

Gaming and Betting (Amendment) Bill

No.

TABLE OF PROVISIONS

Clause

PART 1—PRELIMINARY

1. Purposes
2. Commencement

PART 2—AMENDMENT OF THE GAMING AND BETTING ACT 1994

3. Principal Act
4. Possession etc. of gaming machines and restricted components
5. On-course wagering permit
6. Insertion of new section 92A
 - 92A. Delegation by the Authority
7. Inspectors
8. Amendment of section 128
9. Insertion of new section 164A
 - 164A. Guarantees etc.
10. Horse racing funds
11. Statute law revision

PART 3—AMENDMENT OF THE GAMING MACHINE CONTROL ACT 1991

12. Principal Act
13. Amendment of purpose
14. Amendment of definition
15. Adjacent and other premises
16. Insertion of new section 25A
 - 25A. Nominee of licensee
17. Special employees
18. Insertion of new section 142A
 - 142A. On-going monitoring of associates and others
19. Costs of investigating nominees etc.
20. Appeals
21. Regulations

PART 4—AMENDMENT OF THE CLUB KENO ACT 1993

22. Principal Act
23. Insertion of definitions
24. Insertion of new sections 13A to 13s
 - 13A. Inspectors
 - 13B. Rights of inspector in certain premises
 - 13C. Functions of inspectors
 - 13D. Powers of inspectors

- 13E. Search warrants
 - 13F. Announcement before entry
 - 13G. Copy of warrant to be given to occupier
 - 13H. Copies to be given
 - 13I. Return of seized things
 - 13J. Magistrates' Court may extend period
 - 13K. Offences relating to obstruction etc. of inspectors
 - 13L. Protection against self-incrimination
 - 13M. Investigation of complaints
 - 13N. Defective machinery etc.
 - 13O. Unlawful interference with club keno system
 - 13P. Use of defective club keno machinery etc.
 - 13Q. Credit etc.
 - 13R. Sale of tickets to minors
 - 13S. Evidence
25. Amendment of section 15

PART 5—AMENDMENT OF THE CASINO CONTROL ACT 1991

26. Amendment of section 52

PART 6—AMENDMENT OF THE RACING ACT 1958

27. Amendment of section 7
28. Amendment of section 119

PART 7—TRANSITIONAL

29. Transitional

LEGISLATIVE COUNCIL

Read 1° 29 November 1994

(Brought from the Legislative Assembly)

A BILL

for

An Act to amend the Gaming and Betting Act 1994, the Gaming Machine Control Act 1991, the Club Keno Act 1993, the Casino Control Act 1991 and the Racing Act 1958 and for other purposes.

Gaming and Betting (Amendment) Act 1994

PART 1—PRELIMINARY

The Parliament of Victoria enacts as follows:

1. Purposes

The main purposes of this Act are—

- (a) to make miscellaneous amendments to the
Gaming and Betting Act 1994;**

Section headings appear in bold italics and are not part of the Act.
(See Interpretation of Legislation Act 1984.)

Gaming and Betting (Amendment)

- (b) to amend the **Gaming Machine Control Act 1991**—
- (i) to enable the Authority to refuse an application for a venue operator's licence in respect of certain premises which are not genuinely independent of an existing approved venue; 5
 - (ii) to enable the Authority to conduct on-going monitoring of associates;
 - (iii) to require bodies corporate and clubs which hold venue operator's licences to nominate a natural person who will be responsible as licensee under the Act; 10
- (c) to amend the **Club Keno Act 1993** to provide powers of enforcement and to create new offences; 15
- (d) to make minor amendments to the **Casino Control Act 1991** and the **Racing Act 1958**.

2. Commencement

- (1) Part 1 comes into operation on the day on which this Act receives the Royal Assent. 20
- (2) Section 10 is deemed to have come into operation on 2 June 1994.
- (3) Section 11 (1) is deemed to have come into operation on 15 August 1994. 25
- (4) Section 11 (2) is deemed to have come into operation on 2 June 1994.
- (5) Subject to sub-section (6), the remaining provisions of this Act come into operation on a day or days to be proclaimed. 30
- (6) If a provision referred to in sub-section (5) does not come into operation before 30 March 1995, it comes into operation on that day.

