

CONCURRENCE COPY

GAMING AND BETTING (AMUSEMENT DEVICES) AMENDMENT BILL, 1984

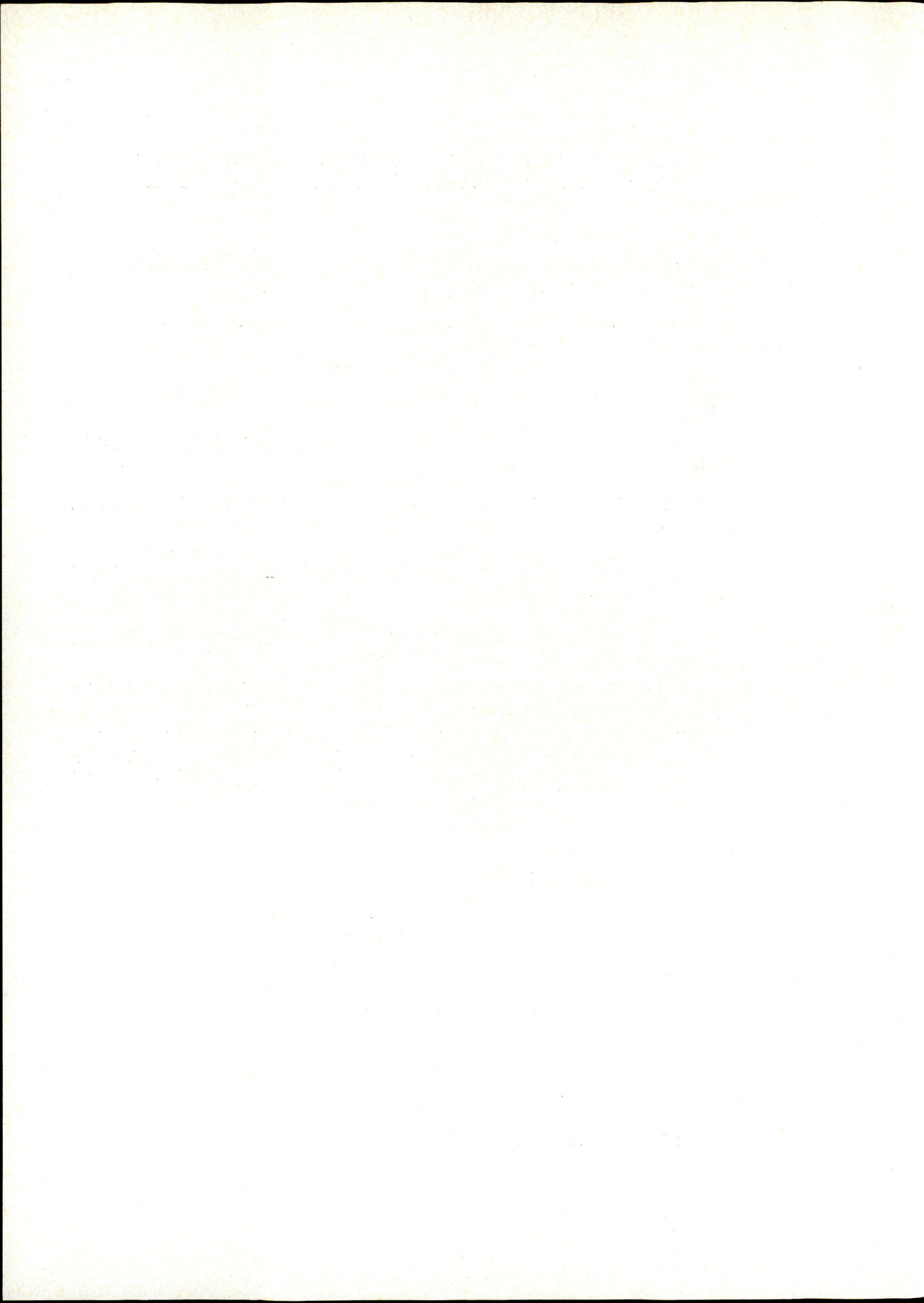
EXPLANATORY NOTE

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

This Bill is cognate with the Liquor (Amusement Devices) Amendment Bill, 1984.

