

**GAMING AND BETTING AND LIQUOR
(AMENDMENT) ACT.**

New South Wales



ANNO SEXTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 7, 1967.

An Act to make further provisions relating to the publication of betting odds and other information relating to race-meetings, the holding of barrier trial meetings for horse-racing, the recovery of certain wagering debts, the powers of the Greyhound Racing Control Board and the conduct of lotteries and games of chance on certain premises; for these and other purposes to amend the Gaming and Betting Act, 1912, as amended by subsequent Acts, and the Liquor Act, 1912, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 20th March, 1967.]

BE

Gaming and Betting and Liquor (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by **No. 7, 1967**
 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 : —

1. (1) This Act may be cited as the "Gaming and Betting
 and Liquor (Amendment) Act, 1967". Short title
and
citation.

(2) The Gaming and Betting Act, 1912, as amended
 by subsequent Acts and by this Act, may be cited as the
 Gaming and Betting Act, 1912–1967.

2. (1) The Gaming and Betting Act, 1912, as amended Amendment
of Act No.
25, 1912.
 by subsequent Acts, is amended—

(a) by omitting from section one the figures "47" and Sec. 1.
(Short
title.)
 by inserting in lieu thereof the figures and letter
 "47G";

(b) (i) by inserting in section three next after the Sec. 3.
(Interpreta-
tion.)
 definition of "Bookmaker" the following new
 definition :—

"Broadcasting station" means any station—

(a) provided by the Postmaster-General
 and from which the Australian
 Broadcasting Commission broad-
 casts programmes and other
 services; or

(b) in respect of which a person holds
 a licence for a commercial broad-
 casting station under Part IV of the
 Australian Broadcasting Act 1942
 of the Parliament of the Common-
 wealth of Australia or any Act of
 that Parliament amending or replac-
 ing that Act.

(ii)

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- (ii) by inserting at the end of the same section the following new definition :—

“Television station” means any station—

- (a) provided by the Postmaster-General and from which the Australian Broadcasting Commission televises programmes and other services; or
- (b) in respect of which a person holds a licence for a commercial television station under Part IV of the Australian Broadcasting Act 1942 of the Parliament of the Commonwealth of Australia or any Act of that Parliament amending or replacing that Act.

Sec. 46.
(Penalty
for exhibit-
ing placards,
&c., as to
betting.)

- (c) (i) by omitting paragraph (b) of section forty-six and by inserting in lieu thereof the following paragraph :—

(b) prints or publishes in a newspaper, or publishes through the medium of a broadcasting station or television station, otherwise than in accordance with regulations made under this Act, any information or advice as to the betting or betting odds—

- (i) on any intended race or contest to be held at a race-meeting; or
- (ii) on any race or contest held at a race-meeting, where the information or advice is so printed or, as the case may be, published before the prescribed time referred to in subsection one of section 47A of this Act.

(ii)

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(ii) by inserting in the same section after the word "liable" the words "No. 7, 1967", in the cases referred to in paragraphs (a) and (c) of this section,";

(iii) by inserting in the same section after the word "months" the words "and, in the case referred to in paragraph (b) of this section, to the same penalties as for offences against section 47A of this Act";

(iv) by inserting at the end of the same section the following words :—

In this section "betting or betting odds" has the meaning ascribed to that expression in section 47A of this Act.

(d) by inserting at the end of subsection three of section 47A the following new paragraph :—

(b) This section shall not operate to prohibit the communicating or conveying before the prescribed time referred to in subsection one of this section by means of a newspaper or through the medium of a broadcasting station or television station of any information concerning the betting or betting odds referred to in subsection one of this section if—

(i) the information is communicated or conveyed in accordance with regulations made under this Act; and

(ii) the race or contest to which the information relates is not a horse-race held or to be held at a barrier trial meeting.

