

Version No. 022
Club Keno Act 1993

Act No. 56/1993

Version incorporating amendments as at 1 July 2000

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The Parliament of Victoria enacts as follows:

1. Purpose

The purpose of this Act is to make provision for the game of club keno.

2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

3. Definitions

In this Act—

S. 3 def. of "approved venue" inserted by No. 15/1997 s. 16(a).

"approved venue" has the same meaning as in the **Gaming Machine Control Act 1991**;

S. 3 def. of "associate" inserted by No. 29/1998 s. 18(2).

"associate" means, in relation to a person (the first person)—

- (a) a person who holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in right of the person or on behalf of any other person) in the business of conducting and promoting club keno games of the first person, and by virtue of that interest or power, is able or will be able to exercise a significant influence over or with

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respect to the management or operation of any such business; or

(b) a person who holds or will hold any relevant position, whether in right of the person or on behalf of any other person, in the business of the first person under this Act; or

(c) a person who is a relative of the first person;

"Authority" means the Victorian Casino and Gaming Authority established under the **Gaming and Betting Act 1994**;

S. 3 def. of "Authority" inserted by No. 29/1998 s. 18(2).

"club keno game" means a game that complies with the prescribed requirements and which is approved by the Minister and is known as club keno;

"company" means a company within the meaning of section 9 of the Corporations Law;

S. 3 def. of "company" inserted by No. 29/1998 s. 18(2).

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

S. 3 def. of "Director" inserted by No. 98/1994 s. 23(a).

"gaming revenue", in relation to a week, means the amount received by the participants for club keno games conducted by the participants in the week less the sum of all prizes payable in respect of those games;

S. 3 def. of "gaming revenue" inserted by No. 15/1997 s. 16(a).

"GST" has the same meaning as it has in the A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth;

S. 3 def. of "GST" inserted by No. 6/2000 s. 28(1).

S. 3 def. of "participants" amended by Nos 37/1994 s. 227(1)(a)(b), 15/1997 s. 16(b), 29/1998 s. 18(1)(a)(b).

"participants" means—

- (a) in relation to the will and estate of the late George Adams—
 - (i) the trustees; and
 - (ii) if a declaration under section 3A is in force, the company declared under that section to be a participant for the purposes of this Act; and
- (b) the holder of a gaming licence under the **Gaming and Betting Act 1994**—
acting in accordance with an agreement approved by the Minister or (except in the definition of "gaming revenue" and sections 7 to 11), either of the trustees (or that company) or the holder of such a licence;

S. 3 def. of "participants' net profit" repealed by No. 15/1997 s. 16(c).

* * * * *

S. 3 def. of "relative" inserted by No. 29/1998 s. 18(2).

"relative", in relation to a person, means the spouse, de facto spouse, parent, son, daughter, or brother or sister (whether of the full or half blood) of the person;

S. 3 def. of "relevant financial interest" inserted by No. 29/1998 s. 18(2).

"relevant financial interest", in relation to a business, means—

- (a) any share in the capital of the business; or
- (b) any entitlement to receive any income derived from the business; or
- (c) any entitlement to receive any payment as a result of money advanced;

"relevant period" means the financial year ending on 30 June;

"relevant position", in relation to a business, means the position of director, manager, or other executive position or secretary, however that position is designated;

S. 3 def. of "relevant position" inserted by No. 29/1998 s. 18(2).

"relevant power" means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others—

S. 3 def. of "relevant power" inserted by No. 29/1998 s. 18(2).

- (a) to participate in any directorial, managerial, or executive decision; or
- (b) to elect or appoint any person to any relevant position;

"retention period" means a period of 60 days after seizure of a thing under section 13D or 13E;

S. 3 def. of "retention period" inserted by No. 98/1994 s. 23(b).

"subsidiary"—

S. 3 def. of "subsidiary" inserted by No. 90/1998 s. 11.

- (a) in relation to the trustees, means a body corporate that, if the trustees were a body corporate, would be a subsidiary of the trustees within the meaning of the Corporations Law (but not a subsidiary of another such body corporate);
- (b) in relation to a body corporate, means another body corporate that is a subsidiary of the first-mentioned body corporate within the meaning of the Corporations Law (but not a subsidiary of another such body corporate);

