

(Reprint No. 1)

SOUTH AUSTRALIA

LOTTERY AND GAMING ACT, 1936

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 1 October 1991.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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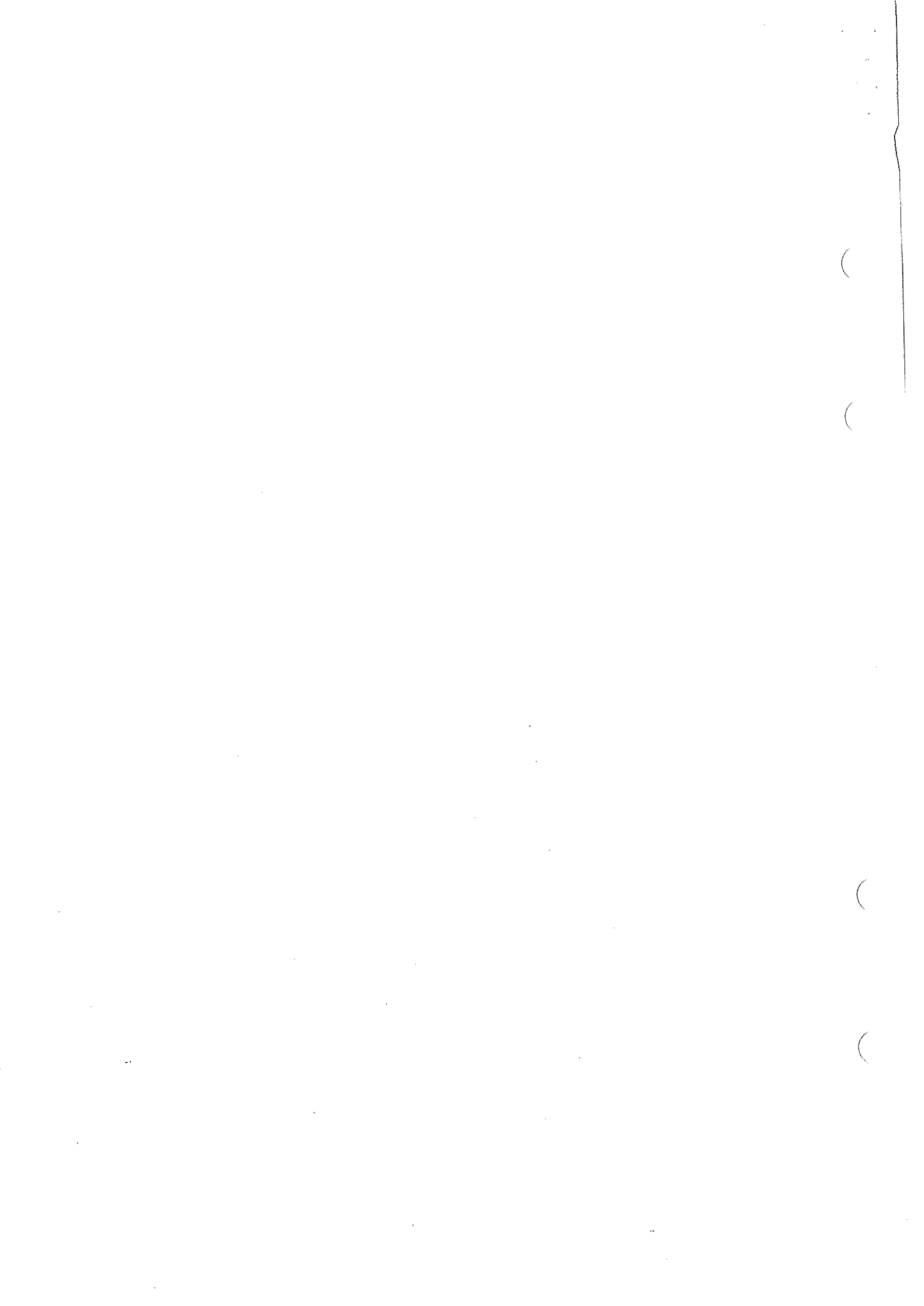
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LOTTERY AND GAMING ACT, 1936

being

Lottery and Gaming Act, 1936, No. 2282 of 1936 [Assented to 3 September 1936]

as amended by

Lottery and Gaming Act Amendment Act, 1938, No. 2394 of 1938 [Assented to 6 October 1938]
Lottery and Gaming Act Amendment Act (No. 2), 1938, No. 2417 of 1938 [Assented to 15 December 1938]¹
Lottery and Gaming Act Amendment Act (No. 2), 1939, No. 11 of 1939 [Assented to 19 October 1939]
Lottery and Gaming Act Amendment Act, 1939, No. 13 of 1939 [Assented to 9 November 1939]
Lottery and Gaming Act Amendment Act, 1943, No. 11 of 1943 [Assented to 29 October 1943]
Lottery and Gaming Act Amendment Act, 1945, No. 42 of 1945 [Assented to 24 January 1946]
Lottery and Gaming Act Amendment Act, 1947, No. 37 of 1947 [Assented to 11 December 1947]
Lottery and Gaming Act Amendment Act, 1948, No. 46 of 1948 [Assented to 22 December 1948]
Lottery and Gaming Act Amendment Act, 1949, No. 19 of 1949 [Assented to 27 October 1949]
Lottery and Gaming Act Amendment Act (No. 1), 1950, No. 36 of 1950 [Assented to 30 November 1950]²
Lottery and Gaming Act Amendment Act (No. 2), 1950, No. 57 of 1950 [Assented to 7 December 1950]
Lottery and Gaming Act Amendment Act (No. 3), 1950, No. 58 of 1950 [Assented to 7 December 1950]
Lottery and Gaming Act Amendment Act, 1953, No. 43 of 1953 [Assented to 17 December 1953]
Lottery and Gaming Act Amendment Act, 1954, No. 57 of 1954 [Assented to 23 December 1954]
Lottery and Gaming Act Amendment Act, 1955, No. 42 of 1955 [Assented to 8 December 1955]
Lottery and Gaming Act Amendment Act, 1956, No. 42 of 1956 [Assented to 22 November 1956]
Lottery and Gaming Act Amendment Act, 1963, No. 22 of 1963 [Assented to 14 November 1963]
Lottery and Gaming Act Amendment Act, 1964, No. 46 of 1964 [Assented to 30 October 1964]³
Lottery and Gaming Act Amendment Act, 1965, No. 34 of 1965 [Assented to 9 December 1965]
Lottery and Gaming Act Amendment Act (No. 2), 1965, No. 35 of 1965 [Assented to 9 December 1965]
Lottery and Gaming Act Amendment Act (No. 3), 1965, No. 45 of 1965 [Assented to 9 December 1965]⁴
Lottery and Gaming Act Amendment Act (No. 4), 1965, No. 46 of 1965 [Assented to 9 December 1965]
Lottery and Gaming Act Amendment Act, 1966, No. 4 of 1966 [Assented to 10 February 1966]⁵
Lottery and Gaming Act Amendment Act (No. 2), 1966, No. 46 of 1966 [Assented to 13 October 1966]⁶
State Lotteries Act, 1966, No. 54 of 1966 [Assented to 3 November 1966]
Lottery and Gaming Act Amendment Act, 1967, No. 1 of 1967 [Assented to 23 March 1967]
Lottery and Gaming Act Amendment Act (No. 2), 1967, No. 29 of 1967 [Assented to 17 August 1967]⁸
Lottery and Gaming Act Amendment Act (No. 3), 1967, No. 56 of 1967 [Assented to 9 November 1967]
Lottery and Gaming Act Amendment Act, 1968, No. 4 of 1969 [Assented to 27 February 1969]
Lottery and Gaming Act Amendment Act (No. 2), 1969, No. 5 of 1969 [Assented to 27 February 1969]
Lottery and Gaming Act Amendment Act (No. 3), 1969, No. 6 of 1969 [Assented to 27 February 1969]
Lottery and Gaming Act Amendment Act (No. 5), 1969, No. 103 of 1969 [Assented to 18 December 1969]
Lottery and Gaming Act Amendment Act, 1970, No. 20 of 1970 [Assented to 24 September 1970]⁹
Lottery and Gaming Act Amendment Act (No. 2), 1970, No. 51 of 1970 [Assented to 10 December 1970]
Lottery and Gaming Act Amendment Act, 1971, No. 10 of 1971 [Assented to 1 April 1971]
Age of Majority (Reduction) Act, 1971, No. 15 of 1971 [Assented to 8 April 1971]¹⁰
Lottery and Gaming Act Amendment Act (No. 3), 1971, No. 32 of 1971 [Assented to 22 April 1971]
Lottery and Gaming Act Amendment Act (No. 2), 1971, No. 38 of 1971 [Assented to 29 April 1971]
Lottery and Gaming Act Amendment Act, 1972, No. 26 of 1972 [Assented to 6 April 1972]¹¹
Lottery and Gaming Act Amendment Act (No. 2), 1972, No. 33 of 1972 [Assented to 13 April 1972]¹²

¹ Came into operation 19 December 1938: *Gaz.* 15 December 1938, p. 1497.

