



NORTHERN TERRITORY OF AUSTRALIA

No. 51 of 1983

AN ACT

To amend the *Lotteries and Gaming Act*

[Assented to 12 October 1983]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Lotteries and Gaming Amendment Act 1983*.

2. COMMENCEMENT

This Act shall come into operation on the commencement of the *Racing and Betting Act 1983*.

3. PRINCIPAL ACT

The *Lotteries and Gaming Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 3(1) of the Principal Act is amended -

- (a) by omitting from the definition of "Commission" the words "section 7A" and substituting "section 6";
- (b) by inserting after the definition of "Commission" the following:
"court" means the court of summary jurisdiction;"
- (c) by inserting after the definition of "nominated officer" the following:

Lotteries and Gaming Amendment

"'place' includes -

- (a) any land;
 - (b) a building, structure or erection of any kind whether wholly or partly constructed or erected or in the course of construction or erection;
 - (c) a room in a building, structure or erection;
 - (d) a road, street, thoroughfare, alley or right of way;
 - (e) a vehicle, vessel or aircraft; and
 - (f) a tent, caravan, trailer or other conveyance;"
- (d) by omitting the definition of "public place" and substituting the following:

"'public place' includes -

- (a) a public place within the meaning of the *Summary Offences Act*;
 - (b) a place regularly used by an association within the meaning of the *Associations Incorporation Act*; and
 - (c) licensed premises within the meaning of the *Liquor Act*"; and
- (e) by adding at the end the following:

"'valuable thing' includes a benefit or a promise, oral or in writing, conditional or absolute, to pay or give a valuable thing."

5. DRAWING OF LOTTERY

Section 27 of the Principal Act is amended -

- (a) by adding at the end of sub-section (2) the following:

"Penalty: \$1,000 or imprisonment for 3 months."; and

- (b) by omitting from sub-section (4) -

- (i) "Sub-section (1)" and substituting "Sub-section (3)"; and
- (ii) "Penalty: \$1,000 or imprisonment for 3 months."

Lotteries and Gaming Amendment

6. PERMIT FOR GAMING MACHINE

Section 37(3) of the Principal Act is amended by omitting "sub-section (1)" and substituting "sub-section (2)".

7. REPEAL AND SUBSTITUTION

Sections 38 and 39 of the Principal Act are repealed and the following substituted:

"38. CONDUCT OF CALCUTTAS AND BINGO

"(1) Subject to sub-section (2), an approved association may conduct -

- (a) a calcutta; or
- (b) games of bingo.

"(2) Where there are prescribed rules relating to the conduct of a calcutta or games of bingo, an approved association shall, in the conduct of a calcutta or games of bingo, comply with those rules."

8. UNLAWFUL GAMES

Section 42 of the Principal Act is amended by omitting paragraph (a).

9. NEW SECTIONS

The Principal Act is amended by inserting in Part IV, after section 46, the following:

"46A. FALSE PRETENCES

"A person who, by fraud, fraudulent device or practice in playing with an instrument of gaming, wins from a person for himself or another person money or a valuable thing is guilty of an offence.

Penalty: \$5,000 or imprisonment for 3 years.

"46B. PLACE FOR UNLAWFUL GAMING

"(1) Subject to this section, a place is used for unlawful gaming if it or a part of it -

- (a) is used for or in connection with -
 - (i) a lottery, calcutta or game of bingo which is not authorized by this Act or, being authorized, is not conducted in accordance with this Act; or

Lotteries and Gaming Amendment

(ii) an unlawful game; or

- (b) is opened, kept or used for the purpose of the owner, occupier or keeper of it, or a person using it, or a person procured or employed by or acting for or on behalf of the owner, occupier or keeper, or person using it, or of a person having the care or management or in any manner conducting the business thereof, conducting or participating in unlawful gaming with persons resorting to the place.

"(2) A place that is part of a complex in respect of which a casino licence is in force under the *Casino Licence and Control Act* is not a place for unlawful gaming for the purposes of this Act in respect of lawful operations under that Act.

"46C. PENALTY FOR KEEPING PLACE FOR UNLAWFUL GAMING

"(1) A person who uses a place for unlawful gaming, or knowingly and wilfully permits it so to be used by any other person, or has the care or management of, or in any manner assists in conducting the business of, a place so used, is guilty of an offence.

Penalty: \$1,000 or imprisonment for 6 months.

"(2) A person found in a place referred to in sub-section (1) without lawful excuse is guilty of an offence.

Penalty: \$200.

"46D. SPECIAL POWERS RELATING TO SEARCHES, &c.

"(1) Notwithstanding section 117 of the *Police Administration Act*, it shall not be necessary in an information laid or application made for the purpose of obtaining a search warrant for the search of a place on or in which a member of the Police Force has reasonable grounds for suspecting unlawful gaming is, has been or is about to be carried on, or in a search warrant issued as a result of that information laid or application made, for the particular items associated with gaming for which it is intended to search, or a description of such items, to be specified, and a search for any such items may be conducted by authority of the warrant.