S. 3 def. of "trustees" inserted by No. 29/1998 s. 18(2).

"this Act" includes regulations under this Act and the **Tattersall Consultations Act 1958** and regulations under that Act;

"trustees" means the trustees of the will and estate of the late George Adams;

S. 3 def. of "venue operator" inserted by No. 15/1997 s. 16(a).

"venue operator" has the same meaning as in the **Gaming Machine Control Act 1991**;

S. 3 def. of "wholly-owned subsidiary" inserted by No. 90/1998 s. 11.

"wholly-owned subsidiary", in relation to the trustees, means a company—

- (a) that is a subsidiary of the trustees or of a body corporate that is a subsidiary of the trustees; and
- (b) none of whose members is a person other than—
 - (i) the trustees;
 - (ii) a nominee of the trustees;
 - (iii) a subsidiary of the trustees, being a subsidiary none of whose members is a person other than—
 - (A) the trustees; or
 - (B) a nominee of the trustees;
 - (iv) a nominee of such a subsidiary.

S. 3A inserted by No. 29/1998 s. 19.

3A. *Minister may declare company to be participant*

S. 3A(1) amended by No. 90/1998 s. 12.

- (1) Subject to section 3B, the Minister, on the recommendation of the trustees, may declare a company within the meaning of section 9 of the
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Corporations Law that is a wholly-owned subsidiary of the trustees and is approved by the Authority to be a participant for the purposes of this Act.

- (2) A declaration declaring a company to be a participant ceases to have effect if the company ceases to be a wholly-owned subsidiary of the trustees.
- (3) The Minister, on the recommendation of the trustees, may at any time revoke the declaration of a participant under this section.
- (4) The Minister must cause notice of a declaration or revocation of a declaration under this section to be published in the Government Gazette.
- (5) If a declaration is made under this section, any liability or obligation of the trustees incurred prior to the declaration continues to attach to the trustees after the declaration.
- (6) If a declaration ceases to have effect or is revoked, any liability or obligation of the company incurred prior to the cessation of effect or revocation continues to attach to the company after the cessation or revocation.

**S. 3A(2)
amended by
No. 90/1998
s. 12.**

3B. *Approval of a wholly-owned subsidiary of company*

**S. 3B
inserted by
No. 29/1998
s. 19.**

- (1) The Authority must not approve a company that is a wholly-owned subsidiary of the trustees unless satisfied that the company, and each associate of the company, is a suitable person to be concerned in, or associated with, the management and operation of a business of conducting and promoting club keno games.

**S. 3B(1)
amended by
No. 90/1998
s. 12.**

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- (2) In particular, the Authority must consider whether—
- (a) the company, and each associate of the company, is of good repute, having regard to character, honesty and integrity;
 - (b) the company (other than a company that is a wholly-owned subsidiary of the trustees and has not commenced to carry on business), and each associate of the company, is of sound and stable financial background;
 - (c) the company has, or is able to obtain, financial resources that are adequate to ensure the financial viability of a business of conducting and promoting club keno games, and the services of persons who have sufficient experience in the management and operation of a business of conducting and promoting club keno games;
 - (d) the company (other than a company that is a wholly-owned subsidiary of the trustees and has not commenced to carry on business) has sufficient business ability to establish and maintain a successful business of conducting and promoting club keno games;
 - (e) neither the company nor any associate of the company has any 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 as a result of which the company or the associate is likely to be significantly affected in an unsatisfactory manner;
 - (f) each director, executive officer or secretary of the company and any other officer or person determined by the Authority to be

S. 3B(2)(b)
amended by
No. 90/1998
s. 12.

S. 3B(2)(d)
amended by
No. 90/1998
s. 12.

associated or connected with the ownership or management of the operations or business of the company, is a suitable person to act in that capacity.