(e) by inserting next after paragraph (c) of subsection four of section 47B the following new paragraph :—

(c1) This section shall not operate to prohibit—

(i) the printing or publication in a newspaper, being a newspaper that complies with subparagraph (i) of paragraph (c) of this subsection,

Sec. 47A.
(Betting
information
—keeping
house, &c.,
for com-
munication
thereof.)

Sec. 47B.
(Tipsters,
etc.—adver-
tisements.)

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subsection, of any information or advice as to the betting or betting odds on a race or contest;

- (ii) the publication, through the medium of a television station, of a document containing information or advice as to the betting or betting odds on a race or contest; or
- (iii) the publication, through the medium of a television station, of a document containing a forecast of the probable result of a race or contest,

if the information or advice is printed or, as the case may be, the information, advice or document is published, in accordance with regulations made under this Act and, in the case referred to in subparagraph (iii) of this paragraph, the publication is not by way of advertisement or for valuable consideration.

In this paragraph "race or contest" means any such race or contest (not being a horse-race at a barrier trial meeting) as is referred to in subsection one of this section.

Sec. 47C.
(Tipsters,
etc.—keep-
ing house
for convey-
ing oral
statements.)

- (f) by inserting at the end of subsection three of section 47C the following new paragraph :—

(b) This section shall not operate to prohibit the making through the medium of a broadcasting station or television station of any oral statement whereby any information or advice referred to in paragraph (c) of subsection one of this section is given, if the statement is made in accordance with regulations made under this Act and, in the case of the information or advice referred to in subparagraph (i) of that paragraph, is not given by way of advertisement or for valuable consideration (other than remuneration referred to in subsection three of section 47D of this Act).

(g)

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- (g) by inserting in subsection three of section 47D No. 7, 1967
Sec. 47D.
(Tipsters,
etc.—giving
oral informa-
tion for fee
or reward.) after the word “sound” the words “and ‘fee or reward’ does not include any remuneration paid by or on behalf of the person having the control and management of a broadcasting station or television station to a person making an oral statement through the medium of that station in accordance with paragraph (b) of subsection three of section 47A, or paragraph (b) of subsection three of section 47C, of this Act”;

- (h) by inserting next after section 47F the following New sec.
47G. new section :—

47G. (1) The power to make regulations conferred upon the Governor by section fifty-nine of this Act shall include power to make regulations for the purposes of paragraph (b) of section forty-six, paragraph (b) of subsection three of section 47A, paragraph (c1) of subsection four of section 47B or paragraph (b) of subsection three of section 47C, of this Act. Regulations relating to newspapers, broadcasting stations and television stations.

(2) The regulations referred to in subsection one of this section may be made to differ in their application according to different circumstances and, without prejudice to the generality of the foregoing provisions of this subsection, may be made to differ—

- (a) according to whether they are to apply to newspapers or to broadcasting stations or to television stations;
- (b) according to the location of the race-meeting at which the race or contest is to be held;
- (c) according to whether the race-meeting is a meeting for horse-racing, greyhound-racing, pony-racing or trotting contests.

(2) This section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

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Further
amendment
of Act No.
25, 1912.Sec. 3.
(Interpre-
tation.)

3. The Gaming and Betting Act, 1912, as amended by subsequent Acts, is further amended—

- (a) by inserting immediately before the definition of “Bookmaker” in section three the following new definition :—

“Barrier trial meeting” means a meeting for horse-racing—

- (a) at which horses, mares and geldings respectively may compete in a training gallop or trial; and
(b) at or in respect of which no money, valuable thing, or the right to compete at a subsequent meeting for horse-racing is awarded in consideration of the result of any such training gallop or trial.

Sec. 7.
(Wagering
or betting
prohibited.)

- (b) by inserting in section seven after the word “horse-races” the words “(not being horse-races at a barrier trial meeting)”;

Sec. 47A.
(Betting in-
formation—
keeping
house, &c.,
for com-
munication
thereof.)

