

GAMING AND BETTING (AMENDMENT) ACT.

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 31, 1968.

An Act to make further provisions with respect to betting-houses, the keeping, use and operation of poker machines and the licensing of race-courses; to confer certain powers on the Greyhound Racing Control Board; for these and other purposes to amend the Gaming and Betting Act, 1912, as subsequently amended; and for purposes connected therewith. [Assented to, 16th October, 1968.]

BE

Gaming and Betting (Amendment).

No. 31, 1968 **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 and citation.

1. (1) This Act may be cited as the "Gaming and Betting (Amendment) Act, 1968".

(2) The Gaming and Betting Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Gaming and Betting Act, 1912–1968.

Amendment of Act No. 25, 1912.

2. The Gaming and Betting Act, 1912, as subsequently amended, is amended—

Sec. 5.
(Street betting.)

(a) by omitting from section five the words "of not less than forty dollars nor more than" and by inserting in lieu thereof the words "not exceeding";

Sec. 30.
(Evidence of house being a gaming-house.)

(b) by inserting in section thirty after the word "under" the words "this Part of";

Sec. 40.
(Under special warrant.)

(c) (i) by inserting in subsection one of section forty after the word "Act" the words ", and that it is commonly reported and believed by the deponent so to be,";

(ii) by inserting in the same subsection after the word "money," the words "and all microphones, speakers, tape recorders, tapes, wire recorders, wires, or other apparatus for the recording or reproduction of sound (not being Commonwealth property)";

(iii) by inserting in the same subsection after the word "documents" the words "or other things whatsoever";

(iv)

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- (iv) by inserting in subsection two of the same section after the word "entry" the words " , and may search all parts of such house, office, room or place where he suspects that any article he is authorised to seize is concealed"; No. 31, 1968
- (d) by inserting next after section forty-three the following new section : — New sec. 43A.
- 43A. (1) A person found in any house, office, room or other place that may be reasonably suspected of having been, or of having been about to be, on the day on which that person is found therein, kept or used for any of the purposes mentioned in section forty-two shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding sixty dollars. Suspected betting-house.
- (2) An offender under the provisions of subsection one of this section shall not be convicted if he gives such an account of the house, office, room or other place in which he was found, and of his presence therein, as satisfies the stipendiary magistrate before whom he stands charged that the offender could not have reasonably suspected that house, office, room or other place of having been, or of being, or of being about to be, on the day on which he was found therein, kept or used for any of the purposes mentioned in section forty-two.
- (e) by omitting subsection three of section forty-four ; Sec. 44.
(Penalty for keeping betting-house.)
- (f) by inserting next after section forty-four the following new sections : — New secs. 44A and 44B.
- 44A. Where an offender under section 43A or forty-four is convicted, any moneys, coins, notes, cheques, IOU's and other writings for securing the payment of money that were seized in the house, office, room or other place in respect of which the offender is convicted may, in the case of an offender Forfeiture or destruction of money and articles seized.
- under**

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under section 43A, and shall, in the case of an offender under section forty-four, be adjudged to be forfeited, all lists, cards and other documents or things relating to racing or betting that were so seized shall be adjudged to be destroyed, and any other article so seized may be adjudged to be forfeited or destroyed.

Evidence of house being a betting-house or suspected betting-house.

44B. (1) This section applies to and in respect of a house, office, room or other place that a member of the police force is, under this Part of this Act, authorised to enter, where—

- (a) any member of the police force so authorised is wilfully prevented from, or is obstructed or delayed in, entering the house, office, room or other place or any part thereof;
- (b) any external or internal door of, or means of access to, the house, office, room or other place is found to be fitted or provided with any bolt, bar, chain, or any means or contrivance for the purpose of preventing, delaying or obstructing the entry into the house, office, room or other place or any part thereof of any member of the police force so authorised, or for giving an alarm in case of such entry; or
- (c) the house, office, room or other place is found to be fitted or provided with any means or contrivance for unlawful betting.