PART 2—AMENDMENT OF THE GAMING AND BETTING
ACT 1994

3. *Principal Act*

No. 37/1994.

In this Part, the **Gaming and Betting Act 1994** is called the **Principal Act**.

4. *Possession etc. of gaming machines and restricted components*

(1) In section 3 (1) of the **Principal Act**, in paragraph (b) of the definition of “operator”, after “operator” **insert** “or operators”.

(2) In section 22 (2) of the **Principal Act**—

(a) for “a company that is” **substitute** “one or more companies that are”;

(b) for “is a wholly owned subsidiary” **substitute** “are wholly owned subsidiaries”;

(c) for “operator” **substitute** “operators”.

5. *On-course wagering permit*

In section 38 (2) (d) of the **Principal Act**, after “business” (where secondly occurring) **insert** “of the size and kind proposed”.

6. *Insertion of new section 92A*

After section 92 of the **Principal Act** **insert**—

“92A. *Delegation by the Authority*

Subject to section 92, the **Authority** may, by instrument, delegate to a member of the **Authority** or the **Director** or an officer of the **Authority** any power or function of the **Authority** under section 70 or 95, other than this power of delegation.”

Gaming and Betting (Amendment)

7. Inspectors

- (1) In section 104 (1) of the Principal Act, after “1991” insert “and the Club Keno Act 1993”.
- (2) In section 105 of the Principal Act, after “Casino Control Act 1991” insert “and the Club Keno Act 1993”.

5

8. Amendment of section 128

In section 128 (5) of the Principal Act, for “(1)” substitute “(6)”.

9. Insertion of new section 164A

10

In Division 4 of Part 13 of the Principal Act, after section 164 insert—

“164A. Guarantees etc.

- (1) The Treasurer may, at the request of TAB, on behalf of the Government of Victoria, by instrument on such terms and conditions as the Treasurer determines, guarantee, indemnify or otherwise support the performance, satisfaction or discharge of obligations or liabilities of TAB. 15
- (2) Any sums required by the Treasurer in fulfilling any liability arising under a guarantee, indemnity or other support by or on behalf of the Government of Victoria provided by or given under this section shall be paid out of the Consolidated Fund, which is hereby to the necessary extent appropriated accordingly. 20
- (3) Any sums received or recovered by the Treasurer from TAB or otherwise in respect of sums paid by the Treasurer under a guarantee, indemnity or other 25

25

30

support must be paid into the Consolidated Fund.”.

10. *Horse racing funds*

In section 200 (1) (c) of the Principal Act, for “VicRacing” **substitute** “The Victoria Racing Club”.

11. *Statute law revision*

(1) In section 218 (1) (f) (i) of the Principal Act, for “Commission” **substitute** “Authority”.

(2) In section 225 of the Principal Act, for “222 and 223” **substitute** “223 and 224”.

PART 3—AMENDMENT OF THE GAMING MACHINE CONTROL ACT 1991

12. *Principal Act*

In this Part, the **Gaming Machine Control Act 1991** is called the Principal Act.

N . 53/1991.
Reprinted to
N . 117/1993
and
subsequently
amended by
N s 31/1994
and 37/1994.

13. *Amendment of purpose*

In section 1 of the Principal Act—

(a) after “gaming machines” (where first occurring) **insert** “and gaming equipment”;

(b) in paragraph (b), after “gaming machines” **insert** “and gaming equipment”.

14. *Amendment of definition*

In section 3 (1) of the Principal Act, in paragraph (b) of the definition of “gaming operator”, after “operator” **insert** “or operators”.

15. Adjacent and other premises

In section 21 (1) of the Principal Act, after paragraph (c) insert—

“; and

- (d) if the applicant’s premises are situated within 100 metres of an approved venue of which the applicant or an associate of the applicant is the venue operator, the management and operation of the approved venue and the applicant’s premises where the proposed approved venue is to be situated are genuinely independent of each other.”.

5
10

16. Insertion of new section 25A

After section 25 of the Principal Act insert—

“25A. Nominee of licensee

15

- (1) If a venue operator’s licence is granted to a body corporate, the body corporate must nominate a natural person approved by the Authority to be responsible as licensee on behalf of the body corporate and a person so nominated and approved is liable under this Act as licensee.

