

South Australia

# Lottery and Gaming Act 1936

An Act relating to lotteries and gaming.

---

## Contents

### Part 1—Preliminary

- 1 Short title
- 3A Commencement of *Lottery and Gaming Act Amendment Act (No. 2) 1966*
- 4 Interpretation
- 4A Crown bound
- 4AB Act subject to other Acts authorising gambling

### Part 2—Unlawful lotteries

- 4B This Part not to apply to authorised or exempted lotteries
- 5 Lotteries declared nuisances
- 6 Opening lotteries, and aiding and playing thereat
- 7 Promises to pay money or deliver goods etc on event of lottery
- 8 Advertising lotteries
- 9 Exemptions from Act
- 10 Publication of information regarding lotteries
- 11 Sale of lottery tickets
- 12 Placards relating to illegal lotteries
- 13 Sending money to lotteries
- 14 Allegations *prima facie* proof

### Part 2A—Authorised and exempted lotteries

- 14A No offence to conduct or participate in authorised or exempted lotteries
- 14B Regulations
- 14C Failure to comply with condition to be an offence
- 14D Group of associations to nominate person responsible for compliance with conditions of licence

### Part 3—Licensing of suppliers of instant lottery tickets

- 15 Interpretation
- 16 Suppliers must be licensed
- 17 Application for licence
- 18 Licence may be conditional
- 19 Term of licence
- 20 Suspension or cancellation of licence

### Part 4—Lottery inspectors

- 21 Appointment of lottery inspectors

22 Powers of lottery inspectors

## Part 5—Unlawful gaming

- 49 Obtaining money etc by cheating
- 50 Gaming and wagering contracts void
- 50A Agreements in relation to gaming void
- 51 Extending provisions to gaming with coin etc
- 52 Gambling etc in public places
- 53 Betting with persons under the age of eighteen years
- 54 Betting by persons under the age of eighteen years
- 55 Receiving money for gaming from persons under the age of eighteen years
- 56 Promoting sweepstakes for reward
- 57 Soliciting totalisator investments
- 58 Totalisator agents
- 58A Proof of offence
- 59 Certain games unlawful
- 59A Certain things declared instruments of unlawful gaming
- 60 Public betting and advertising
- 61 Unlawful gaming and playing of unlawful games
- 62 Being in public place for the purpose of betting
- 63 Unlawful bookmaking
- 64 Unauthorised totalisator betting prohibited
- 65 Unauthorised betting exchange prohibited
- 68 Betting notices and placards
- 69 Removal from racecourses etc of persons suspected of offences
- 72 Obstructing members of the police force in the execution of their duty
- 73 Power of police as to premises where unlawful gaming is carried on

## Part 6—Common gaming-houses

- 74 Common gaming-houses
- 75 Occupying a common gaming-house
- 76 Allowing use of premises as common gaming-house
- 77 Allowing use of premises as access to or exit from a gaming-house
- 78 Power to evict occupier of house used as gaming-house etc
- 79 Cancellation of notice to quit
- 80 Declaration that house a common gaming-house
- 81 Rescission of declaration
- 82 Publication of notice of declaration and rescission
- 83 Notice given of declaration
- 84 Persons found in house declared a common gaming-house
- 85 Penalty on owner of house used in contravention of Act
- 86 Penalty on occupier
- 87 Entry by police
- 88 Obstructing the police
- 88A Certain offences
- 89 Evidence of house being a gaming-house
- 90 Keeping house for purpose of gaming
- 91 Advancing money for the purpose of gaming
- 92 Receiving money for betting
- 93 Exhibiting placards or advertising betting houses
- 94 Betting advertisements
- 95 Giving false name and address

96 Entrance and nomination fees exempted

## Part 7—Evidence

- 97 Immunity of police and other authorised persons
- 98 Evidentiary provision relating to licences and permits
- 99 Allegations to be *prima facie* proof
- 100 Knowledge of owner as to occupancy of premises
- 101 Secondary evidence relating to lotteries
- 102 Evidence of illegal lottery
- 103 *Prima facie* evidence of unlawful gaming
- 104 Evidence as to offences
- 105 Reasonable suspicion sufficient to set up a *prima facie* case
- 106 Certain allegations *prima facie* evidence
- 107 Proof of age
- 108 Proof of publication
- 108A "Silent" telephone evidence of unlawful gaming

## Part 8—Procedure and miscellaneous

- 112 Form of complaint, defects in substance or form of conviction and amendment of complaint etc
- 113A Dishonest, deceptive or misleading conduct
- 114 Premises of body corporate used for unlawful gaming
- 115 Entry of shops, factories and club premises
- 116 Exemption of certain sweepstakes
- 118 Construction of Act
- 119 Regulations

## Schedule 2—Imperial Acts of no force or effect in South Australia

## Legislative history

---

### The Parliament of South Australia enacts as follows:

## Part 1—Preliminary

### 1—Short title

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

### 3A—Commencement of *Lottery and Gaming Act Amendment Act (No. 2) 1966*

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.