(2) Evidence that, at or about a specified time or times on a specified day, this section applied to or in respect of a specified house, office, room or other place shall, until the contrary is made to appear, be evidence—

- (a) for the purposes of section forty-three, that the specified house, office, room or other place was, at or about the specified time or times on the specified day, kept or used for a purpose mentioned in section forty-two;
- (b)

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- (b) for the purposes of section 43A, that the specified house, office, room or other place may be reasonably suspected of having been, or of having been about to be, on the specified day, kept or used for a purpose mentioned in section forty-two; and
- (c) for the purposes of section forty-four, that the specified house, office, room or other place was, at or about the specified time or times on the specified day, kept or used for a purpose mentioned in section forty-two, and that persons found therein at or about the specified time or times on the specified day were in the specified house, office, room or other place without lawful excuse.
- 3. The Gaming and Betting Act, 1912, as subsequently amended, is further amended—**
- (a) by inserting in paragraph (b) of subsection one of section 50BA after the word “operate” the following word and new paragraph :—
- ; or
- (c) any poker machine that is not owned by the club or is not being acquired by the club on reasonable terms and conditions, as determined by the Minister under paragraph (d) of subsection four of section 50D of this Act;
- (b) by omitting paragraph (b) of subsection four of section 50D;
- (c) (i) by omitting from paragraph (b) of subsection (1B) of section 50E the word “fourteen” and by inserting in lieu thereof the word “twenty-one”;

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Further amendment of Act No. 25, 1912.

Sec. 50BA. (Penalty on clubs keeping, etc., unlicensed poker machines.)

Sec. 50D. (Licenses.)

Sec. 50E. (Annual license taxes.)

(ii)

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(ii) by inserting next after paragraph (c) of the same subsection the following new paragraph :—

(d) After the commencement of the Gaming and Betting (Amendment) Act, 1968, this subsection shall be read and construed as if—

- (i) in respect of the year one thousand nine hundred and sixty-eight and any subsequent year, references therein to the fourteenth day of December were references to the twenty-first day of December; and
- (ii) in respect of the year one thousand nine hundred and sixty-nine and any subsequent year, references therein to the fourteenth day of June were references to the twenty-first day of June.

Sec. 50EB.
(Returns.)

(d) by inserting next after subsection one of section 50EB the following new subsection :—

(1A) After the commencement of the Gaming and Betting (Amendment) Act, 1968, subsection one of this section shall be read and construed as if—

- (a) in respect of the year one thousand nine hundred and sixty-eight and any subsequent year, references therein to the fourteenth day of December were references to the twenty-first day of December; and
- (b) in respect of the year one thousand nine hundred and sixty-nine and any subsequent year, references therein to the fourteenth day of June were references to the twenty-first day of June.

(e)

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(c) by omitting the Tenth Schedule and by inserting in No. 31, 1968
lieu thereof the following Schedule :—

Tenth
Schedule.

TENTH SCHEDULE.

Particulars of total net revenues from poker machines in respect
of twelve months ended 31st May, 19 , and additional supple-
mentary license tax.

Net revenue from poker machines included in Sixth Schedule
Returns in respect of six months ended:—

					\$
30th November, 19		
31st May, 19		
Total		

Assessment

Additional supplementary license tax at the
rate of 2½% payable on amount of net
revenue in excess of \$100,000 but not
exceeding \$200,000.

Additional supplementary license tax at the
rate of 5% payable on amount of net revenue
in excess of \$200,000.

Total additional supplementary license
tax for which a remittance is herewith.

4. The Gaming and Betting Act, 1912, as subsequently
amended, is further amended—

Further
amendment
of Act No.
25, 1912.

(a) by omitting from paragraph (a) of subsection three
of section fifty-one the words "Provided that the
Governor may allow Randwick Race-course an
additional race meeting on any additional public

Sec. 51.

(Race-course
to be
licensed.)

holiday

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holiday which is proclaimed upon a special occasion" and by inserting in lieu thereof the following words :—

Provided that the Governor may, by proclamation published in the Gazette—

- (i) allow Randwick Race-course an additional race-meeting on any additional public holiday which is proclaimed upon a special occasion; and
- (ii) notwithstanding the provisions of subsection one of section fifty-three, allow Randwick Race-course an additional race-meeting on the day on which the race known as the Melbourne Cup is to be held;

Sec. 52.
(Issue of
licenses.)

