

**GAMING AND BETTING (SUMMARY OFFENCES)
AMENDMENT BILL, 1979**

EXPLANATORY NOTE

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

This Bill is cognate with the Summary Offences (Repeal) Bill, 1979.

The object of this Bill is to amend the Gaming and Betting Act, 1912, consequentially upon the repeal of the Summary Offences Act, 1970, with respect to reputed cheats and offences relating to "unlawful games" and tricks of sleight of hand.

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**GAMING AND BETTING (SUMMARY OFFENCES)
AMENDMENT BILL, 1979**

No. , 1979.

A BILL FOR

An Act to amend the Gaming and Betting Act, 1912,
consequentially upon the enactment of the Summary Offences
(Repeal) Act, 1979.

[MR F. J. WALKER—19 *April*, 1979.]

Gaming and Betting (Summary Offences) 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. (Summary Offences) Amendment Act, 1979".

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

 (2) Except as provided in subsection (1), this Act shall
10 commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Gaming and Betting Act, 1912, is amended in the
manner set forth in Schedule 1. Amendment
of Act No.
25, 1912.

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SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE GAMING AND BETTING ACT, 1912.

(1) Section 15A—

After section 15, insert :—

20 15A. (1) Any person who, being a reputed cheat— Reputed
cheats.
 (a) loiters in or near licensed premises under the Liquor Act, 1912, the premises of a registered club under the Registered Clubs Act, 1976, or a house licensed under the Billiards and Bagatelle Act, 1902, or any other public place; and

Gaming and Betting (Summary Offences) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE GAMING AND BETTING ACT, 1912—
continued.

5 (b) has in his custody or possession an instrument
of gaming or an instrument which is capable of
being used for cheating,

shall be liable to a penalty not exceeding \$400 or to
imprisonment for a term not exceeding 6 months.

10 (2) It is a sufficient defence to a prosecution for
an offence under subsection (1) if the defendant satisfies
the court that the instrument in his custody or possession
was not intended to be used for an unlawful purpose.

(3) In subsection (1) (a) “public place”
means—

15 (a) a place (whether or not covered by water); or
(b) a part of premises,

20 that is open to the public, or is used by the public, whether
or not on payment of money or other consideration,
whether or not the place or part is ordinarily so open or
used, and whether or not the public to whom it is open
consists only of a limited class of persons.

(4) Section 8 of the Crimes Act, 1900, does not
apply to the interpretation of the expression “public place”
in subsection (1) (a).

25 (2) Section 17 (a1)—

After section 17 (a), insert :—

(a1) any game of chance at any table or instrument of
gaming;

Gaming and Betting (Summary Offences) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE GAMING AND BETTING ACT, 1912—
continued.

(3) Section 18—

- 5 After “game” wherever occurring, insert “or any trick of sleight of hand”.

