

GAMING AND BETTING (AMENDMENT) ACT 1989 No. 19

NEW SOUTH WALES



TABLE OF PROVISIONS

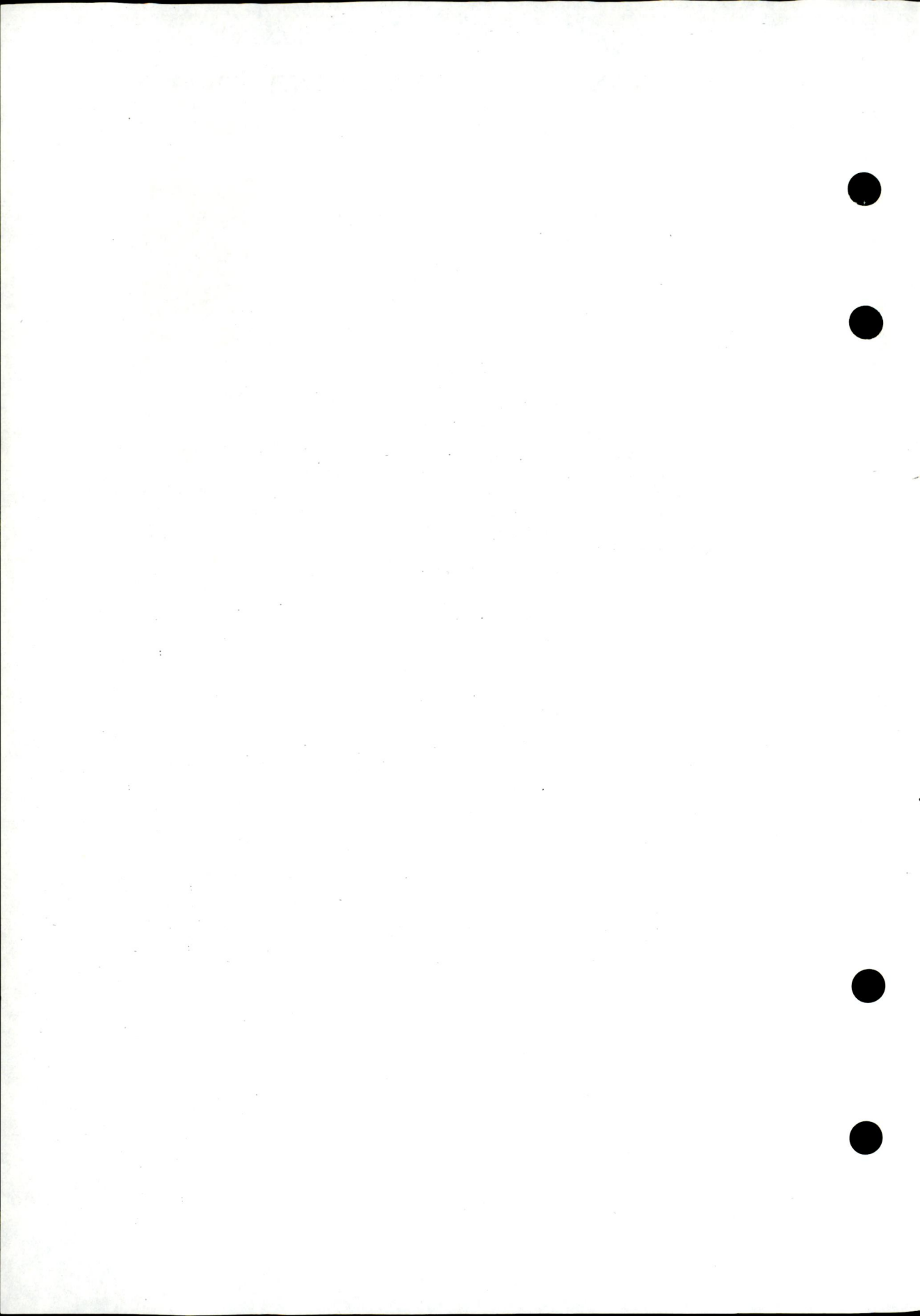
1. Short title
2. Commencement
3. Amendment of Gaming and Betting Act 1912 No. 25

SCHEDULE 1—AMENDMENTS RELATING TO BETTING

SCHEDULE 2—AMENDMENTS RELATING TO ARTICLES USED FOR UNLAWFUL BETTING

SCHEDULE 3—AMENDMENTS RELATING TO COMMUNICATION OF INFORMATION

SCHEDULE 4—AMENDMENTS RELATING TO PENALTIES



GAMING AND BETTING (AMENDMENT) ACT 1989 No. 19

NEW SOUTH WALES



Act No. 19, 1989

An Act to amend the Gaming and Betting Act 1912 with respect to betting and betting information; to provide for imprisonment for certain offences as an alternative to a fine; and for other purposes. [Assented to 20 April 1989]

Gaming and Betting (Amendment) 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Gaming and Betting (Amendment) Act 1989.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Gaming and Betting Act 1912 No. 25

3. The Gaming and Betting Act 1912 is amended as set out in Schedules 1-4.

SCHEDULE 1—AMENDMENTS RELATING TO BETTING

(Sec. 3)

(1) Section 3 (**Definitions**)—

(a) Section 3 (1)—

From the second definition of "Street" omit "-1937", insert instead ", or situated on the premises of a club registered under the Registered Clubs Act 1976".

