

GAMING ORDINANCE, 1912-1928. ⁽¹⁾

An Ordinance to consolidate and amend the Enactments relating to Lotteries and Games and Wagers.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

PART I.

PRELIMINARY.

1. This Ordinance may be cited as the *Gaming Ordinance, 1912-1928.* ⁽¹⁾

Short title.

Amended by No. 2 of 1930, s. 2.

Commencement.

It shall commence on a day to be fixed by the Lieutenant-Governor by proclamation published in the *Gazette.* ⁽¹⁾

It is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Lotteries.

Part III.—Gaming and Wagering.

Part IV.—Permit for Lottery.

Part IV amended by No. 2 of 1928, s. 2.

2. The enactments mentioned in the First Schedule hereto are repealed.

Repeal.

First Schedule.

3. In this Ordinance unless the contrary intention appears—

“justice” means a justice of the peace;

“lottery” means any scheme or device for the sale gift disposal or distribution of any property depending upon or to be determined by lot or chance whether by the throwing or casting of any dice or the drawing of any tickets cards lots numbers or figures or by means of any wheel or trained animal or otherwise howsoever;

Interpretation. Q. 59 Vic. No. 9, s. 4.

(1) The *Gaming Ordinance, 1912-1928*, comprises the *Gaming Ordinance, 1912*, as amended by the other Ordinance referred to in the following Table:—

ORDINANCES OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
<i>Gaming Ordinance, 1912</i> (No. 26 of 1912)	16.7.1912	(a)	7.5.1913 (Papua Govt. Gaz. of 7.5.1913)
<i>Gaming Ordinance, 1928</i> (No. 2 of 1928)	7.6.1928	6.3.1929	7.6.1928 (<i>Ordinances etc. of Papua, 1928</i> , p. 5f)

(a) No notice of non-disallowance has been published in *Papua Govt. Gaz.*

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Q. 59 Vic.
No. 9, s. 4.

“property” means any real or personal property whatsoever whether actual or being within or without the Territory or of any right thereto or share or interest therein.

PART II.

LOTTERIES.

Unlawful to establish, commence, be a partner in, &c., any lottery.
Q. *Ib.* s. 5.

4. It shall be unlawful to establish commence or be a partner in or to manage or conduct or assist in managing or conducting any lottery.

Unlawful to sell tickets for any lottery.
Q. *Ib.* s. 6.

5. It shall be unlawful to sell or dispose of or to endeavour to sell or dispose of any ticket or other means by which permission or authority is gained or given to any person to throw for compete or have any interest in any lottery.

Unlawful to sell or dispose of, &c., any property by lottery.
Q. *Ib.* s. 7.

6. It shall be unlawful to sell or dispose of or endeavour to sell or dispose of or agree or promise whether with or without consideration to sell or dispose of any property by lottery.

Sweeps, &c., unlawful.
Q. *Ib.* s. 8.

7. Every transaction wherein any money or other property is received as or for the consideration for any assurance undertaking promise or agreement express or implied to pay give or distribute thereafter to or among any person or persons by lottery any money or other property on any event or contingency whatsoever or as or for the consideration of securing the paying giving or distributing by some other person of any money or other property on any event or contingency whatsoever and every scheme of the nature commonly know as a “sweep” or “consultation” shall be deemed to be a lottery within the meaning of this Ordinance.

Unlawful to print or publish ticket for or otherwise advertise lottery.
Q. *Ib.* s. 10.

8. It shall be unlawful to print publish or exhibit or to cause to be printed published or exhibited any ticket for or any advertisement sign or other notice of or relating to the drawing or intended drawing of any unlawful lottery or of or for the sale of any ticket or chance of or in any such lottery or concerning or in any manner relating to such lotteries in general or to any such particular lottery or to any ticket chance or share thereof or therein.

Penalty.
Q. *Ib.* s. 11.

9.—(1.) Any person who offends against any of the foregoing provisions of this Ordinance shall be liable on conviction to imprisonment for any time not exceeding six calendar months or to a fine not exceeding One hundred pounds or to both imprisonment and fine.