(4) Section 20—

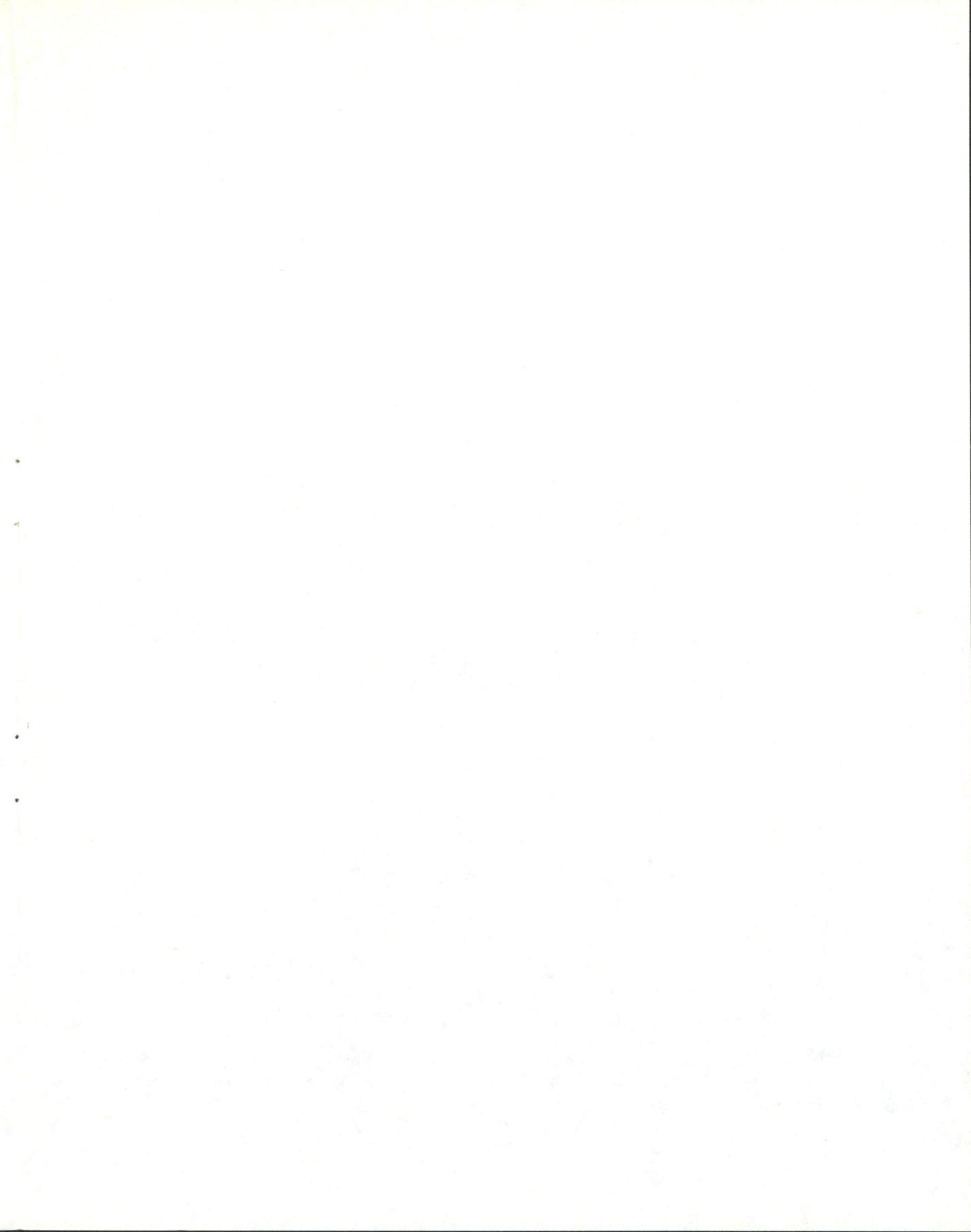
After “game”, insert “or any trick of sleight of hand”.

