

FIRST PRINT

GAMING AND BETTING (AMENDMENT) BILL 1993

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 make it an offence for a person to carry on bookmaking unless the person is a licensed bookmaker and to make it an offence for a licensed bookmaker to carry on bookmaking unless the bookmaker is operating on a licensed race-course while it is lawful for betting to take place on that race-course (*see Schedule 1 (2), proposed section 6A*); and
- (b) to make it an offence to have a financial interest in a bookmaking business, knowing that the business is being conducted unlawfully (*see Schedule 1 (2), proposed section 6B*); and
- (c) to provide in such cases that a first offence may be prosecuted on indictment and that a second or subsequent offence must be prosecuted on indictment (*see Schedule 1 (7)*); and
- (d) to allow betting to be held at a race-course on a day arranged for a race-meeting if the race-meeting was cancelled or postponed the day before (currently betting can only be held when the race-meeting is cancelled or postponed on the actual day) (*see Schedule 1 (1) and (3)*); and
- (e) to give a court that convicts a person of being in possession of an unlawful betting aid (an article used in connection with unlawful betting or wagering) power to order that the unlawful betting aid be forfeited to the Crown, but only if the court is satisfied that at the time of the offence the defendant was carrying on bookmaking or acting as a bookmaker (*see Schedule 1 (4)*); and
- (f) to provide that a first offence of being in possession of an unlawful betting aid may be prosecuted on indictment (section 60 of the Act currently requires that a first offence be dealt with summarily and that a second or subsequent offence be prosecuted on indictment) (*see Schedule 1 (7)*); and

Gaming and Betting (Amendment) 1993

- (g) to increase the penalty for possession of a prohibited amusement device (the current maximum penalty is 10 penalty units or imprisonment for 12 months and the new maximum penalty will be, in the case of a body corporate, 500 penalty units and, in the case of an individual, 100 penalty units or imprisonment for 12 months for a first offence and 500 penalty units or imprisonment for 2 years for a second or subsequent offence) (*see Schedule 1 (5)*); and
- (h) to allow a court to order a defendant to pay the reasonable expenses incurred by the Police in taking possession of, transporting, storing and maintaining a prohibited amusement device (*see Schedule 1 (6)*).

The Bill also validates past proceedings under the Act dealt with summarily which, but for having been required to be prosecuted on indictment, would have been validly dealt with (*see clause 4*).

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the Schedule of amendments to the Gaming and Betting Act 1912.

Clause 4 contains the validation provision described above.

Schedule 1 contains the amendments described above.

FIRST PRINT

GAMING AND BETTING (AMENDMENT) BILL 1993

NEW SOUTH WALES



TABLE OF PROVISIONS

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

SCHEDULE 1—AMENDMENTS

GAMING AND BETTING (AMENDMENT) BILL 1993

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend the Gaming and Betting Act 1912 to make further provision with respect to unlawful bookmaking, betting at race-meetings and penalties and proceedings for offences; and for other purposes.

Gaming and Betting (Amendment) 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Gaming and Betting (Amendment) Act 1993.

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
10 Schedule 1.

Validation of certain proceedings

4. Any proceedings under the Gaming and Betting Act 1912 dealt with
summarily before a Local Court before the commencement of this section
which were required to be prosecuted on indictment under section 60 (2)
15 of that Act and which, but for that requirement, would have been validly
dealt with, are validated.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 3 (**Definitions**):

20 In section 3 (1), at the end of the third definition of "Street",
insert:

; and

25 (c) at any time on a day arranged for a race-meeting (after
the time arranged for the start of the meeting) if the
race-meeting was cancelled or postponed the day
before.

Gaming and Betting (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

(2) Part 2, Division 1A:

After Division 1, insert:

Division 1A—Unlawful bookmaking

Offence of unlawful bookmaking 5

6A. (1) A person must not carry on bookmaking unless the person is a licensed bookmaker.

Maximum penalty:

(a) for a first offence—100 penalty units or imprisonment for 12 months; and 10

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

(2) A licensed bookmaker must not carry on bookmaking except on a licensed race-course while it is lawful for betting to take place on the race-course. 15

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. 20

(3) In this section:

“**licensed bookmaker**” means a person who is the holder of a licence, certificate of registration or permit as a bookmaker or bookmaker’s clerk issued by a registration authority (as defined in the Bookmakers (Taxation) Act 1917). 25

Offence of having financial interest in the business of a bookmaker conducted unlawfully

6B. (1) A person who has a financial interest in a bookmaking business, knowing that the business is being conducted in contravention of this Act, is guilty of an offence. 30

Maximum penalty:

(a) for a first offence—100 penalty units or imprisonment for 12 months; and 35

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

Gaming and Betting (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

(2) It is a defence to a prosecution under this section if the defendant proves that:

- 5 (a) at the time of acquiring the financial interest in the bookmaking business, the defendant did not know and had no reasonable cause to suspect that the business was being or would be conducted in contravention of this Act; and
- 10 (b) after becoming aware that the bookmaking business was being conducted in contravention of this Act, the defendant took all reasonable steps to divest himself or herself of the financial interest.

