

1991—No. 449

GAMING AND BETTING ACT 1912—REGULATION

(Gaming and Betting (General) Regulation 1991)

NEW SOUTH WALES



[Published in Gazette No. 121 of 30 August 1991]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Gaming and Betting Act 1912, has been pleased to make the Regulation set forth hereunder.

ANNE COHEN
Chief Secretary.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Gaming and Betting (General) Regulation 1991.

Commencement

2. This Regulation commences on 1 September 1991.

Definitions

3. In this Regulation:

“**President**” means President of the Gaming Tribunal;

“**Registrar**” means the Registrar of the Gaming Tribunal;

“**the Act**” means the Gaming and Betting Act 1912.

PART 2—THE GAMING TRIBUNAL**Registrar**

4. The officer of the District Court performing for the time being the duties of Registrar of that Court at Sydney is the Registrar of the Gaming Tribunal.

Application for removal of restriction on use of declared gaming-house

5. A person who applies under section 33 of the Act for the removal of a restriction on the use of a declared gaming-house must give notice of the application to a senior police officer not less than 7 days before the application is heard.

Books and records

6. (1) The Registrar must register all records and orders in, and keep an account of, all proceedings before the Gaming Tribunal and for these purposes:

- (a) must keep books in the forms approved by the President; and
- (b) must make in the books such entries in respect of those proceedings as are required by the forms of the books or directed by the President.

(2) In this clause, “books” includes any system of permanent recording, whether written or otherwise, and whether in bound form or otherwise.

Witnesses’ allowances

7. A witness attending proceedings before the Gaming Tribunal is entitled to be paid an allowance in accordance with the scale of allowances to witnesses attending criminal trials at the District Court.

Costs

8. (1) Costs in or in relation to any proceedings before the Gaming Tribunal are to be in the discretion of the Gaming Tribunal.

(2) The Gaming Tribunal has full power to determine by whom, to whom and to what extent costs are to be paid in or in relation to any proceedings before the Gaming Tribunal.

(3) The Gaming Tribunal has full power to order costs in or in relation to any Proceedings before the Gaming Tribunal:

- (a) to be taxed as though they were costs in civil proceedings in the District Court; or
- (b) to be otherwise ascertained.

Forms

9. A document or any part of a document relating to proceedings before the Gaming Tribunal must comply with:

- (a) the form (if any) approved by the President in respect of the document or part; or
- (b) the form prescribed by the rules of the District Court for the corresponding document or part (if any) under those rules.

PART 3—AMUSEMENT DEVICES

Prohibited amusement devices

10. (1) The following devices are, subject to clause 11, prohibited amusement devices for the purposes of Part 2A of the Act:

- (a) any device which has inscribed on it or which otherwise displays, or which is known by, or which enables the playing of a game known by, any of the following names:

Draw Poker, Five Card Poker, Seven Card Poker, Video Pontoon, Video Quarter Horse Racing, Quinella, Video Keno, Dwarf Den, Video Roulette, Chinese Dominos, Aladins Ladies, Gone Fishing, Lucky Cans, Robot, Robot Spaceship, Robot Capsule, Treasure Chest, Mix and Match or Triangles;

- (b) any device which enables the playing of a game which is similar to the game played by a device referred to in paragraph (a), irrespective of the number or type of visual images displayed;
- (c) any device which enables the playing of a game in which points or credits are credited to the player or a debit of any kind against the player is reduced (whether before, or in the course of or as a result of the outcome of, the game) and:
 - (i) which is so designed or adapted that the crediting of points or credits to the player, or the reduction of a debit of any kind against the player, or the length of the game played by means of the device, may be controlled or affected by any remote control apparatus; or
 - (ii) which is so designed or adapted that in a series of games played by means of the device, the points or credits

accumulated in one or more games may be credited to the player in a subsequent game (whether or not they are accumulated or credited by reduction of a debit);

- (d) any device which is designed or adapted for the playing of a game for money or prizes;
- (e) any device which is operated otherwise than by the insertion of a coin into the device for the playing of a single game;
- (f) any device by means of which more than 1 game may be played:
 - (i) by means of a remote control apparatus, or a switch, key or button; or
 - (ii) by any other means, whether or not used at the device.

(2) Games played by means of devices are not, for the purposes of subclause (1) (b), dissimilar merely because the visual images displayed by the devices are different or differ in number.

(3) For the purposes of subclause (1) (c) and (5), points or credits may be credited, or a debit reduced, by a device even though those points or credits are, or the reduction of a debit is, recorded or displayed by the device in symbols other than numbers.

(4) If a device is so designed or adapted that the length of a game played by means of the device may be extended by the insertion into the device of any coin or token, or by means of any remote control apparatus, then, for the purposes of subclauses (1) (c) (ii) and (5), every extension so obtained is to be considered to be another game and several such extensions in immediate succession are to be considered to be a series of games.

(5) Without limiting the generality of subclause (1) (c) (ii), the points or credits accumulated, or the accumulated reduction of a debit, in one or more games in a series of games are credited to a subsequent game if, at the end of that series of games, the total points or credits credited to the player, or the total reduction of a debit against the player, in that series may be read (whether by means of a visual display on the device or otherwise) from the device in a single reading.