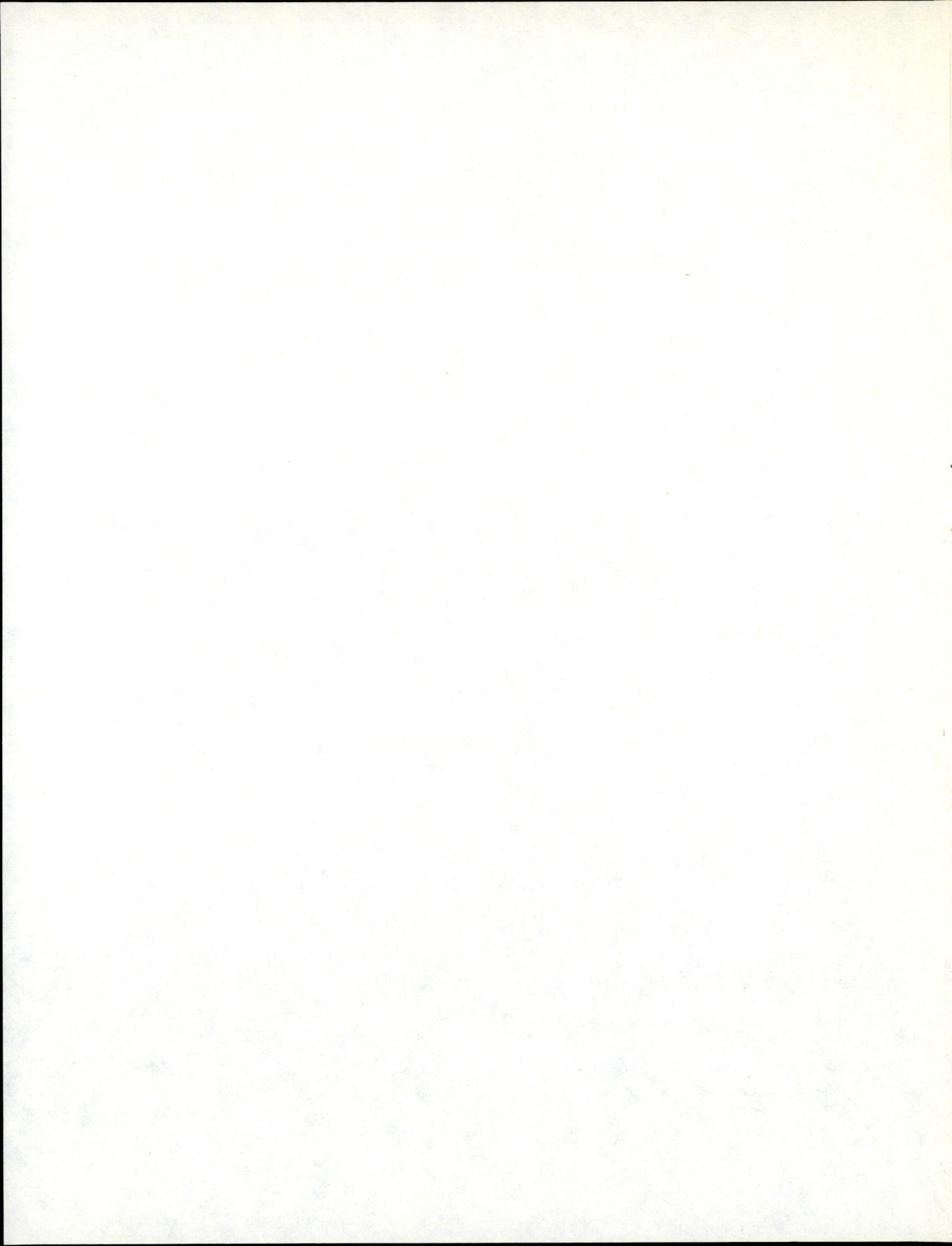
(5) Section 50B (2), (3)—

- 10 Omit “the Summary Offences Act, 1970,” wherever occurring.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979





**GAMING AND BETTING (SUMMARY OFFENCES)
AMENDMENT ACT, 1979, No. 74**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 74, 1979.

An Act to amend the Gaming and Betting Act, 1912,
consequentially upon the enactment of the Summary Offences
(Repeal) Act, 1979. [Assented to, 11th May, 1979.]

Gaming and Betting (Summary Offences) 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 (Summary Offences) Amendment Act, 1979".

Commence- **2.** (1) This section and section 1 shall commence on the date
ment. of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment **3.** The Gaming and Betting Act, 1912, is amended in the
of Act No. manner set forth in Schedule 1.
25, 1912.

Sec. 3.

SCHEDULE 1.

AMENDMENTS TO THE GAMING AND BETTING ACT, 1912.

(1) Section 15A—

After section 15, insert :—

Reputed
cheats.

15A. (1) Any person who, being a reputed cheat—

- (a) loiters in or near licensed premises under the Liquor Act, 1912, the premises of a registered club under the Registered Clubs Act, 1976, or a house licensed under the Billiards and Bagatelle Act, 1902, or any other public place; and

Gaming and Betting (Summary Offences) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE GAMING AND BETTING ACT, 1912—
continued.

- (b) has in his custody or possession an instrument of gaming or an instrument which is capable of being used for cheating,

shall be liable to a penalty not exceeding \$400 or to imprisonment for a term not exceeding 6 months.

(2) It is a sufficient defence to a prosecution for an offence under subsection (1) if the defendant satisfies the court that the instrument in his custody or possession was not intended to be used for an unlawful purpose.

(3) In subsection (1) (a) “public place” means—

- (a) a place (whether or not covered by water); or
(b) a part of premises,

that is open to the public, or is used by the public, whether or not on payment of money or other consideration, whether or not the place or part is ordinarily so open or used, and whether or not the public to whom it is open consists only of a limited class of persons.

(4) Section 8 of the Crimes Act, 1900, does not apply to the interpretation of the expression “public place” in subsection (1) (a).

(2) Section 17 (a1)—

After section 17 (a), insert :—

- (a1) any game of chance at any table or instrument of gaming;

Gaming and Betting (Summary Offences) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE GAMING AND BETTING ACT, 1912—
continued.

(3) Section 18—

After “game” wherever occurring, insert “or any trick of sleight of hand”.

(4) Section 20—

After “game”, insert “or any trick of sleight of hand”.

(5) Section 50B (2), (3)—

Omit “the Summary Offences Act, 1970,” wherever occurring.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 11th May, 1979.*