² Came into operation 1 December 1950: *Gaz.* 30 November 1950, p. 1301.

³ Came into operation 2 November 1964: *Gaz.* 5 November 1964, p. 1401.

⁴ Came into operation 14 February 1966: s. 3.

⁵ Came into operation 14 February 1966: s. 3.

⁶ Came into operation 8 December 1966: s. 3a as inserted by 33, 1972, s. 4.

⁷ Came into operation 8 December 1966: *Gaz.* 8 December 1966, p. 2152.

⁸ Came into operation 24 August 1967: *Gaz.* 17 August 1967, p. 1063.

⁹ Came into operation 1 April 1971: *Gaz.* 25 February 1971, p. 24.

¹⁰ Came into operation 15 April 1971: *Gaz.* 15 April 1971, p. 1598.

¹¹ Came into operation 13 April 1972: *Gaz.* 13 April 1972, p. 1430.

¹² Came into operation 6 May 1972: *Gaz.* 4 May 1972, p. 1680.

Lottery and Gaming Act Amendment Act, 1973, No. 18 of 1973 [Assented to 13 September 1973]¹
 Lottery and Gaming Act Amendment Act (No. 2), 1973, No. 89 of 1973 [Assented to 13 December 1973]²
 Lottery and Gaming Act Amendment Act, 1974, No. 127 of 1974 [Assented to 12 December 1974]³
 Lottery and Gaming Act Amendment Act, 1975, No. 113 of 1975 [Assented to 27 November 1975]
 Racing Act, 1976, No. 104 of 1976 [Assented to 16 December 1976]⁴
 Lottery and Gaming Act Amendment Act, 1978, No. 47 of 1978 [Assented to 13 April 1978]
 Lottery and Gaming Act Amendment Act, 1980, No. 105 of 1980 [Assented to 18 December 1980]⁵
 Lottery and Gaming Act Amendment Act, 1982, No. 60 of 1982 [Assented to 1 July 1982]
 Lottery and Gaming Act Amendment Act, 1983, No. 78 of 1983 [Assented to 17 November 1983]
 Lottery and Gaming Act Amendment Act, 1984, No. 30 of 1984 [Assented to 10 May 1984]
 Lottery and Gaming Act Amendment Act, 1988, No. 27 of 1988 [Assented to 21 April 1988]⁶
 Lottery and Gaming Act Amendment Act (No. 2), 1988, No. 54 of 1988 [Assented to 8 September 1988]

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

An Act to consolidate certain Acts relating to lotteries and gaming.

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

PART I PRELIMINARY

Short title

1. This Act may be cited as the *Lottery and Gaming Act, 1936*.

Division of Act

2. This Act is divided into parts as follows:

PART I—Preliminary.
 PART II—Unlawful Lotteries.
 PART IIA—Authorized and Exempted Lotteries.
 PART V—Unlawful Gaming.
 PART VI—Common Gaming-houses.
 PART VII—Evidence.
 PART VIII—Procedure and Miscellaneous.

Repeal

3. (1) This Act is a consolidation of the Acts mentioned in the first schedule, and the said Acts are hereby repealed.

- (2) The Acts of the Imperial Parliament in the second schedule shall have no further force or effect in this State.

Commencement of Lottery and Gaming Act Amendment Act (No. 2), 1966

3a. The proclamation purporting to fix a day as the day on which the *Lottery and Gaming Act Amendment Act, 1966*, was to come into operation and published in the *Gazette* on the 8th day of December, 1966, at page 2152, is hereby cancelled and shall be deemed never to have been made, and, notwithstanding section 2 of the *Lottery and Gaming Act Amendment Act (No. 2), 1966*, that Act shall for all purposes be deemed to have come into operation on the eighth day of December, 1966.

¹Came into operation 17 September 1973: *Gaz.* 13 September 1973, p. 1987.

²Came into operation 1 January 1974: *Gaz.* 20 December 1973, p. 3337.

³Came into operation 23 December 1974: *Gaz.* 12 December 1974, p. 3648.

⁴Came into operation (except s. 4(1) and Division III of Part II) 1 January 1977: *Gaz.* 16 December 1976, p. 2252; remainder of Act came into operation 1 February 1977: *Gaz.* 27 January 1977, p. 179.

⁵Came into operation (except ss. 3(a), 3(b), 4-6) 1 January 1981: *Gaz.* 18 December 1980, p. 2364; remainder of Act came into operation 2 July 1981: *Gaz.* 2 July 1981, p. 2.

⁶Came into operation 1 September 1990: *Gaz.* 19 July 1990, p. 344.

Interpretation

4. In this Act, except where the subject matter or context or some other provision requires a different construction—

“authorized lottery” means a lottery for the conduct of which a licence granted under this Act is in force:

“bet” or “make a bet” means—

(a) make or negotiate a bet whether by spoken word, writing, signal, gesture or any other direct or indirect means and whether with or for money or any valuable thing or by cash or under any credit arrangement;

(b) receive, pay or give money or any valuable thing in connection with a bet;

or

(c) settle a bet,

and “betting” shall have a corresponding meaning:

“bookmaker” includes a bookmaker’s agent:

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* * * * *
* * * * *

“court” means a special magistrate or two or more justices of the peace sitting as a court of summary jurisdiction:

“exempted lottery” means a lottery declared by regulation to be an exempted lottery:

* * * * *

“loiter” means to idle or linger about:

“lottery” means a scheme, competition or device for the sale, gift, disposal or distribution of property, real or personal, or money, or any thing or any right thereto or of any share therein depending upon, or to be determined by, lot or drawing, whether out of a box or other receptacle, or by cards, token, coin or dice, or by any machine, ticket, envelope or device or chance whatsoever; and includes a scheme, competition or device for the sale, gift, disposal or distribution of property, real or personal, or money or any thing or any right thereto or of any share therein where—

(a) entitlement to participation in the scheme, competition or device depends upon the payment of money, the purchase of a ticket or the giving of some other valuable consideration by the participant;

and

(b) such disposal or distribution depends, at any stage of the scheme, competition or device, upon an element of chance, notwithstanding that such disposal or distribution also depends, at some stage of such scheme, competition or device, upon a genuine or purported display of knowledge or skill;

and also includes any sweepstakes:

* * * * *

“unlawful gaming” means—

(a) the playing at or engaging in any game with cards or other instruments, or with money, in or as the result of which game any person or persons derives or is intended to derive (other than in his capacity as a player) any part or percentage of any money or thing played for, staked, or wagered;

and

(b) any contravention of or failure to observe any provision of this Act, whether that provision relates to unlawful gaming as hereinbefore defined or not.

This Act to be read subject to State Lotteries Act, 1966

4a. This Act shall be read and construed subject to the provisions of the *State Lotteries Act, 1966*.

PART II

UNLAWFUL LOTTERIES

This Part not to apply to authorized or exempted lotteries

4b. This Part does not apply or refer to any authorized lottery or any exempted lottery.

Lotteries declared nuisances

5. Every lottery is hereby declared to be a common nuisance and unlawful, and every sale or gift, disposal or distribution made by means or in pursuance thereof void.

Opening lotteries, and aiding and playing thereat

6. (1) No person shall, either publicly or privately exercise, open, or show, to be played, thrown, or drawn at, any lottery.

Penalty—Four hundred dollars, or in default imprisonment for six months.

(2) No person shall employ, aid, or abet, any other person in publicly or privately exercising, opening, or showing to be played, thrown, or drawn at, any lottery.

Penalty—Two hundred dollars, or in default imprisonment for three months.

(3) No person shall play, throw, or draw at any such lottery.

Penalty—Fifty dollars or in default imprisonment for one month.

Promises to pay money or deliver goods, etc., on event of lottery

7. No person shall promise or agree to—

(a) pay any sum of money; or

(b) deliver any goods; or

(c) do or forbear doing anything for the benefit of any person,

whether with or without consideration, on any event or contingency relative or applicable to the drawing of any ticket or tickets, lot or lots, numbers, figures, or names in any lottery, or

(d) publish any proposal for any of the purposes aforesaid.

Penalty—Two hundred dollars, or in default imprisonment for three months.

Advertising lotteries

8. No person shall print, exhibit, or publish, or cause to be printed, exhibited, or published, any placard, handbill, card, writing, sign, or advertisement of any lottery, or of any proposal for any lottery.

Penalty—Two hundred dollars, or in default imprisonment for three months.

Exemptions from Act

9. Nothing in this part of this Act shall extend to or affect—

(a) any allotment of real or personal estate or interest which according to law is legally allottable, or may be allotted or held by, or by means of, any allotment or partition by lots;

- (b) any voluntary association or branch thereof formed or established in the State for the purchase of paintings, drawings, or other works of art to be afterwards allotted and distributed by chance or otherwise among the several members, subscribers, or contributors forming part of such association, or for raising sums of money by subscription or contribution, to be allotted and distributed by chance or otherwise as prizes amongst the members, subscribers, or contributors forming part of such association: Provided that—
- (i) such sums of money so allotted and distributed are expended solely and entirely in the purchase of paintings, drawings, or other works of art; and
 - (ii) the proceedings of such association are carried on in good faith for the encouragement of the fine arts;
- (c) the distribution of any property among the owners thereof if such property is capable of being fairly apportioned among all the owners thereof and is proposed to be apportioned equally so far as practicable among all the owners thereof;
- (d) a lottery (other than a trade-promotion lottery) where participation in the lottery does not depend on the payment of an entrance fee or other benefit;
- and
- (e) any raffle of a private nature among persons engaged in common employment under the same employer where the net proceeds thereof are intended to be appropriated to the provision of amenities for persons in that employment and the value of the prize does not exceed twenty-five dollars.

