



Australian Capital Territory

# **Gaming and Betting Act 1906 (repealed)**

**A1906-13**

**Republication No 5**

**Effective: 22 March 2010**

Republication date: 22 March 2010

As repealed by A2009-39 s 51

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Gaming and Betting Act 1906* (repealed) (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any amendment, repeal or expiry affecting the republished law to 22 March 2010.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Gaming and Betting Act 1906 (repealed)

## Contents

---

|   | Page |
|---|------|
| 1 Name of Act   | 2    |
| 2 Dictionary  | 2    |
| 2A Application  | 2    |
| 3 Use of house etc in contravention of this Act                                   | 2    |
| 4 Use of house as common gaming house etc   | 3    |
| 5 Use of land for access to common gaming house etc                               | 3    |
| 6 Eviction of occupier of house   | 3    |
| 7 Cancellation of notice to quit  | 4    |
| 8 Declaration of common gaming house  | 4    |
| 9 Rescission of declaration   | 5    |
| 11 Service of notice of declaration   | 5    |
| 12 Being in etc a common gaming house   | 6    |
| 13 Declared premises used in contravention of Act after notice served on owner    | 6    |
| 14 Declared premises used in contravention of Act after notice served on occupier | 7    |

---

|                |   |            |
|----------------|---|------------|
| R5<br>22/03/10 | Gaming and Betting Act 1906 (repealed)<br>Effective: 22/03/10 | contents 1 |
|----------------|---|------------|

## Contents

---

|                       | Page  |        |
|-----------------------|---|--------|
| 15                    | Police power to enter declared premises                             | 7      |
| 17                    | Evidence of use of premises as common gaming house                  | 8      |
| 17A                   | Prohibited bookmaking   | 9      |
| 17B                   | Prohibited betting  | 9      |
| 17C                   | Possession of instruments of betting                                | 9      |
| 17D                   | Possession of instruments of gaming                                 | 10     |
| 17E                   | Emergency search of vehicles etc                                    | 10     |
| 17F                   | Requirement to give name and address                                | 11     |
| 18                    | Street betting  | 12     |
| 19                    | Recovery of money received illegally                                | 13     |
| 19B                   | Betting information   | 13     |
| 19C                   | Averment about races etc  | 15     |
| 23                    | Prohibition on betting with children                                | 15     |
| 24                    | Presumption about sender of document                                | 16     |
| 25                    | Presumption of knowledge that person a child etc when document sent | 16     |
| 26                    | Presumption of knowledge that person a child if bet with child      | 17     |
| 27                    | Recovery of stolen etc money used for betting by child              | 17     |
| 28                    | Certain offences may be dealt with summarily                        | 17     |
| <br><b>Dictionary</b> |   | <br>18 |
| <br><b>Endnotes</b>   |   |        |
| 1                     | About the endnotes  | 22     |
| 2                     | Abbreviation key  | 22     |
| 3                     | Legislation history   | 23     |
| 4                     | Amendment history   | 27     |
| 5                     | Earlier republications  | 31     |



Australian Capital Territory

## **Gaming and Betting Act 1906 (repealed)**

---

An Act for the regulation and suppression of gaming, betting, and wagering, to restrict the holding of race meetings, and for related purposes

---

**1 Name of Act**

This Act is the *Gaming and Betting Act 1906*.

**2 Dictionary**

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or in other legislation.

For example, the signpost definition ‘*race bookmaker*—see the *Race and Sports Bookmaking Act 2001*, dictionary.’ means that the expression ‘race bookmaker’ is defined in that dictionary and the definition applies to this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

**2A Application**

Nothing in this Act or the *Games, Wagers and Betting Houses Act 1901* applies in relation to—

- (a) gaming, or betting, that is lawful under any law in force in the ACT; or
- (b) a contribution, or a contract or agreement to contribute, to any prize to be given to the winner of any lawful game or sport or any other lawful activity.

**3 Use of house etc in contravention of this Act**

In this Act a house, office, room, or other place is used in contravention of this Act if it or any part of it is used—

- (a) as a common gaming house; or

- (b) in a way prohibited by the *Games, Wagers and Betting Houses Act 1901*, section 17 (Betting houses prohibited).

**4 Use of house as common gaming house etc**

An owner or occupier of a house, office, room, or other place must not knowingly allow it to be used in contravention of this Act.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

**5 Use of land for access to common gaming house etc**

An owner or occupier of any land or building must not knowingly allow the land or building to be used as a means of access to, or of exit or escape from, a house, office, room, or other place used in contravention of this Act.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

**6 Eviction of occupier of house**

- (1) If—
- (a) any owner of a house, office, room, or other place has reasonable grounds to suspect that it is used in contravention of this Act; or
  - (b) any owner of any land or building has reasonable grounds to suspect that the land or building is used as a means of access to, or of exit or escape from, any house, office, room, or other place used in contravention of this Act;
- the owner may serve on the occupier a notice to quit.
- (2) Any tenancy is ended 10 days after a notice to quit is served under subsection (1) and the owner may take legal proceedings to evict the occupier.

