



ANNO DECIMO NONO

GEORGII V REGIS.

A.D. 1928.

No. 1877.

An Act to amend the Lottery and Gaming Acts, 1917 to 1921, and certain provisions of the Stamp Duties Act, 1923, relating to Totalizator Duty, and for other purposes.

[Assented to, November 1st, 1928.]

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 Short titles. Amendment Act, 1928 ".

(2) The Lottery and Gaming Acts, 1917 to 1921, and this Act may be cited together as the " Lottery and Gaming Acts, 1917 to 1928 ".

2. Sections 3 to 8 inclusive of this Act are incorporated with the Incorporation. Lottery and Gaming Acts, 1917 to 1921, and section 9 is incorporated with the Stamp Duties Acts, 1923 and 1927.

Amendments of the Lottery and Gaming Act, 1917.

3. Part III. of the Lottery and Gaming Act, 1917, is amended by New section 16A— inserting therein after section 16 the following section :—

16A. (1) Every licence under this Part, whether issued before or after the enactment of this section, shall be deemed to be issued subject to the condition that the racing club to which it

Duty of racing clubs to prevent illegal betting.

is

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is issued shall if the Commissioner of Police or any Inspector or Sub-inspector of Police, informs the club or the secretary or any official thereof that he believes that any person on the racecourse on any day when races are being held is a book-maker, or is on the racecourse for the purpose of unlawful gaming, take or cause to be taken all necessary and lawful steps to remove and exclude that person from the racecourse and keep him excluded therefrom.

(2) If the Commissioner of Police is satisfied that any club has wilfully or negligently failed to comply with this section he may, with the approval of the Chief Secretary—

(a) revoke the licence of that club :

(b) suspend the said licence for such period as he thinks fit :

(c) if the licence is revoked, direct that no further licence shall be issued to the club within such period, not exceeding twelve months, as he thinks fit.

Amendment of
principal Act,
s. 39—
Penalties for being
in public place for
purpose of betting.

4. Section 39 of the Lottery and Gaming Act, 1917 (as amended by the Lottery and Gaming Act Amendment Act, 1920), is amended by striking out all the words therein after " Penalty " and inserting in lieu thereof the following passage :—

" For a first offence not less than Fifty Pounds and not more than Two Hundred Pounds :

For a second offence not less than Two Hundred Pounds and not more than Three Hundred Pounds :

For a third or any subsequent offence not less than Three Hundred Pounds, and not more than Five Hundred Pounds.

Notwithstanding the provisions of the Justices Act, 1921, or of any other Act, no Court shall have power to reduce the minimum penalties imposed by this section.

Where any person has, prior to the commencement of the Lottery and Gaming Act Amendment Act, 1928, been convicted once or oftener of an offence against this section, such convictions shall not be taken into consideration for the purposes of this section as amended by the said Act."

Amendment of
principal Act, s. 23—

5. Section 23 of the Lottery and Gaming Act, 1917 (as enacted by section 5 of the Lottery and Gaming Act Amendment Act, 1921), is repealed and the following section is substituted therefor :—

Mode of dealing
with moneys paid
into totalizator.

23. (1) Every club—

(a) shall deduct (for the purpose of being dealt with in accordance with this section) twelve and three-quarters per centum of the moneys paid into the totalizator in respect of each race ;

(b) shall,

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(b) shall, after making such deduction, 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.

(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 guilty of an offence against this Act.

(4) Out of the moneys deducted in accordance with subsection (1) of this section the club shall pay to the Commissioner of Stamps the duty payable under the Stamp Duties Act, 1923, in respect of the gross takings of the totalizator from which takings the moneys were deducted, and the balance of the moneys so deducted may be retained by the club as commission for the use and benefit of the club.

6. Part IV. of the Lottery and Gaming Act, 1917, is amended by inserting therein after section 44 the following section :—

Power for racing clubs to revoke tickets and remove persons from race-courses.