(3) In this section:

15 “**financial interest**”, in relation to a bookmaking business, means an entitlement to receive any of the income from that business.

(3) Section 7 (**Prohibition of betting or wagering**):

At the end of section 7 (2) (b), insert:

; or

- 20 (c) at any time on a day arranged for a race-meeting (after the time arranged for the start of the meeting) if the race-meeting was cancelled or postponed the day before.

(4) Section 15E:

25 After section 15D, insert:

Forfeiture of unlawful betting aids used by bookmaker

15E. (1) A court that convicts a person of an offence under this Act may order the forfeiture to the Crown of any unlawful betting aid in the person’s possession at the time of the offence if the court is satisfied that:

- 30 (a) the unlawful betting aid was used by the person for or in connection with the commission of the offence; and
- (b) the person was at the time of the offence carrying on bookmaking.

Gaming and Betting (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

- (2) A police officer may seize and carry away anything that may reasonably be suspected to be liable to forfeiture under this section.
- (5) Section 17A (**Possession etc. of prohibited amusement devices**): 5
 In section 17A (1), omit "Penalty: 10 penalty units or imprisonment for 12 months.", insert instead:
 Maximum penalty:
 (a) in the case of a body corporate—500 penalty units; or
 (b) in any other case—100 penalty units or imprisonment 10
 for 12 months for a first offence and 500 penalty units or imprisonment for 2 years for a second or subsequent offence.
- (6) Section 17D: 15
 After section 17C, insert:
Court may order payment of expenses
 17D. (1) A court that convicts a person of an offence under section 17A in relation to a prohibited amusement device or of any other offence under this Act involving the use or operation of a prohibited amusement device may order the defendant to pay to the Commissioner of Police an amount specified in the order for reasonable expenses incurred by the Police Service in taking possession of, transporting, storing and maintaining the device. 20
 (2) The Commissioner of Police may recover from a person as a debt in a court of competent jurisdiction any amount that the person is ordered to pay under this section. 25
- (7) Section 60 (**Proceedings for offences**):
 (a) In section 60 (2), after "section 5 (1)," insert "6A, 6B,".
 (b) After section 60 (2), insert: 30
 (3) A first offence against section 6A, 6B or 15C may alternatively be prosecuted on indictment.

Gaming and Betting (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

5

(4) If proceedings for an offence against this Act are dealt with summarily before a Local Court, the maximum penalty that may be imposed is 100 penalty units or imprisonment for 12 months, or the maximum penalty provided for the offence, whichever is the lesser.

GAMING AND BETTING (AMENDMENT) BILL 1993

SECOND READING SPEECH

LEGISLATIVE COUNCIL

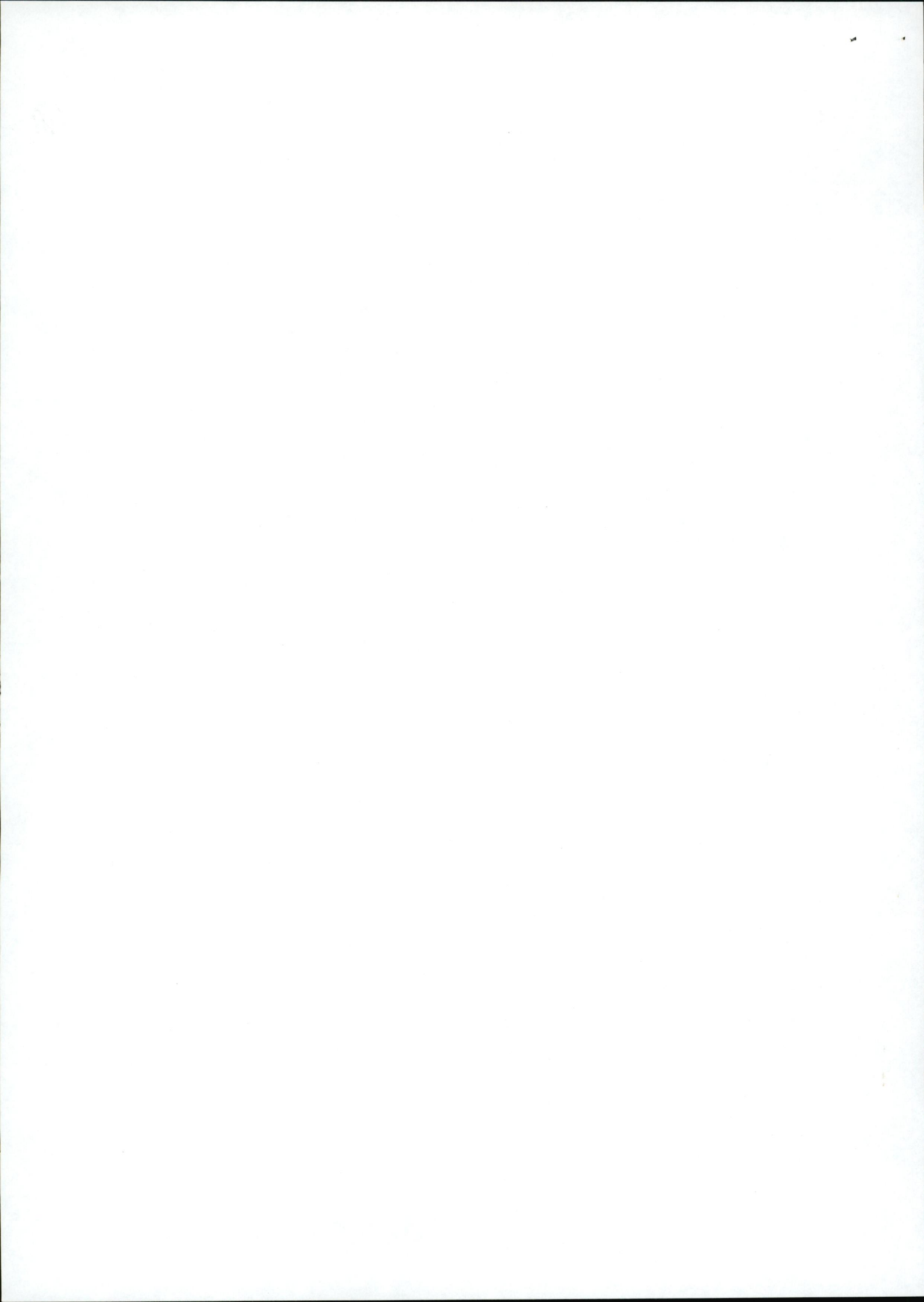
MR PRESIDENT, I MOVE THAT THIS BILL BE NOW READ A SECOND TIME.