## 4—Interpretation

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

**authorised 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; or
- (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;

**exempted lottery** means a lottery declared by regulation to be an exempted lottery;

**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 realisable 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;

**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;

**lottery inspector**, or **inspector**, means a person authorised in writing by the Minister to exercise the powers of a lottery inspector under Part 4;

**occupier** in relation to occupiers of any house, office, room, or place used for a purpose forbidden by this Act means the owner, occupier, or keeper of any house, office, room, or place, or any person using the same, or any person procured or employed by or acting for or on behalf of the owner, occupier, or keeper, or person using the same, or any person having the care or management, or in any manner conducting the business thereof;

**place** means any house, office, room, tent, ship, building, erection, road, street, thoroughfare, alley, right-of-way (either public or private), and all land (whether public or private) enclosed or otherwise;

**public place** means—

- (a) every public place; and
- (b) every place to which the public are permitted to have access tacitly or otherwise and whether upon payment of money or not; and
- (c) any premises in respect of which a licence granted under the *Licensing Act 1967*, as amended, is in force; and
- (d) any shop, and any part of a building occupied in connection with, or for the purposes of, a shop; and
- (e) any factory, and the appurtenances of any factory; and
- (f) any building or place occupied by any club (whether a racing club or not), and the appurtenances thereof; and
- (g) any place commonly used by the public whether as trespassers or otherwise;

**street** means every public street, thoroughfare, private street, or road commonly used by or to which the public are permitted to have access;

**sweepstakes** means a scheme under which money is paid into a pool the whole or part of which is distributed as prizes to those persons who have drawn, or have acquired from the drawer, the winning chances (according to the terms of the scheme) arising out of the results of a race, game or other sporting event conducted within or outside the State;

**trade-promotion lottery** means a lottery conducted with a view to promoting the sale of goods or services;

**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.

#### **4A—Crown bound**

- (1) This Act binds the Crown.
- (2) Nothing in this Act renders the Crown in any of its capacities liable to be prosecuted for an offence.

- (3) For the purposes of this section, a reference to the Crown extends—
- (a) not only to the Crown in right of this State but also (so far as the legislative power of the State permits) to the Crown in any other capacity; and
  - (b) to an instrumentality of the Crown, and to an officer or employee of the Crown and any contractor or other person who carries out functions on behalf of the Crown.

#### **4AB—Act subject to other Acts authorising gambling**

This Act has effect subject to the provisions of any other Act by which lotteries, betting or gaming, or any related activities, are authorised or declared to be lawful.

### **Part 2—Unlawful lotteries**

#### **4B—This Part not to apply to authorised or exempted lotteries**

This Part does not apply or refer to any authorised lottery or any exempted lottery.

#### **5—Lotteries declared nuisances**

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.

#### **6—Opening lotteries, and aiding and playing thereat**

- (1) No person shall, either publicly or privately exercise, open, or show, to be played, thrown, or drawn at, any lottery.  
Maximum penalty: \$10 000.
- (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.  
Maximum penalty: \$10 000.
- (3) No person shall play, throw, or draw at any such lottery.  
Maximum penalty: \$1 250.

#### **7—Promises to pay money or deliver goods etc on event of lottery**

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.

Maximum penalty: \$2 500.

## 8—Advertising lotteries

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.

Maximum penalty: \$2 500.

## 9—Exemptions from Act

- (1) 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; and
  - (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; and
  - (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; and
  - (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.
- (2) For the purposes of subsection (1)(d), payment of a membership fee to become a member of an association will, if membership entitles the member to participate (at no further cost) in a lottery, be taken to be payment of an entrance fee for participation in the lottery.

## 10—Publication of information regarding lotteries

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.

Maximum penalty: \$2 500.

## 11—Sale of lottery tickets

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.

Maximum penalty: \$2 500.

## 12—Placards relating to illegal lotteries

- (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.

Maximum penalty: \$2 500.

- (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.

## 13—Sending money to lotteries

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.

Maximum penalty: \$2 500.

## **14—Allegations *prima facie* proof**

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 2A—Authorised and exempted lotteries**

### **14A—No offence to conduct or participate in authorised or exempted lotteries**

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

### **14B—Regulations**

- (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; and
  - (b) providing for the granting and refusal of such licences by the Chief Secretary or any person nominated by him; and
  - (c) prescribing the persons, associations or organisations or classes of persons, associations or organisations or groups of persons, associations or organisations to whom or to which licences or any classes of licences for the conduct of lotteries may be granted under this Act; and
  - (d) prescribing the conditions under or subject to which any such licence may be granted; and
  - (e) providing for the cancellation of a licence upon breach of a condition under or subject to which the licence was granted; and
  - (f) prescribing and providing for the payment of fees for any licence or class of licence for any authorised lottery or class of authorised lottery or for any application for any licence or class of licence under this Act or for any other application under the regulations; and
  - (g) prescribing the duties and obligations to be performed and discharged by licensees and their agents and servants; and

- (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; and
  - (i) prescribing the nature and amount of such security; and
  - (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 \$2 500 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—
- (a) the aggregate of all or part of the money paid for the right to participate in the lottery; or
  - (b) the total value of all or some of the prizes in the lottery; or
  - (c) in the case of an instant lottery licence—the total face value of instant lottery tickets purchased by the licensee.
- (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.
- (5) A regulation under this section may be of general, limited or varied application according to any specified factor to which the regulation is expressed to apply.

#### **14C—Failure to comply with condition to be an offence**

- (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 organisation, the secretary, manager or other principal executive officer, and each member of the committee or other executive body, of the association or organisation; or
  - (c) where the licence has been granted to a group of associations or group of organisations, the person or persons for the time being nominated by the governing bodies of the associations or organisations 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.

Maximum penalty: \$5 000.

- (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.

#### **14D—Group of associations to nominate person responsible for compliance with conditions of licence**

Before a licence for the conduct of any lottery is granted to a group of associations or a group of organisations, 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 organisations 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 3—Licensing of suppliers of instant lottery tickets**

#### **15—Interpretation**

In this Part—

*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.

#### **16—Suppliers must be licensed**

- (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.  
Maximum penalty: \$5 000.
- (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.

#### **17—Application for licence**

- (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.

#### **18—Licence may be conditional**

- (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.

Maximum penalty: \$5 000.

### **19—Term of licence**

- (1) A licence under this Part expires (unless sooner cancelled or surrendered) on 30 June next following the day on which it was granted.
- (2) If due application for renewal and payment of the prescribed fee is made before the expiry of a licence under this Part, the Minister must renew the licence for a period of one year.
- (3) The Minister may renew a licence notwithstanding its expiry if the Minister thinks it appropriate to do so in any particular case.

