

FIRST PRINT

## GAMING AND BETTING (AMENDMENT) BILL 1986

NEW SOUTH WALES



### EXPLANATORY NOTE

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

This Bill is cognate with the Registered Clubs (Amendment) Bill 1986.

By the Registered Clubs (Amendment) Bill 1986 it is proposed to transfer to the Registered Clubs Act 1976, with amendments, the substance of the provisions of the Gaming and Betting Act 1912 that relate to the keeping, operation and taxation of poker machines. The object of this Bill is to amend the latter Act—

- (a) to repeal the provisions of which the substance is proposed to be transferred to the Registered Clubs Act 1976; and
- (b) to make further provision with respect to amusement devices.

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Clause 1 specifies the short title to the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 provides for the Gaming and Betting Act 1912 to be referred to in the proposed Act as the Principal Act.

Clause 4 is a formal provision that gives effect to the Schedules of amendments.

Clause 5 provides for transitional provisions.

#### SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO POKER MACHINES

Schedule 1 (1) repeals section 1 of the Principal Act and re-enacts the short title only, the effect being to omit matter relating to the division of the Act.

Schedule 1 (2)–(9) repeals the provisions of which the substance will be transferred to the Registered Clubs Act 1976.

#### SCHEDULE 2 - AMENDMENTS TO THE PRINCIPAL ACT RELATING TO AMUSEMENT DEVICES

Schedule 2 (1) reflects changes proposed to be made in the definitions in the Liquor Act 1982 relating to amusement devices.

Schedule 2 (2) proposes the addition to the Principal Act of sections 17B and 17C which are the equivalent in relation to prohibited amusement devices of the proposed sections 129 and 130 of the Registered Clubs Act 1976 providing for the issue of search warrants relating to suspected possession of illegal poker machines and their seizure and forfeiture.

Schedule 2 (3) reflects changes proposed to be made to the definitions in the Liquor Act 1982 that relate to amusement devices.

#### SCHEDULE 3—TRANSITIONAL PROVISIONS

Clause 1 is an interpretation provision.

Clause 2 provides for the forfeiture to the Crown of a prohibited amusement device in relation to which a conviction was obtained at a time when there was no provision for its forfeiture.

Clause 3 authorises the making of regulations of a savings or transitional nature.

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# GAMING AND BETTING (AMENDMENT) BILL 1986

NEW SOUTH WALES



## TABLE OF PROVISIONS

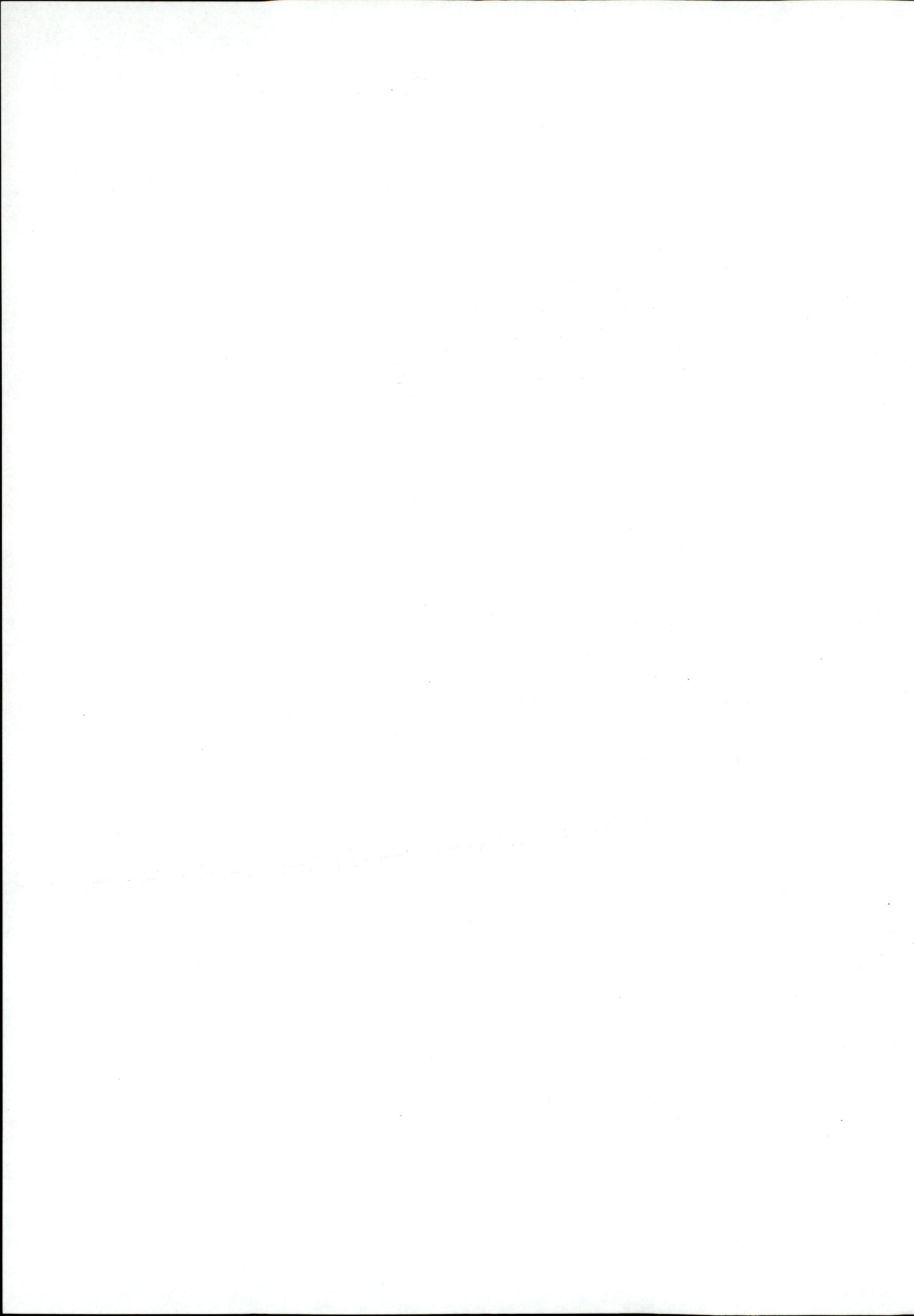
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# GAMING AND BETTING (AMENDMENT) BILL 1986

