

Lotteries Gaming and Betting (Amendment) Bill

EXPLANATORY MEMORANDUM

Outline

The purposes of this Bill are—

- (a) to amend the *Lotteries Gaming and Betting Act 1966*;
 - (1) to revise and alter the current provisions relating to raffles, lucky envelopes, trade promotions and bingo;
 - (2) to amend the provisions in relation to the Call of the Card;
 - (3) to provide for the licensing of amusement machine operators;
 - (4) to create several new offences in relation to the regulation of amusement and gaming machines;
 - (5) to increase penalties in respect of offences in relation to amusement and gaming machines; and
- (b) to amend the Tattersall Consultation Act to prohibit commercial syndicates in respect of consultations, pools, lotteries and gaming under that Act.

NOTES ON CLAUSES

Clause 1 sets out the main purposes of the Act.

Clause 2 provides that the Act comes into operation on a day or days to be proclaimed.

Clause 3 provides that the *Lotteries Gaming and Betting Act 1966* is the Principal Act.

Clause 4 amends section 6 of the *Lotteries Gaming and Betting Act* by widening the types of groups that are able to conduct raffles to include political parties.

Clause 5 amends section 5 (4) of the *Lotteries Gaming and Betting Act* to provide that minor sweep stakes and tipping competitions shall be lawful provided that the total value of prizes distributed is not more than \$500.

Clause 6 inserts in section 5B a new sub-section (4) to provide that the Raffles and Bingo Permits Board may delegate in writing its powers to issue permits and licence to any person or class of persons.

Clause 7 revises the current maximum prize limits in respect of raffles by substituting \$500 for \$200 and \$1000 for \$500 where appearing in section 6 of the *Lotteries Gaming and Betting Act*.

Clause 8 inserts a new sub-section (5A) in section 6 of the *Lotteries Gaming and Betting Act* to provide that where the prize offered includes travel or accommodation up to 10% of the total value of the prize or such other amount that is approved by the Board may be assigned as money.

Clause 9 amends section 6AAA of the *Lotteries Gaming and Betting Act* to provide for a new type of trade promotion permit which will enable a person to obtain one permit to cover a number of trade promotion lotteries. The total value of the prizes to be offered must not exceed \$50 000 and the fee for the permit is to be 2% of the total value of the prizes offered.

Clause 10 amends section 6AAC (2) of the *Lotteries Gaming and Betting Act* in respect of trade promotion lotteries to provide that where the total value of prizes offered is less than \$200 a permit is not required provided that the prescribed conditions for the conduct of the lottery are complied with.

Clause 11 deletes the words “numbers of” from section 6AA of the Lotteries Gaming and Betting Act to clarify that tickets in lucky envelopes need not carry numbers.

Clause 12 amends section 6AB (4) of the Principal Act to provide that in respect of the sale of lucky envelopes not more than 10% of the gross receipts of the sale of lucky envelopes may be used to pay expenses or fees other than those imposed under the Act and that such expenses must be approved by the Board.

Clause 13 amends section 6AD (2) to require that the suppliers or printers of lucky envelopes must keep a record of—

- (a) the name of the persons to whom the lucky envelopes were supplied;
- (b) the number of lucky envelopes supplied to that person;
- (c) the serial number of the lucky envelopes as supplied to that person.

Clause 14 amends section 6F (1) of the Lotteries Gaming and Betting Act by inserting a new sub-section (1A) to require that the holder of a bingo permit or the holder of bingo centre operators licence must not conduct a bingo game or sessions of bingo games for which a bingo permit has not been issued. These games or sessions have previously been described as free sessions and the purpose of this provision is to eliminate the conduct of such sessions.

Clause 15 amends section 6FC (7) of the Lotteries Gaming and Betting Act by inserting the word “amend” to provide that the Board may amend the bingo centre operators licence.

