

# **GAMING AND BETTING (AMENDMENT) ACT 1989 No. 19**

NEW SOUTH WALES

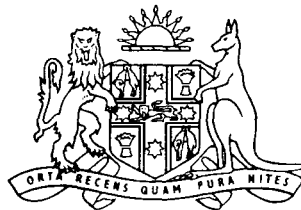


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**GAMING AND BETTING (AMENDMENT) ACT 1989 No. 19**

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

**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

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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.

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**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.



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**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”.

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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”.

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SCHEDULE 4—AMENDMENTS RELATING TO PENALTIES—  
*continued*

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

Section 60—

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

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