Publication of information regarding lotteries

10. No person shall—

- (a) print, publish, or exhibit, or cause to be printed, published, or exhibited in any newspaper, or on any placard, handbill, circular, or card, any advertisement, sign, notice, or other information of or relating to the establishment, commencement, promotion, carrying on, or drawing, or intended establishment, commencement, promotion, carrying on, or drawing, of any illegal lottery, whether wholly or partly established, commenced, carried on, promoted or managed in the State or elsewhere; or
- (b) being registered as the proprietor, printer, or publisher of any newspaper, permit or suffer any such advertisement, sign, notice, or information to be printed or published in such newspaper; or
- (c) print any ticket or other thing entitling or intended to entitle any person or persons to any chance or share in any illegal lottery; or
- (d) sell, circulate, exhibit, or dispose of any newspaper printed in any part of the Commonwealth of Australia which contains any advertisement, sign, notice, or information relating to any illegal lottery, or the drawing, conduct, or management thereof.

Sale of lottery tickets

11. No person shall sell, or offer for sale, or deliver, or give, or buy, or pay for, or knowingly receive or accept any ticket, chance, or share in any illegal lottery.

Placards relating to illegal lotteries

12. (1) No person shall placard, post up, or exhibit, or permit or suffer to be placarded, posted up, or exhibited, or shall assist in placarding, posting up, or exhibiting in or on or about any land, building, hoarding, or premises any information or notice relating to any illegal lottery.

(2) Where any such information or notice is placarded, posted up or exhibited on any land, building, or premises, it shall, unless the contrary is proved, be presumed to have been so placarded, posted up, or exhibited by or with the permission of the occupier of that land, building, hoarding, or premises.

Sending money to lotteries

13. No person shall, for gain or otherwise, in any manner whatever directly or indirectly forward or partly forward, or give or receive for the purpose or intent that the same shall be so forwarded, any packet, or parcel, or money, cheque, draft, order for the payment of money, or valuable thing whatsoever to the promoters, managers, or conductors of any illegal lottery or sweepstakes conducted or drawn or intended to be conducted or drawn in any state, country, or place within or outside the state, and whether such lottery or sweepstakes is illegal according to the law of such state, country, or place, or otherwise.

Allegations *prima facie* proof

14. The allegations in any complaint laid in relation to any alleged offence against the provisions of the next preceding section—

(a) that any packet, parcel, money, cheque, draft, order for the payment of money or valuable thing specified in such complaint has been forwarded or partly forwarded, or has been given or received for the purpose or intent that the same should be forwarded (as the case may be):

(b) that any person or persons, club, association, or company named in the complaint is the promoter, manager, or conductor (as the case may be) of any illegal lottery:

(c) that any lottery named or described in the complaint is an illegal lottery,

shall be accepted by the court as proof of the truth of such allegations, unless the contrary is proved.

PART IIA

AUTHORIZED AND EXEMPTED LOTTERIES

No offence to conduct or participate in authorized or exempted lotteries

14a. It shall not be an offence under this Act or any other Act to conduct or participate in an authorized lottery or an exempted lottery or a lottery of a kind referred to in section 9 of this Act.

Regulations

14b. (1) The Governor may make regulations—

- (a) prescribing the lotteries or classes of lotteries for the conduct of which licences may be granted under this Act;
- (b) providing for the granting and refusal of such licences by the Chief Secretary or any person nominated by him;
- (c) prescribing the persons, associations or organizations or classes of persons, associations or organizations or groups of persons, associations or organizations to whom or to which licences or any classes of licences for the conduct of lotteries may be granted under this Act;
- (d) prescribing the conditions under or subject to which any such licence may be granted;
- (e) providing for the cancellation of a licence upon breach of a condition under or subject to which the licence was granted;
- (f) prescribing and providing for the payment of fees for any licence or class of licence for any authorized lottery or class of authorized lottery or for any application for any licence or class of licence under this Act;
- (g) prescribing the duties and obligations to be performed and discharged by licensees and their agents and servants;
- (h) providing for the furnishing by the promoters of a lottery or class of lottery of such security as may be prescribed for the due performance of the conditions under or subject to which any licence is granted under this Act and of the duties and obligations to be performed by licensees or any of them;
- (i) prescribing the nature and amount of such security;
- (j) declaring that a specified lottery, or lotteries of a specified class are, provided that conditions stipulated in the regulations are fulfilled, exempted lotteries and making any provision with respect to the conduct, advertisement or promotion of an exempted lottery;

and

- (k) providing for a penalty not exceeding five hundred dollars or imprisonment for any period not exceeding three months on conviction by a court of summary jurisdiction for a breach of or failure to comply with any provision of a regulation.

(2) Without limiting the generality of the application of paragraph (d) of subsection (1) of this section, a condition that may be prescribed under that paragraph may be a condition precedent or a condition subsequent to the granting of a licence.

(3) The Governor may, in a regulation prescribing a fee for a licence to conduct a lottery, fix the amount of the fee by reference to a specified percentage of the aggregate of all or part of the moneys paid for the right to participate in that lottery.

(4) The Governor may, in a regulation prescribing a fee for a licence to conduct a lottery, exempt a person, or a class of persons, specified in the regulation from the payment of the whole or a part of that fee.

Failure to comply with condition to be an offence

14c. (1) In the event of a breach of or failure to comply with any prescribed condition under or subject to which a licence for the conduct of a lottery is granted under this Act—

(a) the person or persons to whom the licence has been granted;

or

(b) where the licence has been granted to an association or organization, the secretary, manager or other principal executive officer, and each member of the committee or other executive body, of the association or organization;

or

(c) where the licence has been granted to a group of associations or group of organizations, the person or persons for the time being nominated by the governing bodies of the associations or organizations and approved by the Chief Secretary as the person or persons responsible for carrying out and complying with the condition,

shall be guilty of an offence and on conviction shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(2) In any prosecution for an offence under subsection (1) of this section it shall be a sufficient defence if the defendant proves to the satisfaction of the court that he took all reasonable steps to prevent the occurrence of the breach or failure referred to in that subsection and to which the prosecution relates.

Group of associations to nominate person responsible for compliance with conditions of licence

14d. Before a licence for the conduct of any lottery is granted to a group of associations or a group of organizations, and before a person nominated and approved under this section is released from his responsibilities under this Part and ceases to be so nominated and approved the committees or other executive bodies of those associations or organizations must, with the consent of the person or persons concerned, jointly nominate to the Chief Secretary, and the Chief Secretary must approve of, a person or persons or some other person or persons, as the case may be, who shall be responsible for carrying out and complying with all conditions under and subject to which the licence may be granted or held.

PART III

LICENSING OF SUPPLIERS OF INSTANT LOTTERY TICKETS

Interpretation

15. In this Part—

“instant lottery ticket” means a lottery ticket—

(a) that is sealed or in some other way conceals the number, letter or symbol giving rise to the winning chance;

and

(b) that is realizable immediately after its purchase by the participant in the lottery,

but does not include a lottery ticket printed by or on behalf of the Lotteries Commission of South Australia:

“to supply”, in relation to instant lottery tickets, means to sell, or supply for fee or reward, instant lottery tickets to a person for the purposes of the resale of the tickets by that person.

Suppliers must be licensed

16. (1) A person who carries on a business of supplying instant lottery tickets without being licensed to do so under this Part is guilty of an offence.

Penalty: \$4 000 or imprisonment for three months.

(2) This section does not apply to a person who is exempted, or who is of a class of persons exempted, from this section by the regulations.

Application for licence

17. (1) An application for a licence under this Part—

(a) must be made in writing to the Minister in the prescribed form;

and

(b) must be accompanied by the prescribed fee.

(2) The Minister may refuse to grant a licence if satisfied that the applicant is not a fit and proper person to hold a licence under this Part.

Licence may be conditional

18. (1) The grant of a licence under this Part may be subject to such conditions as the Minister thinks fit and specifies in the licence.

(2) The Minister may, by notice in writing to the licence holder, vary or revoke a condition of a licence.

(3) A person who contravenes or fails to comply with a condition of a licence under this Part is guilty of an offence.

Penalty: \$2 000.

Term of licence

19. (1) A licence under this Part expires (unless sooner cancelled or surrendered) on 30 June next following the day on which it was granted.

PART V

UNLAWFUL GAMING

Obtaining money, etc., by cheating

49. No person shall win from any other person any money or valuable thing by fraud or any other unlawful means—

- (a) in playing at, or with, cards, dice, tables or other games; or
- (b) in bearing a part in the stakes, wages or adventures, or in betting on the sides or hands of them that do play; or
- (c) in betting on the event of any game, sport, pastime, or exercise.