Clause 16 provides for the right of review by the Administrative Appeals Tribunal of decisions taken by the Raffles and Bingo Permits Board and inserts a new section 7A in the Act to this effect.

Clause 17 amends section 66A of the Lotteries Gaming and Betting Act to provide that the Victorian Club of Amateur Sports Club Ltd may conduct the Call of the Card on such premises as are approved by the Minister.

Clause 18 inserts a new section 72 in the Lotteries Gaming and Betting Act to provide that it is not an offence for instruments of gaming to be on a vessel travelling to or from a port outside Victoria provided that while the vessel is in Victorian waters the instrument of gaming is rendered inoperative or inaccessible to the public.

Clause 19 amends the Tattersall Consultations Act by inserting a new section 10A to provide that commercial syndicates operating on any consultation, soccer football pool or any other lottery or game are prohibited.

Clause 20 amends section 10A of the Lotteries Gaming and Betting Act by deleting from the definition of amusement machine the words “in that the chances are equal to all players and”.

Clause 21 amends section 10B of the Lotteries Gaming and Betting Act to provide a specific offence where a registration label is placed on an illegal machine and amends and substantially increases the current level of penalties—

- (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;
- (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 subsequent offences, 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.

Clause 22 amends the Lotteries Gaming and Betting Act by—

- (a) inserting in section 10A a definition of “operator’s licence”. “Operator’s licence” means an amusement machine operators licence issued by the Board.

- (b) amends section 10F by inserting provisions requiring amusement machine operators to be licenced and setting out machinery matters in respect of the licensing of such persons. Provision is also made for penalties in respect of an offence in respect of these matters.

Clause 23

- (1) inserts a new section 10PA which creates a new offence in circumstances where the proprietor or owner of any premises permits a prohibited amusement machine to be played on the premises—the penalty provided is 5 penalty units.
- (2) inserts a new section 10PB requiring that amusement machine operators must put their names and licence numbers on their amusement machines and that such information should be easily visible.

Clause 24 in respect of paragraphs (a) to (e) provides for minor drafting changes in respect of powers of Gaming Investigators and Police. Paragraph (f) amends section 100 by inserting a new sub-section (4) requiring the proprietor or person apparently in charge of any premises on which an amusement machine is installed to provide—

- (a) the name of the operator; or
- (b) any other information which may assist to establish the identity of the operator.
- The penalty for failing to provide such information is 5 penalty units.

Clause 25 amends section 10s of the Lotteries Gaming and Betting Act to substitute the words “if an offence has been proven against a person” for the words “if a person is convicted of an offence” where appearing in sub-section (2) and sub-section (4).

Clause 26 inserts in section 68 of the Lotteries Gaming and Betting Act a new sub-section (1A) to provide for new specific levels to penalties—

- (a) in the case of a first offence, to a fine of not less than 10 penalty units and not more than 20 penalty units;
- (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.

Clause 27 amends section 68 (3) (b) of the Lotteries Gaming and Betting Act to provide that prohibited gaming machines may be declared by order of the Governor in Council published in the *Government Gazette* rather than by Regulation.

Clause 28 amends section 68 (4) of the Lotteries Gaming and Betting Act by substituting the words “if an offence under this section has been proven against a person” for the words “if a person is convicted of an offence under this section” and inserting the word “whole” before a machine where last occurring. This will enable the whole of a contrivance for gaming to be seized and forfeited rather than just the relevant micro-circuit.

Clause 29 inserts in section 68 of the Lotteries Gaming and Betting Act two new sub-sections (5) and (6) which provide that with the written authority of the Minister a person may construct, keep and offer for sale contrivances for gaming provided that they are for use outside Victoria and that the authority of the Minister in such cases may be subject to any terms, conditions or limitations that the Minister thinks fit.

Clause 30 repeals section 6 of the Lotteries Gaming and Betting (Amusement Machines) Act which empowers a Sunset Date of 30 December 1987 in respect of the provisions of that Act.

