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TABLE OF PROVISIONS

Section		*Page*
Chapter 1—Preliminary		**1**
1.1	Purpose, objectives and outline	1
1.2	Commencement	3
1.3	Definitions	4
1.3AA	Meaning of *gambling*	46
1.3A	What is intoxication?	49
1.3B	Meaning of *electronic monitoring system*	49
1.4	Who is an associate?	50
1.5	Money invested	52
1.6	Act binds the Crown	52
Chapter 2—General prohibitions and authorisations		**53**
Part 1—Introduction		**53**
2.1.1	Purposes	53
2.1.2	Definitions	53
Part 2—Gambling		**57**
Division 1—Unauthorised gambling		**57**
2.2.1	Prohibition against unauthorised gambling	57
2.2.2	Recovery of money lost in unauthorised gambling	58
Division 2—Authorised gambling		**58**
2.2.3	Authorisation for games at amusement centres, fetes, carnivals etc.	58
2.2.4	Authorisation for two-up on ANZAC Day	59
2.2.5	Authorisation for betting games on approved foot or bicycle races	60
2.2.6	Approved Calcutta Sweepstakes permitted	60
2.2.7	Suspension or revocation of approval to conduct Calcutta Sweepstakes	61

Section		*Page*
Division 3—Advertising of unauthorised gambling		**62**
2.2.8	Prohibition against advertising unauthorised gambling	62
Part 4—Gaming or wagering agreements		**64**
2.4.1	Unauthorised gaming or wagering contracts are void	64
Part 5—Places provided for unauthorised gambling		**65**
2.5.20	Prohibition against providing place for unauthorised gambling	67
2.5.21	Warrant to enter place provided for unauthorised gambling and search and seize on premises	68
2.5.22	Offence to obstruct the entry of authorised police officers	69
2.5.23	Obstructing entry to be evidence of place being provided for unauthorised gambling	70
2.5.25	Power of owner to evict occupier of place provided for unauthorised gambling	71
2.5.26	Cancellation of notice to quit	72
2.5.27	Declaration of place provided for unauthorised gambling	73
2.5.28	Application for rescission by owner etc.	74
2.5.29	Application for rescission by police	74
2.5.30	Notice in the Government Gazette	75
2.5.31	Other notices of declaration	75
2.5.32	Persons found etc. in declared place	77
2.5.33	Convicted persons found in declared place	77
2.5.35	Liability of owner	78
2.5.36	Liability of occupier	78
2.5.37	Additional penalty for continuing offences	79
2.5.38	Entry by police	79
2.5.40	Procedure where place is entered under a warrant etc.	81
2.5.41	Persons required to be examined as witnesses making a full discovery to receive a certificate	83
2.5.42	Indemnity of witnesses	84
2.5.43	Persons found in place provided for unauthorised gambling	84
Part 5A—Banning irresponsible gambling products and practices		**86**
Division 1—Introduction		**86**
2.5A.1	Definitions	86
Division 2—Interim ban orders		**86**
2.5A.2	Minister may make interim ban order	86
2.5A.3	Duration of interim ban order	87

2.5A.4 Procedure following interim ban order 87

Division 3—Fixed term ban orders 88

2.5A.9 Fixed term ban order 88
2.5A.10 Duration of fixed term ban order 89
2.5A.11 Revocation of fixed term ban order 90
2.5A.12 Disallowance of fixed term ban order 90

Division 4—Effect of ban orders 90

2.5A.13 Offence to breach ban order 90

Division 5—General 91

2.5A.14 No compensation 91

Part 6—General 92

2.6.3 Money stolen and paid away in bets is recoverable 92
2.6.5 Evidence as to offences 92
2.6.7 Vicarious liability 94
2.6.9 Entry of police to public places 95

Chapter 3—Gaming machines 96

Part 1—Introduction 96

3.1.1 Purpose 96
3.1.2 Definitions 97
3.1.3 Machines may be declared to be gaming machines 103
3.1.4 Conduct of gaming and playing gaming machines 103
3.1.4A Conduct of monitoring 104
3.1.5 Application of Chapter to casino operator 105
3.1.6A Application of Chapter to tabaret premises 106
3.1.6B Minister may nominate person to enter into entitlement-related agreement 106

Part 2—General authorisation for gaming on gaming machines 107

Division 1—Legality of gaming machine gaming 107

3.2.1 Gaming in approved venue declared lawful 107
3.2.2 Possession of gaming equipment or monitoring equipment may be authorised 107

Division 2—Ministerial directions, regional limits and municipal limits 110

3.2.3 Ministerial directions as to requirements for gaming machines 110
3.2.4 Regions for gaming machines 111
3.2.5 No compensation payable 112

Part 2A—Ownership and related person restrictions **113**

Division 1—Interpretation **113**

3.2A.1 Definitions 113

Division 2—Ownership and related person licensee restrictions **114**

3.2A.2 Restrictions for venue operators and related persons 114
3.2A.3 Monitoring restrictions for persons listed on the Roll and related persons 114
3.2A.4 Other restrictions for persons listed on the Roll and related persons 115
3.2A.5 Restrictions for the monitoring licensee and related persons 115
3.2A.6 Restrictions for a casino operator 116

Division 3—Gaming machine entitlement prohibited interests **117**

3.2A.7 Prohibited interests in gaming machine entitlements 117
3.2A.7A Minister may declare day for increase of limit on club gaming machine entitlements 120

Part 3—Approval of premises for gaming **121**

Division 1—Introduction **121**

3.3.1 Outline of Part 121

Division 2—Premises approvals **121**

3.3.2 Which premises may be approved as suitable for gaming? 121
3.3.4 Application for approval of premises 122
3.3.5 Proposed application must be given to relevant responsible authority before application is made 124
3.3.5AA Commission to notify relevant responsible authority of receipt of application 124
3.3.5AB Amendment of application for premises approval 124
3.3.5A No change permitted to number of gaming machines sought in application after certain period 124
3.3.5B Relevant responsible authority must notify Commission of intention to make submission 125
3.3.6 Responsible authority may make submission 125
3.3.7 Matters to be considered in determining applications 126
3.3.8 Determination of application 127
3.3.9 Conditions of approval 129
3.3.10 Duration of approval 131
3.3.11 Variation of approval 131
3.3.11A Variation of conditional approval 131
3.3.12 Revocation of approval 132
3.3.13 Automatic revocation or suspension of approval 133

3.3.14	Tribunal review of approval	133
3.3.15	Surrender of approval	134
3.3.15A	One venue operator for an approved venue	134
Division 3—Modification of gaming machine areas		**134**
3.3.16	Modification of gaming machine areas	134
3.3.17	Appeal	135
Part 4—Licensing of operators and monitors and listing of manufacturers, suppliers and testers		**137**
Division 1—Authority conferred by licences and listing		**137**
3.4.1	Authority conferred by venue operator's licence	137
3.4.1B	Venue operator must comply with standards and operational requirements	139
3.4.4	Authority conferred by monitoring licence	141
3.4.4B	Monitoring licensee must comply with standards and operational requirements	145
3.4.5	Authority conferred by listing on the Roll	146
3.4.6	Offence to breach licence conditions	149
3.4.7	Offence to breach condition of listing on Roll	149
Division 2—Venue operator's licence		**150**
3.4.8	Application for venue operator's licence	150
3.4.10	Objections	152
3.4.11	Matters to be considered in determining applications	153
3.4.12	Determination of applications and duration of licence	155
3.4.12A	Self-exclusion program is a condition of licence	157
3.4.12B	Responsible Gambling Code of Conduct is a condition of licence	157
3.4.13	Register of venue operators and approved venues	158
3.4.13A	Venue operator to give Commission certain information about where gaming will be conducted under gaming machine entitlements	159
3.4.14	Nominee of licensee	159
3.4.15	Venue operator's licence is non-transferable	162
3.4.16	Renewal of venue operator's licence	162
3.4.17	Amendment of conditions	163
3.4.18	Proposal of amendment by venue operator	165
3.4.18A	Commission to notify municipal council of receipt of proposal	166
3.4.18B	Amendment of proposal to increase number of gaming machines permitted in an approved venue	166
3.4.18C	Municipal council must notify Commission of intention to make submission	167
3.4.19	Submissions on proposed amendments	167

3.4.20	Consideration and making of amendment	169
3.4.20A	Variation of conditional amendment	172
3.4.21	Tribunal review of amendment increasing number of gaming machines	173
3.4.22	Removal of approved venue if liquor licence is cancelled etc.	173
3.4.23	Notification of certain changes	174
3.4.24	Endorsement of licence and Register	174
3.4.25	Disciplinary action against venue operator	177
3.4.26	Letter of censure	180
3.4.27	Suspension of venue operator's licence pending criminal proceedings	181
3.4.27A	No authority to conduct gaming if venue operator's licence suspended or cancelled	182
3.4.28	Provisional venue operator's licence	182
Division 2A—Venue operators and venue agreements		**183**
3.4.28AA	Application of Division	183
3.4.28A	Definitions	183
3.4.28AB	Meaning of *prohibited venue agreement*	184
3.4.28B	Commission may declare certain agreements to be reviewable venue agreements	185
3.4.28C	Entering into prohibited venue agreement prohibited	185
3.4.28D	Prohibited venue agreements are void	185
3.4.28E	Commission may issue written notice directing venue operators to give it copies of reviewable venue agreements	186
3.4.28F	No compensation payable	186
Division 4—Monitoring licence		**187**
3.4.38	Definitions	187
3.4.39	One licence	191
3.4.40	Minister may invite applications	191
3.4.41	Secretary may report on suitability of persons Minister is considering to invite to apply for licence	191
3.4.41A	Consent required for reports and investigations	192
3.4.42	Application for monitoring licence	192
3.4.43	Report to Minister by Secretary on applications	194
3.4.44	Determination of applications	194
3.4.45	Prohibition on improper interference	196
3.4.45A	Prohibition on lobbying	196
3.4.46	Issue of licence	197
3.4.46A	Monitoring licence not personal property	197
3.4.47	Licence conditions	197
3.4.48	Minister may refuse to issue monitoring licence if related agreements not entered into	197
3.4.48A	Related agreements with monitoring licensee	198

3.4.48B	No compensation payable because of a direction to enter into related agreements	199
3.4.48C	Limitation of monitoring licensee's civil liability	199
3.4.48D	Related agreements may provide for damages determined by the Minister	199
3.4.48E	Minister may determine certain damages that must be included in related agreements	200
3.4.49	Responsible gambling and regulatory compliance directions	201
3.4.49A	Monitoring licensee must establish and maintain approved linked jackpot trust accounts	202
3.4.49B	Operation of multiple venue linked jackpot arrangements without approved linked jackpot trust account prohibited	202
3.4.49C	Payments out of approved linked jackpot trust accounts	202
3.4.50	Duration of licence	203
3.4.51	Extension of licence	203
3.4.52	Licence may authorise preparatory action	204
3.4.52A	Premium payment	205
3.4.52B	Penalty interest for late payment	205
3.4.52C	Recovery of amounts	206
3.4.53	Publication and tabling	206
3.4.54	Engaging contractors and appointing agents to assist with monitoring	207
3.4.55	Transfer only under this Division	208
3.4.56	Application to transfer licence	208
3.4.57	Transfer of monitoring licence	209
3.4.58	Report to Minister by Commission	211
3.4.59	Related agreements	212
3.4.59A	Publication and tabling	212
3.4.59B	Request by licensee for amendment of licence	214
3.4.59C	Amendment of licence	215
3.4.59CA	Prohibition on lobbying for amendment of licence	217
3.4.59D	Grounds for disciplinary action	217
3.4.59E	Commission may take or recommend disciplinary action	218
3.4.59F	Minister may take disciplinary action	220
3.4.59G	Suspension of licence	221
3.4.59GA	Disciplinary and other action against monitoring licensee—preparatory action	222
3.4.59H	Effect of licence suspension	223
3.4.59I	Temporary monitoring licence	223
3.4.59J	Report to Minister by Commission for a temporary monitoring licence	225
3.4.59JA	Report to Minister by Commission for a temporary monitoring licence issued for 90 days	226

3.4.59K	Arrangements with former licensee	226
3.4.59L	Further provisions for temporary licence	227
3.4.59LA	Related agreements with temporary licensee	228
3.4.59LB	No compensation payable because of a direction to enter into related agreements	229
3.4.59LC	Limitation of temporary licensee's civil liability	229
3.4.59LD	Related agreements may provide for damages determined by the Minister	230
3.4.59LE	Minister may determine certain damages that must be included in related agreements	230
3.4.59LF	Appointment of a monitoring services provider if monitoring licence not granted	230
3.4.59LG	Appointment of a monitoring services provider after monitoring licence suspended or cancelled	233
3.4.59M	Secretary may require further information	237
3.4.59N	Updating information provided to Secretary	238
3.4.59O	Updating information provided to Minister regarding licence application	239
3.4.59P	Updating licence transfer application	240
3.4.59Q	No compensation payable for certain acts and omissions	241
3.4.59R	Competition and Consumer Act and Competition Code	242

Division 7—Roll of Manufacturers, Suppliers and Testers 243

3.4.60	The Roll	243
3.4.61	Application to be listed on Roll	244
3.4.62	Objections	246
3.4.63	Determination of applications	246
3.4.64	Imposition and amendment of conditions	248
3.4.65	Disciplinary action	249
3.4.66	Letter of censure	252
3.4.67	Voluntary removal from Roll	252
3.4.68	Payments etc. to venue operator unlawful	253
3.4.68A	Publication of standard price lists	253

Part 4A—Gaming machine entitlements 255

Division 1—Requirement to hold gaming machine entitlements and authority conferred by them 255

3.4A.1	Requirement to hold gaming machine entitlements	255
3.4A.2	Authority conferred by gaming machine entitlements	256

Division 2—Gaming machine entitlement allocation and transfer rules 257

3.4A.3	Gaming machine entitlement allocation and transfer rules	257

3.4A.4	Directions to the Commission in relation to allocation and transfers of gaming machine entitlements	258
Division 2A—Standard entitlement-related conditions and standard monitoring-related conditions		**259**
3.4A.4A	Minister may determine standard entitlement-related conditions	259
3.4A.4B	Minister may determine standard monitoring-related conditions	260
3.4A.4C	Publication and effect of standard conditions	260
3.4A.4D	No compensation for determination of standard conditions	261
Division 3—Creation and allocation of gaming machine entitlements		**261**
3.4A.5	Minister may create and allocate gaming machine entitlements	261
3.4A.5AA	Proportions of gaming machine entitlements for venues of different types	265
3.4A.5A	Review of regional and municipal limits for gaming machine entitlements	266
3.4A.5B	Gaming machine entitlement not personal property	267
3.4A.6	Minister may refuse to allocate gaming machine entitlement if entitlement-related agreements not entered into	267
3.4A.6A	Directions in relation to entitlement-related agreements	268
3.4A.6B	No compensation payable because of direction to enter entitlement-related agreements under section 3.4A.6A	269
3.4A.7	Duration of gaming machine entitlements	269
3.4A.8	Gaming machine entitlements to be noted on Register	270
3.4A.9	Gaming machine entitlements may authorise preparatory action	271
3.4A.10	States rights in relation to allocated gaming machine entitlements	272
3.4A.11	No entitlement to or legitimate expectation of approval of venue	273
3.4A.11A	Related agreements between venue operators and monitoring licensee	274
3.4A.11B	No compensation payable because of a direction to enter into related agreements under section 3.4A.11A	275
3.4A.11C	Payments for gaming machine entitlements must be made to Commission	275

Division 3A—Assignment of gaming machine entitlements 275

3.4A.11D What is an *assignment agreement*? 275
3.4A.11E Gaming machine entitlement may be assigned only by registered assignment agreement 276
3.4A.11F Gaming machine entitlement assignment rules 276
3.4A.11G Venue operator may apply to Commission for registration of assignment agreement 277
3.4A.11H Commission may register assignment agreement 277
3.4A.11I Effect of registration of assignment agreement 278
3.4A.11J No entitlement to or legitimate expectation of approval of venue 281
3.4A.11K Restrictions on assignor for duration of assignment 281
3.4A.11L Gaming under registered assignment agreement must be commenced within 6 months 282
3.4A.11M Assignment ended if gaming not commenced within 6 months 282
3.4A.11N Variation of registered assignment agreement 282
3.4A.11O Commission may deregister registered assignment agreement 282
3.4A.11P Termination of registered assignment agreement if licence expires or is cancelled or suspended 283
3.4A.11Q Termination of assignment if venue approval revoked or venue removed from licence 284
3.4A.11R Preparatory action authorised in relation to termination of assignment 284
3.4A.11S No compensation payable 285

Division 4—Amendment of gaming machine entitlement conditions 285

3.4A.11T Temporary amendment rules 285
3.4A.12 Request for amendment of geographic area condition or venue condition 286
3.4A.13 Commission decision on the request 287
3.4A.13A Temporary amendments to geographic area conditions 288
3.4A.13B Grace period for early expiry of temporary amendment 289
3.4A.14 Commission must record amendment in Register 290
3.4A.14A No entitlement to or legitimate expectation of certain matters in relation to temporary amendment 291
3.4A.14B No compensation payable because of expiry or revocation of temporary amendment 291

Division 5—Transfer of gaming machine entitlements 291

3.4A.15 Fee payable for gaming machine entitlement transfers 291

3.4A.16	Gaming machine entitlements cannot be transferred to persons other than venue operators	292
3.4A.17	Gaming machine entitlements must be transferred in accordance with allocation and transfer rules	292
3.4A.17AA	Transfer agreement may provide for substitution of parties to registered assignment agreement	293
3.4A.17AAB	Assignment of gaming machine entitlement otherwise terminated on transfer	294
3.4A.17AAC	Directions in relation to related agreements with Minister regarding transferred gaming machine entitlement	294
3.4A.17AAD	No compensation payable because of direction to enter into entitlement-related agreements	295
3.4A.18	Gaming machine entitlements that expire on 15 August 2022 and that are transferred before specified date	295
3.4A.18A	Gaming machine entitlements that take effect on or after 16 August 2022 and that are transferred during specified period	296
3.4A.19	Exemption from requirement to pay for transfer related to refusal to grant relevant authority	299
3.4A.19A	Exemption from requirement to pay for transfer related to sale of approved venue	300
3.4A.20	Hospitals and Charities Fund	301

Division 5AA—Surrender of gaming machine entitlements on specified date **301**

3.4A.20AA	Rules for surrender of gaming machine entitlements	301
3.4A.20AAB	Surrender of designated gaming machine entitlements	302
3.4A.20AAC	No compensation payable because of surrender of gaming machine entitlements	303
3.4A.20AAD	Certain amounts become immediately payable	303
3.4A.20AAE	Ministerial Order for extinguishment	304
3.4A.20AAF	Effect of order	304
3.4A.20AAG	No compensation payable	305

Division 5A—Purchase by the State of gaming machine entitlements **305**

3.4A.20A	Application of Division	305
3.4A.20B	Commission to determine excess gaming machine entitlements	305
3.4A.20C	Ministerial Order for purchase of gaming machine entitlements	306
3.4A.20D	Determinations for purpose of Division	306
3.4A.20E	Initial offers by State for purchase of gaming machine entitlements	308

3.4A.20F	Further reduction of gaming machine entitlements	309
3.4A.20G	Further offers by State for purchase of gaming machine entitlements	311
3.4A.20H	Extinguishment of gaming machine entitlements purchased for purpose of State limit reduction	311
3.4A.20I	Extinguishment on reduction of State limit	312
3.4A.20J	No compensation payable	312
Division 5B—Extinguishment of unallocated or forfeited entitlements on reduction of State limit		**313**
3.4A.20K	Ministerial Order for extinguishment	313
3.4A.20L	Effect of Order	314
3.4A.20M	No compensation payable	315
Division 6—Forfeiture of gaming machine entitlements not used for conduct of gaming		**315**
3.4A.21	Definition	315
3.4A.21A	Division does not require gaming under an assigned gaming machine entitlement	315
3.4A.22	Meaning of *relevant holding period*	316
3.4A.23	Gaming under gaming machine entitlements must be commenced within relevant holding period	317
3.4A.24	Gaming machine entitlements forfeited to State if gaming not commenced within relevant holding period	317
3.4A.25	Commission may extend relevant holding period	318
Division 7—Forfeiture of gaming machine entitlements following disciplinary action, surrender of licence or expiry		**319**
3.4A.26	Gaming machine entitlements forfeited if venue operator's licence cancelled, surrendered or not renewed	319
Division 8—Forfeiture of gaming machine entitlements in accordance with standard conditions or related agreement		**320**
3.4A.26A	Gaming machine entitlements forfeited in accordance with standard entitlement-related conditions	320
3.4A.27	Gaming machine entitlements forfeited if venue operator defaults under related agreement	321
Division 8A—Forfeiture of gaming machine entitlements following offers to purchase those entitlements		**321**
3.4A.27A	Forfeiture to State—after reduction of regional or municipal district limit	321

Division 9—Extinguishment of interests and rights in gaming machine entitlements **322**

3.4A.28 Extinguishment 322
3.4A.29 No compensation payable because of extinguishment 322

Division 10—Forfeited gaming machine entitlements **323**

3.4A.30 Application of Division 323
3.4A.31 No compensation payable because of forfeiture of gaming machine entitlements 323
3.4A.32 Amounts owed to the State in relation to gaming machine entitlements become immediately payable 323
3.4A.33 Payment of proceeds from forfeited gaming machine entitlements that are allocated again 324

Division 11—General **325**

3.4A.34 Competition and Consumer Act and Competition Code authorisation 325

Part 5—Control of gaming **327**

Division 1—Manufacturing and obtaining gaming machines **327**

3.5.1 Manufacture, sale, supply, obtaining or possession of gaming machines 327

Division 2—Controls over gaming machines and games **329**

3.5.3 Commission's standards for gaming machine types and games 329
3.5.4 Approval of gaming machine types and games 330
3.5.5 Variation of gaming machine types and games 330
3.5.6 Withdrawal of approval 332
3.5.7 Linked jackpots unlawful without approval 333
3.5.7A Linked jackpot arrangements unlawful without approval 334
3.5.7B Approval of linked jackpot arrangements 334
3.5.7C Withdrawal of approval 336
3.5.8 Identification of machines 337
3.5.9 Gaming prohibited on unprotected devices 338
3.5.10 Unlawful interference with equipment or systems 338
3.5.11 Protection of sensitive areas of gaming equipment or monitoring equipment 339
3.5.12 Testing of electronic monitoring system 342
3.5.13 Approval of electronic monitoring systems 343
3.5.15 Installation and storage of gaming machines 344
3.5.16 Certificates of installation—gaming equipment and monitoring equipment 346

3.5.17	Offence to play gaming machine not installed as authorised	348
3.5.17B	Gaming machines must be connected to approved electronic monitoring system	348
3.5.17C	Offence to interfere with an electronic monitoring system	348
3.5.18	Gaming only permitted in gaming machine areas	349
3.5.19	Gaming tokens	349
3.5.20	Malfunction of gaming machines	349
3.5.21	Defective gaming machines not allowed	350
3.5.22	After hours gaming	351
3.5.23	The Commission's rules	352
3.5.24	Disallowance of rules	353
3.5.25	Inspection of rules	354
3.5.26	Rules to be enforced	354
3.5.27	Commission may give directions	355
3.5.28	Inducements, cheating etc.	355
Division 2A—Gaming hours		**357**
3.5.28A	Gaming prohibited between 4:00 a.m. and 10:00 a.m.	357
Division 3—Responsible gaming measures		**358**
Subdivision 1—General measures		**358**
3.5.29	Banning large denomination note acceptors and autoplay facilities	358
3.5.30	Spin rates	358
3.5.31	Credit etc.	359
3.5.32	Cashing of cheques	359
3.5.33	Payment of accumulated credits by cheque or electronic funds transfer	361
3.5.33A	Playing of gaming machines by intoxicated persons prohibited	362
Subdivision 2—Cash facilities		**363**
3.5.33B	Definitions	363
3.5.33C	Prohibitions on certain cash facilities—approved venue not on a racecourse	364
3.5.33D	Prohibitions on certain cash facilities—gaming machine area in approved venue on a racecourse	365
3.5.33DA	Prohibitions on certain cash facilities—other areas in approved venue on a racecourse	366
3.5.33E	Application for approval	367
3.5.33F	Approvals	367
3.5.33G	Ministerial directions as to approvals	368
3.5.33H	Conditions of approvals	369

3.5.33I	Amendment of conditions of approvals—Applications by venue operators	370
3.5.33J	Review of approvals	371
3.5.33K	Amendment of conditions of approvals—By the Commission	372
3.5.33L	Functions and powers under this Subdivision may be performed or exercised by a single Commissioner	372
3.5.33M	Appeal	372
3.5.33N	No compensation payable	373
Subdivision 3—Cashless gaming		**373**
3.5.33O	Subdivision does not apply to casino operator	373
3.5.33P	Prohibition on inducements involving cashless gaming	373
3.5.33Q	Prohibition on credit facilities relating to cashless gaming	374
Subdivision 4—Carded play		**374**
3.5.33R	Application of Subdivision	374
3.5.33S	Player card must meet prescribed requirements	375
3.5.33T	Identity verification when issuing player cards	375
Division 4—Gaming machine advertising		**375**
3.5.34AA	Prohibition on publishing gaming machine advertising by or on behalf of venue operators and casino operators	375
3.5.34AC	Prohibition on printing gaming machine advertising on player cards	378
3.5.34	Prohibition on publishing gaming machine advertising by others	379
3.5.35	Prohibition on displaying gaming machine related signs	380
3.5.35A	Responsible gambling signs	381
Division 5—Loyalty schemes		**381**
3.5.35B	Definition	381
3.5.36	Preconditions for allowing participation in loyalty scheme	382
3.5.36A	Content of written statement	383
3.5.36B	Setting limits under loyalty scheme	384
3.5.36C	Excluded persons	385
3.5.36D	Loyalty scheme must use same equipment as pre-commitment system	386
3.5.37	Player activity statements—active participants	388
3.5.37A	Player activity statement—participants who are not active participants	390

3.5.38	Suspension of person who fails to collect their player activity statement	391
3.5.39	Opting out of loyalty schemes	392
3.5.40	No advertising to people suspended or removed from loyalty schemes	393
3.5.41	Loyalty scheme participant information	394
3.5.41A	Casino loyalty scheme information for data-matching purposes	396
3.5.41B	Approved venue loyalty scheme information for data-matching purposes	397
Division 6—Removal of people from approved venues		**398**
3.5.42	Application of Division	398
3.5.43	Removal of certain persons	398
Division 7—Jackpot funds		**399**
3.5.44	Dealing with jackpot funds on retirement of jackpot	399
3.5.45	Transfer of unpaid jackpot funds on transfer of approved venue	400
3.5.46	Dealing with unpaid jackpot funds where venue operator ceases to hold licence or to operate gaming machines	400
3.5.47	Dealing with jackpots retired previously	401
Part 6—Returns to players, levies and taxes		**402**
Division 1—Returns to players		**402**
3.6.1	Returns to players	402
Division 2—Taxes and levies		**403**
3.6.2	Definitions	403
3.6.5A	Venue operators to pay supervision charge	404
3.6.6A	Taxation in relation to gaming in approved venues with pub licences until 16 August 2022	405
3.6.6B	Taxation in relation to gaming in approved venues with club licences until 16 August 2022	409
3.6.6C	Taxation in relation to gaming in approved venues on and after 16 August 2022	412
3.6.6D	Review of tax rates under section 3.6.6C	416
3.6.8	Declaration for club venue operators to pay different tax in some circumstances	417
3.6.9	Community benefit statements	420
3.6.9A	Ministerial directions as to requirements of community benefit statements	422
3.6.10	Interest on late payment	423
3.6.11	Hospitals and charities and mental health levy	424
3.6.12	Payment to Community Support Fund	424

Division 3—Unclaimed winnings **426**

3.6.13 Unclaimed winnings 426

Part 7—Compliance requirements **428**

Division 1—Introduction **428**

3.7.2 Application of Part 428

Division 2—Banking, accounting and auditing **428**

3.7.3 Banking 428
3.7.4 Accounting records 430
3.7.5 Books etc. to be kept on the premises 431

Division 2A—Approved linked jackpot trust account compliance requirements **432**

3.7.6 Banking 432
3.7.6AA Accounting records in relation to approved linked jackpot trust accounts 433
3.7.6AB Functions of Commission under this Division may be performed by any commissioner 433

Division 3—Other requirements **433**

3.7.6B Directions to monitoring licensee to provide information etc. 434
3.7.6C No compensation payable 435
3.7.6D Directions to monitoring licensee 435

Part 8A—Pre-commitment **437**

Division 1—Preliminary **437**

3.8A.1 Definitions 437

Division 2—Pre-commitment direction, approval and testing **438**

3.8A.2 Pre-commitment direction 438
3.8A.3 Monitoring licensee must not provide unapproved pre-commitment system 439
3.8A.4 Commission may approve pre-commitment system 439
3.8A.5 Testing of pre-commitment system 440

Division 3—Obligations of monitoring licensee, venue operators and casino operators **441**

3.8A.6 Application of Division 441
3.8A.7 Certificates of installation—player account equipment and parts of a pre-commitment system 441
3.8A.8 Monitoring licensee must ensure that pre-commitment system complies with standards and operational requirements 442

3.8A.9	Player account equipment must comply with regulations and standards	443
3.8A.10	Offence for operator failing to ensure proper installation of player account equipment	444
3.8A.11	Player cards must comply with regulations and standards	444
3.8A.12	Operators must ensure functioning of player account equipment and connection to pre-commitment system	445
3.8A.13	Offence for operator to permit gaming on gaming machine using alternative limit setting scheme	446
3.8A.13A	Direction for player accounts	446
3.8A.13B	Tabling and revocation of direction by Parliament	447
3.8A.13C	Offence for venue operator to permit gaming on gaming machine other than by use of player card	448
Division 4—Related agreements		**449**
3.8A.14	Application of Division	449
3.8A.15	Related agreement between monitoring licensee and venue operator or casino operator	449
3.8A.16	Related agreement between Minister and venue operator or casino operator	450
3.8A.17	Content of direction	450
3.8A.18	Direction to enter into related agreement must be complied with	450
3.8A.19	No compensation payable because of a direction to enter into related agreement under section 3.8A.15 or 3.8A.16	451
Division 4A—Standard pre-commitment conditions		**451**
3.8A.19A	Minister may determine standard pre-commitment conditions	451
3.8A.19B	Publication and effect of standard pre-commitment conditions	452
3.8A.19C	No compensation for determination of standard pre-commitment conditions	452
Division 5—Provision of information		**453**
3.8A.20	Application of Division	453
3.8A.21	Directions to monitoring licensee to provide information concerning pre-commitment	453
3.8A.22	No compensation payable	453
3.8A.23	Provision of information for research purposes	454
Division 6—Confidentiality		**454**
3.8A.24	Definition	454

3.8A.25	Restriction on disclosure of pre-commitment information	454
3.8A.25A	Disclosure to courts and tribunals permitted with Ministerial approval	455
3.8A.26	Disclosure with consent permitted	455
3.8A.27	Disclosure to enforcement agencies permitted	455
3.8A.28	Disclosure for performance of functions	455
3.8A.29	Disclosure of lawfully publicly available information permitted	455
3.8A.30	Disclosure of de-identified information for research purposes	456
3.8A.31	Disclosure in relation to compliance	456
3.8A.32	Disclosure to casino operator in relation to downtime periods	456
Part 9—General		**457**
Division 2—General		**457**
3.9.4	Prohibition on recovery of costs of investigating persons on Roll or their associates	457
3.9.5	Appeals	458
3.9.6	Injunctions to prevent contraventions etc.	459
Chapter 4—Wagering and betting		**460**
Part 1—Introduction		**460**
4.1.1	Purpose	460
4.1.2	Definitions	461
4.1.3	Exemption of totalisators	463
Part 2—General authorisation for wagering and betting		**465**
Division 1—Legality of wagering and betting		**465**
4.2.1	Wagering and approved betting competitions	465
4.2.1A	Conduct of betting exchanges	465
4.2.2	Use of totalisator lawful	465
4.2.3	Approval of totalisator equipment	466
Division 1A—Regulation of publication and use of race fields		**467**
4.2.3A	Restrictions on publication and use of race fields	467
4.2.3B	Application for race field publication and use approval	468
4.2.3C	Publication and use approval	468
4.2.3D	Tribunal review	470
4.2.3E	Competition and Consumer Act and Competition Code	471

Division 2—Betting rules **472**

4.2.4 Totalisator or approved betting competition not to be conducted without rules 472
4.2.4A Betting exchange rules 472
4.2.5 Licensee to make betting rules 473
4.2.6 Disallowance of betting rules or betting exchange rules 476
4.2.7 Commission may direct licensee to deal with certain bets 477

Division 3—Conduct of wagering and betting by wagering and betting licensee **478**

4.2.8 Acceptance of wagers and bets 478
4.2.9 Agents of licensee 478
4.2.10 Investigation of complaints 479
4.2.11 Termination of certain agent agreements 480

Part 3A—Wagering and betting licence **483**

Division 1AA—Interpretation **483**

4.3A.1AA Definitions 483

Division 1—Authority and number of wagering and betting licences **486**

4.3A.1 Authority of wagering and betting licence 486
4.3A.2 Minister determines number of wagering and betting licences 486

Division 2—Licensing procedure **487**

4.3A.3 Minister may invite applications 487
4.3A.4 Secretary may report on suitability of persons Minister is considering to invite to apply for wagering and betting licence 488
4.3A.4A Consent required for reports and investigation 488
4.3A.5 Application for licence 489
4.3A.6 Report to Minister by Secretary on applications 490
4.3A.7 Determination of applications 491
4.3A.7A Prohibition on improper interference 494
4.3A.7B Prohibition on lobbying 495
4.3A.8 Issue of licence 495
4.3A.8A Wagering and betting licence not personal property 496
4.3A.9 Licence conditions 496
4.3A.10 Minister may refuse to issue wagering and betting licence if related agreements not entered into 496
4.3A.10AA Related agreements with wagering and betting licensee 496

4.3A.10AB	No compensation payable because of a direction to enter into related agreements	498
4.3A.10A	Responsible Gambling Code of Conduct is a condition of licence	498
4.3A.11	Duration of licence	498
4.3A.11A	Exclusivity period for licence	499
4.3A.12	Licence may authorise preparatory action	499
4.3A.13	Premium payment	500
4.3A.13A	Penalty interest for late payment	501
4.3A.13B	Recovery of amounts	501
4.3A.14	Publication and tabling	502
4.3A.15	Engaging contractors and appointing agents to assist with wagering and betting	503
4.3A.15A	Appointment of wagering and betting operator	504
4.3A.15B	Approval of wholly-owned subsidiary	504
4.3A.15C	Rights and obligations of wagering and betting operator	505
Division 3—Transfer of licence		**506**
4.3A.16	Transfer only under this Division	506
4.3A.17	Application to transfer licence	506
4.3A.18	Transfer of wagering and betting licence	507
4.3A.19	Report to Minister by Commission	511
4.3A.20	Related agreements	511
4.3A.21	Publication and tabling	512
Division 4—Amendment and surrender of licence		**514**
4.3A.22	Request by licensee for amendment of licence	514
4.3A.22A	Notification of other affected licensees	515
4.3A.22B	Objection by other licensees	516
4.3A.23	Amendment of licence	516
4.3A.23A	Prohibition on lobbying for amendment of licence	518
4.3A.24	Surrender of licence	518
Division 5—Monitoring and disciplinary action		**519**
4.3A.26	Grounds for disciplinary action	519
4.3A.27	Commission may take or recommend disciplinary action	521
4.3A.28	Minister may take disciplinary action	523
4.3A.29	Suspension of licence pending criminal proceedings	524
4.3A.30	Effect of licence suspension	525
4.3A.30A	Disciplinary and other action against licensee—preparatory action	525
Division 6—Temporary wagering and betting licence		**526**
4.3A.31	Temporary wagering and betting licence	526

4.3A.32	Report to Minister by Commission for a temporary wagering and betting licence	529
4.3A.32A	Report to Minister by Commission for a temporary wagering and betting licence issued for 90 days	530
4.3A.33	Arrangements with former licensee	530
4.3A.34	Further provisions for temporary licence	531
4.3A.34AA	Related agreements with temporary wagering and betting licensee	532
4.3A.34AB	No compensation payable because of a direction to enter into related agreements	533
Division 6A—Betting exchanges		**533**
4.3A.34A	Definitions	533
4.3A.34B	Approval of telecommunication devices by Commission	536
4.3A.34C	Licensee not to enable betting by way of a betting exchange on races, competitions or events without relevant consent	537
4.3A.34D	Licensee must conduct a betting exchange by way of certain telecommunication devices	537
4.3A.34E	Commission or controlling body may request information	538
4.3A.34F	Compliance with information notice	538
4.3A.34G	Offences by the licensee as operator of betting exchange	539
4.3A.34H	Offence by direct participant	539
4.3A.34I	Offence by a person who has an interest in the outcome of a brokered betting event	540
4.3A.34J	Offence by the owner of a horse to bet through betting exchange	541
4.3A.34K	Offence by the owner of a greyhound to bet through betting exchange	541
Division 6B—Requirements in relation to registered players		**542**
4.3A.34L	Verification of registered player's identity	542
4.3A.34M	Wagering and betting funds of registered players	542
4.3A.34N	Disclosure of names of registered players	544
Division 7—Further information-gathering powers and obligations		**545**
4.3A.35	Definitions	545
4.3A.36	Secretary may require further information	545
4.3A.37	Updating information provided to Secretary	547
4.3A.38	Updating information provided to Minister regarding licence application	548
4.3A.39	Updating licence transfer application	549
4.3A.39A	Directions to provide information	550
4.3A.39B	Directions to licensees or operators	552

Division 8—General **552**

4.3A.40 Powers of Secretary 552

Part 4—On-course wagering permit **553**

Division 1—Authority of permit **553**

4.4.1 On-course wagering permit 553

Division 2—Grant of permit **553**

4.4.2 Application for permit 553
4.4.3 Matters to be considered in determining application 554
4.4.4 Grant of permit 555
4.4.5 Permit is non-transferable 556

Division 3—Conduct of on-course wagering **556**

4.4.6 Compliance with betting rules 556
4.4.7 Racing industry and licensee 556

Division 4—Commissions, dividends and taxes **556**

4.4.8 Commissions 556
4.4.9 Dividends 557
4.4.10 Wagering tax 558
4.4.11 Hospitals and Charities Fund 558
4.4.12 Supervision charge 558

Division 5—General **559**

4.4.13 Unclaimed refunds and dividends 559

Part 5—Approved betting competitions and sports betting **560**

Division 1—Preliminary **560**

4.5.1 Definitions 560
4.5.2 Events and betting competitions that cannot be approved under this Part 561

Division 2—Approved betting competitions on horse, harness and greyhound racing **561**

4.5.3 Approval of betting competitions on horse, harness and greyhound races 561
4.5.4 Notice of approval 562
4.5.5 Variation and revocation of approval 562

Division 3—Approval of other events for betting purposes **563**

4.5.6 Approval of events for betting purposes 563
4.5.7 What kinds of events can be approved? 564
4.5.8 What must Commission consider in approving events? 564

4.5.9	Designation of sports betting events	565
4.5.10	Notice and publication requirements	565
4.5.11	Variation and revocation of approval	565
Division 3A—Approval of simulated racing events		**566**
4.5.11A	Approval of simulated racing events for betting purposes	566
4.5.11B	What must Commission consider in approving simulated racing events?	567
4.5.11C	Notice and publication requirements	567
4.5.11D	Variation and revocation of approval	568
4.5.11E	Approval does not limit Minister's power to approve keno game under Chapter 6A	568
Division 4—Approval or declaration of sports controlling bodies for sports betting purposes		**568**
4.5.12	Application for approval	568
4.5.13	Objections	569
4.5.14	Matters to be considered in determining applications for approval	569
4.5.15	Determination of applications and duration of approval	571
4.5.15A	Declaration of sports controlling body from another jurisdiction	571
4.5.16	Notice and publication requirements	572
4.5.17	Variation and revocation of approval or declaration	573
4.5.18	Surrender of approval or declaration	573
4.5.19	Change in situation of sports controlling body	574
4.5.20	Tribunal reviews	574
Division 5—Requirements on sports betting providers		**575**
4.5.21	What is offering a betting service?	575
4.5.22	Prohibition on offering betting service without agreement or determination	575
4.5.23	Agreement of sports controlling body	576
4.5.24	Application for Commission determination if no sports controlling body agreement	577
4.5.25	Procedure on application	578
4.5.26	Determination of Commission	578
4.5.27	Variation and revocation of determination	580
4.5.28	Costs of investigating applications	581
Division 6—Prohibition of betting contingencies relating to events		**581**
4.5.29AA	Definition	581
4.5.29	Commission may prohibit betting on a contingency relating to an event	582
4.5.30	Notice and publication requirements	583

4.5.31	Offence to offer bets on a contingency relating to an event	584
Division 7—Monitoring integrity in sports betting		**585**
4.5.32	Sports controlling body to notify Commission	585
4.5.33	Direction to sports controlling body to provide information about integrity mechanisms	586
Part 5AA—Prohibitions or conditions on betting on contingencies		**587**
4.5AA.1	Definitions	587
4.5AA.2	Minister may prohibit or impose conditions on betting on contingencies	587
4.5AA.3	Matters to consider when prohibiting or imposing conditions on betting on contingencies	588
4.5AA.4	Notice and publication requirements	588
4.5AA.5	Taking effect of prohibition or condition	589
4.5AA.6	Submissions on making or varying a prohibition or condition	589
4.5AA.7	Disallowance of contingency betting prohibition or condition	590
4.5AA.8	Offences to offer bets on prohibited betting contingencies and not to comply with conditions on betting contingencies	590
Part 5A—Bookmaker and bookmaking related registrations		**592**
4.5A.1	Definitions	592
4.5A.2	Application for registration as bookmaker	592
4.5A.3	Application for registration as bookmaker's key employee	593
4.5A.4	Determination of application for registration as bookmaker	593
4.5A.5	Determination of application for registration as bookmaker's key employee	595
4.5A.6	Certificate of registration and identity card	595
4.5A.7	Duration of registration as bookmaker or bookmaker's key employee	596
4.5A.8	Nominee of corporation	597
4.5A.9	Application of registered bookmakers to be in partnerships	598
4.5A.10	Approval of registered bookmakers to be in partnerships	599
4.5A.10A	Responsible Gambling Code of Conduct is a condition of registration for a bookmaker	600
4.5A.11	Conditions of registration	600
4.5A.12	Amendment of conditions	600
4.5A.13	Registration renewal	601

4.5A.14	Disciplinary action against registered bookmaker or bookmaker's key employee	602
4.5A.14A	Suspension of a bookmaker's registration pending criminal proceedings	605
4.5A.14B	Suspension of a bookmaker's key employee's registration pending criminal proceedings	606
4.5A.15	Review by VCAT of registrations as a bookmaker or bookmaker's key employee	606
4.5A.16	Time limit for applying for review	607
4.5A.17	Registered bookmaker must not engage convicted person	608
Part 6—Commissions, dividends and supervision charge		**609**
Division 1—Wagering		**609**
4.6.1	Commissions—wagering	609
4.6.2	Dividends—wagering	609
Division 2—Approved betting competitions		**611**
4.6.4	Commissions—approved betting competitions	611
4.6.5	Dividends—approved betting competitions	611
Division 3—Supervision charge		**613**
4.6.7A	Licensee to pay charge	613
Division 4—General		**614**
4.6.8	Hospitals and Charities Fund	614
4.6.9	Unclaimed refunds, dividends and prizes	615
Part 7—Offences		**617**
4.7.1AA	Definition	617
4.7.1	Offence to display betting advertising in certain locations	617
4.7.1A	Exemptions	619
4.7.2	Offences relating to totalisators and approved betting competitions	619
4.7.3	Tickets purportedly issued by licensee	622
4.7.4	Offence related to payment of dividends or prizes	623
4.7.5	Inducements, cheating etc.	623
4.7.6	Offence to extend credit etc.	624
4.7.7	Gambling by intoxicated persons prohibited	625
4.7.8	Appropriate advertising standards required	625
4.7.9	Prescribed statement to be included in advertisements	626
4.7.10	Offence to offer inducement to open betting account	626

Part 8—Compliance requirements **627**

Division 1—Banking, accounting and auditing **627**

4.8.1 Application of Division 627
4.8.2 Banking 627
4.8.3 Accounts 629
4.8.4 Books etc. to be kept on the premises 630
4.8.5 Audit of books, accounts and financial statements 631

Division 2—Reporting **633**

4.8.6 Submission of reports 633

Part 8A—Harm minimisation directions—wagering service providers **634**

4.8A.1 Definitions 634
4.8A.2 Harm minimisation direction 634
4.8A.3 Harm minimisation requirement matters 634
4.8A.4 Tabling and disallowance 635
4.8A.5 Act prevails over harm minimisation direction 636
4.8A.6 Offence to not comply with a harm minimisation direction 636

Part 9—Other matters **637**

4.9.1 Competition and Consumer Act and Competition Code 637

Chapter 5—Lotteries **640**

Part 1—Introduction **640**

5.1.1 Purposes 640
5.1.2 Definitions 640
5.1.3 Application of Chapter 641

Part 2—Public lotteries **642**

Division 1—Legality of public lotteries **642**

5.2.1 Public lotteries declared lawful 642
5.2.1A Approval of computer system etc. 642

Division 2—Public lottery rules **643**

5.2.2 Lottery rules 643
5.2.3 When do lottery rules come into force? 644
5.2.4 Publication and inspection of lottery rules 644
5.2.5 Disallowance of lottery rules 645

Division 3—Conduct of public lotteries **646**

5.2.6 Supervision of public lottery draws by Commission's representative 646
5.2.7 Licensee to record entries 647
5.2.9 Licensee not to act as credit provider 648
5.2.10 Non-monetary prizes 648
5.2.11 Prohibition of certain schemes 648
5.2.12 Publicity concerning prizewinners 649

Part 3—Public lottery licences **651**

Division 1AA—Interpretation **651**

5.3.1AA Definitions 651

Division 1—Number and type of public lottery licences **654**

5.3.1 Minister determines number and type of public lottery licences 654
5.3.2 Which public lotteries can be licensed? 654

Division 2—Licensing procedure **655**

5.3.2A Minister may invite applications 655
5.3.2B Secretary may report on suitability of persons Minister is considering to invite to apply for public lottery licence 655
5.3.2C Consent required for reports and investigation 655
5.3.3 Application for licence 656
5.3.4 Report to Minister by Secretary on applications 657
5.3.5 Determination of applications 658
5.3.5A Prohibition on improper interference 659
5.3.5B Prohibition on lobbying 660
5.3.6 Issue of licence 660
5.3.6A Public lottery licence not personal property 661
5.3.7 Licence conditions 661
5.3.7B Responsible Gambling Code of Conduct is a condition of licence 662
5.3.7C Minister may refuse to issue licence if related agreements not entered into 662
5.3.7D Related agreements with licensee 662
5.3.7E No compensation payable because of a direction to enter into related agreements 663
5.3.8 Duration of licence 663
5.3.8A Licence may authorise preparatory action 664
5.3.8B Exclusivity period for licence 665
5.3.8C Extension of licence 665
5.3.9 Premium payment 666
5.3.9A Penalty interest for late payment 667
5.3.9B Recovery of amounts 667

5.3.11 Publication and tabling 667
5.3.15A Engaging contractors and appointing agents to assist with public lotteries 669

Division 3—Transfer of licence 670

5.3.15B Transfer only under this Division 670
5.3.15C Application to transfer licence 670
5.3.15D Transfer of public lottery licence 671
5.3.15E Report to Minister by Commission 673
5.3.15F Related agreements 674
5.3.15G Publication and tabling 674

Division 4—Amending and surrendering licences 676

5.3.16 Request by licensee for amendment of licence 676
5.3.17 Notification of other affected licensees 677
5.3.18 Objection by other licensees 677
5.3.19 Amendment of licence 677
5.3.19A Prohibition on lobbying for amendment of licence 679
5.3.20 Surrender of licence 679

Division 5—Disciplinary action 680

5.3.21 Grounds for disciplinary action 680
5.3.22 Commission may take or recommend disciplinary action 681
5.3.23 Minister may take disciplinary action 683
5.3.24 Suspension of licence pending criminal proceedings 684
5.3.25 Effect of licence suspension 684
5.3.26 Application of Division to appointed subsidiaries 684

Division 6—Temporary public lottery licences 685

5.3.27 Temporary public lottery licences 685
5.3.28 Report to Minister by Commission for temporary public lottery licence 687
5.3.28A Report to Minister by Commission for a temporary public lottery licence issued for 90 days 688
5.3.29 Arrangements with former licensee 689
5.3.30 Related agreements with temporary licensee 689
5.3.31 No compensation payable because of a direction to enter into related agreements 690

Division 7—Further information-gathering powers and obligations 691

5.3.32 Definitions 691
5.3.33 Secretary may require further information 691
5.3.34 Updating information provided to Secretary 692
5.3.35 Updating information provided to Minister regarding licence application 693
5.3.36 Updating licence transfer application 694

Division 8—General **695**

5.3.37 Powers of Secretary 695

Part 4—Returns to players and taxes **696**

Division 1—Returns to players **696**

5.4.1 Returns to players 696

Division 2—Taxes **696**

5.4.2 Supervision charge 696
5.4.3 Public lottery tax 697
5.4.4 Penalty interest for late payment 698
5.4.5 Recovery of amounts 698
5.4.6 Application of tax proceeds 699
5.4.7 Sharing tax with other jurisdictions 699

Part 5—Compliance requirements **702**

Division 1—Financial recording and reporting **702**

5.5.1 Licensee to keep accounts and records 702
5.5.2 Annual financial statements 702
5.5.6 Subsidiaries to comply with Division 702

Division 2—Other requirements **703**

5.5.6A Directions to provide information etc. 703
5.5.7 Directions to licensees 704
5.5.8 Claims for prize 704
5.5.9 Unclaimed prizes 705
5.5.10 Complaints 706

Part 7—Trade promotion lotteries **708**

Division 1—Legality of trade promotion lotteries **708**

5.7.1 Trade promotion lotteries declared lawful 708
5.7.2 Conduct of trade promotion lotteries 708

Division 4—Compliance and offences **710**

5.7.16AA Definitions 710
5.7.16 Conducting trade promotion lottery in contravention of Act etc. 711
5.7.16A Venue operators must not conduct trade promotion lotteries in relation to gaming 711
5.7.18A Gaming machine play restrictions to be included trade promotion lottery advertisements 712
5.7.18B Commission determinations about the manner of display of gaming machine play restrictions 712

Division 6—General **713**

5.7.20 Commissioner may perform Commission's functions 713

Chapter 6A—Keno **715**

Part 1—Introduction **715**

6A.1.1 Purpose 715
6A.1.2 Definitions 715
6A.1.3 Keno linked jackpot arrangements 716

Part 2—Keno games **717**

Division 1—Legality of approved keno games **717**

6A.2.1 Approved keno games conducted under this Chapter are lawful 717
6A.2.2 Approved keno games not subject to Chapter 3 717

Division 2—Conducting approved keno games **717**

6A.2.3 Sale of tickets 717
6A.2.4 Agents of licensee 718
6A.2.4A Termination of certain agent agreements 719
6A.2.5 Approval of keno system 720
6A.2.6 Security of certain equipment 721
6A.2.7 Defective machinery, equipment and computer systems 721
6A.2.8 Unlawful interference with keno system 721
6A.2.9 Use of defective keno machinery, equipment or computer system 722
6A.2.10 Credit and loans 722
6A.2.11 Keno rules 723
6A.2.12 Commencement of rules 724
6A.2.13 Publication and inspection of keno rules 724
6A.2.14 Disallowance of keno rules 725

Part 2A—Approval of keno games **727**

6A.2A.1 Approval of keno games for betting purposes 727
6A.2A.2 Notice and publication requirements 728
6A.2A.3 Variation and revocation of approval 728
6A.2A.4 Approval does not limit Commission's power to approve simulated racing events under Chapter 4 728

Part 3—Keno licence **729**

Division 1AA—Interpretation **729**

6A.3.1AA Definitions 729

Division 1—Authority and number of keno licences **731**

6A.3.1 Authority of keno licence 731

6A.3.2	Minister determines number of keno licences	732
Division 2—Licensing procedure		**732**
6A.3.3	Minister may invite applications	732
6A.3.4	Secretary may report on suitability of persons Minister is considering to invite to apply for keno licence	732
6A.3.4A	Consent required for reports and investigation	733
6A.3.5	Application for licence	734
6A.3.6	Report to Minister by Secretary on applications	735
6A.3.7	Determination of applications	736
6A.3.7A	Prohibition on improper interference	738
6A.3.7B	Prohibition on lobbying	738
6A.3.8	Issue of licence	739
6A.3.8A	Keno licence not personal property	739
6A.3.9	Licence conditions	740
6A.3.9A	Responsible Gambling Code of Conduct is a condition of licence	740
6A.3.10	Minister may refuse to issue keno licence if related agreements not entered into	740
6A.3.10A	Related agreements with keno licensee	741
6A.3.10B	No compensation payable because of a direction to enter into related agreements	742
6A.3.11	Duration of licence	742
6A.3.11AA	Exclusivity period for licence	742
6A.3.11A	Extension of licence	742
6A.3.12	Licence may authorise preparatory action	743
6A.3.13	Premium payment	744
6A.3.13A	Penalty interest for late payment	745
6A.3.13B	Recovery of amounts	745
6A.3.14	Publication and tabling	745
6A.3.15	Engaging contractors and appointing agents to assist with approved keno games	747
Division 3—Transfer of licence		**747**
6A.3.16	Transfer only under this Division	747
6A.3.17	Application to transfer licence	747
6A.3.18	Transfer of a keno licence	748
6A.3.19	Report to Minister by Commission	751
6A.3.20	Related agreements	752
6A.3.21	Publication and tabling	752
Division 4—Amendment and surrender of licence		**754**
6A.3.22	Request by licensee for amendment of licence	754
6A.3.22A	Notification of other affected licensees	755
6A.3.22B	Objection by other licensees	756
6A.3.23	Amendment of licence	756

6A.3.23A Prohibition on lobbying for amendment of licence 758
6A.3.24 Surrender of licence 758

Division 5—Monitoring and disciplinary action 759

6A.3.26 Grounds for disciplinary action 759
6A.3.27 Commission may take or recommend disciplinary action 760
6A.3.28 Minister may take disciplinary action 762
6A.3.29 Suspension of licence pending criminal proceedings 763
6A.3.30 Effect of licence suspension 764
6A.3.30A Disciplinary and other action against keno licensee—preparatory action 764

Division 6—Temporary keno licence 765

6A.3.31 Temporary keno licence 765
6A.3.32 Report to Minister by Commission for a temporary keno licence 766
6A.3.32A Report to Minister by Commission for a temporary keno licence issued for 90 days 767
6A.3.33 Arrangements with former licensee 768
6A.3.34 Further provisions for temporary licence 769
6A.3.34A Related agreements with temporary keno licensee 769
6A.3.34B No compensation payable because of a direction to enter into related agreements 770

Division 6A—Requirements in relation to registered players 771

6A.3.34C Definitions 771
6A.3.34D Verification of registered player's identity 771
6A.3.34E Keno funds of registered players 772
6A.3.34F Disclosure of names of registered players 773

Division 7—Further information-gathering powers and obligations 773

6A.3.35 Definitions 773
6A.3.36 Secretary may require further information 774
6A.3.37 Updating information provided to Secretary 775
6A.3.38 Updating information provided to Minister regarding licence application 776
6A.3.39 Updating licence transfer application 777
6A.3.39A Directions to provide information 778
6A.3.39B Directions to licensee 779
6A.3.39C Claim for prize 780
6A.3.39D Unclaimed prizes 781

Division 8—General 782

6A.3.40 Powers of Secretary 782

Part 4—Returns to players, commission, supervision charge and funds **783**

Division 1—Returns to players **783**

6A.4.1 Returns to players 783

Division 2—Commission **784**

6A.4.2 Commission payable to sales agent 784

Division 3—Supervision charge **785**

6A.4.3 Supervision charge 785

Division 4—Funds **785**

6A.4.4 Hospitals and Charities Fund 785

Part 5—Compliance requirements **788**

Division 1—Accounting records **788**

6A.5.1 Accounting records 788

Division 2—Complaints **788**

6A.5.2 Investigation of complaints 788

Part 6—Competition authorisations **790**

6A.6.1 Trade Practices Act and Competition Code 790

Part 7—Harm minimisation directions—keno game providers **791**

6A.7.1 Definitions 791
6A.7.2 Harm minimisation direction 791
6A.7.3 Harm minimisation requirement matters 792
6A.7.4 Tabling and disallowance 793
6A.7.5 Act prevails over harm minimisation direction 794
6A.7.6 Offence to not comply with a harm minimisation direction 794

Chapter 8—Community and charitable gaming **795**

Part 1—Introduction **795**

8.1.1 Purpose 795
8.1.2 Definitions 795

Part 2—Legality of community and charitable gaming **798**

8.2.1 Community and charitable gaming declared lawful 798
8.2.2 Minor gaming must be in accordance with Chapter etc. 798
8.2.3 Permit not required for raffle where prize value $20 000 or less 799

8.2.3A Indexation of threshold for minor gaming permit for raffles 800
8.2.4 Bingo sessions conducted by or on behalf of community or charitable organisations 801
8.2.4A Bingo sessions conducted by others 801
8.2.5 Disclosure if raffle proceeds to be paid to or for a political party 802

Part 3—Community or charitable organisations 803

Division 1—Community or charitable organisations 803

8.3.1 Application to be declared as a community or charitable organisation 803
8.3.2 Commission may require further information etc. 803
8.3.3 Commission may make declaration 804
8.3.4 Can the applicant appeal? 805
8.3.5 Commission to determine appeal 805
8.3.6 Duration of declaration 806
8.3.6A Renewal of declaration 806
8.3.7 Commission may require organisation to show cause 807
8.3.8 Organisation may make submissions 807
8.3.9 Revocation of declaration 808
8.3.10 Appeal to Supreme Court 808
8.3.11 Suspension of declaration 809
8.3.11A Investigation of community or charitable organisations 810
8.3.11B Provision of information 810

Division 2—Minor gaming permits 812

8.3.12 Application for minor gaming permit 812
8.3.13 Determination of application 813
8.3.14 What does a minor gaming permit authorise? 814
8.3.15 Duration of minor gaming permit 814
8.3.16 Nominee of organisation 814
8.3.17 Amendment of permit conditions 815
8.3.18 Appeal 816

Division 3—Disciplinary action 817

8.3.19 Definitions 817
8.3.20 Taking disciplinary action 819
8.3.21 Letter of censure 820
8.3.22 Performance of functions 820

Part 4—Conduct of community and charitable gaming 821

Division 1—Lucky envelopes 821

8.4.1 Lucky envelopes must comply with prescribed standards 821

8.4.2 Lucky envelopes only to be supplied to permit holder 821
8.4.2AA Lucky envelopes must not be sold online 821

Division 2—Bingo 821

8.4.2A Notification of intention to conduct or cease conducting bingo sessions 821
8.4.2B Nominees 823
8.4.2C Notification of large bingo prizes 824
8.4.2D Bingo rules 824
8.4.2E Rules binding unless Commission approves a variation 825
8.4.2F Commission may require notification of bingo rules 826
8.4.3 Bingo equipment must comply with prescribed standards 826
8.4.4 Restriction on supply of bingo equipment 827
8.4.5 Braille bingo tickets 828
8.4.6 Community or charitable organisation may contract with bingo centre operator to conduct bingo 828
8.4.7 Expenses operators can charge for bingo 830
8.4.7A Payment of prize money by cheque or electronic funds transfer 830
8.4.7B Bingo must not be conducted online 831

Division 3—Bingo pooling schemes 832

8.4.8 When can a pooling scheme operate? 832
8.4.9 Membership of pooling scheme 832
8.4.10 Pooling scheme rules 833
8.4.11 Commission may specify matters for rules 833
8.4.12 Disallowance of rules 834
8.4.13 Scheme administrator 834
8.4.14 Amendment of rules 835
8.4.15 Declaration of interest 835
8.4.16 Application to political parties 836

Division 4—Disciplinary action against community or charitable organisations in relation to bingo 837

8.4.17 Definitions 837
8.4.18 Taking disciplinary action 838
8.4.19 Letter of censure 840
8.4.20 Appeal 840

Part 5—Bingo centres 842

Division 1—Licensing of bingo centre operators 842

8.5.1 Requirement to be licensed 842
8.5.2 Application for licence 842

8.5.3	Application procedure	842
8.5.4	Objections	843
8.5.5	Responsible authority's report	844
8.5.6	Matters to be considered in determining applications	844
8.5.7	Determination of applications	846
8.5.7A	Responsible Gambling Code of Conduct is a condition of licence	846
8.5.8	Duration of licence	846
8.5.9	Nominee of licensee	847
8.5.10	Licence non-transferable	849
8.5.11	Licence renewal	849
8.5.12	Amendment of conditions	850
8.5.13	Disciplinary action	851
8.5.14	Letter of censure	854
8.5.15	Effect and maximum period of suspension of bingo centre operator's licence	855
8.5.16	Suspension of bingo centre operator's licence pending criminal proceedings	855
8.5.17	Licence document to be surrendered	856
8.5.18	Provisional bingo centre operator's licence	856
Division 3—Compliance requirements and monitoring		**856**
8.5.37	Accounts and financial statements	856
8.5.38	Returns to the Commission	857
8.5.42	Gaming machines in bingo centres	858
Part 5A—Commercial raffle organisers		**859**
8.5A.1	Definition	859
8.5A.2	Requirement to be licensed	859
8.5A.3	Commission may require person to show cause	859
8.5A.4	Appeal	860
8.5A.5	Application for licence	860
8.5A.6	Objections	861
8.5A.7	Matters to be considered in determining applications	862
8.5A.8	Determination of application	863
8.5A.8A	Responsible Gambling Code of Conduct is a condition of licence	864
8.5A.9	Duration of licence	864
8.5A.10	Nominee of licensee	864
8.5A.11	Licence non-transferable	866
8.5A.12	Licence renewal	866
8.5A.13	Amendment of conditions	868
8.5A.14	Disciplinary action	869
8.5A.15	Letter of censure	872
8.5A.16	Effect and maximum period of suspension of commercial raffle organiser's licence	872

8.5A.17 Suspension of commercial raffle organiser's licence pending criminal proceedings 873
8.5A.18 Licence document to be surrendered 873
8.5A.19 Provisional commercial raffle organiser's licence 873
8.5A.23 Community or charitable organisation may contract with licensee to conduct raffle 874
8.5A.24 Expenses licensee can charge for raffle 875
8.5A.25 Promotion of raffle 875
8.5A.26 Accounts and financial statements 875
8.5A.27 Returns to the Commission 876

Part 6—General compliance requirements 877

Division 1—Banking and records 877

8.6.1 Banking 877
8.6.2 Records 878

Division 2—Ongoing notification requirements 879

8.6.3 Change in situation of person or associate 879

Part 7—Reviews 881

8.7.1 Tribunal reviews 881

Part 8—General 882

8.8.1 Refusal to issue licence or permit 882

Chapter 9—Onboard gaming 884

Part 1—Introduction 884

9.1.1 Purpose 884
9.1.2 Definitions 884
9.1.3 Application of Chapter 885

Part 2—Application of Tasmanian Act 886

9.2.1 Tasmanian Act applies as law of Victoria 886
9.2.2 Amendment of Schedules 886

Part 3—Further provisions regulating onboard gaming 887

Division 1—Legality of onboard gaming 887

9.3.1 Legality of onboard gaming 887
9.3.2 Non-applicability of other laws 887

Division 2—Conduct of onboard gaming 888

9.3.3 Limit on number of gaming machines 888
9.3.4 Unlawful interference with gaming equipment 888
9.3.5 Inducements, cheating etc. 889

Division 3—Taxes **890**

9.3.6 Revenue-sharing agreement 890

Part 4—Suspension of Chapter **891**

9.4.1 Suspension of Chapter 891

Chapter 9A—Licensing of gaming industry employees **892**

9A.1.1 Definitions 892
9A.1.2 Authority conferred by a gaming industry employee's licence 892
9A.1.3 Gaming industry employees to be licensed 894
9A.1.4 Application for gaming industry employee's licence 895
9A.1.5 Determination of application 896
9A.1.6 Conditions of gaming industry employee's licence 896
9A.1.7 Appeal 897
9A.1.8 Identification of gaming industry employee 898
9A.1.9 Provisional licence 899
9A.1.10 Duration of gaming industry employee's licence 900
9A.1.11 Renewal of gaming industry employee's licence 900
9A.1.12 Disciplinary action 901
9A.1.13 Suspension of gaming industry employee's licence in connection with criminal proceedings 903
9A.1.14 Effect etc. of suspension 903
9A.1.15 Return of licence on suspension or cancellation 904
9A.1.16 Termination of employment on suspension or cancellation of licence 904
9A.1.17 Licensee to provide information relating to licence 904
9A.1.18 Compulsory training for certain gaming industry employees 905
9A.1.19 Venue operator may perform duties of gaming industry employee 906
9A.1.20 Volunteers at bingo centres 907
9A.1.21 Casino employees 907
9A.1.22 Change in situation of licensees 908

Chapter 10—Administration and enforcement **909**

Part 1—The Commission's functions **909**

Division 1—General functions **909**

10.1.4 Functions of Commission 909
10.1.5A Standards for approvals of technical equipment and systems 912
10.1.5B Standards relating to certain matters 913
10.1.5C Operational requirements 915

Division 6—Confidentiality **918**

10.1.29 Definitions 918
10.1.30 General duty of confidentiality 920
10.1.31 Disclosure in legal proceedings 921
10.1.32 Other permitted disclosures 922
10.1.33 Aggregation of statistical information 924
10.1.34 Third party disclosures 925

Part 1A—The Minister and the Secretary **926**

10.1A.1 Nomination of assistants and advisers 926
10.1A.2 Directions to licence holders to provide information for policy development 926
10.1A.3 Delegation of certain reporting functions of Secretary 927

Part 2A—Review Panel **930**

Division 1—Introduction **930**

10.2A.1 Definitions 930

Division 2—Establishment and functions **933**

10.2A.2 Establishment of Review Panel 933
10.2A.3 Functions and powers of Review Panel 933

Division 3—Membership of Review Panel **936**

10.2A.4 Membership of Review Panel 936
10.2A.5 Chairperson 936
10.2A.6 Other members 937
10.2A.7 Vacancies and resignation 937
10.2A.8 Acting chairperson 938

Division 4—Procedure of Review Panel **939**

10.2A.9 Meetings 939
10.2A.10 Reports 939
10.2A.11 Publication of Review Panel reports 940
10.2A.12 Direction in response to Review Panel's reports 943

Part 3—Funds **944**

Division 1—Community Support Fund **944**

10.3.1 Community Support Fund 944
10.3.2 Payments into Community Support Fund 944
10.3.3 Payments from the Community Support Fund 944
10.3.3A Additional payment from the Community Support Fund 946

Division 2—Mental Health Fund **947**

10.3.4 Mental Health Fund 947
10.3.5 Payments into the Mental Health Fund 947
10.3.6 Payments from the Mental Health Fund 947

Division 3—Gambling Harm Response Fund **948**

10.3.7 Gambling Harm Response Fund 948
10.3.8 Payments into the Gambling Harm Response Fund 948
10.3.9 Payments from the Gambling Harm Response Fund 948

Part 4—Investigations and information gathering by the Commission **950**

Division 1—Investigation of applications **950**

10.4.1 Application of Division 950
10.4.2 Investigation of application 952
10.4.3 Photographs, finger prints and palm prints 953
10.4.4 Police inquiry and report 955
10.4.5 Commission may require further information etc. 957
10.4.6 Updating of application 959
10.4.7 Costs of investigating applications 961

Division 1B—Investigations of certain licence transfers and temporary licensing **963**

10.4.7I Definitions 963
10.4.7J Investigations and inquiries 964
10.4.7K Photographs, finger prints and palm prints 965
10.4.7L Police inquiry and report 966
10.4.7M Commission may require further information 967
10.4.7N Updating information 968
10.4.7O Costs of investigating 968

Division 1C—Investigations of persons for suitability for invitation, and to apply, for certain licences **969**

10.4.7P Definitions 969
10.4.7Q Investigations and inquiries 970
10.4.7R Photographs, finger prints and palm prints 972
10.4.7S Police inquiry and report 973
10.4.7T Commission may require further information 974
10.4.7U Updating information 976
10.4.7V Costs of investigating 976
10.4.7W Service agreement 977
10.4.7X Powers of Secretary 978

Division 1D—Investigations of certain licence applications **978**

10.4.7Y Definitions 978
10.4.7Z Investigations and inquiries 979

10.4.7ZA	Photographs, finger prints and palm prints	980
10.4.7ZB	Police inquiry and report	981
10.4.7ZC	Commission may require further information	982
10.4.7ZD	Updating information	983
10.4.7ZE	Costs of investigating	983
10.4.7ZF	Service agreement	984
10.4.7ZG	Powers of Secretary	984
Division 2—General investigatory powers of Commission		**985**
10.4.8	Definitions	985
10.4.10	Provision of information	986
Division 3—Information gathering for law enforcement purposes		**988**
10.4.11	Information gathering for law enforcement purposes	988
Part 4A—Monitoring of relationships with associates		**990**
Division 1—Interpretation		**990**
10.4A.1	Definitions	990
10.4A.2	Relevant interests	991
10.4A.3	References to the Corporations Act	991
Division 2—Notifications in relation to associates		**992**
10.4A.4	Change in situation of gambling industry participants, associates etc.	992
10.4A.5	Notification of Commission of persons who are likely to become associates	992
10.4A.6	Notification of Commission of persons who have become associates	992
Division 3—Commission approval		**993**
10.4A.7	Prior Commission approval required before certain persons become associates	993
Division 4—Termination of associations, warnings and undertakings		**994**
10.4A.8	Termination of association	994
10.4A.9	Written warnings and undertakings in relation to conduct of associates	995
Division 5—Forfeiture and sale of shares in gambling industry participants		**996**
10.4A.10	Disposal, forfeiture etc. of shares	996
10.4A.11	Sale of forfeited shares	998
Division 6—Investigations for purposes of Divisions 4 and 5		**998**
10.4A.12	Investigation of associates and others	998

10.4A.13 Provision of information to Commission 999
10.4A.14 Reports to Minister 1001

Part 5—Compliance and enforcement 1002

Division 1—Inspectors 1002

10.5.4 Police may perform functions of inspectors 1002
10.5.5 Responsibilities of inspectors while on duty 1002

Division 2—Functions of inspectors 1003

10.5.7 Functions of inspectors 1003
10.5.8 Right of entry 1003
10.5.9 Powers of inspectors 1004
10.5.10 Power to require names and addresses 1006
10.5.11 Inspector to investigate complaints 1007
10.5.12 Search warrants 1007
10.5.13 Announcement before entry 1009
10.5.14 Copy of warrant to be given to occupier or person in charge of vehicle 1010
10.5.14B Application of Division to personal electronic devices 1011

Division 3—Offences 1011

10.5.15 Offences relating to obstruction of inspectors 1011
10.5.16 False or misleading information 1012
10.5.17 Impersonation of inspectors or commissioners 1013
10.5.18 Bribery of authorised person 1013
10.5.19 Protection against self-incrimination 1015

Division 4—Infringement notices 1015

10.5.20 Power to serve a notice 1015
10.5.21 Prescribed infringement penalty 1016
10.5.27 Proof of prior convictions 1016

Division 5—Forfeiture 1017

10.5.28 Forfeiture 1017
10.5.29 Seizure and forfeiture of equipment 1018

Division 6—Prosecutions and evidentiary provisions 1019

10.5.30 Offences by bodies 1019
10.5.31 Proceedings 1020
10.5.32 Evidence 1020

Part 6—Self exclusion programs and Responsible Gambling Codes of Conduct 1023

Division 1—Self-exclusion programs 1023

10.6.1 Ministerial direction about self-exclusion programs 1023

10.6.2 Change in Ministerial direction about self-exclusion programs 1023
10.6.3 Review of direction about self-exclusion programs 1024
10.6.4 Regulations prevail over direction 1024

Division 2—Responsible Gambling Codes of Conduct 1025

10.6.5 Definition 1025
10.6.6 Ministerial direction about Responsible Gambling Codes of Conduct 1025
10.6.7 Change in Ministerial direction about Responsible Gambling Codes of Conduct 1026
10.6.8 Review of direction about Responsible Gambling Codes of Conduct 1027
10.6.9 Regulations prevail over direction 1027

Part 7—Minors 1029

10.7.1 Definitions 1029
10.7.2 Application of Part 1031
10.7.3 Offences in respect of allowing a minor to gamble 1032
10.7.4 Offence to assist minor to gamble 1033
10.7.5 Offence by minor to gamble 1033
10.7.6 Offences in respect of minors in a gaming machine area or casino 1033
10.7.7 Offence by minor to enter gaming machine area or casino 1034
10.7.8 Offence by minor using false evidence of age 1034
10.7.9 Notices to be displayed 1035
10.7.10 Supervision of vending machines 1035
10.7.11 No offence if gambling employee a minor 1035
10.7.12 Exceptions to offences in this Part 1036
10.7.13 Proof of age may be required 1036

Chapter 11—General 1038

Part 1—Administrative provisions 1038

Division 1—Service of documents 1038

11.1.1 Service of documents on Commission 1038
11.1.2 Service of documents on other persons 1038

Division 2—Records and forms 1039

11.1.3 Records not kept in writing 1039
11.1.4 Sufficient compliance with approved forms 1039

Division 3—General 1040

11.1.5 Destruction of finger prints and palm prints 1040
11.1.6 Refund of fees 1041
11.1.7 Supreme Court—limitation of jurisdiction 1041

11.1.8 No entitlement to or legitimate expectation of licence 1041

Part 2—Regulations 1043

11.2.1 Regulations 1043

Chapter 12—Amendments, repeals and transitional and other provisions 1046

Part 2—Transitional provisions 1047

12.2.1 Transitional provisions 1047

Schedules 1049

Schedule 1—Subject matter for regulations 1049

Schedule 2—Modifications of Tasmanian Act 1064

Schedule 3—Modifications of Tasmanian regulations 1067

Schedule 4—Forms for Chapter 2 1068

Schedule 5—Municipal districts within metropolitan Melbourne 1070

Schedule 7—Transitional provisions 1072

Endnotes 1182

1 General information 1182

2 Table of Amendments 1184

3 Explanatory details 1199

Authorised Version No. 109

Gambling Regulation Act 2003

No. 114 of 2003

Authorised Version incorporating amendments as at
25 June 2025

The Parliament of Victoria enacts as follows:

Chapter 1—Preliminary

1.1 Purpose, objectives and outline

(1) The main purpose of this Act is to re-enact and consolidate the law relating to various forms of gambling.

S. 1.1(1) amended by No. 58/2011 s. 69(1).

(2) The main objectives of this Act are—

(a) to foster responsible gambling in order to—

(i) minimise harm caused by problem gambling; and

(ii) accommodate those who gamble without harming themselves or others;

(ab) to ensure that minors are neither encouraged to gamble nor allowed to do so;

S. 1.1(2)(ab) inserted by No. 71/2008 s. 3(a).

(b) to ensure that gaming on gaming machines is conducted honestly;

(c) to ensure that the management of gaming equipment and monitoring equipment is free from criminal influence and exploitation;

S. 1.1(2)(c) amended by No. 58/2009 s. 112(1).

(d) to ensure that other forms of gambling permitted under this or any other Act are conducted honestly and that their management is free from criminal influence and exploitation;

(e) to ensure that—

S. 1.1(2)(e)(i) substituted by No. 71/2008 s. 3(b).

(i) community and charitable gaming benefits the community or charitable organisation concerned;

(ii) practices that could undermine public confidence in community and charitable gaming are eliminated;

(iii) bingo centre operators do not act unfairly in providing commercial services to community or charitable organisations;

(f) to promote tourism, employment and economic development generally in the State.

(3) In outline, this Act—

(a) generally prohibits gambling and activities relating to gambling unless authorised under this Act or the **Casino Control Act 1991**;

(b) provides for the conduct under licence of gaming on gaming machines at approved venues and the casino;

(c) provides for the licensing of wagering and betting competitions, including on-course wagering;

S. 1.1(3)(d) amended by No. 64/2014 s. 3.

(d) provides for the conduct under licence of public lotteries and the conduct of trade promotion lotteries;

S. 1.1(3)(e) substituted by No. 1/2021 s. 8.

(e) provides for the conduct under licence of keno games;

S. 1.1(3)(f) repealed by No. 28/2022 s. 127(a).

* * * * *

(g) provides for the conduct of activities authorised under Chapter 8 by community or charitable organisations;

S. 1.1(3)(g) amended by No. 58/2009 s. 112(2).

(h) provides for the licensing of bingo centre operators and employees;

(i) provides for the conduct of gaming and conduct of monitoring on board ships travelling between Victoria and Tasmania;

S. 1.1(3)(i) amended by No. 58/2009 s. 112(3).

(j) confers functions and powers and imposes duties on the Victorian Gambling and Casino Control Commission to oversee gambling in Victoria;

S. 1.1(3)(j) substituted by No. 58/2011 s. 69(2), amended by No. 54/2021 s. 41(a).

(k) establishes a Review Panel to report to the Minister on certain processes;

S. 1.1(3)(k) repealed by No. 104/2004 s. 40(a), new s. 1.1(3)(k) inserted by No. 11/2007 s. 4(a).

(l) provides for the appointment of inspectors and inspection powers to ensure compliance with the Act;

(m) sets out offences;

(n) repeals 8 existing Acts that prohibit or regulate various forms of gambling, amends the **Casino Control Act 1991** and makes consequential amendments to other Acts.

(4) Subsection (3) is intended only as a guide to readers as to the general scheme of this Act.

1.2 Commencement

(1) This Chapter and section 12.1.4 come into operation on the day after the day on which this Act receives the Royal Assent.

S. 1.2(1) amended by No. 45/2004 s. 15.

S. 1.2(2) amended by No. 45/2004 s. 16(1).

(2) Subject to subsections (2A), (3) and (4), the remaining provisions of this Act come into operation on a day or days to be proclaimed.

S. 1.2(2A) inserted by No. 45/2004 s. 16(2).

(2A) Section 3.6.12 comes into operation on 1 July 2004.

(3) Section 12.1.5 comes into operation on 1 July 2009.

S. 1.2(4) amended by No. 45/2004 s. 16(3).

(4) If a provision referred to in subsection (2) (other than section 3.6.12 or 12.1.5) does not come into operation before 1 July 2005, it comes into operation on that day.

1.3 Definitions

(1) In this Act—

S. 1.3(1) def. of *AFL footy tipping competition* substituted by No. 54/2006 s. 3(a), amended by Nos 22/2005 s. 6(2), 72/2007 s. 51(a).

AFL footy tipping competition means a lottery in which the prizes are distributed on the basis of results of matches in the Australian Football League and in accordance with the lottery rules for the lottery;

S. 1.3(1) def. of *aircraft* inserted by No. 25/2009 s. 12.

aircraft means a machine or structure used or intended to be used for navigation of the air;

S. 1.3(1) def. of *alternative cash access facility* inserted by No. 32/2012 s. 3(1), repealed by No. 62/2017 s. 92(a).

* * * * *

amusement machine means—

(a) any machine, device, contrivance or electronic apparatus operated for pecuniary consideration for the purpose of playing games which involve the activation or manipulation of the machine, device, contrivance or electronic apparatus to achieve a pre-set, programmed, designated or otherwise defined score, object or result; and

(b) any machine, device, contrivance or electronic apparatus prescribed as an amusement machine;

approved betting competition means a betting competition approved by the Minister under section 4.5.3 or the Commission under section 4.5.6;

S. 1.3(1) def. of *approved betting competition* substituted by No. 18/2007 s. 4(b).

approved betting event has the meaning given in section 4.5.1;

S. 1.3(1) def. of *approved betting event* inserted by No. 18/2007 s. 4(a).

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S. 1.3(1) def. of *approved bookmaker* inserted by No. 45/2004 s. 17(b), repealed by No. 73/2008 s. 18(1).

* * * * *

S. 1.3(1) def. of *approved bookmaking company* repealed by No. 73/2008 s. 18(1).

approved gaming machine means a gaming machine of a type approved by the Commission under section 3.5.4;

S. 1.3(1) def. of *approved keno game* inserted by No. 1/2021 s. 9(1)(a).

approved keno game means a keno game approved by the Minister under section 6A.2A.1;

approved racing club means a club, society or other association the rules of which are approved under section 26 of the **Racing Act 1958**;

approved venue means premises—

(a) to which a venue operator's licence applies; and

(b) in respect of which an approval is in force under Part 3 of Chapter 3;

associate has the meaning given in section 1.4;

S. 1.3(1) def. of *approved bookmaker* repealed by No. 45/2004 s. 17(a).

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S. 1.3(1) def. of *authorised deposit-taking institution* repealed by No. 64/2014 s. 4(a).

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authorised person means—

(a) a commissioner; or

(b) an inspector; or

(c) a person appointed under subsection (3);

authorising officer, of a club that is—

S. 1.3(1) def. of *authorising officer* inserted by No. 29/2009 s. 4(1), amended by Nos 20/2012 s. 226(Sch. 5 item 14(a)), 9/2013 s. 42(Sch. 2 item 10).

(a) a company, means the company's secretary;

(b) a co-operative (within the meaning of the Co-operatives National Law (Victoria)), means the secretary of the co-operative;

(c) an incorporated association (within the meaning of the **Associations Incorporation Reform Act 2012**), means the secretary of the association;

betting contract means a contract, arrangement or understanding—

S. 1.3(1) def. of *betting contract* inserted by No. 29/2009 s. 44(1).

(a) to make a bet; or

(b) to enter into betting or take a share or interest in another transaction that involves a bet;

betting exchange means a facility, electronic or otherwise, that provides a mechanism through which—

S. 1.3(1) def. of *betting exchange* inserted by No. 29/2009 s. 44(1).

(a) offers to enter into betting contracts are regularly made and accepted; or

(b) offers or invitations to enter into betting contracts are regularly made that are intended to result, or may reasonably be expected to result, directly or indirectly, in the acceptance of the offers or invitations—

but does not include a facility that provides a mechanism through which a betting contract is able to be made with a bookmaker or a totalisator;

betting rules means rules made in accordance with Chapter 4 for wagering or approved betting competitions;

bingo means the game of bingo or any similar game;

S. 1.3(1) def. of *bingo centre* substituted by No. 71/2008 s. 19.

bingo centre means a house or place in which sessions of bingo are regularly conducted on a commercial basis;

S. 1.3(1) def. of *bingo centre employee* repealed by No. 104/2004 s. 4(4)(a).

* * * * *

S. 1.3(1) def. of *bingo centre employee's licence* repealed by No. 104/2004 s. 4(4)(a).

* * * * *

bingo centre operator means the holder of a bingo centre operator's licence;

bingo centre operator's licence means a licence to operate a bingo centre under Division 1 of Part 5 of Chapter 8;

S. 1.3(1) def. of *bookmaker* inserted by No. 73/2008 s. 18(3).

bookmaker includes—

(a) a person who (whether on the person's own account or as employee or agent of any other person) carries on the business or vocation of or acts as a bookmaker or turf commission agent;

(b) a person who gains or endeavours to gain a livelihood wholly or partly by betting or making wagers;

bookmaker's key employee means a person who is—

S. 1.3(1) def. of *bookmaker's key employee* inserted by No. 73/2008 s. 18(3), amended by No. 23/2025 s. 74(Sch. 1 item 2.1(a)).

(a) employed by a bookmaker in a managerial capacity; or

(b) authorised to make decisions, involving the exercise of the person's discretion, which are relevant to the business operations of a bookmaker; or

(c) employed in any other activity relating to the operations of a bookmaker that is specified by the Commission;

business day means a day other than a Saturday, a Sunday or a public holiday appointed under the **Public Holidays Act 1993**;

S. 1.3(1) def. of *business day* inserted by No. 27/2013 s. 4(1).

cash facility means—

S. 1.3(1) def. of *cash facility* amended by Nos 32/2012 s. 3(2), 62/2017 s. 92(b), 23/2025 s. 74(Sch. 1 item 2.1(b)).

(a) an automatic teller machine; or

(b) an EFTPOS facility; or

(ba) a facility that—

(i) enables a person to obtain funds without a person employed or engaged by a venue operator enabling the obtaining of those funds; and

(ii) issues a receipt or other authority requiring the venue operator to pay to that person cash representing the amount obtained; or

(c) any other prescribed facility that enables a person to gain access to the person's funds or to credit;

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

casino licence means a casino licence issued under the **Casino Control Act 1991**;

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

S. 1.3(1) def. of *casino special employee's licence* substituted by No. 104/2004 s. 4(2).

casino special employee's licence means a licence issued under Part 4 of the **Casino Control Act 1991**;

club includes club, society or other association of persons by whatever name called and whether incorporated or unincorporated;

S. 1.3(1) def. of *club gaming machine entitlement* inserted by No. 29/2009 s. 4(1).

club gaming machine entitlement means a gaming machine entitlement that is subject to a venue condition that authorises the conduct of gaming in an approved venue in respect of which a club licence or racing club licence is in force;

S. 1.3(1) def. of *club keno game* repealed by No. 1/2021 s. 9(1)(b).

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S. 1.3(1) def. of *club keno system* inserted by No. 104/2004 s. 4(3), repealed by No. 1/2021 s. 9(1)(b).

* * * * *

club licence means a club licence (whether full or restricted) under section 10 of the **Liquor Control Reform Act 1998**;

commercial raffle organiser means a person, other than an employee of the holder of a minor gaming permit, who is retained on a commercial basis to conduct a raffle, in whole or in part;

S. 1.3(1) def. of *commercial raffle organiser* inserted by No. 104/2004 s. 4(5).

commercial raffle organiser's licence means a licence granted under Part 5A of Chapter 8;

S. 1.3(1) def. of *commercial raffle organiser's licence* inserted by No. 104/2004 s. 4(5).

Commission means Victorian Gambling and Casino Control Commission established under Part 2 of the **Victorian Gambling and Casino Control Commission Act 2011**;

S. 1.3(1) def. of *Commission* amended by No. 58/2011 s. 70(1)(a), substituted by No. 54/2021 s. 41(b).

commissioner means a member of the Commission;

* * * * *

S. 1.3(1) def. of *common gaming house or place* repealed by No. 56/2014 s. 3(a).

community or charitable organisation means an organisation declared to be a community or charitable organisation under Division 1 of Part 3 of Chapter 8;

community purpose—

(a) in Division 2 of Part 6 of Chapter 3, has the meaning given in section 3.6.2;

(b) elsewhere, means—

(i) any philanthropic or benevolent purpose, including the promotion of art, culture, science, religion, education or charity, and including the benefiting of a fund certified to be a patriotic fund under section 24 of the **Patriotic Funds Act 1958** or the fund or part of the fund of the Australian Red Cross Society; or

(ii) any sporting or recreational purpose, including the benefiting of any sporting or recreational club or association;

computer cabinet*,* in relation to a gaming machine, means the sealable cabinet in the machine that contains the game program storage medium and the Random Access Memory;

computer server means a computer that is capable of—

(a) communicating with another computer; and

(b) providing to that other computer—

(i) access to a database; or

(ii) transaction based services; or

(iii) software applications;

conduct includes carry on, manage or assist in carrying on or managing;

conduct of gaming has the meaning given in section 3.1.4;

constituting document, of a club that is—

S. 1.3(1) def. of *constituting document* inserted by No. 29/2009 s. 4(1), amended by Nos 20/2012 s. 226(Sch. 5 item 14(b)), 9/2013 s. 42(Sch. 2 item 10).

(a) a company, means the constitution of the company;

(b) a co-operative (within the meaning of the Co-operatives National Law (Victoria)), means the rules of the co-operative;

(c) an incorporated association (within the meaning of the **Associations Incorporation Reform Act 2012**), means the rules of the association;

decision, in relation to the Commission, includes determination;

* * * * *

S. 1.3(1) def. of *declared operator* repealed by No. 28/2022 s. 15(g).

director, in relation to a body corporate, has the same meaning as in section 9 of the Corporations Act;

domestic partner of a person means—

S. 1.3(1) def. of *domestic partner* substituted by No. 12/2008 s. 73(1)(Sch. 1 item 26.1).

(a) a person who is in a registered relationship with the person; or

(b) an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides

domestic support and personal care to the person—

(i) for fee or reward; or

(ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

S. 1.3(1) def. of *electronic monitoring system* substituted by No. 64/2010 s. 34.

electronic monitoring system has the meaning given by section 1.3B;

S. 1.3(1) def. of *entitlement holder* inserted by No. 58/2011 s. 70(1)(c).

entitlement holder means a venue operator that is the holder of a gaming machine entitlement;

S. 1.3(1) def. of *entitlement holder connected person* inserted by No. 58/2011 s. 70(1)(c).

entitlement holder connected person means—

(a) a person who has a prescribed interest referred to in paragraph (a) of the definition of ***prescribed connection***; or

(b) a person who has a prescribed right or power referred to in paragraph (b) of the definition of ***prescribed connection***; or

(c) a prescribed common person referred to in paragraph (c) of the definition of ***prescribed connection***; or

(d) a person who is in or has a prescribed relationship referred to in paragraph (d) or (e) of the definition of ***prescribed connection***; or

(e) a person who is a party to a prescribed agreement or arrangement referred to in paragraphs (f) or (g) of the definition of ***prescribed connection***;

executive officer, has the meaning given in section 1.4;

* * * * *

S. 1.3(1) def. of *Executive Commissioner* repealed by No. 58/2011 s. 70(2).

externally-administered body corporate has the same meaning as in the Corporations Act;

function includes power, authority and duty;

fundraising event means an event conducted by a community or charitable organisation for the purpose of raising money for the organisation and at which gambling is conducted;

S. 1.3(1) def. of *fundraising event* amended by No. 56/2014 s. 3(b).

gambling has the meaning given in section 1.3AA;

S. 1,3(1) def. of *gambling* inserted by No. 56/2014 s. 3(g).

S. 1.3(1) def. of *gambling authorisation* inserted by No. 58/2011 s. 70(1)(c).

gambling authorisation means a licence, permit or registration as a bookmaker or bookmaker's key employee under Part 5A of Chapter 4 issued or gaming machine entitlement allocated under this Act;

gambling business means the business of conducting or operating an activity that is regulated by this Act;

S. 1.3(1) def. of *gambling industry participant* inserted by No. 56/2010 s. 57, amended by Nos 60/2011 s. 3(1), 1/2021 s. 9(1)(c), 28/2022 ss 15(a), 127(b), 13/2023 s. 4(a), 23/2025 s. 18(c).

gambling industry participant means—

(a) a bingo centre operator; or

(b) a holder of a commercial raffle organiser's licence; or

* * * * *

* * * * *

(e) a keno licensee; or

(f) the monitoring licensee; or

(g) a registered bookmaker; or

(h) a public lottery licensee; or

(i) a registered bookmaker's key employee; or

(j) a venue operator; or

(k) a wagering and betting licensee; or

* * * * *

(m) a person listed on the Roll; or

(n) a relevant applicant or invitee;

gaming Act means—

(a) this Act;

(b) the **Casino Control Act 1991**;

gaming equipment means any—

S. 1.3(1) def. of *gaming equipment* substituted by No. 58/2009 s. 4(1) (as amended by No. 64/2010 s. 48(1)(2)).

(a) gaming machine;

(b) part of, or replacement part for, any such machine;

(c) restricted gaming component;

(d) linked jackpot display payout and linked jackpot payout meter;

gaming industry employee's licence means a licence issued under Chapter 9A;

S. 1.3(1) def. of *gaming industry employee's licence* inserted by No. 104/2004 s. 4(4)(b).

* * * * *

S. 1.3(1) def. of *gaming licence* repealed by No. 28/2022 s. 15(g).

gaming machine means any device, whether wholly or partly mechanically or electronically operated, that is so designed that—

S. 1.3(1) def. of *gaming machine* amended by No. 28/2022 s. 127(c).

(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 3.1.3 but does not include—

(c) a lucky envelope vending machine within the meaning of Chapter 8;

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S. 1.3(1) def. of *gaming machine area* substituted by No. 104/2004 s. 4(1).

gaming machine area means—

(a) in relation to an approved venue, an area in the approved venue that is approved by the Commission under Part 3 of Chapter 3 as an area in which a gaming machine is permitted to be installed; or

(b) in relation to a casino, an area in the casino that is determined by the Commission under section 3.1.5(3A) to be a gaming machine area only for the purposes referred to in that subsection;

S. 1.3(1) def. of *gaming machine entitlement* inserted by No. 29/2009 s. 4(1).

gaming machine entitlement means an entitlement created under Part 4A of Chapter 3;

S. 1.3(1) def. of *gaming machine entitlement declared day* inserted by No. 29/2009 s. 4(1).

gaming machine entitlement declared day, in relation to a gaming machine entitlement, means the day declared by the Minister under section 3.4A.1 in relation to that entitlement;

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;

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S. 1.3(1) defs of *gaming operator, gaming operator's licence* repealed by No. 28/2022 s. 15(g).

gaming regulations means regulations made under a gaming Act;

gaming token means Australian currency or any token, credit or any other thing that enables a bet to be made on a gaming machine;

greyhound race means a race in which greyhounds compete;

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

harness race means a race in which horses compete moving at a gait generally known as pacing or trotting;

Hospitals and Charities Fund means the fund established under section 136 of the **Health Services Act 1988**;

horse race means a race in which horses compete but does not include a harness race;

hotel gaming machine entitlement means a gaming machine entitlement that is subject to a venue condition that authorises the conduct of gaming in an approved venue in respect of which a pub licence is in force;

S. 1.3(1) def. of *hotel gaming machine entitlement* inserted by No. 29/2009 s. 4(1).

S. 1.3(1) def. of *inquiry* inserted by No. 58/2011 s. 70(1)(c), amended by No. 54/2021 s. 41(c).

inquiry has the same meaning as in the **Victorian Gambling and Casino Control Commission Act 2011**;

S. 1.3(1) def. of *insolvent under administration* repealed by No. 4/2008 s. 32(Sch. item 12).

* * * * *

S. 1.3(1) def. of *inspector* substituted by No. 58/2011 s. 70(1)(b). amended by Nos 54/2021 s. 41(c), 26/2022 s. 11(a).

inspector means a gambling and casino inspector appointed under section 40 of the **Victorian Gambling and Casino Control Commission Act 2011**;

S. 1.3(1) def. of *interactive game* repealed by No. 28/2022 s. 127(d)(i).

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S. 1.3(1) def. of *interactive gaming equipment* repealed by No. 28/2022 s. 127(d)(i).

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S. 1.3(1) def. of *interactive gaming licence* repealed by No. 28/2022 s. 127(d)(i).

keno game means a game—

(a) that is a rapid draw lottery that meets the prescribed minimum frequency of draws (if any); and

(b) the outcome of which is determined by a random number generator that draws—

(i) a number from a set of numbers; or

(ii) a set of numbers from a larger set of numbers; and

(c) that is not conducted on a totalisator; and

(d) the results of which are not based on the outcome of a live event; and

(e) that meets any other prescribed requirements—

but does not include a game that is prescribed not to be a keno game;

S. 1.3(1) def. of *keno game* inserted by No. 40/2008 s. 4(1), substituted by Nos 29/2009 s. 69, 1/2021 s. 9(1)(d).

keno licence means a licence granted under Part 3 of Chapter 6A or a temporary keno licence issued under section 6A.3.31;

S. 1.3(1) def. of *keno licence* inserted by No. 40/2008 s. 4(1), amended by No. 1/2021 s. 9(1)(e).

S. 1.3(1) def. of *keno licensee* inserted by No. 40/2008 s. 4(1), amended by No. 1/2021 s. 9(1)(f).

keno licensee means the holder of a keno licence;

S. 1.3(1) def. of *keno system* inserted by No. 40/2008 s. 4(1), amended by No. 1/2021 s. 9(1)(g).

keno system means an electronic system for conducting and monitoring approved keno games, including terminals and peripheral equipment for selling tickets and for validating winning tickets, visual display units, the central processing unit, the game result determination device, front-end devices and other equipment for communication within the system and software in so far as it relates to the conduct and monitoring of approved keno games, but not including a personal electronic device used to purchase a ticket directly from a keno licensee online;

S. 1.3(1) def. of *key operative* amended by Nos 40/2008 s. 4(2), 1/2021 s. 9(1)(h), 28/2022 s. 15(b), 28/2022 s. 127(d)(ii), 13/2023 s. 4(b).

key operative means—

* * * * *

(ab) a wagering and betting licensee;

* * * * *

(c) the holder of a venue operator's licence;

(ca) a keno licensee;

(d) a person listed on the Roll;

(e) a casino operator;

(f) a holder of a public lotteries licence;

* * * * *

(h) a bingo centre operator;

liabilities means all liabilities, duties and obligations, whether actual, contingent or prospective;

licensed premises has the same meaning as in the **Liquor Control Reform Act 1998**;

* * * * *

S. 1.3(1) def. of *licensed provider* repealed by No. 28/2022 s. 127(d)(i).

licensed racing club means Harness Racing Victoria, Greyhound Racing Victoria or a club licensed under section 24A of the **Racing Act 1958**;

* * * * *

S. 1.3(1) def. of *licensed technician* repealed by No. 104/2004 s. 4(4)(a).

liquor has the same meaning as in the **Liquor Control Reform Act 1998**;

lottery includes—

S. 1.3(1) def. of *lottery* amended by Nos 56/2014 s. 3(c) (as amended by No. 64/2014 s. 54(a)), 23/2025 s. 74(Sch. 1 item 2.1(c)).

(a) any scheme by which prizes of money or of any other property, matter or thing are, or are proposed to be, drawn or won by lot, dice or any other mode of chance or by reference to any event or contingency dependent on chance; or

(b) any scheme in which any such prizes are, or are proposed to be, given and in which at any stage the persons eligible to receive the prizes or to participate further in the scheme are, or are to be, determined by lot, dice or any other mode of chance or by reference to any

event or contingency dependent on chance despite that at an earlier or later stage a test of knowledge or skill is or may be required to be passed by any person in order to qualify the person to receive a prize or to participate further in the scheme—

whether the scheme is real or pretended or is established or conducted, or intended or proposed to be established or conducted, and in any case whether wholly or partly in Victoria or elsewhere, but does not include any activity referred to in section 1.3AA(4);

S. 1.3(1) def. of *loyalty scheme* amended by No. 4/2014 s. 4(b).

loyalty scheme means—

(a) a system, used in connection with the operation of gaming machines in approved venues or a casino, in which the players of those gaming machines accumulate bonus, loyalty or reward points from playing the gaming machines; or

(b) any other system that tracks a player's expenditure on a gaming machine other than a pre-commitment mechanism or pre-commitment system;

loyalty scheme provider means a person who conducts a loyalty scheme;

S. 1.3(1) def. of *Melbourne Statistical Division* repealed by No. 62/2017 s. 98(1).

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metropolitan Melbourne means the region that consists of the municipal districts specified in Schedule 5 (subject to any alterations to that region made by regulations referred to in item 3.5B in Schedule 1);

S. 1.3(1) def. of *metropolitan Melbourne* inserted by No. 62/2017 s. 98(2).

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

money includes bank notes, cheques, drafts provided by an ADI and any order, warrant, commission or request for the payment, collection or receipt of money;

S. 1.3(1) def. of *money* amended by Nos 64/2014 s. 4(b), 28/2022 s. 15(c).

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

monitoring equipment means any—

(a) electronic monitoring system;

(b) part of, or replacement part of, any such system;

(c) restricted monitoring component;

S. 1.3(1) def. of *monitoring equipment* inserted by No. 58/2009 s. 4(3) (as amended by No. 64/2010 s. 48(1)(3)).

monitoring licence means the licence granted under Division 4 of Part 4 of Chapter 3 or a temporary monitoring licence issued under section 3.4.59I;

S. 1.3(1) def. of *monitoring licence* inserted by No. 29/2009 s. 4(1), amended by No. 56/2010 s. 3.

monitoring licensee means the holder of the monitoring licence;

S. 1.3(1) def. of *monitoring licensee* inserted by No. 29/2009 s. 4(1).

S. 1.3(1) def. of *monitoring services* inserted by No. 4/2014 s. 4(a).

monitoring services means the services and other things that are authorised under section 3.4.4(1);

S. 1.3(1) def. of *municipal district* amended by No. 9/2020 s. 390(Sch. 1 item 45.1).

municipal district has the same meaning as in the **Local Government Act 2020**;

S. 1.3(1) def. of *municipal limit* inserted by No. 39/2007 s. 4.

municipal limit means the maximum permissible number, determined and in force under section 3.2.4, of gaming machines available for gaming in a municipal district or part of a municipal district;

newspaper includes a newspaper printed in any part of the Commonwealth;

S. 1.3(1) def. of *non-cash gaming token* inserted by No. 62/2017 s. 87.

non-cash gaming token means a gaming token other than cash;

S. 1.3(1) def. of *Panel* repealed by No. 104/2004 s. 40(b).

* * * * *

perform a function includes exercise a power or authority;

S. 1.3(1) def. of *person* amended by No. 28/2022 s. 15(d).

person includes a body (whether or not incorporated) and a partnership;

player account means an account established in accordance with the regulations for a person for the purposes of a pre-commitment system;

S. 1.3(1) def. of *player account* inserted by No. 18/2025 s. 3.

player account equipment has the meaning given in section 3.8A.1;

S. 1.3(1) def. of *player account equipment* inserted by No. 4/2014 s. 4(a).

player card means a card that stores information and that—

(a) may be used to identify a person to whom it is issued (the ***player***); and

(b) may be used by the player to apply a time limit or net loss limit to their playing of gaming machines; and

(c) may also be capable of being used by the player to track their playing of gaming machines for the purposes of a loyalty scheme;

S. 1.3(1) def. of *player card* inserted by No. 4/2014 s. 4(a), substituted by No. 42/2022 s. 51.

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S. 1.3(1) def. of *police officer* inserted by No. 37/2014 s. 10(Sch. item 72.1), repealed by No. 26/2022 s. 11(b).

political party means a political party registered under—

(a) the **Electoral Act 2002**; or

(b) the Commonwealth Electoral Act 1918 of the Commonwealth; or

(c) a law of another State or Territory of the Commonwealth corresponding to a law referred to in paragraphs (a) and (b);

S. 1.3(1) def. of *pooling scheme* amended by No. 27/2013 s. 4(2).

pooling scheme means an arrangement, whether or not in writing and whether or not enforceable at law, under which a person derives a direct or indirect benefit from the gross proceeds of the conduct of a session of bingo games and that person is not the community or charitable organisation which conducts that session;

S. 1.3(1) def. of *pre-commitment mechanism* inserted by No. 29/2009 s. 4(1), amended by No. 43/2012 s. 3(Sch. item 22.1).

pre-commitment mechanism means a prescribed mechanism or system that allows a person to set a time limit or net loss limit before that person plays a gaming machine;

S. 1.3(1) def. of *pre-commitment services* inserted by No. 4/2014 s. 4(a).

pre-commitment services means the services and other things that are authorised under section 3.4.4(1B);

S. 1.3(1) def. of *pre-commitment system* inserted by No. 4/2014 s. 4(a).

pre-commitment system has the meaning given in section 3.8A.1;

S. 1.3(1) def. of *prescribed connection* inserted by No. 58/2011 s. 70(1)(c).

prescribed connection means—

(a) a prescribed interest (legal or equitable) in or in relation to an entitlement holder; or

(b) a prescribed right or power in relation to an entitlement holder; or

(c) a prescribed common person employed or engaged by 2 or more entitlement holders; or

(d) a prescribed relationship between prescribed persons employed or engaged by an entitlement holder or 2 more entitlement holders; or

(e) a prescribed relationship between a person employed or engaged by an entitlement holder and another person; or

(f) a prescribed agreement or arrangement between entitlement holders or an entitlement holder and another person; or

(g) a prescribed agreement or arrangement between persons employed or engaged by an entitlement holder or 2 or more entitlement holders;

property means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description;

pub licence means a general licence under section 8 or a late night (general) licence under section 11A of the **Liquor Control Reform Act 1998**;

S. 1.3(1) def. of *pub licence* amended by No. 59/2009 s. 33.

public lottery has the meaning given in section 5.1.2;

S. 1.3(1) def. of *public lottery licence* amended by No. 54/2006 s. 3(c).

public lottery licence means a public lottery licence issued under Division 2 of Part 3 of Chapter 5 or a temporary public lottery licence issued under section 5.3.27;

public lottery licensee means a person or body that holds a public lottery licence;

S. 1.3(1) def. of *public place* inserted by No. 25/2009 s. 12.

public place includes—

(a) a public highway;

(b) a park, garden, reserve or other place of public recreation or resort;

(c) a railway station, platform or carriage;

(d) a wharf, pier or jetty;

(e) a passenger ship or hire vessel;

(f) a hire vehicle;

(g) a church or chapel open to the public or any other building where divine service is publicly held;

(h) a State school, including the school's land or premises;

(i) a public hall, theatre or room where members of the public are, or are assembling for or departing from, a public entertainment or meeting;

(j) a market;

(k) an auction room, mart or place while a sale or auction is proceeding;

(l) licensed premises or authorised premises within the meaning of the **Liquor Control Reform Act 1998**;

(m) a racecourse, cricket ground, football ground or other sporting ground where members of the public are present or are permitted to have access to, whether with or without an admission fee;

(n) any open place to which the public have access;

race includes a division of a race;

racecourse means land used for race meetings;

S. 1.3(1) def. of *racecourse* inserted by No. 56/2014 s. 3(g).

race field means any information that identifies, or is capable of identifying, the names or numbers of the horses or greyhounds—

S. 1.3(1) def. of *race field* inserted by No. 92/2005 s. 5.

(a) nominated for, or which will otherwise take part in, an intended horse race, harness race or greyhound race to be conducted in Victoria; or

(b) that have been scratched or withdrawn from an intended horse race, harness race or greyhound race to be conducted in Victoria;

race meeting means a meeting conducted by a licensed racing club for the purpose of horse racing, harness racing or greyhound racing;

S. 1.3(1) def. of *race meeting* amended by No. 56/2014 s. 3(d)(e).

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racing club licence means a licence under Part I of the **Racing Act 1958**;

Racing Products means Racing Products Victoria Pty Ltd (A.C.N. 064 067 867);

S. 1.3(1) def. of *Racing Victoria* inserted by No. 40/2008 s. 4(1).

Racing Victoria has the same meaning as in Part I of the **Racing Act 1958**;

raffle—

(a) means any lottery by which any property, matter or thing (not including money, stocks or shares or any warrant, order or security for the payment of money) is assigned by the drawing of lots or by any other method of chance to one or more of a number of persons each of whom has paid a certain sum for a chance of taking or participating in such assignment; and

(b) despite paragraph (a), includes any lottery in which money is assigned if—

(i) the money is part of a prize which includes travel or accommodation or both; and

(ii) the value of the money assigned does not exceed 10% of the total value of the prize or any other amount that is approved by the Commission in writing in a particular case;

random number generator means a machine or device that is so designed that it may be used to select random numbers;

refund means the amount of an investment made in a totalisator under this Act which is repayable to an investor (whether wholly or partly) in accordance with the betting rules;

regional limit means—

S. 1.3(1) def. of *regional limit* substituted by No. 58/2009 s. 4(2) (as amended by No. 64/2010 s. 48(1)).

(a) the maximum permissible number of gaming machines available for gaming in a region of the State determined and in force under section 3.2.4; or

(b) the maximum permissible number of gaming machine entitlements under which gaming may be conducted in a region of the State determined and in force under section 3.4A.5(3A);

Register means the Register of Venue Operators and Approved Venues established and maintained under section 3.4.13;

S. 1.3(1) def. of *Register* amended by No. 29/2009 s. 84(1).

registered bookmaker means the holder of a current certificate of registration as a registered bookmaker under Part 5A of Chapter 4;

S. 1.3(1) def. of *registered bookmaker* amended by No. 73/2008 s. 18(2).

registered bookmaker's key employee means the holder of a current certificate of registration as a registered bookmaker's key employee under Part 5A of Chapter 4;

S. 1.3(1) def. of *registered bookmaker's key employee* inserted by No. 73/2008 s. 18(3).

registered company auditor means a person registered as an auditor, or taken to be so registered, under Part 9.2 of the Corporations Act;

related body corporate, in relation to a body corporate, has the same meaning as in section 9 of the Corporations Act;

New s. 1.3(1) def. of *related body corporate* inserted by No. 38/2017 s. 86(2).

S. 1.3(1) def. of *related entity* repealed by No. 28/2022 s. 15(g).

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S. 1.3(1) def. of *related body corporate* repealed by No. 38/2017 s. 86(1).

* * * * *

S. 1.3(1) def. of *relevant applicant, invitee or registrant* inserted by No. 60/2011 s. 3(2), amended by Nos 1/2021 s. 9(2), 13/2023 s. 4(c), repealed by No. 23/2025 s. 18(b).

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S. 1.3(1) def. of *relevant applicant or invitee* inserted by No. 23/2025 s. 18(a).

relevant applicant or invitee means—

(a) a person the Minister has invited to apply for the monitoring licence but that has not applied for the monitoring licence under section 3.4.42; or

(b) a person the Minister has invited to apply for a wagering and betting licence but that has not applied for a wagering and betting licence under section 4.3A.5; or

(c) a person the Minister has invited to apply for a public lottery licence but that has not applied for a public lottery licence under section 5.3.3; or

(d) a person the Minister has invited to apply for a keno licence but that has not applied for a keno licence under section 6A.3.5; or

(e) a person the Minister is considering inviting to apply for the monitoring licence, a wagering and betting licence, a public lottery licence or a keno licence; or

(f) an applicant for the monitoring licence, a wagering and betting licence, a public lottery licence or a keno licence;

relevant financial interest has the meaning given in section 1.4;

relevant power has the meaning given in section 1.4;

relative has the meaning given in section 1.4;

responsible gambling and regulatory compliance services means the services and other things that are authorised under section 3.4.4(1A);

S. 1.3(1) def. of *responsible gambling and regulatory compliance services* inserted by No. 23/2025 s. 17(1)(a).

Responsible Gambling Code of Conduct means a Code of Conduct to foster responsible gambling;

S. 1.3(1) def. of *Responsible Gambling Code of Conduct* inserted by No. 72/2007 s. 3.

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S. 1.3(1) def. of *responsible gambling services* inserted by No. 4/2014 s. 4(a), repealed by No. 23/2025 s. 17(1)(b).

S. 1.3(1) def. of *responsible gambling sign* inserted by No. 29/2009 s. 63(2).

responsible gambling sign means a sign (whether consisting of words, symbols, pictures or any other thing) that—

(a) can reasonably be taken to be intended to foster responsible gambling in order to minimise the harm caused by problem gambling; and

(b) is prescribed;

S. 1.3(1) def. of *restricted component* repealed by No. 58/2009 s. 4(4) (as amended by No. 64/2010 s. 48(1)).

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S. 1.3(1) def. of *restricted gaming component* inserted by No. 58/2009 s. 4(3) (as amended by No. 64/2010 s. 48(1)).

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

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

S. 1.3(1) def. of *restricted monitoring component* inserted by No. 58/2009 s. 4(3) (as amended by No. 64/2010 s. 48(1)).

rights means all rights, powers, privileges and immunities, whether actual, contingent or prospective;

Roll means the Roll of Manufacturers, Suppliers and Testers established under section 3.4.60;

Secretary means Secretary to the Department of Justice and Community Safety;

S. 1.3(1) def. of *Secretary* inserted by No. 40/2008 s. 4(1), amended by No. 1/2021 s. 9(1)(i).

self-excluded person means a person who is voluntarily excluded from a gaming machine area under a self-exclusion program;

S. 1.3(1) def. of *self-excluded person* inserted by No. 72/2007 s. 3, amended by No. 23/2025 s. 74(Sch. 1 item 2.1(d)).

self-exclusion program means a program that—

(a) enables the voluntary exclusion of a person from a gaming machine area; and

(b) enables the venue operator to prohibit such a person from that area;

S. 1.3(1) def. of *self-exclusion program* inserted by No. 72/2007 s. 3, amended by No. 23/2025 s. 74(Sch. 1 item 2.1(e)).

sell includes offer for sale;

S. 1.3(1) def. of *senior police officer* inserted by No. 37/2014 s. 10(Sch. item 72.1).

senior police officer means a police officer of or above the rank of inspector;

share, in relation to a body corporate, has the same meaning as in section 9 of the Corporations Act;

S. 1.3(1) def. of *soccer football pool* substituted by No. 54/2006 s. 3(b), amended by Nos 22/2005 s. 6(2), 72/2007 s. 51(a).

soccer football pool means a lottery in which the prizes are distributed on the basis of results of soccer football matches in Australia or elsewhere and in accordance with the lottery rules for the lottery, whereby results are selected and given an order of rank;

S. 1.3(1) def. of *special employee's licence* repealed by No. 104/2004 s. 4(4)(a).

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spin means a sequence of actions and states in a gaming machine initiated by a player through a wagering of credits and terminated when all credits wagered have been lost or all winnings have been transferred to the gaming machine's total wins meter and the player's credit meter;

spin rate, in relation to a gaming machine, means the interval between spins on the gaming machine;

sports betting event has the meaning given in section 4.5.1;

S. 1.3(1) def. of *sports betting event* inserted by No. 18/2007 s. 4(a).

sports betting provider has the meaning given in section 4.5.1;

S. 1.3(1) def. of *sports betting provider* inserted by No. 18/2007 s. 4(a).

sports controlling body has the meaning given in section 4.5.1;

S. 1.3(1) def. of *sports controlling body* inserted by No. 18/2007 s. 4(a).

spouse of a person means a person to whom the person is married;

standard entitlement-related conditions has the meaning given in section 3.4A.4A(1);

S. 1.3(1) def. of *standard entitlement-related conditions* inserted by No. 62/2017 s. 67.

standard monitoring-related conditions has the meaning given in section 3.4A.4B(1);

S. 1.3(1) def. of *standard monitoring-related conditions* inserted by No. 62/2017 s. 67.

standard pre-commitment conditions has the meaning given in section 3.8A.19A(1);

S. 1.3(1) def. of *standard pre-commitment conditions* inserted by No. 62/2017 s. 67.

S. 1.3(1) def. of *subsidiary* amended by No. 28/2022 s. 15(e).

subsidiary—

(a) in relation to a body corporate, means another body corporate that is a subsidiary of the first-mentioned body corporate within the meaning of the Corporations Act (but not a subsidiary of another such body corporate);

(b) in relation to any other body, means a body corporate that, if the body were a body corporate, would be a subsidiary of the body within the meaning of the Corporations Act (but not a subsidiary of another such body corporate);

tabaret premises means—

(a) the Old Ballarat Village situated at 623–643 Main Road, Ballarat;

(b) Tabaret situated at the All Seasons Motor Inn, 171–183 McIvor Road, Bendigo;

S. 1.3(1) def. of *technician's licence* repealed by No. 104/2004 s. 4(4)(a).

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telecommunication device means—

(a) a computer adapted for communicating by way of the internet or another communications network; or

(b) a television receiver adapted to allow the viewer to transmit information by way of a cable television network or another communications network; or

(c) a telephone; or

(d) any other electronic device or thing for communicating at a distance;

the applied provisions has the meaning given in section 9.1.2;

this Act includes the applied provisions;

ticket includes—

S. 1.3(1) def. of *ticket* amended by No. 54/2006 s. 3(d).

(a) any document or thing purporting to be, or usually or commonly known as, a ticket or giving, or purporting to give, or usually or commonly understood to give, any right, title, chance, share, interest, authority or permission in or in connection with a lottery, or intended or proposed lottery, or any game, including a ticket in electronic form; and

(b) in relation to a totalisator—a card, token or thing entitling or purporting to entitle any person to any interest in any dividend, division or distribution of any money by means of, or in connection with, or as the result of, the operation of a totalisator;

totalisator means a scheme of pari-mutuel betting, whether conducted by means of an instrument or contrivance known as a totalisator or otherwise;

trade or business, in relation to a community or charitable organisation, includes the conduct of a trade or business of promoting a community or charitable purpose of the organisation;

trade promotion lottery means a lottery for the promotion of a trade or business;

Tribunal means Victorian Civil and Administrative Tribunal established by the **Victorian Civil and Administrative Tribunal Act 1998**;

S. 1.3(1) def. of *Trustees* repealed by No. 28/2022 s. 15(g).

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S. 1.3(1) def. of *unauthorised gambling* inserted by No. 56/2014 s. 3(g).

unauthorised gambling means gambling that is not authorised by or under this Act or another Act;

S. 1.3(1) def. of *unlawful game* repealed by No. 56/2014 s. 3(f).

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S. 1.3(1) def. of *value* inserted by No. 62/2017 s. 87.

value of a non-cash gaming token means the value that—

(a) is stored on or in respect of the token; and

(b) can be used to cause gaming machine credits to be registered by a gaming machine;

S. 1.3(1) def. of *vehicle* inserted by No. 25/2009 s. 12.

vehicle includes motor vehicle, aircraft, vessel, caravan and trailer;

venue operator means the holder of a venue operator's licence;

venue operator's licence means a club venue operator's licence or a hotel venue operator's licence issued under Division 2 of Part 4 of Chapter 3;

S. 1.3(1) def. of *venue operator's licence* substituted by No. 29/2009 s. 4(2).

vessel includes a ship, boat or vehicle that is capable of use in or on water, whether floating or submersible and whether or not self propelled;

S. 1.3(1) def. of *vessel* inserted by No. 25/2009 s. 12.

VicRacing means VicRacing Pty Ltd (A.C.N. 064 067 849);

Victorian company means a company within the meaning of the Corporations Act that is taken to be registered in Victoria;

voting share, in relation to a body corporate, has the same meaning as in section 9 of the Corporations Act;

wagering means pari-mutuel betting on a horse race, harness race or greyhound race;

wagering and betting licence means a licence granted under Part 3A of Chapter 4 or a temporary wagering and betting licence issued under section 4.3A.31;

S. 1.3(1) def. of *wagering and betting licence* inserted by No. 40/2008 s. 4(1), amended by No. 13/2023 s. 4(d).

S. 1.3(1) def. of *wagering and betting licensee* inserted by No. 40/2008 s. 4(1), amended by No. 13/2023 s. 4(e).

wagering and betting licensee means the holder of a wagering and betting licence;

S. 1.3(1) def. of *wagering and betting operator* inserted by No. 32/2012 s. 3(3), substituted by No. 13/2023 s. 4(f).

wagering and betting operator means a company appointed under section 4.3A.15A as operator of a wagering and betting licence;

wagering event means a horse race, harness race or greyhound race;

S. 1.3(1) defs of *wagering licence, wagering operator* repealed by No. 28/2022 s. 15(g).

* * * * *

S. 1.3(1) def. of *wagering service provider* inserted by No. 56/2014 s. 3(g) (as amended by No. 64/2014 s. 54(b)).

wagering service provider means—

(a) a person who operates a totalisator in Victoria or elsewhere;

(b) a person who operates a betting exchange in Victoria or elsewhere;

(c) a person who, in Victoria or elsewhere, carries on the business of, or acts as, a bookmaker or turf commission agent;

(d) a person who, in Victoria or elsewhere, gains or endeavours to gain their livelihood wholly or partly by betting or making wagers;

(e) an employee or agent of a person mentioned in paragraph (a), (b), (c) or (d);

wholly-owned subsidiary—

S. 1.3(1) def. of *wholly-owned subsidiary* amended by No. 28/2022 s. 15(f).

(a) in relation to a body corporate, means a wholly-owned subsidiary of the body corporate within the meaning of the Corporations Act;

* * * * *

(c) in relation to any other body, means a body corporate that would be a wholly-owned subsidiary of the body within the meaning of the Corporations Act if the body were a body corporate;

written notice includes a notice given in the form of electronic data from which a written document can be produced or reproduced.

(2) For the purposes of the definition of ***domestic partner*** in subsection (1)—

S. 1.3(2) substituted by No. 12/2008 s. 73(1)(Sch. 1 item 26.2).

(a) ***registered relationship*** has the same meaning as in the **Relationships Act 2008**; and

(b) in determining whether persons who are not in a registered relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case; and

(c) a person is not a domestic partner of another person only because they are co-tenants.

S. 1.3(2A) inserted by No. 60/2011 s. 3(3).

(2A) A reference to a person listed on the Roll is to be read as a reference to the person being listed in the appropriate division of the Roll as determined by the Commission on the granting of that person's application under section 3.4.63.

