

Serial 29
Criminal Code Amendment (Cheating at Gambling) Bill 2013
Mr Elferink

A Bill for an Act to amend the Criminal Code

NORTHERN TERRITORY OF AUSTRALIA

CRIMINAL CODE AMENDMENT (CHEATING AT GAMBLING) ACT 2013

Act No. [] of 2013

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2013

An Act to amend the Criminal Code

[Assented to [] 2013]
[Second reading [] 2013]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Criminal Code Amendment (Cheating at Gambling) Act 2013*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Criminal Code amended

This Act amends the Criminal Code.

4 Section 1 amended

(1) Section 1

insert (in alphabetical order)

agreement about conduct that corrupts a betting outcome of an event, for Part VII, Division 5A, see section 237B(2).

bet, for Part VII, Division 5A, see section 237C(1).

cause a financial disadvantage, for Part VII, Division 5A, see section 237E(2).

conduct that corrupts a betting outcome of an event, for Part VII, Division 5A, see section 237B(1).

encourage, for Part VII, Division 5A, see section 237G.

event, for Part VII, Division 5A, see section 237D(1).

event contingency, for Part VII, Division 5A, see section 237D(2).

obtain a financial advantage, for Part VII, Division 5A, see section 237E(1).

(2) Section 1, definition *event*, before "means"

insert

, except for Part VII, Division 5A,

5 Part VII, Division 5A inserted

After section 237

insert

Division 5A Cheating at Gambling

Subdivision 1 Preliminary matters

237A Definitions

In this Division:

agreement about conduct that corrupts a betting outcome of an event, see section 237B(2).

bet, see section 237C(1).

cause a financial disadvantage, see section 237E(2).

conduct that corrupts a betting outcome of an event, see section 237B(1).

encourage, see section 237G.

event, see section 237D(1).

event contingency, see section 237D(2).

obtain a financial advantage, see section 237E(1).

237B Corrupting betting outcome of event

- (1) Conduct *corrupts a betting outcome of an event* if the conduct:
 - (a) affects or, if engaged in, would be likely to affect the outcome of any type of betting on the event; and
 - (b) is contrary to the standards of integrity that a reasonable person would expect of persons in a position to affect the outcome of any type of betting on the event.
- (2) An *agreement about conduct that corrupts a betting outcome of an event* is an agreement between 2 or more persons under which one or more of them agrees to engage in conduct that corrupts a betting outcome of an event.

237C Betting

- (1) To *bet* includes doing any of the following:
 - (a) placing, accepting or withdrawing a bet;
 - (b) causing a bet to be placed, accepted or withdrawn.
- (2) In this Division, a reference to betting on an event includes a reference to betting on any event contingency.

237D Events and event contingencies

- (1) An *event* means any event (whether it takes place in the Territory or elsewhere) on which it is lawful to bet under the laws of the Territory, a State, another Territory or the Commonwealth.
- (2) An *event contingency* means any contingency:
 - (a) that is connected in any way with an event; and
 - (b) on which it is lawful to bet under the laws of the Territory, a State, another Territory or the Commonwealth.

237E Obtaining financial advantage or causing financial disadvantage

- (1) *Obtaining a financial advantage* includes any of the following, whether the financial advantage is permanent or temporary:
 - (a) obtaining a financial advantage for oneself or for another person;
 - (b) inducing a third person to do something that results in oneself or another person obtaining a financial advantage;

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- (c) keeping a financial advantage that one has.
 - (2) ***Causing a financial disadvantage*** includes any of the following, whether the financial disadvantage is permanent or temporary:
 - (a) causing a financial disadvantage to another person;
 - (b) inducing a third person to do something that results in another person suffering a financial disadvantage.

237F Proof of intention to obtain financial advantage or cause financial disadvantage

- (1) In proceedings for an offence under section 237H, 237J or 237K, the defendant is taken to have intended to obtain a financial advantage, or to cause a financial disadvantage, if, and only if, it is proved that:
 - (a) the defendant intended to obtain a financial advantage, or cause a financial disadvantage, in connection with betting on the event; or
 - (b) the defendant knew that another person intended to obtain a financial advantage, or cause a financial disadvantage, in connection with betting on the event, as a result of the conduct the subject of the charge.
- (2) It is not necessary to prove that any financial advantage was actually obtained or any financial disadvantage was actually caused.
- (3) In this section:

conduct the subject of the charge means:

- (a) in the case of an offence against section 237H – the conduct that the defendant engaged in; or
- (b) in the case of an offence against section 237J(1) – the conduct that the defendant offered to engage in; or
- (c) in the case of an offence against section 237J(2) – the conduct that the defendant encouraged another person to engage in; or
- (d) in the case of an offence against section 237J(3) – the conduct the subject of the agreement; or

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- (e) in the case of an offence against section 237K – the conduct, or the conduct the subject of the agreement, that the defendant encouraged another person to conceal.

