

Lotteries Gaming and Betting (Amendment) Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1 16 September 1987

(Brought in by Mr Trezise and Mr Wilkes)

A BILL

to amend the *Lotteries Gaming and Betting Act 1966*, the *Tattersall Consultations Act 1958*, and the *Lotteries Gaming and Betting (Amusement Machines) Act 1986* and for other purposes.

Lotteries Gaming and Betting (Amendment) Act 1987

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

Purpose.

1. The main purposes of this Act are—

(a) to amend the *Lotteries Gaming and Betting Act 1966*—

(i) to alter the law relating to raffles, lucky envelopes, trade promotions, bingo and the Call of the Card; and

(ii) to provide for the licensing of amusement machine operators; and

(iii) to create several new offences and to increase penalties in relation to amusement and gaming machines; and

(b) to amend the *Tattersall Consultations Act 1958* to prohibit commercial consultation, pools, lottery and games syndicates.

Commencement.

2. This Act comes into operation on a day or days to be proclaimed.

Principal Act.

3. In this Act the *Lotteries Gaming and Betting Act 1966* is called the Principal Act.

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No. 7729.
Reprinted to
No. 9680.
Subsequently
amended by
Nos. 10127,
10134,
10195,
18/1986,
19/1986,
34/1986,
56/1986,
110/1986
and 125/1986.

PART 2—GENERAL AMENDMENTS**More groups to be able to conduct raffles.****4. In the Principal Act—**

- (a) in section 6 (1AA) (d), for “and” (where occurring after the paragraph) substitute “or”; and 10
- (b) after section 6 (1AA) (d) (ii) insert—
 - “(iii) the purposes of a political party of a kind prescribed; and”;
- (c) in section 6 (1D), for “An Inspector” substitute “A gaming investigator”; and 15
- (d) for section 6 (6C) (d) substitute—
 - “(d) the net proceeds of the raffle are intended to be paid into a fund to be used exclusively for—
 - (i) a purpose coming within paragraph (a) of the definition of “Community purpose”; or 20
 - (ii) the purposes of any sporting or recreational club or association of a kind prescribed; or
 - (iii) the purposes of a political party of a kind prescribed; and”;
- (e) for section 6 (6E) (a) substitute— 25
 - “(a) the applicant will pay the proceeds from the sale of the raffle tickets into a separate fund established for—
 - (i) a purpose coming within paragraph (a) of the definition of “Community purpose”; or
 - (ii) the purposes of any sporting or recreational club or association of a kind prescribed; or 30
 - (iii) the purposes of a political party of a kind prescribed; and”.

Minor sweepstakes and tipping competitions to be legal.**5. In section 5 (4) of the Principal Act—**

(a) in paragraph (c), for “\$100” substitute “\$500”; and

(b) after paragraph (c) insert—

5 “(ca) to any competition based on predicting the results of any sporting event or to any sweepstake if the competition or sweepstake—

(i) is not of a commercial nature; and

10 (ii) does not result in the distribution of prizes having a total value of more than \$500”.

Delegation of Board’s power to issue permits and licences.**6. After section 5B (3) of the Principal Act insert—**

15 “(4) The Board may, by writing, delegate to any person or class of persons any power of the Board under this Act, other than this power of delegation.”.

Maximum prize limit for raffles increased.**7. In section 6 of the Principal Act—**

(a) in sub-section (1A) (b), for “\$500” substitute “\$1000”; and

20 (b) in sub-section (6C) (a), for “\$500” substitute “\$1000”; and

(c) in sub-section (6C) (b), for “\$200 but does not exceed \$500” substitute “\$500 but does not exceed \$1000”; and

(d) in sub-section (6D), for “\$200 but does not exceed \$500” substitute “\$500 but does not exceed \$1000”; and

25 (e) in sub-section (6F), for “\$200 but does not exceed \$500” substitute “\$500 but does not exceed \$1000”; and

(f) in sub-section (6G), for “\$200 but does not exceed \$500” substitute “\$500 but does not exceed \$1000”.

