

GAMING AND BETTING (REGISTERED CLUBS) AMENDMENT BILL, 1980

EXPLANATORY NOTE

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

This Bill is cognate with the Registered Clubs (Amendment) Bill, 1980.

The objects of this Bill are to amend the Gaming and Betting Act, 1912 ("the Act")—

- (a) by increasing the penalty for the offence of a minor using or operating a poker machine in club premises from \$50 to \$200 (clause 2 (b) (i));
- (b) by making it an offence for a minor to enter or be in a poker machine area, as defined in the Bill, on club premises and to impose a penalty not exceeding \$200 for that offence (clause 2 (a), (b) (ii)—proposed section 50QA (2) of the Act);
- (c) to make it a defence to a prosecution for either of the offences referred to in paragraph (a) or (b) if the defendant proves that he was an apprentice or probationer within the meaning of the Apprentices Act, 1969, when the offence was committed and that the act constituting the offence was done for the purpose only of his receiving trade training as such an apprentice or probationer (clause 2 (b) (ii)—proposed section 50QA (3) of the Act);
- (d) to provide that—
 - (i) the secretary of a club is guilty of an offence and liable to a penalty not exceeding \$500 if a minor is in any poker machine area of the club and is not forthwith removed therefrom;
 - (ii) a member of a club is guilty of an offence and liable to a penalty not exceeding \$500 if a minor is on the premises of a club as a guest of the member and is in any poker machine area of the club;
 - (iii) a defendant prosecuted for an offence referred to in subparagraph (i) or (ii) has a defence if he proves that the minor was of or above the age of 14 years and that he believed on reasonable grounds that the minor was of or above the age of 18 years; and

- (iv) to deem a defendant referred to in subparagraph (iii) to have had reasonable grounds, as referred to in that subparagraph, if certain documents requiring signature have been produced and the signature thereon has been compared with the signature of the minor (clause 2 (c)—proposed section 50QAA of the Act); and
 - (e) to provide that the secretary of a club is guilty of an offence and liable to a penalty not exceeding \$500 unless there is kept continuously displayed in a conspicuous place in every poker machine area on the premises of the club a notice containing certain particulars (clause 2 (c)—proposed section 50QAB of the Act).
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**GAMING AND BETTING (REGISTERED CLUBS)
AMENDMENT BILL, 1980**

No. , 1980.

A BILL FOR

An Act to amend the Gaming and Betting Act, 1912, with respect to the use or operation of poker machines on club premises by persons under the age of 18 years, and for other purposes.

[MR CRABTREE—26 *March*, 1980.]

Gaming and Betting (Registered Clubs) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 1. This Act may be cited as the "Gaming and Betting Short title.
(Registered Clubs) Amendment Act, 1980".

2. The Gaming and Betting Act, 1912, is amended—

Amendment
of Act No.
25, 1912.

(a) by inserting in section 50G after the definition of
"Licensing district" the following definition :—

Sec. 50G.
(Defini-
tions.)

10 "Poker machine area" means any portion of the
premises of a registered club in which poker
machines are located and which is not physically
separated from other portions of the premises
of the club.

15 (b) (i) by omitting from section 50QA the words "fifty
dollars" and by inserting instead the matter "\$200";

Sec. 50QA.
(Persons
under
eighteen
not to
play poker
machines
in club
premises.)

(ii) by inserting at the end of section 50QA the following
subsections :—

20 (2) A person under 18 years of age who enters
or is in a poker machine area on club premises
shall be liable to a penalty not exceeding \$200.

25 (3) It is a sufficient defence to a prosecution for
an offence arising under subsection (1) or (2) if
the defendant proves that he was an apprentice,
within the meaning of the Apprentices Act, 1969,
or a probationer, within the meaning of that Act,
when the offence was committed and that he used
or operated poker machines, or entered or was
30 in a poker machine area, as the case may be, for
the purpose only of his receiving trade training as
such an apprentice or probationer.

Gaming and Betting (Registered Clubs) Amendment.

(c) by inserting after section 50QA the following sections :— Secs. 50QAA,
50QAB.

5 50QAA. (1) If a person under the age of 18 years is in any poker machine area of a registered club and is not forthwith removed from that area, the secretary of the club is guilty of an offence and liable to a penalty not exceeding \$500. Minors not permitted in poker machine areas.

10 (2) If a person under the age of 18 years is on the premises of a registered club as a guest of a member of the club and is in any poker machine area of the club, the member is guilty of an offence and liable to a penalty not exceeding \$500.

