



Australian Capital Territory

# Criminal Code (Cheating at Gambling) Amendment Act 2013

A2013-26

## Contents

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	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Definitions— <i>conduct</i> and <i>engage in conduct</i> Section 13, definition of <i>conduct</i> , new note	2
5 Definitions—ch 3 Section 300, definition of <i>obtain</i> , note	2
6 New part 3.8A	3
7 Dictionary, new definition of <i>bet</i>	8
8 Dictionary, definition of <i>cause</i>	8
9 Dictionary, definition of <i>conduct</i>	8

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J2013-138

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

Contents

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		Page
10	Dictionary, new definitions	9
11	Dictionary, definition of <i>obtain</i>	9



Australian Capital Territory

# **Criminal Code (Cheating at Gambling) Amendment Act 2013**

**A2013-26**

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An Act to amend the *Criminal Code 2002*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Criminal Code (Cheating at Gambling) Amendment Act 2013*.

**2 Commencement**

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended**

This Act amends the *Criminal Code 2002*.

**4 Definitions—*conduct* and *engage in conduct*  
Section 13, definition of *conduct*, new note**

*insert*

*Note* Section 363A (Definitions—pt 3.8A) affects the meaning of *conduct*.

**5 Definitions—ch 3  
Section 300, definition of *obtain*, note**

*insert*

- s 363D (Meaning of *obtain*—pt 3.8A).

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**6 New part 3.8A***insert***Part 3.8A Cheating at gambling****Division 3.8A.1 Interpretation—pt 3.8A****363A Definitions—pt 3.8A**

(1) In this part:

*bet*, by a person on an event, includes placement, acceptance or withdrawal of a bet by the person on the event.

*cause*, in relation to an occurrence or state of affairs—see section 363B.

*conduct* means an act or an omission to do an act.

*corrupts a betting outcome*—see section 363C.

*encourage*, a person, includes command, request, propose, advise, incite, induce, persuade, authorise, urge, threaten or place pressure on the person.

*event* means an event, or contingency connected to an event, (in the ACT or elsewhere) on which it is lawful to bet under a territory law or a law of a State or the Commonwealth.

*financial advantage* means a permanent or temporary financial advantage.

*financial disadvantage* means a permanent or temporary financial disadvantage.

*obtain*—see section 363D.

(2) The definition of *conduct* in section 13 does not apply to this part.

**363B Meaning of *cause*—pt 3.8A**

(1) In this part:

*cause*, in relation to an occurrence or state of affairs, means substantially contribute (directly or indirectly) to making the occurrence or state of affairs happen.

(2) The definition of *cause* in section 300 does not apply to this part.

**363C Meaning of *corrupts a betting outcome*—pt 3.8A**

In this part:

*corrupts a betting outcome*—conduct *corrupts a betting outcome* for an event if the conduct affects or is likely to affect the outcome of any type of betting on the event contrary to the standards of integrity reasonably expected of a person in a position to affect the outcome of any type of betting on the event.

**363D Meaning of *obtain*—pt 3.8A**

(1) In this part:

*obtain* includes—

- (a) get or keep for oneself (directly or indirectly); or
- (b) get or keep for another person (directly or indirectly).

(2) The definition of *obtain* in section 300 does not apply to this part.

**363E Proof of certain matters not required for offences against part 3.8A**

(1) In a proceeding for an offence against section 363F, a person (the *accused person*) is taken to intend obtaining a financial advantage or causing a financial disadvantage in connection with a bet on an event if, and only if, it is proved that the accused person—

- 
- (a) intended to obtain a financial advantage or cause financial disadvantage in connection with betting on the event; or
  - (b) was aware that another person intended to obtain a financial advantage or cause financial disadvantage in connection with betting on the event, as a result of the conduct that the accused person engaged in.
- (2) In a proceeding for an offence against section 363F, it is not necessary to prove that a financial advantage was actually obtained or a financial disadvantage was actually caused.
- (3) In a proceeding for an offence against section 363G or section 363H it is not necessary to prove that—
- (a) a bet by a person was made personally by the person; or
  - (b) a person who was encouraged to bet, or to whom information was communicated, in relation to an event actually bet on the event; or
  - (c) a person who was encouraged to bet was encouraged to bet in a particular way.