Penalty—Such fine as the court determines, or imprisonment for two years.

Gaming and wagering contracts void

50. (1) All contracts or agreements whether by parol or in writing by way of gaming or wagering shall be void.

(2) No action shall be brought or maintained in any court to recover any sum of money or valuable thing—

- (a) alleged to be won upon any bet; or
- (b) which has been deposited in the hands of any person to abide the event on which any bet has been made:

Provided that this section shall not apply to any subscription or contribution or agreement to subscribe or contribute for or to any plate, prize, or sum of money to be awarded to the winner of any race or lawful game.

Agreements in relation to gaming void

50a. (1) A contract or agreement for the payment of a debt incurred for the purpose of gaming or wagering (being a debt that is to the knowledge of the creditor incurred for that purpose) shall be deemed to have been made for an illegal consideration.

(2) A mortgage, charge, pledge or other security to secure the payment of a debt under a contract or agreement that is deemed to have been made for an illegal consideration by virtue of this section shall be deemed to have been given for an illegal consideration.

(3) Any moneys paid in or towards satisfaction of a supposed liability under a contract or agreement that is deemed to have been made for an illegal consideration by virtue of this section and any property taken under, or by way of, a security that is deemed to have been given for an illegal consideration by virtue of this section may be recovered by action in a court of competent jurisdiction.

Extending provisions to gaming with coin, etc.

51. Any person who in any public place at or with any table or instrument of gaming, or any coin, card, token, or other article used as an instrument or means of wagering or gaming—

- (a) plays at any game or pretended game of chance; or
- (b) bets by way of wagering or gaming on any game or pretended game of chance,

shall be guilty of an offence: Penalty: One hundred dollars.

Gambling, etc., in public places

52. No person shall in any public place—

- (a) exhibit any implements or articles for unlawful gaming, in order to induce or entice any person to engage in any unlawful gaming; or
- (b) by any fraudulent act or device, cheat any person.

Penalty—Imprisonment for three months, and also at the same time a sentence to repay any money, or restore any property which has been obtained by means of any such offence, and, failing the immediate payment or restoration, imprisonment for a further sixty days.

Betting with persons under the age of eighteen years

53. No person shall make or shall offer to make a bet with any person who is under the age of eighteen years.

Penalty—Two hundred dollars, or imprisonment for six months.

Betting by persons under the age of eighteen years

54. No person under the age of eighteen years shall make or offer to make a bet with any other person.

Penalty—Forty dollars.

* * * * *

Receiving money for gaming from persons under the age of eighteen years

55. No person shall either directly or indirectly receive from any person under the age of eighteen years, whether for himself or on behalf of some other person, any money or any valuable thing upon the understanding or agreement, either expressed or implied, that such money or valuable thing shall be placed in or used either directly or indirectly for the purpose of any totalizator or sweepstakes, or betting.

Penalty—Two hundred dollars, or imprisonment for six months.

Promoting sweepstakes for reward

56. No person shall, for fee, commission, or reward, share, or interest—

- (a) carry on any sweepstakes; or
- (b) pay, deposit, or receive any money or valuable thing for or in respect of any such sweepstakes; or
- (c) give or receive any card, ticket, paper, document, or other thing relating to or in connection with any such sweepstakes.

Penalty—Two hundred dollars, or imprisonment for six months.

Soliciting totalizator investments

57. No person shall upon any racecourse or in any other public place or street directly or indirectly invite or solicit any other person to give or entrust to him any money or valuable thing for the purpose or intent that such money or thing, or any part thereof respectively, shall be placed or invested in any totalizator (whether such totalizator is lawful or not).

Penalty—Fifty dollars, or imprisonment for two months.

Totalizator agents

58. No person shall for fee, commission, reward, share, or interest of any kind whatever, or upon any understanding or agreement, either expressed or implied, for such fee, commission, reward, share or interest—

- (a) receive from any other person any money for the purpose of investing the same in any totalizator (whether such totalizator is lawful or not) or with a bookmaker; or
- (b) receive any money upon any such agreement, understanding, or intention that such money shall be so invested.

Penalty—Two hundred dollars for a first offence, and for a subsequent offence imprisonment for not more than three months.

Proof of offence

58a. In any proceedings for an offence under section 57 or 58 the proof of the receipt by any person of any money for the purpose alleged in the complaint shall be *prima facie* evidence that it was invited or solicited by the recipient, and that it was received by him for fee, commission, reward, share, or interest, as the case may be.

Certain games unlawful

59. The games, tricks, or devices commonly known as “the purse trick”, “the three card trick”, “thimble rig”, “faro”, “banker”, “fan tan”, “two up”, “pitch-and-toss”, “hazard”, and all other games played in the same way, or of a kindred nature, are hereby declared to be unlawful games.

Certain things declared instruments of unlawful gaming

59a. (1) The Governor may, by regulation, declare any machine, article or thing to be an instrument of unlawful gaming.

(2) For the purposes of this Act, a declaration may be made under subsection (1) notwithstanding that the machine, article or thing is not specifically designed for gaming.

(3) For the purposes of this Act, the playing of or with any machine, article or thing declared under subsection (1) to be an instrument of unlawful gaming shall be deemed to constitute the playing of an unlawful game, whether or not any person derives or is intended to derive any money or thing as a result of the playing.

Betting and inviting to subscribe to a bet or sweepstakes

60. No person shall, unless authorized by any provision of this Act—

- (a) in any public place bet or offer to bet by way of wagering or gaming; or
- (b) in any public place get up or take part in any sweepstakes; or
- (c) publish or cause to be published in any public newspaper or by circular, any advertisement inviting the public to subscribe to or take part in any bet or sweepstakes.

Penalty—(1) Not less than four dollars nor more than two hundred dollars.

(2) For a second or subsequent offence the court may in lieu of imposing a fine order that the defendant be imprisoned for not more than six months.

Unlawful gaming and playing of unlawful games

61. (1) No person shall be guilty of unlawful gaming.

Penalty—Two hundred dollars.

(2) No person shall play at any unlawful game.

Penalty—Two hundred dollars.

(3) No person shall—

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

(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—Forty dollars.

Being in public place for the purpose of betting

62. No person shall be in or upon any public place for the purpose of unlawful betting.

Penalty: For a first offence—five thousand dollars or imprisonment for six months; for a second or subsequent offence—ten thousand dollars or imprisonment for twelve months.

Unlawful bookmaking

63. (1) No person shall act as a bookmaker—

(a) unless he holds a licence under the *Racing Act, 1976*, to act as a bookmaker;

or

(b) if he holds a licence under the *Racing Act, 1976*, to act as a bookmaker, except in accordance with that Act and any condition attached to his licence or a permit granted to him under that Act.

Penalty: For a first offence—\$15 000 or imprisonment for two years; for a second or subsequent offence—\$40 000 or imprisonment for four years.

(2) No person shall make a bet with a person if the acceptance of the bet by that person constitutes an offence against subsection (1) of this section.

Penalty: For a first offence—\$2 000 or imprisonment for six months.

For a second or subsequent offence—\$4 000 or imprisonment for one year.

Unauthorized totalizator betting prohibited

64. (1) No person shall conduct totalizator betting —

(a) unless he is authorized to do so under the *Racing Act, 1976*;

or

(b) if he is authorized to do so under the *Racing Act, 1976*, except in accordance with that Act and the totalizator rules made under that Act.

Penalty: For a first offence—five thousand dollars or imprisonment for six months; for a second or subsequent offence—ten thousand dollars or imprisonment for twelve months.

(2) No person shall make a bet with a person, if the acceptance of the bet by that person constitutes an offence against subsection (1) of this section.

Penalty: One thousand dollars or imprisonment for three months.

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Betting notices and placards

68. No person shall—

- (a) placard, post up, or exhibit; or
- (b) permit or suffer to be placarded, posted up, or exhibited; or
- (c) assist in placarding, posting up, or exhibiting,

in or on or about any land, building, or premises, any information or notice or list, directly or indirectly relating to betting or any unlawful game.

Removal from racecourses, etc., of persons suspected of offences

69. (1) If any member of the police force has reasonable grounds for suspecting that on any place upon which any horse racing, dog racing, foot racing, cycle racing, football match, cricket match, or any other sport of a kind usually attended by the public, is then being carried on, or on any other place any person is guilty of, or has on that day been guilty of, unlawful gaming, that member of the police force may, without warrant arrest that person and remove him from that place.

(2) No person who has been so removed from any such place shall, during the day on which he was so removed, re-enter or be again upon that place, or any place contiguous thereto.

Penalty—One hundred dollars.

(3) No member of the police force who has acted *bona fide* in the intended exercise of the powers conferred on him by subsection (1) of this section shall be liable to any proceedings, civil or criminal, in consequence of his having so acted.

* * * * *

Power of the police

71. (1) It shall be lawful for—

- (a) any special magistrate or two justices of the peace, upon complaint or information upon oath before him or them that there is reason to suspect that unlawful gaming is or is about to be carried on in or upon any place; or
- (b) the Commissioner of Police, Deputy Commissioner of Police or an Assistant Commissioner of Police, upon receiving a report in writing from any superintendent or inspector of police that he suspects that unlawful gaming is or is about to be carried on in or upon any place,

to give to any member of the police force a warrant in the form of the fourth schedule to this Act, or to the like effect.

