

Authorised Version

**Liquor and Gambling Legislation Amendment
Act 2018**

No. 20 of 2018

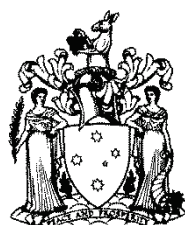
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Authorised Version



Victoria

Liquor and Gambling Legislation Amendment Act 2018[†]

No. 20 of 2018

[Assented to 13 June 2018]

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purpose

The purpose of this Act is to amend—

- (a) the **Liquor Control Reform Act 1998**—
 - (i) to replace the wine and beer producer's licence with the producer's licence; and

- (ii) to further provide for the grant or transfer or approval of a licence or a BYO permit; and
 - (iii) to further provide for the transfer of demerit points in respect of a transferred licence or permit; and
 - (iv) to further provide for a restaurant and cafe licence and the taking away from the licensed premises of liquor supplied in a resealable container with a meal; and
 - (v) to provide for a prohibition on certain advertising of liquor within 150 metres of a school; and
 - (vi) to remove the requirement to keep an approved responsible service of alcohol register and to insert a requirement to keep RSA certificates; and
 - (vii) to further provide for the prohibition on the supply of liquor to minors on licensed premises; and
 - (viii) to further provide for the restrictions that apply to the supply of liquor to a minor in a residence; and
 - (ix) to provide for an offence to deliver liquor to a minor off site, in certain circumstances; and
 - (x) to make other minor and consequential amendments; and
- (b) the **Gambling Regulation Act 2003**—
- (i) to further provide for the application process for the keno licence and the payment of any additional funds out of the prizes fund to the keno licensee; and

- (ii) to provide for the extension of the keno licence; and
- (iii) to further provide that player activity statements are to be given to active participants of loyalty schemes; and
- (iv) to provide for the Minister to give directions to wagering service providers regarding matters of minimisation of harm and consumer protection; and
- (v) to make other minor and consequential amendments.

2 Commencement

- (1) This Act (except sections 48 and 68, Part 2 and Divisions 2 and 3 of Part 3) comes into operation on the day after the day on which it receives the Royal Assent.
- (2) Subject to subsection (3), sections 48 and 68 and Part 2 and Divisions 2 and 3 of Part 3 come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in subsection (2) does not come into operation before 1 March 2019, it comes into operation on that day.

3 Principal Act

In this Act, the **Liquor Control Reform Act 1998** is called the Principal Act.

Part 2—Amendment of the Liquor Control Reform Act 1998

Division 1—Producer's licences

4 Definitions

(1) In section 3(1) of the Principal Act—

- (a) in the definition of *licensed premises* omit "wine and beer";
- (b) in the definition of *ordinary trading hours*, in paragraph (d) omit "wine and beer";
- (c) in the definition of *primary premises* omit "wine and beer";
- (d) in the definition of *retail premises* omit "wine and beer".

(2) In section 3(1) of the Principal Act insert the following definition—

"liquor that is the licensee's product" means liquor that is beer, wine, cider or a spirit that—

- (a) in the case of beer, has been brewed by or at the direction of the licensee and the licensee has assumed the financial risk of the production of the beer; and
- (b) in the case of wine, cider or a spirit that is brandy—
 - (i) has been made from fruit grown by the licensee who has assumed the financial risk of production; or
 - (ii) has been made under the direction of the licensee from fruit grown in Australia that was not grown by the licensee who has assumed the financial risk of the production; and

- (c) in the case of a spirit that is not brandy, has been distilled by or at the direction of the licensee and the licensee has assumed the financial risk of the production of the spirit;".

5 What are the categories of licences and permits that may be issued under this Act?

In section 7(h) of the Principal Act **omit** "wine and beer".

6 Wine and beer producer's licence

- (1) For the heading to section 13 of the Principal Act **substitute—**

"Producer's licence".

- (2) In section 13(1) of the Principal Act **omit** "wine and beer".

- (3) In section 13(2) of the Principal Act **omit** "wine and beer".

- (4) Section 13(3) of the Principal Act is **repealed**.

- (5) In section 13(4)(b) of the Principal Act, for "Australian Wine and Brandy Corporation Act 1980 of the Commonwealth" **substitute** "Wine Australia Act 2013 of the Commonwealth".

7 Licence condition—extended hours

In section 17(2)(c) of the Principal Act **omit** "wine and beer".

8 Offences by licensee and permittee

In section 108(2)(b) of the Principal Act **omit** "wine and beer".

9 Taking orders for liquor at unlicensed premises

In section 109(2)(b) of the Principal Act **omit** "wine and beer".

Division 2—Approval, grant or variation of licences or BYO permit

10 New sections 50B and 50C inserted

Before section 51 of the Principal Act **insert—**

"50B Time transfer of licence or BYO permit takes effect

The transfer of a licence or BYO permit
takes effect on the later of the following—

- (a) the date that the application for the
transfer of the licence or BYO permit
is granted;
- (b) the date that the proposed transferee
for the transfer of the licence or BYO
permit gains the legal right to occupy
the licensed premises.