20

- (2) If the body corporate has not so nominated a person under sub-section (1) or if a person so nominated has resigned, been dismissed or has ceased to manage or control the premises for which the licence was granted, the directors of the body corporate are severally liable under this Act as licensee until such time as a natural person or another natural person (as the case may be) is nominated and approved by the Authority.

25

30

- (3) If a venue operator’s licence is granted to the managing committee for the time

35

being of a club, the committee must nominate a natural person approved by the Authority to be responsible as licensee on behalf of the committee and a person so nominated and approved is liable under this Act as licensee.

5

(4) If the managing committee of a club has not nominated a person under sub-section (3) or if a person so nominated has resigned, been dismissed or has ceased to manage or control the premises for which the licence was granted, the members of the managing committee of the club are severally liable under this Act as licensee until such time as a natural person or another natural person (as the case may be) is nominated and approved by the Authority.

10

15

(5) The Authority may refuse to approve a person nominated under this section unless satisfied that the person nominated, and each associate of the person, is a suitable person to be concerned in or associated with the management and operation of an approved venue.

20

25

(6) In particular, the Authority must consider whether—

30

(a) the person nominated and each associate of the person nominated is of good repute, having regard to character, honesty and integrity;

(b) each person is of sound and stable financial background;

35

(c) any of those persons has any business association with any person, body or association who or which, in the opinion of the Authority, is not of good repute

Gaming and Betting (Amendment)

having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources.

(7) Sections 22, 23 and 24 apply as if a reference to an application for a venue operator’s licence were a reference to an application under this section for approval of a person as a nominee.

5

(8) The Authority must determine an application by either approving or refusing to approve the person nominated and must notify the applicant in writing of its decision.

10

(9) The nomination and approval by the Authority of a person under this section does not limit the liability of a venue operator under this Act whilst that person is a nominee.”.

15

17. *Special employees*

In section 51 (1) of the Principal Act, in paragraph (b) of the definition of “grounds for disciplinary action”, after “convicted” insert “or found guilty”.

20

18. *Insertion of new section 142A*

After 142 of the Principal Act insert—

“142A. *On-going monitoring of associates and others*

25

(1) The Authority may from time to time investigate—

(a) an associate, or a person likely to become an associate, of a venue operator, a gaming operator or a manufacturer or supplier listed on the Roll; or

30

(b) any person, body or association having a business association with a person referred to in paragraph (a).

5 (2) A venue operator, a gaming operator or a manufacturer or supplier listed on the Roll must—

10 (a) notify the Authority in writing that a person is likely to become an associate as soon as practicable after the operator or manufacturer or supplier becomes aware of the likelihood; and

15 (b) ensure that a person does not become an associate within the meaning of section 4 (1) (a) or (b) except with the prior approval in writing of the Authority.

(3) If—

20 (a) the Authority, having regard to the matters referred to in sub-section (4), determines that an associate is unsuitable to be concerned in or associated with the business of the venue operator, the gaming operator or the manufacturer or supplier listed on the Roll; and

25 (b) the associate is a person referred to in section 4 (1) (a) or (b)—

30 the Authority may, by notice in writing, require the associate to terminate the association with the venue operator, gaming operator or manufacturer or supplier listed on the Roll.

35 (4) In particular, the Authority must consider whether the associate—

(a) is of good repute, having regard to character, honesty and integrity;

Gaming and Betting (Amendment)

(b) is of sound and stable financial background;

(c) has any business association with any person, body or association who or which, in the opinion of the Authority, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources.

5

(5) If the association is not terminated within 14 days from the date of the notice referred to in sub-section (3), the Authority may, by notice in writing, direct the venue operator, gaming operator or manufacturer or supplier listed on the Roll to take all reasonable steps to terminate the association and the venue operator, gaming operator or manufacturer or supplier must comply with the direction within 14 days or any longer period agreed with the Authority.

10

15

20

(6) The Authority—

(a) may require an associate or a person likely to become an associate to consent to having his or her photograph, finger prints and palm prints taken; and

25

(b) must refer a copy of such photograph, finger prints and palm prints and any supporting documents to the Chief Commissioner of Police.”.