### **20—Suspension or cancellation of licence**

- (1) The Minister may, by written notice to the holder of a licence—
- (a) cancel the licence if the holder of the licence obtained the grant of the licence improperly; or
  - (b) cancel the licence or suspend it for a specified period or until further notice, if the holder of the licence has contravened a provision of this Act or a condition of the licence.
- (2) A notice of suspension under subsection (1) may specify action to be taken by the licence holder to remedy any breach of this Act or the licence conditions.

## **Part 4—Lottery inspectors**

### **21—Appointment of lottery inspectors**

- (1) The Minister may appoint such Public Service employees as lottery inspectors as may be necessary for the purposes of this Act.
- (2) The Minister must provide each inspector with a certificate of identity and an inspector must, at the request of a person in relation to whom the inspector has exercised or intends to exercise powers under this Part, produce that certificate.

### **22—Powers of lottery inspectors**

- (1) For the purposes of ascertaining whether the provisions of this Act are being complied with and subject to this section, a lottery inspector may enter any place in which the inspector suspects on reasonable grounds—
- (a) there may be evidence or records connected with the conduct of a lottery; or
  - (b) instant lottery tickets may be manufactured, packaged or stored.
- (2) An inspector must not enter a place used as a residence unless authorised by warrant under subsection (3).
- (3) A magistrate may, if satisfied on the application of an inspector that there is a proper ground for doing so, issue a warrant authorising an inspector to enter a place used as a residence.

- (4) While an inspector is in or on any place pursuant to this section, the inspector may do one or more of the following:
- (a) inspect or search the place or anything in the place;
  - (b) require any person in the place to—
    - (i) produce any equipment or other items, or any books, papers or documents, that are in the person's custody or control; and
    - (ii) answer any questions put by the inspector;
  - (c) inspect any books, papers or documents produced to the inspector and retain them for so long as is reasonably necessary for the purpose of copying or taking extracts from any of them;
  - (d) take photographs;
  - (e) if the inspector suspects on reasonable grounds that an offence has been committed, seize and retain anything that the inspector believes affords evidence of the offence;
  - (f) give such directions as are reasonably necessary for, or as are incidental to, the effective exercise of the inspector's powers under this section.
- (5) An inspector may, in exercising powers under this section, be accompanied by such assistants as are reasonably necessary for the purpose.
- (6) A person who—
- (a) without reasonable excuse, hinders or obstructs an inspector in the exercise of powers under this section; or
  - (b) fails to answer a question put by an inspector to the best of his or her knowledge, information or belief; or
  - (c) fails to comply with any other lawful requirement or direction of an inspector; or
  - (d) uses abusive, threatening or insulting language to an inspector or a person assisting an inspector; or
  - (e) falsely represents, by word or conduct, that he or she is an inspector,
- is guilty of an offence.  
Maximum penalty: \$5 000.
- (7) A natural person is not required to answer a question if the answer might tend to incriminate the person, or make the person liable to a penalty.

## **Part 5—Unlawful gaming**

### **49—Obtaining money etc by cheating**

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.

Maximum penalty: \$10 000 or imprisonment for 2 years.

### **50—Gaming and wagering contracts void**

- (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.

### **50A—Agreements in relation to gaming void**

- (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.

### **51—Extending provisions to gaming with coin etc**

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

Maximum penalty: \$1 250.

### **52—Gambling etc in public places**

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.

Maximum penalty: \$10 000 or imprisonment for 2 years.

### **53—Betting with persons under the age of eighteen years**

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

Maximum penalty: \$2 500.

### **54—Betting by persons under the age of eighteen years**

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

Maximum penalty: \$2 500.

### **55—Receiving money for gaming from persons under the age of eighteen years**

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 totalisator or sweepstakes, or betting.

Maximum penalty: \$2 500.

### **56—Promoting sweepstakes for reward**

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.

Maximum penalty: \$5 000.

### **57—Soliciting totalisator investments**

- (1) 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 totalisator (whether such totalisator is lawful or not).

Maximum penalty: \$5 000.

- (2) This section does not apply to a body conducting totalisator betting as authorised under another Act.

### **58—Totalisator agents**

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 totalisator (whether such totalisator 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.

Maximum penalty: \$5 000.

### **58A—Proof of offence**

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.

### **59—Certain games unlawful**

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.

### **59A—Certain things declared instruments of unlawful gaming**

- (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.

### **60—Public betting and advertising**

No person shall, unless authorised 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 printed or electronic form any advertisement inviting the public to subscribe to any sweepstakes or to make a bet or otherwise advertising the business or services of a person who conducts totalisator betting, acts as a bookmaker or conducts a betting exchange (within the meaning of section 65).

Maximum penalty: \$5 000.

### **61—Unlawful gaming and playing of unlawful games**

- (1) No person shall be guilty of unlawful gaming.  
Maximum penalty: \$2 500.
- (2) No person shall play at any unlawful game.  
Maximum penalty: \$2 500.
- (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).

Maximum penalty: \$750.

## **62—Being in public place for the purpose of betting**

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

Maximum penalty: \$5 000 or imprisonment for 1 year.

## **63—Unlawful bookmaking**

- (1) No person shall act as a bookmaker.

Maximum penalty: \$50 000 or imprisonment for 4 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.

Maximum penalty: \$5 000 or imprisonment for 1 year.

## **64—Unauthorised totalisator betting prohibited**

- (1) No person shall conduct totalisator betting.

Maximum penalty: \$20 000 or imprisonment for 1 year.

- (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.

Maximum penalty: \$5 000 or imprisonment for 6 months.

## **65—Unauthorised betting exchange prohibited**

- (1) A person must not establish or conduct a betting exchange.

Maximum penalty: \$20 000 or imprisonment for 1 year.