(2) A warrant so given shall authorize the member of the police force therein named with such assistance as may be necessary—

- (a) to enter or re-enter into and upon and search the place therein named at any time and from time to time, and at all times during the day or night, within the space of three clear days from the date of the warrant:
- (b) to remain in and upon that place during the whole or any part of the three days aforesaid:
- (c) to use force if necessary in making entry or re-entry, whether by breaking open doors or otherwise:

- (d) to arrest and bring before a special magistrate or two justices of the peace all persons found therein or thereupon:
 - (e) to seize all dice, balls, counters, tables, or other instruments of gaming, money, lists, cards, papers, documents or things found therein or thereupon, or upon the said persons which may reasonably be supposed to have been used or designed for use in connection with or in relation to such suspected offence:
 - (f) to detain the same until the owner or owners thereof appear before a special magistrate or two justices of the peace to claim the same, and satisfy the magistrate or justices how and for what use or purpose the same were intended.
- (3) The special magistrate or justices may confiscate the dice, balls, counters, tables, or other instruments of gaming, money, lists, cards, papers, documents, and things, or otherwise dispose of them as he or they deem fit, if—
- (a) the said owner or owners do not appear before the magistrate or justices within twenty-one days after the seizure; or
 - (b) if he or they do so appear, and do not show to the satisfaction of the magistrate or two justices after due examination, that the dice, balls, counters, tables, or other instruments of gaming, money, lists, cards, papers, documents or other things, were not in any such house, office, room, or place, or upon the said persons for the purpose of being used in relation to, or in connection with, any matter made unlawful by this Act.

Obstructing members of the police force in the execution of their duty

72. No person shall wilfully—

- (a) prevent any member of the police force or other person acting in his assistance under a warrant under this Act to enter any house, room, or place, from entering the same or part thereof; or
- (b) obstruct or delay any such member of the police force or person in so entering; or
- (c) by any bolt, bar, chain, or other contrivance secure any external or internal door or means of access to any house, room, or place so authorized to be entered; or
- (d) use any means or contrivance whatsoever for the purpose of preventing, obstructing, or delaying the entry of any such member of the police force or person into any such house, room, or place or any part thereof.

Penalty—Two hundred dollars, or imprisonment for six months.

Power of police as to premises where unlawful gaming is carried on

73. (1) Upon receiving a report in writing from any police officer of or above the rank of Inspector that he is of opinion that unlawful gaming is or is about to be carried on in any place, the Commissioner of Police may give notice in writing addressed to the occupier of that place, or if the name of the occupier is unknown, then addressed to that particular place, ordering that all doors or other means of entrance on that place or leading to or from that place, both internal and external, shall be opened and kept open so as to admit of the free ingress and egress of any member of the police force authorized in writing by the Commissioner of Police and any persons assisting him during the days and hours stated in the notice. The notice shall be served upon the occupier of the said place,

or, if the occupier cannot be found, it shall be deemed a sufficient service if the notice is fastened in a conspicuous place on the outside of any door or other means of entrance to or leading to or from the said place.

(2) After service of the notice the following provisions shall apply:

- (a) Any member of the police force authorized in writing by the Commissioner of Police and any persons assisting him may enter, re-enter, and remain in or upon the said place or any part thereof or any premises leading thereto during the days and hours stated in the notice for the purpose of observing the conduct of all persons in or upon the said place:
- (b) Any occupier, or, in the absence of the occupier any other person present upon the said place who refuses or neglects immediately to open or keep open during the days and hours stated in the notice, any door or means of entrance mentioned in the notice, and any person who at any time during the said days and hours closes any such door or means of entrance shall be guilty of an offence.

Penalty—A fine not exceeding two hundred dollars.

- (c) Any member of the police force authorized in writing by the Commissioner of Police and any member of the police force assisting him may use force if necessary in making entry or re-entry, whether by breaking doors or otherwise.

PART VI
COMMON GAMING-HOUSES

Common gaming-houses

74. (1) Any house, office, room, or place—

- (a) which is used for the playing therein of any unlawful game; or
- (b) which is used for the purpose of enabling any person or persons to bet with others or with one another, or to pay or receive money or valuable consideration in respect of any bet on events which have not happened, whether made in or at such house, office, room, or place, or elsewhere; or
- (c) which is occupied by any company or club having for its object or one of its objects the enabling of shareholders or members thereof to make bets or pay or receive money in respect of bets on events which have not happened, whether so made either amongst themselves or with other persons not necessarily being shareholders or members,

shall be deemed to be a common gaming-house.

(2) A house, office, room, or place where an unlawful game is carried on shall be deemed to be a common gaming-house, notwithstanding that the same is open only for the use of subscribers or of members or shareholders of any particular club or company, and is not open to all persons desirous of using the same.

Occupying common gaming-house

75. No person shall be the occupier of a common gaming-house.

Penalty—Ten thousand dollars, or imprisonment for twelve months.

Allowing use of premises as common gaming-house

76. No owner or agent acting on behalf of the owner and no occupier of any house, office, room, or other place shall allow or permit it to be used as a common gaming-house: Provided that an owner or agent who is not an occupier, and who was in ignorance of and had no reasonable grounds to suspect such use, or had taken all reasonable steps to prevent it, shall not be guilty of an offence.

Allowing use of premises as access to or exit from a gaming-house

77. No owner or agent acting on behalf of the owner, and no occupier of any house, office, room, or place shall allow or permit or suffer it to be used as a means of access to or exit or escape from any house, office, room, or place used as a common gaming-house: Provided that if the owner, agent, or occupier was in ignorance of and had no reasonable grounds to suspect such use, or had taken all reasonable steps to prevent it, he shall not be guilty of an offence.

Power to evict occupier of house used as gaming-house, etc.

78. (1) Any owner of any house, office, room, or place who has reasonable grounds to suspect that it is used—

- (a) as a common gaming-house; or
- (b) as a means of access to or of exit or escape from any house, office, room, or place used as a common gaming-house,

may serve on the tenant or occupier a notice to quit.

(2) The serving of such notice shall, subject to this Act, determine as from the seventh day after the date of service any tenancy under which the occupier holds as if the tenancy had expired by effluxion of time. The owner may thereupon, without any authority other than this Act, take legal proceedings to evict, and may evict, such occupier.

(3) The notice shall be served personally on the occupier, but if he cannot be found service may be effected by posting a copy of the notice on some conspicuous part of the said house, office, room, or place.

(4) Upon proof, to the satisfaction of the Registrar-General, that such a notice has been served on the tenant or occupier in manner aforesaid, he shall, at the expiry of seven days from the date of service, cause a memorial of the service and of the date thereof to be entered in respect of land under the provisions of *The Real Property Act, 1886*, in the Register Book kept pursuant to that Act, and in respect of land not under the provisions of that Act in the General Registry Office of Deeds for the said State.

Cancellation of notice to quit

79. (1) Any such notice to quit may at any time be cancelled as from the date of such notice and relief be granted by the Supreme Court subject to such terms as the Court thinks fit on application being made to the Court by the occupier and on proof that he has not at any time used or allowed or permitted or suffered the house, office, room, or place to be used—

(a) as a common gaming-house; or

(b) as a means of access to or of exit or escape from any house, office, room, or place used as a common gaming-house.

(2) Notice of intention to make such application shall be served on the owner at least seventy-two hours before the hearing of the application, and on being so served shall operate until the determination of the application as a stay of any proceedings under the last preceding section to evict the occupier.

Declaration that house a common gaming-house

80. (1) On the affidavit of a member of the police force of or above the rank of Inspector showing reasonable grounds for suspecting that any house, office, room, or other place is used in contravention of this Act, a judge of the Supreme Court may declare such house, office, room, or place to be a common gaming-house.

(2) Every such declaration shall be in force until rescinded.

Rescission of declaration

81. (1) Any such declaration may be rescinded by a judge of the Supreme Court, subject to such terms as he thinks fit, on application being made to him—

(a) by the owner, tenant, or occupier of the house, office, room, or place the subject of the declaration, on proof that he has not at any time allowed the house, office, room, or place to be used in contravention of this Act; or

(b) by a member of the police force of or above the rank of Inspector, on proof that the house, office, room, or place is not used in contravention of this Act.

(2) Where the application is made by the owner, tenant, or occupier as aforesaid, notice in writing of intention to make the same shall be served on a member of the police force of or above the rank of Inspector two days at least before the hearing of the application.

(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 member of the police force of or above the rank of Inspector 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.

Publication of notice of declaration and rescission

82. (1) Notice of any such declaration, and of any rescission of the same, shall be published in the *Gazette*.

(2) In any proceedings under this Act the production of a copy of the *Gazette* containing such notice shall be evidence that the declaration or rescission therein notified was duly made.