Raffle prize may include spending money.**8. After section 6 (5) of the Principal Act insert—**

30 ‘(5A) Despite sub-section (5), a “raffle” includes any lottery in which money is assigned if—

(a) the money is part of a prize which includes travel or accommodation or both; and

35 (b) the value of the money assigned does not exceed 10% of the total value of the prize or such other amount as is approved by the Board in writing in any particular case.’.

Additional form of trade promotion lottery permit.**9. In the Principal Act—****(a) after section 6AAA (2) insert—**

“(2A) The Board may, upon application to it in the prescribed form, grant to any person a permit to conduct a series of lotteries for the promotion of a trade or business, over a period not exceeding 12 months. 5

(2B) The Board must not grant a permit under sub-section (2A) unless it is satisfied that—

(a) the applicant has attained the age of 18 years; and 10

(b) the applicant is a person of good repute and character; and

(c) the applicant has paid 2% of the estimated total value of the prizes which it is intended to offer in the series of lotteries for which the permit is sought.”; and 15

(b) in section 6AAA (3), after “(1)” insert “or (2A)”; and

(c) after section 6AAA (3) insert—

“(3A) A permit granted under sub-section (2A) is subject to the following conditions: 20

(a) The total value of the prizes offered in a lottery must not be less than \$200 or more than \$1000.

(b) The total value of the prizes offered in lotteries conducted under the permit must not exceed \$50 000.”; and 25

(d) in section 6AAB (1), for “6AAA” substitute “6AAA (1)”; and

(e) after section 6AAB (1) insert—

“(2) The fee for a permit under section 6AAA (2A) is 2% of the total value of the prizes offered in lotteries conducted under the permit.”; and 30

(f) in section 6AAB (3), for “6AAA” substitute “6AAA (1)”; and

(g) after section 6AAB (3) insert—

“(4) Each holder of a permit granted under section 6AAA (2A) must, within 28 days of the result of the last lottery in the series of lotteries conducted under the permit, send to the Board— 35

(a) a statement of account in the prescribed form and containing the prescribed particulars; and

(b) any money still owed for the permit fee under sub-section (2) as a result of an incorrect estimate of the total value of the prizes offered in the series of lotteries. 40

(5) If it appears from the statement of account relating to a series of lotteries that the value of prizes offered was

less than the amount that was estimated in the application for a permit, the Board must refund any excess payment.

- 5 (6) Each holder of a permit granted under section 6AAA (2A) must, within 28 days of being asked by the Board to do so, send to the Board a statement of account in the prescribed form and containing the prescribed particulars relating to any lottery conducted under the permit.”.

Permit exemption for minor trade promotion lotteries.

- 10 10. For section 6AAC (2) of the Principal Act substitute—

“(2) A person is not guilty of an offence against this Act for anything done for the purposes of a lottery for the promotion of a trade or business if the total value of the prizes being offered is less than \$200 and the prescribed conditions for the conduct of the lottery are complied with.”.

15 **Change to definition of “Lucky envelope”.**

11. In section 6AA of the Principal Act, in the definition of “Lucky envelope” omit “numbers of the”.

New permit conditions for lucky envelopes.

- 20 12. For section 6AB (4) of the Principal Act substitute—

“(4) A permit is subject to the following conditions:

(a) Not less than 50% nor more than 75% of the gross receipts from the sale of lucky envelopes may be distributed as prizes.

25 (b) Not more than 10%, or such other percentage as may be prescribed, of the gross receipts from the sale of lucky envelopes may be paid for expenses other than any fee or charge imposed under this Act.

(c) Expenses related to the sale of lucky envelopes must be approved by the Board or must comply with any prescribed requirements.”.

Suppliers of lucky envelopes to keep certain records.

13. After section 6AD (2) of the Principal Act insert—

“(3) A person who supplies lucky envelopes to any other person must keep a record of—

35 (a) the name of the person to whom the lucky envelopes were supplied; and

(b) the number of lucky envelopes supplied to that person; and

40 (c) the serial number of the lucky envelopes supplied to that person.”.

Certain people not to conduct free sessions of bingo.**14. After section 6F (1) of the Principal Act insert—**

“(1A) A holder of a bingo permit and the holder of a bingo centre operator’s licence must not—

- (a) conduct; or
- (b) permit to be conducted; or
- (c) assist in the conduct of—

a bingo game or session of bingo games for which a bingo permit has not been issued.”.