50C Notice of right to occupy

- (1) If the transfer of a licence or BYO
permit takes effect in accordance with
section 50B(b), the transferee must give a
notice of right to occupy to the Commission
within 24 hours of the transferee gaining the
legal right to occupy the licensed premises.

Penalty: 5 penalty units.

- (2) A notice of right to occupy referred to in
subsection (1) must be in the prescribed
form."

Division 3—Demerit points

11 Definitions

Before section 86A of the Principal Act **insert—**

"86AA Definitions

In this Part—

relevant relationship means a relationship between a transferee and a transferor that exists as a result of—

- (a) the transferee having a financial interest in, a power or influence over or with respect to, any business of the transferor involving the sale of liquor; or
- (b) the transferee being a director, whether in right of the transferee or on behalf of any other person, of any business of the transferor involving the sale of liquor; or
- (c) the transferee being an employee of the transferor; or
- (d) the transferee being engaged as a contractor by the transferor; or
- (e) the transferee who is a natural person being—
 - (i) the spouse or domestic partner of the transferor; or
 - (ii) a grandparent, parent, step-parent, uncle, aunt, son, daughter, sibling, nephew, niece, grandchild, or child of the aunt or uncle of the transferor; or

(iii) a grandparent, parent, step-parent, uncle, aunt, son, daughter, sibling, nephew, niece, grandchild, or child of the aunt or uncle of the spouse or domestic partner of the transferor;

sibling means a brother, sister, half-brother, half-sister, adoptive brother, adoptive sister, step-brother or step-sister;

transferee means a person to whom a licence or permit is transferred on the grant of an application under section 44 or 47;

transferor means a licensee or permittee of a licence or permit transferred on the grant of an application under section 44 or 47."

12 Automatic suspension of licence or permit if certain number of demerit points incurred

In section 86E(4) of the Principal Act, for "date of suspension" **substitute** "date of suspension other than any demerit point reinstated in accordance with section 86IA".

13 New section 86HA inserted

After section 86H of the Principal Act **insert**—

"86HA Demerit points automatically removed on transfer of licence or permit

- (1) Subject to subsection (2), the Commission must remove any demerit points from the Register accrued in respect of a licence or permit on the day that an application for the transfer of the licence or permit is granted under section 44 or 47.

- (2) The Commission must not remove any demerit points from the Register if the Commission is satisfied that the transferee has a relevant relationship with the transferor."

14 Section 86I substituted and new sections 86IA and 86IB inserted

For section 86I of the Principal Act **substitute—**

"86I Commission may remove demerit points of transferee who has relevant relationship

- (1) A transferee who has a relevant relationship with the transferor may apply to the Commission for the removal of any demerit points from the Register accrued in respect of the licence or permit before the transfer.
- (2) An application under subsection (1) must be accompanied by the prescribed fee.
- (3) The Commission must not remove any demerit points under subsection (1) unless the Commission is satisfied that the transferee has taken sufficient measures in respect of the licence or permit to improve compliance with this Act.
- (4) For the purposes of subsection (3), factors that the Commission may consider include, but are not limited to, evidence of a change of management practices or staff training.

86IA Reinstatement of removed demerit points in the Register

- (1) The Commission, on being satisfied that a transferee was wrongly stated in an application as not having a relevant relationship with the transferor on the day that the application for the transfer

of the licence or permit was granted under section 44 or 47, must reinstate any demerit points removed from the Register under section 86HA.

- (2) For the purposes of being satisfied as mentioned in subsection (1) the Commission—
 - (a) may consider the information not previously before the Commission; and
 - (b) must consider any submissions made by the transferee in accordance with section 86IB.
- (3) On the reinstatement of any demerit points in the Register—
 - (a) the demerit points against a licence or permit is taken to have been recorded as if it had not been removed; and
 - (b) the demerit points must be reinstated in the Register in relation to the day the offence that is the basis of the non-compliance incident to which the demerit points relate is alleged to have been committed; and
 - (c) any automatic suspension of a licence or permit by the Commission under section 86E applies as if the demerit points had not been removed.

86IB Notice of proposed reinstatement of demerit points and determination

- (1) If the Commission proposes to reinstate any demerit points in the Register under section 86IA, the Commission must give written notice of the proposal to the transferee that—

- (a) states the Commission's intention to reinstate the removed demerit points in the Register in respect of the transferred licence or permit; and
 - (b) specifies the information that the Commission has considered; and
 - (c) invites the transferee to make written submissions to the Commission; and
 - (d) specifies the date within which submissions should be made by the transferee to the Commission.
- (2) The Commission may determine whether or not to reinstate any removed demerit points after the date specified in a notice given under subsection (1) by considering—
- (a) the information referred to in subsection (1)(b); and
 - (b) any submission made by the transferee."