THE GAMING AND BETTING ACT WAS INITIALLY DRAFTED IN 1912, AT A TIME WHEN COMMUNITY VALUES REGARDING GAMBLING WERE SIGNIFICANTLY DIFFERENT TO WHAT THEY ARE TODAY.

IT HAS BECOME CLEAR THAT A MAJOR REVIEW OF THE EXISTING LEGISLATION IS NECESSARY, BUT THERE ARE CERTAIN OBVIOUS INADEQUACIES IN THE GAMING AND BETTING ACT WHICH NEED TO BE ADDRESSED URGENTLY.

THE CURRENT PROPOSED AMENDMENTS ORIGINATED FROM AN INTER-DEPARTMENTAL INQUIRY INTO PROHIBITED AMUSEMENT DEVICES. THIS INQUIRY HIGHLIGHTED SOME CHANGES WHICH WERE CLEARLY REQUIRED IMMEDIATELY.

SUBSEQUENT DISCUSSIONS WITH THE NEW SOUTH WALES CRIME COMMISSION INDICATED THAT THERE WAS ALSO AN URGENT NEED TO STRENGTHEN THE EXISTING LAWS IN RELATION TO UNLAWFUL BOOKMAKING.



BECAUSE OF THE URGENT NEED TO STRENGTHEN CONTROLS OVER UNLAWFUL BOOKMAKING AND PROHIBITED AMUSEMENT DEVICES, A TASK FORCE OF OFFICERS HAS BEEN ESTABLISHED TO REVIEW THE LEGISLATION IN ITS ENTIRETY.

