

## TASMANIA.

## THE GAMING ACT 1935.

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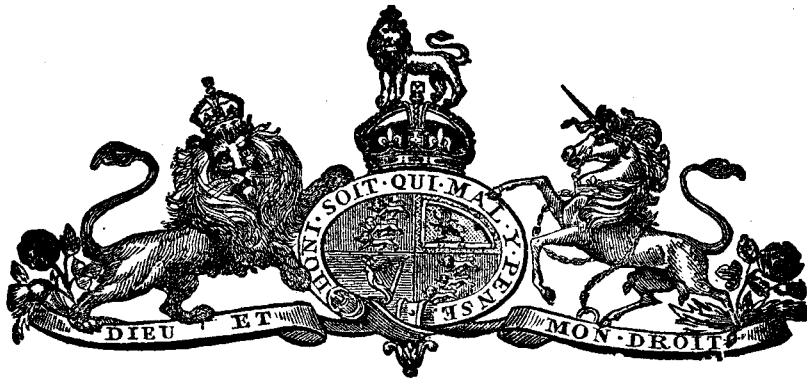
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ANNO VICESIMO SEXTO

GEORGII V. REGIS.

No. 31.



AN ACT to consolidate and amend the Law relating to Lotteries, Gaming, and Wagering, and the Suppression of Public Betting and Gaming. [11 October, 1935.]

A.D. 1935.

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

PART I.  
PRELIMINARY.

- 1 This Act may be cited as the *Gaming Act 1935*. Short title
- 2 The enactments set forth in the first schedule are hereby repealed. Repeal.

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Application of  
this Act.**3** Nothing in this Act shall apply to—

- i. Any totalisator lawfully used in accordance with the provisions of the *Totalisator Act* 1934 or to any person so using the same or betting thereon or therewith : or
- ii. Any person betting in accordance with the provisions of the *Bookmakers Act* 1932.

Interpretation.

**4** In this Act, unless the contrary intention appears—

“ Club ” means any association or body of persons having for its object, or one of its objects, the conduct of any sport, exercise, game, or pastime :

“ Place ” means any house, room, premises, or place used or alleged to be, or to have been, used as mentioned in Part II., Part III., or Part IV. :

“ Public place ” means a public place as defined in the *Police Offences Act* 1935, and includes a common gaming-house:

“ Sporting contingency ” means any contingency relating to any horserace or other race, fight, game, sport, or exercise :

“ To bet ” includes the act of a person who—

- i. Bets or wagers :
- ii. Pays, receives, or settles any bet or wager : or
- iii. Offers or agrees to bet or wager, or to pay, receive, or settle any bet or wager—  
whether for himself or on behalf of any other person ; and any person who co-operates with another in connection with the doing of any such act is deemed to bet.

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**PART II.**
**LOTTERIES.**Lotteries  
unlawful.**5** Except as otherwise specially provided by this Act, every lottery is hereby declared to be unlawful and to constitute a common nuisance.Power to  
Treasurer to  
grant and issue  
licences.**6**—(1) It shall be lawful for the Treasurer, in his discretion, to grant and issue to any person who, in the opinion of the Treasurer, is a fit and proper person to conduct the same, a licence to conduct lotteries in this State in accordance with the prescribed conditions and upon such person giving to the Treasurer such security as may be prescribed.

2) Every such licence shall be in the prescribed form, and, while in force, shall entitle the holder thereof to carry on the business of conducting lotteries in this State subject to and in accordance with this Act and the prescribed conditions.

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**7** Where any person being concerned in the management or control of any fair, bazaar, or similar function, the profits from which are intended to be devoted exclusively to charitable purposes, notifies the Attorney-General in writing, setting forth the address of such person, not less than ten days before the day on which such function is to be held, that it is intended to conduct a raffle at such function, it shall be lawful for such raffle to be so conducted unless the Attorney-General, not less than seven days before such day, forbids the same by writing addressed and delivered or sent by post to such person at the address set forth as aforesaid, but no article, the value of which exceeds ten pounds, shall be so raffled.

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Power to Attorney-General to authorise certain lotteries.

**8—(1)** Each of the following games—

- i. The game known as faro or any similar game :
- ii. The game known as roulette or any similar game :
- iii. Every game invented, or to be invented, with one or more dice or with any other instrument, engine, or device in the nature of dice having one or more numbers or figures thereon (backgammon and other games with the backgammon tables only excepted)—

Certain games declared to be lotteries.