Division 4—Restaurant and cafe licences

15 New section 21A inserted

After section 21 of the Principal Act **insert—**

"21A Taking away of unconsumed liquor from licensed premises

- (1) A licensee who holds a restaurant and cafe licence may permit a person of or over the age of 18 years, to take away from the licensed premises the unconsumed liquor supplied to the person for consumption with a meal at a table in the same resealable container in which the liquor was supplied.

- (2) The licensee must not permit under subsection (1) more than one resealable container of the liquor supplied to the person to be taken away."

Division 5—Grant of liquor licence or BYO permit—planning permit

16 Determination of uncontested applications

After section 44(1) of the Principal Act **insert**—

- "(1A) In addition to subsection (1), the Commission must not delay the grant or the refusal to grant an uncontested application on the ground that an application for a permit made under the **Planning and Environment Act 1987** to permit the use of the premises to which the application relates is not yet determined.

Note

See section 16(2) that provides that the licence and BYO permit condition relating to compliance with the planning scheme under the **Planning and Environment Act 1987** does not apply to a pre-retail licence, a limited licence or a major event licence."

17 Determination of contested application

After section 47(1) of the Principal Act **insert**—

- "(1A) In addition to subsection (1), the Commission must not delay the grant or the refusal to grant a contested application on the ground that an application for a permit made under the **Planning and Environment Act 1987** to permit the use of the premises to which the application relates is not yet determined.

Note

See section 16(2) that provides that the licence and BYO permit condition relating to compliance with the planning scheme under the **Planning and Environment Act 1987** does not apply to a pre-retail licence, a limited licence or a major event licence."

18 New section 49A inserted

After section 49 of the Principal Act **insert**—

"49A Grant, variation or relocation of licence and BYO permit takes effect in certain circumstances

- (1) Subject to subsection (2), the grant, variation or relocation of a licence or BYO permit takes effect on the day on which—
 - (a) an application for a permit made under the **Planning and Environment Act 1987** to permit the use of the premises to which the grant, variation or relocation relates is granted; or
 - (b) other evidence from the relevant responsible authority or planning authority that use of the premises to which the grant, variation or relocation relates would not contravene the planning scheme that applies under the **Planning and Environment Act 1987** is given to the Commission.
- (2) The day on which a grant, variation or relocation takes effect under subsection (1) must be a day that is within the 12 month period beginning on the day of the grant, variation or relocation of the licence or BYO permit and ending on the day that is 12 months after the grant, variation or relocation of the licence or BYO permit.

- (3) This section does not apply to—
- (a) a grant, variation or relocation of a licence or BYO permit if the premises to which the licence or BYO permit relates is on the day of the grant, variation or relocation the subject of a permit that is in force and made under the **Planning and Environment Act 1987** that permits the use of the premises under the grant, variation or relocation; or
 - (b) a pre-retail licence, a limited licence or a major event licence.

49B Supply of liquor under licence or BYO permit that is not in effect

- (1) A licensee who supplies liquor under a licence that is not in effect in accordance with section 49A, is taken not to be a licensee for the purposes of section 107.
- (2) If a BYO permit is not in effect in accordance with section 49A, it is taken not to be in force in respect of any premises for the purposes of section 113(1B) or (1C)."

19 New section 50A inserted

After section 50 of the Principal Act **insert—**

"50A Notice of right to use premises as licensed premises

- (1) If the grant, variation or relocation of a licence or BYO permit takes effect in accordance with section 49A, the licensee or permittee must give a notice of right to use premises to the Commission within 7 days of the licensee or permittee gaining the legal right to use the premises as licensed premises.

- (2) A notice of right to use premises referred to in subsection (1) must be in the prescribed form."

Division 6—Alcohol advertising

20 New sections 115B and 115C inserted

After section 115A of the Principal Act insert—

"115B Certain advertising prohibited within 150 metres of school

- (1) A person must not for any direct or indirect pecuniary benefit display, or cause to be displayed, any alcohol advertising that is static advertising within 150 metres of the perimeter of a school.

Penalty: 120 penalty units.

- (2) Subsection (1) does not apply if a person displays, or causes to be displayed, alcohol advertising that is static advertising within 150 metres of the perimeter of a school that is—
- (a) a logo, emblem or product name on a building that is occupied by a person conducting a business that is associated with the supply of liquor; or
 - (b) alcohol advertising within a licensed premises or on an exterior of a licensed premises; or
 - (c) alcohol advertising on an item of clothing worn by a person; or
 - (d) alcohol advertising on a vehicle that is in the reasonable transit through an area within 150 metres of a school to travel to a destination; or

- (e) alcohol advertising at a sporting ground or a racecourse.
- (3) In this section—
- alcohol advertising*** means any information, term, expression, symbol or other thing that gives publicity to, or otherwise promotes liquor;
- school*** has the same meaning as it has in the **Education and Training Reform Act 2006**;
- static advertising*** includes, but is not limited to—
- (a) static advertising displays, including but not limited to billboards, banners, hoardings, signs, images or rolling static displays; and
 - (b) digital billboards and panels, including those that display moving or video images; and
 - (c) moveable billboards and displays—
- but does not include advertising using the following—
- (d) broadcast television, radio or digital media such as websites or social media;
 - (e) commercial print media such as magazines and newspapers.

