

GAMING AND BETTING (AMENDMENT) ACT 1993 No. 81

NEW SOUTH WALES



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GAMING AND BETTING (AMENDMENT) ACT 1993 No. 81

NEW SOUTH WALES



Act No. 81, 1993

An Act to amend the Gaming and Betting Act 1912 to make further provision with respect to unlawful bookmaking, betting at race-meetings and penalties and proceedings for offences; and for other purposes.
[Assented to 24 November 1993]

The Legislature of New South Wales enacts:**Short title**

1. This Act may be cited as the Gaming and Betting (Amendment) Act 1993.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Gaming and Betting Act 1912 No. 25

3. The Gaming and Betting Act 1912 is amended as set out in Schedule 1.

Validation of certain proceedings

4. Any proceedings under the Gaming and Betting Act 1912 dealt with summarily before a Local Court before the commencement of this section which were required to be prosecuted on indictment under section 60 (2) of that Act and which, but for that requirement, would have been validly dealt with, are validated.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 3 (Definitions):

In section 3 (1), at the end of the third definition of “Street”, insert:

; and

- (c) at any time on a day arranged for a race-meeting (after the time arranged for the start of the meeting) if the race-meeting was cancelled or postponed the day before.

SCHEDULE 1—AMENDMENTS—*continued***(2) Part 2 Division 1A:**

After Division 1, insert:

Division 1A—Unlawful bookmaking**Offence of unlawful bookmaking**

6A. (1) A person must not carry on bookmaking unless the person is a licensed bookmaker.

Maximum penalty:

- (a) for a first offence—100 penalty units or imprisonment for 12 months; and
- (b) for a second or subsequent offence—500 penalty units or imprisonment for 2 years.

(2) A licensed bookmaker must not carry on bookmaking except on a licensed race-course while it is lawful for betting to take place on the race-course.

Maximum penalty:

- (a) for a first offence—100 penalty units or imprisonment for 12 months; and
- (b) for a second or subsequent offence—500 penalty units or imprisonment for 2 years.

(3) In this section:

“licensed bookmaker” means a person who is the holder of a licence, certificate of registration or permit as a bookmaker or bookmaker’s clerk issued by a registration authority (as defined in the Bookmakers (Taxation) Act 1917).

Offence of having financial interest in the business of a bookmaker conducted unlawfully

6B. (1) A person who has a financial interest in a bookmaking business, knowing that the business is being conducted in contravention of this Act, is guilty of an offence.

Maximum penalty:

- (a) for a first offence—100 penalty units or imprisonment for 12 months; and
- (b) for a second or subsequent offence—500 penalty units or imprisonment for 2 years.

SCHEDULE 1—AMENDMENTS—*continued*

(2) It is a defence to a prosecution under this section if the defendant proves that:

- (a) at the time of acquiring the financial interest in the bookmaking business, the defendant did not know and had no reasonable cause to suspect that the business was being or would be conducted in contravention of this Act; and
- (b) after becoming aware that the bookmaking business was being conducted in contravention of this Act, the defendant took all reasonable steps to divest himself or herself of the financial interest.

(3) In this section:

“financial interest”, in relation to a bookmaking business, means an entitlement to receive any of the income from that business.

(3) **Section 7 (Prohibition of betting or wagering):**

At the end of section 7 (2) (b), insert:

; or

- (c) at any time on a day arranged for a race-meeting (after the time arranged for the start of the meeting) if the race-meeting was cancelled or postponed the day before.

(4) **Section 15E:**

After section 15D, insert:

Forfeiture of unlawful betting aids used by bookmaker

15E. (1) A court that convicts a person of an offence under this Act may order the forfeiture to the Crown of any unlawful betting aid in the person's possession at the time of the offence if the court is satisfied that:

- (a) the unlawful betting aid was used by the person for or in connection with the commission of the offence; and
- (b) the person was at the time of the offence carrying on bookmaking.

SCHEDULE 1—AMENDMENTS—*continued*

(2) A police officer may seize and carry away anything that may reasonably be suspected to be liable to forfeiture under this section.

(5) Section 178 (Possession etc. of prohibited amusement devises):

In section 17A (1), omit “Penalty: 10 penalty units or imprisonment for 12 months.”, insert instead:

Maximum penalty:

- (a) in the case of a body corporate—500 penalty units; or
- (b) in any other case—100 penalty units or imprisonment for 12 months for a first offence and 500 penalty units or imprisonment for 2 years for a second or subsequent offence.

(6) Section 17D:

After section 17C, insert:

Court may order payment of expenses

17D. (1) A court that convicts a person of an offence under section 17A in relation to a prohibited amusement device or of any other offence under this Act involving the use or operation of a prohibited amusement device may order the defendant to pay to the Commissioner of Police an amount specified in the order for reasonable expenses incurred by the Police Service in taking possession of, transporting, storing and maintaining the device.

(2) The Commissioner of Police may recover from a person as a debt in a court of competent jurisdiction any amount that the person is ordered to pay under this section.

(7) Section 60 (Proceedings for offenses):

(a) In section 60 (2), after “section 5 (1),” insert “6A, 6B.”.

(b) After section 60 (2), insert:

(3) A first offence against section 6A, 6B or 15C may alternatively be prosecuted on indictment.

SCHEDULE 1—AMENDMENTS—*continued*

(4) If proceedings for an offence against this Act are dealt with summarily before a Local Court, the maximum penalty that may be imposed is 100 penalty units or imprisonment for 12 months, or the maximum penalty provided for the offence, whichever is the lesser.

*[Minister's second reading speech made in—
Legislative Assembly on 27 October 1993
Legislative Council on 16 November 1993]*