- (c) by inserting in subsection three of section 47A after the word “race-meeting” where firstly occurring the words “(not being a barrier trial meeting)”;

Sec. 47B.
(Tipsters,
etc.—
advertisements.)

- (d) (i) by inserting in subparagraph (i) of paragraph (a) of subsection four of section 47B after the word “race-meeting” the words “(not being a barrier trial meeting)”;
(ii) by inserting in paragraph (b) of the same subsection after the word “race-meeting” where firstly occurring the words “(not being a barrier trial meeting)”;
(iii) by omitting from paragraph (c) of the same subsection the words “race contest or course” and by inserting in lieu thereof the words “race or contest (not being a horse-race to be held at a barrier trial meeting)”;

(e)

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- (e) by inserting in subsection three of section 47C after the word "race-meeting" where firstly occurring the words "(not being a barrier trial meeting)"; Sec. 47C.
(Tipsters, etc.—
keeping house for conveying oral statements.)
- (f) by inserting in subsection three of section fifty-one after the word "horse-racing" the words "(not being barrier trial meetings)"; Sec. 51 (3).
(Limitation of horse-races on race-courses.)
- (g) by inserting next after subsection three of section fifty-three the following new subsection :— Sec. 53.
(Days of race-meetings.)
- (4) Notwithstanding the foregoing provisions of this section, a barrier trial meeting may be held on any day of the year, not being Good Friday or Christmas Day.
- (h) by inserting at the end of section 53A the following new subsection :— Sec. 53A.
(Race-course temporarily unfit for use.)
- (2) Nothing in subsection one of this section shall be construed as requiring the authorisation of the Minister, or his delegate, thereunder in respect of a barrier trial meeting.
- (i) (i) by inserting in paragraph (b) of section 53E after the word "days" the words "being days referred to in subsection three of section fifty-one of this Act,"; Sec. 53E.
(Additional meetings.)
- (ii) by omitting from the same paragraph the words "pursuant to this Act".
4. The Gaming and Betting Act, 1912, as amended by subsequent Acts, is further amended— Further amendment of Act No. 25, 1912.
- (a) by omitting from section sixteen the words "Provided always that this enactment shall not be deemed to apply to" and by inserting in lieu thereof the words "Provided that the foregoing provisions of this section shall not apply— Sec. 16.
(Action not to lie for contracts by way of gaming.)
- (a) to";
- (b)

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(b) by inserting at the end of the same section the following word and new paragraph :—

; or

(b) in respect of any bet or wager lawfully made on a licensed race-course by or with a book-maker in the course of his business or vocation as such.

Further amendment of Act No. 25, 1912.

Sec. 52.
(Issue of licenses.)

5. (1) The Gaming and Betting Act, 1912, as amended by subsequent Acts, is further amended—

(a) by omitting from subsection one of section fifty-two the words “Colonial Secretary” and by inserting in lieu thereof the words “Minister or his delegate”;

Sec. 52A.
(Special licenses.)

(b) by omitting from subsection two of section 52A the words “Colonial Secretary” and by inserting in lieu thereof the words “Minister or his delegate”;

Sec. 52B.
(Condition of licenses to grey-hound clubs.)

(c) by omitting from section 52B the words “Colonial Secretary” wherever occurring and by inserting in lieu thereof the words “Minister or his delegate”;

Sec. 52c.
(Power to cancel licenses.)

(d) by omitting from paragraph (c) of subsection two of section 52c the words “Colonial Secretary” wherever occurring and by inserting in lieu thereof the words “Minister or his delegate”;

Sec. 53A.
(Race-course temporarily unfit for use.)

(e) by inserting in section 53A after the word “Minister” the words “or his delegate”;

Sec. 53c.
(Proprietary clubs or associations—licenses.)

