Version No. 042
Gaming Machine Control Act 1991
Act No. 53/1991
Version incorporating amendments as at 1 November 1997

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The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. Purpose

The purpose of this Act is to establish a system for the regulation, supervision and control of gaming machines and gaming equipment with the aims of—

(a) ensuring that gaming on gaming machines is conducted honestly; and

(b) ensuring that the management of gaming machines and gaming equipment is free from criminal influence or exploitation; and

(c) regulating the use of gaming machines in casinos and other approved venues where liquor is sold; and

(d) regulating the activities of persons in the gaming machine industry; and

(e) promoting tourism, employment and economic development generally in the State.

2. Commencement

(1) Subject to this section, this Act comes into operation on a day or days to be proclaimed.

(2) Sections 11 and 34 come into operation on a day to be proclaimed.
(3) Section 160 comes into operation on 1 November 1996.

3. Definitions

(1) In this Act—

"approved venue" means premises on which a venue operator is licensed to conduct gaming;

"authorised person" means—

(a) a member of the Authority; or
(b) the Director; or
(c) an inspector; or
(d) a member of the staff of the Authority appointed by the Authority in writing to be an authorised person for the purposes of this Act;

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

"casino" has the same meaning as in the Casino Control Act 1991;

"casino operator" has the same meaning as in the Casino Control Act 1991;

"computer cabinet" means the sealable cabinet in a gaming machine which cabinet contains the game program storage medium and the Random Access Memory;
"decision", in relation to the Director or the Authority, includes determination;

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

"electronic monitoring system" means any electronic or computer or communications system or device that is so designed that it may be used, or adapted, to send or receive data from gaming equipment in relation to the security, accounting or operation of gaming equipment;

"game" means a game or program designed to be played on a gaming machine and identifiable from all other games by differences in rules or programming;

"gaming" means the playing of a gaming machine;

"gaming equipment" means any—
(a) gaming machine; or
(b) linked jackpot equipment; or
(c) electronic monitoring system; or
(d) part of, or replacement part for, any such machine, equipment or system; or
(e) restricted component;

"gaming infringement" means an offence against this Act or the regulations that is prescribed for the purposes of section 154;
"gaming machine" means any device, whether wholly or partly mechanically or electronically operated, that is so designed that—

(a) it may be used for the purpose of playing a game of chance or a game of mixed chance and skill; and

(b) as a result of making a bet on the device, winnings may become payable—

and includes any machine declared to be a gaming machine under section 6 but does not include a lucky envelope vending machine within the meaning of section 6AA of the Lotteries Gaming and Betting Act 1966;

"gaming machine area" means any area in an approved venue where a licensee is permitted to install a gaming machine;

"gaming machine type" means a type of gaming machine, including the machine cabinet and computer hardware and software, on which a range of games may be played without any alteration to the gaming machine other than the substitution of a new game program or an alteration to the information or artwork displayed on the gaming machine;

"gaming operator" means—

(a) the holder of a gaming operator's licence under Part 3; and

(b) except in Division 3 of Part 3 and sections 134, 136 and 136A, the holder of a gaming licence under the Gaming and Betting Act 1994 and the operator or operators under the gaming licence;
"gaming token" means Australian currency or any token, credit or any other thing that enables a bet to be made on a gaming machine;

"jackpot" means the combination of letters, numbers, symbols or representations required to be displayed on the reels or video screen of a gaming machine so that the winnings in accordance with the prize payout scale displayed on the machine are payable from money which accumulates as contributions are made to a special prize pool;

"linked jackpot arrangement" means an arrangement whereby 2 or more gaming machines are linked to a device that—

(a) records, from time to time, an amount which, in the event of a jackpot or other result being obtained on one of those machines, may be payable, or part of which may be payable, as winnings; and

(b) for the purpose of recording the amount referred to in paragraph (a), receives data from each gaming machine to which the device is linked; and

(c) is not capable of affecting the outcome of a game on a gaming machine to which the device is linked;

"linked jackpot equipment" means any jackpot meter, payout display, linking equipment, computer equipment, programming or other device (other than a gaming machine) forming, or capable of forming, part of a linked jackpot arrangement;
"liquor" has the same meaning as in the Liquor Control Act 1987;


* * * * *

"money clearance" means the removal of gaming tokens from the drop box of a gaming machine;

"operator", in relation to a bingo centre, has the same meaning as in section 6AG of the Lotteries Gaming and Betting Act 1966;

"operator under the gaming licence" has the same meaning as "operator" has under the Gaming and Betting Act 1994 in relation to the gaming licence under that Act;

"related entity", in relation to the Trustees, includes—

(a) a body corporate, partnership or trust of which, or in which—

(i) the Trustees or one or more of the Trustees; or

(ii) a person who holds a direct or indirect interest as legatee, beneficiary or otherwise in the will and estate of the late George Adams; or
(iii) a person who is a discretionary beneficiary in that will and estate—
is a director, partner or trustee or holds a substantial interest, whether direct or indirect; and

(b) a trust of which the Trustees, or one or more of the Trustees, or a person referred to in paragraph (a)(ii) or (iii) is a beneficiary or discretionary beneficiary;

"restricted area" means a physically discrete area within an approved venue which minors must not enter and which is devoted primarily to the conduct of gaming;

"restricted component", in relation to gaming equipment, means any component that is prescribed as a restricted component;

"Roll" means the Roll of Recognised Manufacturers and Suppliers of Gaming Machines and Restricted Components established under section 62;

"sell" includes offer for sale;

"tabaret premises" means—

(a) Tabaret situated at Menzies at Rialto, 495 Collins Street, Melbourne;

(b) the Old Ballarat Village situated at 623–643 Main Road, Ballarat;
(c) Tabaret situated at the All Seasons Motor Inn, 171-183 McIvor Road, Bendigo;

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

"unrestricted area" means the area within an approved venue other than the restricted area;

"venue operator" means the holder of a venue operator's licence under Part 3.

(2) A reference in this Act to "conduct of gaming" is a reference to—

(a) the management, use, supervision and operation of gaming equipment; and

(b) the sale, redemption or use of gaming tokens; and

(c) the installation, alteration, adjustment, maintenance or repair of gaming equipment; and

(d) the use or distribution of proceeds from the conduct of gaming; and

(e) accounting, banking, storage and other acts in connection with or related or incidental to gaming and the conduct of gaming.

(3) For the purposes of this Act, a person, other than—

(a) an employee of a gaming operator; or

(b) a licensed technician—

in the performance of his or her duties, is to be taken to play a gaming machine if the person, directly or indirectly—
(c) inserts a gaming token into the gaming machine; or
(d) causes gaming machine credits to be registered by the gaming machine; or
(e) makes a bet on the gaming machine; or
(f) makes, or participates in making the decisions involved in playing the gaming machine.

(4) In this Act—

(a) a reference to a function includes a reference to a power, authority or duty; and

(b) a reference to the exercise of a function includes, in relation to a duty, a reference to the performance of the duty.

4. Meaning of "associate"

(1) For the purposes of this Act, a person is an "associate" of an applicant for a licence or listing on the Roll or a person so licensed or listed if the person—

(a) 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 gaming machine business of the applicant, licensee or person listed, and by virtue of that interest or power, is able or will be able to exercise a significant influence over or with respect to the management or operation of that gaming machine business; or

(b) holds or will hold any relevant position, whether in right of the person or on behalf of any other person, in the gaming machine
business of the applicant, licensee or person listed; or
(c) is a relative of the applicant, licensee or person listed.

(2) In this section—

"relative" means spouse (including de facto spouse), parent, child or sibling (whether of the full or half blood);

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

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

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

5. **Act to bind Crown**

This Act binds the Crown.
PART 2—GENERAL

6. Machines may be declared to be gaming machines

The Governor in Council, on the recommendation of the Authority, may, by Order published in the Government Gazette, declare a machine, or type of machine, to be a gaming machine.

7. Manufacture, sale, supply, obtaining or possession of gaming machines

(1) A person must not manufacture, sell, supply, obtain or be in possession of a gaming machine or a restricted component except in accordance with this Act.
Penalty: 1000 penalty units or imprisonment for 4 years or both.

(1A) A person who commits an offence under sub-section (1) and the offence occurs as part of a commercial enterprise is guilty of an indictable offence and liable on conviction to a penalty not exceeding 6 years imprisonment.

(2) Despite sub-section (1), a person may manufacture, sell, supply, obtain or be in possession of a gaming machine or restricted component if—

(a) the machine or component is for use outside Victoria; and

(b) the person has the written authority of the Minister.

(3) The authority of the Minister may be subject to any terms, conditions or limitations that the Minister thinks fit, may be granted for a limited period and may be renewed, with or without variation, from time to time.
(4) For the purposes of this section, a person is to be taken to be in possession of a gaming machine or a restricted component if—

(a) the machine or component is in the physical possession or custody or control of the person or is on land or in premises occupied, used or controlled by the person; or

(b) the person controls access, either solely or jointly with other persons, to the machine.

8. Possession of gaming machines may be authorised

(1) The Authority or Director may authorise in writing any person or class of persons to be in possession of a gaming machine or gaming equipment for the purpose of testing, research or development or for the purpose of servicing, repair or maintenance.

(2) The Authority or Director may authorise in writing a person to be in possession of a gaming machine, being a machine that is not in operating order, for the purpose only of—

(a) promotion of sales of the machine, or type of machine; or

(b) display, including use as a prop in a television, cinematic or theatrical production, or part of such a production.

(3) An authority under sub-section (1) or (2) may be subject to any terms, conditions or limitations that the Authority or the Director (as the case may be) thinks fit, may be granted for a limited period and may be renewed, with or without variation, from time to time.

* * * * *

S. 7(4) inserted by No. 117/1993 s. 5(3).

S. 8 amended by Nos 117/1993 s. 6(1)(a)–(c), 37/1994 s. 209(b).

S. 8(2) inserted by No. 117/1993 s. 6(2), amended by No. 37/1994 s. 209(b), substituted by No. 44/1995 s. 11.

S. 8(3) inserted by No. 117/1993 s. 6(2), amended by No. 37/1994 s. 209(b).

S. 9 repealed by No. 17/1996 s. 11(2).
10. **Seizure and forfeiture of equipment**

(1) A member of the police force or an inspector may seize without a warrant any equipment which the member or inspector reasonably suspects is gaming equipment that is not authorised under this Act to be in the premises.

(2) A member of the police force or inspector may apply to a court not less than 28 days after seizure of equipment for an order that the equipment seized under sub-section (1) be forfeited to the Crown.

(3) On an application under sub-section (2), the court must order that the equipment be forfeited to the Crown if the court is satisfied that the equipment is gaming equipment that is not authorised under this Act to be in the premises, regardless of whether a charge has been filed in relation to the equipment or whether a person has been convicted of an offence in relation to the equipment.

(4) The owner of equipment seized under sub-section (1) may apply within 28 days of the seizure to a court for the return of the equipment.

(5) On an application under sub-section (4), the court must order that the equipment be returned to its owner if the court is satisfied that the equipment—

(a) is not gaming equipment; or

(b) is gaming equipment authorised under this Act to be on the premises.
(6) If the owner of equipment seized under sub-
section (1) does not apply for the return of the 
equipment within 28 days of the seizure, the 
equipment is forfeited to the Crown.

(7) Any equipment forfeited under this section must 
be sold or otherwise disposed of in accordance 
with the directions of the court.

(8) The proceeds (if any) of the sale or disposal must 
be applied as if they were penalties.

11. Gaming in approved venue declared lawful

(1) Despite the provisions of any other Act or any 
law, the conduct of gaming is lawful when the 
gaming is conducted, and the gaming equipment 
is provided, in an approved venue in accordance 
with the provisions of this Act.

(2) The conduct of gaming in an approved venue in 
accordance with this Act and the conditions of the 
relevant licences is not a public or private 
nuisance.

(3) An approved venue is not a common gaming 
house for the purpose of the *Lotteries Gaming 
and Betting Act 1966*.

12. Ministerial directions as to requirements for gaming 
machines

(1) The Minister may from time to time give a 
direction in writing to the Authority as to any one 
or more of the following matters:

(a) The maximum permissible number 
of gaming machines available for gaming in the 
State;

(aa) The maximum permissible number of 
gaming machines available for gaming in 
any approved venue in a specified part of the 
State;
(b) The proportion of gaming machines to be located outside the Melbourne Statistical Division;

(c) The maximum permissible number of gaming machines to be placed—
   (i) in restricted areas in the State; and
   (ii) in unrestricted areas in the State—and the bet limits to apply in each class of area;

(d) The proportion of gaming machines to be placed in premises in respect of which—
   (i) a residential licence under section 46 of the Liquor Control Act 1987 or a general licence under section 47 of that Act is in force;
   (ii) a club licence under section 48 of the Liquor Control Act 1987 or a licence under Part I of the Racing Act 1958 is in force;

(e) The proportion of gaming machines that each gaming operator is permitted to operate.

(1A) The Minister must, in giving directions under this section, comply with Part 5 of the Agreement, a copy of which is set out in Schedule 1 to the Casino (Management Agreement) Act 1993.

(2) The Minister may vary or revoke a direction by further direction in writing to the Authority.

(3) The Authority must, as soon as possible after receiving a direction under this section, cause notice of the direction to the published in the Government Gazette.
(4) The Authority is bound by a direction given under this section.

(5) The Authority must publish in its annual report all directions given by the Minister under this section during the previous year.
PART 3—LICENSEING OF OPERATORS, EMPLOYEES AND TECHNICIANS AND LISTING OF MANUFACTURERS

Division 1—General

13. Authority conferred by venue operator's licence

Despite section 7, a venue operator's licence authorises the licensee, subject to this Act and any conditions to which the licence is subject—

(a) to obtain from a gaming operator, gaming machines of a type approved by the Authority under section 69; and

(b) to possess gaming equipment; and

(c) to do all things necessarily incidental to carrying on the activities authorised by this section.

14. Authority conferred by gaming operator's licence

(1) Despite section 7, a gaming operator's licence authorises the licensee, subject to this Act and any conditions to which the licence is subject—

(a) to obtain from manufacturers and suppliers listed on the Roll approved gaming machines and restricted components; and

(b) to manufacture approved gaming machines and restricted components; and

(c) to supply approved gaming machines and restricted components to venue operators; and

(d) to conduct gaming at an approved venue; and

(e) to sell or dispose of gaming equipment with the approval of the Authority; and
(f) to service, repair or maintain gaming equipment through the services of licensed technicians; and

(g) to do all things necessarily incidental to carrying on the activities authorised by this section.

(2) In this section "approved gaming machines" means gaming machines of a type approved by the Authority under section 69.

15. **Authority conferred by a special employee's licence**

Despite section 7, a special employee's licence authorises the licensee, subject to this Act and any conditions to which the licence is subject, to be employed or work for a venue operator or gaming operator carrying out prescribed duties.

16. **Authority conferred by a technician's licence**

Despite section 7, a technician's licence authorises the licensee, subject to this Act and any conditions to which the licence is subject, to service, repair or maintain gaming equipment and to carry out prescribed duties.

17. **Authority conferred by listing on the Roll**

A person whose name is listed on the Roll is authorised, subject to this Act—

(a) to manufacture, sell or supply gaming machines of a type approved by the Authority under section 69; and

(b) to manufacture, sell or supply restricted components; and

(c) to enter into arrangements with gaming operators to service, repair or maintain gaming equipment through the services of licensed technicians.
18. **Offence to breach licence conditions**

A venue operator or gaming operator must comply with all conditions, if any, to which the person's licence is subject.

Penalty: 2500 penalty units.

18A. **Offence to breach condition of listing on Roll**

A person whose name is listed on the Roll must comply with all conditions, if any, to which the listing is subject.

Penalty: 2500 penalty units.

**Division 2—Venue Operator’s Licence**

19. **Application for venue operator's licence**

(1) A person may apply to the Authority to be granted a venue operator's licence for premises in respect of which—

(a) a residential licence under section 46 of the *Liquor Control Act 1987* is in force; or

(b) a general licence under section 47 of the *Liquor Control Act 1987* is in force; or

(c) a club licence (whether full or restricted) under section 48 of the *Liquor Control Act 1987* is in force; or

(d) a licence under Part I of the *Racing Act 1958* is in force—

or for tabaret premises.