(b) Section 3 (1)—

Omit paragraph (b) of the third definition of "Street", insert instead:

(b) during so much of the day arranged for a race-meeting on the race-course as remains after the conclusion, postponement or abandonment of the race-meeting.

(2) Section 7—

Omit the section, insert instead:

Prohibition of betting or wagering

7. (1) Betting or wagering is prohibited—

- (a) on any ground, except a licensed race-course, on which any sports are being held; and
- (b) on a licensed race-course on which any sports other than horse-races, pony-races, harness racing or greyhound-racing are being held; and
- (c) on a licensed race-course on which a barrier trial meeting, harness racing trial meeting or greyhound trial meeting is being held; and
- (d) except as provided by subsection (2), on a licensed race-course on any day after sunset.

*Gaming and Betting (Amendment) 1989*SCHEDULE 1—AMENDMENTS RELATING TO BETTING—*continued*

(2) Betting or wagering after sunset is not prohibited on a race-course specially licensed for greyhound-racing, or licensed for harness racing, if the betting or wagering is on greyhound-racing or harness racing lawfully being held on that or any other race-course and takes place—

- (a) while a race-meeting is being held on the race-course; or
- (b) during so much of the day arranged for a race-meeting on the race-course as remains after the conclusion, postponement or abandonment of the race-meeting.

(3) A person who engages in betting or wagering prohibited by this section is guilty of an offence.

Maximum penalty: 50 penalty units or imprisonment for 12 months.

(4) A person may be prosecuted for an offence against this section whether or not the person has been dealt with under section 8.

(3) Section 10 (**Betting with person under 18**)—

(a) Section 10 (a)—

Before “makes”, insert “being of or above the age of 18 years,”.

(b) Section 10—

Omit “two hundred dollars”, insert instead “5 penalty units or imprisonment for a term not exceeding 6 months”.

(4) Section 10A—

After section 10, insert:

Betting by minors

10A. (1) A person under the age of 18 years who makes or offers to make any bet or wager with another person is guilty of an offence and liable to a penalty not exceeding 2 penalty units.

(2) A person under the age of 16 years shall not be imprisoned, or detained in a detention centre, as a consequence of a failure to pay a penalty under this section.

(5) Section 17 (**Unlawful games**)—

(a) Section 17 (1) (f)—

Omit the paragraph, insert instead:

(f) any game of skill or chance, or of mixed skill and chance, in which any money or valuable thing is staked or risked by a person on an event or contingency specified by the person and in which—

(i) there is a dealer, croupier or banker who is not a participant in the game while acting in such a capacity; or

Gaming and Betting (Amendment) 1989

SCHEDULE 1—AMENDMENTS RELATING TO BETTING—*continued*

- (ii) a person, other than a participant in the game, receives a payment or other benefit from the playing of the game; or
- (iii) a payment or other benefit is given or sought for the right to participate in the game or for the right to enter the land or premises on which the game is played.
- (b) Section 17 (3)—
Omit the subsection.
- (c) Section 17 (4)—
Omit “not a game referred to in subsection (3) if not less than nine”, insert instead “a game so referred to if more than 8”.
- (6) Section 22 (**Search warrant**)—
 - (a) Section 22 (3) (c)—
Omit “and” where lastly occurring.
 - (b) Section 22 (3) (d), (e)—
At the end of section 22 (3) (d), insert:
; and
(e) to require any person in the place to state his or her full name and residential address.
- (7) Section 37 (**Evidence of place used as a gaming-house**)—
Section 37 (1) (d)—
Omit “used in playing at or betting on an unlawful game”.
- (8) Section 40 (**Search warrant**)—
 - (a) Section 40 (3) (b)—
Omit “and” where lastly occurring.
 - (b) Section 40 (3) (c), (d)—
At the end of section 40 (3) (c), insert:
; and
(d) to require any person in the place to state his or her full name and residential address.
- (9) Section 51 (**Restrictions on race-meetings and harness racing**)—
After section 51 (7), insert:
 - (8) For the purposes of this section, if—
 - (a) a race-meeting arranged for a race-course on a particular day is postponed or abandoned; and

*Gaming and Betting (Amendment) 1989***SCHEDULE 1—AMENDMENTS RELATING TO BETTING—*continued***

(b) lawful betting takes place on the race-course on that day, a race-meeting shall be taken to have been held on the race-course on that day.

SCHEDULE 2—AMENDMENTS RELATING TO ARTICLES USED FOR UNLAWFUL BETTING

(Sec. 3)

(1) Part 2, Division 4A—

After Division 4, insert:

Division 4A—Suspicious articles**Definition**

15B. In this Division—

“unlawful betting aid” means any article of a kind prescribed for the purposes of this Division, and any money, that is used—

- (a) for, or in aid of, unlawful betting or wagering; or
- (b) for the purposes of a transaction dependent on unlawful betting or wagering,

whether or not, in the case of an article, it is ordinarily used for some other purpose.

