

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE, 12TH JULY,
1894.]

GAMING.

THIS Bill is in part based upon Acts recently passed in England, but the most important of its provisions are designed to meet cases in which it has been found that some of the most objectionable forms of gambling are not covered by the terms of our existing law; but it also attempts to check some of the more glaring evils of gambling in the community.

Section 2 is mainly an adoption of a short Act passed in England in 1892 for the express purpose of meeting such cases as *Read v. Anderson* (10 Q.B.D. 100; 13 Q.B.D. 779), in which it was held that turf commission agents are entitled to recover money paid by them for their principal in betting transactions. This decision, and that in *Bridger v. Savage*, led to fresh developments in betting business of a most objectionable form, and the English Act was passed in 1892 for the purpose of putting a stop to it. The New Zealand Courts have of late years seen many such cases, and it is a scandal that the Courts should be used for such purposes.

The words at the end of the section are new—namely, “or any sum of money won, lost, or staked in any betting transaction.”

Section 3 is mainly based on an English statute passed in 1892. This Bill, however, differs in some important points from Herschell's Act, the most important difference being in the first few words of section 3, which make it an offence for any one to make a bet with an infant, and this applies to selling a totalisator ticket to an infant. The objection will, no doubt, be raised that it is impracticable for people to know when they are dealing with an infant. But the Bill meets this objection by casting upon people who deal in betting transactions the risk of finding out at their peril whether their customers are infants or not. Subsection (5) of section 3 provides that any person who makes a bet with or sells a totalisator ticket to “any person who is apparently an infant, shall, if such person is an infant, be deemed to have known that such person was an infant, unless he proves that he had reasonable ground for believing, and did believe, such person to be of full age.”

Section 4 is designed to cut at the root of two of these poisonous fungus growths that have sprung up in connection with our legalised method of betting by means of the totalisator—namely, the practice known as “tote-betting,” or laying totalisator odds, and the practice of turf commission agents selling totalisator tickets. Within the last few months cases have been before the Supreme Court in which the Court was compelled to decide that our existing law does not apply to such cases, and there can be no question as to the necessity for putting a stop to such practices.

Section 5 of the Bill is in some respects the most important of all, for it has for its object the restricting the number of licenses that may be issued authorising the use of the totalisator at races, and limits the number of days for which such licenses are to be available.

Hon. Sir R. Stout.

GAMING.

ANALYSIS.

Title.	
1. Short Title.	
2. Money paid or promised to be paid in connection with gaming transactions not recoverable at law.	
3. (1.) Making bet with or inviting an infant to bet, an offence. (2.) Selling totalisator tickets to or purchasing for an infant an offence. (3.) Person named in gaming circular to be deemed the sender. (4.) Knowledge of infancy presumed where circular sent to infant at school, &c. (5.) Persons betting with apparent infants to be deemed to have knowledge of infancy.	
	4. Laying totalisator odds or dealing totalisator tickets an offence.
	5. Employment of or acting as an agent an offence.
	6. Limitation of totalisator licenses.

A BILL INTITULED

AN ACT to amend the Law concerning Gaming.

Title.

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

1. The Short Title of this Act is "The Gaming Act, 1894," and it shall be read and construed as a part of "The Gaming and Lotteries Act, 1881."

Short Title.

2. Any promise, express or implied, to pay any person any sum of money paid by him under or in respect of any contract or agreement rendered null and void by "The Gaming and Lotteries Act, 1881," or to pay any sum of money by way of commission, fee, reward, or otherwise in respect of any such contract, or of any services in relation thereto or in connection therewith, shall be null and void, and no action shall be brought or maintained to recover any such sum of money, or any sum of money won, lost, or staked in any betting transaction whatever.

Money paid or promised to be paid in connection with gaming transactions not recoverable at law.

3. (1.) If any person makes any bet or wager with any person whom he knows to be an infant, or with any person on his behalf, or if any one, for the purpose of earning any commission, reward, or other profit, sends or causes to be sent to any such person any circular, notice, advertisement, letter, telegram, or other document which invites, or may reasonably be implied to invite, the person receiving it to make any bet or wager, or to enter into or take any share or interest in any betting or wagering transaction, or to apply to any person or at any place with a view to obtaining information or advice

Making bet with or inviting an infant to bet, an offence.

for the purpose of any bet or wager, or for information as to any race, fight, game, sport, or other contingency upon which betting or wagering is generally carried on, he shall be guilty of an offence, and shall be liable, if convicted on summary conviction, to imprisonment with or without hard labour for a term not exceeding *three* months, or to a fine not exceeding *twenty* pounds, or to both imprisonment and fine. 5

Selling totalisator tickets to or purchasing for an infant, an offence.