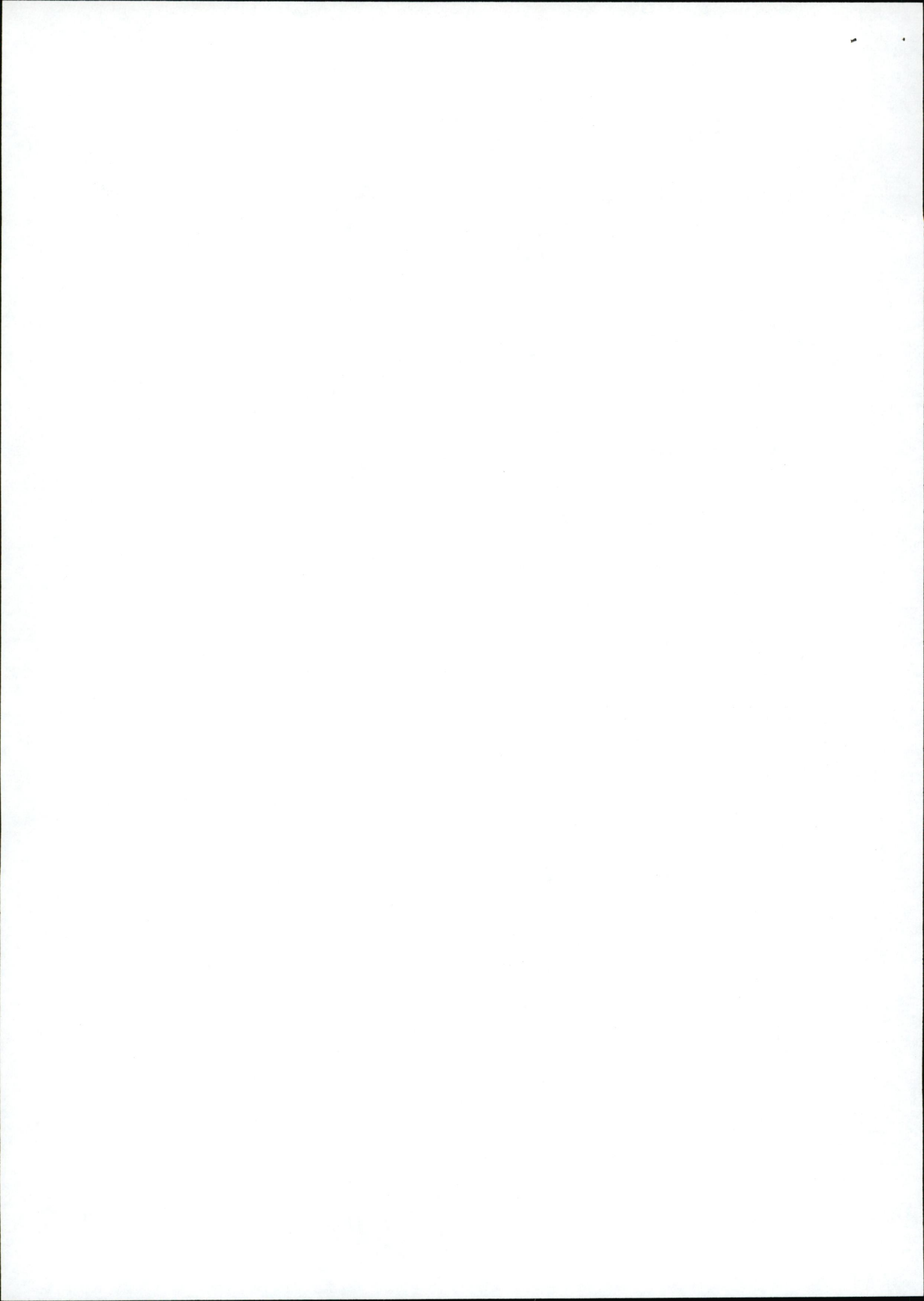
THE FIRST MEETING OF THE TASK FORCE WAS HELD ON 18 OCTOBER 1993. IT IS PLANNED THAT THE TASK FORCE WILL PROVIDE ITS FINAL REPORT TO ME BY 1 SEPTEMBER 1994, BUT PROVISION HAS BEEN MADE FOR STAGED REPORTING BEFORE THAT TIME, IF REQUIRED.

IN THE MEANTIME, IN VIEW OF THE FACT THAT PARTICULAR DEFICIENCIES IN THE ACT HAVE ALREADY BEEN IDENTIFIED - DEFICIENCIES WHICH ARE AFFECTING THE IMMEDIATE CONTROL OF ILLEGAL GAMBLING - IT IS PROPOSED TO PROCEED WITH SPECIFIC AMENDMENTS WHICH I SHALL NOW TURN TO.

MR PRESIDENT, THE BILL INTRODUCES SEVERAL NEW CONTROLS AIMED AT S.P. BOOKMAKING.

THE ACT IS PRESENTLY CONSTRUCTED IN A WAY WHICH MAKES IT UNLAWFUL TO OPERATE A BOOKMAKING OPERATION IN A PUBLIC PLACE - I.E. "STREET" BETTING - OR TO OPERATE A BOOKMAKING OPERATION IN A PRIVATE PLACE - I.E. "PLACE" BETTING OR KEEPING A "BETTING HOUSE". THIS DISTINCTION MEANS THAT SOME MOBILE S.P. OPERATIONS CAN SLIP BETWEEN THE GAPS OF "STREET" BETTING AND "PLACE" BETTING.

THE BILL INTRODUCES A NEW OFFENCE OF UNLAWFUL BOOKMAKING, FOR WHICH IT WILL BE UNNECESSARY TO SHOW THAT THE ACTIVITY OCCURRED IN A PARTICULAR PLACE OR STREET, IN ORDER TO CONVICT.