S. 1.3(3) amended by Nos 58/2011 s. 70(3), 54/2021 s. 41(d).

(3) The Commission may, by instrument, appoint an employee or member of staff referred to in section 29 of the **Victorian Gambling and Casino Control Commission Act 2011** to be an authorised person for the purposes of this Act.

S. 1.3(4) inserted by No. 73/2008 s. 18(4).

(4) For the purposes of the definition of ***bookmaker's key employee*** in subsection (1), the Commission may specify any activity relating to the operations of a bookmaker by giving written notice to the bookmaker.

S. 13AA inserted by No. 56/2014 s.4 (as amended by No. 64/2014 s. 55)).

1.3AA Meaning of *gambling*

(1) For the purposes of this Act, ***gambling*** means an activity in which—

(a) a prize of money or something else of value is offered or can be won; and

(b) a person pays or stakes money or some other valuable consideration to participate; and

(c) the outcome involves, or is presented as involving, an element of chance.

(2) For the purposes of subsection (1)(c), it is irrelevant—

(a) that the outcome of the activity also involves an element of skill; or

(b) that an element of chance involved in the activity can be overcome or eliminated by superlative skill.

(3) In addition to subsection (1), ***gambling*** includes the following activities—

(a) any game known as—

(i) baccarat; or

(ii) dinah-minah; or

(iii) fan-tan; or

(iv) faro; or

(v) hazard; or

(vi) minah-dinah; or

(vii) roulette; or

(viii) skill-ball; or

(ix) two-up;

(b) any game that is similar to a game referred to in paragraph (a);

(c) any game in which the chances are not equally favourable to all the players, including the banker or other person by whom the game is conducted or against whom the other players stake, play or bet;

(d) any game—

(i) that is played with cards or a document, device, piece of equipment or other thing; and

(ii) in which any person derives a percentage or share of the amount or amounts wagered;

(e) the use of a totalisator.

(4) Despite subsections (1) and (2), ***gambling*** does not include—

(a) an unlisted activity—

(i) that is undertaken with no intention to raise money for any purpose; and

(ii) in which all money or other valuable consideration paid or staked is returned to the participants; and

(iii) in which no person who is organising, managing or supervising the activity (whether or not the person participates in the activity) receives money or other valuable consideration for doing so; or

(b) an unlisted activity in which all participation is gratuitous; or

(c) receiving or holding any money or valuable consideration by way of stakes or deposit to be paid to—

(i) the winner of a race or lawful sport, game or exercise; or

(ii) the owner of a horse engaged in a race; or

(d) a private raffle among employees of the same employer if—

(i) the net proceeds of the raffle are intended to be appropriated to the provision of amenities for employees of that employer; and

(ii) the value of the prize does not exceed $5000; or

(e) an unlisted activity prescribed for the purposes of this paragraph.

(5) In this section—

unlisted activity means an activity that is not referred to in subsection (3).

1.3A What is intoxication?

S. 1.3A inserted by No. 72/2007 s. 4, amended by No. 23/2025 s. 74(Sch. 1 item 2.2).

For the purposes of this Act, a person is in a state of intoxication if the person's speech, balance, co-ordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor.

Note

Note to s. 1.3A amended by Nos 58/2011 s. 104(Sch. item 3.1), 26/2022 s. 12.

The Victorian Liquor Commission issues guidelines containing information about how to determine whether a person is in a state of intoxication. See section 3AB of the **Liquor Control Reform Act 1998**.

1.3B Meaning of *electronic monitoring system*

S. 1.3B inserted by No. 64/2010 s. 35.

(1) For the purposes of this Act an ***electronic monitoring system*** is an 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.

(2) In addition, for the purposes of this Act an ***electronic monitoring system*** includes any software, programming, electronic, computer or communications system or device to enable a venue operator to conduct gaming through a linked jackpot arrangement (other than a gaming machine, linked jackpot display or linked jackpot payout meter).

(3) For the purposes of this Act, a pre-commitment system is not an ***electronic monitoring system***.

S. 1.3B(3) inserted by No. 4/2014 s. 5.

1.4 Who is an associate?

S. 1.4(1) amended by No. 56/2010, s. 58(1).

(1) For the purposes of this Act, an ***associate*** of a gambling industry participant is—

S. 1.4(1)(a) amended by No. 56/2010, s. 58(2).

(a) a person who holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in right of the person or on behalf of any other person) in the gambling business of the gambling industry participant, 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 business; or

S. 1.4(1)(b) amended by No. 56/2010, s. 58(2).

(b) a person who is or will be an executive officer, whether in right of the person or on behalf of any other person, of the gambling business of the gambling industry participant; or

S. 1.4(1)(c) amended by No. 56/2010, s. 58(2).

(c) if the gambling industry participant is a natural person—a person who is a relative of the gambling industry participant.

S. 1.4(1A) inserted by No. 62/2017 s. 28.

(1A) For the purposes of this Act, a person is not taken to be an ***associate*** of a gambling industry participant only because the person and the participant are parties to a registered assignment agreement within the meaning of Chapter 3.

(2) Subsection (1) does not apply for the purposes of Division 6A of Part 3A of Chapter 4 (Betting Exchanges).

S. 1.4(2) amended by Nos 54/2004 s. 12(1), 29/2009 s. 45(1), 56/2010 s. 58(3).

Note

Section 4.3A.34A defines ***associate*** for the purposes of Division 6A of Part 3A of Chapter 4.

Note to s. 1.4(2) amended by No. 54/2004 s. 12(2), substituted by Nos 29/2009 s. 45(2), 56/2010 s. 58(4).

(3) In this section—

executive officer, in relation to a body (whether incorporated or not), means—

(a) a director, secretary or member of the committee of management of the body (by whatever name called); or

(b) any other person who is concerned with, or takes part in, the management of the body, whether or not the person's position is given the name of executive officer;

relative, in relation to a person, means—

(a) the spouse or domestic partner of the person;

(b) a parent, son, daughter, brother or sister of the person; or

(c) a parent, son, daughter, brother or sister of the spouse or domestic partner of the person;

relevant financial interest, in relation to a gambling 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 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 as an executive officer.

1.5 Money invested

A reference in this Act to money or an amount invested whether in a totalisator or otherwise is taken to refer to money or an amount so invested, less any amount repayable to the investor by way of a refund whether because of the cancellation or calling off of a bet or otherwise.

1.6 Act binds the Crown

(1) This Act binds the Crown in right of Victoria and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

(2) However, nothing in this Act makes the Crown in any of its capacities liable for an offence.

Chapter 2—General prohibitions and authorisations

Chapter 2 (Heading) substituted by No. 56/2014 s 5.

Part 1—Introduction

2.1.1 Purposes

S. 2.1.1 substituted by No. 56/2014 s. 6.

The purposes of this Chapter are—

(a) to prohibit unauthorised gambling; and

(b) to authorise certain types of gambling; and

Note

Other Chapters and the **Casino Control Act 1991** also authorise certain types of gambling.

(c) to prohibit the advertising of unauthorised gambling; and

(d) to void contracts and agreements relating to unauthorised gaming or wagering; and

(e) to prohibit the provision of places for unauthorised gambling; and

(f) to provide for the banning of irresponsible gambling products and practices.

2.1.2 Definitions

(1) In this Chapter—

declared place means a place that is subject to a declaration under section 2.5.27;

S. 2.1.2(1) def. of *declared place* inserted by No. 56/2014 s. 7(a).

equipment for unauthorised gambling means a document, device, piece of equipment or other thing that is used, apparently used or likely to be used in conducting, or in connection with, unauthorised gambling;

S. 2.1.2(1) def. of *equipment for unauthorised gambling* inserted by No. 56/2014 s. 7(a).

S. 2.1.2(1) def. of *instrument of betting* repealed by No. 56/2014 s. 7(c).	*	*	*	*	*
S. 2.1.2(1) def. of *instrument of gaming* repealed by No. 56/2014 s. 7(c).	*	*	*	*	*

occupier of a house or place or of any land or building or premises includes the lessee or sub-lessee who is not the owner or named in the certificate of title;

S. 2.1.2(1) def. of *officer of police* repealed by No. 37/2014 s. 10(Sch. item 72.2).	*	*	*	*	*

owner of a house, place, land, building or premises includes every person who is, whether at law or in equity—

(a) entitled thereto for any estate of freehold in possession; or

(b) in actual receipt of or entitled to receive or if the house, place, land, building or premises were let to a tenant would be entitled to receive the rents and profits thereof and if a house, place, land, building or premises is sub-leased includes any lessee or sub-lessee from whom a sub-lessee holds;

place means any place, whether or not—

(a) within a building; or

(b) on land or water; or

(c) defined as to area; or

(d) on private property;

* * * * * **S. 2.1.2(1) def. of *profit* repealed by No. 56/2014 s. 7(c).**

* * * * * **S. 2.1.2(1) def. of *public place* repealed by No. 25/2009 s. 13.**

* * * * * **S. 2.1.2.(1) def. of *racecourse* repealed by No. 56/2014 s. 7(c).**

* * * * * **S. 2.1.2(1) def. of *race meeting* repealed by No. 56/2014 s. 7(c).**

sporting event includes a horse race or other race, fight, game, sport or exercise. **S. 2.1.2(1) def. of *sporting event* amended by No. 56/2014 s. 7(b).**

* * * * * **S. 2.1.2(1) def. of *undertaking* repealed by No. 56/2014 s. 7(c).**

S. 2.1.2(1) def. of *vehicle* repealed by No. 25/2009 s. 13.

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S. 2.1.2(1) def. of *vessel* repealed by No. 25/2009 s. 13.

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(2) In this Chapter, a reference to a person found committing an offence includes a reference to a person found doing or omitting to do an act in such circumstances that the finder believes on reasonable grounds that the person is guilty of an offence against this Chapter.

S. 2.1.3 repealed by No. 56/2014 s. 8.

* * * * *

Part 2—Gambling

Ch. 2 Pt 2 (Heading and ss 2.2.1-2.2.9) amended by No. 68/2009 s. 97(Sch. items 62.1, 62.2), substituted as Ch. 2 Pt 2 (Heading and ss 2.2.1-2.2.8) by No. 56/2014 s. 9 (as amended by No. 64/2014 s. 56(1)).

Division 1—Unauthorised gambling

2.2.1 Prohibition against unauthorised gambling

S. 2.2.1 substituted by No. 56/2014 s. 9 (as amended by No. 64/2014 s. 56(1)).

(1) A person must not conduct unauthorised gambling.

Penalty: 1000 penalty units or imprisonment for 2 years or both.

(2) Without limiting subsection (1), a person conducts unauthorised gambling if the person—

(a) organises, manages or supervises unauthorised gambling; or

(b) distributes a prize offered in unauthorised gambling; or

(c) distributes money or other valuable consideration paid or staked in unauthorised gambling; or

(d) facilitates participation in unauthorised gambling (including by allowing a person to participate in unauthorised gambling); or

(e) uses a document, device, piece of equipment or other thing for the purposes of enabling unauthorised gambling to take place; or

(f) assists in an activity described in paragraph (a), (b), (c), (d) or (e).

(3) A person does not conduct unauthorised gambling merely because the person participates in unauthorised gambling.

S. 2.2.2 substituted by No. 56/2014 s. 9 (as amended by No. 64/2014 s. 56(1)).

2.2.2 Recovery of money lost in unauthorised gambling

(1) This section applies if a person (***the participant***) has paid or staked money or other valuable consideration in unauthorised gambling.

(2) Each person who conducted the unauthorised gambling is jointly and severally liable to return the money or other valuable consideration (or the value of the valuable consideration) to the participant.

(3) The participant may recover the money or other valuable consideration (or the value of the valuable consideration) in a court of competent jurisdiction.

Division 2—Authorised gambling

S. 2.2.3 substituted by No. 56/2014 s. 9 (as amended by No. 64/2014 s. 56(1)).

2.2.3 Authorisation for games at amusement centres, fetes, carnivals etc.

(1) A person may, in accordance with this section, offer a prize at a place or function specified in subsection (2) or any similar place or function.

(2) The following places and functions are specified for the purposes of subsection (1)—

(a) an amusement centre;

(b) a tourist centre;

(c) a recreational centre;

(d) a fete;

(e) a fair;

(f) a bazaar;

(g) a carnival;

(h) a gymkhana.

(3) A person conducting an activity referred to in subsection (1) must—

(a) ensure that the value of the money or valuable consideration to which each participant is entitled at each attempt does not exceed $50; and

(b) comply with the prescribed standards and conditions.

(4) A person conducting an activity referred to in subsection (1) may engage in that activity by means of a device or game.

2.2.4 Authorisation for two-up on ANZAC Day

S. 2.2.4 substituted by No. 56/2014 s. 9 (as amended by No. 64/2014 s. 56(1)).

(1) A person may conduct a game of two-up on ANZAC Day—

(a) at any premises being used on that day by any sub-branch of the Returned and Services League; and

(b) at any premises, or in any area, approved for the purposes of this subsection by the Returned and Services League.

(2) A person may conduct a game of two-up at any function commemorating ANZAC Day if the function—

(a) is held not more than 7 days before ANZAC Day; and

(b) is organised by a sub-branch of the Returned and Services League; and

(c) is held at any place which is owned or occupied by the sub-branch and which is approved for the purposes of this subsection by the Returned and Services League.

S. 2.2.5 substituted by No. 56/2014 s. 9 (as amended by No. 64/2014 s. 56(1)).

2.2.5 Authorisation for betting games on approved foot or bicycle races

(1) A person may conduct a betting game on a foot race or bicycle race that is—

(a) conducted by a club or other organisation affiliated with the Victorian Athletic League or Victorian Cycling Incorporated; and

(b) approved by a prescribed person.

(2) An application for approval of a foot race or bicycle race must be accompanied by the prescribed fee (if any).

(3) An approval may be given in respect of a specified race or races of a specified class.

S. 2.2.6 substituted by No. 56/2014 s. 9 (as amended by No. 64/2014 s. 56(1)).

2.2.6 Approved Calcutta Sweepstakes permitted

(1) A club may conduct Calcutta Sweepstakes in accordance with an approval issued under this section.

(2) A club may apply to the Minister for approval to conduct Calcutta Sweepstakes.

(3) An application must be accompanied by the prescribed fee (if any).

(4) The Minister may issue an approval under this section and for that purpose may take into account any matter that the Minister considers relevant.

(5) Without limiting subsection (4), the Minister may consider—

(a) whether the club is conducted in good faith; and

(b) whether the club has contravened any law relating to gambling; and

(c) the types of sporting events on which the club wishes to conduct Calcutta Sweepstakes.

(6) An approval is subject to the following conditions—

(a) the Calcutta Sweepstakes may be conducted only with respect to sporting contingencies;

(b) subscriptions may be canvassed or made only on the club premises;

(c) participation must be limited to members of the club and their guests;

(d) not more than 5% of the proceeds of each sweepstake may be retained by the club for its expenses of conducting the sweepstake and the whole of the remainder must be distributed as prizes among the participants;

(e) no written notice or advertisement of a Calcutta Sweepstake may be exhibited, distributed or published except—

(i) a notice exhibited on the premises of the club; or

(ii) a circular to members advising of the intention to conduct the sweepstake;

(f) a Calcutta Sweepstake must be conducted in accordance with the regulations (if any);

(g) any other conditions that the Minister thinks fit.

(7) An approval under this section is not transferable to any other club.

2.2.7 Suspension or revocation of approval to conduct Calcutta Sweepstakes

S. 2.2.7 substituted by No. 56/2014 s. 9 (as amended by No. 64/2014 s. 56(1)).

(1) The Minister may suspend or revoke an approval under section 2.2.6 by giving the holder of the approval a written notice stating the reason for the suspension or revocation.

(2) Without limiting subsection (1), the Minister may suspend or revoke an approval if the holder of the approval has contravened this Act, the regulations or a condition of the approval.

Division 3—Advertising of unauthorised gambling

S. 2.2.8 substituted by No. 56/2014 s. 9 (as amended by No. 64/2014 s. 56(1)).

2.2.8 Prohibition against advertising unauthorised gambling

(1) A person must not publish, or cause to be published, any advertising that contains any information, term, expression, symbol or other thing associated with unauthorised gambling.

Penalty: 1000 penalty units or imprisonment for 2 years or both.

(2) For the purposes of subsection (1), information or a term, expression, symbol or other thing is taken to be associated with unauthorised gambling if—

(a) a reasonable person with ordinary knowledge who is a resident of Victoria would consider it to be associated with gambling; and

(b) the gambling with which it would be considered to be associated is unauthorised gambling.

(3) In this section—

publish includes disseminate in any way, whether by oral, visual, written or other means (for example, dissemination by means of cinema, video, radio, electronics, the Internet or television or by means of promotional material such as club journals, brochures or flyers).

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Ch. 2 Pt 3 (Heading and ss 2.3.1-2.3.5) amended by Nos 58/2011 s. 104(Sch. item 3.2), 21/2014 s. 3, repealed by No. 56/2014 s. 10.

Part 4—Gaming or wagering agreements

S. 2.4.1 substituted by No. 56/2014 s. 11.

2.4.1 Unauthorised gaming or wagering contracts are void

A gaming or wagering contract or agreement (whether written or not) is void if the gaming or wagering to which it relates is unauthorised gambling.

S. 2.4.2 amended by Nos 45/2004 s. 18, 73/2008 s. 19, 29/2009 s. 46, repealed by No. 56/2014 s. 12.

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Part 5—Places provided for unauthorised gambling

Ch. 2 Pt 5 (Heading) substituted by No. 56/2014 s. 13.

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Ch. 2 Pt 5 Div. 1 (Heading and ss 2.5.1-2.5.6) amended by Nos 45/2004 s. 19, 104/2004 s. 5(1), 73/2008 s. 20, 68/2009 s. 97(Sch. item 62.3), repealed by No. 56/2014 s. 14.

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Ch. 2 Pt 5 Div. 2 (Heading and ss 2.5.7-2.5.10) amended by Nos 104/2004 s. 52, 68/2009 s. 97(Sch. item 62.4), repealed by No. 56/2014 s. 14.

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Ch. 2 Pt 5 Div. 3 (Heading and ss 2.5.11–2.5.13) repealed by No. 71/2008 s. 29(a).

Ch. 2 Pt 5 Div. 4 (Heading and s. 2.5.14) repealed by No. 56/2014 s. 14.	*	*	*	*	*
Ch. 2 Pt 5 Div. 4A (Heading and ss 2.5.14A, 2.5.14B) inserted by No. 29/2009 s. 47, repealed by No. 56/2014 s. 14.	*	*	*	*	*
Ch. 2 Pt 5 Div. 5 (Heading and ss 2.5.15AA-2.5.19) amended by Nos 45/2004 ss 20, 21, 82/2005 ss 6, 7(a), 18/2007 s. 4(c)-(e), 72/2007 s. 5, 73/2008 s. 21, 25/2009 ss 40, 41, 52, 52/2009 s. 16, 58/2009 s. 142(1), 68/2009 s. 97(Sch. item 62.5), repealed by No. 56/2014 s. 14.	*	*	*	*	*

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Ch. 2 Pt 5 Div. 5A (Heading and ss 2.5.19A–2.5.19F) inserted by No. 72/2007 s. 6, amended by Nos 73/2008 s. 22, 29/2009 s. 44(2), 30/2010 ss 78, 79, 21/2012 s. 239(Sch. 6 item 19), repealed by No. 56/2014 s. 14.

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Ch. 2 Pt 5 Div. 6 (Heading) repealed by No. 56/2014 s. 15.

2.5.20 Prohibition against providing place for unauthorised gambling

S. 2.5.20 substituted by No. 56/2014 s. 16 (as amended by No. 64/2014 s. 56(2)).

(1) A person must not provide a place for the purposes of unauthorised gambling.

Penalty: 1000 penalty units or imprisonment for 2 years or both.

(2) A person does not commit an offence against subsection (1) if the person—

(a) is an owner, or the agent of an owner, of the place; and

(b) is not an occupier of the place; and

(c) either—

(i) was unaware, and had no reasonable ground to suspect, that the place was provided for the purposes of unauthorised gambling; or

(ii) had taken all reasonable steps to prevent the place being provided for the purposes of unauthorised gambling.

S. 2.5.21 (Heading) amended by No. 56/2014 s. 17(1).

2.5.21 Warrant to enter place provided for unauthorised gambling and search and seize on premises

S. 2.5.21(1) amended by Nos 37/2014 s. 10(Sch. item 72.3(a)), 56/2014 s. 17(2).

(1) A police officer may apply to a magistrate for a warrant under this section if the police officer or another person suspects on reasonable grounds that any place—

S. 2.5.21(1)(a) substituted by No. 56/2014 s. 17(3).

(a) is provided for the purposes of unauthorised gambling; or

S. 2.5.21(1)(b) substituted by No. 56/2014 s. 17(3).

(b) contains any equipment for unauthorised gambling.

S. 2.5.21(2) amended by No. 6/2018 s. 68(Sch. 2 item 59.1).

(2) If a magistrate is satisfied by evidence on oath or by affirmation or by affidavit that there are reasonable grounds for the suspicion founding an application under subsection (1), the magistrate may issue a special warrant in the form of Form 1 in Schedule 4.

S. 2.5.21(3) amended by No. 37/2014 s. 10(Sch. item 72.3(b)(i)).

(3) A special warrant under this section authorises and directs the person to whom it is issued and any other police officer—

S. 2.5.21(3)(a) amended by No. 56/2014 s. 17(4)(a).

(a) to enter and re-enter the place at any time and as often as and with any assistants that may be found necessary and if necessary to use force for making entry or re-entry whether by breaking open doors or otherwise; and

(b) to arrest, search and bring before a bail justice or the Magistrates' Court to be dealt with according to law all persons found in the place or entering or leaving it; and

S. 2.5.21(3)(b) amended by No. 56/2014 s. 17(4)(a).

(c) to diligently search all parts of the place where the police officer suspects that equipment for unauthorised gambling are concealed; and

S. 2.5.21(3)(c) amended by Nos 37/2014 s. 10(Sch. item 72.3 (b)(ii)), 56/2014 s. 17(4)(a)(b).

(d) to seize and bring before a bail justice or the Magistrates' Court to be dealt with according to law all equipment for unauthorised gambling and all money and securities for money found in the place or on any person referred to in paragraph (b).

S. 2.5.21(3)(d) amended by No. 56/2014 s. 17(4)(b).

2.5.22 Offence to obstruct the entry of authorised police officers

S. 2.5.22 (Heading) amended by No. 37/2014 s. 10(Sch. item 72.4).

A person must not—

(a) wilfully prevent a police officer authorised to enter any place by a warrant under section 2.5.21 from entering or re-entering the place or any part of it; or

S. 2.5.22(a) amended by Nos 37/2014 s. 10(Sch. item 72.5), 56/2014 s. 18.

(b) obstruct or delay any police officer in entering or re-entering the place or part; or

S. 2.5.22(b) amended by Nos 37/2014 s. 10(Sch. item 72.5), 56/2014 s. 18.

S. 2.5.22(c) amended by Nos 37/2014 s. 10(Sch. item 72.5), 56/2014 s. 18.

(c) for the purpose of preventing obstructing or delaying the entry or re-entry of a police officer into a place referred to in the warrant, secure an external or internal door or means of access by a bolt, bar, chain or other contrivance or uses any other means for that purpose.

Penalty: 25 penalty units or imprisonment for 6 months or both.

S. 2.5.23 (Heading) amended by No. 56/2015 s. 19(1).

2.5.23 Obstructing entry to be evidence of place being provided for unauthorised gambling

S. 2.5.23 amended by No.56/2014 s. 19(2)(d).

If—

S. 2.5.23(a) amended by Nos 37/2014 s. 10(Sch. item 72.5), 56/2014 s. 19(2)(a).

(a) a police officer authorised by a warrant under section 2.5.21 to enter a place is wilfully prevented from or obstructed or delayed in entering or re-entering the place or any part of it; or

S. 2.5.23(b) amended by No. 56/2014 s. 19(2)(b).

(b) an external or internal door or means of access to a place authorised to be entered under the warrant is found to be fitted or provided with a bolt, bar, chain or other means or contrivance for the purpose of preventing delaying or obstructing entry or re-entry or for giving an alarm in case of entry or re-entry; or

S. 2.5.23(c) amended by No. 45/2004 s. 22, substituted by No. 56/2014 s. 19(2)(c).

(c) a place is found fitted or provided with equipment for unauthorised gambling or any means or contrivance for—

(i) conducting a lottery or totalisator; or

(ii) concealing, removing or destroying equipment for unauthorised gambling—

the prevention, obstruction, delay, fitting or finding is, without prejudice to any other mode of proof, proof in the absence of evidence to the contrary that the place is provided for the purposes of unauthorised gambling and that unauthorised gambling was being conducted at the place.

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S. 2.5.24 repealed by No. 56/2014 s. 20.

2.5.25 Power of owner to evict occupier of place provided for unauthorised gambling

S. 2.5.25 (Heading) amended by No. 56/2014 s. 21(1).

(1) An owner of a place may serve on an occupier a notice to quit if the owner has reasonable grounds to suspect that the place is provided for the purposes of unauthorised gambling.

S. 2.5.25(1) substituted by No. 56/2014 s. 21(2).

(1A) A notice served under this section must state that it is served under this section.

S. 2.5.25(1A) inserted by No. 56/2014 s. 21(2).

(2) Subject to this Act, if a notice is served under this section, any tenancy under which the occupier occupies the place is terminated on the 3rd day after the date of service as if the tenancy had expired by effluxion of time.

S. 2.5.25(2) amended by No. 56/2014 s. 21(3).

(3) If a tenancy terminates under subsection (2), the owner may, without any authority other than this Act, take legal proceedings to evict and may evict the occupier.

S. 2.5.25(4) amended by No. 56/2014 s. 21(3).

(4) A notice under this section must be served personally on the occupier unless the occupier cannot be found, in which case service may be effected by posting a copy of the notice on a conspicuous part of the place.

S. 2.5.25(5) inserted by No. 71/2008 s. 4, amended by Nos 56/2014 s. 21(4), 45/2018 s. 374.

(5) This section does not apply if the occupier occupies the place under a residential rental agreement to which the **Residential Tenancies Act 1997** applies.

2.5.26 Cancellation of notice to quit

S. 2.5.26(1) amended by No. 56/2014 s. 22(1).

(1) A notice to quit under section 2.5.25 may at any time be cancelled and relief be granted by the Supreme Court subject to any terms the court thinks fit on application by the occupier and on proof that the occupier has not at any time provided, or permitted the place to be provided, for the purposes of unauthorised gambling.

S. 2.525(1)(a) repealed by No. 56/2014 s. 22(2).

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S. 2.525(1)(b) repealed by No. 56/2014 s. 22(2).

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S. 2.5.26(2) amended by No. 56/2014 s. 22(3).

(2) Notice in writing of an application under subsection (1) must, not less than 72 hours before the hearing of the application, be given to the owner of the place.

(3) On being served on the owner, notice of an application under subsection (1) operates as a stay of any proceedings under section 2.5.25 until the matter of the application is determined.

2.5.27 Declaration of place provided for unauthorised gambling

S. 2.5.27 (Heading) amended by No. 56/2014 s. 23(1).

(1) A senior police officer may apply to the Magistrates' Court for a declaration under subsection (4) if the officer suspects on reasonable grounds that a place is provided for the purposes of unauthorised gambling.

S. 2.5.27(1) amended by Nos 37/2014 s. 10(Sch. item 72.6), 56/2014 s. 23(2)(a).

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S. 2.5.27(1)(a) repealed by No. 56/2014 s. 23(2)(b).

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S. 2.5.27(1)(b) repealed by No. 56/2014 s. 23(2)(b).

(2) An application must be supported by affidavit.

(3) Notice in writing of the application must, not less than 72 hours before the hearing of the application—

(a) be served on the owner or occupier of the place; or

S. 2.5.27(3)(a) amended by No. 56/2014 s. 23(3).

(b) be advertised in a newspaper circulating generally in the locality in which the place is situated.

S. 2.5.27(3)(b) amended by No. 56/2014 s. 23(3).

(4) On an application under subsection (1), the Magistrates' Court may declare that the place which is the subject of the application is provided for the purposes of unauthorised gambling.

S. 2.5.27(4) substituted by No. 56/2014 s. 23(4).

(5) A declaration remains in force—

(a) for the period specified in the declaration; or

(b) until rescinded by the Magistrates' Court—

whichever is the earlier.

2.5.28 Application for rescission by owner etc.

S. 2.5.28(1) amended by No. 56/2014 s. 24(1).

(1) The owner, agent, mortgagee or occupier of a declared place may apply to the Magistrates' Court for rescission of the declaration.

S. 2.5.28(2) amended by Nos 37/2014 s. 10(Sch. item 72.7), 56/2014 s. 24(2).

(2) Notice in writing of the application must, not less than 72 hours before the hearing of the application, be served on a senior police officer stationed in the police district in which the declared place is situated.

S. 2.5.28(3) substituted by No. 56/2014 s. 24(3).

(3) On an application under subsection (1), the applicant must prove on the balance of probabilities that the applicant has not at any time provided the declared place, or permitted it to be provided, for the purposes of unauthorised gambling.

S. 2.5.28(4) substituted by No. 56/2014 s. 24(3).

(4) The Magistrates' Court may rescind a declaration subject to any terms or conditions that the Court thinks fit, including the giving of security to ensure that the declared place will not again be provided for the purposes of unauthorised gambling.

2.5.29 Application for rescission by police

S. 2.5.29(1) amended by Nos 37/2014 s. 10(Sch. item 72.8), 56/2014 s. 25(1).

(1) A senior police officer may apply to the Magistrates' Court for rescission of a declaration that a place is provided for the purposes of unauthorised gambling.

(2) On an application under subsection (1), the applicant must prove on the balance of probabilities that the declared place is not provided for the purposes of unauthorised gambling or used or in contravention of this Part.

S. 2.5.29(2) amended by No. 56/2014 s. 25(2).

(3) The Magistrates' Court may rescind a declaration in the manner referred to in section 2.5.28(4).

2.5.30 Notice in the Government Gazette

(1) The applicant must cause to be published in the Government Gazette notice of—

(a) a declaration under section 2.5.27; or

(b) a rescission under section 2.5.28 or 2.5.29 and the terms or conditions subject to which the rescission was made.

(2) In a proceeding under this Act, the production of a copy of the Government Gazette containing a notice referred to in subsection (1) is evidence that the declaration or rescission referred to in the notice was duly made.

2.5.31 Other notices of declaration

(1) If a declaration is made under section 2.5.27, a senior police officer must—

S. 2.5.31(1) amended by Nos 37/2014 s. 10(Sch. item 72.9(a)), 56/2014 s. 26(1)(a).

(a) cause a notice of the making of the declaration—

(i) to be published on 2 days in a newspaper circulating in the neighbourhood of the declared place; and

S. 2.5.31(1)(a)(i) amended by No. 56/2014 s. 26(1)(b).

(ii) to be served on the owner, agent, mortgagee or occupier of the declared place; and

S. 2.5.31(1)(a)(ii) amended by No. 56/2014 s. 26(1)(b).

S. 2.5.31(1)(b) amended by No. 56/2014 s. 26(1)(b).

(b) cause a copy of the declaration to be posted up on the declared place so as to be visible and legible to a person entering the declared place.

(2) Service under subsection (1)(a)(ii) may be effected—

(a) by personal service; or

S. 2.5.31(2)(b) amended by Nos 37/2014 s. 10(Sch. item 72.9(b)), 56/2014 s. 26(2).

(b) if, in the opinion of the senior police officer, personal service cannot be effected promptly, by causing a copy of the notice to be affixed at or near to the entrance to the declared place; or

S. 2.5.13(2)(c) amended by No. 56/2014 s. 26(2).

(c) in the case of the owner or occupier, by posting a prepaid letter addressed to "the owner" or "the occupier" and bearing an address or description of the declared place that, in the opinion of the court, would ensure the delivery of the letter at the declared place.

(3) In a proceeding under this Act, the production of a copy of a newspaper containing a notice referred to in subsection (1)(a)(i) is evidence that the notice was duly published in that newspaper on the date appearing on the newspaper.

(4) A person must not cover, remove, deface or destroy a copy of a declaration posted up on premises in accordance with subsection (1)(b).

Penalty: 60 penalty units or imprisonment for 6 months or both.

(5) It is not a defence to a proceeding under this Division to show—

(a) non-compliance with any of the requirements of this section; or

(b) that a copy of a declaration posted up on premises in accordance with subsection (1)(b) has been covered, removed, defaced or destroyed.

2.5.32 Persons found etc. in declared place

S. 2.5.32 (Heading) amended by No. 56/2014 s. 27(1).

(1) A person must not enter, remain in, or be (found leaving a declared place if notice of the making of the declaration has been published in accordance with section 2.5.31(1)(a)(i).

S. 2.5.32(1) substituted by No. 56/2014 s. 27(2).

Penalty: 60 penalty units or imprisonment for 6 months or both.

(2) It is a defence to a prosecution for an offence against subsection (1) to prove that the accused—

S. 2.5.32(2) amended by No. 68/2009 s. 97(Sch. item 62.6).

(a) was ignorant of the making of the declaration at the time of the alleged offence; or

(b) was in or entering or leaving the declared place for a lawful purpose.

S. 2.5.23(2)(b) amended by No. 56/2014 s. 27(3).

2.5.33 Convicted persons found in declared place

S. 2.5.33 substituted by No. 56/2014 s. 28.

A person who has been convicted of an indictable offence must not enter or remain in a declared place.

Penalty: 100 penalty units or imprisonment for 12 months or both.

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S. 2.5.34 repealed by No. 56/2014 s. 29.

2.5.35 Liability of owner

(1) If—

S. 2.5.35(1)(a) substituted by No. 56/2014 s. 30(1).

(a) notice of the making of a declaration under section 2.5.27 is served on an owner of the declared place; and

S. 2.5.35(1)(b) substituted by No. 56/2014 s. 30(1).

(b) during the time that the declaration is in force, the declared place is provided for the purposes of unauthorised gambling—

the owner is guilty of an offence.

Penalty: For a first offence, 100 penalty units or imprisonment for 12 months or both;

For a second or subsequent offence, 200 penalty units or imprisonment for 2 years or both.

S. 2.5.35(2) amended by Nos 68/2009 s. 97(Sch. item 62.7), 56/2014 s. 30(2).

(2) It is a defence to a charge for an offence against subsection (1) to prove that the accused took all reasonable steps to evict the occupier from the declared place.

2.5.36 Liability of occupier

(1) If—

S. 2.5.36(1)(a) substituted by No. 56/2014 s. 31.

(a) notice of the making of a declaration is served on an occupier of the declared place; and

(b) during the time that the declaration is in force, the place is provided for the purposes of unauthorised gambling—

S. 2.5.36(1)(b) substituted by No. 56/2014 s. 31.

the occupier is guilty of an offence.

Penalty: For a first offence, 100 penalty units or imprisonment for 12 months or both;

For a second or subsequent offence, 200 penalty units or imprisonment for 2 years or both.

(2) It is a defence to a charge for an offence against subsection (1) to prove that the accused took all reasonable steps to prevent such use.

S. 2.5.36(2) amended by No. 68/2009 s. 97(Sch. item 62.8).

2.5.37 Additional penalty for continuing offences

S. 2.5.37 amended by No. 37/2014 s. 10(Sch. item 72.10).

A person who is guilty of an offence against section 2.5.35(1) or 2.5.36(1) that is of a continuing nature is liable, in addition to the penalty set out at the foot of that section, to a further penalty of not more than 5 penalty units for each day during which the offence continued after service by a police officer on the person of a notice of contravention.

2.5.38 Entry by police

S. 2.5.38 amended by Nos 37/2014 s. 10(Sch. item 72.11(a)), 56/2014 s. 32(a).

While a declaration under this Part is in force with respect to a place, any police officer may at any time—

(a) enter that place; and

S. 2.5.38(a) amended by No. 56/2014 s. 32(b).

S. 2.5.38(b) amended by No. 37/2014 s. 10(Sch. item 72.11(b)), repealed by No. 56/2014 s. 32(c).

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S. 2.5.38(c) amended by No. 56/2014 s. 32(d).

(c) pass through, from, over and along any other land or building for the purpose of entering under paragraph (a) ; and

S. 2.5.38(d) amended by No. 56/2014 s. 32(e).

(d) for the purposes of paragraph (a) or (c) break open doors, windows and partitions and do any other acts that are necessary; and

S. 2.5.38(e) substituted by No. 56/2014 s. 32(f).

(e) seize any equipment for unauthorised gambling and any money or securities for money in that place or in the possession of any persons found there; and

S. 2.5.38(f) amended by No. 56/2014 s. 32(g).

(f) arrest, search and bring before a bail justice or the Magistrates' Court all persons found in or on or entering or leaving that place without lawful excuse.

S. 2.5.39 amended by Nos 10/2004 s. 15(Sch. 1 item 10.1), 37/2014 s. 10(Sch. item 72.12), repealed by No. 56/2014 s. 33.

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2.5.40 Procedure where place is entered under a warrant etc.

S. 2.5.40 (Heading) amended by No. 56/2014 s. 34(1).

(1) This section applies if—

(a) a place is entered under a warrant under section 2.5.21 and a person is found in the place or entering or leaving it; or

S. 2.5.40(1)(a) amended by No. 56/2014 s. 34(2)(a).

(b) a person is arrested as a person found in or entering or leaving a place to which this Division applies.

S. 2.5.40(1)(b) amended by No. 56/2014 s. 34(2)(b).

(2) If this section applies—

(a) the police officer authorised to enter the place or to make or making the arrest may require the person to give the person's name and address;

S. 2.5.40(2)(a) amended by Nos 37/2014 s. 10(Sch. item 72.13), 56/2014 s. 34(3), 23/2025 s. 74(Sch. 1 item 2.3).

(b) a police officer must as soon as possible bring all such persons or as many of them as possible before a bail justice or the Magistrates' Court to be dealt with according to law;

S. 2.5.40(2)(b) amended by No. 37/2014 s. 10(Sch. item 72.13).

(c) in addition to any other power that the bail justice or the Court may possess, the bail justice or the Court may—

(i) on the oral statement of a police officer (with or without oath or affirmation as to the bail justice or the Court seems fit) direct orally or in writing that a person be released from custody; or

S. 2.5.40(2)(c)(i) amended by Nos 37/2014 s. 10(Sch. item 72.13), 1/2021 s. 10.[1]

(ii) by warrant in the form of Form 3 in Schedule 4 imprison a person until the hearing of a charge against them for an offence under this Division; or

(iii) discharge a person on the person entering into a recognizance (with or without sureties at the discretion of the bail justice or the Court) conditioned for appearing at the hearing of the charge;

(d) in the case of a person so imprisoned, if within 24 hours after the person has been received into custody in a prison, a document purporting to be a copy of the charge is not served on or delivered to the person having the legal custody of the person, the person must be discharged from custody;

S. 2.5.40(2)(e) amended by Nos 56/2014 s. 34(3), 1/2021 s. 10.[2]

(e) on a prosecution of a person for an offence in connection with a place referred to in subsection (1), any other person found in the place (whether or not concerned in or connected with any contravention of this Division and whether or not present in court by virtue of any recognizance, summons or warrant) may be required by the court to give evidence on oath or affirmation relating to the offence;

(f) a person referred to in paragraph (e) is not excused from giving evidence on the ground that it will tend to incriminate the person;

S. 2.5.40(2)(g) amended by No. 6/2018 s. 68(Sch. 2 item 59.2).

(g) a person referred to in paragraph (e) who refuses to be sworn or affirmed or to give evidence is subject to be dealt with in all respects as if the person were a person appearing before a court in obedience to a subpoena or a summons to a witness who refuses without lawful cause or excuse to be sworn or affirmed or to give evidence.

(3) A person must not—

(a) refuse to give a name or address under subsection (2)(a); or

(b) give a false name or address.

Penalty: 5 penalty units or imprisonment for 1 month or both.

(4) A warrant to imprison under subsection (2)(c)(ii) may be issued for more than one person and, if so, it authorises the imprisonment of each person in respect of whom it is issued.

2.5.41 Persons required to be examined as witnesses making a full discovery to receive a certificate

(1) If the Court is satisfied that a person required to be examined as a witness under section 2.5.40 makes true and faithful discovery on the examination to the best of the person's belief of all things as to which the person is examined, the Court must give the person a certificate in writing to that effect.

(2) If the Court is satisfied that a person concerned in or connected with a contravention of this Division who—

S. 2.5.41(2)(a) amended by No. 56/2014 s. 35.

(a) is called as a witness for the prosecution on the trial or hearing before the Court of any charge against any other person in connection with or in respect of a place provided for the purposes of unauthorised gambling; and

(b) on the examination as a witness makes true and faithful discovery to the best of the person's belief of all things as to which the person is examined—

the Court may give the person a certificate in writing to that effect.

2.5.42 Indemnity of witnesses

S. 2.5.42(1) amended by No. 56/2014 s. 36.

(1) A person who receives a certificate under section 2.5.41 is freed from all criminal prosecutions, penal actions, penalties, forfeitures and punishments to which the person has before that time become liable under this Act or any other Act or law relating to gambling touching the matters in respect of which the person is so examined.

S. 2.5.42(2) amended by No. 68/2009 s. 97(Sch. item 62.9).

(2) If any action or charge for an offence is at any time pending in any court against the person in respect of any act, matter or thing concerning which the person was so examined as a witness and in respect of which the person has before that time become liable, the court, on the production and proof of the certificate and on proof that the person was so examined touching the act, matter or thing—

(a) must stay the proceedings; and

(b) may award the person such costs as the person has been put to or such fixed sum for or towards costs as the court thinks fit.

S. 2.5.43 (Heading) amended by No. 56/2014 s. 37(1).

2.5.43 Persons found in place provided for unauthorised gambling

S. 2.5.43 amended by No. 56/2014 s. 37(2).

A person who is at any time found in a place provided for the purposes of unauthorised gambling (whether entered under a warrant or not) without lawful excuse is guilty of an offence.

Penalty: For a first offence, 25 penalty units;

For a second or subsequent offence, 60 penalty units.

S. 2.5.44 repealed by No. 56/2014 s. 38.

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Ch. 2 Pt 5 Div. 7 (Heading and s. 2.5.45) amended by No. 104/2004 s. 5(3), repealed by No. 56/2014 s. 39.

Ch. 2 Pt 5A (Headings and ss 2.5A.1–2.5A.14) inserted by No. 71/2008 s. 5.

Part 5A—Banning irresponsible gambling products and practices

Division 1—Introduction

S. 2.5A.1 inserted by No. 71/2008 s. 5.

2.5A.1 Definitions

In this Part—

fixed term ban order means an order made under section 2.5A.9;

gambling practice means any practice that is adopted in connection with the offering or provision of a gambling product;

gambling product means a product that may be used for gambling or that resembles a product that may be used for gambling, whether or not that product is otherwise regulated by or under a gaming Act;

interim ban order means an order made under section 2.5A.2;

responsible gambling objective means an objective referred to in section 1.1(2)(a) or (ab).

Division 2—Interim ban orders

S. 2.5A.2 inserted by No. 71/2008 s. 5.

2.5A.2 Minister may make interim ban order

(1) The Minister, by notice published in the Government Gazette, may make an order banning a gambling product or gambling practice, if the Minister considers that the product or practice undermines or may undermine a responsible gambling objective.

(2) The Minister may make an interim ban order whether or not the gambling product has been offered or provided, or the gambling practice has been adopted, in Victoria.

(3) The Minister must publish notice of the making of an interim ban order in a newspaper circulating generally in Victoria.

2.5A.3 Duration of interim ban order

S. 2.5A.3 inserted by No. 71/2008 s. 5.

An interim ban order—

(a) takes effect on the day on which notice of the order is published in the Government Gazette, or on a later day specified in the notice; and

(b) remains in force for 12 months after the day on which it takes effect, unless it is sooner revoked by the Minister or replaced by a fixed term ban order.

2.5A.4 Procedure following interim ban order

S. 2.5A.4 inserted by No. 71/2008 s. 5, substituted by No. 9/2018 s. 3.

(1) If the Minister makes an interim ban order, the Minister must ensure that written notice of the order is given to any person who the Minister is aware is offering or providing the gambling product or adopting the gambling practice in Victoria.

(2) On receipt of a notice under subsection (1), a person may make a submission to the Minister regarding an interim ban order or the gambling product or gambling practice to which the interim ban order relates.

(3) A person may make a submission referred to in subsection (2) within 90 days of the date of the notice, or such other longer period as specified in the order.

Division 3—Fixed term ban orders

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Ss 2.5A.5–2.5A.8 inserted by No. 71/2008 s. 5, repealed by No. 9/2018 s. 4.

S. 2.5A.9 inserted by No. 71/2008 s. 5.

2.5A.9 Fixed term ban order

S. 2.5A.9(1) substituted by No. 9/2018 s. 5(1).

(1) The Minister may make an order banning a gambling product or gambling practice that is the subject of an interim ban order for a period not exceeding 10 years, if the Minister is satisfied that the product or practice undermines or may undermine a responsible gambling objective.

S. 2.5A.9(1A) inserted by No. 9/2018 s. 5(1).

(1A) In making a fixed term ban order—

(a) the Minister must consider, but is not bound by, any submissions received under section 2.5A.4; and

(b) the Minister may seek, but is not bound by, the advice of any person the Minister thinks fit.

S. 2.5A.9(1B) inserted by No. 9/2018 s. 5(1).

(1B) The Minister may make a fixed term ban order even if the Minister has not received any submissions within the time limit referred to in section 2.5A.4(3).

S. 2.5A.9(2) substituted by No. 9/2018 s. 5(2).

(2) In circumstances where the Minister is not aware of any person providing a gambling product or engaging in a gambling practice that is the subject of an interim ban order, the Minister may not make a fixed term ban order until at least 90 days after the interim ban order is made.

(3) The Minister may make a fixed term ban order whether or not—

(a) the gambling product has been offered or provided, or the gambling practice has been adopted, in Victoria; or

(b) the interim ban order in respect of the gambling product or gambling practice has expired.

(4) The Minister makes a fixed term ban order by notice published in the Government Gazette.

(5) If the Minister makes a fixed term ban order—

(a) the Minister must publish notice of the making of the order in a newspaper circulating generally in Victoria; and

(b) the Minister must cause a copy of the order to be presented to each House of Parliament within 6 sitting days of that House after the making of the order; and

(c) the Minister must give a copy of the notice to the Commission; and

(d) the Commission must cause a copy of the notice to be made available on its website as soon as practicable after receiving the copy from the Minister.

(6) A notice under subsection (4) or (5) must include the Minister's reasons for making the fixed term ban order.

2.5A.10 Duration of fixed term ban order

S. 2.5A.10 inserted by No. 71/2008 s. 5.

A fixed term ban order—

(a) takes effect on the day on which notice of the order is published in the Government Gazette, or on a later day specified in the notice; and

(b) remains in force for the period specified in the order by the Minister, unless it is sooner revoked by the Minister.

S. 2.5A.11 inserted by No. 71/2008 s. 5.

2.5A.11 Revocation of fixed term ban order

(1) The Minister, by notice published in the Government Gazette, may revoke a fixed term ban order at any time.

(2) The Minister must give a copy of the notice to the Commission as soon as practicable after the notice is published.

S. 2.5A.12 inserted by No. 71/2008 s. 5.

2.5A.12 Disallowance of fixed term ban order

(1) A fixed term ban order is disallowed if—

(a) a notice of a resolution to disallow the order is given in a House of Parliament on or before the 18th sitting day of that House after the order is presented to that House; and

(b) the resolution is passed by that House on or before the 12th sitting day of that House after the giving of the notice of the resolution.

(2) Disallowance of a fixed term ban order has the same effect as a revocation of the order.

Division 4—Effect of ban orders

S. 2.5A.13 inserted by No. 71/2008 s. 5.

2.5A.13 Offence to breach ban order

(1) While an interim ban order or fixed term ban order is in force, a person must not offer or provide a gambling product, or adopt a gambling practice, in contravention of the order.

Penalty: 1000 penalty units.

(2) A person does not commit an offence against subsection (1) if—

S. 2.5A.13(2) amended by No. 68/2009 s. 97(Sch. item 62.10), substituted by No. 18/2025 s. 4.

(a) notice of the making of the order is not published in a newspaper circulating generally in Victoria; and

(b) the person is not aware of the making of the order.

Division 5—General

2.5A.14 No compensation

S. 2.5A.14 inserted by No. 71/2008 s. 5.

No compensation is payable by the State in respect of loss, damage or injury of any kind suffered by any person as a result of, or arising out of, the making of an interim ban order or a fixed term ban order.

Part 6—General

S. 2.6.1 amended by No. 104/2004 s. 5(4), repealed by No. 56/2014 s. 40.

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S. 2.6.2 amended by No. 37/2014 s. 10(Sch. item 72.14), repealed by No. 56/2014 s. 40.

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S. 2.6.2 amended by No. 37/2014 s. 10(Sch. item 72.14(a)).

2.6.3 Money stolen and paid away in bets is recoverable

If money is stolen or embezzled and paid to a person as or on account of a wager or bet, the person from whom it was stolen or embezzled may recover it, or a sum not exceeding its amount, in a court of competent jurisdiction from the person to whom it was paid.

S. 2.6.4 repealed by No. 56/2014 s. 40.

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2.6.5 Evidence as to offences

(1) For the purposes of this Chapter—

S. 2.6.5(1)(a) substituted by No. 56/2014 s. 41(1)(a).

(a) it is not necessary to prove that a place was provided for the purposes of unauthorised gambling more than once for a particular purpose;

(b) the burden of proving that a building or part of a building is not a private dwelling lies with the prosecution;

(c) the burden of proving that land or premises (whether enclosed or unenclosed) is not a place where a person may lawfully bet lies with the prosecution;

S. 2.6.5(1)(d) substituted by No. 56/2014 s. 41(1)(b).

(d) keeping a bank in any place apparently for the purpose of unauthorised gambling is proof (in the absence of evidence to the contrary) that the place is provided for the purposes of unauthorised gambling;

S. 2.6.5(1)(e) substituted by No. 56/2014 s. 41(1)(c).

(e) in the absence of evidence to the contrary—

(i) equipment for unauthorised gambling found in any place or about the person of anyone in the place; or

(ii) telephone calls or other communications received in any place—

in circumstances which raise the reasonable inference that the place is provided for the purposes of unauthorised gambling is proof that the place is provided for the purposes of unauthorised gambling;

S. 2.6.5(1)(f) amended by No. 56/2014 s. 41(1)(d).

(f) a person found playing a game in any house or place alleged to be provided in contravention of any of the provisions of this Chapter, is proof (in the absence of evidence to the contrary) that the relevant person was playing for money, wager or a stake;

(g) money or other valuable thing paid, given or received in circumstances which appear to a court of competent jurisdiction to raise a reasonable suspicion that the money or thing was paid, given or received in contravention of this Chapter is proof (in the absence of evidence to the contrary) that the money or thing was paid, given or received in contravention of this Chapter;

S. 2.6.5(1)(h) substituted by No. 56/2014 s. 41(1)(e).

(h) equipment for unauthorised gambling or lists, books, cards, papers or documents of things relating to racing or gambling found—

(i) in a place; or

(ii) about the person of those found entering or leaving the place—

in circumstances which appear to the court to raise a reasonable suspicion that the purposes and provisions of this Chapter have been contravened is proof (in the absence of evidence to the contrary) that the relevant place is provided for the purposes of unauthorised gambling.

S. 2.6.5(2) repealed by No. 56/2014 s. 41(2).

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S. 2.6.5(3) repealed by No. 56/2014 s. 41(2).

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S. 2.6.6 repealed by No. 56/2014 s. 42.

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2.6.7 Vicarious liability

(1) If a person in the course of employment or while acting as an agent—

(a) commits an offence against this Chapter; or

(b) engages in any conduct that would, if engaged in by the person's employer or principal, be an offence against this Chapter—

both the person and the employer or principal are taken to have committed the offence, and either or both of them may be prosecuted for it.

(2) An employer or principal is not liable for an offence committed by an employee or agent if the employer or principal proves, on the balance of probabilities, that the employer or principal took reasonable precautions to prevent the employee or agent committing the offence.

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S. 2.6.8 repealed by No. 16/2004 s. 54.

2.6.9 Entry of police to public places

S. 2.6.9 amended by No. 37/2014 s. 10(Sch. item 72.15).

For the purpose of performing any function in relation to this Chapter, a police officer is authorised to enter and remain in any public place.

Chapter 3—Gaming machines

Part 1—Introduction

3.1.1 Purpose

S. 3.1.1 amended by No. 58/2009 s. 5 (ILA s. 39B(1)).

S. 3.1.1(1) amended by No. 58/2009 s. 113(1) (as amended by No. 29/2011 s. 3(Sch. 1 item 43.2(a))).

(1) The purpose of this Chapter is to establish a system for the regulation, supervision and control of gaming equipment and monitoring equipment with the aims of—

S. 3.1.1(1)(b) amended by No. 58/2009 s. 113(2) (as amended by No. 29/2011 s. 3(Sch. 1 item 43.2(b))).

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

(b) ensuring that the management of gaming equipment and monitoring 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; and

(f) fostering responsible gambling in order to—

(i) minimise harm caused by problem gambling; and

(ii) accommodate those who gamble without harming themselves or others.

(2) The purpose of this Chapter is also to—

S. 3.1.1(2) inserted by No. 58/2009 s. 5.

(a) provide for the allocation of gaming machine entitlements in order to maximise the financial and social benefits to the Victorian community within the regulatory framework applying to the allocation of entitlements;

(b) promote a competitive gaming industry with the aim of providing financial and social benefits to the Victorian community.

3.1.2 Definitions

In this Chapter—

approved linked jackpot trust account means an account—

S. 3.1.2 def. of *approved linked jackpot trust account* inserted by No. 56/2010 s. 5, amended by No. 64/2014 s. 39(1).

(a) established and maintained by the monitoring licensee with an ADI in the State in relation to a multiple venue linked jackpot arrangement; and

(b) into which only money—

(i) that is related to the multiple venue linked jackpot arrangement; and

(ii) that is required to be paid, is paid by a venue operator in accordance with a jackpot financial administration services agreement between the monitoring licensee and that operator;

assigned, in relation to a gaming machine entitlement, means assigned under Division 3A of Part 4A;

S. 3.1.2 def. of *assigned* inserted by No. 62/2017 s. 29.

S. 3.1.2 def. of *assignee* inserted by No. 62/2017 s. 29.

assignee has the meaning given in section 3.4A.11D;

S. 3.1.2 def. of *assignment agreement* inserted by No. 62/2017 s. 29.

assignment agreement has the meaning given in section 3.4A.11D;

S. 3.1.2 def. of *assignor* inserted by No. 62/2017 s. 29.

assignor has the meaning given in section 3.4A.11D;

S. 3.1.2 def. of *entitlement-related agreement* inserted by No. 62/2017 s. 76.

entitlement-related agreement means—

(a) an agreement referred to in—

(i) section 3.4A.6; or

(ii) section 3.4A.6A; or

(iii) section 3.4A.17AAC; or

(b) any other agreement that deals with matters related to a gaming machine entitlement and that is between—

(i) a venue operator; and

(ii) the Minister or a person nominated by the Minister under section 3.1.6B;

S. 3.1.2 def. of *Gambling Harm Response Fund* inserted by No. 25/2024 s. 7(b).

Gambling Harm Response Fund means the account established by section 10.3.7;

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 machine entitlement allocation and transfer rules means rules made under section 3.4A.3;

S. 3.1.2 def. of *gaming machine entitlement allocation and transfer rules* inserted by No. 29/2009 s. 5(1).

gaming machine entitlement assignment rules means rules made under section 3.4A.11F;

S. 3.1.2 def. of *gaming machine entitlement assignment rules* inserted by No. 62/2017 s. 29.

geographic area condition means a condition imposed on a gaming machine entitlement under section 3.4A.5(4)(a);

S. 3.1.2 def. of *geographic area condition* inserted by No. 29/2009 s. 5(1), amended by No. 58/2009 s. 142(4).

jackpot means a game or a feature that involves special prizes, as determined by the conditions of the game or feature, that are awarded based on the outcome of the game or a game-related event (such as a random event);

S. 3.1.2 def. of *jackpot* substituted by Nos 64/2010 s. 36(a), 28/2022 s. 128(b).

S. 3.1.2 def. of *jackpot financial administration services* inserted by No. 56/2010 s. 5.

jackpot financial administration services means—

(a) establishing and maintaining an approved linked jackpot trust account in relation to a multiple venue linked jackpot arrangement;

(b) the payment of money out of an approved linked jackpot trust account to a venue operator;

(c) accounting, banking, storage and other acts in connection with or related or incidental to a service referred to in paragraph (a) or (b);

S. 3.1.2 def. of *jackpot financial administration services agreement* inserted by No. 56/2010 s. 5.

jackpot financial administration services agreement means an agreement between the monitoring licensee and a venue operator for the provision of jackpot financial administration services by the licensee to the venue operator;

S. 3.1.2 def. of *jackpot special prize pool* inserted by No. 28/2022 s. 128(a).

jackpot special prize pool means the pool of funds contributed to a linked jackpot arrangement from the total amount wagered on gaming machines linked to the arrangement from which prizes won on the arrangement are paid;

S. 3.1.2 def. of *linked jackpot arrangement* substituted by No. 64/2010 s. 36(b), amended by No. 28/2022 s. 128(c).

linked jackpot arrangement means an arrangement under which a venue operator who holds a gaming machine entitlement may conduct gaming through 2 or more gaming machines that are linked to the same jackpot;

S. 3.1.2 def. of *linked jackpot equipment* repealed by No. 64/2010 s. 36(c).

* * * * *

multiple venue linked jackpot arrangement means a linked jackpot arrangement linking gaming machines with other gaming machines in 2 or more approved venues;

S. 3.1.2 def. of *multiple venue linked jackpot arrangement* inserted by No. 56/2010 s. 5.

nominee, of a venue operator, means a person approved by the Commission under section 3.4.14 in respect of the venue operator;

registered assignment agreement means an assignment agreement registered by the Commission under section 3.4A.11H;

S. 3.1.2 def. of *registered assignment agreement* inserted by No. 62/2017 s. 29.

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S. 3.1.2 def. of *Responsible Gambling Fund* inserted by No. 28/2022 s. 128(a), repealed by No. 25/2024 s. 7(a).

significant event, in relation to a monitoring system, a gaming machine or a communications system or device associated with a monitoring system or a gaming machine, means—

S. 3.1.2 def. of *significant event* inserted by No. 29/2009 s. 5(1), amended by No. 64/2010 s. 36(d).

(a) a breach or failure of the physical security of the monitoring system or gaming machine, or the communications system or device; or

(b) a breach or failure of the electronic or software systems of the monitoring system or gaming machine, or the communications system or device; or

(c) an unauthorised modification or interference with the monitoring system or gaming machine, or the communications system or device; or

(d) unauthorised access or attempted access (whether by electronic or other means) of the monitoring system or gaming machine, or the communications system or device; or

(e) an event that is prescribed to be a significant event;

S. 3.1.2 def. of *significant game play transaction* inserted by No. 29/2009 s. 5(1).

significant game play transaction means—

(a) the winning of a jackpot prize; or

(b) the winning of a prize of or higher than the amount approved by the Commission under section 3.5.4(3) in respect of the type of game played; or

(c) any bet or gaming machine credit of or higher than the amount approved by the Commission under section 3.5.4(3) in respect of the type of game played; or

(d) a transaction that is prescribed to be a significant game play transaction;

S. 3.1.2 def. of *State limit* repealed by No. 29/2009 s. 5(2).

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S. 3.1.2 def. of *unpaid jackpot funds* inserted by No. 28/2022 s. 128(a).

unpaid jackpot funds of a venue operator—

(a) in relation to a linked jackpot arrangement, means any funds remaining in a jackpot special prize pool after all prizes won on the linked jackpot arrangement have been paid; or

(b) in relation to a multiple venue linked jackpot arrangement, means the proportion of surplus funds returned to the venue operator under the terms of the jackpot financial administration services agreement and the linked jackpot trust account established under section 3.4.49A in relation to the arrangement;

venue condition means a condition imposed on a gaming machine entitlement under section 3.4A.5(4)(b).

S. 3.1.2 def. of *venue condition* inserted by No. 29/2009 s. 5(1), amended by No. 56/2010 s. 4.

3.1.3 Machines may be declared to be gaming machines

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

3.1.4 Conduct of gaming and playing gaming machines

(1) A reference in this Chapter to the ***conduct of gaming*** is a reference to—

(a) the management, use, supervision and operation of gaming equipment, and the doing of those things under a linked jackpot arrangement; and

S. 3.1.4(1)(a) amended by No. 60/2011 s. 5.

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

(c) the installation, alteration, adjustment, maintenance or repair of gaming equipment, other than an alteration or adjustment that consists of the installation, on or in a gaming machine, of player account equipment or part of a pre-commitment system; and

S. 3.1.4(1)(c) substituted by No. 4/2014 s. 6(1).

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

S. 3.1.4(1)(e) amended by No. 58/2009 s. 6(a).

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

S. 3.1.4(1)(f) inserted by No. 58/2009 s. 6(b).

(f) the operation of jackpots.

S. 3.1.4(2) amended by Nos 104/2004 s. 39(5)(a), 29/2009 s. 6(1).

(2) For the purposes of this Chapter, a person is to be taken to play a gaming machine if the person, directly or indirectly—

(a) inserts a gaming token into the gaming machine; or

(b) causes gaming machine credits to be registered by the gaming machine; or

(c) makes a bet on the gaming machine; or

(d) makes, or participates in making the decisions involved in playing the gaming machine.

S. 3.1.4(3) inserted by No. 29/2009 s. 6(2), amended by Nos 28/2022 s. 16, 23/2025 s. 74(Sch. 1 item 2.4).

(3) Subsection (2) does not apply to an employee of a venue operator or the monitoring licensee, or the holder of a gaming industry employee's licence, in the lawful performance of the employee's or licence holder's duties.

S. 3.1.4(4) inserted by No. 4/2014 s. 6(2), amended by No. 23/2025 s. 17(2).

(4) Despite anything to the contrary in this Act, the provision of responsible gambling and regulatory compliance services or pre-commitment services by the monitoring licensee is not to be taken to constitute the conduct of gaming by the licensee.

S. 3.1.4A inserted by No. 58/2009 s. 7, amended by No. 4/2014 s. 7.

3.1.4A Conduct of monitoring

A reference in this Chapter to the ***conduct of monitoring*** is a reference to an activity referred to in section 3.4.4(1).

3.1.5 Application of Chapter to casino operator

(1) For the purposes of this Chapter, a casino operator is taken to be the holder of a venue operator's licence.

(2) A casino operator is authorised—

(a) to obtain from a person listed on the Roll approved gaming machines, restricted gaming components and restricted monitoring components; and

S. 3.1.5(2)(a) amended by No. 58/2009 s. 114(1).

(b) to conduct gaming at the casino; and

(c) to service, repair and maintain gaming equipment and monitoring equipment through the services of persons holding a licence issued under Part 4 of the **Casino Control Act 1991**; and

S. 3.1.5(2)(c) amended by Nos 104/2004 s. 6(1), 58/2009 s. 114(2).

(ca) to, through the services of a person holding a licence issued under Part 4 of the **Casino Control Act 1991**, install, service, repair or maintain player account equipment, or part of a pre-commitment system, on or in a gaming machine in the casino for the purpose of complying with Division 3 of Part 8A; and

S. 3.1.5(2)(ca) inserted by No. 4/2014 s. 8.

(d) to sell or dispose of gaming equipment with the approval of the Commission; and

(e) to do all things necessarily incidental to carrying on the activities referred to in paragraph (a), (b), (c) or (d).

(3) A casino operator is authorised to sell or dispose of approved gaming machines with the approval of the Commission.

(3A) The Commission, having regard to any plans, diagrams and specifications approved under section 59 of the **Casino Control Act 1991**, may, by instrument, determine that an area in a casino

S. 3.1.5(3A) inserted by No. 104/2004 s. 6(2).

is a gaming machine area for the purposes of matters relevant to the provision to players of gaming machines of information relevant to gaming on gaming machines.

(4) The regulations may provide that any provisions of this Chapter that apply to a venue operator do not apply to a casino operator.

Note

In addition, some provisions of this Chapter that apply to a venue operator do not apply to a casino operator or casino—see sections 3.3.16, 3.4.25, 3.4.68, 3.5.7, 3.5.8, 3.5.15, 3.5.18, 3.5.20, 3.5.23(1), 3.5.27, 3.5.28, 3.5.32 and 3.5.33, and Divisions 6 and 7 of Part 5.

S. 3.1.6 substituted by No. 114/2003 s. 12.1.5 (as amended by No. 29/2009 s. 43), repealed by No. 28/2022 s. 17.

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S. 3.1.6A inserted by No. 29/2009 s. 7.

3.1.6A Application of Chapter to tabaret premises

On and after a gaming machine entitlement declared day that applies to a gaming machine entitlement under which gaming is conducted in an approved venue that is a tabaret premises, this Chapter applies to the tabaret premises as if they were an approved venue in respect of which a pub licence were in force.

S. 3.1.6B inserted by No. 62/2017 s. 77.

3.1.6B Minister may nominate person to enter into entitlement-related agreement

(1) The Minister may nominate an employee in the department administered by the Minister for the purposes of paragraph (b)(ii) of the definition of ***entitlement-related agreement*** in section 3.1.2.

(2) A nomination under subsection (1) is to be made by written notice given to the nominated person.

Part 2—General authorisation for gaming on gaming machines

Division 1—Legality of gaming machine gaming

3.2.1 Gaming in approved venue declared lawful

(1) The conduct of gaming and the conduct of monitoring is lawful when the gaming is conducted, and the gaming equipment is provided, in an approved venue or casino in accordance with this Chapter.

S. 3.2.1(1) amended by No. 58/2009 s. 115(1).

Note

Part 4A requires a venue operator to hold gaming machine entitlements to conduct gaming in an approved venue on or after a gaming machine entitlement declared day or days that apply to those entitlements.

Note to s. 3.2.1(1) inserted by No. 29/2009 s. 8(a).

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

S. 3.2.1(2) amended by Nos 29/2009 s. 8(b), 58/2009 s. 115(2).

* * * * *

S. 3.2.1(3) repealed by No. 56/2014 s. 43.

3.2.2 Possession of gaming equipment or monitoring equipment may be authorised

S. 3.2.2 (Heading) amended by No. 58/2009 s. 116(1).

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

S. 3.2.2(1) amended by No. 58/2009 s. 116(2).

(2) The Commission may authorise in writing a person to be in possession of a gaming machine, being a machine that is not in operating order.

S. 3.2.2(2A) (2AB) inserted by No. 58/2009 s. 8(1) (as amended by Nos 64/2010 s. 49, 60/2011 s. 69), repealed by No. 28/2022 s. 18.

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S. 3.2.2(2B) inserted by No. 60/2011 s. 4(1).

(2B) The Commission may authorise, in writing, a venue operator to be in possession of, or sell or dispose of, gaming equipment after a relevant event.

S. 3.2.2(2C) inserted by No. 60/2011 s. 4(1).

(2C) The Commission may give an authorisation under subsection (2B) only if the gaming equipment was acquired while the venue operator held a gaming machine entitlement.

S. 3.2.2(2D) inserted by No. 62/2017 s. 30(1).

(2D) The Commission must not give an authorisation under subsection (2B) in respect of a relevant event that is the assignment of a gaming machine entitlement except to authorise the venue operator to be in possession of, or sell or dispose of, gaming equipment at the venue that is associated with the entitlement.

S. 3.2.2(2E) inserted by No. 62/2017 s. 30(1).

(2E) For the purposes of subsection (2D), an approved venue (or a venue whose approval under Part 3 is suspended) is ***associated*** with an assigned gaming machine entitlement if—

(a) the venue operator has notified the Commission under section 3.4.13A that gaming will be conducted by the venue operator at that venue under that entitlement; and

(b) that notification has not been superseded by a subsequent notification under section 3.4.13A (other than a notification relating to the conduct of gaming under that entitlement by the assignee).

(3) An authorisation under subsection (1), (2), (2A) or (2B)—

S. 3.2.2(3) amended by Nos 60/2011 s. 4(2), 58/2009 s. 8(2) (as amended by Nos 64/2010 s. 49, 60/2011 s. 69).

(a) may be given subject to any terms, conditions or limitations that the Commission thinks fit; and

(b) may be given for any period specified by the Commission; and

(c) may be renewed, with or without variation, from time to time.

(4) A function of the Commission under this section may be performed by any commissioner.

(5) In this section—

S. 3.2.2(5) inserted by No. 60/2011 s. 4(3).

relevant event, for a venue operator, means—

S. 3.2.2(5) def. of *relevant event* amended by No. 62/2017 ss 4, 30(2).

(aa) the assignment of a gaming machine entitlement held by the operator; or

(a) the forfeiture, under Division 6, 7, 8 or 8A of Part 4A, of all gaming machine entitlements held by the operator; or

(b) the transfer, under Division 5 of Part 4A, of all gaming machine entitlements held by the operator to another venue operator; or

(ba) the surrender, under Division 5AA, of all gaming machine entitlements held by the operator; or

(c) the sale, under Division 5A of Part 4A, of all gaming machine entitlements held by the operator.

Ch. 3 Pt 2 Div. 2 (Heading) substituted by No. 39/2007 s. 5.

Division 2—Ministerial directions, regional limits and municipal limits

3.2.3 Ministerial directions as to requirements for gaming machines

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

S. 3.2.3(1)(a) repealed by No. 32/2012 s. 4.

* * * * *

S. 3.2.3(1)(b)(c) repealed by No. 29/2009 s. 9.

* * * * *

(d) the bet limits to apply to gaming machines;

S. 3.2.3(1)(e) repealed by No. 29/2009 s. 9, new s. 3.2.3(1)(e) inserted by No. 30/2023 s. 14.

(e) the criteria that the Commission must apply in determining whether to approve a period under section 62C(2A) of the **Casino Control Act 1991**, including conditions to be imposed on any such approvals;

S. 3.2.3(1)(f) repealed by No. 32/2012 s. 4.

* * * * *

(g) the criteria that the Commission must apply in determining whether to specify an area by notice under section 62AB(4), 62AC(2) or 81AAB(2) of the **Casino Control Act 1991**;

S. 3.2.3(1)(g) amended by No. 58/2009 s. 9.

(h) the conditions that the Commission must specify in a notice referred to in paragraph (g).

(2) 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**.

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

(4) The Commission must, as soon as possible after receiving a direction under this section, cause notice of the direction to be published in the Government Gazette.

(5) The Commission is bound by a direction given under this section.

(6) The Commission must publish in its annual report all directions given by the Minister under this section during the previous year.

3.2.4 Regions for gaming machines

S. 3.2.4 substituted by Nos 39/2007 s. 6, 58/2009 s. 10.

The Minister may from time to time, by order published in the Government Gazette, determine regions in the State for the purposes of this Chapter.

* * * * *

S. 3.2.4A inserted by No. 39/2007 s. 6, repealed by No. 32/2012 s. 5.

3.2.5 No compensation payable

No compensation is payable by the State in respect of any direction given or anything done under or arising out of—

S. 3.2.5(a) amended by No. 39/2007 s. 7(a).

(a) any direction given by the Commission under section 3.2.4.

S. 3.2.5(b)(c) repealed by No. 39/2007 s. 7(b).

* * * * *

Part 2A—Ownership and related person restrictions

Ch. 3 Pt 2A (Headings and ss 3.2A.1–3.2A.7) inserted by No. 29/2009 s. 10.

Division 1—Interpretation

3.2A.1 Definitions

S. 3.2A.1 inserted by No. 29/2009 s. 10.

In this Part—

* * * * *

S. 3.2A.1 def. of *entitlement holder* repealed by No. 58/2011 s. 71.

monitoring licence means the monitoring licence that is in effect (other than for the purpose of preparatory action taken in accordance with an authorisation under section 3.4.52(2));

S. 3.2A.1 def. of *monitoring licence* inserted by No. 43/2009 s. 9, amended by No. 64/2010 s. 37.

monitoring licensee means the holder of the monitoring licence.

S. 3.2A.1 def. of *monitoring licensee* inserted by No. 43/2009 s. 9, amended by No. 32/2012 s. 32.

* * * * *

S. 3.2A.1 def. of *prescribed connection* repealed by No. 58/2011 s. 71.

Division 2—Ownership and related person licensee restrictions

S. 3.2A.2 inserted by No. 29/2009 s. 10.

3.2A.2 Restrictions for venue operators and related persons

(1) This section applies to—

(a) a venue operator;

(b) an associate of a venue operator;

(c) a subsidiary of a venue operator;

(d) a related body corporate of a venue operator.

(2) A person to whom this section applies must not be—

(a) a person listed on the Roll; or

(b) a holder of the monitoring licence; or

(c) an associate, subsidiary or related body corporate of a person listed on the Roll; or

(d) an associate, subsidiary or related body corporate of a holder of the monitoring licence.

S. 3.2A.3 inserted by No. 29/2009 s. 10.

3.2A.3 Monitoring restrictions for persons listed on the Roll and related persons

(1) This section applies to—

(a) a person listed on the Roll who—

S. 3.2A.3 (1)(a)(i) amended by No. 58/2009 s. 117.

(i) manufactures approved gaming machines or restricted gaming components; or

S. 3.2A.3 (1)(a)(ii) amended by No. 23/2025 s. 58.

(ii) supplies testing services (other than doing anything referred to in section 3.4.5(c)(i) or (ia));

(b) an associate, subsidiary or related body corporate of a person referred to in paragraph (a).

(2) A person to whom this section applies must not be—

(a) a holder of the monitoring licence; or

(b) an associate of a holder of the monitoring licence; or

(c) a subsidiary of a holder of the monitoring licence; or

(d) a related body corporate of a holder of the monitoring licence.

3.2A.4 Other restrictions for persons listed on the Roll and related persons

S. 3.2A.4 inserted by No. 29/2009 s. 10.

(1) This section applies to—

(a) a person listed on the Roll;

(b) an associate, subsidiary or related body corporate of a person referred to in paragraph (a).

(2) A person to whom this section applies must not be—

(a) a holder of a venue operator's licence; or

(b) an associate of a holder of a venue operator's licence; or

(c) a subsidiary of a holder of a venue operator's licence; or

(d) a related body corporate of a holder of a venue operator's licence.

3.2A.5 Restrictions for the monitoring licensee and related persons

S. 3.2A.5 inserted by No. 29/2009 s. 10.

(1) This section applies to—

(a) the monitoring licensee;

(b) an associate of the monitoring licensee;

(c) a subsidiary of the monitoring licensee;

(d) a related body corporate of the monitoring licensee.

(2) A person to whom this section applies must not—

(a) be a holder of a venue operator's licence; or

(b) be a person listed on the Roll who—

S. 3.2A.5 (2)(b)(i) amended by No. 58/2009 s. 118.

(i) manufactures approved gaming machines or restricted gaming components; or

S. 3.2A.5 (2)(b)(ii) amended by No. 28/2022 s. 19.

(ii) does any of the things referred to in section 3.4.5(c) (other than anything referred to in section 3.4.5(c)(i) or (ia));

(c) be an associate of a holder of a venue operator's licence or a person referred to in paragraph (b); or

(d) be a subsidiary of a holder of a venue operator's licence or a person referred to in paragraph (b); or

(e) be a related body corporate of a holder of a venue operator's licence or a person referred to in paragraph (b).

S. 3.2A.6 inserted by No. 29/2009 s. 10.

3.2A.6 Restrictions for a casino operator

(1) This section applies to—

(a) a casino operator;

(b) an associate of a casino operator;

(c) a subsidiary of a casino operator;

(d) a related body corporate of a casino operator.

(2) A person to whom this section applies must not—

(a) hold a gaming machine entitlement that authorises the conduct of gaming in an approved venue in respect of which there is, in force, a pub licence; or

(b) be a holder of the monitoring licence.

Division 3—Gaming machine entitlement prohibited interests

3.2A.7 Prohibited interests in gaming machine entitlements

S. 3.2A.7 inserted by No. 29/2009 s. 10.

(1) On and after a day declared by the Minister under subsection (1A), it is unlawful for an entitlement holder to hold a prohibited number of hotel gaming machine entitlements or club gaming machine entitlements.

S. 3.2A.7(1) amended by No. 58/2009 ss 11(1), 142(2).

(1A) For the purposes of this Division, the Minister must, by notice published in the Government Gazette, declare a day on and after which it will be unlawful for an entitlement holder to hold a prohibited number of hotel gaming machine entitlements or club gaming machine entitlements.

S. 3.2A.7(1A) inserted by No. 58/2009 s. 11(2).

(1B) A notice published in the Government Gazette under subsection (1A) takes effect on the day on which the notice is published in the Government Gazette, or on a later day specified in the notice.

S. 3.2A.7(1B) inserted by No. 58/2009 s. 11(2).

(2) An entitlement holder holds a prohibited number of hotel gaming machine entitlements if—

(a) the entitlement holder holds more than 35% of hotel gaming machine entitlements; or

(b) the sum of the hotel gaming machine entitlements held by the entitlement holder (the ***first entitlement holder***) and those that

S. 3.2A.7(2)(b) amended by No. 62/2017 s. 50(1).

are held by one or more other entitlement holders that have a prescribed connection with the first entitlement holder equates to more than 35% of hotel gaming machine entitlements.

S. 3.2A.7(3) amended by No. 62/2017 s. 50(2)(a).

(3) Before the day declared by the Minister under section 3.2A.7A, an entitlement holder holds a prohibited number of club gaming machine entitlements if—

S. 3.2A.7(3)(a) amended by No. 62/2017 s. 50(2)(b).

(a) the entitlement holder holds more than 420 club gaming machine entitlements that expire on 15 August 2022; or

S. 3.2A.7(3)(b) amended by No. 62/2017 s. 50(2)(c).

(b) the sum of the club gaming machine entitlements that expire on 15 August 2022 and that are held by the entitlement holder (the ***first entitlement holder***) and those that are held by one or more other entitlement holders that have a prescribed connection with the first entitlement holder equates to more than 420 club gaming machine entitlements; or

S. 3.2A.7(3)(c) inserted by No. 62/2017 s. 50(2)(d).

(c) the entitlement holder holds more than 420 club gaming machine entitlements that take effect on or after 16 August 2022; or

S. 3.2A.7(3)(d) inserted by No. 62/2017 s. 50(2)(d).

(d) the sum of the club gaming machine entitlements that take effect on or after 16 August 2022 and that are held by the entitlement holder (the ***first entitlement holder***) and those that are held by one or more other entitlement holders that have a prescribed connection with the first entitlement holder equates to more than 420 club gaming machine entitlements.

(3A) On and after the day declared by the Minister under section 3.2A.7A, an entitlement holder holds a prohibited number of club gaming machine entitlements if—

S. 3.2A.7(3A) inserted by No. 62/2017 s. 50(3).

(a) the entitlement holder holds more than 840 club gaming machine entitlements that expire on 15 August 2022; or

(b) the sum of the club gaming machine entitlements that expire on 15 August 2022 and that are held by the entitlement holder (the ***first entitlement holder***) and those that are held by one or more other entitlement holders that have a prescribed connection with the first entitlement holder equates to more than 840 club gaming machine entitlements; or

(c) the entitlement holder holds more than 840 club gaming machine entitlements that take effect on or after 16 August 2022; or

(d) the sum of the club gaming machine entitlements that take effect on or after 16 August 2022 and that are held by the entitlement holder (the ***first entitlement holder***) and those that are held by one or more other entitlement holders that have a prescribed connection with the first entitlement holder equates to more than 840 club gaming machine entitlements.

(4) In determining whether an entitlement holder holds a prohibited interest as specified under subsection (2)(a) or (b), a notice published under section 3.4A.5(3) must be applied and the matters set out in section 3.4A.5AA must be taken into account.

S. 3.2A.7(4) amended by Nos 58/2009 s. 142(3), 62/2017 s. 50(4), 28/2022 s. 139.

S. 3.2A.7A inserted by No. 62/2017 s. 51.

3.2A.7A Minister may declare day for increase of limit on club gaming machine entitlements

Before 16 August 2022, the Minister may, by Order published in the Government Gazette, declare a day on which the limits applying in relation to club gaming machine entitlements under section 3.2A.7 are increased.

Part 3—Approval of premises for gaming

Division 1—Introduction

3.3.1 Outline of Part

S. 3.3.1 substituted by No. 30/2023 s. 16.

This Part sets out the procedure for obtaining the Commission's approval of premises as suitable for gaming.

Note

Premises cannot operate as an approved venue unless the premises are approved under this Part as suitable for gaming.

Division 2—Premises approvals

3.3.2 Which premises may be approved as suitable for gaming?

(1) An approval of premises as suitable for gaming may be given for any premises to which one of the following applies—

(a) a pub licence;

(b) a club licence;

(c) a racing club licence.

(2) Premises may be approved before a licence referred to in subsection (1) is granted or comes into force, but in that case the approval does not come into force until that licence comes into force.

(3) Despite subsection (1), an approval cannot be given under this Part for prescribed premises or premises of a prescribed class.

* * * * *

S. 3.3.3 amended by No. 62/2017 s. 101(1), repealed by No. 30/2023 s. 17.

3.3.4 Application for approval of premises

S. 3.3.4(1) amended by No. 58/2009 s. 12(1).

(1) Subject to section 3.3.5, the owner of premises or a person authorised by the owner may apply to the Commission for the approval of the premises as suitable for gaming.

S. 3.3.4(1A) inserted by No. 56/2010 s. 6.

(1A) Unless the Commission considers there are exceptional circumstances, an application under this section must be made within 3 days after a copy of the proposed application has been given to the relevant responsible authority under section 3.3.5.

S. 3.3.4(1B) inserted by No. 56/2010 s. 6.

(1B) If the Commission considers there are exceptional circumstances, the Commission, by written notice given to the applicant, may extend the period of time within which the applicant may make the application.

(2) An application must be in the form approved by the Commission and must be accompanied by the prescribed fee.

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

(a) evidence of the applicant's interest in the premises or any other relevant authorisation; and

(b) any one of—

(i) a copy of a permit issued under the **Planning and Environment Act 1987** permitting the premises to be used for gaming on gaming machines; or

(ii) other evidence that use of the premises for gaming on gaming machines would not contravene the planning scheme that applies under the **Planning and Environment Act 1987**; or

(iii) a copy of an application that has been made in accordance with the **Planning and Environment Act 1987** for a permit that, if granted, would permit the premises to be used for gaming on gaming machines; and

(ba) the number of gaming machines sought to be permitted in the premises for gaming; and

S. 3.3.4(3)(ba) inserted by No. 58/2009 s. 12(2) (as amended by No. 56/2010 s. 62).

(bb) evidence that the owner or a person authorised by the owner has complied with section 3.3.5; and

S. 3.3.4(3)(bb) inserted by No. 58/2009 s. 12(2) (as amended by No. 56/2010 s. 62).

(c) any additional information the Commission requests.

* * * * *

S. 3.3.4(4) repealed by No. 30/2023 s. 18.

(5) The submission must be in the form approved by the Commission and must include the information specified in the form.

Note

Division 1 of Part 4 of Chapter 10 provides for the investigation of an application for approval of premises as suitable for gaming.

S. 3.3.5 substituted by No. 58/2009 s. 13 (as amended by No. 56/2010 s. 63).

3.3.5 Proposed application must be given to relevant responsible authority before application is made

The owner of premises or a person authorised by the owner who proposes to apply under section 3.3.4 for approval of the premises as suitable for gaming must give to the relevant responsible authority within the meaning of the **Planning and Environment Act 1987** a copy of the proposed application before making the application under that section.

S. 3.3.5AA inserted by No. 58/2009 s. 13 (as amended by No. 56/2010 s. 63).

3.3.5AA Commission to notify relevant responsible authority of receipt of application

The Commission, on receiving an application under section 3.3.4, must notify the relevant responsible authority in writing that it has received the application.

S. 3.3.5AB inserted by No. 58/2009 s. 13 (as amended by No. 56/2010 s. 63).

3.3.5AB Amendment of application for premises approval

(1) An applicant may amend an application made under section 3.3.4 for the approval of premises as suitable for gaming before the Commission determines the application under section 3.3.8. The applicant may do so by submitting the application, with the amendments, to the Commission.

(2) The applicant must also give a copy of the application, as amended, to the relevant responsible authority on the same day the applicant submits the amended application to the Commission.

S. 3.3.5A inserted by No. 58/2009 s. 13 (as amended by No. 56/2010 s. 63).

3.3.5A No change permitted to number of gaming machines sought in application after certain period

Despite section 3.3.5AB, the applicant cannot, in an amended application submitted under that section, change the number, stated in the application, of gaming machines sought to be permitted on the premises for gaming once the

first 30 days after giving the relevant responsible authority a copy of the proposed application under section 3.3.5 elapse.

3.3.5B Relevant responsible authority must notify Commission of intention to make submission

S. 3.3.5B inserted by No. 58/2009 s. 13 (as amended by No. 56/2010 s. 63).

The relevant responsible authority must notify the Commission in writing as to whether it intends to make a submission under section 3.3.6 in respect of any application or amended application within 37 days after receiving a notice under section 3.3.5AA or a copy of the amended application under section 3.3.5AB(2), as the case may be.

3.3.6 Responsible authority may make submission

(1) Subject to this section, the relevant responsible authority may make a submission to the Commission on an application for approval of premises or an amendment of an application for approval of premises—

S. 3.3.6(1) amended by Nos 58/2009 s. 14(1), 56/2010 s. 7.

(a) addressing the economic and social impact of the proposal for approval on the well-being of the community of the municipal district in which the premises are located; and

(b) taking into account the impact of the proposal on surrounding municipal districts.

(2) A submission must be in the form approved by the Commission and must include the information specified in the form.

(3) Unless the Commission considers there are exceptional circumstances or there is a change, in the application, to the number of gaming machines sought to be permitted in the premises for gaming, a submission must be made within 60 days after the responsible authority receives a notice under section 3.3.5AA or a copy of an

S. 3.3.6(3) substituted by No. 58/2009 s. 14(2) (as amended by No. 56/2010 s. 64).

amended application under section 3.3.5AB(2), as the case may be.

S. 3.3.6(4) inserted by No. 58/2009 s. 14(2) (as amended by No. 56/2010 s. 64).

(4) If the Commission considers there are exceptional circumstances or there is a change, in the application, to the number of gaming machines sought to be permitted in the premises for gaming, the Commission, by written notice given to the responsible authority, may extend the period of time within which a responsible authority may make a submission.

S. 3.3.6(5) inserted by No. 58/2009 s. 14(2) (as amended by No. 56/2010 s. 64).

(5) The Commission must not extend the period of time within which the responsible authority may make a submission beyond 30 days after the end of the period specified in subsection (3).

3.3.7 Matters to be considered in determining applications

(1) The Commission must not grant an application for approval of premises as suitable for gaming unless satisfied that—

(a) the applicant has authority to make the application in respect of the premises; and

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

(c) the net economic and social impact of approval will not be detrimental to the well-being of the community of the municipal district in which the premises are located.

(2) In particular, the Commission must consider whether the size, layout and facilities of the premises are or will be suitable.

(3) The Commission must also consider any submission made by the relevant responsible authority under section 3.3.6.

* * * * *

S. 3.3.7(4) repealed by No. 58/2009 s. 15.

(5) The Commission cannot approve an area as a gaming machine area unless that area is wholly indoors.

S. 3.3.7(5) inserted by No. 72/2007 s. 7(1).

3.3.8 Determination of application

(1) The Commission must determine an application by either granting or refusing to grant approval of the premises as suitable for gaming.

S. 3.3.8(1) substituted by No. 30/2023 s. 19(1).

(1A) The Commission must use its reasonable endeavours to determine an application within the required period.

S. 3.3.8(1A) inserted by No. 58/2009 s. 16 (as amended by No. 56/2010 s. 65).

(1B) For the purposes of subsection (1A) the ***required period*** is—

S. 3.3.8(1B) inserted by No. 58/2009 s. 16 (as amended by No. 56/2010 s. 65).

(a) 60 days after receiving a notification from the relevant responsible authority under section 3.3.5B that it does not intend to make a submission under section 3.3.6 (whether or not a submission has been made on the application before the application was amended);

(b) if a submission is made by the authority under section 3.3.6 and no amendment in respect of the application has been submitted to the Commission, 60 days after the making of the submission;

(c) if an amendment in respect of the application has been submitted to the Commission and a submission has been made by the authority

under section 3.3.6 in relation to the application as amended, 60 days after the making of the submission.

S. 3.3.8(1C) inserted by No. 58/2009 s. 16 (as amended by No. 56/2010 s. 65).

(1C) Subsection (1B)(c) applies even if the relevant responsible authority has made a submission under section 3.3.6 on the application before the application was amended.

S. 3.3.8(1D) inserted by No. 58/2009 s. 16 (as amended by No. 56/2010 s. 65).

(1D) If the Commission does not determine the application within the required period specified under subsection (1A), the Commission is to be taken to have refused to grant the approval.

(2) An approval must specify—

(a) the number of gaming machines permitted; and

S. 3.3.8(2)(b) amended by No. 30/2023 s. 19(2)(a)(i).

(b) the gaming machine areas approved for the premises.

S. 3.3.8(2)(c) repealed by No. 30/2023 s. 19(2)(a)(ii).

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S. 3.3.8(3) repealed by No. 30/2023 s. 19(2)(b).

* * * * *

(4) The Commission must give written notice of its decision on an application to—

(a) the applicant; and

(b) the relevant responsible authority, if that authority made a submission under section 3.3.6 on the application.

3.3.9 Conditions of approval

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S. 3.3.9(1)(2) repealed by No. 30/2023 s. 25(a).

(3) An approval of premises may be granted subject to—

S. 3.3.9(3) amended by No. 30/2023 s. 25(b).

(a) a condition that the approval does not take effect until the Commission has notified the applicant in writing that the premises have been inspected for the purposes of section 3.3.7(1)(b) and the Commission is satisfied that the premises are suitable for the management and operation of gaming machines;

(b) a condition that the approval does not take effect until the applicant satisfies the Commission that—

(i) the applicant has obtained a permit under the **Planning and Environment Act 1987** permitting the premises to be used for gaming on gaming machines; or

(ii) use of the premises for gaming on gaming machines would not contravene the planning scheme that applies under the **Planning and Environment Act 1987**;

(c) any other conditions that the Commission thinks fit;

S. 3.3.9(3)(c) amended by No. 9/2018 s. 6(1).

(d) a condition that the approval does not take effect until the applicant has satisfied the Commission that it has complied with any

S. 3.3.9(3)(d) inserted by No. 9/2018 s. 6(2).

other condition imposed by the Commission, as the Commission thinks fit.

(4) Without limiting the matters to which conditions may relate, the conditions of an approval may relate to any matter for which provision is made by this Act but must not be inconsistent with a provision of this Act.

S. 3.3.9(5) inserted by No. 9/2018 s. 6(3).

(5) If an approval is granted subject to a condition under section 3.3.9(3)(d), the holder of the approval must comply with the condition within 2 years of the approval being granted, or such other time specified by the Commission when granting the approval.

S. 3.3.9(6) inserted by No. 9/2018 s. 6(3).

(6) If an approval is granted subject to a condition under section 3.3.9(3)(d), and the holder of the approval fails to comply with subsection (5), the approval is automatically revoked.

S. 3.3.9(7) inserted by No. 9/2018 s. 6(3).

(7) If an approval is granted subject to a condition under section 3.3.9(3)(d), and before complying with the condition the holder of the approval ceases to have an interest in the premises or any other relevant authorisation as referred to in section 3.3.4(3)(a)—

(a) the holder of the approval must notify the Commission as soon as is practicable; and

(b) the approval is automatically revoked.

S. 3.3.9(8) inserted by No. 9/2018 s. 6(3).

(8) The Commission may, by notice in writing, require the holder of an approval to provide information or documents relevant to whether the holder of the approval still has an interest in the premises or any other relevant authorisation as referred to in section 3.3.4(3)(a).

S. 3.3.9(9) inserted by No. 9/2018 s. 6(3).

(9) If a requirement under subsection (8) is not complied with, the Commission may revoke the approval.

3.3.10 Duration of approval

S. 3.3.10 amended by No. 62/2017 s. 31(1)(2) (ILA s. 39B(1)).

(1) Subject to subsection (2), an approval of premises as suitable for gaming remains in force until the approval is revoked or surrendered.

S. 3.3.10(2) inserted by No. 62/2017 s. 31(2).

(2) An approval of premises as suitable for gaming is taken not to be in force while it is suspended.

3.3.11 Variation of approval

(1) The holder of an approval of premises must give the Commission written particulars of any change in the size or layout of the premises, without delay after that change occurs.

S. 3.3.11(1A) inserted by No. 62/2017 s. 49(1).

(1A) Subsection (1) applies whether or not the approval is suspended.

(2) If the Commission is satisfied that the change in the size or layout of the premises will not result in the number of gaming machines for the premises being increased, the Commission may, on the application of the holder of the approval, vary the approval to incorporate those changes.

3.3.11A Variation of conditional approval

S. 3.3.11A inserted by No. 9/2018 s. 7.

(1) The holder of an approval of premises that has been granted subject to conditions under section 3.3.9(3)(d) may, at least 60 days before the expiry of the time in which to comply with a condition, make written application to the Commission for an extension of time to comply with the condition.

(2) An application under subsection (1) must be accompanied by a submission as to why the time to comply with the condition should be extended.

(3) On receiving an application under subsection (1), the Commission may, as it sees fit, by written notice to the holder of the approval, grant or refuse the application.

(4) A grant or refusal under subsection (3) takes effect when the notice is given or on a later date specified in the notice.

3.3.12 Revocation of approval

(1) The Commission may serve on a person who is the holder of an approval of premises under this Part a notice in writing giving the person an opportunity to show cause within 28 days why the approval should not be revoked on the grounds that the premises are, for reasons specified in the notice, no longer suitable for the conduct of gaming.

S. 3.3.12(1A) inserted by No. 62/2017 s. 49(2).

(1A) Subsection (1) applies whether or not the approval is suspended.

(2) The holder of the approval may, within the period allowed by the notice, arrange with the Commission for the making of submissions to the Commission as to why the approval should not be revoked and the Commission must consider any submissions so made.

(3) The Commission may then revoke the approval if the Commission sees fit and does so by giving written notice of the revocation to the holder of the approval.

(4) Revocation of approval under this section takes effect when the notice is given or on a later date specified in the notice.

3.3.13 Automatic revocation or suspension of approval

S. 3.3.13 (Heading) amended by No. 62/2017 s. 49(3).

S. 3.3.13 amended by No. 62/2017 s. 49(4) (ILA s. 39B(1)).

(1) If a licence under the **Liquor Control Reform Act 1998** in respect of premises approved under this Part—

(a) is cancelled, relocated, surrendered or released, the approval of the premises under this Part is immediately revoked; or

(b) is suspended for a period of time, the approval of the premises under this Part is immediately suspended for the same period.

S. 3.3.13(2) inserted by No. 62/2017 s. 49(4).

(2) Subsection (1) applies whether or not the approval under this Part is already suspended under any other section of this Act.

S. 3.3.13(3) inserted by No. 62/2017 s. 49(4).

(3) If an approval under this Part is suspended both under subsection (1)(b) and under any other section of this Act, the expiry of the period referred to in subsection (1)(b) does not affect the suspension that is effected under that other section.

3.3.14 Tribunal review of approval

(1) An applicant for approval of premises may apply to the Tribunal for review of a decision of the Commission on the application.

(2) A responsible authority that made a submission under section 3.3.6 on an application for approval of premises may apply to the Tribunal for review of a decision of the Commission granting the approval.

(3) An application for review must be made within 28 days after the later of—

(a) the day on which the decision is made;

(b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the applicant or responsible authority requests a

statement of reasons for the decision, the day on which the statement of reasons is given to the applicant or responsible authority or the applicant or responsible authority is informed under section 46(5) of that Act that a statement of reasons will not be given.

3.3.15 Surrender of approval

The holder of an approval under this Part may surrender the approval by giving notice in writing to the Commission.

S. 3.3.15A inserted by No. 58/2009 s. 17.

3.3.15A One venue operator for an approved venue

Only one venue operator may conduct gaming in each approved venue.

Division 3—Modification of gaming machine areas

3.3.16 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 Commission.

Penalty: 100 penalty units.

S. 3.3.16(1A) inserted by No. 62/2017 s. 49(5).

(1A) In subsection (1), a reference to an approved venue also refers to a venue whose approval under Part 3 is suspended.

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

(3) The Commission 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 Commission considers relevant.

(3A) The Commission cannot grant an application for approval of modification of a gaming machine area unless that area as modified is wholly indoors.

S. 3.3.16(3A) inserted by No. 72/2007 s. 7(2).

(4) A function of the Commission under this section may be performed by any commissioner.

(5) This section does not apply to a venue operator who is a casino operator.

3.3.17 Appeal

(1) If a decision to refuse to grant an application for approval under section 3.3.16, or a decision to grant an approval subject to conditions, is made by a single commissioner, the venue operator may appeal against the decision to the Commission within 28 days of notification of the decision.

(2) An appeal must—

(a) be in writing; and

(b) specify the grounds on which it is made.

(3) After consideration of an appeal, the Commission may—

(a) confirm the decision; or

(b) in the case of a decision to refuse an application—grant the application, either unconditionally or subject to conditions;

(c) in the case of a decision to grant an application subject to conditions—vary or remove the conditions.

(4) The decision of the Commission on an appeal—

(a) must be notified in writing to the applicant;

(b) may include the reasons for the decision.

(5) The Commission as constituted for the purposes of the appeal must not include the commissioner who made the decision appealed against.

Part 4—Licensing of operators and monitors and listing of manufacturers, suppliers and testers

Ch. 3 Pt 4 (Heading) amended by Nos 104/2004 s. 39(1), 29/2009 s. 11(1).

Division 1—Authority conferred by licences and listing

3.4.1 Authority conferred by venue operator's licence

S. 3.4.1 amended by No. 29/2009 s. 11(3) (ILA s. 39B(1)).

(1) A venue operator's licence authorises the licensee, subject to this Act and any conditions to which the licence is subject—

(aa) to acquire and transfer gaming machine entitlements in accordance with Part 4A; and

S. 3.4.1(1)(aa) inserted by No. 29/2009 s. 11(2).

(ab) while holding gaming machine entitlements, conduct gaming on approved gaming machines in an approved venue operated by the licensee; and

S. 3.4.1(1)(ab) inserted by No. 29/2009 s. 11(2).

(ac) while holding a gaming machine entitlement or under an authorisation under section 3.2.2(2B), sell or dispose of a gaming machine or gaming equipment acquired for the purpose of use in an approved venue operated by the licensee (including a venue whose approval under Part 3 is suspended); and

S. 3.4.1(1)(ac) inserted by No. 29/2009 s. 11(2), substituted by No. 58/2009 s. 18 (as amended by Nos 64/2010 s. 50, 60/2011 s. 71), amended by No. 62/2017 s. 49(6).

(ad) while holding a gaming machine entitlement, to, through the services of a person holding a gaming industry employee's licence, service, repair or maintain gaming equipment acquired for the purpose of use in an approved venue operated by the licensee

S. 3.4.1(1)(ad) inserted by No. 29/2009 s. 11(2), amended by Nos 64/2010 s. 38(1), 62/2017 s. 49(6).

(including a venue whose approval under Part 3 is suspended); and

S. 3.4.1(1)(ae) inserted by No. 64/2010 s. 38(2).

(ae) while holding a gaming machine entitlement, to conduct gaming through a linked jackpot arrangement; and

S. 3.4.1(1)(af) inserted by No. 4/2014 s. 9, amended by No. 62/2017 s. 49(7).

(af) while holding a gaming machine entitlement, to, through the services of a person holding a gaming industry employee's licence, install, service, repair or maintain player account equipment on or in a gaming machine in an approved venue operated by the licensee (including a venue whose approval under Part 3 is suspended), for the purpose of complying with Division 3 of Part 8A; and

S. 3.4.1(1)(a) repealed by No. 28/2022 s. 20.

* * * * *

(b) to possess gaming equipment; and

S. 3.4.1(1)(ba) inserted by No. 64/2010 s. 38(3).

(ba) while holding gaming machine entitlements, to acquire and possess gaming equipment; and

S. 3.4.1(1)(bb) inserted by No. 64/2010 s. 38(3).

(bb) to possess monitoring equipment operated by the monitoring licensee for the purpose of providing monitoring services to the licensee, in accordance with an agreement between the licensee and the monitoring licensee; and

S. 3.4.1(1)(c) substituted by No. 62/2017 s. 49(8).

(c) to manage and operate an approved venue in relation to the conduct of gaming at the venue; and

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

(2) A venue operator's licence does not authorise the licensee to engage in any business by way of—

S. 3.4.1(2) inserted by No. 29/2009 s. 11(3).

(a) manufacture of gaming equipment or monitoring equipment; or

S. 3.4.1(2)(a) amended by No. 64/2010 s. 38(4)(a).

(b) supply of approved gaming equipment or monitoring equipment to any person; or

S. 3.4.1(2)(b) amended by No. 64/2010 s. 38(4)(a).

(c) service, repair or maintenance of gaming equipment, monitoring equipment, games or jackpots.

S. 3.4.1(2)(c) amended by No. 64/2010 s. 38(4)(b).

(3) A venue operator's licence only authorises the licensee to conduct gaming on 105 approved gaming machines in every approved venue operated by the licensee.

S. 3.4.1(3) inserted by No. 29/2009 s. 11(3).

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S. 3.4.1A inserted by No. 29/2009 s. 12, repealed by No. 28/2022 s. 20.

3.4.1B Venue operator must comply with standards and operational requirements

S. 3.4.1B inserted by No. 64/2010 s. 39.

(1) A venue operator must comply with—

(a) a standard made by the Commission under section 10.1.5B in respect of the conduct of gaming; or

(b) an operational requirement determined by the Commission under section 10.1.5C—

unless the Commission has, in writing, given its approval to the venue operator not to comply with the standard or operational requirement.

(2) A venue operator must not conduct gaming—

(a) through a linked jackpot arrangement that does not comply with a standard made by the Commission under section 10.1.5B in respect of such arrangements; or

(b) otherwise than in accordance with a standard made by the Commission under section 10.1.5B—

unless the Commission has, in writing, given its approval to the venue operator to conduct gaming through a linked jackpot arrangement that does not comply with the standard or to conduct gaming in a manner that does not comply with the standard.

(3) A venue operator must ensure that any gaming machines on which it conducts gaming comply with a standard made by the Commission under section 3.5.3, unless the Commission has, in writing, given its approval to the venue operator to conduct gaming on gaming machines that do not comply with the standard.

Note to s. 3.4.1B inserted by No. 4/2014 s. 10.

Note

See section 3.8A.9 in relation to standards for player account equipment.

S. 3.4.2 amended by Nos 104/2004 s. 39(5)(b), 58/2009 s. 120, 60/2011 s. 6, repealed by No. 28/2022 s. 20.

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S. 3.4.3 repealed by No. 104/2004 s. 39(2), new s. 3.4.3 inserted by No. 29/2009 s. 13, repealed by No. 28/2022 s. 20.

3.4.4 Authority conferred by monitoring licence

S. 3.4.4 repealed by No. 104/2004 s. 39(2), new s. 3.4.4 inserted by No. 29/2009 s. 13.

(1) The monitoring licence authorises the monitoring licensee, subject to this Act, any related agreement referred to in section 3.4.48 or 3.4.48A and any conditions to which the licence is subject—

S. 3.4.4(1) amended by No. 56/2010 s. 8(1).

(a) to operate and maintain an electronic monitoring system; and

(b) to conduct monitoring using the electronic monitoring system and monitoring equipment for the purpose of—

S. 3.4.4(1)(b) amended by No. 58/2009 s. 19(1).

(i) detecting significant events in relation to the electronic monitoring system, a gaming machine or communications system or device associated with the electronic monitoring system or a gaming machine; and

S. 3.4.4(1)(b)(i) substituted by No. 64/2010 s. 40(1).

(ii) continuously recording, monitoring and controlling significant game play transactions and recording revenue generated from each gaming machine connected to the system; and

(iii) facilitating linked jackpot arrangements; and

S. 3.4.4(1)(c) amended by No. 58/2009 s. 121.

(c) to sell, supply or possess monitoring equipment solely for the purpose of—

S. 3.4.4(1)(c)(i) substituted by No. 64/2010 s. 40(2).

(i) detecting significant events in relation to the electronic monitoring system, a gaming machine or communications system or device associated with the electronic monitoring system or a gaming machine; and

(ii) continuously recording, monitoring and controlling significant game play transactions and recording revenue generated from gaming machines connected to the monitoring system; and

(iii) facilitating linked jackpot arrangements; and

S. 3.4.4(1)(caa) inserted by No. 56/2010 s. 8(2).

(caa) to provide jackpot financial administration services in relation to multiple venue linked jackpot arrangements; and

S. 3.4.4(1)(ca) inserted by No. 58/2009 s. 19(2) (as amended by No. 29/2011 s. 3(Sch. 1 item 43.1)), repealed by No. 4/2014 s. 11(1).

* * * * *

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

(1A) The monitoring licence also authorises the monitoring licensee, subject to this Act, any related agreement referred to in section 3.4.48 or 3.4.48A and any conditions to which the licence is subject, to provide, in accordance with the licence conditions or a direction under section 3.4.49—

S. 3.4.4(1A) inserted by No. 4/2014 s. 11(2), amended by No. 23/2025 s. 3(a).

(a) systems and mechanisms that implement responsible gambling measures for the conduct of gaming; and

(ab) systems and mechanisms that implement regulatory compliance measures for the conduct of gaming, including compliance with anti-money laundering and counter-terrorism financing obligations; and

S. 3.4.4 (1A)(ab) inserted by No. 23/2025 s. 3(b).

(b) services that are associated with the provision of those systems and mechanisms.

Note

Section 3.1.4(4) provides that the provision of responsible gambling and regulatory compliance services by the monitoring licensee is not to be taken to constitute the conduct of gaming by the licensee.

Note to s. 3.4.4(1A) amended by No. 23/2025 s. 3(c).

(1B) The monitoring licence also authorises the monitoring licensee, subject to this Act, any related agreement referred to in section 3.4.48 or 3.4.48A and any conditions to which the licence is subject, to, in accordance with the licence conditions or a direction under section 3.8A.2—

S. 3.4.4(1B) inserted by No. 4/2014 s. 11(2), amended by No. 23/2025 s. 3(d).

(a) on and after 1 December 2015—

(i) provide, operate and maintain a pre-commitment system; and

(ii) provide any services that are associated with the pre-commitment system; and

(b) before 1 December 2015, do anything necessary or convenient to be done for the purpose of preparing to do the things referred to in paragraph (a).

Note

Section 3.1.4(4) provides that the provision of pre-commitment services by the monitoring licensee is not to be taken to constitute the conduct of gaming by the licensee.

S. 3.4.4(1C) inserted by No. 4/2014 s. 11(2).

(1C) The monitoring licence also authorises the monitoring licensee, subject to this Act, any related agreement referred to in section 3.4.48 or 3.4.48A and any conditions to which the licence is subject, to, for the purposes of complying with a direction under section 3.8A.2—

(a) install, service, repair or maintain part of a pre-commitment system in an approved venue through the services of a person holding a gaming industry employee's licence; and

(b) install, service, repair or maintain part of a pre-commitment system in a casino through the services of a person holding a licence issued under Part 4 of the **Casino Control Act 1991**.

S. 3.4.4(2) substituted by No. 56/2010 s. 8(3).

(2) Despite anything to the contrary in this Act—

(a) the facilitation of a linked jackpot arrangement by the monitoring licensee; or

(b) the provision of jackpot financial administration services by the monitoring licensee in relation to a multiple venue linked jackpot arrangement—

is not to be taken to constitute the conduct of gaming by the licensee if that facilitation or provision occurs solely to enable a venue operator

that holds a gaming machine entitlement to conduct gaming through a linked jackpot arrangement.

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S. 3.4.4A inserted by No. 29/2009 s. 13, repealed by No. 28/2022 s. 20.

3.4.4B Monitoring licensee must comply with standards and operational requirements

S. 3.4.4B inserted by No. 64/2010 s. 41.

(1) The monitoring licensee must comply with—

(a) a standard made by the Commission under section 10.1.5B in respect of the conduct of monitoring or the provision of responsible gambling and regulatory compliance services; or

S. 3.4.4B(1)(a) amended by Nos 4/2014 s. 12(1), 23/2025 s. 17(2).

(b) an operational requirement determined by the Commission under section 10.1.5C in respect of—

S. 3.4.4B(1)(b) substituted by No. 4/2014 s. 12(2).

(i) linked jackpot arrangements; or

(ii) the conduct of monitoring; or

(iii) the provision of responsible gambling and regulatory compliance services—

S. 3.4.4B (1)(b)(iii) amended by No. 23/2025 s. 17(2).

Note

See section 3.8A.8 in relation to standards and operational requirements in respect of pre-commitment services.

unless the Commission has, in writing, given its approval to the monitoring licensee not to comply with the standard or operational requirement.

(2) The monitoring licensee must not conduct monitoring—

(a) of linked jackpot arrangements that do not comply with a standard made by the Commission under section 10.1.5B in respect of such arrangements; or

(b) otherwise than in accordance with a standard made by the Commission under section 10.1.5B—

unless the Commission has, in writing, given its approval to the monitoring licensee to conduct monitoring of linked jackpot arrangements that do not to comply with the standard or to conduct monitoring in a manner that does not comply with the standard.

S. 3.4.4B(3) amended by No. 4/2014 s. 12(3).

(3) The monitoring licensee must ensure that any electronic monitoring system it operates comply with a standard made by the Commission under section 10.1.5A, unless the Commission has, in writing, given its approval to the monitoring licensee to operate an electronic monitoring system that does not comply with the standard.

Note to s. 3.4.4B(3) inserted by No. 4/2014 s. 12(4).

Note

See section 3.8A.8 in relation to standards for a pre-commitment system.

S. 3.4.5 amended by Nos 104/2004 s. 39(5)(c), 29/2009 s. 14, 58/2009 s. 20, substituted by No. 60/2011 s. 7.

3.4.5 Authority conferred by listing on the Roll

A person whose name is listed on the Roll is authorised, subject to this Act, to do any one or more of the following things as specified in the Commission's determination under section 3.4.63 granting that person's application for listing and subject to any conditions to which that listing is subject—

(a) if the person is listed in the division of the Roll for manufacturers—

(i) manufacture, sell or supply approved gaming machines (including obtaining restricted gaming components or restricted monitoring components for the purpose of manufacturing approved gaming machines);

S. 3.4.5(a)(i) amended by No. 60/2011 s. 8(1).

(ii) manufacture, sell or supply restricted gaming components or restricted monitoring components;

S. 3.4.5(a)(ii) amended by No. 60/2011 s. 8(1).

(iii) a prescribed activity;

(b) if the person is listed in the division of the Roll for suppliers—

(i) sell or supply approved gaming machines;

(ii) sell or supply restricted gaming components or restricted monitoring components;

S. 3.4.5(b)(ii) amended by No. 60/2011 s. 8(2).

(iii) obtain or acquire approved gaming machines or restricted gaming components or restricted monitoring components;

S. 3.4.5(b)(iii) amended by No. 60/2011 s. 8(2).

(iv) a prescribed activity;

(c) if the person is listed in the division of the Roll for suppliers of testing services—

(i) enter into arrangements with venue operators to install, service, repair or maintain gaming equipment through the services of a person holding a gaming industry employee's licence;

S. 3.4.5(c)(i) amended by No. 32/2012 s. 6.

S. 3.4.5(c)(ia) inserted by No. 4/2014 s. 13(1).

(ia) enter into arrangements with venue operators to install, service, repair or maintain player account equipment on or in a gaming machine through the services of a person holding a gaming industry employee's licence;

S. 3.4.5(c)(ii) amended by No. 60/2011 s. 8(3), repealed by No. 28/2022 s. 21(a).

* * * * *

S. 3.4.5(c)(iii) amended by Nos 60/2011 s. 8(4), 28/2022 s. 21(b).

(iii) enter into arrangements with manufacturers or suppliers of gaming equipment, monitoring equipment or games to test gaming equipment, monitoring equipment or games for the purposes of the issue of certificates referred to in section 3.5.4, 3.5.5 or 3.5.13;

S. 3.4.5(c)(iiia) inserted by No. 4/2014 s. 13(2).

(iiia) enter into arrangements with persons seeking approval, under section 3.5.5, of a variation to a gaming machine type in relation to the installation of player account equipment or a part of a pre-commitment system on or in a gaming machine to test the player account equipment or the part of the pre-commitment system for the purposes of the issue of certificates referred to in that section;

(iv) enter into arrangements with persons seeking approval of gaming equipment (within the meaning of the **Casino Control Act 1991**) to test the equipment for the purposes of the issue of certificates referred to in section 62 of that Act;

(v) enter into arrangements with a wagering and betting licensee or the holder of an on-course wagering permit to test instruments, contrivances, hardware, software or equipment referred to in section 4.2.3 for the purposes of the issue of certificates referred to in that section;

S. 3.4.5(c)(v) amended by Nos 28/2022 s. 21(c), 13/2023 s. 5.

(vi) enter into arrangements with the monitoring licensee, the holder of a public lottery licence or a keno licensee to test instruments, contrivances, hardware, software or equipment referred to in section 3.5.13, 5.2.1A or 6A.2.5 for the purposes of the issue of certificates referred to in those sections;

S. 3.4.5(c)(vi) amended by No. 1/2021 s. 79(2).

(via) enter into arrangements with the monitoring licensee to test a pre-commitment system for the purposes of section 3.8A.5;

S. 3.4.5(c)(via) inserted by No. 4/2014 s. 13(3).

* * * * *

S. 3.4.5(c)(vii) repealed by No. 28/2022 s. 127(e).

(viii) a prescribed activity.

3.4.6 Offence to breach licence conditions

S. 3.4.6 amended by No. 28/2022 s. 22.

The holder of a venue operator's licence must comply with all conditions, if any, to which the licence is subject.

Penalty: 2500 penalty units.

3.4.7 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

3.4.8 Application for venue operator's licence

S. 3.4.8(1) substituted by No. 29/2009 s. 15(1), amended by No. 56/2010 s. 9.

(1) Only a person who is a body corporate may apply to the Commission for a club venue operator's licence or a hotel venue operator's licence.

S. 3.4.8(1A) inserted by No. 29/2009 s. 15(1).

(1A) An application for a club venue operator's licence may only be made by a club—

(a) that is established for a community purpose; and

(b) the constituting document of which contains provisions prohibiting—

(i) the distribution of any annual profit or surplus to its members; and

(ii) the distribution of any surplus to its members on winding up.

(2) An application for a licence must—

(a) be in the form approved by the Commission; and

(b) be accompanied by the prescribed fee; and

S. 3.4.8(2)(ba) inserted by No. 72/2007 s. 8.

(ba) set out details of the self-exclusion program that the applicant intends to conduct if the licence is granted; and

S. 3.4.8(2)(bb) inserted by No. 72/2007 s. 8.

(bb) be accompanied by a Responsible Gambling Code of Conduct that the applicant intends to implement if the licence is granted; and

(c) contain or be accompanied by any additional information the Commission requires.

(2A) In addition to the requirements of subsection (2), in the case of an application for a club venue operator's licence where the applicant holds a club liquor licence or a racing club licence, the application must also be accompanied by—

S. 3.4.8(2A) inserted by No. 29/2009 s. 15(2), substituted by No. 43/2009 s. 10.

(a) a copy of the club liquor licence, or the racing club licence (as the case may be) for the club; and

(b) any further information that the Commission requires to be satisfied that the applicant is a club established for a community purpose.

(2AB) In addition to the requirements of subsection (2), in the case of an application for a club venue operator's licence where the applicant does not hold a club liquor licence or a racing club licence, the application must also be accompanied by—

S. 3.4.8(2AB) inserted by No. 43/2009 s. 10.

(a) a copy of the constituting document of the club that is certified as true and correct by the authorising officer of the club with the provisions referred to in subsection (1A)(b) clearly marked; and

(b) a statement of community purpose which sets out the purposes for which the club is established (if these purposes are not set out in the constituting document of the club); and

(c) any further information that the Commission requires to be satisfied that the applicant is a club established for a community purpose.

(3) Within 14 days after making an application, the applicant must cause to be published in a newspaper circulating generally in Victoria a notice containing—

(a) the prescribed information; and

(b) a statement that any person may object to the grant of the licence by giving notice in writing to the Commission within 28 days after the date of publication stating the grounds for the objection.

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

Note

Division 1 of Part 4 of Chapter 10 provides for the investigation of an application for a venue operator's licence.

S. 3.4.9 substituted by No. 29/2009 s. 16, repealed by No. 28/2022 s. 23.

* * * * *

3.4.10 Objections

A person may object to the grant of a venue operator's licence, within the time specified in section 3.4.8(3)(b), 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.

3.4.11 Matters to be considered in determining applications

(1) The Commission 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 3.2.3; 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

(ba) in the case of an application for a club venue operator's licence, the applicant is a club; and

S. 3.4.11(1)(ba) inserted by No. 29/2009 s. 17(1).

(c) in respect of each premises approved under Part 3 that the applicant seeks to manage and operate under the licence, the regional limit or municipal limit will not be exceeded by the grant of the application; and

S. 3.4.11(1)(c) amended by No. 39/2007 s. 8.

(d) if the applicant's premises are situated within 100 metres of an approved venue (including a venue whose approval under Part 3 is suspended) of which the applicant or an associate of the applicant is the venue operator, the management and operation of that venue and the applicant's premises where the proposed approved venue is to be situated are genuinely independent of each other; and

S. 3.4.11(1)(d) amended by Nos 72/2007 s. 9(1), 62/2017 s. 49(9).

S. 3.4.11(1)(e) inserted by No. 72/2007 s. 9(2).

(e) the self-exclusion program complies with—

S. 3.4.11(1)(e)(i) substituted by No. 62/2017 s. 60.

(i) regulations made for or with respect to Part 4B in Schedule 1; and

S. 3.4.11(1)(e)(ii) substituted by No. 62/2017 s. 60.

(ii) the direction under section 10.6.1(1); and

S. 3.4.11(1)(f) inserted by No. 72/2007 s. 9(2).

(f) the Responsible Gambling Code of Conduct complies with—

S. 3.4.11(1)(f)(i) substituted by No. 62/2017 s. 56(1).

(i) regulations made for or with respect to Part 4C in Schedule 1; and

S. 3.4.11(1)(f)(ii) substituted by No. 62/2017 s. 56(1).

(ii) each direction under section 10.6.6(1) that applies in relation to the application.

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

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

S. 3.4.11 (2)(ab) inserted by No. 60/2011 s. 9.

(ab) the applicant is of sound and stable financial background; and

S. 3.4.11(2)(b) amended by No. 29/2009 s. 17(2).

(b) the applicant has, or has arranged, a satisfactory ownership, trust or corporate structure;

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

(d) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Commission 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.

(3) The Commission must also consider every objection made in accordance with section 3.4.10.

3.4.12 Determination of applications and duration of licence

(1) The Commission 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 imposed by this Act and that the Commission thinks fit and must specify—

S. 3.4.12(2) amended by No. 72/2007 s. 10(1).

(a) the premises, if any, approved under Part 3 that the licensee is authorised to manage and operate under the licence; and

(ab) whether the licence is a club venue operator's licence or a hotel venue operator's licence; and

S. 3.4.12 (2)(ab) inserted by No. 29/2009 s. 18(1).

(b) the number of gaming machines permitted in each of the premises; and

S. 3.4.12(2)(ba) inserted by No. 29/2009 s. 18(2).

(ba) in respect of each premises, details that identify each gaming machine entitlement held by the venue operator under which gaming may be conducted in those premises; and

S. 3.4.12(2)(c) amended by No. 72/2007 s. 10(2).

(c) the gaming machine areas approved for each of the premises; and

S. 3.4.12(2)(d) inserted by No. 72/2007 s. 10(3).

(d) the self-exclusion program that will be conducted by the licensee; and

S. 3.4.12(2)(e) inserted by No. 72/2007 s. 10(3).

(e) the Responsible Gambling Code of Conduct that will be implemented by the licensee.

S. 3.4.12(3) repealed by No. 30/2023 s. 20.

* * * * *

(4) 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.

S. 3.4.12(4A) inserted by No. 29/2009 s. 18(3).

(4A) Without limiting the matters to which conditions may relate, the Commission may impose different conditions on a licence depending on whether the venue operator holds or does not hold gaming machine entitlements.

