



ANNO SEXAGESIMO ET SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

A.D. 1897.

No. 685.

An Act for the further Suppression of Gaming, and for other purposes.

[*Assented to, December 11th, 1897.*]

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—

Definition.

“This Act” shall mean and include “The Lottery and Gaming Act, 1875,” “The Totalizator Repeal Act,” and “The Lottery and Gaming Act Amendment Act, 1888”:

“Court” shall mean any Special Magistrate, or two or more Justices, sitting as a Court of Summary Jurisdiction under the provisions of Act No. 6 of 1850:

“Place” shall mean and include any house, office, room, tent, ship, building, erection, road, street, thoroughfare, alley, right-of-way (either public or private), and all land (whether public or private), enclosed or otherwise:

“Sweepstakes”—The word “sweepstakes” shall mean and include every transaction, scheme, device, or arrangement (expressed or implied) whereby any money or valuable thing shall be paid, contributed, or subscribed by any persons for the purpose of payment to or division among any person or persons in any proportions on any event or contingency dependent on the result of any race, game, sport, or exercise, whether such race, game, sport, or exercise shall be within or without South Australia.

2. Any

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Prohibition of betting with persons under twenty-one years of age.

2. Any person who shall make any bet or wager with any person who is under the age of twenty-one years, or shall offer to make any such bet or wager, shall be liable to a penalty of not more than One Hundred Pounds, or to imprisonment for any term of not more than six months, with or without hard labor.

Betting under twenty-one years.

3. Any person who, being under the age of twenty-one years, shall make a bet or wager with any other person, or shall offer to make any such bet or wager, shall be liable to a penalty of not more than Twenty Pounds.

Receiving money for gaming from infants.

4. Any person who shall, either directly or indirectly, receive from any person under the age of twenty-one years any money or any valuable thing upon the understanding or agreement, either expressed or implied, that such money or valuable thing shall be placed in or used, either directly or indirectly, for the purpose of any totalizator or sweepstakes, or betting or wagering, shall be liable to a penalty of not more than One Hundred Pounds, or to imprisonment with or without hard labor for any term not exceeding six months.

Promoting sweepstakes for reward.

5. Any person who shall, for fee, commission, reward, share, or interest, carry on any sweepstakes, or shall pay, deposit, or receive any money or valuable thing for or in respect of or relating to any such sweepstakes carried on as aforesaid, or shall give or receive any card, ticket, paper, document, or other thing relating to or in connection with any such sweepstakes, shall be guilty of an offence under this Act, and liable to a penalty not exceeding One Hundred Pounds, or imprisonment for any term not more than six months, with or without hard labor.

Totalizator agents prohibited.

6. No person shall for fee, commission, reward, share, or interest of any kind whatever, or upon any understanding or agreement, either express or implied, for such fee, commission, reward, share, or interest, receive from any other person any money for the purpose of placing, investing, or depositing the same in any totalizator, licensed or otherwise, or shall receive any money upon any such agreement, understanding, or intention that such money shall be so invested, placed, or deposited; and any person acting in contravention of this section shall be liable to a penalty of not more than One Hundred Pounds.

Licence to use totalizator.

7. Every application for a licence for the use of the totalizator under "The Lottery and Gaming Act Amendment Act, 1888," shall be made in writing (in the form in Schedule A hereto or to the like effect) by the chairman or secretary of the club seeking to be licensed.

Term of licence.

8. Every such licence as aforesaid shall be in force from the first day of January next after the making of such application until the succeeding thirty-first day of December (both dates inclusive); and such

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such licence shall entitle the club therein mentioned to use the totalizator upon the racecourse of such club upon the days only in such licence specified. Not more than one licence shall be granted to any one club during any one year.