30

19. Costs of investigating nominees etc.

In section 149B (1) of the Principal Act, after “Roll” insert “or an applicant for approval of a nominee”.

35

20. *Appeals*

In section 156 (1) of the Principal Act, after paragraph (d) insert—

“; or

5

(e) to approve, or to refuse to approve, a person as a nominee under section 25A”.

21. *Regulations*

In section 159 of the Principal Act—

(a) in sub-section (1), after paragraph (p) insert—

10

“(pa) monitoring and testing of gaming equipment and the giving of directions by authorised persons to venue operators or gaming operators;”;

15

(b) in sub-section (3) (d), after “venue” insert “or special employee”.

PART 4—AMENDMENT OF THE CLUB KENO ACT 1993

22. *Principal Act*

N . 56/1993
as amended
by N .
37/1994.

In this Part, the **Club Keno Act 1993** is called the Principal Act.

20

23. *Insertion of definitions*

In section 3 of the Principal Act—

(a) after the definition of “club keno game” insert—

25

“**Director**” means the **Director of Gaming and Betting appointed under the Gaming and Betting Act 1994;**”;

(b) after the definition of “relevant period” insert—

30

“**retention period**” means a period of 60 days after seizure of a thing under section 13D or 13E;”.

24. Insertion of new sections 13A to 13s

After section 13 of the Principal Act insert—

'13A. Inspectors

A person appointed as an inspector under section 104 of the **Gaming and Betting Act 1994** is an inspector for the purposes of this Act.

13B. Rights of inspector in certain premises

- (1) In this section, “**participants**” includes accredited representatives of the participants. 10
- (2) An inspector may at any time enter and remain on the premises of the participants only to the extent that it is reasonably necessary to do so for the purpose of doing any one or more of the following— 15
 - (a) observing any of the operations on such premises;
 - (b) ascertaining whether the operation of any such premises is being properly conducted, supervised and managed; 20
 - (c) ascertaining whether the provisions of this Act and the regulations are being complied with; 25
 - (d) in any other respect, exercising his or her functions under this Act.
- (3) An inspector who enters premises under sub-section (2) is not authorised to remain on the premises if, on the request of the participants or an officer of the participants, the inspector fails to produce his or her identity card for inspection by the participants or officer. 30
35

13c. *Functions of inspectors*

(1) The functions of inspectors under this Act are as follows—

(a) to inspect premises used in connection with club keno games;

(b) to examine any machinery or equipment used in connection with club keno games but so as not to interfere with its working;

(c) to test any machinery, equipment or computer system used in connection with club keno games;

(d) to inspect other equipment used and documents kept in premises of the participants or accredited representatives of the participants for the purpose of ascertaining whether or not the participants are complying with the provisions of this Act;

(e) to assist in any other manner, where necessary, in the detection of offences committed against this Act;

(f) to report to the Director as required;

(g) such other functions as are conferred on inspectors under this Act.

(2) Inspectors must not participate in club keno games while on duty other than as required in the course of their employment.

Penalty applying to this sub-section:
20 penalty units.

*Gaming and Betting (Amendment)***13D. Powers of inspectors**

- (1) An inspector may do any one or more of the following—
- (a) require any person in possession of, or having control of, any machinery or equipment or documents relating to club keno games to facilitate inspection of, or produce, the machinery or equipment or documents for inspection and to answer questions or provide information relating to the machinery, equipment or documents; 5 10
 - (b) take copies of, extracts from or notes relating to, any documents; 15
 - (c) if the inspector considers it necessary to do so for the purpose of obtaining evidence of the commission of an offence against this Act, seize any machinery or equipment or documents relating to club keno games; 20
 - (d) by notice in writing require—
 - (i) an officer of the participants; or
 - (ii) an employee of the participants; or 25
 - (iii) an accredited representative of the participants; or
 - (iv) any other person associated with the operations or management of the participants in premises the inspector is authorised to enter— 30
- to attend before the inspector at a specified time or place and answer questions, or provide information, with respect to operations on the premises; 35

5 (e) call to his or her aid a member of the police force if he or she is obstructed, or believes on reasonable grounds that he or she will be obstructed, in the exercise of his or her functions under this Act;

(f) any other thing authorised under this Act to be done by an inspector.