S. 3.4.12(4B) inserted by No. 29/2009 s. 18(3).

(4B) The Commission must give written notice to the venue operator of the conditions to which the licence is subject.

(5) If an application is granted, the licence is granted for a term of 10 years or any other term specified in the licence, subject to the conditions and for the venue specified in the licence.

S. 3.4.12(5) amended by No. 29/2009 s. 18(4).

3.4.12A Self-exclusion program is a condition of licence

S. 3.4.12A inserted by No. 72/2007 s. 11, amended by No. 62/2017 s. 61.

It is a condition of a venue operator's licence that the venue operator conduct a self-exclusion program that complies with—

(a) regulations made for or with respect to Part 4B in Schedule 1; and

S. 3.4.12A(a) inserted by No. 62/2017 s. 61.

(b) the direction under section 10.6.1(1).

S. 3.4.12A(b) inserted by No. 62/2017 s. 61.

3.4.12B Responsible Gambling Code of Conduct is a condition of licence

S. 3.4.12B inserted by No. 72/2007 s. 11, amended by No. 62/2017 s. 57(1).

It is a condition of a venue operator's licence that the venue operator implement a Responsible Gambling Code of Conduct that complies with—

(a) regulations made for or with respect to Part 4C in Schedule 1; and

S. 3.4.12B(a) inserted by No. 62/2017 s. 57(1).

(b) each direction under section 10.6.6(1) that applies in relation to the venue operator.

S. 3.4.12B(b) inserted by No. 62/2017 s. 57(1).

* * * * *

S. 3.4.12C inserted by No. 71/2008 s. 6, repealed by No. 62/2017 s. 62.

3.4.13 Register of venue operators and approved venues

(1) The Commission must establish and cause to be maintained a Register of Venue Operators and Approved Venues.

(2) The Register must contain the following information in relation to every venue operator—

(a) the name and address of the venue operator;

(b) the name and address of every associate of the venue operator;

S. 3.4.13 (2)(ba) inserted by No. 29/2009 s. 18(5).

(ba) details as to whether the venue operator is the holder of a club venue operator's licence or a hotel venue operator's licence;

(c) the address of each approved venue;

(d) the number of gaming machines permitted in each approved venue;

(e) the name and address of the nominee, if any, at each approved venue;

S. 3.4.13(2)(f) amended by No. 29/2009 s. 18(6)(a), repealed by No. 30/2023 s. 21.

* * * * *

S. 3.4.13(2)(g) inserted by No. 29/2009 s. 18(6)(b), substituted by No. 60/2011 s. 10.

(g) in respect of each gaming machine entitlement held by the venue operator—

(i) details that identify the gaming machine entitlement (including the identification number of the gaming machine entitlement); and

(ii) information as to whether the gaming machine entitlement is being used to conduct gaming on a gaming machine; and

(iii) if the gaming machine entitlement is being used to conduct gaming on a gaming machine, the name of the approved venue at which the gaming is being conducted; and

S. 3.4.13 (2)(g)(iii) amended by No. 62/2017 s. 32(a).

(iv) if the gaming machine entitlement is assigned, details of the assignment (including the identity of the venue operator to whom it is assigned).

S. 3.4.13 (2)(g)(iv) inserted by No. 62/2017 s. 32(b).

(3) In subsection (2), a reference to an approved venue also refers to a venue whose approval under Part 3 is suspended.

S. 3.4.13(3) inserted by No. 62/2017 s. 49(10).

3.4.13A Venue operator to give Commission certain information about where gaming will be conducted under gaming machine entitlements

S. 3.4.13A inserted by No. 60/2011 s. 11.

A venue operator must give notice to the Commission of the following information before conducting gaming under a gaming machine entitlement—

(a) the number of gaming machine entitlements under which the operator will conduct gaming on gaming machines and the identification numbers of those gaming machine entitlements;

(b) the name of the approved venue at which that gaming will be conducted under each of those gaming machine entitlements.

Penalty: 120 penalty units.

3.4.14 Nominee of licensee

(1) Within 60 days, or the longer period allowed by the Commission, after a venue operator that is a body corporate is notified under section 3.4.12(1) that it has been granted a licence, the venue operator must—

S. 3.4.14(1) amended by No. 56/2010 s. 10(1).

(a) nominate, for each approved venue, a natural person to be responsible as licensee on behalf of the venue operator; and

(b) apply to the Commission for approval under this section of the person nominated.

Penalty: 60 penalty units.

Note

Division 1 of Part 4 of Chapter 10 provides for the investigation of an application for approval under this section.

S. 3.4.14(2) amended by No. 56/2010 s. 10(2).

(2) Within 60 days, or the longer period allowed by the Commission, after the conditions of the licence of a venue operator that is a body corporate are amended by the addition of an approved venue under section 3.4.17(1)(a), the venue operator must—

(a) nominate, for that approved venue, a natural person to be responsible as licensee on behalf of the venue operator; and

(b) apply to the Commission for approval under this section of the person nominated.

Penalty: 60 penalty units.

S. 3.4.14(3) amended by No. 56/2010 s. 10(3).

(3) Within 60 days, or the longer period allowed by the Commission, after—

(a) a venue operator is notified by the Commission of a refusal to approve a person nominated under this section; or

(b) a person nominated by the venue operator and approved by the Commission resigns, is dismissed or ceases to manage or control the approved venue—

the venue operator must nominate another natural person to be responsible as licensee on behalf of

the venue operator and apply to the Commission for approval of the person nominated.

Penalty: 60 penalty units.

S. 3.4.14(3A) inserted by No. 64/2014 s. 5.

(3A) An application for approval of a nominee under this section—

(a) must be in the form approved by the Commission; and

(b) must be accompanied by the prescribed fee (if any).

S. 3.4.14(4) amended by No. 23/2025 s. 74(Sch. 1 item 2.5).

(4) A person nominated by a venue operator and approved by the Commission under this section is liable under this Act as licensee in respect of the approved venue for which the person was nominated.

(5) If a venue operator that is a body corporate does not have a person who has been approved by the Commission under this section managing or controlling an approved venue, the directors or members of the committee of management of the body corporate (as the case requires) are severally liable under this Act as licensee.

(6) The Commission 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.

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

(8) The Commission 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 Commission of a person under this section does not limit the liability of a venue operator under this Act whilst that person is a nominee.

(10) A function of the Commission under this section may be performed by any commissioner.

S. 3.4.14(11) inserted by No. 62/2017 s. 49(11).

(11) In this section, a reference to an approved venue also refers to a venue whose approval under Part 3 is suspended.

3.4.15 Venue operator's licence is non-transferable

A venue operator's licence is not transferable to any other person or, subject to section 3.4.17, venue.

3.4.16 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 Commission 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 Commission and must be accompanied by the prescribed fee.

(3) This Act (except section 3.4.8(3)) 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.

3.4.17 Amendment of conditions

(1) The conditions of a venue operator's licence, including—

(a) the addition or removal of an approved venue; and

(b) variation of the number of gaming machines permitted in an approved venue; and

(c) variation of the gaming machine areas approved for an approved venue—

S. 3.4.17(1)(c) amended by No. 30/2023 s. 22(a)(i).

* * * * *

S. 3.4.17(1)(d) repealed by No. 30/2023 s. 22(a)(ii).

may be amended in accordance with this Division.

S. 3.4.17(1A) inserted by No. 62/2017 s. 49(12).

(1A) In subsection (1), a reference to an approved venue also refers to a venue whose approval under Part 3 is suspended.

S. 3.4.17(2) repealed by No. 30/2023 s. 22(b).

* * * * *

S. 3.4.17(3) amended by No. 62/2017 s. 101(2), repealed by No. 30/2023 s. 22(b).

* * * * *

(4) An amendment may be proposed—

(a) by the venue operator by requesting the Commission in writing, in accordance with section 3.4.18, to make the amendment and giving reasons for the request; or

(b) by the Commission by giving notice in writing of the proposed amendment and giving reasons to the venue operator.

S. 3.4.17(5)(6) repealed by No. 39/2007 s. 9(1).

* * * * *

(7) An amendment proposed by the Commission must be—

(a) in the public interest; or

(b) for the proper conduct of gaming; or

S. 3.4.17(7)(c) amended by No. 39/2007 s. 9(2).

(c) for the purpose of implementing a regional limit or municipal limit.

3.4.18 Proposal of amendment by venue operator

(1) A request by a venue operator for an amendment of licence conditions—

(a) must be in the form approved by the Commission; and

(b) must be accompanied by the prescribed fee and any information the Commission requires; and

(c) in the case of an amendment to increase the number of gaming machines permitted in an approved venue, must be accompanied by a submission—

(i) on the net economic and social benefit that will accrue to the community of the municipal district in which the approved venue is located as a result of the proposed amendment; and

(ii) taking into account the impact of the proposed amendment on surrounding municipal districts—

in the form approved by the Commission and including the information specified in the form.

S. 3.4.18(1)(c) amended by No. 30/2023 s. 23.

(2) If the request is for an amendment to increase the number of gaming machines permitted in an approved venue, the venue operator must give the municipal council of the municipal district in which the approved venue is located a copy of the proposed request before submitting the request to the Commission.

S. 3.4.18(2) substituted by No. 58/2009 s. 21 (as amended by No. 56/2010 s. 66).

(2A) If the request is for an amendment to increase the number of gaming machines permitted in an approved venue, unless the Commission considers there are exceptional circumstances, the venue operator must submit the request to the

S. 3.4.18(2A) inserted by No. 58/2009 s. 21 (as amended by No. 56/2010 s. 66).

Commission within 3 days after giving a copy of the proposed request to the municipal council under subsection (2).

S. 3.4.18(2B) inserted by No. 58/2009 s. 21 (as amended by No. 56/2010 s. 66).

(2B) If the Commission considers there are exceptional circumstances, the Commission, by written notice given to the venue operator, may extend the period of time within which the venue operator may submit the request.

(3) Sections 10.4.5 and 10.4.6 apply to a request by the venue operator for an amendment as if the request were an application for a venue operator's licence.

S. 3.4.18(4) inserted by No. 62/2017 s. 49(13).

(4) This section applies in relation to a venue whose approval under Part 3 is suspended in the same way that it applies in relation to an approved venue.

S. 3.4.18A inserted by No. 58/2009 s. 22 (as amended by No. 56/2010 s. 67), amended by No. 62/2017 s. 49(14).

3.4.18A Commission to notify municipal council of receipt of proposal

The Commission, on receiving a request for amendment by a venue operator to increase the number of gaming machines that are to be permitted in an approved venue (or venue whose approval under Part 3 is suspended) under section 3.4.17(4), must notify the municipal council of the municipal district in which the venue is located in writing that it has received the request.

S. 3.4.18B inserted by No. 58/2009 s. 22 (as amended by No. 56/2010 s. 67).

3.4.18B Amendment of proposal to increase number of gaming machines permitted in an approved venue

S. 3.4.18B(1) amended by No. 62/2017 s. 49(15).

(1) A venue operator who has requested an amendment to increase the number of gaming machines that are to be permitted in an approved venue (or venue whose approval under Part 3 is

suspended) under section 3.4.17(4) may only amend the request within 30 days after giving the municipal council of the municipal district in which the venue is located a copy of the proposed request under section 3.4.18(2). The venue operator may do so by submitting the request, with the amendments, to the Commission.

(2) The venue operator must also give a copy of the request, as amended, to the municipal council on the same day the venue operator submits the request to the Commission.

3.4.18C Municipal council must notify Commission of intention to make submission

S. 3.4.18C inserted by No. 58/2009 s. 22 (as amended by No. 56/2010 s. 67).

The municipal council must notify the Commission in writing as to whether it intends to make a submission under section 3.4.19 in respect of any request or amended request within 37 days after receiving a notice under section 3.4.18A or a copy of the amended request under section 3.4.18B(2), as the case may be.

3.4.19 Submissions on proposed amendments

S. 3.4.19(1) substituted by No. 58/2009 s. 23(1) (as amended by No. 56/2010 s. 68).

(1) Subject to this section, after receiving a copy of a request for an amendment referred to in section 3.4.18(2), a municipal council may make a submission to the Commission—

S. 3.4.19(1)(a) amended by No. 62/2017 s. 49(16).

(a) addressing the economic and social impact of the proposed amendment on the well-being of the community of the municipal district in which the approved venue (or venue whose approval under Part 3 is suspended) is located; and

(b) taking into account the impact of the proposed amendment on surrounding municipal districts.

S. 3.4.19(1A) inserted by No. 58/2009 s. 23(1) (as amended by No. 56/2010 s. 68).

(1A) Unless the Commission considers there are exceptional circumstances, a submission must be made within 60 days after the municipal council receives notice under section 3.4.18A or a copy of an amended request under section 3.4.18B(2), as the case may be.

S. 3.4.19(1B) inserted by No. 58/2009 s. 23(1) (as amended by No. 56/2010 s. 68).

(1B) If the Commission considers that there are exceptional circumstances, the Commission, by written notice given to the municipal council, may extend the period of time within which the council may make a submission.

S. 3.4.19(1C) inserted by No. 58/2009 s. 23(1) (as amended by No. 56/2010 s. 68).

(1C) The Commission must not extend the period of time within which the municipal council may make a submission beyond 30 days after the end of the period specified in subsection (1A).

(2) A submission under subsection (1) must be in the form approved by the Commission and must include the information specified in the form.

S. 3.4.19(3) substituted by No. 58/2009 s. 23(2).

(3) In the case of an amendment proposed by the Commission, the Commission must give the venue operator at least 28 days to make any other submissions to the Commission concerning the proposed amendment and must consider the submissions made.

(4) The venue operator may waive the right under subsection (3) to make submissions concerning a proposed amendment by giving notice in writing signed by the venue operator to the Commission.

(5) The Commission must consider any submissions made in accordance with this section.

3.4.20 Consideration and making of amendment

(1) Without limiting the matters which the Commission may consider in deciding whether to make a proposed amendment, the Commission must not amend a venue operator's licence unless—

(a) the Commission is satisfied that the amendment of the licence does not conflict with a direction, if any, given under section 3.2.3; and

S. 3.4.20(1)(b) amended by No. 39/2007 s. 10.

(b) if the proposed amendment will result in an increase in the number of gaming machines permitted in an approved venue, the Commission is satisfied that the regional limit or municipal limit for gaming machines for the region or municipal district in which the approved venue is located will not be exceeded by the making of the amendment; and

(c) if the proposed amendment will result in an increase in the number of gaming machines permitted in an approved venue, the Commission is satisfied that the net economic and social impact of the amendment will not be detrimental to the well-being of the community of the municipal district in which the approved venue is located; and

(d) if premises are proposed to be added to the licence as an approved venue and the premises are situated within 100 metres of an approved venue of which the applicant for the amendment, or an associate of the applicant, is the venue operator, the Commission is satisfied that the management and operation of the approved venue and the

proposed approved venue are genuinely independent of each other.

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

S. 3.4.20(2A) inserted by No. 58/2009 s. 24 (as amended by No. 56/2010 s. 69).

(2A) In the case of a proposed amendment to increase the number of gaming machines permitted in an approved venue, the Commission must use its reasonable endeavours to decide whether to make the proposed amendment within the required period.

S. 3.4.20(2B) inserted by No. 58/2009 s. 24 (as amended by No. 56/2010 s. 69).

(2B) For the purposes of subsection (2A) the ***required period*** is—

(a) 60 days after receiving notification from the municipal council under section 3.4.18C that it does not intend to make a submission under section 3.4.19 (whether or not a submission has been made on the request before the request was amended);

(b) if a submission is made by the municipal council under section 3.4.19 and no amendment in respect of the request has been submitted to the Commission, 60 days after the making of the submission;

(c) if an amendment in respect of the request has been submitted to the Commission and a submission has been made by the municipal council under section 3.4.19 in relation to the request as amended, 60 days after the making of the submission.

S. 3.4.20(2C) inserted by No. 58/2009 s. 24 (as amended by No. 56/2010 s. 69).

(2C) Subsection (2B)(c) applies even if the municipal council has made a submission under section 3.4.19 on the request before the request was amended.

(2D) If the Commission does not make a decision within the required period specified under subsection (2A), the Commission is taken to have refused to make the proposed amendment.

S. 3.4.20(2D) inserted by No. 58/2009 s. 24 (as amended by No. 56/2010 s. 69).

(3) An amendment may be made subject to any conditions that the Commission thinks fit.

S. 3.4.20(3) substituted by No. 7/2006 s. 3(1).

(3A) Despite subsection (1)(a) and (b), the Commission may make an amendment before being satisfied of the matters referred to in those paragraphs on condition that the amendment does not take effect until the Commission is satisfied as required by those paragraphs.

S. 3.4.20(3A) inserted by No. 7/2006 s. 3(1).

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S. 3.4.20(3B) inserted by No. 7/2006 s. 3(1), repealed by No. 30/2023 s. 24.

(3C) An amendment may be granted subject to a condition that the amendment does not take effect until—

S. 3.4.20(3C) inserted by No. 9/2018 s. 8.

(a) the venue operator satisfies the Commission that certain conditions specified by the Commission have been met; and

(b) the Commission has notified the venue operator in writing that it is satisfied that the conditions have been met.

(3D) Without limiting the matters to which conditions may relate, the conditions of an amendment may relate to any matter for which provision is made by this Act but must not be inconsistent with a provision of this Act.

S. 3.4.20(3D) inserted by No. 9/2018 s. 8.

S. 3.4.20(3E) inserted by No. 9/2018 s. 8.

(3E) If the Commission grants an amendment subject to conditions and the conditions are not met, the Commission must amend the conditions on a venue operator's licence to reduce the number of gaming machines permitted in an approved venue on the grounds that the venue operator has failed to meet a condition on the licence relating to additional gaming machines.

S. 3.4.20(3F) inserted by No. 9/2018 s. 8.

(3F) If the Commission amends a licence on the grounds set out in subsection (3E), the number by which the permitted gaming machines is reduced must be equal to the number of additional machines relating to the condition or conditions which the venue operator has failed to meet.

S. 3.4.20(4) amended by No. 7/2006 s. 3(2).

(4) An amendment takes effect when notice of the Commission's decision is given to the venue operator or at any later time that may be specified in the notice.

S. 3.4.20(5) inserted by No. 62/2017 s. 49(17).

(5) This section applies in relation to a venue whose approval under Part 3 is suspended in the same way that it applies in relation to an approved venue.

S. 3.4.20A inserted by No. 9/2018 s. 9.

3.4.20A Variation of conditional amendment

(1) The holder of a licence subject to conditions imposed under section 3.4.20(3C) may, at least 60 days before the expiry of the time in which to comply with a condition, make written application to the Commission for an extension of time to comply with the condition.

(2) An application under subsection (1) must be accompanied by a submission as to why the time to comply with the condition should be extended.

(3) On receiving an application under subsection (1), the Commission may, as it sees fit, by written notice to the holder of the licence, grant or refuse the application.

(4) A grant or refusal under subsection (3) takes effect when the notice is given or on a later date specified in the notice.

3.4.21 Tribunal review of amendment increasing number of gaming machines

(1) A venue operator who requested an amendment referred to in section 3.4.18(2) may apply to the Tribunal for review of a decision of the Commission on the proposed amendment.

(2) A council that made a submission under section 3.4.19 on a proposed amendment referred to in section 3.4.18(2) may apply to the Tribunal for review of a decision of the Commission granting the proposed amendment.

(3) An application for review must be made within 28 days after the later of—

(a) the day on which the decision is made;

(b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the venue operator or council requests a statement of reasons for the decision, the day on which the statement of reasons is given to the venue operator or council or the venue operator or council is informed under section 46(5) of that Act that a statement of reasons will not be given.

3.4.22 Removal of approved venue if liquor licence is cancelled etc.

S. 3.4.22 (Heading) substituted by No. 64/2014 s. 6(1).

* * * * *

S. 3.4.22(1) repealed by No. 64/2014 s. 6(2).

(2) If a licence under the **Liquor Control Reform Act 1998** in respect of an approved venue (or venue whose approval under Part 3 is

S. 3.4.22(2) amended by No. 62/2017 s. 49(18).

suspended) is cancelled, transferred, relocated, surrendered or released, the venue operator's licence is immediately amended to remove the premises that were the venue.

3.4.23 Notification of certain changes

(1) A venue operator must give notice in writing to the Commission if any of the following occurs—

(a) in the case of a venue operator that is an incorporated association—

(i) the passing of a special resolution by the incorporated association to amalgamate with another incorporated association;

(ii) the passing of a special resolution by an incorporated association to convert itself into a company under the Corporations Act;

S. 3.4.23(1)(b) amended by No. 64/2014 s. 6(3)(a)(i).

(b) in the case of a venue operator that is an unincorporated body, the passing of a resolution by the body to authorise the body to become a body corporate.

S. 3.4.23(1)(c) repealed by No. 64/2014 s. 6(3)(a)(ii).

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S. 3.4.23(2) repealed by No. 64/2014 s. 6(3)(b).

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3.4.24 Endorsement of licence and Register

(1) The Commission may endorse a venue operator's licence to do one or both of the following—

(a) to amend the name and address of the venue operator;

(b) to include premises as an approved venue.

(2) The Commission may endorse a venue operator's licence with the change of the name of the venue operator to the name of any of the persons referred to in subsection (3)(a) or a person nominated by a person referred to in subsection (3)(a).

(3) The Commission must not endorse a licence under this section unless the Commission is satisfied that—

(a) the endorsement is made at the request of, or with the approval of, one of the following—

(i) the licensee;

* * * * *

S. 3.4.24 (3)(a)(ii) repealed by No. 29/2009 s. 17(3).

(iii) the legal personal representative of the licensee;

(iv) if the licensee has become a represented person under the **Guardianship and Administration Act 2019**, the guardian or administrator appointed in respect of the licensee;

S. 3.4.24 (3)(a)(iv) amended by No. 13/2019 s. 221(Sch. 1 item 18).

(v) the official receiver, trustee or assignee of a licensee who becomes insolvent under administration;

(vi) a person who is administering a licensee that is an externally-administered body corporate;

(vii) a person whose name has been or will be endorsed on the licence under Part 4 or Part 6 of the **Liquor Control Reform Act 1998** in respect of licensed premises that are an approved venue in a licence under this Act;

(viii) an incorporated association formed on the amalgamation of one or more incorporated associations, one of which was the licensee; and

(b) any person who, as a result of the endorsement, will be or become an associate of the person endorsed on the licence is at the time of endorsement approved by the Commission as an associate under a gaming Act;

(c) having regard to the purpose of this Act, the endorsement of the licence would not be contrary to the public interest;

(d) the endorsement is necessary to provide for continuity of the licence in circumstances other than where the licence has expired by effluxion of time.

(4) An endorsement of a licence takes effect on and from—

(a) the date of the decision of the Commission to endorse the licence; or

(b) any later date—

(i) that is specified by the Commission; or

(ii) that is the date when all of the conditions specified by the Commission as a pre-requisite to the endorsement taking effect have been satisfied.

(5) A person who is endorsed as the venue operator under this section is to be taken to be the venue operator on and from the date the endorsement takes effect.

(6) If a licence is endorsed to include premises as an approved venue the licence is to be taken to include those premises as an approved venue on and from the date the endorsement takes effect.

(7) The Commission may endorse a licence subject to any conditions imposed by the Commission.

(8) If the Commission endorses a licence under this section, it must make a corresponding endorsement in any relevant entry in the Register.

(9) A function of the Commission under this section may be performed by any commissioner.

3.4.25 Disciplinary action against venue operator

(1) In this section—

disciplinary action, against a venue operator, means any of the following—

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

(b) the variation of the conditions of the venue operator's licence;

(c) the issuing of a letter of censure to the venue operator;

(d) the imposition of a fine not exceeding an amount that is 5000 times the value of a penalty unit fixed by the Treasurer under section 5(3) of the **Monetary Units Act 2004** on the venue operator;

S. 3.4.25(1) def. of *disciplinary action* amended by Nos 10/2004 s. 15(Sch. 1 item 10.2), 29/2009 s. 18(7), 56/2010 s. 11(1).

grounds for disciplinary action, in relation to a venue operator, means any of the following—

(a) that the venue operator's licence was obtained by a materially false or misleading representation or in some other improper way;

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

S. 3.4.25(1) def. of *grounds for disciplinary action* amended by Nos 72/2007 s. 12, 29/2009 s. 19, substituted by No. 56/2010 s. 11(2), amended by Nos 60/2011 s. 12, 4/2014 s. 14, 62/2017 ss 49(19), 75(1), 78.

(b) that there have been repeated breaches in the approved venue of rules made by the Commission under section 3.5.23 (whether or not the approval under Part 3 for that venue has since been suspended);

(c) that there has been a contravention of section 3.2A.2, 3.2A.4, 3.2A.5 or 3.2A.6;

(d) that the venue operator has contravened—

(i) the venue operator's licence; or

(ii) a provision of this Act (being a provision a contravention of which does not constitute an offence); or

(iii) a condition imposed by the Minister on a gaming machine entitlement under section 3.4A.5; or

(iiia) the standard entitlement-related conditions, standard monitoring-related conditions or standard pre-commitment conditions that apply to the venue operator;

(iv) an entitlement-related agreement; or

(v) an agreement referred to in section 3.4A.11A, 3.8A.15 or 3.8A.16;

(e) that the venue operator has been found guilty of an offence—

(i) against a gaming Act or the gaming regulations; or

(ii) an offence involving fraud or dishonesty, whether or not in Victoria, the maximum penalty for which exceeds imprisonment for 3 months;

(f) that an associate of the venue operator has been found guilty of an offence involving fraud or dishonesty, whether or not in Victoria, the maximum penalty for which exceeds imprisonment for 3 months;

(g) that the venue operator is not, or is no longer, a suitable person to conduct the activities authorised by the venue operator's licence, having regard to the matters set out in section 3.4.11(2);

(h) that the venue operator has repeatedly breached the venue operator's self-exclusion program;

(i) that the venue operator has repeatedly breached the venue operator's Responsible Gambling Code of Conduct;

(j) that the venue operator has failed to discharge financial obligations to a player;

relevant offence means—

(a) an offence against a gaming Act or gaming regulations; or

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

(c) an indictable offence, or an offence that, if committed in Victoria, would be an indictable offence, the nature or

circumstances of which, in the opinion of the Commission, relate to an approved venue of the venue operator.

(2) The Commission may serve on a venue operator a notice in writing giving 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 Commission for the making of submissions to the Commission as to why disciplinary action should not be taken and the Commission must consider any submissions so made.

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

(5) If the disciplinary action is the cancellation, suspension or variation of the terms of the venue operator's licence, it takes effect when the notice under subsection (4) is given or at a later time specified in the notice.

(6) If the disciplinary action is the imposition of a fine, the fine may be recovered as a debt due to the State.

(7) This section does not apply to a venue operator who is a casino operator.

3.4.26 Letter of censure

(1) Disciplinary action taken by the Commission under section 3.4.25(4) in the form of 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 censure.

(2) If a direction given in a letter of censure is not complied within the specified time, the Commission, by giving written notice to the venue operator, may do either or both of the following without giving the venue operator a further opportunity to be heard—

S. 3.4.26(2) substituted by No. 29/2009 s. 20.

(a) take a licence disciplinary action;

(b) fine the venue operator an amount not exceeding an amount that is 5000 times the value of a penalty unit fixed by the Treasurer under section 5(3) of the **Monetary Units Act 2004**.

S. 3.4.26(2)(b) amended by No. 56/2010 s. 12.

(3) In subsection (2), ***licence disciplinary action*** means cancel or suspend, or vary the conditions of, the venue operator's licence.

S. 3.4.26(3) inserted by No. 29/2009 s. 20.

3.4.27 Suspension of venue operator's licence pending criminal proceedings

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

(a) the venue operator; or

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

has been charged with a relevant offence (within the meaning of section 3.4.25).

(2) The Commission may, at any time, terminate or reduce a period of suspension imposed under subsection (1).

(3) A venue operator's licence is of no effect for the purposes of section 3.2.1 while it is suspended but the suspension does not affect its operation for any other purposes.

(4) This section does not apply to a venue operator who is a casino operator.

S. 3.4.27A inserted by No. 29/2009 s. 21.

3.4.27A No authority to conduct gaming if venue operator's licence suspended or cancelled

(1) This section applies if a venue operator's licence is suspended or cancelled by the Commission under section 3.4.25(4) or 3.4.26(2).

(2) A gaming machine entitlement held by the venue operator does not authorise the conduct of gaming—

(a) while the venue operator's licence is suspended; or

(b) after the venue operator's licence has been cancelled.

(3) To avoid doubt, a venue operator may, while its venue operator's licence is suspended—

(a) possess gaming equipment; and

(b) sell or dispose of gaming equipment with the approval of the Commission; and

(c) transfer gaming machine entitlements.

3.4.28 Provisional venue operator's licence

(1) The Commission may grant a provisional venue operator's licence to a person.

(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 subsection (1) to enable an application for a venue operator's licence to be made.

(4) A function of the Commission under this section may be performed by any commissioner.

Division 2A—Venue operators and venue agreements

Ch. 3 Pt 4 Div. 2A (Heading and ss 3.4.28A–3.4.28F) inserted by No. 29/2009 s. 22.

3.4.28AA Application of Division

S. 3.4.28AA inserted by No. 58/2009 s. 25.

This Division does not apply to a venue operator who is a casino operator.

3.4.28A Definitions

S. 3.4.28A inserted by No. 29/2009 s. 22, amended by No. 62/2017 s. 33(3) (ILA s. 39B(1)).

(1) In this Division—

prohibited venue agreement has the meaning given in section 3.4.28AB;

S. 3.4.28A(1) def. of *prohibited venue agreement* substituted by No. 62/2017 s. 33(1).

reviewable venue agreement means, subject to subsection (2), any of the following agreements, as amended from time to time—

S. 3.4.28A(1) def. of *reviewable venue agreement* amended by No. 62/2017 s. 33(2).

(a) a lease of property that is used as an approved venue or an agreement under which a licence is granted to use a property that is an approved venue;

(b) an agreement for the acquisition of a gaming machine entitlement or a gaming machine by a venue operator under which the entitlement or gaming machine is partly or fully paid for by another person;

(c) an agreement relating to the management or operation of an approved venue, including an agreement under which services are provided, or that relates to the provision of services, to assist in the management of an entitlement holder's gaming machine business;

(d) an agreement declared to be a reviewable venue agreement under section 3.4.28B.

S. 3.4.28A(2) inserted by No. 62/2017 s. 33(3).

(2) A registered assignment agreement is not a ***reviewable venue agreement***.

S. 3.4.28AB inserted by No. 62/2017 s. 34.

3.4.28AB Meaning of *prohibited venue agreement*

(1) A ***prohibited venue agreement*** is an agreement, arrangement or understanding entered into by a venue operator and another person under which the venue operator provides, as consideration, an amount (however described) calculated by reference to gaming machine revenue earned by the venue operator.

(2) An entitlement-related agreement is not a ***prohibited venue agreement*** only because—

(a) the agreement provides for an amount or amounts to be paid by a venue operator who holds a gaming machine entitlement; and

(b) the amount is, or the amounts are, calculated by reference to gaming machine revenue earned by the venue operator.

(3) An assignment agreement is not a ***prohibited venue agreement*** unless it provides for the payment of an amount calculated by reference to gaming machine revenue in respect of the conduct of gaming—

(a) under specific gaming machine entitlements; or

(b) on specific gaming machines.

3.4.28B Commission may declare certain agreements to be reviewable venue agreements

S. 3.4.28B inserted by No. 29/2009 s. 22.

(1) The Commission, by written determination, may declare an agreement to which a venue operator is a party (other than a registered assignment agreement or an agreement referred to in paragraphs (a) to (c) of the definition of ***reviewable venue agreement***) to be a reviewable venue agreement.

S. 3.4.28B(1) amended by No. 62/2017 s. 35.

(2) A determination under subsection (1) must be published on the Commission's website.

3.4.28C Entering into prohibited venue agreement prohibited

S. 3.4.28C inserted by No. 29/2009 s. 22.

(1) This section applies on and after a gaming machine entitlement declared day that applies to a gaming machine entitlement held by a venue operator.

(2) The venue operator must not enter into, or be a party to, a prohibited venue agreement.

3.4.28D Prohibited venue agreements are void

S. 3.4.28D inserted by No. 29/2009 s. 22.

(1) This section applies on and after a gaming machine entitlement declared day that applies to a gaming machine entitlement held by a venue operator.

(2) A prohibited venue agreement to which the venue operator is a party is void.

S. 3.4.28E inserted by No. 29/2009 s. 22.

3.4.28E Commission may issue written notice directing venue operators to give it copies of reviewable venue agreements

(1) The Commission, by written notice, may direct a venue operator, or a venue operator who is a member of class of venue operator, specified in the notice, to give to the Commission a copy of—

(a) every reviewable venue agreement to which the venue operator is a party; or

(b) every reviewable venue agreement of a particular kind specified in the notice to which the venue operator is a party.

(2) A venue operator must comply with a notice under subsection (1) within 28 days after receiving the notice.

S. 3.4.28F inserted by No. 29/2009 s. 22.

3.4.28F No compensation payable

No compensation is payable by the State to any person because of the operation of this Division.

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Ch. 3 Pt 4 Div. 3 (Heading and ss 3.4.29–3.4.37) amended by Nos 10/2004 s. 15(Sch. 1 item 10.3), 71/2008 s. 7, 29/2009 s. 82, 43/2009 s. 4, 4/2014 s. 15, repealed by No. 28/2022 s. 23.

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Ch. 3 Pt 4 Div. 3A (Heading and ss 3.4.37A–3.4.37J) inserted by No. 54/2004 s. 5, repealed by No. 56/2010 s. 61(1).

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Ch. 3 Pt 4 Div. 3B (Heading and ss 3.4.37K–3.4.37N) inserted by No. 54/2004 s. 5, amended by No. 104/2004 s. 39(6), repealed by No. 28/2022 s. 23.

Division 4—Monitoring licence

Ch. 3 Pt 4 Div. 4 (Heading and ss 3.4.38–3.4.54) amended by Nos 45/2004 ss 23–25, 104/2004 s. 7, repealed by No. 104/2004 s. 39(3), new Ch. 3 Pt 4 Div. 4 (Heading and ss 3.4.38–3.4.59P) inserted by No. 29/2009 s. 23.

3.4.38 Definitions

New s. 3.4.38 inserted by No. 29/2009 s. 23.

In this Division—

applicant means applicant for the monitoring licence;

S. 3.4.38 def. of *application* amended by No. 58/2009 s. 28(a).

application means an application for the monitoring licence;

S. 3.4.38 def. of *contact* inserted by No. 60/2011 s. 44.

contact includes telephone contact, written contact, face-to-face contact and email contact or contact by other electronic means;

S. 3.4.38 def. of *government representative* inserted by No. 60/2011 s. 44, amended by No. 23/2025 s. 74(Sch. 1 item 2.6).

government representative means—

(a) the Premier or another Minister;

(b) a Parliamentary Secretary;

(c) a person employed under Part 3 of the **Public Administration Act 2004**;

(d) a ministerial officer employed under Division 1 of Part 6 of the **Public Administration Act 2004**;

(e) the Secretary;

(f) a person nominated and engaged by the Secretary under Part 1A of Chapter 10 for the purposes of assisting the Secretary with the Secretary's obligations under this Division or Division 1B or 1C of Part 4 of Chapter 10;

S. 3.4.38 def. of *interested person* inserted by No. 60/2011 s. 44, substituted by No. 1/2021 s. 11(b).

interested person means—

(a) a possible invitee; or

(b) a pending applicant; or

(c) an applicant; or

(d) the monitoring licensee; or

(e) an associate of a person referred to in paragraph (a), (b), (c) or (d); or

(f) an officer, employee, agent or contractor of—

(i) a person referred to in paragraph (a), (b), (c) or (d); or

(ii) an associate of a person referred to in paragraph (a), (b), (c) or (d);

licence awarding process means the following—

S. 3.4.38 def. of *licence awarding process* inserted by No. 60/2011 s. 44, substituted by No. 1/2021 s. 11(c).

(a) the Minister's decision to invite a person to apply for the monitoring licence;

(b) the Minister's determination whether to grant or refuse an application for the monitoring licence;

(c) the preparation or making of a recommendation or report, or any other thing that may be or is required to be done under the Act, for the purpose of the Minister making a decision or determination referred to in paragraph (a) or (b);

lobbying activity means—

S. 3.4.38 def. of *lobbying activity* inserted by No. 60/2011 s. 44.

(a) in relation to a licence awarding process, contact with a government representative for the purpose of influencing a decision or thing to be done under that process;

(b) in relation to a request to amend the monitoring licence under section 3.4.59B, contact with a government representative for the purpose of influencing the Minister's decision whether to make an amendment to the monitoring licence;

S. 3.4.38 def. of *lobbyist* inserted by No. 60/2011 s. 44, amended by No. 43/2012 s. 3(Sch. item 22.2).

lobbyist means a person or organisation—

(a) that carries out a lobbying activity for or on behalf of a third party client; or

(b) whose employees or contractors carry out a lobbying activity for or on behalf of a third party client;

S. 3.4.38 def. of *monitoring services* inserted by No. 58/2009 s. 28(b), repealed by No. 4/2014 s. 16.

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S. 3.4.38 def. of *monitoring services provider* inserted by No. 58/2009 s. 28(b), amended by No. 28/2022 s. 24.[3]

monitoring services provider means a person appointed under section 3.4.59LF or 3.4.59LG;

S. 3.4.38 def. of *pending applicant* inserted by No. 1/2021 s. 11(a).

pending applicant means a person the Minister has invited to apply for the monitoring licence but that has not applied for the monitoring licence under section 3.4.42;

S. 3.4.38 def. of *possible invitee* inserted by No. 1/2021 s. 11(a).

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

3.4.39 One licence

New s. 3.4.39 inserted by No. 29/2009 s. 23.

This Chapter does not authorise the operation at the same time of more than one monitoring licence.

3.4.40 Minister may invite applications

New s. 3.4.40 inserted by No. 29/2009 s. 23.

(1) The Minister may invite a person to apply for the monitoring licence but only if the person—

(a) has a physical place of business in Victoria; and

(b) is a body corporate.

S. 3.4.40(1)(b) amended by No. 56/2010 s. 13.

(2) In addition, the Minister may take into account any other matter in deciding whether to invite a person to apply for the monitoring licence.

3.4.41 Secretary may report on suitability of persons Minister is considering to invite to apply for licence

New s. 3.4.41 inserted by No. 29/2009 s. 23.

(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 to invite to apply for the monitoring licence.

S. 3.4.41(1) substituted by No. 58/2009 s. 26(1).

* * * * *

S. 3.4.41(2) repealed by No. 58/2009 s. 26(2).

(3) A report may include any recommendations the Secretary thinks fit.

(4) The report must include the reasons for any findings or recommendations contained in it.

S. 3.4.41A inserted by No. 58/2009 s. 27.

3.4.41A Consent required for reports and investigations

S. 3.4.41A(1) amended by No. 1/2021 s. 12(a)(i).

(1) For the purpose of preparing a report under section 3.4.41 or 3.4.43 to give to the Minister, and for investigations and inquiries to be carried out under Division 1C or 1D of Part 4 of Chapter 10 for the purpose of preparing a report under section 3.4.41 or 3.4.43, the Secretary must obtain the written consent of—

S. 3.4.41A(1)(a) amended by No. 1/2021 s. 12(a)(ii).

(a) a possible invitee, pending applicant or 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 monitoring licence; or

S. 3.4.41A (1)(b)(ii) amended by No. 1/2021 s. 12(a)(iii).

(ii) a pending applicant or an applicant should be granted a monitoring licence under this Division.

S. 3.4.41A(2) repealed by No. 1/2021 s. 12(b).

* * * * *

New s. 3.4.42 inserted by No. 29/2009 s. 23.

3.4.42 Application for monitoring licence

(1) A person who has been invited by the Minister under section 3.4.40 to apply for the monitoring licence—

(a) may apply to the Minister for the licence; and

(b) if the person applies for the licence, must comply with—

(i) requirements specified by the Minister for an applicant to have protocols or procedures to prevent an interested person from improperly interfering with the preparation or making of a recommendation or report under this Act in relation to an application for the licence; and

(ii) reporting requirements specified by the Minister for an applicant or an associate of an applicant in relation to the protocols or procedures specified under subparagraph (i); and

(iii) any other requirements specified by the Minister in relation to applicants or applications for the licence.

(2) An application—

(a) must be in the form, contain the information and be accompanied by the documents required by the Minister; and

(b) must be lodged in accordance with the procedural requirements, if any, specified by the Minister.

(3) The Minister may require an applicant to provide any further information to the Minister in connection with the application.

(4) The Minister may require any matter in, or in relation to, the application to be verified by statutory declaration by an applicant or an associate of an applicant.

(5) The Minister must refer each licence application to the Secretary for a report under section 3.4.43.

(6) If a requirement made by or specified under this section is not complied with, the Minister may refuse to consider or further consider the application or to refer it to the Secretary.

S. 3.4.42(7) repealed by No. 60/2011 s. 45.

* * * * *

Note

Division 1D of Part 4 of Chapter 10 provides for the investigation by the Commission of an application for the monitoring licence.

New s. 3.4.43 inserted by No. 29/2009 s. 23.

3.4.43 Report to Minister by Secretary on applications

(1) The Secretary must give a written report to the Minister on each application—

(a) stating whether or not, in the Secretary's opinion, the matters of which the Minister must be satisfied under section 3.4.44(2) to grant the application have been made out; and

(b) stating whether or not, in the Secretary's opinion, the requirements made by or specified under section 3.4.42 have been complied with; and

(c) containing any other information required by the Minister.

(2) The report may include any recommendations the Secretary thinks fit, including recommendations as to any appropriate licence conditions.

(3) The report must include the reasons for any findings or recommendations contained in it.

New s. 3.4.44 inserted by No. 29/2009 s. 23.

3.4.44 Determination of applications

(1) The Minister is to determine whether to grant or refuse an application after receiving the report of the Secretary under section 3.4.43.

S. 3.4.44(2) amended by No. 23/2025 s. 74(Sch. 1 item 2.7).

(2) The Minister may grant an application only if the Minister is satisfied that the granting of the application is in the public interest, taking into account each of the following matters—

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

(b) whether the applicant, or an associate of the applicant, has an association with a person or body that is not of good repute having regard to character, honesty and integrity as a result of which the applicant or the associate is likely to be significantly affected in an unsatisfactory manner;

(c) whether each executive officer of the applicant and any other person determined by the Minister to be concerned in or associated with the ownership, management or operation of the applicant's monitoring business, is a suitable person to act in that capacity;

(d) whether the applicant has sufficient technical capability and adequate systems to conduct the activities to be authorised by the licence;

(e) whether the applicant is of sound and stable financial background;

(f) whether the applicant has the ability to establish and maintain a successful monitoring business;

(g) any other matters the Minister considers relevant.

(3) In determining whether to grant or refuse an application, the Minister is entitled to rely on any findings or recommendations contained in the report of the Secretary under section 3.4.43.

S. 3.4.44(4) amended by No. 23/2025 s. 74(Sch. 1 item 2.7).

(4) If the Minister refuses an application, the Minister must give written notice to the applicant.

New s. 3.4.45 inserted by No. 29/2009 s. 23, amended by No. 60/2011 s. 46, substituted by No. 1/2021 s. 13.

3.4.45 Prohibition on improper interference

(1) An interested person in relation to the monitoring licence must not improperly interfere with the preparation or making of a recommendation or report under this Act in relation to a possible invitee, pending applicant or applicant.

(2) If an interested person improperly interferes with the preparation or making of a recommendation or report under this Act in relation to a possible invitee, pending applicant or applicant, the Minister may refuse to consider, or consider further—

(a) whether to invite the possible invitee to apply for the monitoring licence; or

(b) an application for the monitoring licence made by the pending applicant or applicant.

S. 3.4.45A (Heading) amended by No. 1/2021 s. 14(1).

S. 3.4.45A inserted by No. 60/2011 s. 47.

3.4.45A Prohibition on lobbying

(1) A lobbyist must not in relation to a licence awarding process carry out a lobbying activity for or on behalf of an interested person.

S. 3.4.45A(2) amended by No. 1/2021 s. 14(2).

(2) The Minister may refuse to invite a person to apply for the monitoring licence, to consider an application for the monitoring licence or to grant an application for the monitoring licence, if the Minister is satisfied that a lobbyist, for or on behalf of an interested person in relation to a licence awarding process, has carried out a lobbying activity.

3.4.46 Issue of licence

New s. 3.4.46 inserted by No. 29/2009 s. 23, amended by No. 23/2025 s. 74(Sch. 1 item 2.7).

If the Minister grants an application, the Minister must issue the monitoring licence to the applicant who made that application.

3.4.46A Monitoring licence not personal property

S. 3.4.46A inserted by No. 74/2010 s. 25(1).

For the purposes of section 8(1)(k) of the Personal Property Securities Act 2009 of the Commonwealth, a monitoring licence is declared not to be personal property.

3.4.47 Licence conditions

New s. 3.4.47 inserted by No. 29/2009 s. 23, amended by No. 23/2025 ss 4 (ILA s. 39B(1)), 74(Sch. 1 item 2.7).

(1) The Minister may impose any conditions the Minister thinks fit on the monitoring licence, including—

(a) conditions referred to in any other provision in this Chapter;

(b) conditions that leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Commission or the Minister.

S. 3.4.47(2) inserted by No. 23/2025 s. 4.

(2) Without limiting subsection (1), the Minister may include as a condition of the monitoring licence any matter that could be the subject-matter of a direction under section 3.4.49(1) or 3.8A.2(1)(a).

3.4.48 Minister may refuse to issue monitoring licence if related agreements not entered into

S. 3.4.48 (Heading) substituted by No. 58/2009 s. 29.

New s. 3.4.48 inserted by No. 29/2009 s. 23.

Despite section 3.4.46, the Minister may refuse to issue the monitoring licence unless the applicant or any other person requested by the Minister (or both) enters into one or more agreements with the Minister, or a person nominated by the Minister, dealing with matters related to the licence.

S. 3.4.48A inserted by No. 58/2009 s. 30.

3.4.48A Related agreements with monitoring licensee

(1) Subject to this section, the Minister, by written notice, may direct the monitoring licensee to enter into an agreement or class of agreements dealing with matters relating to the monitoring licence with—

(a) the Minister; or

(b) a person or class of person the Minister specifies in the direction.

(2) Before giving a direction under subsection (1), the Minister must consult with the monitoring licensee.

(3) A direction under subsection (1)—

(a) must warn the monitoring licensee of the Minister's powers under this section; and

(b) must be accompanied by a copy of this section; and

(c) may specify the terms or kinds of terms to be contained in an agreement or class of agreements to be entered into; and

(d) may specify the terms or kinds of terms that must not be in an agreement or class of agreements to be entered into; and

(e) may specify a date by which an agreement or class of agreements is to be entered into.

(4) The monitoring licensee must comply with a direction under subsection (1).

(5) The monitoring licensee must give a copy of any agreement entered into in compliance with a direction under subsection (1) to the Commission.

3.4.48B No compensation payable because of a direction to enter into related agreements

S. 3.4.48B inserted by No. 58/2009 s. 30.

No compensation is payable by the State because of a direction under section 3.4.48A or the entering into an agreement in compliance with a direction under section 3.4.48A.

3.4.48C Limitation of monitoring licensee's civil liability

S. 3.4.48C inserted by No. 58/2009 s. 30.

(1) Except as provided under an agreement referred to in section 3.4.48 or 3.4.48A, the monitoring licensee does not incur any liability for an act or omission in the provision of monitoring services, responsible gambling and regulatory compliance services or pre-commitment services that causes a gaming machine not to operate.

S. 3.4.48C(1) substituted by No. 60/2011 s. 13, amended by Nos 4/2014 s. 17, 23/2025 s. 17(2).

(2) Subsection (1) does not apply to a liability that would otherwise arise at law in the case where—

(a) a person has won a prize after playing a gaming machine; and

(b) that prize cannot be paid because of a failure by the monitoring licensee to provide monitoring services to enable the payment of that prize; and

(c) the person who won the prize or the venue operator who conducts gaming with the machine on which the prize was won sustains a loss because that prize cannot be paid.

3.4.48D Related agreements may provide for damages determined by the Minister

S. 3.4.48D inserted by No. 58/2009 s. 30.

An agreement referred to in section 3.4.48 or 3.4.48A must provide for the kinds of damages determined by the Minister under section 3.4.48E.

S. 3.4.48E inserted by No. 58/2009 s. 30.

3.4.48E Minister may determine certain damages that must be included in related agreements

(1) The Minister, after consulting the Treasurer, may determine the kinds of damages that must be provided for under an agreement referred to in section 3.4.48 or 3.4.48A.

(2) Without limiting subsection (1), the Minister may determine—

S. 3.4.48E (2)(a) amended by Nos 60/2011 s. 14(1), 4/2014 s. 18, 23/2025 s. 17(2).

(a) the maximum amount that may be payable under the agreement in damages for a breach of a specified condition or for specified acts or omissions in the provision of monitoring services, responsible gambling and regulatory compliance services or pre-commitment services that cause a gaming machine not to operate;

S. 3.4.48E (2)(b) amended by Nos 60/2011 s. 14(2), 4/2014 s. 18, 23/2025 s. 17(2).

(b) the maximum amount that may be payable under the agreement in damages to a specified person or specified class of person for a breach of a specified condition or for specified acts or omissions in the provision of monitoring services, responsible gambling and regulatory compliance services or pre-commitment services that cause a gaming machine not to operate;

(c) the kinds of events or circumstances that could form the basis of a condition referred to in paragraph (a) or (b).

3.4.49 Responsible gambling and regulatory compliance directions

S. 3.4.49 (Heading) amended by No. 23/2025 s. 5(1).

New s. 3.4.49 inserted by No. 29/2009 s. 23.

(1) The Minister may direct the monitoring licensee to provide one or more of the following—

S. 3.4.49(1) substituted by No. 4/2014 s. 19, amended by No. 23/2025 s. 5(2)(a).

(a) systems and mechanisms that implement responsible gambling measures for the conduct of gaming;

S. 3.4.49(1)(a) amended by No. 23/2025 s. 5(2)(b).

(ab) systems and mechanisms that implement regulatory compliance measures for the conduct of gaming, including compliance with anti-money laundering and counter-terrorism financing obligations;

S. 3.4.49 (1)(ab) inserted by No. 23/2025 s. 5(2)(c).

(b) services that are associated with the provision of those systems and mechanisms.

(2) A direction under subsection (1) must be—

(a) in writing; and

(b) given to the monitoring licensee; and

(c) published in the Government Gazette.

(3) It is a condition of the monitoring licence held by the monitoring licensee that the licensee must comply with a direction under subsection (1).

S. 3.4.49A inserted by No. 56/2010 s. 14, amended by No. 64/2014 s. 39(2).

3.4.49A Monitoring licensee must establish and maintain approved linked jackpot trust accounts

The monitoring licensee must establish and maintain at an ADI in the State a separate approved linked jackpot trust account for each multiple venue linked jackpot arrangement.

S. 3.4.49B inserted by No. 56/2010 s. 14.

3.4.49B Operation of multiple venue linked jackpot arrangements without approved linked jackpot trust account prohibited

The monitoring licensee must not allow a multiple venue linked jackpot arrangement to operate unless an approved linked jackpot trust account for that arrangement is established.

S. 3.4.49C inserted by No. 56/2010 s. 14.

3.4.49C Payments out of approved linked jackpot trust accounts

(1) The monitoring licensee must pay out of an approved linked jackpot trust account—

(a) only the amounts that are specified under subsection (2); and

(b) only in accordance with a jackpot financial administration services agreement between the licensee and a venue operator whose money has been paid into the account.

(2) For the purposes of subsection (1)(a) the amounts are—

(a) amounts to enable a venue operator to pay jackpot prizes; and

S. 3.4.49C (2)(b) amended by No. 64/2014 s. 39(2).

(b) fees payable by the monitoring licensee to the ADI in relation to the approved linked jackpot trust account; and

(c) other amounts of money paid into the approved linked jackpot trust account in accordance with a jackpot financial

administration services agreement between the monitoring licensee and a venue operator.

3.4.50 Duration of licence

New s. 3.4.50 inserted by No. 29/2009 s. 23.

The monitoring licence—

(a) takes effect at the time of issue or at the later time specified in the licence; and

(b) is valid for the term specified in the licence, unless terminated earlier in accordance with this Chapter or extended under section 3.4.51.

S. 3.4.50(b) amended by No. 23/2025 s. 6.

3.4.51 Extension of licence

New s. 3.4.51 inserted by No. 29/2009 s. 23.

(1) If invited by the Minister to do so, the monitoring licensee may apply to the Minister, before the monitoring licence expires, for a licence extension.

(2) On application under subsection (1), the Minister may extend the monitoring licence for a period not exceeding 2 years from the day it would otherwise expire, after consulting—

(a) the Commission; and

(b) any other person the Minister considers appropriate.

(3) The monitoring licence may be extended only once.

(4) The monitoring licence cannot be renewed, but a person who holds or has held a monitoring licence may apply for a subsequent monitoring licence, if invited by the Minister to do so.

New s. 3.4.52 inserted by No. 29/2009 s. 23.

3.4.52 Licence may authorise preparatory action

(1) This section applies to a monitoring licence if the licence takes effect at a time specified in the licence that is later than the time of issue of the licence.

(2) The monitoring licence may authorise the monitoring licensee to take preparatory action from a time specified in the licence (which may be the time of issue) even though the licence has not taken effect.

(3) An authorisation under subsection (2) may specify a single time from which any preparatory action may be taken or different times from which different kinds of preparatory action may be taken.

(4) Despite section 3.4.50(a), the monitoring licence is taken to be in effect for the purpose of any preparatory action taken in accordance with an authorisation under subsection (2).

(5) No account is to be had to this section in determining the term of the licence under section 3.4.50(b).

(6) In this section—

S. 3.4.52(6) def. of *current gaming monitoring activities* amended by No. 58/2009 s. 123, repealed by No. 28/2022 s. 25(a).

* * * * *

S. 3.4.52(6) def. of *preparatory action* amended by No. 28/2022 s. 25(b).

preparatory action means anything necessary or convenient to be done for the purpose of conducting any activities authorised by the monitoring licence.

3.4.52A Premium payment

S. 3.4.52A inserted by No. 23/2025 s. 7.

(1) The Minister may require the monitoring licensee to pay, as consideration for the monitoring licence, one or more amounts determined by the Minister as the premium payment.

(2) The Minister may determine the premium payment as—

(a) a single amount payable on the issue of the licence, or by the later time determined by the Minister; or

(b) an amount payable each year for the duration of the licence at the time determined by the Minister.

(3) If the Minister extends the monitoring licence under section 3.4.51(2), the Minister may require the monitoring 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.

(4) The premium payment for the monitoring licence or the extension of the monitoring licence is a tax.

(5) An amount or amounts equal to a premium payment paid under subsection (1) or (3) must be paid out of the Consolidated Fund (which is appropriated to the necessary extent), at the time or times determined by the Treasurer, into the Hospitals and Charities Fund.

3.4.52B Penalty interest for late payment

S. 3.4.52B inserted by No. 23/2025 s. 7.

The monitoring licensee must pay to the Commission, for payment into the Consolidated Fund, interest on a premium payment under section 3.4.52A(1) or (3) that is outstanding as at the end of the period allowed for payment, at the rate fixed for the time being under section 2 of the **Penalty Interest Rates Act 1983**.

S. 3.4.52C inserted by No. 23/2025 s. 7.

3.4.52C Recovery of amounts

A premium payment under section 3.4.52A(1) or (3) or any interest payable under section 3.4.52B may be recovered in a court of competent jurisdiction as a debt due to the State.

New s. 3.4.53 inserted by No. 29/2009 s. 23.

3.4.53 Publication and tabling

(1) The Minister must cause—

(a) notice to be published in the Government Gazette—

(i) of the issue of the monitoring licence, as soon as practicable after the licence is issued; and

(ii) of the making of any agreement referred to in section 3.4.48, as soon as practicable after the agreement is made; and

(b) a copy of the monitoring licence to be—

(i) given to the Commission as soon as practicable after the licence is issued; and

(ii) subject to subsection (2), presented to each House of Parliament within 7 sitting days of the House after the licence is issued; and

(c) a copy of any agreement referred to in section 3.4.48 to be—

(i) given to the Commission as soon as practicable after the agreement is made; and

(ii) subject to subsection (2), presented to each House of Parliament within 7 sitting days of the House after the agreement is made.

(2) Before complying with subsection (1)(b)(ii) or (c)(ii), the Minister—

(a) may exclude information from the monitoring licence or agreement if the Minister is of the opinion that the information relates to matters of a business, commercial or financial nature the disclosure of which would be likely to expose any person unreasonably to disadvantage; and

(b) must notify the Commission as soon as practicable whether or not any information has been excluded under paragraph (a) and, if it has been, specify the information excluded.

(3) Subject to subsection (4), the Commission must cause a copy of the monitoring licence and any agreements referred to in section 3.4.48 to be made available on its website as soon as practicable after notification from the Minister under subsection (2)(b).

(4) If the Minister has excluded information from the monitoring licence or agreement under subsection (2), the Commission must exclude that information from the copy of the licence or agreement it makes available under subsection (3).

3.4.54 Engaging contractors and appointing agents to assist with monitoring

New s. 3.4.54 inserted by No. 29/2009 s. 23.

(1) The monitoring licence may authorise the monitoring licensee to engage a person on contract, or to appoint an agent, to assist in the conduct of activities authorised by the licence.

(2) To avoid doubt, the engagement of a person or the appointment of an agent by the monitoring licensee does not affect any function or obligation of the licensee under a gaming Act, the gaming

S. 3.4.54(2) amended by Nos 58/2009 s. 31, 56/2010 s. 15.

regulations, the monitoring licence or any related agreement referred to in section 3.4.48 or 3.4.48A.

S. 3.4.55 inserted by No. 29/2009 s. 23.

3.4.55 Transfer only under this Division

The monitoring licence is not transferable to any other person except in accordance with this Division.

S. 3.4.56 inserted by No. 29/2009 s. 23.

3.4.56 Application to transfer licence

(1) The monitoring licensee may apply to the Minister to transfer the monitoring licence to another person (the ***transferee***).

(2) An application to transfer the monitoring licence—

(a) must be in the form, contain the information and be accompanied by the documents required by the Minister; and

(b) must be accompanied by the prescribed fee (if any).

(3) If no fee is prescribed for the purposes of subsection (2)(b), the Minister, by written notice, may require the monitoring licensee to pay to the Minister the amount determined by the Minister, being an amount not exceeding the reasonable costs of the Minister and the Department administered by the Minister in considering the application to transfer the monitoring licence.

(4) The Minister may require costs payable under subsection (3) to be paid by instalments or at any time before, during or after the Minister's consideration of the application to transfer the monitoring licence, whether or not the application is granted.

(5) Costs payable under subsection (3) may be recovered in a court of competent jurisdiction as a debt due to the State.

(6) The Minister may refer the application to transfer the monitoring licence to the Commission for a report under section 3.4.58.

3.4.57 Transfer of monitoring licence

S. 3.4.57 inserted by No. 29/2009 s. 23.

(1) On an application under section 3.4.56, the Minister may transfer the monitoring licence to the transferee if the Minister is satisfied of the matters specified in subsections (2), (3), (4) and (5).

(2) The Minister must be satisfied—

(a) that—

(i) the transferee is a wholly-owned subsidiary of the monitoring licensee; or

(ii) the transferee and the monitoring licensee are both wholly-owned subsidiaries of a third company; and

(b) that the transferee has a physical place of business in Victoria; and

(c) that the transferee is not a natural person or a venue operator; and

(d) that the transferee will not, on becoming the monitoring licensee, contravene Part 2A.

(3) The Minister must be satisfied that the transfer of the monitoring licence to the transferee is in the public interest, taking into account each of the following matters—

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

(b) whether the transferee, or an associate of the transferee, has an association with a person or body that is not of good repute having regard to character, honesty and integrity as

a result of which the transferee or the associate is likely to be significantly affected in an unsatisfactory manner;

(c) whether each executive officer of the transferee and any other person determined by the Minister to be concerned in or associated with the ownership, management or operation of the transferee's monitoring business, is a suitable person to act in that capacity;

(d) whether the transferee has sufficient technical capability and adequate systems to conduct the activities authorised by the licence;

(e) whether the transferee is of sound and stable financial background;

(f) whether the transferee has the ability to establish and maintain a successful monitoring business;

(g) any other matters the Minister considers relevant.

(4) The Minister must be satisfied that the transfer of the licence to the transferee would not result in a person who is not currently an associate of the licensee, or not approved by the Minister to become an associate of the licensee, becoming an associate of the transferee.

(5) The Minister must be satisfied that the transferee is capable of meeting the obligations of the monitoring licensee under any agreements referred to in section 3.4.48.

(6) The Minister may refuse to transfer the monitoring licence unless a company approved by the Minister that is an associate of the transferee has given the transferee an irrevocable guarantee and indemnity, in the form approved by the

Treasurer, in respect of the financial obligations of the transferee.

(7) In determining whether to grant or refuse an application to transfer the monitoring licence, the Minister is entitled to rely on any findings or recommendations contained in the report of the Commission under section 3.4.58.

(8) If the Minister transfers the monitoring licence, the transferee becomes the monitoring licensee and assumes all the obligations and liabilities of the monitoring licensee under this Act.

3.4.58 Report to Minister by Commission

S. 3.4.58 inserted by No. 29/2009 s. 23.

(1) If the Minister has referred to the Commission an application to transfer the monitoring licence, the Commission must give a written report to the Minister on the application—

(a) stating whether or not, in the Commission's opinion, the matters of which the Minister must be satisfied to transfer the licence have been made out; and

(b) containing any other information required by the Minister.

(2) The report may include any recommendations the Commission thinks fit, including recommendations as to any appropriate licence conditions.

(3) The report must include the reasons for any findings or recommendations contained in it.

Note

Division 1B of Part 4 of Chapter 10 provides for the investigation by the Commission of an application to transfer a monitoring licence.

S. 3.4.59 inserted by No. 29/2009 s. 23.

3.4.59 Related agreements

The Minister may refuse to transfer a monitoring licence if—

(a) the monitoring licensee and any other person who is party to an agreement referred to in section 3.4.48 relating to the licence have not executed any document requested by the Minister in relation to that agreement; or

(b) the transferee or any other person requested by the Minister (or both) has not entered into one or more agreements with the Minister dealing with matters related to the licence, including any agreement referred to in section 3.4.48 or any further agreement.

S. 3.4.59A inserted by No. 29/2009 s. 23.

3.4.59A Publication and tabling

(1) The Minister must cause—

(a) notice to be published in the Government Gazette—

(i) of the transfer of the monitoring licence, as soon as practicable after the licence is transferred; and

(ii) of the execution of any document referred to in section 3.4.59(a) or of the entering into of any agreement referred to in section 3.4.59(b), as soon as practicable after the document is executed or the agreement is entered into; and

(b) a copy of the transfer of the monitoring licence to be—

(i) given to the Commission as soon as practicable after the licence is transferred; and

(ii) subject to subsection (2), presented to each House of Parliament within 7 sitting days of the House after the licence is transferred; and

(c) a copy of any document referred to in section 3.4.59(a) or any agreement referred to in section 3.4.59(b) to be—

(i) given to the Commission as soon as practicable after the document is executed or the agreement is entered into; and

(ii) subject to subsection (2), presented to each House of Parliament within 7 sitting days of the House after the document is executed or the agreement is entered into.

(2) Before complying with subsection (1)(b)(ii) or (c)(ii), the Minister—

(a) may exclude information from the transfer, document or agreement if the Minister is of the opinion that the information relates to matters of a business, commercial or financial nature the disclosure of which would be likely to expose any person unreasonably to disadvantage; and

(b) must notify the Commission as soon as practicable whether or not any information has been excluded under paragraph (a) and, if it has been, specify the information excluded.

(3) Subject to subsection (4), the Commission must cause a copy of a transfer of the monitoring licence and any document referred to in section 3.4.59(a) or agreement referred to in section 3.4.59(b) to be made available on its website as soon as practicable after receiving

notification from the Minister under subsection (2)(b).

(4) If the Minister has excluded information from the transfer, document or agreement under subsection (2), the Commission must exclude that information from the copy of the transfer, document or agreement it makes available under subsection (3).

S. 3.4.59B inserted by No. 29/2009 s. 23.

3.4.59B Request by licensee for amendment of licence

(1) The monitoring licensee may request the Minister to amend the monitoring licence.

S. 3.4.59B(1A) inserted by No. 58/2009 s. 32, amended by No. 23/2025 s. 74(Sch. 1 item 2.8).

(1A) The Minister may refuse to consider the request for a licence amendment if, in the Minister's opinion, the requested amendment is the same, or is similar to, a requested amendment that has already been made under this section within the previous two years and refused by the Minister under section 3.4.59C.

(2) A request for a licence amendment—

(a) must be in writing; and

(b) must include the reasons for the requested amendment; and

(c) must be accompanied by the prescribed fee (if any).

(3) The Minister may require the monitoring licensee to provide any further information or any documents to the Minister in connection with the request.

(4) If this section or a requirement made by the Minister under this section is not complied with, the Minister may refuse to consider the request.

(5) If no fee is prescribed for the purposes of subsection (2)(c), the Minister, by written notice, may require the monitoring licensee to pay to the

Minister the amount determined by the Minister, being an amount not exceeding the reasonable costs of the Minister and the Department administered by the Minister in considering the request.

(6) The Minister may require costs payable under subsection (5) to be paid by instalments or at any time before, during or after the Minister's consideration of the request, whether or not the Minister decides to make the requested amendment.

(7) Costs payable under subsection (5) may be recovered in a court of competent jurisdiction as a debt due to the State.

3.4.59C Amendment of licence

S. 3.4.59C inserted by No. 29/2009 s. 23.

(1) Subject to this Division, the Minister must decide whether to make an amendment requested under section 3.4.59B, either with or without changes from that originally requested, and must give written notice of the decision to the monitoring licensee.

S. 3.4.59C(1) amended by No. 60/2011 s. 48.

(1A) The Minister may, at any time, decide to make an amendment to the monitoring licence and must give written notice of the decision to the monitoring licensee.

S. 3.4.59C(1A) inserted by No. 58/2009 s. 33(1).

(1B) Before making an amendment to the monitoring licence under subsection (1A), the Minister must notify the monitoring licensee of the Minister's intention to amend the licence and give the licensee no less than 14 days to make written representations about the intended action.

S. 3.4.59C(1B) inserted by No. 58/2009 s. 33(1).

S. 3.4.59C(2) substituted by No. 58/2009 s. 33(2), amended by No. 23/2025 s. 74(Sch. 1 item 2.8).

(2) In deciding whether or not to make an amendment, the Minister must take into account whether, in the Minister's opinion—

(a) the amendment is in the public interest; and

(b) the amendment is required for the proper conduct of the licensed activity.

(3) If the Minister amends the monitoring licence under this section, the Minister must cause—

(a) notice of the amendment to be published in the Government Gazette as soon as practicable after the licence is amended; and

(b) a copy of the amendment, and the licence as amended, to be—

(i) given to the Commission as soon as practicable after the licence is amended; and

(ii) subject to subsection (4), presented to each House of Parliament within 7 sitting days of the House after the licence is amended.

(4) Before complying with subsection (3)(b)(ii), the Minister—

(a) may exclude information from the amendment, or the monitoring licence as amended, if the Minister is of the opinion that the information relates to matters of a business, commercial or financial nature the disclosure of which would be likely to expose any person unreasonably to disadvantage; and

(b) must notify the Commission as soon as practicable whether or not any information has been excluded under paragraph (a) and, if it has been, specify the information excluded.

(5) Subject to subsection (6), the Commission must cause a copy of the amendment, or the monitoring licence as amended, to be made available on its website as soon as practicable after receiving notification from the Minister under subsection (4)(b).

(6) If the Minister has excluded information from an amendment under subsection (4), the Commission must exclude that information from the copy of the amendment, or the monitoring licence as amended, it makes available under subsection (5).

(7) An amendment takes effect when notice of the decision to make the amendment is given to the monitoring licensee under subsection (1) or (1A) or on a later date specified in the notice.

S. 3.4.59C(7) amended by No. 58/2009 s. 33(3).

3.4.59CA Prohibition on lobbying for amendment of licence

S. 3.4.59CA inserted by No. 60/2011 s. 49.

(1) A lobbyist must not, in relation to a request for an amendment to the monitoring licence under section 3.4.59B, carry out a lobbying activity for or on behalf of an interested person.

(2) The Minister may refuse to consider a request to amend the monitoring licence if the Minister is satisfied that a lobbyist, for or on behalf of an interested person in relation to the request, has carried out a lobbying activity.

3.4.59D Grounds for disciplinary action

S. 3.4.59D inserted by No. 29/2009 s. 23.

Each of the following is a ground for disciplinary action in relation to the monitoring licence—

(a) the monitoring licensee is not, or is no longer, a suitable person or body to conduct the activities authorised by the licence;

(b) the monitoring licensee has been found guilty of an offence against a gaming Act;

(c) the monitoring licensee, or an associate of the licensee, has been found guilty of an offence involving fraud or dishonesty, whether or not in Victoria, the maximum penalty for which exceeds imprisonment for 3 months;

(d) the monitoring licensee has contravened—

S. 3.4.59D(d)(i) amended by No. 56/2010 s. 16(1).

(i) the licence; or

(ii) a provision of this Act (being a provision a contravention of which does not constitute an offence);

S. 3.4.59D(e) amended by Nos 56/2010 s. 16(2), 4/2014 s. 20.

(e) the monitoring licensee has contravened an agreement referred to in section 3.4.48, 3.4.48A, 3.4.59, 3.4.59LA or 3.8A.15;

(f) the monitoring licensee becomes an externally-administered body corporate or otherwise becomes insolvent;

(g) the monitoring licence was obtained by a materially false or misleading representation or in some other improper way.

S. 3.4.59E inserted by No. 29/2009 s. 23.

3.4.59E Commission may take or recommend disciplinary action

(1) If the Commission considers that there is a ground for taking disciplinary action in relation to the monitoring licence, the Commission may give the monitoring licensee written notice giving the licensee an opportunity to show cause within 28 days why disciplinary action should not be taken on the ground specified in the notice.

(2) The monitoring licensee, within the period allowed by the notice, may arrange with the Commission for the making of submissions to the Commission as to why disciplinary action should not be taken.

(3) After considering any submissions made under subsection (2), the Commission—

(a) may take either or both of the following disciplinary actions—

(i) issue a letter of censure to the monitoring licensee;

(ii) fine the monitoring licensee an amount not exceeding an amount that is 5000 times the value of a penalty unit fixed by the Treasurer under section 5(3) of the **Monetary Units Act 2004**; or

(b) may make a written report to the Minister recommending that the Minister take disciplinary action against the monitoring licensee under section 3.4.59F.

(4) A report under subsection (3)(b) must include the reasons for the findings and recommendations contained in it.

(5) A letter of censure may censure the monitoring licensee in respect of any matter connected with the management or operation of its monitoring business and may include a direction to the licensee to rectify within a specified time any matter giving rise to the letter of censure.

(6) If a direction given under subsection (5) is not complied within the specified time, the Commission may—

(a) fine the monitoring licensee an amount not exceeding an amount that is 5000 times the value of a penalty unit fixed by the Treasurer under section 5(3) of the **Monetary Units Act 2004**; or

(b) make a written report to the Minister recommending that the Minister take disciplinary action against the monitoring licensee under section 3.4.59F.

(7) The Commission may fine the monitoring licensee under subsection (6)(a) whether or not the Commission has already fined the licensee under subsection (3)(a)(ii) in relation to the same matter.

(8) A fine imposed under this section may be recovered in a court of competent jurisdiction as a debt due to the State.

S. 3.4.59F inserted by No. 29/2009 s. 23.

3.4.59F Minister may take disciplinary action

(1) If the Commission makes a report to the Minister under section 3.4.59E, the Minister may—

(a) take any one of the following disciplinary actions—

(i) amend the monitoring licence; or

(ii) suspend the monitoring licence; or

(iii) cancel the monitoring licence; or

(b) if the Minister considers that disciplinary action under paragraph (a) is not warranted, remit the matter to the Commission with a request that the Commission consider whether disciplinary action should be taken against the monitoring licensee under section 3.4.59E(3)(a).

(2) In taking disciplinary action, the Minister—

(a) must take into account whether, in the Minister's opinion, taking the action is in the public interest; and

S. 3.4.59F (2)(a) amended by No. 23/2025 s. 74(Sch. 1 item 2.8).

(b) is entitled to rely on the findings and recommendations in the report of the Commission under section 3.4.59E; and

(c) is not required to give the monitoring licensee a further opportunity to be heard or make submissions.

(3) If the Minister remits a matter to the Commission under subsection (1)(b), the Commission is not required to give the monitoring licensee a further opportunity to be heard or make submissions before taking disciplinary action against the licensee under section 3.4.59E(3)(a).

(4) Cancellation, suspension or amendment of the monitoring licence under this section takes effect when written notice is given to the licensee or on a later date specified in the notice.

3.4.59G Suspension of licence

S. 3.4.59G (Heading) amended by No. 56/2010 s. 17.

S. 3.4.59G inserted by No. 29/2009 s. 23.

(1) The Minister may suspend the monitoring licence by giving written notice to the monitoring licensee if the Minister is satisfied that—

S. 3.4.59G(1) substituted by No. 58/2009 s. 34.

(a) the licensee or an executive officer of the licensee has been charged with—

(i) an offence against a gaming Act or gaming regulations; or

(ii) an offence arising out of or in connection with the management or operation of a monitoring business; or

(iii) an indictable offence or an offence that, if committed in Victoria, would be an indictable offence, the nature and circumstances of which, in the opinion of the Minister, relate to the management or operation of a monitoring business; or

(b) the licensee is not, or is no longer, a suitable person or body to conduct the activities authorised by the licence; or

(c) the licensee becomes an externally administered body corporate or otherwise becomes insolvent; or

(d) the licence was obtained by a materially false or misleading representation or in some other improper way.

(2) The Minister may, at any time, terminate or reduce a period of suspension imposed under subsection (1).

S. 3.4.59GA inserted by No. 56/2010 s. 18.

3.4.59GA Disciplinary and other action against monitoring licensee—preparatory action

(1) Despite anything to the contrary in this Division—

(a) the Commission may take or recommend disciplinary action against the monitoring licensee under section 3.4.59E; or

(b) the Minister may—

(i) take disciplinary action under section 3.4.59F against the monitoring licensee; or

(ii) suspend the monitoring licence under section 3.4.59G—

during the period in which the monitoring licensee is authorised to take preparatory action under section 3.4.52.

(2) Despite section 3.4.50(a), for the purpose of subsection (1) the monitoring licence is taken to be in effect.

3.4.59H Effect of licence suspension

S. 3.4.59H inserted by No. 29/2009 s. 23.

The monitoring licence is of no effect for the purposes of Part 2 while it is suspended.

3.4.59I Temporary monitoring licence

S. 3.4.59I inserted by No. 29/2009 s. 23.

(1) If the monitoring licence (the ***original licence***) is cancelled or suspended under this Division, the Minister may, subject to subsection (1A), issue a temporary monitoring licence and appoint a temporary monitoring licensee for the period determined by the Minister.

S. 3.4.59I(1) amended by No. 58/2009 s. 35(1).

(1A) The Minister may, in accordance with subsection (2A), issue a temporary monitoring licence and appoint a temporary monitoring licensee for a period of 90 days.

S. 3.4.59I(1A) inserted by No. 58/2009 s. 35(2).

(2) The Minister may issue a temporary monitoring licence under subsection (1) only if satisfied that—

S. 3.4.59I(2) substituted by No. 58/2009 s. 35(3).

(a) the issue of the temporary licence is in the public interest; and

(b) the proposed licensee and each associate of the proposed licensee is a suitable person to be concerned in, or associated with, the management and operation of a monitoring business.

S. 3.4.59I(2A) inserted by No. 58/2009 s. 35(3).

(2A) The Minister may issue a temporary monitoring licence under subsection (1A) only if satisfied that—

(a) the issue of the temporary licence is in the public interest; and

(b) the proposed licensee is a suitable person to be concerned in the management and operation of a monitoring business, taking into account the period of time for which the licence is issued.

S. 3.4.59I(3) amended by No. 58/2009 s. 35(4).

(3) Subject to subsections (1A) and (2A), a temporary monitoring licence is issued on the terms and conditions the Minister thinks fit and nothing in sections 3.4.38 to 3.4.51 applies to the issue of the temporary licence.

S. 3.4.59I(4) amended by No. 58/2009 s. 35(5).

(4) In considering whether to issue a temporary licence under subsection (1), the Minister—

(a) may consult any person the Minister considers appropriate; and

(b) is entitled to rely on any findings or recommendations contained in the report of the Commission under section 3.4.59J.

S. 3.4.59I(5) inserted by No. 58/2009 s. 35(6).

(5) In considering whether to issue a temporary licence under subsection (1A), the Minister—

(a) may consult any person the Minister considers appropriate; and

(b) is entitled to rely on any findings or recommendations contained in the report of the Commission under section 3.4.59JA.

3.4.59J Report to Minister by Commission for a temporary monitoring licence

S. 3.4.59J (Heading) amended by No. 58/2009 s. 36(1).

S. 3.4.59J inserted by No. 29/2009 s. 23.

S. 3.4.59J(1) amended by No. 58/2009 s. 36(2).

(1) If the Minister is considering issuing a temporary monitoring licence under section 3.4.59I(1), the Minister may request the Commission to give a written report to the Minister—

(a) stating whether or not, in the Commission's opinion, the matters of which the Minister must be satisfied to issue the temporary licence have been made out; and

(b) containing any other information required by the Minister.

(2) The Commission must comply with a request of the Minister under this section.

(3) The report may include any recommendations the Commission thinks fit, including recommendations as to any appropriate licence conditions.

(4) The report must include the reasons for any findings or recommendations contained in it.

Note

Division 1B of Part 4 of Chapter 10 provides for investigations by the Commission for the purposes of the Minister deciding whether or not to issue a temporary monitoring licence.

S. 3.4.59JA inserted by No. 58/2009 s. 37.

3.4.59JA Report to Minister by Commission for a temporary monitoring licence issued for 90 days

(1) If the Minister is considering issuing a temporary monitoring licence under section 3.4.59I(1A), the Minister may request the Commission to give a preliminary written report to the Minister—

(a) stating whether or not, in the Commission's opinion, the matters of which the Minister must be satisfied to issue the temporary licence have been made out; and

(b) containing any other information required by the Minister.

(2) The Commission must comply with a request of the Minister under this section.

(3) The report may include any recommendations the Commission thinks fit, including recommendations as to any appropriate licence conditions.

(4) The report must include the reasons for any findings or recommendations contained in it.

S. 3.4.59K inserted by No. 29/2009 s. 23.

3.4.59K Arrangements with former licensee

(1) A temporary monitoring licensee may enter into any arrangements that are approved by the Minister with the former licensee, including arrangements relating to the use of assets and services of staff of the former licensee.

(2) The former licensee must make available to the temporary licensee on reasonable terms any assets of, or under the control of, the former licensee that are reasonably necessary for arrangements under subsection (1).

Penalty: 100 penalty units.

(3) The former licensee must use its best endeavours to make available any staff of the former licensee that are reasonably necessary for arrangements under subsection (1).

Penalty: 100 penalty units.

(4) In this section—

former licensee means the person who was the monitoring licensee—

(a) under the original licence immediately before its cancellation or suspension; or

(b) under a temporary monitoring licence immediately before its cancellation or other termination.

S. 3.4.59K(4) def. of *former licensee* amended by No. 60/2011 s. 15.

3.4.59L Further provisions for temporary licence

S. 3.4.59L inserted by No. 29/2009 s. 23.

(1) Subject to subsection (1A), a temporary monitoring licence—

(a) may be extended once only for a period determined by the Minister; and

(b) may be cancelled at any time by the Minister; and

(c) if issued following the suspension of the original licence—is cancelled by the lifting or expiry of that suspension.

S. 3.4.59L(1) amended by No. 58/2009 s. 38(1).

(1A) A temporary monitoring licence issued under section 3.4.59I(1A) may be extended once only for a period of 90 days.

S. 3.4.59L(1A) inserted by No. 58/2009 s. 38(2).

(2) If a temporary monitoring licence (including a temporary licence issued under this subsection) is cancelled or otherwise terminates (other than under subsection (1)(c)), the Minister may issue a further temporary monitoring licence and appoint

a further temporary licensee for the period determined by the Minister.

(3) To avoid doubt, sections 3.4.59F(1), (2), (3) and (4), 3.4.59G and 3.4.59H apply to the issue of a temporary monitoring licence under subsection (2).

S. 3.4.59L(4) amended by No. 60/2011 s. 16.

(4) The cumulative periods for which a temporary monitoring licence may be issued or extended under this Division cannot exceed 3 years after the day on which the original licence was cancelled or suspended (as the case may be).

S. 3.4.59LA inserted by No. 58/2009 s. 39.

3.4.59LA Related agreements with temporary licensee

(1) Subject to this section, the Minister, by written notice, may direct the temporary licensee to enter into an agreement or class of agreements dealing with matters relating to the temporary monitoring licence with—

(a) the Minister; or

(b) a person or class of person the Minister specifies in the direction.

(2) Before giving a direction under subsection (1), the Minister must consult with the temporary licensee.

(3) A direction under subsection (1)—

(a) must warn the temporary licensee of the Minister's powers under this section; and

(b) must be accompanied by a copy of this section; and

(c) may specify the terms or kinds of terms to be contained in an agreement or class of agreements to be entered into; and

(d) may specify the terms or kinds of terms that must not be in an agreement or class of agreements to be entered into; and

(e) may specify a date by which an agreement or class of agreements is to be entered into.

(4) The temporary licensee must comply with a direction under subsection (1).

(5) The temporary licensee must give a copy of any agreement entered into in compliance with a direction under subsection (1) to the Commission.

3.4.59LB No compensation payable because of a direction to enter into related agreements

S. 3.4.59LB inserted by No. 58/2009 s. 39.

No compensation is payable by the State because of a direction under section 3.4.59LA or the entering into an agreement in compliance with a direction under section 3.4.59LA.

3.4.59LC Limitation of temporary licensee's civil liability

S. 3.4.59LC inserted by No. 58/2009 s. 39.

(1) The temporary licensee does not incur any liability for an act or omission in the provision of monitoring services, responsible gambling and regulatory compliance services or pre-commitment services except as provided under an agreement referred to in section 3.4.59LA.

S. 3.4.59LC(1) amended by Nos 4/2014 s. 21, 23/2025 s. 17(2).

(2) Subsection (1) does not apply to a liability that would otherwise arise at law in the case where—

(a) a person has won a prize after playing a gaming machine; and

(b) that prize cannot be paid because of a failure by the temporary licensee to provide monitoring services to enable the payment of that prize; and

(c) the person who won the prize or the venue operator who conducts gaming with the machine on which the prize was won sustains a loss because that prize cannot be paid.

S. 3.4.59LD inserted by No. 58/2009 s. 39.

3.4.59LD Related agreements may provide for damages determined by the Minister

An agreement referred to in section 3.4.59LA must provide for the kinds of damages determined by the Minister under section 3.4.59LE.

S. 3.4.59LE inserted by No. 58/2009 s. 39.

3.4.59LE Minister may determine certain damages that must be included in related agreements

(1) The Minister, after consulting the Treasurer, may determine the kinds of damages that must be provided for under an agreement referred to in section 3.4.59LA.

(2) Without limiting subsection (1), the Minister may determine—

(a) the maximum amount of damages that may be payable under the agreement for a breach of a specified condition;

(b) the maximum amount of damages that may be payable under the agreement to a specified person for a breach of a specified condition;

(c) the kinds of events or circumstances that could form the basis of a condition referred to in paragraph (a) or (b).

S. 3.4.59LF inserted by No. 58/2009 s. 39.

3.4.59LF Appointment of a monitoring services provider if monitoring licence not granted

(1) This section applies if the Minister does not grant any application for the monitoring licence.

S. 3.4.59LF(2) amended by No. 60/2011 s. 17(1).

(2) The Minister may, if the Minister is satisfied that it is in the public interest to do so, direct, by written notice, the Commission to appoint a person or persons (a ***monitoring services provider***) to provide monitoring services.

S. 3.4.59LF(3) substituted by No. 60/2011 s. 17(2).

(3) On receiving a written notice under subsection (2), the Commission must, by instrument, appoint a person or persons as a monitoring services provider or providers for the purposes of this section.

(4) In appointing a monitoring services provider, the Commission must have regard to the suitability of the person to do what is provided for under subsection (2).

(5) A monitoring services provider is appointed—

(a) by the Commission as directed by written notice by the Minister; and

(b) on such terms and conditions as the Minister thinks fit.

(6) The terms and conditions under subsection (5)(b)—

(a) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Commission; and

(b) may require the monitoring services provider to enter into one or more agreements with the Minister, or a person nominated by the Minister, dealing with matters related to provision of monitoring services (a ***related agreement***); and

(c) may determine—

(i) the maximum amount of damages that may be payable under a related agreement for a breach of a specified condition;

(ii) the maximum amount of damages that may be payable under a related agreement to a specified person for a breach of a specified condition;

(iii) the kinds of events or circumstances that could form the basis of a condition referred to in subparagraph (i) or (ii).

(7) The appointment of a monitoring services provider—

(a) may be terminated at any time—

(i) by the Commission; or

(ii) by the Commission as directed by written notice of the Minister; and

(b) is terminated on the later of—

(i) the day the monitoring licence is issued; or

(ii) if the monitoring licence that is issued takes effect at a time specified in the monitoring licence that is later than the time of issue, that time.

(8) A monitoring services provider—

(a) is taken to have, in connection with the provision of the monitoring services, all the functions and powers of the monitoring licensee; and

(b) must provide monitoring services in accordance with this Act, the regulations and the provider's terms of appointment under subsection (5).

S. 3.4.59LF(9) substituted by No. 60/2011 s. 17(3).

(9) If the appointment of a monitoring services provider is terminated, the monitoring services provider ceases to be taken to have the functions and powers of the monitoring licensee.

3.4.59LG Appointment of a monitoring services provider after monitoring licence suspended or cancelled

S. 3.4.59LG (Heading) amended by No. 60/2011 s. 18(1).

S. 3.4.59LG inserted by No. 58/2009 s. 39.

(1) This section applies if—

(a) the monitoring licence is suspended or cancelled; or

S. 3.4.59LG (1)(a) amended by No. 60/2011 s. 18(2).

(b) the Minister considers that there has been—

(i) a significant failure in the operation or maintenance of the electronic monitoring system used to provide monitoring services; or

(ii) a significant failure to provide monitoring services—

such that no effective monitoring services are being provided.

(2) The Minister may, if the Minister is satisfied that it is in the public interest to do so, direct, by written notice, the Commission to appoint a person or persons (other than the monitoring licensee) (a ***monitoring services provider***)—

S. 3.4.59LG(2) amended by No. 60/2011 s. 18(3).

(a) to—

(i) provide monitoring services; and

(ii) manage the business of the monitoring licensee to the extent that the business relates to the provision of monitoring services; or

S. 3.4.59LG (2)(a) substituted by No. 56/2010 s. 19.

(b) to—

(i) carry out preparatory action within the meaning of section 3.4.52(6); and

S. 3.4.59LG (2)(b) substituted by No. 56/2010 s. 19.

(ii) manage the business of the monitoring licensee to the extent that the business relates to the carrying out of preparatory action within the meaning of section 3.4.52(6).

S. 3.4.59LG(3) substituted by No. 60/2011 s. 18(4).

(3) On receiving a written notice under subsection (2), the Commission must, by instrument, appoint a person or persons as a monitoring services provider or providers for the purposes of this section.

(4) In appointing a monitoring services provider, the Commission must have regard to the suitability of the person to do what is provided for under subsection (2)(a) and (b).

(5) A monitoring services provider is appointed—

(a) by the Commission as directed by written notice by the Minister; and

(b) on such terms and conditions as the Minister thinks fit.

(6) The terms and conditions under subsection (5)(b)—

(a) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Commission; and

(b) may require the monitoring services provider to enter into one or more agreements with the Minister, or a person nominated by the Minister, dealing with matters related to provision of monitoring services (a ***related agreement***); and

(c) may determine—

(i) the maximum amount of damages that may be payable under a related agreement for a breach of a specified condition;

(ii) the maximum amount of damages that may be payable under a related agreement to a specified person for a breach of a specified condition;

(iii) the kinds of events or circumstances that could form the basis of a condition referred to in subparagraph (i) or (ii).

(7) The appointment of a monitoring services provider—

(a) may be terminated at any time—

(i) by the Commission; or

(ii) by the Commission as directed by written notice of the Minister; and

(b) in the case where the monitoring licence has been cancelled, is terminated on the later of—

(i) the day the monitoring licence is issued; or

(ii) if the monitoring licence that is issued takes effect at a time specified in the monitoring licence that is later than the time of issue, that time; and

S. 3.4.59LG (7)(b) amended by No. 60/2011 s. 18(5).

(c) in the case where the monitoring licence has been suspended, is terminated on the lifting of that suspension.

(8) A monitoring services provider—

* * * * *

S. 3.4.59LG (8)(a) repealed by No. 60/2011 s. 18(6).

(b) is taken to have, in connection with the provision of the monitoring services—

(i) all the functions and powers of the monitoring licensee; and

(ii) all the rights and obligations of the monitoring licensee under a related agreement referred to in sections 3.4.48 and 3.4.48A to which the monitoring licensee is a party; and

(c) must provide monitoring services in accordance with this Act, the regulations, the monitoring licence, any related agreement referred to in sections 3.4.48 and 3.4.48A to which the monitoring licensee is a party and the provider's terms of appointment under subsection (5); and

(d) assumes full control of and responsibility for the business of the monitoring licensee and may use, in the provision of monitoring services, any property, and services of staff and contractors, of the monitoring licensee; and

(e) may employ such staff and engage such contractors as may be required to provide monitoring services.

(9) If the appointment of the monitoring services provider is terminated—

S. 3.4.59LG (9)(a) repealed by No. 60/2011 s. 18(7).

* * * * *

(b) ceases to be taken to have—

(i) the functions and powers of the monitoring licensee; and

(ii) the rights and obligations of the monitoring licensee under a related agreement referred to in sections 3.4.48 and 3.4.48A to which the monitoring licensee is a party; and

(c) ceases to be in control of and responsible for the business of the monitoring licensee.

(10) In this section, ***monitoring licensee*** includes the person whose monitoring licence was suspended or cancelled immediately before the appointment of a monitoring services provider or providers.

S. 3.4.59LG (10) substituted by No. 60/2011 s. 18(8).

3.4.59M Secretary may require further information

S. 3.4.59M inserted by No. 29/2009 s. 23.

(1) The Secretary, by notice in writing, may require an interested person 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 consideration of the application and is specified in the notice;

(b) to produce, in accordance with directions in the notice, any records relevant to the consideration 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 provide the Secretary with any authorities and consents the Secretary requires for the purpose of enabling the Secretary to obtain information (including financial and other confidential information) concerning the interested person from other persons.

(2) The Secretary—

(a) must give any information provided or record produced by an interested person under subsection (1), or a copy of the information or record, to the Minister; and

(b) may give that information or record, or a copy of it, to the Commission if the Secretary considers that the information or record is relevant to an investigation or inquiry by the Commission in relation to the application.

(3) If an interested person refuses to comply with a requirement under subsection (1)—

(a) the Secretary must notify the Minister in writing as soon as practicable; and

(b) the Minister may refuse to consider the application.

(4) In this section—

S. 3.4.59M(4) def. of *interested person* substituted by No. 60/2011 s. 50.

interested person includes a person who the Secretary considers may become an associate of an applicant for the monitoring licence.

S. 3.4.59N inserted by No. 29/2009 s. 23.

3.4.59N Updating information provided to Secretary

(1) If—

(a) the Secretary requires information (including information in any records) from an interested person under section 3.4.59M; and

(b) a change occurs in that information before the application is granted—

the interested person must give the Secretary written particulars of the change as soon as practicable.

Penalty: 60 penalty units.

(2) The Secretary—

(a) must give the particulars of a change referred to in subsection (1) to the Minister; and

(b) may give the particulars of a change referred to in subsection (1) to the Commission if the Secretary considers that the particulars are relevant to an investigation or inquiry by the Commission in relation to the application.

(3) When particulars of a change are given, those particulars must then be considered to have formed part of the original information, for the purposes of the application of subsection (1) to any further change in the information provided.

(4) In this section—

interested person has the same meaning as in section 3.4.59M.

3.4.59O Updating information provided to Minister regarding licence application

S. 3.4.59O inserted by No. 29/2009 s. 23.

(1) If a change occurs in any relevant application information before an application is granted or refused, the applicant must give the Minister written particulars of the change as soon as practicable.

Penalty: 60 penalty units.

(2) The Minister must give the particulars of a change referred to in subsection (1) to the Secretary.

(3) The Secretary may give the particulars of a change referred to in subsection (1) to the Commission if the Secretary considers that the particulars are relevant to an investigation or inquiry by the Commission in relation to the application.

(4) When particulars of a change are given, those particulars must then be considered to have formed part of the original application, for the purposes of the application of subsection (1) or (2) to any further change in the relevant information.

(5) In this section—

relevant application information means—

(a) any information contained in an application for the monitoring licence; or

(b) any information contained in a document that accompanied that application; or

(c) any further information given to the Minister by the applicant in relation to that application.

S. 3.4.59P inserted by No. 29/2009 s. 23.

3.4.59P Updating licence transfer application

(1) If a change occurs in any relevant information before an application for transfer of the monitoring licence is granted or refused, the monitoring licensee must give the Minister written particulars of the change as soon as practicable.

Penalty: 60 penalty units.

(2) The Minister may give the particulars of a change referred to in subsection (1) to the Commission if the Minister considers that the particulars are relevant to an investigation or inquiry by the Commission in relation to the application for transfer of the monitoring licence.

(3) When particulars of a change are given, those particulars must then be considered to have formed part of the original application, for the purposes of the application of subsection (1) to any further change in the relevant information.

(4) In this section—

relevant information means—

(a) any information contained in an application for transfer of the monitoring licence; or

(b) any information contained in a document that accompanied that application; or

(c) any further information given to the Minister by the applicant in relation to that application.

3.4.59Q No compensation payable for certain acts and omissions

S. 3.4.59Q (Heading) amended by No. 4/2014 s. 22.

S. 3.4.59Q inserted by No. 58/2009 s. 40.

(1) No compensation is payable by the State to any person for any loss incurred by the person as a result of an act or omission of, as the case requires—

(a) the monitoring licensee in doing a thing authorised by the monitoring licence held by the licensee; or

(b) a temporary licensee in doing a thing authorised under the temporary monitoring licence held by the licensee; or

(c) the State or a monitoring services provider in doing a thing authorised under section 3.4.59LF or 3.4.59LG.

(2) Except as provided under a related agreement referred to in section 3.4.59LF(6) or 3.4.59LG(6), no compensation is payable by a monitoring service provider to any person for any loss incurred by the person as a result of an act or omission of, as the case requires—

(a) the monitoring licensee in doing a thing authorised by the monitoring licence held by the licensee; or

(b) the State or the monitoring services provider in doing a thing authorised under the monitoring service provider's terms and conditions of appointment.

S. 3.4.59R (Heading) amended by No. 21/2012 s. 239(Sch. 6 item 19.3).

S. 3.4.59R inserted by No. 58/2009 s. 41.

3.4.59R Competition and Consumer Act and Competition Code

S. 3.4.59R(1) amended by No. 21/2012 s. 239(Sch. 6 item 19.4).

(1) For the purposes of the Competition and Consumer Act 2010 of the Commonwealth and the Competition Code, the following things are authorised by this Act—

(a) the grant of a monitoring licence or a temporary monitoring licence;

(b) conduct authorised or required by a monitoring licence or temporary monitoring licence or under the conditions of either licence;

(c) entering into a related agreement referred to in section 3.4.48, 3.4.48A or 3.4.59LA;

(d) amending a related agreement referred to in section 3.4.48, 3.4.48A or 3.4.59LA;

(e) giving effect to a related agreement referred to in section 3.4.48, 3.4.48A or 3.4.59LA (whether amended or not).

(2) In this section—

giving effect to, in relation to a related agreement, includes—

(a) complying with any obligation under the agreement; and

(b) exercising or enforcing any right or power under the agreement.

* * * * * Ch. 3 Pt 4 Div. 5 (Heading and ss 3.4.55–3.4.58) repealed by No. 104/2004 s. 39(3).

* * * * * Ch. 3 Pt 4 Div. 6 (Heading and s. 3.4.59) repealed by No. 104/2004 s. 39(3).

Division 7—Roll of Manufacturers, Suppliers and Testers

3.4.60 The Roll

S. 3.4.60 amended by No. 60/2011 s. 19 (ILA s. 39B(1)).

(1) The Commission must cause a Roll of Manufacturers, Suppliers and Testers to be kept.

S. 3.4.60(2) inserted by No. 60/2011 s. 19.

(2) The Roll must be divided into the following divisions—

S. 3.4.60(2)(a) amended by No. 60/2011 s. 20.

(a) manufacturers of gaming machines, restricted gaming components and restricted monitoring components;

S. 3.4.60(2)(b) amended by No. 60/2011 s. 20.

(b) suppliers of gaming machines, restricted gaming components and restricted monitoring components;

(c) suppliers of testing services.

3.4.61 Application to be listed on Roll

(1) A person may apply to the Commission to be listed on the Roll if the person—

S. 3.4.61(1)(a) amended by No. 58/2009 s. 124.

(a) manufactures, or intends to manufacture, gaming machines, restricted gaming components and restricted monitoring components; or

S. 3.4.61(1)(b) amended by Nos 29/2009 s. 24(a), 58/2009 s. 124, 32/2012 s. 7(1).

(b) supplies, or intends to supply, gaming machines, restricted gaming components and restricted monitoring components to a venue operator that holds a gaming machine entitlement; or

(c) supplies or intends to supply testing services to any of the following—

S. 3.4.61 (1)(c)(i) amended by No. 32/2012 s. 7(2).

(i) manufacturers or suppliers;

(ii) persons seeking approval of gaming equipment (within the meaning of the **Casino Control Act 1991**);

S. 3.4.61 (1)(c)(iii) repealed by No. 28/2022 s. 26(a).

* * * * *

S. 3.4.61 (1)(c)(iiia) inserted by No. 22/2005 s. 4.

(iiia) the holder of a public lottery licence;

(iiib) a wagering and betting licensee or a wagering and betting operator;

S. 3.4.61 (1)(c)(iiib) inserted by No. 29/2009 s. 24(b), amended by No. 28/2022 s. 26(b), substituted by No. 13/2023 s. 6.

(iiic) a keno licensee;

S. 3.4.61 (1)(c)(iiic) inserted by No. 29/2009 s. 24(b), amended by No. 1/2021 s. 79(2).

(iiid) a venue operator that holds a gaming machine entitlement;

S. 3.4.61 (1)(c)(iiid) inserted by No. 29/2009 s. 24(b).

(iiie) the monitoring licensee;

S. 3.4.61 (1)(c)(iiie) inserted by No. 29/2009 s. 24(b).

(iv) licensed providers.

(2) An application must—

(a) be in the form approved by the Commission and be accompanied by the prescribed fee; and

(ab) specify the division of the Roll in which the applicant wishes to be listed; and

S. 3.4.61 (2)(ab) inserted by No. 60/2011 s. 21.

(b) contain or be accompanied by any additional information the Commission requires.

Note

Division 1 of Part 4 of Chapter 10 provides for the investigation of an application for listing on the Roll.

(3) Within 14 days after making an application, the 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 in or outside Australia) in a newspaper circulating generally in that place, a notice containing—

(a) the prescribed information; and

(b) a statement that any person may object to the grant of the application by giving notice in writing to the Commission within 28 days after the date of publication stating the grounds for the objection.

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

S. 3.4.61(5) amended by No. 58/2011 s. 91(1).

(5) A function of the Commission under this section (other than subsection (4)) may be performed by any commissioner.

3.4.62 Objections

(1) A person may object to the grant of an application for listing on the Roll by giving notice in writing to the Commission within the time specified in section 3.4.61(3)(b).

(2) The notice must state the grounds for the objection.

3.4.63 Determination of applications

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

(2) The application may be granted unconditionally or subject to any conditions the Commission thinks fit.

(2A) If the Commission grants an application, the Commission must list the person in the Roll in the appropriate division.

S. 3.4.63(2A) inserted by No. 60/2011 s. 22(1).

(3) Without limiting the matters that the Commission may consider in determining whether or not to grant an application, the Commission must consider whether—

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

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

(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; and

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

(e) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Commission 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.

(3A) In addition, in determining whether or not to grant an application, the Commission must also consider any prescribed matters.

S. 3.4.63(3A) inserted by No. 60/2011 s. 22(2).

(4) In determining whether to grant an application by a person referred to in section 3.4.61(1)(c), in addition to the matters referred to in subsection (3), the Commission must consider—

(a) the technical competence of the applicant; and

S. 3.4.63(4)(b) amended by No. 60/2011 s. 22(3)(a).

(b) whether the applicant has any connection to, or relationship with, a supplier or manufacturer listed on the Roll that would make it inappropriate for the applicant to be listed on the Roll; and

S. 3.4.63(4)(c) inserted by No. 60/2011 s. 22(3)(b).

(c) Part 2A.

(5) The Commission must also consider every objection made in accordance with section 3.4.62.

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

3.4.64 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 Commission in writing to impose the condition or to make the amendment and giving reasons for the request; or

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

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

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

(6) The person listed on the Roll may waive their right under subsection (5) to make submissions concerning a proposed condition or amendment by giving notice in writing signed by the person to the Commission.

(7) The Commission 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 its decision.

(8) A condition or amendment takes effect when notice of the Commission's decision is given to the person listed on the Roll or on any later date that may be specified in the notice.

3.4.65 Disciplinary action

(1) In this section—

disciplinary action, in relation to a person listed on the Roll, means any of the following—

S. 3.4.65(1) def. of *disciplinary action* amended by No. 10/2004 s. 15(Sch. 1 item 10.4).

(a) removing the person's name from the Roll;

(b) issuing a letter of censure to the person;

(c) imposing of a fine not exceeding an amount that is 50 000 times the value of a penalty unit fixed by the Treasurer

under section 5(3) of the **Monetary Units Act 2004** on the person;

S. 3.4.65(1) def. of *grounds for disciplinary action* amended by Nos 58/2009 s. 125, 60/2011 s. 23, 4/2014 s. 23.

grounds for disciplinary action, in relation to a person listed on the Roll, means any of the following—

(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 has taken place and they have failed to notify the Commission in accordance with section 10.4A.4;

(c) that the person, or any associate of the 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 has breached a condition to which their listing is subject;

(e) that the person has provided information required by this Act to be provided, knowing it to be false or misleading;

(f) that any machine, restricted gaming component or restricted monitoring component manufactured or supplied by the person is, in the opinion of the Commission, unreliable or otherwise unsatisfactory;

(g) that any testing of gaming equipment, monitoring equipment, games or a pre-commitment system by the person is unsatisfactory;

(ga) that any testing of player account equipment, or a part of a pre-commitment system, installed or to be installed on or in a gaming machine is unsatisfactory;

(h) that for any reason, having regard to the matters set out in section 3.4.63(3) or otherwise, the person is not a suitable person to be listed on the Roll or an associate of the person is not suitable to be an associate of a person listed on the Roll.

(2) The Commission may serve on a person listed on the Roll a notice in writing giving the person 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 person listed on the Roll, within the period allowed by the notice, may arrange with the Commission for the making of submissions to the Commission as to why disciplinary action should not be taken and the Commission must consider any submissions so made.

(4) The Commission may then take disciplinary action against the person listed on the Roll as the Commission sees fit and does so by giving written notice of the disciplinary action to the person.

(5) If the disciplinary action is the removal of the person's name from the Roll, it takes effect when the notice under subsection (4) is given or at a later time specified in the notice.

(6) If the disciplinary action is the imposition of a fine, the fine may be recovered as a debt due to the State.

3.4.66 Letter of censure

(1) Disciplinary action taken by the Commission under section 3.4.65(4) in the form of a letter of censure may censure the person listed on the Roll in respect of any matter connected with the person's business and may include a direction to the person to rectify within a specified time any matter giving rise to the censure.

S. 3.4.66(2) substituted by No. 58/2009 s. 42.

(2) If a direction given in a letter of censure is not complied with in the specified time, the Commission may, by giving written notice to the person listed on the Roll, do either or both of the following without giving the person a further opportunity to be heard—

(a) remove the person's name from the Roll;

(b) fine the person an amount not exceeding an amount that is 5000 times the value of a penalty unit fixed by the Treasurer under section 5(3) of the **Monetary Units Act 2004**.

3.4.67 Voluntary removal from Roll

A person listed on the Roll may, by notice in writing signed by the person, request the Commission to remove the name of the person from the Roll and if so, the Commission must remove the name as requested.

3.4.68 Payments etc. to venue operator unlawful

(1) A person listed on the Roll or an employee or associate of such a person must not make, either directly or indirectly, payment to or confer a benefit on a venue operator.

S. 3.4.68(1) amended by No. 28/2022 s. 27(a).

Penalty: 1000 penalty units or imprisonment for 2 years or both.

(2) A venue operator must not receive any benefit whatsoever from a person listed on the Roll or an employee or associate of such a person.

S. 3.4.68(2) amended by No. 28/2022 s. 27(b).

Penalty: 1000 penalty units or imprisonment for 2 years or both.

(2A) Subsections (1) and (2) do not apply—

S. 3.4.68(2A) inserted by No. 27/2013 s. 5.

(a) to a payment or benefit that is authorised by this Act to be made, conferred or received; or

(b) without limiting paragraph (a), to—

(i) the provision by a person listed on the Roll of a discount on the sale of gaming machines in bulk to a venue operator in accordance with a price list published under section 3.4.68A by the person; or

(ii) the receipt by a venue operator of such a discount.

(3) Subsection (2) does not apply to a venue operator who is a casino operator.

3.4.68A Publication of standard price lists

S. 3.4.68A inserted by No. 56/2010 s. 20.

(1) A person listed on the Roll who manufactures gaming machines must publish or otherwise make available on request a price list stating the prices of—

(a) gaming machines that the person may sell to a venue operator; and

(b) the standard terms and conditions on which that person will sell the gaming machines.

(2) A price list published under this section must include the prices at which gaming machines may be sold in bulk.

(3) A price list under this section may be published on the person's Internet site.

Part 4A—Gaming machine entitlements

Ch. 3 Pt 4A (Headings and ss 3.4A.1–3.4A.33) inserted by No. 29/2009 s. 25.

Division 1—Requirement to hold gaming machine entitlements and authority conferred by them

3.4A.1 Requirement to hold gaming machine entitlements

S. 3.4A.1 inserted by No. 29/2009 s. 25.

(1) On and after the day declared by the Minister under subsection (2) (the ***gaming machine entitlement declared day***), the conduct of gaming in an approved venue is lawful only if—

(a) the venue operator holds a gaming machine entitlement that authorises the conduct of that gaming; and

(b) the gaming is conducted in accordance with any conditions to which the gaming machine entitlement is subject.

S. 3.4A.1(1)(b) amended by Nos 58/2009 s. 43(a), 28/2022 s. 28(a).

* * * * *

S. 3.4A.1(1)(c) inserted by No. 58/2009 s. 43(b), repealed by No. 28/2022 s. 28(b).

(2) For the purposes of this Part, the Minister, by notice published in the Government Gazette, may declare a day on and after which a venue operator must hold a gaming machine entitlement to conduct gaming in an approved venue.

(3) The Minister may declare different days in relation to different gaming machine entitlements.

(4) At any time before a gaming machine entitlement declared day has occurred, the Minister, by notice published in the Government Gazette, may substitute another day (that is not a day that has passed) to be the gaming machine entitlement

declared day for the purposes of the gaming machine entitlements.

(5) A gaming machine entitlement declared day may be substituted by notice under subsection (4) more than once under this section.

S. 3.4A.2 inserted by No. 29/2009 s. 25.

3.4A.2 Authority conferred by gaming machine entitlements

S. 3.4A.2(1) amended by Nos 56/2010 s. 21(1), 62/2017 ss 75(2), 79.

(1) A gaming machine entitlement authorises the venue operator that holds the entitlement, subject to this Act, the standard entitlement-related conditions, standard monitoring-related conditions and standard pre-commitment conditions that apply to the venue operator, any entitlement-related agreement and any conditions to which the entitlement is subject—

S. 3.4A.2(1)(a) amended by No. 64/2010 s. 42(1).

(a) to acquire approved gaming equipment; and

(b) to conduct gaming on one approved gaming machine in an approved venue operated by the venue operator; and

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

(2) A gaming machine entitlement does not authorise the entitlement holder to engage in any business by way of—

S. 3.4A.2(2)(a) amended by No. 64/2010 s. 42(2)(a).

(a) manufacture of gaming equipment or monitoring equipment; or

S. 3.4A.2(2)(b) amended by No. 64/2010 s. 42(2)(a).

(b) supply of approved gaming equipment or monitoring equipment to any person; or

(c) service, repair or maintenance of gaming equipment, monitoring equipment, games or jackpots.

S. 3.4A.2(2)(c) amended by No. 64/2010 s. 42(2)(b).

(3) A club gaming machine entitlement only authorises the conduct of gaming by a venue operator who holds a club venue operator's licence.

S. 3.4A.2(3) inserted by No. 56/2010 s. 21(2).

Division 2—Gaming machine entitlement allocation and transfer rules

3.4A.3 Gaming machine entitlement allocation and transfer rules

S. 3.4A.3 inserted by No. 29/2009 s. 25.

(1) The Minister may make rules for or with respect to—

(a) the process for the allocation of gaming machine entitlements under section 3.4A.5;

(b) the transfer (including the method of transfer) of gaming machine entitlements—

(i) between venue operators;

S. 3.4A.3(1)(b)(i) amended by No. 58/2009 s. 142(5).

(ii) between the Minister and a venue operator.

(1A) Gaming machine entitlement allocation and transfer rules may specify, or include a process for calculating, an amount or amounts that must be paid by a person to whom a gaming machine entitlement is allocated.

S. 3.4A.3(1A) inserted by No. 62/2017 s. 5.

Note

Section 3.4A.5(9A) provides that the Minister must make certain determinations in accordance with these specifications or processes.

S. 3.4A.3(1B) inserted by No. 62/2017 s. 5.

(1B) The specification of, or process for calculating, an amount referred to in subsection (1A) for a gaming machine entitlement that takes effect on or after 16 August 2022 may provide—

(a) for an amount in respect of the period that begins when the entitlement takes effect and ends on 15 August 2032; and

(b) that the Minister may determine, at a later date, the amount in respect of the subsequent period.

(2) Gaming machine entitlement allocation and transfer rules may—

(a) apply generally or be of limited application;

(b) apply differently according to differences in time, place or circumstance;

(c) leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Minister or the Commission.

(3) The rules must be published in the Government Gazette.

(4) The rules take effect on the day that they are published in the Government Gazette or on such later date as is specified in the rules.

S. 3.4A.4 inserted by No. 29/2009 s. 25.

3.4A.4 Directions to the Commission in relation to allocation and transfers of gaming machine entitlements

(1) The Minister, by written notice, may direct the Commission about any matter or thing left to be determined, applied, dispensed with or regulated by the Commission under the gaming machine entitlement allocation and transfer rules.

(2) A direction under subsection (1) must not be inconsistent with the gaming machine entitlement allocation and transfer rules.

(3) The Commission must comply with a direction under subsection (1).

Division 2A—Standard entitlement-related conditions and standard monitoring-related conditions

Ch. 3 Pt 4A Div. 2A (Heading and ss 3.4A.4A–3.4A.4D) inserted by No. 62/2017 s. 68.

3.4A.4A Minister may determine standard entitlement-related conditions

S. 3.4A.4A inserted by No. 62/2017 s. 68.

(1) The Minister may from time to time by instrument determine standard conditions (***standard entitlement-related conditions***) that—

(a) deal with matters related to gaming machine entitlements; and

(b) are to apply to a venue operator who holds a gaming machine entitlement.

(2) The Minister may determine different standard entitlement-related conditions for different venue operators or classes of venue operators.

(3) The Minister must consult venue operators before the Minister determines standard entitlement-related conditions that will apply to the operators.

S. 3.4A.4B inserted by No. 62/2017 s. 68.

3.4A.4B Minister may determine standard monitoring-related conditions

(1) The Minister may from time to time by instrument determine standard conditions (***standard monitoring-related conditions***) that—

(a) deal with matters related to the provision of monitoring services to a venue operator by the monitoring licensee; and

S. 3.4A.4B (1)(b) amended by No. 23/2025 s. 17(2).

(b) deal with matters related to the provision of responsible gambling and regulatory compliance services to a venue operator by the monitoring licensee; and

(c) are to apply to a venue operator and the monitoring licensee.

(2) The Minister may determine different standard monitoring-related conditions for different venue operators or classes of venue operators.

(3) The Minister must consult venue operators and the monitoring licensee before the Minister determines standard monitoring-related conditions that will apply to the operators and the licensee.

S. 3.4A.4C inserted by No. 62/2017 s. 68.

3.4A.4C Publication and effect of standard conditions

(1) A determination under section 3.4A.4A or 3.4A.4B—

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

(b) takes effect at the time it is published or at the later time specified in it.

(2) Each venue operator to whom a determination under section 3.4A.4A applies must comply with the standard entitlement-related conditions contained in the determination.

(3) The monitoring licensee and each venue operator to whom a determination under section 3.4A.4B applies must comply with the standard monitoring-related conditions contained in the determination.

3.4A.4D No compensation for determination of standard conditions

S. 3.4A.4D inserted by No. 62/2017 s. 68.

No compensation is payable by the State because of the making of a determination under section 3.4A.4A or 3.4A.4B.

Division 3—Creation and allocation of gaming machine entitlements

3.4A.5 Minister may create and allocate gaming machine entitlements

S. 3.4A.5 inserted by No. 29/2009 s. 25.

(1) Subject to this section, the Minister may from time to time—

(a) create gaming machine entitlements;

(b) allocate gaming machine entitlements to venue operators, including gaming machine entitlements forfeited to the State under Division 6, 7, 8 or 8A or purchased under Division 5A;

S. 3.4A.5(1)(b) amended by Nos 58/2009 s. 44(1), 62/2017 s. 6(1).

(c) allocate to venue operators gaming machine entitlements surrendered under Division 5AA;

S. 3.4A.5(1)(c) inserted by No. 62/2017 s. 6(2).

(d) subject to subsection (1A), allocate to venue operators gaming machine entitlements that—

S. 3.4A.5(1)(d) inserted by No. 62/2017 s. 6(2).

(i) have been designated for surrender under Division 5AA; but

(ii) have not yet been surrendered under that Division.

S. 3.4A.5(1A) inserted by No. 62/2017 s. 6(3).

(1A) The allocation of a gaming machine entitlement referred to in subsection (1)(d) takes effect immediately after the entitlement is surrendered under that Division.

(2) The Minister—

S. 3.4A.5(2)(a) amended by No. 56/2010 s. 22.

(a) must not create more gaming machine entitlements than the Minister has specified in an Order under subsection (3); and

(b) must not allocate a club gaming machine entitlement to a venue operator who does not hold a club venue operator's licence.

S. 3.4A.5(3) amended by No. 58/2009 s. 44(2), substituted by No. 73/2014 s. 9(1).

(3) The Minister, by Order published in the Government Gazette, must from time to time specify the maximum number of gaming machine entitlements under which gaming may be conducted in the State.

S. 3.4A.5(3A) inserted by No. 58/2009 s. 44(3), amended by No. 73/2014 s. 9(2).

(3A) The Minister may, by Order published in the Government Gazette, in respect of a region or municipal district from time to time—

(a) determine the maximum permissible number of gaming machine entitlements under which gaming may be conducted in the region or municipal district; or

(b) require the Commission, based on criteria specified in the Order, to determine the maximum permissible number of gaming machine entitlements under which gaming may be conducted in the region or municipal district.

S. 3.4A.5(3B) inserted by No. 58/2009 s. 44(3).

(3B) An Order under subsection (3A) in relation to a municipal limit may exclude part of the municipal district from the Order.

(3C) If any part of a municipal district is subject to a regional limit, an Order under subsection (3A) in relation to a municipal limit applies only to the part (if any) of the municipal district that is not subject to the regional limit.

S. 3.4A.5(3C) inserted by No. 58/2009 s. 44(3).

(3D) An Order under subsection (3) or (3A) must specify the date on which it takes effect.

S. 3.4A.5(3D) inserted by No. 58/2009 s. 44(3).

(4) Subject to subsections (5) to (8), the Minister may impose on a gaming machine entitlement—

S. 3.4A.5(4) amended by No. 62/2017 s. 6(4).

(a) a condition that specifies the region or municipal district in which gaming may be conducted under that entitlement (a ***geographic area condition***); and

(b) a condition that specifies the type of approved venue in which gaming may be conducted under that entitlement (a ***venue condition***).

(5) The imposition of geographic area conditions under subsection (4)(a) must result in at least 20% of all gaming machine entitlements created authorising the conduct of gaming in a region or municipal district outside metropolitan Melbourne.

S. 3.4A.5(5) amended by No. 62/2017 s. 101(3).

(6) The imposition of venue conditions under subsection (4)(b) must not result in a contravention of section 3.4A.5AA(1) or (2).

S. 3.4A.5(6), amended by No. 58/2009 s. 44(4), substituted by No. 62/2017 s. 10.

Note

Section 3.4A.5AA(1) and (2) specify that certain percentages of gaming machine entitlements must relate to specified types of approved venues.

(7) In addition, a geographic area condition to which a gaming machine entitlement is subject must not be inconsistent with an Order under subsection (3A).

S. 3.4A.5(7) amended by No. 58/2009 s. 44(5).

(8) In addition, a venue condition to which a gaming machine entitlement is subject must not be inconsistent with a direction under section 3.2.3.

S. 3.4A.5(8A) inserted by No. 62/2017 s. 6(5).

(8A) Subject to subsection (8B), the Minister may impose or vary a geographic area condition or venue condition on a gaming machine entitlement at any time while it is unallocated.

S. 3.4A.5(8B) inserted by No. 62/2017 s. 6(5).

(8B) The Minister may only vary a venue condition on a gaming machine entitlement that is forfeited or surrendered if the Minister has first offered the entitlement to venue operators in accordance with the gaming machine entitlement allocation and transfer rules for at least 6 months.

S. 3.4A.5(8C) inserted by No. 62/2017 s. 6(5).

(8C) The Minister must not allocate a gaming machine entitlement that does not include a geographic area condition and a venue condition.

S. 3.4A.5(9) amended by No. 62/2017 s. 6(6).

(9) Subject to subsection (9A), the Minister may determine—

(a) the process for allocating gaming machine entitlements;

(b) whether an amount or amounts must be paid by a person to whom a gaming machine entitlement is allocated;

S. 3.4A.5 (9)(ba) inserted by No. 62/2017 s. 6(7).

(ba) for a gaming machine entitlement that takes effect on or after 16 August 2022—

S. 3.4A.5 (9)(ba)(i) amended by No. 1/2021 s. 15.

(i) whether an amount determined under paragraph (b) is an amount in respect of the period that begins when the entitlement takes effect and ends on 15 August 2032;

(ii) that the Minister may determine, at a later date, the amount in respect of the subsequent period;

(c) the terms and conditions for any payment for a gaming machine entitlement;

(d) the requirements to be complied with by a person wishing to participate in the process for allocating gaming machine entitlements including any eligibility criteria;

(e) the day on which a gaming machine entitlement takes effect.

(9A) The Minister must not make a determination under subsection (9)(b) or (ba) that is inconsistent with the provisions of the gaming machine entitlement allocation and transfer rules referred to in section 3.4A.3(1A).

S. 3.4A.5(9A) inserted by No. 62/2017 s. 6(8).

(10) The process and the requirements determined under subsection (9)(a) and (d) may be a process or requirements specified under the gaming machine entitlement allocation and transfer rules.

(11) The matters or things determined under subsection (9)(a), (d) and (e) must be published in the Government Gazette.

3.4A.5AA Proportions of gaming machine entitlements for venues of different types

S. 3.4A.5AA inserted by No. 62/2017 s. 11.

(1) The following provisions apply to gaming machine entitlements that expire on 15 August 2022—

(a) 50% of those entitlements must be club gaming machine entitlements; and

(b) 50% of those entitlements must be hotel gaming machine entitlements.