Possession of suspected unlawful betting aid

15C. (1) If an article or money may reasonably be suspected of being an unlawful betting aid, a person in possession of the article or money is guilty of an offence.

Maximum penalty—

- (a) for a first offence—100 penalty units or imprisonment for 12 months; and
- (b) for a second or subsequent offence—500 penalty units or imprisonment for 2 years.

(2) It is a defence to a prosecution for an offence under this section if the court is satisfied that the defendant had no reasonable grounds for suspecting that the article or money referred to in the charge was an unlawful betting aid.

Police may stop and search persons and vehicles

15D. A member of the police force may stop, search and detain—

- (a) a person whom the member reasonably suspects of having or conveying an unlawful betting aid; or

Gaming and Betting (Amendment) 1989

**SCHEDULE 2—AMENDMENTS RELATING TO ARTICLES USED
FOR UNLAWFUL BETTING—*continued***

(b) a vehicle or vessel in which the member reasonably suspects there is an unlawful betting aid.

(2) Section 60 (**Proceedings for offences**)—

Section 60 (2)—

After “5 (1)”, insert “, 15C”.

**SCHEDULE 3—AMENDMENTS RELATING TO
COMMUNICATION OF INFORMATION**

(Sec. 3)

(1) Section 47A (**Keeping place for communicating betting information**)—

(a) Section 47A (3) (a)—

Omit the paragraph, insert instead:

(a) This section does not operate to prohibit the communication or conveying of information solely to persons present on a licensed race-course while betting or wagering on the race-course is lawful.

(b) Section 47A (3) (b)—

After “television station”, insert “, or through the medium of a Telecom passive recorded program,”.

(c) Section 47A (3) (c)—

After section 47A (3) (b), insert:

(c) This section does not operate to prohibit the communicating or conveying before the prescribed time referred to in subsection (1) of information concerning betting or betting odds referred to in that subsection if the information is communicated or conveyed under section 47AA.

(d) Section 47A (4)—

After section 47A (3), insert:

(4) In this section—

“Telecom passive recorded program” means a recorded program that, by means of the telecommunications system operated by the Australian Telecommunications Corporation, provides a caller with one complete cycle of a pre-recorded message without additional input from the caller.

Gaming and Betting (Amendment) 1989

SCHEDULE 3—AMENDMENTS RELATING TO COMMUNICATION
OF INFORMATION—*continued*

(2) Section 47AA—

After section 47A, insert:

Betting information given by authorised person

47AA. (1) The Minister administering Part 4 may, by order in writing—

- (a) appoint a person or body of persons as an authorised person or body for the purposes of this section; and
- (b) impose conditions to be complied with by the appointee.

(2) An authorised person, or the representative of an authorised body of persons, who—

- (a) is present on a licensed race-course during a race-meeting held there; and
- (b) complies with the conditions of appointment of the authorised person or body,

may communicate or convey to a person outside the race-course information concerning betting or betting odds referred to in section 47A (1) if the person who receives the information is on a race-course on which betting or wagering is lawful at the time the information is received.

(3) Section 47C (**Tipsters etc.—keeping place for conveying oral statements**)—

(a) Section 47C (3) (b)—

After “television station”, insert “, or through the medium of a Telecom passive recorded program,”.

(b) Section 47C (4)—

Omit the subsection, insert instead:

(4) In this section—

“betting or betting odds” includes probable totalizator dividends;

“oral statement” includes a statement made by any method of communicating spoken words, whether directly or through the medium of any apparatus for the reproduction of sound;

“Telecom passive recorded program” means a recorded program that, by means of the telecommunications system operated by the Australian Telecommunications Corporation, provides a caller with one complete cycle of a pre-recorded message without additional input from the caller.

*Gaming and Betting (Amendment) 1989***SCHEDULE 3—AMENDMENTS RELATING TO COMMUNICATION OF INFORMATION—*continued*****(4) Section 47D (Tipsters etc.—giving oral information for fee or reward)—**

Section 47D (3)—

Omit the subsection, insert instead:

(3) In this section—

“fee or reward” does not include remuneration paid by or on behalf of—

- (a) the person having the control or management of a broadcasting station or television station if the payment is made to a person making an oral statement through the medium of the station; or
- (b) the Australian Telecommunications Corporation if the payment is made as the consideration for an agreement with the Corporation by a person to make, or to arrange for another person to make, an oral statement through the medium of a Telecom passive recorded program; or
- (c) the person who enters into an agreement with the Corporation referred to in paragraph (b) if, in accordance with the agreement, the payment is made to another person who makes an oral statement through the medium of a Telecom passive recorded program,

if the statement is excluded from the operation of section 47A or 47C to the extent provided by section 47A (3) or 47C (3);

“oral information or advice” includes information or advice given by any method of communicating spoken words, whether directly or through the medium of any apparatus for the reproduction of sound;

“Telecom passive recorded program” means a recorded program that, by means of the telecommunications system operated by the Australian Telecommunications Corporation, provides a caller with one complete cycle of a pre-recorded message without additional input from the caller.