- (2) For the purposes of subsection (1), and without limiting the effect of that subsection, a person will be taken to conduct a betting exchange in South Australia if the person allows a person in South Australia to make a bet by means of the betting exchange.

- (3) A person must not make a bet, or take action for the purpose of making a bet, through the use of a betting exchange.

Maximum penalty: \$5 000 or imprisonment for 6 months.

- (4) In this section—

***betting exchange*** means a facility, electronic or otherwise, designed to provide a mechanism through which—

- (a) offers to make bets are regularly made and accepted; or  
(b) offers or invitations to make bets are regularly made that are intended to result, or may reasonably be expected to result, directly or indirectly, in the acceptance of the offers or invitations,

but does not include a facility involved in the activities of a bookmaker or the conduct of totalisator betting.

## 68—Betting notices and placards

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.

Maximum penalty: \$2 500.

## 69—Removal from racecourses etc of persons suspected of offences

- (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.  
Maximum penalty: \$2 500.
- (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.

## 72—Obstructing members of the police force in the execution of their duty

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 of or means of access to any house, room, or place so authorised 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.

Maximum penalty: \$2 500 or imprisonment for 6 months.

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

- (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 authorised 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 authorised 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;
  - (c) any member of the police force authorised 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.
- (3) If—
  - (a) the occupier of a place in relation to which a notice is given under subsection (1); or
  - (b) in the absence of the occupier, any other person present on that place, 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, he or she is guilty of an offence.  
Maximum penalty: \$2 500.
- (4) If a person, at any time during the days and hours stated in a notice under subsection (1), closes any door or means of entrance to the place to which the notice relates, that person is guilty of an offence.  
Maximum penalty: \$2 500.

**Part 6—Common gaming-houses****74—Common gaming-houses**

- (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.

### **75—Occupying a common gaming-house**

- (1) A person who is the occupier of a common gaming-house is guilty of an offence.  
Maximum penalty: \$20 000 or imprisonment for 1 year.
- (2) In proceedings for an offence under this section it will be presumed, in the absence of proof to the contrary, that the defendant knew that the house, office, room or place was being used as a common gaming-house.

### **76—Allowing use of premises as common gaming-house**

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.

Maximum penalty: \$5 000.

### **77—Allowing use of premises as access to or exit from a gaming-house**

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.

Maximum penalty: \$5 000.

### **78—Power to evict occupier of house used as gaming-house etc**

- (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.

#### **79—Cancellation of notice to quit**

- (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.

#### **80—Declaration that house a common gaming-house**

- (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.

#### **81—Rescission of declaration**

- (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.

### **82—Publication of notice of declaration and rescission**

- (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.

### **83—Notice given of declaration**

- (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.

### **84—Persons found in house declared a common gaming-house**

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 guilty of an offence.

Maximum penalty: \$5 000.

### **85—Penalty on owner of house used in contravention of Act**

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 guilty of an offence.

Maximum penalty: \$5 000.

### **86—Penalty on occupier**

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, unless he proves that he has taken reasonable steps to prevent such use, be guilty of an offence.

Maximum penalty: \$20 000 or imprisonment for 1 year.

### **87—Entry by police**

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.

### **88—Obstructing the police**

No person shall—

- (a) obstruct; or
- (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.

Maximum penalty: \$10 000 or imprisonment for 1 year.

### **88A—Certain offences**

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.

Maximum penalty: \$10 000 or imprisonment for 1 year.

### **89—Evidence of house being a gaming-house**

If—

- (a) any member of the police force or other person acting in his assistance authorised 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 or means of access to any such house, office, room, or place so authorised 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 authorised 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.

### **90—Keeping house for purpose of gaming**

- (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.

Maximum penalty: \$20 000 or imprisonment for 1 year.

- (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.

### **91—Advancing money for the purpose of gaming**

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

Maximum penalty: \$20 000 or imprisonment for 1 year.

### **92—Receiving money for betting**

- (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.

Maximum penalty: \$20 000 or imprisonment for 1 year.

- (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.

Maximum penalty: \$20 000 or imprisonment for 1 year.

- (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, in any court of competent jurisdiction.

### **93—Exhibiting placards or advertising betting houses**

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.

Maximum penalty: \$5 000.

## **94—Betting advertisements**

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.

Maximum penalty: \$5 000.

## **95—Giving false name and address**

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 a court, on being required by such constable, person or court to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address.

Maximum penalty: \$2 500.

## **96—Entrance and nomination fees exempted**

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 7—Evidence**

### **97—Immunity of police and other authorised persons**

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.

## 98—Evidentiary provision relating to licences and permits

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

- (a) that a person was or was not at a specified time the holder of a specified licence or permit under another Act; or
- (b) that a specified licence or permit under another Act was at a specified time subject to specified conditions,

will be accepted as proved in the absence of proof to the contrary.

## 99—Allegations to be *prima facie* proof

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.

## 100—Knowledge of owner as to occupancy of premises

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.

## 101—Secondary evidence relating to lotteries

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.

## 102—Evidence of illegal lottery

- (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.

### **103—*Prima facie* evidence of unlawful gaming**

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.

### **104—Evidence as to offences**

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.

### **105—Reasonable suspicion sufficient to set up a *prima facie* case**

- (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 court 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.

### **106—Certain allegations *prima facie* evidence**

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.

### **107—Proof of age**

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.

### **108—Proof of publication**

- (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.

### **108A—"Silent" telephone evidence of unlawful gaming**

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 8—Procedure and miscellaneous**

### **112—Form of complaint, defects in substance or form of conviction and amendment of complaint etc**

- (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.

### **113A—Dishonest, deceptive or misleading conduct**

A person involved (whether as principal, agent or employee) in the conduct of any lawful or unlawful lottery, gaming or betting operations who acts in a dishonest, deceptive or misleading manner in connection with the operations is guilty of an offence.