(1AA) This Act applies to tabaret premises as if they were premises in respect of which a club licence under section 48 of the *Liquor Control Act 1987* were in force.
(2) An application for a licence must be made in a
form in or to the effect of the form approved by
the Authority and must be accompanied by the
prescribed fee.

(3) The application must contain or be accompanied
by—

(a) the agreement in writing of a gaming
operator to place gaming machines in the
applicant's premises in the event of the
licence being granted; and

(b) any additional information that the Authority
may request.

(4) Within 14 days of an application, an applicant
must send a copy of the application to the relevant
responsible authority within the meaning of the

(5) Within 14 days of an application, the applicant
must cause to be published in a newspaper
circulating in the area and in a newspaper
circulating generally in Victoria a notice
containing the prescribed information and a
statement that any person may object to the grant
of the licence by giving notice in writing to the
Authority within 14 days of the date of
publication and stating the grounds for the
objection.

(6) If a requirement made by this section is not
complied with, the Authority may refuse to
consider the application.

* * * * * *
19A. Gaming operator not to be venue operator

Except as expressly provided by this Act in relation to tabaret premises at Menzies at Rialto, a gaming operator must not be granted, and must not hold, a venue operator's licence under this Part.

20. Grounds for objection

(1) A person may object to the grant of a venue operator's licence on any of the following grounds:

(a) That the applicant or an associate of the applicant is not of good repute having regard to character, honesty and integrity;

(b) That the applicant or an associate of the applicant has a business association with a person, body or association who or which is not of good repute having regard to character, honesty and integrity;

(c) That a director, partner, trustee, executive officer, secretary or any other officer or person associated or connected with the ownership, administration or management of the conduct of gaming or business of the applicant is not a suitable person to act in that capacity.

(2) The relevant responsible authority may submit to the Authority a report on the application within 14 days of the date of receipt of the copy of the application.

(3) The Authority must consider every objection and report so made.
21. Matters to be considered in determining applications

(1) The Authority must not grant an application for a venue operator's licence unless satisfied that—

(a) the grant of the licence does not conflict with a direction, if any, given under section 12; and

(b) the applicant, and each associate of the applicant, is a suitable person to be concerned in or associated with the management and operation of an approved venue; and

(c) the applicant's premises are or on the completion of building works, will be suitable for the management and operation of gaming machines; and

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

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

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

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

(c) in the case of an applicant that is not a natural person, the applicant has, or has arranged, a satisfactory ownership, trust or corporate structure;
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(d) any of those persons has any business association with any person, body or association who or which, in the opinion of the Authority, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources;

(e) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Authority to be associated or connected with the ownership, administration or management of the operations or business of the applicant is a suitable person to act in that capacity;

(f) the size, layout and facilities of the applicant's premises are or will be suitable;

(g) the proposed security arrangements are or will be adequate.

22. Investigation of application

(1) On receiving an application for a venue operator's licence, the Authority must cause to be carried out all investigations and inquiries that it considers necessary to enable it to consider the application properly.

(2) A person the Authority is investigating in relation to the person's suitability to be concerned in or associated with the management or operation of an approved venue is required to consent to having his or her photograph, finger prints and palm prints taken by the Authority.

(3) The Authority must refer a copy of—

(a) the application; and
(b) any photograph, fingerprint and palm prints; and

(c) any supporting documentation—

to the Chief Commissioner of Police.

(4) The Chief Commissioner of Police and the Director must inquire into and report to the Authority on any matters concerning the application that the Authority requests.

(5) The Authority may refuse to consider an application for a venue operator's licence if any person from whom it requires a photograph, fingerprint or palm prints under this section refuses to allow his or her photograph, fingerprint or palm prints to be taken.

23. Authority may require further information etc.

(1) The Authority may, by notice in writing, require a person who is an applicant for a venue operator's licence or a person whose association with the applicant 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 that is relevant to the investigation of the application and is specified in the notice;

(b) to produce, in accordance with directions in the notice, any records relevant to the investigation of the application 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;

(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);
Gaming Machine Control Act 1991
Act No. 53/1991

(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 application concerned.

24. Updating of application

(1) If a change occurs in the information provided in or in connection with an application for a venue operator's licence (including in any documents lodged with the application), before the application is granted or refused, the applicant must forthwith give the Authority written particulars of the change.

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 application, for the purposes of the application of sub-section (1) to any further change in the information provided.

25. Determination of applications

(1) The Authority must determine an application by either granting or refusing the application and must notify the applicant in writing of its decision.

(2) A licence may be granted subject to any conditions that the Authority thinks fit and must specify the number of gaming machines permitted and the gaming machine areas approved for the venue.
(3) Without limiting the matters to which conditions may relate, the conditions of a licence may relate to any matter for which provision is made by this Act but must not be inconsistent with a provision of this Act.

(4) The Authority is not required to give reasons for its decision on an application but may give reasons if it thinks fit.

(5) If an application is granted, the licence is granted for a term of 5 years or any other term specified in the licence, subject to the conditions and for the venue specified in the licence.

25A. Nominee of licensee

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

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

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

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

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

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

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

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

(7) Sections 22, 23 and 24 apply as if a reference to an application for a venue operator's licence were a reference to an application under this section for approval of a person as a nominee.
(8) The Authority must determine an application by either approving or refusing to approve the person nominated and must notify the applicant in writing of its decision.

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

26. Transfer of venue operator's licence

A venue operator's licence is not transferable to any other person or venue.

26A. Renewal of venue operator's licence

(1) The holder of a venue operator's licence may, not earlier than 9 months before the expiration of the current licence, apply to the Authority for a new licence, in which case—

(a) the current licence continues in force, unless sooner cancelled or surrendered, until the new licence is issued or its issue is refused; and

(b) if issued, the new licence must be taken to have been granted on the day on which the current licence was due to expire and must be dated accordingly.

(2) An application for a new licence must be made in or to the effect of a form approved by the Authority and must be accompanied by the prescribed fee.

(3) This Act (except sections 19(4), 19(5), 20(2), 21(1)(c), 21(2)(f) and 21(2)(g)) applies to and in relation to—

(a) an application under this section for a new licence; and

(b) the determination of such an application; and
(c) any licence issued as a result of such an application—

as if the application has been made by a person other than a venue operator.

27. Amendment of conditions

(1) The conditions of a venue operator's licence, including the number of gaming machines permitted in the venue, may be amended in accordance with this section.

(2) An amendment may be proposed—

(a) by the venue operator by requesting the Authority in writing to make the amendment and giving reasons for the request; or

(b) by the Authority by giving notice in writing of the proposed amendment and giving reasons to the venue operator and the gaming operator who places gaming machines in that approved venue.

(2A) An amendment proposed by a venue operator must be accompanied by the prescribed fee.

(3) The Authority must give the venue operator and the gaming operator at least 28 days to make submissions to the Authority concerning any proposed amendment (whether proposed by the Authority or the venue operator) and must consider the submissions made.

(3A) The venue operator and the gaming operator may waive their right under sub-section (3) to make submissions concerning a proposed amendment by giving notice in writing signed by each of them to the Authority.

(4) The Authority must then decide whether to make the proposed amendment, either with or without changes from that originally proposed, and must
notify the venue operator and gaming operator of its decision.

(5) An amendment proposed by the Authority must be in the public interest or for the proper conduct of gaming.

(6) Any amendment that the Authority decides upon takes effect when notice of the decision is given to the venue operator or on any later date that may be specified in the notice.

28. Notification of certain applications concerning liquor licence

(1) The venue operator or applicant for a venue operator's licence must give notice in writing to the Authority if any of the following occurs:

(a) An application is made under Division 5 of Part 3 of the **Liquor Control Act 1987** to vary, transfer or remove a licence or permit under that Act in respect of an approved venue;

(b) An application is made under section 98 of the **Liquor Control Act 1987** to surrender a licence or permit under that Act in respect of an approved venue;

(c) An application is made under section 99 of the **Liquor Control Act 1987** to release a licensee or permittee from his or her obligations under that Act in respect of licensed premises which are an approved venue;

(d) An application is made under section 100 of the **Liquor Control Act 1987** to remove a partner's name from a licence or permit under that Act in respect of an approved venue;
(e) An application is made under section 101 of the Liquor Control Act 1987 to cancel or suspend a licence or permit or extended hours permit under that Act in respect of an approved venue;

(f) An application is made under section 111 of the Liquor Control Act 1987 for the approval of the proposed appointment of a person as a director of a body corporate that is a licensee or permittee under that Act in respect of an approved venue.

(2) If a licence under the Liquor Control Act 1987 in respect of an approved venue—

(a) is cancelled, transferred, removed, surrendered or released, the venue operator's licence is immediately cancelled; or

(b) is suspended for a period of time, the venue operator's licence is immediately suspended for the same period.

* * * * *

29. Modification of gaming machine areas

(1) A venue operator must not modify a gaming machine area in an approved venue without the approval of the Director.

Penalty: 100 penalty units.

(1A) An application for approval must be accompanied by the prescribed fee.

(2) The Director may grant, with or without conditions, or refuse to grant an application for approval of modification of a gaming machine area having regard to—
(a) the size, layout and facilities of the approved venue; and

(b) any other matter that the Director considers relevant.

(3) The venue operator may appeal to the Authority against a decision of the Director under subsection (2).

30. **Cancellation, suspension or variation of venue operator's licence**

(1) In this section—

"disciplinary action" means the cancellation or suspension of a venue operator's licence, the variation of the terms of a venue operator's licence, the issuing of a letter of censure or the imposition of a fine not exceeding $50 000;

"grounds for disciplinary action" in relation to a venue operator's licence means any of the following grounds—

(a) that the licence was improperly obtained in that, at the time the licence was granted, there were grounds for refusing it;

(b) that the venue operator has failed to provide information that the operator is required by this Act to provide or has provided information knowing it to be false or misleading;

(c) that there have been repeated breaches in the approved venue of rules made by the Authority under section 78;

(d) that the approved venue is, for specified reasons, no longer suitable for the conduct of gaming;
(e) that the venue operator has contravened this Act and in the Authority's view the contravention is so serious as to warrant disciplinary action;

(ea) that—

(i) the venue operator; or

(ii) if the venue operator is a body corporate, an officer or director of the venue operator; or

(iii) if the venue operator is the managing committee for the time being of a club, a member of that committee; or

(iv) the nominee of the venue operator approved under section 25A—

has been convicted or found guilty of—

(v) an offence against this Act, the Casino Control Act 1991, the Gaming and Betting Act 1994 or the Lotteries Gaming and Betting Act 1966 or an offence against regulations made under any of those Acts; or

(vi) an offence arising out of or in connection with the management or operation of an approved venue; or

(vii) whether or not in Victoria—

(A) an indictable offence; or

(B) an offence which, if committed in Victoria, would be an indictable offence—
the nature or circumstances of which, in the opinion of the Authority, relate to an approved venue of the venue operator;

(f) that the venue operator is, having regard to the matters set out in section 21(2), considered to be no longer a suitable person to hold the licence.

(2) The Authority may serve on a venue operator a notice in writing affording the venue operator an opportunity to show cause within 28 days why disciplinary action should not be taken on grounds for disciplinary action specified in the notice.

(3) The venue operator, within the period allowed by the notice, may arrange with the Authority for the making of submissions to the Authority as to why disciplinary action should not be taken and the Authority must consider any submissions so made.

(4) The Authority may then take disciplinary action against the venue operator as the Authority sees fit and does so by giving written notice to the venue operator—

(a) of the cancellation or suspension of the venue operator's licence or the variation of the terms of the licence; or

(b) in the form of a letter of censure.

(5) The cancellation, suspension or variation of a venue operator's licence under this section takes effect when the notice is given or on a later date specified in the notice.

(6) A letter of censure may censure the venue operator in respect of any matter connected with the operation of the approved venue and may include a direction to the venue operator to rectify
within a specified time any matter giving rise to the letter of censure.

(7) If any direction given under sub-section (6) is not complied with in the specified time, the Authority may, by giving written notice to the venue operator, cancel, suspend or vary the terms of the venue operator's licence without affording the venue operator a further opportunity to be heard.

(7A) The Director may suspend a venue operator's licence by notice in writing given to the venue operator if the Director is satisfied that—

(a) the venue operator; or

(b) if the venue operator is a body corporate, an officer or director of the venue operator; or

(c) if the venue operator is the managing committee for the time being of a club, a member of that committee; or

(d) the nominee of the venue operator approved under section 25A—

has been charged with—

(e) an offence against this Act, the **Casino Control Act 1991**, the **Gaming and Betting Act 1994** or the **Lotteries Gaming and Betting Act 1966** or an offence against regulations made under any of those Acts; or

(f) an offence arising out of or in connection with the management or operation of an approved venue; or

(g) whether or not in Victoria—

(i) an indictable offence; or

(ii) an offence which, if committed in Victoria, would be an indictable offence—
the nature or circumstances of which, in the opinion of the Director, relate to an approved venue of the venue operator.

(7B) The Authority may, at any time, terminate or reduce a period of suspension imposed under sub-section (7A).

(8) A venue operator's licence is of no effect for the purposes of section 11 while it is suspended but the suspension does not affect its operation for any other purposes.

(9) A fine imposed under this section may be recovered as a debt due to the State.

(10) This section as amended by section 10 of the Gaming Acts (Further Amendment) Act 1997 applies to a person charged with or convicted or found guilty of an offence after the commencement of section 10 of that Act.

31. Provisional licence

(1) The Authority may grant a provisional venue operator's licence to a person in respect of premises which are an approved venue at the time of the grant of the provisional licence.

(2) A provisional licence expires at the end of 90 days after its grant but may be renewed for a further period or successive periods of 90 days.

(3) A provisional licence may only be granted under sub-section (1) to enable an application for a venue operator's licence in respect of that approved venue to be made.

(4) The Authority may, by instrument under its official seal, delegate to the Chairperson or the Deputy Chairperson any power of the Authority under this section, other than this power of delegation.
32. Application to casino operator

(1) For the purposes of this Act, a casino operator within the meaning of the Casino Control Act 1991 is taken to be a licensed venue operator.

(1A) A casino operator within the meaning of the Casino Control Act 1991 is authorised, for the purposes of obtaining, installing and servicing gaming machines at a casino and conducting gaming at a casino, to do anything referred to in section 14(1)(a), (d) and (f) of this Act and anything necessarily incidental to carrying on those activities as if the operator were the holder of a gaming operator's licence and is authorised to sell or dispose of such machines with the approval of the Authority.

(2) Sections 29, 30, 67, 68, 69, 70, 71, 72, 77, 78, 79, 80, 83, Part 5 and any provisions of this Act prescribed for the purposes of this section do not apply to a casino operator.

Division 3—Gaming Operator's Licence

33. Gaming operator's licence

(1) Subject to this Act, the Trustees or any other person may apply to the Authority for a gaming operator's licence.

(2) A licence granted under this section must not commence before the expiry, or earlier termination, of the gaming operator's licence held by the Trustees immediately before the commencement of section 5 of the Gaming Acts (Amendment) Act 1996.

33A. Premium payment

(1) Before a licence is granted under section 33, the applicant must pay to the Treasurer as consideration for the grant of the licence the
amount determined by the Treasurer as the premium payment.

(2) The premium payment is a tax.

34. Matters to be considered in determining grant of licence

(1) The Authority must not grant a gaming operator's licence unless satisfied that the proposed licensee, and each associate of the proposed licensee, is a suitable person to be concerned in or associated with a business of obtaining, installing, maintaining, repairing and monitoring gaming machines.

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

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

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

(c) in the case of a proposed licensee that is not a natural person, the proposed licensee has, or has arranged, a satisfactory ownership, trust or corporate structure;

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

(e) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Authority to be associated or connected with the ownership, administration or management of the
operations or business of the proposed licensee is a suitable person to act in that capacity;

(f) the proposed licensee has, or is able to obtain, financial resources that are adequate to ensure the proposed licensee's financial viability as a gaming operator;

(g) the proposed licensee has sufficient business ability to establish and maintain a business of successful gaming operator—

and the Authority must be satisfied that the proposed licensee will have in place an adequate electronic monitoring system for detecting significant events associated with each gaming machine, including a system for continuous online real time recording, monitoring and control of significant game play transactions.