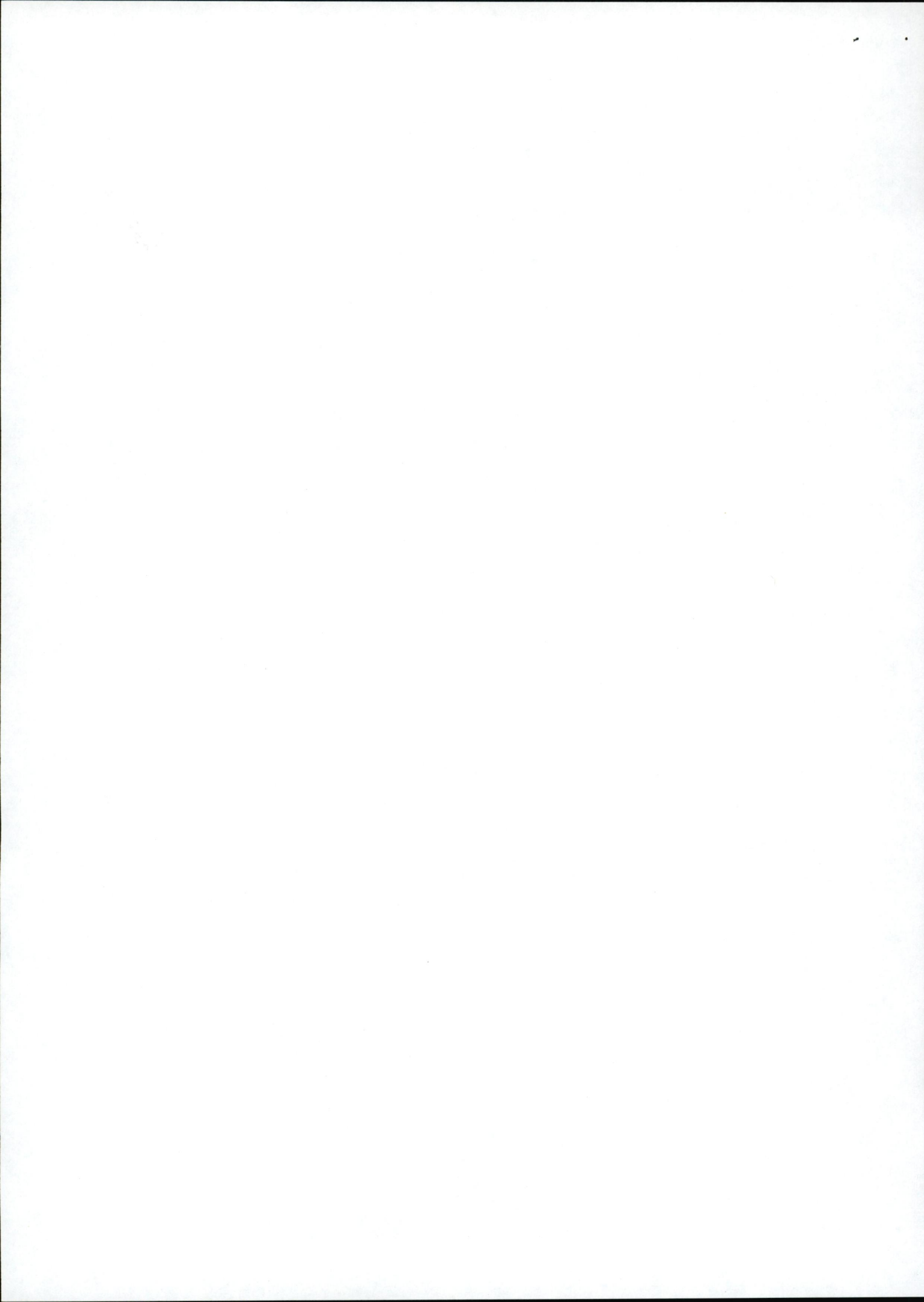
A FURTHER NEW OFFENCE OF HAVING A FINANCIAL INTEREST IN THE BUSINESS OF BOOKMAKING IS ALSO TO BE INTRODUCED, TO ASSIST LAW ENFORCEMENT AGENCIES TO CAPTURE THE PRINCIPALS BEHIND LARGE BOOKMAKING BUSINESSES.

FIRST OFFENCES OF UNLAWFUL BOOKMAKING WILL BE ABLE TO BE PROSECUTED EITHER SUMMARILY (I.E. BEFORE A LOCAL COURT MAGISTRATE) OR ON INDICTMENT (I.E. BEFORE A DISTRICT COURT JUDGE). THE SIGNIFICANCE OF THIS OPTION IS THAT IT BRINGS INTO PLAY THE PROVISIONS OF THE CONFISCATION OF PROCEEDS OF CRIME ACT, WHICH DEFINES A SERIOUS OFFENCE AS ONE WHICH MAY BE PROSECUTED ON INDICTMENT.

THE N.S.W. CRIME COMMISSION BELIEVES THAT THE ABILITY TO CONFISCATE PROCEEDS OF UNLAWFUL BOOKMAKING WILL PROVE A USEFUL MEASURE IN COMBATING MAJOR S.P. BOOKMAKING OPERATIONS.

THE FINAL PROVISION AIMED AT TIGHTENING CONTROLS OVER BOOKMAKING RELATES TO THE FORFEITURE OF UNLAWFUL BETTING AIDS. PRESENTLY, POLICE MAY SEIZE UNLAWFUL BETTING AIDS SUCH AS LEDGERS, MOBILE TELEPHONES, TAPE-RECORDERS, AND DIVERTERS, BUT THEY ARE REQUIRED TO RETURN THESE ITEMS EVEN IF THE OWNER IS SUBSEQUENTLY CONVICTED OF A BOOKMAKING OFFENCE. THE BILL WILL ALLOW THE COURT TO ORDER THE FORFEITURE OF THESE DEVICES.