NEW SOUTH WALES



No.           , 1986

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## A BILL FOR

An Act to amend the Gaming and Betting Act 1912 as a consequence of the enactment of the Registered Clubs (Amendment) Act 1986 and to make further provision with respect to amusement devices; and for other purposes.

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*Gaming and Betting (Amendment) 1986*

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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 1986".

**Commencement**

**2. (1)** Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

**(2)** Schedule 1, and section 4 in its application to that Schedule, shall commence on the day on which Schedule 1 (4) to the Registered Clubs (Amendment) Act 1986 commences.

**Principal Act**

**3.** The Gaming and Betting Act 1912 is referred to in this Act as the Principal Act.

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

**4.** The Principal Act is amended in the manner set forth in Schedules 1 and 2.

**20 Transitional provisions**

**5.** Schedule 3 has effect.

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**SCHEDULE 1**

(Sec. 4)

**25 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO POKER MACHINES**

**(1) Section 1 (Short title)—**

Omit the section, insert instead:

*Gaming and Betting (Amendment) 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO POKER  
MACHINES—*continued*

**Short title**

1. This Act may be cited as the “Gaming and Betting Act 1912”.

(2) Section 15B (**Possession of certain articles in licensed clubs**)—

5 Omit the section.

(3) Section 15C (**Interfering with the normal operation of a poker machine**)—

Omit the section.

(4) Part IIIA (**Poker Machines**)—

10 Omit the Part.

(5) Sixth Schedule (**Return pursuant to section 50EB of the Gaming and Betting Act 1912**)—

Omit the Schedule.

15 (6) Seventh Schedule (**Particulars of aggregate net revenue and supplementary license tax thereon**)—

Omit the Schedule.

(7) Eighth Schedule (**Statutory declaration**)—

Omit the Schedule.

(8) Ninth Schedule (**Auditor’s report**)—

20 Omit the Schedule.

(9) Tenth Schedule (**Particulars of total net revenues from poker machines**)—

Omit the Schedule.

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## SCHEDULE 2

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES5 (1) Section 16A (**Prohibited amusement devices**)—

(a) Omit “an electronic, or partly electronic,” wherever occurring, insert instead “a”.

(b) Omit “electronic, or partly electronic,” where thirdly occurring.

## (2) Sections 17B, 17C—

10 After section 17A, insert:

**Search warrants**

15 17B. (1) Upon complaint on oath before an authorised justice under the Search Warrants Act 1985 that there is reasonable cause to believe that, on specified premises, section 17A is being contravened, the justice may, by warrant, authorise and require a member of the police force to enter and search the premises.

(2) A member of the police force who enters premises under a search warrant may—

20 (a) search the premises;

(b) seize any device found on the premises that may reasonably be suspected to be a prohibited amusement device, and any money in the device; and

25 (c) require any person on the premises to state his or her full name and residential address.

30 (3) Where a device is seized, a licensing or other Magistrate shall, on the application of a licensing inspector or other member of the police force, or of the Magistrate’s own motion, issue a summons calling on the owner or occupier of the premises on which it was seized to appear before the Licensing Court and show how, and for what purpose, the owner or occupier came into possession of the device.