12 Geo. II., c. 28.

18 Geo. II., c. 34.

13 Geo. II., c. 19.

Cf. Vict., 3749.

90.

is declared to be a lottery.

(2) Every game which is declared to be a lottery or which is in fact a game by way of lottery shall be deemed to be an unlawful game and within the meaning of the expression, "unlawful game" in any Act.

**9—(1)** No person shall—

- i. Keep any place for the purpose of any illegal lottery being carried on or conducted therein : or
- ii. Knowingly suffer an illegal lottery to be carried on or conducted in his place.

Offences.

42 Geo. III., c.

19.

Cf. Vict., s. 91.

Penalty: Two hundred pounds; and for any subsequent offence besides such penalty six months' imprisonment.

10 Wm. III., c.

23.

8 Geo. I., c. 2.

12 Geo. II., c. 28.

13 Geo. II., c. 19.

18 Geo. II., c. 34

Cf. Vict., s. 91.

(2) No person shall play, draw, throw, stake, or adventure at or in any lottery or contribute any money or other valuable property, matter, or thing to any sale or disposition of property by way of lottery, not authorised by this Act.

6 Geo. II., c. 35

42 Geo. II., c.

119.

Penalty : Fifty pounds.

**(3)** No person shall—

- i. Receive or cause to be received any money or other valuable property, matter, or thing in consideration of any money or other valuable property, matter, or thing to be paid, transferred, or given in case any ticket-number or chance in any lottery not authorised by this Act shall prove fortunate :

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- ii. On or under any pretence, form, denomination, or description whatsoever, promise or agree to pay, transfer, or give any money or other valuable property, matter, or thing, or to do or forbear doing anything for the benefit of any person, whether with or without consideration, on any event or contingency relating to the result of any lottery not authorised by this Act.

Penalty: One hundred pounds.

Other offences.  
Cf. Vict., s. 89.**10**—(1) No person shall—

- i. Print, publish, or exhibit any advertisement or information relating, or purporting to relate, to:
  - ii. Permit or suffer to be printed or published in any newspaper of which he is the proprietor, printer, or publisher, any information relating, or purporting to relate, to:
  - iii. Exhibit, or permit, or suffer to be exhibited, or assist in exhibiting in, on, or about, any land, building, or premises, any document containing any information relating to: or
  - iv. Print any ticket in or for—
- any lottery not authorised by this Act.

Penalty: One hundred pounds.

## (2) No person shall—

- i. Advertise any lottery in contravention of the regulations:
- ii. Conduct or take any part in conducting any lottery permitted or authorised as provided by section seven otherwise than as may be prescribed.

Penalty: Fifty pounds.

## (3) No person shall—

- i. Sell or offer for sale any ticket, share, or interest in any lottery not authorised by this Act: or
- ii. Distribute any tickets in any such lottery knowing that the same are intended for sale.

Penalty: Fifty pounds.

## (4) No person shall—

- i. Sell or offer for sale in any street or public place:
  - ii. Make a house to house canvas for the sale of: or
  - iii. Cause, procure, or permit any child under the age of sixteen years to sell or offer for sale—
- any ticket, share, or interest in any lottery.

Penalty: Twenty pounds.

## (5) For the purposes of subsection (4) hereof—

- i. A sale of a ticket, share, or interest in a lottery made in any building or place in which any fair, bazaar, or similar function is being carried on shall be deemed not to be made in a public place, if such lottery is conducted in pursuance of section seven, in connection with such function:

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- ii. A canvas shall be deemed to be made from house to house whether the same is made at private dwellings or business premises or both : and
- iii. A sale made or offered by or on behalf of any person in an office or shop occupied by such person shall not be deemed to be made or offered in a public place.

(6) No person shall sell or offer for sale any portion of or share in a ticket in any lottery unless he is the holder of a licence under section six or of a licence issued by the Treasurer as provided by subsection (7) hereof.

Penalty : One hundred Pounds.

