



1944.

ANNO OCTAVO ET NONO
GEORGII VI. REGIS.

No. 23.

ANALYSIS.

1. Short title and citation.
2. Imposition and payment of lottery duty.
3. Permissible lotteries.
4. Certain games declared unlawful.
5. Repeal of the *Gaming Act* 1940.



AN ACT to amend the *Gaming Act* 1935.
[14 December, 1944.]

A.D.
1944.

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:—

1—(1) This Act may be cited as the *Gaming Act* 1944.

Short title
and citation.

(2) The *Gaming Act* 1935*, as subsequently amended, is in this Act referred to as the Principal Act.

2—(1) Section six A* of the Principal Act is amended by omitting subsection (4) and substituting therefor the following subsection—

Imposition
and payment
of lottery
duty.

“(4) For the purposes of this section, the amount payable by way of prizes in any lottery shall be ascertained by deducting from the total amount of the subscriptions to the lottery an amount equal to ten per centum of those subscriptions.”.

* 26 Geo. V. No. 31, as amended by 4 Geo. VI. No. 29, 6 Geo. VI. No. 42, and by Statute Law Revision. (See Reprint of Statutes, Vol. IV., page 381.)

Gaming.

A.D. 1944. (2) This section shall be deemed to have commenced on the date of the commencement of the *Gaming Act 1942**.

Permissible
lotteries.

3 Section seven of the Principal Act is amended—

(a) by deleting the word “ten” (last occurring) in subsection (1) and substituting therefor the word “fifty”; and

(b) by omitting subsections (2) and (3) and substituting therefor the following subsections—

“(2) Notwithstanding anything contained in subsection (1), the Governor may, by order-in-council, authorise any person or body specified in the order to dispose, by way of raffle, of any article or property so specified in any case where he is satisfied that the proceeds of the raffle are to be devoted exclusively to any patriotic, charitable, or special purposes.

(3) A raffle authorised by subsection (2) shall be conducted subject to such conditions as may be prescribed.”.

Certain games
declared
unlawful.

4 Section twenty-nine of the Principal Act is amended by adding at the end thereof the following subsections—

“(6) Any police officer authorised either generally or specially by the Commissioner of Police in that behalf, who has reasonable grounds for believing that in any premises or place (whether a public place or not), any person has in his custody or possession or under his control, or is operating or playing upon, any instrument or device declared by this section to be unlawful, may enter and search such premises or place, and may search any person found therein, and may seize and take possession of any such instrument or device.

(7) Where any person is convicted of an offence against this section the court shall order to be forfeited to His Majesty the instrument or device in respect of the use or possession of which the conviction is imposed.

(8) Every instrument or device which has been forfeited to His Majesty in pursuance of subsection (7) shall be destroyed at such time and place as the Minister directs.

(9) No action, claim, or demand whatsoever shall be made or allowed by or in favour of any person against His Majesty or the Minister or any police officer acting in good faith in the execution of this Act, for or in respect of any damage, loss, or injury sustained or alleged to have been sustained by reason of the seizure or destruction of any instrument or device in pursuance of this section.”.

Repeal of the
Gaming Act
1940

5 The *Gaming Act 1940*† is repealed.

* See 6 Geo. VI. No. 42.

† 4 Geo. VI. No. 29.