MR PRESIDENT, THE NEXT GROUP OF AMENDMENTS WHICH I SHOULD LIKE TO ADDRESS ARE THOSE RELATED TO PROHIBITED AMUSEMENT DEVICES.



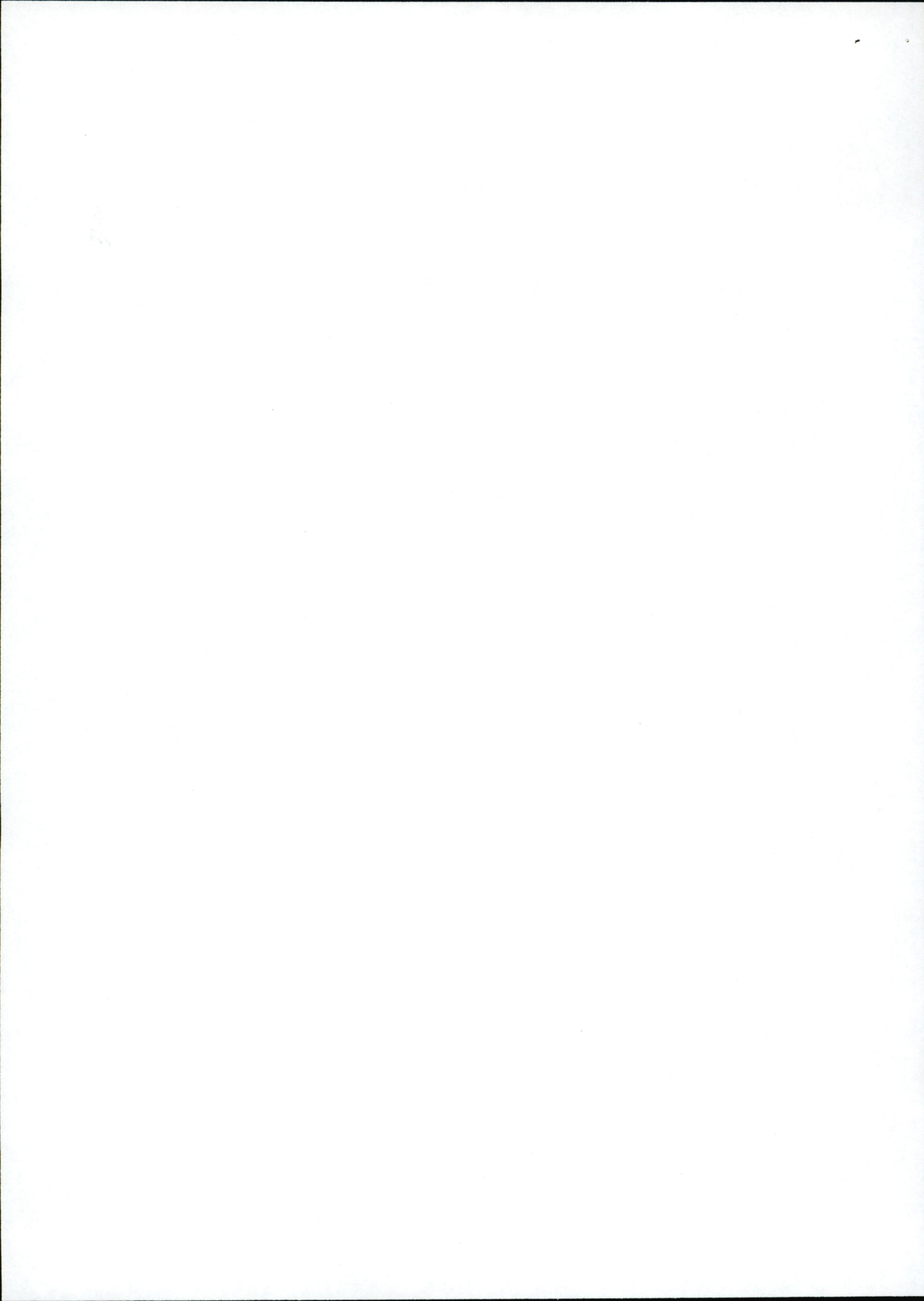
THE EXISTING PENALTY STRUCTURE UNDER THE GAMING AND BETTING ACT PROVIDES FOR A MAXIMUM PENALTY FOR POSSESSION OF PROHIBITED AMUSEMENT DEVICES UNDER SECTION 17A OF THE GAMING AND BETTING ACT OF 10 PENALTY UNITS (\$1,000) OR IMPRISONMENT FOR 12 MONTHS.

IT IS PROPOSED TO INTRODUCE THE SAME PENALTIES FOR OFFENCES RELATING TO PROHIBITED AMUSEMENT DEVICES AS CURRENTLY APPLY TO STREET BETTING AND PLACE BETTING UNDER THE ACT - I.E. A MAXIMUM OF \$10,000 OR 12 MONTHS IMPRISONMENT FOR A FIRST OFFENCE, AND A MAXIMUM OF \$50,000 OR 2 YEARS IMPRISONMENT FOR SECOND OR SUBSEQUENT OFFENCES.

