



ANNO VICESIMO NONO

ELIZABETHAE II REGINAE

A.D. 1980

No. 105 of 1980

An Act to amend the Lottery and Gaming Act, 1936-1978.

[Assented to 18 December 1980]

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

1. (1) This Act may be cited as the "Lottery and Gaming Act Amendment Act, 1980". Short titles.

(2) The Lottery and Gaming Act, 1936-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Lottery and Gaming Act, 1936-1980".

2. (1) This Act shall come into operation on a day to be fixed by proclamation. Commencement.

(2) The Governor may, in a proclamation made for the purposes of subsection (1), suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

3. Section 4 of the principal Act is amended—

(a) by inserting after the definition of "authorized lottery" the following definitions:

"bet" or "make a bet" means—

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

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

or

Amendment of
s. 4—
Interpretation.

(c) settle a bet,

and "betting" shall have a corresponding meaning:

"bookmaker" includes a bookmaker's agent: ;

(b) by striking out the definition of "exempted lottery" and substituting the following definition:

"exempted lottery" means a lottery declared by regulation to be an exempted lottery: ;

and

(c) by inserting after the definition of "sweepstakes" the following definition:

"trade-promotion lottery" means a lottery conducted with a view to promoting the sale of goods or services: .

Amendment of
s. 9—
Exemptions
from Act.

4. Section 9 of the principal Act is amended by striking out paragraph (d) and substituting the following paragraph:

(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; .

Amendment of
s. 14b—
Regulations.

5. Section 14b of the principal Act is amended by striking out paragraph (j) from subsection (1) and substituting the following paragraph:

(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; .

Insertion of
new s. 59a.
Certain things
declared
instruments of
unlawful
gaming.

6. The following section is inserted after section 59 of the principal Act:

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

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

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

Repeal of
s. 62 and
substitution of
new section.
Being in public
place for the
purpose of
betting.

7. Section 62 of the principal Act is repealed and the following section is substituted:

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

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

8. Section 63 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “Penalty: Two thousand five hundred dollars or imprisonment for six months” and substituting the passage “Penalty: For a first offence—five thousand dollars or imprisonment for six months; for a second or subsequent offence—ten thousand dollars or imprisonment for twelve months”;

and

- (b) by striking out from subsection (2) the passage “Five hundred” and substituting the passage “One thousand”.

Amendment of
s. 63—
Unlawful
bookmaking.

9. Section 64 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “Penalty: Two thousand five hundred dollars or imprisonment for six months” and substituting the passage “Penalty: For a first offence—five thousand dollars or imprisonment for six months; for a second or subsequent offence—ten thousand dollars or imprisonment for twelve months”;

and

- (b) by striking out from subsection (2) the passage “Five hundred” and substituting the passage “One thousand”.

Amendment of
s. 64—
Unauthorized
totalizator
betting
prohibited.

- 10. Section 71 of the principal Act is amended by inserting in paragraph (b) of subsection (1) after the passage “Commissioner of Police” the passage “, Deputy Commissioner of Police or an Assistant Commissioner of Police”.**

Amendment of
s. 71—
Power of
the police.

- 11. Section 75 of the principal Act is amended by striking out the passage “One thousand dollars” and substituting the passage “Ten thousand dollars”.**

Amendment of
s. 75—
Occupying
common
gaming
house.

- 12. Section 84 of the principal Act is amended by striking out the passage “one hundred dollars” and substituting the passage “two thousand five hundred dollars”.**

Amendment of
s. 84—
Persons found
in house
declared a
common
gaming house.

- 13. Section 85 of the principal Act is amended by striking out the passage “not less than sixty and not more than two hundred dollars” and substituting the passage “two thousand five hundred dollars”.**

Amendment of
s. 85—
Penalty on
owner of house
used in
contravention
of Act.

- 14. Section 86 of the principal Act is amended by striking out the passage “not less than sixty and not exceeding six hundred dollars” and substituting the passage “of ten thousand dollars or imprisonment for twelve months”.**

Amendment of
s. 86—
Penalty on
occupier.

- 15. Section 88 of the principal Act is amended by striking out the passage “For a first offence one hundred and fifty dollars, and for a second or subsequent offence imprisonment for not more than six months” and substituting the passage “For a first offence—two thousand five hundred dollars or imprisonment for three months; for a second or subsequent offence—five thousand dollars or imprisonment for six months”.**

Amendment of
s. 88—
Obstructing
the police.

Amendment of
s. 88a—
Certain
offences.

16. Section 88a of the principal Act is amended by striking out the passage “For a first offence one hundred and fifty dollars, and for a second or subsequent offence imprisonment for not more than six months” and substituting the passage “For a first offence—two thousand five hundred dollars or imprisonment for three months; for a second or subsequent offence—five thousand dollars or imprisonment for six months”.

Amendment of
s. 90—
Keeping house
for purpose of
gaming.

17. Section 90 of the principal Act is amended by striking out from subsection (3) the passage “One thousand” and substituting the passage “Ten thousand”.

Amendment of
s. 91—
Advancing
money for the
purpose of
gaming.

18. Section 91 of the principal Act is amended by striking out the passage “One thousand” and substituting the passage “Ten thousand”.

Amendment of
s. 92—
Receiving
money for
betting.

19. Section 92 of the principal Act is amended by striking out the passage “Penalty—For a first offence, not more than one hundred dollars; for a second or subsequent offence, not more than two hundred dollars or imprisonment for six months” wherever it occurs and substituting, in each case, the passage “Penalty—For a first offence—five thousand dollars or imprisonment for six months; for a second or subsequent offence—ten thousand dollars or imprisonment for twelve months”.

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

20. Section 93 of the principal Act is amended by striking out the passage “Penalty—For a first offence, not more than sixty dollars; for a second or subsequent offence, not more than one hundred dollars or imprisonment for two months” and substituting the passage “Penalty—For a first offence—one thousand dollars; for a second or subsequent offence—two thousand five hundred dollars or imprisonment for three months”.

Amendment of
s. 94—
Betting
advertisements.

21. Section 94 of the principal Act is amended by striking out the passage “Penalty—Sixty dollars, or imprisonment for two months” and substituting the passage “Penalty: Two thousand five hundred dollars or imprisonment for three months”.

Amendment of
s. 95—
Giving false
name and
addresses.

22. Section 95 of the principal Act is amended by striking out the passage “One hundred dollars” and substituting the passage “One thousand dollars”.

Insertion of
new s. 98.

23. The following section is inserted after section 97 of the principal Act:

Evidence
relating to
licences, etc.,
under Racing
Act.

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

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

(c) that a person was or was not authorized to conduct totalizator betting under the Racing Act, 1976-1978, shall, in the absence of proof to the contrary, be deemed to be proved.

24. Section 110 of the principal Act is amended by striking out the passage "one hundred dollars" and substituting the passage "two thousand five hundred dollars".

Amendment of
s. 110—
General
penalty for
offences.

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

K. D. SEAMAN, Governor