- (3) A notice to quit under subsection (1) must be served personally on the occupier.
- (4) However, if the occupier cannot be found, the notice may be served by securing it in a conspicuous place on the house, office, room, or other place, or the land or building.

## **7 Cancellation of notice to quit**

- (1) An occupier who has received a notice to quit under section 6 may apply to the Supreme Court for cancellation of the notice.
- (2) The making of an application under this section operates as a stay of any proceedings under section 6 to evict the occupier.
- (3) The Supreme Court may cancel the notice to quit, on the conditions that the court considers appropriate, if the occupier has not—
  - (a) knowingly allowed the house, office, room, or other place to be used in contravention of this Act; or
  - (b) knowingly allowed the land or building to be used as a means of access to, or of exit or escape from, a house, office, room, or other place used in contravention of this Act.

## **8 Declaration of common gaming house**

- (1) On the affidavit of a police officer of the rank of superintendent or sergeant, showing reasonable grounds for suspecting that any house, office, room, or other place is used in contravention of this Act, a judge of the Supreme Court may, in writing, declare the house, office, room, or place to be a common gaming house.
- (2) A declaration is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- (3) A declaration remains in force until rescinded.

## **9 Rescission of declaration**

- (1) A declaration under section 8 may be rescinded by a judge of the Supreme Court, by written order, on application made under subsection (3).
- (2) The order may be made subject to any conditions the judge considers appropriate.
- (3) Application for an order under subsection (1) may be made—
  - (a) by the owner or occupier of the house, office, room, or other place the subject of the declaration, on proof that the owner or occupier has not allowed it to be used in contravention of this Act; or
  - (b) by a police officer of the rank of superintendent or sergeant, on proof that the house, office, room, or other place is not used in contravention of this Act.
- (4) If the application is made by the owner or occupier, written notice of intention to make the application must be served on a police officer of the rank of superintendent or sergeant at least 2 days before the hearing of the application..
- (5) An order rescinding a declaration is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

## **11 Service of notice of declaration**

- (1) If a declaration about a house, office, room, or other place is made under section 8 (Declaration of common gaming house), the chief police officer or a police officer of the rank of superintendent or sergeant must—
  - (a) publish (on 2 days) a notice of the making of the declaration in a newspaper published and circulating in the ACT; and

- (b) serve the notice on the owner or occupier of the house, office, room, or other place—
  - (i) personally; or
  - (ii) if personal service is not practicable—by attaching a copy of the notice at or near the entrance to the house, office, room, or place.
- (2) In a proceeding under this Act, a copy of a newspaper containing a notice of the making of a declaration is evidence that the notice was published in the newspaper on the date of the newspaper.

## **12 Being in etc a common gaming house**

- (1) A person must not be in, or enter or leave, a house, office, room, or other place (or land or a building used as a means of access to, or of exit or escape from, a house, office, room, or other place) if, for the house, office, room, or other place—
  - (a) a declaration under section 8 (Declaration of common gaming house) is in force; and
  - (b) a notice has been published under section 11.

Maximum penalty: 10 penalty units.

- (2) It is a defence to the prosecution of a person for an offence against this section if the person proves that the person was in, or entering or leaving, the place, land or building for a lawful purpose.

## **13 Declared premises used in contravention of Act after notice served on owner**

- (1) If—
  - (a) after service of a notice on an owner under section 11 (Service of notice of declaration); and

(b) while the notice is in force;

the house, office, room, or other place the subject of the notice is used in contravention of this Act, the owner commits an offence.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(2) It is a defence to the prosecution if the owner proves that the owner took all reasonable steps to evict the occupier.

**14 Declared premises used in contravention of Act after notice served on occupier**

(1) If—

(a) after service of a notice on an occupier under section 11 (Service of notice of declaration); and

(b) while the notice is in force;

the house, office, room, or other place the subject of the notice is used in contravention of this Act, the occupier commits an offence.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(2) It is a defence to the prosecution if the occupier proves that the occupier took all reasonable steps to stop the use.

**15 Police power to enter declared premises**

While a declaration under section 8 (Declaration of common gaming house) is in force in relation to any house, office, room, or other place, a police officer may, without warrant—

(a) enter the house, office, room, or other place; or

(b) enter any land or building that the officer has reasonable grounds to suspect is used as a means of access to or of exit or escape from the house, office, room, or other place; or

- (c) pass through, from, over, and along any other land or building for the purpose of entering under paragraph (a) or (b); or
- (d) for any of the purposes mentioned in paragraphs (a) to (c), obtain the assistance and use the force that is necessary and reasonable; or
- (e) seize any instruments of gaming and any instruments of betting, and any money in the house, office, room, or other place.

