



Australian Capital Territory

# **Unlawful Games Act 1984**

**A1984-21**

**Republication No 6**

**Effective: 27 December 2007 – 21 March 2010**

Republication date: 27 December 2007

Last amendment made by A2007-39

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Unlawful Games Act 1984* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 27 December 2007. It also includes any amendment, repeal or expiry affecting the republished law to 27 December 2007.

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

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Unlawful Games Act 1984

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Australian Capital Territory

# Unlawful Games Act 1984

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An Act to provide for the control of unlawful games, and for related purposes

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**1 Name of Act**

This Act is the *Unlawful Games Act 1984*.

**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 terms used in this Act.

*Note 2* A definition in the dictionary 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, s 155 and s 156 (1)).

**3 Notes**

A note included in this Act is explanatory and is not part of this Act.

*Note* See the Legislation Act s 127 (1), (4) and (5) for the legal status of notes.

**4 Promoting and arranging**

- (1) A person shall not promote or arrange the playing of an unlawful game.

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

- (2) A person who is in charge of, or is the owner, occupier, manager or licensee of, any premises shall not knowingly permit an unlawful game to be played in or on those premises.

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

**5 Conducting and operating**

A person shall not conduct, operate or supervise, or assist in the conduct, operation or supervision of, an unlawful game.

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

**6 Playing**

A person shall not, without reasonable excuse, play an unlawful game.

Maximum penalty: 10 penalty units.

**6A Exception—two-up on Anzac Day**

- (1) A game of two-up played on Anzac Day is not an unlawful game if—
  - (a) the premises (if any) on which the game is played are not a common gaming house; and
  - (b) no payment or other benefit is given or sought for the right to enter a place for the purpose of participating in the game; and
  - (c) no payment or other benefit is given or sought for the right to participate in the game (otherwise than by the placing of a bet); and
  - (d) no commission on, percentage of or fee for bets or winnings is given or sought by any person.
- (2) A game of two-up played on Anzac Day on the premises of a club and involving the giving or seeking of such a payment, benefit, commission, percentage or fee is not an unlawful game if—
  - (a) those premises are not a common gaming house; and
  - (b) the playing of the game is authorised by the club; and

- (c) all payments or other benefits involved are authorised by the club to be disposed of in their entirety for the benefit of a charitable purpose or a community organisation and are not to form part of the funds of the club; and
  - (d) any other prescribed requirements are complied with.
- (3) If a game of two-up played on Anzac Day is an unlawful game, a participant in the game does not commit an offence against section 6 unless it is proved that the participant knew or could reasonably be expected to have known or suspected that the game was an unlawful game.
- (4) In this section:

**Anzac Day** means 25 April in any year.

**charitable purpose** includes any benevolent or philanthropic purpose.

**club** means a body corporate that is the holder of a club licence under the *Liquor Act 1975*.

**common gaming house**—see the *Gaming and Betting Act 1906*.

**community organisation** means a society, association or other body, whether incorporated or not, that is not carried on for the pecuniary profit or gain of its members and that is engaged in the ACT in any of the following activities:

- (a) providing assistance in connection with the social welfare needs of the community;
- (b) the carrying out of projects, or the provision of services, for the benefit of the community or a section of the community;
- (c) the promotion of, the provision of facilities for, or the encouragement of participation in, any sport or recreational pursuit;



- (d) the promotion, or the encouragement of the practice, appreciation, understanding or enjoyment, of any of the arts;
- (e) conducting conventions, jamborees and other events that are designed to attract participants to the ACT from places outside the ACT;
- (f) the study of, research into, or the fostering of interest in, history or matters of historic significance;
- (g) the preservation or protection of the national estate or the restoration, reconstruction or adaptation of the national estate for conservation purposes;

**two-up** means the game commonly known as two-up.

- (5) In this section, a reference to a game of two-up includes a reference to betting and side betting associated with the game.

## **7 Betting with intent to cheat**

A person shall not, in a public place or a place of public resort, with intent to cheat, engage in betting, or solicit or encourage any other person to bet, on any game or trick of sleight of hand or on any game or trick played with any instrument.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

## **9 Instruments or articles to be forfeited to Territory**

If a person is convicted of an offence against this Act, any table or instrument of gaming or any article used by the person in the commission of the offence, or to which the offence relates, is forfeited to the Territory.

**10 Regulation-making power**

The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## 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
- Executive
- penalty unit (see s 133)
- prescribed.

***court*** means the Magistrates Court.

***public place*** or ***place of public resort*** means any street, road, public park, reserve or other place that the public are entitled to use or that is open to, or used by, the public, whether on payment of money or otherwise and, without limiting the foregoing, includes—

- any premises in relation to which a licence granted under the *Liquor Act 1975* is in force; and
- any shop and any place occupied in connection with, or for the purposes of, a shop; and
- any factory and any place occupied in connection with, or for the purposes of, a factory; and
- any building or part of a building occupied by a club and any place occupied in connection with, or for the purposes of, a club; and
- any place, being private property, that is commonly used by the public, whether as trespassers or otherwise.