## **Division 3.8A.2      Offences—pt 3.8A**

### **363F      Conduct that corrupts betting outcome**

A person (the *first person*) commits an offence if—

- (a) the first person engages in conduct; and
- (b) the conduct corrupts a betting outcome on an event; and
- (c) the first person is reckless about whether the conduct corrupts a betting outcome for the event; and

*Note*      The fault element of recklessness can be satisfied by proof of intention, knowledge or recklessness (see s 20 (4)).

- (d) the first person intends—
  - (i) obtaining a financial advantage for the first person or another person from a bet on the event; or
  - (ii) causing a financial disadvantage to another person who bets on the event.

Maximum penalty: imprisonment for 10 years.

**363G Bet with information about corrupt betting outcome**

- (1) A person (the *first person*) commits an offence if—
  - (a) the first person engages in conduct that results in—
    - (i) a bet by the first person on an event; or
    - (ii) another person being encouraged to bet on an event; or
    - (iii) information being communicated to another person who the first person knows would, or would be likely to, bet on an event; and
  - (b) at the time of the conduct the first person—
    - (i) possesses corrupt conduct information for the event; and
    - (ii) is reckless about whether the information is corrupt conduct information.

*Note* The fault element of recklessness can be satisfied by proof of intention, knowledge or recklessness (see s 20 (4)).

Maximum penalty: imprisonment for 10 years.

- (2) In this section:

*corrupt conduct information*, for an event, means information about—

- (a) conduct that corrupts a betting outcome for the event; or



- (b) proposed conduct that would corrupt a betting outcome for the event.

### 363H Bet with inside information

- (1) A person (the *first person*) commits an offence if—
  - (a) the first person engages in conduct that results in—
    - (i) a bet by the first person on an event; or
    - (ii) another person being encouraged to bet on an event; or
    - (iii) information being communicated to another person who the first person knows would, or would be likely to, bet on an event; and
  - (b) at the time of the conduct the first person—
    - (i) possesses inside information for the event; and
    - (ii) is reckless about whether the information is inside information.

*Note* The fault element of recklessness can be satisfied by proof of intention, knowledge or recklessness (see s 20 (4)).

Maximum penalty: imprisonment for 2 years.

- (2) In this section:
  - generally available*—information is *generally available* if it—
    - (a) consists of matter that is readily observable by the public; or
    - (b) has been made known in a way that would, or would be likely to, bring it to the attention of the public; or
    - (c) consists of deductions, conclusions or inferences made or drawn from information mentioned in paragraph (a) or (b).

*inside information*, about an event, means information that—

- (a) is not generally available; and
- (b) if it were generally available, would, or would be likely to, influence a person who would commonly bet on the event in deciding—
  - (i) whether or not to bet on the event; or
  - (ii) any other betting decision.

## **7 Dictionary, new definition of *bet***

*insert*

*bet*, by a person on an event, for part 3.8A (Cheating at gambling)—see section 363A.

## **8 Dictionary, definition of *cause***

*substitute*

*cause*—

- (a) for chapter 3 (Theft, fraud, bribery and related offences) other than part 3.8A (Cheating at gambling)—see section 300; and
- (b) for part 3.8A (Cheating at gambling)—see section 363B.

## **9 Dictionary, definition of *conduct***

*substitute*

*conduct*—

- (a) for the Act (other than part 3.8A (Cheating at gambling))—see section 13; and
- (b) for part 3.8A (Cheating at gambling)—see section 363A.

**10 Dictionary, new definitions**

*insert*

*corrupts a betting outcome*, for part 3.8A (Cheating at gambling)—see section 363C.

*encourage*, for part 3.8A (Cheating at gambling)—see section 363A.

*event*, for part 3.8A (Cheating at gambling)—see section 363A.

*financial advantage*, for part 3.8A (Cheating at gambling)—see section 363A.

*financial disadvantage*, for part 3.8A (Cheating at gambling)—see section 363A.

**11 Dictionary, definition of *obtain***

*substitute*

*obtain*—

- (a) for chapter 3 (Theft, fraud, bribery and related offences) other than part 3.8A (Cheating at gambling)—see section 300; and
- (b) for part 3.8A (Cheating at gambling)—see section 363D.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 6 June 2013.

**2 Notification**

Notified under the [Legislation Act](#) on 20 August 2013.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Criminal Code (Cheating at Gambling) Amendment Bill 2013, which was passed by the Legislative Assembly on 6 August 2013.

Clerk of the Legislative Assembly

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