*Gaming and Betting (Amendment) 1986*SCHEDULE 2—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued*

(4) Upon the return of a summons and whether or not there is an appearance to the summons, the Licensing Court shall inquire into the matter and—

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(a) if satisfied that a device is a prohibited device —may order that the device and any money in it be forfeited to the Crown; or

(b) if not so satisfied—may order the return of the device, and any money in it, to the person summoned.

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(5) Part III of the Search Warrants Act 1985 applies to a search warrant issued under this section.

**Forfeiture of amusement device**

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17C. (1) Where, in any proceedings before it other than proceedings upon a summons under section 17B, a court is satisfied that this Act has been contravened in relation to a prohibited amusement device, the court may order the amusement device and any money in it to be forfeited to the Crown.

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(2) A member of the police force may seize and carry away any device that may reasonably be suspected to be liable to forfeiture under subsection (1).

**(3) Section 20A (Use or operation of certain amusement devices)—**

(a) Section 20A (1)—

Omit “electronic, or partly electronic,”.

(b) Section 20A (2) (a)—

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Omit “electronic, or partly electronic,”.

(c) Section 20A (2) (b) (i)—

Omit “section 50A”, insert instead “the Registered Clubs Act 1976”.

(d) Section 20A (2) (b) (ii)—

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Omit the subparagraph.

*Gaming and Betting (Amendment) 1986*

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SCHEDULE 2—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued*

(e) Section 20A (2) (b) (iv)—

Omit “an electronic, or partly electronic,” wherever occurring, insert instead “a”.

(f) Section 20A (2) (b) (iv)—

5           Omit “electronic, or partly electronic,” where thirdly occurring.

(g) Section 20A (2) (c)—

Omit “electronic, or partly electronic.”

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SCHEDULE 3

(Sec. 5)

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TRANSITIONAL PROVISIONS

**Interpretation**

1. Words and expressions used in this Schedule and in regulations made under clause 3 have the same meaning as they have in the Principal Act.

**Forfeiture of certain amusement devices**

15   2. Where, before the date of assent to this Act, a court found a device to be a prohibited amusement device and the amusement device had not, immediately before that date, been forfeited to the Crown, the amusement device and the money in the device are so forfeited.

**Regulations**

20   3. (1) The regulations under the Principal Act may contain other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision referred to in subclause (1) may, if the regulations so provide, take effect on and from the date of assent to this Act or a later date.

25   (3) To the extent that a provision made under subclause (1) takes effect on and from a day that is earlier than the date of its publication in the Gazette, the provision does not operate—

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or

*Gaming and Betting (Amendment) 1986*

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SCHEDULE 3—*continued*

TRANSITIONAL PROVISIONS—*continued*

- (b) to impose a liability on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.
- (4) A provision referred to in subclause (1) shall, if the regulations so provide, have 5 effect notwithstanding any other clause of this Schedule.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986



# **GAMING AND BETTING (AMENDMENT) ACT 1986 No. 79**

**NEW SOUTH WALES**



## **TABLE OF PROVISIONS**

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2. Commencement
3. Principal Act
4. Amendment of Act No. 25, 1912
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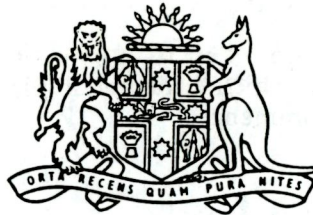
**SCHEDULE 3—TRANSITIONAL PROVISIONS**

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**GAMING AND BETTING (AMENDMENT) ACT 1986 No. 79**

**NEW SOUTH WALES**



**Act No. 79, 1986**

An Act to amend the Gaming and Betting Act 1912 as a consequence of the enactment of the Registered Clubs (Amendment) Act 1986 and to make further provision with respect to amusement devices; and for other purposes. [Assented to, 21 May 1986]

*Gaming and Betting (Amendment) 1986*

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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 1986".

**Commencement**

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Schedule 1, and section 4 in its application to that Schedule, shall commence on the day on which Schedule 1 (4) to the Registered Clubs (Amendment) Act 1986 commences.

**Principal Act**

3. The Gaming and Betting Act 1912 is referred to in this Act as the Principal Act.

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

4. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

**Transitional provisions**

5. Schedule 3 has effect.

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SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO POKER  
MACHINES

(1) Section 1 (**Short title**)—

Omit the section, insert instead:



*Gaming and Betting (Amendment) 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO POKER  
MACHINES—*continued*

**Short title**

1. This Act may be cited as the “Gaming and Betting Act 1912”.

- (2) Section 15B (**Possession of certain articles in licensed clubs**)—

Omit the section.

