



NEW ZEALAND

ANALYSIS

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1949, No. 32

AN ACT to Amend the Gaming Act, 1908.

Title.

[21st October, 1949

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title and commencement.
See Reprint of Statutes, Vol. III, p. 516

1. (1) This Act may be cited as the Gaming Amendment Act, 1949, and shall be read together with and deemed part of the Gaming Act, 1908 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the fifteenth day of December, nineteen hundred and forty-nine.

Interpretation.

2. Section two of the principal Act is hereby amended as follows:—

(a) By inserting, before the definition of the term “bookmaker”, the following definition:—

“ ‘Approved totalizator agency scheme’, or ‘approved scheme’, means a scheme for the establishment and operation of totalizator agencies for the time being approved by the Minister of Internal Affairs pursuant to the Gaming Amendment Act, 1949; and includes any part of any such scheme for the time being in force under that Act:”

(b) By adding to the definition of the term “gaming-house” the words “but does not include any totalizator agency”:

(c) By adding the following definition:—

“ ‘Totalizator agency’ means any totalizator agency operated in accordance with an approved scheme, and includes any premises on which totalizator investments may be received pursuant to the scheme.”

Totalizator Agency Board

Totalizator Agency Board.

3. (1) For the purposes of this Act and the principal Act, there shall be a Board, to be known as the Totalizator Agency Board (in this Act referred to as the Board), consisting of such members as may from time to time be appointed by the New Zealand Racing Conference and the New Zealand Trotting Conference pursuant to any approved totalizator agency scheme.

(2) The Board shall be a body corporate, having perpetual succession and a common seal, with power to purchase, take on lease or otherwise acquire, hold, transfer, and lease or otherwise dispose of real and personal property, and to do and suffer all that bodies corporate may do and suffer.

(3) Subject to the provisions of this Act, the Board shall have such functions and powers as may be specified in the scheme.

(4) The powers of the Board shall not be affected by any vacancy in the membership thereof.

4. (1) The Board may appoint such officers, agents, and employees as it deems necessary for the efficient carrying-out of its functions under this Act and under the scheme and for the operation of totalizator agencies. Officers of Board

(2) The Board shall not make or agree to make to any officer, agent, or employee of the Board any payment by way of commission, fee, reward or other remuneration which is calculated or determined or affected by reference, directly or indirectly, to the amount of any totalizator investment received by the Board or by that officer, agent, or employee on behalf of the Board. If the Board acts in contravention of this subsection it commits an offence and shall be liable to a fine not exceeding one hundred pounds.

5. (1) Any contract which, if made between private persons, must be by deed shall, when made by the Board, be in writing under the common seal of the Board. Contracts of Board.

(2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, when made by the Board, be either in writing under the seal of the Board or in writing signed by any person acting on behalf of and under the express or implied authority of the Board.

(3) Any contract which, if made between private persons, may be made orally may be similarly made by any person acting on behalf of and under the express or implied authority of the Board, but no oral contract shall be made involving the payment by the Board of a sum exceeding twenty pounds.

(4) Notwithstanding anything in the foregoing provisions of this section, no contract made by or on behalf of the Board shall be invalid by reason only that it was not made in manner provided by this section, if it was made pursuant to a resolution of the Board or to give effect to a resolution of the Board.

(5) Nothing in this section shall be construed to limit the powers of the Board with respect to the acceptance or receipt of totalizator investments in accordance

with an approved scheme and in accordance with this Act and with any rules or regulations made under this Act.

**Borrowing-
powers of
Board.**

6. (1) The Board may borrow moneys, whether by way of mortgage, debentures, bonds, overdraft, or otherwise, and may mortgage or charge any of its real or personal property, whether present or future, in such manner as it thinks fit.

