

EXPLANATORY STATEMENT
AUSTRALIAN CAPITAL TERRITORY
GAMING AND BETTING LAWS AMENDMENT ORDINANCE 1987
ORDINANCE NO. 61 OF 1987

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

The principal legislation for controlling illegal gaming and betting in the ACT comprises the Unlawful Games Ordinance 1984; the Gaming and Betting Act 1906 in its application to the Territory and the Games, Wagers and Betting-houses Act 1901 of the State of New South Wales in its application to the Territory. The Director of Public Prosecutions has been unable to prosecute successfully as the legislation is inadequate to deal with the gambling occurring in the Territory. Recent articles in the press have drawn attention to the problem.

The amendment gives effect to the recommendations of the 1985 Racing Minister's Conference, which comprised State and Territorial Ministers responsible for racing and the Police.

Illegal gaming and betting in the ACT is well organised and sophisticated and is attracting increasing interest from interstate operators. The amendments are urgently needed to protect the citizens of the ACT from the increasing criminal activity that is associated with illegal gambling.

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

GAMING AND BETTING LAWS AMENDMENT ORDINANCE 1987

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

Section 2 provides that for the purposes of Part II of the Ordinance "Principal Ordinance" will mean the Unlawful Games Ordinance 1984.

Section 3 provides a new definition of "unlawful game" in section 3 of the Principal Ordinance.

Section 4 repeals sections 4, 5 and 6 of the Principal Ordinance and substitutes the following sections:

- . subsection 4(1) makes it an offence to provide or arrange playing of an unlawful game;
- . subsection 4(2) makes it an offence for the owner or person responsible for any premises to knowingly permit an unlawful game to be played in those premises. A penalty for section 4 of \$10,000 or imprisonment for 5 years or both for a natural person or \$50,000 for a body corporate is provided.
- . section 5 makes it an offence to conduct, operate or supervise an unlawful game and will provide a penalty of \$10,000 or imprisonment for 5 years or both for a natural person or \$50,000 for a body corporate.
- . section 6 makes it an offence to play an unlawful game without reasonable excuse and will provide a penalty of \$1,000 or imprisonment for 6 months or both.

Section 5 provides that for the purpose of Part III of the proposed Ordinance 'the Act' will mean the Games Wagers and Betting-house Act 1901 of the State of New South Wales in its application to the Territory.

Section 6 inserts a new section 2 into the Act which deals with interpretation.

Section 7 repeals section 8 of the Act.

Section 8 amends section 10 of the Act by deleting the words 'cards dice balls counters tables or other' and also the words 'tables or' from paragraph (b).

Section 9 amends section 13 of the Act by deleting the words "Subject to section 13A, all" and substituting the word "All".

Section 10 repeals section 13A of the Act.

Section 11 amends subsection 15(1) of the Act by omitting the words 'lists cards or other documents relating to racing or betting' and substituting the words 'instruments of betting'.

Section 12 amends section 16 of the Act by omitting the words 'lists cards or documents relating to racing or betting' and substituting the words 'instruments of betting'.

Section 13 amends section 17 of the Act by omitting subsections (2) and (3).

Section 14 repeals section 18 of the Act.

Section 15 amends subsection 19(3) of the Act by omitting the words 'lists cards or other documents relating to racing or betting' and substituting the words 'instruments of betting'.

Section 16 amends the Second Schedule to the Act by omitting the words 'all lists, cards or other documents relating to racing or betting' and substituting the words 'instruments of betting'.

Section 17 provides that for the purposes of Part IV of the Ordinance 'the Act' will mean the Gaming and Betting Act 1906 of the State of New South Wales in its application to the Territory.

Section 18 amends section 2 of the Act by inserting additional definitions.

Section 19 amends the Act by inserting section 2A which will provide that neither the Act nor the Games Wagers and Betting-houses Act 1901 in its application to the Territory will apply to lawful gaming or betting.

Section 20 amends section 3 of the Act by omitting from paragraph (a) the words "or for playing any unlawful game therein".

Section 21 amends section 15 of the Act by omitting the words 'and documents relating to betting' from paragraph (e).

Section 22 amends the Act by inserting new sections as follows:

Section 17A provides that it is an offence to act as a bookmaker except at a race meeting or in relation to a bet placed at a race meeting and a penalty is provided of \$10,000 or imprisonment for 5 years or both for a natural person or \$50,000 for a body corporate. This provision is aimed at SP bookmakers.

Section 17B is aimed at knowingly placing a bet with SP bookmakers. Subsection 17B(1) makes it an offence to place a bet, except at a race meeting, with a bookmaker, and a penalty is provided of \$1,000 or imprisonment for 6 months for a natural person and \$5,000 for a body corporate.

- . Subsection 17B(2) provides that in respect of subsection 17B(1) a person placing a bet shall be taken to have known that the person accepting the bet was a bookmaker unless evidence to the contrary is adduced by the person and the prosecution does not rebut that evidence.
- . Subsection 17C(1) makes it an offence to possess an instrument of betting for a purpose related to unlawful betting and provides a penalty of \$2,000 or 12 months imprisonment for a natural person and \$10,000 for a body corporate.
- . Subsection 17C(2) provides that a person charged under subsection 17(2) will be taken to have the instruments of betting in his or her possession unless evidence is adduced to the contrary and that evidence is not rebutted.
- . Subsection 17D(1) makes it an offence to possess an instrument of gaming for a purpose related to an unlawful game and provides a penalty of \$2,000 or imprisonment for 12 months or both and \$10,000 for a body corporate.
- . Subsection 17D(2) provides that a person charged under subsection 17D(1) will be taken to have the instruments of gaming in his or her possession unless evidence is adduced to the contrary and that evidence is not rebutted.
- . Subsection 17E(1) provides emergency powers for a police officer to search a vehicle or vessel and seize anything connected with a gaming offence or betting offence in that vehicle or vessel, but only if the police officer has a belief on reasonable grounds both that a betting offence or gaming offence has been or is likely to be committed, and that it is necessary to act in such a way and that the action would be justified by the seriousness and urgency of the circumstances.
- . Subsection 17E(2) allows a police officer to stop a vehicle or vessel for the purposes of section 17E where he or she holds a belief on reasonable grounds that something connected with a gaming offence or betting offence is in or on the vehicle or vessel.
- . Subsection 17E(3) defines a "thing connected with" a particular offence.
- . Subsection 17F(1) provides that a Police Officer may require a person to give his or her correct name and address where that police officer believes on reasonable grounds that a gaming offence or betting offence has been or is likely to be committed and the officer believes that the person may be able to assist in inquiries in relation to the offence.
- . Subsection 17F(2) requires a Police Officer requiring a person's name and address to give, when requested to do so, his or her name or ordinary place of duty and, if appropriate, evidence that he or she is a police officer. A penalty of \$500 for failing to do so is provided.
- . Subsection 17F(3) makes it an offence to refuse to comply with subsection 17F(1) and will provide a penalty of \$1,000 or imprisonment for 6 months or both.

Section 23 omits subsection 18(4) of the Act.