(3) For the purposes of sub-section (2), "significant game play transactions" are as prescribed.

(4) Sections 22, 23, 24 and 25 (except sub-section (5)) apply, with any necessary modification, to the grant of a gaming operator's licence.

35. Duration of licence

If a gaming operator's licence is granted, the licence is granted for the term specified by the Minister.

35A. Entitlement of former licensee on grant of new licence

(1) If—

(a) a gaming operator's licence held by a person ("the former licensee") expires; and
(b) the Authority grants a gaming operator's licence to a person other than the former licensee, or a related entity of the former licensee being a licence that commences within 6 months after that expiry; and

(c) the Authority does not grant a gaming operator's licence before the expiration of that period to the former licensee or a related entity of the former licensee—

the former licensee is entitled to be paid an amount equal to the licence value of the licence held by the former licensee or the premium payment paid by the holder of the licence referred to in paragraph (b), whichever is the lesser.

(2) The payment under sub-section (1) must be made not later than 30 days after the commencement of the new licence and the Consolidated Fund is hereby to the necessary extent appropriated accordingly.

(3) In this section, "licence value", in relation to the gaming operator's licence held by the former licensee, means the amount determined in accordance with the formula—

\[
$520 000 000 \times A
\]

where—

(a) A is the amount calculated in accordance with the formula—

\[
B \\
$13 705 000 000
\]

where—

B is the aggregate sum of the actual daily net cash balance (within the meaning of section 136) of gaming machines of the former licensee for each day from and including 1
January 1995 to and including the last day of the period of the former licence—

but—

(b) if the amount so calculated is less than 0·25, 
   A is 0·10;

(c) if the amount so calculated is more than 0·25 
   and less than 0·45, A is 0·45;

(d) if the amount so calculated is more than 0·45 
   but less than 0·85, A is 0·85;

(e) if the amount so calculated is more than 
   1·15, A is 1·15.

36. Amendment of conditions

The conditions of a gaming operator's licence 
(other than the term) may be amended by the 
Governor in Council with the consent of the 
gaming operator.

37. Transfer of gaming operator's licence

A gaming operator's licence is not transferable to 
any other person.

38. Disciplinary action

(1) If the Authority is satisfied that a gaming operator 
has committed a breach—

   (a) of a condition of the gaming operator's 
       licence; or

   (b) of this Act or the regulations or the Club 
       Keno Act 1993 or of any other law relating 
       to gaming—

   the Authority may give notice to the gaming 
   operator to show cause why the Authority should 
   not take disciplinary action under this section.

(2) If the gaming operator, within 7 days or such 
    longer period as the Authority allows, does not—
(a) remedy the breach or cause the breach to be remedied; or

(b) if the breach cannot be remedied, satisfy the Authority that steps have been taken to ensure a similar breach does not occur again—

the Authority, after giving the gaming operator an opportunity to be heard—

(c) may reprimand the gaming operator; or

(d) may impose a fine on the gaming operator not exceeding $5 000 000.

38A. Cancellation of licence

(1) The Authority, with the consent of the Minister, may apply to the Supreme Court for cancellation of a gaming operator's licence.

(2) On an application under sub-section (1), the Supreme Court may cancel the licence if it is satisfied—

(a) that the gaming operator—

(i) has committed a material breach of a term or condition of the licence or of this Act or the regulations or the Club Keno Act 1993 or of any other law relating to gaming; or

(ii) has persistently committed breaches of terms or conditions of a gaming operator's licence or of this Act or the regulations or the Club Keno Act 1993 or of any other law relating to gaming—

and that a reprimand or fine is not, in all the circumstances, a sufficient sanction; or
(b) if the gaming operator is not a corporation, that the gaming operator is insolvent; or

(c) if the gaming operator is a corporation, that on an application under section 459P of the Corporations Law, the Court would be required under section 459C(2) of that Law to presume that the gaming operator is insolvent; or

(d) that the gaming operator is an externally-administered body corporate within the meaning of the Corporations Law; or

(e) that the gaming operator has been convicted of an offence which is of sufficient magnitude to warrant cancellation of the licence; or

(f) if the gaming operator is a body corporate, that the gaming operator is not incorporated under the Corporations Law of Victoria; or

(g) if the gaming operator is not a body corporate, that the gaming operator does not have a principal place of business in Victoria; or

(h) that the gaming operator is not carrying on a significant gaming business in Victoria; or

(i) that the gaming operator is involved in a scheme or arrangement the purpose, or one of the purposes, of which is the avoidance of tax under Part 9.

Division 4—Special Employee's Licence

39. Definitions

In this Division—

"licence" means a licence issued under this Division;
"licensee" means the holder of a licence under this Division;  

"special employee" means a natural person who—

(a) is employed or working in an approved venue carrying out prescribed duties; or

(b) is employed by or working for a gaming operator carrying out prescribed duties.

40. Special employees to be licensed

(1) A person must not exercise any of the functions of a special employee except in accordance with the authority conferred on the person by a licence.  
Penalty: 50 penalty units or imprisonment for 3 months or both.

(2) A venue operator or gaming operator or licensee must not—

(a) employ or use the services of a person to perform any function of a special employee; or

(b) allocate or permit or suffer to be allocated to a person the exercise of any function of a special employee—

unless the person is authorised by a licence to exercise the function concerned.  
Penalty applying to this sub-section: 50 penalty units.

41. Application for licence

(1) An application for a licence must be in a form or to the effect of a form approved by the Director and must be accompanied by—

(a) the prescribed fee; and
Gaming Machine Control Act 1991
Act No. 53/1991

(b) the documents, if any, that may be specified by the Director and required in the form of application; and

(c) a certificate by the venue operator or gaming operator who employs or is proposing to employ the applicant as to the competence of the applicant to exercise the functions specified in the certificate.

(2) The applicant is required to consent to having his or her photograph, finger prints and palm prints taken by the Director.

(3) The Director must refer a copy of the application and of any photograph, finger prints and palm prints and any supporting documentation to the Chief Commissioner of Police.

(4) The Chief Commissioner of Police must inquire into and report to the Director on any matters concerning the application that the Director requests.

(5) An application for a licence may not be made by a person who is under the age of 18 years or is a person within a class of persons prescribed as being ineligible to apply for a licence.

(6) If a requirement under this section is not complied with, the Director may refuse to consider the application concerned.

42. Updating of application for licence

(1) If a change occurs in the information provided in or in connection with an application for a licence (including in any documents lodged with the application) before the application is granted or refused, the applicant must forthwith give the Director written particulars of the change.

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

43. **Director may require further information**

(1) The Director may, by notice in writing, require a person who is an applicant for a licence or who, in the opinion of the Director, has some association or connection with the applicant that is 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 that is relevant to the investigation of the application and is specified in the notice;

(b) to produce, in accordance with directions in the notice, any records relevant to investigation of the application 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;

(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);

(d) to furnish to the Director any authorities and consents that the Director directs for the purpose of enabling the Director 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 Director may refuse to consider the application.
44. Applications to be investigated

The Director must investigate each application.

45. Determination of applications

(1) The Director must consider an application for a licence and must take into account the investigation under section 44 and any submission made by the applicant within the time allowed and must make an assessment of—

(a) the integrity, responsibility, personal background and financial stability of the applicant; and

(b) the general reputation of the applicant having regard to character, honesty and integrity; and

(c) the suitability of the applicant to perform the type of work proposed to be performed by the applicant as a licensee.

(2) The Director must determine the application by either issuing a licence to the applicant or refusing the application and must inform the applicant accordingly.

(3) The Director is not required to give reasons for the decision but may give reasons if he or she thinks fit.

(4) A licence issued under this section must specify the licensee's name and the authority given by the licence, including the type of work that may be performed under the licence.

(5) If, as a result of the investigation, the Director decides that an application be refused, the Director must notify the applicant in writing of that decision.
(6) An applicant aggrieved by a decision of the Director under this section may, within 14 days after receiving notice of the decision, appeal against the decision to the Authority.

(7) The appeal must be in writing and specify the grounds on which it is made.

(8) Upon consideration of the grounds of appeal specified by the applicant, the Authority may confirm the Director's decision or order the Director to issue a licence.

(9) The decision of the Authority must be communicated in writing to the Director, the appellant and the venue operator or gaming operator who employs or proposes to employ the appellant.

(10) Except as otherwise provided in this Act, no appeal lies from the decision of the Authority.

46. Conditions of licence

(1) A licence is subject to any condition imposed by the Director and notified to the licensee on the issue of the licence or during its currency.

(2) A condition of a licence may be varied or revoked by the Director whether or not on application made to the Director by the licensee.

(3) It is a condition of every licence that the licensee must not participate in gaming while on duty (including intervals for meals and other rostered breaks arising in the course of duty) other than as required in the course of his or her employment or at any time when the approved venue is closed to the public.
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(4) A licensee must not contravene a condition of his or her licence.

Penalty: 50 penalty units.

(5) If a licensee is found guilty of contravening a condition of his or her licence by participating in gaming at any time when the approved venue is closed to the public, section 77A(2) and (3) apply as if the offence had been against section 77A(1).

47. Identification

(1) A special employee must at all times while on duty wear identification of a kind approved by the Director in such manner as to be visible to other persons.

(2) Identification worn by a special employee in compliance with the Private Agents Act 1966 is sufficient compliance with this section.

(3) The Director may issue replacement identification to a special employee whose identification has been lost or destroyed.

(4) An application for replacement identification must be accompanied by—

(a) a statutory declaration as to the circumstances in which the identification was lost or destroyed; and

(b) the prescribed fee, if any.

48. Provisional licences

(1) The Director may, pending a decision on an application for a licence, grant the applicant a provisional licence.

(2) A provisional licence is subject to any conditions or restrictions of which the provisional licensee is notified by the Director when issuing the licence.
(3) A provisional licence may be cancelled by the Director at any time and, unless sooner surrendered or cancelled, ceases to have effect on the approval or refusal of the provisional licensee's application for a licence.

(4) This Act applies to a provisional licence in the same way as it applies to a licence (to the extent that is consistent with this section).

49. Duration of licence

A licence remains in force until whichever of the following happens first—

(a) the licence is cancelled; or

(b) the licensee, by notice in writing, surrenders the licence to the Director; or

(c) the expiration of 3 years after the end of the month in which the licence was granted.

50. Renewal of licence

(1) A licensee may, not earlier than 1 month before the expiration of his or her current licence, apply to the Director for a new licence, in which case—

(a) the current licence continues in force until the new licence is issued or its issue is refused; and

(b) if issued, the new licence must be taken to have been granted on the day on which the current licence was due to expire and must be dated accordingly.

(2) An application for a new licence must be made in a form approved by the Director and must be accompanied by the prescribed fee.
(3) This Act (except provisions relating to the form of an application or the issue of a provisional licence) applies to and in relation to—

(a) an application under this section for a new licence;

(b) the determination of such an application; and

(c) any licence issued as a result of such an application—

as if the application has been made by a person other than a licensee.

51. Cancellation etc. of licence

(1) In this section—

"disciplinary action" in relation to a licensee,

means any of the following—

(a) the service of a written notice on the licensee censuring him or her for any action specified in the notice;

(b) variation of the licence;

(c) suspension of the licence for a specified period;

(d) cancellation of the licence;

"grounds for disciplinary action" means any of the following grounds in respect of a licence—

(a) that the licence was improperly obtained in that, when it was granted, there were grounds for refusing it;

(b) that the licensee has been convicted or found guilty of—

(i) an offence against this Act, the Casino Control Act 1991, the Gaming and Betting Act 1994 or
the **Lotteries Gaming and Betting Act 1966** or an offence against regulations made under any of those Acts; or

(ii) an offence arising out of or in connection with the employment of the licensee under any of those Acts; or

(iii) whether or not in Victoria, an offence involving fraud or dishonesty punishable on conviction by imprisonment for 3 months or more (whether or not in addition to a fine);

(c) that the licensee has contravened a condition of the licence;

(d) that the licensee has failed to provide information that he or she is required by this Act to provide or has provided information knowing it to be false or misleading;

(e) that the licensee has become bankrupt, applied to take the benefit of any law relating to bankrupt or insolvent debtors, has compounded with his or her creditors or made an assignment of his or her remuneration for their benefit;

(f) that for any reason, the licensee is not a suitable person to be the holder of the licence.

(2) The Director may of his or her own motion, and must at the direction of the Authority, inquire into whether there are grounds for disciplinary action
against a licensee and must make a recommendation to the Authority on the matter.

(3) If the Director recommends that disciplinary action be taken against the licensee, the Authority must give the licensee notice of the recommendation and at least 14 days to make submissions to the Authority on the matter.

(4) The Authority must consider the Director's recommendation and any submissions made by the licensee within the time allowed and is to decide whether to take disciplinary action against the licensee.

(5) If the Authority decides that there are grounds for disciplinary action against a licensee, the Authority may take the action and does so by giving notice in writing of the action to the licensee.

(6) The disciplinary action takes effect when the notice is given or on a later date specified in the notice.

52. Suspension of licence

The Director may suspend the licence of a licensee by notice in writing given to the licensee if the Director is satisfied that the licensee has been charged with—

(a) an offence against this Act, the Casino Control Act 1991, the Gaming and Betting Act 1994 or the Lotteries Gaming and Betting Act 1966 or an offence against regulations made under any of those Acts; or

(b) an offence arising out of or in connection with the employment of the licensee under any of those Acts; or
(c) whether or not in Victoria, an offence involving fraud or dishonesty punishable on conviction by imprisonment for 3 months or more (whether or not in addition to a fine).

53. **Effect etc. of suspension**

(1) During any period of suspension of a licence, the licensee is deemed not to be the holder of a licence.

(2) The Authority may, at any time, terminate or reduce a period of suspension of a licence.

53A. **Return of licence on suspension or cancellation**

If the licence of a licensee is suspended or cancelled, the licensee must return the licence to the Director within 14 days after the suspension or cancellation.

Penalty: 20 penalty units.

54. **Termination of employment on suspension or cancellation of licence**

If a venue operator or gaming operator receives written notice from the Authority that the licence of an employee has been suspended under section 51 or cancelled, or has otherwise ceased to be in force, the operator must, within 24 hours after receiving the notice, terminate the employment that constitutes the exercise of the functions of a special employee or cause it to be terminated.

Penalty: 100 penalty units.

55. **Venue operator to provide information relating to licensees**

(1) A venue operator or, in the case of a licensed employee employed by a gaming operator, the gaming operator—
(a) within 7 days after a licensed employee commences his or her duties, must notify the gaming operator (unless the employee is employed by the gaming operator) and the Director, in a form approved by the Director, of the commencement of the exercise of those functions; and

(b) not later than 7 days after a licensed employee ceases his or her duties, must notify the gaming operator (unless the employee is employed by the gaming operator) and the Director, in a form approved by the Director, of the cessation of the exercise of those functions.

Penalty: 50 penalty units.

(2) The Director, by notice in writing, may require a licensee—

(a) to provide, in accordance with directions in the notice, any information relevant to the holding of the licence that is specified in the notice; or

(b) to produce, in accordance with directions in the notice, any records relevant to the holding of the licence that are specified in the notice and to permit examination of the records and the making of copies of the records.

(3) It is a condition of a licence that the licensee must comply with the requirements of a notice under this section.

56. Person licensed under Casino Control Act

(1) A person who holds a special employee's licence issued under the Casino Control Act 1991 or an
employee's licence issued under section 6FS of the **Lotteries Gaming and Betting Act 1966** may apply to the Director under this section for a special employee's licence or a technician's licence under this Act.

(2) An application under sub-section (1) must be accompanied by—

(a) the prescribed fee; and 

(b) a certificate by the casino operator or operator of a bingo centre who employs or employed the applicant as to the competence of the applicant to exercise the functions specified in the certificate.