SCHEDULE 4—AMENDMENTS RELATING TO PENALTIES**(1) Sections 5 (1), 44 (1)—**

Omit “\$10,000 and for a second or subsequent offence to a penalty not exceeding \$50,000” wherever occurring, insert instead “100 penalty units or imprisonment for 12 months and for a second or subsequent offence to a penalty not exceeding 500 penalty units or imprisonment for a term not exceeding 2 years”.

Gaming and Betting (Amendment) 1989

SCHEDULE 4—AMENDMENTS RELATING TO PENALTIES—
continued

(2) Sections 5 (4), 44 (2), 45, 46, 47, 47A (2)—

Omit “\$1,000”, wherever occurring, insert instead “10 penalty units or imprisonment for a term not exceeding 6 months”.

(3) Section 47B (Tipsters etc.—advertisements)—

Section 47B (1)—

Omit “two hundred dollars and for a second or any subsequent offence to a penalty of not less than two hundred dollars and not exceeding five hundred dollars”, insert instead “2 penalty units or imprisonment for a term not exceeding 3 months and for a second or subsequent offence to a penalty that is not less than 2 penalty units and does not exceed 5 penalty units or imprisonment for a term not exceeding 6 months”.

(4) Section 47C (Tipsters etc.—keeping place for conveying oral statements)—

Section 47C (2)—

Omit “, for a first offence, be liable to a penalty not exceeding two hundred dollars, and for a second or any subsequent offence to a penalty of not less than two hundred dollars and not exceeding five hundred dollars”, insert instead “be liable for a first offence to a penalty not exceeding 2 penalty units or imprisonment for a term not exceeding 3 months and for a second or subsequent offence to a penalty that is not less than 2 penalty units and does not exceed 5 penalty units or imprisonment for a term not exceeding 6 months”.

(5) Sections 47D (1), 47E (1)—

Omit “two hundred dollars, and for a second or any subsequent offence to a penalty of not less than two hundred dollars and not exceeding five hundred dollars” wherever occurring, insert instead “2 penalty units or imprisonment for a term not exceeding 3 months and for a second or subsequent offence to a penalty that is not less than 2 penalty units and does not exceed 5 penalty units or imprisonment for a term not exceeding 6 months”.

Gaming and Betting (Amendment) 1989

SCHEDULE 4—AMENDMENTS RELATING TO PENALTIES—
continued

(6) Section 60 (**Proceedings for offences**)—

Section 60—

Omit “may” wherever occurring, insert instead “shall”.

[*Minister's second reading speech made in—
Legislative Assembly on 2 March 1989
Legislative Council on 11 April 1989*]

GAMING AND BETTING (AMENDMENT) BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Gaming and Betting Act 1912—

- (a) to add registered clubs to the places in which betting on particular sports is unlawful; and
- (b) to enable betting to take place on a licensed race-course after postponement or abandonment of a scheduled race-meeting whether or not a race has been run; and
- (c) to penalise betting by minors; and
- (d) to create offences relating to the possession of articles or money suspected of being used for unlawful betting; and
- (e) to clarify the situation relating to the communication of betting information to a person outside a race-course; and
- (f) to provide, in relation to some additional offences under the Act, the alternative of a term of imprisonment instead of a fine; and
- (g) to make other minor, consequential and ancillary amendments.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be appointed by proclamation.

Clause 3 gives effect to Schedules 1–4.

SCHEDULE 1—AMENDMENTS RELATING TO BETTING

Schedule 1 (1) amends the present definitions of “Street” to include in the definitions the premises of a registered club and to make an amendment consequential on the amendment made to section 7 by Schedule 1 (2).

Gaming and Betting (Amendment) 1989

Schedule 1 (2) repeals and re-enacts the substance of section 7 except that the section will no longer require the running of at least 1 race before betting is allowed after the postponement or abandonment of a scheduled race-meeting and will also provide for imprisonment as an alternative punishment for the betting it prohibits.

Schedule 1 (3) provides for a heavier penalty for the offence of betting with a minor and provides for imprisonment as an alternative punishment.

Schedule 1 (4) inserts new section 10A which penalises betting by minors but precludes imprisonment in default of payment of the penalty if the person in default is under the age of 16 years.

Schedule 1 (5) provides for a game to be an unlawful game under section 17 if—

- (a) a non-participant acts as dealer, croupier or banker; or
- (b) a non-participant receives a payment because the game is being played; or
- (c) there is a charge for participation or for entry on the premises where the game is being played,

and applies to such a game that is played in a private dwelling-house.

Schedule 1 (6) enables a member of the police force executing a search warrant in a gaming-house to require a person to state his or her name and residential address.

Schedule 1 (7) makes an amendment consequential on an amendment made by an earlier Act.

Schedule 1 (8) enables a member of the police force executing a search warrant in a betting-house to require a person to state his or her name and residential address.

Schedule 1 (9) provides for a day to be counted as a race day if betting takes place after a race-meeting scheduled for that day is postponed or abandoned.