(7) The Treasurer may issue to any person a licence authorising such person to sell portions of or shares in tickets in lotteries, subject to the following provisions :—

- i. Applications for any such licence shall be made to the Treasurer as prescribed, and the grant of any such licence shall be in the discretion of the Treasurer :
- ii. Every such licence shall be in the prescribed form, and may be revoked at any time in the discretion of the Treasurer :
- iii. The holder of every such licence shall pay to the Treasurer, as prescribed, a sum equal to one penny for every five shillings of the price of all tickets in any lottery purchased by such holder :
- iv. The holder of every such licence shall furnish to the Treasurer, as prescribed, a report, certified by an auditor licenced under the *Companies Act 1920*, of all transactions in connection with the sale by such holder of portions of or shares in tickets in any lottery :
- v. The Treasurer, if he thinks fit, may require the Auditor-General to check the accuracy of the information contained in any such report as is referred to in paragraph iv., and the Auditor-General may make the necessary investigations accordingly :
- vi. The holder of every such licence shall enter into or procure a bond, of such amount and with such conditions as the Treasurer may require, for the due performance of the obligations of such holder, and the amount and conditions of such bond may be varied at any time at the discretion of the Treasurer :
- vii. The Treasurer may require the holder of any such licence to observe any conditions, which the Treasurer may think fit to impose, for securing payment of the prize money in a lottery to the persons entitled thereto :
- viii. All circulars or other advertising matter issued by the holder of any such licence shall be subject to the approval of the Treasurer, who may prohibit the issue of any specified circular or advertising matter by any such holder :

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ix. The holder of any such licence shall not issue any ticket, representing any portion of or share in a ticket in any lottery, to be sold by any person other than such holder or his employees :

x. The amount to be charged by the holder of any such licence for any portion of or share in a ticket in any lottery shall not exceed the amount to be prescribed for such portion or share of such ticket, and the whole amount to be received in respect of any one ticket shall not exceed a prescribed amount in proportion to the price paid by such holder for such ticket.

(8) Subsections (6) and (7) hereof shall come into force on a date to be fixed by proclamation.

Evidence of  
certain lotteries.  
Cf. Vict., s. 92.

**11**—(1) The sale of a ticket or thing purporting to be, or usually or commonly known as, a Chinese lottery ticket, whether marked or otherwise, shall, unless the contrary is proved, be evidence of the existence of a lottery and of an undertaking to pay a sum of money or other prize to the purchaser or holder of or person producing such ticket on the event of such lottery, and in any proceedings it shall not be necessary to prove that any ticket purporting to be, or usually or commonly known as, a Chinese lottery ticket relates to any particular lottery or that any lottery has been or will be drawn.

(2) Where any document containing any notice relating to any lottery is exhibited on or about any land, building, or premises, it shall, unless the contrary is proved, be presumed to have been so exhibited by or with the permission of the occupier of such land, building, or premises.

## PART III.

## COMMON GAMING-HOUSES.

Warrant to enter,  
search, and seize  
on premises.

[8 and 9 Vict.,  
c. 109, s. 3].

55 Vict. No. 20.

**12**—(1) Any police magistrate, the mayor of any city, or the warden of any municipality, upon complaint made before him on oath that there is reason to suspect any place is kept or used as a common gaming-house, or that it is commonly reported and is believed by the deponent so to be, may give authority, if he shall think fit, by warrant under his hand in the form contained in the second schedule to any police officer to enter, with such assistance as may be found necessary, into such place, and if necessary to use force for making such entry, whether by breaking open doors or otherwise, and to arrest, search, and bring before any two justices all such persons as may be found therein and to seize all tables and instruments of gaming found in such place, and also to seize all moneys and securities for money found therein.

(2) The officer making such entry as aforesaid, in obedience to any such warrant, may search all parts of the place which he shall have so entered where he shall suspect that tables or instruments of gaming are concealed, and all persons whom he shall find therein, and may seize all tables and instruments of gaming found in such place, and also may seize all moneys found therein.



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**13**—(1) Until the contrary is proved it shall be sufficient in support of the allegation in any complaint that any place is a common gaming-house or place for gaming to prove that such place is kept or used for playing therein at any unlawful game, and that a bank is kept there by one or more of the players exclusively of the others, or that the chances of any game played therein are not alike favourable to all the players, including among the players the banker or other person by whom the game is managed, or against whom the other players stake, play, or bet.

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Evidence of being a common gaming-house.