IT IS ALSO PROPOSED TO AMEND THE ACT TO PROVIDE A MAXIMUM PENALTY OF \$50,000 FOR CORPORATIONS WHICH ARE CONVICTED OF POSSESSION OF A PROHIBITED AMUSEMENT DEVICE. THIS IS CONSISTENT WITH THE MAXIMUM PENALTY WHICH MAY BE IMPOSED ON CORPORATIONS IN DISCIPLINARY PROCEEDINGS UNDER THE LIQUOR ACT.

THE BILL ALSO PROVIDES THE COURT WITH THE POWER TO ORDER A DEFENDANT TO PAY THE EXPENSES INCURRED BY THE POLICE IN TAKING POSSESSION OF, TRANSPORTING, AND STORING UNDER SECURITY A PROHIBITED AMUSEMENT DEVICE WHILE IT IS HELD FOR EVIDENTIARY PURPOSES.

MR PRESIDENT, THE BILL ALSO INTRODUCES AN AMENDMENT IN RELATION TO WHAT HAS BECOME KNOWN AS "PHANTOM RACE MEETINGS".



THE GAMING AND BETTING ACT WAS AMENDED IN 1989 TO ALLOW BETTING TO BE CONDUCTED ON A RACECOURSE FOLLOWING THE ABANDONMENT OF THE RACE MEETING PRIOR TO THE CONDUCT OF THE FIRST RACE.

THE DECLARATION OF A "PHANTOM RACE MEETING" ALLOWS BETTING TO TAKE PLACE ON-COURSE ON INTRA- AND INTER-STATE RACE MEETINGS, AND FULL SERVICES TO BE OFFERED BY THE CLUB TO ITS PATRONS EVEN THOUGH THE RACE MEETING HAS BEEN ABANDONED.

THE AUSTRALIAN JOCKEY CLUB APPROACHED THE DEPARTMENT OF SPORT, RECREATION AND RACING SEEKING A FURTHER CHANGE TO THE LEGISLATION, TO ALLOW RACE CLUBS TO POSTPONE MEETINGS ON THE DAY PRECEDING A PROGRAMMED MEETING. AT PRESENT, THE DECLARATION OF A PHANTOM MEETING MUST TAKE PLACE ON THE SCHEDULED DAY OF THE MEETING.

THE BILL PROVIDES FOR THIS EXTENSION OF THE "PHANTOM" RACE MEETING CONCEPT.

MR PRESIDENT, THE FINAL AMENDMENTS WHICH I SHOULD LIKE TO DISCUSS RELATE TO VALIDATING CERTAIN PROCEEDINGS WHICH HAVE BEEN INSTITUTED OUTSIDE THE REQUIREMENTS OF THE ACT.

SECTION 60 OF THE ACT PROVIDES THAT, EXCEPT WHERE OTHERWISE PROVIDED, PROCEEDINGS FOR AN OFFENCE AGAINST THE ACT SHALL BE DEALT WITH SUMMARILY BEFORE A LOCAL COURT. SECOND OR SUBSEQUENT OFFENCES IN RESPECT OF CERTAIN SPECIFIED PROVISIONS ARE TO BE "PROSECUTED ON INDICTMENT AND NOT OTHERWISE."



SOME PROCEEDINGS FOR SECOND OFFENCES IN RESPECT OF THE SPECIFIED PROVISIONS WERE INSTITUTED AND DEALT WITH BY A LOCAL COURT. THE BILL PROVIDES FOR THE VALIDATION OF ANY SUCH PROCEEDINGS.

MR PRESIDENT, AS I HAVE INDICATED EARLIER, THESE AMENDMENTS WILL NOT RESULT IN A PERFECT SET OF CONTROLS OVER UNLAWFUL GAMING AND BETTING OPERATIONS IN THIS STATE.

THE AMENDMENTS ARE AIMED AT BRINGING SOME IMMEDIATE ASSISTANCE TO THE WORK OF THE TWO LAW ENFORCEMENT AGENCIES, THE POLICE SERVICE AND THE CRIME COMMISSION.

FOLLOWING THE REPORT OF THE TASK FORCE, IT IS LIKELY THAT MORE SIGNIFICANT AMENDMENTS TO THE ACT WILL BE IDENTIFIED AS BEING NECESSARY, IN ORDER TO ENSURE THAT THE ACT CAN PROVIDE EFFECTIVE CONTROLS OVER THE UNLAWFUL GAMBLING INDUSTRY INTO THE NEXT CENTURY.

IT IS HOPED THAT THOSE SIGNIFICANT AMENDMENTS WILL BE BROUGHT BEFORE THIS HOUSE WITHIN THE NEXT TWELVE MONTHS.

IN THE MEANTIME, MR PRESIDENT, I COMMEND THE BILL TO THE HOUSE.