(2) The following provisions apply to gaming machine entitlements that take effect on or after 16 August 2022—

(a) if a declaration under subsection (3) is in force—

(i) the percentage of those entitlements that are club gaming machine entitlements must be in accordance with that declaration; and

(ii) the percentage of those entitlements that are hotel gaming machine entitlements must be in accordance with that declaration; or

(b) otherwise—

(i) 50% of those entitlements must be club gaming machine entitlements; and

(ii) 50% of those entitlements must be hotel gaming machine entitlements.

(3) The Minister may make a declaration that specifies the permissible percentages of club gaming machine entitlements and hotel gaming machine entitlements for the purposes of subsection (2)(a).

(4) The Minister must publish a declaration under subsection (3) in the Government Gazette.

S. 3.4A.5A inserted by No. 58/2009 s. 45.

3.4A.5A Review of regional and municipal limits for gaming machine entitlements

(1) Subject to this section, the Commission must review the Commission's determination under section 3.4A.5(3A)—

(a) at any time determined by the Commission; or

(b) if directed by the Minister to do so.

(2) A review of the Commission's determination under subsection (1)(a) must be no later than 5 years after the publication of the determination and thereafter at intervals not exceeding 5 years.

(3) If, after a review of the Commission's determination, a regional limit or municipal limit is, in the opinion of the Commission, no longer appropriate, the Commission must determine, by instrument published in the Government Gazette, within 30 days after completing the review, a new regional limit or municipal limit (as the case requires)—

(a) in accordance with any criteria specified in an Order under section 3.4A.5(3A) (if relevant); and

(b) subject to compliance with any other requirement under section 3.4A.5.

3.4A.5B Gaming machine entitlement not personal property

S. 3.4A.5B inserted by No. 74/2010 s. 25(4).

For the purposes of section 8(1)(k) of the Personal Property Securities Act 2009 of the Commonwealth, a gaming machine entitlement is declared not to be personal property.

3.4A.6 Minister may refuse to allocate gaming machine entitlement if entitlement-related agreements not entered into

S. 3.4A.6 (Heading) substituted by No. 58/2009 s. 46, amended by No. 62/2017 s. 80.

S. 3.4A.6 inserted by No. 29/2009 s. 25.

(1) Despite section 3.4A.5, the Minister may refuse to allocate a gaming machine entitlement to a venue operator unless the operator enters into an agreement with the Minister, or a person nominated by the Minister, that deals with matters related to the gaming machine entitlement.

(2) The Minister must give a copy of any agreement referred to in subsection (1) to the Commission.

S. 3.4A.6A (Heading) amended by No. 62/2017 s. 81(1).

S. 3.4A.6A inserted by No. 58/2009 s. 47.

3.4A.6A Directions in relation to entitlement-related agreements

S. 3.4A.6A(1) amended by No. 62/2017 s. 81(2).

(1) Subject to this section, the Minister, by written notice, may direct a venue operator that holds a gaming machine entitlement to enter into an agreement with the Minister, or a person nominated by the Minister, that deals with matters related to the gaming machine entitlement.

(2) Before giving a direction under subsection (1), the Minister must consult with the venue operator.

(3) A direction under subsection (1)—

(a) must warn the venue operator of the Minister's powers under this section; and

(b) must be accompanied by a copy of this section; and

(c) may specify the terms or kinds of terms to be contained in an agreement to be entered into; and

(d) may specify the terms or kinds of terms that must not be in an agreement or class of agreements to be entered into; and

(e) may specify a date by which an agreement is to be entered into.

(4) A venue operator to which this section applies must comply with a direction under subsection (1).

(5) The venue operator must give a copy of any agreement entered into in compliance with a direction under subsection (1) to the Commission.

3.4A.6B No compensation payable because of direction to enter entitlement-related agreements under section 3.4A.6A

S. 3.4A.6B (Heading) amended by No. 62/2017 s. 82.

No compensation is payable by the State because of a direction under section 3.4A.6A or the entering into an agreement in compliance with a direction under section 3.4A.6A.

S. 3.4A.6B inserted by No. 56/2010 s. 23.

3.4A.7 Duration of gaming machine entitlements

S. 3.4A.7 inserted by No. 29/2009 s. 25.

(1) A gaming machine entitlement takes effect on the day determined by the Minister under section 3.4A.5(9)(e).

S. 3.4A.7(1) substituted by No. 62/2017 s. 26.

(1A) Subject to subsection (2), a gaming machine entitlement remains in force for a period that ends—

S. 3.4A.7(1A) inserted by No. 62/2017 s. 26.

(a) if the entitlement took effect on or after 16 August 2012 and before 16 August 2022, at midnight on 15 August 2022; or

(b) if the entitlement took effect on or after 16 August 2022, at midnight on 15 August 2042.

(1B) A gaming machine entitlement remains in force in accordance with subsection (1A) whether or not it is surrendered under Division 5AA or forfeited to the State under Division 6, 7, 8 or 8A and allocated to another venue operator during the period referred to in that subsection.

S. 3.4A.7(1B) inserted by No. 62/2017 s. 26.

(2) A gaming machine entitlement may be terminated earlier under this Act, or extended under this section for the period determined by the Minister under this section.

S. 3.4A.7(3) amended by No. 58/2009 s. 48.

(3) If invited by the Minister to do so, a venue operator may apply to the Minister, before the gaming machine entitlement expires, for an extension of the entitlement.

(4) On application under subsection (3), the Minister may, after consulting the Commission, extend the gaming machine entitlement for a period not exceeding 2 years from the day it would otherwise expire.

(5) The Minister may require the venue operator to pay an amount determined by the Minister for the extension of the gaming machine entitlement.

(6) A gaming machine entitlement may be extended only once.

S. 3.4A.8 inserted by No. 29/2009 s. 25.

3.4A.8 Gaming machine entitlements to be noted on Register

(1) The Minister must give the Commission the following information in respect of a gaming machine entitlement—

(a) the day on which the gaming machine entitlement was allocated;

(b) the name and address of the venue operator to which the gaming machine entitlement was allocated;

(c) the geographic area conditions and venue conditions to which the gaming machine entitlement is subject;

(d) the day on which the gaming machine entitlement takes effect.

(2) On receiving information under subsection (1), the Commission must record that information in the entry in the Register relating to the venue operator to which the gaming machine entitlement was allocated.

(3) A function of the Commission under this section may be performed by any commissioner.

3.4A.9 Gaming machine entitlements may authorise preparatory action

S. 3.4A.9 inserted by No. 29/2009 s. 25.

(1) This section applies to a gaming machine entitlement if the entitlement takes effect on a day that is later than the day of issue of the entitlement.

S. 3.4A.9(2) amended by No. 60/2011 s. 24(1).

(2) Subject to subsection (2A), the gaming machine entitlement may authorise the venue operator that holds the entitlement to take preparatory action from a time specified in the entitlement (which may be the time of issue) even though the entitlement has not taken effect.

S. 3.4A.9(2A) inserted by No. 60/2011 s. 24(2).

(2A) However, a venue operator cannot take the preparatory action of selling approved gaming machines or gaming equipment acquired for the purpose of use in an approved venue operated by the operator unless the operator has approval of the Commission to do so.

(3) An authorisation under subsection (2) may specify a single time from which any preparatory action may be taken or different times from which different kinds of preparatory action may be taken.

S. 3.4A.9(4) amended by No. 62/2017 s. 27(1).

(4) Despite section 3.4A.7(1), the gaming machine entitlement is taken to be in effect for the purpose of any preparatory action taken in accordance with an authorisation under subsection (2).

S. 3.4A.9(5) repealed by No. 62/2017 s. 27(2).

* * * * *

(6) In this section—

S. 3.4A.9(6) def. of *preparatory action* amended by Nos 56/2010 s. 24, 64/2010 s. 43, 60/2011 s. 24(3), 6/2024 s. 36.

preparatory action means—

(a) acquiring approved gaming equipment;

(ab) installing, or causing to be installed, approved gaming equipment in a gaming machine area;

(ac) selling or disposing of approved gaming machines or gaming equipment acquired for the purpose of use in an approved venue operated by the venue operator;

* * * * *

(b) doing all things necessarily incidental to carrying on an activity authorised by paragraph (a), (ab) or (ac).

S. 3.4A.10 inserted by No. 29/2009 s. 25.

3.4A.10 States rights in relation to allocated gaming machine entitlements

A venue operator holds a gaming machine entitlement subject to—

(a) the exercise of any power or the performance of any function by or on behalf of the State in relation to that entitlement under this Act; and

S. 3.4A.10(ab) inserted by No. 62/2017 s. 75(3).

(ab) the standard entitlement-related conditions that apply to the venue operator; and

(b) any entitlement-related agreement.

S. 3.4A.10(b) amended by No. 56/2010 s. 25(1), substituted by No. 62/2017 s. 83.

* * * * *

S. 3.4A.10(c) inserted by No. 56/2010 s. 25(2), repealed by No. 62/2017 s. 83.

3.4A.11 No entitlement to or legitimate expectation of approval of venue

S. 3.4A.11 inserted by No. 29/2009 s. 25.

(1) This section applies if—

(a) the Minister allocates a gaming machine entitlement to a venue operator; and

(b) that gaming machine entitlement is subject to a geographic area condition or venue condition.

(2) To avoid doubt, a venue operator does not, by reason only that the operator is the holder of a gaming machine entitlement, have any entitlement to, or legitimate expectation of—

(a) premises being approved under Part 3 to enable the venue operator to conduct gaming under that entitlement in those premises; or

(b) any other approval under this Act to enable the venue operator to conduct gaming under that entitlement in those premises.

S. 3.4A.11A inserted by No. 58/2009 s. 49.

3.4A.11A Related agreements between venue operators and monitoring licensee

S. 3.4A.11A(1) substituted by No. 4/2014 s. 24, amended by No. 23/2025 s. 17(2).

(1) Subject to this section, the Minister may, by written notice, direct a venue operator that holds a gaming machine entitlement to enter into an agreement with the monitoring licensee dealing with matters relating to the provision of monitoring services or responsible gambling and regulatory compliance services to the venue operator by the monitoring licensee.

Note

See Division 4 of Part 8A in relation to agreements concerning matters relating to a pre-commitment system.

(2) Before giving a direction under subsection (1), the Minister must consult with the venue operator and the monitoring licensee.

(3) A direction under subsection (1)—

(a) must warn the venue operator of the Minister's powers under this section; and

(b) must be accompanied by a copy of this section; and

(c) may specify the terms or kinds of terms to be contained in an agreement to be entered into; and

(d) may specify the terms or kinds of terms that must not be in an agreement or class of agreements to be entered into; and

(e) may specify a date by which an agreement is to be entered into.

(4) A venue operator to which this section applies must comply with a direction under subsection (1).

(5) The venue operator must give a copy of any agreement entered into in compliance with a direction under subsection (1) to the Commission.

3.4A.11B No compensation payable because of a direction to enter into related agreements under section 3.4A.11A

S. 3.4A.11B (Heading) amended by No. 56/2010 s. 26.

No compensation is payable by the State because of a direction under section 3.4A.11A or the entering into an agreement in compliance with a direction under section 3.4A.11A.

S. 3.4A.11B inserted by No. 58/2009 s. 49.

3.4A.11C Payments for gaming machine entitlements must be made to Commission

S. 3.4A.11C inserted by No. 56/2010 s. 27.

(1) A person to whom a gaming machine entitlement is allocated under section 3.4A.5 must pay the amount or amounts determined by the Minister under that section in respect of the entitlement to the Commission, to be paid into the Consolidated Fund.

(2) An amount under subsection (1) must be paid in accordance with the standard entitlement-related conditions that apply to the person and the terms of an agreement referred to in section 3.4A.6 or 3.4A.6A.

S. 3.4A.11C(2) amended by No. 62/2017 s. 75(4).

Division 3A—Assignment of gaming machine entitlements

Ch. 3 Pt 4A Div. 3A (Heading and ss 3.4A.11D–3.4A.11S) inserted by No. 62/2017 s. 36.

3.4A.11D What is an *assignment agreement*?

S. 3.4A.11D inserted by No. 62/2017 s. 36.

An ***assignment agreement*** is an agreement between a venue operator (the ***assignor***) and another venue operator (the ***assignee***) that—

(a) provides for one or more gaming machine entitlements held by the assignor to be assigned to the assignee—

(i) under section 3.4A.11I; and

(ii) for a period specified in the agreement; and

(b) specifies the approved venues in which the assignee will conduct gaming under each assigned gaming machine entitlement; and

(c) provides for the assignee to pay an amount or amounts to the assignor.

S. 3.4A.11E inserted by No. 62/2017 s. 36.

3.4A.11E Gaming machine entitlement may be assigned only by registered assignment agreement

(1) An assignment agreement is of no effect unless it is registered by the Commission under section 3.4A.11H.

(2) Any other agreement or deed that purports to assign a gaming machine entitlement, or a right or obligation under a gaming machine entitlement, is of no effect.

S. 3.4A.11F inserted by No. 62/2017 s. 36.

3.4A.11F Gaming machine entitlement assignment rules

(1) The Minister may make rules for or with respect to—

(a) the assignment of gaming machine entitlements; and

(b) the process for the registration of assignment agreements by the Commission under section 3.4A.11H.

(2) Gaming machine entitlement assignment rules may—

(a) apply generally or be of limited application;

(b) apply differently according to differences in time, place or circumstance;

(c) leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Minister or the Commission.

(3) The rules must be published in the Government Gazette.

(4) The rules take effect on the day that they are published in the Government Gazette or on such later date as is specified in the rules.

3.4A.11G Venue operator may apply to Commission for registration of assignment agreement

S. 3.4A.11G inserted by No. 62/2017 s. 36.

(1) A venue operator who is a party to an assignment agreement may, in accordance with the gaming machine entitlement assignment rules, apply to the Commission for registration of the agreement.

(2) An application must be—

(a) in the form approved by the Commission; and

(b) accompanied by the prescribed fee.

3.4A.11H Commission may register assignment agreement

S. 3.4A.11H inserted by No. 62/2017 s. 36.

(1) On receiving an application under section 3.4A.11G, the Commission may, in accordance with the gaming machine entitlement assignment rules, register the assignment agreement.

(2) The Commission must not register the assignment agreement if—

(a) either party to the agreement does not hold a club venue operator's licence; or

(b) the Commission considers that the conduct of gaming, by the assignee, in the assignee's approved venue, and under a gaming machine entitlement specified in the agreement, would result in the contravention of—

(i) the assignee's venue operator's licence; or

(ii) the assignee's approval of premises as suitable for gaming; or

(iii) a provision of this Act; or

(iv) a condition imposed by the Minister on the entitlement under section 3.4A.5(4); or

(v) an entitlement-related agreement; or

(vi) an agreement referred to in section 3.4A.11A, 3.8A.15 or 3.8A.16; or

(vii) a regional limit or municipal limit; or

(c) the agreement provides for the assignment of a gaming machine entitlement for a period that exceeds the duration of the gaming machine entitlement; or

(d) the agreement does not comply with the gaming machine entitlement assignment rules.

(3) In considering the matters referred to in subsection (2)(b)(iv) and (vii) in relation to a particular gaming machine entitlement, the Commission must have regard to any proposed amendment to the geographic area condition imposed on the entitlement.

S. 3.4A.11I inserted by No. 62/2017 s. 36.

3.4A.11I Effect of registration of assignment agreement

(1) This section applies if an assignment agreement is registered under section 3.4A.11H.

(2) On the applicable day under subsection (3), each gaming machine entitlement specified in the agreement is assigned, in accordance with this section, to the assignee—

(a) for the period specified in the agreement; and

(b) subject to—

(i) this Division; and

(ii) the gaming machine entitlement assignment rules; and

(iii) the agreement.

(3) The applicable day is—

(a) if the agreement specifies a day on which the gaming machine entitlements are to be assigned, and that day is after the day on which the agreement is registered, the specified day; or

(b) otherwise, the day on which the agreement is registered.

(4) For the duration of the assignment of a gaming machine entitlement—

(a) except as set out in subsections (5) and (6), the assignee (and not the assignor) is taken to be the holder of the entitlement; and

(b) without limiting paragraph (a), the entitlement authorises the assignee (and not the assignor) to conduct gaming under the entitlement.

(5) Despite subsection (4)(a), the assignor (and not the assignee) is taken to be the holder of an assigned gaming machine entitlement for the purposes of—

(a) section 3.4.13(2)(g); and

(b) section 3.4.28AB(2); and

(c) the liability for, or payment of, an amount or amounts in relation to the entitlement as determined under section 3.4A.5(9) in accordance with an entitlement-related agreement; and

(d) Division 5; and

(e) Division 5AA; and

(f) Division 5A; and

(g) section 3.4A.26A; and

(h) Division 8A.

(6) Despite subsection (4)(a), each of the assignor and the assignee is taken to be the holder of an assigned gaming machine entitlement for the purposes of—

(a) the definition of ***entitlement holder*** in section 1.3(1); and

(b) section 3.2A.7; and

(c) Division 4; and

(d) sections 3.4.28C and 3.4.28D; and

(e) section 3.4A.14A; and

(f) the definition of ***gaming machine services provider*** in section 9A.1.1; and

(g) any conditions of a venue operator's licence that are expressed to apply in relation to a gaming machine entitlement held by a venue operator.

(7) For the duration of the assignment of a gaming machine entitlement, the assignor is not taken to be permitting or allowing the conduct of gaming under the entitlement.

3.4A.11J No entitlement to or legitimate expectation of approval of venue

S. 3.4A.11J inserted by No. 62/2017 s. 36.

To avoid doubt, a venue operator does not, by reason only that the operator is the assignee for a gaming machine entitlement, have any entitlement to, or legitimate expectation of—

(a) premises being approved under Part 3 to enable the venue operator to conduct gaming under that entitlement in those premises; or

(b) any other approval under this Act to enable the venue operator to conduct gaming under that entitlement in those premises.

3.4A.11K Restrictions on assignor for duration of assignment

S. 3.4A.11K inserted by No. 62/2017 s. 36.

(1) For the duration of the assignment of a gaming machine entitlement, the assignor is subject to the provisions of this section despite anything to the contrary in this Act (other than section 3.4A.11R).

(2) The assignor must not exercise any control, whether directly or indirectly, in relation to the conduct of gaming by the assignee.

(3) The approval, under Part 3, for the assignor's venue that is associated with the gaming machine entitlement is suspended.

(4) For the purposes of subsection (3), an approved venue (or a venue whose approval under Part 3 is suspended) is ***associated*** with a gaming machine entitlement if—

(a) the Commission has been notified under section 3.4.13A that gaming will be conducted by the assignor at that venue under that entitlement; and

(b) that notification has not been superseded by a subsequent notification under section 3.4.13A (other than a notification relating to the conduct of gaming under that entitlement by the assignee).

S. 3.4A.11L inserted by No. 62/2017 s. 36.

3.4A.11L Gaming under registered assignment agreement must be commenced within 6 months

An assignee must commence the conduct of gaming by means of an approved gaming machine under an assigned gaming machine entitlement within 6 months of the day on which the entitlement is assigned under section 3.4A.11I.

S. 3.4A.11M inserted by No. 62/2017 s. 36.

3.4A.11M Assignment ended if gaming not commenced within 6 months

If an assignee does not comply with section 3.4A.11L in relation to a gaming machine entitlement, the assignment of the entitlement is terminated at the end of the 6-month period referred to in that section.

S. 3.4A.11N inserted by No. 62/2017 s. 36.

3.4A.11N Variation of registered assignment agreement

If the parties to a registered assignment agreement vary the agreement, the assignor must, within 7 days, give the Commission a notice in writing setting out the variation.

S. 3.4A.11O inserted by No. 62/2017 s. 36.

3.4A.11O Commission may deregister registered assignment agreement

(1) This section applies if the Commission has received a notice under section 3.4A.11N or 3.4A.17AA concerning the variation of a registered assignment agreement (including by the substitution of parties).

(2) The Commission may serve notice under subsection (3) on the assignor and the assignee if the Commission considers that the agreement as varied does not comply with the requirements for registration set out in section 3.4A.11H(2).

(3) A notice under this subsection must give the assignor and the assignee an opportunity to show cause within 28 days why the agreement should not be deregistered.

(4) Each of the assignor and the assignee, within the period allowed by the notice, may arrange with the Commission for the making of submissions to the Commission as to why the agreement should not be deregistered.

(5) The Commission must consider the submissions made in accordance with an arrangement referred to in subsection (4).

(6) If the Commission then considers that the agreement as varied does not comply with the requirements for registration set out in section 3.4A.11H(2), the Commission may give the assignor and the assignee a notice in writing specifying the day on which the agreement is to be deregistered.

(7) On the day specified in the notice under subsection (6), the agreement is deregistered and terminated.

3.4A.11P Termination of registered assignment agreement if licence expires or is cancelled or suspended

S. 3.4A.11P inserted by No. 62/2017 s. 36.

A registered assignment agreement is terminated if the venue operator's licence held by the assignor or the assignee expires or is cancelled or suspended.

S. 3.4A.11Q inserted by No. 62/2017 s. 36.

3.4A.11Q Termination of assignment if venue approval revoked or venue removed from licence

(1) The assignment of a gaming machine entitlement is terminated if—

(a) the assignee's approval, under Part 3, for the venue associated with the entitlement is revoked; or

(b) the premises that were the venue associated with the entitlement are removed from the assignee's venue operator's licence.

(2) For the purposes of subsection (1), an approved venue (or a venue whose approval under Part 3 is suspended) is ***associated*** with a gaming machine entitlement if—

(a) the Commission has been notified under section 3.4.13A that gaming will be conducted by the assignee at that venue under that entitlement; and

(b) that notification has not been superseded by a subsequent notification under section 3.4.13A.

S. 3.4A.11R inserted by No. 62/2017 s. 36.

3.4A.11R Preparatory action authorised in relation to termination of assignment

(1) On and after the day that is 20 business days before the day on which, as specified in a registered assignment agreement, the assignment of a gaming machine entitlement is to end, the assignor is authorised to take preparatory action even though the entitlement is still assigned.

(2) For the purpose of any preparatory action taken in accordance with subsection (1)—

(a) the gaming machine entitlement is taken not to be assigned; and

(b) if a temporary amendment was made to the geographic area condition imposed on the entitlement, and the end of the assignment is to cause that amendment to expire, that amendment is taken not to have been made; and

(c) the approved venue that is suspended under section 3.4A.11K(3) is taken not to be suspended.

(3) In this section—

preparatory action has the same meaning as it has in section 3.4A.9.

3.4A.11S No compensation payable

S. 3.4A.11S inserted by No. 62/2017 s. 36.

No compensation is payable by the State to any person because of—

(a) the operation of any provision of a registered assignment agreement; or

(b) the operation of this Act in relation to a registered assignment agreement; or

(c) the termination of the assignment of a gaming machine entitlement.

Division 4—Amendment of gaming machine entitlement conditions

3.4A.11T Temporary amendment rules

S. 3.4A.11T inserted by No. 62/2017 s. 37.

(1) The Minister may make rules for or with respect to the temporary amendment of a geographic area condition on a gaming machine entitlement.

(2) The rules may provide for the circumstances and manner in which the Commission may make, vary or revoke a temporary amendment to a geographic area condition on a gaming machine entitlement.

(3) The rules may—

(a) apply generally or be of limited application;

(b) apply differently according to differences in time, place or circumstance;

(c) leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Minister or the Commission.

(4) The rules must be published in the Government Gazette.

(5) The rules take effect on the day that they are published in the Government Gazette or on such later date as is specified in the rules.

S. 3.4A.12 inserted by No. 29/2009 s. 25.

3.4A.12 Request for amendment of geographic area condition or venue condition

S. 3.4A.12(1) amended by No. 62/2017 s. 38(1).

(1) Subject to subsection (1B), a venue operator that holds a gaming machine entitlement may request the Commission to amend a geographic area condition or venue condition to which that gaming machine entitlement is subject.

S. 3.4A.12(1A) inserted by No. 62/2017 s. 38(2).

(1A) A request under subsection (1) may be for the variation or revocation of a temporary amendment made to a geographic area condition.

S. 3.4A.12(1B) inserted by No. 62/2017 s. 38(2).

(1B) A venue operator to whom a gaming machine entitlement is assigned must not request the Commission to make an amendment to a condition to which that entitlement is subject other than—

(a) a temporary amendment of a geographic area condition on the entitlement; or

(b) the variation or revocation of a temporary amendment referred to in paragraph (a).

(2) A request under this section must be—

(a) in the form approved by the Commission; and

(b) accompanied by the prescribed fee and any information the Commission requires.

(3) The Commission may require the venue operator to provide any further information or any documents to the Commission in connection with the request.

(4) If this section or a requirement made by the Commission under this section is not complied with, the Commission may refuse to consider the request.

3.4A.13 Commission decision on the request

S. 3.4A.13 inserted by No. 29/2009 s. 25.

(1) On receiving a request under section 3.4A.12, the Commission must—

(a) decide whether to make the requested amendment to the geographic area condition or venue condition, either with or without changes from that originally requested; and

(b) notify the venue operator of its decision.

(2) Subject to this section, in deciding whether or not to make the requested amendment, the Commission may take into account any other matter the Commission considers relevant.

(3) The effect of a decision of the Commission to amend a geographic area condition must not be inconsistent with the effect of section 3.4A.5(5).

(4) The effect of a decision of the Commission to amend a venue condition must not be to contravene 3.4A.5AA(1) or (2).

S. 3.4A.13(4) substituted by No. 62/2017 s. 12.

(5) In addition, a decision of the Commission that amends a geographic area condition or venue condition, must not be inconsistent with—

(a) in the case of a decision that amends a geographic area condition, a direction under section 3.2.3 or an order under section 3.2.4;

(b) in the case of a decision that amends a venue condition, a direction under section 3.2.3.

S. 3.4A.13(5A) inserted by No. 62/2017 s. 39.

(5A) The Commission may, in accordance with section 3.4A.13A and the rules under section 3.4A.11T—

(a) make an amendment to a geographic area condition as a temporary amendment; or

(b) vary or revoke a temporary amendment referred to in paragraph (a).

S. 3.4A.13(5B) inserted by No. 62/2017 s. 39.

(5B) On and after the expiry or revocation of a temporary amendment referred to in subsection (5A), the entitlement is taken to have the geographic area condition that it had immediately before the amendment was made.

Note

Section 3.4A.13B provides for a grace period in relation to the expiry of the temporary amendment in certain circumstances.

(6) An amendment to a geographic area condition or venue condition takes effect when notice of the Commission's decision is given to the entitlement holder or at any later time that may be specified in the notice.

S. 3.4A.13A inserted by No. 62/2017 s. 40.

3.4A.13A Temporary amendments to geographic area conditions

(1) This section applies to the Commission in making or varying a temporary amendment to a geographic area condition on a gaming machine entitlement under section 3.4A.13(5A).

(2) The temporary amendment—

(a) must be expressed so that it expires at the end of specified period; and

(b) may also be expressed so that if a specified event occurs before the end of that period, the amendment expires on, or within a specified period after, that specified event instead.

(3) Without limiting subsection (2)(b), a specified event referred to in that provision may relate to—

(a) the expiry of a temporary amendment to the geographic area condition on any other gaming machine entitlement; or

(b) the revocation of a temporary amendment to the geographic area condition on any other gaming machine entitlement; or

(c) the termination of the assignment of any other gaming machine entitlement under Division 3A, whether—

(i) at the end of the full period specified in the registered assignment agreement for that entitlement; or

(ii) at an earlier time by the occurrence of any other event.

3.4A.13B Grace period for early expiry of temporary amendment

S. 3.4A.13B inserted by No. 62/2017 s. 40.

(1) This section applies if—

(a) a temporary amendment to the geographic area condition on a gaming machine entitlement expires; and

(b) that expiry is caused by the occurrence of a specified event (the ***event***) referred to in section 3.4A.13A(3)(b) or (c)(ii).

(2) As soon as practicable after the occurrence of the event, the Commission must give written notice of the event to the venue operator who is conducting gaming under the gaming machine entitlement.

(3) Despite section 3.4A.13(5B), the expiry of the temporary amendment is taken not to apply in relation to the gaming machine entitlement until 24 hours after the operator has received the notice under subsection (2).

(4) Without limiting subsection (3), during the 24 hour period referred to in that subsection, the expiry of the temporary amendment does not prevent the venue operator from conducting gaming under the gaming machine entitlement in accordance with the geographic area condition as in force before that expiry.

(5) During the 24 hour period referred to in subsection (3), it does not matter that the operation of that subsection causes a contravention of a regional limit or a municipal limit.

S. 3.4A.14 inserted by No. 29/2009 s. 25.

3.4A.14 Commission must record amendment in Register

(1) The Commission must by the date an amendment to a geographic area condition or venue condition takes effect make the necessary amendment to the entry in the Register in respect of that geographic area condition or venue condition.

(2) A function of the Commission under this section may be performed by any commissioner.

3.4A.14A No entitlement to or legitimate expectation of certain matters in relation to temporary amendment

S. 3.4A.14A inserted by No. 62/2017 s. 41.

To avoid doubt, a venue operator does not, by reason only of the making of a temporary amendment to the geographic area condition on a gaming machine entitlement held by the operator, have any entitlement to, or legitimate expectation of—

(a) the amendment subsequently being—

(i) made as an amendment that is not temporary; or

(ii) varied so that it does not expire; or

(b) premises being approved under Part 3 to enable the venue operator to conduct gaming under that entitlement; or

(c) any other approval under this Act to enable the venue operator to conduct gaming under that entitlement.

3.4A.14B No compensation payable because of expiry or revocation of temporary amendment

S. 3.4A.14B inserted by No. 62/2017 s. 41.

No compensation is payable by the State because of the expiry or revocation of a temporary amendment to a geographic area condition on a gaming machine entitlement.

Division 5—Transfer of gaming machine entitlements

3.4A.15 Fee payable for gaming machine entitlement transfers

S. 3.4A.15 inserted by No. 29/2009 s. 25.

(1) A specified payer must pay the prescribed fee in respect of the transfer of a gaming machine entitlement to a specified payee.

(2) In this section—

specified payee means the person specified by the Minister under the gaming machine entitlement allocation and transfer rules as the specified payee for the purposes of subsection (1);

specified payer means the venue operator—

(a) that is a party to the transfer of a gaming machine entitlement; and

(b) that is specified by the Minister under the gaming machine entitlement allocation and transfer rules as the specified payer for the purposes of subsection (1).

S. 3.4A.16 inserted by No. 29/2009 s. 25.

3.4A.16 Gaming machine entitlements cannot be transferred to persons other than venue operators

(1) A venue operator must not transfer a gaming machine entitlement to a person who is not a venue operator.

(2) An agreement that purports to transfer a gaming machine entitlement to a person who is not a venue operator is void.

(3) An arrangement or deed that purports to transfer a gaming machine entitlement to a person who is not a venue operator is of no effect.

S. 3.4A.17 inserted by No. 29/2009 s. 25.

3.4A.17 Gaming machine entitlements must be transferred in accordance with allocation and transfer rules

(1) A venue operator must not transfer a gaming machine entitlement the operator holds to another person other than in accordance with this Act and the gaming machine entitlement allocation and transfer rules.

(2) An agreement that purports to transfer a gaming machine entitlement to a person other than in accordance with this Act and the gaming machine entitlement allocation and transfer rules is void.

(3) An arrangement or deed that purports to transfer a gaming machine entitlement to a person other than in accordance with this Act and the gaming machine entitlement allocation and transfer rules is of no effect.

3.4A.17AA Transfer agreement may provide for substitution of parties to registered assignment agreement

S. 3.4A.17AA inserted by No. 62/2017 s. 42.

(1) This section applies to the assignment of a gaming machine entitlement if—

(a) the entitlement is transferred in accordance with this Division to a person other than the assignee; and

(b) the agreement that provides for the transfer provides that, under this section, the assignment is to continue with the transferee becoming the assignor.

(2) On the day of the transfer, the transferee becomes a party to the registered assignment agreement in place of the transferor (but only in relation to the transferred gaming machine entitlement).

(3) On and after the day of the transfer, the transferee is taken to be the assignor of the transferred gaming machine entitlement.

(4) Within 7 days of the transfer of the gaming machine entitlement, the transferor must give the Commission a notice in writing setting out the change in the assignment.

S. 3.4A.17AAB inserted by No. 62/2017 s. 42.

3.4A.17AAB Assignment of gaming machine entitlement otherwise terminated on transfer

(1) This section applies if—

(a) an assigned gaming machine entitlement is transferred in accordance with this Division; and

(b) section 3.4A.17AA does not apply to the assignment of the gaming machine entitlement.

(2) On the day of the transfer, the assignment is terminated.

S. 3.4A.17AAC inserted by No. 62/2017 s. 84.

3.4A.17AAC Directions in relation to related agreements with Minister regarding transferred gaming machine entitlement

(1) Subject to this section, the Minister may direct a venue operator to whom a gaming machine entitlement is transferred (or is to be transferred) to enter into an agreement with the Minister, or a person nominated by the Minister, that deals with matters related to the gaming machine entitlement.

(2) A direction under subsection (1) is to be given by written notice.

(3) Before giving a direction under subsection (1), the Minister must consult with the venue operator.

(4) A direction under subsection (1)—

(a) must warn the venue operator of the Minister's powers under this section; and

(b) must be accompanied by a copy of this section; and

(c) may specify the terms or kinds of terms to be contained in an agreement to be entered into; and

(d) may specify the terms or kinds of terms that must not be contained in an agreement to be entered into; and

(e) may specify a date by which an agreement is to be entered into.

(5) A venue operator to which this section applies must comply with a direction under subsection (1).

(6) The venue operator must give a copy of any agreement entered into in compliance with a direction under subsection (1) to the Commission.

3.4A.17AAD No compensation payable because of direction to enter into entitlement-related agreements

S. 3.4A.17AAD inserted by No. 62/2017 s. 84.

No compensation is payable by the State because of a direction under section 3.4A.17AAC or entering into an agreement in compliance with a direction under section 3.4A.17AAC.

* * * * *

S. 3.4A.17A inserted by No. 58/2009 s. 50, amended by No. 62/2017 s. 85, repealed by No. 28/2022 s. 29.

3.4A.18 Gaming machine entitlements that expire on 15 August 2022 and that are transferred before specified date

S. 3.4A.18 (Heading) amended by No. 62/2017 s. 21(1).

S. 3.4A.18 inserted by No. 29/2009 s. 25.

(1) This section applies if a venue operator, in accordance with the gaming machine entitlement allocation and transfer rules, transfers a gaming

S. 3.4A.18(1) amended by No. 62/2017 s. 21(2).

machine entitlement that expires on 15 August 2022 to another venue operator before the day that is 6 months after the gaming machine entitlement declared day that applies to that entitlement.

S. 3.4A.18(2) amended by No. 43/2009 s. 5(1).

(2) The venue operator must pay to the Treasurer the amount of 75% of the prescribed profit obtained by the operator from the transfer unless the operator has been granted an exemption under section 3.4A.19.

(3) The Treasurer may recover an amount specified in subsection (2) as a debt due to the State.

S. 3.4A.18(4) inserted by No. 43/2009 s. 5(2).

(4) In this section—

financial benefit means anything of economic or market value and includes—

(a) property and services;

(b) any benefit specified in the regulations to be a financial benefit;

profit includes the value of a financial benefit.

S. 3.4A.18A inserted by No. 62/2017 s. 22.

3.4A.18A Gaming machine entitlements that take effect on or after 16 August 2022 and that are transferred during specified period

(1) This section applies if a venue operator (the ***transferor***), in accordance with the gaming machine entitlement allocation and transfer rules, transfers a gaming machine entitlement that takes effect on or after 16 August 2022 to another venue operator (the ***transferee***) during—

(a) the period beginning on the day on which the entitlement was allocated and ending on the day 18 months after the gaming machine entitlement declared day that applies to the entitlement; or

(b) the period beginning on the tenth anniversary of the gaming machine entitlement declared day that applies to the entitlement and ending on the day 18 months after that.

(2) Unless the transferor is granted an exemption under section 3.4A.19 or 3.4A.19A, the transferor must pay to the Treasurer the amount calculated as follows—

SP – AP

where—

SP is the sale price, being the price paid to the transferor in respect of the transfer of the gaming machine entitlement;

AP is the allocation price, which—

(a) is the amount paid by the transferor for the allocation of the transferred gaming machine entitlement as determined under section 3.4A.5(9)(b); and

(b) does not include any amount determined, or to be determined, under section 3.4A.5(9)(ba)(ii) if the period referred to in that provision has not yet commenced.

S. 3.4A.18A(3) amended by No. 20/2018 s. 69.

(3) Unless the transferee is granted an exemption under section 3.4A.19 or 3.4A.19A, the transferee must pay to the Treasurer the amount calculated as follows—

HAP – SP

where—

HAP is the hypothetical allocation price referred to in subsection (4) and determined in accordance with subsection (5);

SP is the sale price, being the amount referred to by that name in subsection (2).

(4) The hypothetical allocation price is the amount that would have been payable by the transferee for the allocation of the transferred gaming machine entitlement if it had been allocated—

(a) to the transferee rather than the transferor; and

(b) to enable the transferee to conduct gaming at the approved venue specified by the transferee under section 3.4.13A in respect of the entitlement.

(5) The hypothetical allocation price is to be determined by applying the provisions of the gaming machine entitlement allocation and transfer rules referred to in section 3.4A.3(1A) on the basis set out in subsection (4).

(6) If an amount calculated under subsection (2) or (3) is less than $0, the amount is taken to be calculated as $0.

(7) If an amount calculated under subsection (2) or (3) is not a whole number, the number that is a rounding up of that number to the next 2 decimal points is to be taken to be the amount.

(8) The Treasurer may recover an amount payable under subsection (2) or (3) as a debt due to the State.

3.4A.19 Exemption from requirement to pay for transfer related to refusal to grant relevant authority

S. 3.4A.19 (Heading) amended by Nos 43/2009 s. 6(1), 62/2017 s. 23(1).

S. 3.4A.19 inserted by No. 29/2009 s. 25.

(1) On the application of a venue operator, the Treasurer may, in accordance with subsection (2), exempt the operator from a requirement under section 3.4A.18(2), or under section 3.4A.18A(2) or (3), to pay an amount to the Treasurer in relation to the transfer of a gaming machine entitlement.

S. 3.4A.19(1) amended by No. 43/2009 s. 6(2), substituted by No. 62/2017 s. 23(2), amended by No. 28/2022 s. 30.

(2) The Treasurer may only give an exemption under subsection (1) if—

S. 3.4A.19(2) amended by No. 62/2017 s. 23(3).

(a) the Treasurer is satisfied that the reason for the transfer was that a government agency has refused to grant or give a relevant authority in respect of the premises (the ***rejected premises***) at which gaming was intended to be conducted by means of an approved gaming machine under the gaming machine entitlement; and

(b) the gaming machine entitlement is subject to a geographic area condition that authorises the conduct of gaming in the region or municipal district that the rejected premises is or is to be situated.

(3) In this section—

government agency means—

S. 3.4A.19(3) def. of *government agency* amended by No. 58/2011 s. 104(Sch. item 3.3).

(a) the Commission;

(b) a responsible authority within the meaning of the **Planning and Environment Act 1987**;

* * * * *

(d) the Minister administering section 24A of the **Racing Act 1958**;

S. 3.4A.19(3) def. of *relevant authority* amended by No. 32/2012 s. 8.

relevant authority means—

(a) an approval of premises under Part 3 of this Chapter;

(ab) an amendment to the conditions of a venue operator's licence to vary the number of gaming machines permitted in an approved venue;

(b) a permit issued under the **Planning and Environment Act 1987** permitting the premises to be used for gaming on gaming machines;

(c) a pub licence;

(d) a club licence;

(e) a racing club licence.

S. 3.4A.19A inserted by No. 62/2017 s. 24.

3.4A.19A Exemption from requirement to pay for transfer related to sale of approved venue

S. 3.4A.19A(1) amended by No. 28/2022 s. 31.

(1) On the application of a venue operator, the Treasurer may, in accordance with subsections (2) and (3), exempt the operator from a requirement under section 3.4A.18(2), or under section 3.4A.18A(2) or (3), to pay an amount to the Treasurer in relation to the transfer of a gaming machine entitlement.

(2) The Treasurer may only give an exemption under subsection (1) if—

(a) the venue operator who transferred the gaming machine entitlement has sold, or has entered into an agreement to sell, an

approved venue to the venue operator to whom the entitlement is transferred; and

(b) the Treasurer is satisfied that the transfer is related to the sale of the approved venue.

(3) The maximum number of gaming machine entitlements that may be exempted under subsection (1) in relation to the sale of a particular approved venue is the number of gaming machines that, immediately before the agreement for the sale was entered into, was specified in the transferor's venue operator's licence under section 3.4.12(2)(b) as the number of gaming machines permitted in the venue.

(4) The Treasurer must not give an exemption under subsection (1) if to do so would contravene subsection (3).

3.4A.20 Hospitals and Charities Fund

S. 3.4A.20 inserted by No. 29/2009 s. 25, amended by No. 62/2017 s. 25.

In respect of each financial year, an amount equal to the sum of the amounts paid to the Treasurer under section 3.4A.18 or 3.4A.18A in respect of that year must be paid out of the Consolidated Fund (which is appropriated to the necessary extent) into the Hospitals and Charities Fund.

Division 5AA—Surrender of gaming machine entitlements on specified date

Ch. 3 Pt 4A Div. 5AA (Heading and ss 3.4A.20AA–3.4A.20AAG) inserted by No. 62/2017 s. 7.

3.4A.20AA Rules for surrender of gaming machine entitlements

S. 3.4A.20AA inserted by No. 62/2017 s. 7.

(1) The Minister may make rules in accordance with which a venue operator who holds a gaming machine entitlement may designate that

entitlement as one that is to be surrendered at midnight on a day specified in those rules.

(2) The rules may contain provisions that—

(a) apply generally or are of limited application;

(b) apply differently according to differences in time, place or circumstance;

(c) leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Minister or the Commission.

(3) The rules must be published in the Government Gazette.

(4) The rules take effect on the day that they are published in the Government Gazette or on such later date as is specified in the rules.

S. 3.4A.20AAB inserted by No. 62/2017 s. 7.

3.4A.20AAB Surrender of designated gaming machine entitlements

(1) A gaming machine entitlement that has been designated in accordance with the rules under section 3.4A.20AA is surrendered at midnight on the day that, under those rules, applies in relation to that entitlement.

(2) On the surrender of a gaming machine entitlement—

(a) the entitlement is taken to be unallocated; and

(b) the geographic area condition imposed on the entitlement is removed; and

(c) any interest, right or privilege in or to which the entitlement is subject (other than an interest, right or privilege held by, or granted in favour of, the State) is, by force of this subsection, extinguished.

3.4A.20AAC No compensation payable because of surrender of gaming machine entitlements

S. 3.4A.20AAC inserted by No. 62/2017 s. 7.

No compensation is payable by the State to any person as a result of—

(a) the surrender of a gaming machine entitlement under this Division; or

(b) the operation of section 3.4A.20AAB.

3.4A.20AAD Certain amounts become immediately payable

S. 3.4A.20AAD inserted by No. 62/2017 s. 7.

(1) On and after the day on which a gaming machine entitlement is surrendered under this Division, any amount owed to the State for the allocation of the entitlement to the venue operator (other than an amount excluded by subsection (3)) becomes immediately due and payable to the State.

(2) Subsection (1) applies to an amount owed to the State whether it is owed under an agreement or otherwise.

(3) An amount that becomes immediately due and payable under subsection (1) does not include any amount determined by the Minister under section 3.4A.5(9)(b) in respect of any period after the surrender of the entitlement.

(4) The venue operator is not liable to pay any amount excluded under subsection (3).

(5) An amount that becomes immediately due and payable under subsection (1) may be recovered in a court of competent jurisdiction as a debt due to the State.

(6) This section applies despite any agreement to the contrary.

3.4A.20AAE Ministerial Order for extinguishment

S. 3.4A.20AAE inserted by No. 62/2017 s. 7.

(1) The Minister may, by Order published in the Government Gazette, extinguish any gaming machine entitlements that—

(a) have been surrendered under this Division; and

(b) have not been allocated since.

(2) In making an Order under this section, the Minister must take the following matters into account—

(a) the extinguishment must result in at least 20% of all remaining gaming machine entitlements authorising the conduct of gaming in a region or municipal district outside metropolitan Melbourne;

(b) the extinguishment must not result in a contravention of section 3.4A.5AA(2).

Note

Section 3.4A.5AA(2) specifies that certain percentages of gaming machine entitlements must relate to specified types of approved venues.

3.4A.20AAF Effect of order

S. 3.4A.20AAF inserted by No. 62/2017 s. 7.

On the day on which an Order made under section 3.4A.20AAE is published in the Government Gazette, the gaming machine entitlements specified in the Order are extinguished.

Note

Related interests, rights and privileges in or to which the entitlement is subject will already have been extinguished by section 3.4A.20AAB(2)(c).

3.4A.20AAG No compensation payable

S. 3.4A.20AAG inserted by No. 62/2017 s. 7.

No compensation is payable by the State as a result of the making of an Order under section 3.4A.20AAE or the operation of section 3.4A.20AAF.

Division 5A—Purchase by the State of gaming machine entitlements

Ch. 3 Pt 4A Div. 5A (Heading and ss 3.4A.20A–3.4A.20J) inserted by No. 58/2009 s. 51.

3.4A.20A Application of Division

S. 3.4A.20A inserted by No. 58/2009 s. 51.

This Division applies on and after the first gaming machine entitlement declared day declared by the Minister under section 3.4A.1.

3.4A.20B Commission to determine excess gaming machine entitlements

S. 3.4A.20B inserted by No. 58/2009 s. 51.

(1) Before making an Order under section 3.4A.20C, the Minister must direct the Commission to determine whether the number of gaming machine entitlements under which gaming may be conducted in the State, a region or a municipal district exceeds the maximum permissible number of gaming machine entitlements under which gaming may be conducted in the State, the region or the municipal district.

(2) On making a determination under subsection (1) the Commission must give the determination to the Minister.

Note

Section 3.4A.5(3) provides that the Minister must specify the maximum number of gaming machine entitlements under which gaming may be conducted in the State. Section 3.4A.5(3A) provides that the Minister, or the Commission, may determine the maximum permissible number of gaming machine entitlements under which gaming may be conducted in a region or municipal district.

S. 3.4A.20C inserted by No. 58/2009 s. 51.

3.4A.20C Ministerial Order for purchase of gaming machine entitlements

If, on the taking effect of an Order under section 3.4A.5(3) or (3A), the number of gaming machine entitlements under which gaming may be conducted in the State, a region or a municipal district will exceed the maximum permissible number of entitlements under which gaming may be conducted in the State, the region or the municipal district, the Minister may by Order published in the Government Gazette—

(a) determine that the State will offer to purchase as many gaming machine entitlements as are required to reduce the number of gaming machine entitlements under which gaming may be conducted in the State, the region or the municipal district; and

(b) determine the period or periods during which a venue operator may accept an offer to purchase gaming machine entitlements held by that entitlement holder; and

(c) determine the day on which an offer to purchase gaming machine entitlements expires.

S. 3.4A.20D inserted by No. 58/2009 s. 51.

3.4A.20D Determinations for purpose of Division

(1) The Minister may, from time to time for the purpose of sections 3.4A.20E to 3.4A.20G—

(a) determine the gaming machine reduction requirements; or

(b) direct the Commission to determine, based on criteria specified in the direction, the gaming machine reduction requirements.

(2) The gaming machine reduction requirements are—

(a) the price or prices to be paid for the gaming machine entitlements, or prices to be paid for different classes of entitlements to be purchased by the State; and

(b) the date or dates by which an offer of the State to purchase gaming machine entitlements must be made; and

(c) the date on which an offer of the State to purchase a gaming machine entitlement expires; and

(d) any other terms and conditions that an offer of the State to purchase gaming machine entitlements must contain; and

(e) in the case of a determination of the Commission—

(i) the venue operators to whom an offer of the State to purchase gaming machine entitlements will be made under section 3.4A.20E; or

(ii) the venue operators who will be required to reduce the number of gaming machine entitlements they hold under section 3.4A.20F—

as the case requires.

(3) The date or dates specified in an offer in accordance with subsection (2)(b) and (c) must not be a date after the date a relevant Order under section 3.4A.5(3) or (3A) takes effect.

(4) If the Minister determines the gaming machine reduction requirements, the Minister must—

(a) give that determination to the Commission; and

(b) direct the Commission to give effect to the determination.

(5) Within the time specified in a direction under this section, or if no time is specified in the direction, within 60 days after a direction under this section is given to the Commission, the Commission must give effect to the relevant direction.

(6) If a direction referred to in subsection (1)(b) does not specify all of the relevant information or criteria by which the Commission must make a determination, the Commission may, in making a determination as required under this section, determine anything that is necessary to give effect to an Order under section 3.4A.20C.

S. 3.4A.20E inserted by No. 58/2009 s. 51.

3.4A.20E Initial offers by State for purchase of gaming machine entitlements

(1) The Commission must, by written notice, serve on each venue operator that holds gaming machine entitlements an offer of the State to purchase the gaming machine entitlements that contains the following—

(a) a copy of the applicable Order under section 3.4A.5(3) or (3A) and 3.4A.20C;

(b) the price or prices to be paid for gaming machine entitlements held by that operator;

(c) any other terms and conditions the offer to purchase the gaming machine entitlements must contain.

(2) An offer under subsection (1) must be consistent with a determination of the Minister or Commission under section 3.4A.20D, as the case may be.

3.4A.20F Further reduction of gaming machine entitlements

S. 3.4A.20F inserted by No. 58/2009 s. 51.

(1) This section applies if—

(a) all offers under section 3.4A.20E have expired; and

(b) the number of gaming machine entitlements under which gaming may be conducted in the State, or a region or municipal district (as the case requires) still exceeds the maximum permissible number of entitlements under which gaming may be conducted in the State, the region or the municipal district as determined by Order under section 3.4A.5(3) or (3A), as the case may be.

(2) The Commission must determine, in accordance with a determination of the Commission under section 3.4A.20D—

(a) which venue operators must reduce the number of gaming machine entitlements held by those operators; and

(b) the reduction in the number of gaming machine entitlements held by each venue operator that must be met by the operator.

(3) The Commission must give to each venue operator that it has determined under subsection (2) must reduce the number of gaming machine entitlements the operator holds a written direction specifying—

(a) the required level of reduction in gaming machine entitlements in the State, the region or the municipal district, as the case requires; and

(b) the required number of gaming machine entitlements the operator must no longer hold; and

(c) the methods by which the operator may reduce the number of gaming machine entitlements the operator holds; and

(d) the date by which that the operator must reduce the number of gaming machine entitlements the operator holds.

(4) The date specified in a direction for the purpose of subsection (3)(d) must not be a date after the date a relevant Order under section 3.4A.5(3) or (3A) takes effect.

(5) A venue operator given a direction under subsection (3) must comply with the direction.

(6) For the purpose of subsection (3)(c), the methods by which a venue operator may reduce the number of gaming machine entitlements held by that operator are—

(a) accepting an offer by the State under section 3.4A.20G to purchase any gaming machine entitlements; or

(b) if the direction of the Commission is as a result of an Order under section 3.4A.5(3A) to reduce the number of entitlements in a region or municipal district—

(i) transferring the entitlements to another venue operator so that gaming may be conducted under those entitlements outside the region or municipal district to which the Order applies; or

(ii) obtaining an amendment to the geographic area condition from the Commission so that gaming may be conducted under those entitlements

outside the region or municipal district to which the Order applies.

3.4A.20G Further offers by State for purchase of gaming machine entitlements

S. 3.4A.20G inserted by No. 58/2009 s. 51.

(1) The Commission must, by written notice, serve on each venue operator that has been given a direction under section 3.4A.20F an offer of the State to purchase the gaming machine entitlements that contains the following—

(a) a copy of the applicable Order under section 3.4A.5(3) or (3A) and section 3.4A.20C;

(b) the price or prices to be paid for gaming machine entitlements held by that operator;

(c) any other terms and conditions that offer to purchase the gaming machine entitlements must contain.

(2) An offer under subsection (1) must be consistent with a determination of the Minister or Commission under section 3.4A.20D, as the case may be.

3.4A.20H Extinguishment of gaming machine entitlements purchased for purpose of State limit reduction

S. 3.4A.20H inserted by No. 58/2009 s. 51.

(1) This section applies if the State purchases a gaming machine entitlement under this Division following an Order under section 3.4A.20C determining that the State will offer to purchase gaming machine entitlements in order to reduce the maximum number of entitlements under which gaming may be conducted in the State.

(2) On the day the gaming machine entitlement is purchased, the entitlement—

(a) is extinguished; and

(b) any interest, right or privilege in or to which that entitlement is subject (other than an interest, right or privilege held by, or granted in favour of, the State) is, by force of this section, extinguished.

S. 3.4A.20I inserted by No. 58/2009 s. 51.

3.4A.20I Extinguishment on reduction of State limit

(1) This section applies if a venue operator—

(a) holds gaming machine entitlements to which an Order under section 3.4A.5(3) relates; and

(b) does not reduce the number of gaming machine entitlements the operator holds in accordance with a direction under section 3.4A.20F.

(2) On the day the Order takes effect—

(a) all of the gaming machine entitlements to which the direction under section 3.4A.20F relates and which are held by the operator contrary to the direction are extinguished; and

(b) any interest, right or privilege in or to which those entitlements are subject (other than an interest, right or privilege held by, or granted in favour of, the State) is, by force of this section, extinguished.

S. 3.4A.20J inserted by No. 58/2009 s. 51.

3.4A.20J No compensation payable

No compensation is payable by the State in respect of anything given or anything done under or arising out of anything under this Division.

Division 5B—Extinguishment of unallocated or forfeited entitlements on reduction of State limit

Ch. 3 Pt 4A Div. 5B (Heading and ss 3.4A.20K–3.4A.20M) inserted by No. 73/2014 s. 10.

3.4A.20K Ministerial Order for extinguishment

S. 3.4A.20K inserted by No. 73/2014 s. 10.

(1) If, on the taking effect of an Order under section 3.4A.5(3), the number of gaming machine entitlements under which gaming may be conducted in the State will exceed the maximum permissible number of entitlements under which gaming may be conducted in the State, the Minister may, by Order published in the Government Gazette, extinguish any unallocated gaming machine entitlements, including gaming machine entitlements surrendered under Division 5AA or forfeited to the State under Division 6, 7, 8 or 8A that have not been reallocated.

S. 3.4A.20K(1) amended by No. 62/2017 s. 8(1).

(2) The Minister may make an Order under this section in addition to, or instead of, making an Order under section 3.4A.20AAE or 3.4A.20C.

S. 3.4A.20K(2) amended by No. 62/2017 s. 8(2).

(3) In making an Order under this section, the Minister must take the following matters into account—

(a) if possible, entitlements that have never been allocated must be extinguished before entitlements that have been forfeited;

S. 3.4A.20K (3)(ab) inserted by No. 62/2017 s. 8(3).

(ab) entitlements that have been surrendered under Division 5AA—

(i) must be extinguished before entitlements that have been forfeited; and

(ii) need not be extinguished in the order in which they were surrendered;

(b) entitlements that have been forfeited must be extinguished in the order in which they were forfeited;

S. 3.4A.20K (3)(c) amended by No. 62/2017 s. 101(4).

(c) the extinguishment must result in at least 20% of all remaining gaming machine entitlements authorising the conduct of gaming in a region or municipal district outside metropolitan Melbourne;

S. 3.4A.20K (3)(d) substituted by No. 62/2017 s. 13.

(d) the extinguishment must not result in a contravention of section 3.4A.5AA(1) or (2).

Note

Section 3.4A.5AA(1) and (2) specify that certain percentages of gaming machine entitlements must relate to specified types of approved venues.

S. 3.4A.20L inserted by No. 73/2014 s. 10.

3.4A.20L Effect of Order

(1) On the day on which an Order made under section 3.4A.20K is published in the Government Gazette—

(a) the gaming machine entitlements specified in the Order are extinguished; and

(b) any interest, right or privilege in or to which those entitlements are subject (other than an interest, right or privilege held by, or granted in favour of, the State) is, by force of this section, extinguished.

(2) To avoid doubt, the extinguishment under this Division of an entitlement that has been forfeited to the State does not affect the operation of section 3.4A.32 in relation to the entitlement.

(3) To avoid doubt, the extinguishment under this Division of an entitlement that has been surrendered under Division 5AA does not affect the operation of section 3.4A.20AAD in relation to the entitlement.

S. 3.4A.20L(3) inserted by No. 62/2017 s. 9.

3.4A.20M No compensation payable

S. 3.4A.20M inserted by No. 73/2014 s. 10.

No compensation is payable by the State as a result of the making of an Order under section 3.4A.20K or the operation of section 3.4A.20L.

Division 6—Forfeiture of gaming machine entitlements not used for conduct of gaming

3.4A.21 Definition

S. 3.4A.21 inserted by No. 29/2009 s. 25.

In this Division—

relevant holding period, in relation to a gaming machine entitlement, has the meaning given by section 3.4A.22.

3.4A.21A Division does not require gaming under an assigned gaming machine entitlement

S. 3.4A.21A inserted by No. 62/2017 s. 43.

Nothing in this Division requires a venue operator to whom a gaming machine entitlement is assigned to commence gaming under that entitlement within any period.

Notes

1 Section 3.4A.11M provides that if an assignee does not commence gaming under an assigned gaming machine entitlement within 6 months of the assignment of the entitlement, that assignment terminates.

2 On the end of the assignment of a gaming machine entitlement, this Division requires the assignor to conduct gaming on the entitlement within 6 months (unless that period is extended). See sections 3.4A.22(3) and 3.4A.23(2).

S. 3.4A.22 inserted by No. 29/2009 s. 25, substituted by No. 62/2017 s. 44.

3.4A.22 Meaning of *relevant holding period*

(1) If a gaming machine entitlement is allocated to a venue operator, the ***relevant holding period*** for the entitlement is—

(a) the period of 6 months commencing on the gaming machine entitlement declared day that applies to the entitlement; or

(b) if that period is extended under section 3.4A.25, the period as extended.

(2) If a gaming machine entitlement is transferred to a venue operator, on and after that transfer the ***relevant holding period*** for the entitlement is—

(a) the period of 6 months commencing on the day on which the entitlement was transferred; or

(b) if that period is extended under section 3.4A.25, the period as extended.

(3) If a venue operator assigns a gaming machine entitlement, on and after the end of the assignment the ***relevant holding period*** for the entitlement is—

(a) the period of 6 months commencing on the day on which the assignment ends; or

(b) if that period is extended under section 3.4A.25, the period as extended.

(4) However, the ***relevant holding period*** for a gaming machine entitlement is not to be taken to include any period during which the venue operator's licence of the venue operator who holds the entitlement is suspended under section 3.4.25(4) or 3.4.26(2).

3.4A.23 Gaming under gaming machine entitlements must be commenced within relevant holding period

S. 3.4A.23 inserted by No. 29/2009 s. 25, substituted by No. 62/2017 s. 45.

(1) If a gaming machine entitlement is allocated or transferred to a venue operator, the operator must commence the conduct of gaming by means of an approved gaming machine under the entitlement within the relevant holding period.

(2) If a venue operator assigns a gaming machine entitlement, and that assignment subsequently ends, the operator must commence the conduct of gaming by means of an approved gaming machine under the entitlement within the relevant holding period.

3.4A.24 Gaming machine entitlements forfeited to State if gaming not commenced within relevant holding period

S. 3.4A.24 inserted by No. 29/2009 s. 25.

If a venue operator does not comply with section 3.4A.23, the gaming machine entitlement held by the venue operator, and to which that section applies, is forfeited to the State on—

(a) if the venue operator has not made an application under section 3.4A.25 to extend the relevant holding period, the day after that period expires;

(b) if the venue operator has made an application under section 3.4A.25 to extend the relevant holding period, the day after the day the Commission refuses to extend that period under that section;

(c) if the venue operator has made an application under section 3.4A.25 to extend the relevant holding period and the Commission has extended the relevant holding period under that section, the day after that period, as extended, expires.

S. 3.4A.25 inserted by No. 29/2009 s. 25.

3.4A.25 Commission may extend relevant holding period

S. 3.4A.25(1) amended by No. 62/2017 s. 46(1).

(1) A venue operator may apply to the Commission for an extension to the relevant holding period for a gaming machine entitlement.

(2) An application under subsection (1)—

S. 3.4A.25 (2)(a) substituted by No. 62/2017 s. 46(2).

(a) must be made before the end of the relevant holding period for the gaming machine entitlement; and

(b) must be in writing; and

(c) must set out the reason for the application; and

(d) must be accompanied by the prescribed fee (if any).

(3) If required to do so by the Commission, a venue operator must give the Commission any information that the Commission reasonably considers it requires in order for it to properly consider the application.

(4) On receiving an application under subsection (1), the Commission may extend the relevant holding period if the Commission is of the opinion that it is reasonable to do so in the circumstances.

(5) To avoid doubt, a venue operator may apply under subsection (1) more than once for an extension to the relevant holding period.

Division 7—Forfeiture of gaming machine entitlements following disciplinary action, surrender of licence or expiry

3.4A.26 Gaming machine entitlements forfeited if venue operator's licence cancelled, surrendered or not renewed

S. 3.4A.26 inserted by No. 29/2009 s. 25.

(1) This section applies if a venue operator's licence held by a venue operator—

(a) is cancelled by the Commission under section 3.4.25(4); or

(b) expires; or

(c) is surrendered by the venue operator.

S. 3.4A.26(2) substituted by No. 62/2017 s. 47.

(2) On the relevant day—

(a) every gaming machine entitlement held by the venue operator (other than a gaming machine entitlement assigned to the venue operator under Division 3A) is forfeited to the State; and

(b) every registered assignment agreement under which the venue operator is the assignee is terminated; and

(c) every gaming machine entitlement assigned under Division 3A by the venue operator is forfeited to the State.

(3) In this section—

licence cancellation day means—

(a) the day on which a notice under section 3.4.25(4) takes effect; or

(b) if an appeal has been instituted under section 3.9.5 in respect of a decision of the Commission under section 3.4.25(4) to cancel the venue operator's licence, the day after the day on which that

appeal is finally determined and the decision is affirmed;

relevant day means—

(a) if the venue operator's licence is cancelled by the Commission under section 3.4.25(4), the licence cancellation day;

(b) if the venue operator's licence expires, on the day after it expires;

(c) if the venue operator surrenders its venue operator's licence, the day after the day the licence is surrendered.

Ch. 3 Pt 4A Div. 8 (Heading) amended by No. 62/2017 s. 69.

Division 8—Forfeiture of gaming machine entitlements in accordance with standard conditions or related agreement

S. 3.4A.26A inserted by No. 62/2017 s. 70.

3.4A.26A Gaming machine entitlements forfeited in accordance with standard entitlement-related conditions

(1) This section applies if—

(a) a venue operator holds a gaming machine entitlement; and

(b) the standard entitlement-related conditions that apply to the venue operator provide that, following the occurrence of specified circumstances, the entitlement is forfeited to the State under this section on a specified date.

(2) On the specified date the gaming machine entitlement is forfeited to the State.

3.4A.27 Gaming machine entitlements forfeited if venue operator defaults under related agreement

S. 3.4A.27 inserted by No. 29/2009 s. 25.

(1) This section applies if—

S. 3.4A.27 (1)(a) amended by Nos 56/2010 s. 28, 62/2017 s. 86.

(a) a provision of an entitlement-related agreement provides for the forfeiture of a gaming machine entitlement to the State in circumstances specified in that agreement; and

(b) that provision is expressed to be a forfeiture provision for the purposes of this section; and

(c) that agreement specifies the date on which the gaming machine entitlement is to be forfeited to the State following the occurrence of the specified circumstances (the ***relevant date***).

(2) On the relevant date the gaming machine entitlement is forfeited to the State.

Division 8A—Forfeiture of gaming machine entitlements following offers to purchase those entitlements

Ch. 3 Pt 4A Div. 8A (Heading and s. 3.4A.27A) inserted by No. 58/2009 s. 52.

3.4A.27A Forfeiture to State—after reduction of regional or municipal district limit

S. 3.4A.27A inserted by No. 58/2009 s. 52.

(1) This section applies if—

(a) an Order has been made under section 3.4A.20C to reduce the number of gaming machine entitlements in a region or municipal district; and

(b) a venue operator holds gaming machine entitlements to which that Order relates; and

(c) that venue operator does not reduce the number of gaming machine entitlements the operator holds in accordance with a direction under section 3.4A.20F.

(2) On the day after the day determined in the Order as the day on which the offer to purchase gaming machine entitlements expires, all of the gaming machine entitlements to which the direction under section 3.4A.20F relates and which are held by the operator contrary to the direction are forfeited to the State.

Division 9—Extinguishment of interests and rights in gaming machine entitlements

S. 3.4A.28 inserted by No. 29/2009 s. 25.

3.4A.28 Extinguishment

S. 3.4A.28(1) amended by No. 58/2009 s. 53.

(1) This section applies if a gaming machine entitlement is forfeited to the State under Division 6, 7, 8 or 8A.

(2) On the day the gaming machine entitlement is forfeited to the State, any interest, right or privilege in or to which that entitlement is subject (other than an interest, right or privilege held by, or granted in favour of, the State) is, by force of this section, extinguished.

S. 3.4A.29 inserted by No. 29/2009 s. 25.

3.4A.29 No compensation payable because of extinguishment

No compensation is payable by the State to any person because of the operation of section 3.4A.28.

Division 10—Forfeited gaming machine entitlements

3.4A.30 Application of Division

S. 3.4A.30 inserted by No. 29/2009 s. 25, amended by No. 58/2009 s. 54.

This Division applies to all gaming machine entitlements forfeited to the State under Division 6, 7, 8 or 8A.

3.4A.31 No compensation payable because of forfeiture of gaming machine entitlements

S. 3.4A.31 inserted by No. 29/2009 s. 25, amended by No. 56/2010 s. 29.

Except as otherwise provided under this Division, no compensation is payable by the State to any person as a result of the forfeiture of a gaming machine entitlement under Division 6, 7, 8 or 8A.

3.4A.32 Amounts owed to the State in relation to gaming machine entitlements become immediately payable

S. 3.4A.32 inserted by No. 29/2009 s. 25.

(1) On and after the day on which a gaming machine entitlement is forfeited to the State under Division 6, 7, 8 or 8A, any amount owed to the State (under an agreement or otherwise) for the allocation of the gaming machine entitlement to the venue operator becomes immediately due and payable to the State.

S. 3.4A.32(1) amended by No. 56/2010 s. 30.

(2) An amount referred to in subsection (1) may be recovered in a court of competent jurisdiction as a debt due to the State.

(3) This section applies despite any agreement to the contrary.

S. 3.4A.33 inserted by No. 29/2009 s. 25.

3.4A.33 Payment of proceeds from forfeited gaming machine entitlements that are allocated again

S. 3.4A.33(1) amended by No. 56/2010 s. 31.

(1) The proceeds arising from the allocation of a gaming machine entitlement forfeited under Division 6, 7, 8 or 8A (less any State-owed amounts) must be paid to the venue operator who forfeited that entitlement under Division 6, 7, 8 or 8A.

Note to s. 3.4A.33(1) amended by No. 56/2010 s. 31.

Note

Under section 3.4A.5(1)(b), the Minister may allocate gaming machine entitlements forfeited under Division 6, 7, 8 or 8A.

(2) In this section—

State-owed amounts means the sum of—

(a) the prescribed costs of sale; and

(b) any amount owed to the State by the venue operator of the forfeited entitlement; and

(c) any fines imposed on the entitlement holder under section 3.4.25.

Division 11—General

Ch. 3 Pt 4A Div. 11 (Heading and s. 3.4A.34) inserted by No. 58/2009 s. 55.

3.4A.34 Competition and Consumer Act and Competition Code authorisation

S. 3.4A.34 (Heading) amended by No. 21/2012 s. 239(Sch. 6 item 19.5).

S. 3.4A.34 inserted by No. 58/2009 s. 55.

(1) For the purposes of the Competition and Consumer Act 2010 of the Commonwealth and the Competition Code, the following things are authorised by this Act—

S. 3.4A.34(1) amended by No. 21/2012 s. 239(Sch. 6 item 19.6).

(a) entering into a related agreement referred to in section 3.4A.6, 3.4A.6A, 3.4A.11A, 3.4A.17A, 3.8A.15 or 3.8A.16;

S. 3.4A.34 (1)(a) amended by No. 4/2014 s. 25.

(b) amending a related agreement referred to in section 3.4A.6, 3.4A.6A, 3.4A.11A, 3.4A.17A, 3.8A.15 or 3.8A.16;

S. 3.4A.34 (1)(b) amended by No. 4/2014 s. 25.

(c) giving effect to a related agreement referred to in section 3.4A.6, 3.4A.6A, 3.4A.11A, 3.4A.17A, 3.8A.15 or 3.8A.16 (whether amended or not);

S. 3.4A.34 (1)(c) amended by Nos 56/2010 s. 32(1), 4/2014 s. 25.

S. 3.4A.34 (1)(d) inserted by No. 56/2010 s. 32(2).

(d) all activities carried out by or on behalf of the State for the purposes of this Act in connection with—

(i) the creation of gaming machine entitlements; or

S. 3.4A.34 (1)(d)(ii) amended by No. 56/2010 s. 33(1).

(ii) the allocation of gaming machine entitlements to venue operators, including the allocation of gaming machine entitlements forfeited to the State under Division 6, 7, 8 or 8A or purchased under Division 5A;

S. 3.4A.34 (1)(d)(iii) inserted by No. 56/2010 s. 33(2).

(iii) the purchase of gaming machine entitlements under Division 5A.

(2) In this section—

giving effect to, in relation to a related agreement, includes—

(a) complying with any obligation under the agreement; and

(b) exercising or enforcing any right or power under the agreement.

Part 5—Control of gaming

* * * * *

Ch. 3 Pt 5 Div. 1AA (Heading and s. 3.5.1AA) inserted by No. 29/2009 s. 26, repealed by No. 4/2014 s. 26.

Division 1—Manufacturing and obtaining gaming machines

3.5.1 Manufacture, sale, supply, obtaining or possession of gaming machines

S. 3.5.1(1) amended by No. 64/2010 s. 44(1).

(1) A person must not manufacture, sell, supply, obtain or be in possession of gaming equipment or monitoring equipment except in accordance with this Act.

Penalty: 1000 penalty units or imprisonment for 2 years or both.

(2) A person is guilty of an offence against this subsection if the person commits an offence against subsection (1) as part of a commercial enterprise.

Penalty: Imprisonment for 6 years.

(3) An offence against subsection (2) is an indictable offence.

S. 3.5.1(4) substituted by No. 64/2010 s. 44(2).

(4) A person may manufacture, sell, supply, obtain or be in possession of gaming equipment or monitoring equipment if the equipment is for use outside Victoria and the person has the written authority of the Commission.

(5) The authority of the Commission—

(a) may be subject to any terms, conditions or limitations that the Commission thinks fit; and

(b) may be granted for any period determined by the Commission; and

(c) may be renewed, with or without variation, from time to time.

S. 3.5.1(5A) inserted by No. 64/2014 s. 7.

(5A) A person may obtain or be in possession of gaming equipment if—

(a) the person is an ADI or an employee or agent of an ADI; and

(b) the equipment is obtained or possessed in accordance with or as a result of the exercise by the ADI of a power or proprietary right under a financial or other arrangement with a venue operator.

S. 3.5.1(5B) inserted by No. 64/2014 s. 7.

(5B) A person referred to in subsection (5A) may sell or supply gaming equipment obtained under subsection (5A) to a person listed on the Roll.

S. 3.5.1(6) substituted by No. 64/2010 s. 44(3).

(6) For the purposes of this section, a person is to be taken to be in possession of gaming equipment or monitoring equipment if—

(a) the equipment 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 equipment.

(7) A function of the Commission under this section may be performed by any commissioner.

S. 3.5.2 repealed by No. 28/2022 s. 32.

* * * * *

Division 2—Controls over gaming machines and games

3.5.3 Commission's standards for gaming machine types and games

(1) The Commission, with the approval of the Minister, may make and amend standards for gaming machine types and games.

(2) Before making or amending a standard, the Commission must consult—

(a) each manufacturer or supplier of gaming machines who is listed on the Roll; and

* * * * *

S. 3.5.3(2)(b) repealed by No. 28/2022 s. 33.

(ba) each entitlement holder whose interests the Commission considers will be adversely affected by the making or amendment of the standard; and

S. 3.5.3(2)(ba) inserted by No. 29/2009 s. 27(1).

(c) each casino operator.

(3) The Commission must—

(a) publish each standard, and each amendment to a standard, on the Internet; and

(b) publish a notice of the making or amending of each standard in the Government Gazette.

(4) A standard, or an amendment to a standard, comes into force 6 months after the day on which the notice is published under subsection (3)(b) or at the later time specified in the notice.

(5) A function of the Commission under this section may be performed by any commissioner.

3.5.4 Approval of gaming machine types and games

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

(2) The Commission may require a person who submits a gaming machine type or game under subsection (1) to provide any additional information or material that the Commission considers necessary for the evaluation.

(3) The Commission may approve or refuse to approve a gaming machine type or a game, having regard to—

(a) player return, game fairness and security and responsible gambling; and

S. 3.5.4(3)(b) amended by No. 9/2018 s. 10.

(b) any standards in force under sections 3.5.3 and 10.1.5A; and

(c) the certificate of a person listed on the Roll, being a person referred to in section 3.4.61(1)(c).

(4) An approval under this section is subject to any conditions imposed by the Commission.

S. 3.5.4(5) inserted by No. 58/2009 s. 56.

(5) On and after the first gaming machine entitlement declared day declared by the Minister under section 3.4A.1, only a person listed on the Roll who manufactures approved gaming machines or restricted components may submit a gaming machine type or game under subsection (1).

3.5.5 Variation of gaming machine types and games

(1) If a gaming machine type is varied in a material particular from the gaming machine type approved by the Commission—

(a) the machine type as varied is not approved under this section; and

(b) the variation must be approved by the Commission before the machine type as varied may be used.

(2) If a game is varied in any respect from the game approved by the Commission—

(a) the game as varied is not approved under this section; and

(b) the variation must be approved by the Commission before the game as varied may be used.

(3) The Commission may approve or refuse to approve a variation to a gaming machine type or a game, having regard to—

(a) player return, game fairness and security and responsible gambling; and

(b) any standards in force under sections 3.5.3 and 10.1.5A; and

S. 3.5.5(3)(b) amended by No. 4/2014 s. 27(1).

(c) the certificate of a person listed on the Roll, being a person referred to in section 3.4.61(1)(c).

(3A) An application to approve a variation relating to the installation of player account equipment or a part of a pre-commitment system on or in a gaming machine may be made by any person.

S. 3.5.5(3A) inserted by No. 4/2014 s. 27(2).

(3B) An application to approve a variation under this section—

S. 3.5.5(3B) inserted by No. 64/2014 s. 8.

(a) must be in the form approved by the Commission; and

(b) must be accompanied by the prescribed fee (if any).

(4) An approval of a variation is subject to any conditions imposed by the Commission.

S. 3.5.5(5) amended by Nos 29/2009 s. 27(2), 28/2022 s. 34.

(5) An entitlement holder or a casino 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 Commission has given its approval to the variation.

Penalty: 100 penalty units.

(6) A function of the Commission under this section may be performed by any commissioner.

3.5.6 Withdrawal of approval

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

(2) If approval is withdrawn under subsection (1), the Commission must give written notice of the withdrawal to—

(a) the person who submitted the gaming machine type or game under section 3.5.4; and

S. 3.5.6(2)(b) amended by Nos 29/2009 s. 27(3), 58/2009 s. 57, 28/2022 s. 35(a).

(b) venue operators and casino 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.

S. 3.5.6(3) amended by Nos 29/2009 s. 27(4), 28/2022 s. 35(b).

(3) If approval is withdrawn under subsection (1), the Commission must allow an entitlement holder or a casino 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 subsection (3), an entitlement holder or a casino operator must not permit a gaming machine to be played if—

S. 3.5.6(4) amended by Nos 29/2009 s. 27(5), 28/2022 s. 35(c)(i).

(a) the machine is of a type in respect of which the Commission has withdrawn approval under subsection (1); and

(b) notice has been given to the entitlement holder or casino operator (as the case requires) under subsection (2).

S. 3.5.6(4)(b) amended by Nos 29/2009 s. 27(6), 28/2022 s. 35(c)(ii).

Penalty: 1000 penalty units.

(5) Subject to subsection (3), an entitlement holder or a casino operator must not permit a game to be played if—

S. 3.5.6(5) amended by Nos 29/2009 s. 27(7), 28/2022 s. 35(c)(i).

(a) the Commission has withdrawn approval of that game under subsection (1); and

(b) notice has been given to the entitlement holder or casino operator (as the case requires) under subsection (2).

S. 3.5.6(5)(b) amended by Nos 29/2009 s. 27(8), 28/2022 s. 35(c)(ii).

Penalty: 1000 penalty units.

3.5.7 Linked jackpots unlawful without approval

(1) A person must not install or cause to be installed, or facilitate the operation of, a linked jackpot arrangement unless it is approved by the Commission under section 3.5.7B.

S. 3.5.7(1) substituted by No. 6/2024 s. 37.

Penalty: 100 penalty units.

(1A) A person must not vary or cause to be varied a linked jackpot arrangement unless the variation has been approved by the Commission under section 3.5.7B.

S. 3.5.7(1A) inserted by No. 6/2024 s. 37.

Penalty: 100 penalty units.

(2) This section does not apply to the installation of a linked jackpot arrangement in a casino.

S. 3.5.7A inserted by No. 60/2011 s. 25.

3.5.7A Linked jackpot arrangements unlawful without approval

S. 3.5.7A(1) amended by No. 6/2024 s. 38(1).

(1) A venue operator must not conduct gaming through a linked jackpot arrangement that is not approved by the Commission under section 3.5.7B.

Penalty: 1200 penalty units.

S. 3.5.7A(2) amended by No. 6/2024 s. 38(2).

(2) A venue operator must not conduct gaming through a linked jackpot arrangement which has been varied and that variation is not approved by the Commission under section 3.5.7B.

Penalty: 1200 penalty units.

S. 3.5.7B inserted by No. 60/2011 s. 26.

3.5.7B Approval of linked jackpot arrangements

S. 3.5.7B(1) amended by No. 6/2024 s. 39(1)(a).

(1) The monitoring licensee may apply to the Commission for the approval of—

S. 3.5.7B(1)(a) amended by No. 6/2024 s. 39(1)(b).

(a) a linked jackpot arrangement through which gaming may be conducted at approved venues; or

S. 3.5.7B(1)(b) amended by No. 6/2024 s. 39(1)(c).

(b) a variation to a linked jackpot arrangement.

(2) An application under subsection (1) must—

(a) be in writing; and

(b) be accompanied by the prescribed fee (if any).

S. 3.5.7B(2)(b) amended by No. 6/2024 s. 39(2)(a).

* * * * *

S. 3.5.7B(2)(c) repealed by No. 6/2024 s. 39(2)(b).

(3) The Commission may require the monitoring licensee who makes an application under subsection (1) to provide any additional information or material that the Commission considers necessary for the purposes of making its decision under this section.

S. 3.5.7B(3) amended by No. 6/2024 s. 39(3).

(4) On receiving an application under subsection (1), the Commission may approve—

(a) a linked jackpot arrangement; or

(b) a variation to a linked jackpot arrangement.

(5) In making a decision under subsection (4), the Commission must have regard to—

(a) player return, game fairness and security and responsible gambling; and

(b) the certificate of a person listed on the Roll, being a person referred to in section 3.4.61(1)(c); and

(c) any standards in force under section 10.1.5B; and

(d) any operational requirements determined by the Commission under section 10.1.5C.

(6) The Commission must notify, in writing, the monitoring licensee of its decision under subsection (4).

S. 3.5.7B(6) amended by No. 6/2024 s. 39(4).

* * * * *

S. 3.5.7B(7) repealed by No. 6/2024 s. 39(5).

(8) An approval under this section is subject to any conditions imposed by the Commission.

S. 3.5.7B(9) repealed by No. 6/2024 s. 39(5).

* * * * *

S. 3.5.7C inserted by No. 60/2011 s. 26.

3.5.7C Withdrawal of approval

(1) The Commission, by written notice, may withdraw the approval of a linked jackpot arrangement or a variation to a linked jackpot arrangement if the Commission considers it necessary or appropriate in the public interest or for the proper conduct of gaming.

(2) If approval is withdrawn under subsection (1), the Commission must allow a venue operator a reasonable time within which to stop the conduct of gaming through the linked jackpot arrangement.

(3) However, in the case where the Commission has withdrawn an approval because it considers there is an immediate threat to the public interest, the Commission is not required to give any time within which conduct of gaming through the linked jackpot arrangement must be stopped.

(4) A notice under subsection (1) must—

(a) be given to every venue operator conducting gaming through the linked jackpot arrangement to which the approval related; and

(b) specify the day on which, or time at which, the linked jackpot arrangement must be stopped.

(5) A withdrawal of an approval takes effect on the day, or at the time, specified in a notice under subsection (1).

(6) A day that is specified in a notice under subsection (1) may be the day of the notice in the case where the Commission has withdrawn an approval because it considers there is an immediate threat to the public interest.

(7) A time that is specified in a notice under subsection (1) may be a time falling on the day of the notice in the case where the Commission has withdrawn an approval because it considers there is an immediate threat to the public interest.

3.5.8 Identification of machines

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

(2) The Commission 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.

S. 3.5.8(3) amended by Nos 29/2009 s. 27(9), 28/2022 s. 36.

(3) An entitlement holder 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 Commission considers appropriate.

Penalty: 60 penalty units.

(4) A person must not service, maintain or repair a gaming machine that does not have affixed to it an identification number issued under subsection (1) or (2).

Penalty: 250 penalty units or imprisonment for 12 months or both.

(5) A function of the Commission under this section may be performed by any commissioner.

(6) This section does not apply to a gaming machine in a casino.

3.5.9 Gaming prohibited on unprotected devices

S. 3.5.9(1) amended by No. 28/2022 s. 37.

(1) A venue 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 Commission.

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 Commission.

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

(3) A function of the Commission under this section may be performed by any commissioner.

3.5.10 Unlawful interference with equipment or systems

S. 3.5.10 (Heading) amended by No. 58/2009 s. 128(1), substituted by No. 4/2014 s. 28(1).

(1) A person must not—

S. 3.5.10(1)(a) amended by No. 58/2009 s. 128(2), substituted by No. 4/2014 s. 28(2).

(a) be in possession of any device made or adapted, or intended by the person to be used, for improperly interfering with—

(i) gaming equipment; or

(ii) monitoring equipment; or

(iii) player account equipment installed on or in a gaming machine; or

(iv) a pre-commitment system; or

(b) do any act or thing calculated, or likely, to improperly interfere with equipment, or a system, referred to in paragraph (a); or

S. 3.5.10(1)(b) amended by No. 58/2009 s. 128(3)), substituted by No. 4/2014 s. 28(2).

(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 2 years or both.

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

S. 3.5.10(2) amended by No. 37/2014 s. 10(Sch. item 72.16).

3.5.11 Protection of sensitive areas of gaming equipment or monitoring equipment

S. 3.5.11 (Heading) amended by No. 58/2009 s. 129(1).

(1) A person 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

S. 3.5.11(1)(e) amended by No. 58/2009 s. 129(2).

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

S. 3.5.11(1)(j) substituted by No. 4/2014 s. 29.

(j) interfere with information stored or transmitted electronically by any—

(i) gaming machine; or

(ii) linked jackpot arrangement; or

(iii) electronic monitoring system; or

(iv) player account equipment installed on or in a gaming machine; or

(v) pre-commitment system; or

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

S. 3.5.11(1)(l) amended by No. 58/2009 s. 129(3).

(l) remove or interfere with any mark or seal affixed to gaming equipment or monitoring equipment to preserve the integrity of operation of the gaming equipment or monitoring 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 3.5.8; or

(o) affix any thing capable of being represented as being a label referred to in section 3.5.8 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 subsection (1) have occurred, the person on whose premises the gaming equipment or monitoring equipment is located is guilty of an offence and liable to a penalty not exceeding 400 penalty units or imprisonment for 2 years or both.

S. 3.5.11(2) amended by No. 58/2009 s. 129(4).

(3) It is a defence to a prosecution for an offence against subsection (2) to prove that the accused or an employee or agent of the accused took reasonable precautions to ensure that this section was not contravened.

S. 3.5.11(3) amended by No. 68/2009 s. 97(Sch. item 62.11).

(4) Nothing in this section applies to anything done by—

(a) an inspector or the holder of a gaming industry employee's licence acting in the ordinary course of the inspector's or licence holder's duty; or

S. 3.5.11(4)(a) amended by Nos 104/2004 s. 39(5)(d), 23/2025 s. 74(Sch. 1 item 2.9).

(b) a person authorised in writing by the Commission.

(5) A function of the Commission under this section may be performed by any commissioner.

3.5.12 Testing of electronic monitoring system

(1) The Commission may test an electronic monitoring system to determine whether there is compliance with this Act and the regulations.

(2) The Commission may test an electronic monitoring system under subsection (1)—

(a) on its own motion if it has reasonable grounds; or

(b) on request by the monitoring licensee.

S. 3.5.12(2)(b) amended by Nos 29/2009 s. 28(1), 28/2022 s. 38.

S. 3.5.12(2A) inserted by No. 60/2011 s. 27.

(2A) The Commission, in approving an electronic monitoring system, or a variation to an electronic monitoring system under section 3.5.13, may require the monitoring licensee to engage a person listed on the Roll who is accredited by the Commission to test an electronic monitoring system to—

(a) test the electronic monitoring system or the variation to the electronic monitoring system; and

(b) make recommendations to the Commission on aspects of the electronic monitoring system or the variation to the electronic monitoring system, if the Commission requires.

S. 3.5.12(2B) inserted by No. 60/2011 s. 27.

(2B) If the Commission requires the monitoring licensee to engage a person to test and make recommendations about an electronic monitoring system or a variation to an electronic monitoring system under this section, the monitoring licensee must provide the Commission with the results of any tests conducted and the recommendations.

(3) The Commission may require the monitoring licensee to pay the reasonable costs of testing under this section.

S. 3.5.12(3) amended by Nos 29/2009 s. 28(1), 28/2022 s. 38.

3.5.13 Approval of electronic monitoring systems

(1) The monitoring licensee must not use an electronic monitoring system unless it has been approved by the Commission.

S. 3.5.13(1) amended by Nos 29/2009 s. 28(2), 28/2022 s. 39(a).

(2) The monitoring licensee must not use an electronic monitoring system which has been varied from the system approved by the Commission unless the variation has been approved by the Commission.

S. 3.5.13(2) amended by Nos 29/2009 s. 28(2), 28/2022 s. 39(a).

(3) The Commission may approve—

(a) an electronic monitoring system; or

(b) a variation to an electronic monitoring system—

for use by the monitoring licensee.

S. 3.5.13(3) amended by Nos 29/2009 s. 28(2), 28/2022 s. 39(b).

(3AA) The Commission may require the monitoring licensee to provide any additional information or material that the Commission considers necessary to decide whether to make an approval under subsection (3).

S. 3.5.13(3AA) inserted by No. 60/2011 s. 28(1).

(3AB) Additional information or material under subsection (3AA) includes the results of any tests conducted, or recommendations made, by a person listed on the Roll who is accredited by the Commission to test monitoring equipment.

S. 3.5.13(3AB) inserted by No. 60/2011 s. 28(1).

(3A) In deciding whether to make an approval under subsection (3), the Commission must have regard to any relevant standards made under section 10.1.5A.

S. 3.5.13(3A) inserted by No. 58/2009 s. 58.

S. 3.5.13(4) amended by No. 58/2009 s. 130.

(4) The Commission, in approving an electronic monitoring system or in approving a variation to an electronic monitoring system, may take into account the certificate of a person listed on the Roll who is accredited by the Commission to test gaming equipment, monitoring equipment or games.

S. 3.5.13(4A) inserted by No. 60/2011 s. 28(2).

(4A) The Commission, in approving an electronic monitoring system or in approving a variation to an electronic monitoring system, may take into account additional information or material provided to the Commission under subsection (3AA).

(5) The Commission may make an approval to use, or a variation of an approval to use, an electronic monitoring system subject to any conditions that it thinks fit.

S. 3.5.14 amended by No. 104/2004 s. 39(5)(e)(f), repealed by No. 27/2013 s. 6.

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3.5.15 Installation and storage of gaming machines

S. 3.5.15(1) repealed by No. 28/2022 s. 40(a).

* * * * *

S. 3.5.15(1A) inserted by No. 29/2009 s. 27(10).

(1A) An entitlement holder—

(a) must install a gaming machine to be used in the conduct of gaming under a gaming machine entitlement, or cause the machine to be installed, in a gaming machine area approved for that purpose by the Commission; and

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

(1B) To avoid doubt, a reference in subsection (1A)(a) to a gaming machine area does not include a reference to a gaming machine area in a venue whose approval under Part 3 is suspended.

S. 3.5.15(1B) inserted by No. 62/2017 s. 49(20).

(1C) Subsection (1A) does not apply to an entitlement holder in relation to the conduct of gaming under a gaming machine entitlement that the entitlement holder has assigned to another venue operator.

S. 3.5.15(1C) inserted by No. 62/2017 s. 48.

(2) An entitlement holder who installs gaming equipment or monitoring equipment, or causes gaming equipment or monitoring equipment to be installed, at an approved venue (or at a venue whose approval under Part 3 is suspended) must give notice to the Commission of—

S. 3.5.15(2) amended by Nos 29/2009 s. 27(11), 58/2009 s. 131(1), 62/2017 s. 49(21), 28/2022 s. 40(b).

(a) particulars of the gaming equipment or monitoring equipment; and

S. 3.5.15(2)(a) amended by No. 58/2009 s. 131(2).

(b) the date and time of commencement of gaming on the gaming equipment—

not later than the next day on which the Commission is open for business after that commencement.

Penalty: 100 penalty units.

(3) A notice under subsection (2) must be in a form approved by the Commission.

(4) This section does not apply to the installation or storage of a gaming machine in a casino.

S. 3.5.16 (Heading) substituted by No. 4/2014 s. 30.

3.5.16 Certificates of installation—gaming equipment and monitoring equipment

S. 3.5.16(1) amended by Nos 104/2004 s. 39(5)(g), 58/2009 s. 132(1), 62/2017 s. 49(22).

(1) The holder of a gaming industry employee's licence who installs gaming equipment or monitoring equipment at an approved venue (or at a venue whose approval under Part 3 is suspended) must—

S. 3.5.16(1)(a) amended by No. 58/2009 s. 132(1).

(a) certify, in a form approved by the Commission, that the gaming equipment or monitoring equipment is functioning in the manner in which it is designed and programmed to function; and

(b) retain the certificate for a period of 12 months immediately following the date of signature.

S. 3.5.16(1A) inserted by No. 62/2017 s. 49(23).

(1A) If the holder of a gaming industry employee's licence installs gaming equipment or monitoring equipment at a venue whose approval under Part 3 is suspended, the holder must not sign the certificate under subsection (1) until that suspension ends.

S. 3.5.16(2) amended by No. 104/2004 s. 39(5)(g).

(2) The holder of a gaming industry employee's licence must not sign a certificate referred to in subsection (1) knowing it to be false.

Penalty: 100 penalty units.

S. 3.5.16(3) amended by Nos 29/2009 s. 27(12), 58/2009 s. 132(1), 62/2017 s. 49(24), 28/2022 s. 41.

(3) An entitlement holder who installs gaming equipment or monitoring equipment, or causes gaming equipment or monitoring equipment to be installed, at an approved venue (or at a venue whose approval under Part 3 is suspended) must certify, in a form approved by the Commission,

that the equipment is functioning in the manner in which it is designed and programmed to function.

(3A) If an entitlement holder installs gaming equipment or monitoring equipment, or causes gaming equipment or monitoring equipment to be installed, at a venue whose approval under Part 3 is suspended, the holder must not sign the certificate under subsection (3) until that suspension ends.

S. 3.5.16(3A) inserted by No. 62/2017 s. 49(25).

(4) An entitlement holder must not sign a certificate referred to in subsection (3) knowing it to be false.

Penalty: 100 penalty units.

S. 3.5.16(4) amended by Nos 29/2009 s. 27(12), 28/2022 s. 41.

(5) An entitlement holder must not allow gaming to commence on gaming equipment in respect of which certificates under subsections (1) and (3)—

(a) have not been signed; or

(b) have been signed in contravention of subsection (2) or (4).

Penalty: 1000 penalty units.

S. 3.5.16(5) amended by Nos 29/2009 s. 27(12), 28/2022 s. 41.

(5A) The monitoring licensee must ensure that gaming does not commence on gaming equipment that is connected to an electronic monitoring system operated by the licensee in respect of which certificates under subsections (1) and (3)—

(a) have not been signed; or

(b) have been signed in contravention of subsection (2) or (4).

Penalty: 1000 penalty units.

S. 3.5.16(5A) inserted by No. 58/2009 s. 132(2).

(6) A function of the Commission under this section may be performed by any commissioner.

3.5.17 Offence to play gaming machine not installed as authorised

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 sections 3.5.15 and 3.5.16.

Penalty: 1000 penalty units.

S. 3.5.17A inserted by No. 71/2008 s. 8, repealed by No. 28/2022 s. 42.

* * * * *

S. 3.5.17B inserted by No. 29/2009 s. 29.

3.5.17B Gaming machines must be connected to approved electronic monitoring system

A venue operator who is an entitlement holder must not allow a game to be played on a gaming machine of the venue operator unless the gaming machine is connected to the monitoring licensee's approved electronic monitoring system.

S. 3.5.17C inserted by No. 60/2011 s. 29.

3.5.17C Offence to interfere with an electronic monitoring system

A person must not—

(a) be in possession of any device made or adapted, or intended by the person to be used, for improperly interfering with monitoring equipment; or

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

Penalty: 1200 penalty units or imprisonment for 2 years or both.

3.5.18 Gaming only permitted in gaming machine areas

(1) A venue operator must not allow a person to play a game on a gaming machine that is not placed in a gaming machine area.

Penalty: 1000 penalty units or imprisonment for 2 years or both.

(2) This section does not apply to a venue operator who is a casino operator.

3.5.19 Gaming tokens

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

Penalty: 100 penalty units.

(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.

3.5.20 Malfunction of gaming machines

(1) A venue operator or holder of a gaming industry employee's licence 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 the operator or employee reasonably suspects that the gaming machine or any related gaming equipment or monitoring equipment failed to function in the manner in which it was designed and programmed to function.

S. 3.5.20(1) amended by Nos 104/2004 s. 39(5)(h), 58/2009 s. 133, 28/2022 s. 43(a).

S. 3.5.20(2) amended by Nos 104/2004 s. 39(5)(i), 28/2022 s. 43(b).

(2) The holder of a gaming industry employee's licence who refuses to pay or to allow payment to be made to a person in the circumstances referred to in subsection (1) must inform the venue operator as soon as practicable after the refusal.

S. 3.5.20(3) amended by Nos 29/2009 s. 27(13), 28/2022 s. 43(c).

(3) In the event of a dispute over a refusal to pay in the circumstances referred to in subsection (1), the entitlement holder must resolve the dispute in accordance with procedures approved by the Commission.

(4) This section does not apply to a venue operator who is a casino operator.

3.5.21 Defective gaming machines not allowed

S. 3.5.21(1) amended by Nos 58/2009 s. 134(2), 28/2022 s. 44.

(1) A venue operator must not allow a gaming machine that is installed in an approved venue of the venue operator to be played, other than for testing purposes, if—

(a) it does not function in the manner in which it was designed and programmed to function; or

S. 3.5.21(1)(b) amended by No. 58/2009 s. 134(1).

(b) any related gaming equipment or monitoring equipment does not function in the manner in which it was designed and programmed to function in relation to that gaming machine—

until the gaming machine, gaming equipment or monitoring equipment 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 subsection (1) to prove that the accused—

S. 3.5.21(2) amended by No. 68/2009 s. 97(Sch. item 62.12).

(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.

3.5.22 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: 60 penalty units.

(2) If a person is found guilty of an offence against subsection (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 subsection (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 3.6.6.

3.5.23 The Commission's rules

(1) The Commission may make rules for or with respect to—

(a) entry to gaming machine areas; and

(b) dress requirements in gaming machine areas; and

(c) sobriety in gaming machine 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 from gaming in an approved venue; and

(g) any other matter relevant to the conduct of gaming in an approved venue.

(2) Rules under subsection (1) do not apply to gaming in a casino.

(3) The Commission may make rules for or with respect to—

(a) procedures for the resolution of disputes concerning payment of winnings from gaming in a casino; and

(b) any other matter relevant to the conduct of gaming in a casino.

Note

Rules under subsection (3) only relate to gaming on gaming machines in a casino (see definition of ***gaming*** in section 3.1.2). Rules concerning table gaming and other forms of gaming in a casino are made under section 60 of the **Casino Control Act 1991**.

(4) The Commission may repeal, revoke, rescind, amend, alter or vary a rule made under subsection (1) or (3).

(5) The Commission must notify in writing each venue operator or casino operator of rules made under this section that apply to the venue operator or casino operator and any repeal, revocation, rescission, amendment, alteration or variation of those rules.

(6) A repeal, revocation, rescission, amendment, alteration or variation takes effect on the date that it is published in the Government Gazette.

(7) The Commission must cause rules made under subsection (1), (3) or (4) to be published in the Government Gazette.

3.5.24 Disallowance of rules

(1) Section 15 and Part 5 of the **Subordinate Legislation Act 1994** apply to a rule made under section 3.5.23 as if the rule were a statutory rule within the meaning of that Act, notice of the making of which had been published in the Government Gazette on the day on which the rule was so published.

(2) A rule made under section 3.5.23 is subject to disallowance by a House of the Parliament.

(3) If a rule is disallowed by a House of the Parliament, no rule which is the same in substance as the disallowed rule may be made within 6 months after the date of the disallowance, unless—

(a) if the rule was disallowed by one House of the Parliament, that House approves the making of a rule the same in substance as the disallowed rule; or

(b) if the rule was disallowed by both Houses of the Parliament, each House approves the making of a rule the same in substance as the disallowed rule.

(4) Any regulation or rule made in contravention of subsection (3) is void.

3.5.25 Inspection of rules

(1) A venue operator or casino operator must display a notice in accordance with this section informing patrons where a copy of rules under section 3.5.23 that apply to the venue operator or casino operator may be inspected.

Penalty: 25 penalty units.

(2) The notice must—

(a) be in the form approved by the Commission; and

(b) contain the information determined by the Commission; and

(c) be displayed in the manner or location determined by the Commission.

(3) A venue operator or casino operator must allow a patron to inspect a copy of the rules on request.

Penalty: 25 penalty units.

3.5.26 Rules to be enforced

A venue operator or casino operator must enforce or cause to be enforced rules made under section 3.5.23 that apply to the venue operator or casino operator.

Penalty: 25 penalty units.

3.5.27 Commission may give directions

(1) The Commission may give to the holder of a monitoring licence or a venue operator a written direction that relates to—

S. 3.5.27(1) amended by Nos 58/2009 s. 135(1), 28/2022 s. 45.

(a) as the case requires, the conduct of gaming or the conduct of monitoring;

S. 3.5.27(1)(a) substituted by No. 58/2009 s. 135(2).

(b) the keeping or inspection of financial records;

(c) the administration of the approved venue.

(1A) In subsection (1), a reference to an approved venue also refers to a venue whose approval under Part 3 is suspended.

S. 3.5.27(1A) inserted by No. 62/2017 s. 49(26).

(2) A person to whom a direction is given under subsection (1) must comply with it as soon as it takes effect.

S. 3.5.27(2) substituted by No. 27/2013 s. 7(1).

Penalty: 25 penalty units.

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

S. 3.5.27(3) amended by No. 27/2013 s. 7(2)(a).

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

S. 3.5.27(4) amended by No. 27/2013 s. 7(2)(b).

(5) This section does not apply to a venue operator who is a casino operator.

3.5.28 Inducements, cheating etc.

(1) A person (***the cheat***) 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 relevant person to deliver, give or credit to the cheat or any other person, any money, gaming tokens, benefit, advantage, valuable consideration or security.

Penalty: 1000 penalty units or imprisonment for 2 years or both.

(2) A relevant 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 a person to deliver, give or credit to the relevant person or any other person, any money, gaming tokens, benefit, advantage, valuable consideration or security.

Penalty: 1000 penalty units or imprisonment for 2 years or both.

(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.

Penalty: 1000 penalty units or imprisonment for 2 years or both.

(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: 1000 penalty units or imprisonment for 2 years or both.

(5) In this section—

relevant person means—

(a) a venue operator or the holder of a gaming industry employee's licence; or

(b) a person listed on the Roll; or

(c) an associate of a person referred to in paragraph (a) or (b); or

(d) a person acting on behalf of a person referred to in paragraph (a) or (b).

S. 3.5.28(5) def. of *relevant person* amended by Nos 104/2004 s. 39(5)(j), 28/2022 s. 46.

(6) This section does not apply to a venue operator who is a casino operator.

Division 2A—Gaming hours

Ch. 3 Pt 5 Div. 2A (Heading and s. 3.5.28A) inserted by No. 30/2023 s. 26.

3.5.28A Gaming prohibited between 4:00 a.m. and 10:00 a.m.

S. 3.5.28A inserted by No. 30/2023 s. 26.

(1) A venue operator must not allow a gaming machine that is installed in an approved venue of the venue operator to be played at any time between the hours of 4:00 a.m. and 10:00 a.m. on any day.

Penalty: 120 penalty units.

(2) This section does not apply to a venue operator who is a casino operator.

Division 3—Responsible gaming measures

Subdivision 1—General measures

Ch. 3 Pt 5 Div. 3 Subdiv. 1 (Heading) inserted by No. 29/2009 s. 78.

3.5.29 Banning large denomination note acceptors and autoplay facilities

S. 3.5.29(1) amended by Nos 29/2009 s. 27(14), 28/2022 s. 47.

(1) An entitlement holder must not allow a game to be played on a gaming machine that accepts banknotes with a denomination greater than $50.

Penalty: 20 penalty units.

S. 3.5.29(2) amended by Nos 29/2009 s. 27(14), 28/2022 s. 47.

(2) An entitlement holder must not allow a game to be played on a gaming machine unless each spin can be initiated only by a distinct and separate activation of the machine by the player (whether by pushing a play button, touching the screen or otherwise).

Penalty: 20 penalty units.

S. 3.5.29(3) amended by No. 29/2009 s. 27(14), repealed by No. 58/2009 s. 59.

* * * * *

3.5.30 Spin rates

S. 3.5.30(1) amended by Nos 29/2009 s. 27(15), 28/2022 s. 47, 18/2025 s. 5(1).

(1) An entitlement holder must not allow a game to be played on a gaming machine that is of a type approved by the Commission under section 3.5.4 before 1 December 2025 or an earlier day declared by the Minister under subsection (2) if the spin rate of the game is less than 2·14 seconds.

Penalty: 20 penalty units.

(2) An entitlement holder must not allow a game to be played on a gaming machine that is of a type approved by the Commission under section 3.5.4 on or after 1 December 2025 or an earlier day declared by the Minister by notice published in the Government Gazette if the spin rate of the game is less than 3 seconds.

S. 3.5.30(2) amended by No. 29/2009 s. 27(15), repealed by No. 58/2009 s. 60, new s. 3.5.30(2) inserted by No. 18/2025 s. 5(2).

Penalty: 20 penalty units.

3.5.31 Credit etc.

A person who—

(a) holds a licence under this Act; or

* * * * *

S. 3.5.31(b) substituted by No. 29/2009 s. 27(16), repealed by No. 28/2022 s. 48.

(c) is an entitlement holder—

S. 3.5.31(c) inserted by No. 29/2009 s. 27(16).

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.

3.5.32 Cashing of cheques

S. 3.5.32 substituted by No. 62/2017 s. 90.

(1) A person must not, at an approved venue, give another person cash or other gaming tokens in exchange for a cheque.

Penalty: 60 penalty units.

(2) A venue operator must not allow another person to give, at an approved venue, cash or other gaming tokens to a third person in exchange for a cheque.

Penalty: 60 penalty units.

(3) A person must not publish at an approved venue, or cause to be published at an approved venue, any advertising for a cheque cashing service.

Penalty: 60 penalty units.

(4) A venue operator must not allow a person to publish at an approved venue, or cause to be published at an approved venue, any advertising for a cheque cashing service.

Penalty: 60 penalty units.

(5) Subsections (2) and (4) do not apply to a venue operator who is a casino operator.

(6) In this section—

approved venue has the meaning given by section 3.5.33B;

cheque cashing service means the service of providing, for a fee or for other consideration, cash or other gaming tokens in exchange for a cheque.

S. 3.5.32A inserted by No. 72/2007 s. 13, repealed by No. 29/2009 s. 80.

* * * * *

3.5.33 Payment of accumulated credits by cheque or electronic funds transfer

S. 3.5.33 (Heading) substituted by No. 39/2007 s. 11(1), amended by No. 62/2017 s. 91(1).

S. 3.5.33(1) amended by No. 7/2006 s. 4, substituted by No. 39/2007 s. 11(2), amended by Nos 62/2017 s. 91(2), 28/2022 s. 49, substituted by No. 23/2025 s. 59(1).

(1) If a person has $2000 or more worth of accumulated credits on a gaming machine, the venue operator must not pay out, or allow another person to pay out, any of those credits except—

(a) by cheque in accordance with subsection (2); or

(b) by electronic funds transfer in accordance with subsection (3).

Penalty: 60 penalty units.

S. 3.5.33(2) amended by Nos 7/2006 s. 4., 39/2007 s. 11(3), 28/2022 s. 49.

(2) A venue operator must, at the request of a person, pay out any accumulated credits from a gaming machine to the person by cheque that is not payable to cash.

Penalty: 60 penalty units.

S. 3.5.33(2A) inserted by No. 23/2025 s. 59(2).

(2A) Subsection (2) does not apply to a venue operator who does not have the facilities to provide cheques.

S. 3.5.33(3) substituted by Nos 62/2017 s. 91(3), 28/2022 s. 140(1).

(3) A venue operator must—

(a) at the request of a person, pay out any accumulated credits from a gaming machine to the person by electronic funds transfer; and

(b) if at least $2000 is to be transferred, ensure that those funds are not transferred until at least 24 hours after the request.

Penalty: 60 penalty units.

S. 3.5.33(3A) inserted by No. 72/2007 s. 14, substituted by No. 62/2017 s. 91(3).

(3A) Subsection (3) does not apply to a venue operator who does not have the facilities to make the electronic funds transfer described in that subsection.

S. 3.5.33(3B) inserted by No. 72/2007 s. 14, repealed by No. 62/2017 s. 91(4), new s. 3.5.33(3B) inserted by No. 18/2025 s. 6.

(3B) A venue operator must not pay out, or allow another person to pay out, accumulated credits of $2000 or more from a gaming machine to a person unless the venue operator first verifies the person's identity in accordance with the prescribed requirements.

Penalty: 120 penalty units.

(4) This section does not apply to a venue operator who is a casino operator.

Note to s. 3.5.33(4) inserted by No. 28/2022 s. 140(2).

Note

See section 81AAB of the **Casino Control Act 1991** in relation to the payment of winnings by cheque or electronic funds transfer by a casino operator.

S. 3.5.33(5) inserted by No. 39/2007 s. 11(4).

(5) In this section—

accumulated credits means the amount of credits standing on any one gaming machine, whether initially credited to the machine or accumulated through play.

S. 3.5.33A inserted by No. 72/2007 s. 15.

3.5.33A Playing of gaming machines by intoxicated persons prohibited

A venue operator must not knowingly allow a person who is in a state of intoxication to play a gaming machine.

Penalty: 40 penalty units.

Note

Intoxication is defined in section 1.3A.

Subdivision 2—Cash facilities

Ch. 3 Pt 5 Div. 3 Subdiv. 2 (Heading) substituted by No. 62/2017 s. 93.

Ch. 3 Pt 5 Div. 3 Subdiv. 2 (Heading and ss 3.5.33B–3.5.33N) inserted by No. 29/2009 s. 79 (as amended by Nos 60/2011 ss 72, 73, 32/2012 ss 25–29).

3.5.33B Definitions

S. 3.5.33B inserted by No. 29/2009 s. 79 (as amended by Nos 60/2011 ss 72, 73, 32/2012 ss 25–29).

In this Subdivision—

approval means an approval granted under section 3.5.33F;

approved venue, where that venue is not on a racecourse, includes—

(a) the exterior walls of the venue; and

(b) any land that is owned or leased (under a retail lease or otherwise) by the venue operator on which the venue is located; and

(c) any car park owned or occupied by the venue operator and used primarily by patrons of the venue;

default conditions means the conditions specified under section 3.5.33H;

Ministerial direction means a direction of the Minister under section 3.5.33G.

S. 3.5.33C inserted by No. 29/2009 s. 79 (as amended by Nos 60/2011 ss 72, 73, 32/2012 ss 25–29), substituted by No. 62/2017 s. 94.

3.5.33C Prohibitions on certain cash facilities—approved venue not on a racecourse

(1) This section—

(a) applies in relation to an approved venue that is not on a racecourse; and

(b) does not apply to a venue operator who is a casino operator.

(2) The venue operator must not provide, or allow another person to provide on the venue operator's behalf, a cash facility in the approved venue other than—

(a) an automatic teller machine—

(i) for which the venue operator holds an approval under this Subdivision; and

(ii) that is provided in accordance with the approval; or

(b) an EFTPOS facility that complies with subsection (3).

Penalty: 60 penalty units.

(3) An EFTPOS facility complies with this subsection if it does not allow a person to do any of the following by means of the facility—

(a) obtain an amount of cash exceeding $500 on any one debit or credit card within a 24 hour period;

(b) obtain an amount of cash exceeding $200 in any one transaction on any one debit or credit card;

(c) obtain a cash advance from a credit account.

(4) The venue operator must ensure that a person is not able to obtain cash at the approved venue from an EFTPOS facility without the facility being operated by a person employed or engaged by the venue operator (including by entering the amount of the funds to be obtained).

Penalty: 60 penalty units.

3.5.33D Prohibitions on certain cash facilities—gaming machine area in approved venue on a racecourse

S. 3.5.33D inserted by No. 29/2009 s. 79 (as amended by Nos 60/2011 ss 72, 73, 32/2012 ss 25–29), substituted by No. 62/2017 s. 95.

(1) This section applies in relation to the following area (the ***applicable area***)—

(a) the gaming machine area of an approved venue that is on a racecourse;

(b) each area that is less than 50 metres walking distance away from an entrance to the gaming machine area.

(2) The venue operator must not provide, or allow another person to provide on the venue operator's behalf, a cash facility in the applicable area other than an EFTPOS facility that complies with subsection (3).

Penalty: 60 penalty units.

(3) An EFTPOS facility complies with this subsection if it does not allow a person to do any of the following by means of the facility—

(a) obtain an amount of cash exceeding $500 on any one debit or credit card within a 24 hour period;

(b) obtain an amount of cash exceeding $200 in any one transaction on any one debit or credit card;

(c) obtain a cash advance from a credit account.

(4) The venue operator must ensure that a person is not able to obtain cash in the applicable area from an EFTPOS facility without the facility being operated by a person employed or engaged by the venue operator (including by entering the amount of the funds to be obtained).

Penalty: 60 penalty units.

(5) Section 43 of the **Interpretation of Legislation Act 1984** does not apply to the measurement of any distance for the purposes of subsection (1).

S. 3.5.33DA inserted by No. 62/2017 s. 96.

3.5.33DA Prohibitions on certain cash facilities—other areas in approved venue on a racecourse

(1) This section—

(a) applies in relation to an approved venue that is on a racecourse; but

(b) does not apply in relation to an area to which section 3.5.33D applies.

(2) The venue operator must not provide, or allow another person to provide on the venue operator's behalf, a cash facility in the approved venue that does not comply with subsection (3).

Penalty: 60 penalty units.

(3) A cash facility complies with this subsection if it does not allow a person to do any of the following by means of the facility—

(a) obtain an amount of cash exceeding $200 in any one transaction on any one debit or credit card;

(b) obtain a cash advance from a credit account.

3.5.33E Application for approval

S. 3.5.33E inserted by No. 29/2009 s. 79 (as amended by Nos 60/2011 ss 72, 73, 32/2012 ss 25–29).

(1) A venue operator may apply to the Commission for an approval to provide, or for another person to provide on its behalf, an automatic teller machine in an approved venue.

(2) An application for an approval must—

(a) be in a form approved by the Commission; and

(b) contain or be accompanied by any additional information the Commission requires; and

(c) be accompanied by the prescribed fee (if any).

S. 3.5.33E(3) inserted by No. 62/2017 s. 49(27).

(3) An application for an approval may be made in respect of a venue whose approval under Part 3 is suspended.

3.5.33F Approvals

S. 3.5.33F inserted by No. 29/2009 s. 79 (as amended by Nos 60/2011 ss 72, 73, 32/2012 ss 25–29).

(1) Subject to this section, on receipt of an application under section 3.5.33E, the Commission may grant or refuse to grant an approval.

(2) The Commission must not grant an approval unless—

S. 3.5.33F (2)(a) amended by No. 62/2017 s. 101(5).

(a) the approved venue in which the venue operator proposes to place or allow to be placed an automatic teller machine is or will be situated outside metropolitan Melbourne; and

(b) the Commission is satisfied that the community in which the approved venue is or will be situated would, if the approval is not granted—

(i) have no reasonable alternative access to cash facilities; and

(ii) suffer hardship.

(3) For the purpose of being satisfied under subsection (2)(b), the Commission—

(a) must apply any criteria specified in a Ministerial direction; and

(b) must take into account any other matters specified in a Ministerial direction; and

(c) may take into account any other matter it considers relevant.

(4) The Commission must—

(a) notify, in writing, the venue operator of its decision under this section; and

(b) publish notice of the granting of an approval in the Government Gazette under this section.

(5) An approval comes into effect on the day notice of its granting is published in the Government Gazette or on a later date specified in the notice.

(6) An approval remains in force until revoked by the Commission under this Subdivision.

S. 3.5.33F(7) inserted by No. 62/2017 s. 49(28).

(7) This section applies in relation to a venue whose approval under Part 3 is suspended in the same way that it applies in relation to an approved venue.

S. 3.5.33G inserted by No. 29/2009 s. 79 (as amended by Nos 60/2011 ss 72, 73, 32/2012 ss 25–29).

3.5.33G Ministerial directions as to approvals

(1) The Minister may give a written direction to the Commission in relation to—

(a) criteria the Commission must apply for the purpose of section 3.5.33F(2)(b);

(b) any other matters that the Commission must take into account for the purpose of section 3.5.33F(2)(b).

(2) The Commission, as soon as possible after receiving a direction under this section, must publish the direction in the Government Gazette.

3.5.33H Conditions of approvals

S. 3.5.33H inserted by No. 29/2009 s. 79 (as amended by Nos 60/2011 ss 72, 73, 32/2012 ss 25–29).

(1) Every approval is subject to the following conditions (***default conditions***)—

(a) it is a condition of the approval that the automatic teller machine to which the approval applies has a withdrawal limit of not more than $200 for every transaction;

S. 3.5.33H(1)(ab) inserted by No. 62/2017 s. 97.

(ab) it is a condition of the approval that the automatic teller machine to which the approval applies does not allow a person to obtain an amount of cash exceeding $500 on any one debit or credit card within a 24 hour period;

(b) it is a condition of the approval that the automatic teller machine to which the approval applies does not allow cash advances from credit accounts;

(c) it is a condition of the approval that the automatic teller machine to which the approval applies is not located within the gaming machine area of the approved venue;

(d) a condition that is prescribed.

(2) The Commission may grant an approval subject to any further conditions the Commission considers fit.

(3) The further conditions that the Commission may impose on an approval under subsection (2) may relate to, but are not restricted to, the following—

(a) specifying the location of or providing further restrictions on the location of automatic teller machines at the approved venue;

(b) specifying the times when automatic teller machines may or must be available for use at the approved venue;

(c) the number of automatic teller machines that may be installed and used at the approved venue;

(d) any further withdrawal limits to apply to automatic teller machines at the approved venue.

(4) However, a condition imposed by the Commission under subsection (2) must not be inconsistent with any default condition.

S. 3.5.33I inserted by No. 29/2009 s. 79 (as amended by Nos 60/2011 ss 72, 73, 32/2012 ss 25–29).

3.5.33I Amendment of conditions of approvals—Applications by venue operators

(1) A venue operator who holds an approval may apply to the Commission for an amendment to, or a revocation or a substitution of, a condition of the approval.

(2) An application under subsection (1) cannot be made in respect of a default condition.

(3) Sections 3.5.33E to 3.5.33H apply to an application under subsection (1)—

(a) as if a reference to an application for an approval were an application under subsection (1); and

(b) as if a reference to a decision granting or refusing to grant an approval were a reference to a decision amending, or revoking or substituting, or a refusal to amend, or revoke or substitute, a condition of an approval (as the case may be); and

(c) with any other modifications that are necessary.

3.5.33J Review of approvals

S. 3.5.33J inserted by No. 29/2009 s. 79 (as amended by Nos 60/2011 ss 72, 73, 32/2012 ss 25–29).

(1) The Commission must review an approval and the conditions that apply to that approval—

(a) not less than once every 5 years after that approval has taken effect; and

(b) within 90 days after the Commission becomes aware that there has been a change in access to cash facilities in the community in which the approved venue to which the approval relates is situated.

(2) The Commission must notify, in writing, the venue operator who is the holder of the approval of the Commission's review.

(3) A venue operator may make a written submission in relation to a review within 28 days after being notified of the review.

(4) The Commission must consider any submission it receives under subsection (3) in conducting a review.

(5) Following a review, the Commission may decide that—

(a) the approval be revoked; or

(b) the approval not be revoked; or

(c) that a condition of the approval be amended, revoked or substituted.

(6) The Commission must—

(a) give the venue operator written notice of its decision under this section; and

(b) if the decision is that the approval is revoked or a condition of the approval is amended, revoked or substituted, publish a notice to that effect in the Government Gazette.

(7) If the Commission decides to revoke an approval or amend, revoke or substitute a condition of the approval, that revocation, amendment or substitution (as the case may be) takes effect 90 days after the Commission notifies the venue operator who is the holder of the approval of its decision under subsection (6)(a).

S. 3.5.33K inserted by No. 29/2009 s. 79 (as amended by Nos 60/2011 ss 72, 73, 32/2012 ss 25–29).

3.5.33K Amendment of conditions of approvals—By the Commission

The Commission may, on its initiative, amend revoke or substitute a condition of the approval only after a review of the approval under section 3.5.33J.

S. 3.5.33L inserted by No. 29/2009 s. 79 (as amended by Nos 60/2011 ss 72, 73, 32/2012 ss 25–29).

3.5.33L Functions and powers under this Subdivision may be performed or exercised by a single Commissioner

A function of the Commission under this Subdivision may be performed by any Commissioner.

S. 3.5.33M inserted by No. 29/2009 s. 79 (as amended by Nos 60/2011 ss 72, 73, 32/2012 ss 25–29).

3.5.33M Appeal

(1) If a decision to refuse to grant an approval under this Subdivision, or a decision to amend, or revoke or substitute a condition of an approval under this Subdivision, is made by a single commissioner, the venue operator may appeal against the decision to the Commission within 28 days of notification of the decision.

(2) An appeal must—

(a) be in writing; and

(b) specify the grounds on which it is made.

(3) After consideration of an appeal, the Commission may—

(a) confirm the decision; or

(b) in the case of a decision to refuse to grant an approval—grant the approval, subject to conditions;

(c) in the case of a decision to amend, or revoke or substitute a condition of an approval—make a decision not to amend, revoke or substitute the condition.

(4) The decision of the Commission on an appeal—

(a) must be notified in writing to the applicant;

(b) may include the reasons for the decision.

(5) The Commission as constituted for the purposes of the appeal must not include the commissioner who made the decision appealed against.

3.5.33N No compensation payable

S. 3.5.33N inserted by No. 29/2009 s. 79 (as amended by Nos 60/2011 ss 72, 73, 32/2012 ss 25–29).

No compensation is payable by the State to any person because of the operation of this Subdivision.