(3) The Director, if satisfied that the authority given to the applicant by a special employee's licence issued under the **Casino Control Act 1991** or an employee's licence issued under section 6FS of the **Lotteries Gaming and Betting Act 1966** is comparable to the authority conferred by a special employee's licence or a technician's licence under this Act, may issue such a licence to the applicant.

**Division 5—Technician's Licence**

57. **Definitions**

In this Division—

"licence" means a licence issued under this Division;

"licensee" means the holder of a licence under this Division;

"technician" means a person who services, maintains or repairs gaming equipment or performs other prescribed duties.

58. **Only licensed technicians to repair etc. gaming equipment**
A venue operator or gaming operator must not—

(a) employ or use the services of a person to perform any function of a technician in or in relation to gaming equipment; or

(b) allocate or permit or suffer to be allocated to a person the exercise of any function of a technician in or in relation to gaming equipment—

unless the person is authorised by a licence to exercise the function concerned.

Penalty: 250 penalty units.

59. Application of Division 4

The provisions of Division 4 (except sections 41(1)(c), 55 and 56) apply, with any necessary modification, to applications for technician's licences and licensees.

60. Offences

(1) A person must not service, maintain or repair gaming equipment unless the person holds a current technician's licence under this Act.

Penalty: 250 penalty units or imprisonment for 12 months.

(2) A person must not employ, or cause to be employed, another person to service, maintain or repair gaming equipment unless the second-mentioned person holds a current technician's licence under this Act.

Penalty applying to this sub-section: 250 penalty units.
(3) A person must not service, maintain or repair a gaming machine that does not have affixed to it an identification number issued under section 72.

Penalty: 250 penalty units or imprisonment for 12 months.

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Division 6—Manufacturers and Suppliers of Gaming Machines and Components

62. Roll of Recognised Manufacturers and Suppliers

The Director must cause to be maintained a Roll of Recognised Manufacturers and Suppliers of Gaming Machines and Restricted Components.

63. Application to be listed on Roll

(1) A person who manufactures or supplies, or intends to manufacture or supply, gaming machines or restricted components to gaming operators may apply to the Director to be listed on the Roll.

(2) An application must be made in a form in or to the effect of the form approved by the Director and must be accompanied by the prescribed fee.

(3) The application must contain or be accompanied by any additional information that the Director may request.

(3A) The Director must cause to be carried out all investigations and inquiries that he or she considers necessary to enable the Director to consider the application properly.
(4) The applicant is required to consent to having his or her photograph, finger prints and palm prints taken by the Director.

(5) The Director must refer a copy of the application and of any photograph, finger prints and palm prints and any supporting documentation to the Chief Commissioner of Police.

(6) The Chief Commissioner of Police must inquire into and report to the Director on any matters concerning the application that the Director requests.

(7) Within 14 days of the application an applicant must cause to be published in a newspaper circulating generally in Victoria and, if the applicant's principal place of business is situated outside Victoria, whether or not outside Australia, in a newspaper circulating generally in that place, a notice containing the prescribed information and stating that any person may object to the grant of the application by giving notice in writing to the Director within 14 days of the date of publication and stating the grounds for the objection.

(8) If a requirement made by this section is not complied with the Director may refuse to consider the application.

64. Objections

(1) A person may object to the grant of an application for listing on the Roll by giving notice in writing to the Director within 14 days of the date of publication of the notice required by section 63(7) and stating the grounds for the objection.
(2) The Director must consider every objection so made.

**65. Determination of applications**

(1) The Director must determine an application by either granting, subject to any condition that the Director thinks fit, or refusing the application and must notify the applicant in writing of the decision.

(2) Without limiting the matters which the Director may consider in determining whether to grant an application, the Director must consider whether—

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

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

(ac) in the case of an applicant that is not a natural person, the applicant has, or has arranged, a satisfactory ownership trust or corporate structure; and

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

(c) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Director to be associated or connected with the ownership, administration or management of the operations or business of the applicant is a suitable person to act in that capacity.
Gaming Machine Control Act 1991  
Act No. 53/1991

(3) A person aggrieved by a decision of the Director under this section may, within 28 days after receiving notice of the decision, appeal to the Authority.

(3A) The appeal must be in writing and specify the grounds on which it is made.

(3B) On the hearing of an appeal, the Authority may confirm the Director's decision or order the Director to list the applicant's name on the Roll or order the Director to remove the applicant's name from the Roll on any ground referred to in section 66.

(4) Except as otherwise provided in this Act no appeal lies from the decision of the Authority.

65A. **Imposition and amendment of conditions**

(1) A condition may be imposed on a person's listing on the Roll in accordance with this section.

(2) The conditions of a person's listing on the Roll may be amended in accordance with this section.

(3) A condition or an amendment may be proposed—

(a) by the person listed on the Roll by requesting the Director in writing to impose the condition or to make the amendment and giving reasons for the request; or

(b) by the Director by giving notice in writing of the proposed condition or amendment and giving reasons to the person listed on the Roll.

(4) The Director must give the person listed on the Roll 28 days to make submissions to the Director concerning any proposed condition or amendment.
(whether proposed by the Director or the person listed) and must consider the submissions made.

(5) The person listed on the Roll may waive the person's right under sub-section (4) to make submissions concerning a proposed condition or amendment by giving notice in writing signed by the person to the Director.

(6) The Director must then decide whether to impose the proposed condition or make the proposed amendment (either as proposed or substantially to the same effect as proposed) and must notify the person listed on the Roll of his or her decision.

(7) A condition or amendment proposed by the Director must be in the public interest or for the proper conduct of gaming.

(8) Any condition or amendment that the Director decides upon takes effect when notice of the decision is given to the person listed on the Roll or on any later date that may be specified in the notice.

66. Removal from the Roll

(1) The Authority may order the Director to remove the name of a person from the Roll on any of the following grounds:

(a) That the listing was improperly obtained in that, at the time the application for listing was granted, there were grounds for refusing it;

(b) That a change in the situation of the person listed on the Roll has taken place and the person has failed to notify the Director in accordance with section 142;
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(c) That the person listed on the Roll, or any associate of that person, has been convicted of an offence against this Act or whether or not in Victoria, of an offence involving fraud or dishonesty punishable on conviction by imprisonment for 3 months or more (whether or not in addition to a fine);

(d) That the person listed on the Roll has provided information that he or she is required by this Act to provide knowing it to be false or misleading;

(e) That any machine or restricted component manufactured or supplied by the person listed on the Roll is, in the opinion of the Director, unreliable or otherwise unsatisfactory;

(f) That for any reason, having regard to the matters set out in section 65(2) or otherwise, the person listed on the Roll is not a suitable person to be listed on the Roll or an associate of that person is not suitable to be an associate of a person listed on the Roll.

(2) The Authority may serve on a person listed on the Roll a notice in writing affording the person an opportunity to show cause within 28 days why the person's name should not be removed from the Roll on grounds specified in the notice.

(3) The person listed on the Roll, within the period allowed by the notice, may arrange with the Authority for the making of submissions to the Authority and the Authority must consider any submissions so made.

67. Payments etc. to venue operator unlawful

(1) A manufacturer or supplier of gaming equipment (other than a gaming operator) or an employee or
associate of such a manufacturer or supplier, must not make, either directly or indirectly, payment to or confer a benefit on a venue operator.

(2) A venue operator must not receive any benefit whatsoever from a manufacturer or supplier of gaming equipment (other than a gaming operator) or an employee or associate of such a manufacturer or supplier.

Penalty applying to this section: 1000 penalty units or imprisonment for 4 years or both.
PART 4—CONTROL OF GAMING

68. Contracts to be approved by Authority

(1) In this section—

"contract" includes any kind of agreement or arrangement;

"relevant contract" means a contract between a venue operator and a gaming operator.

(2) A relevant contract must—

(a) be in accordance with a form approved by the Authority; or

(b) be approved by the Authority in a particular case.

(3) The Authority must not approve a relevant contract if in the opinion of the Authority the contract—

(a) is harsh and unconscionable; or

(b) is not in the public interest; or

(c) jeopardises the integrity and conduct of gaming; or

(d) is in breach of this Act.

69. Approval of gaming machine types and games

(1) The Authority may, subject to payment of the prescribed fee, accept for evaluation gaming machine types and games.

(2) The Authority may require a person who submits a gaming machine type or game under sub-section (1) to provide any additional information or material that the Authority considers necessary for the evaluation.
(3) If a gaming machine type or game accepted under sub-section (1) is suitable for use in gaming, the Authority must approve the machine type or game.

(4) The Authority must reject all other gaming machine types or games accepted for evaluation under sub-section (1).

(5) If a gaming machine type is varied in a material particular from the gaming machine type approved by the Authority—
   (a) the machine type as varied is not approved under this section; and
   (b) the variation must be approved by the Authority before the machine type as varied may be used.

(5A) If a game is varied in any respect from the game approved by the Authority—
   (a) the game as varied is not approved under this section; and
   (b) the variation must be approved by the Authority before the game as varied may be used.

(5B) The Authority may approve a variation to a gaming machine type or game.

(5C) A gaming operator must not use a gaming machine type or game which has been varied in a way that requires approval under this section unless the Authority has given its approval to the variation.

Penalty: 100 penalty units.

(5D) A gaming machine type lawfully used for gaming, and a game lawfully used, immediately before the commencement of section 16 of the **Gaming Acts**
(Amendment) Act 1996 is deemed to be approved under this section.

(6) A gaming machine type lawfully used for gaming, and a game lawfully used, at a venue referred to in section 116BU(4) of the Racing Act 1958 as in force immediately before the commencement of section 213(2) of the Gaming and Betting Act 1994 is deemed to be a gaming machine type or game approved under this section as a gaming machine type that may be used by the holder of a gaming licence or an operator under the Gaming and Betting Act 1994 or a game that may be conducted by that holder under this Act.

(6A) Despite anything to the contrary in sub-section (6), the holder of a gaming licence under the Gaming and Betting Act 1994 may not use more than 460 gaming machines of the type that, under sub-section (6), is deemed to be an approved type.

(6B) Sub-section (6A) does not apply if the Authority approves the gaming machine type as a type that is suitable for use in gaming.

70. Withdrawal of approval

(1) The Authority may withdraw the approval of an approved gaming machine type or game if the Authority considers it necessary or appropriate in the public interest or for the proper conduct of gaming.

(2) If approval is withdrawn under sub-section (1), the Authority must give written notice of the withdrawal to—

(a) the person who submitted the gaming machine type or game under section 69; and

(b) venue operators and gaming operators using any gaming machine of that gaming machine type or including that game—
and must specify in the notice the time within which the gaming machine type or game must be removed from use.

(3) If approval is withdrawn under sub-section (1), the Authority must allow a gaming operator a reasonable time within which to remove the gaming machine type or game from use unless there is an immediate threat to the public interest.

(4) Subject to sub-section (3), a gaming operator must not permit a gaming machine to be played if—

(a) the machine is of a type in respect of which the Authority has withdrawn approval under sub-section (1); and

(b) notice has been given to the venue operator under sub-section (2).

Penalty: 1000 penalty units.

(5) Subject to sub-section (3), a gaming operator must not permit a game to be played if—

(a) the Authority has withdrawn approval of that game under sub-section (1); and

(b) notice has been given to the venue operator under sub-section (2).

(6) The Authority must not, under this section, withdraw the approval of a gaming machine type or game deemed to have been approved under section 69(6) unless it is satisfied that the machine or game has been altered.

Penalty: 1000 penalty units.

71. **Linked jackpots unlawful without approval**

A person must not, without the approval of the Authority, install or cause to be installed a linked jackpot arrangement.
Penalty: 100 penalty units.

72. Identification of machines

(1) The Director must cause an identification number to be issued for each gaming machine.

(2) The Director may, at any time after the issue of an identification number for a gaming machine, cause the issue of a new identification number for that gaming machine.

(3) A gaming operator must not possess a gaming machine unless there is securely affixed on one internal and one external surface of the cabinet of the gaming machine a label showing—

(a) the identification number issued under subsection (1) or (2); and

(b) any other particulars that the Director considers appropriate.

Penalty applying to this sub-section: 50 penalty units.

73. Gaming prohibited on unprotected devices

(1) A venue operator or gaming operator must not without lawful excuse be in possession of or permit gaming on a gaming machine unless the computer cabinet of the gaming machine is securely sealed with a seal in accordance with procedures approved by the Authority.

Penalty: 400 penalty units or imprisonment for 2 years or both.

(2) At any time when a seal on a computer cabinet has been broken, the venue operator must not permit gaming on the gaming machine until the gaming machine has been re-sealed in accordance with procedures approved by the Authority.
74. Unlawful interference with gaming equipment

(1) 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 gaming equipment; or

(b) do any act or thing calculated, or likely, to improperly interfere with gaming equipment; or

(c) insert, or cause to be inserted, in a gaming machine any thing other than a gaming token of the denomination or type displayed on the gaming machine as a gaming token to be used in order to operate or gain credit on the gaming machine.

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

(2) If a member of the police force believes on reasonable grounds that a person has committed an offence under sub-section (1), the member may search the person for any device or thing that the member suspects was used in the commission of the offence.

75. Protection of sensitive areas of gaming equipment

(1) A person, other than an inspector or a person holding a technician's licence acting in the ordinary course of the inspector's or person's duties or a person authorised in writing by the Director, must not—

(a) break a seal securing a computer cabinet or gain access to any thing within the computer cabinet; or
(b) affix a seal to a computer cabinet; or

(c) break any seal protecting the integrity of the game program of a gaming machine; or

(d) remove, replace or in any way affect or interfere with the operation of a computer cabinet or any thing within the computer cabinet; or

(e) remove or interfere with any security device of gaming equipment; or

(f) interfere with the normal operation of the reel assemblies of a gaming machine; or

(g) remove or interfere with the housing protecting the mechanical meters of a gaming machine; or

(h) interfere with the normal operation of the mechanical meters of a gaming machine; or

(i) disconnect or interfere with a connection between a mechanical meter and a computer cabinet; or

(j) interfere with information stored or transmitted electronically by any gaming machine, linked jackpot arrangement or electronic monitoring system; or

(k) remove, alter or otherwise interfere with the electronic monitoring system or application software; or

(l) remove or interfere with any mark or seal affixed to gaming equipment to preserve the integrity of operation of the gaming equipment; or

(m) remove, alter or otherwise interfere with the manufacturer's identification plate or the manufacturer's serial number of a gaming machine; or
(n) remove, alter or otherwise interfere with an identification label affixed to a gaming machine under section 72; or

(o) affix any thing capable of being represented as being a label referred to in section 72 to a gaming machine or a device capable of being represented as being a gaming machine.

Penalty: 400 penalty units or imprisonment for 2 years or both.

(2) If any of the matters referred to in sub-section (1) have occurred, the person on whose premises the gaming equipment is located is guilty of an offence and liable on conviction to a penalty not exceeding 400 penalty units or imprisonment for 2 years or both.

(3) It is a defence to a charge under sub-section (2) to prove that the defendant or the defendant's servant or agent took reasonable precautions to ensure that this section was not contravened.

**75A. Testing of electronic monitoring system**

(1) The Authority may, on its own motion on reasonable grounds or on request by a gaming operator, test an electronic monitoring system to determine whether there is compliance with this Act and the regulations.

(2) The Authority may require a gaming operator to pay the reasonable costs of testing referred to in sub-section (1).

**75B. Approval of electronic monitoring systems**

(1) A gaming operator must not use an electronic monitoring system unless it has been approved by the Authority.
(2) A gaming operator must not use an electronic monitoring system which has been varied from the system approved by the Authority unless the variation has been approved by the Authority.

(3) The Authority may approve—

(a) an electronic monitoring system; or

(b) a variation to an electronic monitoring system—

for use by a gaming operator.

(4) An electronic monitoring system lawfully used by a gaming operator immediately before the commencement of section 17 of the Gaming Acts (Amendment) Act 1996 is deemed to be approved under this section.

76. Access to gaming machines

A person must not, in relation to a gaming machine in an approved venue remove gaming tokens from the cabinet or drop box of the gaming machine unless the person is—

(a) the gaming operator of the approved venue;

or

(b) the venue operator of the approved venue; or

(c) a special employee in the approved venue; or

(d) a technician in the performance of his or her duties.

