



ANNO PRIMO

EDWARDI VIII REGIS.

A.D. 1936.

No. 2282.

An Act to consolidate certain Acts relating to
lotteries and gaming.

[Assented to, 3rd September, 1936.]

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, 1936." Short title.

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

Division of
Act.

PART I.—Preliminary.

PART II.—Lotteries.

PART III.—Totalizator.

PART IV.—Licensing of Bookmakers.

PART V.—Unlawful Gaming.

PART VI.—Common Gaming-houses.

PART VII.—Evidence.

PART VIII.—Procedure and Miscellaneous.

PART I.

Lottery and Gaming Act.—1936.

Repeal.

3. This Act is a consolidation of the Acts mentioned in the first schedule, and the said Acts are hereby repealed.

Interpretation.
1285, 1917
s. 4.
1447, 1920,
s. 3.
1404, 1921,
s. 3.
2135, 1933,
s. 3.

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

“ court ” means a special magistrate or two or more justices of the peace sitting as a court of summary jurisdiction :

“ loiter ” means to idle or linger about :

“ 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 :

“ occupier ” in relation to occupiers of any house, office, room, or place used for a purpose forbidden by this Act means 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 :

“ 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 :

“ public place ” means—

- (a) every public place ;
- (b) every place to which the public are permitted to have access tacitly or otherwise and whether upon payment of money or not ;
- (c) any premises in respect of which a licence granted under the Licensing Act, 1932, is in force ;
- (d) any shop, and any part of a building occupied in connection with, or for the purposes of, a shop ;
- (e) any factory, and the appurtenances of any factory ;

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(f) any building or place occupied by any club (whether a racing club or not), and the appurtenances thereof; and

(g) any place commonly used by the public whether as trespassers or otherwise.

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

“sweepstakes” means every transaction, scheme, device, or arrangement (expressed or implied) whereby any money or valuable thing is 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 outside the State:

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

“unlawful gaming” means—

(a) 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

(b) any contravention of or failure to observe any provision of this Act, whether that provision relates to unlawful gaming as hereinbefore defined or not.

PART II.

PART II.

LOTTERIES.

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 void.

Lotteries
declared
nuisances.
1285, 1917,
s. 5.

PART II.

Lottery and Gaming Act.—1936.

Opening
lotteries, and
aiding and
playing thereat.
1285, 1917,
s. 6.

6. (1) No person shall, either publicly or privately exercise, open, or show, to be played, thrown, or drawn at, any lottery.

Penalty—One hundred pounds, or in default imprisonment for six months.

(2) No person shall employ, aid, or abet, any other person in publicly or privately exercising, opening, or showing to be played, thrown, or drawn at, any lottery.

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

(3) No person shall play, throw, or draw at any such lottery.

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

Promises to
pay money or
deliver goods,
etc., on event
of lottery.
1285, 1917,
s. 7.

7. No person shall promise or agree to—

(a) pay any sum of money ; or

(b) deliver any goods ; or

(c) do or forbear doing anything for the benefit of any person,

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

(d) publish any proposal for any of the purposes aforesaid.

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

Advertising
lotteries.
1285, 1917,
s. 8.

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—Fifty pounds, or in default imprisonment for three months.

Exceptions
from Act.
1285, 1917,
s. 9.

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

(a) any allotment of real or personal estate or interest which according to law is legally allottable, or may be allotted or held by, or by means of, any allotment or partition by lots :

(b) any voluntary association or branch thereof formed or established in the 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,

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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—

- (i.) such sums of money so allotted and distributed are expended solely and entirely in the purchase of paintings, drawings, or other works of art ; and
- (ii.) the proceedings of such association are carried on in good faith for the encouragement of the fine arts.

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, 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 the State or elsewhere ; or
- (b) being registered as the proprietor, printer, or publisher of any newspaper, permit or suffer any such advertisement, sign, notice, or information to be printed or published in such newspaper ; or
- (c) 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
- (d) 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.

Publication of information regarding lotteries. 1285, 1917, s. 10.

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.

Sale of lottery tickets. 1285, 1917, s. 11.

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.

Placards relating to illegal lotteries. 1285, 1917, s. 12.

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

Sending money
to lotteries.
1285, 1917,
s. 13.

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 within or outside the State, and whether such lottery or sweepstakes is illegal according to the law of such state, country, or place, or otherwise.

Allegations
prima facie
proof.
1285, 1917,
s. 14.

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

(a) that any packet, parcel, money, cheque, draft, order for the payment of money or valuable thing specified in such complaint 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 named in the complaint is the promoter, manager, or conductor (as the case may be) of any illegal lottery :

(c) that any lottery named or described in the complaint is an illegal lottery,

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

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TOTALIZATOR.

15. (1) The Commissioner of Police may, upon application made to him for the purpose, and subject to the approval of the Chief Secretary, issue licences to the committees or other executive bodies of racing clubs authorising the use of the totalizator upon the terms and conditions prescribed by the regulations in the second schedule to this Act.

Totalizator
licences.
1285, 1917,
s. 16.
1382, 1919,
s. 3.
1986, 1930,
s. 2.

(2) Every such application shall be made in writing in the form of the third schedule, or to the like effect, by the chairman or secretary of the club seeking to be licensed.

(3) Every licence so issued shall be in force from the day specified in the licence until the succeeding thirty-first day of December (both days inclusive), and shall entitle the club therein mentioned to use the totalizator upon the racecourse and upon the days specified in the licence, or upon such other day or days in place of any of the days so specified as the Chief Secretary may from time to time, in writing upon such licence, approve.

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

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

(6) In granting any licences the Commissioner of Police shall give priority to the claims of any racing club owning or leasing a racecourse and to whom a licence was issued prior to the twentieth day of November, nineteen hundred and thirty.

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

Restriction on
licences in
metropolitan
area.
1285, 1917,
s. 20.

17. (1) No licence shall be issued for the use of the totalizator on any racecourse situate within ten miles of any racecourse in respect of which a licence to use the totalizator has been or usually is issued, and where more applications than one 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 licence which racecourse he thinks fit.

Restriction on
other licences.
1285, 1917,
s. 21.
1447, 1920,
s. 4.

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(2) This section shall not apply to the racecourses known as the Victoria Park, Morphetville, Cheltenham, and Onkaparinga racecourses, nor to the racecourses used by Jamestown Jockey Club, the North-Western Jockey Club, and the Quorn Jockey Club.

Conditions of
issue of licence.
1285, 1917,
s. 16.

18. No licence shall be issued to any racing club unless the applicant proves to the satisfaction of the Commissioner of Police the following matters :—

(a) where the racing club uses a racecourse situated 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 ;

(b) where the racing club uses a racecourse situated a greater distance than ten miles from the City of Adelaide—

I. that there are at least fifty members of such club ; and

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

Number of
times
totalizator
may be used.

1285, 1917,
s. 22.

1447, 1920,
s. 5.

1936, 1930, s. 2.

2133, 1934,
s. 3.

19. No licence granted under this Act shall sanction the use of any totalizator—

(a) on any racecourse within fifteen miles of the General Post Office, Adelaide, for more than fourteen days in any one year :

Provided that a licence granted to the South Australian Jockey Club, Limited, may sanction the use of the totalizator on the Morphetville racecourse on one additional day if the Commissioner of Police is satisfied that on that day a race meeting will be held on that course by at least three racing clubs jointly, and that the net profits from that meeting will be devoted to charitable purposes :

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

Totalizator on
the Flat.

1447, 1920,
s. 11.

1494, 1921,
s. 12.

1877, 1928,
s. 8.

2133, 1935,
s. 10.

20. (1) No licence to use the totalizator shall be granted to any club unless the Commissioner of Police is satisfied that that club provides or will provide facilities for the public to use the totalizator on those portions of the racecourse known as the "Grandstand," "Derby," and "Flat," on payment of

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either two shillings or two shillings and sixpence per ticket on every day on which the totalizator is used on any other portion of the racecourse: Provided that this section shall not apply in respect of any racecourse situated more than twenty miles from the General Post Office at Adelaide, nor in respect of the racecourse known as the Onkaparinga racecourse: Provided further that nothing in this section shall be deemed to prevent the committee or executive body of the club from issuing from any totalizator tickets for both the amounts aforesaid, nor from issuing tickets for any amount which is a multiple of either such amount.

(2) If, in the opinion of the Commissioner of Police, such facilities are not being provided, the Commissioner may at any time, after having given at least two months' notice in writing to the club concerned, revoke the said licence.

21. (1) Notwithstanding any provision of this Act, the Commissioner of Police may, upon application made to him for the purpose, and subject to the approval of the Chief Secretary, issue a licence to the committee or other executive body of any trotting club authorising the use of the totalizator at any trotting race meeting or meetings for which a permit has been obtained under the next succeeding section.

Use of
totalizator at
trotting races.
2188, 1934,
s. 11.

(2) The licences granted under this section shall not authorise the use of the totalizator in the aggregate for more than thirty-five nights per year in the metropolitan area and sixty nights per year outside the metropolitan area, or for more than eleven nights per year at any one town outside the metropolitan area.

22. (1) No trotting race meeting at which the totalizator is used shall be held unless a permit, in writing, authorising it to be held has been issued by the South Australian Trotting League Incorporated.

Permits to
hold trotting
races.
2188, 1934,
s. 12.

(2) The said League may, with the consent of the Commissioner of Police, issue such permits for the holding of trotting race meetings as it thinks fit. Each permit shall be for one night only as regards a meeting to be held in the metropolitan area, and for either one day or one night as regards a meeting to be held outside the metropolitan area.

(3) If any trotting race meeting is held in contravention of this section, the person by or on whose behalf the trotting race meeting is held, or, if the meeting is held by an association of persons, each member of the committee or other executive body of the association, and any person acting at the meeting as steward, starter, or judge shall be guilty of an offence punishable on summary conviction.

Penalty—Twenty pounds.

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(4) For the purpose of this Act no agricultural show shall be deemed to be a trotting race meeting.

(5) In this section "metropolitan area" means the area within a radius of twenty-five miles from the General Post Office.

Application of
Lottery and
Gaming Act to
totalizator at
trotting races.
2188, 1934,
s. 13.

23. Sections 18, 25, the rules and regulations under section 26, sections 27, 28, 29, and 30 of this Act, and the provisions of the Stamp Duties Act, 1923, relating to totalizator duty shall apply, with the necessary modifications, in respect of the licensing, use, and receipts of the totalizator used at trotting race meetings, pursuant to this Act.

Employment of
females in
totalizator.
1447, 1920,
s. 12.