(2) For the purpose of enabling the Board to carry out its functions under this Act, the Minister of Finance may from time to time, upon and subject to such terms and conditions as he thinks fit, and without further authority than this section,—

(a) Advance to the Board or arrange for the advancing to the Board of any moneys required for the acquisition of any property, or any moneys required for the payment of any preliminary or general expenses payable by the Board before it has sufficient revenue for the payment thereof:

(b) Give in respect of any advances made to the Board such guarantee, indemnity, or security as he thinks fit.

Rules of Board.

7. (1) The Board may from time to time by resolution make rules, not inconsistent with this Act or any approved scheme or any regulations made under this Act, for all or any of the following purposes, namely:—

(a) Regulating its proceedings and the conduct of its meetings:

(b) Providing for the custody of its property and the use of its common seal:

(c) Prescribing the duties of its officers, agents, and employees:

(d) Such purposes as may be deemed necessary or expedient for the operation of the scheme or for carrying out the functions of the Board.

(2) In addition to its power to make rules as aforesaid, the Board may from time to time, with the approval of the Governor-General, make regulations controlling the admission of persons to any totalizator agency. The provisions of section thirty-three of the principal Act shall, as far as they are applicable and with the necessary modifications, apply with respect to all regulations

under this subsection in all respects as if references in that section to a racing club were references to the Board, and as if references therein to a racecourse were references to a totalizator agency.

Totalizator Agencies

8. Notwithstanding anything contained in the principal Act or in any other enactment, it shall be lawful for totalizator investments in respect of horse-races to be lodged and received for transmission to the totalizator, and for dividends to be paid in respect of investments so received, in accordance with an approved scheme, at totalizator agencies situated elsewhere than at racecourses and established pursuant to the scheme.

Authorizing off-course totalizator investments in accordance with approved scheme.

9. (1) The New Zealand Racing Conference and the New Zealand Trotting Conference, acting together, shall, not later than a day to be appointed in that behalf by the Minister by notice in writing addressed to the said Conferences, submit to the Minister of Internal Affairs for his approval a scheme for the establishment and operation by the Board of totalizator agencies in respect of race meetings.

Approval of totalizator agency scheme.

(2) The scheme shall define the functions and powers of the Board, and may provide for—

- (a) The number and terms of office of members of the Board, the procedure for their appointment and vacation of office and for the filling of vacancies; the appointment of a Chairman; and the regulation of the proceedings of the Board:
- (b) The provision of funds required for the administration of the scheme and for the establishment, maintenance, and operation of totalizator agencies and for the carrying-out of the Board's functions under the scheme:
- (c) The receiving at totalizator agencies of totalizator investments in respect of horse-races, and the manner in which such investments may be made and the times at which and conditions upon or subject to which such investments may be made and received:

- (d) The transmission of particulars of such investments as aforesaid to officers, agents, or employees of racing clubs at racecourses for registration on totalizators:
- (e) The payment at or from totalizator agencies of dividends, being dividends calculated in accordance with section thirty-five of the principal Act and section one hundred and ninety-three of the Stamp Duties Act, 1923, payable in respect of totalizator investments received and registered as aforesaid, and the times at which and the manner in which such dividends may be paid:
- (f) The method of accounting as between racing clubs and totalizator agencies in respect of investments received and registered as aforesaid, and in respect of dividends:
- (g) Such other matters as may be necessary for the proper operation and control of totalizator agencies or for the operation of the scheme.

(3) The scheme may provide for the establishment of totalizator agencies in different places, or in respect of different areas, at different times or at times to be decided by the Board.

(4) Notwithstanding anything contained in this Act, the said Conferences may, at any time after the commencement of this Act, submit to the Minister for his approval such part or parts of the scheme as may be required to provide for the constitution of the Board and such other matters as may be deemed necessary for the purpose of enabling the Board to exercise without delay any of its functions under this Act. Such part or parts of the scheme as aforesaid shall come into force upon being approved by the Minister, and the said Conferences shall thereupon constitute the Board in accordance therewith. On the coming into force of the approved scheme, every part of the scheme for the time being in force under this subsection shall, subject to any modification or variation thereof or addition thereto made by the approved scheme, be deemed to form part of the approved scheme.