Subdivision 3—Cashless gaming

Ch. 3 Pt 5 Div. 3 Subdiv. 3 (Heading and ss 3.5.33O–3.5.33Q) inserted by No. 62/2017 s. 88.

3.5.33O Subdivision does not apply to casino operator

S. 3.5.33O inserted by No. 62/2017 s. 88.

This Subdivision does not apply to a venue operator who is a casino operator.

3.5.33P Prohibition on inducements involving cashless gaming

S. 3.5.33P inserted by No. 62/2017 s. 88.

(1) A venue operator must not offer a non-cash gaming token as an inducement to gamble.

Penalty: 60 penalty units.

(2) A venue operator must not offer to increase the value of a non-cash gaming token as an inducement to gamble.

Penalty: 60 penalty units.

(3) A person must not induce, or attempt to induce, a person to choose to have winnings or accumulated credits paid out as or by way of a non-cash gaming token.

Penalty: 60 penalty units.

(4) In subsection (3)—

accumulated credits has the same meaning as in section 3.5.33.

S. 3.5.33Q inserted by No. 62/2017 s. 88.

3.5.33Q Prohibition on credit facilities relating to cashless gaming

A venue operator must not provide, or allow a person to provide, facilities by which a cash advance from a credit account can be used—

(a) to obtain a non-cash gaming token; or

(b) to increase the value of a non-cash gaming token.

Penalty: 60 penalty units.

Ch. 3 Pt 5 Div. 3 Subdiv. 4 (Heading and ss 3.5.33R–3.5.33T) inserted by No. 18/2025 s. 7.

Subdivision 4—Carded play

S. 3.5.33R inserted by No. 18/2025 s. 7.

3.5.33R Application of Subdivision

(1) This Subdivision applies on and after 1 December 2025 or the earlier day declared by the Minister under subsection (2).

(2) The Minister, by notice published in the Government Gazette, may declare a day earlier than 1 December 2025 on and after which this Subdivision applies.

(3) The Minister may declare different days for the purposes of different provisions in this Subdivision.

(4) This Subdivision does not apply to, or in relation to, a casino operator.

3.5.33S Player card must meet prescribed requirements

S. 3.5.33S inserted by No. 18/2025 s. 7.

A venue operator must not issue a player card to a person unless that player card meets the prescribed requirements.

Penalty: 120 penalty units.

3.5.33T Identity verification when issuing player cards

S. 3.5.33T inserted by No. 18/2025 s. 7.

A venue operator must not issue a player card to a person unless the venue operator has verified the person's identity in accordance with the prescribed requirements (if any).

Penalty: 120 penalty units.

Division 4—Gaming machine advertising

3.5.34AA Prohibition on publishing gaming machine advertising by or on behalf of venue operators and casino operators

S. 3.5.34AA inserted by No. 29/2009 s. 63(1).

(1) A venue operator must not publish or cause to be published any gaming machine advertising outside the gaming machine area of an approved venue.

Penalty: 120 penalty units.

(2) A casino operator must not publish or cause to be published any gaming machine advertising outside the boundaries of a casino.

Penalty: 120 penalty units.

S. 3.5.34AA(3) amended by No. 29/2011 s. 3(Sch. 1 item 42.1).

(3) A person must not, on behalf of a venue operator, publish or cause to be published any gaming machine advertising outside the gaming machine area of an approved venue.

Penalty: 120 penalty units.

(4) A person must not, on behalf of a casino operator, publish or cause to be published any gaming machine advertising outside the boundaries of a casino.

Penalty: 120 penalty units.

(5) Despite subsection (1), (2), (3) or (4)—

(a) a loyalty scheme provider may, subject to section 3.5.40, disseminate gaming machine advertising to a participant in the loyalty scheme;

(b) a venue operator or casino operator, or a person acting on behalf of a venue operator or casino operator may disseminate gaming machine advertising to a person who requested, in writing, gaming machine advertising from the operator or person.

(6) Nothing in this section prohibits the publication of—

(a) any notice or information that is required by another provision of this Act or by the Commission to be published by or on behalf of a venue operator or casino operator; or

(b) any notice, information or gaming machine related sign permitted under section 3.5.35; or

S. 3.5.34AA (6)(ba) inserted by No. 29/2009 s. 63(3).

(ba) a responsible gambling sign; or

(c) advertising that contains any prescribed term, expression, symbol or other thing.

* * * * * S. 3.5.34AA(7) repealed by No. 79/2011 s. 32(1).

(8) In this section—

gaming machine advertising means any form of advertising that contains any information, term, expression, symbol or other thing associated with gaming machines, but does not include—

(a) any thing about, or the advertisement of services relating to, problem gambling; or

(b) technical information relating to the operation of a gaming machine;

publish includes disseminate in any way, whether by oral, visual, written or other means (for example, dissemination by means of cinema, video, radio, electronics, the Internet or television or by means of promotional material such as club journals, brochures or flyers).

(9) For the purposes of the definition of ***gaming machine advertising*** in subsection (8), information or a term, expression, symbol or other thing is taken to be associated with gaming machines if a reasonable person with ordinary knowledge who is a resident of Victoria would consider it to be associated with gaming machines.

* * * * *

S. 3.5.34AB inserted by No. 29/2009 s. 63(1), amended by Nos 29/2009 s. 63(3), 79/2011 s. 32(2), repealed by No. 28/2022 s. 50.

S. 3.5.34AC inserted by No. 4/2014 s. 31.

3.5.34AC Prohibition on printing gaming machine advertising on player cards

(1) A loyalty scheme operator, venue operator or casino operator must not print or cause to be printed any gaming machine advertising on a player card.

Penalty: 120 penalty units.

(2) A person must not, on behalf of a loyalty scheme provider, venue operator or casino operator, print or cause to be printed any gaming machine advertising on a player card.

Penalty: 120 penalty units.

(3) Nothing in this section prohibits the printing of any of the following information on a player card—

(a) the name of a loyalty scheme, casino or approved venue;

(b) the contact details of a loyalty scheme provider, casino operator or approved venue;

(c) a prescribed term, expression, symbol or other thing.

(4) In this section—

(a) ***gaming machine advertising*** has the same meaning as in section 3.5.34AA; and

(b) section 3.5.34AA(9) applies for the purposes of the definition of ***gaming machine advertising***.

3.5.34 Prohibition on publishing gaming machine advertising by others

S. 3.5.34 (Heading) amended by No. 29/2009 s. 64(1).

S. 3.5.34(1AA) inserted by No. 29/2009 s. 64(2), substituted by No. 28/2022 s. 51.

(1AA) This section does not apply to—

(a) a venue operator or casino operator; or

(b) a person acting on behalf of a venue operator or casino operator.

S. 3.5.34(1) amended by Nos 29/2009 s. 64(3), 62/2017 s. 49(29).

(1) A person must not publish or cause to be published any gaming machine advertising outside the gaming machine area of an approved venue (or a venue whose approval under Part 3 is suspended) or the boundaries of a casino.

Penalty: 120 penalty units.

S. 3.5.34(2) amended by No. 29/2009 s. 64(3).

(2) A person must not enter into, or extend the duration of, any contract or arrangement for the publication of gaming machine advertising outside the gaming machine area of an approved venue or the boundaries of a casino.

Penalty: 120 penalty units.

(3) Any such contract or arrangement entered into or extended has no effect.

(4) Despite subsection (1) or (2)—

(a) a loyalty scheme provider may, subject to section 3.5.40, disseminate gaming machine advertising to a participant in the loyalty scheme;

(b) any person may disseminate gaming machine advertising to a person who requested gaming machine advertising from the person.

S. 3.5.34(5) repealed by No. 79/2011 s. 32(3).

* * * * *

(6) In this section—

gaming machine advertising means any form of advertising that promotes or is intended to promote the playing of gaming machines, but does not include—

(a) information about, or the advertisement of services relating to, problem gambling; or

(b) technical information relating to the operation of a gaming machine;

publish includes disseminate in any way, whether by oral, visual, written or other means (for example, dissemination by means of cinema, video, radio, electronics, the Internet or television or by means of promotional material such as club journals, brochures or flyers).

3.5.35 Prohibition on displaying gaming machine related signs

(1) A person must not display or cause to be displayed any gaming machine related sign.

Penalty: 20 penalty units.

(2) A person must not enter into, or extend the duration of, any contract or arrangement for displaying a gaming machine related sign that is displayed in contravention of subsection (1).

Penalty: 20 penalty units.

(3) Any such contract or arrangement entered into or extended has no effect.

* * * * *

S. 3.5.35(4) repealed by No. 79/2011 s. 32(4).

(5) In this section—

gaming machine related sign means any sign (whether consisting of words, symbols, pictures or any other thing)—

(a) that draws attention to, or can reasonably be taken to draw attention to, the availability of gaming machines for gaming; or

(b) that uses a term or expression frequently associated with gaming machines—

but does not include any sign that is excluded from the operation of this section by the regulations.

3.5.35A Responsible gambling signs

S. 3.5.35A inserted by No. 29/2009 s. 63(4).

(1) A venue operator must display, or cause to be displayed, outside every entrance to a gaming machine area of an approved venue a responsible gambling sign.

Penalty: 60 penalty units.

(2) This section does not apply to a venue operator who is a casino operator.

Division 5—Loyalty schemes

3.5.35B Definition

S. 3.5.35B inserted by No. 20/2018 s. 63.

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.

S. 3.5.36 substituted by No. 4/2014 s. 32.

3.5.36 Preconditions for allowing participation in loyalty scheme

(1) A venue operator must not allow a person to participate in a loyalty scheme at the approved venue unless—

(a) the person has been given a written statement that complies with section 3.5.36A by—

(i) if the loyalty scheme is conducted by the venue operator, the venue operator; or

(ii) in any other case, either the venue operator or the loyalty scheme provider; and

(b) the person has agreed to receive player activity statements relating to the playing of games under the scheme.

Penalty: 60 penalty units.

(2) A casino operator must not allow a person to participate in a loyalty scheme at the casino unless—

(a) the person has been given a written statement that complies with section 3.5.36A by—

(i) if the loyalty scheme is conducted by the casino operator, the casino operator; or

(ii) in any other case, either the casino operator or the loyalty scheme provider; and

S. 3.5.36(2)(b) amended by No. 42/2022 s. 52(1)(a).

(b) the person has agreed to receive player activity statements relating to the playing of games under the scheme; and

(c) to the extent that the loyalty scheme relates to the playing of gaming machines in the casino— S. 3.5.36(2)(c) inserted by No. 42/2022 s. 52(1)(b).

(i) an account has been established for the person for the purposes of the pre-commitment system and that account is linked to the person's player card; and

(ii) any gaming machine played under the loyalty scheme is played using a player card to which the account is linked.

Penalty: 60 penalty units.

(3) A casino operator must not allow a person to accrue any bonus, loyalty or reward points on a player card from playing a game on a gaming machine in the casino unless the player card is linked to an account established for the person for the purposes of the pre-commitment system. S. 3.5.36(3) inserted by No. 42/2022 s. 52(2).

Penalty: 60 penalty units.

(4) Subsections (2) and (3) do not apply at any time on or after 1 December 2025 or the earlier day declared by the Minister under subsection (5). S. 3.5.36(4) inserted by No. 42/2022 s. 52(2).

(5) The Minister, by notice published in the Government Gazette, may declare a day earlier than 1 December 2025 on and after which subsections (2) and (3) do not apply. S. 3.5.36(5) inserted by No. 42/2022 s. 52(2).

(6) The Minister may declare different days in relation to different types of games or different types of gaming machines. S. 3.5.36(6) inserted by No. 42/2022 s. 52(2).

3.5.36A Content of written statement

S. 3.5.36A inserted by No. 4/2014 s. 33.

(1) A written statement referred to in section 3.5.36(1)(a) or (2)(a) must contain the prescribed information (if any).

* * * * * S. 3.5.36A(2) repealed by No. 23/2025 s. 8(a).

(3) A written statement referred to in section 3.5.36(1)(a) or (2)(a) that is given on or after 1 December 2015 must also—

S. 3.5.36A (3)(a) amended by No. 23/2025 ss 8(b), 74(Sch. 1 item 2.10).

(a) if the Minister directs the monitoring licensee, under section 3.8A.2, to provide a pre-commitment system or the Minister has included as a condition of the monitoring licence that the licensee provide a pre-commitment system, inform the person receiving the statement of the person's ability to set a time limit or net loss limit under the system; or

S. 3.5.36A (3)(b) amended by No. 23/2025 s. 74(Sch. 1 item 2.10).

(b) otherwise, inform the person receiving the statement of the person's rights under section 3.5.36B.

S. 3.5.36B inserted by No. 4/2014 s. 33.

3.5.36B Setting limits under loyalty scheme

(1) A participant in a loyalty scheme may at any time, by notifying the loyalty scheme provider, set—

(a) a limit on the amount of time, in any 24 hour period determined by the provider, that the participant may play games under the scheme; and

(b) a limit on the participant's net loss on games played under the scheme in any 24 hour period determined by the provider; and

(c) if the participant has set a limit under paragraph (b), a limit on the participant's net loss on games played under the scheme in any year determined by the provider.

(2) If the participant has previously set a limit under subsection (1), any new limit set by the participant that increases the amount of time or net loss does not take effect until the time determined by the loyalty scheme provider, which must be at least

24 hours after the participant has notified the loyalty scheme provider of the new limit.

(3) A loyalty scheme provider must not allow a participant to continue playing games under the scheme after a limit set by the participants under subsection (1) has been reached.

Penalty: 20 penalty units.

S. 3.5.36B(4) amended by No. 23/2025 s. 9(1).

(4) This section does not apply on and after 1 December 2015 if the Minister directs the monitoring licensee, under section 3.8A.2, to provide, operate and maintain a pre-commitment system or the Minister has included as a condition of the monitoring licence that the licensee provide a pre-commitment system.

Note to S. 3.5.36B(4) amended by No. 23/2025 s. 9(2).

Note

The pre-commitment system that the monitoring licensee must provide in accordance with that direction or condition provides for players of gaming machines to track, and set a time limit or net loss limit on, their playing of gaming machines.

S. 3.5.36C inserted by No. 4/2014 s. 33.

3.5.36C Excluded persons

(1) A loyalty scheme provider must not knowingly allow an excluded person to participate in the scheme at a casino.

Penalty: 20 penalty units.

(2) If a loyalty scheme is being provided in a casino by someone other than the casino operator, the casino operator must not knowingly allow an excluded person to participate in the scheme at the casino.

Penalty: 20 penalty units.

(3) A loyalty scheme provider must not knowingly allow a person who has excluded themselves from an approved venue to participate in the scheme at the venue.

Penalty: 20 penalty units.

(4) If a loyalty scheme is being provided in an approved venue by someone other than the venue operator, the venue operator must not knowingly allow a person who has excluded themselves from the venue to participate in the scheme at the venue.

Penalty: 20 penalty units.

(5) A loyalty scheme provider who conducts a loyalty scheme at a casino must remove a participant from the scheme if the participant becomes an excluded person.

Penalty: 20 penalty units.

(6) In this section—

excluded person means a person who is the subject of an exclusion order or interstate exclusion order (within the meaning of the **Casino Control Act 1991**).

S. 3.5.36D inserted by No. 4/2014 s. 33.

3.5.36D Loyalty scheme must use same equipment as pre-commitment system

S. 3.5.36D(1) amended by No. 23/2025 s. 10.

(1) This section applies if the Minister directs the monitoring licensee, under section 3.8A.2, to provide a pre-commitment system or the Minister has included as a condition of the monitoring licence that the licensee provide a pre-commitment system.

(2) On and after 1 December 2015, a venue operator must not conduct, or allow to be conducted, a loyalty scheme in the approved venue that—

(a) allows a player to accumulate bonus, loyalty or reward points from playing gaming machines other than by using a player card; or

(b) allows a player to track the player's expenditure on a gaming machine other than by using a player card; or

S. 3.5.36D (2)(b) amended by No. 23/2025 s. 74(Sch. 1 item 2.11).

(c) involves the use of any of the following equipment unless that equipment is also used for the purposes of the pre-commitment system—

(i) a card reader installed on or in a gaming machine;

(ii) an interactive display screen installed on or in a gaming machine;

(iii) a kiosk;

(iv) any other prescribed equipment.

Penalty: 60 penalty units.

(3) On and after 1 December 2015, a casino operator must not conduct, or allow to be conducted, a loyalty scheme in the casino that—

(a) allows a player to accumulate bonus, loyalty or reward points from playing gaming machines other than by using a player card; or

(b) allows a player to track the player's expenditure on a gaming machine other than by using a player card; or

S. 3.5.36D (3)(b) amended by No. 23/2025 s. 74(Sch. 1 item 2.11).

(c) involves the use of any of the following equipment unless that equipment is also used for the purposes of the pre-commitment system—

(i) a card reader installed on or in a gaming machine;

(ii) an interactive display screen installed on or in a gaming machine;

(iii) a kiosk;

(iv) any other prescribed equipment.

Penalty: 60 penalty units.

(4) In this section—

card reader, ***interactive display screen*** and ***kiosk*** have the same meanings as in section 3.8A.1.

S. 3.5.37 (Heading) amended by No. 20/2018 s. 64(1).

3.5.37 Player activity statements—active participants

S. 3.5.37(1) amended by No. 20/2018 s. 64(2).

(1) At least once each year, a loyalty scheme provider must provide each active participant with a player activity statement containing the prescribed information—

S. 3.5.37(1)(a) amended by No. 20/2018 s. 64(2)(b).

(a) by sending the statement to the active participant by post, fax, e-mail or other electronic communication; or

S. 3.5.37(1)(b) amended by No. 20/2018 s. 64(2)(b).

(b) by making the statement available for collection by the active participant—

(i) if the provider is a venue operator—at the approved venue; or

(ii) if the provider is a casino operator—at the casino; or

(iii) in any other case—at an approved venue nominated by the active participant— S. 3.5.37 (1)(b)(iii) amended by No. 20/2018 s. 64(2)(b).

at the election of the active participant.

Penalty: 20 penalty units.

(2) If the active participant has elected to collect their player activity statement from an approved venue or casino, the loyalty scheme provider must, within 7 days after the statement is prepared, send the active participant, by post, fax, e-mail or other electronic communication, notice that the statement is available for collection. S. 3.5.37(2) amended by Nos 20/2018 s. 64(3), 23/2025 s. 74(Sch. 1 item 2.12).

Penalty: 20 penalty units.

(3) A notice under subsection (2) must advise the active participant of the provisions of section 3.5.38. S. 3.5.37(3) amended by No. 20/2018 s. 64(4).

(4) If an active participant requests an additional copy of their player activity statement, the loyalty scheme provider must provide it to the active participant on payment of the fee (if any), not exceeding $20, determined by the provider. S. 3.5.37(4) amended by Nos 20/2018 s. 64(5), 23/2025 s. 74(Sch. 1 item 2.12).

Penalty: 20 penalty units.

(5) This section does not apply at any time on or after 1 December 2025, or the earlier day declared by the Minister under subsection (6), in relation to a loyalty scheme provider who is a casino operator. S. 3.5.37(5) inserted by No. 42/2022 s. 53.

(6) The Minister, by notice published in the Government Gazette, may declare a day earlier than 1 December 2025 on and after which this section does not apply in relation to a loyalty scheme provider who is a casino operator. S. 3.5.37(6) inserted by No. 42/2022 s. 53.

S. 3.5.37(7) inserted by No. 42/2022 s. 53.

(7) The Minister may declare different days in relation to different types of games or different types of gaming machines.

S. 3.5.37A inserted by No. 20/2018 s. 65.

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.

S. 3.5.37A(3) inserted by No. 42/2022 s. 54.

(3) This section does not apply at any time on or after 1 December 2025, or the earlier day declared by the Minister under subsection (4), in relation to a loyalty scheme provider who is a casino operator.

S. 3.5.37A(4) inserted by No. 42/2022 s. 54.

(4) The Minister, by notice published in the Government Gazette, may declare a day earlier than 1 December 2025 on and after which this section does not apply in relation to a loyalty scheme provider who is a casino operator.

S. 3.5.37A(5) inserted by No. 42/2022 s. 54.

(5) The Minister may declare different days in relation to different types of games or different types of gaming machines.

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

(1) Subject to subsection (5), this section applies to an active participant in a loyalty scheme who has elected to collect their player activity statements from an approved venue or casino.

S. 3.5.38(1) amended by Nos 20/2018 s. 66(1), 42/2022 s. 55(1).

(2) If an active participant does not collect their player activity statement within 3 months after the day on which notice of the availability of the statement is sent to the participant under section 3.5.37(2), the loyalty scheme provider must suspend the participant from accruing any bonus, loyalty or reward points from playing gaming machines under the scheme until the participant—

S. 3.5.38(2) amended by No. 20/2018 s. 66(2), substituted by No. 42/2022 s. 55(2).

(a) collects the statement; or

(b) elects to receive the statement by another method.

Penalty: 20 penalty units.

* * * * *

S. 3.5.38(3) amended by No. 20/2018 s. 66(3), repealed by No. 42/2022 s. 55(3)(a).

(4) A loyalty scheme provider must send written notice, by post, fax, e-mail or other electronic communication, to an active participant who is suspended under subsection (2).

S. 3.5.38(4) amended by Nos 20/2018 s. 66(4), 42/2022 s. 55(3)(b).

Penalty: 20 penalty units.

(5) This section does not apply at any time on or after 1 December 2025, or the earlier day declared by the Minister under subsection (6), in relation to a loyalty scheme provider who is a casino operator.

S. 3.5.38(5) inserted by No. 42/2022 s. 55(4).

S. 3.5.38(6) inserted by No. 42/2022 s. 55(4).

(6) The Minister, by notice published in the Government Gazette, may declare a day earlier than 1 December 2025 on and after which this section does not apply in relation to a loyalty scheme provider who is a casino operator.

S. 3.5.38(7) inserted by No. 42/2022 s. 55(4).

(7) The Minister may declare different days in relation to different types of games or different types of gaming machines.

3.5.39 Opting out of loyalty schemes

S. 3.5.39(1) amended by No. 23/2025 s. 74(Sch. 1 item 2.13).

(1) At least once each year, a loyalty scheme provider must send each participant in the scheme, by post, fax, e-mail or other electronic communication, a notice informing the participant of the participant's right, by informing the provider, to cease participating in the scheme.

Penalty: 20 penalty units.

S. 3.5.39(1A) inserted by No. 42/2022 s. 56.

(1A) A loyalty scheme provider must include the prescribed information (if any) in a notice sent under subsection (1).

Penalty: 20 penalty units.

(2) If the notice is sent by post, the loyalty scheme provider must enclose a reply paid envelope with the notice.

Penalty: 20 penalty units.

(3) A loyalty scheme provider must remove a participant from the scheme if the participant informs the provider (whether in response to a notice under subsection (1) or otherwise) that the participant wishes to cease participating in the scheme.

Penalty: 20 penalty units.

3.5.40 No advertising to people suspended or removed from loyalty schemes

(1) If a person has been removed from a loyalty scheme, the loyalty scheme provider must not knowingly send or direct by any means advertising or other promotional material relating to gaming to the person.

Penalty: 20 penalty units.

(1A) If a person has been removed from a loyalty scheme conducted at an approved venue, the venue operator must not knowingly send or direct by any means advertising or other promotional material relating to gaming to the person.

S. 3.5.40(1A) inserted by No. 4/2014 s. 34(1).

Penalty: 20 penalty units.

(1B) If a person has been removed from a loyalty scheme conducted at a casino, the casino operator must not knowingly send or direct by any means advertising or other promotional material relating to gaming to the person.

S. 3.5.40(1B) inserted by No. 4/2014 s. 34(1).

Penalty: 20 penalty units.

(2) If a person has been suspended from a loyalty scheme, the loyalty scheme provider must not knowingly send or direct by any means advertising or other promotional material relating to gaming to the person during the period of suspension.

Penalty: 20 penalty units.

(2A) If a person has been suspended from a loyalty scheme conducted at an approved venue, the venue operator must not knowingly send or direct by any means advertising or other promotional material relating to gaming to the person during the period of the suspension.

S. 3.5.40(2A) inserted by No. 4/2014 s. 34(2).

Penalty: 20 penalty units.

S. 3.5.40(2B) inserted by No. 4/2014 s. 34(2).

(2B) If a person has been suspended from a loyalty scheme conducted at a casino, the casino operator must not knowingly send or direct by any means advertising or other promotional material relating to gaming to the person during the period of suspension.

Penalty: 20 penalty units.

S. 3.5.40(3) amended by No. 4/2014 s. 34(3).

(3) For the purposes of this section, a loyalty scheme provider, venue operator or casino operator does not send or direct material to a person only because the provider or operator makes the material available generally to members of the public.

Examples

Examples of making material available generally to members of the public include publishing it on the Internet, television or other medium or displaying it on a billboard.

Note

Division 4 generally prohibits gaming machine advertising, unless exempted by the regulations.

S. 3.5.40(4) inserted by No. 42/2022 s. 57.

(4) For the purposes of this section, information relating to pre-commitment is not advertising or promotional material relating to gaming.

3.5.41 Loyalty scheme participant information

(1) A loyalty scheme provider must allow a person who is or was a participant in the scheme, on payment of the fee (if any), not exceeding $20, determined by the provider, to have access to any information held by the provider relating to the person's participation in the scheme.

Penalty: 20 penalty units.

(2) The Minister may from time to time direct a loyalty scheme provider to provide information derived from the scheme, other than information that identifies, or is capable of identifying, any person who is or was a participant in the scheme to any person or body for research purposes.

S. 3.5.41(2) amended by No. 104/2004 s. 40(c).

* * * * *

S. 3.5.41 (2)(a)(b) repealed by No. 104/2004 s. 40(c).

(3) A loyalty scheme provider must comply with a direction given under subsection (2).

Penalty: 100 penalty units.

(4) The Minister may from time to time direct a loyalty scheme provider to provide specified information to participants in the scheme.

S. 3.5.41(4) inserted by No. 4/2014 s. 35.

(5) If the Minister directs the monitoring licensee, under section 3.8A.2, to provide, operate and maintain a pre-commitment system or the Minister has included as a condition of the monitoring licence that the licensee provide, operate and maintain a pre-commitment system, a direction given under subsection (4) may also require a loyalty scheme provider to provide information relating to—

S. 3.5.41(5) inserted by No. 4/2014 s. 35, amended by No. 23/2025 s. 11.

(a) the commencement or operation of the system; and

(b) the ability of a player to set, under the system, a time limit or net loss limit on their playing of gaming machines; and

(c) the restriction on the provision of any other system or scheme that allows a player to set a time limit or net loss limit on their playing of gaming machines.

S. 3.5.41(6) inserted by No. 4/2014 s. 35.

(6) A loyalty scheme provider must comply with a direction given under subsection (4).

Penalty: 60 penalty units.

S. 3.5.41A inserted by No. 42/2022 s. 58.

3.5.41A Casino loyalty scheme information for data-matching purposes

S. 3.5.41A(1) amended by Nos 18/2025 s. 8, 23/2025 s. 12.

(1) This section applies in relation to a loyalty scheme conducted at a casino, if a direction is in force under section 3.8A.2 providing for a pre-commitment system that applies in relation to the playing of gaming machines in the casino or the Minister has included a condition of the monitoring licence providing for such a pre-commitment system.

(2) The Minister may from time to time direct the loyalty scheme provider or casino operator to provide information derived from the loyalty scheme to the Minister or the Commission for the purpose of enabling the reconciliation of loyalty scheme information with information in relation to the pre-commitment system.

(3) A loyalty scheme provider must comply with a direction given under subsection (2).

Penalty: 20 penalty units.

(4) To avoid doubt, information that may be the subject of a direction under subsection (2) includes information that identifies, or is capable of identifying, a person who is or was a participant in the loyalty scheme.

3.5.41B Approved venue loyalty scheme information for data-matching purposes

S. 3.5.41B inserted by No. 18/2025 s. 9.

(1) This section applies in relation to a loyalty scheme conducted at an approved venue—

(a) on and after 1 December 2025 or the earlier day declared by the Minister under subsection (5); and

(b) if a direction is in force under section 3.8A.2 providing for a pre-commitment system in relation to the playing of gaming machines or the Minister has included a condition of the monitoring licence providing for such a pre-commitment system.

S. 3.5.41B (1)(b) amended by No. 23/2025 s. 13.

(2) The Minister may from time to time direct the loyalty scheme provider or venue operator to provide information derived from the loyalty scheme to the Minister or the Commission for the purpose of enabling the reconciliation of loyalty scheme information with information in relation to the pre-commitment system.

(3) A loyalty scheme provider must comply with a direction given under subsection (2).

Penalty: 20 penalty units.

(4) To avoid doubt, information that may be the subject of a direction under subsection (2) includes information that identifies, or is capable of identifying, a person who is or was a participant in the loyalty scheme.

(5) The Minister, by notice published in the Government Gazette, may declare a day earlier than 1 December 2025 on and after which this section applies.

(6) The Minister may declare different days in relation to different geographical areas.

Division 6—Removal of people from approved venues

3.5.42 Application of Division

This Division does not apply to a casino operator or a casino.

3.5.43 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 Commission under section 3.5.23; 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 Chapter.

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

Division 7—Jackpot funds

Ch. 3 Pt 5 Div. 7 (Heading and ss 3.5.44–3.5.53) amended by Nos 104/2004 s. 39(5)(k)(l), 24/2006 s. 6.1.2(Sch. 7 item 21), repealed by No. 71/2008 s. 29(b), new Ch. 3 Pt 5 Div. 7 (Heading and new ss 3.5.44–3.5.47) inserted by No. 28/2022 s. 129.

3.5.44 Dealing with jackpot funds on retirement of jackpot

New s. 3.5.44 inserted by No. 28/2022 s. 129.

(1) Subject to sections 3.5.45 and 3.5.46, if a venue operator retires a linked jackpot arrangement operating in an approved venue, the venue operator must—

(a) within 60 days, allocate the balance (whether in surplus or deficit) of the jackpot special prize pool in relation to that arrangement to the jackpot special prize pool in relation to another linked jackpot arrangement operating in the approved venue; or

(b) within 7 days after the end of that 60-day period, pay any unpaid jackpot funds to the Commission for payment into the Gambling Harm Response Fund.

S. 3.5.44(1)(b) amended by No. 25/2024 s. 8.

(2) For the purposes of this Division, a venue operator retires a linked jackpot arrangement if the jackpot in the arrangement ceases to operate and prizes are no longer available to be won by players.

New s. 3.5.45 inserted by No. 28/2022 s. 129.

3.5.45 Transfer of unpaid jackpot funds on transfer of approved venue

(1) Immediately prior to the transfer of an approved venue from one venue operator (***venue operator A***) to another venue operator (***venue operator B***), venue operator A may transfer any unpaid jackpot funds in relation to a linked jackpot arrangement operated at the approved venue to venue operator B.

(2) At least 48 hours before transferring unpaid jackpot funds under subsection (1), venue operator A must give the Commission written notice—

(a) in the form approved by the Commission; and

(b) containing the information required by the Commission.

(3) Immediately after transfer of the approved venue, venue operator B must allocate the funds transferred under subsection (1) to a special prize pool in relation to a linked jackpot arrangement operated at the approved venue.

New s. 3.5.46 inserted by No. 28/2022 s. 129.

3.5.46 Dealing with unpaid jackpot funds where venue operator ceases to hold licence or to operate gaming machines

(1) This section applies if a linked jackpot arrangement is retired because a person—

(a) ceases to hold a venue operator's licence; or

(b) ceases to hold gaming machine entitlements to conduct gaming at an approved venue.

S. 3.5.46(2) amended by No. 25/2024 s. 9.

(2) The person must, within 28 days, pay to the Commission for payment into the Gambling Harm Response Fund any unpaid jackpot funds in relation to the linked jackpot arrangement less an amount transferred to another venue operator under section 3.5.45(1) (if any).

3.5.47 Dealing with jackpots retired previously

New s. 3.5.47 inserted by No. 28/2022 s. 129.

(1) If a venue operator retired a linked jackpot arrangement before the commencement of this Division—

(a) the venue operator may, within 12 months after that commencement, allocate the balance (whether in surplus or deficit) of the jackpot special prize pool in relation to that arrangement to the jackpot special prize pool in relation to another linked jackpot arrangement operating in the approved venue; and

S. 3.5.47(1)(b) amended by No. 25/2024 s. 10.

(b) within 7 days after the end of the period referred to in paragraph (a), the venue operator must pay any remaining unpaid jackpot funds in relation to the retired linked jackpot arrangement to the Commission for payment into the Gambling Harm Response Fund.

(2) This section does not apply in relation to a linked jackpot arrangement that was retired before 16 August 2012.

Part 6—Returns to players, levies and taxes

Division 1—Returns to players

3.6.1 Returns to players

S. 3.6.1(1) amended by Nos 29/2009 s. 30, 34/2014 s. 25(a), 28/2022 s. 52.

(1) An entitlement holder 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 calendar 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—

S. 3.6.1(2)(a) amended by No. 34/2014 s. 25(b).

(a) not less than 85%; or

S. 3.6.1(2)(b) amended by No. 34/2014 s. 25(b).

(b) if the Commission determines in accordance with subsection (3), a fixed percentage greater than 85%.

(3) A determination under subsection (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.

S. 3.6.1A inserted by No. 32/2012 s. 9, repealed by No. 28/2022 s. 53.

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S. 3.6.1B inserted by No. 9/2018 s. 11, repealed by No. 28/2022 s. 130.

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Division 2—Taxes and levies

3.6.2 Definitions

In this Division—

community purpose means an activity or purpose of a kind determined by the Minister under section 3.6.9(3);

daily net cash balance, in relation to a gaming machine, means the total amount wagered on a day less—

(a) the sum of all prizes paid from that amount (other than prizes paid from a jackpot special prize pool); and

(b) the sum of amounts determined as prescribed for payment in respect of that total amount wagered to a jackpot special prize pool;

gaming revenue of a venue operator in respect of a financial year, means the total daily net cash balances of all gaming machines at the approved venue during the financial year;

required community benefit contribution in respect of a financial year means $8^{1}/_{3}$% of gaming revenue in respect of that financial year;

S. 3.6.2 def. of *required community benefit contribution* amended by No. 62/2017 s. 14(1).

revenue, in relation to the conduct of gaming under a gaming machine entitlement, means the total amount earned from bets made on a gaming machine operated under that entitlement less—

S. 3.6.2 def. of *revenue* inserted by No. 62/2017 s. 14(2).

(a) the sum of all prizes paid from that amount (other than prizes from a jackpot special prize pool); and

(b) the sum of the amounts determined as prescribed for payment in respect of that total amount bet to a jackpot special prize pool.

S. 3.6.3 amended by Nos 92/2005 s. 8, 22/2007 s. 12, 32/2012 s. 10, repealed by No. 28/2022 s. 53.

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S. 3.6.3A inserted by No. 32/2012 s. 11, repealed by No. 28/2022 s. 53.

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Ss 3.6.4, 3.6.5 repealed by No. 28/2022 s. 53.

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S. 3.6.5A inserted by No. 29/2009 s. 31.

3.6.5A Venue operators to pay supervision charge

(1) This section applies to a venue operator that holds a gaming machine entitlement.

(2) On and after a gaming machine entitlement declared day that applies to the gaming machine entitlement held by the venue operator, the venue operator must pay to the Commission for payment into the Consolidated Fund a supervision charge in such instalments in respect of such periods in each financial year as the Treasurer determines from time to time.

S. 3.6.5A(3) substituted by No. 58/2015 s. 7.

(3) The supervision charge is such amount in respect of each financial year as the Treasurer, after consultation with the Minister, determines having regard to—

(a) the reasonable costs and expenses in respect of the financial year incurred by the Commission in carrying out its functions and powers under this Act in respect of gaming; and

(b) the reasonable costs and expenses in respect of the financial year incurred by the Department administered by the Minister in providing training courses for the purpose of the training requirements referred to in section 9A.1.18.

(4) The supervision charge is a tax.

* * * * *

S. 3.6.6 repealed by No. 28/2022 s. 53.

3.6.6A Taxation in relation to gaming in approved venues with pub licences until 16 August 2022

S. 3.6.6A (Heading) amended by No. 62/2017 s. 15(1).

S. 3.6.6A inserted by No. 29/2009 s. 32.

(1) This section applies—

S. 3.6.6A(1) substituted by No. 62/2017 s. 15(2).

(a) to a venue operator who conducts or may conduct gaming under gaming machine entitlements in an approved venue in respect of which there is in force a pub licence; and

(b) in relation to each calendar month up to and including August 2022.

(2) The venue operator must pay to the Commission, to be paid into the Consolidated Fund, the tax calculated as follows:

S. 3.6.6A(2) amended by Nos 58/2009 s. 61(1), 64/2014 s. 9(1)(a).

$T = GM_T \times E$

where—

T is the tax payable for a calendar month;

GM_T is the tax per gaming machine entitlement held in respect of which there is a gaming machine installed at the approved venue that is connected to the electronic monitoring system in accordance with this Act in a calendar month determined in accordance with subsection (3);

E is the total number of gaming machine entitlements held by the venue operator in respect of which there is a gaming machine installed at the approved venue that is connected to the electronic monitoring system in accordance with this Act on each day in a calendar month divided by the number of days in that month.

S. 3.6.6A(2A) inserted by No. 62/2017 s. 15(3).

(2A) For the purposes of this section, the last day of the calendar month of August 2022 is taken to be 15 August 2022.

Note

Section 3.6.6C provides a tax that applies in relation to the period of time beginning 16 August 2022.

S. 3.6.6A(3) amended by No. 34/2014 s. 26(1), substituted by No. 62/2017 s. 15(4).

(3) The tax per gaming machine entitlement in a calendar month is the sum of the amounts of average revenue per gaming machine entitlement determined by multiplying those parts of that average revenue per gaming machine entitlement specified in column 1 of the applicable table by the rate specified in column 2 of the applicable table opposite those parts of the average revenue per gaming machine entitlement.

(3A) The ***applicable table*** for a calendar month before August 2022 is the following Table.

S. 3.6.6A(3A) inserted by No. 62/2017 s. 15(4).

Table for months before August 2022

Column 1	*Column 2*
The part of average revenue per gaming machine entitlement that:	*Rate*
does not exceed $2666	8·33%
exceeds $2666 but does not exceed $12 500	55·03%
exceeds $12 500	62·53%

(3B) The ***applicable table*** for the calendar month of August 2022 is the following Table.

S. 3.6.6A(3B) inserted by No. 62/2017 s. 15(4).

Table for August 2022

Column 1	*Column 2*
The part of average revenue per gaming machine entitlement that:	*Rate*
does not exceed $1290	8·33%
exceeds $1290 but does not exceed $6048.39	55·03%
exceeds $6048.39	62·53%

(4) In subsection (3) ***average revenue per gaming machine entitlement*** means revenue earned by a venue operator in a calendar month from the conduct of gaming under each gaming machine entitlement in the approved venue calculated on the following basis—

S. 3.6.6A(4) amended by Nos 58/2009 s. 142(6), 64/2014 s. 9(1)(b).

$$\frac{TR}{M_T}$$

where—

TR is the total revenue earned at the approved venue from the conduct of gaming under all gaming machine entitlements in the calendar month;

M_T is the average number of gaming machine entitlements in respect of which there is a gaming machine installed at the approved venue that is connected to the electronic monitoring system in accordance with this Act in the calendar month.

S. 3.6.6A(5) amended by No. 64/2014 s. 9(1)(c).

(5) In subsection (4) ***average number of gaming machine entitlements*** means the sum of the total number of gaming machine entitlements in respect of which there is a gaming machine installed at the approved venue that is connected to the electronic monitoring system in accordance with this Act on each day of a calendar month divided by the number of days in that month.

S. 3.6.6A(6) amended by No. 58/2009 s. 61(2).

(6) If the application of subsection (5) results in a total number that is not a whole number, the number that is a rounding up of that number to the next 2 decimal points is to be taken to be the total number.

(7) The tax payable under subsection (2) is payable within 7 days after the end of the calendar month to which the tax relates.

S. 3.6.6A(8) inserted by No. 58/2009 s. 61(3), repealed by No. 62/2017 s. 15(5).

* * * * *

3.6.6B Taxation in relation to gaming in approved venues with club licences until 16 August 2022

S. 3.6.6B (Heading) amended by No. 62/2017 s. 16(1).

S. 3.6.6B inserted by No. 29/2009 s. 32.

(1) This section applies—

S. 3.6.6B(1) amended by No. 58/2009 s. 62(1), substituted by No. 62/2017 s. 16(2).

(a) to a venue operator who conducts or may conduct gaming under gaming machine entitlements in an approved venue in respect of which there is in force a club licence or a racing club licence; and

(b) in relation to each calendar month up to and including August 2022.

(2) The venue operator must pay to the Commission, to be paid into the Consolidated Fund, the tax calculated as follows:

S. 3.6.6B(2) amended by Nos 58/2009 s. 62(2)(3), 64/2014 s. 9(2)(a).

$$T = GM_T \times E$$

where—

T is the tax payable for a calendar month;

GM_T is the tax per gaming machine entitlement held in respect of which there is a gaming machine installed at the approved venue that is connected to the electronic monitoring system in accordance with this Act in a calendar month determined in accordance with subsection (3);

E is the total number of gaming machine entitlements held by the venue operator in respect of which there is a gaming machine installed at the approved venue that is connected to the electronic monitoring system in accordance with this Act on each

day in a calendar month divided by the number of days in that month.

S. 3.6.6B(2A) inserted by No. 62/2017 s. 16(3).

(2A) For the purposes of this section, the last day of the calendar month of August 2022 is taken to be 15 August 2022.

Note

Section 3.6.6C provides a tax that applies in relation to the period of time beginning 16 August 2022.

S. 3.6.6B(3) amended by No. 34/2014 s. 26(2), substituted by No. 62/2017 s. 16(4).

(3) The tax per gaming machine entitlement in a calendar month is the sum of the amounts of average revenue per gaming machine entitlement determined by multiplying those parts of that average revenue per gaming machine entitlement specified in column 1 of the applicable table by the rate specified in column 2 of the applicable table opposite those parts of the average revenue per gaming machine entitlement.

S. 3.6.6B(3A) inserted by No. 62/2017 s. 16(4).

(3A) The ***applicable table*** for a calendar month before August 2022 is the following Table.

Table for months before August 2022

Column 1	*Column 2*
The part of average revenue per gaming machine entitlement that:	*Rate*
exceeds $2666 but does not exceed $12 500	46·7%
exceeds $12 500	54·2%

(3B) The ***applicable table*** for the calendar month of August 2022 is the following Table.

S. 3.6.6B(3B) inserted by No. 62/2017 s. 16(4).

Table for August 2022

Column 1	*Column 2*
The part of average revenue per gaming machine entitlement that:	*Rate*
exceeds $1290 but does not exceed $6048.39	46·7%
exceeds $6048.39	54·2%

(4) In subsection (3) ***average revenue per gaming machine entitlement*** means revenue earned by an venue operator in a calendar month from the conduct of gaming under each gaming machine entitlement in the approved venue calculated on the following basis—

S. 3.6.6B(4) amended by No. 64/2014 s. 9(2)(b).

$$\frac{TR}{M_T}$$

where—

TR is the total revenue earned at the approved venue from the conduct of gaming under all gaming machine entitlements in the calendar month;

M_T is the average number of gaming machine entitlements in respect of which there is a gaming machine installed at the approved venue that is connected to the electronic monitoring system in accordance with this Act in the calendar month.

(5) In subsection (4) ***average number of gaming machine entitlements*** means the sum of the total number of gaming machine entitlements in respect of which there is a gaming machine installed at the approved venue that is connected to the electronic monitoring system in accordance with

S. 3.6.6B(5) amended by No. 64/2014 s. 9(2)(c).

this Act on each day of a calendar month divided by the number of days in that month.

S. 3.6.6B(6) amended by No. 58/2009 s. 62(4).

(6) If the application of subsection (5) results in a total number that is not a whole number, the number that is a rounding up of that number to the next 2 decimal points is to be taken to be the total number.

(7) The tax payable under subsection (2) is payable within 7 days after the end of the calendar month to which the tax relates.

S. 3.6.6B(8) inserted by No. 58/2009 s. 62(5), repealed by No. 62/2017 s. 16(5).

* * * * *

S. 3.6.6C inserted by No. 62/2017 s. 17.

3.6.6C Taxation in relation to gaming in approved venues on and after 16 August 2022

(1) This section applies—

(a) to a venue operator who conducts or may conduct gaming under gaming machine entitlements in an approved venue in respect of which there is a pub licence, a club licence or a racing club licence in force; and

(b) on and after 16 August 2022.

(2) For each approved venue in which the venue operator conducts or may conduct gaming under gaming machine entitlements, the venue operator must pay to the Commission, to be paid into the Consolidated Fund, the tax calculated as follows—

$$T = GM_T \times E$$

where—

T is the tax payable for a calendar month;

GM_T is the tax per gaming machine entitlement held in respect of which there is a gaming machine installed at the approved venue that is connected to the electronic monitoring system in accordance with this Act in a calendar month determined in accordance with subsection (4);

E is the total number of gaming machine entitlements held by the venue operator in respect of which there is a gaming machine installed at the approved venue that is connected to the electronic monitoring system in accordance with this Act on each day in a calendar month divided by the number of days in that month.

(3) For the purposes of this section, the calendar month of August 2022 is taken to begin on 16 August 2022.

(4) The tax per gaming machine entitlement in a calendar month is the sum of the amounts of average revenue per gaming machine entitlement determined by multiplying those parts of that average revenue per gaming machine entitlement specified in column 1 of the applicable table by the rate specified, opposite those parts of the average revenue per gaming machine entitlement, in—

(a) if the entitlement is a club gaming machine entitlement, column 2 of the applicable table; or

(b) if the entitlement is a hotel gaming machine entitlement, column 3 of the applicable table.

(5) The ***applicable table*** for the calendar month of August 2022 is the following Table.

Table for August 2022

Column 1	*Column 2*	*Column 3*
The part of average revenue per gaming machine entitlement that:	*Rate for club gaming machine entitlement*	*Rate for hotel gaming machine entitlement*
does not exceed $1376	0·00%	8·33%
exceeds $1376 but does not exceed $3440.86	46·70%	55·03%
exceeds $3440.86 but does not exceed $6451.61	51·17%	57·50%
exceeds $6451.61	60·67%	65·00%

(6) The ***applicable table*** for a calendar month after August 2022 is the following Table.

Table for months after August 2022

Column 1	*Column 2*	*Column 3*
The part of average revenue per gaming machine entitlement that:	*Rate for club gaming machine entitlement*	*Rate for hotel gaming machine entitlement*
does not exceed $2666	0·00%	8·33%
exceeds $2666 but does not exceed $6666.67	46·70%	55·03%
exceeds $6666.67 but does not exceed $12 500	51·17%	57·50%
exceeds $12 500	60·67%	65·00%

(7) In subsection (4) ***average revenue per gaming machine entitlement*** means revenue earned by a venue operator in a calendar month from the conduct of gaming under each gaming machine entitlement in the approved venue calculated on the following basis—

$$\frac{TR}{M_T}$$

where—

TR is the total revenue earned at the approved venue from the conduct of gaming under all gaming machine entitlements in the calendar month;

M_T is the average number of gaming machine entitlements in respect of which there is a gaming machine installed at the approved venue that is connected to the electronic monitoring system in accordance with this Act in the calendar month.

(8) In subsection (7) ***average number of gaming machine entitlements*** means the sum of the total number of gaming machine entitlements in respect of which there is a gaming machine installed at the approved venue that is connected to the electronic monitoring system in accordance with this Act on each day of the calendar month divided by the number of days in that month.

(9) If the application of subsection (8) results in a total number that is not a whole number, the number that is a rounding up of that number to the next 2 decimal points is to be taken to be the total number.

(10) The tax payable under subsection (2) is payable within 7 days after the end of the calendar month to which the tax relates.

S. 3.6.6D inserted by No. 62/2017 s. 17.

3.6.6D Review of tax rates under section 3.6.6C

(1) After 16 August 2023, the Treasurer must cause a review of the rates set out in section 3.6.6C(6) to be undertaken.

(2) On or before 16 February 2024, the Treasurer must either—

(a) cause a copy of the review to be laid before each House of the Parliament; or

(b) if a House of the Parliament is not sitting on the day on which the Treasurer intends to cause a copy of the review to be laid before that House, give the copy of the review to the clerk of that House.

(3) If the clerk of a House of the Parliament receives a copy of a review under subsection (2)(b), the clerk must—

(a) as soon as practicable after the review is received, notify each member of the House of the receipt of the review and advise that the review is available on request; and

(b) give a copy of the review to any member of the House on request to the clerk; and

(c) cause the review to be laid before the House on the next sitting day of the House.

(4) A copy of a review that is given to a clerk of a House of the Parliament under subsection (2)(b) is taken to have been published by order, or under the authority of, that House.

S. 3.6.7 repealed by No. 28/2022 s. 53.

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3.6.8 Declaration for club venue operators to pay different tax in some circumstances

S. 3.6.8 (Heading) substituted by No. 64/2014 s. 10(1).

(1) If a club licence is in force in respect of an approved venue and—

S. 3.6.8(1) amended by Nos 64/2014 s. 10(2)(a), 62/2017 s. 18(1).

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

(b) in the opinion of the Commission, 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 Commission, 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 club licence—

the Commission may declare that, instead of the venue operator paying tax under the applicable club provision, the venue operator must pay tax under the applicable pub provision as if the licence were a pub licence.

(2) If—

S. 3.6.8(2) substituted by No. 39/2007 s. 12(1).

(a) a club licence or racing club licence is in force in respect of an approved venue; and

(b) an audited community benefit statement lodged under section 3.6.9 by the holder of the licence indicates that the holder has made less than the required community benefit contribution—

the Commission must declare that the licence holder is required to pay to the Commission, to be paid into the Consolidated Fund, an amount equal

to the difference between the required community benefit contribution and the community benefit contribution stated in the community benefit statement.

S. 3.6.8(2A) inserted by No. 39/2007 s. 12(1).

(2A) The licence holder must pay the required amount within 60 days after the licence holder is notified of the declaration under subsection (3).

S. 3.6.8(2B) inserted by No. 39/2007 s. 12(1).

(2B) The Commission may extend the time for the licence holder to pay the required amount if the Commission is satisfied that payment of the amount by the day required by subsection (2A) would expose the licence holder to significant financial hardship.

S. 3.6.8(2C) inserted by No. 39/2007 s. 12(1).

(2C) An amount equal to the amount paid into the Consolidated Fund under subsection (2) is to be paid out of the Consolidated Fund into the Community Support Fund and the Consolidated Fund is appropriated to the necessary extent for that payment to be made.

S. 3.6.8(3) substituted by No. 39/2007 s. 12(2).

(3) The Commission must notify the licence holder of a declaration under subsection (2).

(4) In determining whether a licence holder has made the required community benefit contribution, any amounts in respect of GST payable by the licence holder in respect of supplies for community purposes are to be taken into account.

S. 3.6.8(4A) inserted by No. 39/2007 s. 12(3), amended by Nos 64/2014 s. 10(2)(b)(ii), 62/2017 s. 18(1).

(4A) If—

(a) a club licence or racing club licence is in force in respect of an approved venue; and

(b) the venue operator has not lodged an audited community benefit statement under section 3.6.9 within the time required for lodgement—

S. 3.6.8(4A)(b) amended by No. 64/2014 s. 10(2)(b)(i).

the Commission must declare that, instead of the venue operator paying tax under the applicable club provision, the venue operator must pay tax under the applicable pub provision as if the licence were a pub licence, in respect of the period commencing from the time the community benefit statement was required to be lodged until the time that the statement is lodged.

(4B) The Commission must notify the venue operator of the making of a declaration under subsection (4A).

S. 3.6.8(4B) inserted by No. 39/2007 s. 12(3), substituted by No. 64/2014 s. 10(3).

(4C) Notification under subsection (4B) must set out the day on which payments in accordance with the declaration must commence, which must not be less than 30 days after the day on which the notification is given to the venue operator.

S. 3.6.8(4C) inserted by No. 39/2007 s. 12(3), amended by No. 64/2014 s. 10(4)(a).

(5) In this section—

S. 3.6.8(5) amended by No. 39/2007 s. 12(4), repealed by No. 64/2014 s. 10(4)(b), new s. 3.6.8(5) inserted by No. 62/2017 s. 18(2).

applicable club provision means—

(a) in relation to a period ending before 16 August 2022, section 3.6.6B; and

(b) in relation to a period starting on or after 16 August 2022, section 3.6.6C;

applicable pub provision means—

(a) in relation to a period ending before 16 August 2022, section 3.6.6A; and

(b) in relation to a period starting on or after 16 August 2022, section 3.6.6C.

3.6.9 Community benefit statements

S. 3.6.9(1) amended by No. 104/2004 s. 8(a).

(1) In respect of each financial year, each venue operator who received gaming revenue in that year must prepare and lodge with the Commission a community benefit statement in respect of each approved venue of the venue operator in accordance with this section regarding the application of gaming revenue in the financial year to community purposes.

Penalty: 60 penalty units.

S. 3.6.9(1A) inserted by No. 39/2007 s. 12(5).

(1A) Subsection (1) does not apply to an approved venue in respect of which a pub licence is in force.

(2) A community benefit statement—

S. 3.6.9(2)(a) amended by No. 104/2004 s. 8(b).

(a) must be in a form approved by the Commission; and

(b) must state whether the total of—

(i) the percentage (if any) of gaming revenue applied by the venue operator in the financial year to community purposes; and

(ii) the value of any non-financial contribution to community purposes (for example, voluntary work) by or on behalf of the venue operator in the financial year, expressed as a percentage of the venue operator's gaming revenue in the financial year; and

(iii) any amount payable by the venue operator in the financial year under a declaration made by the Commission under section 3.6.8(4A), expressed as a percentage of the venue operator's gaming revenue in the financial year—

S. 3.6.9 (2)(b)(iii) amended by Nos 39/2007 s. 12(6)(a), 28/2022 s. 54.

is less than, equal to or greater than the required community benefit contribution;

(c) must be audited; and

(d) must be lodged on or before 30 September next following the financial year to which it relates.

(3) The Minister, by order published in the Government Gazette, may from time to time—

S. 3.6.9(3) substituted by No. 72/2007 s. 16.

(a) determine the kind of activities or purposes that constitute community purposes;

(b) determine the kind of activities or purposes that do not constitute community purposes;

(c) specify the maximum amount of gaming revenue (if any) that can be claimed by the venue operator in respect of each community purpose determined under paragraph (a).

(3A) For the purposes of subsection (3)(c), the Minister may determine the maximum amount of gaming revenue that can be claimed by the venue operator in respect of each community purpose by specifying—

S. 3.6.9(3A) inserted by No. 72/2007 s. 16.

(a) a percentage amount; or

(b) a dollar amount; or

(c) any other method that specifies the maximum amount that can be claimed by a venue operator.

(4) The Minister must give notice of an order under subsection (3) to each venue operator.

(5) An order under subsection (3) takes effect in the financial year next following the financial year in which it is published.

(6) The Commission must publish on the Internet each statement lodged with it under this section.

S. 3.6.9(7) amended by No. 104/2004 s. 8(c).

(7) In determining the percentage of gaming revenue applied by a venue operator to community purposes, any amounts in respect of GST payable by the venue operator in respect of supplies for community purposes are not to be taken into account.

S. 3.6.9A inserted by No. 72/2007 s. 17.

3.6.9A Ministerial directions as to requirements of community benefit statements

(1) The Minister may from time to time give a direction in writing to the Commission or to venue operators as to any one or more of the following matters—

(a) the information that a venue operator must include in a community benefit statement;

(b) the level of detail to be set out in respect of each claim made by a venue operator in a community benefit statement;

(c) any other matter relating to the requirements to be met by venue operators in relation to community benefit statements.

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

(3) The Commission must, as soon as possible after receiving a direction under this section, cause notice of the direction to be published in the Government Gazette.

(4) The Commission and venue operators are bound by a direction given under this section.

(5) The Commission must publish in its report under Part 7 of the **Financial Management Act 1994** for a financial year all directions given by the Minister under this section during that year.

3.6.10 Interest on late payment

(1) If an amount payable under this Part—

S. 3.6.10(1) amended by Nos 29/2009 s. 35(b), 28/2022 s. 55(1)(c).

* * * * *

S. 3.6.10(1)(a) repealed by No. 28/2022 s. 55(1)(a).

(b) to the Commission by a venue operator that holds a gaming machine entitlement; or

S. 3.6.10(1)(b) amended by Nos 39/2007 s. 12(6)(b), 29/2009 s. 35(a), 28/2022 s. 55(1)(b).

(c) to the Commission by a licence holder under section 3.6.8(2)—

S. 3.6.10(1)(c) inserted by No. 39/2007 s. 12(6)(c).

is not paid within the period within which it is required to be paid, the licence holder or venue operator is liable to pay interest at the rate of 20% per annum on that amount from the date on which the payment was due until the payment is made.

(2) The Commission may, if the Commission thinks fit, mitigate or remit an amount of interest due under subsection (1).

S. 3.6.10(2) amended by No. 28/2022 s. 55(2).

(3) A function of the Commission under this section may be performed by any commissioner.

3.6.11 Hospitals and charities and mental health levy

S. 3.6.11(1) amended by Nos 29/2009 s. 33(1), 28/2022 s. 56.

(1) In respect of each financial year, an amount equal to the relevant gaming machine entitlement amount in respect of that year must be paid out of the Consolidated Fund in the proportions determined by the Treasurer into—

(a) the Hospitals and Charities Fund; and

(b) the Mental Health Fund.

(2) The Consolidated Fund is appropriated to the necessary extent for payments to be made under subsection (1).

S. 3.6.11(3) inserted by No. 29/2009 s. 33(2), substituted by No. 62/2017 s. 19.

(3) The relevant gaming machine entitlement amount for a particular financial year is the amount that is equal to the sum of the amounts paid into the Consolidated Fund in respect of that year under section 3.6.6A, 3.6.6B and 3.6.6C (less any amount payable into the Community Support Fund under section 3.6.12).

3.6.12 Payment to Community Support Fund

S. 3.6.12(1) amended by Nos 45/2004 s. 26(1), 29/2009 s. 34(1), 27/2013 s. 8(1), 28/2022 s. 57(a).

(1) Subject to subsection (1A), an amount equal to the relevant pub gaming machine entitlement amount in respect of each period referred to in section 3.6.6A must be paid out of the Consolidated Fund into the Community Support Fund.

S. 3.6.12(1A) inserted by No. 45/2004 s. 26(2), amended by Nos 39/2007 s. 13, 27/2013 s. 8(2), repealed by No. 28/2022 s. 57(b).

* * * * *

(2) The Consolidated Fund is appropriated to the necessary extent for payments to be made under subsection (1).

S. 3.6.12(2) amended by Nos 45/2004 s. 26(3), 28/2022 s. 57(c).

(2A) To avoid doubt, in calculating a relevant pub gaming machine entitlement amount for a period any part of which is in or after August 2022—

S. 3.6.12(2A) inserted by No. 62/2017 s. 20.

(a) it does not matter that section 3.6.6A does not apply to, or impose any tax for, any part of that period; and

(b) section 3.6.6A(2A) does not apply.

(3) In this section—

S. 3.6.12(3) inserted by No. 29/2009 s. 34(2).

average number of gaming machine entitlements has the same meaning as in section 3.6.6A(5);

average revenue per gaming machine entitlement has the same meaning as in section 3.6.6A(4);

relevant pub gaming machine entitlement amount means an amount equal to $8^{1}/_{3}$% of the product of the sum of all average revenue per gaming machine entitlement earned by venue operators and the sum of all of the average number of gaming machine entitlements in respect of a period referred to in section 3.6.6A.

Ch. 3 Pt 6 Div. 3 (Heading and s. 3.6.13) inserted by No. 64/2014 s. 11.

Division 3—Unclaimed winnings

S. 3.6.13 inserted by No. 64/2014 s. 11.

3.6.13 Unclaimed winnings

(1) On or before 31 May each year a venue operator that held winnings on 1 March of that year that had remained unclaimed for not less than 12 months before that 1 March must pay to the Treasurer an amount equal to the sum of all those unclaimed winnings less any amounts that have been paid to persons entitled to the winnings and any amounts deducted under subsection (2).

(2) A venue operator may deduct out of unclaimed winnings paid to the Treasurer under subsection (1) an amount equivalent to the expenses of the venue operator reasonably incurred in searching for the persons entitled to the winnings.

(3) If a claimant makes a demand against the Treasurer for money paid to the Treasurer under subsection (1), the Treasurer, on being satisfied that the claimant is the owner of the money demanded, must direct that it be paid to the claimant out of money available for the purpose.

(4) This section does not apply to a venue operator who is a casino operator.

(5) In this section—

winnings means winnings from the playing of a gaming machine, including winnings in the form of—

(a) a cheque; and

(b) a ticket or other instrument authorising the payment of winnings from the playing of a gaming machine; and

(c) accumulated credits within the meaning of section 3.5.33; and

(d) any coins left in the coin tray of a gaming machine.

Part 7—Compliance requirements

Division 1—Introduction

* * * * *

S. 3.7.1 repealed by No. 28/2022 s. 58.

3.7.2 Application of Part

(1) This Part does not apply in relation to transactions arising from operations in a casino or to gaming in a casino.

S. 3.7.2(2) amended by Nos 72/2007 s. 18, 28/2022 s. 59.

(2) Nothing in Division 2 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 venue operator, carried on by a person in accordance with this Chapter, except to the extent that they are relevant to any requirements imposed on a venue operator under section 3.6.9 or 3.6.9A in respect of a community benefit statement.

Division 2—Banking, accounting and auditing

3.7.3 Banking

S. 3.7.3(1) amended by Nos 62/2017 s. 49(30), 28/2022 s. 60(a).

(1) Subject to subsection (1A), a venue operator must—

S. 3.7.3(1)(a) amended by Nos 64/2014 s. 39(2), 28/2022 s. 60(b).

(a) keep and maintain separate accounts, as approved by the Commission, at an ADI in the State for use for all banking transactions arising under this Chapter in relation to the venue operator; and

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

S. 3.7.3(1)(b) amended by No. 64/2014 s. 39(2).

Penalty: 100 penalty units.

(1A) If the approval of a venue under Part 3 is suspended, subsection (1) does not require a venue operator to do any of the following things during the period of the suspension in relation to the venue—

S. 3.7.3(1A) inserted by No. 62/2017 s. 49(31).

(a) to keep or maintain separate accounts as described in subsection (1)(a); or

(b) to provide a written authority described in subsection (1)(b) authorising the taking of any action.

(2) An inspector may, by notice in writing, require the manager or other principal officer of an ADI referred to in subsection (1) to provide the inspector with a statement of an account referred to in that subsection and any other particulars relating to the account that are specified in the notice.

S. 3.7.3(2) amended by No. 64/2014 s. 39(2).

(3) A person to whom a notice is given under subsection (2) must comply with the notice.

Penalty: 60 penalty units.

(4) An inspector cannot exercise a power under subsection (3) without the prior written approval of the Commission.

3.7.4 Accounting records

S. 3.7.4(1) amended by No. 28/2022 s. 61(a).

(1) A venue operator must keep accounting records that correctly record and explain the transactions and financial position of the operations of the venue operator.

Penalty: 60 penalty units.

S. 3.7.4(2) amended by No. 28/2022 s. 61(b)(i).

(2) A venue operator must keep the accounting records in the form required by the Commission and in a manner that will enable—

(a) true and fair financial statements and accounts to be prepared from time to time; and

S. 3.7.4(2)(b) amended by No. 28/2022 s. 61(b)(ii).

(b) true and fair community benefit statements to be prepared under section 3.6.9—

and for those financial statements, accounts and community benefit statements to be conveniently and properly audited.

Penalty: 60 penalty units.

S. 3.7.4(3) amended by No. 28/2022 s. 61(c).

(3) A venue 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 venue operator.

Penalty: 60 penalty units.

3.7.5 Books etc. to be kept on the premises

(1) A venue operator must ensure that all documents relating to the operations of the operator are—

S. 3.7.5(1) amended by No. 28/2022 s. 62(1)(a).

(a) kept at the approved venue; and

S. 3.7.5(1)(a) substituted by No. 28/2022 s. 62(1)(b).

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

Penalty: 60 penalty units.

(1A) In subsection (1), a reference to an approved venue also refers to a venue whose approval under Part 3 is suspended.

S. 3.7.5(1A) inserted by No. 62/2017 s. 49(32).

(2) The Commission may, by instrument, grant an exemption to a venue operator 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.

S. 3.7.5(2) amended by No. 28/2022 s. 62(2).

* * * * *

S. 3.7.6 repealed by No. 54/2004 s. 6.

Ch. 3 Pt 7 Div. 2A (Heading and ss 3.7.6–3.7.6AB) inserted by No. 56/2010 s. 34.

Division 2A—Approved linked jackpot trust account compliance requirements

New s. 3.7.6 inserted by No. 56/2010 s. 34.

3.7.6 Banking

S. 3.7.6(1) amended by No. 64/2014 s. 39(2).

(1) The monitoring licensee must, from time to time provide the Commission, as required, and in a form approved by the Commission, with a written authority addressed to the ADI referred to in section 3.4.49A authorising that institution to comply with any requirements of an inspector exercising powers under this section.

Penalty: 100 penalty units.

S. 3.7.6(2) amended by No. 64/2014 s. 39(2).

(2) An inspector may, by notice in writing, require the manager or other principal officer of an ADI referred to in section 3.4.49A to provide the inspector with—

(a) a statement of an approved linked jackpot trust account referred to in that section; and

(b) any other particulars relating to the account that are specified in the notice.

(3) A person to whom a notice is given under subsection (2) must comply with the notice.

Penalty: 60 penalty units.

(4) An inspector cannot exercise a power under subsection (2) without the prior written approval of the Commission.

3.7.6AA Accounting records in relation to approved linked jackpot trust accounts

S. 3.7.6AA inserted by No. 56/2010 s. 34.

(1) The monitoring licensee must keep accounting records that correctly record and explain the transactions relating to, and the financial position of, each approved linked jackpot trust account the licensee has established.

Penalty: 60 penalty units.

(2) The monitoring licensee must keep the accounting records referred to in subsection (1) in the form required by the Commission and in a manner that will enable them to be conveniently and properly audited.

Penalty: 60 penalty units.

3.7.6AB Functions of Commission under this Division may be performed by any commissioner

S. 3.7.6AB inserted by No. 56/2010 s. 34.

A function of the Commission under this Division may be performed by any commissioner.

Division 3—Other requirements

Ch. 3 Pt 7 Div. 3 (Heading and ss 3.7.6A–3.7.6D) inserted by No. 58/2009 s. 63.

* * * * *

S. 3.7.6A inserted by No. 58/2009 s. 63, amended by Nos 56/2010 s. 35, 60/2011 s. 30, repealed by No. 28/2022 s. 63.

S. 3.7.6B inserted by No. 58/2009 s. 63.

3.7.6B Directions to monitoring licensee to provide information etc.

(1) The Minister may give a written direction to the monitoring licensee requiring the monitoring licensee to provide to the Minister any information or document, or any class of information or document, that—

(a) is in the possession or under the control of the monitoring licensee; and

(b) in the opinion of the Minister relates to the kind of things that a monitoring licensee will be authorised to do under the monitoring licence and is considered by the Minister to be relevant to—

(i) an invitation or proposed invitation to apply for the monitoring licence; or

(ii) an invitation or proposed invitation to apply for the monitoring licence under section 3.4.40.

(2) The monitoring licensee must comply with a direction under subsection (1).

(3) The Minister may, subject to any conditions that the Minister thinks fit, disclose any information acquired by the Minister in response to a direction under subsection (1) to—

(a) the Commission; and

S. 3.7.6B (3)(ab) inserted by No. 60/2011 s. 31.

(ab) a pending applicant (within the meaning of section 3.4.41A(2)); and

S. 3.7.6B(3)(b) amended by No. 56/2010 s. 36.

(b) a possible invitee (within the meaning of section 3.4.41A(2)); and

(c) persons who apply for the monitoring licence in accordance with section 3.4.42.

3.7.6C No compensation payable

S. 3.7.6C inserted by No. 58/2009 s. 63, amended by No. 28/2022 s. 64.

No compensation is payable by the State in respect of anything done under section 3.7.6B or in compliance with a direction under that section.

3.7.6D Directions to monitoring licensee

S. 3.7.6D inserted by No. 58/2009 s. 63.

(1) The Commission may give a written direction to the monitoring licensee relating to the conduct, supervision and control of an activity referred to in section 3.4.4 that is undertaken by the licensee and the monitoring licensee must comply with the direction as soon as it takes effect.

S. 3.7.6D(1) amended by No. 4/2014 s. 36(1).

(2) The direction takes effect when it is given to the licensee or at the later time specified in the direction.

(3) The power conferred by this section includes a power to give a direction to a licensee to adopt, vary, cease or refrain from any practice in respect of the activity.

S. 3.7.6D(3) amended by No. 4/2014 s. 36(2).

(4) A direction under this section must not be inconsistent with—

(a) this Act, the regulations, the monitoring licence or related agreements referred to in section 3.4.48 or 3.4.48A; or

(b) a direction of the Minister under section 3.7.6B or 3.8A.21.

S. 3.7.6D(4)(b) amended by Nos 4/2014 s. 36(3), 28/2022 s. 65.

* * * * *

Ch. 3 Pt 8 (Heading and ss 3.8.1–3.8.4) amended by No. 71/2008 s. 9, repealed by No. 56/2010 s. 61(2), new Ch. 3 Pt 8 (Heading and ss 3.8.1–3.8.13) inserted by No. 60/2011 s. 32, repealed by No. 28/2022 s. 66.

Part 8A—Pre-commitment

Ch. 3 Pt 8A (Heading) amended by No. 18/2025 s. 10.

Ch. 3 Pt 8A (Headings and ss 3.8A.1–3.8A.30) inserted by No. 4/2014 s. 37.

Division 1—Preliminary

3.8A.1 Definitions

S. 3.8A.1 inserted by No. 4/2014 s. 37.

In this Part—

card encoder means a device that is capable of recording information onto a player card;

card reader means a device that is capable of reading information stored on a player card;

interactive display screen means a device that is capable of accepting input from, and showing information to, the player of the gaming machine on which the device is installed;

kiosk means a device, incorporating a card reader, that allows a player to access information produced or stored by a pre-commitment system or loyalty scheme;

player account equipment means the following equipment—

(a) a card encoder;

(b) a card reader;

(c) an interactive display screen;

(d) a keypad;

(e) a kiosk;

(f) equipment that is prescribed as player account equipment;

S. 3.8A.1 def. of *player card* repealed by No. 42/2022 s. 59.

* * * * *

pre-commitment system means an electronic or computer or communications system (other than a pre-commitment mechanism) that, by interfacing with player account equipment and player cards, provides for players of gaming machines to track, and set a time limit or net loss limit on, their playing of gaming machines.

Division 2—Pre-commitment direction, approval and testing

S. 3.8A.2 inserted by No. 4/2014 s. 37.

3.8A.2 Pre-commitment direction

(1) The Minister may by instrument direct the monitoring licensee to—

(a) on and after 1 December 2015—

(i) provide, operate and maintain a pre-commitment system; and

S. 3.8A.2 (1)(a)(ii) amended by No. 23/2025 s. 14(a).

(ii) provide any services that are associated with the pre-commitment system.

S. 3.8A.2(1)(b) repealed by No. 23/2025 s. 14(b).

* * * * *

(2) A direction under subsection (1) must be—

(a) given to the monitoring licensee; and

(b) published in the Government Gazette.

(3) It is a condition of the monitoring licence that the licensee must comply with a direction under subsection (1).

3.8A.3 Monitoring licensee must not provide unapproved pre-commitment system

S. 3.8A.3 inserted by No. 4/2014 s. 37.

(1) The monitoring licensee must not provide, operate or maintain a pre-commitment system unless it has been approved by the Commission.

(2) The monitoring licensee must not provide, operate or maintain a pre-commitment system which has been varied from the system approved by the Commission unless the variation has been approved by the Commission.

3.8A.4 Commission may approve pre-commitment system

S. 3.8A.4 inserted by No. 4/2014 s. 37.

(1) The Commission may approve—

(a) a pre-commitment system to be provided, operated and maintained by the monitoring licensee; or

(b) a variation to a pre-commitment system that has already been approved under this subsection.

(2) The Commission may require the monitoring licensee to provide any additional information or material that the Commission considers necessary to decide whether to make an approval under subsection (1).

(3) Additional information or material under subsection (2) includes the results of any tests conducted, or recommendations made, by a person listed on the Roll who is accredited by the Commission to test a pre-commitment system.

(4) In deciding whether to make an approval under subsection (1), the Commission—

(a) must have regard to any relevant standards made under section 10.1.5A; and

(b) may have regard to the certificate of a person listed on the Roll, being a person referred to in section 3.4.61(1)(c); and

(c) may have regard to additional information or material provided to the Commission under subsection (2).

(5) The Commission may make an approval under subsection (1) subject to any conditions that it thinks fit.

S. 3.8A.5 inserted by No. 4/2014 s. 37.

3.8A.5 Testing of pre-commitment system

(1) The Commission may test a pre-commitment system to determine whether there is compliance with—

(a) this Act; and

(b) the regulations; and

(c) any relevant standards made by the Commission under section 10.1.5A.

(2) The Commission may test a pre-commitment system under subsection (1)—

(a) on its own motion if it has reasonable grounds; or

(b) on request by the monitoring licensee.

(3) The Commission, in approving a pre-commitment system or a variation to a pre-commitment system under section 3.8A.4, may require the monitoring licensee to engage a person listed on the Roll who is accredited by the Commission to test a pre-commitment system to—

(a) test the pre-commitment system or the variation to the pre-commitment system; and

(b) make recommendations to the Commission on aspects of the pre-commitment system or the variation to the pre-commitment system, if the Commission requires.

(4) If the Commission requires the monitoring licensee to engage a person to test and make recommendations about a pre-commitment system or a variation to a pre-commitment system under this section, the monitoring licensee must provide the Commission with the results of any tests conducted and the recommendations.

(5) The Commission may require the monitoring licensee to pay the reasonable costs of testing under this section.

Division 3—Obligations of monitoring licensee, venue operators and casino operators

3.8A.6 Application of Division

S. 3.8A.6 inserted by No. 4/2014 s. 37, amended by No. 23/2025 s. 15.

This Division applies if the Minister directs the monitoring licensee, under section 3.8A.2, to provide a pre-commitment system or the Minister has included as a condition of the monitoring licence that the licensee provide a pre-commitment system.

3.8A.7 Certificates of installation—player account equipment and parts of a pre-commitment system

S. 3.8A.7 inserted by No. 4/2014 s. 37.

(1) In this section—

relevant licensee means a person who holds—

(a) a gaming industry employee's licence; or

(b) a licence issued under Part 4 of the **Casino Control Act 1991**.

(2) A relevant licensee who installs player account equipment or a part of a pre-commitment system on or in a gaming machine must—

(a) certify, in a form approved by the Commission, that the part or equipment is functioning in the manner in which it is designed and programmed to function; and

(b) retain the certificate for a period of 12 months immediately following the date of signature.

(3) A relevant licensee must not sign a certificate referred to in subsection (2) knowing it to be false.

Penalty: 100 penalty units.

(4) On and after 1 December 2015, a venue operator or casino operator must not allow gaming to commence on a gaming machine in respect of which certificates under subsection (2)—

(a) have not been signed; or

(b) have been signed in contravention of subsection (3).

Penalty: 1000 penalty units.

(5) A function of the Commission under this section may be performed by any commissioner.

S. 3.8A.8 inserted by No. 4/2014 s. 37.

3.8A.8 Monitoring licensee must ensure that pre-commitment system complies with standards and operational requirements

(1) On and after 1 December 2015, the monitoring licensee must ensure that any pre-commitment system that it provides, operates and maintains complies with a standard made by the Commission under section 10.1.5A, unless the Commission has, in writing, given its approval to the monitoring licensee to operate a

pre-commitment system that does not comply with the standard.

(2) On and after 1 December 2015, the monitoring licensee must ensure that any pre-commitment services that it provides comply with a standard made by the Commission under section 10.1.5B, unless the Commission has, in writing, given its approval to the monitoring licensee to operate a pre-commitment system that does not comply with the standard.

(3) On and after 1 December 2015, the monitoring licensee must comply with an operational requirement determined by the Commission under section 10.1.5C in relation to the provision of pre-commitment services unless the Commission has, in writing, given its approval to the monitoring licensee not to comply with the operational requirement.

3.8A.9 Player account equipment must comply with regulations and standards

S. 3.8A.9 inserted by No. 4/2014 s. 37.

(1) On and after 1 December 2015, a venue operator must ensure that player account equipment operating in the approved venue—

(a) meets prescribed requirements (if any); and

(b) complies with a standard made by the Commission under section 10.1.5A in respect of player account equipment unless the Commission has, in writing, given its approval to the venue operator to operate any player account equipment that does not comply with the standard.

(2) On and after 1 December 2015, a casino operator must ensure that player account equipment operating in the casino—

(a) meets prescribed requirements (if any); and

(b) complies with a standard made by the Commission under section 10.1.5A in respect of player account equipment unless the Commission has, in writing, given its approval to the casino operator to operate any player account equipment that does not comply with the standard.

S. 3.8A.10 inserted by No. 4/2014 s. 37.

3.8A.10 Offence for operator failing to ensure proper installation of player account equipment

(1) On and after 1 December 2015, a venue operator must ensure that player account equipment is installed in the approved venue in the prescribed manner, quantity and location (if any).

Penalty: 120 penalty units.

(2) On and after 1 December 2015, a casino operator must ensure that player account equipment is installed in the casino in the prescribed manner, quantity and location (if any).

Penalty: 120 penalty units.

S. 3.8A.11 inserted by No. 4/2014 s. 37.

3.8A.11 Player cards must comply with regulations and standards

(1) On and after 1 December 2015, a venue operator must ensure that player cards distributed or made available by the venue operator—

(a) meet prescribed requirements (if any); and

(b) comply with a standard made by the Commission under section 10.1.5A in respect of player cards unless the Commission has, in writing, given its approval to the venue operator to distribute or make available player cards that do not comply with the standard.

(2) On and after 1 December 2015, a casino operator must ensure that player cards distributed or made available by the casino operator—

(a) meet prescribed requirements (if any); and

(b) comply with a standard made by the Commission under section 10.1.5A in respect of player cards unless the Commission has, in writing, given its approval to the casino operator to distribute or make available player cards that do not comply with the standard.

3.8A.12 Operators must ensure functioning of player account equipment and connection to pre-commitment system

S. 3.8A.12 inserted by No. 4/2014 s. 37.

(1) On and after 1 December 2015, a venue operator must, as far as is reasonably practical, ensure that the player account equipment installed in the approved venue is functioning in the manner in which it is designed and programmed to function—

(a) in the case of equipment that is installed on or in a gaming machine, at all times that the gaming machine is available for gaming in the approved venue; or

(b) in any other case, at all times that any gaming machine is available for gaming in the approved venue.

Penalty: 120 penalty units.

(2) On and after 1 December 2015, a venue operator must, as far as is reasonably practical, ensure that any gaming machine that is available for gaming in the approved venue is capable of applying a time limit or net loss limit set under the pre-commitment system.

Penalty: 120 penalty units.

(3) On and after 1 December 2015, a casino operator must, as far as is reasonably practical, ensure that the player account equipment installed in the casino is functioning in the manner in which it is designed and programmed to function—

(a) in the case of equipment that is installed on or in a gaming machine, at all times that the gaming machine is available for gaming in the casino; or

(b) in any other case, at all times that any gaming machine is available for gaming in the casino.

Penalty: 120 penalty units.

(4) On and after 1 December 2015, a casino operator must, as far as is reasonably practical, ensure that any gaming machine that is available for gaming in the casino is capable of applying a time limit or net loss limit set under the pre-commitment system.

Penalty: 120 penalty units.

S. 3.8A.13 inserted by No. 4/2014 s. 37.

3.8A.13 Offence for operator to permit gaming on gaming machine using alternative limit setting scheme

On and after 1 December 2015, a venue operator or casino operator must not permit gaming on a gaming machine that is capable of applying a time limit or net loss limit set under a system or scheme other than a pre-commitment system.

Penalty: 60 penalty units.

S. 3.8A.13A inserted by No. 18/2025 s. 12.

3.8A.13A Direction for player accounts

(1) The Minister may, by instrument, direct the monitoring licensee to ensure that a person cannot play a game on a gaming machine in an approved venue unless a player account has been established for the person.

(2) A direction under subsection (1) must be—

(a) given to the monitoring licensee; and

(b) published in the Government Gazette.

(3) It is a condition of the monitoring licence that the licensee must comply with a direction under subsection (1).

(4) A direction under subsection (1) may apply on different days in relation to different geographical areas, different venues or different gaming machines.

3.8A.13B Tabling and revocation of direction by Parliament

S. 3.8A.13B inserted by No. 18/2025 s. 12.

(1) The Minister must cause a direction under section 3.8A.13A to be laid before each House of the Parliament within 10 sitting days after the direction is published in the Government Gazette.

(2) A direction under section 3.8A.13A is revoked in whole or part if—

(a) notice of a resolution to revoke the direction is given in a House of the Parliament on or before the 10th sitting day after the direction is laid before that House; and

(b) the resolution is passed by that House on or before the 12th sitting day after notice is given under paragraph (a).

(3) If a direction under section 3.8A.13A is revoked under subsection (2)—

(a) any provision of a previous direction under section 3.8A.13A that had been revoked by the direction comes back into operation from the beginning of the day on which the direction is revoked; and

(b) any provision of a previous direction under section 3.8A.13A that had been amended by the direction takes effect without that amendment from the beginning of the day on which the direction is revoked as if the amendment had not been made.

(4) The Minister must publish a notice of the revocation of a direction or part of a direction under subsection (2) in the Government Gazette.

S. 3.8A.13C inserted by No. 18/2025 s. 12.

3.8A.13C Offence for venue operator to permit gaming on gaming machine other than by use of player card

(1) This section applies if a direction is in force under section 3.8A.13A.

(2) A venue operator must not allow a person to play a game on a gaming machine other than by use of a player card that meets the prescribed requirements and specifications.

Penalty: 120 penalty units.

(3) Subsection (2) does not apply during any period approved by the Commission in accordance with the regulations if the venue operator complies with any conditions imposed by the Commission.

(4) This section does not apply to a venue operator who is a casino operator.

Note

Section 71C(1) of the **Casino Control Act 1991** provides that a casino operator must not allow a game to be played in the casino other than by use of a player card that meets the prescribed requirements and specifications under that Act.

Division 4—Related agreements

3.8A.14 Application of Division

S. 3.8A.14 inserted by No. 4/2014 s. 37, amended by No. 23/2025 s. 15.

This Division applies if the Minister directs the monitoring licensee, under section 3.8A.2, to provide a pre-commitment system or the Minister has included as a condition of the monitoring licence that the licensee provide a pre-commitment system.

3.8A.15 Related agreement between monitoring licensee and venue operator or casino operator

S. 3.8A.15 inserted by No. 4/2014 s. 37.

(1) Subject to this section and section 3.8A.17, the Minister may, by written notice, direct a venue operator that holds a gaming machine entitlement or a casino operator to enter into an agreement with the monitoring licensee dealing with matters relating to the provision of pre-commitment services at or in relation to an approved venue.

S. 3.8A.15(1) amended by No. 62/2017 s. 49(33).

(2) Before giving a direction under subsection (1), the Minister must consult with the monitoring licensee and the venue operator or casino operator (as the case requires).

(3) A direction under subsection (1) may require the casino operator to enter into an agreement with the monitoring licensee requiring the casino operator to provide, operate and maintain part of the pre-commitment system that relates to the casino.

S. 3.8A.16 inserted by No. 4/2014 s. 37.

3.8A.16 Related agreement between Minister and venue operator or casino operator

S. 3.8A.16(1) amended by Nos 38/2017 s. 86(3), 62/2017 s. 49(34).

(1) Subject to this section and section 3.8A.17, the Minister may, by written notice, direct a venue operator that holds a gaming machine entitlement or a casino operator to enter into an agreement with the Minister dealing with matters relating to the provision of pre-commitment services at or in relation to an approved venue.

(2) Before giving a direction under subsection (1), the Minister must consult with the venue operator or casino operator (as the case requires).

S. 3.8A.17 inserted by No. 4/2014 s. 37.

3.8A.17 Content of direction

A direction under section 3.8A.15 or 3.8A.16—

(a) must be accompanied by a copy of this Division; and

(b) may specify the terms or kinds of terms to be contained in an agreement to be entered into; and

(c) may specify the terms or kinds of terms that must not be in an agreement or class of agreements to be entered into; and

(d) may specify a date by which an agreement is to be entered into.

S. 3.8A.18 inserted by No. 4/2014 s. 37.

3.8A.18 Direction to enter into related agreement must be complied with

S. 3.8A.18(1) substituted by No. 62/2017 s. 49(35).

(1) A casino operator must comply with a direction under section 3.8A.15 or 3.8A.16.

(1A) Subject to subsection (1B), a venue operator must comply with a direction under section 3.8A.15 or 3.8A.16.

S. 3.8A.18(1A) inserted by No. 62/2017 s. 49(35).

(1B) A venue operator is not required to comply with a direction under section 3.8A.15 or 3.8A.16 in relation to a venue whose approval under Part 3 is suspended unless the venue operator is undertaking preparatory action in that venue under section 3.4A.9 or 3.4A.11R.

S. 3.8A.18(1B) inserted by No. 62/2017 s. 49(35).

(2) A casino operator or venue operator must give a copy of any agreement entered into in compliance with a direction under section 3.8A.15 or 3.8A.16 to the Commission.

3.8A.19 No compensation payable because of a direction to enter into related agreement under section 3.8A.15 or 3.8A.16

S. 3.8A.19 inserted by No. 4/2014 s. 37.

No compensation is payable by the State because of a direction under section 3.8A.15 or 3.8A.16 or the entering into an agreement in compliance with a direction under either of those sections.

Division 4A—Standard pre-commitment conditions

Ch. 3 Pt 8A Div. 4A (Heading) amended by No. 62/2017 s. 71.

Ch. 3 Pt 8A Div. 4A (Heading and ss 3.8A.19A–3.8A.19C) inserted by No. 64/2014 s. 12.

3.8A.19A Minister may determine standard pre-commitment conditions

S. 3.8A.19A (Heading) amended by No. 62/2017 s. 72(1).

S. 3.8A.19A inserted by No. 64/2014 s. 12.

S. 3.8A.19A(1) amended by No. 62/2017 s. 72(2).

(1) The Minister may from time to time by instrument determine standard conditions (***standard pre-commitment conditions***) that are to apply to a venue operator or a casino operator and to the monitoring licensee in relation to the provision of pre-commitment services.

S. 3.8A.19A(2) amended by No. 62/2017 s. 72(3).

(2) The Minister may determine different standard pre-commitment conditions for different venue operators or classes of venue operators and for casino operators.

S. 3.8A.19A(3) amended by No. 62/2017 s. 72(3).

(3) The Minister must consult venue operators, casino operators and the monitoring licensee before the Minister determines standard pre-commitment conditions that will apply to the operators or the licensee.

S. 3.8A.19B (Heading) amended by No. 62/2017 s. 73(1).

3.8A.19B Publication and effect of standard pre-commitment conditions

S. 3.8A.19B inserted by No. 64/2014 s. 12.

(1) A determination under section 3.8A.19A—

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

(b) takes effect at the time it is published or at the later time specified in it.

S. 3.8A.19B(2) amended by No. 62/2017 s. 73(2).

(2) The monitoring licensee and each venue operator or casino operator to which a determination under section 3.8A.19A applies must comply with the standard pre-commitment conditions contained in the determination.

S. 3.8A.19C (Heading) amended by No. 62/2017 s. 74.

3.8A.19C No compensation for determination of standard pre-commitment conditions

S. 3.8A.19C inserted by No. 64/2014 s. 12.

No compensation is payable by the State because of the making of a determination under section 3.8A.19A.

Division 5—Provision of information

3.8A.20 Application of Division

S. 3.8A.20 inserted by No. 4/2014 s. 37, amended by No. 23/2025 s. 16.

This Division applies if the Minister directs the monitoring licensee, under section 3.8A.2, to provide a pre-commitment system or the Minister has included as a condition of the monitoring licence that the licensee provide a pre-commitment system.

3.8A.21 Directions to monitoring licensee to provide information concerning pre-commitment

S. 3.8A.21 inserted by No. 4/2014 s. 37.

(1) The Minister may give a written direction to the monitoring licensee requiring the monitoring licensee to provide to the Minister any information or document, or any class of information or document, that—

(a) is in the possession or under the control of the monitoring licensee; and

(b) in the opinion of the Minister, relates to a pre-commitment system.

(2) The monitoring licensee must comply with a direction under subsection (1).

(3) The Minister may, for any purpose related to the provision of a pre-commitment system, disclose any information acquired by the Minister in response to a direction under subsection (1) to any person that the Minister considers appropriate.

(4) The Minister may disclose information under subsection (3) subject to any conditions that the Minister thinks fit.

3.8A.22 No compensation payable

S. 3.8A.22 inserted by No. 4/2014 s. 37.

No compensation is payable by the State in respect of anything done under section 3.8A.21 or in compliance with a direction under that section.

S. 3.8A.23 inserted by No. 4/2014 s. 37.

3.8A.23 Provision of information for research purposes

(1) The Minister may from time to time direct the monitoring licensee to provide information derived from a pre-commitment system, other than information that identifies, or is capable of identifying, any person who is or was a participant in the scheme to any person or body for research purposes.

(2) The monitoring licensee must comply with a direction given under subsection (1).

Penalty: 60 penalty units.

Division 6—Confidentiality

S. 3.8A.24 inserted by No. 4/2014 s. 37.

3.8A.24 Definition

In this Division—

pre-commitment information means information that is obtained from the pre-commitment system.

S. 3.8A.25 inserted by No. 4/2014 s. 37, substituted by No. 58/2015 s. 8.

3.8A.25 Restriction on disclosure of pre-commitment information

(1) A person must not disclose pre-commitment information other than in accordance with this Division.

Penalty: 60 penalty units.

(2) Without limiting anything in this Division, subsection (1) applies in relation to the disclosure of pre-commitment information to—

(a) a court or tribunal; or

(b) an authority or person having power to require the production of documents or the answering of questions.

3.8A.25A Disclosure to courts and tribunals permitted with Ministerial approval

S. 3.8A.25A inserted by No. 58/2015 s. 8.

A person may disclose pre-commitment information to a court or tribunal, or to an authority or person having power to require the production of documents or the answering of questions, if the Minister certifies that it is necessary in the public interest that the information should be disclosed to the court, tribunal, authority or person.

3.8A.26 Disclosure with consent permitted

S. 3.8A.26 inserted by No. 4/2014 s. 37.

A person may disclose pre-commitment information with the consent (express or implied) of the person to whom the pre-commitment information relates.

3.8A.27 Disclosure to enforcement agencies permitted

S. 3.8A.27 inserted by No. 4/2014 s. 37.

A person may disclose pre-commitment information to an enforcement agency (within the meaning of section 10.1.29) for the purpose of law enforcement.

3.8A.28 Disclosure for performance of functions

S. 3.8A.28 inserted by No. 4/2014 s. 37.

A person may disclose pre-commitment information in the performance of a function under this Act or the regulations or an instrument made under this Act.

3.8A.29 Disclosure of lawfully publicly available information permitted

S. 3.8A.29 inserted by No. 4/2014 s. 37.

A person may disclose pre-commitment information that has lawfully been made publicly available.

S. 3.8A.30 inserted by No. 4/2014 s. 37.

3.8A.30 Disclosure of de-identified information for research purposes

A regulated person within the meaning of section 10.1.29 may disclose information to a person or body who conducts research if the information does not enable the identification of any person to whom the information relates.

S. 3.8A.31 inserted by No. 42/2022 s. 60.

3.8A.31 Disclosure in relation to compliance

A regulated person within the meaning of section 10.1.29 may disclose pre-commitment information relating to the compliance or non-compliance by a venue operator or casino operator with—

(a) this Act or the **Casino Control Act 1991**; or

(b) regulations made under this Act or the **Casino Control Act 1991**.

S. 3.8A.32 inserted by No. 23/2025 s. 60.

3.8A.32 Disclosure to casino operator in relation to downtime periods

(1) A person may disclose pre-commitment information to a casino operator for the purpose of enabling the information to be stored during a downtime period and later communicated to the pre-commitment system.

(2) In this section—

downtime period means a period approved by the Commission under section 62C(2A) of the **Casino Control Act 1991**.

Part 9—General

* * * * *

Ch. 3 Pt 9 Div. 1 (Heading and ss 3.9.1–3.9.3) repealed by No. 28/2022 s. 67.

Division 2—General

3.9.4 Prohibition on recovery of costs of investigating persons on Roll or their associates

(1) The Commission has no power to request, require or accept payment from any person in respect of the whole or any part of the costs of—

(a) an investigation under section 10.4A.12 into—

S. 3.9.4(1)(a) amended by No. 28/2022 s. 68.

(i) an associate, or a person likely to become an associate, of a person listed on the Roll; or

(ii) a person, body or association having a business association with a person referred to in subparagraph (i); or

(b) disciplinary action taken under section 3.4.65, including any investigation undertaken for that purpose.

(2) The Commission has no power to impose a condition on a person's listing on the Roll requiring the person to pay the whole or any part of the costs of an investigation or disciplinary action referred to in subsection (1).

(3) Nothing in this section affects the power of the Commission to impose a fine on a person under section 3.4.65.

3.9.5 Appeals

(1) A person whose interests are affected by a decision of the Commission—

(a) to cancel or suspend, or to refuse to cancel or suspend, a licence under this Chapter; or

(b) to revoke, or to refuse to revoke, an approval of premises under Part 3; or

(c) to amend, or to refuse to amend, the conditions of a licence under this Chapter; or

S. 3.9.5(1)(ca) inserted by No. 29/2009 s. 36.

(ca) to amend, or to refuse to amend, a geographic area condition or venue condition to which a gaming machine entitlement is subject; or

(d) to list, or refuse to list, a person on the Roll; or

(e) to make a declaration under section 3.6.8; or

(f) to approve, or to refuse to approve, a person as a nominee under section 3.4.14—

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 subsection (1) with such modifications as are necessary.

(3) The Supreme Court must hear and determine the appeal and may make any of the following orders—

(a) an order affirming or setting aside the decision of the Commission;

(b) an order remitting the matter to the Commission to decide again in accordance with any directions of the Supreme Court;

(c) any other order the Supreme Court considers appropriate.

3.9.6 Injunctions to prevent contraventions etc.

S. 3.9.6 amended by No. 28/2022 s. 69.

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

(a) a contravention of a provision of this Chapter; 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 Commission may apply to a court of competent jurisdiction for an injunction on any terms that the court determines to be appropriate.

Chapter 4—Wagering and betting

Part 1—Introduction

4.1.1 Purpose

The purpose of this Chapter is—

(a) to make provision for the carrying on of licensed wagering and betting, by—

S. 4.1.1(a)(i) repealed by No. 28/2022 s. 70(a).

* * * * *

S. 4.1.1(a)(ia) inserted by No. 40/2008 s. 5(1).

(ia) the issuing of a wagering and betting licence;

(ii) the approval of betting competitions;

(iii) the issuing of permits to conduct on-course wagering;

S. 4.1.1(a)(iv) amended by No. 29/2009 s. 48(1).

(iv) imposing controls over the conduct of wagering and approved betting competitions; and

S. 4.1.1(ab) inserted by No. 29/2009 s. 48(2), amended by No. 13/2023 s. 7.

(ab) to provide for a wagering and betting licensee to conduct a betting exchange; and

S. 4.1.1(ac) inserted by No. 56/2014 s. 44, amended by No. 28/2022 s. 70(b).

(ac) to regulate the publication and use of race fields.

S. 4.1.1(b) repealed by No. 28/2022 s. 70(c).

* * * * *

4.1.2 Definitions

In this Chapter—

appropriate controlling body means—

(a) in the case of horse racing, Racing Victoria;

(b) in the case of harness racing, Harness Racing Victoria;

(c) in the case of greyhound racing, Greyhound Racing Victoria;

S. 4.1.2 def. of *appropriate controlling body* inserted by No. 56/2014 s. 45.

approved simulated racing event means a simulated racing event approved by the Commission under section 4.5.11A;

S. 4.1.2 def. of *approved simulated racing event* inserted by No. 29/2009 s. 49(1).

betting exchange commission means commission payable by a registered player in accordance with the betting exchange rules in respect of a brokered betting event;

S. 4.1.2 def. of *betting exchange commission* inserted by No. 29/2009 s. 49(1).

brokered betting event means a horse race, harness race or greyhound race or other competition or event in respect of which persons may offer or accept bets by way of a betting exchange conducted by a wagering and betting licensee;

S. 4.1.2 def. of *brokered betting event* inserted by No. 29/2009 s. 49(1), amended by No. 13/2023 s. 8(a).

exempt totalisator means a totalisator in respect of which an exemption under section 4.1.3 is in force;

* * * * *

S. 4.1.2 defs of *licensee*, *operator* repealed by No. 28/2022 s. 71.

S. 4.1.2 def. of *permit* amended by No. 29/2009 s. 49(2).

permit means an on-course wagering permit granted under Part 4;

S. 4.1.2 def. of *publication and use approval* inserted by No. 56/2014 s. 45.

publication and use approval means an approval granted under section 4.2.3C;

S. 4.1.2 def. of *publish* inserted by No. 56/2014 s. 45.

publish includes disseminate in any way, whether by oral, visual, written or other means (for example, dissemination by means of cinema, video, radio, electronics, the Internet or television or by means of promotional material such as club journals, brochures or flyers);

S. 4.1.2 def. of *registered player* inserted by No. 29/2009 s. 49(1), amended by No. 13/2023 s. 8(b).

registered player means a person registered with a wagering and betting licensee as a person—

(a) who may—

(i) offer or accept bets by way of the betting exchange conducted by the wagering and betting licensee; or

(ii) make bets and wagers with the wagering and betting licensee; and

(b) who, as a requirement of that registration, has an account with the wagering and betting licensee for the purpose of—

(i) offering or accepting bets by way of the betting exchange conducted by the wagering and betting licensee; or

(ii) making bets and wagers with the wagering and betting licensee as a registered player.

4.1.3 Exemption of totalisators

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S. 4.1.3(1) repealed by No. 28/2022 s. 72.

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S. 4.1.3(2) amended by No. 40/2008 s. 5(2), repealed by No. 28/2022 s. 72.

* * * * *

S. 4.1.3(3) repealed by No. 28/2022 s. 72.

(4) For the purposes of Part 6, the Treasurer, by notice given to a wagering and betting licensee, may grant the wagering and betting licensee an exemption, subject to the conditions (if any) determined by the Treasurer and specified in the notice, for a totalisator conducted by the wagering and betting licensee or the wagering and betting operator if the Treasurer is satisfied that the totalisator is not connected with wagering or approved betting competitions conducted in Victoria.

S. 4.1.3(4) inserted by No. 40/2008 s. 5(3), amended by Nos 27/2013 s. 9(1), 13/2023 s. 9(a).

(5) The Treasurer, by notice given to a wagering and betting licensee, may, subject to the conditions (if any) determined by the Treasurer and specified in the notice, declare that specified amounts, or amounts of a specified class, invested in a totalisator are deemed, for the purposes of sections 4.6.1(2) and 4.6.4(2), not to form part of the total amount invested in that totalisator.

S. 4.1.3(5) inserted by No. 40/2008 s. 5(3), amended by No. 13/2023 s. 9(b).

S. 4.1.3(6) inserted by No. 27/2013 s. 9(2), amended by No. 13/2023 s. 9(c).

(6) The Treasurer, by notice given to a wagering and betting licensee, may, subject to the conditions (if any) determined by the Treasurer and specified in the notice, declare that specified amounts, or amounts of a specified class, are deemed, for the purposes of section 4.6.6(2A), not to form part of the net investment in approved betting competitions at fixed odds conducted by the wagering and betting licensee or the wagering and betting operator.

Part 2—General authorisation for wagering and betting

Division 1—Legality of wagering and betting

4.2.1 Wagering and approved betting competitions

(1) The conduct of wagering and approved betting competitions is lawful when conducted in accordance with a licence or permit granted under this Chapter and is not a public or private nuisance.

(2) Any place in which wagering or an approved betting competition is conducted as referred to in subsection (1) is not a common gaming house or place.

(3) Despite anything to the contrary in Chapter 2, a wagering and betting licensee or the holder of a permit may broadcast, display and publish information related to races and race meetings and betting odds on any race or combination of races.

S. 4.2.1(3) amended by Nos 40/2008 s. 5(4)(a), 28/2022 s. 73, 13/2023 s. 10.

* * * * *

S. 4.2.1(4) repealed by No. 56/2014 s. 46.

4.2.1A Conduct of betting exchanges

S. 4.2.1A inserted by No. 29/2009 s. 50, amended by No. 13/2023 s. 11.

The conduct of a betting exchange from a telecommunication device is lawful when conducted in accordance with this Act and a wagering and betting licence.

4.2.2 Use of totalisator lawful

(1) The use of a totalisator as provided by this Chapter is lawful.

(2) A person who uses or conducts a totalisator as provided by this Chapter, the regulations and the betting rules is not guilty of an offence at common

law or under any Act by reason of so using or conducting a totalisator.

(3) Subject to this Act, the mere fact of persons wagering or betting by means of a totalisator—

(a) does not constitute the wagering or betting an offence at common law or under an Act;

S. 4.2.2.(3)(b) repealed by No. 56/2014 s. 47.

* * * * *

(c) is not a public nuisance.

4.2.3 Approval of totalisator equipment

S. 4.2.3(1) amended by Nos 40/2008 s. 5(4)(a), 28/2022 s. 74(a), 13/2023 s. 12(a).

(1) A wagering and betting licensee or the holder of a permit must not use, or cause or permit to be used—

(a) any instrument or contrivance; or

(b) any computer hardware or software; or

(c) any other equipment—

in connection with a totalisator or approved betting competition unless the instrument, contrivance, hardware, software or equipment has been approved by the Commission.

S. 4.2.3(2) amended by Nos 40/2008 s. 5(4)(a), 28/2022 s. 74(b), 13/2023 s. 12(a).

(2) A wagering and betting licensee or the holder of a permit must not make, or cause or permit to be made, any change in any instrument, contrivance, hardware, software or other equipment approved by the Commission under subsection (1) unless the change has been approved by the Commission.

S. 4.2.3(3) substituted by No. 58/2009 s. 64.

(3) In approving an instrument, a contrivance, hardware, software or equipment under this section, the Commission—

(a) must have regard to any relevant standards made under section 10.1.5A; and

(b) may have regard to the certificate of a person listed on the Roll, being a person referred to in section 3.4.61(1)(c).

(4) The Commission may make an approval under this section subject to such conditions as it thinks fit.

(5) The Commission may, for just and reasonable cause, withdraw an approval given under this section by instrument given to a wagering and betting licensee or the holder of a permit, as the case requires.

S. 4.2.3(5) amended by Nos 40/2008 s. 5(4)(a), 28/2022 s. 74(c), 13/2023 s. 12(b).

(6) A function of the Commission under this section may be performed by any commissioner.

Division 1A—Regulation of publication and use of race fields

Ch. 4 Pt 2 Div. 1A (Heading and ss 4.2.3A-4.2.3E) inserted by No. 56/2014 s. 48 (as amended by No. 64/2014 s. 57).

4.2.3A Restrictions on publication and use of race fields

S. 4.2.3A inserted by No. 56/2014 s. 48 (as amended by No. 64/2014 s. 57).

(1) A wagering service provider must not, in Victoria or elsewhere, publish, cause to be published, use or otherwise make available, a race field in the course of business unless—

(a) the wagering service provider has obtained the publication and use approval of the appropriate controlling body; and

(b) the wagering service provider complies with the conditions (if any) to which the approval is subject.

Penalty: 60 penalty units.

(2) Subsection (1) does not apply to a registered bookmaker.

S. 4.2.3B inserted by No. 56/2014 s. 48 (as amended by No. 64/2014 s. 57).

4.2.3B Application for race field publication and use approval

(1) A wagering service provider may apply to an appropriate controlling body for publication and use approval.

(2) An application for approval must—

(a) be made in the prescribed time; and

(b) be in the prescribed form; and

(c) contain or be accompanied by any additional information the appropriate controlling body requires.

S. 4.2.3C inserted by No. 56/2014 s. 48 (as amended by No. 64/2014 s. 57).

4.2.3C Publication and use approval

(1) An appropriate controlling body may grant an approval to a wagering service provider to publish, cause to be published, use or otherwise make available in the course of business, in Victoria or elsewhere, a race field if the wagering service provider makes an application for that approval in accordance with section 4.2.3B.

(2) For the purposes of determining an application for publication and use approval, an appropriate controlling body—

(a) must consider the prescribed matters (if any); and

(b) may consider any other matters the appropriate controlling body considers to be relevant.

(3) An appropriate controlling body must—

(a) determine an application by either granting or refusing publication and use approval in the prescribed time; and

(b) notify the applicant in writing of its decision to grant or refuse publication and use approval in the prescribed time.

(4) Publication and use approval may be granted subject to any conditions the appropriate controlling body thinks fit, including a condition that the wagering service provider pay, in the manner specified in the approval, a fee or a series of fees of an amount or amounts—

(a) specified in the approval; or

(b) calculated in accordance with a formula or formulae specified in the approval.

(5) Any fee that is payable as a condition of the approval is a debt due to the appropriate controlling body that granted the approval and may be recovered in any court of competent jurisdiction.

(6) A publication and use approval—

(a) takes effect on the day specified by the appropriate controlling body in the approval; and

(b) remains in force for the period specified by the appropriate controlling body in the approval, unless revoked earlier under subsection (7).

(7) At any time the appropriate controlling body, by written notice to the wagering service provider, may—

(a) vary the publication and use approval (including by varying the conditions to which the approval is subject); or

(b) revoke the publication and use approval for any reasonable cause stated by the appropriate controlling body in the notice of revocation.

S. 4.2.3D inserted by No. 56/2014 s. 48 (as amended by No. 64/2014 s. 57).

4.2.3D Tribunal review

(1) A wagering service provider whose interests are affected by the relevant decision may apply to the Tribunal for review of a decision of an appropriate controlling body—

(a) to refuse an application by the wagering service provider for a publication and use approval; or

(b) to impose a condition on the publication and use approval (other than a condition relating to the payment of a fee or series of fees); or

(c) to vary or revoke the publication and use approval (other than by varying a condition relating to the payment of a fee or series of fees).

(2) An application for review must be made within 28 days after the latest of—

(a) the day on which the decision was made; or

(b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the wagering service provider requests a statement of reasons for the decision, the day on which the statement of reasons is given to the wagering service provider or the wagering service provider is informed under section 46(5) of that Act that a statement of reasons will not be given; or

(c) if, under section 10.1.24, the wagering service provider requests a statement of reasons for the decision, the day on which the statement of reasons is given to the wagering service provider or the wagering service provider is informed under section 10.1.23(6) that a statement of reasons will not be given.

4.2.3E Competition and Consumer Act and Competition Code

S. 4.2.3E inserted by No. 56/2014 s. 48 (as amended by No. 64/2014 s. 57).

(1) For the purposes of the Competition and Consumer Act 2010 of the Commonwealth and the Competition Code, the following things are authorised by this Act—

(a) any agreement entered into between—

(i) 2 or more appropriate controlling bodies in relation to the appointment of an agent to collect, or the collection by an agent or any of the controlling bodies of, fees that are payable to those bodies under a publication and use approval; or

(ii) one or more appropriate controlling bodies and any corresponding body of another State or Territory in relation to the appointment of an agent to collect, or the collection by an agent or any of the controlling bodies of, fees that are payable to those bodies in relation to the publication or use of a race field;

(b) the conduct of appropriate controlling bodies and any agents in negotiating and entering an agreement under paragraph (a);

(c) the conduct of appropriate controlling bodies and any agent in performing an agreement under paragraph (a).

(2) In this section—

agreement includes a contract, arrangement or understanding.

Division 2—Betting rules

4.2.4 Totalisator or approved betting competition not to be conducted without rules

S. 4.2.4(1) amended by Nos 40/2008 s. 5(4)(b), 28/2022 s. 75, 13/2023 s. 13.

(1) A wagering and betting licensee must not conduct a totalisator or hold an approved betting competition unless there are in force betting rules under this Division applying to that totalisator or competition, or to totalisators or competitions of that type.

S. 4.2.4(2) amended by No. 40/2008 s. 5(4)(c).

(2) The holder of a permit must not conduct a totalisator unless there are in force betting rules under this Division applying to that totalisator or to totalisators of that type.

S. 4.2.4A inserted by No. 29/2009 s. 51.

4.2.4A Betting exchange rules

S. 4.2.4A(1) amended by No. 13/2023 s. 14(a).

(1) A wagering and betting licensee must not operate a betting exchange unless there are in force betting exchange rules under this Division applying to that betting exchange.

S. 4.2.4A(2) amended by No. 13/2023 s. 14(b).

(2) Subject to this Act, the regulations and any condition of their wagering and betting licence, a wagering and betting licensee must make betting exchange rules in relation to the betting exchange.

(3) Betting exchange rules made under subsection (2) must specify the maximum amount (whether expressed as a percentage or otherwise) that may be deducted as a betting exchange commission.

S. 4.2.4A(3A) inserted by No. 58/2009 s. 65, amended by No. 23/2025 s. 74(Sch. 1 item 2.14).

(3A) Despite anything to the contrary in this section, a betting exchange rule that specifies a maximum amount that may be deducted as commission referred to in subsection (3) does not have effect unless, before the rule is made, the Treasurer has

given consent in writing to the maximum amount so specified.

(4) Betting exchange rules must specify the day on which they are made and the day on which they come into operation, being a day at least 4 weeks after the day on which they are made or such earlier day (not being earlier than the day of making) approved in writing by the Commission.

(5) Betting exchange rules may confer a discretionary authority or impose a duty on a specified person or class of persons.

(6) A wagering and betting licensee must comply with the prescribed requirements relating to the making of betting exchange rules.

S. 4.2.4A(6) amended by No. 13/2023 s. 14(c).

(7) Betting exchange rules, as in force when a bet is made, form part of the contract between a wagering and betting licensee and a registered player.

S. 4.2.4A(7) amended by No. 13/2023 s. 14(d).

(8) In the case of a brokered betting event, the contract between a wagering and betting licensee and a registered player is to be taken to be subject to the laws of Victoria.

S. 4.2.4A(8) amended by No. 13/2023 s. 14(d).

(9) A wagering and betting licensee must make available an up-to-date copy of the betting exchange rules on its website.

S. 4.2.4A(9) amended by No. 13/2023 s. 14(e).

4.2.5 Licensee to make betting rules

* * * * *

S. 4.2.5(1) repealed by No. 28/2022 s. 76(a).

(1A) Subject to this Act, the regulations and any condition of their wagering and betting licence, a wagering and betting licensee must make betting rules in relation to—

S. 4.2.5(1A) inserted by No. 40/2008 s. 5(5), amended by No. 13/2023 s. 15(a).

(a) totalisators for wagering; and

(b) totalisators for approved betting competitions; and

(c) betting in approved betting competitions at fixed odds; and

(d) any other matters that are necessary for the proper carrying on of a business of wagering and a business of conducting approved betting competitions.

S. 4.2.5(2) amended by Nos 40/2008 s. 5(6)(a), 28/2022 s. 76(b).

(2) Betting rules may, without limiting subsection (1A)(d), include provisions relating to—

(a) placing of bets, including minimum bets;

(b) odds;

(c) dividends or prizes, including minimum dividends or prizes, calculation of dividends or prizes, payment of dividends or prizes and unclaimed dividends or prizes;

(d) refunds;

(e) betting accounts;

(f) jackpots;

(g) determination of disputes;

(h) display of information.

S. 4.2.5(2A) inserted by No. 22/2007 s. 9(1), amended by Nos 40/2008 s. 5(6)(b), 28/2022 s. 76(c).

(2A) Betting rules under subsection (1A)(a) must specify the maximum amount (whether expressed as a percentage or otherwise) that may be deducted as commission out of the total amount invested in each totalisator to which the rules relate.

S. 4.2.5(2B) inserted by No. 22/2007 s. 9(1), substituted by No. 64/2014 s. 13(1).

(2B) The maximum amount of commission specified in accordance with subsection (2A) cannot exceed—

(a) in the case of a commission to be deducted out of an amount invested in an internationally pooled totalisator—40% of the total amount invested in the totalisator; or

(b) in the case of a commission to be deducted out of an amount invested in any other totalisator—25% of the total amount invested in the totalisator.

S. 4.2.5(2BA) inserted by No. 64/2014 s. 13(2).

(2BA) For the purposes of subsection (2B), a totalisator is an ***internationally pooled totalisator*** if it is conducted—

(a) in Australia in respect of a wagering event occurring outside Australia; and

(b) in conjunction with a totalisator that is conducted outside Australia in respect of that event.

S. 4.2.5(2C) inserted by No. 22/2007 s. 9(1), amended by No. 23/2025 s. 74(Sch. 1 item 2.14).

(2C) Despite anything to the contrary in this section, a betting rule that specifies a maximum amount that may be deducted as commission referred to in subsection (2A) does not have effect unless, before the rule is made, the Treasurer has given consent in writing to the maximum amount so specified.

(3) Betting rules must specify the day on which they are made and the day on which they come into operation, being a day at least 4 weeks after the day on which they are made or such earlier day (not being earlier than the day of making) approved in writing by the Commission.

(4) Betting rules may confer a discretionary authority or impose a duty on a specified person or class of persons.

S. 4.2.5(5) amended by Nos 40/2008 s. 5(6)(c), 28/2022 s. 76(d), 13/2023 s. 15(b).

(5) A wagering and betting licensee must comply with the prescribed requirements relating to the making of betting rules.

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S. 4.2.5(6) substituted by No. 40/2008 s. 5(7), repealed by No. 28/2022 s. 76(e).

S. 4.2.5(7) inserted by No. 40/2008 s. 5(7), amended by No. 13/2023 s. 15(c).

(7) Betting rules under subsection (1A), as in force when the bet is made, form part of the contract between a wagering and betting licensee and an investor.

S. 4.2.6 (Heading) amended by No. 29/2009 s. 52(1).

4.2.6 Disallowance of betting rules or betting exchange rules

S. 4.2.6(1) amended by Nos 40/2008 s. 5(8)(a), 29/2009 s. 52(2), 28/2022 s. 77(a), 13/2023 s. 16.

(1) A wagering and betting licensee must give a copy of any betting rules or betting exchange rules to the Commission as soon as practicable after making them.

S. 4.2.6(2) amended by Nos 40/2008 s. 5(8)(b), 29/2009 s. 52(3), 28/2022 s. 77(b).

(2) The Commission may disallow a betting rule or a betting exchange rule in whole or part at any time by giving notice in writing given to the wagering and betting licensee, if the Commission is satisfied that the rule is—

(a) unfair to investors; or

(b) unreasonable; or

(c) contrary to the public interest.

S. 4.2.6(3) amended by Nos 40/2008 s. 5(8)(c), 29/2009 s. 52(3), 28/2022 s. 77(b).

(3) Disallowance of a betting rule or a betting exchange rule takes effect on a day specified in the notice under subsection (2), being a day not earlier than 3 days after the notice is given to the wagering and betting licensee.

(4) If, before a betting rule or a betting exchange rule is made, the Commission consents in writing to the making of the rule in a specified form, the Commission must not disallow the rule within the period of 6 months after it is made.

S. 4.2.6(4) amended by No. 29/2009 s. 52(3).

(5) Despite anything to the contrary in this section, the Commission has no power to disallow a betting rule that specifies the maximum amount that may be deducted as commission out of the total amount invested in each totalisator to which the rule relates.

S. 4.2.6(5) inserted by No. 22/2007 s. 9(2).

(6) Despite anything to the contrary in this section, the Commission has no power to disallow a betting exchange rule that specifies the maximum amount that may be deducted as a betting exchange commission.

S. 4.2.6(6) inserted by No. 58/2009 s. 66.

4.2.7 Commission may direct licensee to deal with certain bets

S. 4.2.7 (Heading) amended by No. 28/2022 s. 78.

S. 4.2.7 inserted by No. 29/2009 s. 53.

(1) If the Commission disallows a betting exchange rule under which bets have been accepted in relation to a horse race, harness race or greyhound race or other competition or event that does not occur before that disallowance takes effect, the Commission may direct, in writing, the wagering and betting licensee who made the rule to settle or deal with those bets in the manner specified in the direction.

S. 4.2.7(1) amended by No. 13/2023 s. 17(a).

(2) A wagering and betting licensee must comply with a direction under subsection (1) without delay.

S. 4.2.7(2) amended by No. 13/2023 s. 17(b).

Ch. 4 Pt 2 Div. 3 (Heading and ss 4.2.8–4.2.11) inserted by No. 29/2009 s. 54.

Division 3—Conduct of wagering and betting by wagering and betting licensee

S. 4.2.8 inserted by No. 29/2009 s. 54, amended by No. 13/2023 s. 18.

4.2.8 Acceptance of wagers and bets

A wagering and betting licensee must not accept, or authorise an agent of the licensee to accept, wagers on wagering events, or bets on approved betting competitions conducted by the licensee, that are not in accordance with the distribution arrangements authorised under the licensee's wagering and betting licence.

S. 4.2.9 inserted by No. 29/2009 s. 54.

4.2.9 Agents of licensee

S. 4.2.9(1) amended by No. 13/2023 s. 19(a).

(1) A person who is not an agent of a wagering and betting licensee must not hold themselves out as an agent of the licensee.

Penalty: 60 penalty units or imprisonment for 6 months or both.

S. 4.2.9(2) amended by No. 13/2023 s. 19(b).

(2) A wagering and betting licensee may accredit in writing agents of the licensee to accept wagers on wagering events or bets on approved betting competitions on behalf of the licensee.

S. 4.2.9(3) amended by No. 13/2023 s. 19(c)(i).

(3) A wagering and betting licensee must give the Commission—

(a) the names and addresses of—

S. 4.2.9(3)(a)(i) amended by No. 58/2009 s. 142(7).

(i) agents accredited by the licensee; and

(ii) any other agents and contractors to be used by the licensee to assist the licensee in conducting wagering and approved betting competitions; and

(b) a copy of any agreement between the licensee and an agent under which that agent accepts, on behalf of the licensee—

S. 4.2.9(3)(b) amended by No. 13/2023 s. 19(c)(ii).

(i) wagers on wagering events; or

(ii) bets on approved betting competitions conducted by the licensee.

(4) A wagering and betting licensee must give the information under subsection (3), and a copy of any agreement referred to in that subsection, to the Commission within 14 days after the accreditation or appointment of the agent or contractor (as the case requires).

S. 4.2.9(4) amended by No. 13/2023 s. 19(d).

4.2.10 Investigation of complaints

S. 4.2.10 inserted by No. 29/2009 s. 54.

(1) On receiving a complaint from a person relating to the conduct of wagering or an approved betting competition by a wagering and betting licensee, the Commission must investigate the complaint without delay.

S. 4.2.10(1) amended by No. 13/2023 s. 20.

(2) The Commission must inform the wagering and betting licensee of the substance of the complaint and give the licensee a reasonable opportunity to respond to it.

(3) A function of the Commission under this section may be performed by any commissioner.

S. 4.2.11 inserted by No. 29/2009 s. 54.

4.2.11 Termination of certain agent agreements

(1) This section applies if the Commission is of the opinion that—

(a) an agent who is a party to an agreement referred to in section 4.2.9(3) has contravened this Act or the regulations; or

S. 4.2.11(1)(b) amended by No. 13/2023 s. 21(a).

(b) conduct of an agent who is a party to an agreement referred to in section 4.2.9(3) has been inconsistent with the Responsible Gambling Code of Conduct of the wagering and betting licensee who is a party to the agreement; or

S. 4.2.11(1)(c) amended by No. 13/2023 s. 21(b).

(c) an agent who is a party to an agreement referred to in section 4.2.9(3) has, other than in accordance with the betting rules of the wagering and betting licensee who is a party to the agreement, wagered on a wagering event, or bet on an approved betting competition conducted by the licensee, at the place where they accept, on behalf of the licensee—

(i) wagers on wagering events; or

(ii) bets on approved betting competitions conducted by the licensee; or

S. 4.2.11(1)(d) amended by No. 13/2023 s. 21(b).

(d) an employee of an agent who is a party to an agreement referred to in section 4.2.9(3) has, other than in accordance with the betting rules of the wagering and betting licensee who is a party to the agreement, wagered on a wagering event, or bet on an approved betting competition conducted by the licensee, at the place where the agent accepts, on behalf of the licensee—

(i) wagers on wagering events; or

(ii) bets on approved betting competitions conducted by the licensee.