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

- (a) to enable certain electronic, or partly electronic, amusement devices to be declared to be prohibited amusement devices for the purposes of Part II A of the Act relating to unlawful games and gaming-houses suppression (Schedule 1 (2));
 - (b) to render unlawful a game involving the use or operation of a prohibited amusement device (Schedule 1 (3));
 - (c) to make it an offence to have possession of a prohibited amusement device (Schedule 1 (4)); and
 - (d) to make it an offence in certain circumstances and subject to certain exceptions for a person to pay another person a prize in relation to the playing of a game by the other person on an electronic, or partly electronic, amusement device (Schedule 1 (5)).
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**GAMING AND BETTING (AMUSEMENT DEVICES)
AMENDMENT BILL, 1984**

No. , 1984.

A BILL FOR

An Act to amend the Gaming and Betting Act, 1912, to prohibit the use of certain amusement devices and for other purposes.

[MR BOOTH—17 *May*, 1984.]

Gaming and Betting (Amusement Devices) 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 Short title.

1. This Act may be cited as the "Gaming and Betting (Amusement Devices) Amendment Act, 1984".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

10 (2) Except as provided by 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 of Act No. 25, 1912.

3. The Gaming and Betting Act, 1912, is amended in the manner set 15 forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE GAMING AND BETTING ACT, 1912.

(1) Section 1, matter relating to Part IIA—

- 20**
- (a) Omit "17" wherever occurring, insert instead "16A".
 - (b) Omit "20", insert instead "20A".

Gaming and Betting (Amusement Devices) Amendment.

SCHEDULE 1—*continued.*

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

(2) Section 16A—

Before section 17, insert:—

5 **Prohibited amusement devices.**

10 16A. In this Part, “prohibited amusement device” means an elec-
tronic, or partly electronic, device declared by the regulations to be
a prohibited amusement device for the purposes of this Part or an
electronic, or partly electronic, device of a class or description of
electronic, or partly electronic, devices declared by the regulations
to be a prohibited amusement device for the purposes of this Part.

(3) Section 17 (1) (a2)—

After section 17 (1) (a1), insert:—

15 (a2) any game involving the use or operation of a prohibited
amusement device;

(4) Section 17A—

After section 17, insert:—

Possession, etc., of prohibited amusement devices.

17A. A person shall not—

20 (a) have a prohibited amusement device in his or her possession;
or

25 (b) permit the use or operation of a prohibited amusement device,
except at such place or places, if any, as may be prescribed for the
purposes of this section or in such premises, or premises of such
class or description of premises, if any, as may be so prescribed and
in such circumstances, if any, as may be so prescribed.

Penalty: \$1,000 or imprisonment for 12 months.

Gaming and Betting (Amusement Devices) Amendment.

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

(5) Section 20A—

After section 20, insert:—

5 **Use or operation of certain amusement devices.**

20A. (1) A person who has the possession, control or management of an electronic, or partly electronic, amusement device shall not—

- 10 (a) offer, generally or in any particular case or class of cases, to pay or provide any money or valuable thing in relation to any other person's use or operation of the amusement device;
or
- 15 (b) pay or provide to any other person any money or valuable thing in relation to the other person's use or operation of the amusement device.

Penalty: \$500 or imprisonment for 6 months.

(2) Subsection (1) does not apply to or in respect of—

- 20 (a) the payment or provision, in relation to the use or operation of an electronic, or partly electronic, amusement device, of any money or valuable thing the payment or provision of which is, by or under any Act or other law, lawful;
- (b) without limiting the generality of paragraph (a), the lawful use or lawful operation of—
- 25 (i) a poker machine within the meaning of section 50A;
- (ii) a multiple poker machine within the meaning of that section;
- (iii) an approved amusement device within the meaning of section 4 (1) of the Liquor Act, 1982; or
- 30 (iv) an electronic, or partly electronic, device declared by the regulations not to be an amusement device for the purposes of this subparagraph or an electronic, or partly electronic, device of a class or description of

Gaming and Betting (Amusement Devices) Amendment.