**17 Evidence of use of premises as common gaming house**

If—

- (a) a police officer authorised under this Act or the *Games, Wagers and Betting Houses Act 1901* to enter a house, office, room, or other place is wilfully prevented from or is obstructed or delayed in entering the house, office, room, or other place or part of the house, office, room, or other place; or
- (b) any external or internal door of or means of access to the house, office, room, or other place authorised under this Act or the *Games, Wagers and Betting Houses Act 1901* to be entered is found to be fitted or provided with any bolt, bar, chain, or any means or contrivance for the purposes of preventing, delaying, or obstructing the entry into the house, office, room, or other place or part of the house, office, room, or other place, of a police officer, or for giving an alarm in case of entry; or
- (c) the house, office, room, or other place is found fitted or provided with any means or contrivance for unlawful gaming, or with any means or contrivance for concealing, removing, or destroying any instruments of gaming;

it is evidence (unless the contrary is proven) that the house, office, room, or other place is used as a common gaming house and that the people found there were playing an unlawful game.

**17A Prohibited bookmaking**

A person shall not act as a bookmaker otherwise than—

- (a) at a race meeting or sports bookmaking venue; or
- (b) in relation to a bet placed at a race meeting or sports bookmaking venue.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

**17B Prohibited betting**

- (1) A person shall not, except at a race meeting or a sports bookmaking venue or by telephone, knowingly place a bet with a person who, in accepting that bet, is acting as a bookmaker.

Maximum penalty: 10 penalty units.

- (2) In a prosecution under subsection (1) in relation to a bet, the accused shall be taken to have known that the person with whom the bet was placed was, in accepting the bet, acting as a bookmaker, unless—
  - (a) the accused adduces evidence to the contrary; and
  - (b) that evidence is not rebutted by the prosecution.

**17C Possession of instruments of betting**

- (1) A person shall not knowingly have in his or her custody, or under his or her control, an instrument of betting for a purpose related to unlawful betting.

Maximum penalty: 20 penalty units.

- (2) In a prosecution under subsection (1) in relation to an instrument of betting, the accused shall be taken to have had the instrument in his or her custody, or under his or her control, for a purpose related to unlawful betting, unless—

- (a) the accused adduces evidence to the contrary; and
- (b) that evidence is not rebutted by the prosecution.

**17D Possession of instruments of gaming**

- (1) A person shall not knowingly have in his or her custody, or under his or her control, an instrument of gaming for a purpose related to unlawful gaming.

Maximum penalty: 20 penalty units.

- (2) In a prosecution under subsection (1) in relation to an instrument of gaming, the accused shall be taken to have had the instrument in his or her custody, or under his or her control, for a purpose related to unlawful gaming, unless—
  - (a) the accused adduces evidence to the contrary; and
  - (b) that evidence is not rebutted by the prosecution.

**17E Emergency search of vehicles etc**

- (1) If a police officer believes on reasonable grounds that—
  - (a) a gaming offence or a betting offence is being committed or is likely to be committed on or in a vehicle or vessel; or
  - (b) anything connected with such an offence is on or in a vehicle or vessel;and that—
  - (c) it is necessary to act under this section to prevent the concealment, loss or destruction of that thing; and
  - (d) the action would be made in the circumstances of seriousness and urgency as to require and justify the taking of the action without the authority of a warrant or an order of a court;

the officer may enter on or into the vehicle or vessel and search for and seize that thing.

- (2) A police officer who believes on reasonable grounds that anything connected with a gaming offence or a betting offence is on or in a vehicle or vessel, may, for this section, stop that vehicle or vessel.
- (3) For this section, a thing is connected with a particular offence if it is—
  - (a) a thing with relation to which the offence has been committed; or
  - (b) a thing that will afford evidence of the commission of the offence; or
  - (c) a thing that was used, or is intended to be used, for the purpose of committing the offence.

**17F Requirement to give name and address**

- (1) If a police officer believes on reasonable grounds that—
  - (a) a gaming offence or a betting offence has been, may have been, or is likely to be, committed; and
  - (b) a person whose name or address, or both, are unknown to the officer, may be able to assist the officer in making inquiries in relation to the offence;

the officer may require that person to give the officer particulars of the person's name or address, or of both.
- (2) If a police officer, who requires a person to give particulars under subsection (1), is required by that person to give that person particulars of—
  - (a) the officer's name or ordinary place of duty, or both; or
  - (b) if the officer is not in uniform—evidence that the officer is a police officer;

the officer shall not—

  - (c) fail to comply with the requirement; or

- (d) give the person particulars that are false in a material particular.
- (3) If a police officer—
  - (a) requires a person to give particulars under subsection (1); and
  - (b) complies with any requirement by the person under subsection (2);the person shall not—
  - (c) fail to comply with the officer's requirement; or
  - (d) give the officer particulars that are false in a material particular.

Maximum penalty (subsection (3)): 5 penalty units.

## **18 Street betting**

- (1) A person (the *first person*) must not frequent, use, or be in, a street or public place to receive or be promised any money or valuable thing (either for the first person or someone else) from another person by promising (expressly or by implication) that the first person or someone else will pay money or give a valuable thing on an event or contingency relating to a sport.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A bookmaker who, either personally or through an agent or employee, makes a bet in or on a street or public place commits an offence.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (3) An agent or employee of a bookmaker who makes a bet in or on a street or public place commits an offence.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (4) A person must not—
- (a) be in or on a street or public place to bet; or
  - (b) bet or offer to bet, by way of wagering or gaming, in a street or public place; or
  - (c) organise or take part in a sweepstake in a street or public place.