SCHEDULE 2—AMENDMENTS RELATING TO ARTICLES USED FOR UNLAWFUL BETTING

Schedule 2 (1) inserts a new Division 4A in Part 2. The proposed Division contains sections 15B–15D.

Proposed section 15B defines as unlawful betting aids articles to be prescribed by regulation, and money, used in connection with unlawful betting or a related transaction.

Proposed section 15C penalises possession of an article or money reasonably suspected of being an unlawful betting aid.

Proposed section 15D enables a member of the police force to stop, search and detain a person, vehicle or vessel if the member reasonably suspects the person of having, or the vehicle or vessel of containing, an unlawful betting aid.

Schedule 2 (2) has the effect of requiring prosecution on indictment for a second or subsequent offence under the proposed section 15C.

SCHEDULE 3—AMENDMENTS RELATING TO COMMUNICATION OF INFORMATION

Schedule 3 (except Schedule 3 (2)) makes lawful the communication of certain betting information by means of a particular recorded program transmitted by Telecom and makes certain consequential amendments.

Gaming and Betting (Amendment) 1989

Schedule 3 (2) inserts new section 47^{AA}. The proposed section enables a person or body authorised by the Minister for Sport, Recreation and Racing to transmit betting information from a lawful race-meeting to another race-course at a time at which betting on the other race-course is lawful.

SCHEDULE 4—AMENDMENTS RELATING TO PENALTIES

Schedule 4 (1)–(5) proposes the provision, in relation to some additional offences, of the alternative of a term of imprisonment instead of a fine. These are the offences under—

Section 5 (Street betting)

Section 44 (Penalty for keeping or being in betting-house)

Section 45 (Penalty for receiving money as deposit etc. on a bet)

Section 46 (Penalty for exhibiting placards etc. as to betting)

Section 47 (Penalty for advertising as to betting)

Section 47^A (Keeping place for communicating betting information)

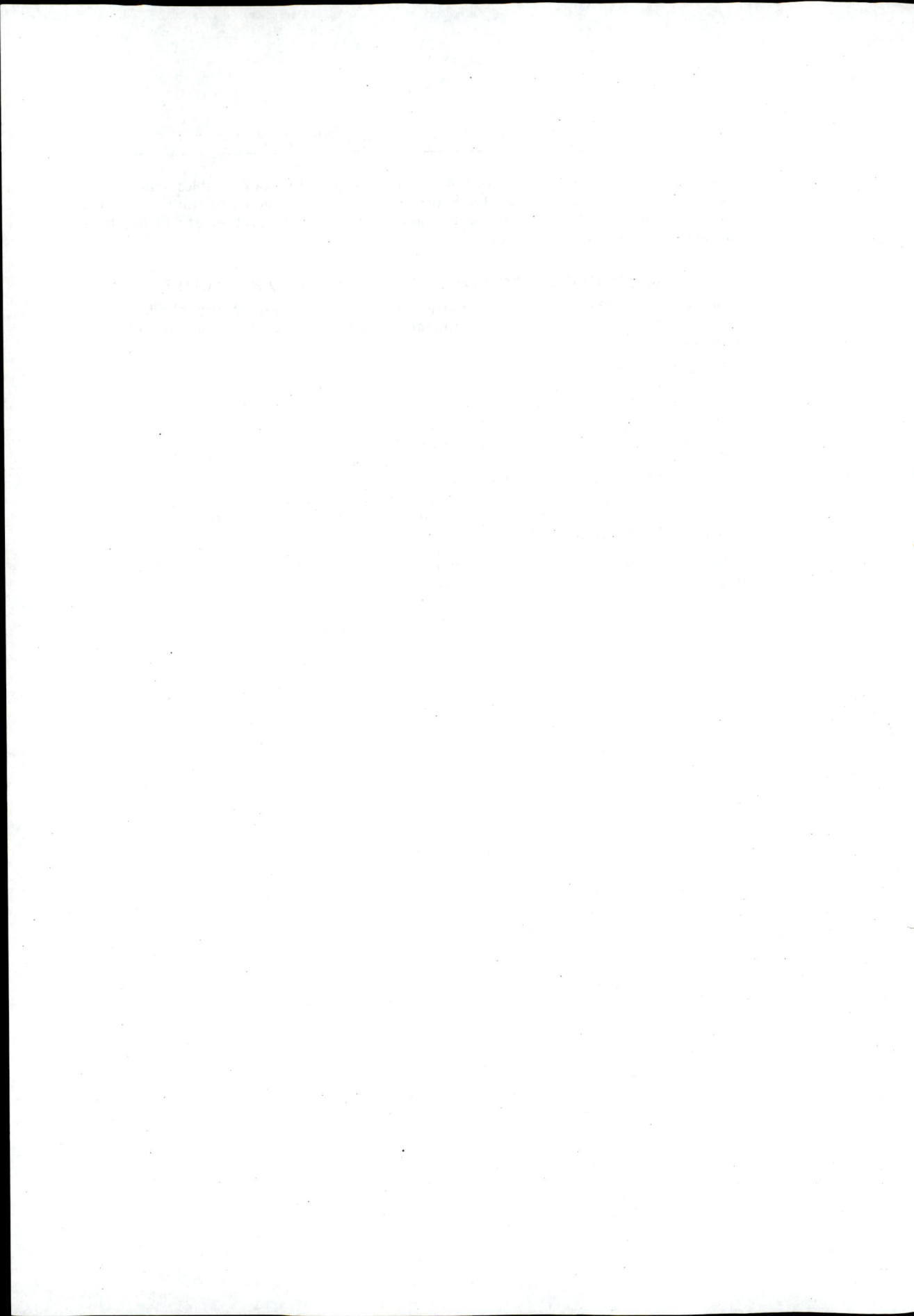
Section 47^B (Tipsters etc.—advertisements)

