



ANNO SECUNDO

EDWARDI VII REGIS.

A.D. 1902.

No. 812.

An Act to amend the Gaming Law.

[Assented to, November 13th, 1902.]

BE it Enacted by the Governor, with the advice and consent of the Parliament of South Australia, as follows:

1. In this Act the words—

Interpretation.

“This Act” shall mean and include “The Lottery and Gaming Act, 1875,” the “Totalizator Repeal Act,” “The Lottery and Gaming Act, 1888,” and “The Gaming Further Suppression Act, 1897”:

“Registrar” shall mean the Registrar of Companies under “The Companies Act, 1892,” or any Act incorporated therewith:

“Unlawful gaming” shall include the doing or suffering of any act or thing prohibited by this Act, or in respect of the doing or suffering of which any penalty or punishment is provided by this Act.

2. Section 10 and 11 of “The Gaming Further Suppression Act, 1897,” are hereby repealed.

Secs. 10 and 11 of Act 685 of 1897 repealed.

3. Any person who shall be convicted of unlawful gaming shall be liable to a penalty of not more than Two Hundred Pounds.

Penalty for unlawful gaming.

4. If on the hearing of any information against any person for unlawful gaming the Court shall be of opinion that any money or thing which shall to their satisfaction be proved to have been given

Evidence as to offences.

to,

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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 this 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 such information.

Discretion of
Registrar of
Companies.

5. Notwithstanding anything contained in any Statute heretofore made, the Registrar of Companies shall not be required to register any club, association, or persons as a company under the provisions of "The Companies Act, 1892," or under any Act which may hereafter be passed 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 in any way contravene or evade the provisions and purposes of this Act, or any of them.

Powers of the police.

6. 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 Inspector or Sub-Inspector of Police that there are good grounds for believing and that he does believe that unlawful gaming is or is about to be carried on in or upon any place:

to give authority by warrant (in the form in the Schedule to this Act appended or to the like effect) to any constable, 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 such 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 seize all such dice, balls, counters, tables, or other instruments of gaming, money, lists, cards, papers, documents, or things found therein or thereupon or upon such persons as may reasonably be supposed to have been used or designed for use in connection with or in relation to such suspected offence, and to detain the same until the owner or owners thereof shall appear before a Special Magistrate or two Justices of the Peace to claim the same and satisfy such Magistrate or Justices how and for what purpose he or they became possessed of the same, and for what use or purpose the same were intended. And if the said

owner

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owner or owners do not appear before such Magistrate or Justices within four days after such seizure, or if he or they do so appear and do not show to the satisfaction of such Magistrate or two Justices after due examination that such dice, balls, counters, tables, or other instruments of gaming, money, lists, cards, papers, documents, or other things were not in or upon such house, office, room, or place, or upon such persons, for the purpose of being used in relation to or connection with any matter made unlawful by this Act, then such Special Magistrate or Justices may confiscate such dice, balls, counters, tables, or other instruments of gaming, money, lists, cards, papers, documents, and things, or otherwise dispose of them as they may deem fit.

7. 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 purposes 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. *Prima facie* evidence of unlawful gaming.

8. Every person found in any place used for unlawful gaming, without lawful excuse, shall be liable to a penalty not exceeding Twenty Pounds. Penalty.

9. On information being laid on oath before a Special Magistrate by any police constable stating that such constable has reasonable grounds of suspicion that the premises occupied by or under the control of any company registered under the provisions of "The Companies Act, 1892," are being or have been during such occupation or control by such company used for the purpose of unlawful gaming, such Special Magistrate may issue his summons to the manager, secretary, or directors of such 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 such summons, to answer the matter of such information and to show cause why the registration of such company should not be cancelled. And if the party or parties so summoned do not appear, or if upon the hearing of such information the party or parties so summoned shall fail to show to the satisfaction of such Special Magistrate that the premises in question were not used for the purpose of unlawful gaming, then such Special Magistrate may, by an order under his hand, declare the registration of the company named in such information to be cancelled. And upon such order being made, and immediately after the same shall have been published in the *Government Gazette*, the company in respect of which such order shall have been made shall for all purposes of law be deemed to be unregistered. Cancellation of registration of companies under certain circumstances.

10. The

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Evidence.

10. The allegation in any information laid under the next preceding section that any person is the secretary of the company named in such information, or that any person is the manager of such company, or that any person is a director of such company, or that the premises named are or have been in the occupation or under the control of such company, shall be *prima facie* evidence that such person is the secretary, manager, or director, as alleged, or that the premises are or have been in the occupation or under the control of such company, as the case may be.

Summary jurisdiction.

11. All proceedings under this Act shall, except as herein provided, be conducted as appointed by and shall be regulated by the Ordinance No. 6 of 1850, intituled an Ordinance "To facilitate the performance of the Duties of Justices of the Peace out of Sessions with respect to Summary Convictions and Orders," or any Act or Acts amending the same.

Title.

12. This Act may be cited for all purposes as "The Gaming Law Amendment Act, 1902."

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

S. J. WAY, Lieutenant-Governor.

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THE SCHEDULE.

*Search Warrant.*SOUTH 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
day of

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