24. Notwithstanding anything contained in this Act, no female shall be employed in any capacity in connection with the work in or about a totalizator. If any club fails to observe this provision, the Chairman thereof shall be deemed to be guilty of an offence.

Penalty—Not less than ten pounds nor more than fifty pounds.

Duty of racing
clubs to prevent
illegal betting.
1285, 1917,
s. 16A.
1877, 1923,
s. 3.

25. (1) Every licence under this Part shall be deemed to be issued subject to the condition that the racing club to which it is issued shall if the Commissioner of Police or any Inspector or Sub-inspector of Police informs the club or the secretary or any official thereof that he believes that any person on the racecourse on any day when races are being held is an unlicensed bookmaker, or is on the racecourse for the purpose of unlawful gaming, take or cause to be taken all necessary and lawful steps to remove and exclude that person from the racecourse and keep him excluded therefrom.

(2) If the Commissioner of Police is satisfied that any club has wilfully or negligently failed to comply with this section he may, with the approval of the Chief Secretary—

- (a) revoke the licence of that club :
- (b) suspend the said licence for such period as he thinks fit :
- (c) if the licence is revoked, direct that no further licence shall be issued to the club within such period, not exceeding twelve months, as he thinks fit.

Rules and
regulations.
1285, 1917,
s. 17.
1494, 1921,
s. 4.

26. The Governor may—

- (a) revoke or vary any of the rules and regulations set out in the second schedule hereto :
- (b) make new rules and regulations in addition to or in substitution for any of such rules and regulations :

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(c) make regulations—

- I. for regulating the manner of approaching to and departing from totalizators ;
- II. generally for regulating the conduct of persons in the vicinity of totalizators ;
- III. authorising members of the police force to control and direct the conduct of persons in the vicinity of totalizators ;
- IV. providing for the compliance by persons in the vicinity of totalizators with the reasonable directions of members of the police force ; and
- V. imposing a penalty, not exceeding ten pounds, for the breach of any regulation made under the provisions of subdivision (c) of this section.

27. (1) No person under the age of twenty-one years shall bet by means of the totalizator.

Use of
totalizator by
minors.
1285, 1917,
ss. 18 and 19.

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.

(2) A clearly printed copy of this section shall be affixed over each door or opening in every totalizator.

(3) No licensee of any totalizator shall use that totalizator without having affixed such copies as aforesaid.

Penalty—Twenty pounds.

28. (1) Every club—

(a) shall deduct (for the purpose of being dealt with in accordance with this section) twelve and three-quarters per centum of the moneys paid into the totalizator in respect of each race ;

Mode of dealing
with moneys
paid into
totalizator.
1285, 1917
s. 23.
1494, 1921,
s. 5.
1877, 1928
s. 5.

(b) shall, after making such deduction, pay out by way of dividends all moneys paid into the totalizator, but so that it shall not be necessary—

(i.) in respect of a ticket issued on payment of any sum not exceeding five shillings, to pay out any smaller fraction of a shilling than three pence ; and

(ii.) in respect of a ticket issued on payment of any sum exceeding five shillings, but not exceeding ten shillings, to pay out any smaller fraction of a shilling than six pence ; and

(iii.) in respect of a ticket issued on payment of any other sum to pay out any fraction of a shilling.

(2) The amount remaining by reason of the non-payment of such fractions shall be paid by the club holding the same to such charitable purposes and in such amounts as the committee of the club, with the approval of the Commissioner of Police, thinks fit.

(3) If approval for the payment of any such amount is not obtained, and payment made in accordance with such approval, within six months from the date of the race meeting in respect of which the amount accrued, the chairman of the club making default shall be guilty of an offence against this Act.

(4) Out of the moneys deducted in accordance with subsection (1) of this section the club shall pay to the Commissioner of Stamps the duty payable under the Stamp Duties Act, 1923, in respect of the gross takings of the totalizator from which takings the moneys were deducted, and the balance of the moneys so deducted may be retained by the club as commission for the use and benefit of the club.

Club to render
account.
1285, 1917,
s. 24.
1447, 1920,
s. 6.
1494, 1921,
s. 6.

29. (1) Within twenty-one days after every race meeting held on any 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, showing—

- (a) the sums received by the club through the totalizator on the occasion of the use thereof under the licence ;
- (b) the amount paid in dividends through the totalizator on that occasion ;
- (c) the amount of commission retained by the club ;
- (d) the manner in which that commission has been expended ; and
- (e) the amounts of dividends unclaimed by the persons entitled to receive them.

(2) 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 correct schedule of the names, addresses, and occupation of its members.

(3) The amount of all dividends unclaimed for a period of two months after they became payable by the persons entitled to receive them, shall be paid by the club holding those

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dividends to the Commissioner of Police, who shall pay them to the Treasurer of the State to be applied by him for the public uses of the State.

(4) If any club fails to observe any provision of this section, the chairman thereof shall be deemed to be guilty of an offence against this Act.

Penalty—Not less than twenty pounds nor more than fifty pounds.

(5) For the purpose of the recovery of the amount of any dividend which is payable under the provisions of subsection (3) hereof, that amount shall be deemed to be a debt due by the club to the Commissioner of Police, who may in his own name sue the club for the same in any court of competent jurisdiction. In any such proceedings the secretary of the club or any member of its committee or executive body may be named as defendant on behalf of the club, but no such person shall incur any personal liability by reason only of his having been so named.

(6) In any such proceedings a document purporting to be an account deposited by the defendant club under subsection (1) of this section or under subsection (1) of section 24 of the Lottery and Gaming Act, 1917, shall be admitted in evidence on its mere production from the custody of the Commissioner of Police, and, so far as its truth is not disproved by the defendant, shall be conclusive evidence of the truth of its contents.

30. (1) 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 that year, with the names of the clubs to which those licences have been granted, and the racecourses whereon and the dates upon which any such clubs are licensed to use the totalizator.

Gazette notice.
Act 685, 1897,
s. 9.
1285, 1917,
s. 25.
1382, 1919
s. 4.

(2) If any licence is granted after the publication of the particulars aforesaid, the Commissioner of Police shall, as soon as possible after the granting of the licence, cause to be published in the *Government Gazette* the same particulars with respect to the licence so granted.

31. (1) Every racing club licensed to use the totalizator shall provide such a detention room as hereinafter mentioned on every racecourse whereon it is licensed to use the totalizator during every day on which the club is licensed to use the totalizator thereon.

Detention
rooms for use
of police.
1494, 1921,
s. 15.

(2) The detention room shall be for the sole use of members of the police force on duty on the racecourse on that day in carrying out their duties, and shall be of such dimensions and

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so constructed and furnished and so situated as the Commissioner of Police thinks proper: Provided that, if the club is dissatisfied with any requisition made by the Commissioner under this section, it may appeal to the Minister against such requisition, and the Minister's decision on the matter shall be final.

(3) If, in the opinion of the Commissioner of Police, a racing club has not complied with the provisions of this section after one month's notice has been given to the secretary of the club requiring the club so to comply, the Commissioner of Police may revoke the licence to use the totalizator issued to the club which is for the time being in force.

PART IV.

PART IV.

LICENSING OF BOOKMAKERS.

Interpretation.
1285, 1917,
s. 25A.
2135, 1933,
s. 4.
2159, 1934,
s. 4.

32. In this Part, unless the context otherwise requires—

“board” means the Betting Control Board constituted under this Part:

“country racing clubs” means the Balaklava Racing Club, Berri Racing Club Limited, Burra Racing Club, Clare Racing Club, Jamestown Racing Club Limited, Kadina and Wallaroo Jockey Club, Kalangadoo Racing Club, Laura Jockey Club Limited, Loxton Racing Club, Mannum Racing Club, Millicent Racing Club, Mount Gambier Racing Club, the Murray Bridge Racing Club Limited, Naracoorte Racing Club, Orroroo Jockey Club, Penola Racing Club Limited, Pinnaroo Racing Club Limited, Port Augusta Racing Club Limited, Port Lincoln Racing Club, Port Pirie Racing Club Limited, Quorn Jockey Club, Renmark Racing Club Limited, Snowtown Racing Club, Strathalbyn Racing Club, Streaky Bay Racing Club, Taillem Bend Racing Club, The Peterborough Racing Club Limited, the Waikerie Racing Club, and any other racing club included in this definition by proclamation made by the Governor:

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“coursing meeting” means any meeting for the hunting or coursing of hares :

“metropolitan racing clubs” means the South Australian Jockey Club, Adelaide Racing Club Limited, Port Adelaide Racing Club Limited, Onkaparinga Racing Club, Gawler Jockey Club Limited, the Amateur Turf Club Incorporated, Adelaide Hunt Club, The S.A. Tattersalls Club Incorporated, the S.A. Licensed Victuallers Racing Club Limited, and any other racing club included in this definition by proclamation made by the Governor :

“licence” means a bookmaker’s, clerk’s, or agent’s licence for the time being in force under this Part :

“racecourse” means any land which is being used for holding a race meeting for horse races :

“racing club” means any metropolitan or country racing club :

“registered” means registered under this Part and “registration” has a corresponding meaning :

“rules” means rules made by the board under this Part :

“this Part” includes the rules made under this Part :

“trotting ground” means any land which is being used for holding a race meeting for trotting races :

“trotting club” means a club controlling a trotting ground for the time being.

33. (1) Notwithstanding any law to the contrary it shall be lawful to bet by way of wagering or gaming in accordance with this Part—

Legalisation of betting with bookmakers.
1285, 1917, s. 25B.
2135, 1933, s. 4.
2159, 1934, s. 4.

(a) on any racecourse or trotting ground during the holding of a race meeting for horse races or trotting races thereon ; or

(b) at any place where a coursing meeting is being held ; or

(c) at or in any premises registered under this Part.

(2) Such betting shall not be a ground on which any premises or place shall be deemed or declared to be a common gaming house.

(3) It shall be a defence to any charge of an offence under this Act—

(a) in a case where the defendant is the holder of a licence, that he was at all relevant times acting in accordance with this Part and the terms and conditions of his licence and of his permit or the registration of the premises in which he was operating :

(b) in a case where the defendant is not the holder of a licence, that the matter proved was betting or offering to bet with a licensed bookmaker in any place where the bookmaker was licensed to bet, or being in any place for the purpose of betting, and that the defendant was over the age of twenty-one years, and was not knowingly concerned in any breach of this Part or of the terms and conditions of the bookmaker's licence or permit, or of the registration of the premises in which the bookmaker was betting.

(4) Nothing in this Part shall affect section 50 of this Act.

Constitution of
Betting Control
Board.
1285, 1917,
s. 25C.
2135, 1933,
s. 4.

34. (1) For the purpose of this Part there shall be constituted a board to be known as the Betting Control Board.