Notice given of declaration

83. (1) The Commissioner, or a superintendent or an inspector of police, on such declaration being made with respect to any house, office, room, or place—

(a) shall cause to be published on two days in a newspaper circulating in the neighbourhood of the house, office, room, or place, a notice of the making of the declaration:

(b) shall cause such notice to be served on the owner and occupier of the house, office, room, or place. The service shall be personal, except when it cannot be promptly effected, in which case the notice may be served on the owner, tenant, and occupier aforesaid, by causing a copy thereof to be affixed at or near to the entrance to the house, office, room, or place.

(2) In any proceedings under this Act the production of a copy of a newspaper containing any such notice shall be evidence that that notice was duly published in that newspaper on the date appearing thereon.

Persons found in house declared a common gaming-house

84. If after publication, in pursuance of paragraph (a) of the last preceding section, of notice of the making of a declaration with respect to a house, office, room, or place, and during the time that the declaration is in force, any person is found in or on or entering or leaving—

(a) that house, office, room, or place; or

(b) any land or building used as a means of access to, or of exit or escape from the same,

any member of the police force may, without warrant, arrest that person and take him before a court. That person, unless he proves that he was in, or on, or entering, or leaving, as aforesaid, for a lawful purpose shall be liable to a penalty of two thousand five hundred dollars, or to imprisonment for three months.

Penalty on owner of house used in contravention of Act

85. If after service on an owner, in pursuance of paragraph (b) of section 83 of notice of the making of a declaration with respect to a house, office, room, or place, and while the declaration is in force, that house, office, room, or place is used in contravention of this Act, the owner shall, unless he proves that he has taken all reasonable steps to evict the occupier from the same, be liable to a penalty of two thousand five hundred dollars.

Penalty on occupier

86. If after service on an occupier, in pursuance of paragraph (b) of section 83 of notice of the making of a declaration with respect to a house, office, room, or place, and while the declaration is in force, that house, office, room, or place is used in contravention of this Act, the said occupier shall be liable to a penalty of ten thousand dollars or imprisonment for twelve months, unless he proves that he has taken reasonable steps to prevent such use.

Entry by police

87. While any such declaration is in force with respect to any house, office, room, or place, any member of the police force may, without warrant—

- (a) enter the said house, office, room, or place:
- (b) enter any land or building which he has reasonable grounds to suspect is used as a means of access to or of exit or escape from the same:
- (c) pass through, from, over, and along any other land or building for the purpose of entering in pursuance of paragraph (a) or paragraph (b) aforesaid:
- (d) for any of the purposes aforesaid, break open doors, windows, and partitions, and do such other acts as are necessary:
- (e) seize any instruments of gaming and any instruments of betting and documents relating to betting, and any money and securities for money in any such house, office, room, or place.

Obstructing the police

88. No person shall—

- (a) obstruct;
- (b) aid in obstructing; or
- (c) solicit any other person to obstruct or aid in obstructing,

a member of the police force in the exercise of any power conferred on him by this Act.

Penalty—For a first offence—two thousand five hundred dollars or imprisonment for three months; for a second or subsequent offence—five thousand dollars or imprisonment for six months.

Certain offences

88a. Any person who is in or near to any place whether a public place or not for the purpose of giving any warning to any person of the presence or approach of any member of the police force or for the purpose of preventing the detection of any offence against this Act shall be guilty of an offence.

Penalty: For a first offence—two thousand five hundred dollars or imprisonment for three months; for a second or subsequent offence—five thousand dollars or imprisonment for six months.

Evidence of house being a gaming-house

89. If—

- (a) any member of the police force or other person acting in his assistance authorized under this Act to enter any house, room, office or place is wilfully prevented from or is obstructed or delayed in entering the same or any part thereof; or
- (b) any external or internal door of or means of access to any such house, office, room, or place so authorized to be entered is found to be fitted or provided with any bolt, bar, chain, or any means or contrivance for the purpose of preventing, delaying, or obstructing the entry into the same or any part thereof of any member of the police force authorized as aforesaid, or any person acting in his assistance, or for the purpose of giving an alarm in case of such entry; or
- (c) any such house, office, room, or place is found fitted or provided with any means or contrivance for unlawful gaming, or with any means or contrivance for concealing, removing, or destroying any instruments of gaming,

it shall be evidence, until the contrary is made to appear, that such house, office, room, or place, is used as a common gaming-house, and that the persons found therein were playing an unlawful game therein.

Keeping house for purpose of gaming

90. (1) No house, office, room, or place shall be opened, kept, or used for the purpose of—

- (a) unlawful gaming;
- (b) the occupier betting with persons resorting thereto;
- (c) any money or valuable thing being received by or on behalf of the occupier as or for the consideration for any assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter any money or any valuable thing on any event or contingency of or relating to any race, fight, game, sport, or exercise, or as or for the consideration for securing the paying or giving by some other person of any money or valuable thing on any such event or contingency.

(2) Every house, office, room, or place opened, kept, or used for any of the purposes aforesaid is hereby declared to be a common nuisance and unlawful.

(3) No person shall be the occupier of any such house, office, room, or place kept or used for any of the purposes aforesaid.

Penalty—Ten thousand dollars, or imprisonment for twelve months.

(4) It shall not be necessary to prove that the occupier knew that the premises were kept or used for any of the purposes aforesaid, but such person shall not be convicted if he proves that he did not know and could not by the exercise of all reasonable diligence have known that the premises were being so kept or used.

Advancing money for the purpose of gaming

91. No person shall advance or furnish money for the purpose of gaming with persons frequenting any such house, room, or place.

Penalty—Ten thousand dollars, or imprisonment for twelve months.

Receiving money for betting

92. (1) No occupier of any house, office, room, or place used for any of the purposes mentioned in section 90 shall receive, directly or indirectly, any money or valuable thing as a deposit on any bet on the happening of any event or contingency of or relating to any race, fight, game, sport, or exercise, or as or for the consideration for any assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter any money or valuable thing on any such event or contingency.

Penalty—For a first offence—five thousand dollars or imprisonment for six months; for a second or subsequent offence—ten thousand dollars or imprisonment for twelve months.

(2) No person shall, on the receipt of any money or valuable thing so paid or given as aforesaid, give any acknowledgment, note, security, or draft purporting or intending to entitle any other person to receive any money or valuable thing on the happening of any such event or contingency as aforesaid.

Penalty—For a first offence—five thousand dollars or imprisonment for six months; for a second or subsequent offence—ten thousand dollars or imprisonment for twelve months.

(3) Any money or valuable thing received by any such person aforesaid as a deposit on any bet, or as or for the consideration for any such assurance, undertaking, promise, or agreement, as aforesaid, shall be deemed to have been received to or for the use of the person from whom it was received, and that money or valuable thing, or the value thereof, may be recovered accordingly, with full costs of suit, in any court of competent jurisdiction.

Exhibiting placards or advertising betting houses

93. (1) No person shall—

(a) print, exhibit, or publish, or cause to be printed, exhibited, or published any placard, handbill, card, writing, sign, or advertisement from which it appears that any house, office, room, or place is opened, kept, or used for the purpose of making bets on any event or contingency of or relating to any race, fight, game, sport, or exercise, or for the purpose of exhibiting lists for betting, or with intent to induce any person to resort to such house, office, room, or place for the purpose of making such bets;

(b) on behalf of the occupier of any such house, office, room, or place invite other persons to resort thereto, for the purpose of making such bets.

Penalty—For a first offence—one thousand dollars; for a second or subsequent offence—two thousand five hundred dollars or imprisonment for three months.

Betting advertisements

94. No person shall print, send, exhibit, publish, or shall cause to be printed, sent, exhibited, or published any letter, circular, telegram, placard, handbill, card, or advertisement or shall make or cause to be made any announcement by means of any wireless broadcast—

(a) from which it appears that any person, either in the State or elsewhere, will on application give information or advice for the purpose of or in respect to any bet on any event or contingency of or relating to any race, fight, game, sport, or exercise, or will make on behalf of any other person any such bet:

(b) with intent to induce any person to apply to any house, office, room, or place, or to any person with a view to obtaining information or advice for the purpose of any such bet or with respect to any such event or contingency:

(c) inviting any person to make or take any share in or in connection with any such bet.

Penalty: Two thousand five hundred dollars or imprisonment for three months.

Giving false name and address

95. No person found in any house, room, or place entered by any constable or person assisting him to enter the same, upon being arrested by such constable or person assisting, or upon being brought before any justices, on being required by such constable or person or by such justices to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address.

Penalty—One thousand dollars, or imprisonment for one month.

Entrance and nomination fees exempted

96. Nothing in this Act shall extend to the deposit, receipt, subscription, holding or payment of any money or valuable thing as entrance or nomination fees, in respect of any lawful race, game, sport or exercise, or as part of the prize or stakes therefor.

PART VII
EVIDENCE

Immunity of police and other authorized persons

97. No member of the police force acting under the orders or instructions of any other member of the police force who is his superior in rank, and no other person acting under the lawful instructions of any member of the police force, shall be deemed to be an accomplice in the commission of any offence against this Act, nor shall the member giving such order or instructions, nor the member or other person who acts in pursuance or attempted pursuance thereof be liable to conviction or punishment for any act or matter done or committed by either of them in relation to or under such order or instructions, although, but for this section, such members or other person or any of them might have been deemed to be such accomplices or accomplice or have been liable to such conviction or punishment.