(2) The Commission, by written notice given to the wagering and betting licensee, may direct the licensee to terminate the agreement the licensee has with the agent within 28 days after being given the notice.

(3) The wagering and betting licensee must comply with a direction under subsection (2).

(4) Within 14 days after receiving a notice under subsection (2), the wagering and betting licensee may make representations to the Commission as to why it should not comply with a direction under subsection (2).

(5) The Commission, by written notice given to the wagering and betting licensee, may revoke a direction referred to in subsection (2). The Commission may do so only if the period within which the agreement must be terminated has not expired.

(6) No compensation is payable by the State to any person (including the wagering and betting licensee) as a result of the termination of an agreement by the wagering and betting licensee in compliance with a direction under subsection (2).

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Ch. 4 Pt 3 (Headings and ss 4.3.1–4.3.34) amended by Nos 10/2004 s. 15(Sch. 1 item 10.5), 104/2004 ss 9–12, 39(5)(m), 22/2005 s. 5, 72/2007 ss 19–22, 40/2008 ss 6, 7, 71/2008 ss 10, 11, 58/2009 s. 67, 56/2010 s. 61(3)(6), 44/2014 s. 33(Sch. item 14), 62/2017 s. 57(2), 1/2021 s. 16, repealed by No. 28/2022 s. 79.

Part 3A—Wagering and betting licence

Ch. 4 Pt 3A (Heading and ss 4.3A.1–4.3A.39) inserted by No. 40/2008 s. 8.

Division 1AA—Interpretation

Ch. 4 Pt 3A Div. 1AA (Heading and s. 4.3A.1AA) inserted by No. 60/2011 s. 51.

4.3A.1AA Definitions

S. 4.3A.1AA inserted by No. 60/2011 s. 51.

In this Part—

applicant means an applicant for a wagering and betting licence;

S. 4.3A.1AA def. of *applicant* amended by No. 13/2023 s. 22(a).

contact includes telephone contact, written contact, face-to-face contact and email contact or contact by other electronic means;

government representative means—

S. 4.3A.1AA def. of *government representative* amended by No. 23/2025 s. 74(Sch. 1 item 2.15).

(a) the Premier or another Minister;

(b) a Parliamentary Secretary;

(c) a person employed under Part 3 of the **Public Administration Act 2004**;

(d) a ministerial officer employed under Division 1 of Part 6 of the **Public Administration Act 2004**;

(e) the Secretary;

(f) a person nominated and engaged by the Secretary under Part 1A of Chapter 10 for the purposes of assisting the Secretary with the Secretary's obligations under this Part or Division 1A or 1B of Part 4 of Chapter 10;

S. 4.3A.1AA def. of *interested person* substituted by No. 1/2021 s. 17(b), amended by No. 13/2023 s. 22(b).

interested person means—

(a) a possible invitee; or

(b) a pending applicant; or

(c) an applicant; or

(d) a wagering and betting licensee; or

(e) an associate of a person referred to in paragraph (a), (b), (c) or (d); or

(f) an officer, employee, agent or contractor of—

(i) a person referred to in paragraph (a), (b), (c) or (d); or

(ii) an associate of a person referred to in paragraph (a), (b), (c) or (d);

S. 4.3A.1AA def. of *licence awarding process* substituted by No. 1/2021 s. 17(c), amended by No. 13/2023 s. 22(c).

licence awarding process means the following—

(a) the Minister's decision to invite a person to apply for a wagering and betting licence;

(b) the Minister's determination whether to grant or refuse an application for a wagering and betting licence;

(c) the preparation or making of a recommendation or report, or any other thing that may be or is required to be done under the Act, for the purpose of the Minister making a decision or

determination referred to in paragraph (a) or (b);

lobbying activity means—

S. 4.3A.1AA def. of *lobbying activity* amended by No. 13/2023 s. 22(d).

(a) in relation to a licence awarding process, contact with a government representative for the purpose of influencing a decision or thing to be done under that process;

(b) in relation to a request to amend a wagering and betting licence under section 4.3A.22, contact with a government representative for the purpose of influencing the Minister's decision whether to make an amendment to the licence;

lobbyist means a person or organisation—

(a) that carries out a lobbying activity for or on behalf of a third party client; or

(b) whose employees or contractors carry out a lobbying activity for or on behalf of a third party client;

pending applicant means a person the Minister has invited to apply for a wagering and betting licence but that has not applied for a wagering and betting licence under section 4.3A.5;

S. 4.3A.1AA def. of *pending applicant* inserted by No. 1/2021 s. 17(a), amended by No. 13/2023 s. 22(e).

possible invitee means a person the Minister is considering inviting to apply for a wagering and betting licence.

S. 4.3A.1AA def. of *possible invitee* inserted by No. 1/2021 s. 17(a), amended by No. 13/2023 s. 22(f).

S. 4.3A.1AA def. of *registrant* repealed by No. 1/2021 s. 17(d).

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Division 1—Authority and number of wagering and betting licences

S. 4.3A.1 inserted by No. 40/2008 s. 8, amended by No. 13/2023 s. 23.

4.3A.1 Authority of wagering and betting licence

A wagering and betting licence authorises a wagering and betting licensee to conduct, subject to this Act and the regulations, the **Racing Act 1958** and any conditions to which the licence is subject—

(a) wagering; and

S. 4.3A.1(b) amended by No. 29/2009 s. 55(1).

(b) approved betting competitions; and

S. 4.3A.1(c) inserted by No. 29/2009 s. 55(2).

(c) approved simulated racing events; and

S. 4.3A.1(d) inserted by No. 29/2009 s. 55(2).

(d) a betting exchange.

S. 4.3A.2 inserted by No. 40/2008 s. 8, substituted by No. 13/2023 s. 24.

4.3A.2 Minister determines number of wagering and betting licences

The Minister is to determine from time to time the number of wagering and betting licences that may be issued.

Division 2—Licensing procedure

4.3A.3 Minister may invite applications

S. 4.3A.3 inserted by No. 40/2008 s. 8, amended by Nos 56/2010 s. 37, 60/2011 s. 52, 43/2012 s. 3(Sch. item 22.3), substituted by No. 1/2021 s. 18.

(1) The Minister may invite a person that is a body corporate but not a prohibited person to apply for a wagering and betting licence.

S. 4.3A.3(1) amended by No. 13/2023 s. 25.

(2) The Minister may take into account any other matter in deciding whether to invite a person to apply for a wagering and betting licence.

S. 4.3A.3(2) amended by No. 13/2023 s. 25.

(3) In this section—

prohibited person means—

(a) a licensed racing club; or

(b) Racing Products; or

(c) Racing Victoria; or

(d) VicRacing; or

(e) a body corporate—

(i) in which any share is held by or on behalf of an entity referred to in paragraph (a), (b), (c) or (d); or

(ii) of which an entity referred to in paragraph (a), (b), (c) or (d) is a member.

S. 4.3A.4 inserted by No. 40/2008 s. 8, substituted by No. 1/2021 s. 18.

4.3A.4 Secretary may report on suitability of persons Minister is considering to invite to apply for wagering and betting licence

S. 4.3A.4(1) amended by No. 13/2023 s. 26.

(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 a wagering and betting 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.

S. 4.3A.4A inserted by No. 1/2021 s. 18.

4.3A.4A Consent required for reports and investigation

For the purpose of preparing a report under section 4.3A.4 or 4.3A.6 to give to the Minister and for investigations and inquiries to be carried out under Division 1C or 1D of Part 4 of Chapter 10 for the purpose of preparing a report under section 4.3A.4 or 4.3A.6, the Secretary must obtain the written consent of—

(a) a possible invitee, pending applicant or applicant; and

(b) any other person the Secretary considers relevant to the consideration by the Minister of whether—

S. 4.3A.4A (b)(i) amended by No. 13/2023 s. 27.

(i) to invite a possible invitee to apply for a wagering and betting licence; or

S. 4.3A.4A (b)(ii) amended by No. 13/2023 s. 27.

(ii) a pending applicant or an applicant should be granted a wagering and betting licence under this Division.

4.3A.5 Application for licence

S. 4.3A.5 inserted by No. 40/2008 s. 8.

(1) A person who has been invited by the Minister under section 4.3A.3(1) to apply for a wagering and betting licence—

S. 4.3A.5(1) amended by Nos 1/2021 s. 19(1)(a), 13/2023 s. 28(1).

(a) may apply to the Minister for the licence; and

(b) if the person applies for the licence, must comply with—

(i) requirements specified by the Minister for an applicant to have protocols or procedures to prevent an interested person from improperly interfering with the preparation or making of a recommendation or report under this Act in relation to an application for a wagering and betting licence; and

S. 4.3A.5(1)(b)(i) amended by Nos 1/2021 s. 19(1)(b), 13/2023 s. 28(1).

(ii) reporting requirements specified by the Minister for an applicant or an associate of an applicant in relation to the protocols or procedures specified under subparagraph (i); and

(iii) any other requirements specified by the Minister in relation to applicants or applications for a licence.

(2) A licence application—

(a) must be in the form, contain the information and be accompanied by the documents required by the Minister; and

(ab) must be accompanied by a Responsible Gambling Code of Conduct that the applicant intends to implement if the licence is granted; and

S. 4.3A.5(2)(ab) inserted by No. 40/2008 s. 27(1).

(b) must be lodged in accordance with the procedural requirements, if any, specified by the Minister.

(3) The Minister may require an applicant to provide any further information to the Minister in connection with the application.

(4) The Minister may require any matter in, or in relation to, the application to be verified by statutory declaration by an applicant or an associate of an applicant.

(5) The Minister must refer each licence application to the Secretary for a report under section 4.3A.6.

(6) If a requirement made by or specified under this section is not complied with, the Minister may refuse to consider or further consider the application or to refer it to the Secretary.

S. 4.3A.5(7) repealed by No. 60/2011 s. 53.

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Note to s. 4.3A.5 substituted by No. 1/2021 s. 19(2), amended by No. 13/2023 s. 28(2).

Note

Division 1D of Part 4 of Chapter 10 provides for the investigation of an application for a wagering and betting licence.

S. 4.3A.6 inserted by No. 40/2008 s. 8.

4.3A.6 Report to Minister by Secretary on applications

(1) The Secretary must give a written report to the Minister on each licence application—

(a) stating whether or not, in the Secretary's opinion, the matters of which the Minister must be satisfied to grant the licence application have been made out; and

(b) stating whether or not, in the Secretary's opinion, the requirements made by or specified under section 4.3A.5 have been complied with; and

(c) containing any other information required by the Minister.

(2) The report may include any recommendations the Secretary thinks fit, including recommendations as to any appropriate licence conditions.

(3) The report must include the reasons for any findings or recommendations contained in it.

4.3A.7 Determination of applications

S. 4.3A.7 inserted by No. 40/2008 s. 8.

(1) The Minister is to determine whether to grant or refuse a licence application after receiving the report of the Secretary under section 4.3A.6.

S. 4.3A.7(2) amended by No. 23/2025 s. 74(Sch. 1 item 2.16(a)).

(2) The Minister may grant a licence application only if satisfied—

(a) that the granting of the application is in the public interest, taking into account each of the following matters—

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

(ii) whether the applicant, or an associate of the applicant, has an association with a person or body that is not of good repute having regard to character, honesty and integrity as a result of which the applicant or the associate is likely to be significantly affected in an unsatisfactory manner;

(iii) whether each executive officer of the applicant and any other person determined by the Minister to be

concerned in or associated with the ownership, management or operation of the applicant's wagering and betting business, is a suitable person to act in that capacity;

(iv) whether the applicant has sufficient technical capability and adequate systems to conduct the activities to be authorised by the licence;

(v) whether the applicant is of sound and stable financial background;

(vi) whether the applicant has financial resources that are adequate to ensure the financial viability of a wagering and betting business;

(vii) whether the applicant has the ability to establish and maintain a successful wagering and betting business;

(viii) whether the applicant has demonstrated a commitment to the promotion of a viable and growing Victorian racing industry;

S. 4.3A.7(2)(a)(ix) repealed by No. 1/2021 s. 20.

* * * * *

(x) any other matters the Minister considers relevant; and

S. 4.3A.7(2)(b) amended by No. 13/2023 s. 29(1)(a).

(b) subject to subsection (5), that—

(i) the arrangements between—

(A) the licensee under Part 3 (other than a licensee appointed under section 4.3.33) and VicRacing or Racing Products, as the case requires; or

(B) the previous wagering and betting licensee (other than a licensee appointed under section 4.3A.31) and VicRacing or Racing Products, as the case requires—

have been or, before the licence commences, will be, concluded to the reasonable satisfaction of the parties; or

(ii) a reasonable opportunity has been given for such a conclusion of those arrangements; and

* * * * *

S. 4.3A.7(2)(c) amended by No. 40/2008 s. 27(2)(a), repealed by No. 13/2023 s. 29(1)(b).

(d) that the Responsible Gambling Code of Conduct accompanying the application complies with—

S. 4.3A.7(2)(d) inserted by No. 40/2008 s. 27(2)(b), amended by No. 62/2017 s. 56(2).

(i) regulations made for or with respect to Part 4C in Schedule 1; and

S. 4.3A.7(2)(d)(i) inserted by No. 62/2017 s. 56(2).

(ii) each direction under section 10.6.6(1) that applies in relation to the application.

S. 4.3A.7(2)(d)(ii) inserted by No. 62/2017 s. 56(2).

(3) In determining whether to grant or refuse a licence application, the Minister is entitled to rely on any findings or recommendations contained in the report of the Secretary under section 4.3A.6.

S. 4.3A.7(4) amended by No. 23/2025 s. 74(Sch. 1 item 2.16(b)).

(4) If the Minister refuses a licence application, the Minister must give written notice to the applicant.

S. 4.3A.7(5) inserted by No. 13/2023 s. 29(2).

(5) Subsection (2)(b) applies only in relation to an application for a wagering and betting licence that is to take effect immediately following the expiry of the wagering and betting licence in effect at the commencement of the **Gambling Regulation Amendment Act 2023**.

S. 4.3A.7A inserted by No. 40/2008 s. 8, amended by No. 60/2011 s. 54, substituted by No. 1/2021 s. 21.

4.3A.7A Prohibition on improper interference

S. 4.3A.7A(1) amended by No. 13/2023 s. 30.

(1) An interested person in relation to a wagering and betting licence must not improperly interfere with the preparation or making of a recommendation or report under this Act in relation to a possible invitee, pending applicant or applicant.

(2) If an interested person improperly interferes with the preparation or making of a recommendation or report under this Act in relation to a possible invitee, pending applicant or applicant, the Minister may refuse to consider, or consider further—

S. 4.3A.7A(2)(a) amended by No. 13/2023 s. 30.

(a) whether to invite the possible invitee to apply for a wagering and betting licence; or

(b) an application made by the pending applicant or applicant.

4.3A.7B Prohibition on lobbying

S. 4.3A.7B (Heading) amended by No. 1/2021 s. 22(1).

S. 4.3A.7B inserted by No. 60/2011 s. 55.

(1) A lobbyist must not, in relation to a licence awarding process, carry out a lobbying activity for or on behalf of an interested person.

S. 4.3A.7B(2) amended by Nos 1/2021 s. 22(2), 13/2023 s. 31.

(2) The Minister may refuse to invite a person to apply for a wagering and betting licence, to consider an application for a wagering and betting licence or to grant an application for a wagering and betting licence, if the Minister is satisfied that a lobbyist, for or on behalf of an interested person in relation to a licence awarding process, has carried out a lobbying activity.

4.3A.8 Issue of licence

S. 4.3A.8 inserted by No. 40/2008 s. 8.

S. 4.3A.8(1) amended by No. 23/2025 s. 74(Sch. 1 item 2.17).

(1) If the Minister grants a licence application, the Minister must issue a wagering and betting licence to the applicant.

S. 4.3A.8(2) repealed by No. 28/2022 s. 80, new s. 4.3A.8(2) inserted by No. 13/2023 s. 32.

(2) A wagering and betting licence cannot be issued under this section that has effect, otherwise than as provided by section 4.3A.12, at any time while the wagering and betting licence in effect at the commencement of the **Gambling Regulation Amendment Act 2023** remains in effect.

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S. 4.3A.8(3) repealed by No. 28/2022 s. 80.

S. 4.3A.8A inserted by No. 74/2010 s. 25(2).

4.3A.8A Wagering and betting licence not personal property

For the purposes of section 8(1)(k) of the Personal Property Securities Act 2009 of the Commonwealth, a wagering and betting licence is declared not to be personal property.

S. 4.3A.9 inserted by No. 40/2008 s. 8, amended by No. 23/2025 s. 74(Sch. 1 item 2.17).

4.3A.9 Licence conditions

The Minister may impose any conditions the Minister thinks fit on a wagering and betting licence, including—

(a) conditions referred to in any other provision of this Chapter;

(b) conditions that leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Commission or the Minister.

Note to s. 4.3A.9 inserted by No. 40/2008 s. 27(3).

Note

The licence is also subject to the condition specified in section 4.3A.10A.

S. 4.3A.10 (Heading) substituted by No. 58/2009 s. 68.
S. 4.3A.10 inserted by No. 40/2008 s. 8.

4.3A.10 Minister may refuse to issue wagering and betting licence if related agreements not entered into

Despite section 4.3A.8, the Minister may refuse to issue a wagering and betting licence unless the applicant or any other person requested by the Minister (or both) enters into one or more agreements with the Minister dealing with matters related to the licence.

S. 4.3A.10AA inserted by No. 58/2009 s. 69.

4.3A.10AA Related agreements with wagering and betting licensee

S. 4.3A.10AA(1) amended by No. 13/2023 s. 33(a).

(1) Subject to this section, the Minister, by written notice, may direct a wagering and betting licensee to enter into an agreement or class of agreements

dealing with matters relating to the licensee's wagering and betting licence with—

(a) the Minister; or

(b) a person or class of person the Minister specifies in the direction.

(2) Before giving a direction under subsection (1), the Minister must consult with the wagering and betting licensee.

(3) A direction under subsection (1)—

(a) must warn the wagering and betting licensee of the Minister's powers under this section; and

(b) must be accompanied by a copy of this section; and

(c) may specify the terms or kinds of terms to be contained in an agreement or class of agreements to be entered into; and

(d) may specify the terms or kinds of terms that must not be in an agreement or class of agreements to be entered into; and

(e) may specify a date by which an agreement or class of agreements is to be entered into.

(4) A wagering and betting licensee must comply with a direction under subsection (1).

S. 4.3A.10AA(4) amended by No. 13/2023 s. 33(b).

(5) A wagering and betting licensee must give a copy of any agreement entered into in compliance with a direction under subsection (1) to the Commission.

S. 4.3A.10AA(5) amended by No. 13/2023 s. 33(b).

S. 4.3A.10AB inserted by No. 58/2009 s. 69.

4.3A.10AB No compensation payable because of a direction to enter into related agreements

No compensation is payable by the State because of a direction under section 4.3A.10AA or the entering into an agreement in compliance with a direction under section 4.3A.10AA.

S. 4.3A.10A inserted by No. 40/2008 s. 28, amended by No. 62/2017 s. 57(3).

4.3A.10A Responsible Gambling Code of Conduct is a condition of licence

It is a condition of a wagering and betting licence that the wagering and betting licensee implement a Responsible Gambling Code of Conduct that complies with—

S. 4.3A.10A(a) inserted by No. 62/2017 s. 57(3).

(a) regulations made for or with respect to Part 4C in Schedule 1; and

S. 4.3A.10A(b) inserted by No. 62/2017 s. 57(3).

(b) each direction under section 10.6.6(1) that applies in relation to the wagering and betting licensee.

S. 4.3A.11 inserted by No. 40/2008 s. 8.

4.3A.11 Duration of licence

(1) A wagering and betting licence—

(a) takes effect at the time of issue or at the later time specified in the licence; and

S. 4.3A.11 (1)(b) substituted by No. 28/2022 s. 81.

(b) is valid for the term specified in the licence, unless terminated earlier in accordance with this Chapter or extended under this section.

(2) If invited by the Minister to do so, a wagering and betting licensee may apply to the Minister, before the wagering and betting licence expires, for a licence extension.

(3) On application under subsection (2), the Minister may extend the licence for a period determined by the Minister, after consulting—

(a) the Commission; and

(b) any other person the Minister considers appropriate.

(4) A wagering and betting licence may be extended under this section more than once, but the total cumulative period for which a licence may be extended under this section cannot exceed 2 years from the day the licence would otherwise expire.

(5) A wagering and betting licence cannot be renewed, but a person who holds or has held a wagering and betting licence may apply for a subsequent wagering and betting licence, if invited by the Minister to do so.

4.3A.11A Exclusivity period for licence

S. 4.3A.11A inserted by No. 13/2023 s. 34.

(1) When issuing a wagering and betting licence, the Minister may specify one or more periods of time as the exclusivity period for the licence.

(2) If an exclusivity period is specified for one or more wagering and betting licences, no new wagering and betting licence can be issued that has effect, otherwise than as provided by section 4.3A.12, at any time during the exclusivity period.

4.3A.12 Licence may authorise preparatory action

S. 4.3A.12 inserted by No. 40/2008 s. 8.

(1) This section applies to a wagering and betting licence if the licence takes effect at a time specified in the licence that is later than the time of issue of the licence.

(2) The wagering and betting licence may authorise the wagering and betting licensee to take preparatory action from a time specified in the licence (which may be the time of issue) even though the licence has not taken effect.

(3) An authorisation under subsection (2) may specify a single time from which any preparatory action may be taken or different times from which different kinds of preparatory action may be taken.

(4) Any time specified from which preparatory action may be taken must not be more than 18 months before the time the licence takes effect.

(5) Despite section 4.3A.11(1)(a), the wagering and betting licence is taken to be in effect for the purpose of any preparatory action taken in accordance with an authorisation under subsection (2).

(6) No account is to be had to this section in determining the term of the licence under section 4.3A.11(1)(b).

(7) In this section—

preparatory action means anything necessary or convenient to be done for the purpose of conducting any activities authorised by the licence, but does not include the acceptance of a bet or investment or the payment of a dividend.

S. 4.3A.13 inserted by No. 40/2008 s. 8.

4.3A.13 Premium payment

S. 4.3A.13(1) amended by No. 13/2023 s. 35(a).

(1) The Minister may require a wagering and betting licensee to pay, as consideration for the licensee's wagering and betting licence, one or more amounts determined by the Minister as the premium payment for the licence.

(2) The Minister may determine the premium payment for a wagering and betting licence as—

S. 4.3A.13(2) amended by No. 13/2023 s. 35(b).

(a) a single amount payable on the issue of the licence, or by the later time determined by the Minister; or

(b) an amount payable each year for the duration of the licence at the time determined by the Minister.

(3) If the Minister extends a wagering and betting licence under section 4.3A.11(3), the Minister may require the 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.

S. 4.3A.13(3) amended by No. 13/2023 s. 35(b).

(4) The premium payment for a wagering and betting licence or the extension of a wagering and betting licence is a tax.

S. 4.3A.13(4) amended by No. 13/2023 s. 35(b).

4.3A.13A Penalty interest for late payment

S. 4.3A.13A inserted by No. 58/2009 s. 70.

A wagering and betting licensee must pay to the Commission, for payment into the Consolidated Fund, interest on a premium payment under section 4.3A.13 that is outstanding as at the end of the period allowed for payment, at the rate fixed for the time being under section 2 of the **Penalty Interest Rates Act 1983**.

4.3A.13B Recovery of amounts

S. 4.3A.13B inserted by No. 58/2009 s. 70.

A premium payment under section 4.3A.13 or any interest payable under section 4.3A.13A may be recovered in a court of competent jurisdiction as a debt due to the State.

S. 4.3A.14 inserted by No. 40/2008 s. 8.

4.3A.14 Publication and tabling

(1) The Minister must cause—

(a) notice to be published in the Government Gazette—

(i) of the issue of a wagering and betting licence, as soon as practicable after the licence is issued; and

(ii) of the making of any agreement referred to in section 4.3A.10, as soon as practicable after the agreement is made; and

(b) a copy of a wagering and betting licence to be—

(i) given to the Commission as soon as practicable after the licence is issued; and

(ii) subject to subsection (2), presented to each House of Parliament within 7 sitting days of the House after the licence is issued; and

(c) a copy of any agreement referred to in section 4.3A.10 to be—

(i) given to the Commission as soon as practicable after the agreement is made; and

(ii) subject to subsection (2), presented to each House of Parliament within 7 sitting days of the House after the agreement is made.

(2) Before complying with subsection (1)(b)(ii) or (c)(ii), the Minister—

(a) may exclude information from the licence or agreement if the Minister is of the opinion that the information relates to matters of a

business, commercial or financial nature the disclosure of which would be likely to expose any person unreasonably to disadvantage; and

(b) must notify the Commission as soon as practicable whether or not any information has been excluded under paragraph (a) and, if it has been, specify the information excluded.

(3) Subject to subsection (4), the Commission must cause a copy of a wagering and betting licence and any agreements referred to in section 4.3A.10 to be made available on its website as soon as practicable after receiving notification from the Minister under subsection (2)(b).

(4) If the Minister has excluded information from the licence or agreement under subsection (2), the Commission must exclude that information from the copy of the licence or agreement it makes available under subsection (3).

4.3A.15 Engaging contractors and appointing agents to assist with wagering and betting

S. 4.3A.15 inserted by No. 40/2008 s. 8.

(1) A wagering and betting licence may authorise a wagering and betting licensee to engage a person on contract, or to appoint an agent, to assist in the conduct of wagering and betting authorised by the licence.

S. 4.3A.15(1) amended by No. 13/2023 s. 36(a).

(2) For the avoidance of doubt, the engagement of a person or the appointment of an agent by a wagering and betting licensee does not affect any function or obligation of the licensee under a gaming Act, the gaming regulations, the licensee's wagering and betting licence or any related agreement.

S. 4.3A.15(2) amended by Nos 58/2009 s. 71, 13/2023 s. 36(b).

S. 4.3A.15A inserted by No. 32/2012 s. 12.

4.3A.15A Appointment of wagering and betting operator

S. 4.3A.15A(1) amended by No. 13/2023 s. 37(a).

(1) Subject to section 4.3A.15B, a wagering and betting licensee may, by notice in writing given to the Commission, appoint as operator of the licensee's wagering and betting licence a company that—

(a) is a wholly-owned subsidiary of the licensee; and

(b) has a physical place of business in Victoria; and

(c) is approved by the Commission.

(2) A company appointed as operator ceases to be the operator on ceasing to be a wholly-owned subsidiary of the licensee.

S. 4.3A.15A(3) amended by No. 13/2023 s. 37(b).

(3) A wagering and betting licensee may, at any time by notice in writing given to the Commission, revoke the appointment of an operator under this section.

S. 4.3A.15A(4) amended by No. 13/2023 s. 37(c).

(4) The appointment of an operator under this section does not affect any function or obligation of a wagering and betting licensee under a gaming Act or gaming regulations.

S. 4.3A.15B inserted by No. 32/2012 s. 12, amended by No. 13/2023 s. 38.

4.3A.15B Approval of wholly-owned subsidiary

On application by a wagering and betting licensee, the Commission may approve a wholly-owned subsidiary of the licensee for appointment under section 4.3A.15A if satisfied that the appointment would not result in a person who is not currently an associate of the licensee becoming an associate of the licensee.

4.3A.15C Rights and obligations of wagering and betting operator

S. 4.3A.15C inserted by No. 32/2012 s. 12.

(1) A wagering and betting operator is authorised to conduct any activities that the wagering and betting licensee who appointed the operator is authorised to conduct under the licensee's wagering and betting licence, subject to this Act and the regulations, the **Racing Act 1958** and any conditions to which the licence is subject.

S. 4.3A.15C(1) substituted by No. 13/2023 s. 39(1).

(2) In conducting activities under a wagering and betting licence, a wagering and betting operator has all of the rights of the wagering and betting licensee, and is subject to all of the obligations of the wagering and betting licensee, under this Act, the regulations, the **Racing Act 1958** and the licence (other than an obligation of the licensee to pay an amount under Part 6 of this Chapter).

S. 4.3A.15C(2) amended by No. 13/2023 s. 39(2)(a).

(3) If a wagering and betting operator performs any obligation of a wagering and betting licensee under this Act, the regulations, the **Racing Act 1958** or the licence, the licensee's obligation is discharged.

S. 4.3A.15C(3) amended by No. 13/2023 s. 39(2)(b).

(4) For the purposes of this Act—

(a) a reference in Part 6 of this Chapter to any totalisator, approved betting competition or approved simulated racing event conducted by a wagering and betting licensee includes a reference to any totalisator, approved betting competition or approved simulated racing event conducted by a wagering and betting operator; and

S. 4.3A.15C(4)(a) amended by No. 13/2023 s. 39(2)(c).

S. 4.3A.15C(4)(b) amended by No. 13/2023 s. 39(2)(c).

(b) a reference in section 4.6.6B to betting exchange commissions earned by a wagering and betting licensee includes a reference to betting exchange commissions earned by a wagering and betting operator.

S. 4.3A.15C(5) amended by No. 13/2023 s. 39(2)(d).

(5) A reference in section 115(2)(ba) of the **Liquor Control Reform Act 1998** to the holder of a wagering and betting licence includes a reference to a wagering and betting operator.

Division 3—Transfer of licence

S. 4.3A.16 inserted by No. 40/2008 s. 8.

4.3A.16 Transfer only under this Division

A wagering and betting licence is not transferable to any other person except in accordance with this Division.

S. 4.3A.17 inserted by No. 40/2008 s. 8.

4.3A.17 Application to transfer licence

(1) A wagering and betting licensee may apply to the Minister to transfer the wagering and betting licence to another person (the ***transferee***).

(2) An application—

(a) must be in the form, contain the information and be accompanied by the documents required by the Minister; and

(b) must be accompanied by the prescribed fee (if any).

(3) If no fee is prescribed for the purposes of subsection (2)(b), the Minister, by written notice, may require the wagering and betting licensee to pay to the Minister the amount determined by the Minister, being an amount not exceeding the reasonable costs of the Minister and the Department administered by the Minister in considering the application.

(4) The Minister may require costs payable under subsection (3) to be paid by instalments or at any time before, during or after the Minister's consideration of the application, whether or not the application is granted.

(5) Costs payable under subsection (3) may be recovered in a court of competent jurisdiction as a debt due to the State.

(6) The Minister may refer the application to the Commission for a report under section 4.3A.19.

4.3A.18 Transfer of wagering and betting licence

S. 4.3A.18 inserted by No. 40/2008 s. 8.

(1) On application under section 4.3A.17, the Minister may transfer a wagering and betting licence to the transferee if the Minister is satisfied of the matters specified in subsections (2), (3), (4), (4A) and (5).

S. 4.3A.18(1) amended by Nos 40/2008 s. 29(1), 13/2023 s. 40(1)(a).

(2) The Minister must be satisfied—

(a) that—

(i) the transferee is a wholly-owned subsidiary of the wagering and betting licensee; or

(ii) the transferee and the wagering and betting licensee are both wholly-owned subsidiaries of a third company; and

(b) that the transferee has a physical place of business in Victoria; and

(c) that the transferee is not a prohibited person within the meaning of section 4.3A.3.

S. 4.3A.18(3) amended by No. 13/2023 s. 40(1)(b).

(3) The Minister must be satisfied that the transfer of a wagering and betting licence to the transferee is in the public interest, taking into account each of the following matters—

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

(b) whether the transferee, or an associate of the transferee, has an association with a person or body that is not of good repute having regard to character, honesty and integrity as a result of which the transferee or the associate is likely to be significantly affected in an unsatisfactory manner;

(c) whether each executive officer of the transferee and any other person determined by the Minister to be concerned in or associated with the ownership, management or operation of the transferee's wagering and betting business, is a suitable person to act in that capacity;

(d) whether the transferee has sufficient technical capability and adequate systems to conduct the activities authorised by the licence;

(e) whether the transferee is of sound and stable financial background;

(f) whether the transferee has financial resources that are adequate to ensure the financial viability of a wagering and betting business;

(g) whether the transferee has the ability to maintain a successful wagering and betting business;

(h) whether the transferee has demonstrated a commitment to the promotion of a viable and growing Victorian racing industry;

(i) any other matters that were specified in the notice calling for registrations of interest under section 4.3A.3 in relation to the wagering and betting licence;

(j) any other matters the Minister considers relevant.

(4) The Minister must be satisfied—

(a) subject to subsection (4AA), that—

S. 4.3A.18(4)(a) amended by No. 13/2023 s. 40(1)(c)(i).

(i) the arrangements between the wagering and betting licensee and VicRacing or Racing Products, as the case requires, have been or, before the transfer is effective, will be, concluded to the reasonable satisfaction of the parties; or

(ii) a reasonable opportunity has been given for such a conclusion of those arrangements; and

(b) subject to subsection (4AA), that the transferee has entered into, or made a binding offer to enter into, arrangements with VicRacing and arrangements with Racing Products that, in the opinion of the Minister, are no less favourable to VicRacing and Racing Products than those in force between the wagering and betting licensee and VicRacing or Racing Products, as the case requires; and

S. 4.3A.18(4)(b) amended by No. 13/2023 s. 40(1)(c)(ii).

(c) that the transfer of the licence to the transferee would not result in a person who is not currently an associate of the licensee, or not approved by the Minister to become an associate of the licensee, becoming an associate of the transferee.

S. 4.3A.18(4AA) inserted by No. 13/2023 s. 40(2).

(4AA) Subsection (4)(a) and (b) do not apply in relation to a wagering and betting licence taking effect on or after 16 August 2024.

S. 4.3A.18(4A) inserted by No. 40/2008 s. 29(2), amended by No. 62/2017 s. 56(3).

(4A) The Minister must be satisfied that the transferee has, or when the licence is transferred will have, a Responsible Gambling Code of Conduct that complies with—

S. 4.3A.18(4A)(a) inserted by No. 62/2017 s. 56(3).

(a) regulations made for or with respect to Part 4C in Schedule 1; and

S. 4.3A.18(4A)(b) inserted by No. 62/2017 s. 56(3).

(b) each direction under section 10.6.6(1) that applies in relation to the transferee.

(5) The Minister must be satisfied that the transferee is capable of meeting the obligations of the wagering and betting licensee under any agreements referred to in section 4.3A.10.

S. 4.3A.18(6) amended by No. 13/2023 s. 40(3).

(6) The Minister may refuse to transfer a wagering and betting licence unless a company approved by the Minister that is an associate of the transferee has given the transferee an irrevocable guarantee and indemnity, in the form approved by the Treasurer, in respect of the financial obligations of the transferee.

S. 4.3A.18(7) amended by No. 13/2023 s. 40(3).

(7) In determining whether to grant or refuse an application to transfer a wagering and betting licence, the Minister is entitled to rely on any findings or recommendations contained in the report of the Commission under section 4.3A.19.

(8) If the Minister transfers a wagering and betting licence, the transferee becomes a wagering and betting licensee and assumes all the obligations of a wagering and betting licensee under this Act.

S. 4.3A.18(8) substituted by No. 13/2023 s. 40(4).

4.3A.19 Report to Minister by Commission

S. 4.3A.19 inserted by No. 40/2008 s. 8.

(1) If the Minister has referred to the Commission an application to transfer a wagering and betting licence, the Commission must give a written report to the Minister on the application—

S. 4.3A.19(1) amended by No. 13/2023 s. 41.

(a) stating whether or not, in the Commission's opinion, the matters of which the Minister must be satisfied to transfer the licence have been made out; and

(b) containing any other information required by the Minister.

(2) The report may include any recommendations the Commission thinks fit, including recommendations as to any appropriate licence conditions.

(3) The report must include the reasons for any findings or recommendations contained in it.

Note

Division 1B of Part 4 of Chapter 10 provides for the investigation by the Commission of an application to transfer a wagering and betting licence.

4.3A.20 Related agreements

S. 4.3A.20 inserted by No. 40/2008 s. 8.

The Minister may refuse to transfer a wagering and betting licence unless—

(a) the wagering and betting licensee and any other person who is party to an agreement referred to in section 4.3A.10 relating to the licence executes any document requested by

the Minister in relation to that agreement; and

(b) the transferee or any other person requested by the Minister (or both) enters into one or more agreements with the Minister dealing with matters related to the licence, including any agreement referred to in section 4.3A.10 or any further agreement.

S. 4.3A.21 inserted by No. 40/2008 s. 8.

4.3A.21 Publication and tabling

(1) The Minister must cause—

(a) notice to be published in the Government Gazette—

(i) of the transfer of a wagering and betting licence, as soon as practicable after the licence is transferred; and

(ii) of the execution of any document referred to in section 4.3A.20(a) or of the entering into of any agreement referred to in section 4.3A.20(b), as soon as practicable after the document is executed or the agreement is entered into; and

(b) a copy of the transfer of a wagering and betting licence to be—

(i) given to the Commission as soon as practicable after the licence is transferred; and

(ii) subject to subsection (2), presented to each House of Parliament within 7 sitting days of the House after the licence is transferred; and

(c) a copy of any document referred to in section 4.3A.20(a) or any agreement referred to in section 4.3A.20(b) to be—

(i) given to the Commission as soon as practicable after the document is executed or the agreement is entered into; and

(ii) subject to subsection (2), presented to each House of Parliament within 7 sitting days of the House after the document is executed or the agreement is entered into.

(2) Before complying with subsection (1)(b)(ii) or (c)(ii), the Minister—

(a) may exclude information from the transfer, document or agreement if the Minister is of the opinion that the information relates to matters of a business, commercial or financial nature the disclosure of which would be likely to expose any person unreasonably to disadvantage; and

(b) must notify the Commission as soon as practicable whether or not any information has been excluded under paragraph (a) and, if it has been, specify the information excluded.

(3) Subject to subsection (4), the Commission must cause a copy of a transfer of a wagering and betting licence and any document referred to in section 4.3A.20(a) or agreement referred to in section 4.3A.20(b) to be made available on its website as soon as practicable after receiving notification from the Minister under subsection (2)(b).

(4) If the Minister has excluded information from the transfer, document or agreement under subsection (2), the Commission must exclude that information from the copy of the transfer, document or agreement it makes available under subsection (3).

Division 4—Amendment and surrender of licence

4.3A.22 Request by licensee for amendment of licence

S. 4.3A.22 inserted by No. 40/2008 s. 8.

S. 4.3A.22(1) amended by No. 13/2023 s. 42.

(1) A wagering and betting licensee may request the Minister to amend the licensee's wagering and betting licence.

S. 4.3A.22(1A) inserted by No. 58/2009 s. 72, amended by No. 23/2025 s. 74(Sch. 1 item 2.18).

(1A) The Minister may refuse to consider the request for a licence amendment if, in the Minister's opinion, the requested amendment is the same, or is similar to, a requested amendment that has already been made under this section within the previous two years and refused by the Minister under section 4.3A.23.

(2) A request for a licence amendment—

(a) must be in writing; and

(b) must include the reasons for the requested amendment; and

(c) must be accompanied by the prescribed fee (if any).

(3) The Minister may require the licensee to provide any further information or any documents to the Minister in connection with the request.

(4) If this section or a requirement made by the Minister under this section is not complied with, the Minister may refuse to consider the request.

(5) If no fee is prescribed for the purposes of subsection (2)(c), the Minister, by written notice, may require the wagering and betting licensee to pay to the Minister the amount determined by the Minister, being an amount not exceeding the reasonable costs of the Minister and the Department administered by the Minister in considering the request.

(6) The Minister may require costs payable under subsection (5) to be paid by instalments or at any time before, during or after the Minister's consideration of the request, whether or not the Minister decides to make the requested amendment.

(7) Costs payable under subsection (5) may be recovered in a court of competent jurisdiction as a debt due to the State.

4.3A.22A Notification of other affected licensees

S. 4.3A.22A inserted by No. 13/2023 s. 43.

(1) The Minister may require a wagering and betting licensee who requests a licence amendment to notify in writing the licensee of any other wagering and betting licence that, in the Minister's opinion, may be adversely affected if the amendment is made.

(2) Notification under subsection (1)—

(a) must be in the form and contain the information required by the Minister; and

(b) must include the reasons for the requested amendment; and

(c) must inform the licensee to whom it is given of their right to object to the requested amendment.

(3) If a requirement made by this section is not complied with, the Minister may refuse to consider the request for amendment.

S. 4.3A.22B inserted by No. 13/2023 s. 43.

4.3A.22B Objection by other licensees

(1) A wagering and betting licensee who receives notice under section 4.3A.22A may lodge a written objection with the Minister.

(2) The objection must be lodged within 28 days after receiving the notice.

S. 4.3A.23 inserted by No. 40/2008 s. 8.

4.3A.23 Amendment of licence

S. 4.3A.23(1) amended by Nos 60/2011 s. 56, 13/2023 s. 44(a).

(1) Subject to this Part, the Minister must decide whether to make an amendment requested under section 4.3A.22, either with or without changes from that originally requested, and must give written notice of the decision to the wagering and betting licensee and to any wagering and betting licensee who lodged an objection under section 4.3A.22B.

S. 4.3A.23(1A) inserted by No. 58/2009 s. 73(1), amended by No. 13/2023 s. 44(b).

(1A) The Minister may, at any time, decide to make an amendment to a wagering and betting licence and give written notice of the decision to the wagering and betting licensee.

S. 4.3A.23(1B) inserted by No. 58/2009 s. 73(1), amended by No. 13/2023 s. 44(b).

(1B) Before making an amendment to a wagering and betting licence under subsection (1A), the Minister must notify the wagering and betting licensee of the Minister's intention to amend the licence and give the licensee no less than 14 days to make written representations about the intended action.

S. 4.3A.23(2) substituted by No. 58/2009 s. 73(2), amended by No. 13/2023 s. 44(c).

(2) In deciding whether or not to make an amendment, the Minister must have regard to any objections lodged under section 4.3A.22B, and must take into account whether, in the Minister's opinion—

(a) the amendment is in the public interest; and

(b) the amendment is required for the proper conduct of the licensed activity.

(3) If the Minister amends a wagering and betting licence under this section, the Minister must cause—

(a) notice of the amendment to be published in the Government Gazette as soon as practicable after the licence is amended; and

(b) a copy of the amendment (or the licence as amended) to be—

(i) given to the Commission as soon as practicable after the licence is amended; and

(ii) subject to subsection (4), presented to each House of Parliament within 7 sitting days of the House after the licence is amended.

(4) Before complying with subsection (3)(b)(ii), the Minister—

(a) may exclude information from the amendment, or the licence as amended, if the Minister is of the opinion that the information relates to matters of a business, commercial or financial nature the disclosure of which would be likely to expose any person unreasonably to disadvantage; and

(b) must notify the Commission as soon as practicable whether or not any information has been excluded under paragraph (a) and, if it has been, specify the information excluded.

(5) Subject to subsection (6), the Commission must cause a copy of an amendment, or the licence as amended, to be made available on its website as soon as practicable after receiving notification from the Minister under subsection (4)(b).

(6) If the Minister has excluded information from an amendment under subsection (4), the Commission must exclude that information from the copy of the amendment, or the licence as amended, it makes available under subsection (5).

S. 4.3A.23(7) amended by No. 58/2009 s. 73(3).

(7) An amendment takes effect when notice of the decision to make the amendment is given to the licensee under subsection (1) or (1A) or on a later date specified in the notice.

S. 4.3A.23A inserted by No. 60/2011 s. 57.

4.3A.23A Prohibition on lobbying for amendment of licence

S. 4.3A.23A(1) amended by No. 13/2023 s. 45.

(1) A lobbyist must not in relation to a request for an amendment to a wagering and betting licence under section 4.3A.22 carry out a lobbying activity for or on behalf of an interested person.

S. 4.3A.23A(2) amended by No. 13/2023 s. 45.

(2) The Minister may refuse to consider a request to amend a wagering and betting licence, if the Minister is satisfied that a lobbyist, for or on behalf of an interested person in relation to the request, has carried out a lobbying activity.

S. 4.3A.24 inserted by No. 40/2008 s. 8.

4.3A.24 Surrender of licence

S. 4.3A.24(1) amended by No. 13/2023 s. 46.

(1) A wagering and betting licensee may surrender their wagering and betting licence by giving at least 12 months' written notice to the Minister.

(2) The surrender takes effect only if the Minister consents to the surrender.

(3) The Minister may consent subject to any conditions the Minister thinks fit, and those conditions remain in effect after the surrender in accordance with their terms.

S. 4.3A.24(3) amended by No. 23/2025 s. 74(Sch. 1 item 2.19).

Division 5—Monitoring and disciplinary action

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S. 4.3A.25 inserted by No. 40/2008 s. 8, repealed by No. 56/2010 s. 61(6).

4.3A.26 Grounds for disciplinary action

S. 4.3A.26 inserted by No. 40/2008 s. 8.

Each of the following is a ground for disciplinary action in relation to a wagering and betting licence—

(a) the wagering and betting licensee or wagering and betting operator is not, or is no longer, a suitable person or body to conduct the activities authorised by the licence;

S. 4.3A.26(a) amended by Nos 32/2012 s. 13(1)(a), 28/2022 s. 82(a).

(b) the wagering and betting licensee or wagering and betting operator has been found guilty of an offence against a gaming Act or the **Racing Act 1958**;

S. 4.3A.26(b) amended by Nos 32/2012 s. 13(1)(a), 28/2022 s. 82(a).

(c) the wagering and betting licensee or wagering and betting operator, or an associate of the licensee or operator, has been found guilty of an offence involving fraud or dishonesty, whether or not in Victoria, the maximum penalty for which exceeds imprisonment for 3 months;

S. 4.3A.26(c) amended by Nos 32/2012 s. 13(1)(b), 28/2022 s. 82(b).

S. 4.3A.26(d) amended by Nos 32/2012 s. 13(1)(c), 28/2022 s. 82(c).

(d) the wagering and betting licensee or wagering and betting operator has contravened—

S. 4.3A.26(d)(i) amended by No. 56/2010 s. 38(1).

(i) the licence; or

(ii) the betting rules; or

(iii) a provision of this Act (being a provision a contravention of which does not constitute an offence);

S. 4.3A.26(da) inserted by No. 14/2023 s. 67.

(da) the wagering and betting licensee has contravened—

(i) a provision of the **Gambling Taxation Act 2023** or regulations made under that Act; or

(ii) a provision of the **Taxation Administration Act 1997**, or regulations made under that Act, as that provision relates to the **Gambling Taxation Act 2023** or regulations made under the **Gambling Taxation Act 2023**;

S. 4.3A.26(e) amended by Nos 56/2010 s. 38(2), 32/2012 s. 13(1)(c), 28/2022 s. 82(c).

(e) the wagering and betting licensee or wagering and betting operator has contravened an agreement referred to in section 4.3A.10, 4.3A.10AA, 4.3A.20 or 4.3A.34AA;

S. 4.3A.26(f) amended by Nos 32/2012 s. 13(1)(c), 28/2022 s. 82(d).

(f) the wagering and betting licensee or wagering and betting operator has failed to discharge financial obligations to a person betting with the licensee or operator;

(g) the wagering and betting licensee or wagering and betting operator becomes an externally-administered body corporate or otherwise becomes insolvent;

S. 4.3A.26(g) amended by Nos 32/2012 s. 13(1)(c), 28/2022 s. 82(e).

(h) the wagering and betting licence was obtained by a materially false or misleading representation or in some other improper way;

S. 4.3A.26(h) amended by No. 40/2008 s. 29(3)(a).

(i) the wagering and betting licensee or wagering and betting operator has repeatedly breached the licensee's or operator's Responsible Gambling Code of Conduct.

S. 4.3A.26(i) inserted by No. 40/2008 s. 29(3)(b), amended by Nos 32/2012 s. 13(1)(d), 28/2022 s. 82(e).

4.3A.27 Commission may take or recommend disciplinary action

S. 4.3A.27 inserted by No. 40/2008 s. 8.

(1) If the Commission considers that there is a ground for taking disciplinary action in relation to a wagering and betting licence, the Commission may give the wagering and betting licensee and the wagering and betting operator written notice giving the licensee and the operator an opportunity to show cause within 28 days why disciplinary action should not be taken on the ground specified in the notice.

S. 4.3A.27(1) amended by No. 32/2012 s. 13(2)(a).

(2) The licensee or operator, within the period allowed by the notice, may arrange with the Commission for the making of submissions to the Commission as to why disciplinary action should not be taken.

S. 4.3A.27(2) amended by No. 32/2012 s. 13(2)(b).

(3) After considering any submissions made under subsection (2), the Commission—

(a) may take either or both of the following disciplinary actions—

S. 4.3A.27 (3)(a)(i) amended by No. 32/2012 s. 13(2)(b).

(i) issue a letter of censure to the licensee or operator;

S. 4.3A.27 (3)(a)(ii) amended by No. 32/2012 s. 13(2)(b).

(ii) fine the licensee or operator an amount not exceeding an amount that is 50 000 times the value of a penalty unit fixed by the Treasurer under section 5(3) of the **Monetary Units Act 2004**; or

(b) may make a written report to the Minister recommending that the Minister take disciplinary action against the licensee under section 4.3A.28.

(4) A report under subsection (3)(b) must include the reasons for the findings and recommendations contained in it.

S. 4.3A.27(5) amended by No. 32/2012 s. 13(2)(b).

(5) A letter of censure may censure the licensee or operator in respect of any matter connected with the management or operation of its wagering and betting business and may include a direction to the licensee or operator to rectify within a specified time any matter giving rise to the letter of censure.

(6) If a direction given under subsection (5) is not complied with in the specified time, the Commission may—

S. 4.3A.27 (6)(a) amended by No. 32/2012 s. 13(2)(b).

(a) fine the licensee or operator an amount not exceeding an amount that is 50 000 times the value of a penalty unit fixed by the Treasurer under section 5(3) of the **Monetary Units Act 2004**; or

(b) make a written report to the Minister recommending that the Minister take disciplinary action against the licensee under section 4.3A.28.

(7) The Commission may fine the licensee or operator under subsection (6)(a) whether or not the Commission has already fined the licensee or operator under subsection (3)(a)(ii) in relation to the same matter.

S. 4.3A.27(7) amended by No. 32/2012 s. 13(2)(b).

(8) A fine imposed under this section may be recovered in a court of competent jurisdiction as a debt due to the State.

4.3A.28 Minister may take disciplinary action

S. 4.3A.28 inserted by No. 40/2008 s. 8.

(1) If the Commission makes a report to the Minister under section 4.3A.27, the Minister may—

(a) take one of the following disciplinary actions—

(i) amend the licence; or

(ii) suspend the licence; or

(iii) cancel the licence; or

(b) if the Minister considers that disciplinary action under paragraph (a) is not warranted, remit the matter to the Commission with a request that the Commission consider whether disciplinary action should be taken against the licensee or operator under section 4.3A.27(3)(a).

S. 4.3A.28 (1)(b) amended by No. 32/2012 s. 13(3).

(2) In taking disciplinary action, the Minister—

(a) must take into account whether, in the Minister's opinion, taking the action is in the public interest; and

S. 4.3A.28 (2)(a) amended by No. 23/2025 s. 74(Sch. 1 item 2.20).

(b) is entitled to rely on the findings and recommendations in the report of the Commission under section 4.3A.27; and

S. 4.3A.28 (2)(c) amended by No. 32/2012 s. 13(3).

(c) is not required to give the licensee or operator a further opportunity to be heard or make submissions.

S. 4.3A.28(3) amended by No. 32/2012 s. 13(3).

(3) If the Minister remits a matter to the Commission under subsection (1)(b), the Commission is not required to give the licensee or operator a further opportunity to be heard or make submissions before taking disciplinary action against the licensee or operator under section 4.3A.27(3)(a).

(4) Cancellation, suspension or amendment of a licence under this section takes effect when written notice is given to the licensee or on a later date specified in the notice.

S. 4.3A.29 inserted by No. 40/2008 s. 8.

4.3A.29 Suspension of licence pending criminal proceedings

S. 4.3A.29(1) amended by No. 32/2012 s. 13(4).

(1) The Minister may suspend a wagering and betting licence by giving written notice to the wagering and betting licensee if the Minister is satisfied that the licensee or operator, or an executive officer of the licensee or operator, has been charged with—

(a) an offence against a gaming Act or gaming regulations; or

(b) an offence arising out of or in connection with the management or operation of a wagering and betting business; or

(c) an indictable offence or an offence that, if committed in Victoria, would be an indictable offence, the nature and circumstances of which, in the opinion of the

Minister, relate to the management or operation of a wagering and betting business.

(2) The Minister may, at any time, terminate or reduce a period of suspension imposed under subsection (1).

4.3A.30 Effect of licence suspension

S. 4.3A.30 inserted by No. 40/2008 s. 8.

A wagering and betting licence is of no effect for the purposes of Part 2 while it is suspended.

4.3A.30A Disciplinary and other action against licensee—preparatory action

S. 4.3A.30A (Heading) amended by No. 28/2022 s. 83.

(1) Despite anything to the contrary in this Part—

S. 4.3A.30A inserted by No. 56/2010 s. 39.

(a) the Commission may take or recommend disciplinary action against a wagering and betting licensee under section 4.3A.27; or

S. 4.3A.30A(1)(a) amended by No. 13/2023 s. 47(1)(a).

(b) the Minister may—

(i) take disciplinary action under section 4.3A.28 against a wagering and betting licensee; or

S. 4.3A.30A (1)(b)(i) amended by No. 13/2023 s. 47(1)(a).

(ii) suspend a wagering and betting licence under section 4.3A.29—

S. 4.3A.30A (1)(b)(ii) amended by No. 13/2023 s. 47(1)(b).

during the period in which the wagering and betting licensee is authorised to take preparatory action under section 4.3A.12.

(2) Despite section 4.3A.11(1)(a), for the purpose of subsection (1) a wagering and betting licence is taken to be in effect.

S. 4.3A.30A(2) amended by No. 13/2023 s. 47(2).

Division 6—Temporary wagering and betting licence

4.3A.31 Temporary wagering and betting licence

S. 4.3A.31 inserted by No. 40/2008 s. 8.

S. 4.3A.31(1) amended by No. 58/2009 s. 74(1).

(1) If a wagering and betting licence (the ***original licence***) is cancelled, suspended or surrendered under this Part, the Minister may, subject to subsection (1A), issue a temporary wagering and betting licence and appoint a temporary wagering and betting licensee for the period determined by the Minister.

S. 4.3A.31(1A) inserted by No. 58/2009 s. 74(2).

(1A) The Minister may, in accordance with subsection (2A), issue a temporary wagering and betting licence and appoint a temporary wagering and betting licensee for a period of 90 days.

S. 4.3A.31(2) amended by No. 58/2009 s. 74(3).

(2) The Minister may issue a temporary wagering and betting licence under subsection (1) only if satisfied that—

S. 4.3A.31 (2)(a) substituted by No. 58/2009 s. 74(4).

(a) the issue of the temporary licence is in the public interest; and

S. 4.3A.31 (2)(b) substituted by No. 58/2009 s. 74(4).

(b) the proposed licensee and each associate of the proposed licensee is a suitable person to be concerned in, or associated with, the management and operation of a wagering and betting business; and

S. 4.3A.31 (2)(c) repealed by No. 58/2009 s. 74(4).

* * * * *

S. 4.3A.31(2)(d) amended by No. 13/2023 s. 48(1)(a).

(d) subject to subsection (2AA), that—

(i) the arrangements between the former licensee and VicRacing or Racing

Products, as the case requires, have been or, before the temporary licence commences, will be, concluded to the reasonable satisfaction of the parties; or

(ii) a reasonable opportunity has been given for such a conclusion of those arrangements; and

* * * * *

S. 4.3A.31 (2)(e) amended by No. 40/2008 s. 29(4)(a), repealed by No. 13/2023 s. 48(1)(b).

(f) that the temporary licensee will implement a Responsible Gambling Code of Conduct that complies with—

S. 4.3A.31(2)(f) inserted by No. 40/2008 s. 29(4)(b), amended by No. 62/2017 s. 57(4).

(i) regulations made for or with respect to Part 4C in Schedule 1; and

S. 4.3A.31(2)(f)(i) inserted by No. 62/2017 s. 57(4).

(ii) each direction under section 10.6.6(1) that applies in relation to the temporary licensee.

S. 4.3A.31(2)(f)(ii) inserted by No. 62/2017 s. 57(4).

(2AA) Subsection (2)(d) applies only if the original licence took effect immediately following the expiry of the wagering and betting licence in effect at the commencement of the **Gambling Regulation Amendment Act 2023**.

S. 4.3A.31(2AA) inserted by No. 13/2023 s. 48(2).

S. 4.3A.31(2A) inserted by No. 58/2009 s. 74(5).

(2A) The Minister may issue a temporary wagering and betting licence under subsection (1A) only if satisfied that—

(a) the issue of the temporary licence is in the public interest; and

(b) the proposed licensee is a suitable person to be concerned in the management and operation of a wagering and betting business, taking into account the period of time for which the licence is issued.

S. 4.3A.31(3) amended by Nos 40/2008 s. 29(5), 58/2009 s. 74(5).

(3) Subject to subsections (1A) and (2A), a temporary wagering and betting licence is issued on the terms and conditions the Minister thinks fit and nothing in Division 2 (other than section 4.3A.10A or 4.3A.14) applies to the issue of the temporary licence.

S. 4.3A.31(4) amended by Nos 29/2009 s. 56, 58/2009 s. 74(6).

(4) In determining whether to issue a temporary wagering and betting licence under subsection (1), the Minister—

(a) may consult any person the Minister considers appropriate; and

(b) is entitled to rely on any findings or recommendations contained in the report of the Commission under section 4.3A.32.

S. 4.3A.31(4A) inserted by No. 58/2009 s. 74(7).

(4A) In considering whether to issue a temporary licence under subsection (1A), the Minister—

(a) may consult any person the Minister considers appropriate; and

(b) is entitled to rely on any findings or recommendations contained in the report of the Commission under section 4.3A.32A.

(5) In this section—

former licensee means the person who was the wagering and betting licensee—

(a) under the original licence immediately before its cancellation, suspension or surrender; or

(b) under a temporary wagering and betting licence immediately before its cancellation or other termination.

4.3A.32 Report to Minister by Commission for a temporary wagering and betting licence

S. 4.3A.32 (Heading) amended by No. 58/2009 s. 75(1).

S. 4.3A.32 inserted by No. 40/2008 s. 8.

(1) If the Minister is considering issuing a temporary wagering and betting licence under section 4.3A.31(1), the Minister may request the Commission to give a written report to the Minister—

S. 4.3A.32(1) amended by No. 58/2009 s. 75(2).

(a) stating whether or not, in the Commission's opinion, the matters of which the Minister must be satisfied to issue the temporary licence have been made out; and

(b) containing any other information required by the Minister.

(2) The Commission must comply with a request of the Minister under this section.

(3) The report may include any recommendations the Commission thinks fit, including recommendations as to any appropriate licence conditions.

(4) The report must include the reasons for any findings or recommendations contained in it.

Note

Division 1B of Part 4 of Chapter 10 provides for investigations by the Commission for the purposes of the Minister deciding whether or not to issue a temporary wagering and betting licence.

S. 4.3A.32A inserted by No. 58/2009 s. 76.

4.3A.32A Report to Minister by Commission for a temporary wagering and betting licence issued for 90 days

(1) If the Minister is considering issuing a temporary wagering and betting licence under section 4.3A.31(1A), the Minister may request the Commission to give a preliminary written report to the Minister—

(a) stating whether or not, in the Commission's opinion, the matters of which the Minister must be satisfied to issue the temporary licence have been made out; and

(b) containing any other information required by the Minister.

(2) The Commission must comply with a request of the Minister under this section.

(3) The report may include any recommendations the Commission thinks fit, including recommendations as to any appropriate licence conditions.

(4) The report must include the reasons for any findings or recommendations contained in it.

S. 4.3A.33 inserted by No. 40/2008 s. 8.

4.3A.33 Arrangements with former licensee

(1) A temporary wagering and betting licensee may enter into any arrangements that are approved by the Minister with the former licensee, including arrangements relating to the use of assets and services of staff of the former licensee.

(2) The former licensee must make available to the temporary licensee on reasonable terms any assets of, or under the control of, the former licensee that are reasonably necessary for arrangements under subsection (1).

Penalty: 100 penalty units.

(3) The former licensee must use its best endeavours to make available any staff of the former licensee that are reasonably necessary for arrangements under subsection (1).

Penalty: 100 penalty units.

(4) In this section—

former licensee has the same meaning as in section 4.3A.31.

4.3A.34 Further provisions for temporary licence

S. 4.3A.34 inserted by No. 40/2008 s. 8.

(1) Subject to subsection (1A), a temporary wagering and betting licence—

S. 4.3A.34(1) amended by No. 58/2009 s. 77(1).

(a) may be extended once only for a period determined by the Minister; and

(b) may be cancelled at any time by the Minister; and

(c) if issued following the suspension of the original licence—is cancelled by the lifting or expiry of that suspension.

(1A) A temporary wagering and betting licence issued under section 4.3A.31(1A) may be extended once only for a period of 90 days.

S. 4.3A.34(1A) inserted by No. 58/2009 s. 77(2).

(2) If a temporary wagering and betting licence (including a temporary licence issued under this subsection) is cancelled or otherwise terminates (other than under subsection (1)(c)), the Minister

may issue a further temporary wagering and betting licence and appoint a further temporary licensee for the period determined by the Minister.

(3) For the avoidance of doubt, sections 4.3A.31(2), (3) and (4), 4.3A.32 and 4.3A.33 apply to the issue of a temporary licence under subsection (2).

(4) The cumulative periods for which a temporary wagering and betting licence may be issued or extended under this Division cannot exceed 3 years after the day on which the original licence was cancelled, suspended or surrendered (as the case may be).

S. 4.3A.34AA inserted by No. 58/2009 s. 78.

4.3A.34AA Related agreements with temporary wagering and betting licensee

S. 4.3A.34AA(1) amended by No. 13/2023 s. 49(a).

(1) Subject to this section, the Minister, by written notice, may direct a temporary wagering and betting licensee to enter into an agreement or class of agreements dealing with matters relating to the temporary wagering and betting licence with—

(a) the Minister; or

(b) a person or class of person the Minister specifies in the direction.

(2) Before giving a direction under subsection (1), the Minister must consult with the temporary wagering and betting licensee.

(3) A direction under subsection (1)—

(a) must warn the temporary wagering and betting licensee of the Minister's powers under this section; and

(b) must be accompanied by a copy of this section; and

(c) may specify the terms or kinds of terms to be contained in an agreement or class of agreements to be entered into; and

(d) may specify the terms or kinds of terms that must not be in an agreement or class of agreements to be entered into; and

(e) may specify a date by which an agreement or class of agreements is to be entered into.

(4) A temporary wagering and betting licensee must comply with a direction under subsection (1).

S. 4.3A.34AA(4) amended by No. 13/2023 s. 49(b).

(5) A temporary wagering and betting licensee must give a copy of any agreement entered into in compliance with a direction under subsection (1) to the Commission.

S. 4.3A.34AA(5) amended by No. 13/2023 s. 49(b).

4.3A.34AB No compensation payable because of a direction to enter into related agreements

S. 4.3A.34AB inserted by No. 58/2009 s. 78.

No compensation is payable by the State because of a direction under section 4.3A.34AA or the entering into an agreement in compliance with a direction under section 4.3A.34AA.

Division 6A—Betting exchanges

Ch. 4 Pt 3A Div. 6A (Heading and ss 4.3A.34A–4.3A.34K) inserted by No. 29/2009 s. 57.

4.3A.34A Definitions

S. 4.3A.34A inserted by No. 29/2009 s. 57.

In this Division—

S. 4.3A.34A def. of *approved non-Victorian telecommunication device* amended by No. 58/2009 s. 142(8).

approved non-Victorian telecommunication device means a telecommunication device situated outside Victoria approved by the Commission under section 4.3A.34B;

associate of a person (the ***first person***) means—

(a) a person who holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in right of the person or on behalf of any other person), in a business of the first person related to the participation in a brokered betting event, 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 the business; or

(b) a person who is or will be an executive officer, whether in right of the person or on behalf of any other person, of a business of the first person related to the participation in a brokered betting event; or

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

competitor includes, in the case of a horse race, a jockey or driver of a horse competing or entered to compete in the race;

controlling body means—

(a) in the case of greyhound racing, Greyhound Racing Victoria;

(b) in the case of horse racing, Racing Victoria (within the meaning of the **Racing Act 1958**);

(c) in the case of harness racing, Harness Racing Victoria;

(d) in the case of a sports betting event, the sports controlling body (within the meaning of section 4.5.1) for that sports betting event;

direct participant, in a brokered betting event, means—

S. 4.3A.34A def. of *direct participant* amended by No. 58/2009 s. 142(9).

(a) in the case of an event that is a horse race, a person who—

(i) trains or rides a horse in the race; or

(ii) prepares, or performs another activity in respect of, a horse in the race to enable the horse to compete in the race;

(b) in the case of an event that is a harness race, a person who—

(i) trains or drives a horse in the race; or

(ii) prepares, or performs another activity in respect of, a horse in the race to enable the horse to compete in the race; or

(iii) prepares, or performs an activity in respect of, equipment used in the race to enable the horse to compete in the race;

(c) in the case of an event that is a greyhound race, a person who—

(i) trains a greyhound in the race; or

(ii) prepares, or performs another activity in respect of, a greyhound in the race to enable the greyhound to compete in the race; or

(d) in the case of any other event, a person who—

(i) is a competitor in the event; or

(ii) is entitled, under the rules of the event, to give direct technical or logistical support to a competitor in the event while it is underway;

exclusion order means an exclusion order issued under a gaming Act;

indirect participant, in a brokered betting event, means a person other than a direct participant who is capable of influencing or deciding the outcome of the event or the outcome of a contingency relating to the event;

official includes—

(a) marshal;

(b) scorer;

(c) steward;

(d) time-keeper;

(e) umpire.

S. 4.3A.34B inserted by No. 29/2009 s. 57.

4.3A.34B Approval of telecommunication devices by Commission

S. 4.3A.34B(1) amended by No. 13/2023 s. 50.

(1) The Commission, on application by a wagering and betting licensee, may approve a telecommunication device situated outside Victoria as an approved non-Victorian telecommunication device.

(1A) In approving a telecommunication device under subsection (1), the Commission must have regard to any relevant standards made under section 10.1.5A.

S. 4.3A.34B (1A) inserted by No. 58/2009 s. 79.

(2) An approval under subsection (1)—

(a) must be in writing; and

(b) may be subject to any conditions that the Commission thinks fit; and

(c) may be subject to any directions given by the Commission to the wagering and betting licensee by written notice from time to time.

4.3A.34C Licensee not to enable betting by way of a betting exchange on races, competitions or events without relevant consent

S. 4.3A.34C inserted by No. 29/2009 s. 57, amended by No. 13/2023 s. 51.

A wagering and betting licensee must not enable persons to offer or accept bets by way of a betting exchange on a horse race, harness race, greyhound race or other competition or event unless—

(a) the licensee has the written consent of the controlling body of that horse race, harness race, greyhound race, competition or event to do so; and

(b) the licensee has given a copy of that consent to the Commission.

4.3A.34D Licensee must conduct a betting exchange by way of certain telecommunication devices

S. 4.3A.34D inserted by No. 29/2009 s. 57, amended by No. 13/2023 s. 52.

If a wagering and betting licensee conducts a betting exchange, the licensee must conduct the betting exchange from a telecommunication device that is—

(a) situated in Victoria; or

(b) an approved non-Victorian telecommunication device.

Penalty: 240 penalty units.

S. 4.3A.34E inserted by No. 29/2009 s. 57.

4.3A.34E Commission or controlling body may request information

S. 4.3A.34E(1) amended by No. 13/2023 s. 53.

(1) The Commission, by written notice given to a wagering and betting licensee, may require the licensee to give the Commission any information—

(a) for the purpose of ensuring the integrity of brokered betting events; or

(b) for any other purpose determined by the Commission.

S. 4.3A.34E(2) amended by No. 13/2023 s. 53.

(2) The controlling body for a brokered betting event, by written notice given to a wagering and betting licensee, may request the licensee to give the controlling body any information for the purpose of ensuring the integrity of brokered betting events for which that body is the controlling body.

(3) A request under subsection (1) or (2)—

(a) must specify the period within which the Commission or controlling body (as the case requires) wants the information; and

(b) may specify the manner in which it wants the information.

S. 4.3A.34F inserted by No. 29/2009 s. 57, amended by Nos 60/2011 s. 43(1), 13/2023 s. 54.

4.3A.34F Compliance with information notice

A wagering and betting licensee must comply with a notice under section 4.3A.34E.

4.3A.34G Offences by the licensee as operator of betting exchange

S. 4.3A.34G (Heading) amended by No. 28/2022 s. 84.

S. 4.3A.34G inserted by No. 29/2009 s. 57.

(1) A wagering and betting licensee must not enable a person to offer or accept a bet by way of a betting exchange unless the person is a registered player.

S. 4.3A.34G(1) amended by No. 13/2023 s. 55(a).

Penalty: 600 penalty units.

(2) A wagering and betting licensee must not, by direct advertising, inducements or other direct means, solicit a person who is the subject of an exclusion order to offer or accept a bet through a betting exchange operated by the wagering and betting licensee.

S. 4.3A.34G(2) amended by No. 13/2023 s. 55(a).

Penalty: 600 penalty units.

(3) If a wagering and betting licensee reasonably suspects that a person has offered or accepted, or is trying to offer or accept, a bet of the kind referred to in section 4.3A.34H, 4.3A.34I, 4.3A.34J or 4.3A.34K through a betting exchange conducted by the licensee, the licensee must immediately inform the Commission of that suspicion.

S. 4.3A.34G(3) amended by No. 13/2023 s. 55(b).

Penalty: 60 penalty units.

4.3A.34H Offence by direct participant

S. 4.3A.34H inserted by No. 29/2009 s. 57.

A person must not offer or accept a bet through a betting exchange if the person is a direct participant in the brokered betting event to which the bet relates.

Penalty: 600 penalty units.

S. 4.3A.34I inserted by No. 29/2009 s. 57.

4.3A.34I Offence by a person who has an interest in the outcome of a brokered betting event

A direct participant in a brokered betting event, an indirect participant in a brokered betting event, or an associate of a direct participant or indirect participant in a brokered betting event, must not offer or accept a bet, through a betting exchange, of a kind that could reasonably be taken to constitute an inducement for—

(a) a human competitor in the event—

(i) to withdraw from, become disqualified for, or fail to participate in the event; or

(ii) not to participate in the event to the best of the human competitor's ability; or

(iii) to interfere with or jeopardise, contrary to the rules of the event, the performance of other human competitors, or any non-human competitors, in the event; or

(iv) to commit an offence against section 4.7.5 in relation to the conduct of an approved betting competition; or

(b) an official in the event—

(i) not to officiate in the event impartially; or

(ii) to commit an offence against section 4.7.5 in relation to the conduct of an approved betting competition.

Penalty: 600 penalty units.

4.3A.34J Offence by the owner of a horse to bet through betting exchange

S. 4.3A.34J inserted by No. 29/2009 s. 57.

The owner of a horse must not offer or accept a bet, through a betting exchange, in relation to a horse race or harness race in which the horse is competing or entered to compete, that the horse will fail to—

(a) win first place; or

(b) be placed second; or

(c) be placed third; or

(d) win first place or be placed second or third; or

(e) win first place or be placed second; or

(f) win first place or be placed third; or

(g) be placed second or third.

Penalty: 600 penalty units.

4.3A.34K Offence by the owner of a greyhound to bet through betting exchange

S. 4.3A.34K inserted by No. 29/2009 s. 57.

The owner of a greyhound must not offer or accept a bet, through a betting exchange, in relation to a greyhound race in which the greyhound is competing or entered to compete, that the greyhound will fail to—

(a) win first place; or

(b) be placed second; or

(c) be placed third; or

(d) win first place or be placed second or third; or

(e) win first place or be placed second; or

(f) win first place or be placed third; or

(g) be placed second or third.

Penalty: 600 penalty units.

Ch. 4 Pt 3A Div. 6B (Heading and ss 4.3A.34L–4.3A.34N) inserted by No. 29/2009 s. 57.

Division 6B—Requirements in relation to registered players

S. 4.3A.34L inserted by No. 29/2009 s. 57, substituted by No. 27/2013 s. 10, amended by No. 13/2023 s. 56.

4.3A.34L Verification of registered player's identity

A wagering and betting licensee must ensure that a registered player's identity is verified in accordance with the conditions of the licensee's wagering and betting licence.

Penalty: 600 penalty units.

S. 4.3A.34M inserted by No. 29/2009 s. 57.

4.3A.34M Wagering and betting funds of registered players

(1) In this section—

S. 4.3A.34M(1) def. of *wagering and betting funds* amended by No. 13/2023 s. 57(a).

wagering and betting funds means all money standing to the credit of a registered player in an account with a wagering and betting licensee that is operated for the purpose of enabling the registered player to—

(a) offer or accept bets by way of the betting exchange conducted by the licensee; or

(b) make bets and wagers with the licensee.

S. 4.3A.34M(2) amended by No. 13/2023 s. 57(b).

(2) A wagering and betting licensee must hold all wagering and betting funds of a registered player on trust for that registered player.

Penalty: 60 penalty units.

S. 4.3A.34M(3) amended by No. 13/2023 s. 57(b).

(3) A wagering and betting licensee must not disburse or otherwise deal with wagering and betting funds of a registered player held on trust except—

(a) as authorised under this Act; or

(b) as authorised under an agreement between the wagering and betting licensee and the registered player; or

(c) as the Commission authorises by notice in writing from time to time.

Penalty: 60 penalty units.

(4) A wagering and betting licensee may, in accordance with the betting rules or betting exchange rules, debit from the wagering and betting funds of a registered player—

S. 4.3A.34M(4) amended by No. 13/2023 s. 57(b).

(a) the amount of a bet or wager made by the registered player; or

(b) the amount the registered player has indicated the registered player wants to bet or wager; or

S. 4.3A.34M (4)(b) amended by No. 23/2025 s. 74(Sch. 1 item 2.21).

(c) a betting exchange commission.

(5) A wagering and betting licensee must remit any funds to a registered player under a request made under subsection (6).

S. 4.3A.34M(5) amended by No. 13/2023 s. 57(b).

(6) A registered player, or an authorised representative of the registered player, may request a wagering and betting licensee to remit any wagering and betting funds of the registered player held by the licensee.

S. 4.3A.34M(6) amended by No. 13/2023 s. 57(c).

(7) A wagering and betting licensee must comply with a request made under subsection (6) within one business day after the request is received.

Penalty: 60 penalty units.

S. 4.3A.34M(7) amended by Nos 27/2013 s. 11(1), 13/2023 s. 57(d).

(7A) Subsections (5), (6) and (7) apply only after the registered player's identity has been verified under section 4.3A.34L and apply subject to any applicable laws of the Commonwealth.

S. 4.3A.34M (7A) inserted by No. 27/2013 s. 11(2).

S. 4.3A.34M(8) amended by No. 58/2009 s. 142(10).

(8) If a wagering and betting licensee has not recorded on behalf of a registered player for a period of 2 years a bet or wager using wagering and betting funds, the licensee must—

(a) remit to the registered player any wagering and betting funds held on trust for the player; or

(b) if the registered player cannot be found, deal with the funds as unclaimed money under the **Unclaimed Money Act 2008**.

S. 4.3A.34N inserted by No. 29/2009 s. 57.

4.3A.34N Disclosure of names of registered players

S. 4.3A.34N(1) amended by No. 13/2023 s. 58.

(1) On the written request of the Commission, a wagering and betting licensee must provide the Commission with a list of all registered players.

S. 4.3A.34N(2) amended by No. 13/2023 s. 58.

(2) On the written request of a controlling body for a brokered betting event, a wagering and betting licensee must provide the controlling body with a list of the registered players who have offered or accepted bets by way of a betting exchange in respect of that brokered betting event.

Ch. 4 Pt 3A Div. 6C (Heading and ss 4.3A.34O, 4.3A.34P) inserted by No. 29/2009 s. 57, repealed by No. 27/2013 s. 12.

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Division 7—Further information-gathering powers and obligations

4.3A.35 Definitions

S. 4.3A.35 inserted by No. 40/2008 s. 8.

In this Division—

applicant means applicant for a wagering and betting licence;

application means application for a wagering and betting licence;

interested person means—

S. 4.3A.35 def. of *interested person* amended by No. 1/2021 s. 23(a).

(a) an applicant; or

* * * * *

(c) an associate of an applicant; or

(d) a person who the Secretary considers may become an associate of an applicant.

* * * * *

S. 4.3A.35 def. of *registrant* repealed by No. 1/2021 s. 23(b).

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S. 4.3A.35 def. of *registration of interest* repealed by No. 1/2021 s. 23(b).

4.3A.36 Secretary may require further information

S. 4.3A.36 inserted by No. 40/2008 s. 8.

(1) The Secretary, by notice in writing, may require an interested person to do any one or more of the following—

S. 4.3A.36(1)(a) amended by No. 1/2021 s. 24.

(a) to provide, in accordance with directions in the notice, any information that is relevant to the consideration of the application and is specified in the notice;

S. 4.3A.36(1)(b) amended by No. 1/2021 s. 24.

(b) to produce, in accordance with directions in the notice, any records relevant to the consideration 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 provide the Secretary with any authorities and consents the Secretary requires for the purpose of enabling the Secretary to obtain information (including financial and other confidential information) concerning the interested person from other persons.

S. 4.3A.36(2) amended by No. 1/2021 s. 24.

(2) The Secretary may give any information provided or record produced by an interested person under subsection (1), or a copy of the information or record, to the Commission if the Secretary considers that the information or record is relevant to an investigation or inquiry by the Commission in relation to the application.

(3) If an interested person refuses to comply with a requirement under subsection (1)—

(a) the Secretary must notify the Minister in writing as soon as practicable; and

S. 4.3A.36(3)(b) amended by No. 1/2021 s. 24.

(b) the Minister may refuse to consider the application.

4.3A.37 Updating information provided to Secretary

S. 4.3A.37 inserted by No. 40/2008 s. 8.

(1) If—

(a) the Secretary requires information (including information in any records) from an interested person under section 4.3A.36; and

(b) a change occurs in that information before the application is granted or refused—

S. 4.3A.37(1)(b) substituted by No. 1/2021 s. 25.

the interested person must give the Secretary written particulars of the change as soon as practicable.

Penalty: 60 penalty units.

(2) The Secretary may give the particulars of a change referred to in subsection (1) to the Commission if the Secretary considers that the particulars are relevant to an investigation or inquiry by the Commission in relation to the application or registration of interest.

(3) When particulars of a change are given, those particulars must then be considered to have formed part of the original information, for the purposes of the application of subsection (1) to any further change in the information provided.

S. 4.3A.38 (Heading) amended by No. 1/2021 s. 26(1).

4.3A.38 Updating information provided to Minister regarding licence application

S. 4.3A.38 inserted by No. 40/2008 s. 8.

S. 4.3A.38(1) repealed by No. 1/2021 s. 26(2)(a).

* * * * *

(2) If a change occurs in any relevant application information before an application is granted or refused, the applicant must give the Minister written particulars of the change as soon as practicable.

Penalty: 60 penalty units.

S. 4.3A.38(3) amended by No. 1/2021 s. 26(2)(b).

(3) The Minister must give the particulars of a change referred to in subsection (2) to the Secretary.

S. 4.3A.38(4) amended by No. 1/2021 s. 26(2)(c).

(4) The Secretary may give the particulars of a change referred to in subsection (2) to the Commission if the Secretary considers that the particulars are relevant to an investigation or inquiry by the Commission in relation to the application.

S. 4.3A.38(5) amended by No. 1/2021 s. 26(2)(d).

(5) When particulars of a change are given, those particulars must then be considered to have formed part of the original application, for the purposes of the application of subsection (2) to any further change in the relevant information.

(6) In this section—

relevant application information means—

(a) any information contained in an application for a wagering and betting licence; or

(b) any information contained in a document that accompanied that application; or

(c) any further information given to the Minister by the applicant in relation to that application.

* * * * *

S. 4.3A.38(6) def. of *relevant registration information* repealed by No. 1/2021 s. 26(2)(e).

4.3A.39 Updating licence transfer application

S. 4.3A.39 inserted by No. 40/2008 s. 8.

(1) If a change occurs in any relevant information before an application for transfer of a wagering and betting licence is granted or refused, the applicant must give the Minister written particulars of the change as soon as practicable.

Penalty: 60 penalty units.

(2) The Minister may give the particulars of a change referred to in subsection (1) to the Commission if the Minister considers that the particulars are relevant to an investigation or inquiry by the Commission in relation to the application.

Penalty: 60 penalty units.

(3) When particulars of a change are given, those particulars must then be considered to have formed part of the original application, for the purposes of the application of subsection (1) to any further change in the relevant information.

(4) In this section—

relevant information means—

(a) any information contained in an application for transfer of a wagering and betting licence; or

(b) any information contained in a document that accompanied that application; or

(c) any further information given to the Minister by the applicant in relation to that application.

S. 4.3A.39A inserted by No. 58/2009 s. 80.

4.3A.39A Directions to provide information

S. 4.3A.39A(1) amended by Nos 32/2012 s. 13(5), 28/2022 s. 85(a), 13/2023 s. 59(a)(i).

(1) The Minister may give a written direction to a wagering and betting licensee or wagering and betting operator, requiring the licensee or operator to provide to the Minister any information or document, or any class of information or document, that—

S. 4.3A.39A (1)(a) amended by No. 32/2012 s. 13(5).

(a) is in the possession or under the control of the licensee or operator; and

S. 4.3A.39A(1)(b) amended by No. 13/2023 s. 59(a)(ii).

(b) in the opinion of the Minister relates to the following activities conducted under the licensee's wagering and betting licence—

(i) wagering;

(ii) approved betting competitions;

(iii) simulated racing games;

(iv) the operation of a betting exchange.

(2) A wagering and betting licensee or wagering and betting operator must comply with a direction under subsection (1).

S. 4.3A.39A(2) amended by Nos 32/2012 s. 13(5), 28/2022 s. 85(b), 13/2023 s. 59(b).

(3) The Minister may, subject to any conditions the Minister thinks fit, disclose any information acquired by the Minister in response to a direction under subsection (1) to the Commission and to any of the following—

S. 4.3A.39A(3) amended by No. 28/2022 s. 85(c)(i).

(a) persons whom the Minister is considering to invite to apply for a wagering and betting licence under this Part;

S. 4.3A.39A (3)(a) substituted by No. 1/2021 s. 27(a), amended by Nos 42/2022 s. 62, 13/2023 s. 59(c)(i).

(ab) persons who are invited to apply for a wagering and betting licence under this Part;

S. 4.3A.39A (3)(ab) inserted by No. 1/2021 s. 27(b), amended by No. 13/2023 s. 59(c)(ii).

(b) persons who apply for a wagering and betting licence under this Part.

S. 4.3A.39A (3)(b) amended by Nos 28/2022 s. 85(c)(ii), 13/2023 s. 59(c)(ii).

(4) No compensation is payable by the State in respect of anything done under this section or in compliance with a direction under this section.

4.3A.39B Directions to licensees or operators

S. 4.3A.39B (Heading) amended by No. 28/2022 s. 86(1).

S. 4.3A.39B inserted by No. 58/2009 s. 80.

S. 4.3A.39B(1) amended by Nos 32/2012 s. 13(5), 28/2022 s. 86(2), 13/2023 s. 60.

(1) The Commission may give a written direction to a wagering and betting licensee or wagering and betting operator relating to the conduct of activities authorised under the licensee's wagering and betting licence and the licensee or operator must comply with the direction as soon as it takes effect.

S. 4.3A.39B(2) amended by No. 32/2012 s. 13(5).

(2) The direction takes effect when it is given to the licensee or operator or at the later time specified in it.

S. 4.3A.39B(3) amended by No. 32/2012 s. 13(5).

(3) The power conferred by this section includes a power to give a direction to a licensee or operator to adopt, vary, cease or refrain from any practice in respect of the conduct of the licence.

(4) A direction under this section must not be inconsistent with this Act, the regulations or the licence conditions.

Division 8—General

Ch. 4 Pt 3A Div. 8 (Heading and s. 4.3A.40) inserted by No. 71/2008 s. 34.

4.3A.40 Powers of Secretary

S. 4.3A.40 inserted by No. 71/2008 s. 34, amended by No. 23/2025 s. 74(Sch. 1 item 2.22).

The Secretary has all the powers necessary to perform the Secretary's functions under this Part.

Part 4—On-course wagering permit

Division 1—Authority of permit

4.4.1 On-course wagering permit

An on-course wagering permit authorises the holder to conduct, subject to this Act and the regulations, the **Racing Act 1958** and any conditions to which the permit is subject, on-course wagering by accepting investments placed by persons on a racecourse at a bona fide race meeting held under the **Racing Act 1958** conducted by the holder, whether the investments relate to races held on that racecourse or elsewhere.

Division 2—Grant of permit

4.4.2 Application for permit

(1) A licensed racing club may apply to the Commission for the grant of an on-course wagering permit.

(2) An application—

(a) must be in the form approved by the Commission; and

(b) must be accompanied by the prescribed fee; and

(c) must nominate a person to be appointed as manager of the permit.

(3) An applicant must provide such additional information in connection with the application as the Commission requires.

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

Note

Division 1 of Part 4 of Chapter 10 provides for the investigation of an application for an on-course wagering permit.

4.4.3 Matters to be considered in determining application

(1) The Commission must not grant a permit unless satisfied that the applicant and the manager, and each associate of the applicant and the manager, is a suitable person to be concerned in, or associated with, the management and operation of an on-course wagering business.

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

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

(b) the applicant and the manager, and each associate of the applicant and the manager, is of sound and stable financial background;

(c) the applicant has, or is or will be able to obtain, financial resources that are adequate to ensure the financial viability of the proposed on-course wagering business and the services of persons who have sufficient experience in the management and operation of a wagering business;

(d) the applicant has sufficient business ability to establish and maintain a successful wagering business of the size and kind proposed;

(e) neither the applicant nor the manager, nor any associate of the applicant or the manager, has any association with any person, body or association who or which, in the opinion of the Commission, is not of good repute having regard to character, honesty and integrity as a result of which the applicant or the manager or the associate is likely to be significantly affected in an unsatisfactory manner;

(f) each executive officer of the applicant and the manager and any other officer or person determined by the Commission to be associated or connected with the management of the proposed operation of a wagering business of the applicant is a suitable person to act in that capacity.

4.4.4 Grant of permit

(1) The Commission may grant a permit to a licensed racing club.

(2) A permit—

(a) applies to race-meetings held by the licensed racing club on the race-course or race-courses specified in the permit; and

(b) is for a term of 12 months; and

(c) is subject to the conditions determined by the Commission and set out in the permit.

(3) The conditions of a permit (other than the term) may be amended by the Commission with the consent of the holder of the permit.

(4) A permit may be revoked at any time by the Commission for just and reasonable cause stated in writing.

4.4.5 Permit is non-transferable

A permit is not transferable to any other person.

Division 3—Conduct of on-course wagering

4.4.6 Compliance with betting rules

(1) The holder of a permit must conduct on-course wagering in accordance with the betting rules in relation to wagering.

(2) The betting rules, as in force when the bet is made, form part of the contract between the holder of the permit and the investor.

S. 4.4.7 amended by Nos 28/2022 s. 87, 13/2023 s. 61.

4.4.7 Racing industry and licensee

The holder of a permit must not participate directly or indirectly in any decision concerning the operation, management or activities of a business conducted under a wagering and betting licence.

Division 4—Commissions, dividends and taxes

S. 4.4.8 substituted by No. 22/2007 s. 10.

4.4.8 Commissions

The holder of a permit may deduct, or cause to be deducted, as commission out of the total amount invested in each totalisator conducted by it on a wagering event or wagering events, an amount not exceeding the maximum amount specified in the betting rules in relation to the relevant totalisator.

Note to s. 4.4.8 substituted by No. 64/2014 s. 14.

Note

For the amount that the maximum amount specified in the betting rules cannot exceed, see section 4.2.5(2B).

4.4.9 Dividends

(1) The holder of a permit, after deduction of its commissions under section 4.4.8(1), must pay by way of dividends all money invested in totalisators conducted by it on a wagering event or wagering events.

(2) If no person nominates the winning combination in a totalisator conducted by a permit holder, the permit holder may, unless otherwise directed by the Commission, transfer the money that would have been payable as dividends in that totalisator to be added to the money to form part of the money available for dividends in respect of a subsequent totalisator conducted by it.

(3) If, but for this subsection, a dividend would include a fraction of 10 cents—

(a) if the fraction is less than 5 cents a permit holder—

(i) must not include the fraction in the dividend; and

(ii) must, within 14 days after the dividend is paid, pay the fraction to the Treasurer;

(b) if the fraction is 5 cents or more, a permit holder—

(i) is required to include 5 cents in the dividend; and

(ii) must, within 14 days after the dividend is paid, pay the balance of the fraction to the Treasurer.

4.4.10 Wagering tax

(1) The holder of a permit must pay to the Treasurer a tax equal to 19·11% of the total amount deducted under section 4.4.8(1) in respect of each day on which it conducts a totalisator on a wagering event or wagering events.

(2) The tax payable under subsection (1) is payable within 14 days after the day to which the tax applies.

(3) If the holder of a permit does not pay an amount of tax payable under this section within the period within which it is so payable, the holder of the permit is liable to pay interest at the rate of 20% per annum on that amount from the date on which the payment was due until the payment.

(4) The Commission may, if it thinks fit, mitigate or remit an amount of interest due under subsection (3).

4.4.11 Hospitals and Charities Fund

In respect of each financial year, an amount equal to the amount paid to the Treasurer under sections 4.4.9 and 4.4.10 in respect of that year must be paid out of the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly) into the Hospitals and Charities Fund.

4.4.12 Supervision charge

(1) A permit holder must pay to the Treasurer a supervision charge in such instalments in respect of such periods in each financial year as the Treasurer determines from time to time.

(2) The supervision charge is such amount in respect of each financial year as the Treasurer, after consultation with the Minister, determines having regard to the reasonable costs and expenses in

respect of the financial year incurred by the Commission in carrying out its functions and powers in respect of on-course wagering.

(3) The supervision charge is a tax.

Division 5—General

4.4.13 Unclaimed refunds and dividends

(1) On or before the last day of each month (the ***payment month***), a permit holder must pay to the Treasurer an amount equal to the sum of all refunds and dividends that have remained unclaimed for—

(a) in the case of a payment month before June 2004—not less than 12 months on the first day of that payment month;

(b) in the case of the payment month of June 2004 and each subsequent payment month—not less than 6 months on the first day of that payment month—

less the expenses of the permit holder reasonably incurred in searching for the persons entitled to those refunds or dividends.

(2) If a claimant makes a demand against the Treasurer for money paid to the Treasurer under subsection (1), the Treasurer, on being satisfied that the claimant is the owner of the money demanded, must direct that it be paid to the claimant out of money available for the purpose.

Ch. 4 Pt 5 (Heading and ss 4.5.1-4.5.4) substituted as Ch. 4 Pt 5 (Heading and ss 4.5.1–4.5.31) by No. 18/2007 s. 3.

Part 5—Approved betting competitions and sports betting

Division 1—Preliminary

S. 4.5.1 substituted by No. 18/2007 s. 3.

4.5.1 Definitions

In this Part—

approved betting event means an event, class of event or part of a class of event approved for betting under section 4.5.6(1)(a);

S. 4.5.1 def. of *corresponding sports betting law* inserted by No. 64/2014 s. 15(a).

corresponding sports betting law means a law of another State or of a Territory that provides for the regulation of betting on sporting events;

S. 4.5.1 def. of *simulated racing event* inserted by No. 29/2009 s. 58.

simulated racing event means an event generated by a game—

(a) that consists of animated images of a horse race, harness race or greyhound race; and

(b) the outcome of which is only determined by a random number generator that draws a set of numbers from a larger set of numbers; and

(c) in respect of which the betting competition is a competition with fixed odds;

sports betting event means an event, class of event or part of a class of event designated under section 4.5.9 as a sports betting event;

sports betting provider means a person who, in Victoria or elsewhere, provides a service that allows a person to place a bet on a sports betting event;

sports controlling body means an organisation approved under section 4.5.15 or declared under section 4.5.15A as the sports controlling body for a sports betting event.

S. 4.5.1 def. of *sports controlling body* amended by No. 64/2014 s. 15(b).

4.5.2 Events and betting competitions that cannot be approved under this Part

S. 4.5.2 substituted by No. 18/2007 s. 3.

An approval under this Part cannot be given for an event or betting competition—

(a) that is played on a gaming machine; or

(b) that is a keno game.

S. 4.5.2(b) amended by Nos 1/2021 s. 28, 28/2022 s. 127(f)(i).

* * * * *

S. 4.5.2(c) repealed by No. 28/2022 s. 127(f)(ii).

Division 2—Approved betting competitions on horse, harness and greyhound racing

4.5.3 Approval of betting competitions on horse, harness and greyhound races

S. 4.5.3 substituted by No. 18/2007 s. 3.

(1) The Minister may approve a betting competition on an event or contingency, or a class of event or contingency, of or relating to a horse race, harness race or greyhound race.

(2) An approval is to be given by instrument.

(3) The Minister must not approve a betting competition that—

(a) is conducted on a totalisator; or

S. 4.5.3(3)(b) amended by No. 23/2025 s. 74(Sch. 1 item 2.23(a)).

(b) in the Minister's opinion, is offensive or contrary to the public interest.

S. 4.5.3(4) amended by No. 23/2025 s. 74(Sch. 1 item 2.23(b)).

(4) The Minister may impose any conditions the Minister thinks fit on the approval of a betting competition at the time of giving the approval or at any later time.

(5) An approval—

(a) takes effect on the day notice of it is published under section 4.5.4(a) or on the later day specified in the notice; and

(b) remains in force until revoked by the Minister.

(6) A condition imposed under subsection (4) takes effect on the day notice of it is published under section 4.5.4(b) or on the later day specified in the notice.

S. 4.5.4 substituted by No. 18/2007 s. 3.

4.5.4 Notice of approval

The Minister must cause notice to be published in the Government Gazette of—

(a) an approval under this Division; and

(b) the imposition of a condition on an approval; and

(c) the variation or revocation of an approval.

S. 4.5.5 inserted by No. 18/2007 s. 3.

4.5.5 Variation and revocation of approval

(1) At any time the Minister may, by instrument—

(a) vary an approval (including a variation or revocation of a condition to which the approval is subject); or

(b) revoke an approval for any reasonable cause stated by the Minister in the instrument of revocation.

(2) A variation or revocation takes effect on the day notice of it is published under section 4.5.4(c) or on the later day specified in the notice.

Division 3—Approval of other events for betting purposes

4.5.6 Approval of events for betting purposes

S. 4.5.6 inserted by No. 18/2007 s. 3.

(1) The Commission may, by instrument—

(a) approve a particular event or class of event for betting purposes; and

(b) approve a betting competition on that event or class.

(2) The approval of a betting competition under this section must specify whether it is a competition with fixed odds or a competition conducted on a totalisator.

(3) The Commission may impose any conditions it thinks fit on an approval at the time of giving the approval or at any later time.

(4) An approval—

(a) takes effect on the day notice of it is published under section 4.5.10(1)(a) or on the later day specified in the notice; and

(b) remains in force until revoked by the Commission.

(5) A condition imposed under subsection (3) takes effect on the day notice of it is published under section 4.5.10(1)(b) or on the later day specified in the notice.

S. 4.5.7 inserted by No. 18/2007 s. 3.

4.5.7 What kinds of events can be approved?

(1) The Commission may approve events, or classes of events, of any kind for betting purposes, whether those events are held wholly or partly within or outside Victoria.

(2) However, the Commission cannot approve an event, class of event or betting competition that is, or is related to, a horse race, harness race or greyhound race.

Note

The Commission also cannot approve certain other kinds of event—see section 4.5.2.

S. 4.5.8 inserted by No. 18/2007 s. 3.

4.5.8 What must Commission consider in approving events?

(1) In determining whether to approve an event or class of event for betting purposes, the Commission must have regard to—

(a) whether the event or class is exposed to unmanageable integrity risks; and

(b) whether the event or class is administered by an organisation that is capable of administering and enforcing rules or codes of conduct designed to ensure the integrity of the event or class; and

(c) whether betting on the event or class is—

(i) offensive; or

(ii) contrary to the public interest; and

(d) except in the case of a sporting event or class of sporting event, whether the approval would represent an unreasonable extension of the scope of gambling in Victoria.

(2) The Commission may have regard to any other matter in determining whether to approve an event, class of event or betting competition.

4.5.9 Designation of sports betting events

S. 4.5.9 inserted by No. 18/2007 s. 3.

The Commission must—

(a) determine whether or not an approved betting event is a sports betting event for the purposes of this Part; and

(b) designate each sports betting event as such in the instrument of approval.

4.5.10 Notice and publication requirements

S. 4.5.10 inserted by No. 18/2007 s. 3.

(1) The Commission must cause notice to be published in the Government Gazette of—

(a) an approval under this Division; and

(b) the imposition of a condition on an approval; and

(c) the variation or revocation of an approval.

(2) The notice must state whether the approved betting event is a sports betting event.

(3) The Commission must cause to be made available on its website a list of all approved betting events and betting competitions under this Division that indicates which of the approved betting events are sports betting events.

4.5.11 Variation and revocation of approval

S. 4.5.11 inserted by No. 18/2007 s. 3.

(1) At any time the Commission may, by instrument—

(a) vary an approval (including a variation or revocation of a condition to which the approval is subject); or

(b) revoke an approval for any reasonable cause stated by the Commission in the instrument of revocation.

(2) A variation or revocation takes effect on the day notice of it is published under section 4.5.10(1)(c) or on the later day specified in the notice.

Ch. 4 Pt 5 Div. 3A (Heading and ss 4.5.11A–4.5.11E) inserted by No. 29/2009 s. 59.

Division 3A—Approval of simulated racing events

S. 4.5.11A inserted by No. 29/2009 s. 59.

4.5.11A Approval of simulated racing events for betting purposes

(1) The Commission may, by instrument—

(a) approve a particular simulated racing event or class of simulated racing event for betting purposes; and

(b) approve a betting competition on that simulated racing event or class.

(2) The Commission may impose any conditions it thinks fit on an approval at the time of giving the approval or at any later time.

(3) An approval—

(a) takes effect on the day notice of it is published under section 4.5.11C(a) or on the later day specified in the notice; and

(b) remains in force until revoked by the Commission.

(4) A condition imposed under subsection (2) takes effect on the day notice of it is published under section 4.5.11C(b) or on the later day specified in the notice.

4.5.11B What must Commission consider in approving simulated racing events?

S. 4.5.11B inserted by No. 29/2009 s. 59.

(1) In determining whether to approve a simulated racing event or class of simulated racing event for betting purposes, the Commission must have regard to—

(a) whether betting on the event or class is—

(i) offensive; or

(ii) contrary to the public interest; and

(b) whether the approval would represent an unreasonable extension of the scope of gambling in Victoria; and

(c) whether the simulated racing event could be regarded as gaming by means of a gaming machine.

(2) The Commission may have regard to any other matter in determining whether to approve a simulated racing event, class of simulated racing event or betting competition on such a simulated racing event or class of event.

4.5.11C Notice and publication requirements

S. 4.5.11C inserted by No. 29/2009 s. 59.

The Commission must cause notice to be published in the Government Gazette of—

(a) an approval under this Division; and

(b) the imposition of a condition on an approval; and

(c) the variation or revocation of an approval.

S. 4.5.11D inserted by No. 29/2009 s. 59.

4.5.11D Variation and revocation of approval

(1) At any time the Commission may, by instrument—

(a) vary an approval under section 4.5.11A (including a variation or revocation of a condition to which the approval is subject); or

(b) revoke an approval under section 4.5.11A for any reasonable cause stated by the Commission in the instrument of revocation.

(2) A variation or revocation takes effect on the day notice of it is published under section 4.5.11C(c) or on the later day specified in the notice.

S. 4.5.11E inserted by No. 29/2009 s. 59.

4.5.11E Approval does not limit Minister's power to approve keno game under Chapter 6A

This Division is not to be taken to limit Part 2A of Chapter 6A.

Ch. 4 Pt 5 Div. 4 (Heading) amended by No. 64/2014 s. 16(1).

Division 4—Approval or declaration of sports controlling bodies for sports betting purposes

S. 4.5.12 inserted by No. 18/2007 s. 3.

4.5.12 Application for approval

(1) An organisation may apply to the Commission for approval as the sports controlling body for a sports betting event.

(2) An application for approval must—

(a) be in the form approved by the Commission; and

(b) specify the sports betting event for which the applicant seeks approval; and

(c) be accompanied by the prescribed fee (if any); and

(d) contain or be accompanied by any additional information the Commission requires.

(3) Within 14 days after making an application, the applicant must cause to be published in a newspaper circulating generally throughout Australia, or newspapers circulating generally in each State and Territory of Australia, a notice containing—

(a) a statement that any person may object to the application by giving notice in writing to the Commission within 28 days after the date of publication stating the grounds for objection; and

(b) any other information required by the Commission.

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

Note

Division 1 of Part 4 of Chapter 10 provides for the investigation of an application for approval under this Division.

4.5.13 Objections

S. 4.5.13 inserted by No. 18/2007 s. 3.

A person may object to an application for approval under this Division by giving notice in writing to the Commission within the time specified in section 4.5.12(3)(a) stating the grounds for objection.

4.5.14 Matters to be considered in determining applications for approval

S. 4.5.14 (Heading) amended by No. 64/2014 s. 16(2).

S. 4.5.14 inserted by No. 18/2007 s. 3.

(1) In determining whether to approve an applicant as the sports controlling body for a sports betting event, the Commission must have regard to—

(a) whether the applicant—

(i) has control of the event; or

(ii) organises or administers the event; and

(b) whether the applicant has adequate policies, rules, codes of conduct or other mechanisms designed to ensure the integrity of the event; and

(c) whether the applicant supports compliance with relevant international codes and conventions applicable to the event that relate to integrity in sport; and

(d) whether the applicant has the expertise, resources and authority necessary to administer, monitor and enforce the integrity systems; and

(e) whether the applicant has clear policies on the provision of information that may be relevant to the betting market; and

(f) whether the applicant has clear processes for reporting the results of the event and hearing appeals and protests regarding those results; and

(g) whether the applicant has clear policies on the sharing of information with sports betting providers for the purpose of investigating suspicious betting activity; and

(h) whether the applicant is the most appropriate body to be approved as the approved sports controlling body for the event; and

(i) whether the approval of the applicant is in the public interest.

(2) The Commission must also have regard to every objection made in accordance with section 4.5.13.

(3) The Commission may have regard to any other matter in determining whether to approve an applicant as the sports controlling body for a sports betting event.

4.5.15 Determination of applications and duration of approval

S. 4.5.15 inserted by No. 18/2007 s. 3.

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

(2) If the Commission refuses an application, it must include reasons for the refusal in the written notification.

(3) The Commission may impose any conditions it thinks fit on an approval at the time of granting the approval or at any later time.

(4) An approval—

(a) takes effect on the day specified by the Commission in the written notification; and

(b) remains in force until revoked by the Commission under section 4.5.17 or surrendered under section 4.5.18.

4.5.15A Declaration of sports controlling body from another jurisdiction

S. 4.5.15A inserted by No. 64/2014 s. 17.

(1) An organisation that is approved under a corresponding sports betting law as the controlling body for a sporting event for the purposes of that law may apply to the Commission to be declared as the sports controlling body for a sports betting event for the purposes of this Part.

(2) The Commission may declare the applicant as the sports controlling body for a sports betting event if the Commission is satisfied that the process for approving the applicant as a controlling body for the equivalent event under the corresponding

sports betting law is at least equivalent to the process for approving a sports controlling body under this Division.

(3) The Commission must notify the applicant in writing of its decision whether or not to declare the applicant as a sports controlling body.

(4) If the Commission refuses to declare the applicant as a sports controlling body, it must include reasons for the refusal in the written notification.

(5) The Commission may impose any conditions it thinks fit on a declaration at the time of making the declaration or at any later time.

(6) A declaration—

(a) takes effect on the day specified by the Commission in the written notification; and

(b) remains in force until revoked by the Commission under section 4.5.17 or surrendered under section 4.5.18.

S. 4.5.16 inserted by No. 18/2007 s. 3.

4.5.16 Notice and publication requirements

(1) The Commission must cause notice to be published in the Government Gazette, as soon as practicable, of—

(a) the grant of an approval under this Division; and

S. 4.5.16 (1)(ab) inserted by No. 64/2014 s. 18(1)(a).

(ab) the declaration of an organisation as a sports controlling body under section 4.5.15A; and

S. 4.5.16(1)(b) amended by No. 64/2014 s. 18(1)(b).

(b) the imposition of a condition on an approval or declaration; and

S. 4.5.16(1)(c) amended by No. 64/2014 s. 18(1)(b).

(c) the variation or revocation of an approval or declaration.

(2) Failure to publish a notice under subsection (1) does not affect the validity of the approval, declaration, condition, variation or revocation.

S. 4.5.16(2) amended by No. 64/2014 s. 18(2).

(3) The Commission must cause to be made available on its website a list of all sports controlling bodies.

4.5.17 Variation and revocation of approval or declaration

S. 4.5.17 (Heading) amended by No. 64/2014 s. 18(3).

S. 4.5.17 inserted by No. 18/2007 s. 3.

(1) At any time the Commission, by written notice to a sports controlling body, may—

(a) vary the approval or declaration of the body (including a variation or revocation of a condition to which the approval or declaration is subject); or

S. 4.5.17(1)(a) amended by No. 64/2014 s. 18(4).

(b) revoke the approval or declaration of the body for any reasonable cause stated by the Commission in the notice of revocation.

S. 4.5.17(1)(b) amended by No. 64/2014 s. 18(4).

(2) A variation or revocation takes effect on the day specified by the Commission in the notice.

4.5.18 Surrender of approval or declaration

S. 4.5.18 (Heading) amended by No. 64/2014 s. 18(5).

S. 4.5.18 inserted by No. 18/2007 s. 3.

(1) A sports controlling body may surrender its approval or declaration by giving written notice to the Commission.

S. 4.5.18(1) amended by No. 64/2014 s. 18(6).

(2) The surrender takes effect—

(a) on the day that the Commission receives the notice; or

(b) on another day determined by the Commission (which may be a day that occurred before the notice was received).

S. 4.5.19 inserted by No. 18/2007 s. 3.

4.5.19 Change in situation of sports controlling body

(1) Whenever a change of a kind specified by the Commission in writing given to a sports controlling body takes place in the situation existing in relation to that body, the body must notify the Commission in writing of the change within 14 days after it takes place.

Penalty: 60 penalty units.

(2) A function of the Commission under this section may be performed by any commissioner.

S. 4.5.20 inserted by No. 18/2007 s. 3.

4.5.20 Tribunal reviews

(1) A person whose interests are affected by the relevant decision may apply to the Tribunal for review of a decision of the Commission—

S. 4.5.20(1)(a) amended by No. 64/2014 s. 18(7).

(a) to grant or refuse an application for approval or declaration as the sports controlling body for a sports betting event; or

S. 4.5.20(1)(b) amended by No. 64/2014 s. 18(7).

(b) to impose a condition on an approval or declaration; or

S. 4.5.20(1)(c) amended by No. 64/2014 s. 18(7).

(c) to vary or revoke an approval or declaration.

(2) An application for review must be made within 28 days after the latest of—

(a) the day on which the decision was made;

(b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the person requests a statement of reasons for the decision, the day on which the statement of reasons is given to the person or the person is informed under section 46(5) of that Act that a statement of reasons will not be given;

(c) if, under section 10.1.24, the person requests a statement of reasons for the decision, the day on which the statement of reasons is given to the person or the person is informed under section 10.1.23(6) that a statement of reasons will not be given.

Division 5—Requirements on sports betting providers

4.5.21 What is offering a betting service?

S. 4.5.21 inserted by No. 18/2007 s. 3.

For the purposes of this Division, a sports betting provider offers a betting service on a sports betting event if the provider—

(a) accepts, offers to accept, or invites a person to place, a bet; or

(b) facilitates the placing of a bet—

on any contingency relating to the sports betting event or any event forming part of it.

4.5.22 Prohibition on offering betting service without agreement or determination

S. 4.5.22 inserted by No. 18/2007 s. 3.

(1) A sports betting provider must not, in Victoria or elsewhere, offer a betting service on a sports betting event unless—

S. 4.5.22(1) amended by No. 64/2014 s. 19.

(a) an agreement is in effect under section 4.5.23 between the sports controlling body for that event and the sports betting provider; or

(b) a determination of the Commission is in effect under section 4.5.26 for the sports betting provider to offer a betting service on the event.

Penalty: 120 penalty units.

(2) Subsection (1) does not apply—

(a) to a sports betting event held wholly outside Victoria; or

(b) at any time while an application by the sports betting provider for a determination under section 4.5.26 in respect of the event is before the Commission; or

(c) if there is no sports controlling body for the event; or

(d) during the period ending 6 months after the day on which the approval of a sports controlling body for the event took effect.

S. 4.5.23 inserted by No. 18/2007 s. 3.

4.5.23 Agreement of sports controlling body

(1) A sports controlling body for a sports betting event may make an agreement with a sports betting provider for the sports betting provider to offer a betting service on the event.

(2) An agreement must—

(a) provide for the sharing of information between the parties for the purposes of protecting and supporting integrity in sports and sports betting; and

(b) state—

(i) whether or not a fee is payable by the sports betting provider to the sports controlling body in respect of betting on the sports betting event; and

(ii) if a fee is payable, what the fee is or how it is calculated.

(3) An agreement may contain any other matters the parties consider appropriate.

(4) An agreement takes effect, and may be terminated, in accordance with its terms.

4.5.24 Application for Commission determination if no sports controlling body agreement

S. 4.5.24 inserted by No. 18/2007 s. 3.

(1) If a sports betting provider cannot reach agreement with a sports controlling body under section 4.5.23, the sports betting provider may apply to the Commission for a determination under section 4.5.26.

(2) An application must—

(a) be in the form approved by the Commission; and

(b) be accompanied by the prescribed fee (if any); and

(c) contain or be accompanied by any additional information the Commission requires.

(3) The Commission must not proceed to determine an application unless it is satisfied that the sports controlling body has unreasonably refused or failed to enter into an agreement with the sports betting provider under section 4.5.23, having regard to—

(a) whether the sports controlling body and the sports betting provider have engaged in genuine negotiations and there are no reasonable prospects of agreement being reached; or

(b) whether the sports controlling body has refused to enter into negotiations for an agreement with the sports betting provider.

S. 4.5.25 inserted by No. 18/2007 s. 3.

4.5.25 Procedure on application

(1) The procedure on an application under section 4.5.24 is to be determined by the Commission.

(2) The Commission may cause to be carried out any investigations or inquiries that it considers necessary to consider the application properly.

S. 4.5.25(3) amended by Nos 27/2013 s. 13, 54/2021 s. 41(d).

(3) Despite anything to the contrary in section 28 of the **Victorian Gambling and Casino Control Commission Act 2011**, any inquiry for the purpose of determining an application under section 4.5.24 must be conducted in private.

S. 4.5.26 inserted by No. 18/2007 s. 3.

4.5.26 Determination of Commission

(1) On an application under section 4.5.24, the Commission may determine that the sports betting provider may offer a betting service on a sports betting event.

(2) A determination must—

(a) provide for the sharing of information between the sports betting provider and the sports controlling body for the purposes of protecting and supporting integrity in sports and sports betting; and

(b) state—

(i) whether or not a fee is payable by the sports betting provider to the sports controlling body in respect of betting on the sports betting event; and

(ii) if a fee is payable, what the fee is or how it is calculated.

(3) In making a determination under this section, the Commission must have regard to—

(a) any integrity-related costs that the sports controlling body has incurred or may incur as a result of betting taking place on the sports betting event; and

(b) the integrity of the sports betting event; and

(c) any actual or potential financial returns to the sports betting provider, taking into account existing taxes, charges and levies, from conducting betting on the sports betting event; and

(d) the existing legislative rights and liabilities of the sports betting provider and the sports controlling body with respect to the use and provision of information; and

(e) any other matters the Commission considers relevant.

(4) The Commission must give written notice of a determination, including the reasons for the determination, to the sports betting provider and the sports controlling body.

(5) A determination takes effect at the time notice is given under subsection (4) or at a later time specified in the notice.

(6) The terms of a determination are binding on the sports betting provider and the sports controlling body and may be enforced by either of them as if the determination were an agreement between the sports betting provider and the sports controlling body on those terms.

S. 4.5.27 inserted by No. 18/2007 s. 3.

4.5.27 Variation and revocation of determination

(1) A sports betting provider or a sports controlling body or both may apply to the Commission at any time for the variation or revocation of a determination under section 4.5.26.

(2) An application must—

(a) be in the form approved by the Commission; and

(b) be accompanied by the prescribed fee (if any); and

(c) contain or be accompanied by any additional information the Commission requires.

(3) The Commission may cause to be carried out any investigations or inquiries that it considers necessary to consider the application properly.

S. 4.5.27(4) amended by Nos 27/2013 s. 13, 54/2021 s. 41(d).

(4) Despite anything to the contrary in section 28 of the **Victorian Gambling and Casino Control Commission Act 2011**, any inquiry for the purpose of determining an application under this section must be conducted in private.

(5) On an application, the Commission must decide whether or not to vary or revoke the determination and give written notice of its decision, including the reasons for the decision, to the sports betting provider and the sports controlling body.

(6) A variation or revocation of a determination takes effect at the time notice is given under subsection (5) or at a later time specified in the notice.

(7) For the avoidance of doubt, the revocation of a determination does not affect any right or liability of the sports betting provider or sports controlling body under the determination that accrued before the revocation took effect.

4.5.28 Costs of investigating applications

S. 4.5.28 inserted by No. 18/2007 s. 3.

(1) The Commission, by written notice, may require an applicant for a determination under section 4.5.26 or variation or revocation of a determination under section 4.5.27 to pay to the Commission the amount determined by the Commission, being an amount not exceeding the reasonable costs of investigating the application.

(2) The Commission may require the amount to be paid by instalments or at any time before, during or after the investigation, whether or not the Commission makes the determination, variation or revocation sought.

(3) An amount payable under this section may be recovered in a court of competent jurisdiction as a debt to the Crown.

Division 6—Prohibition of betting contingencies relating to events

Ch. 4 Pt 5 Div. 6 (Heading) amended by No. 9/2018 s. 12.

4.5.29AA Definition

S. 4.5.29AA inserted by No. 9/2018 s. 13.

In this Division—

contingency relating to an event means a contingency relating to an event or class of event—

(a) approved under Division 3 for betting purposes; and

(b) held wholly or partly in Victoria.

S. 4.5.29 (Heading) amended by No. 9/2018 s. 14(1).

4.5.29 Commission may prohibit betting on a contingency relating to an event

S. 4.5.29 inserted by No. 18/2007 s. 3.

S. 4.5.29(1) amended by No. 9/2018 s. 14(2).

(1) The Commission, by instrument, may prohibit betting on a contingency relating to an event if the Commission considers that betting on the contingency relating to an event—

(a) may expose the relevant event or class of event to unmanageable integrity risks; or

(b) is offensive; or

(c) is contrary to the public interest; or

(d) is unfair to investors; or

(e) should be prohibited for any other reason.

S. 4.5.29(1A) inserted by No. 64/2014 s. 20(1), amended by No. 9/2018 s. 14(3).

(1A) The Commission may prohibit betting on a contingency relating to an event under subsection (1) on application by a sports controlling body or on its own initiative.

(2) The Commission, by instrument, may vary or revoke a prohibition under subsection (1) at any time.

(3) A prohibition, or variation or revocation of a prohibition, takes effect on the day notice of it is published in the Government Gazette under section 4.5.30(1)(a) or on the later day specified in the notice.

S. 4.5.29(4) repealed by No. 9/2018 s. 14(4).

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4.5.30 Notice and publication requirements

S. 4.5.30 inserted by No. 18/2007 s. 3.

(1) The Commission must cause notice of a prohibition under this Division, and the variation or revocation of a prohibition, to be published—

(a) in the Government Gazette; and

(b) as soon as practicable after publication under paragraph (a), in a newspaper circulating generally throughout Australia, or newspapers circulating generally in each State and Territory of Australia.

(2) The Commission must cause written notice of a prohibition under this Division, and the variation or revocation of a prohibition, to be given, as soon as practicable after publication under subsection (1)(a), to each sports betting provider known to the Commission.

S. 4.5.30(3) amended by No. 18/2025 s. 13.

(3) Failure to publish a notice under subsection (1)(b) or to notify a sports betting provider under subsection (2) does not affect the validity of the prohibition, variation or revocation, but a sports betting provider does not commit an offence against section 4.5.31(1) if—

(a) notice was not published under subsection (1)(b); and

(b) the sports betting provider was not notified under subsection (2).

S. 4.5.30(3A) inserted by No. 64/2014 s. 20(2).

(3A) The Commission must cause to be given to a sports controlling body written notice of a prohibition under this Division, or variation or revocation of a prohibition, that is relevant to the sports controlling body, but failure to do so does not affect the validity of the prohibition, variation or revocation.

S. 4.5.30(3B) inserted by No. 64/2014 s. 20(2), amended by No. 9/2018 s. 15.

(3B) If a sports controlling body applies to the Commission to prohibit betting on a contingency relating to an event and the Commission decides not to prohibit it, the Commission must cause written notice of the decision to be given to the sports controlling body including reasons for the decision.

(4) The Commission must cause to be made available on its website, a list of all prohibitions under this Division and must update the list as soon as practicable after each publication under subsection (1)(a).

S. 4.5.31 (Heading) amended by No. 9/2018 s. 16(1).

S. 4.5.31 inserted by No. 18/2007 s. 3.

4.5.31 Offence to offer bets on a contingency relating to an event

S. 4.5.31(1) amended by No. 9/2018 s. 16(2).

(1) A sports betting provider must not, in Victoria or elsewhere—

(a) accept, offer to accept, or invite a person to place, a bet; or

(b) facilitate the placing of a bet—

on a contingency relating to an event that is the subject of a prohibition under section 4.5.29.

Penalty: 60 penalty units.

S. 4.5.31(2) amended by Nos 20/2015 s. 56(Sch. 1 item 7), 9/2018 s. 16(3).

(2) Despite anything in Subdivision (1) of Division 1 of Part II of the **Crimes Act 1958**, a person is not involved in the commission of an offence against subsection (1) only because the person places a bet on a prohibited contingency relating to an event with a sports betting provider.

Division 7—Monitoring integrity in sports betting

Ch. 4 Pt 5 Div. 7 (Heading and ss 4.5.32, 4.5.33) inserted by No. 64/2014 s. 21.

4.5.32 Sports controlling body to notify Commission

S. 4.5.32 inserted by No. 64/2014 s. 21.

(1) A sports controlling body must notify the Commission in writing of—

(a) any change to the sports controlling body's policies, rules, codes of conduct or other mechanisms designed to ensure the integrity of the relevant sports betting event; and

(b) any change to the expertise, resources and authority available to the sports controlling body to administer, monitor and enforce those policies, rules, codes of conduct and other mechanisms.

(2) Notification under subsection (1) must be given—

(a) at intervals not exceeding 12 months; and

(b) at any time on request by the Commission.

(3) If a sports controlling body becomes aware of a breach or suspected breach of its policies, rules, codes of conduct or other mechanisms designed to ensure the integrity of the relevant sports betting event, the sports controlling body must, as soon as practicable and in any event within 14 days, notify the Commission in writing of the breach or suspected breach.

(4) A sports controlling body must, as soon as practicable and in any event within 14 days, notify the Commission in writing of the action taken by the sports controlling body to investigate a breach or suspected breach referred to in subsection (3).

(5) A sports controlling body must, as soon as practicable and in any event within 14 days, notify the Commission in writing of the result of action taken on the completion of an investigation referred to in subsection (4).

S. 4.5.33 inserted by No. 64/2014 s. 21.

4.5.33 Direction to sports controlling body to provide information about integrity mechanisms

(1) The Commission may give a written direction to a sports controlling body to provide to the Commission, within the time of not less than 14 days specified in the direction, any information about the implementation by the sports controlling body of mechanisms designed to ensure the integrity of the relevant sports betting event.