(2) The board shall be appointed by the Governor and shall consist of a chairman and three other members.

(3) One member shall be a person nominated by the Chairmen of the Metropolitan Racing Clubs at a conference and another member shall be a person nominated by a combined conference of delegates to which each country racing club and the South Australian Trotting League Incorporated may send a delegate. The other member shall be appointed by the Governor.

(4) The Chief Secretary shall by advertisement in two newspapers circulating generally in the State invite such nominations whenever necessary and fix a time within which nominations may be received. If no nomination of a person whom the Governor considers suitable to fill the particular vacancy is received the Governor shall appoint thereto any person whom he considers suitable.

(5) The chairman and members of the board shall hold office for a term of three years from their appointment and also until their successors are appointed.

(6) Whenever there is a vacancy in the seat of a nominated member his successor shall be nominated by a similar conference to that which nominated the retiring member.

(7) A member appointed to fill a casual vacancy shall hold office only for the balance of the term of the member in whose place he is appointed.

(8) Neither the chairman nor any member of the board nor any officer or servant of the board shall, as such, be subject to the Public Service Act, 1916.

(9) Three members of the board shall form a quorum thereof.

(10) The chairman shall have a deliberative as well as a casting vote.

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(11) The board shall be a body corporate with perpetual succession and a common seal, and with power to hold real and personal property of all kinds.

(12) No act or decision of the board shall be invalid or defective on the ground that when such act was done or decision made a vacancy existed on the board, or on the ground of any defect in the appointment or nomination of any member of the board.

35. (1) The board may pay to the chairman and members such salaries or fees as are approved by the Governor.

Remuneration
of board.
1285, 1917,
s. 25D.
2135, 1933,
s. 4.

(2) The board may also pay to the chairman and any other member of the board any travelling or other expenses reasonably incurred by him in carrying out his duties under this Part.

36. The board may appoint officers, servants, or agents necessary for carrying this Part into effect and may prescribe their duties and fix their remuneration.

Officers of
board.
1285, 1917,
s. 25E.
2135, 1933,
s. 4.

37. (1) The board may make rules as to all or any of the following matters :—

Power of board
to make rules
as to book-
makers.

(a) the licensing of bookmakers, bookmakers' clerks, and bookmakers' agents and the number and classes of licences to be issued :

1285, 1917,
s. 25F.
2135, 1933,
s. 4.

(b) the terms and conditions upon which licences may be obtained, and which are to be observed by the holders of licences :

(c) the conduct of bookmakers and their clerks and agents :

(d) the regulation and control of betting by and with bookmakers :

(e) requiring licensed bookmakers to give security for the due observance of this Part and the rules, and of the terms and conditions of their licences :

(f) the registration of premises upon which licensed bookmakers may bet and the terms and conditions of registration and the duration, suspension, and cancellation thereof :

(g) the suspension and cancellation of licences :

(h) requiring bookmakers to keep accounts and records and furnish to the board weekly returns of their transactions, and prescribing the form of and all matters relevant to such accounts, records and returns :

PART IV.

Lottery and Gaming Act.—1936.

- (i) prohibiting or restricting advertising by bookmakers :
- (j) the general administration of this Part :
- (k) imposing fines recoverable summarily for breach of any rule.

Applications and effect of licences.

1285, 1917,
s. 25G.

2135, 1933,
s. 4.

2159, 1934,
s. 5.

38. (1) Every application for a licence shall be made to and determined by the board. The board shall have an unfettered discretion to grant or refuse any application without assigning any reason.

(2) On every application for a bookmaker's licence there shall be paid to the board a fee of one pound and on every application for a clerk's or agent's licence a fee of ten shillings. The fee shall be retained by the board and applied towards its general expenditure.

(3) A bookmaker's licence shall entitle the holder thereof to carry on the business of a bookmaker for one year from its date subject to this Part upon any racecourse or trotting ground or at any coursing meeting for which he holds a permit, or in any premises registered under this Part, but not otherwise.

(4) A clerk's licence shall entitle the holder to act as clerk of a bookmaker for one year from its date.

(5) An agent's licence shall entitle the holder to act as agent of a bookmaker within the area specified therein for one year from its date.

(6) No licence shall be granted to any person who holds any licence for the sale of liquor under the Licensing Act, 1932, or who is employed in any capacity by any such licensee, nor to any person whose usual place of abode throughout the whole of the period of twelve months immediately before his application for a licence is made was not within the State.

Permits to bet on racecourses.

1285, 1917,
s. 25H.

2135, 1933,
s. 4.

2150, 1934,
s. 6.

39. (1) A licence shall not authorise a bookmaker to carry on business as such on any racecourse or trotting ground unless he has first obtained a permit from the committee of the club controlling the racecourse or trotting ground for the time being.

(2) A licence shall not authorise a bookmaker to carry on business as such at any coursing meeting unless he has first obtained a permit for that coursing meeting from the committee of the National Coursing Association of South Australia. No such permit shall be issued in respect of any coursing meeting unless the board consents to the issue of permits for that coursing meeting, and permits shall not be issued authorising bookmakers to carry on business at more than sixty-five meetings in any year, nor at more than fifteen enclosed coursing meetings in any year, nor at more than fifty open coursing meetings in any year.

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(3) Any such committee may grant permits to licensed bookmakers subject to any conditions which it thinks fit.

40. (1) Every bookmaker shall, not later than noon on Saturday in every week pay to the board a sum by way of commission equal to two pounds per centum of all moneys paid or payable contingently or otherwise to such bookmaker in respect of every bet made by him during the previous week.

Payment of
commission on
bets and
returns.
1285, 1917,
s. 25J.
2135, 1933,
s. 4.

(2) If any bookmaker makes default in paying any commission required by this section to be paid by him, the board, in addition to any other powers conferred upon it by the rules, may recover the amount payable from the bookmaker upon complaint in a court of summary jurisdiction, or by action in any court of competent jurisdiction.

(3) Every bookmaker shall not later than noon on Saturday in every week forward to the board a return in the prescribed form and verified by statutory declaration—

- (a) setting forth a true and complete account of all moneys paid or payable to him contingently or otherwise in respect of all bets made by him during the previous week ;
- (b) showing the races on which the bets were made, and the dates on which those races were held, and the name of the racing club promoting or controlling each such race ;
- (c) showing the coursing events on which bets were made, and the dates on which those coursing events were held :
- (d) setting forth separately the bets made on racecourses or at coursing meetings, and the bets made elsewhere ; and
- (e) containing any other matter prescribed by the rules.

(4) Where a bet is made upon the contingency of more races or coursing events than one it shall be deemed for the purpose of the return to relate only to the first of such races or coursing events.

(5) It shall not be necessary to include in any return—

- (a) any bet made in relation to a race or coursing event which is abandoned or any bet which is declared off ; or
- (b) the name of any person with whom any bet was made.

41. (1) The board shall keep full and true accounts of all moneys received by it as commission under the last preceding section and shall pay all such moneys into an account in the name of the board in a bank.

Application of
commission.
1285, 1917,
s. 25K.
2135, 1933,
s. 4.
2245, 1935, s. 3.

(2) The commission shall be applied as follows :—

(a) the costs of the administration of this Part (to the extent that they are not paid out of the fees payable on applications for licences) shall be paid. The costs so paid shall include a sum of twenty-five pounds per annum to be paid to the Chief Secretary to cover the expenses of and incidental to the constitution of the board and the appointment of its members from time to time :

(b) an amount equal to the commission on all bets made on races held outside the State shall then be paid to the Treasurer in aid of the general revenue :

(c) Forty per cent. of the balance then remaining shall be distributed as follows :—

(i.) A sum equal to fifteen per cent. of the commission on all bets made on trotting races shall be divided among the trotting clubs in proportion to the respective amounts of the bets made on races held by each club during the period in respect of which the commission is payable :

(ii.) The remainder of the said forty per cent. of the said balance, but not exceeding eighteen thousand pounds in any financial year, shall be disposed of as follows :—

Fifty per cent. thereof shall be divided equally among the South Australian Jockey Club, the Adelaide Racing Club Limited, and the Port Adelaide Racing Club Limited :

Eighteen per cent. thereof shall be divided equally between the Gawler Jockey Club Limited and the Onkaparinga Racing Club :

Three per cent thereof shall be paid to the South Australian Tattersalls Club Incorporated :

Twenty-nine per cent. thereof shall be divided equally amongst the country racing clubs :

(iii.) Any further balance of the said forty per cent. then remaining shall be paid to the Treasurer in aid of the General Revenue.

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(d) sixty per cent. of the said balance shall be divided among the racing clubs and trotting clubs and coursing clubs holding coursing meetings in proportion to the respective amounts of the bets made on races and coursing events held by each club during the period in respect of which the commission is payable.

(3) Payments to the Treasurer and the racing clubs under this section shall be made monthly.

42. (1) The board may in accordance with the rules register any premises as premises in which betting may be carried on by any licensed bookmaker in accordance with this Part and his licence.

Registration of premises.
1285, 1917,
s. 25L.
2136, 1933,
s. 4.
2188, 1934,
s. 4.

(2) No registration shall be effective until the board has published a notice thereof in the *Gazette*.

(3) Upon and after the publication of the notice it shall be lawful for any licensed bookmaker to carry on the business of bookmaking in such building or premises in accordance with this Part so long as the registration remains in force.

(4) If the board registers under this section any premises occupied by a club registered under the Licensing Act, 1932, and if that club has in each of the ten years prior to the registration of its premises by the board held a licence to use the totalizator at race meetings conducted by it, the fact that those premises are registered by the board and that betting takes place thereon in accordance with this Part, shall not be a ground of objection to the grant or renewal of the registration of the club under the Licensing Act, 1932, nor shall any betting carried on in the club premises in accordance with this Part, be a ground on which any person shall be convicted of any offence.

(5) If the board is satisfied that any provision of this Part as to registered premises or any term or condition of registration has not been observed, the board may as an administrative act cancel the registration of the premises by notice in the *Gazette*, and thereupon the registration shall cease to have effect.

(6) If a race meeting is held at a racecourse which is more than twenty-five miles from the General Post Office at Adelaide and any part of which is within ten miles in a direct line from any registered premises, and bookmakers are permitted to carry on business at such race meeting, no person shall, after one o'clock on the day on which the race meeting is held—

(a) carry on business as a bookmaker at those premises ;
or

(b) keep those premises open to the public.

Penalty—One hundred pounds.

Betting tickets.
1285, 1917,
s. 25m.
2135, 1933
s. 4.

43. (1) Every bookmaker upon making a bet with any person shall issue and deliver to that person a betting ticket in respect of each bet made with that person.

