the provisions of this Act" inserted as obviously intended	39
" s. 8	—	44
" s. 9	—	70
" s. 10	—	71
" s. 11	—	72
" s. 12	—	34
" s. 13	Added to s. 15 of Act 685 of 1897, as to which see	36
" s. 14	—	10
" s. 15	—	11
" s. 16	—	12
" s. 17	—	13
" s. 18	—	14
" s. 19	—	73
" s. 20	—	74
" s. 21	—	47
" s. 22	Divided into subsections. Words "who is registered as the proprietor, printer, or publisher of any newspaper or any other person" omitted as unnecessary	41

Table

*Lottery and Gaming Act.—1917.**Table showing how the Sections of Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Gaming Further Suppression Act, 943 of 1907 s. 23	—	42
Ibid. s. 24	—	43
" s. 25	—	48
" s. 26	—	49
" s. 27	—	50
" s. 28	—	51
" s. 29	—	52
" s. 30	—	40
" s. 31	As to short form see Act 1215 of 1915 ...	78 (1)
" s. 32	—	53
" s. 33	—	54
" s. 34	—	55
" s. 35	—	56
" s. 36	—	57
" s. 37	—	58
" s. 38	—	59
" s. 39	—	60
" s. 40	—	61
" s. 41	Words "or other person in his assist- ance" inserted as obviously intended	62
" s. 42	—	78 (2)
" s. 43	—	79
" s. 44	Repeal.....	—