115C No compensation

No compensation is payable by the State in respect of any loss, damage or injury of any kind suffered by a person as a result of section 115B."

Division 7—RSA certificate

21 Definitions

(1) In section 3(1) of the Principal Act, the definition of *approved responsible service of alcohol program register* is repealed.

(2) In section 3(1) of the Principal Act insert the following definition—

"RSA certificate means a document that is a copy of the most recent certificate or report evidencing completion of an approved responsible service of alcohol program issued to—

- (a) the licensee or responsible person; or
- (b) each person who sells, offers for sale or serves liquor on the licensed premises;"

22 Criminal liability of officers of bodies corporate—accessorial liability

After section 53A(2)(p) of the Principal Act insert—

"(pa) section 108AE(3);".

23 Licensee must keep approved responsible service of alcohol register

(1) In the heading to section 108AD of the Principal Act, for "**approved responsible service of alcohol register**" substitute "**RSA certificates**".

- (2) For section 108AD(2) of the Principal Act **substitute—**

"(2) The licensee must keep at the licensed premises RSA certificates that demonstrate the requirements under sections 26B, 108AA, 108AB and 108AC have been satisfied.

Penalty: 5 penalty units.

Note

Section 53A applies to an offence against this subsection."

- (3) Section 108AD(3) of the Principal Act is **repealed.**

24 Licensee must produce approved responsible service of alcohol program register for inspection

- (1) In the heading to section 108AE of the Principal Act, for "**approved responsible service of alcohol program register**" **substitute "RSA certificates"**.

- (2) In section 108AE(2) of the Principal Act, for "the approved responsible service of alcohol program register" **substitute "any RSA certificates"**.

- (3) After section 108AE(2) of the Principal Act **insert—**

"(3) The licensee must give the following information, on being asked to do so by a police officer or a gambling and liquor inspector—

- (a) the licensee's name, and if the licensee is a body corporate the name of the responsible person;

- (b) the name of each person who sells, offers for sale or serves liquor on the licensed premises and the date on which each person first sold, offered for sale or served liquor on the licensed premises;
- (c) any prescribed information or document.

Penalty: 5 penalty units.

Note

Section 53A applies to an offence against this subsection."

25 Power to serve an infringement notice

- (1) In section 141(2)(eae) of the Principal Act, for "approved responsible service of alcohol register" **substitute** "RSA certificates".
- (2) For section 141(2)(eaf) of the Principal Act **substitute**—
 - "(eaf) section 108AE(2) (licensee must produce RSA certificates for inspection);
 - (eag) section 108AE(3) (licensee must give information to police officer or a gambling and liquor inspector);".

Division 8—Sale, supply of liquor to minor

26 Supplying liquor to minors

- (1) Section 119(5)(a), (b) and (c) of the Principal Act are **repealed**.
- (2) For section 119(5)(e) of the Principal Act **substitute**—
 - "(e) to the supply of liquor in a residence to a minor by an adult if the adult is able to demonstrate responsible supervision of the

supply of the liquor to the minor, taking into account factors that include—

- (i) the age of the minor; and
- (ii) whether or not the person supplying the liquor to the minor is intoxicated; and
- (iii) whether or not the minor consumes food with the liquor; and
- (iv) whether or not the person supplying the liquor is providing supervision of the minor's consumption of the liquor; and
- (v) the quantity and type of liquor supplied and the period of time over which the liquor is supplied; and
- (vi) whether or not the minor is intoxicated."

(3) After section 119(5) of the Principal Act **insert**—

"(5A) In subsection (5)(e)—

adult means a person who is—

- (a) the minor's parent, guardian or spouse (if the spouse is of or over 18 years of age); or
- (b) authorised to supply liquor to the minor by the minor's parent, guardian or spouse (if the spouse is of or over 18 years of age);

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

27 New section 119A inserted

After section 119 of the Principal Act **insert—**

"119A Person must not deliver liquor to a person who is under 18 years of age

- (1) Subject to subsection (2), a person who makes a delivery must not, without reasonable excuse, knowingly deliver liquor to a person who is under 18 years of age.

Penalty: 120 penalty units.

- (2) It is a reasonable excuse for the purposes of subsection (1), that the person making a delivery has seen an evidence of age document of the person receiving the delivery indicating that the person is of or over the age of 18 years."

28 Offences by minors

- (1) Section 123(2)(a), (b), (c) and (f) of the Principal Act are **repealed**.
- (2) In section 123(2)(e) of the Principal Act, for "residence; or" **substitute** "residence."
- (3) Section 123(3) of the Principal Act is **repealed**.

Division 9—Miscellaneous amendments

29 What is *amenity*?

Section 3A(2)(a), (b) and (c) of the Principal Act are **repealed**.

30 Reviewable decisions

In section 152 of the Principal Act, item 8 in the table is **repealed**.