(2) If the bookmaker and the bettor are in each other's presence when the bet is made the ticket shall be delivered to the bettor forthwith.

If the bet is made by post or other indirect communication the bookmaker shall deliver the ticket or post it to the bettor within twenty-four hours after receiving the communication.

(3) If any bookmaker—

(a) fails to issue and deliver any ticket as required by this section ; or

(b) issues or delivers to any person in respect of any bet a betting ticket previously used in respect of any other bet,

he shall be guilty of an offence.

Penalty—For a first offence, fifty pounds. For a subsequent offence, imprisonment for not more than three months.

(4) No person shall bet with a bookmaker without obtaining or demanding from such bookmaker a betting ticket in respect of every bet so made.

Penalty—Five pounds.

(5) No person with intent to evade any of the provisions of this Part, when making a bet with a bookmaker shall fail to obtain from such bookmaker a betting ticket in respect of such bet.

Penalty—For a first offence, a fine of twenty-five pounds. For any subsequent offence, a fine of fifty pounds.

1285, 1917,
s. 25m.
2135, 1933,
s. 4.
2183, 1934,
s. 5.

44. (1) There shall be charged on every betting ticket issued by a bookmaker under this Part a stamp duty of the following amount—

(a) where the ticket is issued in respect of a bet not exceeding ten shillings—one half-penny :

(b) where the ticket is issued in respect of a bet exceeding ten shillings—three pence.

The amount of the bet shall be determined by the amount payable contingently or otherwise by the bettor.

(2) All moneys received by the Treasurer by way of stamp duty under this Part shall be paid into and form part of the general revenue of the State.

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(3) The Governor may by regulation prescribe any matters necessary or convenient for securing payment of duty under this section and preventing fraud and evasion, and may by any regulation prescribe penalties not exceeding twenty pounds, for breach of any regulation.

Stamp duty on betting tickets.

(4) If any bookmaker issues or delivers any betting ticket which is not stamped as required by this section he shall be guilty of an offence.

Penalty—For a first offence, fifty pounds. For a subsequent offence, imprisonment for six months.

45. (1) No bookmaker shall bet with any person under the age of twenty-one years.

Betting with minors.

1285, 1917
s. 250 and
250a.

Penalty—For a first offence, five pounds. For a subsequent offence, twenty pounds.

2135, 1933,
s. 4.

2188, 1934
s. 6.

(2) It shall be a defence to any charge under subsection (1) of this section if the defendant satisfies the court that he had reasonable grounds for believing the person with whom any bet is made to have been of or over the age of twenty-one years.

(3) If any person under twenty-one years of age is in or upon any premises registered under this Part whilst the premises are open to the public for the purpose of betting, that person shall be guilty of an offence.

Penalty—Ten pounds.

(4) If any person under twenty-one years of age is in or upon any premises registered under this Part whilst the premises are open to the public for the purpose of betting, the person in charge of those premises shall be guilty of an offence unless he shows that he could not, by the exercise of all reasonable precautions, have prevented that person from entering those premises.

Penalty—Ten pounds.

(5) Any member of the police force may remove from any registered premises any person who is on those premises in contravention of this section.

46. No bookmaker, with intent to defraud, shall—

False returns.

1285, 1917,
s. 258.
2135, 1933,
s. 4.

(a) furnish to the board any return which is false in any material particular :

(b) fail to include in any such return any bet or other transaction or particular required to be included :

(c) fail to record in accordance with the rules every bet made by him.

Penalty—Fifty pounds, or imprisonment for three months.

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1285, 1917,
s. 25Q.
2135, 1933,
s. 4.
2188, 1934
s. 7.

47. If the holder of any licence is convicted of any offence against this Part, or if the board is satisfied that the holder of any licence has failed to observe any provision of this Part or of the rules or any condition of his licence, it may, as an administrative act, cancel the licence.

Control of trotting races.

1285, 1917,
s. 25R.
2135, 1933,
s. 4.

48. (1) No trotting race meeting at which bookmakers are permitted to operate shall be held unless a permit in writing authorising it to be held has been issued by the South Australian Trotting League Incorporated.

(2) The said League may with the consent of the board issue such permits for the holding of trotting race meetings as it thinks fit.

(3) Each permit shall be for one night only as regards a meeting to be held in the metropolitan area and for either one day or one night as regards a meeting to be held outside the metropolitan area.

(4) If any trotting race meeting is held in contravention of this section the person by or on whose behalf the meeting was held, or if the meeting was held by an association, each member of the committee or other executive body of the association and any person acting at the meeting as steward, starter, or judge shall be guilty of an offence, punishable on summary conviction.

Penalty—Twenty pounds.

(5) For the purpose of this section—

(a) an agricultural show shall not be deemed to be a trotting race meeting :

(b) “metropolitan area” means the area within a radius of twenty-five miles from the General Post Office at Adelaide.

PART V.**PART V.****UNLAWFUL GAMING.**

Obtaining
money, &c.,
by cheating.
1285, 1917,
s. 26.

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

(a) in playing at, or with, cards, dice, tables or other games ; or

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PART V.

(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 betting on the event of any game, sport, pastime, or exercise.

Penalty—Such fine as the court determines, or imprisonment for two years.

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

Avoidance of gaming contracts.
1285, 1917,
s. 27.

(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 bet; or

(b) which has been deposited in the hands of any person to abide the event on which any bet has 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.

51. Any person who 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—

Extending provisions to gaming with coin, &c.
1285, 1917,
s. 28.

(a) plays at any game or pretended game of chance; or

(b) bets by way of wagering or gaming on 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.

52. No person shall in any public place—

Gambling, &c., in public places.
1295, 1917,
s. 29.

(a) exhibit any implements or articles for unlawful gaming, in order to induce or entice any person to engage in any unlawful gaming; or

(b) by any fraudulent act or device, cheat any person.

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

PART V.

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Betting with
infants.
1285, 1917,
s. 30.

53. No person shall make or shall offer to make a bet with any person who is under the age of twenty-one years.
Penalty—One hundred pounds, or imprisonment for six months.

Betting by
infants.
1285, 1917,
s. 31.

54. No person under the age of twenty-one years shall make or offer to make a bet with any other person.
Penalty—Twenty pounds.

Receiving
money for
gaming from
infants.
1285, 1917,
s. 32.

55. 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.

Penalty—One hundred pounds, or imprisonment for six months.

Promoting
sweepstakes
for reward.
1285, 1917
s. 33.

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

- (a) carry on any sweepstakes ; or
- (b) pay, deposit, or receive any money or valuable thing for or in respect of any such sweepstakes ; or
- (c) 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.

Soliciting
totalizator
investments.
1285, 1917,
s. 34.

57. 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 is lawful or not).

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

Totalizator
agents.
1285, 1917,
s. 35.

58. 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.

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

Certain games unlawful.
1285, 1917,
s. 36.
1494, 1921,
s. 7.

60. No person shall—

(a) in any public place bet or offer to bet by way of wagering or gaming; or

Betting and inviting to subscribe to a bet or sweepstakes.
1285, 1917,
s. 37.

(b) in any public place get up or take part in any sweepstakes; or

(c) 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.

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

Penalty—One hundred pounds.

(2) No person shall play at any unlawful game.

Unlawful gaming and playing of unlawful games.
1285, 1917,
s. 38.
1494, 1921,
s. 8.

Penalty—One hundred pounds.

(3) No person shall—

(a) be present at any unlawful gaming or at the playing of any unlawful game; or

(b) be in any place in which any unlawful gaming is taking place, without lawful excuse (the proof of which excuse shall be upon him).

Penalty—Twenty pounds.

62. (1) No person shall be in or upon any street or public place for the purpose of betting except by means of a totalizer duly licensed under this Act.

Penalty—

For a first offence, imprisonment for not less than one month nor more than three months :

Being in public place for betting.
1285, 1917,
s. 39.
1447, 1920,
s. 7.
1494, 1921,
s. 11.
1877, 1928,
s. 4.
2135, 1933
s. 5.

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For a second offence, imprisonment for not less than three months nor more than six months :

For a third or any subsequent offence, imprisonment for not less than six months nor more than twelve months.

(2) Notwithstanding the provisions of the Justices Act, 1921, or any other enactment, no Court shall have power—

(a) to impose on any person guilty of a second or third or subsequent offence under this section, any sentence lower than the minimum fixed by this section ; or

(b) to impose a fine in lieu of imprisonment under this section for any such second or third or subsequent offence.

In determining whether any offence is a second, third, or subsequent offence within the meaning of this section, the Court shall have regard only to offences committed after the fifth day of December, nineteen hundred and thirty-three.

(3) In this section the term “betting” without limiting the meaning thereof includes negotiating bets, receiving or paying money in connection with bets, and settling bets, except the settling of bets made on a racecourse in accordance with Part IV. of this Act and the terms of a licence issued thereunder.

Loitering in
street.
1285, 1917,
s. 40.

63. 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.

Betting
information.
1285, 1917,
s. 41.
2135, 1933,
s. 6.

64. 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,

any newspaper or printed card or written document, list or card (whether published, written, or printed in the State or elsewhere), which contains or purports to contain any advertisement or notification by or on behalf of any person, club, or association, as to betting on any intended horse, pony, trotting race or races, coursing event, or other sport or exercise whatever in any part of the Commonwealth, or as to betting odds on any such race or races.

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65. No person shall print, write, 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 the State or elsewhere) whereby—

Advertising
by tipsters.
1285, 1917
s. 42.

- (a) it is made to appear that that 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, or as to the betting odds on any such race; or
- (b) 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 that nothing contained in this section shall prohibit the publication in a newspaper by the printer or publisher thereof of a forecast of the probable result of any race, if such publication is not for money or gain.

66. (1) Any person who for fee or reward gives any oral information or advice relating or purporting to relate to the probable result of any intended horse race, pony race, trotting race, coursing event, or any other sport or exercise whatever or as to the betting odds thereon, shall be guilty of an offence.

Oral
information as
to racing.
1285, 1917,
s. 42A.
2185, 1933,
s. 7.
2188, 1934,
s. 8.

(2) In any proceedings for an offence against this section the allegation in the complaint that any information or advice was given for fee or reward shall be *prima facie* evidence of the fact so alleged.

(3) Nothing in this section shall apply to any information or advice given by or to a bookmaker licensed under this Act.

(4) In this section the expression “give oral information or advice” includes every method of communicating information by spoken words whether directly or through the medium of any apparatus for the reproduction of sound.

67. (1) The Betting Control Board may in writing grant to any person a general or limited authority to publish or communicate, in any manner specified by the Board, oral or written information or advice, relating to any horse race, pony race, trotting race, or coursing event, or to the betting odds thereon.

