

# Lotteries Gaming and Betting (Amusement Machines) Act 1986

No. 34 of 1986

## TABLE OF PROVISIONS

### *Section*

1. Purpose.
2. Commencement.
3. Principal Act.
4. New Part IA. inserted in Principal Act—

### **PART IA.—AMUSEMENT MACHINES**

- 10A. Definitions.
  - 10B. Registration of amusement machines.
  - 10C. Grant of registration.
  - 10D. Application for renewal of registration.
  - 10E. Renewal of registration.
  - 10F. Transfer of certificate of registration.
  - 10G. Theft of amusement machine.
  - 10H. Cancellation or suspension of registration.
  - 10J. Reasons to be in writing.
  - 10K. Review of certain decisions.
  - 10L. Records.
  - 10M. Unregistered amusement machines.
  - 10N. Certificate of registration to be affixed to amusement machine.
  - 10P. False representation.
  - 10Q. Powers of Inspectors and police.
  - 10R. Persons who are liable for offences.
  - 10S. Seizure of unregistered or prohibited machines.
  - 10T. Evidence.
  - 10U. Regulations.
5. Repeal of sunset provision
  6. Sunset provision.



**Victoria**

**No. 34 of 1986**

## **Lotteries Gaming and Betting (Amusement Machines) Act 1986**

[Assented to 20 May 1986]

The Parliament of Victoria enacts as follows:

### **Purpose.**

1. The purpose of this Act is to regulate the amusement machine industry in the public interest and for the benefit of the community.

### **Commencement.**

2. (1) This Act (except section 5) comes into operation on a day or days to be proclaimed.

(2) Section 5 comes into operation on the day on which this Act receives the Royal Assent.

### **Principal Act.**

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

No. 7429.  
Reprinted to No.  
9880.  
Subsequently  
amended by  
Nos. 10127,  
10134 and  
10195.

**New Part IA. inserted in Principal Act.**

4. (1) Subject to sub-section (2), after Part I. of the Principal Act insert—

**“PART IA.—AMUSEMENT MACHINES”****Definitions.**

‘10A. In this Part—

“Amusement machine” means—

- (a) any machine, device, contrivance or electronic apparatus operated for pecuniary consideration for the purpose of playing games in which the chances are equal to all players and which involve the activation or manipulation of the machine, device, contrivance or electronic apparatus to achieve a pre-set, programmed, designated or otherwise defined score, object or result; and
- (b) any machine, device, contrivance or electronic apparatus prescribed as an amusement machine.

“Amusement machine operator” means any person who owns or supplies an amusement machine.

“Board” means the Raffles and Bingo Permits Board established by section 5A.

“Inspector” means an Inspector appointed under section 5B (2).’

**Registration of amusement machines.**

“10B. (1) Every amusement machine must be registered with the Board.

(2) An amusement machine operator may apply to the Board for the registration of an amusement machine.

(3) An application for the registration of an amusement machine must—

- (a) be in the prescribed form; and
- (b) be forwarded with the prescribed fee; and
- (c) specify the number of machines to be registered; and
- (d) specify the name and address of the applicant and of the manufacturer of each machine to be registered.

(4) An applicant must provide the Board with any other information or particulars that the Board considers necessary.

(5) An amusement machine which is (whether originally or as a result of being tampered or interfered with) of a type or class not approved by the Board or which is used to play or depict games of a

type or class not approved by the Board is a prohibited amusement machine and cannot be registered under this Part.

(6) Any person who owns or supplies to any premises a prohibited amusement machine is guilty of an offence and liable—

- (a) in the case of a first offence, to a fine of not more than 10 penalty units; and
- (b) in the case of a second offence, to a fine of not more than 25 penalty units; and
- (c) in the case of a subsequent offence, to a fine of not more than 50 penalty units.

(7) A registered amusement machine may be used to play or depict any game of a type or class approved by the Board.”

#### **Grant of registration.**

“10C. (1) The Board may in its absolute discretion approve an application for the registration of an amusement machine if the Board is satisfied that—

- (a) the application is in the prescribed form; and
- (b) the prescribed fee has been paid; and
- (c) the applicant is a person of good repute and character; and
- (d) if the applicant is the nominee of a body corporate, the applicant is authorized by the body corporate to make the application; and
- (e) the applicant has provided any information required under section 10B (4).

(2) If an amusement machine is registered under this Part, the Board must cause a certificate of registration to be issued to the applicant.

(3) A certificate of registration—

- (a) must be in the prescribed form; and
- (b) must be endorsed with the terms, conditions, restrictions and limitations subject to which it is issued; and
- (c) is valid for 12 months unless it sooner expires or is revoked or suspended; and
- (d) must be displayed on the amusement machine.”

