

**GAMING AND BETTING (TWO-UP) AMENDMENT ACT
1989 No. 31**

NEW SOUTH WALES



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GAMING AND BETTING (TWO-UP) AMENDMENT ACT 1989
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Act No. 31, 1989

An Act to amend the Gaming and Betting Act 1912 as regards playing the game of two-up on Anzac Day. [Assented to 21 April 1989]

Gaming and Betting (Two-up) Amendment 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Gaming and Betting (Two-up) Amendment Act 1989.

Commencement

2. This Act commences on the date of assent.

Amendment of Gaming and Betting Act 1912 No. 25

3. The Gaming and Betting Act 1912 is amended by inserting after section 20A the following new section:

Two-up on Anzac Day

20B. (1) A game of two-up played on Anzac Day is not an unlawful game, if—

- (a) no payment or other benefit is, for the purpose of participating in the game, given or sought for the right to enter the public or private place where the game is or is to be played; and
- (b) no payment or other benefit is given or sought for the right to participate in the game (otherwise than by the placing of money by way of a bet); and
- (c) no commission on, percentage of or fee for bets or winnings is given or sought by any person, whether or not a participant in the game.

(2) A game of two-up played on Anzac Day in the premises of a registered club and involving the giving or seeking of such a payment, benefit, commission, percentage or fee is not an unlawful game, if—

- (a) the playing of the game is authorised by the club; and
- (b) all payments or other benefits involved are authorised by the club to be disposed of in their entirety for the benefit of a charity or for a charitable purpose and are not to form part of the funds of the club; and
- (c) such other requirements (if any) as are prescribed by the regulations for the purposes of this subsection are complied with.

(3) Nothing in—

- (a) this Act (including, but not limited to, sections 5, 7 and 42), the Liquor Act 1982, the Registered Clubs Act 1976 or the Charitable Collections Act 1934 or any regulation under any of those Acts; or
- (b) any condition of any licence, approval or other instrument under any such Act or regulation; or
- (c) such provisions of any other Act or statutory instrument as are prescribed by the regulations for the purposes of this subsection,

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prevents or applies in relation to the playing of a game of two-up in any public or private place on Anzac Day where the game is (because of this section) not an unlawful game, unless the place is prescribed by the regulations as being excluded from this subsection.

(4) Nothing in this section prevents payment of an entrance fee or charge to a licensed race-course or other ground, so long as the fee or charge is not directly related to the game of two-up.

(5) This section does not apply to a game of two-up played on Anzac Day in a place that is otherwise a gaming-house.

(6) This section does not affect any offence involving betting or wagering by or with a person under the age of 18 years.

(7) If a game of two-up played on Anzac Day is an unlawful game because any of the matters mentioned in subsection (1) or (2) are not satisfied, a participant in the game is not guilty of an offence in relation to the game, unless it is proved that the participant knew or, in the circumstances, should have known or suspected that the game was an unlawful game.

(8) For the purposes of this section, references to the game of two-up extend to the betting and side betting associated with the game, and references to participants in the game are to be construed as including persons engaged in such betting.

(9) In this section—

“Anzac Day” means 25 April in any year;

“charitable purpose” includes any benevolent, philanthropic or patriotic purpose;

“public or private place” includes any place, street, ground or race-course, as defined by this Act;

“registered club” has the same meaning as in the Registered Clubs Act 1976.

[Minister's second reading speech made in—
Legislative Assembly on 18 April 1989
Legislative Council on 19 April 1989]