

**GAMING AND BETTING (BROKEN HILL) AMENDMENT
BILL 1992**

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 to legalise (subject to the control and direction of the Minister and to certain other restrictions) the playing of two-up in the City of Broken Hill when it would otherwise be an unlawful game. The Bill provides a scheme in which the Minister may authorise the conduct of games of two-up by or on behalf of the Council of the City of Broken Hill at a single location in that City. Nothing in the Bill authorises the conduct or playing of two-up in any part of the State other than at that single location or otherwise than in accordance with the authorisation given to the Council.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act commences on the date of assent.

Clause 3 gives effect to the Schedule of amendments to the Gaming and Betting Act 1912.

Schedule 1 amends the Gaming and Betting Act 1912 as described above.

Schedule 1 (1) inserts a new section 20C (in the part of the Act dealing with unlawful games) which declares a game of two-up played in Broken Hill not to be an unlawful game if it is conducted in accordance with the new Part 3A. The new section 20C also declares the location at which games of two-up are conducted and played not to be a gaming-house.

Schedule 1 (2) inserts the new Part 3A which contains the following provisions:

Division 1—Preliminary

- Proposed section 50A provides that the new Part operates so as to authorise the lawful conduct of games of two-up by or on behalf of the Council of the City of Broken Hill at a single location in that City.

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- **Proposed section 50B** contains definitions for the purposes of the new Part. The “Council” is defined as the Council of the City of Broken Hill. A “key employee” is defined as a person who is employed to supervise or manage the conduct of games of two-up, who is authorised to make decisions regulating the conduct of such games or who is Concerned or engaged in any manner prescribed by the regulations in the conduct of such games.

Division 2—Authorisation to conduct two-up

- This Division enables the Minister to authorise games of two-up to be conducted by or on behalf of the Council in accordance with the conditions imposed by the Minister. The conditions may relate to such matters as the approval by the Minister of persons who can conduct games of two-up on behalf of the Council, the application of the funds the Council receives from conducting games of two-up and the auditing of financial records. The Minister may also impose a condition requiring the Council to pay a duty to the Minister in connection with games of two-up conducted under the Part.
- The conditions may be amended by the Minister but only after the Minister gives notice of the proposed amendment and submissions are allowed to be made.
- The authorisation may be revoked or suspended by the Minister if any game of two-up conducted by or on behalf of the Council is not conducted in accordance with the new Part, the rules made by the Council and approved by the Minister or the conditions of the authorisation or if directions given under proposed section 50I or 50J are not complied with. A game of two-up conducted when the authorisation is revoked or suspended (i.e. when it is not in force) will be an unlawful game and the person conducting it will be committing an offence under the Act.

Division 3—Other controls in relation to two-up

- This Division contains further provisions relating to the control of the game as authorised under the new Part. The Minister can give a direction to the Council or to a person conducting a game on behalf of the Council to take certain action if the Minister is of the opinion that the integrity of any game of two-up is to be prejudiced by any irregularity in the conduct of the game or by the character or reputation of a person concerned in the conduct of the game.
- The Minister can also give a direction to the Council or other appropriate person concerning the termination of the employment or association of a key employee.
- Division 3 also provides for the appointment of inspectors by the Minister, sets out the functions of inspectors and prohibits the obstruction or hindering of inspectors when exercising their functions.
- Division 3 also enables the Minister to require information to be provided by persons conducting a game of two-up on behalf of the Council. The Minister may also appoint a person to investigate and report on matters relating to the conduct of games of two-up. Proposed section 50P enables the Minister to require a key employee to consent to having his or her photograph, finger prints and palm prints taken and to provide certain information and documents (as well as authorisations enabling the Minister to obtain further information from other persons about the key employee). The Minister is to refer copies of any

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photographs, finger prints and palm prints and supporting information obtained under the section to the Commissioner for Police for further inquiry and report. If the key employee fails to comply with the requirements of the proposed section, the Minister may give a direction to the Council or other appropriate person to terminate the employment or association of the key employee.

Division 4—Miscellaneous

- This Division enables the Council to make rules (which must be approved by the Minister) for or with respect to the conduct of games of two-up, enables the Minister to delegate his or her functions under the new Part, prohibits any person from betting with persons under the age of 18 years and includes provisions ensuring the confidentiality of information obtained under the new Part. Proposed section 50RB provides a safeguard for the proper disposal of finger and palm prints obtained under the new Part once the key employee concerned is no longer a key employee.
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