237G Encourage

Encouraging another person to engage in conduct includes commanding, requesting, proposing, advising, inciting, inducing, persuading, authorising, urging, threatening or placing pressure on the person to engage in the conduct.

Subdivision 2 Offences

237H Engaging in conduct that corrupts betting outcome of event

A person is guilty of a crime if the person:

- (a) engages in conduct that corrupts a betting outcome of an event; and
- (b) does so with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with any betting on the event.

Maximum penalty: Imprisonment for 7 years.

237J Facilitating conduct that corrupts betting outcome of event

(1) A person is guilty of a crime if the person:

- (a) offers to engage in conduct that corrupts a betting outcome of an event; and
- (b) does so with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with any betting on the event.

Maximum penalty: Imprisonment for 7 years.

(2) A person is guilty of a crime if the person:

- (a) encourages another person to engage in conduct that corrupts a betting outcome of an event; and
- (b) does so with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with any betting on the event.

Maximum penalty: Imprisonment for 7 years.

(3) A person is guilty of a crime if the person:

- (a) enters into an agreement about conduct that corrupts a betting outcome of an event; and
- (b) does so with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with any betting on the event.

Maximum penalty: Imprisonment for 7 years.

237K Concealing conduct or agreement about conduct that corrupts betting outcome of event

(1) A person is guilty of a crime if the person:

- (a) encourages another person to conceal from any appropriate authority conduct, or an agreement about conduct, that corrupts a betting outcome of an event; and
- (b) does so with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with any betting on the event.

Maximum penalty: Imprisonment for 7 years.

(2) In this section:

appropriate authority includes:

- (a) a police officer; or
- (b) a body that has the official function of controlling, regulating or supervising an event or any betting on an event.

237L Use of corrupt conduct information for betting purposes

(1) A person is guilty of a crime if:

- (a) the person possesses information in connection with an event; and
- (b) the information is corrupt conduct information; and
- (c) the person:
 - (i) bets on the event; or
 - (ii) encourages another person to bet on the event in a particular way; or

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- (iii) communicates the information, or causes the information to be communicated, to another person who the first person knows or ought reasonably to know would or would be likely to bet on the event.

Maximum penalty: Imprisonment for 7 years.

- (2) Information in connection with an event is ***corrupt conduct information*** if the information is about conduct, or proposed conduct, that corrupts a betting outcome of an event.
- (3) In proceedings for an offence against subsection (1)(c)(ii) or (iii), it is not necessary to prove that the person encouraged to bet, or to whom information was communicated, actually bet on the event concerned.

237M Use of inside information for betting purposes

- (1) A person is guilty of an offence if:
 - (a) the person possesses information in connection with an event; and
 - (b) the information is inside information; and
 - (c) the person:
 - (i) bets on the event; or
 - (ii) encourages another person to bet on the event in a particular way; or
 - (iii) communicates the information, or causes the information to be communicated, to another person who the first person knows or ought reasonably to know would or would be likely to bet on the event.

Maximum penalty: Imprisonment for 2 years.

- (2) Information in connection with an event is ***inside information*** if the information:
 - (a) is not generally available; and
 - (b) if it were generally available, would, or would be likely to, influence persons who commonly bet on the event:
 - (i) in deciding whether or not to bet on the event; or
 - (ii) in making any other betting decision.

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- (3) Information is *generally available* if:
- (a) it consists of matter that is readily observable by the public; or
 - (b) it has been made known in a manner that would, or would be likely to, bring it to the attention of the public; or
 - (c) it consists of deductions, conclusions or inferences made or drawn from information mentioned in paragraph (a) or (b).
- (4) In proceedings for an offence against subsection (1)(c)(ii) or (iii), it is not necessary to prove that the person encouraged to bet, or to whom information was communicated, actually bet on the event concerned.

237N Alternative verdict

- (1) This section applies if, in a proceeding against a person charged with an offence against section 237L (the *prosecuted offence*), the trier of fact:
- (a) is not satisfied beyond reasonable doubt that the person committed the prosecuted offence; but
 - (b) is satisfied beyond reasonable doubt that the person committed an offence against section 237M (the *alternative offence*).
- (2) The trier of fact may find the person not guilty of the prosecuted offence but guilty of the alternative offence.

6 Schedule 1 amended

Schedule 1, after "Part VI (Offences against the person and related matters), Division 9 (Defences)"

insert

Part VII (Property Offences and Related Matters), Division 5A (Cheating at Gambling)