



New South Wales

Crimes Amendment (Cheating at Gambling) Bill 2012

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Crimes Act 1900* to prohibit certain conduct that can corrupt the betting outcomes of events on which it is lawful to place bets.

The Bill prohibits:

- (a) engaging in conduct that corrupts a betting outcome of an event with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with betting on the event, and
- (b) facilitating conduct that corrupts a betting outcome of an event with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with betting on the event, and
- (c) encouraging another person to conceal conduct, or an agreement about conduct, that corrupts a betting outcome of an event with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with betting on the event, and
- (d) using corrupt conduct information or inside information about an event for betting purposes.

Conduct corrupts a betting outcome of an event if the conduct:

- (a) affects or, if engaged in, 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.

The accused must engage in the conduct, or facilitate the conduct, knowing or being reckless as to whether the conduct corrupts a betting outcome of the event.

The Bill also makes a related amendment to the *Criminal Procedure Act 1986*.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Schedule 1 Amendment of Crimes Act 1900 No 40

Schedule 1 [1] inserts a new Part 4ACA into the *Crimes Act 1900* that provides for the new offences.

Division 1 of proposed Part 4ACA defines expressions used in the proposed Part, including what it means to corrupt a betting outcome of an event (as described in the Overview).

Betting is defined to include both placing and withdrawing bets, and accepting bets.

An event is any event (whether or not taking place in this State) on which it is lawful to place bets under an Australian law. Betting on an event includes any betting on any contingencies connected with an event.

The provisions also define what it means to obtain a financial advantage, or cause a financial disadvantage, in a manner similar to existing fraud offences.

To prove an intention to obtain a financial advantage, or cause a financial disadvantage, it is necessary to prove that the accused:

- (a) meant to obtain a financial advantage, or cause a financial disadvantage, in connection with betting on the event, or
- (b) was aware that another person meant to obtain a financial advantage, or cause a financial disadvantage, in connection with betting on the event, as a result of the conduct the subject of the charge.

The provisions also broadly define what it means to encourage another person to do something.

Division 2 of proposed Part 4ACA sets out the new offences described in the Overview.

The offence relating to engaging in conduct that corrupts a betting outcome of an event carries a maximum penalty of imprisonment for 10 years.

The offence relating to facilitating conduct that corrupts a betting outcome of an event carries a maximum penalty of imprisonment for 10 years. Facilitating conduct that corrupts a betting outcome of an event means offering to engage in, encouraging another person to engage in or entering into an agreement about, conduct that corrupts a betting outcome of an event.

The offence relating to concealing conduct that corrupts a betting outcome of an event carries a maximum penalty of imprisonment for 10 years.

The offence of using corrupt conduct information about an event for betting purposes carries a maximum penalty of imprisonment for 10 years. Corrupt conduct information is any information about conduct or proposed conduct that corrupts a betting outcome of the relevant event.

The offence of using inside information for betting purposes carries a maximum penalty of imprisonment for 2 years. Inside information is any information that is not generally available and which, if it were generally available, would or would be likely to influence persons who commonly bet on the relevant event in deciding whether or not to bet on the event or making any other betting decision.

Schedule 1 [2] provides for the review of the operation of the new Part at the end of the period of 3 years after the commencement of the new Part.

Schedule 2 Amendment of Criminal Procedure Act 1986 No 209

Schedule 2 requires the new offences to be dealt with summarily unless the prosecutor or person charged elects to have the offence dealt with on indictment.