(2) Every such place shall be deemed a common gaming-house or place for gaming such as is contrary to this Part and to all Acts relating to unlawful games or gaming-houses.

**14** Where—

- i. Any officer authorised under this Act to enter any place is wilfully prevented from or obstructed or delayed in entering the same or any part thereof:
- ii. Any external or internal door of, or means of access to, any such place shall be 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 officer authorised as aforesaid, or for giving an alarm in case of such entry: or
- iii. Any such 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 a common gaming-house.

it shall be evidence, until the contrary is proved, that such place is used as a common gaming-house within the meaning of this Act and that the persons found therein were unlawfully playing therein.

**15** It shall not be necessary, in support of any complaint for gaming in, or suffering any games or gaming in, or for keeping, or using, or being concerned in the management or conduct of a common gaming-house or place for gaming, to prove that any person found playing at any game was playing for any money, wager, or stake.

Proof of gaming for money.

**16**—(1) Where any cards, dice, balls, counters, tables, or other instruments of gaming such as are commonly used in playing any unlawful game are found in any place suspected to be used as a common gaming-house or place for gaming, and entered under a warrant under the provisions of this Part, or about the person of any of those who shall be found therein, it shall be evidence, until the contrary is proved, that such place is used as a common gaming-house, and that the persons found in the room or place where such tables or instruments of gaming shall have been found were playing therein, although no play was actually going on in the presence of the officer entering the same under such warrant, or in the presence of those persons by whom he shall be accompanied as aforesaid.

Evidence of gaming.

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(2) The justices before whom any person is taken by virtue of the said warrant may direct all such tables and instruments of gaming to be forthwith destroyed.

Penalties.

**17**—(1) No person shall—

- i. Being the owner or occupier, or having the use or control, of any place—
  - (a) Open, keep, or use the same : or
  - (b) Knowingly permit the same to be opened, kept, or used—

for the purpose of unlawful gaming being carried on therein :
- ii. Have the care or management of any place so opened, kept, or used, or in any way assist in conducting the business of any such place : or
- iii. Advance, furnish, or provide money for the purpose of gaming with persons frequenting any place so open, kept, or used.

Penalty : Two hundred pounds or six months' imprisonment.

(2) Upon the conviction of any person under any of the provisions of subsection (1) hereof, all tables, instruments of gaming, and money which shall have been seized as provided by this Part shall be forfeited to His Majesty unless the court before whom such person is convicted shall otherwise order and direct.

(3) No person shall—

- i. Wilfully prevent any officer authorised under this Part to enter any place from entering the same or any part thereof :
- ii. Obstruct or delay any such officer in so entering :
- iii. By any bolt, bar, chain, or other contrivance, secure any external or internal door of any place so authorised to be entered, or interfere with the means of access thereto: or
- iv. Use any means or contrivance whatsoever for the purpose of preventing, obstructing, or delaying the entry of any officer authorised as aforesaid into any such place or any part thereof.

Penalty : Fifty pounds or three months' imprisonment.

(4) No person shall, without lawful excuse, be found in any place kept or used as, or deemed to be, a common gaming-house.

Penalty : Five pounds.

(5) No person found in any place entered by any officer authorised under this Part to enter the same, upon being arrested by any such officer, or upon being brought before any justice, if required by such officer or by such justice to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address.

Penalty : Twenty-five pounds or one month's imprisonment.

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## PART IV.

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## BETTING AND GAMING.

**18—**(1) Except where otherwise specially provided, no place shall be opened, kept, or used for the purpose of— Unlawful betting places.

- 6 Geo. V. No. 7, s. 3
- i. The owner, occupier, or keeper thereof, or any person using the same, or any person procured by or acting for or on behalf of any of the persons aforesaid, or any person having the care or management or in any way conducting the business thereof, betting with any person whomsoever, either—

- (a) In person :
- (b) By messenger or agent :
- (c) By post, telephone, or telegraph : or
- (d) In any other manner : or

- ii. Any money or valuable thing being received by or on behalf of the owner, occupier, or keeper thereof or any person acting as aforesaid as or for the consideration for—

- (a) Any assurance or undertaking to pay or give : or
- (b) Securing the paying or giving by some other person of—

any money or valuable thing on any sporting contingency—

and every place so opened, kept, or used for all or any of the purposes aforesaid is hereby declared to be a common nuisance and contrary to law.