Board to give written reasons for refusal to amend bingo centre operator’s licence.**15. In section 6FC (7) of the Principal Act, after “issue” insert “, amend”.****Right of review by Administrative Appeals Tribunal.****16. In the Principal Act—**

- (a) in the heading to Division 5 of Part I., for “AND EVIDENCE” substitute “, REVIEW AND EVIDENCE”; and
- (b) after section 7 insert—

Review by Administrative Appeals Tribunal.

“7A. A person may apply to the Administrative Appeals Tribunal for the review of a decision by the Board under this Part.”.

Change to venue of Call of the Card.**17. In section 66A of the Principal Act—**

- (a) in sub-section (2), for “part of the licensed premises occupied by the Victorian Club and Amateur Sports Club” substitute “premises”; and
- (b) in sub-section (4)—
 - (i) omit “on the licensed premises of the club”; and
 - (ii) in paragraph (b), for “of the Club” substitute “in which the betting is conducted”; and
- (c) in sub-section (5), for “on the premises of the Club” substitute “under a club betting permit”.

Insertion of new section 72.

18. Before section 73 of the Principal Act insert—

Instruments of gaming on vessels.

- 5 “72. It is not an offence against this Act for the owner or captain of a vessel that is travelling to or from a port outside Victoria to possess an instrument of gaming when the vessel is in Victorian waters if the instrument of gaming is rendered—

- (a) inoperative; or
(b) inaccessible to the public.”.

10 **Commercial Consultation etc. syndicates prohibited.**

19. In the *Tattersall Consultations Act* 1958—

- (a) paragraphs (a), (b) and (c) of section 10 (2) are repealed; and
(b) after section 10 insert—

Commercial Consultation etc. syndicates prohibited.

- 15 “10A. (1) For the purposes of this section, a person does not obtain a direct or indirect financial gain in receiving any payment which represents the person’s proportional share, based on the amount the person paid towards the tickets purchased by a syndicate, of any proceeds from —

- 20 (a) a Consultation or soccer football pool; or
(b) any other lottery or game.

- (2) For the purposes of this section, a ticket also includes a ticket, coupon or other document evidencing that the holder of the ticket has acquired a share in any other lottery or game, whether conducted in
25 Victoria or elsewhere.

(3) A person must not obtain, or attempt to obtain, any direct or indirect financial gain for himself or herself or for any other person by—

- 30 (a) forming or conducting; or
(b) assisting in forming or conducting—
a syndicate for the purchase of a ticket.

Penalty: 20 penalty units.

- 35 (4) A person must not obtain, or attempt to obtain, any direct or indirect financial gain for himself or herself or for any other person, by promoting—

- (a) the formation of any syndicate for the purchase of a ticket;
or
(b) any syndicate for the purchase of a ticket; or

No. 6390.
Reprinted to N .
9682.
Subsequently
amended by
Nos. 9861,
9902, 9872
22/1986
and 59/1986.

- (c) any scheme enabling any other person to form any syndicate for the purchase of a ticket.

Penalty: 20 penalty units.

(5) A person who devises or forms, or assists in devising or forming— 5

- (a) any syndicate for the purchase of a ticket; or
- (b) any scheme enabling any other person to form any syndicate for the purchase of a ticket—

must not obtain, or attempt to obtain, any direct or indirect financial gain for himself or herself or for any other person, by advertising the syndicate or scheme. 10

Penalty: 20 penalty units.

(6) If a body corporate is guilty of an offence under this section, any person who is concerned in or takes part in the management of that body corporate is also guilty of that offence and liable to the penalty for that offence. 15

(7) It is a defence to a charge brought under sub-section (6) if the person charged proves that—

- (a) the offence was committed by the body corporate without the person's consent or knowledge; and 20
- (b) he or she exercised due diligence to prevent the commission of the offence.

(8) This section does not apply to—

- (a) the promoter; or
- (b) any accredited representative of the promoter with respect to any commission payment received under an agreement with the promoter.”. 25

PART 3—AMUSEMENT AND GAMING MACHINES

Change to definition of “Amusement machine”.