31 Savings and transitional provisions

After section 182(2) of the Principal Act **insert—**
"(3) Schedule 5 has effect."

Division 10—Transitional provisions

32 New Schedule 5 inserted

After Schedule 4 to the Principal Act **insert—**

**"Schedule 5—Transitional
provisions—Liquor and Gambling
Legislation Amendment Act 2018**

Section 182

1 Wine and beer producer's licence

On and from the commencement of section 6 of the **Liquor and Gambling Legislation Amendment Act 2018**, any wine and beer producer's licence that was in force immediately before that commencement is taken to continue in force (subject to any conditions on which it was granted or any conditions as varied or imposed on it) as if it were a producer's licence.

2 Application for transfer of licence

Sections 50B and 50C as in force on or after the commencement of section 10 of the **Liquor and Gambling Legislation Amendment Act 2018** apply to an application for the transfer of a licence made under section 32 before that commencement in respect of which the Commission has not made a determination.

3 Alcohol advertising

- (1) On and from the commencement of section 20 of the **Liquor and Gambling Legislation Amendment Act 2018**, section 115B does not apply for a period of 2 years after 28 March 2018 to any advertising displayed under an alcohol advertising contract entered into before 28 March 2018.

- (2) In this clause—

alcohol advertising contract means a contract or agreement entered into for the purpose of the display of any information, term, expression, symbol or other thing that gives publicity to, or otherwise promotes, liquor.

4 Approved responsible service of alcohol program register

On and from the commencement of Division 7 of Part 2 of the **Liquor and Gambling Legislation Amendment Act 2018**, any licence that was in force immediately before that commencement is taken to continue in force as if any condition on which it was granted or any condition as varied or imposed on it to keep an approved responsible service of alcohol program register were a condition to keep RSA certificates."

Part 3—Amendment of the Gambling Regulation Act 2003

Division 1—Keno licences

33 Definitions

- (1) In section 6A.3.1AA of the **Gambling Regulation Act 2003** in the definition of *interested person*—
 - (a) in paragraph (a) **omit** "a registrant or";
 - (b) in paragraph (b) **omit** "of a registrant or";
 - (c) in paragraph (c) **omit** "a registrant or"
(where twice occurring).
- (2) In section 6A.3.1AA of the **Gambling Regulation Act 2003**, for the definition of *licence awarding process substitute*—

"licence awarding process means the following—

 - (a) the preparation or making of a recommendation or report under this Act in relation to an application for a keno licence;
 - (b) the Minister's determination whether to grant or refuse an application under section 6A.3.7;
 - (c) anything that may be or is required to be done under the Act by the Minister for the purpose of making a determination under section 6A.3.7;"
- (3) In section 6A.3.1AA of the **Gambling Regulation Act 2003**, in the definition of *lobbyist* in paragraph (b) for "client;" **substitute** "client."
- (4) In section 6A.3.1AA of the **Gambling Regulation Act 2003**, the definition of *registrant* is **repealed**.

34 Section 6A.3.3 substituted

For section 6A.3.3 of the **Gambling Regulation Act 2003 substitute—**

"6A.3.3 Minister may invite applications

- (1) The Minister may invite a person that is a body corporate to apply for the keno licence.
- (2) The Minister may take into account any other matter in deciding whether to invite a person to apply for the keno licence."

35 Section 6A.3.4 substituted

For section 6A.3.4 of the **Gambling Regulation Act 2003 substitute—**

"6A.3.4 Secretary may report on suitability of persons Minister is considering to invite to apply for keno licence

- (1) If requested by the Minister, the Secretary must give a written report to the Minister in relation to a person the Minister is considering inviting to apply for the keno licence.
- (2) A report may include any recommendations the Secretary thinks fit.
- (3) The report must include the reasons for any findings or recommendations contained in it.

6A.3.4A Consent required for reports and investigation

- (1) For the purpose of preparing a report under section 6A.3.4 or 6A.3.6 to give to the Minister and for investigations and inquiries to be carried out under Division 1C of Part 4 of Chapter 10 for the purpose of preparing a report under section 6A.3.4 or 6A.3.6, the Secretary must obtain the written consent of—

- (a) a possible invitee or pending applicant;
and
 - (b) any other person the Secretary considers relevant to the consideration by the Minister of whether—
 - (i) to invite a possible invitee to apply for the keno licence; or
 - (ii) a pending applicant should be granted the keno licence under this Division.
- (2) In this section—

pending applicant means a person the Minister has invited to apply for the keno licence but that has not applied for the keno licence under section 6A.3.5;

possible invitee means a person the Minister is considering inviting to apply for the keno licence."

36 Application for licence

- (1) In section 6A.3.5(1) of the **Gambling Regulation Act 2003**, for "6A.3.3(7)" substitute "6A.3.3(1)".
- (2) In the note at the foot of section 6A.3.5 of the **Gambling Regulation Act 2003**, for "Division 1A" substitute "Division 1D".