(2) Every such place as aforesaid is hereinafter referred to as an unlawful betting-place.

**19—**(1) No person shall—

- i. Open, keep, or use :
  - ii. Knowingly and wilfully permit any house or premises of which he is the owner or occupier, or of which he has control, to be opened, kept, or used as : or
  - iii. Have the care or management of : or
  - iv. In any manner assist in conducting the business of—
- an unlawful betting-place.

Penalty : Minimum, twenty pounds ; maximum, one hundred pounds.

(2) No person—

- i. Being the owner or occupier of any unlawful betting-place :
  - ii. Acting for or on behalf of any such owner or occupier : or
  - iii. Having the care or management, or in any manner assisting in conducting the business, of any unlawful betting-place—
- shall directly or indirectly receive any money or valuable thing—

- (a) As a deposit on any bet on condition of paying or giving : or

Keeping or using unlawful betting-places.

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(b) As or for the consideration for any undertaking to pay or give thereafter—  
any money or valuable thing on the happening of any sporting contingency.

Penalty : Fifty pounds or three months' imprisonment.

(3) No person shall give any acknowledgment on the receipt of any money or valuable thing (received as mentioned in subsection (2) hereof), purporting or intended to entitle the bearer or any other person to receive any money or valuable thing on the happening of any sporting contingency.

Penalty : Fifty pounds or three months' imprisonment.

Advertising  
unlawful betting-  
places.

**20**—(1) No person shall—

i. Exhibit or publish, or cause to be exhibited or published :  
ii. Knowingly permit to be exhibited or published on any land or property under his control—  
any placard, handbill, card, sign, or writing whereby it is made to appear that any place is opened, kept, or used for the purpose of betting or making bets or wagers or for the purpose of exhibiting lists for betting, or with intent thereby to induce any person to resort to such place for the purpose of betting.

Penalty : Fifty pounds or three months' imprisonment.

(2) No person shall—

i. Being the owner or occupier or being otherwise concerned in the business of an unlawful betting-place : or  
ii. For or on behalf of such owner, occupier, or person as aforesaid—  
invite any person to resort to such place for the purpose of betting.

Penalty : Fifty pounds or three months' imprisonment.

(3) No person shall send, exhibit, or publish, or cause to be sent, exhibited, or published, any letter, circular, telegram, placard, handbill, card, or advertisement—

i. Whereby it is made to appear that any person in Tasmania or elsewhere will, on application, give information or advice for the purpose of or with respect to such bet or wager or any such event or contingency as is mentioned in this Part, or will make on behalf of any other person any such bet or wager as is mentioned in this Part : or  
ii. With intent to induce any person, whether any particular person, or generally, to apply to any place, or to any person, with the view of obtaining information or advice for the purpose of any such bet or wager, or with respect to any such sporting event or contingency.

Penalty : Fifty pounds or three months' imprisonment.

37 Vict., c. 15,  
s. 3.

Betting with  
infants.

55 and 56 Vict.,  
c. 4, s. 1 (1).

**21**—(1) No person shall—

i. Make, or offer to make, any bet or wager with any person whom he knows to be an infant, or with any person on behalf of such infant :

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- ii. For the purpose of earning any commission, reward, profit, benefit, or advantage, send or cause to be sent to any person whom he knows to be an infant any circular, notice, advertisement, letter, telegram, or other document which invites or may reasonably be implied to invite the person receiving it to make any bet or wager or to enter into or take any share or interest in any betting or wagering transaction, or to apply to any person or at any place with a view to obtaining information or advice for the purpose of any bet or wager, or for information as to any race, game, sport, or other contingency upon which betting or wagering is generally carried on.

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Penalty : One hundred pounds or six months' imprisonment.

(2) If any such circular, notice, advertisement, letter, telegram, or other document as in this Part mentioned is sent to any person at any university, college, school, or other place of education, and such person is an infant, the person sending or causing the same to be sent shall be deemed to have known that such person was an infant unless he proves that he had reasonable grounds for believing such person to be of full age, and the same shall be deemed to have been so sent for the purpose of earning commission, reward, profit, benefit, or advantage, unless he proves to the contrary.

Knowledge of infancy presumed where circular sent to infant at school, &c.

*Ib.*, s. 3.