GAMING AND BETTING (AMENDMENT) ACT 1993 No. 81

NEW SOUTH WALES



TABLE OF PROVISIONS

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

SCHEDULE 1—AMENDMENTS

GAMING AND BETTING (AMENDMENT) ACT 1993 No. 81

NEW SOUTH WALES



Act No. 81, 1993

An Act to amend the Gaming and Betting Act 1912 to make further provision with respect to unlawful bookmaking, betting at race-meetings and penalties and proceedings for offences; and for other purposes. [Assented to 24 November 1993]

Gaming and Betting (Amendment) Act 1993 No. 81

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Gaming and Betting (Amendment) Act 1993.

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 Schedule 1.

Validation of certain proceedings

4. Any proceedings under the Gaming and Betting Act 1912 dealt with summarily before a Local Court before the commencement of this section which were required to be prosecuted on indictment under section 60 (2) of that Act and which, but for that requirement, would have been validly dealt with, are validated.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 3 (**Definitions**):

In section 3 (1), at the end of the third definition of "Street", insert:

; and

- (c) at any time on a day arranged for a race-meeting (after the time arranged for the start of the meeting) if the race-meeting was cancelled or postponed the day before.

SCHEDULE 1—AMENDMENTS—*continued*

(2) Part 2, Division 1A:

After Division 1, insert:

Division 1A—Unlawful bookmaking

Offence of unlawful bookmaking

6A. (1) A person must not carry on bookmaking unless the person is a licensed bookmaker.

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) A licensed bookmaker must not carry on bookmaking except on a licensed race-course while it is lawful for betting to take place on the race-course.

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.

(3) In this section:

“**licensed bookmaker**” means a person who is the holder of a licence, certificate of registration or permit as a bookmaker or bookmaker’s clerk issued by a registration authority (as defined in the Bookmakers (Taxation) Act 1917).

Offence of having financial interest in the business of a bookmaker conducted unlawfully

6B. (1) A person who has a financial interest in a bookmaking business, knowing that the business is being conducted in contravention of this Act, 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.

Gaming and Betting (Amendment) Act 1993 No. 81

SCHEDULE 1—AMENDMENTS—*continued*

(2) It is a defence to a prosecution under this section if the defendant proves that:

- (a) at the time of acquiring the financial interest in the bookmaking business, the defendant did not know and had no reasonable cause to suspect that the business was being or would be conducted in contravention of this Act; and
- (b) after becoming aware that the bookmaking business was being conducted in contravention of this Act, the defendant took all reasonable steps to divest himself or herself of the financial interest.

(3) In this section:

“**financial interest**”, in relation to a bookmaking business, means an entitlement to receive any of the income from that business.

(3) Section 7 (**Prohibition of betting or wagering**):

At the end of section 7 (2) (b), insert:

; or

- (c) at any time on a day arranged for a race-meeting (after the time arranged for the start of the meeting) if the race-meeting was cancelled or postponed the day before.

(4) Section 15E:

After section 15D, insert:

Forfeiture of unlawful betting aids used by bookmaker

15E. (1) A court that convicts a person of an offence under this Act may order the forfeiture to the Crown of any unlawful betting aid in the person's possession at the time of the offence if the court is satisfied that:

- (a) the unlawful betting aid was used by the person for or in connection with the commission of the offence; and
- (b) the person was at the time of the offence carrying on bookmaking.

Gaming and Betting (Amendment) Act 1993 No. 81

SCHEDULE 1—AMENDMENTS—*continued*

(2) A police officer may seize and carry away anything that may reasonably be suspected to be liable to forfeiture under this section.

(5) Section 17A (**Possession etc. of prohibited amusement devices**):

In section 17A (1), omit “Penalty: 10 penalty units or imprisonment for 12 months.”, insert instead:

Maximum penalty:

- (a) in the case of a body corporate—500 penalty units; or
- (b) in any other case—100 penalty units or imprisonment for 12 months for a first offence and 500 penalty units or imprisonment for 2 years for a second or subsequent offence.

(6) Section 17D:

After section 17C, insert:

Court may order payment of expenses

17D. (1) A court that convicts a person of an offence under section 17A in relation to a prohibited amusement device or of any other offence under this Act involving the use or operation of a prohibited amusement device may order the defendant to pay to the Commissioner of Police an amount specified in the order for reasonable expenses incurred by the Police Service in taking possession of, transporting, storing and maintaining the device.

(2) The Commissioner of Police may recover from a person as a debt in a court of competent jurisdiction any amount that the person is ordered to pay under this section.

(7) Section 60 (**Proceedings for offences**):

- (a) In section 60 (2), after “section 5 (1),” insert “6A, 6B,”.
- (b) After section 60 (2), insert:
 - (3) A first offence against section 6A, 6B or 15C may alternatively be prosecuted on indictment.

Gaming and Betting (Amendment) Act 1993 No. 81

SCHEDULE 1—AMENDMENTS—*continued*

(4) If proceedings for an offence against this Act are dealt with summarily before a Local Court, the maximum penalty that may be imposed is 100 penalty units or imprisonment for 12 months, or the maximum penalty provided for the offence, whichever is the lesser.

[*Minister's second reading speech made in—
Legislative Assembly on 27 October 1993
Legislative Council on 16 November 1993*]