(f) by omitting from subsection one of section 53c the words “Colonial Secretary” and by inserting in lieu thereof the words “Minister or his delegate”;

(g)

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- (g) by inserting next after section 53E the following No. 7, 1967
new section :—

53F. (1) Where, in subsection one of section fifty-two, subsection two of section 52A, section 52B, paragraph (c) of subsection two of section 52C, section 53A or 53C of this Act, any power or function is expressed to be conferred upon the Minister or his delegate, the Minister may, by instrument under his hand, delegate to the extent, and subject to the conditions, specified in the instrument, that power or function to the person named in the instrument and may, in the like manner, revoke any such delegation.

New sec.
53F.
Delegation
of Minister's
powers.

(2) A reference to a delegate in a provision of this Act referred to in subsection one of this section shall mean the delegate appointed under that subsection to exercise or perform the power or function conferred by that provision.

- (2) The Gaming and Betting Act, 1912, as amended by subsequent Acts, is further amended—

Further
amendment
of Act No.
25, 1912.
(Statute law
revision.)

- (a) by omitting from section nine the words “or police”;
- (b) by omitting from section twenty-five the words “or police”;
- (c) (i) by omitting from paragraph (b) of subsection (5B) of section fifty-one the words “Colonial Secretary” and by inserting in lieu thereof the word “Minister”;
- (ii) by omitting from paragraph (d) of the same subsection the words “police or”;

Sec. 9.
(Person re-
moved from
land not to
re-enter.)

Sec. 25.
(Person
found
in house or
common
gaming-
house.)

Sec. 51.
(Race-course
to be
licensed.)

(d)

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| <p>No. 7, 1967</p> <p>Sec. 52.
(Issue of
licenses.)</p> <p>Sec. 52A.
(Special
licenses.)</p> <p>Sec. 52C.
(Power to
cancel
licenses.)</p> <p>Sec. 52D.
(Power to
make regu-
lations.)</p> <p>Sec. 53E.
(Additional
meetings.)</p> <p>Sec. 56C.
(Greyhound
Racing
Control
Board.)</p> <p>Sec. 56K.
(Contribu-
tions to
Fund by
greyhound-
racing
clubs.)</p> <p>Sec. 56L.
(Report of
proceedings
of Board.)</p> <p>Sec. 56M.
(Regula-
tions.)</p> <p>Sec. 60.
(Recovery
of
penalties.)</p> | <p>(d) by omitting from subsection two of section fifty-two the words "Colonial Secretary" and by inserting in lieu thereof the word "Minister";</p> <p>(e) by omitting from subsection three of section 52A the words "Colonial Secretary" and by inserting in lieu thereof the word "Minister";</p> <p>(f) by omitting from section 52C the words "Colonial Secretary" where firstly, secondly and thirdly occurring and by inserting in lieu thereof the word "Minister";</p> <p>(g) by omitting from section 52D the words "Colonial Secretary" wherever occurring and by inserting in lieu thereof the word "Minister";</p> <p>(h) by omitting from paragraph (a) of section 53E the words "Chief Secretary" and by inserting in lieu thereof the word "Minister";</p> <p>(i) by omitting paragraph (d) of subsection six of section 56C and by inserting in lieu thereof the following paragraph :—
 <div style="margin-left: 40px;">(d) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;</div> </p> <p>(j) by omitting from section 56K the word "Colonial" wherever occurring;</p> <p>(k) by omitting from subsection two of section 56L the word "Colonial";</p> <p>(l) by omitting from paragraph (d) of subsection one of section 56M the word "fits" and by inserting in lieu thereof the word "fit";</p> <p>(m) by omitting from section sixty the words "or police".</p> |
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Gaming and Betting and Liquor (Amendment).

6. The Gaming and Betting Act, 1912, as amended by No. 7, 1967 subsequent Acts, is further amended—

Further
amendment
of Act No.
25, 1912.

- (a) by inserting next after subsection one of section 56c the following new subsection :—

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

(1A) (a) The Board shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

(b) The corporate name of the Board shall be "Greyhound Racing Control Board".