3C. Investigation

S. 3C
inserted by
No. 29/1998
s. 19.

- (1) On receiving a request to approve a company that is a wholly-owned subsidiary of the trustees, the Authority must cause to be carried out all such investigations and inquiries as it considers necessary to enable it to consider the application properly.
- (2) The Authority—
 - (a) may require a person it is investigating in relation to the person's suitability to be concerned in or associated with the management of the operations or business of the company to consent to having his or her photograph, finger prints and palm prints taken;
 - (b) must refer such photograph, finger prints and palm prints and any supporting documents to the Chief Commissioner of Police.
- (3) The Chief Commissioner of Police and the Director must inquire into and report to the Authority on such matters concerning the matter as the Authority requests.
- (4) The Authority may refuse to consider an application for approval of a company as operator if any person from whom it requires a photograph, finger prints or palm prints under this section refuses to allow his or her photograph, finger prints or palm prints to be taken.

S. 3C(1)
amended by
No. 90/1998
s. 12.

S. 3D
inserted by
No. 29/1998
s. 19.

3D. *Authority may require further information etc.*

- (1) The Authority may, by notice in writing, require a person who is a company for which the trustees are seeking approval or a person whose association with the company is, in the opinion of the Authority, relevant to the application to do any one or more of the following—
 - (a) to provide, in accordance with directions in the notice, any information, verified by statutory declaration, that is relevant to the investigation of the request for approval and is specified in the notice; and
 - (b) to produce, in accordance with directions in the notice, any records relevant to the request for approval that are specified in the notice and to permit examination of the records, the taking of extracts from them and the making of copies of them; and
 - (c) to authorise a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b); and
 - (d) to furnish to the Authority any authorities and consents that the Authority directs for the purpose of enabling the Authority to obtain information (including financial and other confidential information) concerning the person and his or her associates from other persons.
- (2) If a requirement made under this section is not complied with, the Authority may refuse to consider the request for approval.

3E. Updating of application

- (1) If a change occurs in the information provided in or in connection with a request for approval of a company as operator (including in any documents lodged with the application), before the request is granted or refused, the trustees must forthwith give the Authority written particulars of the change verified by statutory declaration.

Penalty: 50 penalty units.

- (2) When particulars of the change are given, those particulars must then be considered to have formed part of the original request, for the purposes of the application of sub-section (1) to any further change in the information provided.

4. Club keno not subject to Gaming Machine Control Act 1991

The game approved as club keno by the Minister under this Act is not a game that may be approved by the Victorian Casino and Gaming Authority under the **Gaming Machine Control Act 1991**.

4A. Club Keno games may be conducted in approved venues

Nothing in this or any other Act prevents the participants conducting Club Keno games in accordance with this Act in an approved venue within the meaning of the **Gaming Machine Control Act 1991**.

5. Club keno games

- (1) The participants are authorised, subject to this Act and to such commercial arrangements between the participants as are from time to time agreed by the Minister, to conduct and promote club keno games in Victoria.

S. 3E
inserted by
No. 29/1998
s. 19.

S. 4
amended by
No. 37/1994
s. 227(2).

S. 4A
inserted by
No. 37/1994
s. 228.

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S. 5(2)
amended by
Nos 44/1995
s. 21, 15/1997
s. 17.

- (2) It is a condition of the authorisation under subsection (1) that not less than 75 per centum of the total amount received by the participants for any club keno game be paid by the participants to a prizes fund established by the participants which must be applied exclusively for the payment of prizes in respect of club keno games conducted under and in accordance with this Act.
- (3) The Minister may apply to the Supreme Court for an order that the authorisation under this section be revoked on the ground that the participants have wilfully contravened or failed to comply with this Act or the authorisation.

6. *Club keno games conducted by participants not unlawful*

- (1) The participants may, subject to and in accordance with this Act and the authorisation under section 5, conduct and promote club keno games and do all such acts and things as are necessary or expedient in relation to conducting and promoting those games.
- (2) Despite anything in any Act, any club keno game conducted by the participants subject to and in accordance with this Act and the authorisation shall not be unlawful or a common nuisance.