#### **Application for renewal of registration.**

“10D. (1) The person to whom a certificate of registration is issued under section 10C (2) may apply to the Board for renewal of the registration not less than 30 days before the registration is due to expire.

(2) An application for the renewal of a registration must—

- (a) be in the prescribed form; and

(b) be forwarded with the prescribed fee.

(3) An applicant must provide the Board with any other information or particulars that the Board considers necessary.”

**Renewal of registration.**

“10E. (1) The Board may in its absolute discretion grant an application for the renewal of the registration of an amusement machine if the Board is satisfied that—

(a) the terms, conditions, restrictions and limitations subject to which the registration was previously granted have been complied with; and

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

(2) When granting an application for the renewal of the registration of an amusement machine the Board may—

(a) revoke or vary any term, condition, restriction or limitation subject to which the registration was previously granted; or

(b) insert a new term, condition, restriction or limitation.

(3) If the registration of an amusement machine is renewed under this Part, the Board must cause a certificate of registration to be issued to the applicant.”

**Transfer of certificate of registration.**

“10F. (1) A holder of a certificate of registration of an amusement machine who ceases being the amusement machine operator in respect of that machine is guilty of an offence unless the holder notifies the Board in writing of that fact within 14 days after the day on which the holder so ceases.

Penalty: 10 penalty units.

(2) A person who becomes the amusement machine operator in respect of an amusement machine may apply to the Board for the transfer to that person of the certificate of registration of that machine.

(3) An application for the transfer of a certificate of registration must—

(a) be in the prescribed form; and

(b) be forwarded with the prescribed fee.

(4) An applicant must provide the Board with any other information or particulars that the Board considers necessary.

(5) The Board may in its absolute discretion grant an application for the transfer of a certificate of registration if the Board is satisfied that the applicant is a person of good repute and character.

(6) Unless transferred in accordance with this section, a certificate of registration issued in respect of an amusement machine expires on

the day on which the person to whom it was issued ceased to be the amusement machine operator in respect of that machine.”

**Theft of amusement machine.**

“10G. (1) If an amusement machine is stolen, the holder of the certificate of registration issued in respect of the machine must within 14 days after the theft notify the Board in writing of the theft.

(2) A person who contravenes this section is guilty of an offence.

Penalty: 10 penalty units.”

**Cancellation or suspension of registration.**

“10H. The Board may cancel or suspend for such period as it determines the registration of an amusement machine if—

(a) the person to whom the certificate of registration was issued—

(i) has breached any term, condition, restriction or limitation subject to which the registration was granted; or

(ii) ceases, in the opinion of the Board, to be a person of good repute and character; or

(b) the amusement machine is used to play or depict any game of a type or class not approved by the Board.”

**Reasons to be in writing.**

“10J. If the Board decides to—

(a) refuse to grant an application under section 10B (2), 10D (1) or 10F (2); or

(b) cancel or suspend a registration under section 10H—

the Board must give the applicant or holder of the certificate of registration a statement in writing of the reasons for doing so.”

**Review of certain decisions.**

“10K. A person who feels aggrieved by any decision of the Board referred to in section 10J may apply to the Administrative Appeals Tribunal for a review of the decision.”

**Records.**

“10L. The Board must cause to be prepared and kept records containing particulars as to all registrations or renewals or transfers granted under this Part.”

**Unregistered amusement machines.**

“10M. An amusement machine operator who owns or supplies to any premises an unregistered amusement machine is guilty of an offence and liable—

- (a) in the case of a first offence, to a fine of not more than 10 penalty units; and
- (b) in the case of a second offence, to a fine of not more than 25 penalty units; and
- (c) in the case of a subsequent offence, to a fine of not more than 50 penalty units.”

**Certificate of registration to be affixed to amusement machine.**

“10N. An amusement machine operator who owns or supplies to any premises a registered amusement machine to which a current certificate of registration is not affixed is guilty of an offence.

Penalty: 10 penalty units.”

**False representation.**

“10P. Any person who falsely represents to the Board that an amusement machine is of a type or class in respect of which the Board may grant registration is guilty of an offence.

Penalty: 10 penalty units.”

**Powers of Inspectors and police.**

“10Q. (1) For the purposes of the administration of this Part and the regulations made under this Part and of ascertaining whether the provisions of this Part and the regulations made under this Part and any terms, conditions, restrictions or limitations subject to which a certificate of registration is issued have been or are being complied with, an Inspector or any member of the police force may at any reasonable time of the day or night and with such assistance as the Inspector or member of the police force may require—

- (a) enter, inspect and examine any premises on which an amusement machine is installed or stored or on which the Inspector or member of the police force suspects on reasonable grounds that an amusement machine is installed or stored; and
- (b) inspect and examine any amusement machine or any document or equipment which in the opinion of the Inspector or member of the police force relates to any amusement machine.