Section 47^C (Tipsters etc.—keeping place for conveying oral statements)

Section 47^D (Tipsters etc.—giving oral information for fee or reward)

Section 47^E (Race programmes).

Schedule 4 (6) ensures that proceedings on indictment are mandatory, not optional, in certain cases of a second or subsequent offence.



GAMING AND BETTING (AMENDMENT) BILL 1989

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Gaming and Betting Act 1912 No. 25

SCHEDULE 1—AMENDMENTS RELATING TO BETTING

SCHEDULE 2—AMENDMENTS RELATING TO ARTICLES USED FOR UNLAWFUL BETTING

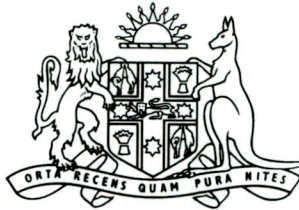
SCHEDULE 3—AMENDMENTS RELATING TO COMMUNICATION OF INFORMATION

SCHEDULE 4—AMENDMENTS RELATING TO PENALTIES



GAMING AND BETTING (AMENDMENT) BILL 1989

NEW SOUTH WALES



No. , 1989

A BILL FOR

An Act to amend the Gaming and Betting Act 1912 with respect to betting and betting information; to provide for imprisonment for certain offences as an alternative to a fine; and for other purposes.

Gaming and Betting (Amendment) 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Gaming and Betting (Amendment) Act 1989.

5 Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Gaming and Betting Act 1912 No. 25

3. The Gaming and Betting Act 1912 is amended as set out in Schedules
10 1-4.

SCHEDULE 1—AMENDMENTS RELATING TO BETTING

(Sec. 3)

(1) Section 3 (**Definitions**)—

(a) Section 3 (1)—

15 From the second definition of "Street" omit "-1937", insert instead ", or situated on the premises of a club registered under the Registered Clubs Act 1976".

(b) Section 3 (1)—

20 Omit paragraph (b) of the third definition of "Street", insert instead:

(b) during so much of the day arranged for a race-meeting on the race-course as remains after the conclusion, postponement or abandonment of the race-meeting.

(2) Section 7—

25 Omit the section, insert instead:

Prohibition of betting or wagering

7. (1) Betting or wagering is prohibited—

- 30 (a) on any ground, except a licensed race-course, on which any sports are being held; and
- (b) on a licensed race-course on which any sports other than horse-races, pony-races, harness racing or greyhound-racing are being held; and
- 35 (c) on a licensed race-course on which a barrier trial meeting, harness racing trial meeting or greyhound trial meeting is being held; and
- (d) except as provided by subsection (2), on a licensed race-course on any day after sunset.

*Gaming and Betting (Amendment) 1989*SCHEDULE 1—AMENDMENTS RELATING TO BETTING—*continued*

- 5 (2) Betting or wagering after sunset is not prohibited on a race-course specially licensed for greyhound-racing, or licensed for harness racing, if the betting or wagering is on greyhound-racing or harness racing lawfully being held on that or any other race-course and takes place—
- (a) while a race-meeting is being held on the race-course; or
- (b) during so much of the day arranged for a race-meeting on the race-course as remains after the conclusion, postponement or abandonment of the race-meeting.
- 10 (3) A person who engages in betting or wagering prohibited by this section is guilty of an offence.
Maximum penalty: 50 penalty units or imprisonment for 12 months.
- 15 (4) A person may be prosecuted for an offence against this section whether or not the person has been dealt with under section 8.
- (3) Section 10 (**Betting with person under 18**)—
- (a) Section 10 (a)—
Before “makes”, insert “being of or above the age of 18 years,”.
- 20 (b) Section 10—
Omit “two hundred dollars”, insert instead “5 penalty units or imprisonment for a term not exceeding 6 months”.
- (4) Section 10A—
After section 10, insert:
- 25 **Betting by minors**
10A. (1) A person under the age of 18 years who makes or offers to make any bet or wager with another person is guilty of an offence and liable to a penalty not exceeding 2 penalty units.
- 30 (2) A person under the age of 16 years shall not be imprisoned, or detained in a detention centre, as a consequence of a failure to pay a penalty under this section.
- (5) Section 17 (**Unlawful games**)—
- (a) Section 17 (1) (f)—
Omit the paragraph, insert instead:
- 35 (f) any game of skill or chance, or of mixed skill and chance, in which any money or valuable thing is staked or risked by a person on an event or contingency specified by the person and in which—
- 40 (i) there is a dealer, croupier or banker who is not a participant in the game while acting in such a capacity; or