Maximum penalty: 10 penalty units.

## **19 Recovery of money received illegally**

- (1) Money or a valuable thing received by a bookmaker, a bookmaker's agent or employee, or someone else mentioned in section 18, is taken to belong to the person who paid or gave it if it was received—
- (a) as consideration for a promise (express or implied) that the bookmaker, agent, employee or other person would pay money or give a valuable thing on an event or contingency relating to a sport; or
  - (b) as a deposit on a bet made in a street or public place.
- (2) The money or valuable thing, or its value, may be recovered, with costs, as a debt in a court of competent jurisdiction.

## **19B Betting information**

- (1) 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 ACT or elsewhere), that contains or purports to contain any advertisement or notification by or on behalf of any person, club or association, about betting on any intended horse, pony, trotting race or races, coursing event or other

sport or exercise whatever, or about betting odds on any such race or races.

Maximum penalty: 10 penalty units.

- (2) Subsection (1) does not apply in relation to—
- (a) an advertisement or notification about betting in a pool betting competition or transaction within a pool betting scheme approved under the *Pool Betting Act 1964*; and
  - (b) a determination of ACTTAB Limited under the *Betting (ACTTAB Limited) Act 1964*; and
  - (c) an advertisement or notification about betting at a sports bookmaking venue; and
  - (d) a newspaper that contains an advertisement or notification about the betting or betting odds on any intended race or contest to be held at a race meeting if the advertisement or notification—
    - (i) is contained in an edition of the newspaper that is printed or in relation to which printing has begun before 11 am of the day of the race meeting or not less than 2 hours before the advertised starting time of the first race or contest to be held at the race meeting, whichever is the later; and
    - (ii) is identical in all copies of that edition of the newspaper; and
  - (e) an advertisement or notification that provides information in relation to betting by telephone.

- (3) In this section:

***betting*** includes totalisator dividends and probable totalisator dividends.

***betting odds*** includes totalisator dividends and probable totalisator dividends.

*race meeting* means horse, pony, trotting race or races, coursing event or other sport or exercise.

### **19C Averment about races etc**

The allegations in any information laid in relation to any alleged offence against this Act that any horse race, cycle race or foot race or coursing event mentioned in the information was run at a stated place and date and that any horse or horses, dog or dogs, or person or persons named in the information took part in a stated race or coursing event must be accepted by the court hearing the information as evidence of the truth of the allegations unless the contrary is proved.

### **23 Prohibition on betting with children**

A person (the *first person*) must not—

- (a) make, or offer to make, a bet or wager with someone the first person knows to be younger than 18 years old (a *child*), or with someone on the child's behalf; or
- (b) for the purpose of earning a reward, benefit or advantage, send to someone the first person knows is a child a document that invites, or may reasonably be implied to invite, the child to—
  - (i) make a bet or wager; or
  - (ii) enter into or take a share or interest in a bet or wagering transaction; or
  - (iii) apply to someone or at a place to obtain information or advice for the purpose of a bet or wager or about an event or other contingency on which betting or wagering is generally carried on.

Maximum penalty: 20 penalty units.

**24 Presumption about sender of document**

- (1) If a document mentioned in section 23 mentions someone as a person to whom a payment may be made or from whom information may be obtained about betting or wagering, the person mentioned is taken to have sent the document.
- (2) However, the person is not taken to have sent the document if the person proves that the person—
  - (a) did not consent to be mentioned in the document; and
  - (b) was not involved in and did not know about the sending of the document.

**25 Presumption of knowledge that person a child etc when document sent**

- (1) This section applies if a document mentioned in section 23 (Prohibition on betting with children) is sent to a person (the *first person*) at a university, college, school or other place of education and the person is under 18 years old.
- (2) The person (the *second person*) who sent the document is taken to have known that the first person was under 18 years old.
- (3) However, the second person is not taken to have known that the first person was under 18 years old if the second person proves that he or she believed on reasonable grounds that the first person was at least 18 years old.
- (4) The document is taken to have been sent for the purpose of earning a reward, benefit or advantage unless the second person proves otherwise.

**26 Presumption of knowledge that person a child if bet with child**

- (1) A person (the *first person*) who makes or offers to make a bet or wager with a person (the *second person*) under 18 years old is taken to have known that the second person was under 18 years old.
- (2) However, the first person is not taken to have known that the second person was under 18 years old if the first person proves that he or she believed on reasonable grounds that the second person was at least 18 years old.

**27 Recovery of stolen etc money used for betting by child**

- (1) This section applies if—
  - (a) an amount is stolen or embezzled from a person (the *first person*) by a child; and
  - (b) all or part of the amount is paid by the child as a bet or wager to another person (the *second person*).
- (2) The amount paid by the child as the bet or wager or the amount stolen or embezzled by the child, whichever is the lesser, is a debt payable by the second person to the first person and may be recovered by proceedings in a court of competent jurisdiction.