10 (2) A member of the police force has the functions and powers of an inspector.

13E. Search warrants

15 (1) An inspector, with the consent of the Director, or a member of the police force may apply to a magistrate for the issue of a search warrant in relation to particular premises if the inspector or member believes on reasonable grounds—

20 (a) that there are on the premises any machinery, equipment or documents—

(i) in relation to which an offence against this Act has been, is being, or is likely to be, committed; or

25 (ii) which may be evidence of the commission of an offence against this Act; or

30 (b) that there is or has been a contravention of this Act on any premises other than the premises of the participants.

35 (2) If a magistrate is satisfied by the evidence on oath, whether oral or by affidavit, that there are reasonable grounds for suspecting any of the matters referred to in sub-section (1) (a) or (b), the magistrate may issue a search

Gaming and Betting (Amendment)

warrant authorising an inspector or a member of the police force named in the warrant and any assistants the inspector or member considers necessary—

(a) to enter the premises, or the part of premises, named or described in the warrant; and 5

(b) to search for and seize any machinery, equipment or records named or described in the warrant. 10

(3) In addition to any other requirement, a search warrant issued under this section must state—

(a) the offence suspected; and

(b) the premises to be searched; and 15

(c) a description of the thing for which the search is to be made; and

(d) any conditions to which the warrant is subject; and

(e) whether entry is authorised to be made at any time or during stated hours; and 20

(f) a day, not later than 7 days after the issue of the warrant, on which the warrant ceases to have effect. 25

(4) A search warrant must be issued in accordance with the **Magistrates' Court Act 1989** and in the form prescribed under that Act.

(5) The rules to be observed with respect to search warrants mentioned in the **Magistrates' Court Act 1989** extend and apply to warrants under this section. 30

13F. Announcement before entry

(1) Before executing a search warrant, the inspector or member named in the 35

warrant or a person assisting the inspector or member must announce that he or she is authorised by the warrant to enter the premises and give any person at the premises an opportunity to allow entry to the premises.

5

(2) The inspector or member, or a person assisting the inspector or member, need not comply with sub-section (1) if he or she believes on reasonable grounds that immediate entry to the premises is required to ensure—

10

(a) the safety of any person; or

(b) that the effective execution of the search warrant is not frustrated.

15

13G. *Copy of warrant to be given to occupier*

If the occupier or another person who apparently represents the occupier is present at premises when a search warrant is being executed, the inspector or member of the police force must—

20

(a) identify himself or herself to that person by producing his or her identity card for inspection by that person; and

25

(b) give to that person a copy of the execution copy of the warrant.

13H. *Copies to be given*

If an inspector or member of the police force seizes—

30

(a) a document (including a disk or tape) or other thing that can be readily copied; or

Gaming and Betting (Amendment)

(b) a storage device the information in which can be readily copied—

the inspector or member must give a copy of the thing or information to the person from whom it was seized as soon as practicable after the seizure.

5

13i. *Return of seized things*

(1) If an inspector or member of the police force seizes a thing under this Act, the inspector or member must take reasonable steps to return the thing to the person from whom it was seized if the reason for its seizure no longer exists.

10

(2) If the thing has not been returned before the end of the retention period, the inspector or member must take reasonable steps to return it unless—

15

(a) proceedings have commenced within the retention period and those proceedings (including any appeal) have not been completed; or

20

(b) a court makes an order under section 13J extending the retention period.

13j. *Magistrates' Court may extend period*

25

(1) An inspector or member of the police force may apply to the Magistrates' Court within the retention period or within a period extended by the Court under this section for an extension of that period.

30

(2) The Magistrates' Court may order such an extension if satisfied that retention of the thing is necessary—

(a) for the purposes of an investigation into whether an offence has been committed; or

(b) to enable evidence of an offence to be obtained for the purposes of a prosecution.

(3) The Court may adjourn an application to enable notice of the application to be given to any person.

