



ANNO DUODECIMO

# GEORGII V REGIS.

A.D. 1921.

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## No. 1494.

An Act to further amend the Lottery and Gaming Act, 1917, and to amend the Lottery and Gaming Act Amendment Act, 1920, and for other purposes.

[Assented to, December 7th, 1921.]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Lottery and Gaming Act Amendment Act, 1921." Short titles.

(2) The Lottery and Gaming Acts, 1917 to 1920, and this Act may be cited together as the "Lottery and Gaming Acts, 1917 to 1921."

(3) In this Act the Lottery and Gaming Act, 1917, is referred to as "the principal Act." No. 1285 of 1917.

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read together as one Act. Incorporation with other Acts.

### *Amendments.*

3. The definition of "Unlawful gaming" contained in section 4 of the principal Act is amended by striking out the passage "and also 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" and substituting in lieu thereof the following passage:—"and also includes any contravention of or failure to observe any provision of this Act, whether such provision relates to unlawful gaming as hereinbefore defined or not." Amendment of s. 4 of principal Act—Definition of "Unlawful gaming."

4. Section

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Repeal of s. 17 of principal Act and substitution of new section.

Governor may make rules and regulations.

4. Section 17 of the principal Act is repealed and the following section is substituted therefor:—

17. The Governor may—

- (a) revoke or vary any of the rules and regulations set out in the Second Schedule hereto;
- (b) make new rules and regulations in addition to or in substitution for any of such rules and regulations;
- (c) make regulations—
  - i. for regulating the manner of approaching to and departing from totalizators;
  - ii. generally for regulating the conduct of persons in the vicinity of totalizators;
  - iii. authorising members of the Police Force to control and direct the conduct of persons in the vicinity of totalizators;
  - iv. providing for the compliance by persons in the vicinity of totalizators with the reasonable directions of members of the Police Force; and
  - v. imposing a penalty, not exceeding Ten Pounds, for the breach of any regulation made under the provisions of subdivision (c) of this section.

Amendment of principal Act, s. 23—

How club to deal with moneys paid into the totalizator.

5. Section 23 of the principal Act is repealed, and the following section is substituted therefor:—

23. (1) Every club—

- (a) may deduct and retain as commission out of the moneys paid into the totalizator in respect of any race a sum of money not exceeding seven and a half per centum of the moneys so paid into the totalizator; and
- (b) shall (after making such deduction, and any other deduction necessary to comply with the provisions of the Stamp Act Amendment Act, 1902), pay out by way of dividends all moneys paid into the totalizator, but so that it shall not be necessary—
  - (i.) in respect of a ticket issued on payment of any sum not exceeding Five Shillings, to pay out any smaller fraction of a Shilling than Three Pence; and
  - (ii.) in respect of a ticket issued on payment of any sum exceeding Five Shillings but not exceeding Ten Shillings, to pay out any smaller fraction of a Shilling than Six Pence; and
  - (iii.) in respect of a ticket issued on payment of any other sum, to pay out any fraction of a Shilling.

No. 789 of 1902.

(2) The

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(2) The amount remaining by reason of the non-payment of such fractions shall be paid by the club holding the same to such charitable purposes and in such amounts as the committee of the club, with the approval of the Commissioner of Police, thinks fit.

(3) If approval for the payment of any such amount is not obtained, and payment made in accordance with such approval, within six months from the date of the race meeting in respect of which such amount accrued, the chairman of the club making default shall be deemed to be guilty of an offence against this Act.

6. Section 24 of the principal Act is amended by adding after subsection (4) thereof the following subsections:—

Amendment of principal Act, s. 24—  
Club to render account.

(5) For the purpose of the recovery of the amount of any dividend which is payable under the provisions of subsection (3) hereof, such amount shall be deemed to be a debt due by the club to the Commissioner of Police, who may in his own name sue the club for the same in any Court of competent jurisdiction. In any such proceedings the Secretary of the club or any member of its committee or executive body may be named as defendant on behalf of the club, but no such person shall incur any personal liability by reason only of his having been so named.

(6) In any such proceedings a document purporting to be an account deposited by the defendant club under the provisions of subsection (1) hereof or of section 11 of the Lottery and Gaming Act Amendment Act, 1921, shall be admitted in evidence on its mere production from the custody of the Commissioner of Police, and, so far as its truth is not disproved by the defendant, shall be conclusive evidence of the truth of its contents.

7. Section 36 of the principal Act is amended by inserting—

Amendment of principal Act, s. 36—

(a) after the passage “the three card trick” the passage “thimble-rig”:

Thimble-rig and pitch-and-toss to be unlawful games.

(b) after the passage “two-up” the passage “pitch-and-toss”.

8. Section 38 of the principal Act is amended so as to read as follows:—

Amendment of principal Act, s. 38—

38. (1) No person shall be guilty of unlawful gaming.  
Penalty: One Hundred Pounds.