44A. (1) The committee of any racing club, or the secretary or any other official of a racing club when authorised by the committee thereof, may do any of the following things, namely :—

(a) at any time revoke either verbally or by writing any licence, right, or title which has been granted by or on behalf of the racing club or the committee thereof, whether to a member of the club or any other person, and which authorises any person to enter, be, or remain upon any racecourse on any one or more occasions when horse races are being run thereon :

(b) on any day when horse races are being held by the club, request any person who is upon or in the racecourse where the races are being held to leave the same :

(c) use

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(c) use all reasonable and necessary force to eject from the racecourse any person who having been so requested to leave neglects or refuses forthwith to do so.

(2) Any member of the Police Force, at the request of the committee of any racing club or the secretary or any official of any racing club, shall eject or assist in ejecting from the racecourse any person who having been requested to leave as aforesaid neglects or refuses forthwith to do so.

(3) The committee of a racing club shall not be liable to pay any compensation or damages whatsoever to any person in respect of the revocation of any licence, right, or title under this section, or the ejecting of any person from a racecourse under this section, except the amount of any valuable consideration paid for the licence, right, or title.

(4) Except as mentioned in subsection (3) no member of the Police Force nor other person, acting in good faith in the intended exercise of the powers conferred on him under this section, shall be liable to any proceedings, civil or criminal, in consequence of his having so acted.

(5) No person who has left a racecourse pursuant to a request under this section, or who has been removed from a racecourse under this section, shall, during the day on which he so left or was removed, re-enter or be again upon the racecourse. Penalty—Fifty Pounds.

(6) In this section, without limiting the meaning which the terms herein defined have elsewhere in this Act, the following terms shall have the following meaning, namely:—

“ Committee ” means the committee, executive, or other controlling body or person by whatever name called of a racing club, and includes any member of a committee as so defined :

“ Racing Club ” means any association of persons corporate or unincorporate which promotes or carries on horse racing or trotting races :

“ Racecourse ” includes the land and premises on which horse or trotting races are actually run, and all land and premises to which the public have access for the purposes of viewing the races and any other land or premises usually regarded as part of a racecourse or trotting ground.

Amendment of
principal Act,
s. 45—
Issue of search
warrants.

7. Section 45 of the principal Act is amended—

(a) by striking out the words “ or sub-inspector ” in the seventh line of subsection (1) thereof; and

(b) by striking out the words “ there are good grounds for believing and that he does believe ” in the eighth and ninth lines of subsection (1) thereof and inserting in lieu thereof the words “ he suspects ”.

8. Section

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8. Section 11 of the Lottery and Gaming Act Amendment Act, 1920 (as amended by section 12 of the Lottery and Gaming Act Amendment Act, 1921), is further amended by inserting at the end of the proviso to subsection (1) thereof the words “nor in respect of the racecourse known as the Onkaparinga racecourse”.

Amendment of 1447, 1920, s. 11—
Exemption of Onkaparinga racecourse from duty to provide half-crown totalizator.

Amendment of the Stamp Duties Act, 1923.

9. The paragraph in the Second Schedule to the Stamp Duties Act, 1923, prefixed with the word “Totalizator” is amended so as to read as follows:—

Amendment of Stamp Duties Act, 1923, relating to totalizator duty.

TOTALIZATOR.—There shall be payable for each day on which any totalizator is used by any racing club a duty calculated according to the gross takings of all the totalizators or other like machines used by the club on that day in accordance with the following scale:—

Where the said gross takings do not exceed £2,000 the duty shall be: $1\frac{1}{4}$ per centum of the gross takings.

Where the said gross takings exceed £2,000 but do not exceed £3,000 the duty shall be: $2\frac{1}{4}$ per centum of the gross takings.

Where the said gross takings exceed £3,000 but do not exceed £4,000 the duty shall be: $3\frac{1}{4}$ per centum of the gross takings.

Where the said gross takings exceed £4,000 but do not exceed £5,000 the duty shall be: $4\frac{1}{4}$ per centum of the gross takings.

Where the said gross takings exceed £5,000 the duty shall be: $5\frac{1}{4}$ per centum of the said gross takings.

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

A. HORE-RUTHVEN, Governor.