SCHEDULE 1—*continued.*

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

electronic, or partly electronic, devices declared by the regulations not to be an amusement device for the purposes of this subparagraph; or

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- (c) the payment or provision, in relation to the use or operation of an electronic, or partly electronic, amusement device, of any money or valuable thing in such circumstances as may be prescribed.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984

(50c)

**GAMING AND BETTING (AMUSEMENT DEVICES)
AMENDMENT ACT, 1984, No. 58**

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 58, 1984.

An Act to amend the Gaming and Betting Act, 1912, to prohibit the use of certain amusement devices and for other purposes. [Assented to, 19th June, 1984.]

Gaming and Betting (Amusement Devices) 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 (Amusement Devices) Amendment Act, 1984".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by 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 of Act No. 25, 1912.

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

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE GAMING AND BETTING ACT, 1912.

(1) Section 1, matter relating to Part IIA—

- (a) Omit "17" wherever occurring, insert instead "16A".
- (b) Omit "20", insert instead "20A".

Gaming and Betting (Amusement Devices) Amendment.

SCHEDULE 1—*continued.*

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

(2) Section 16A—

Before section 17, insert:—

Prohibited amusement devices.

16A. In this Part, “prohibited amusement device” means an electronic, or partly electronic, device declared by the regulations to be a prohibited amusement device for the purposes of this Part or an electronic, or partly electronic, device of a class or description of electronic, or partly electronic, devices declared by the regulations to be a prohibited amusement device for the purposes of this Part.

(3) Section 17 (1) (a2)—

After section 17 (1) (a1), insert:—

(a2) any game involving the use or operation of a prohibited amusement device;

(4) Section 17A—

After section 17, insert:—

Possession, etc., of prohibited amusement devices.

17A. A person shall not—

(a) have a prohibited amusement device in his or her possession;
or

(b) permit the use or operation of a prohibited amusement device, except at such place or places, if any, as may be prescribed for the purposes of this section or in such premises, or premises of such class or description of premises, if any, as may be so prescribed and in such circumstances, if any, as may be so prescribed.

Penalty: \$1,000 or imprisonment for 12 months.

Gaming and Betting (Amusement Devices) Amendment.

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

(5) Section 20A—

After section 20, insert:—

Use or operation of certain amusement devices.

20A. (1) A person who has the possession, control or management of an electronic, or partly electronic, amusement device shall not—

- (a) offer, generally or in any particular case or class of cases, to pay or provide any money or valuable thing in relation to any other person's use or operation of the amusement device; or
- (b) pay or provide to any other person any money or valuable thing in relation to the other person's use or operation of the amusement device.

Penalty: \$500 or imprisonment for 6 months.

(2) Subsection (1) does not apply to or in respect of—

- (a) the payment or provision, in relation to the use or operation of an electronic, or partly electronic, amusement device, of any money or valuable thing the payment or provision of which is, by or under any Act or other law, lawful;
- (b) without limiting the generality of paragraph (a), the lawful use or lawful operation of—
 - (i) a poker machine within the meaning of section 50A;
 - (ii) a multiple poker machine within the meaning of that section;
 - (iii) an approved amusement device within the meaning of section 4 (1) of the Liquor Act, 1982; or
 - (iv) an electronic, or partly electronic, device declared by the regulations not to be an amusement device for the purposes of this subparagraph or an electronic, or partly electronic, device of a class or description of

Gaming and Betting (Amusement Devices) Amendment.

SCHEDULE 1—*continued.*

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

electronic, or partly electronic, devices declared by the regulations not to be an amusement device for the purposes of this subparagraph; or

- (c) the payment or provision, in relation to the use or operation of an electronic, or partly electronic, amusement device, of any money or valuable thing in such circumstances as may be prescribed.

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

J. A. ROWLAND,
Governor.

— *Government House,
Sydney, 19th June, 1984.*