**28 Certain offences may be dealt with summarily**

Any proceedings in relation to an offence against this Act that is an indictable offence may be heard and determined by a court of summary jurisdiction if—

- (a) the court is satisfied that it is proper to do so; and
- (b) the defendant and the prosecution both consent to the offence being so dealt with.

## Dictionary

(see s 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- indictable offence (see s 190)
- judge
- police officer
- territory lease
- under.

***betting*** includes the negotiation, acceptance and settling of bets by or with a bookmaker or any other person, and the transfer of money or any other valuable thing in connection with bets.

***betting offence*** means an offence, in relation to betting, against—

- (a) this Act; or
- (b) the *Games, Wagers and Betting Houses Act 1901*; or
- (c) the *Unlawful Games Act 1984*.

***bookmaker*** means a race bookmaker or a sports bookmaker.

***common gaming house*** means premises opened, kept or used (whether for invitees only or otherwise) for or in relation to unlawful betting or unlawful gaming.

***gaming offence*** means an offence, in relation to gaming, against—

- (a) this Act; or
- (b) the *Games, Wagers and Betting Houses Act 1901*; or
- (c) the *Unlawful Games Act 1984*.

***ground*** means land, including any buildings on the land, and any room to which persons are admitted, either at all times or only at

certain times, whether on payment of an entrance fee or charge or otherwise, for the purpose of taking part in or of witnessing any sports.

***instrument of betting*** means any thing—

- (a) used for or in relation to betting; or
- (b) designed or adapted for use for or in relation to betting.

***instrument of gaming*** means any thing—

- (a) used for or in relation to gaming; or
- (b) designed or adapted for use for or in relation to gaming.

***loiter*** means to idle or linger about.

***occupier***, of a house, office, room, or other place, or of land or a building, includes a lessee or sublessee who is not the owner.

***owner*** includes—

- (a) for a house, office, room, or other place, or land or building—
  - (i) a lessee under a territory lease; or
  - (ii) a person who is in receipt of, entitled to receive (or, if the place, land or building were let, would be entitled to receive), its rents and profits; and
- (b) for a subleased house, office, room, or other place, or a building—a sublessee.

***place***, in the expression ***house, office, room, or other place***, includes 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.

***public place*** includes—

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

- (b) any premises in relation to which a licence granted under the *Liquor Act 1975* is in force; and
- (c) any shop, any part of a building occupied in connection with, or for the purposes of, a shop; and
- (d) any factory and the appurtenances of any factory; and
- (e) any building occupied by any club and the appurtenances of the building; and
- (f) any place commonly used by the public, whether as trespassers or otherwise;

but does not include a sports bookmaking venue, or a racecourse at any time during which a race meeting is in progress or would, apart from its cancellation or postponement, be in progress, being a race meeting in relation to which ACTTAB Limited is providing, or would, apart from such a cancellation or postponement, be providing offcourse totalisator betting facilities, an office or agency of ACTTAB Limited or an office from which a pool betting scheme approved under the *Pool Betting Act 1964* is being carried on.

***racecourse*** means a licensed racecourse for the *Racing Act 1999*.

***race bookmaker***—see the *Race and Sports Bookmaking Act 2001*, dictionary.

***race meeting*** means—

- (a) a meeting held at a racecourse to conduct races; and
- (b) an attendance of persons at a racecourse—
  - (i) at a time during which races at that racecourse would, apart from their cancellation or postponement, have been conducted; and
  - (ii) for the purpose of betting on races conducted at another racecourse, whether in the ACT or elsewhere.

**sports** means bicycle races, footraces, horse races, pony races, trotting races, cricket or football matches, swimming carnivals, or any other game, exercise, pastime, or any fight or contest.

**sports betting venue** means a place that is a sports bookmaking venue under the *Race and Sports Bookmaking Act 2001* at a time when, under that Act, sports bookmaking is permitted at the place.

**sports bookmaker**—see the *Race and Sports Bookmaking Act 2001*, dictionary.

**street** means every public street, thoroughfare, private street or road commonly used by or to which the public are permitted to have access, but does not include a sports bookmaking venue.

**unlawful game**—see the *Unlawful Games Act 1984*, section 3 (Definitions for Act).

## Endnotes

1 About the endnotes

---

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

|   |   |
|---|---|
| am = amended  | ord = ordinance   |
| amdt = amendment                                    | orig = original   |
| ch = chapter  | par = paragraph/subparagraph                                      |
| def = definition                                    | pres = present  |
| dict = dictionary                                   | prev = previous   |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously  |
| div = division                                      | pt = part   |
| exp = expires/expired                               | r = rule/subrule  |
| Gaz = gazette                                       | renum = renumbered  |
| hdg = heading                                       | reloc = relocated   |
| IA = Interpretation Act 1967                        | R[X] = Republication No   |
| ins = inserted/added                                | RI = reissue  |
| LA = Legislation Act 2001                           | s = section/subsection  |
| LR = legislation register                           | sch = schedule  |
| LRA = Legislation (Republication) Act 1996          | sdiv = subdivision  |
| mod = modified/modification                         | sub = substituted   |
| o = order   | SL = Subordinate Law  |
| om = omitted/repealed                               | <u>underlining</u> = whole or part not commenced or to be expired |

### 3 Legislation history

This Act was originally a NSW Act—the *Gaming and Betting Act 1906* No 13 (NSW).