(5) The Board may from time to time submit to the Minister for his approval any variation of any scheme or any part thereof for the time being in force under this section, or any new scheme in substitution for any such scheme as aforesaid.

(6) No scheme or part thereof, and no variation of any such scheme or part thereof, shall come into force until approved by the Minister.

10. Section sixty-six of the principal Act is hereby amended by adding the following as subsection two thereof:—

Authorizing certain advertisements as to totalizator agencies.

“(2) Nothing in section sixty-two or section sixty-three of this Act shall be construed as referring to—

“(a) The exhibition of the name of any totalizator agency on any premises in which the agency is situated:

“(b) The publication in any newspaper, by or on behalf of the Totalizator Agency Board, of any advertisement setting out any list of totalizator agencies, the name, address, hours of business and any telephone number of any totalizator agency, any rules, terms, or conditions upon or subject to which totalizator investments may be received at any such agency, or the name of any race meeting in respect of which totalizator investments may for the time being be received at any such agency:

“(c) The exhibition inside any totalizator agency of any notice relating to any of the matters referred to in paragraph (b) of this subsection:

“Provided that nothing in this subsection shall be construed to authorize the exhibition or publication of any matter intended to induce any person to make any totalizator investment.”

11. (1) Section seven of the Gaming Amendment Act, 1924, is hereby amended by inserting, after subsection three, the following subsection:—

Inspection of totalizator agencies. See Reprint of Statutes, Vol. III, p. 553

“(3A) Every such Inspector may at any time enter for the purpose of inspection any premises on which any totalizator agency is operated, and may during such

inspection examine any books, accounts, records, or other documents, or any machine or equipment, for the time being used in the operation of the agency, and may demand from any person for the time being having the care and management of the agency or any part thereof any information that he deems necessary for the purposes of the inspection. Every such Inspector shall also have such powers and perform such duties in respect of the transmission of investments to the totalizator, and in respect of the payment of dividends, as may be prescribed by regulations made under this section."

(2) The said section seven is hereby further amended by inserting in subsection four, after the word "totalizator", the words "or any premises on which any totalizator agency is operated".

Totalizators

Authorizing use of doubles totalizator.

12. Section thirty-one of the principal Act is hereby amended by adding to subsection one the words "except in the case of horse-races to be run on that racecourse at the same race meeting".

Increasing number of totalizators that may be used under totalizator licence.

13. Section fifty of the principal Act is hereby amended by omitting from paragraph (c) of subsection one the word "three", and substituting the word "five".

Increasing number of one-day totalizator licences for trotting clubs.

14. Section two of the Gaming Amendment Act, 1924, is hereby amended by omitting from paragraph (b) the word "nineteen", and substituting the word "thirty-eight".

See Reprint of Statutes, Vol. III, p. 552

Tipping

Repealing provisions as to publication of dividends, &c. Prohibiting tipping (except by newspapers).

15. The principal Act is hereby amended by repealing section thirty, and substituting the following section:—

"30. (1) Every person commits an offence and is liable to a fine not exceeding fifty pounds who prints, publishes, sells, offers for sale or publicly exhibits, or knowingly circulates or distributes, or causes to be printed, published, sold, offered for sale or publicly

exhibited, or knowingly causes to be circulated or distributed, any placard, handbill, card, sign, advertisement, or notification whereby—

“(a) It is made to appear that that person or any other person is willing to give any information or advice as to the probable result of any horse-race, whether in or out of New Zealand, or to make any bet or wager on the result of any such race; or

“(b) Any information or advice is given as to the probable result of any such race:

“ Provided that nothing in this subsection shall apply to the publication in any newspaper (otherwise than by way of advertisement) of any information or advice as to the probable result of any horse-race, or be construed to prevent the sale in New Zealand of any newspaper printed or published out of New Zealand.