20. In section 10A of the Principal Act, in the definition of “Amusement machine”, omit “in which the chances are equal to all players and”. 30

Offence to have registration label on illegal machine, and increase in penalties.

21. In section 10B of the Principal Act— 35

- (a) in sub-section (6), omit the phrase commencing “and liable” and ending at the end of the sub-section; and

(b) after sub-section (7), insert—

“(8) Any person who owns or supplies an amusement machine—

(a) which is used to play or depict a game of a type or class not approved by the Board; and

(b) to which is attached a certificate of registration issued to the person, or transferred to the person under section 10F—

is guilty of an offence.

(9) A person who is guilty of an offence under sub-section (6) or (8) is liable—

(a) in the case of a first offence, to a fine of not less than 10 penalty units and not more than 25 penalty units; and

(b) in the case of a second offence, to a fine of not less than 25 penalty units and not more than 50 penalty units; and

(c) in the case of a subsequent offence, to a fine of not less than 50 penalty units and not more than 100 penalty units, or to be imprisoned for not more than 3 months, or both.”.

Licensing of amusement machine operators.

22. In the Principal Act—

(a) in section 10A, after the definition of “Gaming investigator” insert—

“**Operator’s licence**” means an amusement machine operator’s licence issued by the Board.; and

(b) after section 10F insert—

Amusement machine operators to be licensed.

“10FA. (1) A person must not own or supply an amusement machine unless that person holds an operator’s licence.

Penalty—

(a) in the case of a first offence, a fine of not less than 10 penalty units and not more than 25 penalty units; and

(b) in the case of a second offence, a fine of not less than 25 penalty units and not more than 50 penalty units; and

(c) in the case of a subsequent offence, a fine of not less than 50 penalty units, and not more than 100 penalty units, or imprisonment for not more than 3 months, or both.

(2) A person may apply to the Board for an operator's licence or the renewal of an operator's licence.

(3) An application must—

(a) be in the prescribed form; and

(b) be forwarded with the prescribed fee.

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(4) The Board may require any other information that it considers necessary from an applicant."

Licensing.

"10FB. (1) The Board may issue an operator's licence to a person for the prescribed period and may renew an operator's licence for the prescribed period if it is satisfied—

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(a) that the application for the licence or the renewal of the licence is in the prescribed form; and

(b) that the prescribed fee has been paid; and

(c) that the applicant is a person of good repute and character; and

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(d) that if the applicant is a body corporate, the person applying on behalf of the body corporate is authorised to make the application; and

(e) that the applicant has provided any information required under section 10FA (4); and

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(f) as to any other matter that it considers relevant to the suitability of the applicant to hold an operator's licence.

(2) The Board may issue or renew an operator's licence subject to any conditions, limitations and restrictions it thinks appropriate.

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(3) On issuing, renewing or amending an operator's licence the Board must issue to the person to whom the licence was issued a document evidencing the issue, renewal or amendment which—

(a) must be in the prescribed form; and

(b) must show any conditions, limitations and restrictions imposed by the Board or the regulations.

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(4) If the Board refuses to issue or renew an operator's licence, it must send to the applicant a written notice of the refusal setting out the reasons for the refusal.

(5) The Board may amend, suspend or revoke an operator's licence.

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(6) If the Board amends, suspends or revokes an operator's licence, it must send to the licence holder a written notice setting out the reasons for the amendment, suspension or revocation.

(7) If a document evidencing an operator's licence has been issued by the Board and that licence is amended, suspended or revoked, the person to whom the licence was issued must surrender the document to the Board on demand."

Right of review by Administrative Appeals Tribunal.

"10FC. A person may apply to the Administrative Appeals Tribunal for the review of a decision by the Board under section 10FB."

Records.

"10FD. The Board must cause to be prepared and kept records of all operator's licences it has issued or renewed."

False information.

