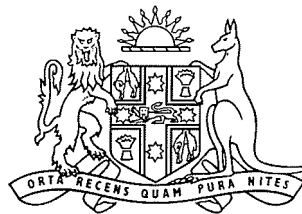

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New South Wales

Crimes Amendment (Cheating at Gambling) Bill 2011

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New South Wales

Crimes Amendment (Cheating at Gambling) Bill 2011

No. , 2011

A Bill for

An Act to amend the *Crimes Act 1900* to prohibit cheating at gambling.

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Clause 1 Crimes Amendment (Cheating at Gambling) Bill 2011

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes Amendment (Cheating at Gambling) Act 2011*.

2 Commencement

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

Schedule 1 Amendment of Crimes Act 1900 No 40

Part 4ACA

Insert after Part 4AC:

Part 4ACA Cheating at gambling

Division 1 Preliminary

193H Corrupting betting outcomes of event

- (1) For the purposes of this Part, conduct corrupts a betting outcome of an event if the conduct:
 - (a) affects or, if engaged in, would or would be likely to affect the outcome of any type of betting on the event, and
 - (b) is contrary to the standards of integrity that a reasonable person would expect of persons in a position to affect the outcome of any type of betting on the event.
- (2) For the purposes of this Part, an agreement that corrupts a betting outcome of an event is an agreement between 2 or more persons under which a person agrees to engage in conduct that corrupts a betting outcome of an event.
- (3) In this Part:

agreement includes an arrangement.

conduct means an act, an omission to perform an act or a state of affairs.

engage in conduct means:

 - (a) do an act, or
 - (b) omit to perform an act.

193I Betting

- (1) In this Part, to *bet* includes the following:
 - (a) to place a bet or cause a bet to be placed,
 - (b) to accept a bet,
 - (c) to withdraw a bet.
- (2) A reference in this Part to betting on an event includes a reference to betting on any event contingency.

193J Events and event contingencies

- (1) In this Part, an *event* means any event (whether it takes place in this State or elsewhere) on which it is lawful to bet under a law of this State, another State or a Territory.
- (2) In this Part, an *event contingency* means any contingency in any way connected with an event, being a contingency on which it is lawful to bet under a law of this State, another State or a Territory.

193K Obtaining financial advantage or causing financial disadvantage

- (1) In this Part, *obtain* a financial advantage includes:
 - (a) obtain a financial advantage for oneself or for another person, and
 - (b) induce a third person to do something that results in oneself or another person obtaining a financial advantage, and
 - (c) keep a financial advantage that one has, whether the financial advantage is permanent or temporary.
- (2) In this Part, *cause* a financial disadvantage means:
 - (a) cause a financial disadvantage to another person, or
 - (b) induce a third person to do something that results in another person suffering a financial disadvantage, whether the financial disadvantage is permanent or temporary.
- (3) If an offence under this Part requires a person to intend to obtain a financial advantage, or to cause a financial disadvantage, that element of the offence may also be established by proof that the person knew a financial advantage would be obtained or a financial disadvantaged would be caused.
- (4) It is not necessary to prove that the conduct engaged in actually resulted in the obtaining of a financial advantage or the causing of a financial disadvantage.

193L Encourage

In this Part, *encourage* another person to engage in conduct includes command, request, propose, advise, incite, induce, persuade, authorise, urge, threaten or place pressure on the person to engage in conduct.

Division 2 Offences

193M Engage in conduct that corrupts betting outcome of event

A person who engages in conduct that corrupts a betting outcome of an event:

- (a) knowing or being reckless as to whether the conduct corrupts a betting outcome of the event, and
- (b) with the intention of obtaining a financial advantage, or causing a financial disadvantage, as a result of any betting on the event,

is guilty of an offence.

Maximum penalty: Imprisonment for 10 years.

193N Facilitate conduct that corrupts betting outcome of event

- (1) A person who offers to engage in conduct that corrupts a betting outcome of an event:

- (a) knowing or being reckless as to whether the conduct corrupts a betting outcome of the event, and
- (b) with the intention of obtaining a financial advantage, or causing a financial disadvantage, as a result of any betting on the event,

is guilty of an offence.

Maximum penalty: Imprisonment for 10 years.

- (2) A person who encourages another person to engage in conduct that corrupts a betting outcome of an event:

- (a) knowing or being reckless as to whether the conduct corrupts a betting outcome of the event, and
- (b) with the intention of obtaining a financial advantage, or causing a financial disadvantage, as a result of any betting on the event,

is guilty of an offence.

Maximum penalty: Imprisonment for 10 years.

- (3) A person who enters into an agreement that corrupts a betting outcome of an event:

- (a) knowing or being reckless as to whether the conduct the subject of the agreement corrupts a betting outcome of the event, and

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Schedule 1 Amendment of Crimes Act 1900 No 40

- (b) with the intention of obtaining a financial advantage, or causing a financial disadvantage, as a result of any betting on the event,

is guilty of an offence.

Maximum penalty: Imprisonment for 10 years.

193O Concealing conduct or agreement that corrupts betting outcome of event

- (1) A person who encourages another person to conceal from a relevant authority conduct that corrupts a betting outcome of an event:

- (a) knowing or being reckless as to whether the conduct corrupts a betting outcome of the event, and

- (b) with the intention of obtaining a financial advantage, or causing a financial disadvantage, as a result of any betting on the event,

is guilty of an offence.

Maximum penalty: Imprisonment for 10 years.

- (2) A person who encourages another person to conceal from a relevant authority an agreement that corrupts a betting outcome of an event:

- (a) knowing or being reckless as to whether the conduct the subject of the agreement corrupts a betting outcome of the event, and

- (b) with the intention of obtaining a financial advantage, or causing a financial disadvantage, as a result of any betting on the event,

is guilty of an offence.

Maximum penalty: Imprisonment for 10 years.

- (3) In this section, the *relevant authority* means:

- (a) a police officer, or

- (b) a body that has the official function of controlling, regulating or supervising the event, or

- (c) any other appropriate authority.

193P Use of inside information about event for betting purposes

- (1) A person who possesses information in connection with an event that is inside information, and who knows or is reckless as to whether the information is inside information, is guilty of an offence if the person:

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- (a) bets on the event, or
- (b) encourages another person to bet on the event in a particular way, or
- (c) communicates the information to another person who the first person knows or ought reasonably to know would or would be likely to bet on the event.

Maximum penalty: Imprisonment for 10 years.

- (2) Information in connection with an event is *inside information* if the information:
 - (a) is not generally available, and
 - (b) if it were generally available, would, or would be likely to, influence persons who commonly bet on the event in deciding whether or not to bet on the event or making any other betting decision.
- (3) Information is *generally available* if:
 - (a) it consists of matter that is readily observable by the public, or
 - (b) it has been made known in a manner that would, or would be likely to, bring it to the attention of the public, or
 - (c) it consists of deductions, conclusions or inferences made or drawn from information referred to in paragraph (a) or (b).
- (4) In proceedings for an offence against subsection (1) (b) or (c), it is not necessary to prove that the person encouraged to bet, or to whom inside information was communicated, actually bet on the event concerned.
- (5) A reference in this section to communicating information includes a reference to causing information to be communicated.