

**GAMING AND BETTING (AMENDMENT) BILL, 1985**

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**EXPLANATORY NOTE**

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

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

- (a) to increase the penalties for taking a street bet, the new penalties being as follows:—
  - (i) a maximum penalty of \$10,000 for a first offence; and
  - (ii) a maximum penalty of \$50,000 for a second or subsequent offence, (Schedule 1 (1) (a));
- (b) to make it an offence for a person to make a street bet with a bookmaker, etc., with a maximum penalty of \$1,000 (Schedule 1 (1) (c));
- (c) to increase the maximum penalty for an offence under section 15A of the Act (a reputed cheat having possession of an instrument of gaming or an instrument capable of being used for cheating) to a penalty of \$2,000 or imprisonment for 2 years or both (Schedule 1 (3));
- (d) to make it an offence for a person to have possession in a licensed club (including the carpark of a licensed club) of—
  - (i) an article made or adapted for use for interfering with the normal operation of a poker machine; or
  - (ii) an article intended for use for interfering with the normal operation of a poker machine,(Schedule 1 (4)—proposed section 15B);
- (e) to make it an offence for a person to interfere or attempt to interfere with the normal operation of a poker machine in a licensed club (Schedule 1 (4)—proposed section 15C);
- (f) to increase the penalties for keeping a betting-house, the new penalties being as follows:—
  - (i) a maximum penalty of \$10,000 for a first offence; and
  - (ii) a maximum penalty of \$50,000 for a second or subsequent offence, (Schedule 1 (5) (a));

- (g) to increase the maximum penalty for being in a betting-house to \$1,000 (Schedule 1 (5) (b)); and
- (h) to provide that proceedings for a second or subsequent offence referred to in paragraph (a) or (f) above may only be taken on indictment (Schedule 1 (6)), and to make other provisions of a minor, consequential or ancillary nature.

**GAMING AND BETTING (AMENDMENT) BILL, 1985**

No. , 1985.

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**A BILL FOR**

An Act to amend the Gaming and Betting Act, 1912, so as to increase certain penalties for offences relating to betting and to create certain offences connected with street betting and with the operation of poker machines in licensed clubs, and for other purposes.

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*Gaming and Betting (Amendment) 1985*

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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 **Short title.**

1. This Act may be cited as the "Gaming and Betting (Amendment) Act, 1985".

**Amendment of Act No. 25, 1912.**

2. The Gaming and Betting Act, 1912, is amended in the manner set  
10 forth in Schedule 1.

**Transitional provision.**

3. A reference in section 5 (1), 44 (1) or 60 (2) of the Gaming and  
15 Betting Act, 1912, as amended by this Act, to a second or subsequent offence is a reference to a second or subsequent offence committed after the commencement of this Act, and regard shall not be had to any offence committed before that commencement for the purpose of determining whether an offence committed after that commencement is a second or subsequent offence.

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SCHEDULE 1.

20 (Sec. 2.)

AMENDMENTS TO THE GAMING AND BETTING ACT, 1912.

(1) (a) Section 5 (1)—

25 Omit "to a penalty not exceeding \$5,000", insert instead "for the first offence to a penalty not exceeding \$10,000 and for a second or subsequent offence to a penalty not exceeding \$50,000".

(b) Section 5 (2)—

Omit "this section shall", insert instead "subsection (1) may".

*Gaming and Betting (Amendment) 1985*

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SCHEDULE 1—*continued.*

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

(c) Section 5 (4)—

After section 5 (3), insert:—

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(4) A person betting in any street with—

(a) a person frequenting, using or in any street for the purpose mentioned in subsection (1); or

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(b) a bookmaker or bookmaker's agent, clerk or servant, shall be liable to a penalty not exceeding \$1,000, and shall be deemed not to be aiding, abetting, counselling or procuring the commission of an offence against subsection (1).

(2) Section 7—

Omit “penalty and punishment mentioned in section 5”, insert instead “penalty not exceeding \$5,000”.

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(3) Section 15A (1)—

Omit “a penalty not exceeding \$400 or to imprisonment for a term not exceeding 6 months”, insert instead “a penalty not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both”.

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(4) Sections 15B, 15C—

After section 15A, insert:—

**Possession of certain articles in licensed clubs.**

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15B. (1) In this section—

“licensed club” means any club licensed under Part IIIA to keep, use and operate poker machines;

“poker machine” has the same meaning as in section 50A;

“premises”, in relation to a licensed club, includes a carpark controlled by the club or its managing body.

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(2) A person who, without reasonable excuse (proof whereof lies on the person), has in his or her possession while in the premises of a licensed club—

(a) any article made or adapted for use for interfering with the normal operation of a poker machine; or

*Gaming and Betting (Amendment) 1985*

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SCHEDULE 1—*continued.*

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

(b) any article intended by the person for use for interfering with the normal operation of a poker machine,

5 shall be liable to a penalty not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both.

**Interfering with the normal operation of a poker machine.**

15c. (1) In this section—

10 “licensed club” means any club licensed under Part IIIA to keep, use and operate poker machines;

“poker machine” has the same meaning as in section 50A.