Gaming and Betting (Amendment) 1989

SCHEDULE 1—AMENDMENTS RELATING TO BETTING—*continued*

- (ii) a person, other than a participant in the game, receives a payment or other benefit from the playing of the game; or
- 5 (iii) a payment or other benefit is given or sought for the right to participate in the game or for the right to enter the land or premises on which the game is played.
- (b) Section 17 (3)—
Omit the subsection.
- 10 (c) Section 17 (4)—
Omit “not a game referred to in subsection (3) if not less than nine”, insert instead “a game so referred to if more than 8”.
- (6) Section 22 (**Search warrant**)—
- 15 (a) Section 22 (3) (c)—
Omit “and” where lastly occurring.
- (b) Section 22 (3) (d), (e)—
At the end of section 22 (3) (d), insert:
; and
- 20 (e) to require any person in the place to state his or her full name and residential address.
- (7) Section 37 (**Evidence of place used as a gaming-house**)—
Section 37 (1) (d)—
Omit “used in playing at or betting on an unlawful game”.
- (8) Section 40 (**Search warrant**)—
- 25 (a) Section 40 (3) (b)—
Omit “and” where lastly occurring.
- (b) Section 40 (3) (c), (d)—
At the end of section 40 (3) (c), insert:
; and
- 30 (d) to require any person in the place to state his or her full name and residential address.
- (9) Section 51 (**Restrictions on race-meetings and harness racing**)—
After section 51 (7), insert:
- 35 (8) For the purposes of this section, if—
(a) a race-meeting arranged for a race-course on a particular day is postponed or abandoned; and

*Gaming and Betting (Amendment) 1989*SCHEDULE 1—AMENDMENTS RELATING TO BETTING—*continued*

(b) lawful betting takes place on the race-course on that day, a race-meeting shall be taken to have been held on the race-course on that day.

SCHEDULE 2—AMENDMENTS RELATING TO ARTICLES USED FOR UNLAWFUL BETTING

5

(Sec. 3)

(1) Part 2, Division 4A—

After Division 4, insert:

Division 4A—Suspicious articles**Definition**

10

15B. In this Division—

“unlawful betting aid” means any article of a kind prescribed for the purposes of this Division, and any money, that is used—

15

(a) for, or in aid of, unlawful betting or wagering; or

(b) for the purposes of a transaction dependent on unlawful betting or wagering,

whether or not, in the case of an article, it is ordinarily used for some other purpose.

Possession of suspected unlawful betting aid

20

15C. (1) If an article or money may reasonably be suspected of being an unlawful betting aid, a person in possession of the article or money is guilty of an offence.

Maximum penalty—

25

(a) for a first offence—100 penalty units or imprisonment for 12 months; and

(b) for a second or subsequent offence—500 penalty units or imprisonment for 2 years.

30

(2) It is a defence to a prosecution for an offence under this section if the court is satisfied that the defendant had no reasonable grounds for suspecting that the article or money referred to in the charge was an unlawful betting aid.

Police may stop and search persons and vehicles

35

15D. A member of the police force may stop, search and detain—

(a) a person whom the member reasonably suspects of having or conveying an unlawful betting aid; or

Gaming and Betting (Amendment) 1989

SCHEDULE 2—AMENDMENTS RELATING TO ARTICLES USED
FOR UNLAWFUL BETTING—*continued*

(b) a vehicle or vessel in which the member reasonably suspects there is an unlawful betting aid.

(2) Section 60 (**Proceedings for offences**)—

Section 60 (2)—

5 After “5 (1)”, insert “, 15c”.

SCHEDULE 3—AMENDMENTS RELATING TO
COMMUNICATION OF INFORMATION

(Sec. 3)

(1) Section 47A (**Keeping place for communicating betting information**)—

10 (a) Section 47A (3) (a)—

Omit the paragraph, insert instead:

15 (a) This section does not operate to prohibit the communication or conveying of information solely to persons present on a licensed race-course while betting or wagering on the race-course is lawful.

(b) Section 47A (3) (b)—

After “television station”, insert “, or through the medium of a Telecom passive recorded program,”.

(c) Section 47A (3) (c)—

20 After section 47A (3) (b), insert:

(c) This section does not operate to prohibit the communicating or conveying before the prescribed time referred to in subsection (1) of information concerning betting or betting odds referred to in that subsection if the information is communicated or conveyed under section 47AA.

25

(d) Section 47A (4)—

After section 47A (3), insert:

(4) In this section—

30 “Telecom passive recorded program” means a recorded program that, by means of the telecommunications system operated by the Australian Telecommunications Corporation, provides a caller with one complete cycle of a pre-recorded message without additional input from the caller.