Penalty: 50 penalty units.

77. Installation and storage of gaming machines

(1) A gaming operator who provides gaming machines to a venue operator—
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(a) must install the machines, or cause them to be installed, in a gaming machine area approved for that purpose by the Authority; and

(b) must cause any gaming machines not so installed to be stored in a room approved by the Authority and secured in the manner approved by the Authority; and

(c) must request the Director to give approval to commence gaming.

(1A) A technician who installs gaming equipment at an approved venue must certify, in a form approved by the Director, that the gaming equipment is functioning in the manner in which it is designed and programmed to function and must retain the certificate for a period of 12 months immediately following the date of signature.

(1B) A technician must not sign a certificate referred to in sub-section (1A) knowing it to be false.

Penalty: 100 penalty units.

(1C) A gaming operator who installs gaming equipment, or causes gaming equipment to be installed, at an approved venue must certify, in a form approved by the Director, that the equipment is functioning in the manner in which it is designed and programmed to function.

(1D) A gaming operator must not sign a certificate referred to in sub-section (1C) knowing it to be false.

Penalty: 100 penalty units.

(2) On a request from a gaming operator under this section, the Director may give approval to commence gaming if the Director is satisfied that the installed gaming equipment functions in the
manner in which it is designed and programmed to function.

(3) A person must not play or allow another person to play a gaming machine that is provided to a venue operator and that is not installed as required by this section.

Penalty applying to this sub-section: 1000 penalty units.

77A. After hours gaming

(1) A person must not play a gaming machine in an approved venue at any time when the approved venue is closed to the public.

Penalty: 50 penalty units.

(2) If a person is found guilty of an offence against sub-section (1)—

(a) all winnings (except linked jackpots) paid or payable to the person as a result of the commission of the offence are forfeited to the State; and

(b) all linked jackpots paid or payable to the person as a result of the commission of the offence are to be returned to the jackpot special prize pool.

(3) Winnings forfeited under sub-section (2)(a)—

(a) must be paid into the Consolidated Fund; and

(b) must be included in the calculation of "daily net cash balance" for the purposes of section 136.

78. The Authority’s Rules

(1) The Authority may make rules for or with respect to—
(a) entry to restricted areas; and
(b) dress requirements in restricted areas; and
(c) sobriety in restricted areas; and
(d) security in approved venues; and
(e) services provided by venue operators; and
(f) procedures for the resolution of disputes concerning payment of winnings; and
(g) any other matter relevant to the conduct of gaming.

(2) The Authority may repeal, revoke, rescind, amend, alter or vary a rule made under subsection (1).

(3) The Director must notify in writing each venue operator of rules made under this section and any repeal, revocation, rescission, amendment, alteration or variation of those rules.

(4) A repeal, revocation, rescission, amendment, alteration or variation takes effect on the date that they are published in the Government Gazette.

(5) The Authority must cause rules made under subsection (1) or (2) to be published in the Government Gazette.

(6) Sections 5, 6 and 6A of the Subordinate Legislation Act 1962 apply to and in respect of a rule under this section as if the rule were a statutory rule within the meaning of that Act, notice of which had been published in the Government Gazette on the day on which the rule was published in the Government Gazette.

79. Rules to be displayed and enforced
(1) A venue operator must display in a prominent place at the licensed premises a copy of rules made by the Authority under section 78 as in force from time to time.

Penalty: 25 penalty units.

(2) A venue operator must enforce or cause to be enforced rules made under section 78.

Penalty applying to this sub-section: 25 penalty units.

**80. Authority may give directions**

(1) The Authority may give to a gaming operator or a venue operator a written direction that relates to the conduct of gaming, the keeping or inspection of financial records or the administration of the approved venue.

(2) A gaming operator or a venue operator must comply with a direction under sub-section (1) as soon as it takes effect.

Penalty: 25 penalty units.

(3) The direction takes effect when the direction is given to the operator or on a later date specified in the direction.

(4) A direction under this section must not be inconsistent with this Act or the conditions of the operator's licence.

**81. Credit etc.**

Any person who—

(a) holds a licence under this Act; or

(b) is a gaming operator—
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 gaming machine in an approved venue.

Penalty: 100 penalty units.

82. Gaming tokens

(1) A venue operator must use only gaming tokens in conducting gaming in the approved venue.

(2) A venue operator must cause all transactions in respect of the sale or redemption of gaming tokens in the approved venue to be carried out in a manner that ensures the integrity of the transactions.

Penalty: 100 penalty units.

83. Malfunction of gaming machines

(1) A venue operator, gaming operator or special employee must refuse to pay, or to allow payment to be made to, a person in respect of a bet made or gaming machine credits accumulated on a gaming machine if he or she reasonably suspects that the gaming machine failed to function in the manner in which it was designed and programmed to function.

(2) A special employee who refuses to pay or to allow payment to be made to a person in the circumstances referred to in sub-section (1) must inform the venue operator and the relevant gaming operator as soon as practicable after the refusal.

(3) In the event of a dispute over a refusal to pay in the circumstances referred to in sub-section (1), the relevant gaming operator must resolve the dispute in accordance with procedures approved by the Authority.

84. Defective gaming machines not allowed
Gaming Machine Control Act 1991
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(1) A venue operator or a gaming operator must not allow a gaming machine that—
   (a) is installed in the approved venue of the venue operator; and
   (b) does not function in the manner in which it was designed and programmed to function—
to be played, 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.

(2) It is a defence to a prosecution for an offence against sub-section (1) for the defendant to prove that he or she—
   (a) had taken all reasonable precautions to ensure that the gaming machine was functioning in the manner in which it was designed and programmed to function; and
   (b) at the time of the alleged offence, did not know, and ought not to have known, that the gaming machine was not functioning in the manner in which it was designed and programmed to function.

85. Removal of certain persons

(1) A venue operator may remove from or refuse entry to the operator's approved venue any person who—
   (a) breaches rules made by the Authority under section 78; or
   (b) damages or physically abuses a gaming machine; or
   (c) behaves in a manner likely to cause offence to other persons; or
(d) is suspected on reasonable grounds of being in the approved venue for the purpose of committing an offence or aiding another person to commit an offence against this Act.

(2) A venue operator may use no more force than is reasonably necessary to remove a person under sub-section (1).

86. Detention of suspected person

(1) An inspector who suspects on reasonable grounds that a person who is in an approved venue or on the premises of which the approved venue forms part is contravening or attempting to contravene a provision of this or any other Act or has contravened any such provision may detain the suspected person in a suitable place in or near the approved venue until the arrival at the place of detention of a police officer.

(2) Any other person who is—

(a) the venue operator of licensed premises or an agent of the venue operator; or

(b) the relevant gaming operator or an agent of the gaming operator; or

(c) a special employee—

and who suspects on reasonable grounds that a person in the approved venue is contravening or attempting to contravene section 82, 83 or 83A of the Crimes Act 1958 or a prescribed provision of this Act or has contravened any such section or provision may detain the suspected person in a suitable place in or near the approved venue until the arrival at the place of detention of a police officer.

(3) A person may not be detained under this section unless—
Gaming Machine Control Act 1991
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(a) no more force is used than is reasonably necessary; and
(b) the person detained is informed of the reasons for the detention; and
(c) the person effecting the detention immediately notifies a police officer of the detention and the reasons for the detention.

87. Injunctions to prevent contraventions etc.

If a venue operator or a gaming operator has engaged or is proposing to engage in conduct that constitutes or would constitute—

(a) a contravention of a provision of this Act; or
(b) attempting to contravene such a provision; or
(c) aiding, abetting, counselling or procuring a person to contravene such a provision; or
(d) inducing, or attempting to induce, whether by threats, promises or otherwise, a person to contravene such a provision; or
(e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of such a provision; or
(f) conspiring with others to contravene such a provision—
the Authority may apply to a court of competent jurisdiction for an injunction on any terms that the court determines to be appropriate.
PART 5—MINORS

88. Definitions

In this Part—

"acceptable proof of age" for a person means documentary evidence that might reasonably be accepted as applying to the person and as proving that the person is at least 18 years of age;

"minor" means a person who is under the age of 18 years.

89. Part only applies during hours of operation of approved venue

This Part applies to an approved venue only during the hours of operation of the approved venue.

90. Minors not to enter restricted areas

A minor must not for any purpose enter or remain in a restricted area.

Penalty: 10 penalty units.

91. Minors not to play gaming machines in unrestricted areas

A minor must not play a gaming machine in any area of an approved venue.

Penalty: 20 penalty units.

92. Minors in approved venue—offences by venue operator

(1) If a minor enters a restricted area of an approved venue, the venue operator is guilty of an offence.

Penalty: 20 penalty units.
(2) If a minor is in a restricted area of an approved venue the venue operator must remove the minor or cause the minor to be removed from the restricted area, using no more force than is reasonably necessary.

Penalty: 20 penalty units.

(3) A venue operator must not allow a person to play a gaming machine in any area of an approved venue if the venue operator knows or reasonably suspects that the person is a minor.

Penalty: 20 penalty units.

(4) It is a defence to a prosecution for an offence under this section if it is proved that—

(a) the minor was above the age of 14 years; and

(b) before the minor entered the restricted area or approved venue (as the case may be) or while the minor was in the restricted area or approved venue (as the case may be) there was produced to the venue operator or to his or her agent or employee acceptable proof of age for the minor.

93. Entry of minors to be prevented

(1) If a venue operator or a special employee is aware that a person who may reasonably be suspected of being a minor is attempting to enter a restricted area, the venue operator or special employee must refuse the person entry to the restricted area.

Penalty: 10 penalty units.

(2) The venue operator or employee is not required to refuse the person entry if there is produced to the venue operator or employee acceptable proof of age for the person.

94. Proof of age may be required
(1) The person for the time being in charge of an approved venue, an agent of the venue operator, a special employee, an inspector or a police officer may, if he or she has reasonable cause to suspect that a person in an approved venue is a minor—

(a) require the person in the approved venue to state his or her correct age, name and address; and

(b) if it is suspected on reasonable grounds that the age, name or address given in response to the requirement is false, require the person to produce evidence of its correctness.

(2) A person must not fail to comply with a requirement under sub-section (1)(a) and must not, without reasonable cause, fail to comply with a requirement under sub-section (1)(b).

Penalty: 10 penalty units.

(3) It is not an offence to fail to comply with a requirement under sub-section (1) if the person who made the requirement did not inform the person of whom the requirement was made, at the time it was made, that it is an offence to fail to comply with the requirement.

(4) If a person contravenes sub-section (2), a police officer may arrest the person without warrant and bring him or her before a magistrate to be dealt with according to law.

95. Minor using false evidence of age

A minor who uses any evidence purporting to be evidence of his or her age in order to obtain entry to or remain in a restricted area is guilty of an offence if the evidence is false in a material particular in relation to the minor.

Penalty: 10 penalty units.
96. Notices to be displayed

(1) The Authority may, by written direction given to a venue operator, require a notice or notices to be displayed in the approved venue with respect to the exclusion from restricted areas of persons under the age of 18 years.

(2) The direction may impose requirements as to the form and position of and matter to be displayed on any such notice.

(3) A venue operator must comply with a direction given under sub-section (1).

Penalty applying to this sub-section: 50 penalty units.

97. Apprentices permitted entry to restricted area

It is a defence to a prosecution under this Part if it is proved that the minor concerned was an apprentice (within the meaning of Part 5 of the *Vocational Education and Training Act 1990*) and that the minor's entry into or presence in the restricted area on the occasion in question was for the purpose only of his or her receiving training or instruction as an apprentice.
PART 6—POWERS AND FUNCTIONS OF THE AUTHORITY

107A. Delegation

(1) The Authority may, by instrument under its official seal, delegate to one or more members of the Authority or to the Director any function of the Authority under this Act (except sections 3 and 8 and Part 3) other than this power of delegation.

(1A) The Authority may, by instrument under its official seal, delegate to a committee of 3 members of the Authority any power or function of the Authority under Division 4 of Part 3.

(2) The Authority must publish in its annual report all delegations under sub-section (1) or (1A) during the previous year.

(3) Despite sub-section (1), a power or function under section 69(5B) or 75B(3) (except paragraph (a)) delegated to the Director under sub-section (1) may be delegated by the Director to an officer or member of the staff of the Authority.
109. **Objects of the Authority**

The objects of the Authority under this Act are—

(a) to ensure that gaming on gaming machines is conducted honestly and that the management of gaming is free from criminal influence and exploitation;

(b) to regulate the use of gaming machines in casinos and approved venues where liquor is sold;

(c) to regulate the activities of key operatives in the gaming machine industry, including those who manufacture, supply, repair or own, or provide venues for and operate, machines;

(d) to act as a source of advice to the Minister on gaming issues and to ensure that the Government's gaming policy on gaming is implemented;

(e) to fund research into, and advise the Minister on, the social impact of gaming;

(f) to promote tourism, employment and economic development generally in the State through the administration of this Act.

110. **Functions of the Authority**

The Authority has the following functions under this Act—

(a) such functions as are necessary or convenient to enable it to achieve its objects under this Act; and
(b) such other functions as are conferred or imposed on it by or under this or any other Act or law.

111. Authority may hold inquiries

(1) For the purpose of the exercise of its functions under this Act, the Authority may hold inquiries in public or in private, being inquiries presided over by one or more members of the Authority.

(2) For the purposes of holding an inquiry, the Authority shall be deemed to be a board appointed by the Governor in Council and Division 5 of Part I (including section 21A) of the Evidence Act 1958 applies accordingly.

112. Representation

A person may appear at an inquiry personally or by a duly qualified legal practitioner.

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PART 7—POWERS AND FUNCTIONS OF THE DIRECTOR

118. Delegation

The Director may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Director delegate to a member or officer of the Authority, an inspector, an authorised person or a member of the staff of the Director or to the Director of Casino Surveillance appointed under the Casino Control Act 1991 all or any of the powers of the Director under this Act, other than this power of delegation.

119. Functions of Director

The following are the functions of the Director under this Act—

(a) to ensure that the conduct of gaming at approved venues is supervised;

(b) to detect offences committed in or in relation to approved venues;

(c) to receive and investigate complaints from gaming patrons concerning the conduct of gaming in approved venues;

(d) to investigate the antecedents of—
   (i) applicants for licences or listing on the Roll; or
   (ii) licensees or those listed on the Roll—
and report on their suitability to the Authority as required;

(e) to report generally to and assist the Authority regarding the operation of this Act.

S. 119(e) amended by No. 37/1994 s. 216(d)(ii).
PART 8—INSPECTORS

123. Rights of inspector in certain premises

(1) An inspector or a member of the police force may at any time enter and remain on the premises of a venue operator (other than a casino operator), gaming operator or person listed on the Roll for the purposes of doing any one or more of the following—

(a) observing any of the gaming 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.

(2) An inspector or a member of the police force who enters premises under sub-section (1) is not authorised to remain on the premises if, on the request of the operator or person listed on the Roll or, if the premises are a casino, a casino employee, the inspector or member does not show his or her identity card to the operator, person so listed or employee.

124. Functions of inspectors

(1) The functions of inspectors under this Act are as follows—
(a) to supervise operations at approved venues and on the premises of gaming operators and persons listed on the Roll, and to inspect the gaming equipment used and records kept in such premises, for the purpose of ascertaining whether or not the operator or person listed is complying with the provisions of this Act, the conditions of the licence, and any directions issued by the Authority or the Director under this Act;

(b) to receive and investigate complaints, in accordance with section 125, from patrons relating to the conduct of gaming at approved venues;

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

(d) to report to the Director as required;

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

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

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

125. Inspector to investigate complaints

(1) On receiving a complaint from a patron relating to the conduct of gaming at an approved venue, an inspector must forthwith investigate the complaint.
(3) If, as a result of the investigation, the inspector is satisfied that there has been a contravention of a provision of this Act, the inspector—

(a) must report the matter to the Director in writing; and

(b) subsequently must notify the venue operator and the relevant gaming operator of the substance of the complaint and give each of the operators an opportunity to respond to the complaint within a reasonable period to be specified in the notice.

