

405. Section 50.—This section requires that every totalizator must be under the care and management of some competent person appointed by the club. Experience has shown that, in the absence of proper discrimination and the exercise of sound judgment on the part of the official appointed by a racing club to have the care and management of any totalizator run by it, undesirable consequences can accrue. This emphasizes the need for the appointment of only competent and efficient officials. It is suggested, therefore, that paragraph (d) of section 50 be amended by adding after the word “club” where it appears in that subsection the words “and approved by the Minister.”

406. Section 72.—This section imposes a fine not exceeding £20 for offences in respect of which no penalty is specifically prescribed. It is suggested that the penalty should be increased to a fine of £100 or three months’ imprisonment. There does not at present seem to be any real justification for an increase in the penalty, nor is it thought that any good purpose would be served by increasing it.

407. Section 2 of the Gaming Amendment Act, 1910.—The Commissioner of Police sought the reintroduction of subsection (2) of section 2 of the Gaming Amendment Act, 1910. This was repealed by section 7 of the Act of 1920. It seems very doubtful if the original repeal of subsection (2) was not well considered. The subsection postulates that a man must be proved to be a bookmaker before the subsection applies to him, and if he can be proved to be a bookmaker, then, book-making being illegal, he could be successfully prosecuted under section 2 of the Gaming Amendment Act, 1920. There seems no need, therefore, for subsection (2) of section 2 of the Act of 1910, and its reintroduction would merely declare that to be illegal in certain specified circumstances which is illegal at all times and in all circumstances. The only effect of its reintroduction would be to provide a charge under which book-makers under certain circumstances could not elect to be tried by a jury. It seems fairer and better to leave the position on the basis of complete and simple illegality as at present.

408. Section 2 of the Gaming Amendment Act of 1920.—It is suggested the penalty be increased to £1,000 with no minimum penalty, and that provision be made for an alternative sentence of imprisonment for a term not exceeding three months. It does not seem possible at this stage to recommend that the maximum sentence be reduced from two years to not more than three months, solely for the purpose of denying to offenders the right of trial by jury. To do so would be to disregard what has been regarded as and is the true significance and importance of the offence and to do it for the achievement of an ulterior object. Such a course would lack proper justification. It is thought, therefore,