

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1937.

A BILL

To amend the Gaming and Betting Act, 1912-1936, in certain respects; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Gaming and Betting (Amendment) Act, 1937." Short title and citation.

(2) The Gaming and Betting Act, 1912-1936, as amended by this Act, may be cited as the Gaming and Betting Act, 1912-1937.

2. This Act is divided into Parts as follows:—

Division
into Parts.

PART I.—PRELIMINARY—SS. 1, 2.

PART II.—BETTING—S. 3.

PART III.—RACE-COURSES AND RACE-MEETINGS—SS.
4, 5.

PART II.

BETTING.

3. The Gaming and Betting Act, 1912-1936, is amended—

Amendment of
of Act No. 25,
1912.

- (a) (i) by omitting from section three the definition of the word "street";
(ii) by inserting at the end of the same section the following new subsection:—

Sec. 3.
(Defini-
tions.)

(2) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State, to the intent that where any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected.

- (b) by omitting sections five and six and the short heading thereto and by inserting in lieu thereof the following sections and short heading:—

Substituted
ss. 5 and 6.

Restriction of betting.

5. (1) Whosoever on behalf of himself or of any other person whomsoever receives or offers to receive any money or valuable thing or accepts or offers to accept a promise of any money or valuable thing—

Prohibition
of off-the-
course
betting.

- (a) as or for the consideration for any assurance, undertaking, promise or agreement, express or implied, to pay

or

or give thereafter any money or valuable thing on any event or contingency of or relating to any sports; or
(b) as or for the consideration for securing the paying or giving by some other person of any money or valuable thing on any such event or contingency,
shall be guilty of an offence against this Act.

(2) Subsection one of this section shall not apply to or in respect of the making by any bookmaker of a bet or wager—

- (a) on any licensed race-course during any day upon which a race-meeting is held thereon; or
- (b) on any coursing ground approved by the Minister during any day upon which coursing is held on that coursing ground.

6. Any money or valuable thing received by any person in contravention of section five of this Act shall be deemed to have been received to or for the use of the person from whom the same was received, and such money or valuable thing, or the value thereof, may be recovered accordingly, with costs, in any court of competent jurisdiction.

Recovery of money illegally received,

(c) by omitting the short heading "*Betting on sports grounds*" appearing immediately before section seven;

Short heading.

(d) (i) by omitting from section seven the words "Betting or wagering on any ground, not being a licensed race-course or coursing ground approved by the Minister, on which any sports are being held is prohibited.

Sec. 7.
(Betting on race-course, etc., after sunset.)

Betting or wagering on any licensed race-course or coursing ground approved by the Minister, on which any sports other than horse-races, pony-races, trotting races, greyhound-racing or coursing are being held is prohibited."

(ii)

- (ii) by omitting from the same section the words "section five" and by inserting in lieu thereof the words "section 58B";
- (e) by omitting from section eight the words "acts in contravention" and by inserting in lieu thereof the words "when in or upon any ground acts in contravention of section five or";
- (f) by inserting next after section nine the following new short heading and sections:—

Sec. 8.
(Removal or apprehension of offender.)

New ss.
9A-9F.

Communication of certain information.

9A. (1) Any person who, by any means whatsoever, either directly or indirectly, communicates or conveys or causes, permits or suffers to be communicated or conveyed to any person any information concerning the betting or betting odds on any event or contingency of or relating to any race, contest or course held or to be held at any race-meeting or meeting for coursing shall, if such information is so communicated or conveyed at any time before the actual time of the starting of the last race, contest or course at the race-meeting or meeting for coursing at which such event or contingency is decided or determined, be guilty of an offence against this Act.

Communica-
tion of bet-
ting infor-
mation
prohibited.

In this subsection the expression "information concerning the betting or betting odds" includes information concerning totalizator dividends or probable dividends.

(2) Subsection one of this section shall not apply to or in respect of the communicating or conveying of any such information where—

- (a) the information is communicated or conveyed upon a licensed race-course or coursing ground approved by the Minister on any day upon which a race-meeting or meeting for coursing is held thereon; and

(b)

- (b) the information is communicated or conveyed only to persons who are present at such race-meeting or meeting for coursing.

