

## 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
- (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**).

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**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.

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