15 (3) It is a sufficient defence to a prosecution of a person for an offence under subsection (1) or (2) if the defendant proves that the person under the age of 18 years was of or above the age of 14 years and that he believed on reasonable grounds that the person under the age of 18 years was of or above the age of 18 years.

20 (4) For the purposes of, but without limiting, subsection (3), the defendant shall be deemed to have had reasonable grounds for the belief referred to in that subsection if he proves that—

- (a) the person under 18 years of age produced to him, duly signed—
- 25 (i) a driver's licence issued under the Motor Traffic Act, 1909;
 - (ii) a notice given under the regulations made under section 35 (1A) of the Parliamentary Electorates and Elections Act, 1912; or
 - 30 (iii) a certificate issued in accordance with the regulations made under this Act under which the person to whom the certificate is issued is required to authenticate it by signing it;

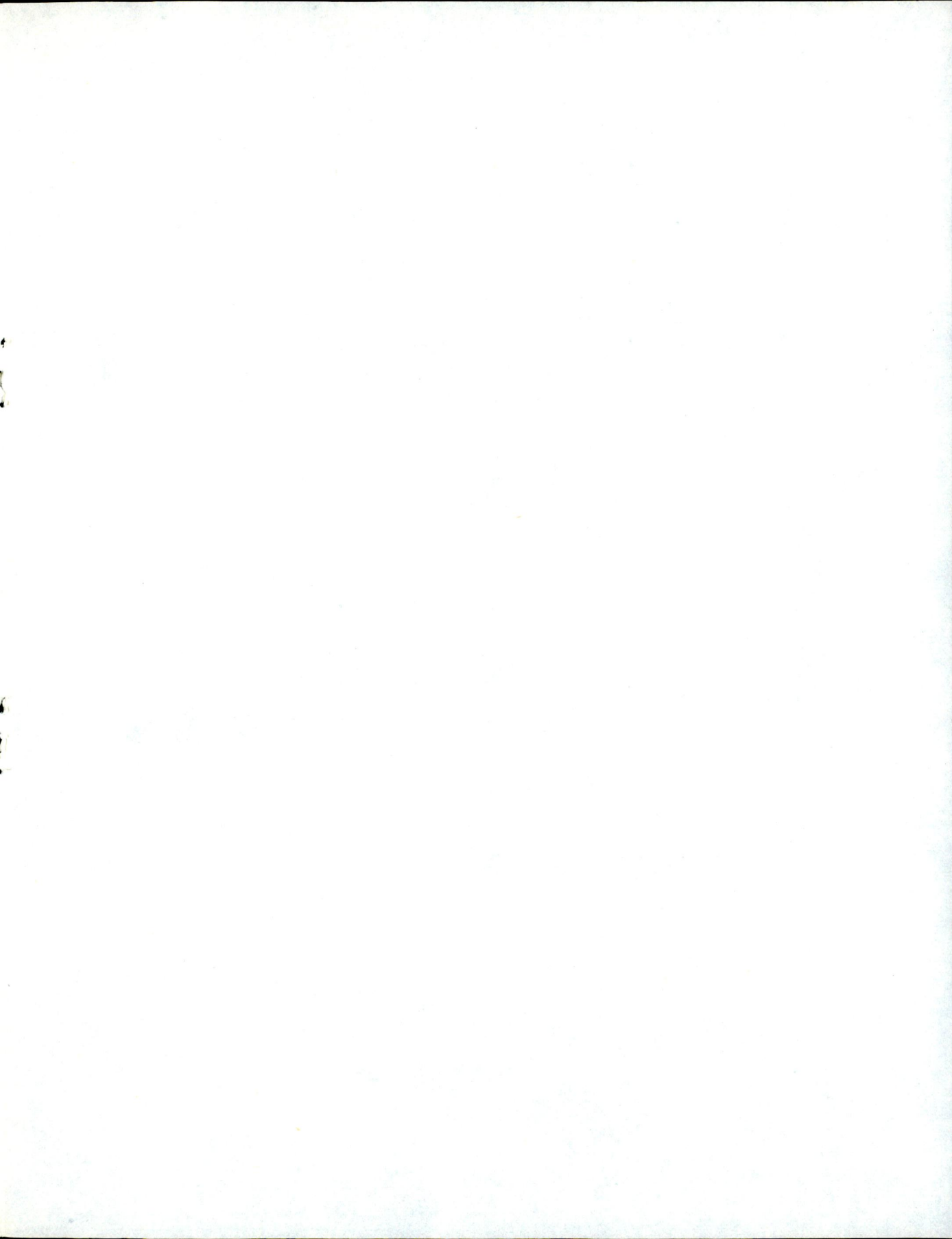
Gaming and Betting (Registered Clubs) Amendment.

