



ANNO TERTIO

ELIZABETHAE II REGINAE

A.D. 1954

No. 57 of 1954

An Act to amend the Lottery and Gaming Act,
1936-1953

[Assented to 23rd December, 1954.]

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

Short titles.

1. (1) This Act may be cited as the " Lottery and Gaming Act Amendment Act, 1954 ".

(2) The Lottery and Gaming Act, 1936-1953, as amended by this Act, may be cited as the " Lottery and Gaming Act, 1936-1954 ".

(3) The Lottery and Gaming Act, 1936-1953, is hereinafter referred to as " the principal Act ".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

**Amendment of principal Act s. 21—
Use of totalizator at trotting races.**

3. Section 21 of the principal Act is amended by striking out the word " day " in the third line of paragraph (b) of subsection (2) thereof and by striking out paragraph (d) thereof.

**Amendment of principal Act, s. 22a—
Constitution of South Australian Trotting League.**

4. (1) Section 22a of the principal Act is amended—
(a) by inserting after subsection (3) thereof the following subsection :—

(3a) Any member of the League or of the Executive Committee of the League may authorize any person to act as his proxy at a

meeting of the League or Executive Committee (as the case may be) and a person so authorized may do all things at the meeting which the member could do if he were present.

(b) by striking out subsection (7) thereof and inserting the following subsections in its place :—

(7) Subject to any directions given by the League, the affairs of the League shall be managed and controlled, and permits under sections 22 and 48 of this Act shall be issued by an Executive Committee of the League consisting of nine members nominated as follows :—

(a) Three shall be nominated by the Committee of the South Australian Trotting Club Incorporated ;

(b) Five shall be nominated at a meeting of representatives of the affiliated trotting clubs, other than the South Australian Trotting Club Incorporated. The committee of each such trotting club shall be entitled to appoint one person to represent it at the meeting, and the five persons to be nominated shall be chosen by and from those attending the meeting ;

(c) One shall be nominated by the Committee of The South Australian Owners, Breeders, Trainers and Reinsmen's Association Incorporated.

(7a) The League may make rules prescribing—

(a) any matters necessary to be prescribed for carrying subsection (7) of this section into effect ;

(b) the procedure for filling casual vacancies on the Executive Committee of the League ; and

(c) any other matters which it is necessary or convenient to prescribe in connection with the appointment, functions and duties of the Executive Committee.

(7b) It shall be the duty of the League to ensure that an Executive Committee is appointed for the purposes of this section within three months after the passing of the Lottery and Gaming Act Amendment Act, 1954, and to make any rules necessary for that purpose.

(7c) The Executive Committee of the League may appoint an Appeal Committee to hear and determine appeals against the decisions of trotting stewards.

(c) by inserting therein after subsection (8) the following subsection :—

(9) In this section “ affiliated club ” or “ club affiliated with the League ” means a club for the time being registered by the League pursuant to the constitution of the League.

(2) Section 22a of the principal Act is further amended—

(a) by striking out the word “ board ” in the sixth line of subsection (3) and inserting in lieu thereof the word “ League ” ;

(b) by striking out at the end of subsection (3) the words “ from the first day of January next following his nomination ” and inserting in lieu thereof the words “ if he had been nominated by the trotting club ”.

Amendment of
principal Act,
s. 29—

Club to
render account.

5. Section 29 of the principal Act is amended by adding at the end of subsection (3) thereof the following passage :—

Where any person makes a claim to the Treasurer for payment of any such dividend within twelve months after the day when the dividend became payable, and the Treasurer is satisfied that that person is the holder of a totalizator ticket which would have entitled him to obtain payment of the dividend from the club if a claim had been made within two months after the day when the dividend became payable, the Treasurer may, out of moneys provided by Parliament for the purpose pay the amount of the dividend to the said person.

Amendment of
principal Act,
s. 51—
Extending
provisions to
gaming with
coin, etc.

6. Section 51 of the principal Act is amended by striking out all the words therein after the words “ shall be ” in the eighth line thereof and inserting in their place the words “ guilty of an offence : Penalty: Fifty pounds ”.

7. Section 60 of the principal Act is amended by striking out paragraph (2) therein and inserting in its place the following paragraph :—

Amendment of principal Act, s. 60—

Betting and inviting to subscribe to a bet or sweepstakes.

(2) For a second or subsequent offence the court may in lieu of imposing a fine order that the defendant be imprisoned for not more than six months.

8. Section 71 of the principal Act is amended by striking out the word "four" in the second line of paragraph (a) of subsection (3) thereof and inserting in its place the word "twenty-one".

Amendment of principal Act, s. 71—

Power of the police.

9. Section 98 of the principal Act is repealed.

Repeal of s. 98 of principal Act
Incriminating evidence.

10. Section 99 of the principal Act is amended by inserting after the words "horse race" in the first line of paragraph (b) thereof the words "trotting race".

Amendment of principal Act, s. 99—
Allegation to be *prima facie* proof.

11. Section 103 of the principal Act is amended—

Amendment of principal Act, s. 103—

Prima facie evidence of unlawful gaming.

(a) by striking out the words "Whenever any place is entered under a warrant under the provisions of this Act" in the first and second lines thereof;

(b) by striking out the word "therein" in the second line thereof and inserting in its place the words "in any place".

12. Section 111 of the principal Act is repealed.

Repeal of s. 111 of principal Act—

More than one offence may be charged in complaint.

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

R. A. GEORGE, Governor.