The Act was in force in NSW immediately before 1 January 1911 (the date of establishment of the ACT) and was continued in force by the *Seat of Government Acceptance Act 1909* (Cwlth), s 6.

Under the *Seat of Government (Administration) Act 1910* (Cwlth), s 4 the Act had effect in the ACT as if it were an ACT law (subject to ordinances made under the *Seat of Government (Administration) Act 1910*).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former NSW laws in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

Under the *Interpretation Act 1967* (repealed), s 65 all former NSW Acts in force in the ACT immediately before 10 November 1999 (including this Act) became, for all purposes, laws made by the ACT Legislative Assembly. This completed the process of making former NSW Acts fully into ACT laws.

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

#### NSW legislation

##### **Gaming and Betting Act 1906 No 13**

assented to 8 October 1906

commenced 8 October 1906

as amended by

##### **Gaming and Betting (Amendment) Act 1906 No 55**

assented to 28 December 1906

commenced 28 December 1906

##### **Gaming and Betting (Amendment) Act 1907 No 2**

assented to 12 July 1907

commenced 12 July 1907

## Endnotes

3 Legislation history

---

### **Commonwealth legislation**

#### **Racecourses Ordinance 1935 No 19**

notified 5 December 1935 (Cwlth Gaz No 68)  
commenced 5 December 1935

#### **Gaming and Betting Ordinance 1945 No 10**

notified 13 September 1945  
commenced 13 September 1945

#### **Racecourses Ordinance 1946 No 3**

notified 28 March 1946  
commenced 28 March 1946

#### **Gaming and Betting Ordinance 1964 No 16**

notified 28 August 1964  
commenced 1 September 1964 (s 2)

#### **Ordinances Revision (Decimal Currency) Ordinance 1966 No 19**

notified 23 December 1966  
commenced 23 December 1966

#### **Gaming and Betting Ordinance 1967 No 42**

notified 7 December 1967  
commenced 7 December 1967

#### **Gaming and Betting Ordinance 1968 No 14**

notified 25 July 1968  
commenced 25 July 1968

#### **Gaming and Betting (Amendment) Ordinance 1982 No 99**

notified 31 December 1982  
commenced 31 December 1982

#### **New South Wales Acts Application Ordinance 1984 No 41**

notified 10 August 1984  
commenced 10 August 1984

#### **Magistrates Court Ordinance 1985 No 67 sch pt 1**

notified 19 December 1985  
commenced 1 February 1986 (s 2 and Cwlth Gaz 1986 No G3)

**Gaming and Betting (Amendment) Ordinance 1986 No 36**

notified 7 August 1986  
commenced 7 August 1986

**Gaming and Betting (Amendment) Ordinance 1987 No 60**

notified 30 October 1987  
commenced 30 October 1987

**Gaming and Betting Laws Amendment Ordinance 1987 No 61**

notified 30 October 1987  
commenced 30 October 1987

**Self-Government (Consequential Amendments) Ordinance 1989  
No 38 sch 2 pt 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)  
s 1, s 2 commenced 10 May 1989 (s 2 (1))  
sch 2 pt 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989  
No S164)

**Legislation after becoming Territory enactment****Acts Revision (Arrest Without Warrant) Act 1989 No 23 s 7**

notified 1 December 1989 (Gaz 1989 No S38)  
commenced 1 December 1989

**Statute Law Revision (Miscellaneous Provisions) Act 1992 No 23  
sch 1**

notified 4 June 1992 (Gaz 1992 No S71)  
commenced 4 June 1992

**Gaming and Betting (Amendment) Act 1994 No 30**

notified 28 June 1994 (Gaz 1994 No S114)  
commenced 1 July 1994 (s 2)

**Gaming and Betting (Amendment) Act (No 2) 1994 No 54**

notified 5 October 1994 (Gaz 1994 No S196)  
s 1, s 2 commenced 5 October 1994 (s 2 (1))  
remainder commenced 14 October 1994 (s 2 (2) and Gaz 1994  
No S226)

## Endnotes

3 Legislation history

---

**Statute Law Revision (Penalties) Act 1998 No 54 sch**

notified 27 November 1998 (Gaz 1998 No S207)  
s 1, s 2 commenced 27 November 1998 (s 2 (1))  
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

**Racing Act 1999 No 1 sch 3**

notified 26 February 1999 (Gaz 1999 No S7)  
s 1, s 2 commenced 26 February 1999 (s 2)  
remainder commenced 1 July 2001 (Gaz 2001 No S42)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 163**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 163 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Race and Sports Bookmaking Act 2001 No 49 sch 2 pt 2**

notified 12 July 2001 (Gaz 2001 No 28)  
s 1, s 2 commenced 12 July 2001 (IA s 10B)  
sch 2 pt 2 commenced 7 September 2001 (s 2 and Gaz 2001 No S68)