Authorised
information
as to racing.
1285, 1917,
s. 42B.
2188, 1934,
s. 9.

PART V.

Lottery and Gaming Act.—1936.

(2) Such an authority may contain any conditions imposed by the Board and shall be void if any condition thereof is not observed.

(3) No person shall be liable to any proceedings or penalty in consequence only of publishing or communicating information or advice pursuant to an authority under this section.

Betting notices
and placards.
1285, 1917,
s. 43.

68. 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,

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.

Removal from
racecourses of
persons
suspected of
offences.
1285, 1917,
s. 44.
1447, 1920,
s. 8.
1494, 1921,
s. 9.
2135, 193 ,
s. 8.

69. (1) If any member of the police force has reasonable grounds for suspecting that on any place upon which any horse racing, foot racing, cycle racing, football match, cricket match, or any other sport of a kind usually attended by the public, is then being carried on, or on any other place any person is guilty of, or has on that day been guilty of, unlawful gaming, that member of the police force may, without warrant, arrest that person and remove him from that place.

(2) No person who has been so removed from any such place shall, during the day on which he was so removed, re-enter or be again upon that place, or any place contiguous thereto.

Penalty—Fifty pounds.

(3) No member of the police force who has acted *bona fide* in the intended exercise of the powers conferred on him by subsection (1) of this section shall be liable to any proceedings, civil or criminal, in consequence of his having so acted.

Power for
racing clubs
to revoke
tickets and
remove persons
from race-
courses.
1285, 1917,
s. 44A.
1877, 1928,
s. 6.

70. (1) The committee of any racing club, or the secretary or any other official of a racing club when authorised by the committee thereof, may do any of the following things, namely :—

- (a) at any time revoke either verbally or by writing any licence, right, or title which has been granted by or on behalf of the racing club or the committee thereof, whether to a member of the club or any other person, and which authorises any person to enter, be, or remain upon any racecourse on any one or more occasions when horse races are being run thereon :

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(b) on any day when horse races are being held by the club, request any person who is upon or in the racecourse where the races are being held to leave the same :

(c) use all reasonable and necessary force to eject from the racecourse any person who having been so requested to leave neglects or refuses forthwith to do so.

(2) Any member of the police force, at the request of the committee of any racing club or the secretary or any official of any racing club, shall eject or assist in ejecting from the racecourse any person who having been requested to leave as aforesaid neglects or refuses forthwith to do so.

(3) The committee of a racing club shall not be liable to pay any compensation or damages whatsoever to any person in respect of the revocation of any licence, right, or title under this section, or the ejecting of any person from a racecourse under this section, except the amount of any valuable consideration paid for the licence, right, or title.

(4) Except as mentioned in subsection (3) no member of the police force or other person, acting in good faith in the intended exercise of the powers conferred on him under this section, shall be liable to any proceedings, civil or criminal, in consequence of his having so acted.

(5) No person who has left a racecourse pursuant to a request under this section, or who has been removed from a racecourse under this section, shall, during the day on which he so left or was removed, re-enter or be again upon the racecourse.

Penalty—Fifty pounds.

(6) In this section, without limiting the meaning which the terms herein defined have elsewhere in this Act, the following terms shall have the following meaning, namely :—

“ committee ” means the committee, executive, or other controlling body or person by whatever name called of a racing club, and includes any member of a committee as so defined :

“ racing club ” means any association of persons corporate or unincorporate which promotes or carries on horse racing or trotting races :

“ racecourse ” includes the land and premises on which horse or trotting races are actually run, and all land and premises to which the public have access for

the purposes of viewing the races and any other land or premises usually regarded as part of a racecourse or trotting ground.

Power of the
police.
1285, 1917,
s. 45.
1877, 1928,
s. 7.
2135, 1933
s. 9.

71. (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 superintendent or inspector of police that he suspects that unlawful gaming is or is about to be carried on in or upon any place,

to give to any member of the police force a warrant in the form of the fourth schedule to this Act, or to the like effect.

(2) A warrant so given shall authorise the member of the police force therein named with such assistance as may be necessary—

- (a) to enter or re-enter into and upon and search the place therein named 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 the warrant :
- (b) to remain in and upon that 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 persons found therein or thereupon :
- (e) to seize all dice, balls, counters, tables, or other instruments of gaming, money, lists, cards, papers, documents or things found therein or thereupon, or upon the said persons which may reasonably be supposed to have been used or designed for use in connection with or in relation to such suspected offence :
- (f) to detain the same until the owner or owners thereof appear before a special magistrate or two justices of the peace to claim the same, and satisfy the magistrate or justices how and for what use or purpose the same were intended.

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(3) The special magistrate or justices may confiscate the dice, balls, counters, tables, or other instruments of gaming, money, lists, cards, papers, documents, and things, or otherwise dispose of them as he or they deem fit, if—

- (a) the said owner or owners do not appear before the magistrate or justices within four days after the seizure; or
- (b) if he or they do so appear, and do not show to the satisfaction of the magistrate or two justices after due examination, that the 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 the said persons for the purpose of being used in relation to, or in connection with, any matter made unlawful by this Act.

72. No person shall wilfully—

- (a) prevent any member of the police force or other person acting in his assistance under a warrant under this Act to enter any house, room, or place, from entering the same or part thereof; or
- (b) obstruct or delay any such member of the police force or person in so entering; or
- (c) by any bolt, bar, chain, or other contrivance secure any external or internal door 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 member of the police force or person into any such house, room, or place or any part thereof.

Obstructing
constables in
the execution
of their duty.
1285, 1917,
s. 46.
2135, 1933,
s. 10.

Penalty—One hundred pounds, or imprisonment for six months.

73. (1) Upon receiving a report in writing from any police officer of or above the rank of sub-inspector that he is of opinion that unlawful gaming is or is about to be carried on in any place, the Commissioner of Police may give notice in writing addressed to the occupier of that place, or if the name of the occupier is unknown, then addressed to that particular place, ordering that all doors or other means of entrance on that place or leading to or from that place, both internal and external, shall be opened and kept open so as to admit of the free ingress and egress of any member of the police force authorised in writing by the Commissioner of Police and any persons assisting him during the days and hours stated in the notice.

Power of
police as to
premises where
unlawful
gaming is
carried on.
1285, 1917,
s. 46A.
2135, 1933,
s. 11.

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The notice shall be served upon the occupier of the said place, or, if the occupier cannot be found, it shall be deemed a sufficient service if the notice is fastened in a conspicuous place on the outside of any door or other means of entrance to or leading to or from the said place.

(2) After service of the notice the following provisions shall apply :—

- (a) Any member of the police force authorised in writing by the Commissioner of Police and any persons assisting him may enter, re-enter, and remain in or upon the said place or any part thereof or any premises leading thereto during the days and hours stated in the notice for the purpose of observing the conduct of all persons in or upon the said place :
- (b) Any occupier, or, in the absence of the occupier any other person present upon the said place who refuses or neglects immediately to open or keep open during the days and hours stated in the notice, any door or means of entrance mentioned in the notice, and any person who at any time during the said days and hours closes any such door or means of entrance shall be guilty of an offence.

Penalty—A fine not exceeding one hundred pounds.

- (c) Any member of the police force authorised in writing by the Commissioner of Police and any member of the police force assisting him may use force if necessary in making entry or re-entry, whether by breaking doors or otherwise.

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COMMON GAMING-HOUSES.

Common
gaming-houses.
1285, 1917,
ss. 47 and 48.
1447, 1920
s. 9.

74. (1) Any house, office, room, or place—

- (a) which is used for the playing therein of any unlawful game; or
- (b) which is used 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

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(c) which is occupied by any company or club having for its object or one of its objects the enabling of shareholders or members thereof to make bets or pay or receive money in respect of 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.

(2) 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.

75. No person shall be the occupier of a common gaming-house.

Penalty—Five hundred pounds, or imprisonment for twelve months.

Occupying common gaming-house.
1285, 1917,
s. 48A.
1494, 1921,
s. 10.

76. 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 it 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 it, shall not be guilty of an offence.

Allowing use of premises as common gaming-house.
1285, 1917,
s. 49.

77. 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 it to be used as a means of access to or exit or escape from any house, office, room, or place used as a common gaming-house: Provided that if the 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 it, he shall not be guilty of an offence.

Allowing use of premises as access to a gaming-house.
1285, 1917,
s. 50.

78. (1) Any owner of any house, office, room, or place who has reasonable grounds to suspect that it 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,

Power to evict occupier of house used as gaming-house, etc.
1285, 1917,
s. 51.

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 service any tenancy under which the occupier holds as if the tenancy

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

Cancellation of
notice to quit.
1285, 1917,
s. 52.

79. (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—

(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.

Declaration
that house a
common
gaming-house.
1285, 1917,
s. 53.

80. (1) 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, a judge of the Supreme Court may declare such house, office, room, or place to be a common gaming-house.

(2) Every such declaration shall be in force until rescinded.

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81. (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.
1285, 1917,
s. 54.

(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 the application.

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

Publication of
notice of
declaration
and rescission.
1285, 1917,
s. 55.

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

83. (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—

Notice given
of declaration.
1285, 1917,
s. 56.

(a) shall cause to be published on two days in a newspaper circulating in the neighbourhood of the house, office, room, or place, a notice of the making of the declaration:

(b) shall cause such notice to be served on the owner and occupier of the house, office, room, or place. The 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 that notice was duly published in that newspaper on the date appearing thereon.

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Persons found
in house
declared a
common
gaming-house.
1285, 1917,
s. 57.

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

(a) that 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 that person and take him before a court. That 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 of house
used in contra-
vention of Act.
1285, 1917,
s. 58.

85. If after service on an owner, in pursuance of paragraph (b) of section 83 of notice of the making of a declaration with respect to a house, office, room, or place, and while the declaration is in force, that house, office, room, or place is used in contravention of this Act, the owner shall, unless he proves that he has taken all reasonable steps to evict the occupier from the same, be liable to a penalty of not less than thirty and not more than one hundred pounds.

Penalty on
occupier.
1285, 1917,
s. 59.

86. If after service on an occupier, in pursuance of paragraph (b) of section 83 of notice of the making of a declaration with respect to a house, office, room, or place, and while the declaration is in force, that 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.

Entry by
police.
1285, 1917,
s. 60.

87. 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—

(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 are necessary :

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- (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.

88. No person shall—

- (a) obstruct ;
 (b) aid in obstructing ; or
 (c) solicit any other person to obstruct or aid in obstructing

Obstructing
the police.
1285, 1917
s. 61.

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

Penalty—Seventy-five pounds.

