

South Australia



**LOTTERY AND GAMING (MISCELLANEOUS) AMENDMENT
ACT 1995**

No. 5 of 1995

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Further Amendments of Principal Act



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ELIZABETHAE II REGINAE

A.D. 1995

No. 5 of 1995

An Act to amend the Lottery and Gaming Act 1936.

[Assented to 9 March 1995]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Lottery and Gaming (Miscellaneous) Amendment Act 1995*.

(2) The *Lottery and Gaming Act 1936* is referred to in this Act as "the principal Act".

Commencement

2. (1) Subject to subsection (2), this Act will come into operation on assent.

(2) Section 3 of this Act will be taken to have come into operation on 30 November 1994.

Amendment of s. 9—Exemptions from Act

3. Section 9 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) For the purposes of subsection (1)(d), payment of a membership fee to become a member of an association will, if membership entitles the member to participate (at no further cost) in a lottery, be taken to be payment of an entrance fee for participation in the lottery.

Substitution of s. 20

4. Section 20 of the principal Act is repealed and the following section is substituted:

Suspension or cancellation of licence

20. (1) The Minister may, by written notice to the holder of a licence—

(a) cancel the licence if the holder of the licence obtained the grant of the licence improperly; or

- (b) cancel the licence or suspend it for a specified period or until further notice, if the holder of the licence has contravened a provision of this Act or a condition of the licence.

(2) A notice of suspension under subsection (1) may specify action to be taken by the licence holder to remedy any breach of this Act or the licence conditions.

Amendment of s. 57—Soliciting totalizator investments

5. Section 57 of the principal Act is varied by inserting after its present contents (now to be designated as subsection (1)) the following subsections:

(2) The Minister may, by notice published in the *Gazette*, exempt a racing club that has been registered under the *Racing Act 1976* from the operation of this section.

(3) An exemption granted under this section only operates in relation to race meetings lawfully held by the club named in the exemption.

(4) An exemption under this section may be given subject to conditions specified in the notice.

(5) The Minister may, by notice published in the *Gazette*, vary or revoke an exemption or a condition of an exemption under this section or impose a further condition.

(6) A club to which an exemption under this section applies must not contravene, or fail to comply with, a condition of the exemption.

Penalty: Division 6 fine.

Substitution of s. 75

6. Section 75 of the principal Act is repealed and the following section is substituted:

Occupying a common gaming-house

75. (1) A person who is the occupier of a common gaming-house is guilty of an offence.

Penalty: Division 4 fine or division 6 imprisonment.

(2) In proceedings for an offence under this section it will be presumed, in the absence of proof to the contrary, that the defendant knew that the house, office, room or place was being used as a common gaming-house.

Transitional

7. The amendment effected by section 3 of this Act does not invalidate or make unlawful a lottery opened before the commencement of that section.

Further amendments of principal Act

8. The principal Act is further amended as set out in the schedule.

SCHEDULE
Further Amendments of Principal Act

Provision Amended	How Amended
Section 6(1)	Strike out the penalty provision at the foot of this subsection and substitute the following: Penalty: Division 5 fine.
Section 6(2)	Strike out the penalty provision at the foot of this subsection and substitute the following: Penalty: Division 5 fine.
Section 6(3)	Strike out the penalty provision at the foot of this subsection and substitute the following: Penalty: Division 8 fine.
Section 7	Strike out the penalty provision at the foot of this section and substitute the following: Penalty: Division 7 fine.
Section 8	Strike out the penalty provision at the foot of this section and substitute the following: Penalty: Division 7 fine.
Section 10	Insert at the foot of this section the following: Penalty: Division 7 fine.
Section 11	Insert at the foot of this section the following: Penalty: Division 7 fine.
Section 12(1)	Insert at the foot of this subsection the following: Penalty: Division 7 fine.
Section 13	Insert at the foot of this section the following: Penalty: Division 7 fine.
Section 14b(1)(k)	Strike out "five hundred dollars or imprisonment for any period not exceeding three months" and substitute "a division 7 fine".
Section 14c(1)	Strike out "and on conviction shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding six months or to both such fine and imprisonment". Insert at the foot of this subsection the following: Penalty: Division 6 fine.

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- Section 60** Strike out the penalty provision at the foot of this section and substitute the following:

Penalty: Division 6 fine.
- Section 61(1)** Strike out the penalty provision at the foot of this subsection and substitute the following:

Penalty: Division 7 fine.
- Section 61(2)** Strike out the penalty provision at the foot of this subsection and substitute the following:

Penalty: Division 7 fine.
- Section 61(3)** Strike out the penalty provision at the foot of this subsection and substitute the following:

Penalty: Division 9 fine.
- Section 62** Strike out the penalty provision at the foot of this section and substitute the following:

Penalty: Division 6 fine or division 6 imprisonment.
- Section 63(1)** Strike out the penalty provision at the foot of this subsection and substitute the following:

Penalty: Division 2 fine or division 4 imprisonment.
- Section 63(2)** Strike out the penalty provision at the foot of this subsection and substitute the following:

Penalty: Division 6 fine or division 6 imprisonment.
- Section 64(1)** Strike out the penalty provision at the foot of this subsection and substitute the following:

Penalty: Division 4 fine or division 6 imprisonment.
- Section 64(2)** Strike out the penalty provision at the foot of this subsection and substitute the following:

Penalty: Division 6 fine or division 7 imprisonment.
- Section 68** Insert at the foot of this section the following:

Penalty: Division 7 fine.
- Section 69(2)** Strike out the penalty provision at the foot of this section and substitute the following:

Penalty: Division 7 fine.

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- Section 91** Strike out the penalty provision at the foot of this subsection and substitute the following:
- Penalty: Division 4 fine or division 6 imprisonment.
- Section 92(1)** Strike out the penalty provision at the foot of this subsection and substitute the following:
- Penalty: Division 4 fine or division 6 imprisonment.
- Section 92(2)** Strike out the penalty provision at the foot of this subsection and substitute the following:
- Penalty: Division 4 fine or division 6 imprisonment.
- Section 93** Strike out the penalty provision at the foot of this section and substitute the following:
- Penalty: Division 6 fine.
- Section 94** Strike out the penalty provision at the foot of this section and substitute the following:
- Penalty: Division 6 fine.
- Section 95** Strike out the penalty provision at the foot of this section and substitute the following:
- Penalty: Division 7 fine.
- Sections 109 and 110** These sections are repealed.
- Section 114(1)** Strike out "and on conviction is liable to a penalty of five hundred dollars".
- Insert at the foot of this subsection the following:
- Penalty: Division 6 fine.
- Section 115(2)** Strike out from paragraph (b) ", and shall be liable to a penalty for the first offence of not less than ten dollars and not more than forty dollars, and for any subsequent offence of not less than twenty dollars and not more than sixty dollars":
- Insert at the foot of paragraph (b) the following:
- Penalty: Division 7 fine.
- Section 117** This section is repealed.

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

ROMA MITCHELL Governor