(3A) Sub-section (3)(b) does not apply to a complaint in respect of which the Director decides to take no further action.

(4) The inspector must inform the complainant of the results of the investigation of the complaint and of any action taken as a consequence of it.

126. **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 gaming equipment or records to produce the equipment or records for inspection and to answer questions or provide information relating to the equipment or records;

(b) inspect any gaming equipment or records and take copies of, extracts from, or notes relating to, any records;

(c) if the inspector considers it necessary to do so for the purpose of obtaining evidence of the commission of an offence, seize any gaming equipment or records;
(d) by notice in writing require—
   (i) the operator; or
   (ii) the manufacturer or supplier listed on the Roll; or
   (iii) an employee; or
   (iv) any other person associated with operations or their management 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) examine and test any gaming equipment in such premises and order the person in charge of the premises to withdraw unsatisfactory gaming equipment from use on the premises;

(f) 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;

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

(2) If an inspector seizes gaming equipment or records under this section, they may be retained by the inspector until the completion of any proceedings (including proceedings on appeal) in which they may be evidence but only if, in the case of records, the person from whom the records were seized is provided, within a reasonable time after the seizure, with a copy of the records certified by an inspector as a true copy.
(3) Sub-section (2) ceases to have effect in relation to things seized if, on the application of a person aggrieved by the seizure, the court in which proceedings referred to in that sub-section are instituted so orders.

(4) A copy of records provided under sub-section (2) is, as evidence, of equal validity to the records of which it is certified to be a copy.

(5) A person is not required by this section to answer a question that might incriminate the person.

(6) A member of the police force has the functions of an inspector.

127. 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 if the inspector or member believes on reasonable grounds—

(a) that there are on any premises gaming equipment or records—

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

(ii) that those articles may be evidence of an offence; or

(b) that there is or has been a contravention of this Act or the regulations on any premises other than the premises of a gaming operator, licensed technician or manufacturer or supplier listed on the Roll.

(2) A magistrate to whom such an application is made, if satisfied by evidence on oath or by affidavit that there are reasonable grounds for doing so, may issue in accordance with the
Magistrates' Court Act 1989 a search warrant in the prescribed form authorising an inspector or member of the police force named in the warrant and any assistants to enter the premises, or part of premises, specified in the warrant, for the purpose of searching for and seizing gaming equipment or records referred to in sub-section (1).

(3) A search warrant issued under this section ceases to have effect at the expiration of 1 month after its issue.

128. 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) fail to produce for inspection any gaming equipment or records in the possession or under the control of the person when required so to do by an inspector or member of the police force in the exercise of his or her functions under this Act; or

(c) fail without reasonable excuse to attend before an inspector or member of the police force and answer questions or supply information when required so to do by the inspector or member in the exercise of his or her functions under this Act; or

(d) except with the permission of an inspector or member of the police force, take any gaming equipment or records seized, impounded or retained under the authority of this Act; or
(e) 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 gaming equipment considered by the inspector or member to be unsatisfactory for use, fail to comply with the direction; or

(f) prevent, directly or indirectly, a person from attending before an inspector or member of the police force, producing to an inspector or member any gaming equipment or records 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 an approved venue or at the premises of a gaming operator or a manufacturer or supplier listed on the Roll 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 a venue or on premises referred to in sub-section (2) 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; 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.

* * * * * * * * * * *

S. 128

S. 129
repealed by No. 37/1994 s. 217(c).
PART 9—ACCOUNTS AND LEVIES

130. Part not to apply in relation to casinos

Nothing in this Part applies in relation to transactions arising from operations in a casino or to gaming within a casino.

131. Banking

(1) A venue operator, the holder of a gaming operator's licence under Part 3 and an operator under the gaming licence must—

(a) keep and maintain separate bank accounts, as approved by the Authority, at a bank in the State for use for all banking transactions arising under this Act in relation to the operator; and

(b) from time to time provide the Authority, as required, and in a form approved by the Authority, with a written authority addressed to the bank referred to in paragraph (a) authorising the bank to comply with any requirements of an inspector exercising the powers conferred by this section.

Penalty: 100 penalty units.

(2) An inspector may, by notice in writing, require the manager or other principal officer of a bank referred to in sub-section (1) to provide the inspector with a statement of an account referred to in that section and such other particulars relating to the account as may be specified in the notice.

(3) A person to whom a notice is given under sub-section (2), must comply with the notice.

Penalty: 50 penalty units.
(4) An inspector may not exercise the powers conferred by this section without the prior written approval of the Authority.

132. Accounts

(1) In this section, "operator" means a venue operator, the holder of a gaming operator's licence under Part 3 or an operator under the gaming licence.

(2) Each operator must keep accounting records that correctly record and explain the transactions and financial position of the operations of the operator.

Penalty: 50 penalty units.

(3) Each operator must keep the accounting records in the form required by the Authority and in a manner that will enable true and fair financial statements and accounts to be prepared from time to time and the financial statements and accounts to be conveniently and properly audited.

Penalty: 50 penalty units.

(4) Each operator must, as soon as practicable after the end of each financial year, prepare financial statements and accounts including—

(a) cash flow statements for the financial year; and

(b) profit and loss accounts for the financial year; and

(c) a balance-sheet as at the end of the financial year—

that give a true and fair view of the financial operations of the operator.

Penalty: 50 penalty units.
133. Books etc. to be kept on the premises

(1) A venue operator, the holder of a gaming operator's licence under Part 3 and an operator under the gaming licence must ensure that all documents relating to the operations of the operator are—

(a) kept at the approved venue of the venue operator or at the principal place of business of the operator; and

(b) retained for not less than 7 years after the completion of the transactions to which they relate.

Penalty: 50 penalty units.

(2) The Authority may by instrument in writing grant an exemption to a venue operator or, the holder of a gaming operator's licence under Part 3 or an operator under the gaming licence from all or specified requirements of this section in respect of all or specified, or specified classes of, documents and may grant such an exemption subject to conditions.

134. Audit of gaming operator

(1) A holder of a gaming operator's licence under Part 3 must, as soon as practicable after the end of each financial year, cause the books, accounts and financial statements of the operator to be audited by the Auditor-General.

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

(3) Without limiting the generality of sub-section (2), the Auditor-General and each officer of the Auditor-General—
(a) has right of access at all times to the books of a holder of a gaming operator's licence under Part 3; and

(b) may require from an officer or employee of a holder of a gaming operator's licence under Part 3 any information, assistance and explanations necessary for the performance of the duties of the Auditor-General in relation to the audit.

(4) A holder of a gaming operator's licence under Part 3 must pay to the Consolidated Fund an amount to be determined by the Auditor-General to defray the costs and expenses of any audit by the Auditor-General.

(5) The holder of a gaming operator's licence under Part 3 must cause the Auditor-General's report to be lodged with the Authority within 75 days (or any longer period not exceeding 4 months agreed by the Authority) after the end of the financial year to which the report relates.

(6) If the Authority gives notice in writing to a venue operator to the effect that this section applies to the operator, in respect of a specified period, this section applies accordingly and has effect as if in respect of this period a reference to a holder of a gaming operator's licence under Part 3 included a reference to that venue operator.

Penalty: 50 penalty units.

(7) Nothing in this section or section 131, 132 or 133 applies to a transaction, accounting record, account balance sheet, document, book or financial statement which does not form, or
record, part of the business of a holder of a gaming operator's licence under Part 3 carried on by a person in accordance with this Act.

135. Returns to players

(1) A gaming operator must ensure that the pay-out table on gaming machines at each venue is set so as to return to players the players' proportion of the total amounts wagered each year at that venue, after deduction of the sum of jackpot special prizes determined as prescribed and payable during that year.

(2) The players' proportion is—

(a) not less than 87 per centum; or

(b) if the Authority so determines in accordance with sub-section (3), a fixed percentage greater than 87 per centum.

(3) A determination under sub-section (2)—

(a) must be made by notice published in the Government Gazette; and

(b) must be expressed to have effect on and after a specified date.

135A. Amounts payable by Trustees

(1) In respect of the year ending on 30 June 1996, the Trustees must, in accordance with section 135C, pay to the Treasurer for payment into the Consolidated Fund the greater of—

(a) 30% of the Trustees' net profit for that year; and

(b) $35 000 000.

(2) In respect of the year ending on 30 June 1997 and each year ending on a subsequent 30 June up to and including 30 June 2011, the Trustees must, in accordance with section 135C, pay to the
Treasurer for payment into the Consolidated Fund the greater of—

(a) 30% of the Trustees' net profit for that year; and

(b) the lesser of—

(i) an amount calculated in accordance with the formula—

$$\frac{\$35\,000\,000 \times A}{B}$$

; and

(ii) 35% of the Trustees' net profit for that year—

where—

(iii) A is the All Groups consumer price index for all capital cities in respect of the quarter ended on 30 June of that year first published by the Commonwealth Statistician after that date; and

(iv) B is the All Groups consumer price index for all capital cities in respect of the quarter ended on 30 June 1996 first published by the Commonwealth Statistician after that date.

(3) In respect of the period beginning on 1 July 2011 and ending on 14 April 2012, the Trustees must, in accordance with section 135C, pay to the Treasurer for payment into the Consolidated Fund the greater of—

(a) 30% of the Trustees' net profit for that period; and

(b) the lesser of—

(i) an amount calculated in accordance with the formula—
$35,000,000 \times \frac{A}{B} \; \text{; and}

(ii) 35\% \text{ of the Trustees' net profit for that period—}

where—

(iii) $A$ is the All Groups consumer price index for all capital cities in respect of the quarter ended on 30 June 2012 first published by the Commonwealth Statistician after that date; and

(iv) $B$ is the All Groups consumer price index for all capital cities in respect of the quarter ended on 30 June 1996 first published by the Commonwealth Statistician after that date.

(4) In this section, "net profit", in relation to a year or period, means the net profit (before deduction of the amounts payable under this section or section 135B) of the Trustees for that year or period from the conduct of gaming as shown in a statement of account—

(a) prepared in accordance with generally accepted accounting principles; and

(b) prepared in respect of the conduct of gaming for which financial statements and accounts are required to be kept in accordance with section 132; and

(c) confirmed by the Auditor-General as fairly presenting the net profit and the results of that conduct of gaming—

or, if the Auditor-General does not, before the date on which a payment is required to be made by the Trustees under section 135C, confirm the
statement of account (including the net profit), the amount determined under section 135B.

135B. Determination of net profit by independent expert

(1) If the Treasurer is satisfied that the Auditor-General has not confirmed the statement of account (including the net profit) under section 135A, the Treasurer may request the President for the time being of the Institute of Chartered Accountants in Australia to nominate a person ("the independent expert") to determine the amount of the net profit.

(2) The independent expert must make the determination within one month after being appointed or any longer period that the Treasurer and the Trustees agree in writing.

(3) The Treasurer, Auditor-General and Trustees—

(a) must provide the independent expert with such information as he or she requires and is available; and

(b) may make submissions to the independent expert.

(4) The reasonable costs of the independent expert in making the determination must be paid as to one half by the Treasurer and as to one half by the Trustees.

(5) Where the net profit is determined by the independent expert, the Trustees must pay the amount to which the determination relates within 10 days after the determination.

(6) The independent expert, in carrying out the functions under this section does not act as arbitrator.
135C. Manner of payment by Trustees

(1) The amount payable by the Trustees under section 135A(1) or (2) in respect of a year must be paid—

(a) by 4 instalments due on 30 September, 31 December, 31 March and 30 June in that year, each instalment being calculated in accordance with the formula—

\[
\frac{(NP \times 30)}{100} \times \frac{25}{100}
\]

where NP is the Trustees' net profit (within the meaning of section 135A(4)) in respect of the preceding year ending on 30 June; and

(b) as to the balance (if any)—

(i) within 28 days after the Auditor-General, having audited the Trustees' financial statements and accounts for the year, has issued a certificate for the purposes of this section confirming that the statement of account represents fairly the net profit and the Trustees' operations under the gaming operator's licence for that year; or

(ii) if the net profit is determined by an independent expert, in accordance with section 135B(5).

(2) The amount payable by the Trustees under section 135A(3) in respect of the period referred to in that sub-section must be paid—

(a) by 4 instalments due on 30 September 2011, 31 December 2011, 31 March 2012 and 14 April 2012, each instalment being calculated in accordance with the formula—

\[
\frac{(NP \times 30)}{100} \times \frac{25}{100}
\]
where NP is the Trustees' net profit (within the meaning of section 135A(4)) in respect of the year ending on 30 June 2011; and

(b) as to the balance (if any)—

(i) within 28 days after the Auditor-General, having conducted an audit of a statement of accounts prepared by the Trustees in respect of that period, has issued a certificate for the purposes of this section confirming that the statement of accounts represents fairly the net profit and the Trustees' operations under the gaming operator's licence for that period; or

(ii) if the net profit is determined by an independent expert, in accordance with section 135B(5).

(3) If the sum of the amounts paid by the Trustees under sub-section (1)(a) or (2)(a) in respect of a year or the period referred to in section 135A(3), as the case requires, exceeds the amount payable under section 135A in respect of that year or period, the Treasurer must refund to the Trustees the amount of the excess and the Consolidated Fund is hereby to the necessary extent appropriated accordingly.

136. Other returns by gaming operators

(1) A gaming operator and the holder of a gaming licence under the Gaming and Betting Act 1994 must ensure that amounts are paid, in respect of such periods as the Authority determines, in accordance with sub-section (3).

* * * * *
(3) The following are the amounts to be paid under this sub-section—

(a) to the venue operator of an approved venue in respect of which a licence referred to in section 19(1)(c) or (d) is in force and at which a gaming machine of the gaming operator is played—the prescribed percentage of the total daily net cash balances during that period of gaming machines of the gaming operator at the venue;

(b) to the venue operator of an approved venue in respect of which a licence referred to in section 19(1)(a) or (b) is in force and at which a gaming machine of the gaming operator is played—the prescribed percentage of the total daily net cash balances during that period of gaming machines of the gaming operator at the venue;

(c) to the Authority to be paid into the Consolidated Fund for payment to the Community Support Fund—the prescribed percentage of the total daily net cash balances during that period of gaming machines of the gaming operator at the venue in respect of which a licence referred to in section 19(1)(a) or (b) is in force;

(d) to the Authority to be paid into the Consolidated Fund—the prescribed percentage of the total daily net cash balances during that period of all gaming machines of the gaming operator at approved venues.
(3B) Regulations prescribing percentages for the purposes of sub-section (3) must not prescribe percentages that in total are more than 66\(\frac{2}{3}\) per centum of the total daily net cash balances, during a period, of gaming machines of a gaming operator.

(3C) This section, as amended by section 160, applies to a gaming operator who is the holder of a gaming operator's licence under Part 3 but, as so amended, does not apply to the holder of a gaming licence under the *Gaming and Betting Act 1994*.

(3D) Despite the amendment of this section by section 160, sub-section (3) of this section, as in force immediately before 1 November 1996, continues to apply to the holder of the gaming licence under the *Gaming and Betting Act 1994*.

(4) An amount payable under this section is a debt and may be recovered in a court of competent jurisdiction.

(5) In this section—

"daily net cash balance", in relation to a gaming machine, means the total amount wagered less the sum of all prizes paid and amounts determined as prescribed for payment to a jackpot special prize pool.

(6) In sub-sections (2) and (3), "gaming operator" means—

(a) in relation to amounts to be paid by the...
holder of a gaming operator's licence under Part 3, that holder; and

(b) in relation to amounts to be paid by the holder of a gaming licence under the Gaming and Betting Act 1994, that holder or the operator under the gaming licence.

136A. Declaration of different rate of return

If a licence referred to in section 19(1)(c) is in force in respect of an approved venue and—

(a) the freehold of the approved venue is not vested in the venue operator; or

(b) in the opinion of the Authority, the terms of the lease of the approved venue or any other agreement provide, whether directly or indirectly, for payment of rent or charges calculated by reference to revenue derived from gaming machines; or

(c) in the opinion of the Authority, the terms of an agreement provide, whether directly or indirectly, for payment of revenue derived from gaming machines to a person other than the holder of the licence referred to in section 19(1)(c)—

the Authority may declare that the amounts payable by the gaming operator under section 136 are to be paid as if the licence were a licence referred to in section 19(1)(a) or (b).