89. If—

- (a) any member of the police force or other person acting in his assistance authorised under this Act to enter any house, room, office or place is wilfully prevented from or is obstructed or delayed in entering the same or any part thereof ; or
 (b) 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, or for the purpose of giving an alarm in case of such entry ; or
 (c) any 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,

Evidence of
house being a
gaming-house
1285, 1917,
s. 62.

it shall be evidence, until the contrary is made 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.

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

- (a) unlawful gaming ;
 (b) the occupier betting with persons resorting thereto :

Keeping house
for purpose of
gaming.
1285, 1917,
s. 63 (part).

(c) any money or valuable thing being received by or on behalf of the occupier 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 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.

(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.

Advancing
money for the
purpose of
gaming.
1285, 1917,
s. 63 (part).

91. 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.

Receiving
money for
betting.
1285, 1917,
s. 64.

92. (1) No occupier of any house, office, room, or place used for any of the purposes mentioned in section 90 shall receive, directly or indirectly, any money or valuable thing as a deposit on any bet on the happening of any event or 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, on the receipt of any money or valuable thing so paid or given as aforesaid, give any acknowledgment, note, security, or draft purporting or intending to entitle any other person to receive any money or valuable thing on the happening of any such event or contingency as aforesaid.

Penalty—Fifty pounds, or imprisonment for six months.

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

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93. (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 on any event or contingency of or relating to any race, fight, game, sport, or exercise, or for the purpose of exhibiting lists for betting, or with intent to induce any person to resort to such house, office, room, or place for the purpose of making such bets.
- (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 such bets

Exhibiting
placards or
advertising
betting-houses
1285, 1917,
s. 65.

Penalty—Thirty pounds, or imprisonment for two months.

94. 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.
1285, 1917,
s. 66.

- (a) from which it appears that any person, either in the State or elsewhere, will on application give information or advice for the purpose of or in respect to any bet on any event or contingency of or relating to any race, fight, game, sport, or exercise, or will make on behalf of any other person any such bet.
- (b) 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 with respect to any such event or contingency :
- (c) inviting any person to make or take any share in or in connection with any such bet.

Penalty—Thirty pounds, or imprisonment for two months.

95. 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.

Giving false
names or
addresses.
1285, 1917,
s. 67.

Penalty—Fifty pounds, or imprisonment for one month.

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Entrance and
nomination fees
exempted.
1285, 1917
s. 68.

96. 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 VII.**PART VII.****EVIDENCE.**

Immunity of
police and other
authorised
persons.
1285, 1917,
s. 69.
1447, 1920,
s. 10.

97. No member of the police force acting under the orders or instructions of any other member of the police force who is his superior in rank, and no other person acting under the lawful instructions of any member of the police force, 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 or other person who acts 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 other person or any of them might have been deemed to be such accomplices or accomplice or have been liable to such conviction or punishment.

Incriminating
evidence.
1285, 1917,
s. 70.

98. (1) No person (other than the defendant) required to be examined as a witness in the hearing of any complaint laid in relation to any offence alleged to have been committed against this Act, 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 upon such examination makes 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

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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.

99. The allegations in any complaint laid in respect of any alleged offence or offences against this Act—

Allegations to be *prima facie* proof.

1285, 1917

s. 71.

2135, 1933

s. 12.

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

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

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

100. 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 is proved.

Knowledge of owner as to occupancy of premises.

1285, 1917,

s. 72.

101. In every complaint laid in respect of any offence relating to any illegal lottery alleged to have been or to be intended or about to be drawn or conducted elsewhere than in the State, the court may in its 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.

Secondary evidence relating to lotteries.

1285, 1917,

s. 73.

102. (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 complaint 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.

1285, 1917,

s. 74.

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(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.

(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.

Prima facie
evidence of
unlawful
gaming.
1285, 1917
s. 75.

103. 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) 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.
1285, 1917,
s. 76.

104. If on the hearing of any complaint for unlawful gaming the court is of opinion that any money or thing which has to its satisfaction been 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 the 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 the complaint.

Reasonable
suspicion
sufficient to
set up a *prima*
facie case.
1494, 1921,
s. 14.

105. (1) If on the hearing of any complaint against any person for unlawful gaming, the evidence for the prosecution is such as to raise in the mind of the special magistrate or justices hearing the complaint a reasonable suspicion that that person is guilty of the offence charged against him in the complaint, that evidence shall be deemed to be *prima facie* evidence that that person is guilty of that offence.

(2) The provisions of this section shall not limit the effect of any provisions of section 104 of this Act, and the provisions of that section shall not limit the effect of any provision of this section.

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106. The allegation in any complaint under section 114 of this Act that—

Certain allegations *prima facie* evidence.

- (a) any person is the secretary of the company named in that complaint; or
- (b) any person is the manager of that company; or
- (c) any person is a director of that company; or
- (d) the premises named are or have been in the occupation or under the control of that company,

1285,
s. 77

shall be *prima facie* evidence of the facts alleged.

107. Whenever in any proceedings under this Act it is material to show that any person was at any material time under the age of twenty-one years—

Proof of age.
1285, 1917,
s. 77A.
2135, 1933
s. 13.

- (a) the opinion of the court on its own view of such person; or
- (b) the opinion of a police officer who has seen such person,

that such person was at the material time under the age of twenty-one years shall be *prima facie* evidence of that fact.

108. (1) If the name of any person is printed or published upon any placard, handbill, card, writing, sign, advertisement, circular, newspaper, or other notice or notification or document that fact may be accepted by the Court as *prima facie* evidence that the said placard, handbill, card, writing, sign, advertisement, circular, newspaper, or other notice or notification or document was printed or, according to the nature of the charge, published by such person.

Proof of publication.
1285, 1917
s. 77B.
2135, 1933
s. 13.

(2) In this section “name” includes any name, or any designation whatever, used or assumed by any person or by which any person is usually known or which is usually applied to any business or business premises of any person.

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PROCEDURE AND MISCELLANEOUS.

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

Proceedings for offences.
1285, 1917
s. 78.

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

110. Unless otherwise specified in this Act, every person who commits any offence against this Act, shall be liable to a penalty not exceeding fifty pounds, or to imprisonment for not longer than three months.

General penalty for offences.
1285, 1917,
s. 79

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More than
one offence
may be charged
in information.
1285, 1917
s. 80.

111. In any complaint 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 charged against the defendant and evidence given in support thereof; and the court may convict the defendant of any one of those offences which to the satisfaction of the court has been proved, and may inflict such penalty therefor as is by law provided.

Power to
amend.
1285, 1917,
s. 81.

112. (1) It shall be held sufficient in any complaint under this Act if the complaint gives the accused a reasonably clear and intelligible statement of the offence with which he is charged.

(2) No conviction or warrant of commitment shall be held void, invalid, or quashed for any defect in substance or in form.

(3) The court shall amend every complaint which, in its opinion, is defective or ought to be amended upon such terms as to costs, adjournment, or otherwise as the court thinks fit.

(4) Any special magistrate may amend any conviction or warrant of commitment at any time after it has been signed and before it has been executed.

Discretion of
Registrar of
Companies.
1285, 1917
s. 82.

113. The Registrar of Companies shall not be required to register any club, association, or persons as a company under any Act 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 contravene or evade in any way the provisions and purposes of this Act, or any of them.

Cancellation of
registration of
companies
under certain
circumstances.
1285, 1917
s. 83.

114. (1) On complaint being laid on oath before a special magistrate by any police constable stating that the constable has reasonable grounds of suspicion that the premises occupied by or under the control of any company registered under The Companies Act, 1892, or the Companies Act, 1934, are being or have been during their occupation or control by that company used for the purpose of unlawful gaming, the special magistrate may issue his summons to the manager, secretary, or directors of the 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 the summons, to answer the matter of the complaint and to show cause why the registration of the company should not be cancelled.

(2) If the party or parties so summoned do not appear, or if upon the hearing of the complaint the party or parties so summoned fail to show to the satisfaction of the special magistrate

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that the premises in question were not used for the purpose of unlawful gaming, then the special magistrate may, by an order under his hand, declare the registration of the company named in such complaint to be cancelled.

(3) Upon such order being made, and immediately after it has been published in the *Government Gazette*, the company in respect of which the order has been made shall for all purposes of law be deemed to be unregistered.

115. (1) Any justice or any officer of the police force of rank not lower than sergeant or any member of the police force authorised in writing by any such officer may demand entrance at any time by day or night into—

Entry of shops,
factories, and
club premises.
1494, 1921,
s. 13

- (a) any premises in respect of which a licence granted under the Licensing Act, 1932, is in force ;
- (b) any shop or any part of a building occupied in connection with or for the purposes of a shop ;
- (c) any factory and the appurtenances of any factory ; or
- (d) any building or place occupied by any club (whether a racing club or not) and the appurtenances thereof.

(2) If admittance is refused or delayed for such time as makes it appear that wilful delay was intended—

- (a) such justice, officer, or member may break into and employ force to enter such place ; and
- (b) notwithstanding such breaking and entry, the occupier of such place and the person to whom such demand was made shall be guilty of an offence against this Act, and shall be liable to a penalty for the first offence of not less than five pounds and not more than twenty pounds, and for any subsequent offence of not less than ten pounds and not more than thirty pounds.

(3) The authority of a member of the police force, referred to in subsection (1) of this section, may be limited to one or more specified occasions, or one or more specified localities, or one or more specified places, or may authorise such member to act generally as in the subsection mentioned without limitation as to occasion, locality, or place, or may be limited in any manner deemed proper by the officer giving the authority.

116. Nothing in this Act shall apply to any sweepstake held upon a racecourse, or any place not being a public place, if—

- (a) the total contributions do not exceed five pounds ;
- (b) no person contributes more than five shillings ;

Exemption of
certain
sweepstakes.
1285, 1917,
s. 83A.
2185, 1933,
s. 14.

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- (c) the promoter does not promote, and the individual subscribers do not contribute to, more than one sweepstake on any one race; and
- (d) the total sum contributed is paid to the winner without any deduction.

Half penalties
to be paid to
informer.
1285, 1917;
s. 84.

117. One half part of every sum which shall be imposed as a penalty under sections 6, 7, 8, 49, 51, 52, 72, 90, 91, 92, 93, 94, and 95 of this Act shall be paid to the person on whose complaint the conviction has been obtained, unless the complaint was laid by or on behalf of a public officer.

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

W. DUGAN, Governor.

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SCHEDULES.

THE FIRST SCHEDULE.

Acts Repealed.