(2) The owner of any premises must provide an Inspector or member of the police force who wishes to exercise or is exercising a power under sub-section (1) with such assistance as is necessary or

desirable to enable the Inspector or member of the police force to exercise that power effectively.

(3) A person who—

- (a) assaults, obstructs, hinders, threatens, abuses, insults, intimidates or attempts to obstruct or intimidate any Inspector or member of the police force or other person in the exercise or performance of any power, authority, function or duty under this Part; or
- (b) refuses admission to an Inspector or member of the police force and any person accompanying an Inspector or member of the police force; or
- (c) refuses or neglects to render assistance when required to do so under sub-section (2); or
- (d) contravenes or fails to comply with any lawful requirement, direction or order of an Inspector or member of the police force—

is guilty of an offence.

Penalty: 5 penalty units.”

**Persons who are liable for offences.**

“10R. (1) A person who aids, abets, counsels or procures or is in any way knowingly concerned in the commission of an offence against this Part is guilty of that offence and liable to the penalty for that offence.

(2) If two or more persons are responsible for the same offence against this Part each of those persons is liable to the penalty provided by this Part for that offence and the liability of each of them is independent of the liability of any other person.

(3) If this Part provides that a person, being a partnership or an unincorporated body, is guilty of an offence, that reference to the person is to be construed as a reference to each member of the partnership or of the committee of management of the unincorporated body, as the case requires, with whose consent or knowledge the offence is committed.”

**Seizure of unregistered or prohibited machines.**

“10S. (1) A member of the police force may seize any unregistered or prohibited amusement machine.

(2) If a person is convicted of an offence in relation to an unregistered amusement machine the court may order that the machine be forfeited to the Crown.

(3) An amusement machine forfeited to the Crown may be sold and the proceeds of the sale must be paid into the Consolidated Fund.



(4) If a person is convicted of an offence in relation to a prohibited amusement machine the court must order that the machine be destroyed.”

**Evidence.**

“10T. A document purporting to be made by or issued or written under the direction of the Board and purporting to be signed by a member of the Board to the effect that—

- (a) any person is or was or is not or was not at any time stated in the document the holder of a certificate of registration issued in respect of an amusement machine; or
- (b) any amusement machine is or is not a prohibited amusement machine; or
- (c) any amusement machine is or is not a registered amusement machine; or
- (d) any person is or is not an Inspector; or
- (e) any machine, device, contrivance or electronic apparatus is or is not an amusement machine—

is evidence and, in the absence of evidence to the contrary, proof of the facts stated in it.”

**Regulations.**

“10U. (1) The Governor in Council may make regulations for or with respect to—

- (a) applications for the issue, renewal or transfer of certificates of registration in respect of amusement machines; and
- (b) prescribing fees for registrations, renewals and transfers under this Part; and
- (c) providing for the refund of a proportionate part of any fees if an amusement machine is sold during the currency of a certificate of registration issued in respect of it; and
- (d) the terms, conditions, restrictions and limitations to which the registration of an amusement machine may be subject; and
- (e) prescribing forms to be used for the purposes of this Part; and
- (f) prescribing the keeping and the form of any records or registers by the Board; and
- (g) prescribing any machine, device, contrivance or electronic apparatus to be an amusement machine; and
- (h) prescribing any matter or thing authorized or required to be prescribed or necessary to be prescribed for carrying this Part into effect.

(2) Regulations made under this Part —

- (a) may be of general or of specially limited application; and
- (b) may differ according to differences in time, place or circumstance; and
- (c) may impose a penalty not exceeding 10 penalty units for any contravention of the regulations.”.

(2) The several provisions inserted in the Principal Act by sub-section (1) come into operation on a day or days to be proclaimed.

**Repeal of sunset provision.**

5. Section 5 of the *Lotteries Gaming and Betting (Gaming Machines) Act 1985* is repealed.

**Sunset provision.**

6. The amendments made to the Principal Act by section 4 (1) continue in force until 31 December 1987 and no longer and on and after 1 January 1988 the Principal Act shall have effect as if this Act had not been enacted.

---

NOTES

1. *Minister's second reading speech—*  
*Legislative Assembly: 22 April 1986*  
*Legislative Council: 8 May 1986*
2. The long title for the Bill for this Act was “A Bill to regulate the amusement machine industry and for other purposes.”.