137. Hospitals and charities levy

In respect of each financial year, an amount equal to the amount paid to the Consolidated Fund under section 136(3)(d) in respect of that year must be paid out of the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly) in such proportions as the Treasurer determines into—
138. **Community Support Fund**

(1) There shall be established in the Public Account as part of the Trust Fund an account to be known as the "Community Support Fund".

(2) An amount equal to the amount paid to the Consolidated Fund under section 136(3)(c) in respect of each period referred to in that section must be paid out of the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly) into the Community Support Fund.

(3) In addition to the amounts paid into the Fund under sub-section (2), there shall also be paid into the Fund interest derived from investment of money in the Fund.

(4) The Minister may apply money in the Fund—

(a) first, for payment to the Research and Development Fund established under this section, the amount of such payment to be determined by the Minister;

(b) secondly, for payment for or towards the provision of any one or more of the following—

(i) programs for the prevention of compulsive gambling or for the treatment or rehabilitation of persons who are compulsive gamblers;

(ii) programs for the treatment or rehabilitation of persons who are addicted to or abuse drugs;
(iii) educational programs relating to drug addiction or drug abuse;
(iv) programs for financial counselling services or support and assistance for families in crisis;
(v) programs for the benefit of youth;
(vi) research or pilot programs relating to community advancement programs;
(vii) programs for the benefit of sport or recreation;
(viii) programs for the promotion or benefit of the arts;
(ix) programs establishing or developing tourist destinations or facilities or services or for the purposes of promoting tourism;
(x) any other programs or purposes relating to the support or advancement of the community as determined by the Minister.

(c) thirdly, for payment of costs incurred in administering and managing the Fund and monitoring and reporting on the application of money from the Fund.

(5) The Authority must establish a Research and Development Fund.

(6) There shall be paid into the Research and Development Fund the amounts required to be paid to it under this section.

(7) There shall be paid out of the Fund such amounts as the Authority determines for the purposes of research relating to the social impact of gambling.
PART 10—GENERAL

139. Secrecy

(1) Subject to sub-section (3), a person must not directly or indirectly, except in the performance of duties or exercise of powers under this Act, make a record of, or divulge to any person, any information with respect to the affairs of another person acquired by the first-mentioned person in the performance of those duties or exercise of those powers.

Penalty: 50 penalty units.

(2) Subject to sub-section (5), a person is not, except for the purposes of this Act, required—

(a) to produce in a court a document that has come into his or her possession or under his or her control; or

(b) to divulge to a court any information that has come to his or her notice—

in the performance of duties or exercise of powers under this Act.

(3) A person may—

(a) divulge specified information to such persons as the Minister directs if the Minister certifies that it is necessary in the public interest that the information should be so divulged; or

(b) divulge information to a prescribed authority or prescribed person; or

(c) divulge information to a person who is expressly or impliedly authorised by the person to whom the information relates to obtain it.
(4) An authority or person to whom information is divulged under sub-section (3), and a person or employee under the control of that authority or person, is subject, in respect of that information, to the same rights, privileges, obligations and liabilities under this section as if that authority, person or employee were a person performing duties under this Act and had acquired the information in the performance of those duties.

(4A) Nothing in this section or any other Act applies to prohibit or restrict the giving of statistical information with respect to gambling in Victoria to the Authority or the Minister or the publication of any such information.

(5) If—

(a) the Minister certifies that it is necessary in the public interest that specified information should be divulged to a court; or

(b) a person to whom information relates has expressly authorised it to be divulged to a court—

a person may be required—

(c) to produce in the court any document containing the information; or

(d) to divulge the information to the court.

(6) In this section—

"court" includes any tribunal, authority or person having power to require the production of documents or the answering of questions;

"produce" includes permit access to.
141. Personal liability of members etc.

(1) Any matter or thing done by the Authority, an authorised person or any person acting under the direction of the Authority does not subject an authorised person or a person so acting personally to any action, liability, claim or demand if the matter or thing was done in good faith for the purpose of executing this or any other Act.

(2) Any liability that, but for sub-section (1), would attach to the Authority, an authorised person or other person attaches instead to the Crown.

142. Change in situation of licensee or person listed on the Roll

Whenever a change of a kind specified by the Director in writing given to the holder of any licence under this Act or a manufacturer or supplier listed on the Roll takes place in the situation existing in relation to that person, the person must notify the Director in writing of the change within 14 days after it takes place.

Penalty: 20 penalty units.

142A. On-going monitoring of associates and others

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

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

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

(2) A venue operator, a gaming operator or a manufacturer or supplier listed on the Roll must—
(a) notify the Authority in writing that a person is likely to become an associate as soon as practicable after the operator or manufacturer or supplier becomes aware of the likelihood; and

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

(3) If—

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

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

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

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

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

(b) is of sound and stable financial background;

(c) has any business association with any person, body or association who or which, in the opinion of the Authority, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources.
(5) If the association is not terminated within 14 days from the date of the notice referred to in sub-section (3), the Authority may, by notice in writing, direct the venue operator, gaming operator or manufacturer or supplier listed on the Roll to take all reasonable steps to terminate the association and the venue operator, gaming operator or manufacturer or supplier must comply with the direction within 14 days or any longer period agreed with the Authority.

(6) The Authority—

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

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

143. **Destruction of finger prints etc.**

(1) Any finger prints or palm prints obtained by the Authority or Director under this Act and any copies of them must be destroyed by the Authority as soon as the Authority or Director has no further use for them.

(2) The Authority or Director is to be considered to have no further use for them when—

(a) they were obtained in connection with an application for a venue operator's licence and the application is refused; or

(b) they were obtained in connection with the grant of a gaming operator's licence and the licence is not granted; or
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(ba) they were obtained in connection with an application for a special employee's licence or a technician's licence and the application is refused; or

c (c) they were obtained in connection with an application by a manufacturer or supplier to be listed on the Roll and the application is refused; or

d (d) the licence in connection with which they were obtained is cancelled or surrendered (but is to be considered to have further use for them whenever the licence is in force)—

* * * * * * *

and the person is not so appointed or is no longer so appointed or is no longer a member of staff.

(3) A person who in connection with an application for a licence or to be listed on the Roll has possession of finger prints or palm prints obtained by the Authority or Director under this Act, or copies of them, must deliver them to the Authority, in accordance with the directions of the Authority, so as to enable the Authority to comply with sub-section (1).

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

144. Records not kept in writing

(1) This section applies to a record that—

(a) is not in writing; or

(b) is not written in the English language; or
(c) is not decipherable on sight.

(2) A requirement under this Act to produce such a record is to be considered to be a requirement to produce (in addition to the record if it is in writing or instead of the record if it is not in writing) a statement written in the English language and decipherable on sight containing the whole of the information in the record.

145. False or misleading information

(1) A person must not—

(a) in, or in relation to, an application for a licence;

(b) in purported compliance with the requirements of a notice under this Act;

(c) in answer to a question asked by an inspector in the exercise of his or her functions as an inspector; or

(d) in purporting to provide information that the person has been authorised to provide—

give information that is false or misleading in a material particular.

Penalty: 50 penalty units.

(2) It is a defence to a prosecution of a person for an offence under sub-section (1) if it is proved that, at the time the information was given, the person believed, on reasonable grounds—

(a) in the case of false information—that the information was true; or

(b) in the case of misleading information—that the information was not misleading.
146. **Inducements, cheating etc.**

(1) A person must not dishonestly—

(a) by a scheme or practice; or

(b) by the use of gaming equipment; or

(c) by the use of an instrument or article of a type used in connection with gaming, or appearing to be of a type used in connection with gaming, or of any other thing—

in relation to gaming or the conduct of gaming, induce—

(d) a person licensed under this Act; or

(e) a person listed on the Roll; or

(f) an associate of a person so licensed or listed; or

(g) a person acting on behalf of a person so licensed or listed—

to deliver, give or credit to the person or another person, any money, gaming tokens, benefit, advantage, valuable consideration or security.

(2) A person licensed under this Act or a person listed on the Roll or an associate of a person so licensed or listed must not dishonestly—

(a) by a scheme or practice; or

(b) by the use of gaming equipment; or

(c) by the use of an instrument or article of a type used in connection with gaming, or appearing to be of a type used in connection with gaming, or of any other thing—

in relation to gaming or the conduct of gaming, induce a person to deliver, give or credit to the person so licensed or listed or another person, any
money, gaming tokens, benefit, advantage, valuable consideration or security.

(3) A person must not dishonestly cause gaming equipment to deliver, give or credit to the person or another person any gaming tokens, benefit, advantage, valuable consideration or security.

(4) A person must not, for the purpose of cheating or stealing in relation to gaming or the conduct of gaming, use or be in possession of—

(a) any gaming tokens that the person knows are bogus or counterfeit; or

(b) any thing that permits or facilitates cheating or stealing.

Penalty applying to this section: 1000 penalty units or imprisonment for 4 years or both.

147. Bribery of authorised person

(1) An authorised person must not corruptly ask for, receive or obtain, or agree to receive or obtain, any money, property or benefit of any kind for the authorised person or any other person—

(a) so that the authorised person will forego or neglect his or her functions or duties under this Act or in order to influence him or her in the performance of his or her functions or duties under this Act; or

(b) on account of any thing already done or omitted to be done or to be afterwards done or omitted to be done by the authorised person in the performance of his or her functions or duties under this Act; or

(c) for the authorised person to use or take advantage of his or her position improperly to gain any benefit or advantage for or
facilitate the commission of an offence by another person.

(2) A person must not corruptly give to, confer on or procure for, or promise or offer to give to, confer on or procure for, an authorised person or any other person any money, property or benefit of any kind—

(a) so that the authorised person will forego or neglect his or her functions or duties under this Act or in order to influence him or her in the performance of his or her functions or duties under this Act; or

(b) on account of any thing already done or omitted to be done or to be afterwards done or omitted to be done by the authorised person in the performance of his or her functions or duties under this Act; or

(c) for the authorised person to use or take advantage of his or her position improperly to gain any benefit or advantage for or facilitate the commission of an offence by the first-mentioned person or any other person.

Penalty applying to this section: 1000 penalty units or imprisonment for 4 years or both.

148. Service of documents on Authority

(1) A document may be served on the Authority by sending it by post to the principal office of the Authority or leaving it at the office with a person authorised in writing by the Authority to accept service of documents on behalf of the Authority.

(2) Nothing in this section affects the operation of any provision of a law or of the rules of a court authorising a document to be served on the Authority in any other manner.
149. **Service of documents on other persons**

If by or under this Act a document is required or permitted to be served on a person other than the Authority, the document may be served—

(a) by delivering it personally to the person to be served; or

(b) by leaving it at that person’s usual or last known place of residence with a person apparently over the age of 16 years and apparently residing there; or

(c) by sending it by post addressed to the person to be served at that person's usual or last known place of residence or business; or

(d) if a manner of service is prescribed by any other Act or law in relation to a person or class of person, it is served in that manner.

149A. **Refund of fees**

If an application under this Act is refused or is withdrawn by the applicant, the Authority or the Director (as the case may be) at its or his or her discretion may refund the whole or part of the application fee, if any, and the Consolidated Fund is to the necessary extent appropriated accordingly.

149B. **Costs of investigating applications**

(1) The Authority may, by notice in writing, require an applicant for any licence under this Act or for listing on the Roll or an applicant for approval of a nominee to pay to the Authority such amount as is determined by the Authority being an amount not exceeding the reasonable costs of investigation of the application.
(2) The Authority may require costs payable under sub-section (1) to be paid by instalments or at any time before, during or after the investigation, whether or not the application is granted.

150. Evidence

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

(a) that, at a specified time or during a specified period, a specified person was the Minister administering this or any other Act;

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

(c) that a signature purporting to be the signature of a Minister, a member of the Authority, an inspector, a member of the police force or an authorised person is the signature it purports to be;

(d) that, at a specified time or during a specified period, a specified person was, or was not, the holder of a specified licence under this Act; or

(e) that, 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;
(b) a document purporting to be a copy of a licence under this Act is evidence of a licence of which it purports to be a copy; and

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

151. **Offences by corporations**

(1) If a corporation contravenes any provision of this Act, each person who is a director of the corporation or who is concerned in the management of the corporation is to be taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.

(2) A person may be proceeded against and convicted under a provision in accordance with sub-section (1) whether or not the corporation has been proceeded against or convicted under that provision.

(3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation against this Act.

152. **Proceedings**

(1) A proceeding for an offence against this Act (or the regulations) may only be brought by—

(a) a member of the police force; or

(b) the Authority; or

(c) the Director; or

(d) a person authorised to do so, either generally or in a particular case, by the Authority or the Director.
(2) In a proceeding for an offence against this Act it must be presumed, in the absence of evidence to the contrary, that the person bringing the proceeding was authorised to bring it.

153. Information gathering for law enforcement purposes

(1) For the purpose of obtaining information that may be of assistance to a law enforcement agency, the Authority may direct a venue operator, gaming operator or manufacturer or supplier listed on the Roll in writing to provide the Authority with information obtained by the operator, manufacturer or supplier concerning their operations.

(2) Such direction may relate to particular information or to information generally and may relate to particular or general information concerning a specified person.

(3) The direction must specify—

   (a) the kind of information that the venue operator, gaming operator, manufacturer or supplier is required to provide; and

   (b) the manner in which the information is to be provided.

(4) It is a condition of a venue operator's or gaming operator's licence that the operator must comply with such a direction.

(5) The Authority may make information obtained by the Authority under this section available to any law enforcement agency.

(6) In this section—

"law enforcement agency" means—

   (a) the police force of this or any other State or of a Territory; or
154. **Gaming infringements**

(1) An inspector who has reason to believe that a person has committed a gaming infringement may, in accordance with the regulations, serve on that person a gaming infringement notice.

(2) An infringement notice must be in the prescribed form and must contain the prescribed particulars.

(3) An infringement notice may be withdrawn, whether the appropriate penalty has been paid or not, at any time within 28 days after the service of the notice, by serving on the alleged offender, in accordance with the regulations, a withdrawal notice which is in the prescribed form.

(4) If the appropriate amount specified in the notice as the penalty for the infringement has been paid before the notice is withdrawn, the amount so paid must be refunded on the notice of withdrawal being given.

(5) The penalty for the purposes of this section in respect of an infringement is the amount prescribed in respect of that infringement.

155. **Payment of penalty**

(1) If before the end of the period specified in the infringement notice for the payment of the penalty or, where the inspector giving the notice so allows, at any time before the service of a
summons in respect of the infringement, the amount of the penalty specified in the notice is paid at the place so specified then, subject to subsection (4)—

(a) the offender must be taken to have expiated the infringement by payment of the penalty; and

(b) no further proceedings may be taken in respect of the infringement; and

(c) a conviction for the infringement must not be regarded as having been recorded.

(2) Every penalty paid under this section must be applied in the same manner as if the offender had been convicted of the infringement in the Magistrates' Court on a charge filed by the inspector who served the infringement notice or caused it to be served.

(3) Payment of any penalty under this section may be effected in accordance with the regulations.

(4) Proceedings for an infringement may be brought if an infringement notice served in respect of the infringement is withdrawn or the penalty specified in it is not paid before the end of the period specified in it for payment.

(5) In a proceeding for an infringement if the court is satisfied that an infringement notice was served in respect of the infringement and has not been withdrawn, the conviction imposed by the court must not be taken to be a conviction for any purpose (including, but not limited to, the purposes of any enactment imposing, authorising or requiring the imposition of any disqualification, disability or higher penalty on convicted persons or persons convicted on more than one occasion) except in relation to—
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(a) the making of the conviction itself; and
(b) any subsequent proceedings which may be
taken in respect of the conviction itself,
including proceedings by way of appeal.