Maximum penalty: \$50 000 or 2 years imprisonment.

### 114—Premises of body corporate used for unlawful gaming

- (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 of the body corporate who knowingly caused or permitted such unlawful gaming to take place commits an offence against this Act.

Maximum penalty: \$5 000.

- (2) In this section—

*director* of a body corporate includes a person occupying or acting in the position of a director or member of the governing body of the body corporate, by whatever name called and whether or not validly appointed to occupy or duly authorised to act in the position, and includes any person in accordance with whose directions or instructions the directors or members of the governing body are accustomed to act;

*officer*, in relation to a body corporate, means—

- (a) a director of the body corporate; or
- (b) the chief executive officer of the body corporate; or
- (c) a receiver or manager of any property of the body corporate or a liquidator of the body corporate; or
- (d) an employee of the body corporate with management responsibilities in respect of a matter in relation to which a contravention of subsection (1) has occurred.

### 115—Entry of shops, factories and club premises

- (1) Any officer of the police force of rank not lower than sergeant or any member of the police force authorised 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*, as amended, is in force; or
  - (b) any shop or any part of a building occupied in connection with or for the purposes of a shop; or
  - (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 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.

Maximum penalty: \$2 500.

- (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 authorise 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.

### **116—Exemption of certain sweepstakes**

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; and
- (b) no person contributes more than fifty cents; and
- (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.

### **118—Construction of Act**

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.

### **119—Regulations**

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

## **Schedule 2—Imperial Acts of no force or effect in South Australia**

The following Acts of the Imperial Parliament have no force or effect in this State:

- 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

## Legislative history

### Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation repealed by principal Act

The *Lottery and Gaming Act 1936* repealed the following:

*Lottery and Gaming Act 1917*

*Lottery and Gaming Act Amendment Act 1919*

*Lottery and Gaming Act Amendment Act 1920*

*Lottery and Gaming Act Amendment Act 1921*

*Lottery and Gaming Act 1930*

*Lottery and Gaming Act Amendment Act 1934*

*Lottery and Gaming Acts Amendment Act 1934*

*Lottery and Gaming Acts Amendment Act 1935*

### Legislation amended by principal Act

The *Lottery and Gaming Act 1936* amended the following:

*Lottery and Gaming Act Amendment Act 1928*

*Lottery and Gaming and Licensing Acts Amendment Act 1933*

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1936	2282	<i>Lottery and Gaming Act 1936</i>	3.9.1936	3.9.1936
1938	2394	<i>Lottery and Gaming Act Amendment Act 1938</i>	6.10.1938	6.10.1938
1938	2417	<i>Lottery and Gaming Act Amendment Act (No. 2) 1938</i>	15.12.1938	19.12.1938 ( <i>Gazette 15.12.1938 p1497</i> )
1939	11	<i>Lottery and Gaming Act Amendment Act (No. 2) 1939</i>	19.10.1939	19.10.1939

**Lottery and Gaming Act 1936—1.3.2009 to 31.12.2015**Legislative history

---

1939	13	<i>Lottery and Gaming Act Amendment Act 1939</i>	9.11.1939	9.11.1939
1943	11	<i>Lottery and Gaming Act Amendment Act 1943</i>	29.10.1943	29.10.1943
1945	42	<i>Lottery and Gaming Act Amendment Act 1945</i>	24.1.1946	24.1.1946
1947	37	<i>Lottery and Gaming Act Amendment Act 1947</i>	11.12.1947	11.12.1947
1948	46	<i>Lottery and Gaming Act Amendment Act 1948</i>	22.12.1948	22.12.1948
1949	19	<i>Lottery and Gaming Act Amendment Act 1949</i>	27.10.1949	27.10.1949
1950	36	<i>Lottery and Gaming Act Amendment Act (No. 1) 1950</i>	30.11.1950	1.12.1950 ( <i>Gazette 30.11.1950 p1301</i> )
1950	57	<i>Lottery and Gaming Act Amendment Act (No. 2) 1950</i>	7.12.1950	7.12.1950
1950	58	<i>Lottery and Gaming Act Amendment Act (No. 3) 1950</i>	7.12.1950	7.12.1950
1953	43	<i>Lottery and Gaming Act Amendment Act 1953</i>	17.12.1953	17.12.1953
1954	57	<i>Lottery and Gaming Act Amendment Act 1954</i>	23.12.1954	23.12.1954
1955	42	<i>Lottery and Gaming Act Amendment Act 1955</i>	8.12.1955	8.12.1955
1956	42	<i>Lottery and Gaming Act Amendment Act 1956</i>	22.11.1956	22.11.1956
1963	22	<i>Lottery and Gaming Act Amendment Act 1963</i>	14.11.1963	14.11.1963
1964	46	<i>Lottery and Gaming Act Amendment Act 1964</i>	30.10.1964	2.11.1964 ( <i>Gazette 5.11.1964 p1401</i> )
1965	34	<i>Lottery and Gaming Act Amendment Act 1965</i>	9.12.1965	9.12.1965
1965	35	<i>Lottery and Gaming Act Amendment Act (No. 2) 1965</i>	9.12.1965	9.12.1965
1965	45	<i>Lottery and Gaming Act Amendment Act (No. 3) 1965</i>	9.12.1965	14.2.1966: s 3
1965	46	<i>Lottery and Gaming Act Amendment Act (No. 4) 1965</i>	9.12.1965	9.12.1965
1966	4	<i>Lottery and Gaming Act Amendment Act 1966</i>	10.2.1966	14.2.1966: s 3
1966	46	<i>Lottery and Gaming Act Amendment Act (No. 2) 1966</i>	13.10.1966	8.12.1966: s 3A of principal Act
1966	54	<i>State Lotteries Act 1966</i>	3.11.1966	8.12.1966 ( <i>Gazette 8.12.1966 p2152</i> )
1967	1	<i>Lottery and Gaming Act Amendment Act 1967</i>	23.3.1967	23.3.1967
1967	29	<i>Lottery and Gaming Act Amendment Act (No. 2) 1967</i>	17.8.1967	24.8.1967 ( <i>Gazette 17.8.1967 p1063</i> )
1967	56	<i>Lottery and Gaming Act Amendment Act (No. 3) 1967</i>	9.11.1967	9.11.1967