(2) A member of the Police Force who lawfully enters a place on or in which he has reasonable grounds for suspecting unlawful gaming is, has been or is about to be carried on may, with such assistance as he thinks necessary, if necessary by force -

Lotteries and Gaming Amendment

- (a) open a cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, found on or in the place;
- (b) without warrant, search a person found on or in the place or the clothing being worn by or property in the control of the person; and
- (c) seize anything found on or in the place or in the course of the search that he reasonably believes is evidence of or associated with unlawful gaming on or in that place.

(3) The power conferred on a member of the Police Force by this section is in addition to and not in derogation of any other power conferred by a law in force in the Territory.

"46E. EVIDENCE THAT A PLACE IS USED FOR UNLAWFUL GAMING

"It shall be prima facie evidence that a place is used for unlawful gaming if it is proved that -

- (a) the place is kept or used for the playing therein at an unlawful game and that a bank is kept there by one or more of the players exclusively of the others; or
- (b) the chances of a game played therein are not alike favourable to all the players (including the banker or other person by whom the game is managed or against whom the other players stake, play or bet),

whether or not the place is open for the use of subscribers only.

"46F. NOT NECESSARY TO PROVE THAT A PERSON WAS FOUND PLAYING FOR MONEY, &c.

"It shall not be necessary in support of an information for gaming in, or for suffering a game or gaming in, or for keeping or using or being concerned in the management or conduct of a place for unlawful gaming, to prove that a person found playing at a game was playing for money or a valuable thing.

"46G. EFFECT OF DISCOVERY OF INSTRUMENTS OF GAMING

"Where a place suspected to be open, kept or used as a place for unlawful gaming is lawfully entered by a member of the Police Force, the discovery therein or on or about a person found in the place of an instrument of gaming, amusement machine, gaming machine, ticket dispensing machine or thing used in or associated with playing an unlawful game is prima facie evidence that -

Lotteries and Gaming Amendment

- (a) the place is used as a place for unlawful gaming; and
- (b) the persons found in the place where the instrument or machine was discovered were playing in that place, although no play was actually going on in the presence of the member of the Police Force lawfully entering or his assistants.

"46H. EVIDENCE THAT PLACE USED AS A PLACE FOR UNLAWFUL GAMING

"Where -

- (a) a member of the Police Force is wilfully prevented from or is obstructed or delayed in entering a place in which he has reasonable grounds for suspecting unlawful gaming is, has been or is about to be carried on or any part of that place;
- (b) an external or internal door of, or means of access to, such place is found to be fitted or provided with a bolt, bar, chain or means or contrivance for the purpose of preventing, delaying or obstructing the entry into the place or any part of the place, of a member of the Police Force or for giving an alarm in case of that entry; or
- (c) such a place is found fitted or provided with a means or contrivance for concealing, removing or destroying an instrument of gaming,

it shall be prima facie evidence that the place is used for unlawful gaming and that the persons found in the place were playing an unlawful game therein.

"46J. EVIDENCE AS TO OFFENCES

"Where, on the hearing of a complaint relating to unlawful gaming, the court is of the opinion that money or a valuable thing which has to its satisfaction been proved to have been given to, or received or paid by the accused person, or given to, or received or paid by a person on his behalf, has been given, received or paid, as the case may be, in circumstances which, in the mind of the court, raise a reasonable suspicion that such money or thing was so given, received or paid in contravention of this Act, the giving, receiving or paying shall be prima facie evidence of the commission by the accused person of the offence charged against him in the complaint.

Lotteries and Gaming Amendment

"46K. REASONABLE SUSPICION SUFFICIENT

"Where, on the hearing of a complaint against a person in relation to unlawful gaming, the evidence for the prosecution is such as to raise in the mind of the court hearing the complaint a reasonable suspicion that the person is guilty of the offence charged against him in the complaint, that evidence shall be prima facie evidence that the person is guilty of that offence.

"46M. FORFEITURE

"(1) Where an instrument of gaming, amusement machine, gaming machine, ticket dispensing machine or thing associated with unlawful gaming is seized in pursuance of this Act, it is, on the conviction of a person for an offence in connection with it, forfeited to the Crown.

"(2) A forfeiture under this section is in addition to and not a part of a penalty under this Act.

"(3) All instruments of gaming, amusement machines, gaming machines, ticket dispensing machines or things seized in pursuance of this Act and forfeited may be sold, destroyed or disposed of as the Minister thinks fit.

"46N. ACT NOT TO EXTEND TO STAKES PAYABLE TO WINNER OF
LAWFUL GAME OR RACE

"Nothing in this Part shall extend to a person receiving or holding money or a valuable thing by way of a stake or deposit to be paid to the winner of a race or lawful sport, game or exercise."
