

Licensing, Regulation and Alcohol Strategy

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Hon James Wood AO QC
Chairperson
NSW Law Reform Commission
GPO Box 5199
SYDNEY NSW 2001

Dear Mr Wood

RE: CHEATING AT GAMBLING

I refer to your letter dated 13 January 2010 in relation your review of laws covering cheating in sport. I thank you for the invitation to make a submission to the review.

The Northern Territory Racing Commission (NTRC) licences and regulates all bookmaking operators based in the NT. While the NTRC is well aware of, and concerned about, the apparent level of cheating in sport it has no legislative ability to investigate sporting bodies. However, it is able to investigate such cheating in relation to the activities of a bookmaker.

The NTRC is supportive of sporting control bodies establishing their own internal divisions to ensure integrity in sport and the NT bookmakers provide assistance to the sporting bodies in any investigations that may be undertaken.

NT legislation contains a number of provisions which, subject to the factual matrix involved, could potentially found a prosecution relating to the types of conduct you describe. The relevant offence provisions identified are as follows:-

CRIMINAL CODE (NT):

Preliminary issue:-

Section 8 – Offences committed in prosecution of common purpose.

Section 15 – Application of Criminal Laws: Important because even if the offence (or part of the offence proscribed by NT law) occurred outside the NT a person would still be liable in the NT if the conduct is contrary to the peace, order and good government of the NT. Essentially, this provides a degree of extra-jurisdictional application to NT laws.

Section 16 – Offences counselled or procured in the NT to be committed outside the NT (further extra-jurisdictional effect).

Section 227 – Criminal deception.

Section 280 – Attempt to procure the commission of a criminal offence (in NT or elsewhere).

Section 282 – Conspiracy to commit crimes (anywhere in the world).

Section 283 – Conspiracy to commit simple offences (anywhere in the world).

Section 284 – Conspiracy to deceive or defraud.

See also two provisions, under Part IIAA of the Criminal Code:-

Section 43BG – Complicity and Common purpose.

Section 43BI – Incitement.

SUMMARY OFFENCES ACT (PROVIDED AS MATTER OF COMPLETENESS)

Section 60A – Fraud other than false pretences

Section 69B – Incitement of commission of offences.

The NT Government is of the view that further regulation in this sector requires proof of a significant loss of public benefit to justify such regulation. Bookmakers who are properly regulated, like those in the NT, maintain clear and transparent rules which ensure satisfactory controls to deal with corrupted outcomes. The detriment to the public interest is therefore minimal in such well regulated environments.

Currently we are not considering any reform of the existing laws concerning cheating at gambling in the context of betting on sporting events.

I wish you well in your review and look forward to the outcome.

Yours sincerely



Micheil Brodie
Executive Director

14 February 2011