“(2) Every person commits an offence and is liable to a fine not exceeding fifty pounds who in consideration or expectation of any payment, or otherwise for gain,—

“(a) Gives or offers to give any oral information or advice relating or purporting to relate to the probable result of any horse-race, whether in or out of New Zealand; or

“(b) Holds any other person out as willing to give any information or advice as to the probable result of any horse-race, whether in or out of New Zealand, or to make any bet or wager on the result of any such horse-race:

“ Provided that nothing in paragraph (a) of this subsection shall be construed to prevent the transmission of any information or advice from any broadcasting station under the Broadcasting Act, 1936.

1936, No. 15

“(3) Any document mentioned in this section shall be deemed to be publicly exhibited within the meaning of this section if it is openly exhibited within view of persons in any public place, or in any shop, hotel, restaurant or other place to which the public has access, whether by right or otherwise.”

Raffles

Permits and
licences to
dispose of
property by
lottery.

16. The principal Act is hereby further amended by repealing section forty-two, and substituting the following section:—

“42. (1) Where any person or any body of persons (whether incorporated or not) desires to dispose of any real or personal property by raffle or chance for purposes other than the private gain of that person or, as the case may be, of any member of that body of persons, and—

“(a) The value of the prizes in the intended raffle does not exceed in the aggregate the sum of twenty-five pounds; and

“(b) No prize therein exceeds in value the sum of ten pounds,—

any Superintendent or Inspector of Police, or any member of the Police Force authorized by any such Superintendent or Inspector in that behalf, may, if he thinks fit, on application being made to him in writing by or on behalf of that person or body of persons, grant a permit authorizing the disposal, in such manner and for such purposes as aforesaid, of such property as may be specified in the permit, upon and subject to such conditions and restrictions as the person granting the permit may impose.

“(2) Where any such permit is refused, the applicant may appeal in writing to the Minister of Internal Affairs against the refusal. On any such appeal as aforesaid, the Minister may, in his discretion, either confirm the refusal or direct the granting of a permit upon and subject to such conditions and restrictions as he may impose, and the decision of the Minister shall be final.

“(3) Where any person or any such body of persons as aforesaid desires to dispose of any real or personal property by raffle or chance for such purposes as aforesaid, and—

“(a) The value of the prizes in the intended raffle exceeds in the aggregate the sum of twenty-five pounds; or

“(b) The value of any prize therein exceeds the sum of ten pounds,—

the Minister of Internal Affairs may, if he thinks fit, on application being made to him in writing by or on behalf of that person or body of persons, grant a licence authorizing the disposal, in such manner and for such purposes as aforesaid, of such property as may be specified in the licence, upon and subject to such conditions and restrictions as the Minister may impose.

“(4) If the conditions and restrictions imposed in respect of any permit or licence granted under this section are complied with, the provisions of this Act, and of any other law for the time being in force relating to gaming or lotteries, shall not apply to the holder of the permit or licence or to any other person who, acting in good faith, may be concerned in the transaction.

“(5) The Minister of Internal Affairs may from time to time, by notice published in the *Gazette*, specify any article or class of articles in respect of which permits or licences shall not be granted under this section; and may from time to time in like manner revoke or vary any such notice. While any such notice continues in force the provisions of this section shall not apply to any article or class of articles specified therein.”

17. The principal Act is hereby further amended by inserting, after section forty-two (as enacted by the last preceding section), the following section:—

“42A. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force relating to gaming or lotteries, but subject to the provisions of this section, it shall be lawful for any approved organization from time to time to dispose of any real or personal property by raffle or chance if—

“(a) The profits arising out of all such raffles are used for the lawful purposes of the approved organization and not for the private gain of any member thereof; and

“(b) The value of the prizes in any such raffle does not exceed in the aggregate the sum of five pounds.

“(2) Any Superintendent or Inspector of Police, or any member of the Police Force authorized by him in that behalf, may from time to time, in writing, approve any society, association, or body of persons (whether

Exemption of small raffles conducted by approved organizations.

incorporated or not) formed for any lawful purpose as an organization authorized to conduct raffles under this section, and may from time to time in like manner revoke any such approval.