"10FE. Any person who knowingly supplies false particulars to the Board—

(a) on any application for the issue or renewal of an operator's licence; or

(b) in giving the Board information sought by it under section 10FA (4)—

is guilty of an offence."; and

(c) in section 10Q, after "certificate of registration" insert "or operator's licence"; and

(d) in section 10T, after paragraph (a) insert—

"(aa) any person is or was or is not or was not at any time stated in the document the holder of an operator's licence; or"; and

(e) in section 10T (d), for "an Inspector" substitute "a gaming investigator"; and

(f) in section 10T, after paragraph (e) insert—

"; or

(f) any game is or is not a game of a type or class approved by the Board—"; and

(g) in section 10U—

(i) after paragraph (a) insert—

"(aa) applications for the issue or renewal of operator's licences; and"; and

(ii) in paragraph (b), after "fees for" insert "applications, licences,"; and

(iii) after paragraph (d) insert—

"(da) the terms, conditions and restrictions and limitations to which an operator's licence may be subject"; and".

New offences.

23. After section 10P of the Principal Act insert—

Offence by proprietors and owners of premises.

“10PA. The proprietor or owner of any premises who permits an amusement machine to be played on the premises which the proprietor or owner knows is a prohibited amusement machine is guilty of an offence. 5

Penalty: 5 penalty units.”

Operators must put names and licence numbers on machines.

“10PB. An amusement machine operator who owns or supplies an amusement machine to which the operator’s name and operator’s licence number are not affixed— 10

(a) legibly; and

(b) in a position enabling them to be seen without having to move the amusement machine— 15

is guilty of an offence.

Penalty: 5 penalty units.”.

Changes to the powers of gaming investigators and police.

24. In section 10Q of the Principal Act—

(a) for “Inspector” (wherever occurring) substitute “gaming investigator”; and 20

(b) in sub-section (1) (a), for “suspects” substitute “believes”; and

(c) in sub-section (2), for “necessary or desirable” substitute “reasonably necessary”; and 25

(d) in sub-section (3) (a), omit “abuses, insults,”; and

(e) after sub-section (3) insert—

“(4) The proprietor, owner or person apparently in charge of any premises on which an amusement machine is installed must, if asked by a gaming investigator or a member of the police force, give the investigator or member— 30

(a) the name of the operator of the amusement machine; or

(b) in a case where the proprietor, owner or person apparently in charge claims not to know the name of the operator of the amusement machine, any other information in the possession of that person which might assist to establish the identity of the operator of the amusement machine. 35

Penalty: 5 penalty units.”. 40

Changes to power to order forfeiture.

25. In section 10s of the Principal Act—

- 5 (a) in sub-section (2), for “If a person is convicted of an offence”
substitute “If an offence has been proven against a person”;
and
- (b) in sub-section (4), for “If a person is convicted of an offence”
substitute “If an offence has been proven against a person.”.

Increase in penalties for gaming machine offences.

26. After section 68 (1) of the Principal Act insert—

- 10 “(1A) A person who is guilty of an offence under this section is
liable—
- (a) in the case of a first offence, to a fine of not less than 10
penalty units and not more than 25 penalty units; and
- 15 (b) in the case of a second offence, to a fine of not less than 25
penalty units and not more than 50 penalty units; and
- (c) in the case of a subsequent offence, to a fine of not less than
50 penalty units and not more than 100 penalty units, or to
be imprisoned for not more than 3 months, or both.”.

Change to method of declaring prohibited gaming machines.

20 27. For section 68 (3) (b) of the Principal Act substitute—

- “(b) is declared to be a prohibited machine by the Governor in
Council, by Order published in the *Government Gazette*.”.

Changes to gaming machine seizure provisions.

28. In section 68 (4) of the Principal Act—

- 25 (a) for “if a person is convicted of an offence under this section”
substitute “if an offence under this section has been proven
against a person”; and
- (b) before “machine” (where last occurring) insert “whole”.

Gaming machines may be built for export.

30 29. After section 68 (4) of the Principal Act insert—

- “(5) Sub-section (1) does not apply to a person who has the
written authority of the Minister to construct, make, offer

for sale, sell or keep any machine, device or contrivance for gaming or betting for use outside Victoria.

- (6) The authority of the Minister may be subject to any terms, conditions or limitations that the Minister thinks fit.”.

Repeal of sunset provision.

5

No. 34/1986.

30. Section 6 of the *Lotteries Gaming and Betting (Amusement Machines) Act 1986* is repealed.