156. Appeals

(1) A person aggrieved by a decision of the
Authority—

(a) to cancel or suspend, or to refuse to cancel or
suspend, a licence under this Act; or
(b) to amend, or to refuse to amend, the
conditions of a licence under this Act; or
(c) to list, or refuse to list, a person on the Roll
of Recognised Manufacturers and Suppliers
of Gaming Machines and Restricted
Components under Division 6 of Part 3; or
(d) to make a declaration under section 136A; or
(e) to approve, or to refuse to approve, a person
as a nominee under section 25A—

may appeal to the Supreme Court from the
decision on a question of law.

(2) Section 74 of the County Court Act 1958 applies
to an appeal under sub-section (1) with such
modifications as are necessary.

(3) The Supreme Court shall hear and determine the
appeal and make such order as it thinks
appropriate by reason of its decision, including,
without limiting its power to make such orders—

(a) an order affirming or setting aside the
decision of the Authority;
157. Proof of prior convictions

(1) If a person is served with a summons for an infringement and it is alleged that the person has been previously convicted of any infringement or infringements, there may be served with the summons a separate document in the prescribed form signed by the informant setting out particulars of the alleged prior convictions.

(2) The document setting out the alleged prior convictions—

(a) must be endorsed with a notice in the prescribed form; and

(b) may be served in any manner in which the summons for the infringement may be served.

(3) If the court by which any person has been convicted is satisfied that a copy of any such document was served on that person at least 14 days before the hearing of the charge, the document is admissible in evidence and, in the absence of evidence to the contrary, is proof—

(a) that the person was convicted of the offences alleged in the document; and

(b) of the particulars relating to the convictions set out in the document.

(4) Any such document may not be tendered in evidence without the consent of the defendant if the defendant is present at the hearing of the charge.

(5) If any evidence of prior convictions is tendered under this section, the court may set aside, on any
terms as to costs or otherwise that the court
decides, any conviction or order if it has
reasonable grounds to believe that the document
tendered in evidence was not in fact brought to the
notice of the defendant or that the defendant was
not in fact convicted of the offences as alleged in
the document.

(6) Sub-section (5) does not limit the generality of
Division 5 of Part 4 of the Magistrates' Court
Act 1989.

158. Supreme Court—limitation of jurisdiction

It is the intention of this section to alter or vary
section 85 of the Constitution Act 1975 to the
extent necessary to prevent an appeal on the
merits to the Supreme Court from a decision of
the Authority under section 45(6) or 65(3) of this
Act but not to alter or vary section 85 of that Act
so as to affect the jurisdiction of the Supreme
Court to grant any other relief or remedy.

159. Regulations

(1) The Governor in Council may make regulations
for or with respect to any of the following—

(a) the activities of persons licensed under this
Act;

(ab) the activities of the holder of a gaming
licence under the Gaming and Betting Act
1994 and the operator under the gaming
licence;

(b) the activities of manufacturers and suppliers
listed on the Roll;

(c) classes of approved venue and the
restrictions and entitlements applying to each
class;

S. 158
amended by
No. 37/1994
s. 219(k).

S. 158(1)(ab)
inserted by
No. 37/1994
s. 220(l).
(d) facilities and amenities in approved venues or classes of approved venue;
(e) security arrangements to be taken by persons licensed under this Act or by manufacturers and suppliers listed on the Roll;
(f) transportation of gaming equipment;
(g) the keeping of accounts by venue operators with financial institutions;
(h) technical standards to which the electronic monitoring systems of gaming operators must conform;
(i) production, registration, security and confidentiality of gaming tokens;
(j) access to gaming machines;
(k) duties of special employees;
(l) requirements with respect to reporting information about special employees;
(m) administration and accounting procedures of gaming operators and venue operators;
(n) the collection and security of money in approved venues and between approved venues and financial institutions;
(o) procedures for the counting of revenue in approved venues;
(p) procedures and standards for the maintenance, security and storage of gaming equipment;
(pa) monitoring and testing of gaming equipment and the giving of directions by authorised persons to venue operators or gaming operators;
(q) the acquisition of gaming equipment including tendering and the calling of expressions of interest;

(r) conditions under which linked jackpot arrangements are permitted;

(s) the calculation and fixing of levies;

(t) fees for the purposes of this Act or the regulations;

(u) any matter relevant to the proper conduct of gaming;

(v) 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 impose a penalty not exceeding 20 penalty units for a breach of the regulations; and

(b) may be of general or of specially limited application; and

(c) may differ according to differences in time, place or circumstance; and

(d) 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

   (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

(e) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Authority or an authorised person.

(3) A power conferred by sub-section (1) to make regulations providing for the imposition of fees may be exercised by providing for all or any of the following matters—

(a) specific fees;

(b) maximum fees;

(c) minimum fees;

(d) fees that vary according to class of premises or venue or special employee;

(e) the manner of payment of fees;

(f) the time or times at which fees are to be paid.

(4) Regulations under this Act or rules under section 78 may be disallowed in whole or in part by resolution of either House of the Parliament in accordance with the requirements of section 6(2) of the Subordinate Legislation Act 1962 which disallowance is deemed to be disallowance by the Parliament for the purposes of that Act.

(5) Where, under sub-section (4), either House of the Parliament disallows any regulation or rule, or any regulation or rule is deemed to have been disallowed, no regulation or rule, being the same in substance as the regulation or rule so disallowed, or deemed to have been disallowed, shall be made within 6 months after the date of the disallowance, unless—
(a) in the case of a regulation or rule disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed; or

(b) in the case of a regulation or rule deemed to have been disallowed—the House of the Parliament in which notice of the motion to disallow the regulation or rule was given by resolution approves the making of a regulation or rule the same in substance as the regulation or rule deemed to have been disallowed.

(6) Any regulation or rule made in contravention of sub-section (5) shall be void and of no effect.

(7) Regulations under this Act that do not apply to gaming machines—

(a) possession of which is authorised under section 8; or

(b) that are not installed at an approved venue—

do not apply to a gaming machine type—

(c) that was lawfully used for gaming at the venue referred to in section 116BU(4)(a) of the Racing Act 1958 as in force immediately before the commencement of section 220 of the Gaming and Betting Act 1994; and

(d) that is used for gaming conducted by the holder of a gaming licence under the Gaming and Betting Act 1994.
163. Transitional

(2) On the coming into operation of section 102, of the Casino Control Act 1991, an inspector appointed under that Act has all the rights, duties and functions conferred on inspectors by this Act in relation to gaming machines in the premises of a casino.
Gaming Machine Control Act 1991
Act No. 53/1991

NOTES

1. General Information

Minister's second reading speech—
Legislative Assembly: 5 June 1991
Legislative Council: 10 September 1991

The long title for the Bill for this Act was "A Bill to provide for the establishment of a system for the regulation, supervision and control of gaming machines and for other purposes."

Constitution Act 1975:
Section 85(5) statement:
Legislative Assembly: 28 August 1991
Legislative Council: 10 September 1991

Absolute majorities:
Legislative Assembly: 29 August 1991, 8 October 1991

The Gaming Machine Control Act 1991 was assented to on 15 October 1991 and came into operation as follows:

### Table of Amendments

This Version incorporates amendments made to the **Gaming Machine Control Act 1991** by Acts and subordinate instruments.

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Public Sector Management (Amendment) Act 1993, No. 97/1993
Assent Date: 16.11.93
Commencement Date: All of Act (except ss 13, 31(1), 41(2), 42(1)(4), 46(2)) on 16.11.93: s. 2(4); s. 13 on 17.1.94: s. 2(3); ss 31(1), 46(2) on 27.11.92: s. 2(1); ss 41(2), 42(1)(4) on 24.11.92: s. 2(2)
Current State: All of Act in operation

Gaming Machine Control (General Amendment) Act 1993, No. 117/1993
Assent Date: 7.12.93
Commencement Date: Ss 3–7, 9–29 on 7.12.93: s. 2(1)
Current State: This information relates only to the provisions amending the Gaming Machine Control Act 1991

Assent Date: 31.5.94
Commencement Date: S. 4(Sch. 2 item 34) on 1.1.95: Government Gazette 28.7.94 p. 2055
Current State: This information relates only to the provision amending the Gaming Machine Control Act 1991

Assent Date: 2.6.94
Current State: This information relates only to the provisions amending the Gaming Machine Control Act 1991

Gaming and Betting (Amendment) Act 1994, No. 98/1994
Assent Date: 13.12.94
Commencement Date: S. 17 on 1.2.95: Special Gazette (No. 10) 1.2.95 p. 1; ss 12–16, 18–21 on 30.3.95: s. 2(6)
Current State: This information relates only to the provisions amending the Gaming Machine Control Act 1991

Assent Date: 14.6.95
Commencement Date: Ss 9–11, 13–16, 18, 19 on 14.6.95: s. 2(1); s.17 on 14.8.95: Special Gazette (No. 79) 8.8.95 p. 1; s. 12 on 30.12.95: s. 2(5)
Current State: This information relates only to the provisions amending the Gaming Machine Control Act 1991
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Assent Date: 2.7.96
Commencement Date: All of Act (except Pt 5 (ss 35–39)) on 2.7.96: s. 2(1); Pt 5 on 1.11.96: Government Gazette 31.10.96 p. 2811
Current State: All of Act in operation

Assent Date: 2.7.96
Commencement Date: 2.7.96: s. 2
Current State: All of Act in operation

Assent Date: 12.11.96
Commencement Date: 12.11.96: s. 2
Current State: All of Act in operation

Gaming Acts (Further Amendment) Act 1997, No. 15/1997
Assent Date: 6.5.97
Commencement Date: Ss 10, 12–14 on 6.5.97: s. 2(1); s. 9 on 1.11.97: Government Gazette 23.10.97 p. 2899
Current State: This information relates only to the provisions amending the Gaming Machine Control Act 1991

Gaming No. 2 Act 1997, No. 16/1997
Assent Date: 6.5.97
Commencement Date: S. 114(1) on 3.6.94: s. 2(2)
Current State: This information relates only to the provisions amending the Gaming Machine Control Act 1991

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3. Explanatory Details

1 S. 3(1) def. of "tabaret premises": Sections 223–225 of the Gaming and Betting Act 1994, No. 37/1994 (as amended by No. 98/1994 s. 11(2)) read as follows:

223. Venue operator’s licence for Tabaret at Menzies at Rialto

(1) TABCORP Manager Pty Ltd, A.C.N. 064 304 016, may apply to the Authority for a venue operator’s licence under the Principal Act for premises at Menzies at Rialto, 495 Collins Street, Melbourne.

(2) Sections 19(3)(a), (4) and (5) and 20 to 25 of the Principal Act do not apply to an application under sub-section (1).

(3) The Authority must grant the licence.

(4) The licence—

(a) is for a term that expires on 1 July 1998;

(b) is for the venue at Menzies at Rialto, being the premises specified in the application;

(c) must specify the gaming machine areas approved for the venue;

(d) is subject to any conditions to which gaming at the venue was subject before the grant of the licence and which the Authority specifies in the licence.

(5) Despite anything to the contrary in the Principal Act or any other Act, until 30 June 1998—

(a) the number of gaming machines permitted at the venue is 250; and

(b) the gaming machines permitted at the venue must not be included in calculating the number of gaming machines for the purposes
of section 12(1)(aa), (b), (c) or (e) of the Principal Act.

(6) The holder of a venue operator’s licence granted under this section is, during its term, the holder of a venue operator's licence under Part 3 of the Principal Act unless cancelled under that Act.

(7) Section 30 of the Principal Act applies to a venue operator's licence granted under this section as if paragraph (a) of the definition of "grounds for disciplinary action" in sub-section (1) of that section were repealed.

224. Venue operator's licences for tabarets at Ballarat and Bendigo

(1) A person who, immediately before the commencement of this section, was the operator of tabaret premises referred to in paragraph (b) or (c) of the definition of tabaret premises in section 3 of the Principal Act may apply to the Authority for a venue operator's licence under the Principal Act for those premises.

(2) Sections 19(3)(a), (4), (5) and 20 to 25 of the Principal Act do not apply to an application under sub-section (1).

(3) The Authority must grant the licence.

(4) The licence—

(a) is for a term—

(i) in the case of tabaret premises at Ballarat and referred to in paragraph (b) of the definition of tabaret premises in section 3 of the Principal Act, that expires on 1 July 1998;

(ii) in the case of tabaret premises at Bendigo and referred to in paragraph (c) of the definition of tabaret premises
in section 3 of the Principal Act, that expires on 1 July 1998;

(b) is for the relevant tabaret premises, being the premises specified in the application;

(c) must specify the gaming machine areas approved for the venue;

(d) is subject to any conditions to which gaming at the venue was subject before the grant of the licence and which the Authority specifies in the licence.

(5) Despite anything to the contrary in the Principal Act or any other Act, until 30 June 1998, the number of gaming machines permitted at each of the tabaret premises referred to in sub-section (4)(a) is 105.

(6) The holder of a venue operator’s licence granted under this section is, during its term, the holder of a venue operator's licence under Part 3 of the Principal Act unless cancelled under that Act.

(7) Section 30 of the Principal Act applies to a venue operator's licence granted under this section as if paragraph (a) of the definition of "grounds for disciplinary action" in sub-section (1) of that section were repealed.

225. Provisions applying in respect of tabaret premises

Until the licences granted under sections 223 and 224 expire or are sooner cancelled—

(a) a person who, before the appointed day, was employed to undertake duties in relation to gaming machines at tabaret premises within the meaning of the Principal Act of a kind required under that Act to be undertaken only by a holder of a licence under Division 4 or 5 of Part 3 of that Act, may, with the
approval of the Director, continue to undertake those duties as if licensed under Division 4 or 5 of that Part, as the case requires;

(b) a gaming machine type, or a game, declared by the Minister to be of a kind similar to gaming machine types or games to which section 69(6) of the Principal Act applies and approved by the Minister is deemed to be approved under section 69 of that Act;

(c) section 68 of the Principal Act does not apply to the tabaret premises at Menzies at Rialto within the meaning of that Act;

(d) the following agreements are deemed to be approved under section 68 of the Principal Act—

(i) the agreement dated 20 May 1993 between TAB and Golden Point Management Pty. Ltd, A.C.N. 055 144 502 (as varied by an agreement dated 11 November 1993);

(ii) the agreement dated 29 November 1993 between TAB and Fortunes Bendigo Pty. Ltd, A.C.N. 016 250 762 (as varied by an agreement dated 16 March 1994);

(e) the rules made under section 78 of the Principal Act and in force before the appointed day apply with respect to tabaret premises within the meaning of that Act only to the extent to which the Minister determines by notice in writing given to the licensee within the meaning of this Act.

S. 25A: Section 29 of the Gaming and Betting (Amendment) Act 1994, No. 98/1994 reads as follows:
29. Transitional

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

3  Pt 3 Div. 3: Section 222 of the Gaming and Betting Act 1994, No. 37/1994 reads as follows:

222. TAB ceases to hold gaming operator's licence

On the appointed day, TAB ceases to be the holder of a gaming operator's licence under Part 3 of the Principal Act.

Appointed day means the day on which Part 7 of the Gaming and Betting Act 1994, No. 37/1994 comes into operation. See definition of "appointed day" in section 3(1) of the Gaming and Betting Act 1994. Section 3(1) of the Act comes into operation on 2 June 1994.

4  S. 49(c): Section 11(1)(2) of the Gaming Machine Control (Amendment) Act 1993, No. 29/1993 reads as follows:

11. Transitional

(1) The Principal Act as amended by section 4 applies to all licences granted on or after 15 May 1993.

(2) Despite section 50(1)(b) of the Principal Act, a new licence granted on application under section 50 of that Act in respect of a licence that is due to expire on 15 May 1993 takes effect on the date it is granted.


7  S. 138(4): Section 5 of the Gaming Machine Control (Community Support Fund) Act 1996, No. 18/1996 reads as follows:

5. Saving
The amendments of the Principal Act by this Act do not apply to money applied by the Minister under section 138 of the Principal Act before the commencement of this Act.

8 S. 139(4A): Section 46(1) of the Gaming Acts (Amendment) Act 1996, No. 17/1996 reads as follows:

46. Transitional

(1) The Gaming Machine Control Act 1991 as amended by section 22 of this Act applies to statistical information in respect of any period, whether before or after the commencement of Part 2.