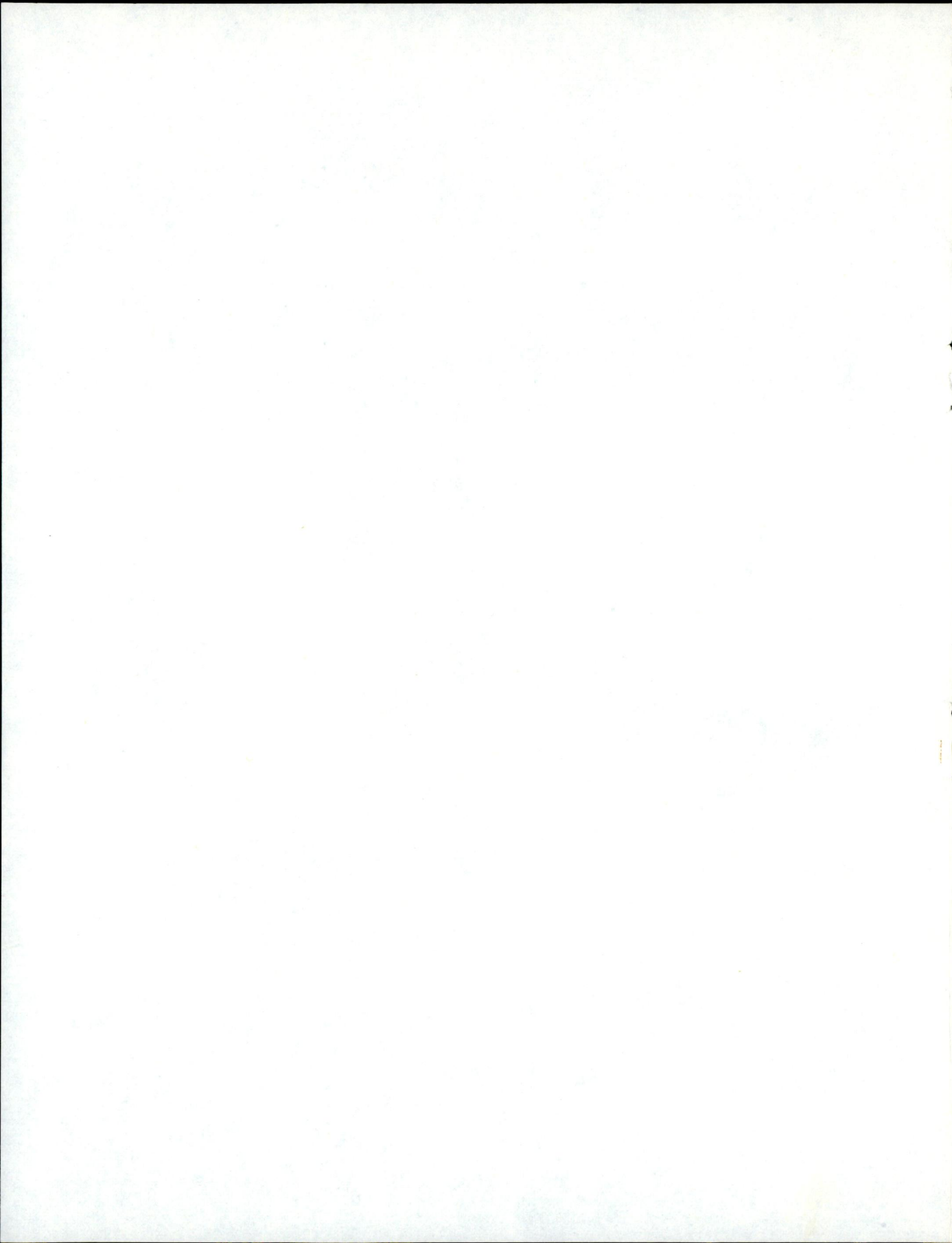
- (b) the person under 18 years of age made his signature in the premises of the registered club in the presence of the secretary or an employee of the club;
- 5 (c) the person in whose presence the signature was made compared it with the signature appearing on the driver's licence, the notice or the certificate referred to in paragraph (a), being the signature of the person to whom it
- 10 purported to have been issued; and
- (d) the person in whose presence the signature was made did not believe and had no reasonable grounds for believing that the person under 18 years of age—
- 15 (i) was not the person referred to in the driver's licence, the notice or the certificate so referred to; or
- (ii) was under 18 years of age.