Evidence relating to licences, etc., under Racing Act

98. In any proceedings for an offence against this Act, an allegation in the complaint—

- (a) that a person was or was not at the time mentioned therein the holder of a licence to act as a bookmaker granted under the *Racing Act, 1976-1978*;
- (b) that a provision set out in the complaint was at the time mentioned therein a condition attached to a licence to act as a bookmaker or a permit granted under the *Racing Act, 1976-1978*;
- (c) that a person was or was not authorized to conduct totalizator betting under the *Racing Act, 1976-1978*,

shall, in the absence of proof to the contrary, be deemed to be proved.

Allegations to be *prima facie* proof

99. The allegations in any complaint laid in respect of any alleged offence or offences against this Act—

- (a) that any person, firm, company, or partnership (as the case may be) named in the complaint is the owner, user, or occupier (as the case may be) of any place, room, or premises mentioned in the complaint:
- (b) that any horse race, dog race, cycle race, or foot race, or coursing event (as the case may be) mentioned in the complaint was run at a place and on a date therein specified, and that any horse or horses, dog or dogs, or person or persons named in the complaint took part in any race or coursing event therein mentioned,

shall be accepted by the court as evidence of the truth of such allegations unless the contrary is proved.

Knowledge of owner as to occupancy of premises

100. Any person, club, firm, company, or partnership using or occupying any place, room, or premises for the purpose of unlawful gaming shall be deemed to be so using or occupying such place for such purpose with the knowledge and consent of the owner and the immediate landlord of such place or premises unless the contrary is proved.

Secondary evidence relating to lotteries

101. In every complaint laid in respect of any offence relating to any illegal lottery alleged to have been or to be intended or about to be drawn or conducted elsewhere than in the State, the court may in its discretion receive and act upon such secondary or other evidence as may be adduced for the purpose of proving the existence, drawing, conduct, or intention to draw or conduct such lottery.

Evidence of illegal lottery

102. (1) In any proceedings against any person for establishing, commencing, or being a partner in any illegal lottery, or managing, conducting, or assisting to manage or conduct any illegal lottery, or selling or disposing or buying or accepting any ticket or thing purporting to be or usually known as a lottery ticket and relating to an illegal lottery, it shall, in default of or in addition to other evidence, be sufficient in support of the complaint to show that such ticket or thing was bought or accepted by the purchaser or acceptor under the belief by him that the possession and production of such ticket purporting to be a lottery ticket or other thing conveyed a right to the purchaser or any holder thereof to draw for, compete, or have an interest in an illegal lottery.

(2) The sale of a ticket or thing commonly known as a Chinese lottery ticket, whether marked or otherwise, shall be *prima facie* evidence of the existence of a lottery and of an undertaking, agreement, or promise, expressed or implied, to pay a sum of money to the purchaser or holder of such ticket on the happening of a certain event or contingency.

(3) In any proceedings it shall not be necessary to prove that any ticket purporting to be or usually known as a Chinese lottery ticket relates to any particular lottery, or that any lottery has been or will be drawn.

***Prima facie* evidence of unlawful gaming**

103. The discovery in any place or about the person of any of those found therein (under circumstances which, combined with such discovery, raise in the mind of the Court a reasonable suspicion that the purpose and provisions of this Act have been contravened) of cards, dice balls, counters, tables, or other instruments of gaming, or of lists, cards, papers, documents, or things relating to racing or betting shall be *prima facie* evidence that such place is used for unlawful gaming.

Evidence as to offences

104. If on the hearing of any complaint for unlawful gaming the court is of opinion that any money or thing which has to its satisfaction been proved to have been given to, or received, or paid by the accused person, or given to, or received, or paid by any person or persons on his behalf, has been given in circumstances which, in the mind of the court, raise a reasonable suspicion that such money or thing was so given, received, or paid in contravention of the purposes and provisions of this Act, or any of them, such giving, receiving or paying as aforesaid shall be deemed *prima facie* evidence of the commission by the accused person of the offence charged against him in the complaint.

Reasonable suspicion sufficient to set up a *prima facie* case

105. (1) If on the hearing of any complaint 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 the complaint a reasonable suspicion that that person is guilty of the offence charged against him in the complaint, that evidence shall be deemed to be *prima facie* evidence that that person is guilty of that offence.

(2) The provisions of this section shall not limit the effect of any provisions of section 104 of this Act, and the provisions of that section shall not limit the effect of any provision of this section.

Certain allegations *prima facie* evidence

106. The allegation in any complaint under section 114 of this Act that any person is an officer or agent of the body corporate named in the complaint or that any premises named in the complaint are or have been in the occupation or under the control of such body corporate shall be *prima facie* evidence of the facts alleged.

Proof of age

107. Whenever in any proceedings under this Act it is material to show that any person was at any material time under the age of eighteen years—

- (a) the opinion of the court on its own view of such person; or
- (b) the opinion of a police officer who has seen such person,

that such person was at the material time under the age of eighteen years shall be *prima facie* evidence of that fact.

Proof of publication

108. (1) If the name of any person is printed or published upon any placard, handbill, card, writing, sign, advertisement, circular, newspaper, or other notice or notification or document that fact may be accepted by the Court as *prima facie* evidence that the said placard, handbill, card, writing, sign, advertisement, circular, newspaper, or other notice or notification or document was printed or, according to the nature of the charge, published by such person.

(2) In this section “name” includes any name, or any designation whatever, used or assumed by any person or by which any person is usually known or which is usually applied to any business or business premises of any person.

“Silent” telephone evidence of unlawful gaming

108a. If it is proved on the hearing of any complaint for unlawful gaming that on the premises where it is charged that such unlawful gaming has taken place there is installed a telephone instrument the number of which does not appear in the current telephone directory, such proof shall be *prima facie* evidence of the truth of such charge.

PART VIII
PROCEDURE AND MISCELLANEOUS

Proceedings for offences

109. (1) All proceedings under this Act shall be disposed of summarily.
(2) Penalties for any offence under this Act shall be recovered summarily.

General penalty for offences

110. Unless otherwise specified in this Act, every person who commits any offence against this Act, shall be liable to a penalty not exceeding two thousand five hundred dollars, or to imprisonment for not longer than three months.

Confiscation of instrument of gaming, etc., upon conviction

110a. Without limiting the effect of section 71 of this Act, upon the conviction of a person of an offence under this Act, the court convicting that person may, in addition to any other penalty or punishment inflicted on him, by order, confiscate and forfeit to the Crown any instrument of gaming, money, lists, cards, papers, document or other thing used or received by the person in relation to or in connection with the offence or in relation to or in connection with any matter giving rise to or arising out of the commission of the offence.

* * * * *

Form of complaint, defects in substance or form of conviction and amendment of complaint, etc.

112. (1) It shall be held sufficient in any complaint under this Act if the complaint gives the accused a reasonably clear and intelligible statement of the offence with which he is charged.

(2) No conviction or warrant of commitment shall be held void, invalid, or quashed for any defect in substance or in form.

(3) The court shall amend every complaint which, in its opinion, is defective or ought to be amended upon such terms as to costs, adjournment, or otherwise as the court thinks fit.

(4) Any special magistrate may amend any conviction or warrant of commitment at any time after it has been signed and before it has been executed.

Discretion of Registrar of Companies

113. The Registrar of Companies is not obliged to register—

(a) any club, association or persons;

or

(b) any document lodged by any club, association or persons for registration,

under any Act if, in his opinion, the purposes or objects, or any of them, of such club, association or persons are designed, or intended either directly or indirectly, or either wholly or in part, to contravene or evade in any way the provisions and purposes of this Act or any of them.

Where premises of body corporate are used for unlawful gaming

114. (1) Where premises occupied by or under the control of a body corporate are, or during their occupation or control by that body corporate have been, used for the purpose of unlawful gaming, the body corporate and every officer and agent thereof who knowingly caused or permitted such unlawful gaming to take place commits an offence against this Act and on conviction is liable to a penalty of five hundred dollars.

(2) In subsection (1) of this section—

“officer”, in relation to a body corporate, means officer, in relation to a corporation within the meaning of the *Companies Act, 1962*, as amended;

“agent” includes agent within the meaning of Division III of Part XI of the *Companies Act, 1962*, as amended.

Entry of shops, factories, and club premises

115. (1) Any justice or any officer of the police force of rank not lower than sergeant or any member of the police force authorized in writing by any such officer may demand entrance at any time by day or night into—

(a) any premises in respect of which a licence granted under the *Licensing Act, 1967-1968*, as amended, is in force;

(b) any shop or any part of a building occupied in connection with or for the purposes of a shop;

(c) any factory and the appurtenances of any factory; or

(d) any building or place occupied by any club (whether a racing club or not) and the appurtenances thereof.

(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 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 ten dollars and not more than forty dollars, and for any subsequent offence of not less than twenty dollars and not more than sixty dollars.

(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 authorize 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 the authority.

Exemption of certain sweepstakes

116. Nothing in this Act shall apply to any sweepstake held upon a racecourse, or any place not being a public place, if—

(a) the total contributions do not exceed ten dollars;

(b) no person contributes more than fifty cents;

(c) the promoter does not promote, and the individual subscribers do not contribute to, more than one sweepstake on any one race; and

(d) the total sum contributed is paid to the winner without any deduction.