S. 7
amended by
No. 44/1995
s. 22(a)-(c),
substituted by
No. 15/1997
s. 18.

7. *Duty payable by participants*

- (1) In this section, "**week**" means a period of 7 days commencing on a Sunday and ending on the following Saturday.
- (2) The participants must pay in respect of club keno games conducted during each week—

S. 7(2)(a)
amended by
No. 6/2000
s. 28(2)(a).

- (a) to the Treasurer, in accordance with arrangements approved by the Treasurer, for payment into the Consolidated Fund, 24.24% of the gaming revenue for the week, such

payment to be made on the next Tuesday after the end of the week; and

- (b) to the venue operator of an approved venue in which tickets in club keno games are sold during the week—

S. 7(2)(b)
substituted by
No. 6/2000
s. 28(2)(b).

- (i) if GST is payable on the supply to which the amount to be paid under this paragraph relates, an amount calculated in accordance with the formula—

$$\frac{GR \times 11}{30} \times \frac{V}{T}$$

where—

GR is the gaming revenue for the week;

T is the total amount received by the participants for club keno games conducted during the week;

V is the amount received at the approved venue for club keno games conducted during the week;

- (ii) if GST is not payable on the supply to which the amount to be paid under this paragraph relates, an amount calculated in accordance with the formula—

$$\frac{GR}{3} \times \frac{V}{T}$$

where—

GR is the gaming revenue for the week;

T is the total amount received by the participants for club keno games conducted during the week;

V is the amount received at the approved venue for club keno games conducted during the week.

- (3) If, in respect of a week, the amount of all prizes payable in respect of club keno games conducted during the week exceeds the amount received by the participants for those games, the amount of that excess may be applied to reduce the gaming revenue for the next or a subsequent week for the purposes of determining the amounts payable under sub-section (2)(a) in respect of that week.
- (4) An amount payable under this section is a debt and may be recovered in a court of competent jurisdiction.
- (5) An amount equal to the amount paid into the Consolidated Fund under sub-section (2)(a) must, in respect of each relevant period, be paid out of the Consolidated Fund (which is to the necessary extent appropriated accordingly) into the Hospitals and Charities Fund under the **Health Services Act 1988** and the Mental Hospitals Fund under the **Tattersall Consultations Act 1958**, in the proportions determined by the Treasurer.
- (6) This section as amended by section 18 of the **Gaming Acts (Further Amendment) Act 1997** applies in respect of a week commencing on or after the day on which that section commences.
- (7) This section as amended by section 28 of the **National Taxation Reform (Consequential Provisions) Act 2000** applies in respect of a week commencing after 1 July 2000.

S. 7(7)
inserted by
No. 6/2000
s. 28(3).

8. *Accounts and records*

The participants must ensure that there are kept proper accounts and records of the transactions and affairs of the participants and such other

records as sufficiently explain the financial operations and financial position of the participants.

9. *Registered company auditor to be engaged*

The participants must engage a registered company auditor to carry out such audits as are necessary.

10. *Annual financial statements*

- (1) The participants must, in respect of each relevant period, prepare financial statements in respect of club keno games and submit them to the Treasurer not later than 31 October next following the relevant period.
- (2) The financial statements referred to in sub-section (1)—
 - (a) must be prepared in a form appropriate to the activities of the participants in relation to club keno games; and
 - (b) must present fairly the results of the financial transactions of the participants during the relevant period to which they relate and the financial position of the participants as at the end of that period; and
 - (c) must be audited as required by section 11.
- (3) The Treasurer must cause the financial statements submitted to the Treasurer under this section to be laid before the Legislative Council and the Legislative Assembly before the expiration of the seventh sitting day of the Council or the Assembly, as the case may be, after the statements have been received by the Treasurer.
- (4) If the participants fail to submit the financial statements to the Treasurer—

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- (a) if an extension has not been granted under sub-section (6), by 31 October in any year; or
- (b) if such an extension has been granted, by the date to which the extension was granted—
- the Treasurer must report or cause to be reported that failure and the reasons for the failure to each House of the Parliament.
- (5) The participants may apply in writing to the Treasurer for an extension of the date by which the financial statements are to be submitted to the Treasurer.
- (6) The Treasurer may in writing grant to the participants an extension to such date as the Treasurer determines.
- (7) The Treasurer must advise or cause to be advised each House of the Parliament of each extension granted under this section and the reasons for the extension.

