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## GEORGII VI REGIS.

A.D. 1945.

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### No. 42 of 1945.

An Act to amend the Lottery and Gaming Act,  
1936-1943.

[Assented to 24th January, 1946.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Lottery and Gaming Act Amendment Act, 1945".

(2) The Lottery and Gaming Act, 1936-1943, as amended by this Act, may be cited as the "Lottery and Gaming Act, 1936-1945".

(3) The Lottery and Gaming Act, 1936-1943, is hereinafter called "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of  
s. 34 of  
principal Act—  
Betting Control  
Board.

3. Section 34 of the principal Act is amended by adding at the end of subsection (2) thereof the following passage :—

In pursuance of this duty, the board shall so restrict the number of premises registered under this Part, and shall so regulate and control such premises, as to provide only such facilities for betting as are reasonably necessary in the public interest.

4. Section 40 of the principal Act is amended by striking out the words "ten shillings" after the word "pound" in the third line thereof.

Amendment of s. 40 of principal Act—  
Rate of commission on bets.

5. (1) Paragraphs (b), (c) and (d) of subsection (2a) of section 41 of the principal Act are repealed and the following paragraphs are enacted and substituted in lieu thereof:—

Amendment of s. 41 of principal Act—  
Application of commission.

(b) Out of the net commission on all bets made in registered premises on horse races held within the State the sum of five thousand pounds in each financial year shall be applied by the board, in such manner as it thinks fit, for the benefit of all or any of the country racing clubs :

Provided that if the net commission on such bets made in any financial year is less than five thousand pounds the whole of that net commission shall be so applied :

(c) The balance of the net commission on all bets made in registered premises on horse races held within the State shall be paid to the Treasurer in aid of the general revenue :

(d) The net commission on all bets made on racecourses on horse races held within the State shall be divided among the racing clubs in proportion to the amounts of such bets made at race meetings held by each club.

(2) The following paragraph is inserted at the end of subsection (2a) of section 41 of the principal Act:—

(g) All other net commission shall be paid to the Treasurer in aid of the general revenue.

6. (1) Subsection (1) of section 42 of the principal Act is amended by inserting at the commencement thereof the words "Subject to this section".

Amendment of s. 42 of the principal Act—  
Registration of premises.

(2) The following subsections are inserted in section 42 of the principal Act after subsection (1) thereof:—

(1a) The board shall not register under this section any premises within the metropolitan area.

(1b) Subject to subsection (1h) of this section the board shall not register under this section any premises situated in a municipality or district council district outside the metropolitan area unless—

(a) the council of that municipality or district council district has agreed as to the site and suitability of such premises; and

(b) the board has held a public inquiry in the town or locality where the premises are situated.

(1c). Before holding a public inquiry for the purposes of this section the board shall by advertisement in a newspaper circulating in the town or locality where the inquiry is to be held give not less than one month's notice of the time and place of the inquiry.

(1d). At the inquiry the board shall receive any evidence or information submitted to it concerning the proposal to register premises but may, in its discretion, refuse to receive any evidence or information if, in its opinion, that evidence or information is not relevant or is a repetition of matter already before the board, or is frivolous or vexatious.

(1e). For the purpose of conducting inquiries under this section the board shall be deemed to be a royal commission, and the Royal Commissions Act, 1917, shall apply in relation to that inquiry and the members of the board and witnesses and other persons concerned in the inquiry.

(1f). The board may give directions as to the practice and procedure to be followed on or in relation to inquiries and as to the submission of evidence and information to the board.

(1g) The registration of any premises under this section shall expire on the thirty-first day of January next after the registration becomes effective.

(1h) When premises have been registered pursuant to this section, the registration may be renewed without a further public inquiry.

(1i) In this section—

“ council ” includes the Whyalla Town Commission constituted by the Whyalla Town Commission Act, 1944 ;

“ the metropolitan area ” means—

(a) the municipalities of Adelaide, Brighton, Burnside, Enfield, Glenelg, Henley and

Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Payneham, Port Adelaide, Prospect, St. Peters, Thebarton, Unley, West Torrens, Walkerville, Woodville;

- (b) the district council district of Campbelltown;
- (c) The Garden Suburb;

“municipality” includes the town of Whyalla as defined in the Whyalla Town Commission Act, 1944.

(3) Subsection (6) of section 42 of the principal Act is repealed and the following subsection is enacted and inserted in lieu thereof:—

(6) No person shall—

(a) carry on business as a bookmaker in registered premises;

(b) keep any registered premises open to the public, at any time on a day on which a race meeting is appointed to be held or is held at a racecourse within ten miles of those premises.

Penalty: A fine not exceeding one hundred pounds.

7. Subsections (8) and (9) of section 44a of the principal Act are repealed and the following subsection is enacted and inserted in lieu thereof:—

Amendment of s. 44a of principal Act—  
Winning beta tax.

(8) The money received by the board under this section shall be paid to the Treasurer monthly in aid of the general revenue.

8. The following section is enacted and inserted in the principal Act after section 54 thereof:—

Enactment of s. 54A of principal Act—

54A. No person under the age of twenty-one years shall while a race meeting is being held on a racecourse be in the betting ring on that racecourse or within six feet of any bookmaker who is in that betting ring.

Minors in betting enclosures.

Penalty—Not exceeding five pounds for a first offence and not exceeding ten pounds for a second or subsequent offence.

9. Section 62 of the principal Act is amended by striking out in the fifth and sixth lines the words “imprisonment for not less than one month nor more than three months” and inserting in lieu thereof the words “not more than fifty pounds”.

Amendment of s. 62 of the principal Act—  
Being in public places for betting.

Amendment  
of s. 81 of  
principal Act—  
Rescission of  
declaration.

**10.** Section 81 of the principal Act is amended by adding at the end thereof the following subsection :—

(3) When any such declaration has been rescinded by a judge of the Supreme Court on terms, the owner, tenant or occupier of the house, office, room or place, the subject of the declaration, or a Commissioner, Inspector or sub-inspector of Police, may apply to a judge of the Supreme Court for a variation of such terms on proof that circumstances existing at the time of fixing such terms have materially altered. On any such application the judge if satisfied that it is just or expedient to do so may modify, revoke, add to, or remit any of such terms :

Provided that the Commissioner of Police shall be given notice of any application by such owner, tenant or occupier and shall be entitled to be heard in opposition thereto.

Amendment of  
s. 92 of the  
principal Act—  
Receiving  
money for  
betting.

**11.** Section 92 of the principal Act is amended by striking out at the end of subsection (1) and at the end of subsection (2) thereof the words " Fifty pounds, or imprisonment for six months " and inserting in lieu thereof in each case the words " For a first offence, not more than fifty pounds ; for a second or subsequent offence, not more than one hundred pounds or imprisonment for six months ".

Amendment of  
s. 93 of the  
principal Act—  
Exhibiting  
placards or  
advertising  
betting houses.

**12.** Section 93 of the principal Act is amended by striking out in the last line thereof the words " Thirty pounds, or imprisonment for two months " and inserting in lieu thereof the words " For a first offence, not more than thirty pounds ; for a second or subsequent offence, not more than fifty pounds or imprisonment for two months ".

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

C. W. M. NORRIE, Governor.