(3) Any person named in any such document and appearing therefrom to be the person with whom any such bet may be made, or from whom any such information as aforesaid may be obtained, shall be deemed to be the sender thereof until the contrary is proved.

(4) Any person who makes a bet with or wagers with any person who is apparently an infant shall if such person is an infant be deemed to have known that such person was an infant unless he proves that he had reasonable grounds for believing and did believe such person to be of full age.

Persons betting with apparent infants to be deemed to have knowledge of infancy.

**22** No person shall carry on the business of betting unless he is registered as a bookmaker under the *Bookmakers Act* 1932.

Unauthorised betting.

Penalty : For a first offence, one hundred pounds ; for any subsequent offence, three months' imprisonment.

**23**—(1) No person, either personally or by means of any agent, shall—

Betting in public places.  
6 Geo. V. No. 30, s. 4.

i. Bet in any public place : or

ii. Frequent, loiter in, use, or be in any public place for the purpose of betting.

Penalty : Minimum, twenty pounds ; maximum, one hundred pounds ; and for a second or subsequent offence, three months' imprisonment.

(2) In any proceedings in respect of an offence under paragraph i. of subsection (1) hereof, if the court is of opinion that any money or thing proved to have been given to, or received, or paid by, or offered,

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or agreed to be given to, or received, or paid by the accused person, or any person on his behalf was given, received, or paid, or offered, or agreed to be given, received, or paid in circumstances which in the mind of the court raise a reasonable suspicion that a contravention of the provisions of that paragraph has been committed in respect thereof, such giving, receiving, or paying, or offer, or agreement to give, receive, or pay, shall be deemed, until the contrary is proved, to be evidence of the commission by the defendant of the offence with which he is charged in such proceedings.

Removal of  
certain persons  
from sports-  
grounds.

6 Geo. V. No.  
30, s. 7.

**24**—(1) If the committee or other governing body of any club having the control of any place where any sporting event is being, or is about to be, held has reasonable ground for believing that any person found in such place—

- i. Is an unlawful bookmaker :
- ii. Is, or on that day has been, engaged in betting unlawfully in such place: or
- iii. Makes a practice of betting unlawfully—

such committee or other body may cause such person to be removed from such place by an agent or servant of such club or by a police officer.

(2) The direction or request of such committee or governing body shall be sufficient authority to such agent, servant, or officer, as aforesaid, or to any police officer, to remove such person accordingly.

(3) No person—

- i. Removed from any place as provided by this section shall re-enter such place on the day of such removal: and
- ii. Warned as provided by section twenty-six not to be present or attend at any ground shall enter or be in such ground on any day to which such warning applies.

Penalty: Fifty pounds or one month's imprisonment.

(4) Any person who contravenes the provisions of subsection (3) hereof may be arrested without warrant by any police officer.

Club may warn  
bookmaker, &c.,  
not to be present  
at sports.

*Ib.*, s. 8.

**25**—(1) Any club, by notice in writing under the hand of the secretary of the club, may warn any person known by the committee or other governing body of the club to be or suspected by them of being an unlawful bookmaker, or known by them to make or suspected by them of making a practice of betting unlawfully, not to attend or be present at any sports promoted, held, conducted, or controlled by that club, and that he will not be admitted to any ground on which any such sports are about to be, or may at any time thereafter be, held or conducted.

Notice to be  
served personally.

(2) Any such notice shall be served personally on the person to be warned.

Notice may be  
cancelled.

(3) Any club may at any time cancel and rescind any such notice as aforesaid, if they are satisfied that there is no reason for allowing it to remain in operation.

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**26** The provisions of sections twenty-four and twenty-five—

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- i. Shall extend to every ground of which any club therein mentioned has control at the relevant time, whether or not the same is owned by such club or is at any other time subject to any right of public use or entry : and
- ii. Shall be in addition to, and not in derogation of, any other powers which such club may possess.

Application of sections 24 and 25.

**27** No proceedings in respect of an offence against the provisions of this Part shall be commenced after the expiration of ninety days from the time the offence is alleged to have been committed.

Limitation of proceedings.

**28** Nothing in this Part shall apply to any lottery authorised by or under this Act.

Saving of authorised lotteries.