37 Determination of applications

Section 6A.3.7(2)(h) of the **Gambling Regulation Act 2003** is repealed.

38 Prohibition on improper interference

- (1) In section 6A.3.7A(1) of the **Gambling Regulation Act 2003**—
 - (a) omit "a registration of interest or"; and
 - (b) omit "registration of interest or".

(2) In section 6A.3.7A(2) of the **Gambling Regulation Act 2003**—

- (a) **omit** "a registration of interest or";
- (b) **omit** "registration of interest or"
(where twice occurring).

39 Prohibition on lobbying in relation to grant of application

In section 6A.3.7B(2) of the **Gambling Regulation Act 2003** **omit** "a registration of interest or".

40 New section 6A.3.11A inserted

After section 6A.3.11 of the **Gambling Regulation Act 2003** **insert**—

"6A.3.11A Extension of licence

- (1) If invited by the Minister to do so, the keno licensee may apply to the Minister, before the keno licence expires, for a licence extension.
- (2) On an application under subsection (1), the Minister may extend the term of the keno licence for a period of up to 2 years.
- (3) The term of the keno licence may be extended only once."

41 Premium payment

(1) After section 6A.3.13(2) of the **Gambling Regulation Act 2003** **insert**—

- "(2A) If the Minister extends the keno licence under section 6A.3.11A(2), the Minister may require the keno licensee to pay, as consideration for the extension of the licence, one or more amounts determined by the Minister as the premium payment for the extension of the licence."

- (2) In section 6A.3.13(3) of the **Gambling Regulation Act 2003**, after "premium payment" insert "for the keno licence or the extension of the keno licence".

42 Transfer of a keno licence

- (1) Section 6A.3.18(2)(b) of the **Gambling Regulation Act 2003** is repealed.
- (2) Section 6A.3.18(3)(h) of the **Gambling Regulation Act 2003** is repealed.

43 Definitions

In section 6A.3.35 of the **Gambling Regulation Act 2003**—

- (a) in the definition of *interested person*—
- (i) paragraph (b) is repealed;
 - (ii) in paragraph (c) omit "or registrant";
 - (iii) in paragraph (d), for "applicant or registrant;" substitute "applicant.";
- (b) the definitions of *registrant* and *registration of interest* are repealed.

44 Secretary may require further information

In section 6A.3.36 of the **Gambling Regulation Act 2003** omit "or registration of interest" (wherever occurring).

45 Updating information provided to Secretary

- (1) In section 6A.3.37(1)(b) of the **Gambling Regulation Act 2003** omit "or the Minister decides whether or not to invite the registrant to apply for the licence (as the case requires)".
- (2) In section 6A.3.37(2) of the **Gambling Regulation Act 2003** omit "or registration of interest".

46 Updating information provided to Minister regarding registration of interest or licence application

- (1) In the heading to section 6A.3.38 of the **Gambling Regulation Act 2003** omit "registration of interest or".
- (2) Section 6A.3.38(1) of the **Gambling Regulation Act 2003** is repealed.
- (3) In section 6A.3.38 of the **Gambling Regulation Act 2003** for "subsection (1) or (2)" (wherever occurring) substitute "subsection (2)".
- (4) In section 6A.3.38(4) of the **Gambling Regulation Act 2003** for "registration of interest or application (as the case requires)" substitute "application".
- (5) In section 6A.3.38(5) of the **Gambling Regulation Act 2003** omit "registration of interest or".
- (6) In section 6A.3.38(6) of the **Gambling Regulation Act 2003**, the definition of *relevant registration information* is repealed.

47 Directions to provide information

In section 6A.3.39A(3) of the **Gambling Regulation Act 2003**—

- (a) in paragraph (a), for "register an interest in the grant of a" substitute "the Minister is considering to invite to apply for the";
- (b) after paragraph (a) insert—

"(ab) persons who are invited to apply for the keno licence under this Part;"
- (c) in paragraph (b), for "a keno licence" substitute "the keno licence".

48 Returns to players

For section 6A.4.1(1) and (2) of the **Gambling Regulation Act 2003 substitute—**

- "(1) The keno licensee must establish a prizes fund.
- (2) The keno licensee must pay to the prizes fund—
- (a) an amount not less than 75% of the total amount received by the licensee for any keno game; and
 - (b) any additional amount (*licensee payment*) required for the payment of a prize to be made from the prizes fund.
- (2A) The keno licensee must ensure a total payment of prizes to players from the prizes fund is made that gives a minimum return to players, in respect of keno games conducted under the keno licence, of not less than 75% of the total amount paid by players to play keno games during the term of the licence.
- (2B) Subject to subsection (2A), an amount may be paid from the prizes fund to the keno licensee that is equal to the amount of a licensee payment that has formed part of a prize paid from the prizes fund."

49 Heading to Division 1A of Part 4 of Chapter 10 amended

In the heading to Division 1A of Part 4 of Chapter 10 of the **Gambling Regulation Act 2003 omit "and keno licence"**.