9. The Commissioner of Police shall cause to be published in the *Government Gazette*, in the month of January in each year, particulars of all licences granted for such year, with the names of the clubs to which such licences have been granted, and the racecourses whereon and the dates upon which any such clubs are licensed to use the totalizator. *Gazette notice.*

10. It shall be lawful for any Special Magistrate or Justice of the Peace, upon complaint or information upon oath before him that there is reason to suspect that an offence is being or is about to be committed against this Act, in or upon any place, to give authority by warrant under his hand (in the form in Schedule B to this Act appended or to the like effect) to any constable, with such assistance as may be necessary, to enter into and upon and search such place at any time in the day or night, and if necessary to use force in making such 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 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 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 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 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 lists, cards, papers, documents, and things, or otherwise dispose of them as they may deem fit. *Powers of the police.*

11. On the hearing of any information for any offence under this Act the proof to the satisfaction of the Court that any money or valuable thing was given to or received, or paid by the accused person in relation to any offence under this Act, and under circumstances which to the Court shall raise a reasonable suspicion that such money or valuable thing was given to, or received, or paid by such accused person in contravention of this Act, shall be deemed *prima facie* evidence of the commission by the accused of the offence charged against him in such information. *Proof.*

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Power to amend.

12. It shall be held sufficient in any information under this Act if such information shall give the accused a reasonably clear and intelligible statement of the offence with which he is charged, and no conviction or warrant of commitment shall be held void, invalid, or quashed for any defect in substance or in form; and the Court shall amend every information which in their opinion is defective or ought to be amended, upon such terms as to costs, adjournment, or otherwise as the Court may think fit, and any Special Magistrate may amend any conviction or warrant of commitment at any time after the same has been signed and before the same has been executed.

Summary jurisdiction.

13. 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.

Accomplice.

14. No member of the Police Force or special constable acting under instructions from any police authority shall be deemed to be an accomplice in the commission of any offence against this Act or "The Lottery and Gaming Act, 1875," although such member or constable might but for this Act have been deemed to be such accomplice.

Certain games unlawful.

15. The games, tricks, or devices commonly known as the purse trick and the three card trick respectively are hereby declared to be unlawful within the meaning of "The Lottery and Gaming Act, 1875."

Exemption.

16. This Act shall not prevent the receipt, subscription, or payment of any money as entrance or nomination fees in respect of any lawful race, game, sport, or exercise, or as part of the prize or stakes therefor.

Totalizator exempted.

17. Nothing in this Act shall be held to repeal any of the provisions of "The Lottery and Gaming Act, 1888," relating to the use of the totalizator pursuant thereto.

Appeal to the Adelaide Local Court of Full Jurisdiction.

18. There shall be an appeal from any conviction by any Special Magistrate or Justices for any offence against this Act, and from any order dismissing the information or complaint or declaring any forfeiture, and from any other order, whether for the payment of costs or otherwise, made or purporting to be made under or in pursuance of this Act. Every such appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings on each such appeal shall be conducted in the manner appointed by the Ordinance No. 6 of 1850 for appeals to the Local Courts, or any Act or Acts amending the same, but the Local Court of Adelaide aforesaid may make such order as to the payment of the costs of appeal as it shall think fit although the amount of such costs may exceed Ten Pounds.

19. The

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19. The Local Court of Adelaide of Full Jurisdiction, upon hearing of any appeal under this Act, may state a special case for the opinion of the Supreme Court, which shall hear and decide such special case according to the practice of the Supreme Court on special cases, and shall make such order as shall seem to it just as to the costs of any such special case.

Local Court on hearing of appeal may state a special case.

20. This Act may be cited for all purposes as “The Gaming Further Suppression Act, 1897.”

Short title.

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

T. F. BUXTON, Governor.

SCHEDULES.

SCHEDULE A.

Form of Application for Licence.

To Esq., Commissioner of Police.
 I, the undersigned, being the _____ of the Racing Club called
 do hereby apply on behalf of such club for a licence under the
 "Lottery and Gaming Act Amendment Act, 1888," for the said club to use the
 totalizator on the racecourse situate at _____ during the year 18____, upon
 the days hereunder specified.

[*Here specify dates.*]

Dated the _____ day of _____ 18____.

SCHEDULE B.

Search Warrants.

SOUTH AUSTRALIA (*to wit*).

To _____
 Whereas it appears to me, _____, a Justice of the Peace, acting
 in and for the Province of South Australia, that there is reason to suspect that an
 offence is being or is about to be committed against "The Gaming Further Sup-
 pression Act, 1897," 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 into and upon and search such place at any time, and, if necessary,
 to use force in making such 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 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 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 _____ this
 day of _____ 189____.