Unlawful gaming and playing of unlawful games prohibited.

(2) No person shall play at any unlawful game.  
Penalty: One Hundred Pounds.

(3) No person shall—

(a) be present at any unlawful gaming or at the playing of any unlawful game; or  
(b) be

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(b) be in any place in which any unlawful gaming is taking place, without lawful excuse (the proof of which excuse shall be upon him).

Penalty: Twenty Pounds.

Amendment of Act 1447, 1920, s. 44—  
Removal from race-courses of persons suspected of offences.

**9.** Section 44 of the principal Act is amended by striking out the words “engaged, or has on that day been engaged, in doing any act in contravention of any of the provisions of this Act” in the fifth, sixth, and seventh lines thereof, and substituting in lieu thereof the words “guilty of, or has on that day been guilty of, unlawful gaming”.

Amendment of principal Act by insertion of new section.

**10.** The principal Act is amended by inserting after section 48 thereof the following section:—

Occupier of common gaming house liable to penalty.

48A. No person shall be the occupier of a common gaming house.

Penalty—Five Hundred Pounds, or imprisonment for twelve months.

Amendment of Act 1447, 1920, s. 7 (2)—  
In fixing penalty Court may have regard to offences prior to passing of Act 1447, 1920.

**11.** Subsection (2) of section 7 of the Lottery and Gaming Act Amendment Act, 1920, is amended by striking out the words “for the purposes of the said section as hereby amended”, and substituting in lieu thereof the words “for the purpose of determining whether such person is liable to the penalty prescribed for a second or any subsequent offence by the said section 39 as hereby amended, but may be taken into consideration for any other purpose under the same circumstances and to the same extent as if this subsection had not been passed.”

Amendment of *ibid.*, s. 11—  
Half-crown totalizator.

**12.** Section 11 of the Lottery and Gaming Act Amendment Act, 1920, is amended by striking out the proviso to subsection (1) and substituting in lieu thereof the following proviso:—  
“Provided that the provisions of this section shall not apply in respect of any racecourse situated more than twenty miles from the General Post Office at Adelaide”.

Justices and other authorised persons may enter shop, factory, or club premises.  
Of. Licensing Act, 1917, s. 213.

**13.** (1) Any Justice, or any officer of the Police Force of rank not lower than sergeant, or any member of the Police Force authorised in writing by any such officer, may demand entrance at any time by day or night into any place which by virtue of section 3 of the Lottery and Gaming Act Amendment Act, 1920, is a public place.

(2) If admittance is refused or delayed for such time as makes it appear that wilful delay was intended—

(a) such Justice, officer, or member may break into and employ force to enter such place; and

(b) notwithstanding such breaking into and entry, the occupier of such place and the person to whom such demand was made shall be guilty of an offence against this Act, and shall be liable to a penalty for the first offence of not less than Five Pounds and not more than Twenty Pounds, and for any subsequent offence of not less than Ten Pounds and not more than Thirty Pounds.

(3) The

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(3) The authority of a member of the Police Force, referred to in subsection (1) of this section, may be limited to one or more specified occasions, or one or more specified localities, or one or more specified places, or may authorise such member to act generally as in the subsection mentioned without limitation as to occasion, locality, or place, or may be limited in any manner deemed proper by the officer giving such authority.

14. (1) If on the hearing of any information against any person for unlawful gaming, the evidence for the prosecution is such as to raise in the mind of the Special Magistrate or Justices hearing such information a reasonable suspicion that such person is guilty of the offence charged against him in such information, such evidence shall be deemed to be *prima facie* evidence that such person is guilty of such offence.

Reasonable suspicion sufficient to set up a *prima facie* case.  
Cf. 1285, 1917, s. 76.

(2) The provisions of this section shall not limit the effect of any provision of section 76 of the principal Act, and the provisions of that section shall not limit the effect of any provision of this section.

15. (1) Every racing club licensed under the principal Act to use the totalizator shall provide such a detention room as hereinafter mentioned on every racecourse whereon it is licensed to use the totalizator during every day that such club is licensed to use the totalizator thereon.

Racing clubs to provide detention rooms for use of Police.

(2) Such detention room shall be for the sole use of members of the Police Force on duty on such racecourse on such day in carrying out their duties, and shall be of such dimensions and so constructed and furnished and so situated as the Commissioner of Police thinks proper: Provided that, if the Club is dissatisfied with any requisition made by the Commissioner under this section, it may appeal to the Minister against such requisition, and the Minister's decision on the matter shall be final.

(3) If, in the opinion of the Commissioner of Police, a racing club has not complied with the provisions of this section after one month's notice has been given to the secretary of such club requiring such club so to comply, the Commissioner of Police may revoke the licence to use the totalizator issued to such club which is for the time being in force.

(4) This section shall not come into force until two months after the passing of this Act.

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

W. E. G. A. WEIGALL, Governor.