

GAMING AND BETTING (AMENDMENT) BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Gaming and Betting Act 1912—

- (a) to add registered clubs to the places in which betting on particular sports is unlawful; and
- (b) to enable betting to take place on a licensed race-course after postponement or abandonment of a scheduled race-meeting whether or not a race has been run; and
- (c) to penalise betting by minors; and
- (d) to create offences relating to the possession of articles or money suspected of being used for unlawful betting; and
- (e) to clarify the situation relating to the communication of betting information to a person outside a race-course; and
- (f) to provide, in relation to some additional offences under the Act, the alternative of a term of imprisonment instead of a fine; and
- (g) to make other minor, consequential and ancillary amendments.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be appointed by proclamation.

Clause 3 gives effect to Schedules 1-4.

SCHEDULE 1—AMENDMENTS RELATING TO BETTING

Schedule 1 (1) amends the present definitions of "Street" to include in the definitions the premises of a registered club and to make an amendment consequential on the amendment made to section 7 by Schedule 1 (2).

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Schedule 1 (2) repeals and re-enacts the substance of section 7 except that the section will no longer require the running of at least 1 race before betting is allowed after the postponement or abandonment of a scheduled race-meeting and will also provide for imprisonment as an alternative punishment for the betting it prohibits.

Schedule 1 (3) provides for a heavier penalty for the offence of betting with a minor and provides for imprisonment as an alternative punishment.

Schedule 1 (4) inserts new section 10A which penalises betting by minors but precludes imprisonment in default of payment of the penalty if the person in default is under the age of 16 years.

Schedule 1 (5) provides for a game to be an unlawful game under section 17 if—

- (a) a non-participant acts as dealer, croupier or banker; or
- (b) a non-participant receives a payment because the game is being played; or
- (c) there is a charge for participation or for entry on the premises where the game is being played,

and applies to such a game that is played in a private dwelling-house.

Schedule 1 (6) enables a member of the police force executing a search warrant in a gaming-house to require a person to state his or her name and residential address.

Schedule 1 (7) makes an amendment consequential on an amendment made by an earlier Act.

Schedule 1 (8) enables a member of the police force executing a search warrant in a betting-house to require a person to state his or her name and residential address.

Schedule 1 (9) provides for a day to be counted as a race day if betting takes place after a race-meeting scheduled for that day is postponed or abandoned.

SCHEDULE 2—AMENDMENTS RELATING TO ARTICLES USED FOR UNLAWFUL BETTING

Schedule 2 (1) inserts a new Division 4A in Part 2. The proposed Division contains sections 15B–15D.

Proposed section 15B defines as unlawful betting aids articles to be prescribed by regulation, and money, used in connection with unlawful betting or a related transaction.

Proposed section 15C penalises possession of an article or money reasonably suspected of being an unlawful betting aid.

Proposed section 15D enables a member of the police force to stop, search and detain a person, vehicle or vessel if the member reasonably suspects the person of having, or the vehicle or vessel of containing, an unlawful betting aid.

Schedule 2 (2) has the effect of requiring prosecution on indictment for a second or subsequent offence under the proposed section 15C.

SCHEDULE 3—AMENDMENTS RELATING TO COMMUNICATION OF INFORMATION

Schedule 3 (except Schedule 3 (2)) makes lawful the communication of certain betting information by means of a particular recorded program transmitted by Telecom and makes certain consequential amendments.

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Schedule 3 (2) inserts new section 47^{AA}. The proposed section enables a person or body authorised by the Minister for Sport, Recreation and Racing to transmit betting information from a lawful race-meeting to another race-course at a time at which betting on the other race-course is lawful.

SCHEDULE 4—AMENDMENTS RELATING TO PENALTIES

Schedule 4 (1)–(5) proposes the provision, in relation to some additional offences, of the alternative of a term of imprisonment instead of a fine. These are the offences under—

- Section 5 (Street betting)
- Section 44 (Penalty for keeping or being in betting-house)
- Section 45 (Penalty for receiving money as deposit etc. on a bet)
- Section 46 (Penalty for exhibiting placards etc. as to betting)
- Section 47 (Penalty for advertising as to betting)
- Section 47^A (Keeping place for communicating betting information)
- Section 47^B (Tipsters etc.—advertisements)
- Section 47^C (Tipsters etc.—keeping place for conveying oral statements)
- Section 47^D (Tipsters etc.—giving oral information for fee or reward)
- Section 47^E (Race programmes).

Schedule 4 (6) ensures that proceedings on indictment are mandatory, not optional, in certain cases of a second or subsequent offence.