11. *Audit*

S. 11(1)
amended by
Nos 93/1997
s. 28(Sch.
item 5(a)),
53/1999
s. 26(Sch.
item 5(a)).

- (1) The financial statement referred to in section 10 must be audited by the Auditor-General.

S. 11(2)
amended by
Nos 93/1997
s. 28(Sch.
item 5(b)),
53/1999
s. 26(Sch.
item 5(b)).

- (2) The Auditor-General has, in respect of the audit of those financial statements, all the powers conferred on the Auditor-General by any law relating to the audit of the public accounts.

S. 11(3)
amended by
No. 53/1999
s. 26(Sch.
item 5(c)(i)).

- (3) Without limiting the generality of sub-section (2), the Auditor-General and any person assisting the Auditor-General—
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(a) has right of access at all times to the books of the participants; and

(b) may require from an employee of the participants any information, assistance or explanations necessary for the performance of the duties of the Auditor-General in relation to the audit of the financial statements referred to in section 10.

S. 11(3)(b) amended by Nos 93/1997 s. 28(Sch. item 5(c)), 53/1999 s. 26(Sch. item 5(c)(ii)).

(4) The participants must pay to the Consolidated Fund an amount to be determined by the Auditor-General to defray the costs and expenses of any audit under this section.

S. 11(4) amended by No. 93/1997 s. 28(Sch. item 5(d)).

12. *Sale of tickets*

Tickets in a club keno game must not be sold except in an approved venue within the meaning of the **Gaming Machine Control Act 1991**.

13. *Agents of participants*

A person who is not an accredited representative of the participants must not hold out the person as an agent of the participants.

Penalty: 50 penalty units or imprisonment for 6 months.

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.

S. 13A inserted by No. 98/1994 s. 24.

13B. *Rights of inspector in certain premises*

(1) In this section, "**participants**" includes accredited representatives of the participants.

(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

S. 13B inserted by No. 98/1994 s. 24.

purpose of doing any one or more of the following—

- (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;
 - (c) ascertaining whether the provisions of this Act and the regulations are being complied with;
 - (d) in any other respect, exercising his or her functions under this Act.
- (3) An inspector who enters premises under subsection (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.

S. 13C
inserted by
No. 98/1994
s. 24.

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
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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.

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;
 - (b) take copies of, extracts from or notes relating to, any documents;
 - (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;
 - (d) by notice in writing require—
 - (i) an officer of the participants; or

S. 13D
inserted by
No. 98/1994
s. 24.

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- (ii) an employee of the participants; or
 - (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—

to attend before the inspector at a specified time or place and answer questions, or provide information, with respect to operations on the premises;

- (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.

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

S. 13E
inserted by
No. 98/1994
s. 24.

13E. *Search warrants*

- (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—
 - (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
 - (ii) which may be evidence of the commission of an offence against this Act; or
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- (b) that there is or has been a contravention of this Act on any premises other than the premises of the participants.
- (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 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
- (b) to search for and seize any machinery, equipment or records named or described in the warrant.
- (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
- (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
- (f) a day, not later than 7 days after the issue of the warrant, on which the warrant ceases to have effect.
- (4) A search warrant must be issued in accordance with the **Magistrates' Court Act 1989** and in the form prescribed under that Act.
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- (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.

S. 13F
inserted by
No. 98/1994
s. 24.

13F. *Announcement before entry*

- (1) Before executing a search warrant, the inspector or member named in the 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.
- (2) The inspector or member, or a person assisting the inspector or member, need not comply with subsection (1) if he or she believes on reasonable grounds that immediate entry to the premises is required to ensure—
- (a) the safety of any person; or
 - (b) that the effective execution of the search warrant is not frustrated.

