



ANNO QUINQUAGESIMO PRIMO ET QUINQUAGESIMO
SECUNDO

VICTORIÆ REGINÆ.

A.D. 1888.

No. 426.

An Act to amend "The Lottery and Gaming Act, 1875,"
and for other purposes.

[Assented to, September 19th, 1888.]

WHEREAS it is desirable to amend "The Lottery and Gaming Act, 1875"—Be it therefore Enacted by the Governor of the Province of South Australia, by and with the advice and consent of the Legislative Council and House of Assembly of the said province, in the present Parliament assembled, as follows: Preamble.

1. "The Lottery and Gaming Act, 1875" is hereby repealed, so far as regards the instrument or machine known as "The Totalizator," when the use of such machine or instrument shall be licensed by the Commissioner of Police, subject to the approval of the Chief Secretary, and such machine or instrument used in accordance with the rules and regulations set out in the Schedule hereto. "The Lottery and Gaming Act, 1875."

2. Any person under the age of twenty-one years, who shall be convicted of wagering by means of the totalizator, shall be liable to a penalty of not less than One Pound nor more than Twenty Pounds for the first offence; and not less than Five Pounds nor more than Fifty Pounds for each subsequent offence: Provided that a clearly printed copy of this section of the Act shall be affixed over each door or opening in every totalizator machine at which money is paid or received. And any person or club using any totalizator machine without having such notices so affixed as aforesaid, shall be liable to a penalty not exceeding Twenty Pounds for each offence. The penalties prescribed by this Act Persons under 21 years of age not to use totalizator under penalties.

Penalties.

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Act to be recovered in a summary way before any Justice of the Peace, and under the provisions of Act No. 6 of 1850.

The Governor may make new rules and regulations.

3. The Governor may from time to time make new rules and regulations, and alter, amend, or add to any of the rules and regulations set out in the Schedule hereto, and such new rules and regulations, alterations, amendments, or additions, shall be laid before both Houses of Parliament within one month if Parliament be sitting, and if Parliament be not sitting, then within one month after the commencement of the next ensuing session thereof; and if not disallowed by express resolution of either House of Parliament, such regulations, amendments, or additions shall, after the expiration of such month, be conclusively deemed to be valid and shall have the force of law. All such regulations when so amended and prescribed shall be published in the *Government Gazette* for general information.

No licence to be granted to any club unless it consists of one hundred or fifty members subscribing Two Hundred or Fifty Pounds respectively.

4. No licence shall be granted to any racing club unless there are at least one hundred members of such club if the racecourse of such club is situated within ten miles of Adelaide, or fifty members if situated at a greater distance; nor unless the annual subscriptions paid by the members of such clubs shall amount to Two Hundred Pounds or Fifty Pounds respectively. Before granting any licence the Commissioner shall require proof of the provisions of this clause.

East Park Lands, Morphetville, and Onkaparinga racecourses only to be licensed within twenty miles of Adelaide.

5. No licence shall be issued for the use of the totalizator on any racecourse situated within twenty miles of Adelaide except for the racecourses known as the East Park Lands, Morphetville, and Onkaparinga, unless a resolution shall be passed by both Houses of Parliament to that effect.

Licences for other racecourses.

6. No licence shall be issued for the use of the totalizator on any other racecourse if such racecourse is situated within twenty miles of any other licensed racecourse; in the event of simultaneous applications for licences on racecourses within twenty miles of each other, it shall be in the discretion of the Commissioner, subject to the approval of the Chief Secretary, to licence which racecourse he thinks fit.

Interpretation.

7. In the interpretation of this Act the term "the totalizator" shall include the instrument or contrivance known as "The Totalizator," and any other machine or instrument of a like nature, and conducted on the like principles.

Distances how determined.

8. All distances required to be estimated under this Act shall be estimated by straight lines from point to point upon the Government maps.

Limitation of Act.

9. This Act shall apply to horse racing only.

10. No

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10. No licence granted under this Act shall sanction the use by any one club at the same time and on the same racecourse of more than one totalizator, nor shall sanction the use of any totalizator—

Number of times totalizator may be used.

- (a) By any one club for more than seven days in the year, reckoning from the passing of this Act:
- (b) On any racecourse within twenty miles of the General Post Office, for more than twelve days in any one year, reckoned as aforesaid: nor—
- (c) On any other racecourse for more than eight days in any one year, reckoned as aforesaid.

11. Every club may retain as commission, out of the moneys paid into the totalizator in respect of any race, a sum of money which shall not exceed seven and a half per cent., and all such moneys shall be applied by such club, without any deduction whatever, for the promotion of racing on the racecourse for which the licence shall have been granted.

Amount of commission which club may take.

12. Within twenty-one days after the last day for which any licence is granted under this Act, every club so licensed shall deposit with the Commissioner of Police a full and true account, under the hand of its secretary, or the hands of two members of its committee or executive body, of the sums received by such club through the totalizator on the occasion of the use thereof under such licence, and of the commission retained as aforesaid, and of the manner in which such commission has been expended, and also a correct schedule of the names, addresses, and occupation of its members; and the chairman of any club who shall fail to comply with the provisions of this section shall be liable to a penalty of not less than Twenty Pounds nor more than Fifty Pounds.

Club to render account.

13. This Act may be called “The Lottery and Gaming Act Amendment Act, 1888.”

Short title.

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

WM. C. F. ROBINSON, Governor.

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SCHEDULE.

Rules and Regulations.

The Commissioner of Police may, subject to the provisions of this Act and the rules and regulations made thereunder, grant a licence for the use on any racecourse of the instrument or contrivance for wagering or betting known as the totalizator, or any machine or instrument of the like nature and conducted upon the same principles; and such instrument, when used in accordance with such licence, and every office, room, or place upon the racecourse used for the purposes of the said instrument, and every placard, advertisement, letter, or circular referring to the same, shall be exempted from the provisions of "The Police Act, 1869," "The Lottery and Gaming Act, 1875," the Act, No. 282, of 1883, and every other Act prohibiting gaming and wagering.

Such licence shall be in the following form, or as near thereto as circumstances shall permit, and shall be granted for one year only to the committee or executive body of any recognised racing club, or one or more members of such committee or executive body, on application by or on behalf of such club or the committee thereof, but only for the racecourse and the days named in such licence.

Form of Licence.

By virtue of "The Lottery and Gaming Act Amendment Act," and subject to the provisions thereof, these are to licence Mr. _____ being the chairman of, and the other members of the committee or executive body of, the racing club called the _____ to use the totalizator on the racecourse _____ during the _____ day of _____ the _____ day of _____ the _____ day of _____ the _____ day of _____ the _____ day of _____ the _____ day of _____

Given under my hand the _____ day of _____ Commissioner of Police.

Fees to be paid on application for licence.

Every club applying for a licence under this Act shall, on such application, pay to the Commissioner of Police a licence fee of One Pound One Shilling for every day for which such licence is applied for; and if the licence is not granted for as many days as are applied for, the Commissioner of Police shall return the said licence fee, or a proportional part thereof, as the case may be.

Commissioner of Police to furnish certified copies.

On application by any person, and on payment of a sum not exceeding One Shilling for every folio of seventy-two words, the Commissioner of Police shall furnish two copies, certified under his hand as such, of any licence granted, and of any account deposited under this Act.