(2) A sports controlling body must comply with a direction under subsection (1).

Part 5AA—Prohibitions or conditions on betting on contingencies

Ch. 4 Pt 5AA (Heading and ss 4.5AA.1–4.5AA.8) inserted by No. 9/2018 s. 17.

4.5AA.1 Definitions

S. 4.5AA.1 inserted by No. 9/2018 s. 17.

In this Part—

contingency means any contingency other than a contingency that has been prohibited by a prohibition under section 4.5.29;

contingency betting condition means a contingency that is subject to a condition imposed by an instrument made under section 4.5AA.2(1), including a condition that is varied under section 4.5AA.2(2);

contingency betting prohibition means a contingency prohibited by an instrument made under section 4.5AA.2(1), including a prohibition that is varied under section 4.5AA.2(2).

4.5AA.2 Minister may prohibit or impose conditions on betting on contingencies

S. 4.5AA.2 inserted by No. 9/2018 s. 17.

(1) The Minister, by instrument, may—

(a) prohibit betting on a contingency with a wagering service provider if the Minister considers that betting on the contingency is contrary to the public interest; or

(b) impose a condition on betting on a contingency with a wagering service provider if the Minister considers that betting on the contingency other than in accordance with the condition is contrary to the public interest.

(2) The Minister, by instrument, may vary or revoke a contingency betting prohibition or contingency betting condition under subsection (1) at any time.

S. 4.5AA.3 inserted by No. 9/2018 s. 17.

4.5AA.3 Matters to consider when prohibiting or imposing conditions on betting on contingencies

In making, varying or revoking a contingency betting prohibition or contingency betting condition under section 4.5AA.2, the Minister—

(a) may consider any responsible gambling objective (as defined in section 2.5A.1) and any consumer protection issue associated with betting on the contingency; and

(b) must not consider whether the proposed prohibition, condition, variation or revocation will—

(i) affect State revenue; or

(ii) harm Victorian businesses.

S. 4.5AA.4 inserted by No. 9/2018 s. 17.

4.5AA.4 Notice and publication requirements

(1) If the Minister makes, varies or revokes a contingency betting prohibition or contingency betting condition, the Minister—

(a) must cause notice of the making, variation or revocation to be published in the Government Gazette; and

(b) as soon as practicable after publication under paragraph (a), must cause notice of the making, variation or revocation to be given to each wagering service provider likely to be affected by the prohibition or condition.

(2) The Minister must cause a copy of an instrument making a contingency betting prohibition or contingency betting condition to be laid before each House of Parliament within 6 sitting days of that House after the making of the instrument.

(3) Failure to notify a wagering service provider under subsection (1)(b) does not affect the validity of the prohibition, condition, variation or revocation.

(4) The Commission must—

(a) cause to be made available on its website, a list of all prohibitions and conditions under this Division; and

(b) update the list as soon as practicable after each publication under subsection (1)(a).

4.5AA.5 Taking effect of prohibition or condition

S. 4.5AA.5 inserted by No. 9/2018 s. 17.

(1) A contingency betting prohibition or contingency betting condition, or variation of a contingency betting prohibition or contingency betting condition, takes effect on a day specified in the notice under section 4.5AA.4 that is no earlier than 30 days after publication of the notice in the Government Gazette.

(2) Revocation of a contingency betting prohibition or contingency betting condition takes effect on the day the notice of the revocation is published in the Government Gazette under section 4.5AA.4.

4.5AA.6 Submissions on making or varying a prohibition or condition

S. 4.5AA.6 inserted by No. 9/2018 s. 17.

Before making or varying a contingency betting prohibition or contingency betting condition, the Minister—

(a) may request wagering service providers to make submissions to the Minister on the proposed making or varying of the prohibition or condition, within the time specified in the request; and

(b) must have regard to any submissions made under paragraph (a) within the specified time.

S. 4.5AA.7 inserted by No. 9/2018 s. 17.

4.5AA.7 Disallowance of contingency betting prohibition or condition

(1) A contingency betting prohibition or contingency betting condition is disallowed if—

(a) a notice of a resolution to disallow the prohibition or condition is given in a House of Parliament on or before the 18th sitting day of that House after the prohibition or condition is laid before that House; and

(b) the resolution is passed by that House on or before the 12th sitting day of that House after the giving of the notice of the resolution.

(2) Disallowance of a contingency betting prohibition or contingency betting condition has the same effect as a revocation of the prohibition or condition.

S. 4.5AA.8 inserted by No. 9/2018 s. 17.

4.5AA.8 Offences to offer bets on prohibited betting contingencies and not to comply with conditions on betting contingencies

S. 4.5AA.8(1) amended by No. 30/2023 s. 15.

(1) A wagering service provider must not, in Victoria or elsewhere—

(a) accept, offer to accept, or invite a person to place, a bet; or

(b) facilitate the placing of a bet—

on a contingency that is the subject of a prohibition under section 4.5AA.2.

Penalty: 60 penalty units.

S. 4.5AA.8(2) amended by No. 30/2023 s. 15.

(2) A wagering service provider must not, in Victoria or elsewhere—

(a) accept, offer to accept, or invite a person to place, a bet; or

(b) facilitate the placing of a bet—

on a contingency that is the subject of a condition under section 4.5AA.2 other than in accordance with that condition.

Penalty: 60 penalty units.

(3) Despite anything in Subdivision (1) of Division 1 of Part II of the **Crimes Act 1958**, a person is not involved in the commission of an offence against subsection (1) or (2) only because the person places a bet on a prohibited contingency, or contingency subject to conditions, with a wagering service provider.

Ch. 4 Pt 5A (Heading and ss 4.5A.1–4.5A.17) inserted by No. 73/2008 s. 23.

Part 5A—Bookmaker and bookmaking related registrations

S. 4.5A.1 inserted by No. 73/2008 s. 23.

4.5A.1 Definitions

In this Part—

trading bookmaking partnership means a partnership under the trading name of which wagers are taken.

S. 4.5A.2 inserted by No. 73/2008 s. 23.

4.5A.2 Application for registration as bookmaker

(1) An individual aged 18 years or more or a corporation may apply to the Commission for registration as a bookmaker.

(2) An application under subsection (1)—

(a) must be in the form approved by the Commission; and

(b) must be accompanied by the prescribed fee (if any); and

S. 4.5A.2 (2)(ba) inserted by No. 25/2009 s. 42.

(ba) must be accompanied by a Responsible Gambling Code of Conduct that the applicant intends to implement if registered; and

(c) must contain or be accompanied by any additional information the Commission requires; and

(d) if the applicant is a corporation, must nominate an individual aged 18 years or more for approval under section 4.5A.8 to be the nominee of the corporation.

(3) If a requirement made by or under this section is not complied with, the Commission may refuse to consider the application.

4.5A.3 Application for registration as bookmaker's key employee

S. 4.5A.3 inserted by No. 73/2008 s. 23.

(1) An individual aged 18 years or more may apply to the Commission for registration as a bookmaker's key employee.

(2) An application under subsection (1)—

(a) must be in the form approved by the Commission; and

(b) must be accompanied by the prescribed fee (if any); and

(c) must contain or be accompanied by any additional information the Commission requires.

(3) If a requirement made by or under this section is not complied with, the Commission may refuse to consider the application.

4.5A.4 Determination of application for registration as bookmaker

S. 4.5A.4 inserted by No. 73/2008 s. 23.

(1) The Commission is to determine whether to grant or refuse an application for registration as a bookmaker.

(2) In determining whether to grant or refuse an application, the Commission must have regard to—

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

(b) whether the applicant, and each associate of the applicant, has any business association with any person, body or association who or which, in the opinion of the Commission, is not of good repute having regard to character, honesty and integrity or has

undesirable or unsatisfactory financial resources; and

(c) whether the applicant, and each associate of the applicant, is of sound and stable financial background; and

(d) if the applicant is a corporation—

(i) whether the applicant has, or has arranged for, a satisfactory ownership, trust or corporate structure; and

(ii) whether the nominee, each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Commission 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; and

S. 4.5A.4(2)(e) amended by No. 25/2009 s. 43(1).

(e) whether appropriate bond arrangements for the applicant under section 94A of the **Racing Act 1958** are in place; and

S. 4.5A.4(2)(f) inserted by No. 25/2009 s. 43(2).

(f) whether the Responsible Gambling Code of Conduct accompanying the application complies with—

S. 4.5A.4(2)(f)(i) substituted by No. 62/2017 s. 56(4).

(i) regulations made for or with respect to Part 4C in Schedule 1; and

S. 4.5A.4(2)(f)(ii) substituted by No. 62/2017 s. 56(4).

(ii) each direction under section 10.6.6(1) that applies in relation to the application.

(3) The Commission must give written notice of its decision on an application to the applicant.

(4) If the Commission refuses an application, the notice under subsection (3) must include the reasons for the refusal.

4.5A.5 Determination of application for registration as bookmaker's key employee

S. 4.5A.5 inserted by No. 73/2008 s. 23.

(1) The Commission is to determine whether to grant or refuse an application for registration as a bookmaker's key employee.

(2) In determining whether to grant or refuse an application, the Commission must have regard to whether the applicant, and each associate of the applicant, is of good repute, having regard to character, honesty and integrity.

(3) The Commission must give written notice of its decision on an application to the applicant.

(4) If the Commission refuses an application, the notice under subsection (3) must include the reasons for the refusal.

(5) A function of the Commission under this section may be performed by any commissioner.

S. 4.5A.5(5) inserted by No. 60/2011 s. 33.

4.5A.6 Certificate of registration and identity card

S. 4.5A.6 inserted by No. 73/2008 s. 23.

(1) On granting an application for registration as a bookmaker or bookmaker's key employee, the Commission must issue a certificate of registration and an identity card to the registration holder.

(2) At all times while working as a registered bookmaker or bookmaker's key employee on a licensed racecourse—

S. 4.5A.6(2) amended by No. 23/2025 s. 74(Sch. 1 item 2.24).

(a) the registration holder; or

(b) if the registration holder is a registered bookmaker that is a corporation, the nominee of the registered bookmaker—

must wear the registration holder's or nominee's identity card in such a manner as to be visible to other people.

(3) In the event that a certificate of registration or identity card is lost or destroyed, the registration holder or nominee may apply to the Commission for a replacement certificate or card.

(4) An application for a replacement certificate of registration or identity card must—

(a) be accompanied by a statutory declaration as to the circumstances in which the certificate or card was lost or destroyed; and

(b) be accompanied by the prescribed fee (if any).

(5) If the registration is cancelled or suspended, the registration holder must return the certificate of registration and identity card to the Commission within 14 days after the suspension or cancellation.

Penalty: 20 penalty units.

S. 4.5A.7 inserted by No. 73/2008 s. 23.

4.5A.7 Duration of registration as bookmaker or bookmaker's key employee

Registration as a bookmaker or bookmaker's key employee—

(a) takes effect when the certificate of registration is given or on a later date specified in the certificate; and

S. 4.5A.7(b) amended by No. 64/2014 s. 22.

(b) remains in force for the term not exceeding 10 years specified in the registration unless sooner cancelled or surrendered.

4.5A.8 Nominee of corporation

S. 4.5A.8 inserted by No. 73/2008 s. 23.

(1) The Commission may approve or refuse to approve a person nominated under section 4.5A.2(2)(d) by either approving or refusing to approve the nominated person and must notify the applicant of its decision in writing.

(2) The Commission may refuse to approve a nominated person unless it is satisfied that the person, and each associate of the person, is a suitable person to be concerned in or associated with the management and operation of the corporation.

(3) In determining whether a nominated person is a suitable person under subsection (2), the Commission must consider—

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

(b) whether the nominee and each associate of the nominee are of a sound and stable financial background.

(4) If the Commission approves a nominated person, the Commission must issue an identity card to that person.

(5) If—

(a) the Commission refuses to approve a nominated person; or

(b) a nominee who has been approved by the Commission resigns, is dismissed or otherwise becomes unable to perform the functions of the nominee of the corporation—

the applicant or registration holder must nominate, within 60 days (or the longer period allowed by the Commission) after the refusal, resignation or

dismissal, or becoming unable to perform, another individual aged 18 years or more for approval under this section to be the nominee of the corporation.

(6) A nominee approved under this section is liable under this Act as a registered bookmaker.

(7) The approval by the Commission of a nominee under this section does not limit the liability of the corporation as a registered bookmaker.

(8) A function of the Commission under this section may be performed by any commissioner.

S. 4.5A.9 inserted by No. 73/2008 s. 23.

4.5A.9 Application of registered bookmakers to be in partnerships

(1) A registered bookmaker may apply in writing to the Commission for approval for either or both of the following—

(a) to be a member of a trading bookmaking partnership; or

(b) to be a member of any other partnership where the business of that bookmaker as a bookmaker or any substantive parts of that business are conducted jointly with other bookmakers.

(2) An application under subsection (1)—

(a) must be in the form approved by the Commission; and

(b) must be accompanied by any additional information in connection with the application that the Commission requires.

(3) If a requirement made by or under this section is not complied with, the Commission may refuse to consider the application.

4.5A.10 Approval of registered bookmakers to be in partnerships

S. 4.5A.10 inserted by No. 73/2008 s. 23.

(1) The Commission may grant or refuse an application under section 4.5A.9(1) and may at any time revoke or vary an approval granted under this section.

(2) An approval under this section ceases to have effect—

* * * * *

S. 4.5A.10 (2)(a) repealed by No. 64/2014 s. 23.

(b) on the revocation of the approval by the Commission; or

(c) on the surrender of the approval by the bookmaker to the Commission; or

(d) on the certificate of registration issued under this Part to any registered bookmaker who is a member of the partnership ceasing to have effect—

whichever is the earliest.

(3) The Commission may suspend an approval under this section, and during the period of suspension the approval has no force or effect.

(4) The Commission may impose a condition on an approval under this section either on or after the granting of the application for the approval.

(5) The Commission may vary or revoke a condition of an approval under this section.

(6) Unless a registered bookmaker has the approval of the Commission under this section to do so, the registered bookmaker must not be a member of—

(a) a trading bookmaking partnership; or

(b) any other partnership where the business of that bookmaker as a bookmaker or any substantive parts of that business are conducted jointly with other persons.

S. 4.5A.10A inserted by No. 25/2009 s. 44, amended by No. 62/2017 s. 57(5).

4.5A.10A Responsible Gambling Code of Conduct is a condition of registration for a bookmaker

It is a condition of registration as a bookmaker that the bookmaker implement a Responsible Gambling Code of Conduct that complies with—

S. 4.5A.10A(a) inserted by No. 62/2017 s. 57(5).

(a) regulations made for or with respect to Part 4C in Schedule 1; and

S. 4.5A.10A(b) inserted by No. 62/2017 s. 57(5).

(b) each direction under section 10.6.6(1) that applies in relation to the bookmaker.

S. 4.5A.11 inserted by No. 73/2008 s. 23, amended by No. 25/2009 s. 45.

4.5A.11 Conditions of registration

In addition to any condition imposed by this Act, on granting an application for registration as a bookmaker or bookmaker's key employee, the Commission may impose any conditions of registration that the Commission considers are appropriate including—

(a) conditions to allow for the proper conduct of bookmaking; or

S. 4.5A.11(b) amended by No. 60/2011 s. 34.

(b) conditions that are otherwise in the public interest.

S. 4.5A.12 inserted by No. 73/2008 s. 23.

4.5A.12 Amendment of conditions

S. 4.5A.12(1) amended by No. 25/2009 s. 46.

(1) The conditions of a registration as a bookmaker or bookmaker's key employee (other than a condition imposed by this Act) may be amended in accordance with this section.

(2) An amendment may be proposed—

(a) by the registration holder by requesting the Commission in writing; or

(b) by the Commission by giving notice of the proposed amendment and giving reasons to the registration holder in writing.

(3) An amendment proposed by the Commission may only be for the proper conduct of bookmaking or otherwise in the public interest.

(4) The Commission must give the registration holder at least 28 days to make a submission concerning an amendment proposed by the Commission and must consider any submission made within that period.

(5) The registration holder may waive the right under subsection (4) to make a submission concerning an amendment proposed by the Commission by giving notice in writing to the Commission.

(6) The Commission must decide whether to make any proposed amendment, either with or without changes from that originally proposed, and must notify the registration holder of its decision in writing.

(7) An amendment takes effect when notice of the Commission's decision is given to the registration holder or at any later date that may be specified in the notice.

4.5A.13 Registration renewal

S. 4.5A.13 inserted by No. 73/2008 s. 23.

(1) A registered bookmaker or bookmaker's key employee may, not earlier than 9 months before the expiration of the current registration, apply to the Commission for a new registration, in which case—

(a) the current registration continues in force, unless sooner cancelled or surrendered, until the new registration is granted or refused; and

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

(2) An application under subsection (1) must be made in the form approved by the Commission and must be accompanied by the prescribed fee (if any).

(3) This Act (except sections 4.5A.2 and 4.5A.3) applies to and in relation to—

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

(b) the determination of such an application; and

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

as if the application has been made by a person other than a registered bookmaker or bookmaker's key employee.

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

S. 4.5A.14 inserted by No. 73/2008 s. 23.

4.5A.14 Disciplinary action against registered bookmaker or bookmaker's key employee

(1) In this section—

disciplinary action, against a registered bookmaker or bookmaker's key employee, means any of the following—

(a) the cancellation or suspension of the registration;

(b) the variation of the conditions of the registration;

(c) the issuing of a letter of censure;

(d) in the case of a registered bookmaker the imposition of a fine not exceeding an amount that is 50 000 times the value of a penalty unit fixed by the Treasurer under section 5(3) of the **Monetary Units Act 2004**;

S. 4.5A.14(1) def. of *grounds for disciplinary action* amended by No. 25/2009 s. 47.

grounds for disciplinary action, in relation to registered bookmaker or bookmaker's key employee, means any of the following—

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

(b) that the registration holder failed to provide information that the holder is required by this Act or the **Racing Act 1958** to provide or has provided information knowing it to be false or misleading;

(c) that the registration holder has contravened this Act or the **Racing Act 1958** or a condition of the registration;

(d) that—

(i) the registration holder; or

(ii) if the registration holder is a corporation, an executive officer or nominee of the corporation—

has been found guilty of a relevant offence;

(e) that the registration holder has become an insolvent under administration or, if the registration holder is a corporation, an externally administered body corporate;

(ea) that there have been repeated breaches by the registered bookmaker of the bookmaker's Responsible Gambling Code of Conduct;

(f) that the registration holder is, for any other reason, not a suitable person to be registered as a bookmaker or bookmaker's key employee;

relevant offence means—

(a) an offence against the **Racing Act 1958** and regulations under that Act, or a gaming Act or gaming regulations;

(b) an offence (in Victoria or elsewhere) involving fraud or dishonesty;

(c) an indictable offence, or an offence that, if committed in Victoria, would be an indictable offence.

(2) The Commission may serve on the registered bookmaker or bookmaker's key employee a notice in writing giving the holder of the registration 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 registration holder, within the period allowed by the notice, may arrange with the Commission for the making of submissions to the Commission as to why disciplinary action should not be taken and the Commission must consider any submissions made.

(4) The Commission may then take disciplinary action against the registration holder as the Commission sees fit and does so by giving written notice of the disciplinary action to the registration holder.

(5) If the disciplinary action is the cancellation, suspension or variation of the terms of the registration, it takes effect when the notice under subsection (4) is given or at a later time specified in the notice.

(6) If the disciplinary action is the imposition of a fine, the fine may be recovered as a debt due to the State.

4.5A.14A Suspension of a bookmaker's registration pending criminal proceedings

S. 4.5A.14A inserted by No. 60/2011 s. 35.

(1) The Commission may suspend a bookmaker's registration by notice in writing given to the bookmaker if the Commission is satisfied that—

(a) the bookmaker; or

(b) if the bookmaker is a body corporate, an officer, director or nominee of the bookmaker—

has been charged with a relevant offence.

(2) The Commission may, at any time, terminate or reduce a period of suspension imposed under subsection (1).

(3) In this section ***relevant offence*** means—

(a) an offence against the **Racing Act 1958** and regulations under that Act, or a gaming Act or gaming regulations;

(b) an offence (in Victoria or elsewhere) involving fraud or dishonesty where the offence is punishable by imprisonment for 3 months or more;

(c) an indictable offence, or an offence that, if committed in Victoria, would be an indictable offence, in respect of the management or operation of the bookmaker's business.

S. 4.5A.14B inserted by No. 60/2011 s. 35.

4.5A.14B Suspension of a bookmaker's key employee's registration pending criminal proceedings

(1) The Commission may suspend a bookmaker's key employee's registration by notice in writing given to the bookmaker's key employee if the Commission is satisfied that the bookmaker's key employee has been charged with a relevant offence.

(2) The Commission may, at any time, terminate or reduce a period of suspension imposed under subsection (1).

(3) In this section ***relevant offence*** means—

(a) an offence against the **Racing Act 1958** and regulations under that Act, or a gaming Act or gaming regulations;

(b) an offence (in Victoria or elsewhere) involving fraud or dishonesty where the offence is punishable by imprisonment for 3 months or more;

(c) an indictable offence, or an offence that, if committed in Victoria, would be an indictable offence, in respect of the management or operation of the business at which the bookmaker's key employee is employed.

S. 4.5A.15 inserted by No. 73/2008 s. 23.

4.5A.15 Review by VCAT of registrations as a bookmaker or bookmaker's key employee

A person whose interests are affected may apply to the Victorian Civil and Administrative Tribunal for review of—

(a) a decision to refuse an application for registration as a bookmaker or bookmaker's key employee;

(b) a decision to refuse an application for approval of registered bookmakers to be in partnership;

(c) a decision to suspend an approval of registered bookmakers to be in partnership;

(d) a decision to impose, vary or revoke a condition of an approval of registered bookmakers to be in partnership;

(e) a decision to refuse an application for approval of a nominee of a registered bookmaker;

(f) a decision to impose or amend a condition of a registration as a bookmaker or bookmaker's key employee;

(g) a decision to refuse to renew a registration as a bookmaker or bookmaker's key employee;

(h) a decision to take disciplinary action against a registered bookmaker or bookmaker's key employee;

S. 4.5A.15(h) amended by No. 60/2011 s. 36(1).

(i) a decision to suspend the registration of a bookmaker under section 4.5A.14A;

S. 4.5A.15(i) inserted by No. 60/2011 s. 36(2).

(j) a decision to suspend the registration of a bookmaker's key employee under section 4.5A.14B.

S. 4.5A.15(j) inserted by No. 60/2011 s. 36(2).

4.5A.16 Time limit for applying for review

S. 4.5A.16 inserted by No. 73/2008 s. 23.

An application for review must be made within 28 days after the later of—

(a) the day on which the decision is made; or

(b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the person requests a statement of reasons for the decision, the day on which the statement of reasons is given to the person or the person is informed under section 46(5) of that Act that a statement of reasons will not be given.

S. 4.5A.17 inserted by No. 73/2008 s. 23, repealed by No. 56/2010 s. 61(6), new s. 4.5A.17 inserted by No. 56/2014 s. 52.

4.5A.17 Registered bookmaker must not engage convicted person

(1) A registered bookmaker must not engage a person with a relevant conviction to assist in any part of the bookmaker's operations that involves—

(a) handling or making arrangements in relation to any bets made with the bookmaker; or

(b) the publication of betting odds.

(2) In this section—

engage means to engage—

(a) whether by contract or otherwise; and

(b) whether by employment or otherwise; and

(c) whether on a voluntary basis or otherwise;

person with a relevant conviction means a person who has, within the last 10 years, been convicted of a relevant offence within the meaning of section 4.5A.14.

Part 6—Commissions, dividends and supervision charge

Ch. 4 Pt 6 (Heading) amended by No. 47/2018 s. 4(1).

Division 1—Wagering

4.6.1 Commissions—wagering

S. 4.6.1 (Heading) amended by No. 28/2022 s. 88(1).

S. 4.6.1 substituted by Nos 22/2007 s. 11, 40/2008 s. 9.

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S. 4.6.1(1) repealed by No. 28/2022 s. 88(2).

(2) A wagering and betting licensee may deduct, or cause to be deducted, as commission out of the total amount invested in each totalisator conducted by the licensee on a wagering event or wagering events, an amount not exceeding the maximum amount specified in the betting rules in relation to the relevant totalisator.

S. 4.6.1(2) amended by No. 13/2023 s. 62.

Note

For the amount that the maximum amount specified in the betting rules cannot exceed, see section 4.2.5(2B).

Note to s. 4.6.1 substituted by No. 64/2014 s. 24.

4.6.2 Dividends—wagering

S. 4.6.2 (Heading) amended by No. 28/2022 s. 89(1).

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S. 4.6.2(1)–(3) repealed by No. 28/2022 s. 89(2).

S. 4.6.2(4) inserted by No. 40/2008 s. 10, amended by No. 13/2023 s. 63(a).

(4) A wagering and betting licensee, after deduction of the licensee's commissions under section 4.6.1(2), must pay by way of dividends all money invested in totalisators conducted by the licensee on a wagering event or wagering events.

S. 4.6.2(5) inserted by No. 40/2008 s. 10, amended by No. 13/2023 s. 63(b).

(5) If no person nominates the winning combination in a totalisator conducted by a wagering and betting licensee, the licensee may, unless otherwise directed by the Commission, transfer the money that would have been payable as dividends in that totalisator to be added to the money to form part of the money available for dividends in respect of a subsequent totalisator conducted by the licensee.

S. 4.6.2(6) inserted by No. 40/2008 s. 10.

(6) If, but for this subsection, a dividend would include a fraction of 10 cents—

(a) if the fraction is less than 5 cents, the wagering and betting licensee is not required to include the fraction in the dividend; and

(b) if the fraction is 5 cents or more, the wagering and betting licensee is required to include 5 cents in the dividend.

S. 4.6.3 amended by Nos 29/2009 s. 60, 64/2010 s. 45, 32/2012 s. 13(6), repealed by No. 47/2018 s. 4(2).

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S. 4.6.3A inserted by No. 58/2009 s. 81, repealed by No. 47/2018 s. 4(2).

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Division 2—Approved betting competitions

4.6.4 Commissions—approved betting competitions

S. 4.6.4 (Heading) amended by No. 28/2022 s. 90(1).

S. 4.6.4 amended by No. 40/2008 s. 11(1) (ILA s. 39B(1)).

* * * * * S. 4.6.4(1) repealed by No. 28/2022 s. 90(2).

(2) A wagering and betting licensee may deduct or cause to be deducted, as commission out of the total amount invested in each totalisator conducted by the licensee on an approved betting competition, an amount not exceeding 25% of the amount so invested. S. 4.6.4(2) inserted by No. 40/2008 s. 11(1), amended by No. 13/2023 s. 64.

4.6.5 Dividends—approved betting competitions

S. 4.6.5 (Heading) amended by No. 28/2022 s. 91(1).

* * * * * S. 4.6.5(1) amended by No. 40/2008 s. 11(2), repealed by No. 28/2022 s. 91(2).

* * * * * S. 4.6.5(2)(3) repealed by No. 28/2022 s. 91(2).

S. 4.6.5(4) inserted by No. 40/2008 s. 11(3), amended by No. 13/2023 s. 65(a).

(4) A wagering and betting licensee, after the deduction of the licensee's commissions under section 4.6.4(2), must pay by way of dividends all money invested in a totalisator conducted by the licensee on an approved betting competition.

S. 4.6.5(5) inserted by No. 40/2008 s. 11(3), amended by No. 13/2023 s. 65(b).

(5) If no person nominates the winning combination in a totalisator conducted by a wagering and betting licensee on an approved betting competition, the licensee may, unless otherwise directed by the Commission, transfer the money that would have been payable as dividends in that totalisator to be added to the money to form part of the money available for dividends in respect of a subsequent totalisator conducted by the licensee on an approved betting competition.

S. 4.6.5(6) inserted by No. 40/2008 s. 11(3).

(6) If, but for this section, a dividend would include a fraction of 10 cents—

(a) if the fraction is less than 5 cents, the wagering and betting licensee is not required to include the fraction in the dividend; and

(b) if the fraction is 5 cents or more, the wagering and betting licensee is required to include 5 cents in the dividend.

S. 4.6.6 amended by Nos 40/2008 s. 11(4), 29/2009 s. 61, repealed by No. 47/2018 s. 4(2).

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Ch. 4 Pt 6 Div. 2A (Heading and s. 4.6.6A) inserted by No. 29/2009 s. 62, amended by No. 58/2009 s. 142(11), repealed by No. 47/2018 s. 4(2).

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Ch. 4 Pt 6 Div. 2B (Heading and s. 4.6.6B) inserted by No. 29/2009 s. 62, repealed by No. 47/2018 s. 4(2).

Division 3—Supervision charge

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S. 4.6.7 amended by No. 1/2021 s. 29, repealed by No. 28/2022 s. 92.

4.6.7A Licensee to pay charge

S. 4.6.7A (Heading) amended by No. 28/2022 s. 93.

S. 4.6.7A inserted by No. 40/2008 s. 12.

(1) A wagering and betting licensee must pay to the Treasurer a supervision charge in the instalments and in respect of the periods in each financial year determined by the Treasurer from time to time.

S. 4.6.7A(1) amended by No. 13/2023 s. 66.

(2) The supervision charge is the amount in respect of each financial year as the Treasurer, after consultation with the Minister, determines having regard to the reasonable costs and expenses in respect of the financial year incurred by the Commission in carrying out its functions and powers in respect of wagering and approved betting competitions.

(3) The supervision charge is a tax.

Division 4—General

4.6.8 Hospitals and Charities Fund

S. 4.6.8 amended by No. 40/2008 s. 13(1) (ILA s. 39B(1)).

S. 4.6.8(1) repealed by No. 47/2018 s. 4(2).

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S. 4.6.8(2) inserted by No. 40/2008 s. 13(1), amended by No. 13/2023 s. 67.

(2) An amount or amounts equal to the premium payment for a wagering and betting licence or the extension of a wagering and betting licence paid under section 4.3A.13 must be paid out of the Consolidated Fund (which is appropriated to the necessary extent), at the time or times determined by the Treasurer, into the Hospitals and Charities Fund.

4.6.9 Unclaimed refunds, dividends and prizes

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S. 4.6.9(1) repealed by No. 28/2022 s. 94(a).

(1A) On or before the last day of each month (the ***payment month***), a wagering and betting licensee must pay to the Treasurer an amount equal to the sum of all refunds, dividends and prizes that have remained unclaimed for not less than 12 months on the first day of that payment month less the expenses of the licensee reasonably incurred in searching for the persons entitled to those refunds, dividends or prizes.

S. 4.6.9(1A) inserted by No. 40/2008 s. 13(2), amended by Nos 28/2022 s. 133, 13/2023 s. 68.

(2) If a claimant makes a demand against the Treasurer for money paid to the Treasurer under subsection (1A), the Treasurer, on being satisfied that the claimant is the owner of the money demanded, must direct that it be paid to the claimant out of money available for the purpose.

S. 4.6.9(2) amended by Nos 40/2008 s. 13(3), 28/2022 s. 94(b).

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Ch. 4 Pt 6A (Headings and ss 4.6A.1–4.6A.28) inserted by No. 47/2018 s. 5, amended by Nos 46/2019 ss 11–13, 47/2020 ss 31–35, 21/2021 ss 3, 4, revoked by No. 14/2023 s. 68.

Part 7—Offences

4.7.1AA Definition

S. 4.7.1AA (Heading) substituted by No. 56/2014 s. 49(1).

In this Part—

S. 4.7.1AA inserted by No. 25/2009 s. 48.

gambling advertising means advertising that gives publicity to, or otherwise promotes or is intended to promote, participation in wagering or sports betting.

S. 4.7.1AA def. of *gambling advertising* amended by No. 56/2014 s. 49(2)(a).

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S. 4.7.1AA def. of *wagering service provider* repealed by No. 56/2014 s. 49(2)(b).

4.7.1 Offence to display betting advertising in certain locations

S. 4.7.1 amended by No. 40/2008 s. 14(1)(2), repealed by No. 71/2008 s. 29(c), new s. 4.7.1 inserted by No. 9/2018 s. 18.

(1) A wagering service provider must not display, or cause to be displayed, any gambling advertising that is static betting advertising—

(a) on public transport infrastructure; or

(b) within 150 metres of the perimeter of a school; or

(c) on or above a public road, road infrastructure or road reserve.

Penalty: 120 penalty units.

(2) In this section—

public road has the same meaning as it has in the **Road Management Act 2004**;

public transport infrastructure includes—

(a) fixed or non-movable infrastructure, such as train stations, bus shelters, tram stops, ferry terminals and "park and ride" facilities; and

(b) movable infrastructure for transport predominantly operated within Victoria, such as trams, trains, buses, ferries, airport shuttles, bike share infrastructure, taxis, V-Line trains and coaches;

road infrastructure has the same meaning as it has in the **Road Management Act 2004**;

road reserve has the same meaning as it has in the **Road Management Act 2004**;

school has the same meaning as it has in the **Education and Training Reform Act 2006**;

static betting 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.

(3) No compensation is payable by the Crown in respect of any loss, damage or injury of any kind suffered by a person as a result of this section.

4.7.1A Exemptions

S. 4.7.1A inserted by No. 9/2018 s. 18.

A wagering service provider does not commit an offence against section 4.7.1 if the wagering service provider displays, or causes to be displayed—

(a) the logo or name of a wagering service provider on a building occupied by the wagering service provider; or

(b) gambling advertising—

(i) that is only visible inside a shop that stocks the wagering service provider's products or provides services on behalf of the wagering service provider; or

(ii) inside or on any place where terrestrial wagering and betting is permitted; or

(iii) at a sporting ground; or

(iv) at a race course;

(c) gambling advertising on a vehicle that is on a public road.

4.7.2 Offences relating to totalisators and approved betting competitions

S. 4.7.2(1) amended by Nos 40/2008 s. 14(3)(a), 28/2022 s. 95(a), x/2023 s. 69.

(1) A person (not being a person lawfully conducting or employed in the wagering business conducted by a wagering and betting licensee, a wagering and betting operator or a permit holder) must not—

(a) sell or offer for sale any ticket in a totalisator or approved betting competition; or

(b) make or offer to make any contract or bargain to pay or receive a sum of money calculated at a rate determined or to be determined by the result of the operation of a totalisator on any event; or

(c) receive from any other person any money for the purpose of placing, investing or depositing it or any part of it in any totalisator for fee, commission, reward, share or interest of any kind whatever or upon any understanding or agreement whether expressed or implied for such fee, commission, reward, share or interest.

Penalty: 60 penalty units and an amount not exceeding the amount received by the person for investment in the totalisator or approved betting competition.

S. 4.7.2(2) amended by No. 73/2008 s. 24(1).

(2) Subsection (1)(b) does not apply to a bookmaker or a bookmaker's key employee who—

S. 4.7.2(2)(a) amended by No. 73/2008 s. 24(2).

(a) is registered under Part 5A of this Chapter; and

S. 4.7.2(2)(b) amended by No. 23/2025 s. 74(Sch. 1 item 2.25).

(b) is carrying on business or is engaged in employment (as the case may be) at a race meeting authorised under that Act; and

(c) complies with any conditions imposed by the Minister after consultation with Racing Victoria, Harness Racing Victoria or Greyhound Racing Victoria (as the case may be) and the Victorian Bookmakers' Association.

(3) A person must not purchase a ticket in a totalisator or approved betting competition from a person not authorised to sell it.

Penalty: 10 penalty units.

S. 4.7.2(4) amended by Nos 40/2008 s. 14(3)(b)(i)(ii), 28/2022 s. 95(b)(i), x/2023 s. 69.

(4) A person having the management or control of or employed by or acting in any capacity for a wagering and betting licensee, a wagering and betting operator or a permit holder in the wagering or approved betting competition business conducted by the wagering and betting licensee, wagering and betting operator or permit holder must not—

(a) accept from any person any bet which is prohibited by or does not conform to this Act or the regulations or the betting rules; or

(b) receive or permit to be received any bet in a totalisator in respect of an event after the start of the event; or

(c) receive or permit to be received any bet in an approved betting competition after the start of the competition or such later times as is specified in the betting rules applicable to that competition; or

S. 4.7.2(4)(d) amended by Nos 40/2008 s. 14(3)(b)(iii), 28/2022 s. 95(b)(ii).

(d) accept or act on any request, instructions or directions relating to any bet on a totalisator transmitted by letter, telephone, fax, e-mail or any other means of communication unless the person wanting to make the bet has established a betting account with the wagering and betting licensee or the wagering and betting operator in accordance with the betting rules and the balance of the account is sufficient to pay the amount of the bet and the bet is charged against that account.

Penalty: 60 penalty units.

S. 4.7.2(5) amended by No. 104/2004 s. 39(5)(n).

(5) A person must not employ, or cause to be employed, another person to service, maintain or repair an instrument, contrivance, hardware, software or equipment referred to in section 4.2.3(1) unless the second-mentioned person holds a gaming industry employee's licence.

Penalty: 250 penalty units.

S. 4.7.3 substituted by No. 40/2008 s. 15.

4.7.3 Tickets purportedly issued by licensee

S. 4.7.3(1) amended by No. 28/2022 s. 96(a), substituted by No. 13/2023 s. 70(1).

(1) A person who is not—

(a) lawfully managing or controlling or being employed by a wagering and betting licensee, a wagering and betting operator or a permit holder; or

(b) an agent of a wagering and betting licensee, a wagering and betting operator or a permit holder—

must not sell or offer to sell any ticket or acknowledgement purporting to be issued by a wagering and betting licensee, wagering and betting operator or permit holder in respect of a bet.

Penalty: 60 penalty units.

S. 4.7.3(2) amended by Nos 28/2022 s. 96(b), 13/2023 s. 70(2).

(2) A person must not purchase a ticket or acknowledgment purporting to be issued by a wagering and betting licensee, a wagering and betting operator or a permit holder in respect of a bet from any person not authorised to sell it.

Penalty: 20 penalty units.

4.7.4 Offence related to payment of dividends or prizes

S. 4.7.4 amended by Nos 40/2008 s. 16(1)(a), 28/2022 s. 97, 13/2023 s. 71.

An officer, employee or agent of a wagering and betting licensee, of a wagering and betting operator or of a permit holder must not make, authorise or permit the payment to any person of a dividend or prize which is not calculated in accordance with the betting rules or the regulations.

Penalty: 60 penalty units.

4.7.5 Inducements, cheating etc.

(1) A person (***the cheat***) must not dishonestly, by a scheme or practice, in relation to the conduct of wagering or approved betting competitions, induce a relevant person to deliver, give or credit to the cheat or any other person, any money, tickets, benefit, advantage, valuable consideration or security.

Penalty: 1000 penalty units or imprisonment for 2 years or both.

(2) A relevant person must not dishonestly, by a scheme or practice, in relation to the conduct of wagering or approved betting competitions, induce a person to deliver, give or credit to the relevant person or any other person, any money, tickets, benefit, advantage, valuable consideration or security.

Penalty: 1000 penalty units or imprisonment for 2 years or both.

(3) In this section—

S. 4.7.5(3) def. of *relevant person* substituted by Nos 40/2008 s. 16(1)(b), 28/2022 s. 98, amended by No. 13/2023 s. 72.

relevant person means—

(a) a wagering and betting licensee, a wagering and betting operator or a permit holder; or

(b) an associate of a wagering and betting licensee, a wagering and betting operator or a permit holder; or

(c) a person acting on behalf of a wagering and betting licensee, a wagering and betting operator or a permit holder.

S. 4.7.6 amended by Nos 40/2008 s. 16(1)(c), 28/2022 s. 99(a), 13/2023 s. 73.

4.7.6 Offence to extend credit etc.

A wagering and betting licensee or a permit holder or an agent or employee of a wagering and betting licensee or permit holder, must not—

(a) accept a bet made otherwise than by means of money or by debiting the amount of the bet from a betting account with a balance sufficient to cover the amount of the bet; or

S. 4.7.6(b) amended by No. 28/2022 s. 99(b).

(b) lend money or any valuable thing in connection with wagering; or

(c) accept a bet as part of a transaction involving a credit card; or

(d) extend any other form of credit.

Penalty: 60 penalty units.

4.7.7 Gambling by intoxicated persons prohibited

S. 4.7.7 inserted by No. 72/2007 s. 23, amended by Nos 28/2022 s. 141, 13/2023 s. 74.

A wagering and betting licensee or wagering and betting operator must not knowingly accept a bet from a person who is in a state of intoxication.

Penalty: 40 penalty units.

Note

Intoxication is defined in section 1.3A.

4.7.8 Appropriate advertising standards required

S. 4.7.8 inserted by No. 25/2009 s. 49.

A wagering service provider must not publish or disseminate, or cause to be published or disseminated, any gambling advertising, in any form or by any method of communication, that—

(a) encourages a breach of this Act; or

(b) depicts children wagering or involved in any other form of gambling; or

(c) suggests that winning will be a definite outcome of participating in wagering or sports betting activities; or

(d) suggests that participation in wagering or sports betting activities is likely to improve a person's financial prospects; or

(e) promotes the consumption of alcohol while engaged in wagering or sports betting activities; or

(f) is offensive.

Penalty: 20 penalty units.

S. 4.7.9 inserted by No. 25/2009 s. 49.

4.7.9 Prescribed statement to be included in advertisements

A wagering service provider must not publish or disseminate, or cause to be published or disseminated, in the course of business any gambling advertising in any form or by any method of communication unless the advertisement contains a prescribed statement (if any) in relation to problem gambling.

Penalty: 20 penalty units.

S. 4.7.10 inserted by No. 25/2009 s. 49.

4.7.10 Offence to offer inducement to open betting account

A wagering service provider must not offer any credit, voucher or reward as an inducement to open a betting account.

Penalty: 20 penalty units.

Part 8—Compliance requirements

Division 1—Banking, accounting and auditing

4.8.1 Application of Division

S. 4.8.1 amended by Nos 40/2008 s. 16(1)(d), 28/2022 s. 100, 13/2023 s. 75.

Nothing in this Division 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 wagering and betting licensee or permit holder carried on by a person in accordance with this Chapter.

4.8.2 Banking

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S. 4.8.2(1) amended by No. 64/2014 s. 39(3)(a), repealed by No. 28/2022 s. 101(a).

(1A) A wagering and betting licensee must—

S. 4.8.2(1A) inserted by No. 40/2008 s. 16(2), amended by No. 13/2023 s. 76.

(a) keep and maintain separate accounts—

S. 4.8.2(1A)(a) amended by No. 64/2014 s. 39(3)(a)(i).

(i) for amounts invested in wagering;

(ii) for amounts invested in approved betting competitions—

as approved by the Commission, at an ADI or ADIs in the State for use for all banking transactions arising under this Chapter in relation to the wagering and betting licensee; and

S. 4.8.2(1A)(b) amended by No. 64/2014 s. 39(3)(a)(ii).

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

Penalty: 100 penalty units.

S. 4.8.2(1B) inserted by No. 32/2012 s. 14.

(1B) An account referred to in subsection (1A)(a)(i) or (ii) may, in addition to the amounts referred to in that subsection, contain any other amounts approved by the Commission.

(2) The holder of a permit must—

S. 4.8.2(2)(a) amended by No. 64/2014 s. 39(3)(b).

(a) keep and maintain an account for amounts invested in wagering as approved by the Commission, at an ADI in the State for use for all banking transactions arising under this Chapter in relation to the permit holder; and

S. 4.8.2(2)(b) amended by No. 64/2014 s. 39(3)(b).

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

Penalty: 100 penalty units.

S. 4.8.2(3) amended by Nos 64/2014 s. 39(3)(b), 28/2022 s. 101(b).

(3) An inspector, by notice in writing, may require the manager or other principal officer of an ADI referred to in subsection (1A) or (2) 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.

(4) A person to whom a notice is given under subsection (3) must comply with the notice.

Penalty: 60 penalty units.

(5) An inspector may not exercise the powers conferred by this section without the prior written approval of the Commission.

4.8.3 Accounts

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S. 4.8.3(1) repealed by No. 28/2022 s. 102(a).

(1A) A wagering and betting licensee must keep such accounting records as correctly record and explain the transactions and financial position of the operations of the licensee.

S. 4.8.3(1A) inserted by No. 40/2008 s. 16(3), amended by No. 13/2023 s. 77.

(2) The holder of a permit must keep such accounting records as correctly record and explain the transactions and financial position of the operations of the permit holder.

(3) The accounting records must be kept in such manner as 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.

(4) A wagering and betting licensee and a permit holder must, as soon as practicable after the end of each financial year, prepare financial statements and accounts, including—

S. 4.8.3(4) amended by Nos 40/2008 s. 16(4), 28/2022 s. 102(b), 13/2023 s. 77.

(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 licensee or the permit holder, as the case may be.

Penalty: 60 penalty units.

4.8.4 Books etc. to be kept on the premises

S. 4.8.4(1) repealed by No. 28/2022 s. 103(a).

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S. 4.8.4(1A) inserted by No. 40/2008 s. 16(5), amended by No. 13/2023 s. 78(a).

(1A) A wagering and betting licensee must must ensure that all documents relating to the operations of the licensee under this Chapter are—

S. 4.8.4(1A)(a) amended by No. 13/2023 s. 78(a)(ii).

(a) kept at the principal place of business in Victoria of the licensee or at such other place as the Commission approves in writing; and

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

Penalty: 60 penalty units.

(2) The holder of a permit must ensure that all documents relating to the operations of the holder under the permit are—

(a) kept at the principal place of business in Victoria of the permit holder or at such other place as the Commission approves in writing; and

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

Penalty: 60 penalty units.

(3) The Commission may by instrument in writing grant an exemption to a wagering and betting licensee or permit holder from all or specified requirements of this section in respect of all or specified, or specified classes of, documents and may grant the exemption subject to conditions.

S. 4.8.4(3) amended by Nos 40/2008 s. 16(6), 28/2022 s. 103(b), 13/2023 s. 78(b).

4.8.5 Audit of books, accounts and financial statements

S. 4.8.5 (Heading) amended by No. 40/2008 s. 16(7).

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S. 4.8.5(1) amended by No. 40/2008 s. 16(8), repealed by No. 28/2022 s. 104(a).

(1A) A wagering and betting licensee must, as soon as practicable after the end of each financial year, cause the books, accounts and financial statements of the licensee to be audited by an auditor approved by the Commission.

S. 4.8.5(1A) inserted by No. 40/2008 s. 16(9), amended by No. 13/2023 s. 79(a).

Penalty: 60 penalty units.

(2) The holder of a permit must, as soon as practicable after the end of each financial year, cause the books, accounts and financial statements of the permit holder to be audited by an auditor approved by the Commission.

(3) The auditor—

(a) has right of access at all times to the books of the wagering and betting licensee or permit holder; and

S. 4.8.5(3)(a) amended by Nos 40/2008 s. 16(10), 28/2022 s. 104(b).

S. 4.8.5(3)(b) amended by Nos 40/2008 s. 16(10), 28/2022 s. 104(b).

(b) may require from an officer or employee of the wagering and betting licensee or permit holder any information, assistance and explanations necessary for the performance of the duties of the auditor in relation to the audit.

S. 4.8.5(3A) inserted by No. 40/2008 s. 16(11), amended by Nos 28/2022 s. 104(b), 13/2023 s. 79(b).

(3A) An officer or employee of a wagering and betting licensee or permit holder must comply with a requirement under subsection (3)(b).

Penalty: 60 penalty units.

S. 4.8.5(4) amended by Nos 40/2008 s. 16(12)(13), 28/2022 s. 104(b), 13/2023 s. 79(c).

(4) A wagering and betting licensee or permit holder must cause the auditor's report to be lodged with the Commission within 75 days (or any longer period not exceeding 4 months agreed by the Commission) after the end of the financial year to which the report relates.

Penalty: 60 penalty units.

S. 4.8.5(5) amended by No. 40/2008 s. 16(14), repealed by No. 28/2022 s. 104(c).

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Division 2—Reporting

4.8.6 Submission of reports

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S. 4.8.6(1) repealed by No. 28/2022 s. 105(a).

(1A) A wagering and betting licensee must submit to the Commission reports relating to its operations under this Chapter.

S. 4.8.6(1A) inserted by No. 40/2008 s. 16(15), amended by No. 13/2023 s. 80.

(2) The holder of a permit must submit to the Commission reports relating to its operations under this Chapter.

(3) The reports must include reports on agreements and arrangements enabling or facilitating the making of bets on totalisators conducted in Victoria by persons outside Victoria.

(4) The reports are to be submitted at the times, and are to contain the information, that is specified by notice in writing given to the wagering and betting licensee or the permit holder, as the case may be, by the Commission from time to time.

S. 4.8.6(4) amended by Nos 40/2008 s. 16(16), 28/2022 s. 105(b).

Ch. 4 Pt 8A (Heading and ss 4.8A.1–4.8A.6) inserted by No. 20/2018 s. 67.

Part 8A—Harm minimisation directions—wagering service providers

S. 4.8A.1 inserted by No. 20/2018 s. 67.

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.

S. 4.8A.2 inserted by No. 20/2018 s. 67.

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.

S. 4.8A.3 inserted by No. 20/2018 s. 67.

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

S. 4.8A.4 inserted by No. 20/2018 s. 67.

(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.

S. 4.8A.5 inserted by No. 20/2018 s. 67.

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.

S. 4.8A.6 inserted by No. 20/2018 s. 67.

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.

Part 9—Other matters

Ch. 4 Pt 9 (Heading and s. 4.9.1) inserted by No. 58/2009 s. 82.

4.9.1 Competition and Consumer Act and Competition Code

S. 4.9.1 (Heading) amended by No. 21/2012 s. 239(Sch. 6 item 19.7).

S. 4.9.1 inserted by No. 58/2009 s. 82.

(1) For the purposes of the Competition and Consumer Act 2010 of the Commonwealth and the Competition Code, the following things are authorised by this Act—

S. 4.9.1(1) amended by No. 21/2012 s. 239(Sch. 6 item 19.8).

(a) the grant of a wagering and betting licence or a temporary wagering and betting licence;

S. 4.9.1(1)(a) amended by No. 13/2023 s. 81.

(b) conduct authorised or required by or under the conditions of a wagering and betting licence or a temporary wagering and betting licence;

S. 4.9.1(1)(b) amended by Nos 28/2022 s. 106(a), 13/2023 s. 81.

(c) entering into an arrangement referred to in section 4.3A.7, 4.3A.10, 4.3A.10AA, 4.3A.31(2) or 4.3A.34AA;

S. 4.9.1(1)(c) amended by Nos 56/2010 s. 40(1), 28/2022 s. 106(b).

(d) amending an arrangement referred to in section 4.3A.7, 4.3A.10, 4.3A.10AA, 4.3A.31(2) or 4.3A.34AA;

S. 4.9.1(1)(d) amended by Nos 56/2010 s. 40(1), 28/2022 s. 106(b).

S. 4.9.1(1)(e) amended by Nos 56/2010 s. 40(1), 28/2022 s. 106(b).

(e) giving effect to an arrangement referred to in section 4.3A.7, 4.3A.10, 4.3A.10AA, 4.3A.31(2) or 4.3A.34AA (whether amended or not).

S. 4.9.1(1A) inserted by No. 56/2010 s. 40(2), amended by No. 21/2012 s. 239(Sch. 6 item 19.9).

(1A) For the purposes of the Competition and Consumer Act 2010 of the Commonwealth and the Competition Code, the following things are authorised by this Act—

(a) specified persons acting collectively or in combination with others in, or with respect to, the negotiation of, or giving effect to—

(i) an arrangement referred to in subsection (1)(c) (whether amended or not); or

(ii) an amendment to an arrangement referred to in subsection (1)(d);

(b) the giving of consent under section 4.3A.34C.

S. 4.9.1(1B) inserted by No. 56/2010 s. 40(2).

(1B) Subsection (1A) applies to the things stated in that subsection whether those things happened before or happen on or after the commencement of that subsection.

(2) In this section—

arrangement includes agreement and understanding;

S. 4.9.1(2) def. of *giving effect to* amended by Nos 56/2010 s. 40(3)(a), 60/2011 s. 43(2).

giving effect to, in relation to an arrangement, includes—

(a) complying with any obligation under the arrangement; and

(b) exercising or enforcing any right or power under the arrangement;

specified persons means—

S. 4.9.1(2) def. of *specified persons* inserted by No. 56/2010 s. 40(3)(b).

(a) Racing Victoria; and

(b) Harness Racing Victoria; and

(c) Greyhound Racing Victoria; and

(d) any other licensed racing club.

Chapter 5—Lotteries

Part 1—Introduction

5.1.1 Purposes

The main purposes of this Chapter are—

(a) to provide for the lawful conduct of public lotteries, including football pools and competitions; and

(b) to generate additional funds for grass roots sports, health, women's sports and sports medicine through the licensing of AFL footy tipping competitions; and

(c) to provide for the lawful conduct of trade promotion lotteries.

5.1.2 Definitions

In this Chapter—

amount paid does not include an amount determined in accordance with the licence conditions that is paid by way of commission paid or payable to an agent of the licensee (but not including any amount in respect of GST payable on the supply in respect of which the commission was paid or is payable);

appointed subsidiary means a company appointed by a public lottery licensee under section 5.3.14 to conduct public lotteries under the public lottery licence;

corresponding law, in relation to a participating jurisdiction, means a law of the participating jurisdiction declared under section 5.4.7(1)(b) to be a corresponding law;

licence conditions means the conditions imposed on a public lottery licence under section 5.3.7;

lottery rules means rules made under section 5.2.2 for a public lottery;

participating jurisdiction means a State, Territory or country declared under section 5.4.7(1)(a) to be a participating jurisdiction;

player means a person who enters a public lottery;

public lottery means—

S. 5.1(2) def. of *public lottery* substituted by No. 22/2005 s. 6(1).

(a) a lottery; or

(b) an AFL footy tipping competition; or

(c) a soccer football pool.

5.1.3 Application of Chapter

Nothing in this Chapter applies to a raffle, lottery or other activity authorised by or under Chapter 8.

Part 2—Public lotteries

Division 1—Legality of public lotteries

5.2.1 Public lotteries declared lawful

The conduct of a public lottery in accordance with this Chapter by a licensee or an appointed subsidiary of a licensee is lawful and is not a public nuisance.

S. 5.2.1A inserted by No. 22/2005 s. 7.

5.2.1A Approval of computer system etc.

(1) A public lottery licensee or an appointed subsidiary must not use, or cause or permit to be used—

(a) any instrument or contrivance; or

(b) any computer hardware or software; or

(c) any other equipment—

in connection with a public lottery unless the instrument, contrivance, hardware, software or other equipment has been approved by the Commission.

(2) A public lottery licensee or an appointed subsidiary must not make, or cause or permit to be made, any change in any instrument, contrivance, hardware, software or other equipment approved by the Commission under subsection (1) unless the change has been approved by the Commission.

S. 5.2.1A(3) substituted by No. 58/2009 s. 83.

(3) In approving an instrument, contrivance, hardware, software or other equipment under this section, the Commission—

(a) must have regard to any relevant standards made under section 10.1.5A; and

(b) may have regard to the certificate of a person listed on the Roll, being a person referred to in section 3.4.61(1)(c).

(4) The Commission may make an approval under this section subject to any conditions that it thinks fit.

(5) The Commission may, for just and reasonable cause, withdraw an approval given under this section by instrument given to the public lottery licensee or the appointed subsidiary, as the case requires.

(6) A function of the Commission under this section may be performed by any commissioner.

Division 2—Public lottery rules

5.2.2 Lottery rules

(1) A public lottery licensee must make rules, not inconsistent with this Act, the regulations or the licence conditions, for or with respect to the conduct of each public lottery authorised by the public lottery licence.

(2) A public lottery licensee or an appointed subsidiary must not conduct a public lottery unless—

(a) lottery rules for the public lottery are in force; and

(b) the public lottery is conducted in accordance with those rules.

Penalty: 100 penalty units.

(3) Without limiting subsection (1), lottery rules may make provision for any of the following matters—

(a) the handling of applications to enter a public lottery;

(b) the recording of entries in a public lottery;

(c) the determination of the entitlement (if any) of a player to a prize in a public lottery;

(d) the payment of prizes in, or the refund of money paid to enter, a public lottery.

(4) As soon as practicable after making lottery rules, a public lottery licensee must give a copy of them to the Commission.

(5) Lottery rules for a public lottery, as in force when an entry to the public lottery is accepted, form part of the contract between the licensee and the player.

5.2.3 When do lottery rules come into force?

(1) Lottery rules come into force on the day specified in them, which must be—

(a) at least 4 weeks after the day on which they are made; or

(b) an earlier day approved by the Commission (not being a day before the rules are made).

(2) An approval under subsection (1)(b) must be in writing.

(3) Despite subsection (1), lottery rules cannot come into force before notice of making them is published in accordance with section 5.2.4.

5.2.4 Publication and inspection of lottery rules

(1) A public lottery licensee must publish notice of the making of lottery rules in the Government Gazette and in a newspaper circulating generally in Victoria.

(2) A public lottery licensee or other person who accepts entries in a public lottery must—

(a) make available a complete copy of the lottery rules for the public lottery for inspection by any person free of charge on request; and

(b) at each place or point at which those entries are accepted, display a notice stating that the lottery rules are available for inspection.

(3) A notice under subsection (2)(b) must be in the form approved by the Commission.

5.2.5 Disallowance of lottery rules

(1) The Commission may disallow lottery rules in whole or part at any time by giving written notice to the public lottery licensee, if—

(a) the Commission is satisfied that the rules are—

(i) unfair to players; or

(ii) unreasonable; or

(iii) contrary to the public interest; or

(b) the Minister has requested the Commission to disallow the rules under subsection (3).

(2) The Commission may refer lottery rules to the Minister if the Commission considers that the Minister ought to consider whether the rules should be disallowed.

(3) The Minister may request the Commission to disallow lottery rules (whether or not they were referred to the Minister under subsection (2)), if the Minister considers that the lottery rules—

(a) are not in the public interest; or

(b) would result in the public lottery being of a different character from the public lottery authorised to be conducted by the licence.

(4) In deciding whether to request disallowance, the Minister may take into account, among other things, the amount of the premium payment for the licence.

(5) The disallowance of lottery rules takes effect on the day specified in the notice of disallowance, being a day that is at least 3 days after the notice is given to the licensee.

(6) If, before lottery rules are made, the Commission consents in writing to the making of the rules in the form in which they are made, the Commission must not disallow the rules or any part of them within the period of 6 months after they are made, unless the Minister requests disallowance under subsection (3).

S. 5.2.5(7) amended by No. 58/2011 s. 91(1).

(7) A function of the Commission under this section may be performed by any commissioner.

Division 3—Conduct of public lotteries

S. 5.2.6 amended by No. 60/2011 s. 37 (ILA s. 39B(1)).

5.2.6 Supervision of public lottery draws by Commission's representative

(1) A public lottery licensee or other person must not determine a public lottery by draw unless a person nominated by the Commission supervises the draw.

S. 5.2.6(2) inserted by No. 60/2011 s. 37.

(2) Despite subsection (1), a public lottery licensee or other person may determine a public lottery by draw without the supervision of a person nominated by the Commission if the draw—

(a) is determined by a random number generator; and

(b) is conducted in accordance with procedures approved by the Commission.

S. 5.2.6(3) inserted by No. 60/2011 s. 37.

(3) The Commission may approve procedures for the conduct of a public lottery to be determined by a random number generator.

(4) In this section, ***random number generator*** means an instrument, contrivance, hardware, software or other equipment approved by the Commission under section 5.2.1A that is designed to be used to select random numbers and—

S. 5.2.6(4) inserted by No. 60/2011 s. 37.

(a) is used by a public lottery licensee to determine the results of a draw of a public lottery; and

(b) is not used by a public lottery licensee to draw numbered balls or other things; and

(c) is not an electronic device that enables a public lottery to be determined in connection with an external event.

5.2.7 Licensee to record entries

(1) A public lottery licensee must ensure that an accurate record is made (whether by the issue of a ticket or otherwise) of each entry in a public lottery conducted under the licensee's licence.

(2) The record must include—

(a) an identifying number, or other form of identification, of the entry; and

(b) the amount paid to enter the lottery; and

(c) the amount (if any) of commission paid or payable to an agent of the licensee in respect of the entry, determined in accordance with the licence conditions.

(3) The licensee must ensure that the record of entry, or a copy of it, is given or made available to the player on request.

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S. 5.2.8 substituted by No. 54/2006 s. 4, repealed by No. 71/2008 s. 29(c).

5.2.9 Licensee not to act as credit provider

A public lottery licensee must not provide credit to a player.

Penalty: For a first offence, 240 penalty units.

For a second or subsequent offence, 240 penalty units or imprisonment for 2 years, or both.

5.2.10 Non-monetary prizes

(1) If a public lottery licensee offers a non-monetary prize in a public lottery the licensee must also offer a monetary prize of equivalent value as an alternative to the non-monetary prize.

(2) In determining whether a monetary prize is of equivalent value to a non-monetary prize, any amount in respect of GST payable in respect of the supply to which the prize relates is to be taken into account.

5.2.11 Prohibition of certain schemes

(1) A person, or two or more persons together, must not conduct or promote a scheme or part of a scheme—

(a) under which a guarantee or promise is given to a person participating in the scheme to the effect that the person will win a prize or share of a prize in a public lottery; or

(b) in respect of which the person knows, or ought reasonably to know, or represents, that the probability of participants in the scheme collectively or separately winning a prize or

share of a prize in a public lottery is greater than the highest probability of winning a prize or share of a prize in that public lottery under any scheme conducted by the licensee in relation to that public lottery.

Penalty: 60 penalty units or imprisonment for 6 months or both.

(2) A prize is not payable in respect of an entry in a public lottery if the entry was accepted or obtained under, or used in connection with, a scheme or part of a scheme—

(a) of a kind referred to in subsection (1); and

(b) conducted by a person other than a licensee or an appointed subsidiary of a licensee.

(3) If a prize has been paid in respect of an entry in a public lottery, the entitlement to the prize must not be questioned on the ground that it was not payable by reason of subsection (2).

(4) In this section—

scheme includes plan, contract, arrangement, agreement or undertaking.

5.2.12 Publicity concerning prizewinners

(1) A public lottery licensee or an appointed subsidiary must not publish, or cause to be published, the identity of a person who claims a prize in a public lottery if the person has requested anonymity.

(2) A player may request anonymity—

(a) in the manner set out in the licence conditions or the lottery rules; or

(b) in the prescribed manner.

(3) A person may at any time revoke a request for anonymity.

(4) This section does not prevent a public lottery licensee or an appointed subsidiary from publishing, or causing to be published, the venue or geographic location at which a prizewinning entry was made and the amount of a prize won.

Part 3—Public lottery licences

Division 1AA—Interpretation

Ch. 5 Pt 3 Div. 1AA (Heading and s. 5.3.1AA) inserted by No. 60/2011 s. 58.

5.3.1AA Definitions

S. 5.3.1AA inserted by No. 60/2011 s. 58.

In this Part—

applicant means an applicant for a public lottery licence;

contact includes telephone contact, written contact, face-to-face contact and email contact or contact by other electronic means;

government representative means—

S. 5.3.1AA def. of *government representative* amended by No. 23/2025 s. 74(Sch. 1 item 2.26).

(a) the Premier or another Minister;

(b) a Parliamentary Secretary;

(c) a person employed under Part 3 of the **Public Administration Act 2004**;

(d) a ministerial officer employed under Division 1 of Part 6 of the **Public Administration Act 2004**;

(e) the Secretary;

(f) a person nominated and engaged by the Secretary under Part 1A of Chapter 10 for the purposes of assisting the Secretary with the Secretary's obligations under this Part or Division 1 of Part 4 of Chapter 10;

S. 5.3.1AA def. of *interested person* substituted by No. 23/2025 s. 19(b).

interested person means—

(a) a possible invitee; or

(b) a pending applicant; or

(c) an applicant; or

(d) a public lottery licensee; or

(e) an associate of a person referred to in paragraph (a), (b), (c) or (d); or

(f) an officer, employee, agent or contractor of—

(i) a person referred to in paragraph (a), (b), (c) or (d); or

(ii) an associate of a person referred to in paragraph (a), (b), (c) or (d);

S. 5.3.1AA def. of *licence awarding process* substituted by No. 23/2025 s. 19(c).

licence awarding process means the following—

(a) the Minister's decision to invite a person to apply for a public lottery licence;

(b) the Minister's determination whether to grant or refuse an application for a public lottery licence;

(c) the preparation or making of a recommendation or report, or any other thing that may be or is required to be done under this Act, for the purpose of the Minister making a decision or determination referred to in paragraph (a) or (b);

lobbying activity means—

(a) in relation to a licence awarding process, contact with a government representative for the purpose of influencing a decision or thing to be done under that process;

(b) in relation to a request to amend a public lottery licence under section 5.3.16, contact with a government representative for the purpose of influencing the Minister's decision whether to make an amendment to a public lottery licence;

lobbyist means a person or organisation—

(a) that carries out a lobbying activity for or on behalf of a third party client; or

(b) whose employees or contractors carry out a lobbying activity for or on behalf of a third party client;

pending applicant means a person the Minister has invited to apply for a public lottery licence but that has not applied for that licence under section 5.3.3;

S. 5.3.1AA def. of *pending applicant* inserted by No. 23/2025 s. 19(a).

possible invitee means a person the Minister is considering inviting to apply for a public lottery licence.

S. 5.3.1AA def. of *possible invitee* inserted by No. 23/2025 s. 19(a).

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S. 5.3.1AA def. of *registrant* repealed by No. 23/2025 s. 19(d).

Division 1—Number and type of public lottery licences

5.3.1 Minister determines number and type of public lottery licences

The Minister is to determine from time to time—

(a) the number of public lottery licences that may be issued; and

(b) the public lotteries those licences may authorise to be conducted.

5.3.2 Which public lotteries can be licensed?

(1) The Minister may issue a public lottery licence for the conduct of any one or more public lotteries except as provided by this section.

(2) The Minister cannot issue a licence to conduct a public lottery that is or involves—

(a) wagering; or

(b) gaming on gaming machines; or

S. 5.3.2(2)(c) amended by No. 1/2021 s. 30.

(c) a keno game; or

S. 5.3.2(2)(d) amended by No. 54/2006 s. 5.

(d) a game, other than keno, approved under section 60 of the **Casino Control Act 1991** to be played in a casino.

S. 5.3.2(3) amended by No. 23/2025 s. 74(Sch. 1 item 2.27).

(3) The Minister must not issue a licence to conduct a public lottery that, in the Minister's opinion, is offensive or contrary to the public interest.

Division 2—Licensing procedure

5.3.2A Minister may invite applications

S. 5.3.2A inserted by No. 22/2005 s. 8, amended by No. 56/2010 s. 41, substituted by No. 23/2025 s. 20.

(1) The Minister may invite a person that is a body corporate to apply for a public lottery licence.

(2) The Minister may take into account any other matter in deciding whether to invite a person to apply for a public lottery licence.

5.3.2B Secretary may report on suitability of persons Minister is considering to invite to apply for public lottery licence

S. 5.3.2B inserted by No. 23/2025 s. 20.

(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 a public lottery 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.

5.3.2C Consent required for reports and investigation

S. 5.3.2C inserted by No. 23/2025 s. 20.

For the purpose of preparing a report under section 5.3.2B or 5.3.4 to give to the Minister and for investigations and inquiries to be carried out under Division 1C or 1D of Part 4 of Chapter 10 for the purpose of preparing a report under section 5.3.2B or 5.3.4, the Secretary must obtain the written consent of—

(a) a possible invitee, pending applicant or 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 a public lottery licence; or

(ii) a pending applicant or an applicant should be granted a public lottery licence under this Division.

S. 5.3.3 amended by Nos 10/2004 s. 15(Sch. 1 item 10.6), 22/2005 s. 9, 72/2007 s. 24, 62/2017 s. 56(5), substituted by No. 23/2025 s. 21.

5.3.3 Application for licence

(1) A person who has been invited by the Minister under section 5.3.2A(1) to apply for a public lottery licence—

(a) may apply to the Minister for the licence; and

(b) if the person applies for the licence, must comply with—

(i) requirements specified by the Minister for an applicant to have protocols or procedures to prevent an interested person from improperly interfering with the preparation or making of a recommendation or report under this Act in relation to an application for a public lottery licence; and

(ii) reporting requirements specified by the Minister for an applicant or an associate of an applicant in relation to the protocols or procedures specified under subparagraph (i); and

(iii) any other requirements specified by the Minister in relation to applicants or applications for a licence.

(2) A licence application—

(a) must be in the form, contain the information and be accompanied by the documents required by the Minister; and

(b) must be accompanied by a Responsible Gambling Code of Conduct that the applicant intends to implement if the licence is granted; and

(c) must be lodged in accordance with the procedural requirements, if any, specified by the Minister.

(3) The Minister may require an applicant to provide any further information to the Minister in connection with the application.

(4) The Minister may require any matter in, or in relation to, the application to be verified by statutory declaration by an applicant or an associate of an applicant.

(5) The Minister must refer each licence application to the Secretary for a report under section 5.3.4.

(6) If a requirement made by or specified under this section is not complied with, the Minister may refuse to consider or further consider the application or to refer it to the Secretary.

Note

Division 1D of Part 4 of Chapter 10 provides for the investigation of an application for a public lottery licence.

5.3.4 Report to Minister by Secretary on applications

S. 5.3.4 amended by Nos 72/2007 s. 25, 62/2017 s. 56(6), substituted by No. 23/2025 s. 21.

(1) The Secretary must give a written report to the Minister on each licence application—

(a) stating whether or not, in the Secretary's opinion, the matters of which the Minister must be satisfied to grant the licence application have been made out; and

(b) stating whether or not, in the Secretary's opinion, the requirements made by or specified under section 5.3.3 have been complied with; and

(c) containing any other information required by the Minister.

(2) The report may include any recommendations the Secretary thinks fit, including recommendations as to any appropriate licence conditions.

(3) The report must include the reasons for any findings or recommendations contained in it.

S. 5.3.5 substituted by No. 23/2025 s. 21.

5.3.5 Determination of applications

(1) The Minister is to determine whether to grant or refuse a licence application after receiving the report of the Secretary under section 5.3.4.

(2) The Minister may grant a licence application only if satisfied that the granting of the application is in the public interest, taking into account each of the following matters—

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

(b) whether the applicant, or an associate of the applicant, has an association with a person or body that is not of good repute, having regard to character, honesty and integrity, as a result of which the applicant or the associate is likely to be significantly affected in an unsatisfactory manner;

(c) whether each executive officer of the applicant and any other person determined by the Minister to be concerned in or associated with the ownership, management or operation of the applicant's public lottery business is a suitable person to act in that capacity;

(d) whether the applicant has sufficient technical capability and adequate systems to conduct the activities to be authorised by the licence;

(e) whether the applicant is of sound and stable financial background;

(f) whether the applicant has financial resources that are adequate to ensure the financial viability of a public lottery business;

(g) whether the applicant has the ability to establish and maintain a successful public lottery business;

(h) any other matters the Minister considers relevant.

(3) In addition to the requirements of subsection (2), the Minister may grant a licence application only if satisfied that the Responsible Gambling Code of Conduct accompanying the application complies with—

(a) regulations made for or with respect to Part 4C of Schedule 1; and

(b) each direction under section 10.6.6(1) that applies in relation to the application.

(4) In determining whether to grant or refuse a licence application, the Minister is entitled to rely on any findings or recommendations contained in the report of the Secretary under section 5.3.4.

(5) If the Minister refuses a licence application, the Minister must give written notice to the applicant.

5.3.5A Prohibition on improper interference

S. 5.3.5A inserted by No. 60/2011 s. 59.

(1) An interested person in relation to a public lottery licence must not improperly interfere with the preparation or making of a recommendation or report under this Act in relation to a possible invitee, pending applicant or applicant.

S. 5.3.5A(1) amended by No. 23/2025 s. 22(1).

S. 5.3.5A(2) substituted by No. 23/2025 s. 22(2).

(2) If an interested person improperly interferes with the preparation or making of a recommendation or report under this Act in relation to a possible invitee, pending applicant or applicant, the Minister may refuse to consider, or consider further—

(a) whether to invite the possible invitee to apply for a public lottery licence; or

(b) an application for a public lottery licence made by the pending applicant or applicant.

S. 5.3.5B (Heading) amended by No. 23/2025 s. 23(1).

S. 5.3.5B inserted by No. 60/2011 s. 59.

5.3.5B Prohibition on lobbying

(1) A lobbyist must not in relation to a licence awarding process carry out a lobbying activity for or on behalf of an interested person.

S. 5.3.5B(2) amended by No. 23/2025 s. 23(2).

(2) The Minister may refuse to invite a person to apply for a public lottery licence, to consider an application for a public lottery licence or to grant an application for a public lottery licence, if the Minister is satisfied that a lobbyist, for or on behalf of an interested person in relation to a licence awarding process, has carried out a lobbying activity.

5.3.6 Issue of licence

S. 5.3.6(1) substituted by Nos 54/2006 s. 6, 23/2025 s. 24(1).

(1) If the Minister grants a licence application, the Minister must issue a public lottery licence to the applicant.

S. 5.3.6(1A) inserted by No. 54/2006 s. 6, repealed by No. 23/2025 s. 24(2).

* * * * *

(2) A public lottery licence must specify the public lottery authorised to be conducted by the licence.

(3) A public lottery licence cannot be issued under this section that has effect, otherwise than as provided by section 5.3.8A, at any time while a public lottery licence in effect immediately before the commencement of section 24 of the **Gambling Legislation Amendment Act 2025** remains in effect.

S. 5.3.6(3) inserted by No. 23/2025 s. 24(3).

5.3.6A Public lottery licence not personal property

S. 5.3.6A inserted by No. 23/2025 s. 25.

For the purposes of section 8(1)(k) of the Personal Property Securities Act 2009 of the Commonwealth, a public lottery licence is declared not to be personal property.

5.3.7 Licence conditions

S. 5.3.7 amended by No. 23/2025 s. 26(1)(a).

The Minister may impose any conditions the Minister thinks fit on a public lottery licence, including—

(a) conditions referred to in any other provision of this Chapter;

(b) conditions that leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Commission.

S. 5.3.7(b) amended by No. 23/2025 s. 26(1)(b).

* * * * *

S. 5.3.7(c) repealed by No. 23/2025 s. 26(1)(c).

Note

The licence is also subject to the condition specified in section 5.3.7B.

Note to s. 5.3.7 inserted by No. 23/2025 s. 26(2).

* * * * *

S. 5.3.7A inserted by No. 54/2006 s. 7, repealed by No. 23/2025 s. 27.

S. 5.3.7B inserted by No. 72/2007 s. 26, amended by No. 62/2017 s. 57(6).

5.3.7B Responsible Gambling Code of Conduct is a condition of licence

It is a condition of a public lottery licence that the public lottery licensee implement a Responsible Gambling Code of Conduct that complies with—

S. 5.3.7B(a) inserted by No. 62/2017 s. 57(6).

(a) regulations made for or with respect to Part 4C in Schedule 1; and

S. 5.3.7B(b) inserted by No. 62/2017 s. 57(6).

(b) each direction under section 10.6.6(1) that applies in relation to the public lottery licensee.

S. 5.3.7C inserted by No. 23/2025 s. 28.

5.3.7C Minister may refuse to issue licence if related agreements not entered into

Despite section 5.3.6, the Minister may refuse to issue a public lottery licence unless the applicant or any other person requested by the Minister (or both) enters into one or more agreements with the Minister dealing with matters related to the licence.

S. 5.3.7D inserted by No. 23/2025 s. 28.

5.3.7D Related agreements with licensee

(1) Subject to this section, the Minister, by written notice, may direct a public lottery licensee to enter into an agreement or class of agreements dealing with matters relating to the licence with—

(a) the Minister; or

(b) a person or class of person the Minister specifies in the direction.

(2) Before giving a direction under subsection (1), the Minister must consult the licensee.

(3) A direction under subsection (1)—

(a) must warn the licensee of the Minister's powers under this section; and

(b) must be accompanied by a copy of this section; and

(c) may specify the kinds of terms to be contained in an agreement or class of agreements to be entered into; and

(d) may specify the kinds of terms that must not be in an agreement or class of agreements to be entered into; and

(e) may specify a date by which an agreement or class of agreements is to be entered into.

(4) A licensee must comply with a direction under subsection (1).

(5) A licensee must give a copy of any agreement entered into in compliance with a direction under subsection (1) to the Commission.

5.3.7E No compensation payable because of a direction to enter into related agreements

S. 5.3.7E inserted by No. 23/2025 s. 28.

No compensation is payable by the State because of a direction under section 5.3.7D or entering into an agreement in compliance with a direction under section 5.3.7D.

5.3.8 Duration of licence

(1) A public lottery licence—

(a) takes effect at the time of issue or at the later time specified in the licence; and

S. 5.3.8(1)(b) amended by No. 22/2005 s. 10, substituted by No. 23/2025 s. 29(a).

(b) is valid for the term specified in the licence, unless terminated earlier in accordance with this Chapter or extended under section 5.3.8C.

S. 5.3.8(2)–(4) repealed by No. 23/2025 s. 29(b).

* * * * *

(5) A licence cannot be renewed, but a person who holds or has held a licence may apply for another public lottery licence.

S. 5.3.8A inserted by No. 54/2006 s. 8.

5.3.8A Licence may authorise preparatory action

(1) This section applies to a public lottery licence that takes effect at a time specified in the licence that is later than the time of issue of the licence.

(2) The public lottery licence may authorise the public lottery licensee to take preparatory action from a time specified in the licence (which may be the time of issue) even though the licence has not taken effect.

(3) An authorisation under subsection (2) may specify a single time from which any preparatory action may be taken or different times from which different kinds of preparatory action may be taken.

S. 5.3.8A(4) amended by No. 23/2025 s. 30(a).

(4) Any time specified from which preparatory action may be taken must not be more than 18 months before the time the licence takes effect.

Example to s. 5.3.8A(4) repealed by No. 23/2025 s. 30(b).

* * * * *

(5) Despite section 5.3.8(1)(a), the public lottery licence is taken to be in effect for the purpose of any preparatory action taken in accordance with an authorisation under subsection (2).

(6) No account is to be had to this section in determining the term of the licence under section 5.3.8(1)(b).

Example

The term specified in the licence referred to in the example at the foot of subsection (4) is determined from 1 July 2008 (that is, the day the licence is specified to take effect) even if the licence authorises preparatory action before that day and is taken to be in effect under subsection (5) for that purpose.

(7) In this section—

preparatory action means anything necessary or convenient to be done for the purpose of conducting a public lottery, other than—

(a) drawing the lottery; or

(b) having the lottery determined by any other means.

5.3.8B Exclusivity period for licence

S. 5.3.8B inserted by No. 23/2025 s. 31.

(1) When issuing a public lottery licence, the Minister may specify one or more periods of time as the exclusivity period for the licence.

(2) If an exclusivity period is specified for one or more public lottery licences, no new public lottery licence can be issued that has effect, otherwise than as provided by section 5.3.8, at any time during the exclusivity period.

5.3.8C Extension of licence

S. 5.3.8C inserted by No. 23/2025 s. 31.

(1) If invited by the Minister to do so, a public lottery licensee may apply to the Minister, before the licence expires, for a licence extension.

(2) On an application under subsection (1), the Minister may extend the term of the licence for a period determined by the Minister.

(3) The term of a public lottery licence may be extended only once.

5.3.9 Premium payment

(1) The Minister may require a public lottery licensee to pay, as consideration for the public lottery licence, one or more amounts determined by the Minister as the premium payment.

(2) The Minister may determine the premium payment as—

(a) a single amount payable on the issue of the licence, or by the later time determined by the Minister; or

(b) an amount payable each year for the duration of the licence at the time determined by the Minister.

S. 5.3.9(2A) inserted by No. 23/2025 s. 32(1).

(2A) If the Minister extends a public lottery licence under section 5.3.8C(2), the Minister may require the 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.

(3) The premium payment is a tax.

S. 5.3.9(4) inserted by No. 23/2025 s. 32(2).

(4) An amount or amounts equal to a premium payment paid under subsection (1) or (2A) must be paid out of the Consolidated Fund (which is appropriated to the necessary extent), at the time or times determined by the Treasurer, into the Hospitals and Charities Fund.

5.3.9A Penalty interest for late payment

S. 5.3.9A inserted by No. 23/2025 s. 33.

A public lottery licensee must pay to the Commission, for payment into the Consolidated Fund, interest on a premium payment under section 5.3.9(1) or (2A) that is outstanding as at the end of the period allowed for payment, at the rate fixed for the time being under section 2 of the **Penalty Interest Rates Act 1983**.

5.3.9B Recovery of amounts

S. 5.3.9B inserted by No. 23/2025 s. 33.

A premium payment under section 5.3.9(1) or (2A) or any interest payable under section 5.3.9A may be recovered in a court of competent jurisdiction as a debt due to the State.

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S. 5.3.10 repealed by No. 23/2025 s. 34.

5.3.11 Publication and tabling

S. 5.3.11 substituted by No. 54/2006 s. 9.

(1) The Minister must cause—

(a) notice to be published in the Government Gazette—

S. 5.3.11(1)(a) amended by No. 23/2025 s. 35(1)(a)(i).

(i) of the issue of a public lottery licence, as soon as practicable after the licence is issued; and

(ii) of the making of any agreement referred to in section 5.3.7C, as soon as practicable after the agreement is made; and

S. 5.3.11 (1)(a)(ii) amended by No. 23/2025 s. 35(1)(a)(ii).

(b) a copy of a public lottery licence to be—

(i) given to the Commission as soon as practicable after the licence is issued; and

(ii) laid before each House of the Parliament within 7 sitting days of the House after the licence is issued; and

S. 5.3.11(1)(c) amended by No. 23/2025 s. 35(1)(b).

(c) a copy of any agreement referred to in section 5.3.7C to be—

(i) given to the Commission as soon as practicable after the agreement is made; and

(ii) laid before each House of the Parliament within 7 sitting days of the House after the agreement is made.

S. 5.3.11(2) substituted by No. 23/2025 s. 35(2).

(2) Before complying with subsection (1)(b)(ii) or (c)(ii), the Minister—

(a) may exclude information from the licence or agreement if the Minister is of the opinion that the information relates to matters of a business, commercial or financial nature the disclosure of which would be likely to expose any person unreasonably to disadvantage; and

(b) must notify the Commission as soon as practicable whether or not any information has been excluded under paragraph (a) and, if it has been, specify the information excluded.

S. 5.3.11(3) inserted by No. 23/2025 s. 35(2).

(3) Subject to subsection (4), the Commission must cause a copy of a public lottery licence and any agreements referred to in section 5.3.7C to be made available on its website as soon as practicable after notification from the Minister under subsection (2)(b).

S. 5.3.11(4) inserted by No. 23/2025 s. 35(2).

(4) If the Minister has excluded information from the licence or agreement under subsection (2), the Commission must exclude that information from the copy of the licence or agreement it makes available under subsection (3).

*	*	*	*	*	S. 5.3.12 repealed by No. 23/2025 s. 36.
*	*	*	*	*	S. 5.3.13 amended by No. 54/2006 s. 10, repealed by No. 23/2025 s. 36.
*	*	*	*	*	Ch. 5 Pt 3 Div. 3 (Heading) repealed by No. 23/2025 s. 37(1).
*	*	*	*	*	Ss 5.3.14, 5.3.15 repealed by No. 23/2025 s. 37(2).

5.3.15A Engaging contractors and appointing agents to assist with public lotteries

S. 5.3.15A inserted by No. 54/2006 s. 11.

(1) A public lottery licence may authorise the licensee to engage a person on contract, or to appoint an agent, to assist in the conduct of a public lottery authorised by the licence.

S. 5.3.15A(2) amended by No. 23/2025 s. 38.

(2) For the avoidance of doubt, the engagement of a person or the appointment of an agent by a licensee does not affect any function or obligation of the licensee under a gaming Act, the gaming regulations, the public lottery licence or any related agreement.

Ch. 5 Pt 3 Div. 3 (new Heading and ss 5.3.15B–5.3.15G) inserted by No. 23/2025 s. 39.

Division 3—Transfer of licence

S. 5.3.15B inserted by No. 23/2025 s. 39.

5.3.15B Transfer only under this Division

A public lottery licence is not transferable to any other person except in accordance with this Division.

S. 5.3.15C inserted by No. 23/2025 s. 39.

5.3.15C Application to transfer licence

(1) A public lottery licensee may apply to the Minister to transfer a public lottery licence to another person (the ***transferee***).

(2) An application—

(a) must be in the form, contain the information and be accompanied by the documents required by the Minister; and

(b) must be accompanied by the prescribed fee (if any).

(3) If no fee is prescribed for the purposes of subsection (2)(b), the Minister, by written notice, may require the public lottery licensee to pay to the Minister the amount determined by the Minister, being an amount not exceeding the reasonable costs of the Minister and the Department administered by the Minister in considering the application.

(4) The Minister may require costs payable under subsection (3) to be paid by instalments or at any time before, during or after the Minister's consideration of the application, whether or not the application is granted.

(5) Costs payable under subsection (3) may be recovered in a court of competent jurisdiction as a debt due to the State.

(6) The Minister may refer the application to the Commission for a report under section 5.3.15E.

5.3.15D Transfer of public lottery licence

S. 5.3.15D inserted by No. 23/2025 s. 39.

(1) On application under section 5.3.15C, the Minister may transfer a public lottery licence to the transferee if the Minister is satisfied of the matters specified in subsections (2), (3), (4), (5) and (6).

(2) The Minister must be satisfied that—

(a) the transferee is a wholly-owned subsidiary of the public lottery licensee; or

(b) the transferee and the public lottery licensee are both wholly-owned subsidiaries of a third company.

(3) The Minister must be satisfied that the transfer of the licence to the transferee is in the public interest, taking into account each of the following matters—

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

(b) whether the transferee, or an associate of the transferee, has an association with a person or body that is not of good repute, having regard to character, honesty and integrity, as a result of which the transferee or the associate is likely to be significantly affected in an unsatisfactory manner;

(c) whether each executive officer of the transferee and any other person determined by the Minister to be concerned in or associated with the ownership, management or operation of the transferee's public lottery

business is a suitable person to act in that capacity;

(d) whether the transferee has sufficient technical capability and adequate systems to conduct the activities authorised by the licence;

(e) whether the transferee is of sound and stable financial background;

(f) whether the transferee has financial resources that are adequate to ensure the financial viability of a public lottery business;

(g) whether the transferee has the ability to establish and maintain a successful public lottery business;

(h) any other matters the Minister considers relevant.

(4) The Minister must be satisfied that the transfer of the licence to the transferee would not result in a person who is not currently an associate of the licensee, or not approved by the Minister to become an associate of the licensee, becoming an associate of the transferee.

(5) The Minister must be satisfied that the transferee has, or when the licence is transferred will have, a Responsible Gambling Code of Conduct that complies with—

(a) regulations made for or with respect to Part 4C of Schedule 1; and

(b) each direction under section 10.6.6(1) that applies in relation to the application.

(6) The Minister must be satisfied that the transferee is capable of meeting the obligations of the public lottery licensee under any agreements referred to in section 5.3.7C.

(7) The Minister may refuse to transfer a public lottery licence unless a company approved by the Minister that is an associate of the transferee has given the transferee an irrevocable guarantee and indemnity, in the form approved by the Treasurer, in respect of the financial obligations of the transferee.

(8) In determining whether to grant or refuse an application to transfer a public lottery licence, the Minister is entitled to rely on any findings or recommendations contained in the report of the Commission under section 5.3.15E.

(9) If the Minister transfers a public lottery licence, the transferee becomes the public lottery licensee and assumes all the obligations and liabilities of the public lottery licensee under this Act.

5.3.15E Report to Minister by Commission

S. 5.3.15E inserted by No. 23/2025 s. 39.

(1) If the Minister has referred to the Commission an application to transfer a public lottery licence, the Commission must give a written report to the Minister on the application—

(a) stating whether or not, in the Commission's opinion, the matters of which the Minister must be satisfied to transfer the licence have been made out; and

(b) containing any other information required by the Minister.

(2) The report may include any recommendations the Commission thinks fit, including recommendations as to any appropriate licence conditions.

(3) The report must include the reasons for any findings or recommendations contained in it.

Note

Division 1B of Part 4 of Chapter 10 provides for the investigation by the Commission of an application to transfer a public lottery licence.

S. 5.3.15F inserted by No. 23/2025 s. 39.

5.3.15F Related agreements

The Minister may refuse to transfer a public lottery licence unless—

(a) the public lottery licensee and any other person who is party to an agreement referred to in section 5.3.7C relating to the licence executes any document requested by the Minister in relation to that agreement; and

(b) the transferee or any other person requested by the Minister (or both) enters into one or more agreements with the Minister dealing with matters related to the licence, including any agreement referred to in section 5.3.7C or any further agreement.

S. 5.3.15G inserted by No. 23/2025 s. 39.

5.3.15G Publication and tabling

(1) The Minister must cause—

(a) notice to be published in the Government Gazette—

(i) of the transfer of a public lottery licence, as soon as practicable after the licence is transferred; and

(ii) of the execution of any document referred to in section 5.3.15F(a) or of the entering into of any agreement referred to in section 5.3.15F(b), as soon as practicable after the document is executed or the agreement is entered into; and

(b) a copy of the transfer of a public lottery licence to be—

(i) given to the Commission as soon as practicable after the licence is transferred; and

(ii) subject to subsection (2), presented to each House of Parliament within 7 sitting days of the House after the licence is transferred; and

(c) a copy of any document referred to in section 5.3.15F(a) or any agreement referred to in section 5.3.15F(b) to be—

(i) given to the Commission as soon as practicable after the document is executed or the agreement is entered into; and

(ii) subject to subsection (2), presented to each House of Parliament within 7 sitting days of the House after the document is executed or the agreement is entered into.

(2) Before complying with subsection (1)(b)(ii) or (c)(ii), the Minister—

(a) may exclude information from the transfer, document or agreement if the Minister is of the opinion that the information relates to matters of a business, commercial or financial nature the disclosure of which would be likely to expose any person unreasonably to disadvantage; and

(b) must notify the Commission as soon as practicable whether or not any information has been excluded under paragraph (a) and, if it has been, specify the information excluded.

(3) Subject to subsection (4), the Commission must cause a copy of a transfer of a public lottery licence and any document referred to in section 5.3.15F(a) or agreement referred to in section 5.3.15F(b) to be made available on its website as soon as practicable after receiving notification from the Minister under subsection (2)(b).

(4) If the Minister has excluded information from the transfer, document or agreement under subsection (2), the Commission must exclude that information from the copy of the transfer, document or agreement it makes available under subsection (3).

Division 4—Amending and surrendering licences

5.3.16 Request by licensee for amendment of licence

S. 5.3.16(1) amended by No. 54/2006 s. 12(1).

(1) A public lottery licensee may request the Minister to amend the public lottery licence.

S. 5.3.16(1A) inserted by No. 58/2009 s. 84, amended by No. 23/2025 s. 74(Sch. 1 item 2.28).

(1A) The Minister may refuse to consider the request for a licence amendment if, in the Minister's opinion, the requested amendment is the same, or is similar to, a requested amendment that has already been made under this section within the previous two years and refused by the Minister under section 5.3.19.

(2) A request for a licence amendment—

(a) must be in the form, contain the information and be accompanied by the documents, required by the Minister; and

(b) must include the reasons for the requested amendment.

(3) The Minister may require the licensee to provide any further information to the Minister in connection with the request.

(4) If a requirement made by this section is not complied with, the Minister may refuse to consider the request.

5.3.17 Notification of other affected licensees

(1) The Minister may require a public lottery licensee who requests a licence amendment to notify in writing the licensee of any other public lottery licence that, in the Minister's opinion, may be adversely affected if the amendment is made.

(2) Notification under subsection (1)—

(a) must be in the form and contain the information required by the Minister; and

(b) must include the reasons for the requested amendment; and

(c) must inform the licensee to whom it is given of their right to object to the requested amendment.

(3) If a requirement made by this section is not complied with, the Minister may refuse to consider the request for amendment.

5.3.18 Objection by other licensees

(1) A public lottery licensee who receives notice under section 5.3.17 may lodge a written objection with the Minister.

(2) The objection must be lodged within 28 days after receiving the notice.

5.3.19 Amendment of licence

S. 5.3.19(1) amended by No. 60/2011 s. 60.

(1) Subject to this Part, the Minister must decide whether to make an amendment requested under section 5.3.16, either with or without changes from that originally requested, and must give written notice of the decision to the public lottery licensee and to any public lottery licensee who lodged an objection under section 5.3.18.

S. 5.3.19(1A) inserted by No. 58/2009 s. 85(1).

(1A) The Minister may, at any time, decide to make an amendment to the public lottery licence and give written notice of the decision to the public lottery licensee.

S. 5.3.19(1B) inserted by No. 58/2009 s. 85(1).

(1B) Before making an amendment to the public lottery licence under subsection (1A), the Minister must notify the public lottery licensee of the Minister's intention to amend the licence and give the licensee no less than 14 days to make written representations about the intended action.

S. 5.3.19(2) amended by No. 23/2025 s. 74(Sch. 1 item 2.28).

(2) In deciding whether or not to make an amendment, the Minister must have regard to any objections lodged under section 5.3.18, and must take into account whether, in the Minister's opinion, the amendment—

(a) is in the public interest; and

(b) is consistent with the tenor of the original licence; and

(c) would have an unduly adverse effect on any other public lottery licence.

(3) As a condition of making a requested amendment, the Minister may require the licensee to pay to the State a premium determined by the Minister that reflects the increased value of the licence as amended.

S. 5.3.19(4) substituted by No. 54/2006 s. 12(2).

(4) If the Minister amends a licence under this section, the Minister must cause—

(a) notice of the amendment to be published, as soon as practicable after the licence is amended, in the Government Gazette and a newspaper circulating generally in Victoria; and

(b) a copy of the amendment to be—

(i) given to the Commission as soon as practicable after the licence is amended; and

(ii) laid before each House of the Parliament within 7 sitting days of the House after the licence is amended.

S. 5.3.19(4A) inserted by No. 54/2006 s. 12(2).

(4A) The Commission must cause a copy of the amendment, or the licence as amended, to be made available on its website as soon as practicable after receiving the copy of the amendment.

S. 5.3.19(5) amended by No. 58/2009 s. 85(3).

(5) An amendment takes effect when notice of the decision to make the amendment is given to the licensee under subsection (1) or (1A) or on a later date specified in the notice.

5.3.19A Prohibition on lobbying for amendment of licence

S. 5.3.19A inserted by No. 60/2011 s. 61.

(1) A lobbyist must not in relation to a request for an amendment to a public lottery licence under section 5.3.16 carry out a lobbying activity for or on behalf of an interested person.

(2) The Minister may refuse to consider a request to amend a public lottery licence, if the Minister is satisfied that a lobbyist, for or on behalf of an interested person in relation to the request, has carried out a lobbying activity.

5.3.20 Surrender of licence

S. 5.3.20(1) amended by No. 23/2025 s. 40(a).

(1) A public lottery licensee may surrender the public lottery licence by giving at least 12 months written notice to the Minister.

(2) The surrender takes effect only if the Minister consents to the surrender.

S. 5.3.20(3) amended by No. 23/2025 s. 40(b).

(3) The Minister may consent subject to any conditions the Minister thinks fit, and those conditions remain in effect after the surrender in accordance with their terms.

Division 5—Disciplinary action

5.3.21 Grounds for disciplinary action

Each of the following is a ground for disciplinary action in relation to a public lottery licence—

(a) the licensee is not, or is no longer, a suitable person or body to conduct the public lottery authorised by the licence;

(b) the licensee has been found guilty of an offence against a gaming Act or a corresponding law;

(c) the licensee, or an associate of the licensee, has been found guilty of an offence involving fraud or dishonesty, whether or not in Victoria, the maximum penalty for which exceeds imprisonment for 3 months;

S. 5.3.21(d) substituted by No. 56/2010 s. 42.

(d) the licensee has contravened—

(i) the licence; or

(ii) the lottery rules;

(e) the licensee has contravened a provision of this Act or a corresponding law (being a provision a contravention of which does not constitute an offence);

S. 5.3.21(ea) inserted by No. 54/2006 s. 13, amended by No. 23/2025 s. 41.

(ea) the licensee has contravened an agreement referred to in section 5.3.7C, 5.3.7D or 5.3.30 or clause 43.3(1) of Schedule 7;

(f) the licensee has failed to discharge financial obligations to a player;

(g) the licensee becomes an externally-administered body corporate or otherwise becomes insolvent;

(h) the licence was obtained by a materially false or misleading representation or in some other improper way;

S. 5.3.21(h) amended by No. 72/2007 s. 27(a).

(i) the licensee has repeatedly breached the licensee's Responsible Gambling Code of Conduct.

S. 5.3.21(i) inserted by No. 72/2007 s. 27(b).

5.3.22 Commission may take or recommend disciplinary action

S. 5.3.22 substituted by No. 23/2025 s. 42.

(1) If the Commission considers that there is a ground for taking disciplinary action in relation to a public lottery licence, the Commission may give the licensee written notice giving the licensee an opportunity to show cause within 28 days why disciplinary action should not be taken on the ground specified in the notice.

(2) The licensee, within the period allowed by the notice, may arrange with the Commission for the making of submissions to the Commission as to why disciplinary action should not be taken.

(3) After considering any submissions made under subsection (2), the Commission—

(a) may take either or both of the following disciplinary actions—

(i) issue a letter of censure to the licensee;

(ii) fine the licensee an amount not exceeding an amount that is 5000 times the value of a penalty unit fixed by the Treasurer under section 5(3) of the **Monetary Units Act 2004**; or

(b) may make a written report to the Minister recommending that the Minister take disciplinary action against the licensee under section 5.3.23.

(4) A report under subsection (3)(b) must include the reasons for the findings and recommendations contained in it.

(5) A letter of censure may censure the licensee in respect of any matter connected with the management or operation of its public lottery business and may include a direction to the licensee to rectify within a specified time any matter giving rise to the letter of censure.

(6) If a direction given under subsection (5) is not complied with in the specified time, the Commission may—

(a) fine the licensee an amount not exceeding an amount that is 5000 times the value of a penalty unit fixed by the Treasurer under section 5(3) of the **Monetary Units Act 2004**; or

(b) make a written report to the Minister recommending that the Minister take disciplinary action against the licensee under section 5.3.23.

(7) The Commission may fine the licensee under subsection (6)(a) whether or not the Commission has already fined the licensee under subsection (3)(a)(ii) in relation to the same matter.

(8) A fine imposed under this section may be recovered in a court of competent jurisdiction as a debt due to the State.

5.3.23 Minister may take disciplinary action

S. 5.3.23 amended by No. 10/2004 s. 15(Sch. 1 item 10.7), substituted by No. 23/2025 s. 42.

(1) If the Commission makes a report to the Minister under section 5.3.22, the Minister may—

(a) take any one of the following disciplinary actions—

(i) amend the licence;

(ii) suspend the licence;

(iii) cancel the licence; or

(b) if the Minister considers that disciplinary action under paragraph (a) is not warranted, remit the matter to the Commission with a request that the Commission consider whether disciplinary action should be taken against the licensee under section 5.3.22(3)(a).

(2) In taking disciplinary action, the Minister—

(a) must take into account whether, in the Minister's opinion, taking the action is in the public interest; and

(b) is entitled to rely on the findings and recommendations in the report of the Commission under section 5.3.22; and

(c) is not required to give the licensee a further opportunity to be heard or make submissions.

(3) If the Minister remits a matter to the Commission under subsection (1)(b), the Commission is not required to give the licensee a further opportunity to be heard or make submissions before taking disciplinary action against the licensee under section 5.3.22(3)(a).

(4) Cancellation, suspension or amendment of a licence under this section takes effect when written notice is given to the licensee or on a later date specified in the notice.

5.3.24 Suspension of licence pending criminal proceedings

(1) The Minister may suspend a public lottery licence by giving written notice to the licensee if the Minister is satisfied that the licensee or an executive officer of the licensee has been charged with—

(a) an offence against a gaming Act or gaming regulations; or

(b) an offence arising out of or in connection with the management or operation of a public lottery business; or

(c) an indictable offence or an offence that, if committed in Victoria, would be an indictable offence, the nature and circumstances of which, in the opinion of the Minister, relate to the management or operation of a public lottery business.

(2) The Minister may, at any time, terminate or reduce a period of suspension imposed under subsection (1).

5.3.25 Effect of licence suspension

A public lottery licence is of no effect for the purposes of Part 2 while it is suspended.

5.3.26 Application of Division to appointed subsidiaries

A reference in this Division to a public lottery licensee includes a reference to an appointed subsidiary of the licensee.

Division 6—Temporary public lottery licences

Ch. 5 Pt 3 Div. 6 (Heading and ss 5.3.27–5.3.29) inserted by No. 54/2006 s. 14.

5.3.27 Temporary public lottery licences

S. 5.3.27 inserted by No. 54/2006 s. 14.

(1) If a public lottery licence (the ***original licence***) is cancelled, suspended or surrendered under this Part, the Minister may, subject to subsection (1A), issue a temporary public lottery licence and appoint a temporary licensee for the period determined by the Minister.

S. 5.3.27(1) amended by No. 58/2009 s. 86(1).

(1A) The Minister may, in accordance with subsection (2A), issue a temporary public lottery licence and appoint a temporary public lottery licensee for a period of 90 days.

S. 5.3.27(1A) inserted by No. 58/2009 s. 86(2).

(2) The Minister may issue a temporary public lottery licence under subsection (1) only if satisfied that—

S. 5.3.27(2) substituted by No. 58/2009 s. 86(3).

(a) the issue of the temporary licence is in the public interest; and

(b) the proposed licensee and each associate of the proposed licensee is a suitable person to be concerned in, or associated with, the management and operation of a public lottery business.

(2A) The Minister may issue a temporary public lottery licence under subsection (1A) only if satisfied that—

S. 5.3.27(2A) inserted by No. 58/2009 s. 86(3).

(a) the issue of the temporary licence is in the public interest; and

(b) the proposed licensee is a suitable person to be concerned in the management and operation of a public lottery business, taking into account the period of time for which the licence is issued.

S. 5.3.27(3) amended by Nos 58/2009 s. 86(4), 23/2025 s. 43(a).

(3) Subject to subsections (1A) and (2A), a temporary public lottery licence is issued on the terms and conditions the Minister thinks fit and nothing in Division 2 (other than sections 5.3.7B and 5.3.11) applies to the issue of the temporary licence.

S. 5.3.27(3A) inserted by No. 58/2009 s. 86(5).

(3A) In determining whether to issue a temporary public lottery licence under subsection (1), the Minister—

(a) may consult any person the Minister considers appropriate; and

(b) is entitled to rely on any findings or recommendations contained in the report of the Commission under section 5.3.28.

S. 5.3.27(3B) inserted by No. 58/2009 s. 86(5).

(3B) In considering whether to issue a temporary public lottery licence under subsection (1A), the Minister—

(a) may consult any person the Minister considers appropriate; and

(b) is entitled to rely on any findings or recommendations contained in the report of the Commission under section 5.3.28A.

S. 5.3.27(4) amended by No. 58/2009 s. 86(6).

(4) Subject to subsection (4A), a temporary public lottery licence—

(a) may be extended once only for a period determined by the Minister; and

(b) may be cancelled at any time by the Minister; and

(c) if issued following the suspension of the original licence—is cancelled by the lifting or expiry of that suspension.

S. 5.3.27(4A) inserted by No. 58/2009 s. 86(7).

(4A) A temporary public lottery licence issued under subsection (1A) may be extended once only for a period of 90 days.

(5) If a temporary public lottery licence (including a temporary licence issued under this subsection) is cancelled or otherwise terminates (other than under subsection (4)(c)), the Minister may issue a further temporary public lottery licence and appoint a further temporary licensee for the period determined by the Minister.

S. 5.3.27(6) amended by No. 23/2025 s. 43(b).

(6) For the avoidance of doubt, subsections (2), (3) and (3A) and sections 5.3.28 and 5.3.29 apply to the issue of a temporary licence under subsection (5).

(7) The cumulative periods for which a temporary public lottery licence may be issued or extended under this section cannot exceed 3 years after the day on which the original licence was cancelled, suspended or surrendered (as the case may be).

5.3.28 Report to Minister by Commission for temporary public lottery licence

S. 5.3.28 inserted by No. 54/2006 s. 14, amended by No. 58/2009 s. 87, substituted by No. 23/2025 s. 44.

(1) If the Minister is considering issuing a temporary public lottery licence under section 5.3.27(1), the Minister may request the Commission to give a written report to the Minister—

(a) stating whether or not, in the Commission's opinion, the matters of which the Minister must be satisfied to issue the temporary licence have been made out; and

(b) containing any other information required by the Minister.

(2) The Commission must comply with a request of the Minister under this section.

(3) The report may include any recommendations the Commission thinks fit, including recommendations as to any appropriate licence conditions.

(4) The report must include the reasons for any findings or recommendations contained in it.

Note

Division 1B of Part 4 of Chapter 10 provides for investigations by the Commission for the purposes of the Minister deciding whether or not to issue a temporary public lottery licence.

S. 5.3.28A inserted by No. 58/2009 s. 88.

5.3.28A Report to Minister by Commission for a temporary public lottery licence issued for 90 days

(1) If the Minister is considering issuing a temporary public lottery licence under section 5.3.27(1A), the Minister may request the Commission to give a preliminary written report to the Minister—

(a) stating whether or not, in the Commission's opinion, the matters of which the Minister must be satisfied to issue the temporary licence have been made out; and

(b) containing any other information required by the Minister.

(2) The Commission must comply with a request of the Minister under this section.

(3) The report may include any recommendations the Commission thinks fit, including recommendations as to any appropriate licence conditions.

(4) The report must include the reasons for any findings or recommendations contained in it.

5.3.29 Arrangements with former licensee

S. 5.3.29 inserted by No. 54/2006 s. 14.

(1) A temporary licensee may enter into any arrangements that are approved by the Minister with the former licensee, including arrangements relating to the use of assets and services of staff of the former licensee.

S. 5.3.29(2) substituted by No. 23/2025 s. 45.

(2) The former licensee must make available to the temporary licensee on reasonable terms any assets of, or under the control of, the former licensee that are reasonably necessary for arrangements under subsection (1).

Penalty: 100 penalty units.

S. 5.3.29(2A) inserted by No. 23/2025 s. 45.

(2A) The former licensee must use its best endeavours to make available any staff of the former licensee that are reasonably necessary for arrangements under subsection (1).

Penalty: 100 penalty units.

(3) In this section—

former licensee means the person who was public lottery licensee—

(a) under the original licence immediately before its cancellation, suspension or surrender; or

(b) under a temporary public lottery licence immediately before its cancellation or other termination.

5.3.30 Related agreements with temporary licensee

S. 5.3.30 inserted by No. 71/2008 s. 12, amended by No. 62/2017 s. 57(7), substituted by No. 23/2025 s. 46.

(1) Subject to this section, the Minister, by written notice, may direct a temporary public lottery licensee to enter into an agreement or class of agreements dealing with matters relating to the temporary licence with—

(a) the Minister; or

(b) a person or class of person the Minister specifies in the direction.

(2) Before giving a direction under subsection (1), the Minister must consult the temporary licensee.

(3) A direction under subsection (1)—

(a) must warn the temporary licensee of the Minister's powers under this section; and

(b) must be accompanied by a copy of this section; and

(c) may specify the terms or kinds of terms to be contained in an agreement or class of agreements to be entered into; and

(d) may specify the terms or kinds of terms that must not be in an agreement or class of agreements to be entered into; and

(e) may specify a date by which an agreement or class of agreements is to be entered into.

(4) The temporary licensee must comply with a direction under subsection (1).

(5) The temporary licensee must give a copy of any agreement entered into in compliance with a direction under subsection (1) to the Commission.

S. 5.3.31 inserted by No. 23/2025 s. 46.

5.3.31 No compensation payable because of a direction to enter into related agreements

No compensation is payable by the State because of a direction under section 5.3.30 or entering into an agreement in compliance with a direction under section 5.3.30.

Division 7—Further information-gathering powers and obligations

Ch. 5 Pt 3 Div. 7 (Heading and ss 5.3.32–5.3.36) inserted by No. 23/2025 s. 47.

5.3.32 Definitions

S. 5.3.32 inserted by No. 23/2025 s. 47.

In this Division—

applicant means applicant for a public lottery licence;

application means application for a public lottery licence;

interested person means—

(a) an applicant; or

(b) an associate of an applicant; or

(c) a person who the Secretary considers may become an associate of an applicant.

5.3.33 Secretary may require further information

S. 5.3.33 inserted by No. 23/2025 s. 47.

(1) The Secretary, by notice in writing, may require an interested person 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 consideration of the application and is specified in the notice;

(b) to produce, in accordance with directions in the notice, any records relevant to the consideration 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 provide the Secretary with any authorities and consents the Secretary requires for the purpose of enabling the Secretary to obtain information (including financial and other confidential information) concerning the interested person from other persons.

(2) The Secretary may give any information provided or record produced by an interested person under subsection (1), or a copy of the information or record, to the Commission if the Secretary considers that the information or record is relevant to an investigation or inquiry by the Commission in relation to the application.

(3) If an interested person refuses to comply with a requirement under subsection (1)—

(a) the Secretary must notify the Minister in writing as soon as practicable; and

(b) the Minister may refuse to consider the application.

S. 5.3.34 inserted by No. 23/2025 s. 47.

5.3.34 Updating information provided to Secretary

(1) If—

(a) the Secretary requires information (including information in any records) from an interested person under section 5.3.33; and

(b) a change occurs in that information before the application is granted or refused—

the interested person must give the Secretary written particulars of the change as soon as practicable.

Penalty: 60 penalty units.

(2) The Secretary may give the particulars of a change referred to in subsection (1) to the Commission if the Secretary considers that the particulars are relevant to an investigation or inquiry by the Commission in relation to the application.

(3) When particulars of a change are given, those particulars must then be considered to have formed part of the original information, for the purposes of the application of subsection (1) to any further change in the information provided.

5.3.35 Updating information provided to Minister regarding licence application

S. 5.3.35 inserted by No. 23/2025 s. 47.

(1) If a change occurs in any relevant application information before an application is granted or refused, the applicant must give the Minister written particulars of the change as soon as practicable.

Penalty: 60 penalty units.

(2) The Minister must give the particulars of a change referred to in subsection (1) to the Secretary.

(3) The Secretary may give the particulars of a change referred to in subsection (1) to the Commission if the Secretary considers that the particulars are relevant to an investigation or inquiry by the Commission in relation to the application.

(4) When particulars of a change are given, those particulars must then be considered to have formed part of the original application, for the purposes of the application of subsection (1) to any further change in the relevant information.

(5) In this section—

relevant application information means—

(a) any information contained in an application for a public lottery licence; or

(b) any information contained in a document that accompanied that application; or

(c) any further information given to the Minister by the applicant in relation to that application.

S. 5.3.36 inserted by No. 23/2025 s. 47.

5.3.36 Updating licence transfer application

(1) If a change occurs in any relevant information before an application for transfer of a public lottery licence is granted or refused, the applicant must give the Minister written particulars of the change as soon as practicable.

Penalty: 60 penalty units.

(2) The Minister may give the particulars of a change referred to in subsection (1) to the Commission if the Minister considers that the particulars are relevant to an investigation or inquiry by the Commission in relation to the application.

(3) When particulars of a change are given, those particulars must then be considered to have formed part of the original application, for the purposes of the application of subsection (1) to any further change in the relevant information.

(4) In this section—

relevant information means—

(a) any information contained in an application for transfer of a public lottery licence; or

(b) any information contained in a document that accompanied that application; or

(c) any further information given to the Minister by the applicant in relation to that application.

Division 8—General

Ch. 5 Pt 3 Div. 8 (Heading and s. 5.3.37) inserted by No. 23/2025 s. 47.

5.3.37 Powers of Secretary

S. 5.3.37 inserted by No. 23/2025 s. 47.

The Secretary has all the powers necessary to perform the Secretary's functions under this Part.

Part 4—Returns to players and taxes

Division 1—Returns to players

5.4.1 Returns to players

(1) A public lottery licensee must ensure that the following minimum return to players is made on public lotteries conducted each year under the public lottery licence—

(a) 50% of the total amount paid by players to enter soccer football pools;

(b) 60% of the total amount paid by players to enter any other public lottery.

(2) In this section—

year, in relation to a licence, means the year commencing on the day on which the licence takes effect and the year commencing on each anniversary of that day.

Division 2—Taxes

5.4.2 Supervision charge

(1) A public lottery licensee must pay to the Treasurer a supervision charge in the instalments and in respect of the periods in each financial year that the Treasurer determines from time to time.

(2) The supervision charge is the amount in respect of each financial year that the Treasurer, after consultation with the Minister, determines having regard to the reasonable costs and expenses in respect of the financial year incurred by the Commission in performing its functions under this Act in respect of public lotteries.

(3) The supervision charge is a tax.

5.4.3 Public lottery tax

(1) In relation to each public lottery conducted under a public lottery licence, the public lottery licensee must—

(a) lodge a return with the Commission; and

(b) pay to the Commission to be paid into the Consolidated Fund the required percentage of player loss.

(2) The required percentage of player loss is—

(a) in relation to an AFL footy tipping competition—

(i) 58·41% of the player loss that is in respect of supplies on which GST is payable; and

(ii) 67·50% of the player loss that is in respect of supplies on which GST is not payable;

(b) in relation to a soccer football pool—

(i) 57·52% of the player loss that is in respect of supplies on which GST is payable; and

(ii) 68% of the player loss that is in respect of supplies on which GST is not payable;

(c) in relation to any other public lottery—

(i) 79·40% of the player loss that is in respect of supplies on which GST is payable; and

(ii) 90% of the player loss that is in respect of supplies on which GST is not payable.

(3) The return must be in the form, and contain the particulars, required by the Commission.

(4) The return must be lodged, and payment made, not later than the 7 days after the determination of the public lottery to which the return relates.

(5) In this section—

player loss, in relation to a public lottery, means the total amount paid by all players to enter the public lottery less—

(a) the sum of all prizes payable from that total amount (other than prizes payable from a jackpot prize pool) and any refunds made to players from that total amount; and

(b) the sum of amounts determined under the lottery rules for the public lottery for payment in respect of that total amount to a jackpot prize pool.

5.4.4 Penalty interest for late payment

A public lottery licensee must pay to the Commission, for payment into the Consolidated Fund, interest on an amount payable under section 5.4.3 or on a premium payment under section 5.3.9 or 5.3.19(3) that is outstanding as at the end of the period allowed for payment, at the rate fixed for the time being under section 2 of the **Penalty Interest Rates Act 1983**.

5.4.5 Recovery of amounts

An amount payable under section 5.4.3, a premium payment under section 5.3.9 or 5.3.19(3), or any interest payable under section 5.4.4 may be recovered in a court of competent jurisdiction as a debt due to the State.

5.4.6 Application of tax proceeds

(1) In each financial year, the hypothecated amount must be paid out of the Consolidated Fund, in the proportions determined by the Treasurer, into—

(a) the Hospitals and Charities Fund; and

(b) the Mental Health Fund.

(2) The hypothecated amount for a financial year is an amount equal to the amount paid into the Consolidated Fund under section 5.4.3 in that year and any interest paid under section 5.4.4 in respect of that amount, less—

(a) any amount paid into the Consolidated Fund in that year in respect of AFL footy tipping competitions; and

(b) any amount paid out of the Consolidated Fund in that year under section 5.4.7(5)(a).

(3) The Consolidated Fund is appropriated to the extent necessary for payments to be made under subsection (1).

(4) It is the intention of the Parliament that amounts paid into the Consolidated Fund in respect of AFL footy tipping competitions be applied for the purposes of grass roots sports and for any one or more of the following purposes: health, women's sports and sports medicine.

5.4.7 Sharing tax with other jurisdictions

(1) The Governor in Council, on the recommendation of the Minister, by Order in Council published in the Government Gazette—

(a) may declare another State, Territory or country to be a participating jurisdiction for the purposes of this Chapter;

(b) may declare a law of another State, Territory or country to be a corresponding law for the purposes of this Chapter.

(2) The Minister must not make a recommendation for the purposes of subsection (1) unless satisfied that—

(a) there is in force an agreement between the Minister and a Minister of the other State, Territory or country making adequate provision for administrative arrangements between this State and the other State, Territory or country relating to the administration of this Chapter and the proposed corresponding law of the other State, Territory or country; and

(b) there is in force an agreement between the Treasurer and the Treasurer (by whatever name called) of the other State, Territory or country making adequate provision for the taxation of public lotteries and the sharing of taxation revenue.

(3) The Governor in Council, on the recommendation of the Minister, by Order in Council published in the Government Gazette may at any time revoke an Order under subsection (1).

(4) The Minister must make a recommendation for the purposes of subsection (3) if satisfied that there is no longer in force the agreement or administrative arrangements referred to in subsection (2).

(5) If there is in force an agreement referred to in subsection (2)(b)—

(a) the Treasurer may pay, in accordance with the agreement, so much of the amount paid into the Consolidated Fund under section 5.4.3, and any interest paid under

section 5.4.4 in respect of that amount, that in the Treasurer's opinion, was paid in respect of entries to public lotteries conducted under this Chapter that were accepted in the participating jurisdiction; and

(b) the Consolidated Fund is appropriated to the extent necessary for payments to be made under paragraph (a).

Part 5—Compliance requirements

Division 1—Financial recording and reporting

5.5.1 Licensee to keep accounts and records

A public lottery licensee must ensure that there are kept proper accounts and records of the transactions and affairs of the licensee and such other records as sufficiently explain the financial operations and financial position of the licensee.

5.5.2 Annual financial statements

(1) A public lottery licensee must prepare financial statements of the public lotteries conducted by the licensee during each financial year.

S. 5.5.2(2)–(4) repealed by No. 54/2004 s. 7.

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Ss 5.5.3–5.5.5 repealed by No. 54/2004 s. 7.

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S. 5.5.6 (Heading) amended by No. 54/2006 s. 15(a).

5.5.6 Subsidiaries to comply with Division

S. 5.5.6(1) repealed by No. 54/2006 s. 15(b).

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(2) If an appointment under section 5.3.14 is in force, this Division applies to both the licensee and the appointed subsidiary.

Division 2—Other requirements

5.5.6A Directions to provide information etc.

S. 5.5.6A inserted by No. 22/2005 s. 11.

(1) The Minister may give a written direction to a public lottery licensee requiring the licensee to provide to the Minister any information or document, or any class of information or document, that is in the possession or under the control of the licensee and that—

(a) relates to any arrangement or agreement between the licensee and one or more parties in Victoria or in any other State or Territory or another country relating to the operation of public lotteries under the licence; or

(b) in the opinion of the Minister relates to the operation of public lotteries under the licence and is considered by the Minister to be relevant to—

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S. 5.5.6A (1)(b)(i) repealed by No. 23/2025 s. 48(a).

(ii) an invitation or proposed invitation to apply for a public lottery licence; or

(iii) an application or proposed application for a public lottery licence under section 5.3.3.

(2) A public lottery licensee must comply with a direction under subsection (1).

(3) The Minister may, subject to any conditions that the Minister thinks fit, disclose any information acquired by the Minister in response to a direction under subsection (1) to the Commission and to either or both of the following—

S. 5.5.6A(3)(a) substituted by No. 23/2025 s. 48(b).

(a) persons who have been invited by the Minister under section 5.3.2A(1) to apply for a public lottery licence;

(b) persons who apply for a public lottery licence in accordance with section 5.3.3.

(4) No compensation is payable by the Crown in respect of anything done in accordance with this section.

5.5.7 Directions to licensees

(1) The Commission may give a written direction to a public lottery licensee relating to the conduct, supervision or control of the public lottery authorised to be conducted by the public lottery licence and the licensee must comply with the direction as soon as it takes effect.

(2) The direction takes effect when it is given to the licensee or at the later time specified in it.

(3) The power conferred by this section includes a power to give a direction to a licensee to adopt, vary, cease or refrain from any practice in respect of the conduct of the public lottery.

(4) A direction under this section must not be inconsistent with this Act, the regulations or the licence conditions.

5.5.8 Claims for prize

S. 5.5.8(1) amended by No. 45/2004 s. 27.

(1) If a claim for a prize in a public lottery is made to a public lottery licensee and that prize has not been paid to the Treasurer in accordance with section 5.5.9(1), the licensee must—

(a) immediately try to resolve the claim; and

(b) if the licensee is not able to resolve the claim, promptly give the claimant written notice—

(i) of the licensee's decision on the claim; and

(ii) that the claimant may, within 10 days after receiving the notice, ask the Commission to review the decision.