(c) Subject to paragraph (d) of this subsection, the Board shall be capable—

- (i) of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property;
- (ii) of erecting buildings on any lands held by it; and
- (iii) of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

(d) The powers of the Board in relation to real or leasehold property shall not be exercised except with the consent of the Minister and subject to such conditions as he may, in giving his consent, impose.

(e) The common seal shall not be attached to any document except on resolution of the Board and shall be authenticated by the signatures of two members of the Board.

(f) All courts, judges and persons acting judicially shall take judicial notice of the common seal affixed to any document, and shall presume, until the contrary is proved, that it was properly so affixed.

(b)

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Sec. 56E.
(Appointment
of
secretary.)

(b) by inserting next after subsection two of section 56E the following new subsection :—

(3) The Board may by the rules—

- (a) provide for the appointment of an executive officer and a deputy executive officer from amongst its members; and
- (b) specify the respective powers, authorities, duties and functions of those officers.

New sec.
56HA.

(c) by inserting next after section 56H the following new section :—

Rules as to
stewards.

56HA. (1) Without prejudice to the generality of subsection one of section 56H of this Act, the Board may make rules, pursuant to and subject to that section—

- (a) for or with respect to the powers, authorities, duties and functions of stewards appointed by the Board and in particular in relation to meetings for greyhound-racing;
- (b) conferring upon stewards appointed by the Board, to the extent and in the circumstances specified in the rules, the same powers in relation to meetings at which they act as are exercisable by the Board under subparagraph (iii) of paragraph (c) of subsection one of section 56G of this Act;
- (c) for or with respect to the charges payable by a greyhound-racing club when stewards appointed by the Board act at a meeting for greyhound-racing held by the club;
- (d) for or with respect to the extent to which and the circumstances in which, stewards appointed by the Board may exercise their powers, authorities, duties and functions to the exclusion of stewards of greyhound-racing clubs.

(2)

Gaming and Betting and Liquor (Amendment).

(2) Rules referred to in subsection one No. 7, 1967 of this section may be made to differ in their application according to different circumstances.

- (d) by omitting subsections one, two, three and four of section 56I and by inserting in lieu thereof the following subsections :— Sec. 56I. (Commencement of rules.)

(1) Rules made pursuant to this Part of this Act shall—

- (a) be approved by the Governor;
- (b) on being so approved, be published in the Gazette; and
- (c) take effect from the date of publication, or from a later date to be specified in the rules.

(2) Any rules in force immediately before the commencement of the Gaming and Betting and Liquor (Amendment) Act, 1967, shall not cease to be in force by reason only of the amendment made to this section by that Act.

- (e) by inserting in paragraph (a) of subsection one of section 56M after the word “or” where firstly and secondly occurring the word “of”. Sec. 56M. (Regulations.)

7. The Gaming and Betting Act, 1912, as amended by subsequent Acts, is further amended— Further amendment of Act No. 25, 1912.

- (a) by inserting in section 58A after the word “Act” the words “, the Totalizator Act, 1916, as amended by subsequent Acts, or the Totalizator (Off-course Betting) Act, 1964, as amended by subsequent Acts,”; Sec. 58A. (Certain allegations prima facie evidence.)
- (b) by inserting in the same section after the word “mentioned” where secondly occurring the words “and that such race, contest or course commenced at a time therein mentioned”.

Gaming and Betting and Liquor (Amendment).

No. 7, 1967 **8.** The Liquor Act, 1912, as amended by subsequent
Amendment Acts, is amended by inserting at the end of section forty-four
of Act No. the following new subsection :—
42, 1912.

(3) The conduct, on licensed premises or in the appurtenances thereof, of a lottery or game of chance pursuant to and in accordance with the provisions of section four or 4A of the Lotteries and Art Unions Act, 1901, as amended by subsequent Acts, shall not render any person liable to a penalty under the provisions of this section.

FERTILIZERS