(2.) Any person having the management or control of any totalisator licensed under the provisions of "The Gaming and Lotteries Act, 1881," or any person employed or acting in any capacity in connection with any such totalisator, who shall sell or deliver to any person whom he knows to be an infant, or to any person to his knowledge acting for any such infant, any ticket, card, or thing entitling, or purporting to entitle, any person to any interest in any division or distribution of any money by means of or in connection with the operation of such totalisator or in the result of any operation thereof, and any person who shall apply for, purchase, or receive any such ticket, card, or thing on behalf of any person whom he knows to be an infant, shall be guilty of an offence, and shall be liable, if convicted on summary conviction, to imprisonment with or without hard labour for a term not exceeding *three* months, or to a fine not exceeding *twenty* pounds, or to both imprisonment and fine. 10 15 20

Person named in gaming circular to be deemed the sender.

(3.) If any such circular, notice, advertisement, letter, telegram, or other document as in this section mentioned names or refers to any one as a person to whom any payment may be made, or from whom information may be obtained, for the purpose of or in relation to betting or wagering, the person so named or referred to shall be deemed to have sent or caused to be sent such document as aforesaid unless he proves that he had not consented to be so named, and that he was not in any way a party to, and was wholly ignorant of, the sending of such document. 25 30

Knowledge of infancy presumed where circular sent to infant at school, &c.

(4.) If any such circular, notice, advertisement, letter, telegram, or other document as in this section mentioned is sent to any person at any university, college, school, or other place of education, and such person is an infant, the person sending or causing the same to be sent shall be deemed to have known that such person was an infant unless he proves that he had reasonable grounds for believing such person to be of full age. 35

Persons betting with apparent infants to be deemed to have knowledge of infancy.

(5.) Any person who makes a bet with, or wagers with, or sells or delivers any ticket, card, or thing as in this section mentioned, or applies for or receives any such ticket, card, or thing for any person who is apparently an infant, shall, if such person is an infant, be deemed to have known that such person was an infant unless he proves that he had reasonable ground for believing, and did believe, such person to be of full age. 40 45

Laying totalisator odds or dealing in totalisator tickets an offence.

4. Any person making or entering into a bet upon the result of a horse-race, or whereby he agrees to pay to the other party to the said bet, if the latter should win the same, a sum of money the amount of which shall be dependent upon the result of the working of the totalisator on the said horse-race, and any person, not being a person lawfully conducting or employed in the working of a totalisator, who sells or offers for sale, and any person who purchases from 50

him, any ticket, card, or thing entitling or purporting to entitle the purchaser or holder thereof to any interest in the result of the working of the totalisator on any horse-race, or makes any contract or bargain of any kind to pay or receive money upon an event determined, or to be determined, by the result of the working of the totalisator on any horse-race, shall be guilty of an offence, and shall be liable, on summary conviction, to imprisonment with or without hard labour for a term not exceeding *three* months, or to a fine not exceeding *twenty* pounds, or to both imprisonment and fine.

New Clause.

5. Any person who sends, or causes to be sent, to any person any circular, notice, advertisement, letter, telegram, or other document requesting or inviting any such person to employ him as an agent, or offering his services as an agent, in making any bet, purchasing any ticket in connection with the working of any totalisator, or investing any money in connection with the working of any totalisator, and any person employing any person to act for him as agent as aforesaid, and any person acting as such agent, save on a racecourse during a race meeting, shall be guilty of an offence, and shall be liable, if convicted on summary conviction, to imprisonment with or without hard labour for a term not exceeding *three* months, or to a fine not exceeding *twenty* pounds, or to both fine and imprisonment.

Employment of or acting as an agent an offence.

6. Notwithstanding anything contained in "The Gaming and Lotteries Act, 1881," it shall not be lawful for the Colonial Secretary to grant in any one year more than ~~fifty~~ licenses authorising the use of the totalisator; and every such license shall state the number of days on which the totalisator may be used by the club to which such license is granted, and such number shall not exceed in any one year ~~seventy-five days~~ *two-thirds of the number of the licenses authorising the use of the totalisator that were issued in the twelve months commencing on the first day of August, one thousand eight hundred and ninety-two, and ending on the thirty-first day of July, one thousand eight hundred and ninety-three*: Provided that the Colonial Secretary, to carry out the provisions of this section, shall issue regulations detailing the conditions on which licenses shall be issued.

Limitation of totalisator licenses.

This section shall not come into force until the thirty-first day of July, one thousand eight hundred and ninety-five.