9B. Any person who, by any means whatsoever, either directly or indirectly, communicates or conveys, or causes, permits or suffers to be communicated or conveyed, during the time while a race-meeting or meeting for coursing is being held on a licensed race-course or coursing ground approved by the Minister, to any person not on such race-course or coursing ground any information concerning—

Communica-
tion of cer-
tain racing
information
prohibited.

- (a) any race, contest or course to take place on such race-course or coursing ground at such meeting; or
- (b) any particulars as to the horses or dogs which will or will not take part in any race, contest or course on such race-course or coursing ground; or
- (c) the position at the barrier or starting machine which any horse or dog taking part in any race, contest or course on such race-course or coursing ground will occupy; or
- (d) the person who will ride any horse taking part in any race or contest on such race-course; or
- (e) any alteration or adjustment (whether by way of penalty, allowance, overweight or otherwise) made on any such race-course in relation to the weight to be carried by or the handicap to be allotted to any horse taking part in any race or contest thereon,

shall be guilty of an offence against this Act.

In this section the expression "the time while a race-meeting or meeting for coursing is being held" means a continuous period of time commencing one-half hour before the time fixed for

for the starting of the first race, contest or course at such race-meeting or meeting for coursing and ending at the actual time of the starting of the last race, contest or course at such race-meeting or meeting for coursing.

9c. Any person who—

(a) prints, exhibits, publishes, sells, circulates, distributes, gives away or posts up; or

(b) causes 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 State or elsewhere) which contains or purports to contain any advertisement or notification by or on behalf of any person, club or association concerning the betting or betting odds on any event or contingency of or relating to any intended sports, shall be guilty of an offence against this Act.

Nothing contained in this section shall prohibit the exhibiting or posting up by a bookmaker on a licensed race-course or coursing ground approved by the Minister, on any day upon which a race-meeting or a meeting for coursing is held upon such race-course or coursing ground, of any such printed card, written document, list or card.

9d. (1) Any person who publishes or causes to be published any written document whereby—

(a) it is made to appear that that person or any other person will, if required, bet on any event or contingency of or relating to any intended sports or give information or advice, directly or indirectly, as to the probable result of any of such intended sports or as to the betting or betting odds on any such event or contingency; or

(b)

Betting information. cf. Act No. 2,282, 1936 (S.A.), s. 64.

Tipsters. cf. *Ibid.* s. 65.

(b) any information or advice is given or purported to be given relating to the probable result of any of such intended sports or as to the betting or betting odds on any such event or contingency, shall be guilty of an offence against this Act.

Nothing contained in this subsection shall prohibit—

- (i) the publication in a newspaper by the publisher thereof of a forecast of the probable result of any of such intended sports if such publication is not for money or gain; or
- (ii) the exhibiting or posting up by a book-maker on a licensed race-course or coursing ground approved by the Minister on a day upon which a race-meeting or meeting for coursing is held on such race-course or coursing ground of any such document.

(2) If any such document—

- (a) names anyone as the person by whom or on whose behalf such document is printed or published; or
- (b) names anyone as a person who will so bet or give information or advice; or
- (c) names anyone as the person by whom or on whose behalf or with whose authority any information or advice contained in the document is given or by whom such information or advice is furnished;

the person so named shall be deemed to have published, or caused to be published, the document unless he proves that he had not consented to be so named and that he was not in any way a party to and was wholly ignorant of the publishing of the document.

For

Gaming and Betting (Amendment).

For the purposes of this subsection a person shall be deemed to be named if he is mentioned or referred to by name or by any name or designation whatsoever used or assumed by him or by which he is usually known or which is usually applied to his business or business premises.

(3) If any such document specifies, indicates or refers to a telephone number, post office box or address the person renting such telephone or post office box or the occupier of the premises to which such address relates shall be deemed to have published or caused to be published the document, unless he proves that he had not consented to the telephone number, post office box or address being specified, indicated or referred to and that he was not in any way a party to and was wholly ignorant of the publishing of the document.

(4) In this section—

“document” includes newspaper, placard, handbill, card, writing, sign, advertisement and notification;

“publish” includes send, exhibit, sell, circulate, distribute, give away and post up.