20 50QAB. If there is not kept continuously displayed in a conspicuous place in every poker machine area in the premises of a registered club a notice, complying with the requirements, if any, prescribed for the purposes of this section and containing such particulars as may be so prescribed with respect to the exclusion from the area

25 of persons under the age of 18 years, the secretary of the club is guilty of an offence and liable to a penalty not exceeding \$500.

Display of notices.





**GAMING AND BETTING (REGISTERED CLUBS)
AMENDMENT ACT, 1980, No. 26**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 26, 1980.

An Act to amend the Gaming and Betting Act, 1912, with respect to the use or operation of poker machines on club premises by persons under the age of 18 years, and for other purposes.
[Assented to, 16th April, 1980.]

Gaming and Betting (Registered Clubs) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Gaming and Betting (Registered Clubs) Amendment Act, 1980".

Amendment of Act No. 25, 1912. **2.** The Gaming and Betting Act, 1912, is amended—

Sec. 50G. (Definitions.) (a) by inserting in section 50G after the definition of "Licensing district" the following definition :—

"Poker machine area" means any portion of the premises of a registered club in which poker machines are located and which is not physically separated from other portions of the premises of the club.

Sec. 50QA. (Persons under eighteen not to play poker machines in club premises.) (b) (i) by omitting from section 50QA the words "fifty dollars" and by inserting instead the matter "\$200";
(ii) by inserting at the end of section 50QA the following subsections :—

(2) A person under 18 years of age who enters or is in a poker machine area on club premises shall be liable to a penalty not exceeding \$200.

(3) It is a sufficient defence to a prosecution for an offence arising under subsection (1) or (2) if the defendant proves that he was an apprentice, within the meaning of the Apprentices Act, 1969, or a probationer, within the meaning of that Act, when the offence was committed and that he used or operated poker machines, or entered or was in a poker machine area, as the case may be, for the purpose only of his receiving trade training as such an apprentice or probationer.

Gaming and Betting (Registered Clubs) Amendment.

(c) by inserting after section 50QA the following sections :— Secs. 50QAA,
50QAB.

50QAA. (1) If a person under the age of 18 years is in any poker machine area of a registered club and is not forthwith removed from that area, the secretary of the club is guilty of an offence and liable to a penalty not exceeding \$500. Minors not permitted in poker machine areas.

(2) If a person under the age of 18 years is on the premises of a registered club as a guest of a member of the club and is in any poker machine area of the club, the member is guilty of an offence and liable to a penalty not exceeding \$500.

(3) It is a sufficient defence to a prosecution of a person for an offence under subsection (1) or (2) if the defendant proves that the person under the age of 18 years was of or above the age of 14 years and that he believed on reasonable grounds that the person under the age of 18 years was of or above the age of 18 years.

(4) For the purposes of, but without limiting, subsection (3), the defendant shall be deemed to have had reasonable grounds for the belief referred to in that subsection if he proves that—

- (a) the person under 18 years of age produced to him, duly signed—
 - (i) a driver's licence issued under the Motor Traffic Act, 1909;
 - (ii) a notice given under the regulations made under section 35 (1A) of the Parliamentary Electorates and Elections Act, 1912; or
 - (iii) a certificate issued in accordance with the regulations made under this Act under which the person to whom the certificate is issued is required to authenticate it by signing it;

Gaming and Betting (Registered Clubs) Amendment.

- (b) the person under 18 years of age made his signature in the premises of the registered club in the presence of the secretary or an employee of the club;
- (c) the person in whose presence the signature was made compared it with the signature appearing on the driver's licence, the notice or the certificate referred to in paragraph (a), being the signature of the person to whom it purported to have been issued; and
- (d) the person in whose presence the signature was made did not believe and had no reasonable grounds for believing that the person under 18 years of age—
 - (i) was not the person referred to in the driver's licence, the notice or the certificate so referred to; or
 - (ii) was under 18 years of age.

Display of
notices.

50QAB. If there is not kept continuously displayed in a conspicuous place in every poker machine area in the premises of a registered club a notice, complying with the requirements, if any, prescribed for the purposes of this section and containing such particulars as may be so prescribed with respect to the exclusion from the area of persons under the age of 18 years, the secretary of the club is guilty of an offence and liable to a penalty not exceeding \$500.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 16th April, 1980.*