1969	4	<i>Lottery and Gaming Act Amendment Act 1968</i>	27.2.1969	27.2.1969
1969	5	<i>Lottery and Gaming Act Amendment Act (No. 2) 1969</i>	27.2.1969	27.2.1969
1969	6	<i>Lottery and Gaming Act Amendment Act (No. 3) 1969</i>	27.2.1969	27.2.1969
1969	103	<i>Lottery and Gaming Act Amendment Act (No. 5) 1969</i>	18.12.1969	18.12.1969
1970	20	<i>Lottery and Gaming Act Amendment Act 1970</i>	24.9.1970	1.4.1971 ( <i>Gazette 25.2.1971 p24</i> )
1970	51	<i>Lottery and Gaming Act Amendment Act (No. 2) 1970</i>	10.12.1970	10.12.1970
1971	10	<i>Lottery and Gaming Act Amendment Act 1971</i>	1.4.1971	1.4.1971
1971	15	<i>Age of Majority (Reduction) Act 1971</i>	8.4.1971	15.4.1971 ( <i>Gazette 15.4.1971 p1598</i> )
1971	32	<i>Lottery and Gaming Act Amendment Act (No. 3) 1971</i>	22.4.1971	22.4.1971
1971	38	<i>Lottery and Gaming Act Amendment Act (No. 2) 1971</i>	29.4.1971	29.4.1971
1972	26	<i>Lottery and Gaming Act Amendment Act 1972</i>	6.4.1972	13.4.1972 ( <i>Gazette 13.4.1972 p1430</i> )
1972	33	<i>Lottery and Gaming Act Amendment Act (No. 2) 1972</i>	13.4.1972	6.5.1972 ( <i>Gazette 4.5.1972 p1680</i> )
1973	18	<i>Lottery and Gaming Act Amendment Act 1973</i>	13.9.1973	17.9.1973 ( <i>Gazette 13.9.1973 p1987</i> )
1973	89	<i>Lottery and Gaming Act Amendment Act (No. 2) 1973</i>	13.12.1973	1.1.1974 ( <i>Gazette 20.12.1973 p3337</i> )
1974	127	<i>Lottery and Gaming Act Amendment Act 1974</i>	12.12.1974	23.12.1974 ( <i>Gazette 12.12.1974 p3648</i> )
1975	113	<i>Lottery and Gaming Act Amendment Act 1975</i>	27.11.1975	27.11.1975
1976	104	<i>Racing Act 1976</i>	16.12.1976	Sch 2—1.1.1977 ( <i>Gazette 16.12.1976 p2252</i> )
1978	47	<i>Lottery and Gaming Act Amendment Act 1978</i>	13.4.1978	13.4.1978
1980	105	<i>Lottery and Gaming Act Amendment Act 1980</i>	18.12.1980	1.1.1981 ( <i>Gazette 18.12.1980 p2364</i> ) except ss 3(a), (b) & 4—6—2.7.1981 ( <i>Gazette 2.7.1981 p2</i> )
1982	60	<i>Lottery and Gaming Act Amendment Act 1982</i>	1.7.1982	1.7.1982
1983	78	<i>Lottery and Gaming Act Amendment Act 1983</i>	17.11.1983	17.11.1983
1984	30	<i>Lottery and Gaming Act Amendment Act 1984</i>	10.5.1984	10.5.1984
1988	27	<i>Lottery and Gaming Act Amendment Act 1988</i>	21.4.1988	1.9.1990 ( <i>Gazette 19.7.1990 p344</i> )
1988	54	<i>Lottery and Gaming Act Amendment Act (No. 2) 1988</i>	8.9.1988	8.9.1988

## Lottery and Gaming Act 1936—1.3.2009 to 31.12.2015

### Legislative history

1995	5	<i>Lottery and Gaming (Miscellaneous) Amendment Act 1995</i>	9.3.1995	9.3.1995 except s 3—30.11.1994; s 2
1995	18	<i>Lottery and Gaming (Two up on Anzac Day) Amendment Act 1995</i>	13.4.1995	13.4.1995
1996	75	<i>Lottery and Gaming (Sweepstakes) Amendment Act 1996</i>	14.11.1996	14.11.1996
1996	95	<i>Criminal Assets Confiscation Act 1996</i>	19.12.1996	7.7.1997 ( <i>Gazette 12.6.1997 p2962</i> )
1999	3	<i>Lottery and Gaming (Trade Promotion Lottery Licence Fees) Amendment Act 1999</i>	11.3.1999	11.3.1999
2000	95	<i>Authorised Betting Operations Act 2000</i>	21.12.2000	Sch 2 (cl 3)—14.12.2001 ( <i>Gazette 6.12.2001 p5266</i> )
2001	23	<i>Statutes Amendment (Corporations) Act 2001</i>	14.6.2001	Pt 21 (ss 84 & 85)—15.7.2001 being the day on which the <i>Corporations Act 2001</i> of the Commonwealth came into operation: <i>Commonwealth of Australia Gazette No. S 285, 13.7.2001 (Gazette 21.6.2001 p2270)</i>
2003	44	<i>Statute Law Revision Act 2003</i>	23.10.2003	Sch 1—24.11.2003 ( <i>Gazette 13.11.2003 p4048</i> )
2003	48	<i>Lottery and Gaming (Lottery Inspectors) Amendment Act 2003</i>	20.11.2003	1.3.2004 ( <i>Gazette 18.12.2003 p4524</i> )
2005	12	<i>ANZAC Day Commemoration Act 2005</i>	21.4.2005	Sch 1—15.3.2007 ( <i>Gazette 15.3.2007 p811</i> )
2005	56	<i>Justices of the Peace Act 2005</i>	17.11.2005	Sch 2 (cll 34—38)—1.7.2006 ( <i>Gazette 22.6.2006 p2012</i> )
2006	17	<i>Statutes Amendment (New Rules of Civil Procedure) Act 2006</i>	6.7.2006	Pt 48 (s 163)—4.9.2006 ( <i>Gazette 17.8.2006 p2831</i> )
<b>2008</b>	<b>47</b>	<b><i>Statutes Amendment (Betting Operations) Act 2008</i></b>	<b>4.12.2008</b>	<b>Pt 3 (ss 34 &amp; 35)—1.3.2009 (<i>Gazette 26.2.2009 p764</i>)</b>
2015	22	<i>Statutes Amendment (Gambling Measures) Act 2015</i>	1.10.2015	Pt 4 (ss 17—19) & Sch 1—1.1.2016 ( <i>Gazette 17.12.2015 p5266</i> )