(2) Section 47AA—

35 After section 47A, insert:

*Gaming and Betting (Amendment) 1989*SCHEDULE 3—AMENDMENTS RELATING TO COMMUNICATION
OF INFORMATION—*continued***Betting information given by authorised person**

47AA. (1) The Minister administering Part 4 may, by order in writing—

5 (a) appoint a person or body of persons as an authorised person or body for the purposes of this section; and

(b) impose conditions to be complied with by the appointee.

(2) An authorised person, or the representative of an authorised body of persons, who—

10 (a) is present on a licensed race-course during a race-meeting held there; and

(b) complies with the conditions of appointment of the authorised person or body,

15 may communicate or convey to a person outside the race-course information concerning betting or betting odds referred to in section 47A (1) if the person who receives the information is on a race-course on which betting or wagering is lawful at the time the information is received.

(3) Section 47C (**Tipsters etc.—keeping place for conveying oral statements**)—

20 (a) Section 47C (3) (b)—

After “television station”, insert “, or through the medium of a Telecom passive recorded program,”.

(b) Section 47C (4)—

Omit the subsection, insert instead:

25 (4) In this section—

“betting or betting odds” includes probable totalizator dividends;

30 “oral statement” includes a statement made by any method of communicating spoken words, whether directly or through the medium of any apparatus for the reproduction of sound;

35 “Telecom passive recorded program” means a recorded program that, by means of the telecommunications system operated by the Australian Telecommunications Corporation, provides a caller with one complete cycle of a pre-recorded message without additional input from the caller.

(4) Section 47D (**Tipsters etc.—giving oral information for fee or reward**)—

Section 47D (3)—

Omit the subsection, insert instead:

Gaming and Betting (Amendment) 1989

SCHEDULE 3—AMENDMENTS RELATING TO COMMUNICATION OF INFORMATION—*continued*

(3) In this section—

“fee or reward” does not include remuneration paid by or on behalf of—

5 (a) the person having the control or management of a broadcasting station or television station if the payment is made to a person making an oral statement through the medium of the station; or

10 (b) the Australian Telecommunications Corporation if the payment is made as the consideration for an agreement with the Corporation by a person to make, or to arrange for another person to make, an oral statement through the medium of a Telecom passive recorded program; or

15 (c) the person who enters into an agreement with the Corporation referred to in paragraph (b) if, in accordance with the agreement, the payment is made to another person who makes an oral statement through the medium of a Telecom passive recorded program,

if the statement is excluded from the operation of section 47A or 47C to the extent provided by section 47A (3) or 47C (3);

20 “oral information or advice” includes information or advice given by any method of communicating spoken words, whether directly or through the medium of any apparatus for the reproduction of sound;

25 “Telecom passive recorded program” means a recorded program that, by means of the telecommunications system operated by the Australian Telecommunications Corporation, provides a caller with one complete cycle of a pre-recorded message without additional input from the caller.

SCHEDULE 4—AMENDMENTS RELATING TO PENALTIES

30 (1) Sections 5 (1), 44 (1)—

Omit “\$10,000 and for a second or subsequent offence to a penalty not exceeding \$50,000” wherever occurring, insert instead “100 penalty units or imprisonment for 12 months and for a second or subsequent offence to a penalty not exceeding 500 penalty units or imprisonment for a term not exceeding 2 years”.

35 (2) Sections 5 (4), 44 (2), 45, 46, 47, 47A (2)—

Omit “\$1,000”, wherever occurring, insert instead “10 penalty units or imprisonment for a term not exceeding 6 months”.

(3) Section 47B (**Tipsters etc.—advertisements**)—

40 Section 47B (1)—

Gaming and Betting (Amendment) 1989

SCHEDULE 4—AMENDMENTS RELATING TO PENALTIES—
continued

5 Omit “two hundred dollars and for a second or any subsequent offence to a penalty of not less than two hundred dollars and not exceeding five hundred dollars”, insert instead “2 penalty units or imprisonment for a term not exceeding 3 months and for a second or subsequent offence to a penalty that is not less than 2 penalty units and does not exceed 5 penalty units or imprisonment for a term not exceeding 6 months”.

(4) Section 47C (**Tipsters etc.—keeping place for conveying oral statements**)—

10 Section 47C (2)—

15 Omit “, for a first offence, be liable to a penalty not exceeding two hundred dollars, and for a second or any subsequent offence to a penalty of not less than two hundred dollars and not exceeding five hundred dollars”, insert instead “be liable for a first offence to a penalty not exceeding 2 penalty units or imprisonment for a term not exceeding 3 months and for a second or subsequent offence to a penalty that is not less than 2 penalty units and does not exceed 5 penalty units or imprisonment for a term not exceeding 6 months”.

20 (5) Sections 47D (1), 47E (1)—

25 Omit “two hundred dollars, and for a second or any subsequent offence to a penalty of not less than two hundred dollars and not exceeding five hundred dollars” wherever occurring, insert instead “2 penalty units or imprisonment for a term not exceeding 3 months and for a second or subsequent offence to a penalty that is not less than 2 penalty units and does not exceed 5 penalty units or imprisonment for a term not exceeding 6 months”.

(6) Section 60 (**Proceedings for offences**)—

30 Section 60—

Omit “may” wherever occurring, insert instead “shall”.