9E. (1) Any person who for fee or reward gives any oral information or advice relating or purporting to relate to the probable result of any intended sports or as to the betting or betting odds on any event or contingency of or relating to any intended sports shall be guilty of an offence against this Act.

Oral information by tipsters.
cf. Act No. 2,282, 1936 (S.A.), s. 66.

(2) In any proceedings for an offence against this section the allegation in the information that any information or advice was given for fee or reward shall be prima facie evidence of the fact so alleged.

(3) In this section the expression “give oral information or advice” includes every method of communicating information by spoken words

words whether directly or through the medium of any apparatus for the reproduction of sound.

9F. (1) The Governor may, in writing, grant to any person a general or limited authority to publish or communicate, in any manner specified in the authority, oral or written information or advice relating to any sports or to the betting odds on any event or contingency of or relating to any sports.

Authorised information as to sports. cf. Act No. 2,282, 1936 (S.A.), s. 67.

(2) Such an authority may contain any conditions imposed by the Governor and shall be void if any condition thereof is not observed.

(3) No person shall be liable to any proceedings or penalty in consequence only of publishing or communicating information or advice pursuant to an authority under this section.

- (g) by omitting from section ten the words "liable to a penalty not exceeding one hundred pounds" and by inserting in lieu thereof the words "guilty of an offence against this Act"; Sec. 10. (Penalty.)
- (h) by omitting from section seventeen the words "liable to a penalty not exceeding one hundred pounds" and by inserting in lieu thereof the words "guilty of an offence against this Act"; Sec. 17. (Penalty.)
- (i) by omitting from section eighteen the words "liable to a penalty not exceeding one hundred pounds" and by inserting in lieu thereof the words "guilty of an offence against this Act"; Sec. 18. (Penalty.)
- (j) by omitting from section twenty-six the words "liable to a penalty not less than thirty and not exceeding three hundred pounds" and by inserting in lieu thereof the words "guilty of an offence against this Act"; Sec. 26. (Penalty.)
- (k) by omitting from section twenty-seven the words "liable to a penalty not less than thirty and not exceeding three hundred pounds" and by inserting in lieu thereof the words "guilty of an offence against this Act"; Sec. 27. (Penalty.)

(1)

- (l) by omitting from subsection one of section thirty-three the words "liable to a penalty not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding six months" and by inserting in lieu thereof the words "guilty of an offence against this Act"; Sec. 33 (1).
(Penalty.)
- (m) (i) by inserting in subsection one of section forty-two after the word "telegram" the words "by telephone"; Sec. 42 (1).
(Resorting.)
- (ii) by inserting in the same subsection after the word "correspondence" the words "or communication";
- (n) by omitting from subsection one of section forty-four the words "liable to a penalty not exceeding one hundred pounds, or to imprisonment with or without hard labour for a term not exceeding six months" and by inserting in lieu thereof the words "guilty of an offence against this Act"; Sec. 44 (1).
(Penalty.)
- (o) by omitting from section forty-five the words "liable to a penalty not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding three months" and by inserting in lieu thereof the words "guilty of an offence against this Act"; Sec. 45.
(Penalty.)
- (p) (i) by omitting paragraph (b) of section forty-six; Sec. 46.
(Penalty
for exhibit-
ing placards,
etc., as to
betting.)
- (ii) by omitting from the same section the words "liable to a penalty not exceeding thirty pounds or to imprisonment with or without hard labour for a term not exceeding two months" and by inserting in lieu thereof the words "guilty of an offence against this Act";
- (q) (i) by omitting from section forty-seven the words "liable to a penalty not exceeding thirty pounds or to imprisonment with or without hard labour for a term not exceeding two months" and by inserting in lieu thereof the words "guilty of an offence against this Act"; Sec. 47.
(Penalty.)

(ii)

(ii) by inserting at the end of the same section the following new subsections:—

(2) If any such letter, circular, telegram, placard, handbill or advertisement names anyone as a person who will so bet or give information or advice or as a person from whom information or advice may be obtained the person so named shall be deemed to have sent, exhibited or published or to have caused to be sent, exhibited or published the letter, circular, telegram, placard, handbill or advertisement unless he proves that he had not consented to be so named and that he was not in any way a party to and was wholly ignorant of the sending, exhibiting or publishing of the letter, circular, telegram, placard, handbill or advertisement.