Half penalties to be paid to informer

117. One half part of every sum which shall be imposed as a penalty under sections 6, 7, 8, 49, 51, 52, 72, 90, 91, 92, 93, 94, and 95, of this Act shall be paid to the person on whose complaint the conviction has been obtained, unless the complaint was laid by or on behalf of a public officer.

Construction of Act

118. This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State, to the intent that where any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected.

Regulations

119. The Governor may make such regulations as are contemplated by, or as are necessary or expedient for the purposes of, this Act.

SCHEDULES
THE FIRST SCHEDULE
Acts Repealed

Number and Year of Act	Title	Extent of Repeal
1285 of 1917	<i>Lottery and Gaming Act, 1917</i>	The whole.
1382 of 1919	<i>Lottery and Gaming Act Amendment Act, 1919</i>	The whole.
1447 of 1920	<i>Lottery and Gaming Act Amendment Act, 1920</i>	The whole.
1494 of 1921	<i>Lottery and Gaming Act Amendment Act, 1921</i>	The whole.
1877 of 1928	<i>Lottery and Gaming Act Amendment Act, 1928</i>	The whole except section 9.
1986 of 1930	<i>Lottery and Gaming Act, 1930</i>	The whole.
2135 of 1933	<i>Lottery and Gaming and Licensing Acts Amendment Act, 1933</i>	Part I.
2159 of 1934	<i>Lottery and Gaming Act Amendment Act, 1934</i>	The whole.
2188 of 1934	<i>Lottery and Gaming Acts Amendment Act, 1934</i>	The whole.
2245 of 1935	<i>Lottery and Gaming Acts Amendment Act, 1935</i>	The whole.

THE SECOND SCHEDULE

33 Henry VIII c.9
2 & 3 Phillip and Mary c.9
16 Car. II c.7
10 & 11 Will. III c.17
9 Anne c.6
9 Anne c.14
10 Anne c.26 s.109
8 Geo. I c.2
9 Geo. I c.19
6 Geo. II c.35
7 Geo. II c.8
10 Geo. II c.8
12 Geo. II c.28
13 Geo. II c.19
18 Geo. II c.34
42 Geo. III c.119
57 Geo. III c.31
58 Geo. III c.71
59 Geo. III c.65
1 Geo. IV c.72
1 & 2 Geo. IV c.120
3 Geo. IV c.101
4 Geo. IV c.60
5 & 6 Will. IV c.41
6 & 7 Will. IV c.66

* * * * *

THE FOURTH SCHEDULE

SEARCH WARRANT

South (Royal Arms) Australia

(To wit)

To

Whereas it appears to me (or us) [a *Special Magistrate, the Commissioner of Police, or two Justices of the Peace*], acting in and for the State of South Australia, that there is reason to suspect that unlawful gaming is being or is about to be carried on in or upon a certain place, to wit. This is therefore to authorize and require you, with such assistance as may be necessary, to enter and re-enter into and upon and search such place at any time, and from time to time and at all times during day or night, within the space of three clear days from the date of this warrant, and to remain in and upon such place during the whole or any part of the three days aforesaid, and if necessary to use force in making such entry or any re-entry, whether by breaking open doors or otherwise, and to arrest and bring before a Special Magistrate or two Justices of the Peace all such persons as may be found therein or thereupon, and to seize all dice, balls, counters, tables, or other instruments of gaming, moneys, lists, cards, papers, documents, or things found upon such persons, or in or upon such place, as may be reasonably supposed to have been used or designed for use in connection with or in relation to any such suspected offence, and to detain any such dice, balls, counters, tables, or other instruments of gaming, moneys, lists, cards, papers, documents, or things so found, to be dealt with according to law: And for so doing this shall be your warrant.

Given under my hand at

in South Australia this

day of

* * * * *

APPENDIX

Legislative History

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 6 of The Public General Acts of South Australia 1837-1975 at page 617.

Section 2:	amended by 104, 1976, s. 4(2) (2nd Sched.)
Section 3:	redesignated as s. 3(1) by 78, 1983, s. 2
Section 3(2):	inserted by 78, 1983, s. 2
Section 4:	definition of "bet" or "make a bet" inserted by 105, 1980, s. 3(a) definition of "board" repealed by 104, 1976, s. 4(2) (2nd Sched.) definition of "bookmaker" inserted by 105, 1980, s. 3(a) definition of "chairman" repealed by 104, 1976, s. 4(2) (2nd Sched.) definition of "controlling authority" repealed by 104, 1976, s. 4(2) (2nd Sched.) definition of "exempted lottery" substituted by 105, 1980, s. 3(b) definition of "horse race" repealed by 104, 1976, s. 4(2) (2nd Sched.) definition of "multiple betting" repealed by 104, 1976, s. 4(2) (2nd Sched.) definition of "racecourse" repealed by 104, 1976, s. 4(2) (2nd Sched.) definition of "race meeting" repealed by 104, 1976, s. 4(2) (2nd Sched.) definition of "racing club" repealed by 104, 1976, s. 4(2) (2nd Sched.) definition of "trade-promotion lottery" inserted by 105, 1980, s. 3(c) definition of "the Executive Committee of the League" repealed by 104, 1976, s. 4(2) (2nd Sched.) definition of "the Fund" repealed by 104, 1976, s. 4(2) (2nd Sched.) definition of "the League" repealed by 104, 1976, s. 4(2) (2nd Sched.) definition of "the Totalizator Agency Board" repealed by 104, 1976, s. 4(2) (2nd Sched.) definition of "the Trotting Control Board" repealed by 104, 1976, s. 4(2) (2nd Sched.) definition of "totalizator" repealed by 104, 1976, s. 4(2) (2nd Sched.) definition of "unlawful gaming" amended by 104, 1976, s. 4(2) (2nd Sched.)
Section 9:	amended by 105, 1980, s. 4
Section 14b(1):	amended by 105, 1980, s. 5; 60, 1982, s. 2(a)
Section 14b(3) and (4):	inserted by 60, 1982, s. 2(b)
	Part III comprising ss. 15 - 31 and heading repealed by 104, 1976, s. 4(2) (2nd Sched.); Part III comprising ss. 15 - 20 and heading inserted by 27, 1988, s. 3
	Part IIIA comprising ss. 31a - 31v and heading repealed by 104, 1976, s. 4(2) (2nd Sched.)
	Part IIIB comprising ss. 31w - 31xk and heading repealed by 104, 1976, s. 4(2) (2nd Sched.)
	Part IV comprising ss. 32 - 48b and heading repealed by 104, 1976, s. 4(2) (2nd Sched.)
	Part IVA comprising ss. 48d - 48i and heading repealed by 104, 1976, s. 4(2) (2nd Sched.)
Section 50a:	inserted by 78, 1983, s. 3
Section 54a:	repealed by 104, 1976, s. 4(2) (2nd Sched.)
Section 58:	amended by 104, 1976, s. 4(2) (2nd Sched.)
Section 59a:	inserted by 105, 1980, s. 6
Section 62:	amended by 104, 1976, s. 4(2) (2nd Sched.); substituted by 105, 1980, s. 7
Section 63:	inserted by 47, 1978, s. 2
Section 63(1):	amended by 105, 1980, s. 8(a); 30, 1984, s. 2(a), (b); 54, 1988, s. 2(a), (b)
Section 63(2):	amended by 105, 1980, s. 8(b); 30, 1984, s. 2(c); 54, 1988, s. 2(c)
Section 64:	repealed by 104, 1976, s. 4(2) (2nd Sched.); inserted by 47, 1978, s. 2
Section 64(1):	amended by 105, 1980, s. 9(a)
Section 64(2):	amended by 105, 1980, s. 9(b)
Sections 65 - 67a:	repealed by 104, 1976, s. 4(2) (2nd Sched.)
Section 70:	repealed by 104, 1976, s. 4(2) (2nd Sched.)
Section 71(1):	amended by 105, 1980, s. 10
Section 75:	amended by 105, 1980, s. 11
Section 84:	amended by 105, 1980, s. 12
Section 85:	amended by 105, 1980, s. 13
Section 86:	amended by 105, 1980, s. 14
Section 88:	amended by 105, 1980, s. 15
Section 88a:	amended by 105, 1980, s. 16
Section 90(3):	amended by 105, 1980, s. 17
Section 91:	amended by 105, 1980, s. 18
Section 92(1) and (2):	amended by 105, 1980, s. 19
Section 93(1):	amended by 105, 1980, s. 20
Section 94:	amended by 105, 1980, s. 21
Section 95:	amended by 105, 1980, s. 22
Section 98:	inserted by 105, 1980, s. 23
Section 110:	amended by 105, 1980, s. 24
Section 119:	inserted by 27, 1988, s. 4
Second Schedule:	inserted by 78, 1983, s. 4
Third Schedule:	repealed by 104, 1976, s. 4(2) (2nd Sched.)
Fifth Schedule:	repealed by 104, 1976, s. 4(2) (2nd Sched.)