## PART V.

### UNLAWFUL GAMES.

**29**—(1) Each of the following games is declared to be an unlawful game, and the playing thereof unlawful gaming—

Certain games declared to be unlawful.

- i. The Chinese game of fan-tan or any similar game :
- ii. The game known as two-up or any similar game :
- iii. The games of ace of hearts, faro, basset, hazard, passage, roulette, or any game similar to any of these, and every game of dice except backgammon :
- iv. Any game in which the chances are not alike favourable to all the players, including among the players the banker or other person by whom the game is managed or against whom the other players bet, play, or stake :
- v. Any game with cards or any other instruments of gaming wherefrom any person derives a percentage or share of the amount or amounts wagered.

(2) No person shall play an unlawful game.

Penalty : Ten pounds or one month's imprisonment.

(3) No person shall play an unlawful game in any public place.

Penalty : Twenty pounds or three months' imprisonment.

(4) Every person who shall, by any fraud or unlawful device or ill-practice in playing at or with cards, dice, tables, or other game, or in bearing a part in the stakes, wagers, or adventures, or in betting on the sides or hands of them that do play, win from any other person to himself or any other any sum of money or valuable thing, shall be deemed guilty of obtaining such money or valuable thing from such other person by a false pretence with intent to cheat or defraud such person of the same, and being convicted thereof shall be punished accordingly.

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## PART VI.

## PROCEDURE AND GENERAL PROVISIONS.

Certain persons  
required to give  
evidence.

**30**—(1) No person, not being the defendant, who is called or examined as a witness on the hearing of any proceeding in any court in respect of any offence committed or alleged to have been committed against any of the provisions of this Act, shall be excused from being so examined, or from answering any question put to him as such witness, on the ground that his evidence or the answer to any question might tend to incriminate him or render him liable to a prosecution.

(2) Every such person, who shall upon such examination, in the opinion of the adjudicating magistrate, justices, or judge, make a true and faithful discovery to the best of his knowledge of all matters as to which he is examined, shall receive from the adjudicating magistrate or justices, or from the judge of the court, a certificate in writing to that effect, and thereupon, but not otherwise, be free 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.

(3) If any action or other proceeding be at any time pending in any court against any person so examined in respect of any act or thing committed or done in contravention of this Act touching which he was so examined as a witness, in manner before mentioned, for any such matter or thing, such court shall, on the production and proof of such certificate, stay the proceedings in any such action or other proceeding, and may in its discretion award to such person such costs as he may have been put to by such action or other proceeding.

Persons unlaw-  
fully betting may  
be arrested and  
searched.

23 Geo. V. No.  
39, s. 24.

**31**—(1) If the Commissioner of Police has reasonable grounds for believing that any person is carrying on the business of betting in any place, whether a public place or not, otherwise than in accordance with the *Bookmakers Act 1932*, any police officer who is authorised generally or specially by the Commissioner in that behalf may enter and search such place.

(2) Such officer may thereupon arrest such person without warrant, and may search such person, and may take possession of all money, books, papers, or tickets found upon such person, or in such place which, in the opinion of such officer, constitute or contain evidence tending to show that such person was, or had been, engaged in betting unlawfully.

(3) Any such books, papers, or tickets as aforesaid may be used in evidence in any proceedings which may be taken against such person in respect of any offence alleged to have been committed by him at the time of, or prior to, such search, and the onus of proving that such money, books, papers, or tickets as aforesaid do not relate to, or are not in anywise connected with, any act of unlawful betting shall lie upon the person so charged.



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**32**—(1) If any police officer of or above the rank of sergeant who is authorised in that behalf by the Commissioner of Police believes on reasonable grounds that any person—

- i. Is or has recently been unlawfully betting in a public place :
  - ii. Is in any public place for the purpose of betting unlawfully —
- he may arrest such person without warrant.

(2) Such officer may require any person so arrested to accompany him to a private room in some hotel, public-house, or racecourse, in the vicinity, and may there search such person, and may retain any books, papers, or tickets found upon such person, which contain any evidence tending to show that such person was or had been recently engaged in betting unlawfully.

(3) Any such books, papers, or tickets as aforesaid may be used in evidence in any proceedings which may be taken against the person from whom the same were obtained in respect of any offence alleged to have been committed by him at the time of, or immediately prior to, his arrest as aforesaid.