***unlawful game*** means—

- any of the games commonly known as baccarat, blackjack, craps, fantan, manila, pak-a-pu, pitch and toss, puntobanco, roulette, thimble-rig or two-up; or

- (b) any game similar to a game specified in paragraph (a); or
- (c) a lottery, other than an approved lottery or an exempt lottery within the meaning of the *Lotteries Act 1964*; or
- (d) a pool betting competition conducted otherwise than under and in accordance with an approved pool betting scheme within the meaning of the *Pool Betting Act 1964*; or
- (e) a prescribed game; or
- (f) any other game of skill or chance, or of mixed skill and chance, in which money or any other valuable thing is staked or risked on an event or contingency, other than backgammon, bridge, chess or Scrabble.

## 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 |

## Endnotes

3 Legislation history

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### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Unlawful Games Ordinance 1984* No 21 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances 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).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

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

#### Legislation before becoming Territory enactment

##### **Unlawful Games Act 1984 No 21**

notified 29 June 1984

commenced 1 July 1984 (s 2 and Cwlth Gaz 1984 No S244)

as amended by

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

notified 19 December 1985

sch pt 1 commenced 1 February 1986 (s 2 and Cwlth Gaz 1986 No G3)

##### **Unlawful Games (Amendment) Ordinance 1987 No 35**

notified 30 June 1987

commenced 30 June 1987 (s 2 and Cwlth Gaz 1987 No S159)

##### **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 pt 2 div 29, sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)  
s 1, s 2 commenced 10 May 1989 (s 2 (1))  
pt 2 div 29, sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz  
1989 No S164)

**Legislation after becoming Territory enactment****Unlawful Games (Amendment) Act 1991 No 16**

notified 24 April 1991 (Gaz 1991 No S29)  
commenced 24 April 1991

**Gaming Machine (Amendment) Act 1993 No 54 s 32**

notified 27 August 1993 (Gaz 1993 No S165)  
s 1, s 2 commenced 27 August 1993 (s 2 (1))  
s 32 commenced 1 November 1993 (s 2 (2) and Gaz 1993 No S225)

**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)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 404**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 404 commenced 12 September 2001 (s 2 and see Gaz 2001  
No S65)

**Statute Law Amendment Act 2002 No 30 pt 3.87**

notified LR 16 September 2002  
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))  
pt 3.87 commenced 17 September 2002 (s 2 (1))

**Statute Law Amendment Act 2007 (No 2) A2007-16 sch 1 pt 1.3**

notified LR 20 June 2007  
s 1, s 2 taken to have commenced 12 April 2007 (LA s 75 (2))  
sch 1 pt 1.3 commenced 11 July 2007 (s 2 (1))

## Endnotes

4 Amendment history

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### **Statute Law Amendment Act 2007 (No 3) A2007-39 sch 3 pt 3.27**

notified LR 6 December 2007

s 1, s 2 commenced 6 December 2007 (LA s 75 (1))

sch 3 pt 3.27 commenced 27 December 2007 (s 2)

## **4 Amendment history**

### **Dictionary**

s 2 om 2001 No 44 amdt 1.4169  
ins A2007-39 amdt 3.124

### **Notes**

s 3 defs reloc to dict A2007-39 amdt 3.123  
sub A2007-39 amdt 3.124

### **Promoting and arranging**

s 4 sub 1987 No 61 s 4  
am 1998 No 54 sch

### **Conducting and operating**

s 5 sub 1987 No 61 s 4  
am 1998 No 54 sch

### **Playing**

s 6 sub 1987 No 61 s 4  
am 1998 No 54 sch

### **Exception—two-up on Anzac Day**

s 6A ins 1991 No 16 s 3

### **Betting with intent to cheat**

s 7 am 1998 No 54 sch

### **Unlawful machines**

s 8 am 1987 No 35 s 3; 1989 No 38 sch 1  
om 1993 No 54 s 32

### **Instruments or articles to be forfeited to Territory**

s 9 am 1989 No 38 s 53

### **Regulation-making power**

s 10 am 1989 No 38 sch 1  
sub 2001 No 44 amdt 1.4170

### **Dictionary**

dict ins A2007-39 amdt 3.125  
def **court** am 1985 No 67 sch pt 1  
reloc from s 3 A2007-39 amdt 3.123



def **public place** or **place of public resort** am 2002 No 30  
 amdt 3.968  
 reloc from s 3 A2007-39 amdt 3.123  
 def **unlawful game** sub 1987 No 61 s 3  
 am A2007-16 amdt 1.5  
 reloc from s 3 A2007-39 amdt 3.123

## 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 1991 No 16 | 30 June 1991       |
| 2                | Act 1993 No 54 | 28 February 1994   |
| 3                | Act 2001 No 44 | 13 February 2002   |
| 4                | A2002-30       | 19 September 2002  |
| 5                | A2007-16       | 11 July 2007       |

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