

GAMING AND BETTING (AMENDMENT) ACT 1986 No. 79

NEW SOUTH WALES



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GAMING AND BETTING (AMENDMENT) ACT 1986 No. 79

NEW SOUTH WALES



Act No. 79, 1986

An Act to amend the Gaming and Betting Act 1912 as a consequence of the enactment of the Registered Clubs (Amendment) Act 1986 and to make further provision with respect to amusement devices; and for other purposes. [Assented to, 21 May 1986]

Gaming and Betting (Amendment) 1986

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Gaming and Betting (Amendment) Act 1986".

Commencement

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Schedule 1, and section 4 in its application to that Schedule, shall commence on the day on which Schedule 1 (4) to the Registered Clubs (Amendment) Act 1986 commences.

Principal Act

3. The Gaming and Betting Act 1912 is referred to in this Act as the Principal Act.

Amendment of Act No. 25, 1912

4. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Transitional provisions

5. Schedule 3 has effect.

SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO POKER MACHINES

(1) **Section 1 (Short title)—**

Omit the section, insert instead:

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SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO POKER MACHINES—*continued***Short title**

1. This Act may be cited as the “Gaming and Betting Act 1912”.

(2) Section 15B (Possession of certain articles in licensed clubs)—

Omit the section.

(3) Section 15C (Interfering with the normal operation of a poker machine)—

Omit the section.

(4) Part IIIA (Poker Machines)—

Omit the Part.

(5) Sixth Schedule (Return pursuant to section 50EB of the Gaming and Betting Act 1912)—

Omit the Schedule.

(6) Seventh Schedule (Particulars of aggregate net revenue and supplementary license tax thereon)—

Omit the Schedule.

(7) Eighth Schedule (Statutory declaration)—

Omit the Schedule.

(8) Ninth Schedule (Auditor’s report)—

Omit the Schedule.

(9) Tenth Schedule (Particulars of total net revenues from poker machines)—

Omit the Schedule.

SCHEDULE 2

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
AMUSEMENT DEVICES(1) Section 16A (**Prohibited amusement devices**)—

- (a) Omit “an electronic, or partly electronic,” wherever occurring, insert instead “a”.
- (b) Omit “electronic, or partly electronic,” where thirdly occurring.

(2) Sections 17B, 17C—

After section 17A, insert:

Search warrants

17B. (1) Upon complaint on oath before an authorised justice under the Search Warrants Act 1985 that there is reasonable cause to believe that, on specified premises, section 17A is being contravened, the justice may, by warrant, authorise and require a member of the police force to enter and search the premises.

(2) A member of the police force who enters premises under a search warrant may—

- (a) search the premises;
- (b) seize any device found on the premises that may reasonably be suspected to be a prohibited amusement device, and any money in the device; and
- (c) require any person on the premises to state his or her full name and residential address.

(3) Where a device is seized, a licensing or other Magistrate shall, on the application of a licensing inspector or other member of the police force, or of the Magistrate's own motion, issue a summons calling on the owner or occupier of the premises on which it was seized to appear before the Licensing Court and show how, and for what purpose, the owner or occupier came into possession of the device.

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SCHEDULE 2—*continued***AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
AMUSEMENT DEVICES—*continued***

(4) Upon the return of a summons and whether or not there is an appearance to the summons, the Licensing Court shall inquire into the matter and—

- (a) if satisfied that a device is a prohibited device —may order that the device and any money in it be forfeited to the Crown; or
- (b) if not so satisfied—may order the return of the device, and any money in it, to the person summoned.

(5) Part III of the Search Warrants Act 1985 applies to a search warrant issued under this section.

Forfeiture of amusement device

17C. (1) Where, in any proceedings before it other than proceedings upon a summons under section 17B, a court is satisfied that this Act has been contravened in relation to a prohibited amusement device, the court may order the amusement device and any money in it to be forfeited to the Crown.

(2) A member of the police force may seize and carry away any device that may reasonably be suspected to be liable to forfeiture under subsection (1).

(3) Section 20A (**Use or operation of certain amusement devices**)—

(a) Section 20A (1)—

Omit “electronic, or partly electronic.”.

(b) Section 20A (2) (a)—

Omit “electronic, or partly electronic.”.

(c) Section 20A (2) (b) (i)—

Omit “section 50A”, insert instead “the Registered Clubs Act 1976”.

(d) Section 20A (2) (b) (ii)—

Omit the subparagraph.

*Gaming and Betting (Amendment) 1986***SCHEDULE 2—*continued*****AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
AMUSEMENT DEVICES—*continued*****(e) Section 20A (2) (b) (iv)—**

Omit “an electronic, or partly electronic,” wherever occurring, insert instead “a”.

(f) Section 20A (2) (b) (iv)—

Omit “electronic, or partly electronic,” where thirdly occurring.

(g) Section 20A (2) (c)—

Omit “electronic, or partly electronic.”

SCHEDULE 3

(Sec. 5)

TRANSITIONAL PROVISIONS**Interpretation**

1. Words and expressions used in this Schedule and in regulations made under clause 3 have the same meaning as they have in the Principal Act.

Forfeiture of certain amusement devices

2. Where, before the date of assent to this Act, a court found a device to be a prohibited amusement device and the amusement device had not, immediately before that date, been forfeited to the Crown, the amusement device and the money in the device are so forfeited.

Regulations

3. (1) The regulations under the Principal Act may contain other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision referred to in subclause (1) may, if the regulations so provide, take effect on and from the date of assent to this Act or a later date.

(3) To the extent that a provision made under subclause (1) takes effect on and from a day that is earlier than the date of its publication in the Gazette, the provision does not operate—

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or

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SCHEDULE 3—*continued*TRANSITIONAL PROVISIONS—*continued*

(b) to impose a liability on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

(4) A provision referred to in subclause (1) shall, if the regulations so provide, have effect notwithstanding any other clause of this Schedule.