Certain devices not prohibited amusement devices

11. The following devices are not prohibited amusement devices for the purposes of Part 2A of the Act:

- (a) any poker machine within the meaning of the Registered Clubs Act 1976;

- (b) any approved amusement device, within the meaning of the Liquor Act 1982, the keeping, use and operation of which is lawful as provided by that Act;
- (c) any device (not being an amusement device referred to in paragraph (b)):
 - (i) which is in the possession of a licensed amusement device dealer or a licensed amusement device seller; and
 - (ii) which is exhibited, for promotional purposes, whether in premises the subject of a hotelier's licence under the Liquor Act 1982 or elsewhere; and
 - (iii) which is so exhibited with the prior approval of the Liquor Administration Board and in compliance with any conditions to which the approval is subject; and
 - (iv) which is used to play a game that, at the time, could be lawfully played by means of an approved amusement device; and
 - (v) which is not used for gaming;
- (d) any device which is kept and operated as authorised by section 20B of the Liquor Act 1982;
- (e) any device which is in the possession of a person for the purposes of section 378 of the Liquor Act 1982.

PART 4—PUBLICATION OF BETTING INFORMATION

Publication of totalizator dividends

12. This Part does not operate to prohibit or restrict the notification or publication (or the communication or conveyance by any means, either directly or indirectly) of any information concerning or relating to the totalizator dividends or probable totalizator dividends payable in respect of bets made through the Totalizator Agency Board.

Newspaper—pre-race betting information

13. Information or advice as to the betting or betting odds on any intended race or contest to be held at a race-meeting may be communicated, conveyed or published through the medium of a newspaper if the information or advice:

- (a) is contained in any edition of the newspaper which is printed or in respect of which printing has commenced not less than 30 minutes before the advertised starting time of the first race or contest to be held at that race-meeting; and
- (b) is identical in all copies of that edition of that newspaper.

Radio or T.V.—pre-race betting information

14. Information or advice as to the betting or betting odds on any intended race or contest to be held at a race-meeting may be communicated, conveyed or published through the medium of a broadcasting station or television station not less than 30 minutes before the advertised starting time of the first race or contest to be held at that race-meeting.

Newspaper—post-race betting information

15. Information or advice as to the betting or betting odds on any race or contest held at a race-meeting may be communicated, conveyed or published through the medium of a newspaper between 2.30 p.m. of the day on which that race-meeting is held and the actual time of the starting of the last race or contest at that race-meeting.

Radio or T.V.—race forecasting

16. A forecast of the probable result of any intended race or contest to be held at a race-meeting may be communicated, conveyed or published through the medium of a broadcasting or television station at any time.

PART 5—UNLAWFUL BETTING AIDS**Unlawful betting aids**

17. The following kinds of article are prescribed for the purposes of Division 4A of Part 2 of the Act:

- (a) any document (such as a card, list, record sheet, table, ticket or other instrument containing writing);
- (b) any mechanical, electrical, telephonic or electronic equipment or device or any other equipment or device used for recording, storing or transmitting information or data;
- (c) any board, chart or screen.

PART 6—REPEALS, ETC.**Repeals**

18. The following Regulations are repealed:

- Gaming and Betting (Gaming Tribunal) Regulation 1988
- Gaming and Betting (Amusement Devices) Regulation 1985
- Gaming and Betting (Publication of Betting Information) Regulation 1979

Amendment of Gaming and Betting (General) Regulations

19. The Gaming and Betting (General) Regulations are amended by omitting Regulation 2A.

NOTE**TABLE OF PROVISIONS**

PART 1—PRELIMINARY

1. Citation
2. Commencement
3. Definitions

PART 2—THE GAMING TRIBUNAL

4. Registrar
5. Application for removal of restriction on use of declared gaming-house
6. Books and records
7. Witnesses' allowances
8. costs
9. Forms

PART 3—AMUSEMENT DEVICES

10. Prohibited amusement devices
11. Certain devices not prohibited amusement devices

PART 4—PUBLICATION OF BETTING INFORMATION

12. Publication of totalizator dividends
13. Newspaper—pre-race betting information
14. Radio or T.V.—pre-race betting information
15. Newspaper—post-race betting information
14. Radio or T.V.—race forecasting

PART 5—UNLAWFUL BETTING AIDS

17. Unlawful betting aids

PART 6—REPEALS ETC

18. Repeals
 19. Amendment of Gaming and Betting (General) Regulation
-

EXPLANATORY NOTE

The object of this Regulation is to repeal and remake as one regulation (without any major changes) the provisions of the following Regulations:

Gaming and Betting (Gaming Tribunal) Regulation 1988

Gaming and Betting (Amusement Devices) Regulation 1985

Gaming and Betting (Publication of Betting Information) Regulation 1979

Regulation 2A of the Gaming and Betting (General) Regulations

The provisions of the new Regulation deal with:

- the prescription of the Registrar of the Gaming Tribunal and the Registrar's functions;
- the procedure for the giving of notices of certain applications to the Tribunal;
- witnesses' allowances, costs of proceedings and forms to be used in the Tribunal;
- the prescription of prohibited amusement devices for the purposes of the Act;
- restrictions on the publication in newspapers etc. of betting information;
- the prescription of unlawful betting aids for the purposes of the Act.

This Regulation is made in connection with the staged repeal of subordinate legislation under Part 3 of the Subordinate Legislation Act 1989.