S. 13G
inserted by
No. 98/1994
s. 24.

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—

- (a) identify himself or herself to that person by producing his or her identity card for inspection by that person; and
- (b) give to that person a copy of the execution copy of the warrant.

S. 13H
inserted by
No. 98/1994
s. 24.

13H. *Copies to be given*

If an inspector or member of the police force seizes—

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

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.
- (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—
 - (a) proceedings have commenced within the retention period and those proceedings (including any appeal) have not been completed; or
 - (b) a court makes an order under section 13J extending the retention period.

S. 13I
inserted by
No. 98/1994
s. 24.

13J. *Magistrates' Court may extend period*

- (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.
- (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

S. 13J
inserted by
No. 98/1994
s. 24.

(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.

S. 13K
inserted by
No. 98/1994
s. 24.

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

(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

(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

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

Penalty: 50 penalty units.

- (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—
 - (a) fail to comply with the requirement; or
 - (b) in purported compliance with the requirement, state a name or address that is false.

Penalty: 20 penalty units.

- (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—
- (a) suspects on reasonable grounds that the person has committed an offence against this Act; and
 - (b) has informed the person, at the time of stating the requirement, that it is an offence to fail to comply with the requirement.
- (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.
- (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
 - (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
 - (d) refuse to comply with the requirement in writing if requested to do so.

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.

S. 13L
inserted by
No. 98/1994
s. 24.

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.
- (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.

S. 13M
inserted by
No. 98/1994
s. 24.

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.

S. 13N
inserted by
No. 98/1994
s. 24.

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.

S. 13O
inserted by
No. 98/1994
s. 24.

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

Club Keno Act 1993

Act No. 56/1993

s. 13P

S. 13P
inserted by
No. 98/1994
s. 24.

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 manner in which it was designed and programmed to function.

Penalty: 100 penalty units.

S. 13Q
inserted by
No. 98/1994
s. 24.

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.

S. 13R
inserted by
No. 98/1994
s. 24.

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

S. 13S
inserted by
No. 98/1994
s. 24.

- (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
 - (b) at a specified time or during a specified period, a specified person held, or is acting in, a specified office; or
 - (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
 - (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—
- (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
 - (b) evidence that a person accepted service of a document is evidence of the authority of the person to accept service of the document.

14. Act to be read as one with Tattersall Consultations Act 1958

This Act must be read as one with the **Tattersall Consultations Act 1958**.

15. Regulations

- (1) The Governor in Council may make regulations for or with respect to—
 - (a) the accrediting of representatives of the participants to conduct club keno games on behalf of the participants and prescribing conditions governing the sale of tickets by those representatives;
 - (b) prescribing requirements for the purposes of the definition of club keno game, including requirements as to the conduct, monitoring and promotion of club keno games;
 - (c) generally prescribing any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) Regulations made under this Act—
 - (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 apply, adopt or incorporate any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any person whether—
 - (i) wholly or partially or as amended by the regulations; or

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s. 15

-
- (ii) as formulated, issued, prescribed or published at the time the regulations are made or at any time before then; and
- (iii) as formulated, issued, prescribed or published from time to time; and
- (d) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Director or a person belonging to a class of persons specified in the regulations; and
- (e) may impose penalties not exceeding 20 penalty units for a contravention of the regulations.
- (3) The Regulations are subject to disallowance by a House of the Parliament.
- (4) Disallowance under sub-section (3) is deemed to be disallowance by Parliament for the purposes of the **Subordinate Legislation Act 1962**.
- (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.
- * * * * *
- S. 15(2)(d) amended by Nos 37/1994 s. 227(3), 98/1994 s. 25(1)(a)(b).
- S. 15(2)(e) inserted by No. 98/1994 s. 25(1)(b).
- S. 15(3) substituted by No. 90/1998 s. 13.
- S. 15(5) amended by No. 37/1994 s. 227(4)(a)(b), substituted by No. 98/1994 s. 25(2).
- Ss 16, 17 repealed by No. 90/1998 s. 14.

NOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 6 May 1993

Legislative Council: 20 May 1993

The long title for the Bill for this Act was "A Bill to make provisions for the game of Club Keno, to amend the **Tattersall Consultations Act 1958** and the **Racing Act 1958** and for other purposes."