13K. *Offences relating to obstruction etc. of inspectors*

(1) A person must not—

(a) assault, obstruct, hinder, threaten, abuse, insult or intimidate an inspector or a member of the police force when the inspector or member is exercising or attempting to exercise his or her functions under this Act; or

(b) without reasonable excuse, fail to produce for inspection any machinery, equipment or documents in the possession or under the control of the person when required to do so by an inspector or member of the police force in the exercise of his or her functions under this Act; or

(c) without reasonable excuse—

(i) fail to attend before an inspector or member of the police force; and

Gaming and Betting (Amendment)

- (ii) fail to answer questions or supply information—
when required to do so by the inspector or member in the exercise of his or her functions under this Act; or 5
- (d) supply information that the person knows to be false or misleading in a material particular; or
- (e) produce a document that the person knows to be false or misleading in a material particular without indicating the respect in which it is false or misleading and, if practicable, providing correct information; or 10
15
- (f) except with the permission of an inspector or member of the police force, take any machinery, equipment or documents seized or retained under the authority of this Act; or 20
- (g) when directed by an inspector or member of the police force, in the exercise of his or her functions under this Act, to cease to have available for use any machinery or equipment considered by the inspector or member to be unsatisfactory for use, fail to comply with the direction; or 25
30
- (h) prevent, directly or indirectly, a person from attending before an inspector or member of the police force, producing to an inspector or member any machinery, equipment or documents or answering any question of, or supplying any information to an inspector or 35

member when that person is required to do so under this Act.

Penalty: 50 penalty units.

5 (2) If an inspector or a member of the police force requires a person at the premises of the participants, or of an accredited representative of the participants, to state his or her full name and residential address, the person must not—

10 (a) fail to comply with the requirement; or

(b) in purported compliance with the requirement, state a name or address that is false.

15 Penalty: 20 penalty units.

20 (3) An inspector or a member of the police force is not authorised to require a person at the premises of the participants, or of an accredited representative of the participants, to state his or her full name or residential address unless the inspector or member—

25 (a) suspects on reasonable grounds that the person has committed an offence against this Act; and

30 (b) has informed the person, at the time of stating the requirement, that it is an offence to fail to comply with the requirement.

35 (4) If an inspector or a member of the police force requires a person to state his or her full name and residential address, the person may require the inspector or member to state, orally or in writing, his or her name, rank or position, and place of duty.

Gaming and Betting (Amendment)

- (5) An inspector or member of the police force must not in response to a requirement under sub-section (4)—
 - (a) refuse or fail to comply with the requirement; or 5
 - (b) state a name or rank or position that is false in a material particular; or
 - (c) state as his or her place of duty an address other than the address or the name of the police station which is his or her ordinary place of duty; or 10
 - (d) refuse to comply with the requirement in writing if requested to do so. 15

Penalty: 5 penalty units.

13L. *Protection against self-incrimination*

A person may refuse or fail to give information, produce a document or do any other thing that the person is required to do by or under this Act if the giving of the information, the production of the document or the doing of that other thing would tend to incriminate the person. 20

25

13M. *Investigation of complaints*

- (1) On receiving a complaint from a person relating to the conduct of club keno games, the Director must forthwith investigate the complaint. 30
- (2) The Director must inform the participants of the substance of the complaint and give each of the participants a reasonable opportunity to make a response to it. 35

13N. Defective machinery etc.

The Director may order the participants to repair or withdraw from use any defective machinery, equipment or computer system used in connection with club keno games.

13o. Unlawful interference with club keno system

A person must not—

- (a) be in possession of any device made or adapted, or intended by the person to be used, for improperly interfering with any machinery, equipment or computer system used in connection with club keno games; or
- (b) do any act or thing calculated, or likely, to improperly interfere with any machinery, equipment or computer system used in connection with club keno games.

Penalty: 1000 penalty units or imprisonment for 4 years or both.

13P. Use of defective club keno machinery etc.

The participants, or an accredited representative of the participants on whose premises the machinery, equipment or computer system is located, must not allow any machinery, equipment or computer system that—

- (a) is used in connection with club keno games; and
- (b) does not function in the manner in which it was designed and programmed to function—

to be used, other than for testing purposes, until it is functioning in the

Gaming and Betting (Amendment)

manner in which it was designed and programmed to function.