Number and Year of Act.	Title.	Extent of Repeal.
1285 of 1917.....	Lottery and Gaming Act, 1917.....	The whole.
1382 of 1919.....	Lottery and Gaming Act Amendment Act, 1919	The whole.
1447 of 1920.....	Lottery and Gaming Act Amendment Act, 1920	The whole.
1494 of 1921.....	Lottery and Gaming Act Amendment Act, 1921	The whole.
1877 of 1928.....	Lottery and Gaming Act Amendment Act, 1928	The whole except section 9.
1986 of 1930.....	Lottery and Gaming Act, 1930.....	The whole.
2135 of 1933.....	Lottery and Gaming and Licensing Acts Amendment Act, 1933.	Part I.
2159 of 1934....	Lottery and Gaming Act Amendment Act, 1934	The whole.
2188 of 1934....	Lottery and Gaming Acts Amendment Act, 1934.	The whole.
2245 of 1935.....	Lottery and Gaming Acts Amendment Act, 1935	The whole

THE SECOND SCHEDULE.

RULES AND REGULATIONS AS TO THE TOTALIZATOR.

[Made in Executive Council 4th April, 1922: *Government Gazette*, 6th April, 1922.]*Licences to Use the Totalizator.*

1. The totalizator, when used in accordance with a licence under the Lottery and Gaming Act, 1936, 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 exempt from the provisions of the Police Acts, 1916 and 1921, the Lottery and Gaming Act, 1936, and every other Act prohibiting gaming and wagering.

Conditions to which Licences Subject.

2. Any reference to a club in the conditions set out in the next subsequent regulation shall, unless the context or subject matter requires a different construction, include a reference to—

- (a) the chairman, the secretary, and every member of the committee or executive body of such club; and
- (b) every person employed by such club.

3. Every licence for the use of the totalizator hereafter granted shall be subject to the following conditions, namely:—

- I. The club shall not permit or suffer any person to follow the occupation of a totalizator agent, or any similar occupation, or the occupation of a bookmaker, or to carry on or engage in any unlawful gaming, on the racecourse or on any grounds used in connection with any race meeting at which the use of the totalizator is licensed.
- II. The club shall cause to be removed from the racecourse and such grounds every person on such racecourse or grounds carrying on or attempting to carry on any such occupation, or receiving, or offering as a totalizator agent, or in any similar manner, to receive money for investment in or in connection with the totalizator, whether gratuitously or otherwise, or carrying on or engaging in any unlawful gaming, and shall exclude such person from such racecourse and grounds throughout the remainder of the meeting.
- III. 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 Lottery and Gaming Act, 1936.
- IV. No investment shall be received in any totalizator in respect of any race after such race has actually started.
- V. The club shall cause a set of books to be accurately kept showing—
 - (a) the names of all horses starting in each race and the names of all non-starting horses in respect of which any investment has been made;
 - (b) the amount invested in the totalizator on each horse in each race;
 - (c) the total amount invested in the totalizator on each race;
 - (d) the amount of stamp duty payable to the Commissioner of Stamps in respect of the amount invested on each race;
 - (e) the amount of commission retained by the club, and how it is expended;

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- the amount of dividends declared on the first horse and the total amount payable to investors thereon :
- (g) the amount of dividends declared on the second horse and the total amount payable to investors thereon :
- (h) the amount of dividends declared on the third horse and the total amount payable to investors thereon :
- (i) the amount of dividends on each race unclaimed by the persons entitled to receive the same on the day of the race meeting :
- (j) the amount of dividends on each race unclaimed for a period of two months after they become payable to the persons entitled to receive the same ; the dividends on the first, second, and third horses to be shown separately :
- (k) the amount of fractions held by the Club in respect of each race.
- VI. The club shall permit any member of the police force, authorised for the purpose by the Commissioner of Police, during any race meeting, to enter all enclosures and buildings upon the racecourse, and shall, on demand by any such member, produce to him any document, book, form, return, or record referring to the working of the totalizator.
- VII. All books of account, vouchers, paid dividend tickets, documents, forms, returns, working sheets, or records of the club shall, on demand by the Commissioner of Police, or any member of the police force authorised by him in that behalf, be submitted by the club to any person nominated by the Commissioner of Police for audit and examination.
- VIII. The club shall cause to be delivered on demand to any member of the police force authorised by the Commissioner of Police a carbon copy of the original readings of the totalizator taken after each race, showing the amount invested on each horse and the total amount invested on the race.
- IX. Prior to the beginning of each race meeting the club shall, on demand, cause to be delivered to any member of the police force authorised by the Commissioner of Police in that behalf, a statutory declaration, made and declared by the chairman and secretary of the club, setting forth the number and amount of each denomination of totalizator tickets printed or prepared for issuing in respect of each horse entered to be run at such race meeting for each race in which such horse is so entered.
- X. Forthwith after the result of each race run at a race meeting is declared by the judge, the club shall, on demand by any member of the police force authorised by the Commissioner of Police in that behalf, cause all tickets prepared or printed for issuing to persons investing in the totalizator on each horse in such race in respect of which a dividend is, or is to be, declared, and also on all non-starting horses in respect of which any investment has been made, which are unissued, to be placed in a packet and such packet to be securely fastened up and sealed by the officer in charge of such totalizator, and be delivered to such member of the police force.
- XI. Forthwith after the expiration of two months from the date of the holding of each race-meeting, the club shall cause every totalizator ticket issued at such race-meeting upon which a dividend has been paid, or in case of a non-starting horse, upon which any money has been refunded, to be delivered to the Commissioner of Police or any member of the police force authorised by the Commissioner of Police in that behalf.
- XII. Subdivisions x. and xi. shall apply only to clubs whose permanent office for the transaction of the business of the club is situated more than 10 miles in a direct line from the General Post Office at Adelaide.
- XIII. No totalizator dividend shall be paid to any person unless the totalizator ticket representing the number of a horse upon which a dividend is declared is produced to the paying out officials at the totalizator on the day of race meeting or to the secretary of the racing club concerned within two months of the date of the race meeting being held.
- XIV. The club shall cause to be erected to the satisfaction of the Commissioner of Police a barrier in front of every window used in connection with the totalizator for supplying tickets or change, or for paying dividends. Such barrier shall be so constructed as to provide separate places of entry and exit.
- XV. The club shall cause every totalizator used by such club to be provided with separate windows for use exclusively by women : Provided that this condition shall not apply on any racecourse which is situate more than twenty miles in a direct line from the General Post Office, Adelaide, and in respect of which the Commissioner of Police has certified that in his opinion this condition is unnecessary : Provided further that any such certificate with respect to any racecourse may at any time be revoked by the Commissioner of Police, whereupon this condition shall again apply on such racecourse.
- XVI. On any default by any club in the observance of any of the above conditions 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 upon such default or at any time within 14 days thereafter.

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Form of Licence and Fees.

4. Every licence shall be in the following form, or as near thereto as circumstances permit, and shall be granted to the committee or executive body of the 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, 1936, and subject thereto, and to all rules and regulations made thereunder, 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 or upon such other day or days in place of any of the said days as the Chief Secretary may, from time to time, in writing upon this licence, approve. This licence shall be in force from the day of 19.., to the succeeding 31st day of December (both days inclusive).

Given under my hand the day of, 19....
 Commissioner of Police.

5. Every club applying for a licence 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.

6. On application by any person, and on payment of a sum not exceeding one shilling for every folio of 72 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 the Lottery and Gaming Act, 1936, or under these rules and regulations.

Control of Queues.

7. (1) Persons approaching any window of a totalizator shall form up in a queue in single file extending away from such window.

(2) When any such queue has been formed, no person shall approach the window to which such queue leads except as a member of such queue.

8. No person shall—

- (a) push into any such queue, or join the same except at the rear end thereof;
- (b) take precedence of any person who from his position has a prior right in any queue;
- (c) stand or walk between any queues so formed, or within four yards of either of the outside queues;
- (d) pass money or a ticket to any person in any queue.

9. Every person shall at all times observe and comply with any reasonable direction given by any member of the police force as to—

- (a) the manner of approaching to or departing from any totalizator;
- (b) the conduct of such person in the vicinity of any totalizator.

Penalties.

10. Any person who contravenes any provision of regulation 7, 8, or 9 hereof, whether by omission or commission, shall be liable to a penalty not exceeding ten pounds for every breach of such provision.

THE THIRD SCHEDULE.
 FORM OF APPLICATION FOR LICENCE.

To Esq., Commissioner of Police.
 I, the undersigned, being the of the Racing Club, called do hereby apply on behalf of such club for a licence under the Lottery and Gaming Act, 1936, 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

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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

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LOTTERY AND GAMING ACT, 1936.

TABLE SHOWING HOW THE SECTIONS OF THE ACTS CONSOLIDATED HAVE BEEN DEALT WITH.

Section of Repealed Act.	Remarks.	Section of Consolidating Act.	
Lottery and Gaming Act, 1917..... s. 1	Short title.....	—	
Ibid. s. 2	Division of Act.....	—	
"..... s. 3	Repeal.....	—	
"..... s. 4	As amended by 1447, 1920, s. 3; 1494, 1921, s. 3, and 2135, 1933, s. 3.	4	
"..... s. 5	.....	5
"..... s. 6	.....	6
"..... s. 7	.....	7
"..... s. 8	.....	8
"..... s. 9	.....	9
"..... s. 10	.....	10
"..... s. 11	.....	11
"..... s. 12	.....	12
"..... s. 13	.....	13
"..... s. 14	.....	14
"..... s. 15	As amended by 1382, 1919, s. 3. New subsection (6) enacted by 1986, 1930, s. 2.	15	
"..... s. 16	.....	18
"..... s. 16A	As enacted by 1877, 1928, s. 3	25	
"..... s. 17	As re-enacted by 1494, 1921, s. 4	26	
"..... s. 18	}.....	27	
"..... s. 19		}.....	16
"..... s. 20			17
"..... s. 21	As amended by 1447, 1920, s. 4	17	
"..... s. 22	As amended by 1447, 1920, 2. 5; 1986, 1930, s. 2, and 2188, 1934, s. 3.	19	
"..... s. 23	Re-enacted by 1494, 1921, s. 5, and amended by 1877, 1928, s. 5.	28	
"..... s. 24	As amended by 1447, 1920, s. 6, and 1494, 1921, s. 6	29	
"..... s. 25	As amended by 1382, 1919, s. 4	30	
"..... s. 25A	} As enacted by 2135, 1933, s. 4, and amended by 2159, 1934, 2. 4.	32	
"..... s. 25B		3	
"..... s. 25C		34	
"..... s. 25D		35	
"..... s. 25E		As enacted by 2135, 1933, s. 4	36
"..... s. 25F		37	
"..... s. 25G		As enacted by 2135, 1933, s. 4, and amended by 2159, 1934, s. 5.	38
"..... s. 25H	As enacted by 2135, 1933, s. 4 and amended by 2159, 1934, s. 6.	39	
"..... s. 25J	As enacted by 2135, 1933, s. 4, and amended by 2159, 1934, s. 7	40	
"..... s. 25K	As enacted by 2135, 1933, s. 4, and amended by 2245, 1935, s. 3	41	
"..... s. 25L	As enacted by 2135, 1933, s. 4, and amended by 2188, 1934, s. 4.	42	
"..... s. 25M	As enacted by 2135, 1933, s. 4	43	
"..... s. 25N	As enacted by 2135, 1933, s. 4, and amended by 2188, 1934, s. 5.	44	
"..... s. 25O	} As enacted by 2135, 1933, s. 4, and amended by 2188, 1934, s. 6.	45	
"..... s. 25OA		46	
"..... s. 25P	As enacted by 2135, 1933, s. 4	46	
"..... s. 25Q	As enacted by 2135, 1933, s. 4, and amended by 2188, 1934, s. 7.	47	
"..... s. 25R	As enacted by 2135, 1933, s. 4	48	
"..... s. 26	.....	49
"..... s. 27	.....	50
"..... s. 28	.....	51
"..... s. 29	.....	52
"..... s. 30	.....	53
"..... s. 31	.....	54