**Statute Law Amendment Act 2001 (No 2) 2001 No 56 pt 3.25**

notified 5 September 2001 (Gaz 2001 No S65)  
s 1, s 2 commenced 5 September 2001 (IA s 10B)  
amdts 3.363, 3.373, 3.374, 3.386, 3.387 commenced 12 September 2001 (s 2 (2))  
pt 3.25 remainder commenced 5 September 2001 (s 2 (1))

**Planning and Development (Consequential Amendments) Act 2007 A2007-25 sch 1 pt 1.14**

notified LR 13 September 2007  
s 1, s 2 commenced 13 September 2007 (LA s 75 (1))  
sch 1 pt 1.14 commenced 31 March 2008 (s 2 and see Planning and Development Act 2007 A2007-24, s 2 and CN2008-1)

as repealed by

**Unlawful Gambling Act 2009 A2009-39 s 51**

notified LR 17 November 2009  
s 1, s 2 commenced 17 November 2009 (LA s 75 (1))  
s 51 commenced 22 March 2010 (s 2 and CN2010-2)

## 4 Amendment history

The *New South Wales Acts Application Act 1984*, sch 2, pt 18 sets out the text of this Act in an amended form and provided for the amended form to apply as the text of the Act in force in the ACT. This endnote, therefore, only details amendments made after the enactment of the 1984 Act.

### Long title

long title sub 2001 No 56 3.360

### Name of Act

s 1 sub 2001 No 56 3.361

### Dictionary

s 2 def **principal Act** om 2001 No 56 amdt 3.368  
 defs reloc to dict 2001 No 56 amdt 3.373  
 sub 2001 No 56 amdt 3.374

### Application

s 2A ins 1987 No 61 s 19  
 am 2001 No 56 amdt 3.375

### Use of house etc in contravention of this Act

s 3 am 1987 No 61 s 20; 2001 No 56 amdt 3.376

s 3A om 1987 No 60 s 3

### Use of house as common gaming house etc

s 4 am 1987 No 60 s 4; 1998 No 54 sch  
 sub 2001 No 56 amdt 3.377

### Use of land for access to common gaming house etc

s 5 am 1987 No 60 s 5; 1998 No 54 sch  
 sub 2001 No 56 amdt 3.377

### Eviction of occupier of house

s 6 am 2001 No 56 amds 3.378-3.382

### Cancellation of notice to quit

s 7 sub 2001 No 56 amdt 3.383

### Declaration of common gaming house

s 8 am 2001 No 44 amds 1.1882-1.1885; 2001 No 56 amdt 3.384,  
 amdt 3.385

### Rescission of declaration

s 9 am 2001 No 44 amds 1.1886-1.1888; 2001 No 56 amdt 3.386,  
 amdt 3.387

## Endnotes

### 4 Amendment history

---

#### **Publication of notice of declaration or rescission**

s 10 am 1989 No 38 sch 2 pt 1  
om 2001 No 44 amdt 1.1889

#### **Service of notice of declaration**

s 11 sub 2001 No 56 amdt 3.388

#### **Being in etc a common gaming house**

s 12 am 1985 No 67; 1987 No 60 s 6; 1989 No 23 s 7; 1998 No 54  
sch; 2001 No 44 amdt 1.1890  
sub 2001 No 56 amdt 3.389

#### **Declared premises used in contravention of Act after notice served on owner**

s 13 am 1987 No 60 s 7; 1998 No 54 sch  
sub 2001 No 56 amdt 3.390

#### **Declared premises used in contravention of Act after notice served on occupier**

s 14 am 1987 No 60 s 8; 1998 No 54 sch  
sub 2001 No 56 amdt 3.390

#### **Police power to enter declared premises**

s 15 am 1986 No 36; 1987 No 61 s 21; 2001 No 56 amdts 3.391-  
3.398

s 16 om 1987 No 60 s 9

#### **Evidence of use of premises as common gaming house**

s 17 am 2001 No 56 amdts 3.399-3.404

#### **Prohibited bookmaking**

s 17A ins 1987 No 61 s 22  
am 1994 No 54 s 5; 1998 No 54 sch; 2001 No 49 amdt 2.18;  
2001 No 56 amdt 3.405

#### **Prohibited betting**

s 17B ins 1987 No 61 s 22  
am 1994 No 30 s 4; 1994 No 54 s 6; 1998 No 54 sch; 2001 No  
49 amdt 2.18; 2001 No 56 amdt 3.406

#### **Possession of instruments of betting**

s 17C ins 1987 No 61 s 22  
am 1998 No 54 sch; 2001 No 56 amdt 3.407

#### **Possession of instruments of gaming**

s 17D ins 1987 No 61 s 22  
am 1998 No 54 sch; 2001 No 56 amdt 3.407

#### **Emergency search of vehicles etc**

s 17E ins 1987 No 61 s 22

**Requirement to give name and address**

s 17F hdg sub 2001 No 56 amdt 3.408  
 s 17F ins 1987 No 61 s 22  
 am 1998 No 54 sch; 2001 No 56 amdt 3.409

