

AUSTRALIAN CAPITAL TERRITORY.

No. 10 of 1945.

AN ORDINANCE

Relating to Gaming and Betting.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1940*, as follows:—

1. This Ordinance may be cited as the *Gaming and Betting Ordinance 1945*.^{*} Short title.

2. In this Ordinance, unless the contrary intention appears, Definition.
“the Act” means the Gaming and Betting Act, 1906 of the State of New South Wales, in its application to the Territory.

3. Section two of the Act is amended—

Definitions
in the Act.

(a) by inserting, after the definition of “Justice”, the following definition:—

“‘loiter’ means to idle or linger about;”;

(b) by omitting from the definition of “Place” all the words after the word “includes” and inserting in their stead the words “a tent, ship, boat, building, erection, road, street, thoroughfare, alley, right of way (whether public or private), and all land (whether public or private) enclosed or otherwise”;

(c) by inserting, after the definition of “Principal Act”, the following definition:—

“‘Public place’ includes—

(a) every place to which the public are permitted to have access tacitly or otherwise and whether upon payment of money or not;

(b) any premises in respect of which a licence granted under the *Liquor Ordinance 1929-1943* is in force;

(c) any shop, any part of a building occupied in connexion therewith, or for the purposes of, a shop;

(d) any factory and the appurtenances of any factory;

^{*} Notified in the *Commonwealth Gazette* on 13th September, 1945.
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- (e) any building occupied by any club and the appurtenances thereof; and
- (f) any place commonly used by the public, whether as trespassers on otherwise, but does not include a racecourse licensed under the *Racecourses Ordinance* 1935-1943 on which a race meeting is being held;"; and
- (d) by omitting the definition of "Street" and inserting in its stead the following definition:—
 "‘Street’ means every public street, thoroughfare, private street or road commonly used by or to which the public are permitted to have access;”.

Betting in public place prohibited.

4. Section eighteen of the Act is amended—

- (a) by inserting, after the word "street" (wherever occurring), the words "or public place"; and
- (b) by adding at the end thereof the following sub-sections:—

"(2.) A person shall not be in or upon any street or public place for the purpose of betting.

"Penalty: For a first offence, not less than Twenty pounds and not more than One hundred pounds, and, for any subsequent offence, imprisonment for six months.

"(3.) A person shall not in any street or public place—

- (a) bet or offer to bet by way of wagering or gaming; or
- (b) get up or take part in any sweepstake.

"Penalty: For a first offence, not less than Twenty pounds and not more than One hundred pounds, and, for any subsequent offence, imprisonment for six months.

"(4.) For the purposes of this section, but without limiting the generality of the term, 'betting' includes the negotiation of bets, the receipt or payment of moneys in connexion with bets and the settling of bets, other than bets lawfully made on a licensed racecourse.

5. After section nineteen of the Act, the following sections are inserted:—

Prohibition of loitering.

"19A.—(1.) A person standing in any street shall not refuse or neglect to move on when requested by a member of the Police Force so to do.

"(2.) A person loitering in any street or public place shall, on request by a member of the Police Force to cease loitering, cease so to loiter.

"Penalty: Twenty pounds.

Betting information.

"19B. A person shall not print, exhibit, publish, sell, circulate, distribute, give away or post up or cause to be printed, exhibited, published, sold, circulated, distributed, given away or posted up,

any newspaper or printed card or written document, list or card (whether published, written or printed in the Territory or elsewhere), which contains or purports to contain any advertisement or notification by or on behalf of any person, club or association, as to betting on any intended horse, pony, trotting race or races, coursing event or other sport or exercise whatever in any part of the Commonwealth, or as to betting odds on any such race or races.

Penalty: Twenty pounds.

"19c. The allegations in any information laid in respect of any alleged offence against this Act that any horse race, cycle race or foot race or coursing event (as the case may be) mentioned in the information was run at a place and on a date therein specified and that any horse or horses, dog or dogs, or person or persons named in the information took part in any race or coursing event therein mentioned shall be accepted by the court hearing the information as evidence of the truth of the allegations unless the contrary is proved."

Averment as to races, &c.

6. Section seventeen of the Games Wagers and Betting-houses Act 1901 of the State of New South Wales, in its application to the Territory, is amended—

Evidence of house being a gaming-house.

- (a) by inserting in sub-section (1.), after the word "telegram", the words "or telephone"; and
- (b) by adding, at the end of that sub-section, the words "or communication".

Dated this thirteenth day of September, 1945.

W. DUGAN

Deputy of the Governor-General.

By His Excellency's Command.

JOHN A. BEASLEY

for and on behalf of the Minister of
State for the Interior.