(2.) Nothing in this Ordinance shall prevent any proceedings under the provisions of the Criminal Code against any person who opens keeps or uses any place for carrying on a lottery but no person shall be proceeded against under those provisions and also under this Ordinance for the same offence.

PART III.

GAMING AND WAGERING.

Powers to enter and search gaming-house.

10.—(1.) Any justice upon complaint made on oath that there is reason to suspect any house room premises or place to be kept or used as a common gaming-house and that it is commonly reported and believed by the deponent so to be may by special warrant under his hand and seal authorize any constable to enter into such house room premises or place and arrest search and bring before any two justices all persons found therein and seize all tables instruments of gaming moneys and securities for money found-therein.

Under special warrant.
Q. 14 Vic. No. 9, s. 1.
N.S.W. No. 18 of 1902, s. 4.

(2.) Every constable so authorized may if necessary obtain assistance and use force whether by breaking open doors or otherwise for making such entry and may search all parts of such house room premises or place where he suspects that tables instruments of gaming moneys or securities for money are concealed.

(3.) Every special warrant shall be in the form contained in the Second Schedule hereto or to the like effect.

11. Any European police constable may enter into any house room premises or place where a public table or board is kept for playing at billiards bagatelle bowls fives racquets quoits skittles or ninepins or any game of the like kind when and so often as he thinks proper.

Billiard-rooms &c.
N.S.W. *Ib.* s. 5.

Offences.

12.—(1.) The owner or keeper of any such gaming-house or other person having the care or management thereof and every banker croupier and other person who acts in any manner in conducting such gaming-house room premises or place shall be liable to a penalty not exceeding One hundred pounds or to imprisonment with or without hard labour for a term not exceeding six months.

Owners managers, &c., of gaming-houses liable to fine of £100 or imprisonment for six months.
Q. *Ib.* s. 1.

(2.) Every person found in such house room premises or place without lawful excuse shall be liable to a penalty not exceeding Five pounds.

Persons found in a gaming-house liable to fine.
Q. *Ib.* s. 1.

(3.) Upon the conviction of any such offender all the moneys and securities for money seized as aforesaid shall be forfeited.

Forfeiture of moneys, &c., seized.
Q. *Ib.* s. 1.

(4.) The justices before whom any person is brought by virtue of a special warrant may direct all tables and instruments of gaming seized thereunder to be forthwith destroyed.

Forfeiture of gaming instruments.
Q. *Ib.* s. 4.
N.S.W. *Ib.* s. 4.

13. Nothing herein contained shall prevent any proceeding under the provisions of the Criminal Code against the owner or keeper or other person having the care or management of any

Offenders may be proceeded against by indictment.
N.S.W. *Ib.* s. 7.

gaming-house or any room premises or place for gaming but no person shall be proceeded against under those provisions and also under this Ordinance for the same offence.

Evidence and witnesses.

14.—(1.) Upon a complaint alleging that any house room premises or place is a common gaming-house or place for gaming it shall be sufficient to prove—

- (a) that such house room premises or place is kept or used for playing therein at any unlawful game and that a bank is kept there by one or more of the players exclusively of the others; or
- (b) that the chances of any game played therein are not alike favourable to all the players including among the players the banker or other person by whom the game is managed or against whom the other players stake play or bet.

(2.) Every such house room premises or place shall even if open for the use of subscribers only or not open to all persons desirous of using the same be deemed a common gaming-house or place for gaming within the meaning of this Ordinance and all Ordinances containing any provision against unlawful games or gaming-houses.

15. It shall not be necessary in support of any complaint for gaming in or suffering any games or gaming in or for keeping or using or being concerned in the management or conduct of a common gaming-house or place of gaming to prove that any person found playing at any game was playing for any money wager or stake.