**Street betting**

s 18 am 1987 No 60 s 10; 1987 No 61 s 23; 1992 No 23 sch 1; 1998  
 No 54 sch; 2001 No 44 amdt 1.1891  
 sub 2001 No 56 amdt 3.410

**Recovery of money received illegally**

s 19 sub 2001 No 56 amdt 3.411

s 19A om 1987 No 60 s 11

**Betting information**

s 19B am 1987 No 60 s 12; 1994 No 30 s 5; 1994 No 54 s 7; 1998  
 No 54 sch; 2001 No 49 amdt 2.18; 2001 No 56 amdts 3.412-  
 3.416

**Averment about races etc**

19C am 2001 No 56 amdt 3.417, amdt 3.418

s 20 om 1987 No 60 s 13

s 21 om 1987 No 60 s 13

s 22 am 1985 No 67  
 om 1987 No 60 s 13

**Prohibition on betting with children**

s 23 am 1987 No 60 s 14; 1992 No 23 sch 1; 1998 No 54 sch  
 sub 2001 No 56 amdt 3.419

**Presumption about sender of document**

s 24 sub 2001 No 56 amdt 3.419

**Presumption of knowledge that person a child etc when document sent**

s 25 sub 2001 No 56 amdt 3.419

**Presumption of knowledge that person a child if bet with child**

s 26 sub 2001 No 56 amdt 3.419

**Recovery of stolen etc money used for betting by child**

s 27 sub 2001 No 56 amdt 3.419

**Certain offences may be dealt with summarily**

s 28 ins 1987 No 60 s 15  
 am 1998 No 54 sch

## Endnotes

4 Amendment history

---

### Forms

sch om 2001 No 44 amdt 1.1992

### Dictionary

dict ins 2001 No 56 amdt 3.420  
am A2007-25 amdt 1.64  
def **betting** ins 1987 No 61 s 18  
reloc from s 2 2001 No 56 amdt 3.362  
def **betting offence** ins 1987 No 61 s 18  
sub 2001 No 56 amdt 3.362  
reloc from s 2 2001 No 56 amdt 3.373  
def **bookmaker** sub 2001 No 56 amdt 3.363  
reloc from s 2 2001 No 56 amdt 3.373  
def **common gaming house** ins 1987 No 61 s 18  
reloc from s 2 2001 No 56 amdt 3.362  
def **gaming offence** ins 1987 No 61 s 18  
sub 2001 No 56 amdt 3.364  
reloc from s 2 2001 No 56 amdt 3.373  
def **ground** am 2001 No 56 amdt 3.365  
reloc from s 2 2001 No 56 amdt 3.373  
def **instrument of betting** ins 1987 No 61 s 18  
reloc from s 2 2001 No 56 amdt 3.362  
def **instrument of gaming** ins 1987 No 61 s 18  
reloc from s 2 2001 No 56 amdt 3.362  
def **loiter** reloc from s 2 2001 No 56 amdt 3.362  
def **occupier** sub 2001 No 56 amdt 3.366  
reloc from s 2 2001 No 56 amdt 3.373  
def **owner** sub 2001 No 56 amdt 3.367  
reloc from s 2 2001 No 56 amdt 3.373  
am A2007-25 amdt 1.65  
def **place** reloc from s 2 2001 No 56 amdt 3.362  
def **principal place** reloc from s 2 2001 No 56 amdt 3.373  
def **public place** am 1994 No 54 s 4; 2001 No 49 amdt 2.15;  
2001 No 56 amdts 3.369-3.371  
reloc from s 2 2001 No 56 amdt 3.373  
def **racecourse** ins 1987 No 61 s 18  
sub 1999 No 1 sch 3  
reloc from s 2 2001 No 56 amdt 3.373  
def **race meeting** ins 1987 No 61 s 18  
reloc from s 2 2001 No 56 amdt 3.362  
def **race bookmaker** ins 2001 No 56 amdt 3.420  
def **sports** reloc from s 2 2001 No 56 amdt 3.362  
def **sports betting venue** ins 1994 No 54 s 4  
sub 2001 No 49 amdt 2.16  
reloc from s 2 2001 No 56 amdt 3.373  
def **sports bookmaker** ins 2001 No 56 amdt 3.420  
def **street** am 1994 No 54 s 4; 2001 No 49 amdt 2.17  
reloc from s 2 2001 No 56 amdt 3.373

def *unlawful game* ins 1987 No 61 s 18  
 sub 2001 No 56 amdt 3.372  
 reloc from s 2 2001 No 56 amdt 3.373

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

| Republication No | Amendments to  | Republication date |
|------------------|----------------|--------------------|
| 1                | Act 1992 No 23 | 31 August 1992     |
| 2                | Act 1994 No 54 | 31 January 1996    |
| 3                | A2001-56       | 31 July 2002       |
| 4                | A2007-25       | 31 March 2008      |

© Australian Capital Territory 2010