



ANNO TERTIO

GEORGII VI REGIS.

A.D. 1939.

No. 13 of 1939.

An Act to amend the Lottery and Gaming Act,
1936-1939.

[Assented to 9th November, 1939.]

BE 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, 1939 ". Short titles.

(2) The Lottery and Gaming Act, 1936-1939, as amended by and together with this Act, may be cited as the " Lottery and Gaming Act, 1936-1939 ".

(3) The Lottery and Gaming Act, 1936-1939, is hereinafter referred to as " the principal Act ".

2. (1) Section 37 of the principal Act is amended by adding at the end thereof the following paragraph :—

Amendment of
principal Act—
Fees payable
to the board.

(n) prescribing fees with regard to any of the matters mentioned in the fifth schedule to be paid to the board on any application for any licence, registration, or authority of any kind, or for the issue, transfer or renewal of any licence, registration, or authority of any kind granted or given by the board, or in respect of any other matter: Provided that no such fees relating to any of the matters mentioned in the fifth schedule shall exceed the fees set out in the said schedule with respect to the said matters.

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(2) The principal Act is amended by inserting therein after section 37 the following section :—

Application of fees.

37a. All fees received by the board shall be retained by the board and applied towards the costs of administration of this Part by the board.

(3) Section 41 of the principal Act is amended by striking out the words “ on application for licences ” in paragraph (a) of subsection (2) thereof and by inserting in lieu thereof the words “ to the board ”.

(4) All rules made by the board before the passing of this Act providing for the payment of any fees to the board shall be deemed to be as valid as if the powers conferred by subsection (1) of this section had been conferred by section 25f of the Lottery and Gaming Act, 1917 (as enacted by section 4 of the Lottery and Gaming and Licensing Acts Amendment Act, 1933), and section 37 of the principal Act from the time of their enactment, and the said Acts shall be construed as if the said Acts had, from the time of the enactment of the said sections respectively, provided that all fees payable to the board were to be retained by the board and applied towards the costs of the administration of Part IIIA. of the Lottery and Gaming Act, 1917, or, as the case may require, Part IV. of the principal Act.

Amendment of principal Act, s. 38—
Applications.

3. Section 38 of the principal Act is amended—

- (a) by inserting after the word “ licence ” in the first line thereof the words “ or for the registration of premises under this Part or for the granting of any authority ” :
- (b) by striking out subsection (2) thereof ;
- (c) by striking out the words “ for one year from its date ” in subsection (4) thereof and by inserting in lieu thereof the words “ for the period between the day whereon it was granted and the next succeeding thirty-first day of July ” ; and
- (d) by striking out the words “ for one year from its date ” in subsection (5) thereof and by inserting in lieu thereof the words “ for the period between the day whereon it was granted and the next succeeding thirty-first day of July ”.

Amendment of principal Act, s. 40—
Returns to board.

4. Section 40 of the principal Act is amended by striking out the words “ in the prescribed form and verified by statutory declaration ” in the second and third lines of subsection (3) thereof and by inserting in lieu thereof the words “ in the form fixed by the board from time to time ”.

5. (1) Section 44a of the principal Act is amended by inserting therein after subsection (8) thereof the following subsection :—

Amendment of principal Act, s. 44a—
Application of winnings tax.

(8a) During the financial year ending on the thirtieth day of June, nineteen hundred and thirty-nine, the amount to be distributed pursuant to paragraph (a) of subsection (8) of this section shall be eighteen thousand pounds less any amount distributed during the said financial year pursuant to subdivision (ii.) of paragraph (c) of subsection (2) of section 41 of this Act as enacted prior to the commencement of the Lottery and Gaming Act Amendment Act (No. 2), 1938.

(2) The amendment made by subsection (1) of this section shall be deemed to have been made at and to take effect from the nineteenth day of December, nineteen hundred and thirty-eight.

6. Section 47 of the principal Act is amended by inserting after the word "licence" in the fourth line thereof the words " or if the board is satisfied that the holder of any licence has been guilty of any conduct which in the opinion of the board renders him unfit to hold a licence ".

Amendment of principal Act, s. 47—
Cancellation of licences.

7. Part IV. of the principal Act is amended by adding at the end thereof the following section :—

Amendment of principal Act, Part IV.—

48b. The accounts of the board shall, once at least in every year, be audited by the Auditor-General who shall, in respect of those accounts, have all the powers which may be exercised by him under the Audit Act, 1921-1936, and any Act for the time being in force relating to the audit of public accounts.

Audit by Auditor-General.

8. The principal Act is amended by adding at the end thereof the following schedule :—

Amendment of principal Act:

THE FIFTH SCHEDULE.

The following are the maximum fees which may be prescribed by rules made pursuant to section 37 with respect to the matters hereunder mentioned :—

	£	s.	d.
On an application for a bookmaker's licence or renewal	1	0	0
On an application for a clerk's or deputy clerk's or agent's licence or renewal....	0	10	0
On an application for registration of premises or renewal	1	0	0
On an application to transfer registration of premises	1	0	0

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	£	s.	d.
For each permit to act as a deputy clerk which is issued to a licensed clerk and his licence is exhibited when the permit is obtained	0	5	0
For each permit to act as a deputy clerk to any other person or to a licensed clerk if his licence is not exhibited	0	10	0
For a permit to act as or on behalf of an authorized press agent (per annum)....	0	10	0
For authority to publish racing information (per annum)	100	0	0
Fees payable on an appeal in connection with a betting dispute.....	1	0	0
On registration of premises (per annum)..	5	0	0
If the board has directed that more than one bookmaker shall (if required) be accommodated on any registered premises, for each such additional bookmaker (per annum)	1	0	0
For the replacement of any lost licence, permit, authority, or registration certificate	0	2	6

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

C. M. BARCLAY-HARVEY, Governor.