Penalty: 100 penalty units.

13Q. *Credit etc.*

The participants or an accredited representative of the participants or an employee of either of them must not make a loan or extend credit in any form to any person to enable that person or any other person to play a club keno game.

Penalty: 100 penalty units.

13R. *Sale of tickets to minors*

- (1) A person must not knowingly sell a ticket in a club keno game to any person under the age of 18 years.

Penalty: 20 penalty units.

- (2) A person under the age of 18 years must not buy or attempt to buy a ticket in a club keno game.

Penalty: 10 penalty units.

- (3) A person under the age of 18 years must not use any evidence purporting to be evidence of his or her age in order to buy a ticket in a club keno game if the evidence is false in a material particular in relation to the person.

Penalty: 10 penalty units.

13S. *Evidence*

- (1) In proceedings under this Act, an assertion that—

- (a) at a specified time or during a specified period, a specified person

was the Minister administering this or any other Act; or

5 (b) at a specified time or during a specified period, a specified person held, or is acting in, a specified office; or

10 (c) a signature purporting to be the signature of a Minister, a member of the Victorian Casino and Gaming Authority, an inspector, or a member of the police force is the signature it purports to be; or

15 (d) at a specified time, a person attained a specified age or that, at a specified time or during a specified period, a specified person was under or over a specified age—

is evidence of the fact or facts asserted.

(2) In proceedings under this Act—

20 (a) a document purporting to be a copy of a direction, notice, order, requirement or decision given or made under this Act is evidence of a direction, notice, order, requirement or decision of which it purports to be a copy; and

25 (b) evidence that a person accepted service of a document is evidence of the authority of the person to accept service of the document.’.

30 **25. Amendment of section 15**

(1) In section 15 (2) of the Principal Act—

35 (a) in paragraph (d), for “of Gaming and Betting appointed under the **Gaming and Betting Act 1994**” substitute “or a person belonging to a class of persons specified in the regulations”;

(b) after paragraph (d) insert—

“; and

(e) may impose penalties not exceeding 20 penalty units for a contravention of the regulations.”

5

(2) For section 15 (5) of the Principal Act substitute—

“(5) A determination made under sub-section (2) (d) by the Director or a person belonging to a class of persons specified in the regulations must be included in the annual report of the Victorian Casino and Gaming Authority.”

10

PART 5—AMENDMENT OF THE CASINO CONTROL ACT 1991

N . 47/1991.
Reprinted to
N . 126/1993
and
subsequently
amended by
Nos 31/1994,
36/1994 and
37/1994.

26. Amendment of section 52

In section 52 (1) of the **Casino Control Act 1991**, in paragraph (b) of the definition of “grounds for disciplinary action”, after “convicted” insert “or found guilty”.

15

PART 6—AMENDMENT OF THE RACING ACT 1958

No. 6353.
Reprinted to
No. 49/1988
and
subsequently
amended by
Nos 65/1988,
73/1988,
78/1988,
12/1989,
41/1989,
71/1989,
12/1991,
32/1991,
53/1991,
66/1991,
17/1992,
49/1993,
56/1993,
77/1993,
117/1993,
119/1993,
31/1994 and
37/1994.

27. Amendment of section 7

In section 7 of the **Racing Act 1958**—

(a) for “If” substitute “Despite section 6, if”;

(b) after “case” (where twice occurring) insert “may”;

(c) after “inexpedient to” insert “hold a race-meeting or”.

20

25

28. Amendment of section 119

In section 119 of the **Racing Act 1958**—

(a) **omit** paragraph (d);

(b) after paragraph (e) **insert**—

5 “(f) to the Victorian Country Racing Council
Inc an amount equal to twenty-nine
seventieths of the amount in that year paid
10 to Comptroller of Stamps by way of stamp
duty on bookmakers’ statements in respect
of bets made at any race-meeting at any
racecourse not being a race-meeting
referred to in any of the preceding
paragraphs.”.

PART 7—TRANSITIONAL

15 **29. Transitional**

The Principal Act as amended by section 16 of this
Act applies to a venue operator’s licence in force on
or after the commencement of section 16, whether
20 granted before or after the commencement of that
section.





