



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

Dear Mr Wood

### CHEATING AT GAMBLING

I refer to your correspondence of 13 January 2011 concerning the application of the criminal law to the range of activities that might constitute cheating in the course of gambling. The ACT Gambling and Racing Commission welcomes the opportunity to respond to the NSW Law Reform Commission's inquiry into this matter.

The Gambling and Racing Commission acknowledges the statutory and practical difficulties in launching successful prosecutions against all persons involved in cheating at gambling including sports bookmaking activities.

In the ACT the relevant legislation administered by the Gambling and Racing Commission is the *Unlawful Gambling Act 2009*. Section 23 of this Act deals specifically with the offence of cheating at gambling and provides for penalties not exceeding 200 penalty units or two years jail, or both. A copy of this provision is attached for your information with the complete Act being available from our website indicated at the bottom of this page.

The key role of the professional sporting teams and their peak controlling bodies in establishing and maintaining integrity for their sport is also considered important in the context of your inquiry.

Should you require further information in relation to this matter please contact me on telephone number [REDACTED]

Yours sincerely

Greg Jones  
Chief Executive

24 January 2011

## Part 5 Offences

### 23 Cheating

A person commits an offence if—

- (a) the person—
  - (i) participates in a game of chance, or of mixed chance and skill, in which money or any other valuable thing is offered as a prize or is staked or risked (by a participant or someone else) on an event or contingency; or
  - (ii) otherwise places or accepts a bet; and
- (b) the person dishonestly—
  - (i) obtains for the person or someone else money, benefit, advantage, valuable consideration or security; or
  - (ii) induces someone to deliver, give or credit to the person or someone else money, benefit, advantage, valuable consideration or security; and
- (c) the person does so by—
  - (i) trick, device, sleight of hand or representation; or
  - (ii) a scheme or practice; or
  - (iii) the use of—
    - (A) an instrument of gambling; or
    - (B) anything else.

*Note Instrument of gambling—see the dictionary.*

Maximum penalty: 200 penalty units, 2 years imprisonment or both.