

persons who, on racecourses, had held amongst themselves, without the intervention of any professional promoter, small sweepstakes on particular events. Fines of £10 appear to have been imposed on people of standing and responsibility who had indulged in what they considered a harmless pastime. From then on until 1885 efforts were made to ameliorate the harshness of the absolute prohibition of sweepstakes contained in the 1881 Act. Concurrently, attempts were made to have the advertising of sweepstakes made illegal. A provision prohibiting such advertising had been dropped out of the Bill, which, when passed, became the Gaming and Lotteries Act of 1881. In the event, two separate Gaming Amendment Bills were introduced into the House of Representatives in 1884. One Bill proposed to introduce a proviso to section 19 authorizing the promotion of small sweepstakes on racecourses, the other proposed the imposition of a penalty on persons exhibiting placards or advertising betting houses, sweepstakes or lotteries. The protagonists of each Bill opposed the other.

**340.** In 1885 the Bill proposing to legalize the promotion of small sweepstakes was defeated in the House of Representatives. The other Bill was passed. On the latter Bill being sent to the Legislative Council it was passed, with amendments, one of which gave effect to the provisions of the Bill already defeated in the House of Representatives making small private sweepstakes legal. The House of Representatives, on a division, agreed to all the amendments made by the Legislative Council, and thus section 7 of the Gaming and Lotteries Act 1881 Amendment Act, 1885, which is the origin of section 45 of the Gaming Act, 1908, became law.

**341.** The promotion of sweepstakes authorized by the Amending Act of 1885 has ceased to be a general practice for many years now at race meetings at which the totalizator is in operation. In fact, some clubs have attempted to prevent them. On the other hand, at non-totalizator meetings, they have grown in popularity. It is a method by which the participant is denied the opportunity of backing the horse he selects, as he is constrained to adventure his money upon the success of the horse that chance may allot to him when he purchases his ticket in the sweepstakes. Mr. Heenan is desirous of commenting that, despite the popularity of the sweepstakes, the absence of any element of choice has led to a concurrent measure of illicit bookmaking.

**342.** We have given this matter of sweepstakes at non-totalizator meetings very careful consideration from every point of view. We cannot regard their promotion, as allowed by law, to be anything in the nature of a social evil. Wherever there is a contest between horses, human nature is such that people will, by some means, contrive to create for themselves a financial interest in the result. If these sweepstakes were abolished, people would still wager among themselves and,