(2) A person who, without reasonable excuse (proof whereof lies on the person), interferes or attempts to interfere with the normal operation of a poker machine while in the premises of a licensed club shall be liable to a penalty not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both.

(3) For the purposes of subsection (2) but without limiting that subsection, a person interferes or attempts to interfere with a poker machine if the person—

20 (a) inserts or causes to be inserted, or attempts to insert or cause to be inserted, in a poker machine any article other than an Australian coin or other thing of the kind by which the machine is intended to be operated; or

(b) maliciously damages or attempts to damage the machine.

25 (5) (a) Section 44 (1)—

Omit “to a penalty not exceeding \$5,000”, insert instead “for a first offence to a penalty not exceeding \$10,000 and for a second or subsequent offence to a penalty not exceeding \$50,000”.

30 (b) Section 44 (2)—

Omit “\$500”, insert instead “\$1,000”.

(6) Section 60—

Omit the section, insert instead:—

*Gaming and Betting (Amendment) 1985*

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SCHEDULE 1—*continued.*

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

**Proceedings for offences.**

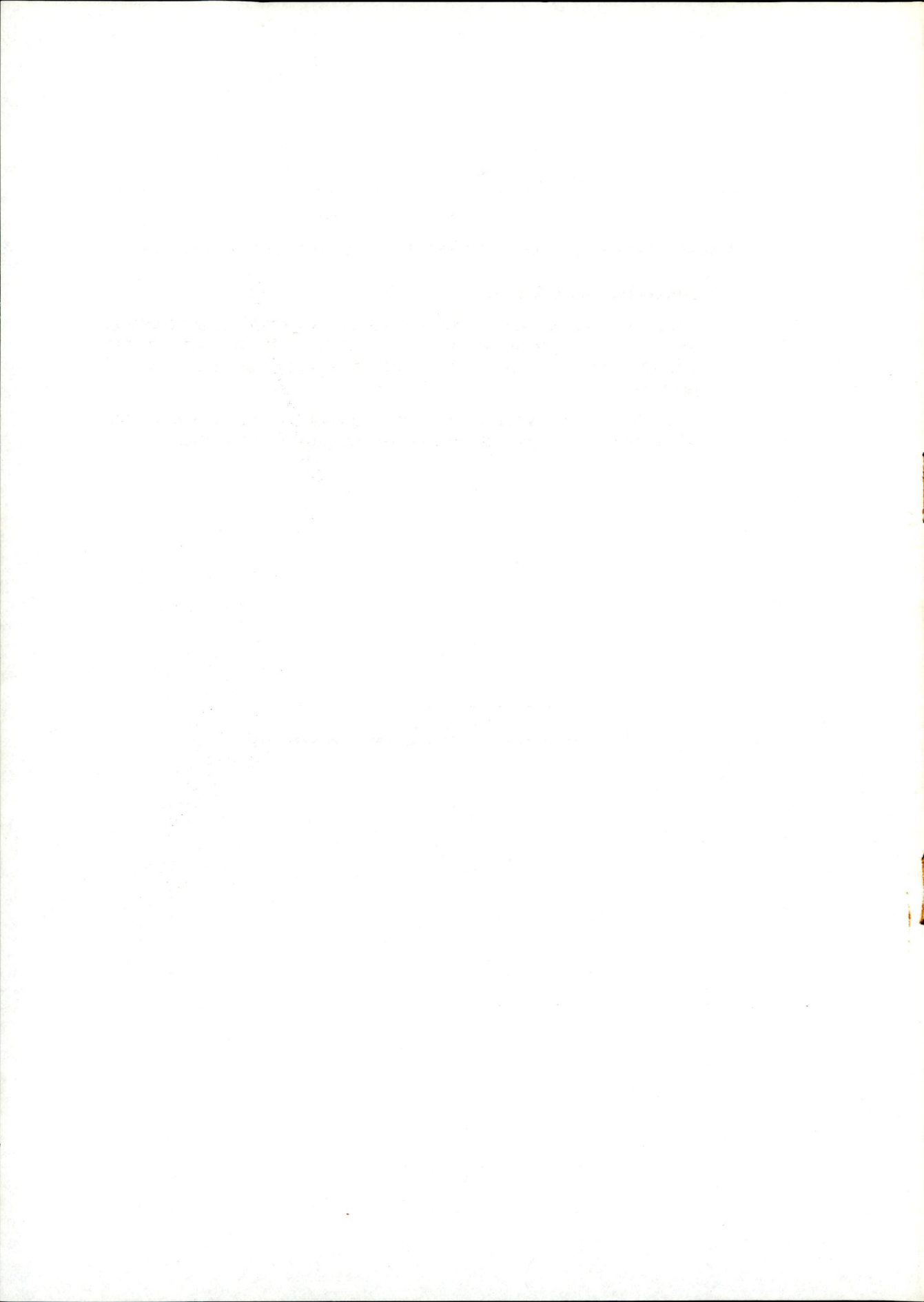
5       60. (1) Except where otherwise expressly provided, proceedings for an offence against this Act may be dealt with summarily before a Local Court constituted by a Magistrate sitting alone or by any 2 justices.