For the purposes of this subsection a person shall be deemed to be named if he is mentioned or referred to by name or by any name or designation whatsoever used or assumed by him or by which he is usually known or which is usually applied to his business or business premises.

(3) If any such letter, circular, telegram, placard, handbill or advertisement specifies, indicates or refers to a telephone number or a post office box or an address the person renting such telephone or post office box or the occupier of the premises to which such address relates shall be deemed to have sent, exhibited or published or to have caused to be sent, exhibited or published the letter, circular, telegram, placard, handbill or advertisement unless he proves that he had not consented to the telephone number, post office box or address being specified, indicated or referred to and that he was not in any way a party to and was wholly ignorant of the sending, exhibiting or publishing of the letter, circular, telegram, placard, handbill or advertisement.

(r)

(r) by inserting next after section fifty-eight the following new sections:—

New ss.
58A and 58B.

58A. The allegations in an information in respect of any offence against this Act that any race-meeting or meeting for coursing mentioned in the information was held at a place and on a date therein specified and that any horse or dog named in the information took part in any race, contest or course therein mentioned shall be accepted by the court as evidence of the truth of the allegations unless the contrary is proved.

Certain allegations prima facie evidence.

cf. Act No. 2,282, 1936 (S.A.), s. 99.

58B. (1) Where an offence against this Act for which no other penalty or punishment is therein expressly provided, is committed by an individual, he shall be liable for a first offence to a penalty of not less than *five* pounds nor more than *one hundred* pounds and for a second or any subsequent offence to imprisonment for a term not exceeding *six* months.

General penalty.

(2) Where an offence against this Act for which no other penalty or punishment is therein expressly provided, is committed by a corporation, then—

(a) the corporation shall be liable for a first offence to a penalty of not less than *five* pounds and not exceeding *one hundred* pounds, and for a second or any subsequent offence to a penalty of not less than *fifty* pounds and not exceeding *five hundred* pounds; and

(b) the secretary and every director or manager or chairman thereof and every officer or person concerned in the management of the corporation shall be liable to the penalty or punishment imposed by subsection one of this section in all respects as if the offence were committed by him personally unless he proves that the offence charged was committed without his knowledge or connivance

connivance and that he had no means of knowing that the offence was being or would be committed.

- (s) by omitting section sixty and by inserting in lieu thereof the following section:— Substituted s. 60.

60. Where under this Act a person is guilty of an offence or is liable to any penalty or imprisonment the matter shall be heard and determined in a summary manner before a stipendiary or police magistrate or any two or more justices in petty sessions.

PART III.

RACE-COURSES AND RACE-MEETINGS.

4. (1) The Gaming and Betting Act, 1912-1936, is further amended— Further amendment of Act No. 25, 1912.

- (a) by inserting next after subsection four of section fifty-one the following new subsection:— Sec. 51. (Limitation of racing days.)

(4A) Notwithstanding the provisions of subsections three and four of this section, in the case of any race-course mentioned in paragraph (c) of subsection three of this section meetings for horse-racing may be held on that race-course on any number (not being more than twelve) of days in any one year and meetings for pony-racing may be held on that race-course on any number (not being more than six) of days in any one year but the total number of days in any one year upon which any such meetings are held shall not exceed twelve.

- (b) by omitting subsection (5B) of the same section and by inserting in lieu thereof the following subsection:—

(5B) Subject to the provisions of this Act the maximum number of days in any one year upon which

which meetings for greyhound-racing may be held on a race-course specially licensed in that behalf shall be as follows:—

- (a) where the race-course is situate within forty miles of the General Post Office, Sydney, the number shall be twenty-six;
- (b) where the race-course is situate within forty miles of the principal post office, Newcastle, the number shall be twenty;
- (c) where the race-course is situate beyond forty miles from the General Post Office, Sydney, and is also situate beyond forty miles from the principal post office, Newcastle, the number shall be twenty-six.