### Provisions amended since 3 February 1976

- 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.

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended by 44/2003 s 3(1) (Sch 1)	24.11.2003
Pt 1		
s 2	<i>amended by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>24.11.2003</i>
s 3	<i>amended by 78/1983 s 2</i>	<i>17.11.1983</i>
	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>	<i>24.11.2003</i>

s 4		
bet	inserted by 105/1980 s 3(a)	2.7.1981
make a bet	inserted by 105/1980 s 3(a)	2.7.1981
<i>board</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
bookmaker	inserted by 105/1980 s 3(a)	2.7.1981
<i>chairman</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
<i>controlling authority</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
<i>court</i>	<i>deleted by 56/2005 Sch 2 cl 34</i>	<i>1.7.2006</i>
exempted lottery	substituted by 105/1980 s 3(b)	2.7.1981
<i>horse race</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
instant lottery ticket	inserted by 48/2003 s 4(1)	1.3.2004
lottery inspector or inspector	inserted by 48/2003 s 4(2)	1.3.2004
<i>multiple betting</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
<i>racecourse</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
<i>race meeting</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
<i>racing club</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
sweepstakes	substituted by 75/1996 s 2	14.11.1996
trade-promotion lottery	inserted by 105/1980 s 3(c)	1.1.1981
<i>the Executive Committee of the League</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
<i>the Fund</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
<i>the League</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
<i>the Totalisator Agency Board</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
<i>the Trotting Control Board</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
<i>totalisator</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
unlawful gaming	amended by 104/1976 s 4(2) (Sch 2)	1.1.1977
s 4A	substituted by 95/2000 Sch 2 cl 3(a)	14.12.2001
s 4AB	inserted by 95/2000 Sch 2 cl 3(a)	14.12.2001
Pt 2		
s 6		
s 6(1)—(3)	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
ss 7 and 8	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 9		
s 9(1)	s 9 amended by 105/1980 s 4	2.7.1981
	s 9 redesignated as s 9(1) by 5/1995 s 3	30.11.1994
s 9(2)	inserted by 5/1995 s 3	30.11.1994
ss 10 and 11	amended by 5/1995 s 8 (Sch)	9.3.1995

**Lottery and Gaming Act 1936—1.3.2009 to 31.12.2015**Legislative history

---

	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 12		
s 12(1)	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 13	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
Pt 2A		
s 14B		
s 14B(1)	amended by 105/1980 s 5	2.7.1981
	amended by 60/1982 s 2(a)	1.7.1982
	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 3/1999 s 2(a)	11.3.1999
	amended by 95/2000 Sch 2 cl 3(b)	14.12.2001
s 14B(3)	inserted by 60/1982 s 2(b)	1.7.1982
	substituted by 3/1999 s 2(b)	11.3.1999
s 14B(4)	inserted by 60/1982 s 2(b)	1.7.1982
s 14B(5)	inserted by 3/1999 s 2(c)	11.3.1999
s 14C		
s 14C(1)	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
Pt 3	deleted by 104/1976 s 4(2) (Sch 2)	1.1.1977
	inserted by 27/1988 s 3	1.9.1990
s 15		
instant lottery ticket	deleted by 48/2003 s 5	1.3.2004
s 16		
s 16(1)	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 18		
s 18(3)	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 20	substituted by 5/1995 s 4	9.3.1995
<i>Pt 3A</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
<i>Pt 3B</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
Pt 4	deleted by 104/1976 s 4(2) (Sch 2)	1.1.1977
	inserted by 48/2003 s 6	1.3.2004
<i>Pt 4A</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
Pt 5		
s 49	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 50A	inserted by 78/1983 s 3	17.11.1983
ss 51—54	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 54A	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>