50 Definitions

In section 10.4.7A of the **Gambling Regulation Act 2003** for the definition of *relevant licence substitute*—

"relevant licence means a wagering and betting licence."

51 Heading to Division 1C of Part 4 of Chapter 10 amended

In the heading to Division 1C of Part 4 of Chapter 10 of the **Gambling Regulation Act 2003**, after "apply, for" insert "keno licence or".

52 Definitions

In section 10.4.7P of the **Gambling Regulation Act 2003**—

(a) for the definition of *pending applicant substitute*—

"pending applicant means a person the Minister has invited to apply for a relevant licence but that has not applied for the relevant licence under section 3.4.42 or section 6A.3.5 (as the case requires);";

(b) in the definition of *possible invitee*, for "monitoring" substitute "relevant";

(c) in the definition of *related party* in paragraph (c), for "applicant." substitute "applicant";

(d) insert the following definition—

"relevant licence means—

- (a) the monitoring licence; or
- (b) the keno licence."

53 Investigations and inquiries

In section 10.4.7Q(1)(a) of the **Gambling Regulation Act 2003**, for "monitoring licence" (wherever occurring) **substitute** "relevant licence".

54 Photographs, finger prints and palm prints

(1) In section 10.4.7R(4) of the **Gambling Regulation Act 2003**, for "monitoring licence" (wherever occurring) **substitute** "relevant licence".

(2) In section 10.4.7R(6)(b) of the **Gambling Regulation Act 2003**, for "monitoring licence" (wherever occurring) **substitute** "relevant licence".

55 Police inquiry and report

In section 10.4.7S(3) of the **Gambling Regulation Act 2003**, for "monitoring licence" (wherever occurring) **substitute** "relevant licence".

56 Commission may require further information

In section 10.4.7T(3) of the **Gambling Regulation Act 2003**, for "monitoring licence" (where twice occurring) **substitute** "relevant licence".

57 Updating information

In section 10.4.7U(1)(b) of the **Gambling Regulation Act 2003**, for "monitoring licence" (where twice occurring) **substitute** "relevant licence".

58 Costs of investigating

In section 10.4.7V(2) of the **Gambling Regulation Act 2003**, for "monitoring licence" substitute "relevant licence".

59 Service agreement

In section 10.4.7W(2)(c) of the **Gambling Regulation Act 2003**, for "monitoring licence" (wherever occurring) substitute "relevant licence".

60 Heading to Division 1D of Part 4 of Chapter 10 amended

In the heading to Division 1D of Part 4 of Chapter 10 of the **Gambling Regulation Act 2003**, after "for" insert "keno licence or".

61 Definitions

In section 10.4.7Y of the **Gambling Regulation Act 2003**—

- (a) in the definition of *applicant*, for "monitoring" substitute "relevant";
- (b) in the definition of *application*, for "monitoring" substitute "relevant";
- (c) in paragraph (d) of the definition of *interested person*, for "applicant." substitute "applicant:";
- (d) insert the following definition—
"*relevant licence* means—
 - (a) the keno licence; or
 - (b) a monitoring licence."

62 Schedule 7 amended

At the end of Schedule 7 to the **Gambling Regulation Act 2003** insert—

"Part 34—Liquor and Gambling Legislation Amendment Act 2018

34.1 Existing keno licence

Despite the amendment of section 6A.3.18 by section 42 of the **Liquor and Gambling Legislation Amendment Act 2018**, section 6A.3.18 as in force immediately before the commencement of section 42 of that Act, continues to apply to the keno licence that is in effect immediately before that commencement."

Division 2—Loyalty scheme player activity statements

63 New section 3.5.35B inserted

Before section 3.5.36 of the **Gambling Regulation Act 2003** insert—

"3.5.35B Definition

In this Division—

active participant means a person who played a gaming machine under a loyalty scheme during the statement period of a player activity statement to be provided in accordance with section 3.5.37."

64 Player activity statements

- (1) In the heading to section 3.5.37 of the **Gambling Regulation Act 2003**, for "statements" substitute "statements—active participants".

- (2) In section 3.5.37(1) of the **Gambling Regulation Act 2003**—
 - (a) for "each participant in the scheme" **substitute** "each active participant";
 - (b) for "the participant" (wherever occurring) **substitute** "the active participant".
- (3) In section 3.5.37(2) of the **Gambling Regulation Act 2003**, for "the participant" (where twice occurring) **substitute** "the active participant".
- (4) In section 3.5.37(3) of the **Gambling Regulation Act 2003**, for "the participant" **substitute** "the active participant".
- (5) In section 3.5.37(4) of the **Gambling Regulation Act 2003**—
 - (a) for "a participant" **substitute** "an active participant";
 - (b) for "the participant" **substitute** "the active participant".

65 New section 3.5.37A inserted

After section 3.5.37 of the **Gambling Regulation Act 2003** insert—

"3.5.37A Player activity statement—participants who are not active participants

- (1) A participant in a loyalty scheme, who is not an active participant, may request the loyalty scheme provider to provide a player activity statement to the participant in the same form and manner set out in section 3.5.37.