(2) (a) The amendment made by paragraph (a) of subsection one of this section shall take effect on the first day of January, one thousand nine hundred and thirty-eight.

(b) The amendment made by paragraph (b) of subsection one of this section shall take effect on the first day of October, one thousand nine hundred and thirty-seven.

5. The Gaming and Betting Act, 1912-1936, is further amended—

Further amendment of Act No. 25, 1912.

- (a) by inserting next after subsection five of section 52A the following new subsection:—

Sec. 52A. (Special licenses.)

(6) Notwithstanding anything contained in subsection five of this section the number of licenses for race-courses situated within forty miles of the principal post office, Newcastle, shall not exceed three.

- (b) by inserting next after section 52A the following new sections:—

New ss. 52B-52E.

52B. In sections 52C, 52D and 52E of this Act the expression "non-proprietary association" means a corporation, or club or other unincorporated body

Interpretation.

body of persons, formed for the purpose of promoting and conducting race-meetings, the constitution of which—

- (a) provides for the application of the profits, if any, and other income of the corporation, club or body to the promotion of its objects; and
- (b) prohibits the payment of any dividends to the shareholders or members of the corporation, club or body.

52c. (1) Where application is made for the issue of a license for a race-course under section fifty-two or section 52A of this Act the license shall not be issued unless the Colonial Secretary is satisfied that the application is made by or on behalf of a non-proprietary association and that such association is to be the holder of the license.

Licenses only to non-proprietary associations.

(2) The applicant for any such license shall produce such documents (including books, accounts and records) and furnish such information as may be prescribed or as the Colonial Secretary may require to be produced or furnished for the purpose of enabling him to determine whether the corporation, club or body by or on behalf of which the application is made, is or is not a non-proprietary association.

(3) This section shall not apply to or in respect of—

- (a) an application for the issue of a license for any race-course under section fifty-two of this Act where the application is made by or on behalf of a person or body of persons who or which was the holder of a license under that section for that race-course for the year which commenced on the first day of January, one thousand nine hundred and thirty-seven; or

(b)

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- (b) an application for the issue of a license for any race-course under section 52A of this Act where—
 - (i) the application is made by or on behalf of a person or body of persons who or which was the holder of a license under that section for that race-course for the year next preceding the year for which the license is sought; and
 - (ii) such holder was not, at the date upon which such license for that next preceding year was issued, a non-proprietary association.

52D. (1) Without prejudice to the generality of the power conferred by section fifty-two or section 52A of this Act to cancel a license the Colonial Secretary may cancel any license issued upon an application to which section 52c of this Act applies if he is satisfied that the holder of such license has ceased to be a non-proprietary association.

Special provisions relating to certain licenses.

(2) It shall be a condition of every license issued upon an application to which section 52c of this Act applies, that, in order to enable the Colonial Secretary to determine whether the holder of the license has or has not ceased to be a non-proprietary association, the holder of the license shall—

- (a) make available for inspection and examination all relevant books, accounts, documents and records; and
- (b) permit any person authorised, either generally or specially, by the Colonial Secretary in that behalf, to enter at all reasonable times any premises held, occupied or used by or on behalf of the holder of the license, and to make copies of or extracts from such books, accounts, documents and records; and

(c)

- (c) furnish the Colonial Secretary with such information in such form and verified in such manner as the Colonial Secretary may from time to time require.

52E. The power to make regulations conferred upon the Governor by section fifty-nine of this Act shall include power to make regulations prescribing all matters and things which are necessary or convenient to be prescribed for giving effect to sections 52c and 52D of this Act.

Regulations.

Without affecting the generality of the foregoing provisions of this section the Governor may, in and by such regulations, confer upon the Colonial Secretary, or upon any person authorised either generally or specially by the Colonial Secretary in that behalf, such powers of entry upon any premises held, occupied or used by or on behalf of the holder of a license, and of inspection and examination of books, accounts, documents and records thereon as may be reasonably necessary to enable the Colonial Secretary to determine whether the holder of the license has or has not ceased to be a non-proprietary association.

- (c) by inserting in section fifty-three after the words "in that week" the words "or in the next succeeding week."

Sec. 53.
(Days of racing.)