(2) A second or subsequent offence against section 5 (1) or section 44 (1) may be prosecuted on indictment, and not otherwise.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985





**GAMING AND BETTING (AMENDMENT) ACT, 1985, No. 60**

*New South Wales*



ANNO TRICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 60, 1985.**

An Act to amend the Gaming and Betting Act, 1912, so as to increase certain penalties for offences relating to betting and to create certain offences connected with street betting and with the operation of poker machines in licensed clubs, and for other purposes. [Assented to, 15th May, 1985.]

*Gaming and Betting (Amendment) 1985*

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**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 (Amendment) Act, 1985".

**Amendment of Act No. 25, 1912.**

2. The Gaming and Betting Act, 1912, is amended in the manner set forth in Schedule 1.

**Transitional provision.**

3. A reference in section 5 (1), 44 (1) or 60 (2) of the Gaming and Betting Act, 1912, as amended by this Act, to a second or subsequent offence is a reference to a second or subsequent offence committed after the commencement of this Act, and regard shall not be had to any offence committed before that commencement for the purpose of determining whether an offence committed after that commencement is a second or subsequent offence.

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**SCHEDULE 1.**

(Sec. 2.)

**AMENDMENTS TO THE GAMING AND BETTING ACT, 1912.**

(1) (a) Section 5 (1)—

Omit "to a penalty not exceeding \$5,000", insert instead "for the first offence to a penalty not exceeding \$10,000 and for a second or subsequent offence to a penalty not exceeding \$50,000".

(b) Section 5 (2)—

Omit "this section shall", insert instead "subsection (1) may".

*Gaming and Betting (Amendment) 1985*

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SCHEDULE 1—*continued.*

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

(c) Section 5 (4)—

After section 5 (3), insert:—

(4) A person betting in any street with—

(a) a person frequenting, using or in any street for the purpose mentioned in subsection (1); or

(b) a bookmaker or bookmaker's agent, clerk or servant, shall be liable to a penalty not exceeding \$1,000, and shall be deemed not to be aiding, abetting, counselling or procuring the commission of an offence against subsection (1).

(2) Section 7—

Omit "penalty and punishment mentioned in section 5", insert instead "penalty not exceeding \$5,000".

(3) Section 15A (1)—

Omit "a penalty not exceeding \$400 or to imprisonment for a term not exceeding 6 months", insert instead "a penalty not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both".

(4) Sections 15B, 15C—

After section 15A, insert:—

**Possession of certain articles in licensed clubs.**

15B. (1) In this section—

"licensed club" means any club licensed under Part IIIA to keep, use and operate poker machines;

"poker machine" has the same meaning as in section 50A;

"premises", in relation to a licensed club, includes a carpark controlled by the club or its managing body.

(2) A person who, without reasonable excuse (proof whereof lies on the person), has in his or her possession while in the premises of a licensed club—

(a) any article made or adapted for use for interfering with the normal operation of a poker machine; or

*Gaming and Betting (Amendment) 1985*

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SCHEDULE 1—*continued.*

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

(b) any article intended by the person for use for interfering with the normal operation of a poker machine, shall be liable to a penalty not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both.

**Interfering with the normal operation of a poker machine.**

15C. (1) In this section—

“licensed club” means any club licensed under Part IIIA to keep, use and operate poker machines;

“poker machine” has the same meaning as in section 50A.

(2) A person who, without reasonable excuse (proof whereof lies on the person), interferes or attempts to interfere with the normal operation of a poker machine while in the premises of a licensed club shall be liable to a penalty not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both.

(3) For the purposes of subsection (2) but without limiting that subsection, a person interferes or attempts to interfere with a poker machine if the person—

(a) inserts or causes to be inserted, or attempts to insert or cause to be inserted, in a poker machine any article other than an Australian coin or other thing of the kind by which the machine is intended to be operated; or

(b) maliciously damages or attempts to damage the machine.

(5) (a) Section 44 (1)—

Omit “to a penalty not exceeding \$5,000”, insert instead “for a first offence to a penalty not exceeding \$10,000 and for a second or subsequent offence to a penalty not exceeding \$50,000”.

(b) Section 44 (2)—

Omit “\$500”, insert instead “\$1,000”.

(6) Section 60—

Omit the section, insert instead:—

*Gaming and Betting (Amendment) 1985*

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SCHEDULE 1—*continued.*

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

**Proceedings for offences.**

60. (1) Except where otherwise expressly provided, proceedings for an offence against this Act may be dealt with summarily before a Local Court constituted by a Magistrate sitting alone or by any 2 justices.

(2) A second or subsequent offence against section 5 (1) or section 44 (1) may be prosecuted on indictment, and not otherwise.

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

J. A. ROWLAND,  
*Governor.*

*Government House,  
Sydney, 15th May, 1985.*

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985