- (2) The loyalty scheme provider must provide the player activity statement to the participant—
- (a) free of charge for a first request made under subsection (1) for that statement; or
 - (b) on the payment of a fee (if any), not exceeding \$20, determined by the provider, if a subsequent request is made under subsection (1) for an additional copy of that statement."

66 Suspension of person who fails to collect their player activity statement

- (1) In section 3.5.38(1) of the **Gambling Regulation Act 2003**, for "a participant" **substitute** "an active participant".
- (2) In section 3.5.38(2) of the **Gambling Regulation Act 2003**—
 - (a) for "a participant" **substitute** "an active participant";
 - (b) for "the participant" (wherever occurring) **substitute** "the active participant".
- (3) In section 3.5.38(3) of the **Gambling Regulation Act 2003**—
 - (a) for "a participant" **substitute** "an active participant";
 - (b) for "the participant" (where twice occurring) **substitute** "the active participant".
- (4) In section 3.5.38(4) of the **Gambling Regulation Act 2003**, for "a participant" **substitute** "an active participant".

**Division 3—Harm minimisation directions—
wagering service providers**

67 New Part 8A inserted

After Part 8 of Chapter 4 of the **Gambling
Regulation Act 2003** insert—

**"Part 8A—Harm minimisation
directions—wagering service
providers**

4.8A.1 Definitions

In this Part—

harm minimisation direction means a
direction made or varied under
section 4.8A.2;

harm minimisation requirement means a
matter under section 4.8A.3 that may be
specified in a harm minimisation
direction.

4.8A.2 Harm minimisation direction

- (1) The Minister may direct a wagering service provider to meet a specified harm minimisation requirement by notice published in the Government Gazette.
- (2) The Minister must not give a direction under subsection (1) unless the Minister is satisfied it is in the public interest to do so.
- (3) The Minister may vary or revoke a direction by notice published in the Government Gazette.
- (4) A direction under subsection (1) including a variation or revocation of the direction, applies on and from the publication of the

notice in the Government Gazette or on any later date specified in the direction.

- (5) A direction remains in force until it is revoked by the Minister.

4.8A.3 Harm minimisation requirement matters

- (1) A harm minimisation direction may specify all or any of the following matters in relation to a wagering service provider—
- (a) any matter that the wagering service provider must comply with in relation to the minimisation of harm or consumer protection;
 - (b) how the wagering service provider must comply with any matter in relation to the minimisation of harm or consumer protection;
 - (c) that the wagering service provider must comply with the whole or part of the requirements set out in a prescribed document;
 - (d) how the wagering service provider must meet any of the requirements set out in a prescribed document.
- (2) A harm minimisation direction may—
- (a) apply generally or be of limited application; or
 - (b) apply differently according to differences in time, place or circumstance.

4.8A.4 Tabling and disallowance

- (1) The Minister must ensure that a harm minimisation direction or a variation or a revocation of a harm minimisation direction

is tabled in each House of the Parliament on or before the sixth sitting day after—

- (a) the date on which the notice of the harm minimisation direction is published in the Government Gazette under section 4.8A.2(4); or
 - (b) the date on which notice of the variation or revocation is published in the Government Gazette under section 4.8A.2(4).
- (2) A harm minimisation direction or a variation or a revocation of a harm minimisation direction may be disallowed by the Parliament.
- (3) If a harm minimisation direction or a variation or a revocation of a direction is disallowed by the Parliament, no direction, variation or revocation of a direction which is the same in substance as the disallowed direction, variation or revocation of a direction may be made within 6 months after the date of the disallowance unless it is made with the approval of the Parliament.
- (4) Any harm minimisation direction or a variation or a revocation of a direction made in contravention of subsection (3) is void and of no effect.

4.8A.5 Act prevails over harm minimisation direction

A harm minimisation direction is of no effect to the extent that it is inconsistent with this Act.

**4.8A.6 Offence to not comply with a harm
minimisation direction**

A wagering service provider must comply with a harm minimisation direction that applies to the wagering service provider.

Penalty: 60 penalty units."

Division 4—Miscellaneous amendments

68 Division 3 of Part 6 of Chapter 10 repealed

Division 3 of Part 6 of Chapter 10 of the **Gambling Regulation Act 2003** is repealed.

**69 Gaming machine entitlements that take effect on or
after 16 August 2022 and that are transferred
during specified period**

In section 3.4A.18A(3) of the **Gambling Regulation Act 2003**, for "HAP – AP" substitute "HAP – SP".

Part 4—Repeal of amending Act

70 Repeal of amending Act

This Act is **repealed** on 1 March 2020.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

† *Minister's second reading speech—*

Legislative Assembly: 28 March 2018

Legislative Council: 10 May 2018

The long title for the Bill for this Act was "A Bill for an Act to amend the **Gambling Regulation Act 2003**, the **Liquor Control Reform Act 1998**, and for other purposes."