16. Whenever any house room premises or place suspected to be used as a common gaming-house or place for gaming is entered under a warrant under the provisions of this Ordinance the discovery therein or about the person of any of those found therein of cards dice balls counters tables or other instruments of gaming used in playing any unlawful game shall be in evidence—

- (a) that such house room premises or place is used as a common gaming-house; and
- (b) that the persons found in the room or place where such tables or instruments were discovered were playing therein although no play was actually going on in the presence of the constable entering under such warrant or his assistants.

Evidence that a house is a gaming-house. N.S.W. No. 18 of 1902, s. 8.

Not necessary to prove that a person was found playing for money, &c. N.S.W. *Ib.* s. 9.

Effect of discovery of instruments of gaming. Q. *Ib.* s. 4.

Gaming Ordinance, 1912-1928.

17. Every person concerned in any unlawful gaming who is examined as a witness by or before justices or on the trial of any indictment or information against the owner or keeper or other person having the care or management of any common gaming-house or place for gaming touching such unlawful gaming shall if he receives from the justices or Judge by or before whom he is examined a certificate in writing to the effect that he has made true and faithful discovery to the best of his knowledge of all things as to which he has been examined be freed from all criminal prosecutions forfeitures punishments and disabilities to which he may have become liable for anything done before that time in respect of such unlawful gaming.

Protection of witnesses.
N.S.W. No. 18 of 1902, s. 11.

Cheating at cards or games.

18. Whosoever by any fraud unlawful device or ill-practice—

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

Cheating at cards or games punishable as obtaining money by false pretences.
N.S.W. *Ib.* s. 12.

wins from any person to himself or others any sum of money or valuable thing shall be deemed guilty of obtaining such money or valuable thing from such person by a false pretence with intent to cheat and defraud such person of the same and being convicted thereof shall be punished accordingly.

Avoidance of contracts.

19. All contracts or agreements whether by parol or in writing by way of gaming or wagering shall be null and void and no suit shall be brought or maintained in any Court for recovering any sum of money or valuable thing alleged to be won upon any wager or which has been deposited in the hands of any person to abide the event on which any wager has been made:

Actions not to lie for contracts by way of gaming.
N.S.W. *Ib.* s. 13.

Provided always that this enactment shall not be deemed to apply to any subscription or contribution or agreement to subscribe or contribute for or towards any plate prize or sum of money to be awarded to the winner of any lawful game sport pastime or exercise.

Saving of subscriptions towards prizes.

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PART IV.

PERMIT FOR LOTTERY.

Heading amended by No. 2 of 1928, s. 3.

Permit for lottery. Substituted by No. 2 of 1928, s. 4.

20. The provisions of this Ordinance shall not apply to any lottery for which a permit has been given by the Government Secretary.

SCHEDULES.

FIRST SCHEDULE.

Reference to Enactment.	Title.	Extent of Repeal.
14 Vic. No. 9 ..	An Act to amend the law concerning games and wagers (Queensland adopted)	The whole.
16 Vic. No. 2 ..	An Act to prevent lotteries (Queensland adopted)	The whole.

SECOND SCHEDULE.

Special Warrant.

Section 10. N.S.W. No. 18 of 1902. Second Schedule.

Papua }
to wit. }

To the Constable.

WHEREAS it appears to me [J.P.] one of the Justices of the Peace for the Territory of Papua by the information on oath of of in the of that the house [room premises or place] known as [here insert a description of the house room premises or place by which it may be readily known and found] is kept and used as a common gaming-house or place for gaming within the meaning of the Gaming Ordinance, 1912: This is therefore in the name of the King—to require you with such assistants as you may find necessary to enter into the said [house room premises or place] and if necessary to use force for making such entry whether by breaking open doors or otherwise and there diligently to search for all instruments of unlawful gaming which may be therein and to arrest search and bring before me or some other of the Justices of the Peace for the said Territory as well as the keepers of the same as also the persons there haunting resorting and playing to be dealt with according to law and for so doing this shall be your warrant.

Given under my hand and seal at this day
of one thousand nine hundred and

J.P. (L.S.)