

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

GAMES WAGERS AND BETTING-HOUSES (AMENDMENT) ORDINANCE 1987

No. 59 of 1987

GAMING AND BETTING (AMENDMENT) ORDINANCE 1987

No. 60 of 1987

Issued by authority of the Minister of State for the Arts, Sport,
the Environment, Tourism and Territories

The Games Wagers and Betting-houses Act 1901 of the State of New South Wales, in its application to the Territory provides for the control of games and wagers and for the suppression of betting-houses.

The Gaming and Betting Act 1906 of the State of New South Wales in its application to the Territory provides for the regulation of gaming, betting and wagering.

The current penalties in the Acts have not been reviewed for some years and are considered to be inadequate. Accordingly, the Games, Wagers and Betting-houses (Amendment) Ordinance 1987 and the Gaming and Betting (Amendment) Ordinance 1987 amend the Acts by providing increased penalties for offences against the Acts in keeping with current Commonwealth criminal law policy.

The effect of each provision of the Ordinance is outlined in the attachment.

GAMES, WAGERS AND BETTING-HOUSES (AMENDMENT)
ORDINANCE 1987

Section 1 identifies the title of the Ordinance as the Games, Wagers and Betting-houses (Amendment) Ordinance 1987.

Section 2 deals with interpretation.

Section 3 amends section 6 of the Act by increasing:

- . the penalty in subsection 1, which deals with the keeping of a gaming-house, to a fine not exceeding \$10,000 or imprisonment for 5 years or both for a natural person, and a fine not exceeding \$50,000 for a body corporate; and
- . the penalty in subsection 2, which deals with a person being found in a gaming-house, to a fine not exceeding \$1,000 or imprisonment for 6 months or both.

Section 4 repeals section 17A of the Act as that section is a general penalties provision that now has no application.

Section 5 amends section 19 of the Act by inserting:

- . a penalty in subsection 1, which deals with the keeping of betting-houses, of a fine not exceeding \$10,000 or imprisonment for 5 years or both for a natural person, or \$50,000 for a body corporate; and
- . a penalty in subsection 2, which deals with being found in a betting-house, of a fine not exceeding \$1,000 or imprisonment for 6 months or both.

Section 6 amends section 20, which deals with receiving money for betting, of the Act by inserting a penalty of a fine not exceeding \$1,000 or imprisonment for 6 months or both for a natural person or \$5,000 for a body corporate.

Section 7 amends section 21, which deals with advertising a betting-houses, of the Act by inserting a penalty of a fine not exceeding \$1,000 or imprisonment for 6 months or both for a natural person and \$5,000 for a body corporate.

Section 8 amends section 22, which deals with advertising relating to betting, of the Act by inserting a penalty of a fine not exceeding \$1,000 or imprisonment for 6 months or both for a natural person or \$5,000 for a body corporate.

Section 9 repeals section 27 of the Act which deals with limitation of actions since a general limitation of actions provision exists in the Limitations Ordinance 1985. A new section 27 is substituted, providing that an offence against the Act that is indictable may be determined by a court of summary jurisdiction where the court is satisfied that it is proper to do so and both the defendant and the prosecution agree. Where section 27 is utilized a court of summary jurisdiction may impose a fine not exceeding \$2,000 or imprisonment for 1 year or both for a natural person and \$25,000 for a body corporate.

ATTACHMENT B

GAMING AND BETTING (AMENDMENT) ORDINANCE 1987

Section 1 identifies the title of the Ordinance as the Gaming and Betting (Amendment) Ordinance 1987.

Section 2 deals with interpretation.

Section 3 repeals section 3A of the Act as that section is a general penalties provision that now has no application.

Section 4 amends section 4 of the Act, which deals with using a house in contravention of the Act, by inserting a penalty of a fine not exceeding \$10,000 or imprisonment for 5 years or both for a natural person or \$50,000 for a body corporate.

Section 5 amends section 5 of the Act, which deals with allowing land to be used as access to unlawful premises, by inserting a penalty of a fine not exceeding \$10,000 or imprisonment for 5 years or both for a natural person or \$50,000 for a body corporate.

Section 6 amends section 12 of the Act, which deals with persons found in a common gaming house, by inserting a penalty of a fine not exceeding \$1,000 or imprisonment for 6 months or both.

Section 7 amends section 13 of the Act, which deals with the owner of a common gaming-house evicting the occupier, by inserting a penalty of a fine not exceeding \$10,000 or imprisonment for 5 years or both for a natural person or \$50,000 for a body corporate.

Section 8 amends section 14 of the Act, which deals with the occupier of declared premises, by inserting a penalty of a fine not exceeding \$10,000 or imprisonment for 5 years or both for a natural person or \$50,000 for a body corporate.

Section 9 repeals section 16 of the Act. Section 16 deals with obstruction of police and such an offence is dealt with in the Crimes Act 1900 (NSW).

Section 10 amends subsections 18(1) and (2) of the Act, which deal with street betting, by inserting in each subsection a penalty of a fine not exceeding \$10,000 or imprisonment for 5 years or both for a natural person and \$50,000 for a body corporate.

Section 11 repeals section 19A of the Act. Section 19A is a prohibition on loitering which is now considered anachronistic.

Section 12 amends section 19B of the Act, which deals with publishing betting information, by inserting a penalty of a fine not exceeding \$1,000 or imprisonment for 6 months or both for a natural person or \$5,000 for a body corporate.

Section 13 repeals sections 20, 21 and 22 of the Act. These sections deal with arrest without warrant which is covered by section 352 of the Crimes Act 1900 (NSW) in its application to the Territory.

Section 14 amends section 23 of the Act, which deals with betting with minors, by inserting a penalty of a fine not exceeding \$1,000 or imprisonment for 6 months for a natural person or \$5,000 for a body corporate.

Section 15 inserts a new section 28 providing that an offence against the Act that is indictable may be determined by a court of summary jurisdiction where the court is satisfied that it is proper to do so and both the defendant and the prosecution agree. Where section 28 is utilized a court of summary jurisdiction may impose a fine not exceeding \$2,000 or imprisonment for 1 year the both for a natural person and \$25,000 for a body corporate.