ss 55 and 56	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 57		
s 57(1)	s 57 amended and redesignated as s 57(1) by 5/1995 ss 5, 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 57(2)	inserted by 5/1995 s 5	9.3.1995
	substituted by 95/2000 Sch 2 cl 3(c)	14.12.2001
s 57(3)—(6)	<i>deleted by 95/2000 Sch 2 cl 3(c)</i>	<i>14.12.2001</i>
s 58	amended by 104/1976 s 4(2) (Sch 2)	1.1.1977
	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 59A	inserted by 105/1980 s 6	2.7.1981
s 59AA	<i>inserted by 18/1995 s 2</i>	<i>13.4.1995</i>
	<i>deleted by 12/2005 Sch 1 cl 1</i>	<i>15.3.2007</i>
s 60	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
	<b>amended by 47/2008 s 34(1), (2)</b>	<b>1.3.2009</b>
s 61		
s 61(1)—(3)	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 62	amended by 104/1976 s 4(2) (Sch 2)	1.1.1977
	substituted by 105/1980 s 7	1.1.1981
	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 63	inserted by 47/1978 s 2	13.4.1978
s 63(1)	amended by 105/1980 s 8(a)	1.1.1981
	amended by 30/1984 s 2(a), (b)	10.5.1984
	amended by 54/1988 s 2(a), (b)	8.9.1988
	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(d), (h)	14.12.2001
s 63(2)	amended by 105/1980 s 8(b)	1.1.1981
	amended by 30/1984 s 2(c)	10.5.1984
	amended by 54/1988 s 2(c)	8.9.1988
	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 64	deleted by 104/1976 s 4(2) (Sch 2)	1.1.1977
	inserted by 47/1978 s 2	13.4.1978
s 64(1)	amended by 105/1980 s 9(a)	1.1.1981
	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(e), (h)	14.12.2001
s 64(2)	amended by 105/1980 s 9(b)	1.1.1981
	amended by 5/1995 s 8 (Sch)	9.3.1995

**Lottery and Gaming Act 1936—1.3.2009 to 31.12.2015**Legislative history

---

	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
ss 65	deleted by 104/1976 s 4(2) (Sch 2)	1.1.1977
	<b>inserted by 47/2008 s 35</b>	<b>1.3.2009</b>
ss 66—67A	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
s 68	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 69		
s 69(2)	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 70	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
s 71	<i>amended by 105/1980 s 10</i>	<i>1.1.1981</i>
	<i>deleted by 95/1996 Sch 2, cl 2</i>	<i>7.7.1997</i>
s 72	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 73		
s 73(2)	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
	(b) deleted by 44/2003 s 3(1) (Sch 1)	24.11.2003
s 73(3) and (4)	inserted by 44/2003 s 3(1) (Sch 1)	24.11.2003
Pt 6		
s 75	amended by 105/1980 s 11	1.1.1981
	substituted by 5/1995 s 6	9.3.1995
s 75(1)	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
ss 76 and 77	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 84	amended by 105/1980 s 12	1.1.1981
	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 85	amended by 105/1980 s 13	1.1.1981
	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 86	amended by 105/1980 s 14	1.1.1981
	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 88	amended by 105/1980 s 15	1.1.1981
	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 88A	amended by 105/1980 s 16	1.1.1981
	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 90		
s 90(3)	amended by 105/1980 s 17	1.1.1981
	amended by 5/1995 s 8 (Sch)	9.3.1995

	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 91	amended by 105/1980 s 18	1.1.1981
	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 92		
s 92(1) and (2)	amended by 105/1980 s 19	1.1.1981
	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 92(3)	amended by 17/2006 s 163	4.9.2006
s 93	amended by 105/1980 s 20	1.1.1981
	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 94	amended by 105/1980 s 21	1.1.1981
	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 95	amended by 105/1980 s 22	1.1.1981
	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
	amended by 56/2005 Sch 2 cl 35(1), (2)	1.7.2006
Pt 7		
s 98	inserted by 105/1980 s 23	1.1.1981
	substituted by 95/2000 Sch 2 cl 3(f)	14.12.2001
s 105		
s 105(1)	amended by 56/2005 Sch 2 cl 36	1.7.2006
s 109	<i>deleted by 5/1995 s 8 (Sch)</i>	9.3.1995
s 110	<i>amended by 105/1980 s 24</i>	1.1.1981
	<i>deleted by 5/1995 s 8 (Sch)</i>	9.3.1995
s 110A	<i>deleted by 95/1996 Sch 2, cl 2</i>	7.7.1997
Pt 8		
s 113	<i>deleted by 23/2001 s 84</i>	15.7.2001
s 113A	inserted by 95/2000 Sch 2 cl 3(g)	14.12.2001
s 114		
s 114(1)	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 23/2001 s 85(a)	15.7.2001
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
s 114(2)	substituted by 23/2001 s 85(b)	15.7.2001
s 115		
s 115(1)	amended by 56/2005 Sch 2 cl 37(1)	1.7.2006
s 115(2)	amended by 5/1995 s 8 (Sch)	9.3.1995
	amended by 95/2000 Sch 2 cl 3(h)	14.12.2001
	amended by 56/2005 Sch 2 cl 37(2)	1.7.2006
s 117	<i>deleted by 5/1995 s 8 (Sch)</i>	9.3.1995
s 119	inserted by 27/1988 s 4	1.9.1990

<i>Sch 1</i>	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>	<i>24.11.2003</i>
Sch 2	inserted by 78/1983 s 4	17.11.1983
heading	substituted by 44/2003 s 3(1) (Sch 1)	24.11.2003
<i>Sch 3</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>
<i>Sch 4</i>	<i>deleted by 56/2005 Sch 2 cl 38</i>	<i>1.7.2006</i>
<i>Sch 5</i>	<i>deleted by 104/1976 s 4(2) (Sch 2)</i>	<i>1.1.1977</i>

## **Transitional etc provisions associated with Act or amendments**

### ***Lottery and Gaming (Miscellaneous) Amendment Act 1995***

#### **7—Transitional**

The amendment effected by section 3 of this Act does not invalidate or make unlawful a lottery opened before the commencement of that section.

#### **Historical versions**

Reprint No 1—1.10.1991

Reprint No 2—9.3.1995

Reprint No 3—13.4.1995

Reprint No 4—14.11.1996

Reprint No 5—7.7.1997

Reprint No 6—11.3.1999

Reprint No 7—15.7.2001

Reprint No 8—14.12.2001

Reprint No 9—24.11.2003

Reprint No 10—1.3.2004

1.7.2006

4.9.2006

15.3.2007