The **Club Keno Act 1993** was assented to on 8 June 1993 and came into operation on 8 June 1993: section 2.

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Act No. 56/1993

Notes

2. Table of Amendments

This Version incorporates amendments made to the **Club Keno Act 1993** by Acts and subordinate instruments.

Gaming and Betting Act 1994, No. 37/1994

Assent Date: 2.6.94
Commencement Date: Ss 226, 227(2)–(4), 228 on 3.6.94: Special Gazette (No. 31) 2.6.94 p. 1; s. 227(1) on 15.8.94: Special Gazette (No. 55) 15.8.94 p. 1
Current State: This information relates only to the provision/s amending the **Club Keno Act 1993**

Gaming and Betting (Amendment) Act 1994, No. 98/1994

Assent Date: 13.12.94
Commencement Date: Ss 22–25 on 1.2.95: Special Gazette (No. 10) 1.2.95 p. 1
Current State: This information relates only to the provision/s amending the **Club Keno Act 1993**

Gaming Acts (Amendment) Act 1995, No. 44/1995

Assent Date: 14.6.95
Commencement Date: Ss 20–22 on 30.12.95: s. 2 (5)
Current State: This information relates only to the provision/s amending the **Club Keno Act 1993**

Gaming Acts (Further Amendment) Act 1997, No. 15/1997

Assent Date: 6.5.97
Commencement Date: Pt 4 (ss 15–18) on 1.9.97: Special Gazette (No. 99) 26.8.97 p. 2
Current State: This information relates only to the provision/s amending the **Club Keno Act 1993**

Audit (Amendment) Act 1997, No. 93/1997

Assent Date: 16.12.97
Commencement Date: S. 28(Sch. item 5) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Club Keno Act 1993**

Gaming Acts (Amendment) Act 1998, No. 29/1998

Assent Date: 19.5.98
Commencement Date: Ss 17–19 on 19.5.98: s. 2(1)
Current State: This information relates only to the provision/s amending the **Club Keno Act 1993**

Gaming Acts (Further Amendment) Act 1998, No. 90/1998

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Act No. 56/1993

Assent Date: 24.11.98
Commencement Date: Ss 10–14 on 24.11.98: s. 2(1)
Current State: This information relates only to the provision/s amending the **Club Keno Act 1993**

Liquor Control Reform Act 1998, No. 94/1998¹

Assent Date: 24.11.98
Commencement Date: S. 183(Sch. 4 item 1) on 17.2.99: Special Gazette (No. 22) 16.2.99 p. 3
Current State: This information relates only to the provision/s amending the **Club Keno Act 1993**

Audit (Amendment) Act 1999, No. 53/1999

Assent Date: 14.12.99
Commencement Date: S. 26(Sch. item 5) on 1.1.00: Government Gazette 23.12.99 p. 2764
Current State: This information relates only to the provision/s amending the **Club Keno Act 1993**

National Taxation Reform (Consequential Provisions) Act 2000, No. 6/2000

Assent Date: 11.4.00
Commencement Date: S. 28 on 1.7.00: s. 2(3)
Current State: This information relates only to the provision/s amending the **Club Keno Act 1993**

3. Explanatory Details

¹ Table of Amendments (**Liquor Control Reform Act 1998**): The amendment proposed by section 183(Schedule 4 item 1) of the **Liquor Control Reform Act 1998** is not included in this publication because there is no section 12ZC in this Act. Schedule 4 item 1 reads as follows:

SCHEDULE 4

CONSEQUENTIAL AMENDMENTS

1. *Club Keno Act 1993*

For section 12ZC substitute—

"12ZC. Premises that may be approved

This Part applies to premises (other than approved venues) in respect of which there is in force—

- (a) a general licence under section 8 of the **Liquor Control Reform Act 1998**; or
- (b) a club licence (whether full or restricted) under section 10 of the **Liquor Control Reform Act 1998**; or
- (c) a licence under Part 1 of the **Racing Act 1958**".