“(3) Where any application for approval under this section is refused, or where any such approval is revoked, the society, association or body affected thereby may appeal in writing to the Minister of Internal Affairs against the refusal or revocation. On any such appeal as aforesaid, the Minister may, in his discretion, either confirm or reverse the decision appealed against, and the decision of the Minister shall be final.

“(4) While any approval under this section continues in force, the society, association, or body to which it is granted shall be deemed for the purposes of this section to be an approved organization.

“(5) Where any approved organization intends to conduct any raffle or raffles under this section, notice of that intention shall be given by or on behalf of the organization to the police officer for the time being in charge of the district or locality in which the raffle or raffles will be conducted. The notice shall specify the time and place at which the raffle or raffles will be drawn.”

Miscellaneous

18. (1) Section three of the principal Act is hereby amended as follows:—

(a) By omitting from subsection one the words “upon complaint made before him on oath”, and substituting the words “who is satisfied on oath”:

(b) By omitting from subsection one the words “are commonly reported and believed”, and substituting the words “are believed”.

(2) The form of warrant in the Second Schedule to the principal Act is hereby amended by omitting the words “by the information on oath”, and substituting the words “on the oath”.

19. (1) Section twenty-six of the principal Act is hereby amended by repealing subsections one to three, and substituting the following subsections:—

“(1) Every person who makes or offers to make any bet or wager on any ground on which any sports are being held commits an offence and is liable in the case of

Procedure for
obtaining
search-warrant
in respect of
premises
suspected to
be common
gaming-house.

Betting on
sports-grounds.

a first offence to a fine not exceeding twenty pounds, and in the case of a second or subsequent offence to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding one month.

“(2) Any person found acting in contravention of this section may be forthwith arrested without warrant by any constable.”

(2) Subsection four of the said section twenty-six, as amended by section nine of the Gaming Amendment Act, 1910, is hereby further amended as follows:—

- (a) By inserting in the definition of the expression “sports”, after the word “coursing-matches”, the word “dog-races”;
- (b) By inserting in the said definition, after the words “boxing matches”, the words “wrestling matches”.

20. Section forty-five of the principal Act is hereby amended as follows:—

Section 45 of principal Act (as to small sweepstakes on racecourse) amended.

- (a) By omitting the words “that the total amount subscribed does not exceed five pounds”;
- (b) By adding the following proviso:—

“Provided that, where the sweepstake is conducted in respect of any horse-race by a racing club (being a racing club registered as such in accordance with the rules of the New Zealand Racing Conference or the New Zealand Trotting Conference) that is not authorized to use the totalizator, the racing club may deduct, by way of commission, from such whole sum as aforesaid an amount not exceeding ten per centum thereof.”

21. Section fifty-three of the principal Act is hereby amended by adding the following proviso:—

Section 53 of principal Act (as to person acting as agent) amended.

“Provided that nothing in this section shall be construed to prevent the making of any totalizator investment by any person on behalf of any other person, if the person making the investment does so otherwise than in the course of any business as such agent as aforesaid, and does not receive any payment, fee, commission, or other remuneration in respect of the making of the investment.”

Preparation or
possession of
betting or
lottery
documents.

22. The principal Act is hereby amended by inserting, after section sixty-three, the following section:—

“ 63A. Every person commits an offence and is liable to a fine not exceeding fifty pounds who prints, writes or by any means or device prepares, or has in his possession, any tickets, vouchers, or documents of any description whatsoever which are designed, or which there is reasonable cause to believe are designed, to be used in connection with bookmaking or the laying of odds or with any game of chance or any illegal lottery.”

Regulations.

23. The principal Act is hereby further amended by adding the following section:—

“ 80. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

“(2) All regulations made under this section shall be laid before Parliament within twenty-eight days after the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the commencement of the next ensuing session.”