(b) by inserting next after subsection two of section fifty-two the following new subsections :—

(2A) Notwithstanding the provisions of subsection one of this section, the Minister may refuse to license a race-course for a particular class of race-meeting where—

- (a) the race-course in respect of which application for the issue of the license is made has not been licensed as a race-course for that class of race-meeting during the period of five years immediately preceding the first day of January in the year in respect of which the application is made; or
- (b) the race-course in respect of which application for the issue of the license is made has been so licensed, but a race-meeting of that class has not been held on that race-course during each of the years in the period of two years immediately preceding the first day of January in the year in respect of which the application is made.

(2B)

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(2B) Where the Minister or his delegate issues a license the issue of which the Minister could have refused under subsection (2A) of this section, that license and any license subsequently issued for the same race-course for the same class of race-meeting may be issued subject to such terms and conditions as the Minister thinks fit and as are specified by him or his delegate when the license is issued.

5. The Gaming and Betting Act, 1912, as subsequently amended, is further amended—

Further amendment of Act No. 25, 1912.

- (a) by inserting in section three next after the definition of "Greyhound-racing" the following new definition :—

Sec. 3. (Interpretation.)

"Greyhound trial track" means land, not being a race-course specially licensed under this Act for meetings for greyhound-racing, that is held out by any person having the management or control thereof, whether as owner, lessee, occupier or otherwise, as being available for the purpose of enabling greyhounds, other than those owned by, or leased to, that person, to compete in trials or be trained in racing.

- (b) by omitting from subsection three of section 56C the words "the New South Wales Breeders, Owners, and Trainers Association Limited" and by inserting in lieu thereof the words "The New South Wales Greyhound Breeders Owners & Trainers Association Limited";

Sec. 56c. (Greyhound Racing Control Board.)

- (c) (i) by inserting in subparagraph (i) of paragraph (c) of subsection one of section 56G after the word "club" the words ", or any greyhound trial track";

Sec. 56g. (Functions of the Board.)

- (ii) by inserting in the same subparagraph after the word "greyhound-racing" where thirdly occurring the words "or any greyhound trial track";

(iii)

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(iii) by inserting next after paragraph (c) of the same subsection the following new paragraph :—

(d) may, upon such terms and conditions as it may determine, grant or advance on loan moneys from the Fund referred to in section 56J of this Act—

(i) to increase stake moneys and prizes at meetings for greyhound-racing;

(ii) to improve race-courses specially licensed under this Act for meetings for greyhound-racing and to improve facilities at those race-courses;

(iii) to assist greyhound-racing clubs,

and for any other purpose conducive to the advancement and development of greyhound-racing.

Sec. 56HA.
(Rules as to stewards.)

(d) (i) by inserting in paragraph (a) of subsection one of section 56HA after the word “greyhound-racing” the words “and greyhound trial tracks”;

(ii) by inserting in paragraph (b) of the same subsection after the word “meetings” the words “or greyhound trial tracks”;

New sec.
56HB.

Rules as to
greyhound
trial
tracks.

(e) by inserting next after section 56HA the following new section :—

56HB. Without prejudice to the generality of subsection one of section 56H of this Act, any rules for and with respect to the registration of greyhound trial tracks which the Board may make pursuant to that subsection shall include rules prohibiting—

(a) betting or wagering at any place where a greyhound trial or training race is held;

(b)

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- (b) the award, in respect of any greyhound trial ^{No. 31, 1968} or training race of any money, valuable thing or privilege;
- (c) the making of a charge for the admission of persons (not being persons in charge of greyhounds) to a greyhound trial track.

6. Nothing in this Act shall affect any liability, accrued ^{Saving of accrued liabilities.} before the commencement of this Act, of any club under the provisions of Part IIIA of the Gaming and Betting Act, 1912, and any amendments of that Act in force immediately before that commencement.