- (3) Section 15C (**Interfering with the normal operation of a poker machine**)—

Omit the section.

- (4) Part IIIA (**Poker Machines**)—

Omit the Part.

- (5) Sixth Schedule (**Return pursuant to section 50EB of the Gaming and Betting Act 1912**)—

Omit the Schedule.

- (6) Seventh Schedule (**Particulars of aggregate net revenue and supplementary license tax thereon**)—

Omit the Schedule.

- (7) Eighth Schedule (**Statutory declaration**)—

Omit the Schedule.

- (8) Ninth Schedule (**Auditor’s report**)—

Omit the Schedule.

- (9) Tenth Schedule (**Particulars of total net revenues from poker machines**)—

Omit the Schedule.

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## SCHEDULE 2

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES(1) Section 16A (**Prohibited amusement devices**)—

(a) Omit “an electronic, or partly electronic,” wherever occurring, insert instead “a”.

(b) Omit “electronic, or partly electronic,” where thirdly occurring.

## (2) Sections 17B, 17C—

After section 17A, insert:

**Search warrants**

17B. (1) Upon complaint on oath before an authorised justice under the Search Warrants Act 1985 that there is reasonable cause to believe that, on specified premises, section 17A is being contravened, the justice may, by warrant, authorise and require a member of the police force to enter and search the premises.

(2) A member of the police force who enters premises under a search warrant may—

(a) search the premises;

(b) seize any device found on the premises that may reasonably be suspected to be a prohibited amusement device, and any money in the device; and

(c) require any person on the premises to state his or her full name and residential address.

(3) Where a device is seized, a licensing or other Magistrate shall, on the application of a licensing inspector or other member of the police force, or of the Magistrate’s own motion, issue a summons calling on the owner or occupier of the premises on which it was seized to appear before the Licensing Court and show how, and for what purpose, the owner or occupier came into possession of the device.

SCHEDULE 2—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued*

(4) Upon the return of a summons and whether or not there is an appearance to the summons, the Licensing Court shall inquire into the matter and—

- (a) if satisfied that a device is a prohibited device —may order that the device and any money in it be forfeited to the Crown; or
- (b) if not so satisfied—may order the return of the device, and any money in it, to the person summoned.

(5) Part III of the Search Warrants Act 1985 applies to a search warrant issued under this section.

**Forfeiture of amusement device**

17C. (1) Where, in any proceedings before it other than proceedings upon a summons under section 17B, a court is satisfied that this Act has been contravened in relation to a prohibited amusement device, the court may order the amusement device and any money in it to be forfeited to the Crown.

(2) A member of the police force may seize and carry away any device that may reasonably be suspected to be liable to forfeiture under subsection (1).

**(3) Section 20A (Use or operation of certain amusement devices)—**

(a) Section 20A (1)—

Omit “electronic, or partly electronic,”.

(b) Section 20A (2) (a)—

Omit “electronic, or partly electronic,”.

(c) Section 20A (2) (b) (i)—

Omit “section 50A”, insert instead “the Registered Clubs Act 1976”.

(d) Section 20A (2) (b) (ii)—

Omit the subparagraph.

*Gaming and Betting (Amendment) 1986*

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SCHEDULE 2—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued*

(e) Section 20A (2) (b) (iv)—

Omit “an electronic, or partly electronic,” wherever occurring, insert instead “a”.

(f) Section 20A (2) (b) (iv)—

Omit “electronic, or partly electronic,” where thirdly occurring.

(g) Section 20A (2) (c)—

Omit “electronic, or partly electronic,”.

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SCHEDULE 3

(Sec. 5)

TRANSITIONAL PROVISIONS

**Interpretation**

1. Words and expressions used in this Schedule and in regulations made under clause 3 have the same meaning as they have in the Principal Act.

**Forfeiture of certain amusement devices**

2. Where, before the date of assent to this Act, a court found a device to be a prohibited amusement device and the amusement device had not, immediately before that date, been forfeited to the Crown, the amusement device and the money in the device are so forfeited.

**Regulations**

3. (1) The regulations under the Principal Act may contain other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision referred to in subclause (1) may, if the regulations so provide, take effect on and from the date of assent to this Act or a later date.

(3) To the extent that a provision made under subclause (1) takes effect on and from a day that is earlier than the date of its publication in the Gazette, the provision does not operate—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or

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SCHEDULE 3—*continued*

TRANSITIONAL PROVISIONS—*continued*

- (b) to impose a liability on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.
- (4) A provision referred to in subclause (1) shall, if the regulations so provide, have effect notwithstanding any other clause of this Schedule.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986