**33** In any proceedings in respect of offences against this Act, an allegation in the complaint that—

- i. At any relevant time—
  - (a) Any person was or was not a registered bookmaker:
  - (b) Any premises were or were not approved as provided by section nine of the *Bookmakers Act 1932*:  
or
  - (c) Any place was a public place within the meaning of this Act : or
- ii. On any specified day—
  - (a) A race-meeting took place, or was appointed to take place, at any specified place : or
  - (b) A horse, known by any specified name, competed in, or had been entered to compete in, any race at any such race-meeting—

as the case may be, shall be deemed to be proved until the contrary is proved.

**34** No police officer, or person, if such officer or person is acting under instructions from any officer of police of or above the rank of sergeant, shall be deemed to be an offender or accomplice in the commission of any offence against this Act, although such officer or person might but for this section have been deemed to be such an offender or accomplice.

**35**—(1) All contracts or agreements, whether by parole or in writing, by way of gaming or wagering, and all claims for money lent or advanced for the purpose of gaming, shall be null and void.

(2) No action shall be brought or maintained in any court for recovering any sum of money or valuable thing alleged to be won

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Power to search certain persons.

18 Geo.V. No. 94.

Evidence of certain matters.

Person acting under instructions of officer of police not deemed offender or accomplice.

Wagers not recoverable at law.

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upon any wager, or which shall have been deposited in the hands of any person to abide the event on which any wager shall have been made.

(3) The foregoing provisions of this section shall not apply to any subscription or contribution, or agreement to subscribe or contribute, for or toward any plate, prize, or sum of money to be awarded to the winner of any lawful game, sport, pastime, or exercise, or to any person receiving or holding any such thing for such purpose.

Exclusion of provisions of other Statutes.

**36** No person shall be prosecuted as for an offence in respect of any matter to which this Act relates otherwise than under the provisions of this Act or of the *Criminal Code* or of some future Act.

Regulations.

**37** The Governor may make regulations for the purposes of this Act.

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*Gaming.*

## THE FIRST SCHEDULE.

A.D. 1935.

Regnal Year and Number.	Title of Act.
42 Vict. No. 17 ....	<i>The Lotteries Act 1878</i>
55 Vict. No. 20 ....	<i>The Gaming Act 1891</i>
55 Vict. No. 35 ....	<i>The Lotteries Amendment Act 1891</i>
60 Vict. No. 7 .....	<i>The Suppression of Public Betting and Gaming Act 1896</i>
2 Ed. VII. No. 8 ....	<i>The Suppression of Public Betting and Gaming Act 1902</i>
4 Ed. VII. No. 12 ...	<i>An Act to amend the Suppression of Public Betting and Gaming Act 1902</i>
6 Geo. V. No. 30 ....	<i>The Suppression of Public Betting and Gaming Act 1915</i>
12 Geo. V. No. 4 ....	<i>The Suppression of Public Betting and Gaming Act 1921</i>
18 Geo. V. No. 94 ....	<i>The Suppression of Public Betting and Gaming Act 1927</i>
20 Geo. V. No. 89 ....	<i>The Suppression of Public Betting and Gaming Act 1929</i>

## THE SECOND SCHEDULE.

## FORM OF WARRANT.

Section 12.

TASMANIA }  
TO WIT. }

To A.B., Superintendent of Police for the City of Hobart [*or as the case may be.*]

WHEREAS it appears to me, W.T., a Police Magistrate [*or as the case may be*], by the complaint on oath of A.B., of \_\_\_\_\_, Superintendent of Police, that the house [room, premises, *or* place], known as [*here insert a description of the house, room, premises, or place by which it may be readily known and found*], is kept and used as a common gaming-house within the meaning of the *Gaming Act, 1935*.

This is, therefore, in the name of His Majesty, to require you, with such assistants as you may find necessary, to enter into the said house [room, premises, *or* place] and, if necessary, to use force for making such entry, whether by breaking open doors or otherwise, and there diligently to search for all instruments of unlawful gaming which may be therein, and to arrest, search, and bring before me, or some other justice or justices, as well the keepers of the same as also the persons there haunting, resorting, and playing, to be dealt with according to law; and for so doing this shall be your warrant.

J.P.

Given under my hand at  
in Tasmania, this \_\_\_\_\_  
day of \_\_\_\_\_

Via

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