*Lottery and Gaming Act.—1936.**Table Showing how the Sections of the Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
Lottery and Gaming Act, 1917..... s. 32	.....	55
Ibid. s. 33	.....	56
“ s. 34	.....	57
“ s. 35	.....	58
“ s. 36	As amended by 1494, 1921, s. 7	59
“ s. 37	.....	60
“ s. 38	As re-enacted by 1494, 1921, s. 8	61
“ s. 39	As amended by 1447, 1920, s. 7; 1877, 1928, s. 4, and 2135, 1933, s. 5.	62
“ s. 40	.....	63
“ s. 41	As amended by 2135, 1933, s. 6	64
“ s. 42	.....	65
“ s. 42A	As enacted by 2135, 1933, s. 7, and amended by 2188, 1934, s. 8	66
“ s. 42B	As amended by 2188, 1934, s. 9	67
“ s. 43	.....	68
“ s. 44	As amended by 1447, 1920, s. 8; 1494, 1921, s. 9; and 2135, 1933, s. 8	69
“ s. 44A	As enacted by 1877, 1928, s. 6	70
“ s. 45	As amended by 1877, 1928, s. 7, and 2135, 1933, s. 9 .	71
“ s. 46	As amended by 2135, 1933, s. 10	72
“ s. 46A	As enacted by 2135, 1933, s. 11	73
“ s. 47	As amended by 1447, 1920, s. 9	74
“ s. 48	.....	74
“ s. 48A	As enacted by 1494, 1921, s. 10	75
“ s. 49	.....	76
“ s. 50	.....	77
“ s. 51	.....	78
“ s. 52	.....	79
“ s. 53	.....	80
“ s. 54	.....	81
“ s. 55	.....	82
“ s. 56	.....	83
“ s. 57	.....	84
“ s. 58	.....	85
“ s. 59	.....	86
“ s. 60	.....	87
“ s. 61	.....	88
“ s. 62	.....	89
“ s. 63	.....	90, 91
“ s. 64	.....	92
“ s. 65	.....	93
“ s. 66	.....	94
“ s. 67	.....	95
“ s. 68	.....	96
“ s. 69	As amended by 1447, 1920, s. 10	97
“ s. 70	.....	98
“ s. 71	As amended by 2135, 1933, s. 12	99
“ s. 72	.....	100
“ s. 73	.....	101
“ s. 74	.....	102
“ s. 75	.....	103
“ s. 76	.....	104
“ s. 77	.....	106
“ s. 77A	As enacted by 2135, 1933, s. 13	107
“ s. 77B	As enacted by 2135, 1933, s. 13	108
“ s. 78	.....	109
“ s. 79	.....	110
“ s. 80	.....	111
“ s. 81	.....	112
“ s. 82	113
“ s. 83	114
“ s. 83A	As enacted by 2135, 1933, s. 14	116
“ s. 84	117
“ First Schedule	—

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Table Showing how the Sections of the Acts Consolidated have been dealt with—continued.

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
Lottery and Gaming Act, 1917. Second Schedule	As re-enacted by regulations of 4th April, 1922	Second Schedule
Ibid. Third Schedule	.....	Third Schedule
“ Fourth Schedule	.....	Fourth Schedule
Lottery and Gaming Act Amendment Act, 1919	s. 1 Short title	—
Ibid.	s. 2 Incorporation	—
“	s. 3 Amendment of 1285, 1917, s. 15	15
“	s. 4 Amendment of 1285, 1917, s. 25	30
“	s. 5 Amendment of 1285, 1917, Second Schedule	Second Schedule
Lottery and Gaming Act Amendment Act, 1920	s. 1 Short titles	—
Ibid.	s. 2 Incorporation	—
“	s. 3 Amendment of 1285, 1917, s. 4	4
“	s. 4 Amendment of 1285, 1917, s. 21	17
“	s. 5 Amendment of 1285, 1917, s. 22	19
“	s. 6 Re-enactment of 1285, 1917, s. 24	29
“	s. 7 Amendment of 1285, 1917, s. 39. Superseded by 2135, 1933, s. 5.	—
“	s. 8 Re-enactment of 1285, 1917, s. 44.	69
“	s. 9 Amendment of 1285, 1917, s. 47.	74
“	s. 10 Re-enactment of 1285, 1917, s. 69.	97
“	s. 11 As amended by 1494, 1921, s. 12 and 1877, 1928, s. 8.	20
“	s. 12	24
Lottery and Gaming Act Amendment Act, 1921	s. 1 Short titles	—
Ibid.	s. 2 Incorporation	—
“	s. 3 Amendment of 1285, 1917, s. 4.	4
“	s. 4 Re-enactment of 1285, 1917, s. 17.	26
“	s. 5 Re-enactment of 1185, 1917, s. 23. Superseded by 1877, 1928, s. 5.	—
“	s. 6 Amendment of 1285, 1917, s. 24.	29
“	s. 7 Amendment of 1285, 1917, s. 36.	59
“	s. 8 Amendment of 1285, 1917, s. 38.	61
“	s. 9 Amendment of 1285, 1917, s. 44.	69
“	s. 10 Enactment of 1285, 1917, s. 48A.	75
“	s. 11 Amendment of 1447, 1920, s. 7. Superseded by 2135, 1933, s. 5.	—
“	s. 12 Amendment of 1447, 1920, s. 11.	20
“	s. 13	115
“	s. 14	105
“	s. 15	31
Lottery and Gaming Act Amendment Act, 1928	s. 1 Short titles	—
Ibid.	s. 2 Incorporation	—
“	s. 3 Enactment of 1285, 1917, s. 16A.	25
“	s. 4 Amendment of 1285, 1917, s. 39. Superseded by 2135, 1933, s. 5.	—
“	s. 5 Re-enactment of 1285, 1917, s. 23.	28
“	s. 6 Enactment of 1285, 1917, s. 44A.	70
“	s. 7 Amendment of 1285, 1917, s. 45.	71
“	s. 8 Amendment of 1447, 1920, s. 11.	20
“	s. 9 Amendment of Stamp Duties Act, 1923, Second Schedule.	—
Lottery and Gaming Act, 1930	s. 1 Short titles	—
Ibid.	s. 2 Amendment of 1285, 1917, s. 22	15
Lottery and Gaming and Licensing Acts Amendment Act, 1933	s. 1 Short title	—
Ibid.	s. 2 Incorporation of Part I.	—
“	s. 3 Amendment of 1285, 1917, s. 4.	4
“	s. 4 Enactment of 1285, 1917, Part IIIA, ss. 25A-25B.	Part IV, ss. 32, 48

*Lottery and Gaming Act.—1936.**Table Showing how the Sections of the Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
Lottery and Gaming and Licensing Acts Amendment Act, 1933 . s. 5	Amendment of 1285, 1917, s. 39.	62
Ibid. s. 6	Amendment of 1285, 1917, s. 41.	64
“ s. 7	Enactment of 1285, 1917, s. 42A.	66
“ s. 8	Amendment of 1285, 1917, s. 44.	69
“ s. 9	Amendment of 1285, 1917, s. 45.	71
“ s. 10	Amendment of 1285, 1917, s. 46.	72
“ s. 11	Enactment of 1285, 1917, s. 46A.	73
“ s. 12	Amendment of 1285, 1917, s. 71.	99
“ s. 13	Enactment of 1285, 1917, ss. 77A and 77B.	107, 108
“ s. 14	Enactment of 1285, 1917, s. 83A.	116
“ s. 15	} Omitted. Amendments of the Licensing Act, 1932.	—
“ s. 16		
“ s. 17		
“ s. 18		
“ s. 19		
“ s. 20		
Lottery and Gaming Act Amendment Act, 1934 (No. 2159) s. 1	Short titles	—
Ibid. s. 2	Incorporation	—
“ s. 3	Amendment of 1285, 1917, s. 25A.	32
“ s. 4	Amendment of 1285, 1917, s. 25B.	33
“ s. 5	Amendment of 1285, 1917, s. 25G.	38
“ s. 6	Amendment of 1285, 1917, s. 25H.	39
“ s. 7	Amendment of 1285, 1917, s. 25J.	40
“ s. 8	Amendment of 185, 1917, s. 25K.	41
Lottery and Gaming Act Amendment Act, 1934 (No. 2188) s. 1	Short title	—
Ibid. s. 2	Incorporation	—
“ s. 3	Amendment of 1285, 1917, s. 22. Subsection (2) omitted. Operation exhausted.	19
“ s. 4	Amendment of 1285, 1917, s. 25L.	42
“ s. 5	Amendment of 1285, 1917, s. 25N.	44
“ s. 6	Re-enactment of 1285, 1917, s. 25O and enactment of 1285, 1917, s. 25OA.	45
“ s. 7	Amendment of 1285, 1917, s. 25Q.	47
“ s. 8	Amendment of 1285, 1917, s. 42A.	66
“ s. 9	Enactment of 1285, 1917, s. 42B.	67
“ s. 10	Amendment of 1447, 1920, s. 11.	20
“ s. 11	.....	21
“ s. 12	.....	22
“ s. 13	.....	23
Lottery and Gaming Act Amendment Act, 1935. s. 1	Short title	—
Ibid. s. 2	Incorporation	—
“ s. 3	Amendment of 1285, 1917, s. 25K.	41
“ s. 4	Transitional provision	—