(2) If the claim is not resolved, the claimant may ask the Commission—

(a) if the claimant has received a notice under subsection (1)(b), to review the licensee's decision on the claim; or

(b) if not, to resolve the claim.

(3) A request to the Commission under subsection (2)—

(a) must be in the form approved by the Commission; and

(b) if the claimant received a notice under subsection (1)(b), must be made within 10 days after receiving the notice.

(4) If a request is made to the Commission, the Commission may carry out any investigations the Commission considers necessary to resolve matters in dispute.

(5) A function of the Commission under this section may be performed by any commissioner.

5.5.9 Unclaimed prizes

S. 5.5.9 (Heading) substituted by No. 45/2004 s. 28.

S. 5.5.9(1) substituted by Nos 45/2004 s. 29, 28/2022 s. 134.

(1) On or before the last day of each month (the ***payment month***), a public lottery licensee must pay to the Treasurer an amount equal to the sum of all prizes won that have remained unpaid for not less than 12 months on the first day of that payment month less the expenses of the public

lottery licensee reasonably incurred in searching for the persons entitled to those prizes.

S. 5.5.9(1A) inserted by No. 104/2004 s. 13.

(1A) For the purposes of subsection (1), a prize that has been won in a public lottery, where the record of entry relates to more than one public lottery conducted during a period, is deemed to have been won on the date when winners of prizes in the last lottery recorded on the record of entry are determined.

(2) If a claimant makes a demand against the Treasurer for money paid to the Treasurer under subsection (1), the Treasurer, on being satisfied that the claimant is the owner of the money demanded, must direct that it be paid to the claimant out of money available for the purpose.

5.5.10 Complaints

(1) A public lottery licensee must inquire into—

(a) a complaint made to the licensee by a person about—

(i) the conduct of a public lottery by the licensee or an appointed subsidiary of the licensee; or

S. 5.5.10 (1)(a)(ii) amended by No. 54/2006 s. 15(c).

(ii) the conduct of an agent or contractor of the licensee in operations related to a public lottery; or

(b) a complaint referred to the licensee by the Commission under subsection (3).

Penalty: 60 penalty units.

(2) Within 21 days after the complaint is received by, or referred to, the licensee, the licensee must give written notice of the result of the inquiry to—

(a) the complainant; and

(b) if the complaint was referred to the licensee by the Commission, the Commission.

Penalty: 60 penalty units.

S. 5.5.10(3) amended by No. 54/2006 s. 15(c).

(3) If a complaint is made to the Commission about the conduct of a public lottery, or the conduct of an agent or contractor in operations related to a public lottery, the Commission must promptly—

(a) inquire into the complaint; or

(b) if the Commission considers it appropriate, refer the complaint to the licensee.

(4) The Commission must promptly advise the complainant of—

(a) the result of the Commission's inquiry; or

(b) the Commission's decision to refer the complaint to the licensee.

(5) A complaint must—

(a) be in writing; and

(b) state the complainant's name and address; and

(c) give appropriate details of the complaint.

(6) A function of the Commission under this section may be performed by any commissioner.

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Ch. 5 Pt 6 (Heading and ss 5.6.1–5.6.7) repealed by No. 56/2010 s. 61(4).

Part 7—Trade promotion lotteries

Division 1—Legality of trade promotion lotteries

5.7.1 Trade promotion lotteries declared lawful

S. 5.7.1 amended by No. 64/2014 s. 25.

The conduct of a trade promotion lottery in accordance with section 5.7.2 is lawful and is not a public nuisance.

5.7.2 Conduct of trade promotion lotteries

S. 5.7.2 (Heading) substituted by No. 64/2014 s. 26(1).

S. 5.7.2(1) substituted by No. 64/2014 s. 26(2).

(1) A person may conduct a trade promotion lottery if the person complies with—

(a) subsection (2); and

(b) any prescribed conditions.

S. 5.7.2(2) substituted by No. 29/2009 s. 65(1).

(2) The conditions of entry to, or the manner of participation in, the trade promotion lottery must not—

(a) require the entrant or another person to incur an expense per entry exceeding the amount determined from time to time by the Governor in Council by Order published in the Government Gazette; or

(b) allow, as a precondition for participation in the trade promotion lottery, the entrant to—

(i) have played a gaming machine; or

(ii) be a participant of a loyalty scheme under which the entrant—

(A) must spend an amount of money playing a gaming machine as a condition for participation in the loyalty scheme; or

(B) must agree to receive any gaming machine advertising from a venue operator or casino operator or a person acting on behalf of a venue operator or casino operator.

S. 5.7.2(2)(b)(ii)(B) substituted by No. 28/2022 s. 107.

(3) In this section—

gaming machine advertising means any form of advertising that contains any information, term, expression, symbol or other thing associated with gaming machines, but does not include—

S. 5.7.2(3) inserted by No. 29/2009 s. 65(1).

(a) any thing about, or the advertisement of services relating to, problem gambling; or

(b) technical information relating to the operation of a gaming machine.

(4) For the purposes of the definition of ***gaming machine advertising*** in subsection (3), information, or a term, expression, symbol or other thing is taken to be associated with gaming machines if a reasonable person with ordinary knowledge who is a resident of Victoria would consider it to be associated with gaming machines.

S. 5.7.2(4) inserted by No. 29/2009 s. 65(1).

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Ch. 5 Pt 7 Div. 2 (Heading and ss 5.7.3–5.7.10) amended by Nos 7/2006 s. 5(1), 29/2009 s. 65(2), 56/2014 s. 53, repealed by No. 64/2014 s. 27.

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Ch. 5 Pt 7 Div. 3 (Heading and ss 5.7.11–5.7.15) amended by No. 58/2011 s. 91(2), repealed by No. 64/2014 s. 27.

Division 4—Compliance and offences

S. 5.7.16AA inserted by No. 29/2009 s. 66.

5.7.16AA Definitions

In this Division—

S. 5.7.16AA def. of *gaming machine play restriction* amended by No. 64/2014 s. 28.

gaming machine play restriction means a restriction under section 5.7.2(2)(b);

publish, in relation to trade promotion lottery advertising, includes disseminate in any way, whether by oral, visual, written or other means (for example, dissemination by means of cinema, video, radio, electronics, the Internet or television or by means of promotional material such as club journals, brochures or flyers);

trade promotion lottery advertising means any form of advertising that contains any term, expression, symbol or any other thing associated with the conduct of a trade promotion lottery.

5.7.16 Conducting trade promotion lottery in contravention of Act etc.

(1) A person must not conduct, or assist in the conduct of, a trade promotion lottery other than in accordance with this Act and the regulations.

S. 5.7.16(1) amended by Nos 104/2004 s. 14(a)(b), 64/2014 s. 29(a).

Penalty: For a first offence, 60 penalty units;

For a second or subsequent offence, 100 penalty units.

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S. 5.7.16(2) repealed by No. 64/2014 s. 29(b).

5.7.16A Venue operators must not conduct trade promotion lotteries in relation to gaming

S. 5.7.16A inserted by No. 29/2009 s. 67.

S. 5.7.16A (Heading) amended by No. 64/2014 s. 30(1).

(1) A venue operator must not conduct a trade promotion lottery in relation to that part of the operator's business associated with the conduct of gaming.

S. 5.7.16A(1) amended by No. 64/2014 s. 30(2).

(2) In this section—

conduct of gaming has the same meaning as in section 3.1.4.

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S. 5.7.17 repealed by No. 56/2010 s. 61(6), new s. 5.7.17 inserted by No. 60/2011 s. 38, repealed by No. 64/2014 s. 31.

S. 5.7.18 repealed by No. 64/2014 s. 31.

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S. 5.7.18A inserted by No. 29/2009 s. 68.

5.7.18A Gaming machine play restrictions to be included trade promotion lottery advertisements

(1) This section applies if—

(a) a venue operator or casino operator is conducting a trade promotion lottery; and

(b) the conditions of entry to, or the manner of participation in, the trade promotion lottery require the entrant to incur an expense per entry into the trade promotion lottery.

(2) The venue operator or casino operator must include in any trade promotion lottery advertisement a statement of the gaming machine play restrictions that apply to that trade promotion lottery.

(3) A statement of the gaming machine play restrictions included in any trade promotion lottery advertisement under subsection (1) must be displayed in accordance with a determination of the Commission under section 5.7.18B.

S. 5.7.18B inserted by No. 29/2009 s. 68.

5.7.18B Commission determinations about the manner of display of gaming machine play restrictions

The Commission may determine the manner in which gaming machine play restrictions that apply to a trade promotion lottery must be displayed in any trade promotion lottery advertisement published for that trade promotion lottery.

Ch. 5 Pt 7 Div. 5 (Heading and s. 5.7.19) repealed by No. 64/2014 s. 31.

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Division 6—General

5.7.20 Commissioner may perform Commission's functions

S. 5.7.20 amended by No. 7/2006 s. 5(2)(3) (ILA s. 39B(1)).

(1) A function of the Commission under this Part may be performed by any commissioner.

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S. 5.7.20(2) inserted by No. 7/2006 s. 5(3), repealed by No. 64/2014 s. 31.

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Ch. 6 (Headings and ss 6.1.1–6.5.3) amended by Nos 45/2004 s. 30, 54/2004 ss 8(1)–(7), 9, 12(3),104/2004 ss 15–20, 72/2007 s. 28, 71/2008 s. 29(c), 43/2009 ss 7, 8, 58/2009 ss 89, 90, 58/2011 s. 91(1), 62/2017 s. 57(8), repealed by No. 1/2021 s. 31.

Chapter 6A—Keno

Part 1—Introduction

Ch. 6A (Headings and ss 6A.1.1–6A.5.2) inserted by No. 40/2008 s. 17.

6A.1.1 Purpose

S. 6A.1.1 inserted by No. 40/2008 s. 17.

The purpose of this Chapter is to make provision for the conduct and promotion of keno games.

6A.1.2 Definitions

S. 6A.1.2 inserted by No. 40/2008 s. 17, amended by No. 27/2013 s. 14(2) (ILA s. 39B(1)).

(1) In this Chapter—

amount received by a keno licensee, in relation to an approved keno game, includes entries in the approved keno game for which payment was not received by the keno licensee;

S. 6A.1.2(1) def. of *amount received by a keno licensee* inserted by No. 1/2021 s. 32(1)(a).

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S. 6A.1.2(1) def. of *amount received by the keno licensee* repealed by No. 1/2021 s. 32(1)(b).

approved keno linked jackpot arrangement means an arrangement approved under section 6A.1.3;

S. 6A.1.2 def. of *approved keno linked jackpot arrangement* inserted by No. 27/2013 s. 14(1).

S. 6A.1.2(1) def. of *keno revenue* amended by No. 1/2021 s. 32(1)(c).

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

S. 6A.1.2(1) def. of *keno venue* substituted by No. 1/2021 s. 32(1)(d).

keno venue means premises under the control of a keno licensee or sales agent of a keno licensee where tickets for an approved keno game conducted by the licensee are sold.

S. 6A.1.2(2) inserted by No. 27/2013 s. 14(2), amended by No. 1/2021 s. 32(2).

(2) In determining, for the purposes of the definition of ***keno revenue*** in subsection (1), the sum of prizes payable in respect of approved keno games, if any prize is payable from a common jackpot prize pool under an approved keno linked jackpot arrangement, only that part of the prize pool contributed by the keno licensee is to be taken into account.

S. 6A.1.3 inserted by No. 27/2013 s. 15.

6A.1.3 Keno linked jackpot arrangements

S. 6A.1.3(1) amended by No. 1/2021 s. 79(2).

(1) The Minister, by instrument, may approve an arrangement between a keno licensee and a licensee in another jurisdiction to conduct an identical keno game and to create a common jackpot prize pool.

S. 6A.1.3(2) amended by No. 1/2021 s. 79(2).

(2) The Minister or the Commission may request a keno licensee to provide to the Minister or the Commission (as the case requires) any information related to the operation of an approved keno linked jackpot arrangement.

S. 6A.1.3(3) amended by No. 1/2021 s. 79(3).

(3) A keno licensee must comply with a request under subsection (2).

Part 2—Keno games

Division 1—Legality of approved keno games

Ch. 6A Pt 2 Div. 1 (Heading) amended by No. 1/2021 s. 33.

6A.2.1 Approved keno games conducted under this Chapter are lawful

S. 6A.2.1 (Heading) amended by No. 1/2021 s. 34(1).

An approved keno game conducted or promoted in accordance with a licence granted under this Chapter is lawful and is not a public nuisance.

S. 6A.2.1 inserted by No. 40/2008 s. 17, amended by No. 1/2021 s. 34(2).

6A.2.2 Approved keno games not subject to Chapter 3

S. 6A.2.2 (Heading) amended by No. 1/2021 s. 35(1).

An approved keno game under this Chapter is not a game that may be approved by the Commission under Chapter 3.

S. 6A.2.2 inserted by No. 40/2008 s. 17, amended by No. 1/2021 s. 35(2).

Division 2—Conducting approved keno games

Ch. 6A Pt 2 Div. 2 (Heading) amended by No. 1/2021 s. 36.

6A.2.3 Sale of tickets

S. 6A.2.3 inserted by No. 40/2008 s. 17.

(1) Tickets in an approved keno game must be sold in accordance with the distribution arrangements authorised under a keno licence.

S. 6A.2.3(1) amended by No. 1/2021 s. 80(1).

S. 6A.2.3(2)–(4) repealed by No. 71/2008 s. 29(c).

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S. 6A.2.4 inserted by No. 40/2008 s. 17.

6A.2.4 Agents of licensee

S. 6A.2.4(1) amended by No. 1/2021 s. 37(a).

(1) A person who is not an agent of a keno licensee must not hold out themselves as an agent of the licensee.

Penalty: 60 penalty units or imprisonment for 6 months or both.

S. 6A.2.4(2) amended by No. 1/2021 s. 37(b).

(2) A keno licensee may accredit in writing agents of the licensee to sell tickets in approved keno games.

S. 6A.2.4(3) substituted by No. 29/2009 s. 70(1), amended by No. 1/2021 s. 37(c)(i).

(3) A keno licensee must give the Commission—

(a) the names and addresses of—

(i) agents accredited by the licensee; and

S. 6A.2.4(3)(a)(ii) amended by No. 1/2021 s. 37(c)(ii).

(ii) any other agents and contractors to be used by the licensee to assist the licensee in conducting approved keno games; and

S. 6A.2.4(3)(b) amended by No. 1/2021 s. 37(c)(ii).

(b) a copy of any agreement between the keno licensee and an agent under which that agent sells tickets in approved keno games on behalf of the licensee.

S. 6A.2.4(4) inserted by No. 29/2009 s. 70(1), amended by No. 1/2021 s. 37(d).

(4) A keno licensee must give the information under subsection (3), and a copy of any agreement referred to in that subsection, to the Commission within 14 days after the accreditation or appointment of the agent or contractor (as the case requires).

6A.2.4A Termination of certain agent agreements

S. 6A.2.4A inserted by No. 29/2009 s. 71.

(1) This section applies if the Commission is of the opinion that—

(a) an agent who is a party to an agreement referred to in section 6A.2.4(3) has contravened this Act or the regulations; or

(b) conduct of an agent who is a party to an agreement referred to in section 6A.2.4(3) has been inconsistent with a keno licensee's Responsible Gambling Code of Conduct; or

S. 6A.2.4A(1)(b) amended by No. 1/2021 s. 38(a)(i).

(c) an agent who is a party to an agreement referred to in section 6A.2.4(3) has, other than in accordance with the keno rules of a keno licensee, played an approved keno game at the place where the agent sells tickets on approved keno games on behalf of the licensee; or

S. 6A.2.4A(1)(c) amended by No. 1/2021 s. 38(a)(ii).

(d) an employee of an agent who is a party to an agreement referred to in section 6A.2.4(3) has, other than in accordance with the keno rules of a keno licensee, played an approved keno game at the place where the agent sells tickets on approved keno games on behalf of the licensee.

S. 6A.2.4A(1)(d) amended by No. 1/2021 s. 38(a)(ii).

(2) The Commission, by written notice given to a keno licensee, may direct the licensee to terminate the agreement the licensee has with the agent within 28 days after being given the notice.

S. 6A.2.4A(2) amended by No. 1/2021 s. 38(b).

(3) A keno licensee must comply with a direction under subsection (2).

S. 6A.2.4A(3) amended by No. 1/2021 s. 38(c).

(4) Within 14 days after receiving a notice under subsection (2), a keno licensee may make representations to the Commission as to why it

S. 6A.2.4A(4) amended by No. 1/2021 s. 38(d).

should not comply with a direction under subsection (2).

S. 6A.2.4A(5) amended by No. 1/2021 s. 38(d).

(5) The Commission, by written notice given to a keno licensee, may revoke a direction referred to in subsection (2). The Commission may do so only if the period within which the agreement must be terminated has not expired.

S. 6A.2.4A(6) amended by No. 1/2021 s. 38(d).

(6) No compensation is payable by the State to any person (including a keno licensee) as a result of the termination of an agreement by a keno licensee in compliance with a direction under subsection (2).

S. 6A.2.5 inserted by No. 40/2008 s. 17.

6A.2.5 Approval of keno system

S. 6A.2.5(1) amended by No. 1/2021 s. 39.

(1) A keno licensee must not conduct an approved keno game unless the licensee uses a keno system that has been approved by the Commission.

S. 6A.2.5(2) amended by No. 1/2021 s. 39.

(2) A keno licensee must not conduct an approved keno game using a keno system that has been varied from the system approved by the Commission unless the variation has been approved by the Commission.

(3) The Commission may approve—

(a) a keno system; or

(b) a variation to a keno system—

for use by the licensee.

S. 6A.2.5(3A) inserted by No. 58/2009 s. 91.

(3A) In approving a keno system or a variation to a keno system, the Commission must have regard to any relevant standards made under section 10.1.5A.

(4) The Commission may make an approval to use, or a variation of an approval to use, a keno system subject to any conditions that it thinks fit.

(5) A function of the Commission under this section may be performed by any commissioner.

6A.2.6 Security of certain equipment

S. 6A.2.6 inserted by No. 40/2008 s. 17.

(1) A keno licensee operating a keno system must ensure that only persons authorised by the licensee have physical or off-site access to the central processing unit and game result determination device of the keno system.

S. 6A.2.6(1) amended by Nos 1/2021 s. 40(a), 6/2024 s. 40(1).[4]

(2) Equipment at a keno venue or any other location which is used for the conduct or monitoring of approved keno games must not be physically or remotely accessible to the public unless it is intended for public use.

S. 6A.2.6(2) amended by Nos 1/2021 s. 40(b), 6/2024 s. 40(2).[5]

6A.2.7 Defective machinery, equipment and computer systems

S. 6A.2.7 inserted by No. 40/2008 s. 17.

(1) The Commission may order a keno licensee to repair or withdraw from use any defective machinery, equipment or computer system used in connection with approved keno games.

S. 6A.2.7(1) amended by No. 1/2021 ss 79(2), 80(2).

(2) A function of the Commission under this section may be performed by any commissioner.

6A.2.8 Unlawful interference with keno system

S. 6A.2.8 inserted by No. 40/2008 s. 17.

A person must not—

(a) be in possession of any device made or adapted, or intended by the person to be used, for improperly interfering with any

S. 6A.2.8(a) amended by No. 1/2021 s. 80(2).

machinery, equipment or computer system used in connection with approved keno games; or

S. 6A.2.8(b) amended by No. 1/2021 s. 80(2).

(b) do any act or thing calculated, or likely, to improperly interfere with any machinery, equipment or computer system used in connection with approved keno games.

Penalty: 1000 penalty units or imprisonment for 2 years or both.

S. 6A.2.9 inserted by No. 40/2008 s. 17, amended by No. 1/2021 s. 79(3).

6A.2.9 Use of defective keno machinery, equipment or computer system

A keno licensee, or an agent of the licensee on whose premises the machinery, equipment or computer system is located, must not allow any machinery, equipment or computer system that—

S. 6A.2.9(a) amended by No. 1/2021 s. 80(2).

(a) is used in connection with approved keno games; and

(b) does not function in the manner in which it was designed and programmed to function—

to be used, other than for testing purposes, until it is functioning in the manner in which it was designed and programmed to function.

Penalty: 100 penalty units.

S. 6A.2.10 inserted by No. 40/2008 s. 17, amended by No. 1/2021 ss 79(3), 80(1).

6A.2.10 Credit and loans

A keno licensee or an agent of the licensee or an employee of either of them must not make a loan or extend credit in any form to any person to enable that person or any other person to play an approved keno game.

Penalty: 100 penalty units.

6A.2.11 Keno rules

S. 6A.2.11 inserted by No. 40/2008 s. 17.

(1) A keno licensee must make rules, not inconsistent with this Act and the regulations, for or with respect to the conduct of approved keno games.

S. 6A.2.11(1) amended by No. 1/2021 s. 41(a).

(2) A keno licensee must not conduct an approved keno game unless—

S. 6A.2.11(2) amended by No. 1/2021 s. 41(b)(i).

(a) rules for the conduct of approved keno games are in force; and

S. 6A.2.11(2)(a) amended by No. 1/2021 s. 41(b)(ii).

(b) the approved keno game is conducted in accordance with those rules.

S. 6A.2.11(2)(b) amended by No. 1/2021 s. 41(b)(iii).

Penalty: 100 penalty units.

(3) Without limiting subsection (1), the rules must provide for the following—

(a) the manner of entering an approved keno game;

S. 6A.2.11(3)(a) amended by No. 1/2021 s. 41(c).

(b) the recording of entries in an approved keno game;

S. 6A.2.11(3)(b) amended by No. 1/2021 s. 41(c).

(c) the determination of the entitlement, if any, of a player to a prize or a bonus prize in an approved keno game;

S. 6A.2.11(3)(c) amended by No. 1/2021 s. 41(c).

(d) the payment of prizes in, or the refund of money paid to enter, an approved keno game;

S. 6A.2.11(3)(d) amended by No. 1/2021 s. 41(c).

S. 6A.2.11(3)(e) amended by No. 1/2021 s. 41(c).

(e) the publication of results in an approved keno game.

S. 6A.2.11(4) amended by No. 1/2021 s. 41(d).

(4) As soon as practicable after making rules for the conduct of approved keno games, the licensee must give a copy of the rules to the Commission.

S. 6A.2.11(5) amended by No. 1/2021 s. 41(e).

(5) Rules for the conduct of approved keno games, as in force when an entry to an approved keno game is accepted, form part of the contract between the licensee and the player.

S. 6A.2.12 inserted by No. 40/2008 s. 17.

6A.2.12 Commencement of rules

(1) Rules made under section 6A.2.11 come into force on the day specified in the rules, being a day—

(a) at least 4 weeks after the day on which the rules are made; or

(b) an earlier day approved by the Commission, not being a day before the rules are made.

(2) An approval under subsection (1)(b) must be in writing.

(3) Despite subsection (1), rules made under section 6A.2.11 cannot come into force before notice of making them is published in accordance with section 6A.2.13.

S. 6A.2.13 inserted by No. 40/2008 s. 17.

6A.2.13 Publication and inspection of keno rules

S. 6A.2.13(1) amended by No. 1/2021 ss 79(3), 80(2).

(1) A keno licensee must publish notice of the making of rules for the conduct of approved keno games in the Government Gazette.

(2) A keno licensee, or an agent of the licensee, who accepts entries in an approved keno game must—

S. 6A.2.13(2) amended by No. 1/2021 ss 79(3), 80(1).

(a) make available a complete copy of the rules for the conduct of approved keno games for inspection by any person free of charge on request; and

S. 6A.2.13(2)(a) amended by No. 1/2021 s. 80(2).

(b) at each place or point at which those entries are accepted, display a notice stating that the rules are available for inspection.

(3) A notice under subsection (2)(b) must be in the form approved by the Commission.

6A.2.14 Disallowance of keno rules

S. 6A.2.14 inserted by No. 40/2008 s. 17.

(1) The Commission may disallow rules made under section 6A.2.11, in whole or in part, at any time by giving written notice to a keno licensee if—

S. 6A.2.14(1) amended by No. 1/2021 s. 42(a).

(a) the Commission is satisfied that the rules are—

(i) unfair to players; or

(ii) unreasonable; or

(iii) contrary to the public interest; or

(b) the Minister has requested the Commission to disallow the rules under subsection (3).

(2) The Commission may refer rules made under section 6A.2.11 to the Minister if the Commission considers that the Minister ought to consider whether the rules should be disallowed.

(3) The Minister may request the Commission to disallow rules made under section 6A.2.11 (whether or not they were referred to the Minister under subsection (2)) if the Minister considers that the rules—

(a) are not in the public interest; or

S. 6A.2.14(3)(b) amended by No. 1/2021 s. 42(b).

(b) would result in the approved keno game being of a different character from the approved keno games authorised to be conducted by section 6A.3.1.

(4) The disallowance of rules made under section 6A.2.11 takes effect on the day specified in the notice of disallowance, being a day that is at least 3 days after the notice is given to the licensee.

(5) If, before the rules are made under section 6A.2.11, the Commission consents in writing to the making of the rules in the form in which they are made, the Commission must not disallow the rules or any part of them within the period of 6 months after they are made, unless the Minister requests disallowance under subsection (3).

S. 6A.2.14(6) amended by No. 58/2011 s. 91(1).

(6) A function of the Commission under this section may be performed by any commissioner.

Part 2A—Approval of keno games

Ch. 6A Pt 2A (Heading) substituted by No. 1/2021 s. 43.

Ch. 6A Pt 2A (Heading and ss 6A.2A.1–6A.2A.4) inserted by No. 29/2009 s. 72.

6A.2A.1 Approval of keno games for betting purposes

S. 6A.2A.1 inserted by No. 29/2009 s. 72.

(1) Subject to subsection (1A), the Minister, by instrument, may approve a keno game.

S. 6A.2A.1(1) substituted by No. 1/2021 s. 44.

(1A) The Minister must not approve a keno game if—

S. 6A.2A.1(1A) inserted by No. 1/2021 s. 44.

(a) in the Minister's opinion, the keno game is offensive or contrary to the public interest; or

(b) the keno game is a keno game, or a keno game of a class, that is prohibited by a harm minimisation direction under Part 7.

(2) The Minister may impose any conditions the Minister thinks fit on an approval at the time of giving the approval or at any later time.

S. 6A.2A.1(2) amended by No. 23/2025 s. 74(Sch. 1 item 2.29).

(3) An approval—

(a) takes effect on the day notice of it is published under section 6A.2A.2(a) or on the later day specified in the notice; and

(b) remains in force until revoked by the Minister.

(4) A condition imposed under subsection (2) takes effect on the day notice of it is published under section 6A.2A.2(b) or on the later day specified in the notice.

S. 6A.2A.2 inserted by No. 29/2009 s. 72.

6A.2A.2 Notice and publication requirements

The Minister must cause notice to be published in the Government Gazette of—

(a) an approval under this Part; and

(b) the imposition of a condition on an approval; and

(c) the variation or revocation of an approval.

S. 6A.2A.3 inserted by No. 29/2009 s. 72.

6A.2A.3 Variation and revocation of approval

(1) At any time the Minister may, by instrument—

(a) vary an approval (including a variation or revocation of a condition to which the approval is subject); or

(b) revoke an approval for any reasonable cause stated by the Minister in the instrument of revocation.

(2) A variation or revocation takes effect on the day notice of it is published under section 6A.2A.2(c) or on the later day specified in the notice.

S. 6A.2A.4 inserted by No. 29/2009 s. 72.

6A.2A.4 Approval does not limit Commission's power to approve simulated racing events under Chapter 4

This Part is not to be taken to limit Division 3A of Part 5 of Chapter 4.

Part 3—Keno licence

Division 1AA—Interpretation

Ch. 6A Pt 3 Div. 1AA (Heading and s. 6A.3.1AA) inserted by No. 60/2011 s. 62.

6A.3.1AA Definitions

S. 6A.3.1AA inserted by No. 60/2011 s. 62.

In this Part—

applicant means an applicant for a keno licence;

S. 6A.3.1AA def. of *applicant* amended by No. 1/2021 s. 45(b).

contact includes telephone contact, written contact, face-to-face contact and email contact or contact by other electronic means;

government representative means—

S. 6A.3.1AA def. of *government representative* amended by No. 23/2025 s. 74(Sch. 1 item 2.30).

(a) the Premier or another Minister;

(b) a Parliamentary Secretary;

(c) a person employed under Part 3 of the **Public Administration Act 2004**;

(d) a ministerial officer employed under Division 1 of Part 6 of the **Public Administration Act 2004**;

(e) the Secretary;

(f) a person nominated and engaged by the Secretary under Part 1A of Chapter 10 for the purposes of assisting the Secretary with the Secretary's obligations under this Part or Division 1A or 1B of Part 4 of Chapter 10;

S. 6A.3.1AA def. of *interested person* amended by No. 20/2018 s. 33(1), substituted by No. 1/2021 s. 45(c).

interested person means—

(a) a possible invitee; or

(b) a pending applicant; or

(c) an applicant; or

(d) a keno licensee; or

(e) an associate of a person referred to in paragraph (a), (b), (c) or (d); or

(f) an officer, employee, agent or contractor of—

(i) a person referred to in paragraph (a), (b), (c) or (d); or

(ii) an associate of a person referred to in paragraph (a), (b), (c) or (d);

S. 6A.3.1AA def. of *licence awarding process* substituted by Nos 20/2018 s. 33(2), 1/2021 s. 45(d).

licence awarding process means the following—

(a) the Minister's decision to invite a person to apply for a keno licence;

(b) the Minister's determination whether to grant or refuse an application for a keno licence;

(c) the preparation or making of a recommendation or report, or any other thing that may be or is required to be done under the Act, for the purpose of the Minister making a decision or determination referred to in paragraph (a) or (b);

S. 6A.3.1AA def. of *lobbying activity* amended by No. 1/2021 s. 45(e).

lobbying activity means—

(a) in relation to a licence awarding process, contact with a government representative for the purpose of influencing a decision or thing to be done under that process;

(b) in relation to a request to amend a keno licence under section 6A.3.22, contact with a government representative for the purpose of influencing the Minister's decision whether to make an amendment to the keno licence;

lobbyist means a person or organisation—

(a) that carries out a lobbying activity for or on behalf of a third party client; or

(b) whose employees or contractors carry out a lobbying activity for or on behalf of a third party client;

S. 6A.3.1AA def. of *lobbyist* amended by Nos 20/2018 s. 33(3), 1/2021 s. 45(f).

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

S. 6A.3.1AA def. of *pending applicant* inserted by No. 1/2021 s. 45(a).

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

S. 6A.3.1AA def. of *possible invitee* inserted by No. 1/2021 s. 45(a).

* * * * *

S. 6A.3.1AA def. of *registrant* repealed by No. 20/2018 s. 33(4).

Division 1—Authority and number of keno licences

6A.3.1 Authority of keno licence

A keno licence authorises a keno licensee to conduct the approved keno games in respect of the licence subject to this Act and the regulations, and any conditions to which the licence is subject.

S. 6A.3.1 inserted by No. 40/2008 s. 17, amended by Nos 29/2009 s. 70(2), 1/2021 s. 46.

S. 6A.3.2 inserted by No. 40/2008 s. 17, substituted by No. 1/2021 s. 47.

6A.3.2 Minister determines number of keno licences

The Minister is to determine from time to time the number of keno licences that may be issued.

Division 2—Licensing procedure

S. 6A.3.3 inserted by No. 40/2008 s. 17, amended by Nos 56/2010 s. 43, 60/2011 s. 63, substituted by No. 20/2018 s. 34.

6A.3.3 Minister may invite applications

S. 6A.3.3(1) amended by No. 1/2021 s. 79(1).

(1) The Minister may invite a person that is a body corporate to apply for a keno licence.

S. 6A.3.3(2) amended by No. 1/2021 s. 79(1).

(2) The Minister may take into account any other matter in deciding whether to invite a person to apply for a keno licence.

S. 6A.3.4 inserted by No. 40/2008 s. 17, substituted by No. 20/2018 s. 35.

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

S. 6A.3.4(1) amended by No. 1/2021 s. 79(1).

(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 a 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

S. 6A.3.4A inserted by No. 20/2018 s. 35.

(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 or 1D 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—

S. 6A.3.4A(1) amended by No. 1/2021 s. 48(a)(i).

(a) a possible invitee, pending applicant or applicant; and

S. 6A.3.4A(1)(a) amended by No. 1/2021 s. 48(a)(ii).

(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 a keno licence; or

S. 6A.3.4A (1)(b)(i) amended by No. 1/2021 s. 48(a)(iii).

(ii) a pending applicant or an applicant should be granted a keno licence under this Division.

S. 6A.3.4A (1)(b)(ii) substituted by No. 1/2021 s. 48(a)(iv).

* * * * *

S. 6A.3.4A(2) repealed by No. 1/2021 s. 48(b).

S. 6A.3.5 inserted by No. 40/2008 s. 17.

6A.3.5 Application for licence

S. 6A.3.5(1) amended by No. 20/2018 s. 36(1).

(1) A person who has been invited by the Minister under section 6A.3.3(1) to apply for a keno licence—

(a) may apply to the Minister for the licence; and

(b) if the person applies for the licence, must comply with—

(i) requirements specified by the Minister for an applicant to have protocols or procedures to prevent an interested person from improperly interfering with the preparation or making of a recommendation or report under this Act in relation to an application for a keno licence; and

(ii) reporting requirements specified by the Minister for an applicant or an associate of an applicant in relation to the protocols or procedures specified under subparagraph (i); and

(iii) any other requirements specified by the Minister in relation to applicants or applications for a licence.

(2) A licence application—

(a) must be in the form, contain the information and be accompanied by the documents required by the Minister; and

S. 6A.3.5(2)(ab) inserted by No. 40/2008 s. 30(1).

(ab) must be accompanied by a Responsible Gambling Code of Conduct that the applicant intends to implement if the licence is granted; and

(b) must be lodged in accordance with the procedural requirements, if any, specified by the Minister.

(3) The Minister may require an applicant to provide any further information to the Minister in connection with the application.

(4) The Minister may require any matter in, or in relation to, the application to be verified by statutory declaration by an applicant or an associate of an applicant.

(5) The Minister must refer each licence application to the Secretary for a report under section 6A.3.6.

(6) If a requirement made by or specified under this section is not complied with, the Minister may refuse to consider or further consider the application or to refer it to the Secretary.

* * * * *

S. 6A.3.5(7) repealed by No. 60/2011 s. 64.

Note

Division 1D of Part 4 of Chapter 10 provides for the investigation of an application for a keno licence.

Note to s. 6A.3.5 amended by Nos 71/2008 s. 40(1), 20/2018 s. 36(2).

6A.3.6 Report to Minister by Secretary on applications

S. 6A.3.6 inserted by No. 40/2008 s. 17.

(1) The Secretary must give a written report to the Minister on each licence application—

(a) stating whether or not, in the Secretary's opinion, the matters of which the Minister must be satisfied to grant the licence application have been made out; and

(b) stating whether or not, in the Secretary's opinion, the requirements made by or specified under section 6A.3.5 have been complied with; and

(c) containing any other information required by the Minister.

(2) The report may include any recommendations the Secretary thinks fit, including recommendations as to any appropriate licence conditions.

(3) The report must include the reasons for any findings or recommendations contained in it.

S. 6A.3.7 inserted by No. 40/2008 s. 17.

6A.3.7 Determination of applications

(1) The Minister is to determine whether to grant or refuse a licence application after receiving the report of the Secretary under section 6A.3.6.

S. 6A.3.7(2) amended by No. 23/2025 s. 74(Sch. 1 item 2.31(a)).

(2) The Minister may grant a licence application only if satisfied that the granting of the application is in the public interest, taking into account each of the following matters—

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

(b) whether the applicant, or an associate of the applicant, has an association with a person or body that is not of good repute having regard to character, honesty and integrity as a result of which the applicant or the associate is likely to be significantly affected in an unsatisfactory manner;

(c) whether each executive officer of the applicant and any other person determined by the Minister to be concerned in or associated with the ownership, management or operation of the applicant's keno business, is a suitable person to act in that capacity;

(d) whether the applicant has sufficient technical capability and adequate systems to conduct the activities to be authorised by the licence;

(e) whether the applicant is of sound and stable financial background;

(f) whether the applicant has financial resources that are adequate to ensure the financial viability of a keno business;

(g) whether the applicant has the ability to establish and maintain a successful keno business;

* * * * *

S. 6A.3.7(2)(h) repealed by No. 20/2018 s. 37.

(i) any other matters the Minister considers relevant.

(2A) In addition to the requirements of subsection (2), the Minister may grant a licence application only if satisfied that the Responsible Gambling Code of Conduct accompanying the application complies with—

S. 6A.3.7(2A) inserted by No. 40/2008 s. 30(2), amended by Nos 62/2017 s. 56(7), 23/2025 s. 74(Sch. 1 item 2.31(a)).

(a) regulations made for or with respect to Part 4C in Schedule 1; and

S. 6A.3.7(2A)(a) inserted by No. 62/2017 s. 56(7).

(b) each direction under section 10.6.6(1) that applies in relation to the application.

S. 6A.3.7(2A)(b) inserted by No. 62/2017 s. 56(7).

(3) In determining whether to grant or refuse a licence application, the Minister is entitled to rely on any findings or recommendations contained in the report of the Secretary under section 6A.3.6.

S. 6A.3.7(4) amended by No. 23/2025 s. 74(Sch. 1 item 2.31(b)).

(4) If the Minister refuses a licence application, the Minister must give written notice to the applicant.

S. 6A.3.7A inserted by No. 40/2008 s. 17, amended by Nos 60/2011 s. 65, 20/2018 s. 38, substituted by No. 1/2021 s. 49.

6A.3.7A Prohibition on improper interference

(1) An interested person in relation to a keno licence must not improperly interfere with the preparation or making of a recommendation or report under this Act in relation to a possible invitee, pending applicant or applicant.

(2) If an interested person improperly interferes with the preparation or making of a recommendation or report under this Act in relation to a possible invitee, pending applicant or applicant, the Minister may refuse to consider, or consider further—

(a) whether to invite the possible invitee to apply for a keno licence; or

(b) an application for a keno licence made by the pending applicant or applicant.

S. 6A.3.7B (Heading) amended by No. 1/2021 s. 50(1).

S. 6A.3.7B inserted by No. 60/2011 s. 66.

6A.3.7B Prohibition on lobbying

(1) A lobbyist must not in relation to a licence awarding process carry out a lobbying activity for or on behalf of an interested person.

S. 6A.3.7B(2) amended by Nos 20/2018 s. 39, 1/2021 s. 50(2).

(2) The Minister may refuse to invite a person to apply for a keno licence, to consider an application for a keno licence or to grant an application for a keno licence, if the Minister is satisfied that a lobbyist, for or on behalf of an

interested person in relation to a licence awarding process, has carried out a lobbying activity.

6A.3.8 Issue of licence

S. 6A.3.8 inserted by No. 40/2008 s. 17.

(1) If the Minister grants a licence application, the Minister must issue a keno licence to the applicant.

S. 6A.3.8(1) amended by No. 23/2025 s. 74(Sch. 1 item 2.32).

(2) A keno licence cannot be issued under this section that has effect, otherwise than as provided by section 6A.3.12, at any time while the keno licence in effect immediately before the commencement of section 47 of the **Consumer and Other Acts Miscellaneous Amendments Act 2021** is in force.

S. 6A.3.8(2) substituted by No. 1/2021 s. 51.

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Note to s. 6A.3.8 inserted by No. 40/2008 s. 30(3), substituted by No. 70/2013 s. 3(Sch. 1 item 17), repealed by No. 23/2025 s. 61.

6A.3.8A Keno licence not personal property

S. 6A.3.8A inserted by No. 74/2010 s. 25(3).

For the purposes of section 8(1)(k) of the Personal Property Securities Act 2009 of the Commonwealth, a keno licence is declared not to be personal property.

S. 6A.3.9 inserted by No. 40/2008 s. 17, amended by No. 23/2025 s. 74(Sch. 1 item 2.33).

6A.3.9 Licence conditions

The Minister may impose any conditions the Minister thinks fit on a keno licence, including—

(a) conditions referred to in any other provision in this Chapter;

(b) conditions that leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Commission or the Minister.

Note to s. 6A.3.9 inserted by No. 23/2025 s. 62.

Note

The licence is also subject to the condition specified in section 6A.3.9A.

S. 6A.3.9A inserted by No. 40/2008 s. 31, amended by No. 62/2017 s. 57(9).

6A.3.9A Responsible Gambling Code of Conduct is a condition of licence

It is a condition of a keno licence that the keno licensee implement a Responsible Gambling Code of Conduct that complies with—

S. 6A.3.9A(a) inserted by No. 62/2017 s. 57(9).

(a) regulations made for or with respect to Part 4C in Schedule 1; and

S. 6A.3.9A(b) inserted by No. 62/2017 s. 57(9).

(b) each direction under section 10.6.6(1) that applies in relation to the licensee.

S. 6A.3.10 (Heading) substituted by No. 58/2009 s. 92.
S. 6A.3.10 inserted by No. 40/2008 s. 17.

6A.3.10 Minister may refuse to issue keno licence if related agreements not entered into

Despite section 6A.3.8, the Minister may refuse to issue a keno licence unless the applicant or any other person requested by the Minister (or both) enters into one or more agreements with the Minister dealing with matters related to the licence.

6A.3.10A Related agreements with keno licensee

S. 6A.3.10A inserted by No. 58/2009 s. 93.

(1) Subject to this section, the Minister, by written notice, may direct a keno licensee to enter into an agreement or class of agreements dealing with matters relating to the keno licence with— S. 6A.3.10A(1) amended by No. 1/2021 s. 79(2).

(a) the Minister; or

(b) a person or class of person the Minister specifies in the direction.

(2) Before giving a direction under subsection (1), the Minister must consult with the keno licensee.

(3) A direction under subsection (1)—

(a) must warn the keno licensee of the Minister's powers under this section; and

(b) must be accompanied by a copy of this section; and

(c) may specify the kinds of terms to be contained in an agreement or class of agreements to be entered into; and

(d) may specify the kinds of terms that must not be in an agreement or class of agreements to be entered into; and

(e) may specify a date by which an agreement or class of agreements is to be entered into.

(4) A keno licensee must comply with a direction under subsection (1). S. 6A.3.10A(4) amended by No. 1/2021 s. 79(3).

(5) A keno licensee must give a copy of any agreement entered into in compliance with a direction under subsection (1) to the Commission. S. 6A.3.10A(5) amended by No. 1/2021 s. 79(3).

S. 6A.3.10B inserted by No. 58/2009 s. 93.

6A.3.10B No compensation payable because of a direction to enter into related agreements

No compensation is payable by the State because of a direction under section 6A.3.10A or the entering into an agreement in compliance with a direction under section 6A.3.10A.

S. 6A.3.11 inserted by No. 40/2008 s. 17.

6A.3.11 Duration of licence

(1) A keno licence—

(a) takes effect at the time of issue or at the later time specified in the licence; and

S. 6A.3.11(1)(b) substituted by No. 1/2021 s. 52.

(b) is valid for the term specified in the licence, unless terminated earlier in accordance with this Chapter or extended under section 6A.3.11A.

(2) A keno licence cannot be renewed, but a person who holds or has held a keno licence may apply for a subsequent keno licence, if invited by the Minister to do so.

S. 6A.3.11AA inserted by No. 1/2021 s. 53.

6A.3.11AA Exclusivity period for licence

(1) When issuing a keno licence, the Minister may specify one or more periods of time as the exclusivity period for the licence.

(2) If an exclusivity period is specified for one or more keno licences, no new keno licence can be issued that has effect, otherwise than as provided by section 6A.3.12, at any time during the exclusivity period.

S. 6A.3.11A inserted by No. 20/2018 s. 40.

6A.3.11A Extension of licence

S. 6A.3.11A(1) amended by No. 1/2021 s. 79(2).

(1) If invited by the Minister to do so, a 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 a keno licence may be extended only once.

S. 6A.3.11A(3) amended by No. 1/2021 s. 79(1).

6A.3.12 Licence may authorise preparatory action

S. 6A.3.12 inserted by No. 40/2008 s. 17.

(1) This section applies to a keno licence if the licence takes effect at a time specified in the licence that is later than the time of issue of the licence.

(2) The keno licence may authorise the keno licensee to take preparatory action from a time specified in the licence (which may be the time of issue) even though the licence has not taken effect.

(3) An authorisation under subsection (2) may specify a single time from which any preparatory action may be taken or different times from which different kinds of preparatory action may be taken.

(4) Any time specified from which preparatory action may be taken must not be more than 18 months before the time the licence takes effect.

(5) Despite section 6A.3.11(1)(a), the keno licence is taken to be in effect for the purpose of any preparatory action taken in accordance with an authorisation under subsection (2).

(6) No account is to be had to this section in determining the term of the licence under section 6A.3.11(1)(b).

(7) In this section—

S. 6A.3.12(7) def. of *preparatory action* amended by No. 1/2021 s. 80(1).

preparatory action means anything necessary or convenient to be done for the purpose of conducting any activities authorised by the keno licence, but does not include the selling of tickets in an approved keno game or determining the outcome of an approved keno game.

S. 6A.3.13 inserted by No. 40/2008 s. 17.

6A.3.13 Premium payment

S. 6A.3.13(1) amended by No. 1/2021 s. 79(2).

(1) The Minister may require a keno licensee to pay, as consideration for a keno licence, one or more amounts determined by the Minister as the premium payment.

(2) The Minister may determine the premium payment as—

(a) a single amount payable on the issue of the licence, or by the later time determined by the Minister; or

(b) an amount payable each year for the duration of the licence at the time determined by the Minister.

S. 6A.3.13(2A) inserted by No. 20/2018 s. 41(1), amended by No. 1/2021 s. 79(1).

(2A) If the Minister extends a 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.

S. 6A.3.13(3) amended by Nos 20/2018 s. 41(2), 1/2021 s. 79(1).

(3) The premium payment for a keno licence or the extension of a keno licence is a tax.

6A.3.13A Penalty interest for late payment

S. 6A.3.13A inserted by No. 58/2009 s. 94, amended by No. 1/2021 s. 79(3).

A keno licensee must pay to the Commission, for payment into the Consolidated Fund, interest on a premium payment under section 6A.3.13 that is outstanding as at the end of the period allowed for payment, at the rate fixed for the time being under section 2 of the **Penalty Interest Rates Act 1983**.

6A.3.13B Recovery of amounts

S. 6A.3.13B inserted by No. 58/2009 s. 94.

A premium payment under section 6A.3.13 or any interest payable under section 6A.3.13A may be recovered in a court of competent jurisdiction as a debt due to the State.

6A.3.14 Publication and tabling

S. 6A.3.14 inserted by No. 40/2008 s. 17.

(1) The Minister must cause—

(a) notice to be published in the Government Gazette—

(i) of the issue of a keno licence, as soon as practicable after the licence is issued; and

(ii) of the making of any agreement referred to in section 6A.3.10, as soon as practicable after the agreement is made; and

(b) a copy of a keno licence to be—

(i) given to the Commission as soon as practicable after the licence is issued; and

(ii) subject to subsection (2), presented to each House of Parliament within 7 sitting days of the House after the licence is issued; and

(c) a copy of any agreement referred to in section 6A.3.10 to be—

(i) given to the Commission as soon as practicable after the agreement is made; and

(ii) subject to subsection (2), presented to each House of Parliament within 7 sitting days of the House after the agreement is made.

(2) Before complying with subsection (1)(b)(ii) or (c)(ii), the Minister—

(a) may exclude information from the licence or agreement if the Minister is of the opinion that the information relates to matters of a business, commercial or financial nature the disclosure of which would be likely to expose any person unreasonably to disadvantage; and

(b) must notify the Commission as soon as practicable whether or not any information has been excluded under paragraph (a) and, if it has been, specify the information excluded.

(3) Subject to subsection (4), the Commission must cause a copy of a keno licence and any agreements referred to in section 6A.3.10 to be made available on its website as soon as practicable after notification from the Minister under subsection (2)(b).

(4) If the Minister has excluded information from the licence or agreement under subsection (2), the Commission must exclude that information from the copy of the licence or agreement it makes available under subsection (3).

6A.3.15 Engaging contractors and appointing agents to assist with approved keno games

S. 6A.3.15 (Heading) amended by No. 1/2021 s. 54(1).

S. 6A.3.15 inserted by No. 40/2008 s. 17.

(1) A keno licence may authorise the keno licensee to engage a person on contract, or to appoint an agent, to assist in the conduct of approved keno games authorised by the licence.

S. 6A.3.15(1) amended by No. 1/2021 s. 54(2)(a).

(2) For the avoidance of doubt, the engagement of a person or the appointment of an agent by a keno licensee does not affect any function or obligation of the licensee under a gaming Act, the gaming regulations, the keno licence or any related agreement.

S. 6A.3.15(2) amended by Nos 58/2009 s. 95, 1/2021 s. 54(2)(b).

Division 3—Transfer of licence

6A.3.16 Transfer only under this Division

S. 6A.3.16 inserted by No. 40/2008 s. 17.

A keno licence is not transferable to any other person except in accordance with this Division.

6A.3.17 Application to transfer licence

S. 6A.3.17 inserted by No. 40/2008 s. 17.

(1) A keno licensee may apply to the Minister to transfer a keno licence to another person (the ***transferee***).

S. 6A.3.17(1) amended by No. 1/2021 s. 79(1).

(2) An application—

(a) must be in the form, contain the information and be accompanied by the documents required by the Minister; and

(b) must be accompanied by the prescribed fee (if any).

(3) If no fee is prescribed for the purposes of subsection (2)(b), the Minister, by written notice, may require the keno licensee to pay to the Minister the amount determined by the Minister, being an amount not exceeding the reasonable costs of the Minister and the Department administered by the Minister in considering the application.

(4) The Minister may require costs payable under subsection (3) to be paid by instalments or at any time before, during or after the Minister's consideration of the application, whether or not the application is granted.

(5) Costs payable under subsection (3) may be recovered in a court of competent jurisdiction as a debt due to the State.

(6) The Minister may refer the application to the Commission for a report under section 6A.3.19.

S. 6A.3.18 inserted by No. 40/2008 s. 17.

6A.3.18 Transfer of a keno licence

S. 6A.3.18(1) amended by No. 40/2008 s. 32(1).

(1) On application under section 6A.3.17, the Minister may transfer the keno licence to the transferee if the Minister is satisfied of the matters specified in subsections (2), (3), (4), (4A) and (5).

(2) The Minister must be satisfied—

(a) that—

(i) the transferee is a wholly-owned subsidiary of the keno licensee; or

(ii) the transferee and the keno licensee are both wholly-owned subsidiaries of a third company; and

* * * * *

S. 6A.3.18 (2)(b) repealed by No. 20/2018 s. 42(1).

(c) that the transferee is not a natural person.

(3) The Minister must be satisfied that the transfer of the keno licence to the transferee is in the public interest, taking into account each of the following matters—

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

(b) whether the transferee, or an associate of the transferee, has an association with a person or body that is not of good repute having regard to character, honesty and integrity as a result of which the transferee or the associate is likely to be significantly affected in an unsatisfactory manner;

(c) whether each executive officer of the transferee and any other person determined by the Minister to be concerned in or associated with the ownership, management or operation of the transferee's keno business, is a suitable person to act in that capacity;

(d) whether the transferee has sufficient technical capability and adequate systems to conduct the activities authorised by the licence;

(e) whether the transferee is of sound and stable financial background;

(f) whether the transferee has financial resources that are adequate to ensure the financial viability of a keno business; and

(g) whether the transferee has the ability to establish and maintain a successful keno business;

S. 6A.3.18 (3)(h) repealed by No. 20/2018 s. 42(2).

* * * * *

(i) any other matters the Minister considers relevant.

(4) The Minister must be satisfied that the transfer of the licence to the transferee would not result in a person who is not currently an associate of the licensee, or not approved by the Minister to become an associate of the licensee, becoming an associate of the transferee.

S. 6A.3.18(4A) inserted by No. 40/2008 s. 32(2), amended by No. 62/2017 s. 56(8).

(4A) The Minister must be satisfied that the transferee has, or when the licence is transferred will have, a Responsible Gambling Code of Conduct that complies with—

S. 6A.3.18(4A)(a) inserted by No. 62/2017 s. 56(8).

(a) regulations made for or with respect to Part 4C in Schedule 1; and

S. 6A.3.18(4A)(b) inserted by No. 62/2017 s. 56(8).

(b) each direction under section 10.6.6(1) that applies in relation to the application.

(5) The Minister must be satisfied that the transferee is capable of meeting the obligations of the keno licensee under any agreements referred to in section 6A.3.10.

(6) The Minister may refuse to transfer the keno licence unless a company approved by the Minister that is an associate of the transferee has given the transferee an irrevocable guarantee and

indemnity, in the form approved by the Treasurer, in respect of the financial obligations of the transferee.

(7) In determining whether to grant or refuse an application to transfer the keno licence, the Minister is entitled to rely on any findings or recommendations contained in the report of the Commission under section 6A.3.19.

(8) If the Minister transfers the keno licence, the transferee becomes the keno licensee and assumes all the obligations and liabilities of the keno licensee under this Act.

6A.3.19 Report to Minister by Commission

S. 6A.3.19 inserted by No. 40/2008 s. 17.

(1) If the Minister has referred to the Commission an application to transfer a keno licence, the Commission must give a written report to the Minister on the application—

S. 6A.3.19(1) amended by No. 1/2021 s. 79(1).

(a) stating whether or not, in the Commission's opinion, the matters of which the Minister must be satisfied to transfer the licence have been made out; and

(b) containing any other information required by the Minister.

(2) The report may include any recommendations the Commission thinks fit, including recommendations as to any appropriate licence conditions.

(3) The report must include the reasons for any findings or recommendations contained in it.

Note

Division 1B of Part 4 of Chapter 10 provides for the investigation by the Commission of an application to transfer a keno licence.

S. 6A.3.20 inserted by No. 40/2008 s. 17.

6A.3.20 Related agreements

The Minister may refuse to transfer a keno licence unless—

(a) the keno licensee and any other person who is party to an agreement referred to in section 6A.3.10 relating to the licence executes any document requested by the Minister in relation to that agreement; and

(b) the transferee or any other person requested by the Minister (or both) enters into one or more agreements with the Minister dealing with matters related to the licence, including any agreement referred to in section 6A.3.10 or any further agreement.

S. 6A.3.21 inserted by No. 40/2008 s. 17.

6A.3.21 Publication and tabling

(1) The Minister must cause—

(a) notice to be published in the Government Gazette—

(i) of the transfer of a keno licence, as soon as practicable after the licence is transferred; and

(ii) of the execution of any document referred to in section 6A.3.20(a) or of the entering into of any agreement referred to in section 6A.3.20(b), as soon as practicable after the document is executed or the agreement is entered into; and

(b) a copy of the transfer of a keno licence to be—

(i) given to the Commission as soon as practicable after the licence is transferred; and

(ii) subject to subsection (2), presented to each House of Parliament within 7 sitting days of the House after the licence is transferred; and

(c) a copy of any document referred to in section 6A.3.20(a) or any agreement referred to in section 6A.3.20(b) to be—

(i) given to the Commission as soon as practicable after the document is executed or the agreement is entered into; and

(ii) subject to subsection (2), presented to each House of Parliament within 7 sitting days of the House after the document is executed or the agreement is entered into.

(2) Before complying with subsection (1)(b)(ii) or (c)(ii), the Minister—

(a) may exclude information from the transfer, document or agreement if the Minister is of the opinion that the information relates to matters of a business, commercial or financial nature the disclosure of which would be likely to expose any person unreasonably to disadvantage; and

(b) must notify the Commission as soon as practicable whether or not any information has been excluded under paragraph (a) and, if it has been, specify the information excluded.

(3) Subject to subsection (4), the Commission must cause a copy of a transfer of a keno licence and any document referred to in section 6A.3.20(a) or agreement referred to in section 6A.3.20(b) to be made available on its website as soon as practicable after receiving notification from the Minister under subsection (2)(b).

(4) If the Minister has excluded information from the transfer, document or agreement under subsection (2), the Commission must exclude that information from the copy of the transfer, document or agreement it makes available under subsection (3).

Division 4—Amendment and surrender of licence

S. 6A.3.22 inserted by No. 40/2008 s. 17.

6A.3.22 Request by licensee for amendment of licence

S. 6A.3.22(1) amended by No. 1/2021 s. 79(3).

(1) A keno licensee may request the Minister to amend a keno licence.

S. 6A.3.22(1A) inserted by No. 58/2009 s. 96, amended by No. 23/2025 s. 74(Sch. 1 item 2.34).

(1A) The Minister may refuse to consider the request for a licence amendment if, in the Minister's opinion, the requested amendment is the same, or is similar to, a requested amendment that has already been made under this section within the previous two years and refused by the Minister under section 6A.3.23.

(2) A request for a licence amendment—

(a) must be in writing; and

(b) must include the reasons for the requested amendment; and

(c) must be accompanied by the prescribed fee (if any).

(3) The Minister may require the licensee to provide any further information or any documents to the Minister in connection with the request.

(4) If this section or a requirement made by the Minister under this section is not complied with, the Minister may refuse to consider the request.

(5) If no fee is prescribed for the purposes of subsection (2)(c), the Minister, by written notice, may require the keno licensee to pay to the Minister the amount determined by the Minister, being an amount not exceeding the reasonable costs of the Minister and the Department administered by the Minister in considering the request.

(6) The Minister may require costs payable under subsection (5) to be paid by instalments or at any time before, during or after the Minister's consideration of the request, whether or not the Minister decides to make the requested amendment.

(7) Costs payable under subsection (5) may be recovered in a court of competent jurisdiction as a debt due to the State.

6A.3.22A Notification of other affected licensees

S. 6A.3.22A inserted by No. 1/2021 s. 55.

(1) The Minister may require a keno licensee who requests a licence amendment to notify in writing the licensee of any other keno licence that, in the Minister's opinion, may be adversely affected if the amendment is made.

(2) Notification under subsection (1)—

(a) must be in the form and contain the information required by the Minister; and

(b) must include the reasons for the requested amendment; and

(c) must inform the licensee to whom it is given of their right to object to the requested amendment.

(3) If a requirement made by this section is not complied with, the Minister may refuse to consider the request for amendment.

S. 6A.3.22B inserted by No. 1/2021 s. 55.

6A.3.22B Objection by other licensees

(1) A keno licensee who receives notice under section 6A.3.22A may lodge a written objection with the Minister.

(2) The objection must be lodged within 28 days after receiving the notice.

S. 6A.3.23 inserted by No. 40/2008 s. 17.

6A.3.23 Amendment of licence

S. 6A.3.23(1) amended by Nos 60/2011 s. 67, 1/2021 s. 56(1)(a).

(1) Subject to this Part, the Minister must decide whether to make an amendment requested under section 6A.3.22, either with or without changes from that originally requested, and must give written notice of the decision to the keno licensee and to any keno licensee who lodged an objection under section 6A.3.22B.

S. 6A.3.23(1A) inserted by No. 58/2009 s. 97(1), amended by No. 1/2021 s. 56(1)(b).

(1A) The Minister may, at any time, decide to make an amendment to a keno licence and give written notice of the decision to the keno licensee.

S. 6A.3.23(1B) inserted by No. 58/2009 s. 97(1), amended by No. 1/2021 s. 56(1)(b).

(1B) Before making an amendment to a keno licence under subsection (1A), the Minister must notify the keno licensee of the Minister's intention to amend the licence and give the licensee no less than 14 days to make written representations about the intended action.

S. 6A.3.23(2) substituted by No. 58/2009 s. 97(2), amended by Nos 1/2021 s. 56(1)(c), 23/2025 s. 74(Sch. 1 item 2.34).

(2) In deciding whether or not to make an amendment, the Minister must have regard to any objections lodged under section 6A.3.22B, and must take into account whether, in the Minister's opinion—

(a) the amendment is in the public interest; and

(b) the amendment is required for the proper conduct of the licensed activity.

(3) If the Minister amends a keno licence under this section, the Minister must cause—

(a) notice of the amendment to be published in the Government Gazette as soon as practicable after the licence is amended; and

(b) a copy of the amendment to be—

(i) given to the Commission as soon as practicable after the licence is amended; and

(ii) subject to subsection (4), presented to each House of Parliament within 7 sitting days of the House after the licence is amended.

(4) Before complying with subsection (3)(b)(ii), the Minister—

(a) may exclude information from the amendment, or the licence as amended, if the Minister is of the opinion that the information relates to matters of a business, commercial or financial nature the disclosure of which would be likely to expose any person unreasonably to disadvantage; and

(b) must notify the Commission as soon as practicable whether or not any information has been excluded under paragraph (a) and, if it has been, specify the information excluded.

(5) Subject to subsection (6), the Commission must cause a copy of the amendment, or the licence as amended, to be made available on its website as soon as practicable after receiving notification from the Minister under subsection (4)(b).

(6) If the Minister has excluded information from an amendment under subsection (4), the Commission must exclude that information from the copy of the amendment, or the licence as amended, it makes available under subsection (5).

S. 6A.3.23(7) amended by No. 58/2009 s. 97(3).

(7) An amendment takes effect when notice of the decision to make the amendment is given to the licensee under subsection (1) or (1A) or on a later date specified in the notice.

S. 6A.3.23A inserted by No. 60/2011 s. 68.

6A.3.23A Prohibition on lobbying for amendment of licence

S. 6A.3.23A(1) amended by No. 1/2021 s. 79(1).

(1) A lobbyist must not in relation to a request for an amendment to a keno licence under section 6A.3.22 carry out a lobbying activity for or on behalf of an interested person.

S. 6A.3.23A(2) amended by No. 1/2021 s. 79(1).

(2) The Minister may refuse to consider a request to amend a keno licence if the Minister is satisfied that a lobbyist, for or on behalf of an interested person in relation to the request, has carried out a lobbying activity.

S. 6A.3.24 inserted by No. 40/2008 s. 17.

6A.3.24 Surrender of licence

S. 6A.3.24(1) amended by No. 1/2021 s. 79(3).

(1) A keno licensee may surrender a keno licence by giving at least 12 months' written notice to the Minister.

(2) The surrender takes effect only if the Minister consents to the surrender.

(3) The Minister may consent subject to any conditions the Minister thinks fit, and those conditions remain in effect after the surrender in accordance with their terms.

S. 6A.3.24(3) amended by No. 23/2025 s. 74(Sch. 1 item 2.35).

Division 5—Monitoring and disciplinary action

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S. 6A.3.25 inserted by No. 40/2008 s. 17, repealed by No. 56/2010 s. 61(6).

6A.3.26 Grounds for disciplinary action

S. 6A.3.26 inserted by No. 40/2008 s. 17.

Each of the following is a ground for disciplinary action in relation to a keno licence—

(a) the keno licensee is not, or is no longer, a suitable person or body to conduct the activities authorised by the licence;

(b) the keno licensee has been found guilty of an offence against a gaming Act;

(c) the keno licensee, or an associate of the licensee, has been found guilty of an offence involving fraud or dishonesty, whether or not in Victoria, the maximum penalty for which exceeds imprisonment for 3 months;

(d) the keno licensee has contravened—

(i) the licence; or

S. 6A.3.26(d)(i) amended by No. 56/2010 s. 44(1).

(ii) the keno rules; or

(iii) a provision of this Act (being a provision a contravention of which does not constitute an offence);

S. 6A.3.26(da) inserted by No. 14/2023 s. 69.

(da) the keno licensee has contravened—

(i) a provision of the **Gambling Taxation Act 2023** or regulations made under that Act; or

(ii) a provision of the **Taxation Administration Act 1997**, or regulations made under that Act, as that provision applies to the **Gambling Taxation Act 2023** or regulations made under the **Gambling Taxation Act 2023**;

S. 6A.3.26(e) amended by No. 56/2010 s. 44(2).

(e) the keno licensee has contravened an agreement referred to in section 6A.3.10, 6A.3.10A, 6A.3.20 or 6A.3.34A;

(f) the keno licensee has failed to discharge financial obligations to a player;

(g) the keno licensee becomes an externally-administered body corporate or otherwise becomes insolvent;

S. 6A.3.26(h) amended by No. 40/2008 s. 32(3)(a).

(h) the keno licence was obtained by a materially false or misleading representation or in some other improper way;

S. 6A.3.26(i) inserted by No. 40/2008 s. 32(3)(b).

(i) the keno licensee has repeatedly breached the licensee's Responsible Gambling Code of Conduct.

S. 6A.3.27 inserted by No. 40/2008 s. 17.

6A.3.27 Commission may take or recommend disciplinary action

(1) If the Commission considers that there is a ground for taking disciplinary action in relation to a keno licence, the Commission may give the keno licensee written notice giving the licensee an opportunity to show cause within 28 days why disciplinary action should not be taken on the ground specified in the notice.

(2) The licensee, within the period allowed by the notice, may arrange with the Commission for the making of submissions to the Commission as to why disciplinary action should not be taken.

(3) After considering any submissions made under subsection (2), the Commission—

(a) may take either or both of the following disciplinary actions—

(i) issue a letter of censure to the licensee;

(ii) fine the licensee an amount not exceeding an amount that is 5000 times the value of a penalty unit fixed by the Treasurer under section 5(3) of the **Monetary Units Act 2004**; or

(b) may make a written report to the Minister recommending that the Minister take disciplinary action against the licensee under section 6A.3.28.

(4) A report under subsection (3)(b) must include the reasons for the findings and recommendations contained in it.

(5) A letter of censure may censure the licensee in respect of any matter connected with the management or operation of its keno business and may include a direction to the licensee to rectify within a specified time any matter giving rise to the letter of censure.

(6) If a direction given under subsection (5) is not complied with in the specified time, the Commission may—

(a) fine the licensee an amount not exceeding an amount that is 5000 times the value of a penalty unit fixed by the Treasurer under section 5(3) of the **Monetary Units Act 2004**; or

(b) make a written report to the Minister recommending that the Minister take disciplinary action against the licensee under section 6A.3.28.

(7) The Commission may fine the licensee under subsection (6)(a) whether or not the Commission has already fined the licensee under subsection (3)(a)(ii) in relation to the same matter.

(8) A fine imposed under this section may be recovered in a court of competent jurisdiction as a debt due to the State.

S. 6A.3.28 inserted by No. 40/2008 s. 17.

6A.3.28 Minister may take disciplinary action

(1) If the Commission makes a report to the Minister under section 6A.3.27, the Minister may—

(a) take any one of the following disciplinary actions—

(i) amend the licence; or

(ii) suspend the licence; or

(iii) cancel the licence; or

(b) if the Minister considers that disciplinary action under paragraph (a) is not warranted, remit the matter to the Commission with a request that the Commission consider whether disciplinary action should be taken against the licensee under section 6A.3.27(3)(a).

(2) In taking disciplinary action, the Minister—

S. 6A.3.28 (2)(a) amended by No. 23/2025 s. 74(Sch. 1 item 2.36).

(a) must take into account whether, in the Minister's opinion, taking the action is in the public interest; and

(b) is entitled to rely on the findings and recommendations in the report of the Commission under section 6A.3.27; and

(c) is not required to give the licensee a further opportunity to be heard or make submissions.

(3) If the Minister remits a matter to the Commission under subsection (1)(b), the Commission is not required to give the licensee a further opportunity to be heard or make submissions before taking disciplinary action against the licensee under section 6A.3.27(3)(a).

(4) Cancellation, suspension or amendment of a licence under this section takes effect when written notice is given to the licensee or on a later date specified in the notice.

6A.3.29 Suspension of licence pending criminal proceedings

S. 6A.3.29 inserted by No. 40/2008 s. 17.

(1) The Minister may suspend a keno licence by giving written notice to the keno licensee if the Minister is satisfied that the licensee or an executive officer of the licensee has been charged with—

(a) an offence against a gaming Act or gaming regulations; or

(b) an offence arising out of or in connection with the management or operation of a keno business; or

(c) an indictable offence or an offence that, if committed in Victoria, would be an indictable offence, the nature and circumstances of which, in the opinion of the Minister, relate to the management or operation of a keno business.

(2) The Minister may, at any time, terminate or reduce a period of suspension imposed under subsection (1).

S. 6A.3.30 inserted by No. 40/2008 s. 17.

6A.3.30 Effect of licence suspension

A keno licence is of no effect for the purposes of Part 2 while it is suspended.

S. 6A.3.30A inserted by No. 56/2010 s. 45.

6A.3.30A Disciplinary and other action against keno licensee—preparatory action

(1) Despite anything to the contrary in this Part—

S. 6A.3.30A(1)(a) amended by No. 1/2021 s. 79(2).

(a) the Commission may take or recommend disciplinary action against a keno licensee under section 6A.3.27; or

(b) the Minister may—

S. 6A.3.30A (1)(b)(i) amended by No. 1/2021 s. 79(2).

(i) take disciplinary action under section 6A.3.28 against a keno licensee; or

S. 6A.3.30A (1)(b)(ii) amended by No. 1/2021 s. 79(1).

(ii) suspend a keno licence under section 6A.3.29—

during the period in which the keno licensee is authorised to take preparatory action under section 6A.3.12.

(2) Despite section 6A.3.11(1)(a), for the purpose of subsection (1) the keno licence is taken to be in effect.

Division 6—Temporary keno licence

6A.3.31 Temporary keno licence

S. 6A.3.31 inserted by No. 40/2008 s. 17.

(1) If a keno licence (the ***original licence***) is cancelled, suspended or surrendered under this Part, the Minister may, subject to subsection (1A), issue a temporary keno licence and appoint a temporary keno licensee for the period determined by the Minister.

S. 6A.3.31(1) amended by No. 58/2009 s. 98(1).

(1A) The Minister may, in accordance with subsection (2A), issue a temporary keno licence and appoint a temporary keno licensee for a period of 90 days.

S. 6A.3.31(1A) inserted by No. 58/2009 s. 98(2).

(2) The Minister may issue a temporary keno licence under subsection (1) only if satisfied that—

S. 6A.3.31(2) amended by No. 40/2008 s. 32(4), substituted by No. 58/2009 s. 98(3).

(a) the issue of the temporary licence is in the public interest; and

(b) the proposed licensee and each associate of the proposed licensee is a suitable person to be concerned in, or associated with, the management and operation of a keno business.

(2A) The Minister may issue a temporary keno licence under subsection (1A) only if satisfied that—

S. 6A.3.31(2A) inserted by No. 58/2009 s. 98(3).

(a) the issue of the temporary licence is in the public interest; and

(b) the proposed licensee is a suitable person to be concerned in the management and operation of a keno business, taking into account the period of time for which the licence is issued.

S. 6A.3.31(3) amended by Nos 40/2008 s. 32(5), 58/2009 s. 98(4).

(3) Subject to subsections (1A) and (2A), a temporary keno licence is issued on the terms and conditions the Minister thinks fit and nothing in Division 2 (other than section 6A.3.9A or 6A.3.14) applies to the issue of the temporary licence.

S. 6A.3.31(4) amended by Nos 29/2009 s. 73, 58/2009 s. 98(5).

(4) In determining whether to issue a temporary keno licence under subsection (1), the Minister—

(a) may consult any person the Minister considers appropriate; and

(b) is entitled to rely on any findings or recommendations contained in the report of the Commission under section 6A.3.32.

S. 6A.3.31(4A) inserted by No. 58/2009 s. 98(6).

(4A) In considering whether to issue a temporary licence under subsection (1A), the Minister—

(a) may consult any person the Minister considers appropriate; and

(b) is entitled to rely on any findings or recommendations contained in the report of the Commission under section 6A.3.32A.

S. 6A.3.31(5) repealed by No. 23/2025 s. 63.

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S. 6A.3.32 (Heading) amended by No. 58/2009 s. 99(1).

S. 6A.3.32 inserted by No. 40/2008 s. 17.

6A.3.32 Report to Minister by Commission for a temporary keno licence

S. 6A.3.32(1) amended by No. 58/2009 s. 99(2).

(1) If the Minister is considering issuing a temporary keno licence under section 6A.3.31(1), the Minister may request the Commission to give a written report to the Minister—

(a) stating whether or not, in the Commission's opinion, the matters of which the Minister must be satisfied to issue the temporary licence have been made out; and

(b) containing any other information required by the Minister.

(2) The Commission must comply with a request of the Minister under this section.

(3) The report may include any recommendations the Commission thinks fit, including recommendations as to any appropriate licence conditions.

(4) The report must include the reasons for any findings or recommendations contained in it.

Note

Division 1B of Part 4 of Chapter 10 provides for investigations by the Commission for the purposes of the Minister deciding whether or not to issue a temporary keno licence.

6A.3.32A Report to Minister by Commission for a temporary keno licence issued for 90 days

S. 6A.3.32A inserted by No. 58/2009 s. 100.

(1) If the Minister is considering issuing a temporary keno licence under section 6A.3.31(1A), the Minister may request the Commission to give a preliminary written report to the Minister—

(a) stating whether or not, in the Commission's opinion, the matters of which the Minister must be satisfied to issue the temporary licence have been made out; and

(b) containing any other information required by the Minister.

(2) The Commission must comply with a request of the Minister under this section.

(3) The report may include any recommendations the Commission thinks fit, including recommendations as to any appropriate licence conditions.

(4) The report must include the reasons for any findings or recommendations contained in it.

S. 6A.3.33 inserted by No. 40/2008 s. 17.

6A.3.33 Arrangements with former licensee

(1) A temporary keno licensee may enter into any arrangements that are approved by the Minister with the former licensee, including arrangements relating to the use of assets and services of staff of the former licensee.

(2) The former licensee must make available to the temporary licensee on reasonable terms any assets of, or under the control of, the former licensee that are reasonably necessary for arrangements under subsection (1).

Penalty: 100 penalty units.

(3) The former licensee must use its best endeavours to make available any staff of the former licensee that are reasonably necessary for arrangements under subsection (1).

Penalty: 100 penalty units.

(4) In this section—

S. 6A.3.33(4) def. of *former licensee* substituted by No. 23/2025 s. 64.

former licensee means the person who was the keno licensee—

(a) under the original licence immediately before its cancellation, suspension or surrender; or

(b) under a temporary keno licence immediately before its cancellation or other termination.

6A.3.34 Further provisions for temporary licence

S. 6A.3.34 inserted by No. 40/2008 s. 17.

(1) Subject to subsection (1A), a temporary keno licence—

S. 6A.3.34(1) amended by No. 58/2009 s. 101(1).

(a) may be extended once only for a period determined by the Minister; and

(b) may be cancelled at any time by the Minister; and

(c) if issued following the suspension of the original licence—is cancelled by the lifting or expiry of that suspension.

(1A) A temporary keno licence issued under section 6A.3.31(1A) may be extended once only for a period of 90 days.

S. 6A.3.34(1A) inserted by No. 58/2009 s. 101(2).

(2) If a temporary keno licence (including a temporary licence issued under this subsection) is cancelled or otherwise terminates (other than under subsection (1)(c)), the Minister may issue a further temporary keno licence and appoint a further temporary licensee for the period determined by the Minister.

(3) For the avoidance of doubt, sections 6A.3.31(2), (3) and (4), 6A.3.32 and 6A.3.33 apply to the issue of a temporary licence under subsection (2).

(4) The cumulative periods for which a temporary keno licence may be issued or extended under this Division cannot exceed 3 years after the day on which the original licence was cancelled, suspended or surrendered (as the case may be).

6A.3.34A Related agreements with temporary keno licensee

S. 6A.3.34A inserted by No. 58/2009 s. 102.

(1) Subject to this section, the Minister, by written notice, may direct a temporary keno licensee to enter into an agreement or class of agreements

dealing with matters relating to the temporary keno licence with—

(a) the Minister; or

(b) a person or class of person the Minister specifies in the direction.

(2) Before giving a direction under subsection (1), the Minister must consult with the temporary keno licensee.

(3) A direction under subsection (1)—

(a) must warn the temporary keno licensee of the Minister's powers under this section; and

(b) must be accompanied by a copy of this section; and

(c) may specify the terms or kinds of terms to be contained in an agreement or class of agreements to be entered into; and

(d) may specify the terms or kinds of terms that must not be in an agreement or class of agreements to be entered into; and

(e) may specify a date by which an agreement or class of agreements is to be entered into.

(4) The temporary keno licensee must comply with a direction under subsection (1).

(5) The temporary keno licensee must give a copy of any agreement entered into in compliance with a direction under subsection (1) to the Commission.

S. 6A.3.34B inserted by No. 58/2009 s. 102.

6A.3.34B No compensation payable because of a direction to enter into related agreements

No compensation is payable by the State because of a direction under section 6A.3.34A or entering into an agreement in compliance with a direction under section 6A.3.34A.

Division 6A—Requirements in relation to registered players

Ch. 6A Pt 3 Div. 6A (Heading and ss 6A.3.34C–6A.3.34F) inserted by No. 1/2021 s. 57.

6A.3.34C Definitions

S. 6A.3.34C inserted by No. 1/2021 s. 57.

In this Division—

keno funds means all money standing to the credit of a registered player in an account with the keno licensee with whom they are registered that is operated for the purpose of enabling the registered player to purchase a ticket in an approved keno game directly from the licensee;

registered player means a person registered with a keno licensee—

(a) who may purchase a ticket in an approved keno game directly from the licensee; and

(b) who, as a requirement of that registration, has an account with the licensee for the purpose of enabling the registered player to purchase a ticket in an approved keno game directly from the licensee.

6A.3.34D Verification of registered player's identity

S. 6A.3.34D inserted by No. 1/2021 s. 57.

A keno licensee must ensure that a registered player's identity is verified in accordance with the conditions of the licensee's keno licence.

Penalty: 600 penalty units.

S. 6A.3.34E inserted by No. 1/2021 s. 57.

6A.3.34E Keno funds of registered players

(1) A keno licensee must hold all keno funds of a registered player on trust for that registered player.

Penalty: 60 penalty units.

(2) A keno licensee must not disburse or otherwise deal with keno funds of a registered player held on trust except—

(a) as authorised under this Act; or

(b) as authorised under an agreement between the keno licensee and the registered player; or

(c) as the Commission authorises by notice in writing from time to time.

Penalty: 60 penalty units.

(3) A keno licensee may, in accordance with the keno rules of the licensee, debit from the keno funds of a registered player the amount of a ticket in an approved keno game purchased directly from the licensee.

(4) A keno licensee must remit any funds to a registered player under a request made under subsection (5).

(5) A registered player, or an authorised representative of the registered player, may request a keno licensee to remit any keno funds of the registered player held by the licensee.

(6) A keno licensee must comply with a request made under subsection (5) within one business day after the request is received.

Penalty: 60 penalty units.

(7) Subsections (4), (5) and (6) apply only after the registered player's identity has been verified under section 6A.3.34D and apply subject to any applicable laws of the Commonwealth.

(8) If a keno licensee has not recorded on behalf of a registered player for a period of 2 years a ticket purchased using keno funds, the licensee must—

(a) remit to the registered player any keno funds held on trust for the player; or

(b) if the registered player cannot be found, deal with the funds as unclaimed money under the **Unclaimed Money Act 2008**.

6A.3.34F Disclosure of names of registered players

S. 6A.3.34F inserted by No. 1/2021 s. 57.

On the written request of the Commission, a keno licensee must provide the Commission with a list of all the licensee's registered players.

Division 7—Further information-gathering powers and obligations

6A.3.35 Definitions

S. 6A.3.35 inserted by No. 40/2008 s. 17.

In this Division—

applicant means applicant for a keno licence;

application means application for a keno licence;

interested person means—

(a) an applicant; or

* * * * *

S. 6A.3.35 def. of *interested person* amended by No. 20/2018 s. 43(a).

(c) an associate of an applicant;

(d) a person who the Secretary considers may become an associate of an applicant.

S. 6A.3.35 def. of *registrant* repealed by No. 20/2018 s. 43(b).

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S. 6A.3.35 def. of *registration of interest* repealed by No. 20/2018 s. 43(b).

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S. 6A.3.36 inserted by No. 40/2008 s. 17.

6A.3.36 Secretary may require further information

(1) The Secretary, by notice in writing, may require an interested person to do any one or more of the following—

S. 6A.3.36 (1)(a) amended by No. 20/2018 s. 44.

(a) to provide, in accordance with directions in the notice, any information that is relevant to the consideration of the application and is specified in the notice;

S. 6A.3.36 (1)(b) amended by No. 20/2018 s. 44.

(b) to produce, in accordance with directions in the notice, any records relevant to the consideration 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 provide the Secretary with any authorities and consents the Secretary requires for the purpose of enabling the Secretary to obtain information (including financial and other confidential information) concerning the interested person from other persons.

(2) The Secretary may give any information provided or record produced by an interested person under subsection (1), or a copy of the information or record, to the Commission if the Secretary considers that the information or record is relevant to an investigation or inquiry by the Commission in relation to the application.

S. 6A.3.36(2) amended by No. 20/2018 s. 44.

(3) If an interested person refuses to comply with a requirement under subsection (1)—

(a) the Secretary must notify the Minister in writing as soon as practicable; and

(b) the Minister may refuse to consider the application.

S. 6A.3.36 (3)(b) amended by No. 20/2018 s. 44.

6A.3.37 Updating information provided to Secretary

S. 6A.3.37 inserted by No. 40/2008 s. 17.

(1) If—

(a) the Secretary requires information (including information in any records) from an interested person under section 6A.3.36; and

(b) a change occurs in that information before the application is granted or refused—

S. 6A.3.37 (1)(b) amended by No. 20/2018 s. 45(1).

the interested person must give the Secretary written particulars of the change as soon as practicable.

Penalty: 60 penalty units.

(2) The Secretary may give the particulars of a change referred to in subsection (1) to the Commission if the Secretary considers that the particulars are relevant to an investigation or inquiry by the Commission in relation to the application.

S. 6A.3.37(2) amended by No. 20/2018 s. 45(2).

(3) When particulars of a change are given, those particulars must then be considered to have formed part of the original information, for the purposes of the application of subsection (1) to any further change in the information provided.

S. 6A.3.38 (Heading) amended by No. 20/2018 s. 46(1).

6A.3.38 Updating information provided to Minister regarding licence application

S. 6A.3.38 inserted by No. 40/2008 s. 17.

S. 6A.3.38(1) repealed by No. 20/2018 s. 46(2).

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(2) If a change occurs in any relevant application information before an application is granted or refused, the applicant must give the Minister written particulars of the change as soon as practicable.

Penalty: 60 penalty units.

S. 6A.3.38(3) amended by No. 20/2018 s. 46(3).

(3) The Minister must give the particulars of a change referred to in subsection (2) to the Secretary.

S. 6A.3.38(4) amended by No. 20/2018 s. 46(3)(4).

(4) The Secretary may give the particulars of a change referred to in subsection (2) to the Commission if the Secretary considers that the particulars are relevant to an investigation or inquiry by the Commission in relation to the application.

S. 6A.3.38(5) amended by No. 20/2018 s. 46(3)(5).

(5) When particulars of a change are given, those particulars must then be considered to have formed part of the original application, for the

purposes of the application of subsection (2) to any further change in the relevant information.

(6) In this section—

relevant application information means—

(a) any information contained in an application for a keno licence; or

(b) any information contained in a document that accompanied that application; or

(c) any further information given to the Minister by the applicant in relation to that application.

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S. 6A.3.38(6) def. of *relevant registration information* repealed by No. 20/2018 s. 46(6).

6A.3.39 Updating licence transfer application

S. 6A.3.39 inserted by No. 40/2008 s. 17.

(1) If a change occurs in any relevant information before an application for transfer of a keno licence is granted or refused, the applicant must give the Minister written particulars of the change as soon as practicable.

Penalty: 60 penalty units.

(2) The Minister may give the particulars of a change referred to in subsection (1) to the Commission if the Minister considers that the particulars are relevant to an investigation or inquiry by the Commission in relation to the application.

(3) When particulars of a change are given, those particulars must then be considered to have formed part of the original application, for the

purposes of the application of subsection (1) to any further change in the relevant information.

(4) In this section—

relevant information means—

(a) any information contained in an application for transfer of a keno licence; or

(b) any information contained in a document that accompanied that application; or

(c) any further information given to the Minister by the applicant in relation to that application.

S. 6A.3.39A inserted by No. 58/2009 s. 103.

6A.3.39A Directions to provide information

S. 6A.3.39A(1) amended by No. 1/2021 s. 79(2).

(1) The Minister may give a written direction to a keno licensee, requiring the licensee to provide to the Minister any information or document, or any class of information or document, that—

(a) is in the possession or under the control of the licensee; and

(b) in the opinion of the Minister relates to the activities conducted under the keno licence.

(2) A keno licensee must comply with a direction under subsection (1).

(3) The Minister may, subject to any conditions the Minister thinks fit, disclose any information acquired by the Minister in response to a direction under subsection (1) to the Commission and to either or both of the following—

(a) persons who the Minister is considering to invite to apply for a keno licence under this Part;

S. 6A.3.39A (3)(a) amended by Nos 20/2018 s. 47(a), 1/2021 s. 79(1).

(ab) persons who are invited to apply for a keno licence under this Part;

S. 6A.3.39A (3)(ab) inserted by No. 20/2018 s. 47(b), amended by No. 1/2021 s. 79(1).

(b) persons who apply for a keno licence under this Part.

S. 6A.3.39A (3)(b) amended by Nos 20/2018 s. 47(c), 1/2021 s. 79(1).

(4) No compensation is payable by the State in respect of anything done under this section or in compliance with a direction under this section.

6A.3.39B Directions to licensee

S. 6A.3.39B inserted by No. 58/2009 s. 103.

(1) The Commission may give a written direction to a keno licensee relating to the conduct of activities authorised under a keno licence and the licensee must comply with the direction as soon as it takes effect.

S. 6A.3.39B(1) amended by No. 1/2021 s. 79(1)(2).

(2) The direction takes effect when it is given to the licensee or at the later time specified in the direction.

(3) The power conferred by this section includes a power to give a direction to a licensee to adopt, vary, cease or refrain from any practice in respect of the conduct of the licence.

(4) A direction under this section must not be inconsistent with this Act, the regulations or the licence conditions.

S. 6A.3.39C inserted by No. 58/2009 s. 103.

6A.3.39C Claim for prize

S. 6A.3.39C(1) amended by No. 1/2021 s. 80(1).

(1) If a claim for a prize in an approved keno game is made to a keno licensee and that prize has not been paid to the Treasurer in accordance with section 6A.3.39D(1), the licensee must—

(a) immediately try to resolve the claim; and

(b) if the licensee is not able to resolve the claim, promptly give the claimant written notice—

(i) of the licensee's decision on the claim; and

(ii) that the claimant may, within 10 days after receiving the notice, ask the Commission to review the decision.

(2) If the claim is not resolved, the claimant may ask the Commission—

(a) if the claimant has received a notice under subsection (1)(b), to review the licensee's decision on the claim; or

(b) if no notice has been received, to resolve the claim.

(3) A request to the Commission under subsection (2)—

(a) must be in the form approved by the Commission; and

(b) if the claimant received a notice under subsection (1)(b), must be made within 10 days after receiving the notice.

(4) If a request is made to the Commission, the Commission may carry out any investigations the Commission considers necessary to resolve matters in dispute.

(5) A function of the Commission under this section may be performed by any commissioner.

6A.3.39D Unclaimed prizes

S. 6A.3.39D inserted by No. 58/2009 s. 103.

(1) On or before the last day of each month (the ***payment month***), a keno licensee must pay to the Treasurer an amount equal to the sum of all prizes won that have remained unclaimed for not less than 12 months on the first day of that payment month less the expenses of the keno licensee reasonably incurred in searching for the persons entitled to those prizes.

S. 6A.3.39D(1) amended by Nos 1/2021 s. 58(a), 28/2022 s. 135.

(2) For the purposes of subsection (1), a prize that has been won in an approved keno game, where the record of entry relates to more than one approved keno game conducted during a period, is deemed to have been won on the date when winners of prizes in the last game recorded on the record of entry are determined.

S. 6A.3.39D(2) amended by No. 1/2021 s. 58(b).

(3) If a claimant makes a demand against the Treasurer for money paid to the Treasurer under subsection (1), the Treasurer, on being satisfied that the claimant is the owner of the money demanded, must direct that it be paid to the claimant out of money available for the purpose.

Division 8—General

Ch. 6A Pt 3 Div. 8 (Heading and s. 6A.3.40) inserted by No. 71/2008 s. 35.

6A.3.40 Powers of Secretary

S. 6A.3.40 inserted by No. 71/2008 s. 35, amended by No. 23/2025 s. 74(Sch. 1 item 2.37).

The Secretary has all the powers necessary to perform the Secretary's functions under this Part.

Part 4—Returns to players, commission, supervision charge and funds

Ch. 6A Pt 4 (Heading) amended by No. 52/2021 s. 49.

Division 1—Returns to players

6A.4.1 Returns to players

S. 6A.4.1 inserted by No. 40/2008 s. 17.

(1) A keno licensee must establish a prizes fund.

S. 6A.4.1(1) substituted by No. 20/2018 s. 48, amended by No. 1/2021 s. 59(a).

(2) A keno licensee must pay to the prizes fund—

S. 6A.4.1(2) amended by No. 27/2013 s. 16(1), substituted by No. 20/2018 s. 48, amended by No. 1/2021 s. 59(b)(i).

(a) an amount not less than 75% of the total amount received by the licensee for any approved keno game; and

S. 6A.4.1(2)(a) amended by No. 1/2021 s. 59(b)(ii).

(b) any additional amount (***licensee payment***) required for the payment of a prize to be made from the prizes fund.

(2A) A 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 approved keno games conducted under the keno licence, of not less than 75% of the total amount paid by players to play approved keno games during the term of the licence.

S. 6A.4.1(2A) inserted by No. 20/2018 s. 48, amended by No. 1/2021 s. 59(c).

S. 6A.4.1(2B) inserted by No. 20/2018 s. 48, amended by No. 1/2021 s. 59(d).

(2B) Subject to subsection (2A), an amount may be paid from the prizes fund to a keno licensee that is equal to the amount of a licensee payment that has formed part of a prize paid from the prizes fund.

S. 6A.4.1(3) inserted by No. 27/2013 s. 16(2).

(3) A reference in this section to a prizes fund established by the licensee includes a reference to a common jackpot prize pool established under an approved keno linked jackpot arrangement.

Ch. 6A Pt 4 Div. 2 (Heading and s. 6A.4.2) amended by Nos 40/2008 s. 17, 32/2012 s. 33, substituted by No. 52/2021 s. 50.

Division 2—Commission

S. 6A.4.2 substituted by No. 52/2021 s. 50.

6A.4.2 Commission payable to sales agent

(1) Any commission to a sales agent of a keno licensee may be paid by the licensee only out of the licensee's share of keno revenue.

S. 6A.4.2(2) amended by No. 14/2023 s. 70.

(2) For the purposes of subsection (1), a keno licensee's share of keno revenue is the keno licensee's keno revenue less the tax payable by the licensee under Part 3 of the **Gambling Taxation Act 2023** on that keno revenue.

Division 3—Supervision charge

6A.4.3 Supervision charge

S. 6A.4.3 inserted by No. 40/2008 s. 17.

(1) A keno licensee must pay to the Treasurer a supervision charge in the instalments and in respect of the periods in each financial year determined by the Treasurer from time to time.

S. 6A.4.3(1) amended by No. 1/2021 s. 79(3).

(2) The supervision charge is the amount in respect of each financial year as the Treasurer, after consultation with the Minister, determines having regard to the reasonable costs and expenses in respect of the financial year incurred by the Commission in carrying out its functions and powers in respect of approved keno games.

S. 6A.4.3(2) amended by No. 1/2021 s. 80(2).

(3) The Treasurer may waive payment of part or all of the supervision charge in respect of a financial year, having regard to the total amount of revenue received by the keno licensee in the previous financial year.

(4) The supervision charge is a tax.

Division 4—Funds

6A.4.4 Hospitals and Charities Fund

S. 6A.4.4 (Heading) amended by No. 14/2023 s. 71(1).

S. 6A.4.4 inserted by No. 40/2008 s. 17.

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S. 6A.4.4(1) amended by No. 52/2021 s. 51(1), repealed by No. 14/2023 s. 71(2).

(2) An amount or amounts equal to the premium payment paid under section 6A.3.13 must be paid out of the Consolidated Fund, at the time or times determined by the Treasurer, into the Hospitals and Charities Fund.

(3) The Consolidated Fund is appropriated to the necessary extent for payment to be made under this section.

S. 6A.4.4(4) inserted by No. 52/2021 s. 51(2), repealed by No. 14/2023 s. 71(2).

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Ch. 6A Pt 4A (Headings and ss 6A.4A.1–6A.4A.14) inserted by No. 52/2021 s. 52, repealed by No. 14/2023 s. 72.

Part 5—Compliance requirements

Division 1—Accounting records

S. 6A.5.1 inserted by No. 40/2008 s. 17.

6A.5.1 Accounting records

S. 6A.5.1(1) amended by No. 1/2021 s. 79(3).

(1) A keno licensee must keep accounting records that correctly record and explain the transactions and financial position of the operations of the licensee under this Chapter.

Penalty: 60 penalty units.

(2) The licensee must keep the accounting records in a form and manner that will enable—

(a) true and fair financial statements and accounts to be prepared from time to time; and

(b) those financial statements and accounts to be conveniently and properly audited.

Penalty: 60 penalty units.

Division 2—Complaints

S. 6A.5.2 inserted by No. 40/2008 s. 17.

6A.5.2 Investigation of complaints

S. 6A.5.2(1) amended by No. 1/2021 s. 80(2).

(1) On receiving a complaint from a person relating to the conduct of approved keno games, the Commission must investigate the complaint without delay.

(2) The Commission must inform the keno licensee of the substance of the complaint and give the licensee a reasonable opportunity to respond to it.

(3) A function of the Commission under this section may be performed by any commissioner.

Part 6—Competition authorisations

Ch. 6A Pt 6 (Heading) substituted by No. 1/2021 s. 60.

Ch. 6A Pt 6 (Heading and s. 6A.6.1) inserted by No. 58/2009 s. 104.

S. 6A.6.1 inserted by No. 58/2009 s. 104.

6A.6.1 Trade Practices Act and Competition Code

(1) For the purposes of the Trade Practices Act 1974 of the Commonwealth and the Competition Code the following things are authorised by this Act—

(a) the grant of a keno licence or a temporary keno licence;

(b) conduct authorised or required by or under the conditions of a keno licence or a temporary keno licence;

(c) entering into a related agreement referred to in section 6A.3.10, 6A.3.10A or 6A.3.34A;

(d) amending a related agreement referred to in section 6A.3.10, 6A.3.10A or 6A.3.34A;

(e) giving effect to a related agreement referred to in section 6A.3.10, 6A.3.10A or 6A.3.34A (whether amended or not).

(2) In this section—

giving effect to, in relation to a related agreement, includes—

(a) complying with any obligation under the agreement; and

(b) exercising or enforcing any right or power under the agreement.

Part 7—Harm minimisation directions—keno game providers

Ch. 6A Pt 7 (Heading and ss 6A.7.1–6A.7.6) inserted by No. 1/2021 s. 61.

6A.7.1 Definitions

S. 6A.7.1 inserted by No. 1/2021 s. 61.

In this Part—

harm minimisation direction means a direction made or varied under section 6A.7.2;

harm minimisation requirement means a matter under section 6A.7.3 that may be specified in a harm minimisation direction;

keno game provider means—

(a) a keno licensee; or

(b) a person authorised or permitted to conduct a keno game, in Victoria or elsewhere, under a licence, other than a keno licence, issued under this or another Act; or

(c) a person authorised or permitted to conduct a keno game, in Victoria or elsewhere, under the law of another State or a Territory; or

(d) an employee or agent of a person mentioned in paragraph (a), (b) or (c).

6A.7.2 Harm minimisation direction

S. 6A.7.2 inserted by No. 1/2021 s. 61.

(1) The Minister, by notice published in the Government Gazette, may direct a keno game provider to meet a specified harm minimisation requirement in relation to keno games offered to persons located in Victoria.

(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, by notice published in the Government Gazette, may vary or revoke a direction.

(4) Subject to subsection (5), a direction or a variation or revocation of a direction takes effect on the day notice of the direction, variation or revocation is published in the Government Gazette or on any later day specified in the direction.

(5) A direction that prohibits the conduct of a keno game or keno games of a class, or a variation of such a direction, cannot take effect earlier than 30 days after the day notice of the direction or variation is published in the Government Gazette.

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

S. 6A.7.3 inserted by No. 1/2021 s. 61.

6A.7.3 Harm minimisation requirement matters

(1) A harm minimisation direction may specify all or any of the following matters in relation to a keno game provider—

(a) any matter that the keno game provider must comply with in relation to the minimisation of harm or consumer protection;

(b) how the keno game provider must comply with any matter in relation to the minimisation of harm or consumer protection;

(c) that the keno game provider must comply with the whole or part of the requirements set out in a prescribed document;

(d) how the keno game provider must meet any of the requirements set out in a prescribed document.

(2) Without limiting subsection (1) or section 6A.7.2, a harm minimisation direction may prohibit the conduct of a keno game or keno games of a class.

(3) A harm minimisation direction may—

(a) apply generally or be of limited application; and

(b) apply differently according to differences in time, place or circumstances; and

(c) exempt a keno game provider or class of keno game provider, or keno game or class of keno game, from any requirement of the direction.

6A.7.4 Tabling and disallowance

S. 6A.7.4 inserted by No. 1/2021 s. 61.

(1) The Minister must ensure that a harm minimisation direction or a variation or revocation of a harm minimisation direction is tabled in each House of Parliament within 6 sitting days of that House after—

(a) the date on which the notice of the harm minimisation direction is published in the Government Gazette under section 6A.7.2(1); or

(b) the date on which notice of the variation or revocation is published in the Government Gazette under section 6A.7.2(3).

(2) A harm minimisation direction or a variation or revocation of a harm minimisation direction may be disallowed by the Parliament.

(3) If a harm minimisation direction or a variation or 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 variation or revocation of a direction made in contravention of subsection (3) is void and of no effect.

S. 6A.7.5 inserted by No. 1/2021 s. 61.

6A.7.5 Act prevails over harm minimisation direction

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

S. 6A.7.6 inserted by No. 1/2021 s. 61.

6A.7.6 Offence to not comply with a harm minimisation direction

A keno game provider must comply with a harm minimisation direction that applies to the keno game provider.

Penalty: 60 penalty units.

* * * * *

Ch. 7 (Headings and ss 7.1.1–7.8.1) amended by Nos 10/2004 s. 15(Sch. 1 item 10.8), 45/2004 ss 31–33, 104/2004 ss 21, 39(5)(o), 72/2007 ss 29–34, 40/2008 s. 18, 71/2008 s. 29(c), 73/2008 s. 25, 68/2009 s. 97(Sch. item 62.13), 56/2010 s. 61(5), 62/2017 ss 56(9), 57(10), 13/2019 s. 221(Sch. 1 item 18), 1/2021 s. 62, repealed by No. 28/2022 s. 126.

Chapter 8—Community and charitable gaming

Part 1—Introduction

8.1.1 Purpose

The purpose of this Chapter is to provide for the regulation, supervision and control of gaming for the benefit of community or charitable organisations with the aims of ensuring that—

(a) community and charitable gaming is conducted honestly and is free from criminal influence and exploitation;

(b) activities authorised by a minor gaming permit benefit the community or charitable organisation to which the permit is issued;

(c) practices which could undermine public confidence in community and charitable gaming are eliminated;

(d) bingo centre operators and commercial raffle organisers do not act unfairly in providing commercial services to community or charitable organisations.

S. 8.1.1(d) amended by No. 104/2004 s. 22.

8.1.2 Definitions

In this Chapter—

amend, in relation to a permit or licence, includes amend or substitute or impose a condition on the permit or licence;

associate of a bingo centre operator does not include a relative of the operator;

Note

The general definition of ***associate*** can be found in section 1.4.

gross proceeds, in relation to a bingo game or session of bingo games, means the gross receipts less the prizes paid for that game or session;

gross receipts, in relation to a bingo game or a session of bingo games, means the total amount paid by players in that game or session for tickets;

lucky envelope means a ticket in a lottery in which the tickets which entitle the holders to claim a prize have been determined and announced before the commencement of the sale of tickets in the lottery;

S. 8.1.2 def. of *lucky envelope vending machine* amended by No. 28/2022 s. 127(g).

lucky envelope vending machine means a machine, device or contrivance that is constructed to dispense lucky envelopes by an operation that involves the insertion in the machine, device or contrivance of a coin, token or similar object but does not include a gaming machine;

S. 8.1.2 def. of *nominee* amended by Nos 104/2004 s. 23, 27/2013 s. 17.

nominee means—

(a) in relation to a minor gaming permit, the natural person nominated by a community or charitable organisation and approved by the Commission in accordance with section 8.3.16;

(ab) in relation to the conduct of sessions of bingo by a community or charitable organisation, the natural person nominated by the organisation under section 8.4.2A(2)(c) or 8.4.2B(2)(a);

(b) in relation to a bingo centre operator's licence, the natural person nominated by a body corporate and approved by the Commission in accordance with section 8.5.9;

(c) in relation to a commercial raffle organiser's licence, the natural person nominated by a body corporate and approved by the Commission in accordance with section 8.5A.9.

session of bingo means a session comprising no more than 30 games of bingo conducted within an 8 hour period;

S. 8.1.2 def. of *session* inserted by No. 71/2008 s. 20(1).

Part 2—Legality of community and charitable gaming

8.2.1 Community and charitable gaming declared lawful

(1) The playing of a game that is conducted in accordance with this Chapter is lawful and is not a public or private nuisance.

(2) The premises at which a game is played in accordance with this Chapter is not a common gaming house or place.

S. 8.2.2 (Heading) substituted by No. 104/2004 s. 24(1).

8.2.2 Minor gaming must be in accordance with Chapter etc.

S. 8.2.2 amended by Nos 104/2004 s. 24(2), 56/2010 s. 46.

A person must not—

(a) conduct or assist in the conduct of a raffle; or

S. 8.2.2(b) amended by No. 71/2008 s. 20(2).

(b) conduct or assist in the conduct of a session of bingo; or

(c) sell or assist in the sale of lucky envelopes; or

(d) conduct or assist in the conduct of a fundraising event—

otherwise than in accordance with this Chapter, the regulations, any applicable rules made by the Commission under section 8.4.2D and the conditions, if any, of the minor gaming permit, if any, issued in respect of that activity.

Penalty: For a first offence, 20 penalty units;

For a second or subsequent offence, 60 penalty units.

8.2.3 Permit not required for raffle where prize value $20 000 or less

S. 8.2.3 (Heading) amended by No. 18/2025 s. 14.

A person aged 18 years or more may conduct a raffle without a minor gaming permit if—

(a) the value of the prize does not exceed $20 000; and

S. 8.2.3(a) amended by No. 28/2022 s. 142(a).

Note

The amount in paragraph (a) is subject to indexation—see section 8.2.3A.

Note to s. 8.2.3(a) inserted by No. 28/2022 s. 142(b).

(b) the person complies with any conditions prescribed for the purposes of this section; and

(c) the net proceeds of the raffle are to be paid into a separate account at an ADI, being an account in the name of a community or charitable organisation to be used exclusively for—

S. 8.2.3(c) amended by No. 64/2014 s. 39(4).

(i) any philanthropic or benevolent purpose, including the promotion of art, culture, science, religion, education or charity, and including the benefiting of a fund certified to be a patriotic fund under section 24 of the **Patriotic Funds Act 1958** or the fund or part of the fund of the Australian Red Cross Society; or

(ii) the purposes of any sporting or recreational club or association of a prescribed kind; or

(iii) the purposes of a political party.

S. 8.2.3A inserted by No. 28/2022 s. 143.

8.2.3A Indexation of threshold for minor gaming permit for raffles

(1) The amount in dollars specified in section 8.2.3(a) must be varied, in respect of the financial year beginning on 1 July 2023 and each subsequent financial year, in accordance with the formula—

$$A \times \frac{B}{C}$$

where—

A is the amount specified in section 8.2.3(a) or, if that amount has been varied in accordance with this section, that amount as last so varied;

B is the all groups consumer price index for Melbourne in original terms for the most recent reference period in the preceding calendar year most recently published by the Australian Bureau of Statistics as at 15 June immediately preceding the date on which the variation is made;

C is the all groups consumer price index for Melbourne in original terms for the corresponding reference period one year earlier than the reference period referred to in B published by the Australian Bureau of Statistics as at 15 June immediately preceding the date on which the variation is made.

(2) An amount calculated under subsection (1) is to be rounded up or down to the nearest $10, with an amount that ends in 5 being rounded up.

Example

If the amount calculated is $24 673, it is rounded down to $24 670. If the amount calculated is $24 675, it is rounded up to $24 680.

(3) If a calculation under subsection (1) would have the effect of reducing the amount for the purposes of a financial year, the reduction does not take effect and the rate remains the same as for the previous financial year.

8.2.4 Bingo sessions conducted by or on behalf of community or charitable organisations

S. 8.2.4 substituted by No. 71/2008 s. 21.

(1) A session of bingo may be conducted in accordance with this Chapter and the regulations by—

(a) a community or charitable organisation; or

(b) a bingo centre operator on behalf of a community or charitable organisation.

(2) Nothing in Division 2 or 3 of Part 4 applies to a session of bingo conducted by a community or charitable organisation if—

(a) no fee is charged, directly or indirectly, to participate in the bingo; or

(b) the whole of the gross receipts from the session of bingo is distributed as prizes during that session.

8.2.4A Bingo sessions conducted by others

S. 8.2.4A inserted by No. 71/2008 s. 13.

(1) A person, other than a community or charitable organisation or bingo centre operator, may conduct a session of bingo if—

(a) either—

(i) no fee is charged, directly or indirectly, to participate in the bingo; or

(ii) the whole of the gross receipts from the session of bingo is distributed as prizes during that session; and

(b) the session of bingo is—

(i) not advertised to or open to the general public; and

(ii) provided for the entertainment of the players and not intended to provide a commercial benefit to the person conducting the session or to any other person.

(2) Nothing in Division 2 or 3 of Part 4 (other than section 8.4.4(3)) applies to a session of bingo conducted by a person authorised by this section to conduct a session of bingo.

S. 8.2.5 inserted by No. 104/2004 s. 25.

8.2.5 Disclosure if raffle proceeds to be paid to or for a political party

(1) If the proceeds, or part of the proceeds, of a raffle conducted by or on behalf of a community or charitable organisation are to be paid to or for the purposes of a political party, that information must be disclosed, in accordance with the regulations, to purchasers of tickets in the raffle.

(2) Subsection (1) does not apply to a raffle conducted by or on behalf of a community or charitable organisation conducted for the purposes of a political party.

Part 3—Community or charitable organisations

Division 1—Community or charitable organisations

8.3.1 Application to be declared as a community or charitable organisation

(1) An organisation may apply to the Commission to be declared a community or charitable organisation.

(2) An application under subsection (1) must be—

(a) in the form approved by the Commission; and

(b) accompanied by the prescribed fee (if any).

(3) A function of the Commission under this section may be performed by any commissioner.

8.3.2 Commission may require further information etc.

(1) The Commission may, by notice in writing, require an applicant for a declaration 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);

(d) to provide the Commission with any authorities and consents the Commission requires for the purpose of enabling the Commission to obtain information (including financial and other confidential information) concerning the applicant from other persons.

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

8.3.3 Commission may make declaration

(1) The Commission, by instrument, may declare an organisation to be a community or charitable organisation if the Commission is satisfied that the organisation is conducted in good faith for—

(a) any philanthropic or benevolent purpose, including the promotion of art, culture, science, religion, education or charity, and including the benefiting of a fund certified to be a patriotic fund under section 24 of the **Patriotic Funds Act 1958** or the fund or part of the fund of the Australian Red Cross Society; or

(b) the purposes of any sporting or recreational club or association of a prescribed kind; or

(c) the purposes of a political party.

(2) In determining whether to make a declaration under subsection (1), the Commission may have regard to any matter which it considers relevant, including but not limited to—

(a) the conduct of fundraising or minor gaming activities by the applicant;

(b) the conduct of any person directly or indirectly associated with the applicant.

(3) The Commission—

(a) must either—

(i) declare the applicant to be a community or charitable organisation for the purposes of this Act; or

(ii) refuse the application; and

(b) must notify the applicant in writing accordingly.

(4) If the Commission refuses an application, the Commission may include reasons for that refusal in the written notification under subsection (3).

(5) A function of the Commission under this section may be performed by any commissioner.

8.3.4 Can the applicant appeal?

(1) If a decision to refuse an application for a declaration is made by a single commissioner, the applicant may appeal against the decision to the Commission within 28 days of notification of the refusal under section 8.3.3.

(2) An appeal must—

(a) be in writing; and

(b) specify the grounds on which it is made.

8.3.5 Commission to determine appeal

(1) After consideration of an appeal under section 8.3.4, the Commission may—

(a) confirm the decision; or

(b) make a declaration under this Division.

(2) The decision of the Commission on an appeal—

(a) must be notified in writing to the applicant; and

(b) may include the reasons for its decision.

(3) The Commission as constituted for the purposes of the appeal must not include the commissioner who made the decision appealed against.

S. 8.3.6 substituted by No. 71/2008 s. 14.

8.3.6 Duration of declaration

A declaration of an organisation as a community or charitable organisation—

(a) takes effect when the instrument of declaration is made;

(b) remains in force for a period of 10 years unless the declaration—

(i) is revoked in accordance with this Division; or

(ii) is renounced by the organisation by notice in writing given to the Commission.

Note

A declaration may be suspended under section 8.3.11.

S. 8.3.6A inserted by No. 71/2008 s. 14.

8.3.6A Renewal of declaration

(1) A community or charitable organisation may, not earlier than 9 months before the expiration of the current declaration, apply to the Commission, for a new declaration as a community or charitable organisation, in which case—

(a) the current declaration continues in force, unless sooner revoked or renounced, until the new declaration is made or refused; and

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

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

(3) This Act applies to and in relation to—

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

(b) the determination of such an application; and

(c) any declaration made as a result of such an application—

as if the application has been made by an organisation other than a community or charitable organisation.

8.3.7 Commission may require organisation to show cause

(1) The Commission may serve on a community or charitable organisation a notice in writing giving it an opportunity to show cause within 28 days (or the longer period specified in the notice) why the declaration of the organisation as a community or charitable organisation should not be revoked on the ground specified in the notice.

(2) The Commission may serve a notice under subsection (1) on any of the following grounds—

(a) that it is not in the public interest for the organisation to continue to be declared as a community or charitable organisation;

(b) if the organisation is an unincorporated club, that the club is substantially and materially different from the club in respect of which the declaration was made;

(c) any other ground which the Commission thinks fit.

8.3.8 Organisation may make submissions

An organisation that receives a notice under section 8.3.7 may arrange with the Commission for the making of submissions to the Commission as to why the declaration of the organisation as a community or charitable organisation should not

be revoked and the Commission must consider any submission so made.

8.3.9 Revocation of declaration

(1) The Commission may revoke a declaration in respect of a community or charitable organisation if—

(a) after considering any submission made by the organisation under section 8.3.8, the Commission is satisfied of any of the grounds in section 8.3.7(2); or

(b) the organisation does not respond to the notice served under section 8.3.7 within the time specified in the notice.

(2) The Commission must—

(a) give written notice of the revocation to the organisation; and

(b) specify in the notice that the revocation takes effect from the date of the notice or on a later date specified in that notice.

8.3.10 Appeal to Supreme Court

(1) An organisation that receives—

(a) notice of a decision under section 8.3.5 confirming the refusal of the organisation's application for a declaration; or

(b) notice under section 8.3.9 of the revocation of a declaration of the organisation as a community or charitable organisation—

may appeal to the Supreme Court against that decision or revocation.

(2) An appeal under this section must be made within 21 days after receipt of the notification of the decision or revocation by the appellant.

(3) The Supreme Court, on an appeal under this section, if satisfied that proper grounds for making the decision or revocation did not exist—

(a) may quash or vary the decision or revocation, either conditionally or unconditionally and with effect from the date of the decision or revocation or some other date; and

(b) may make any other order, including consequential or ancillary orders.

8.3.11 Suspension of declaration

(1) The Commission may suspend the declaration of an organisation as a community or charitable organisation by giving written notice to the organisation if—

(a) the Commission is considering whether to revoke the declaration; and

(b) the Commission considers that it is in the public interest to suspend the declaration pending the making of a decision whether or not to revoke it.

(2) The Commission may at any time terminate a suspension under subsection (1).

(3) Unless terminated earlier by the Commission, a suspension under subsection (1) is terminated when—

(a) the Commission revokes the declaration under section 8.3.9; or

(b) the Commission decides not to revoke the declaration—

whichever is earlier.

(4) While a declaration is suspended under subsection (1), the organisation to which it relates is not a community or charitable organisation for the purposes of Division 2.

(5) A function of the Commission under this section may be performed by any commissioner.

S. 8.3.11A inserted by No. 7/2006 s. 6.

8.3.11A Investigation of community or charitable organisations

(1) The Commission may conduct an investigation at any time to determine whether or not the declaration of an organisation as a community or charitable organisation should be revoked.

(2) The investigation may include (but is not limited to) an investigation of all or any of the following—

(a) a community or charitable organisation;

(b) a person who, in the opinion of the Commission, could affect the exercise of the functions of a community or charitable organisation;

(c) a person who, in the opinion of the Commission, could be in a position to exercise direct or indirect control over a community or charitable organisation.

S. 8.3.11B inserted by No. 7/2006 s. 6.

8.3.11B Provision of information

(1) The Commission may, by notice in writing, require a community or charitable organisation—

(a) to provide the Commission or an authorised person, in accordance with directions in the notice, with any information as is specified in the notice that is—

(i) relevant to the organisation; or

(ii) otherwise required by the Commission; or

(b) to produce to the Commission or an authorised person, in accordance with the directions in the notice, any records specified in the notice that are—

(i) relevant to the organisation; or

(ii) otherwise required by the Commission—

and to permit examination of those records, the taking of extracts from them and the making of copies of them; or

(c) to attend before the Commission or an authorised person for examination, and to answer questions, in relation to any matters—

(i) relevant to the organisation; or

(ii) otherwise specified by the Commission.

(2) If records are produced under this section, the Commission or authorised person to whom they are produced may retain possession of the records for such period as may reasonably be necessary to permit examination of the records, the taking of extracts from them and the making of copies of them.

(3) At any reasonable times during the period for which records are retained, the Commission or authorised person must permit inspection of the records by a person who would be entitled to inspect them if they were not in the possession of the Commission or an authorised person.

(4) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

Division 2—Minor gaming permits

8.3.12 Application for minor gaming permit

(1) An organisation that—

(a) is a community or charitable organisation; or

(b) has applied for a declaration as a community or charitable organisation—

may apply to the Commission for a minor gaming permit.

(2) An application for a minor gaming permit must—

(a) be in the form approved by the Commission; and

(b) specify the activity which the organisation wishes to conduct under the permit and the proposed date of the activity; and

S. 8.3.12 (2)(ba) inserted by No. 60/2011 s. 39.

(ba) in the case of an application for a minor gaming permit under which the organisation wishes to conduct a raffle—describe each prize; and

(c) nominate a natural person aged 18 years or more to be responsible for the conduct of the activity; and

S. 8.3.12(2)(d) amended by No. 23/2025 s. 74(Sch. 1 item 2.38).

(d) include the consent of the nominee to the nomination; and

(e) be accompanied by the prescribed fee in respect of that activity; and

(f) be lodged with the Commission not less than 21 days (or any shorter period allowed by the Commission in a particular case) before the day on which the activity is proposed to commence.

(3) A function of the Commission under this section may be performed by any commissioner.

8.3.13 Determination of application

(1) The Commission must determine an application for a minor gaming permit having regard to—

(a) whether the applicant is a community or charitable organisation; and

(b) whether the person nominated by the applicant is of good repute and character; and

S. 8.3.13(1)(b) amended by No. 104/2004 s. 26(a).

(c) if the applicant, or an associate of the applicant, has previously conducted any activity referred to in section 8.3.14(1), the manner in which that activity was conducted.

S. 8.3.13(1)(c) inserted by No. 104/2004 s. 26(b).

(2) The Commission must either issue a minor gaming permit to the applicant or refuse the application and must notify the applicant in writing accordingly.

(2A) Without limiting the grounds on which the Commission may refuse an application for a minor gaming permit, the Commission must refuse an application if, in the Commission's opinion, the activity the organisation wishes to conduct under the permit is offensive or contrary to the public interest.

S. 8.3.13(2A) inserted by No. 60/2011 s. 40.

(2B) To avoid doubt, the activity referred to in subsection (2A) includes making available any prize to be won.

S. 8.3.13(2B) inserted by No. 60/2011 s. 40.

(3) A minor gaming permit is subject to—

(a) the prescribed conditions in respect of the activity authorised by the permit; and

(b) any other conditions the Commission imposes.

(4) A function of the Commission under this section may be performed by any commissioner.

8.3.14 What does a minor gaming permit authorise?

(1) A minor gaming permit authorises the holder of the permit, subject to this Chapter and any conditions to which the permit is subject—

(a) to conduct a raffle; or

S. 8.3.14(1)(b) repealed by No. 71/2008 s. 22.

* * * * *

(c) to sell lucky envelopes; or

(d) to conduct a fundraising event—

as specified in the permit.

(2) A minor gaming permit does not authorise the holder of the permit to do anything specified in subsection (1) at any time when the holder is not a community or charitable organisation.

S. 8.3.14(3) inserted by No. 28/2022 s. 136.

(3) A minor gaming permit does not authorise the holder of the permit to conduct a fundraising event either wholly or in part via a website or any other online platform or interface.

8.3.15 Duration of minor gaming permit

A minor gaming permit remains in force for the period not exceeding 2 years specified in the permit, unless sooner cancelled or surrendered.

8.3.16 Nominee of organisation

(1) On the issue of a minor gaming permit to a community or charitable organisation, the natural person nominated by the organisation is responsible on behalf of the organisation for the conduct of the activity specified in the permit and is liable under this Act as holder of the permit.

(2) If a nominated person resigns, is dismissed or leaves the community or charitable organisation—

(a) the organisation must nominate another natural person within 7 days (or any longer period allowed by the Commission in a particular case) after the resignation, dismissal or leaving; and

(b) the directors of the organisation or the members of the managing committee of the organisation (as the case may be) are severally liable under this Act as holder of the permit until such time as another person is nominated and approved by the Commission.

(3) The liability of the holder of a minor gaming permit is not limited under this Act by the nomination and approval of its nominee except in respect of a contract entered into under section 8.4.6.

(4) A function of the Commission under this section may be performed by any commissioner.

8.3.17 Amendment of permit conditions

(1) The conditions of a minor gaming permit (other than prescribed conditions) may be amended in accordance with this section.

(2) An amendment may be proposed—

(a) by the holder of the permit by—

(i) requesting the Commission in writing to make the amendment; and

(ii) giving reasons for the proposed amendment; and

(iii) paying the prescribed fee; or

(b) by the Commission by giving notice in writing of the proposed amendment and giving reasons to the holder of the permit.

(3) An amendment proposed by the Commission must be in the public interest.

(4) The Commission must give the holder of the permit at least 28 days to make a submission to the Commission concerning any proposed amendment (whether proposed by the Commission or the holder) and must consider any submission made.

(5) The holder of a permit may waive their right under subsection (4) to make a submission by giving notice in writing to the Commission.

(6) The Commission must then decide whether to make the proposed amendment, either with or without changes to the amendment originally proposed, and must notify the holder of the permit of its decision.

(7) An amendment takes effect when notice of the decision is given to the holder of the permit or on any later date that may be specified in the notice.

(8) A function of the Commission under this section may be performed by any commissioner.

8.3.18 Appeal

(1) An applicant for a minor gaming permit or a permit holder (as the case requires) may appeal to the Commission, within 28 days of notification of the decision, against any of the following decisions made by a single commissioner—

(a) a decision to refuse to grant an application for a minor gaming permit;

(b) a decision to grant a permit subject to conditions;

(c) a decision to amend the conditions of a permit.

(2) An appeal must—

(a) be in writing; and

(b) specify the grounds on which it is made.

(3) After consideration of an appeal, the Commission may—

(a) confirm the decision; or

(b) in the case of a decision to refuse an application—grant the application, either unconditionally or subject to conditions; or

(c) in the case of a decision to grant an application subject to conditions or to amend the conditions of a permit—vary or remove the conditions.

(4) The decision of the Commission on an appeal—

(a) must be notified in writing to the applicant or permit holder (as the case requires); and

(b) may include the reasons for the decision.

(5) The Commission as constituted for the purposes of the appeal must not include the commissioner who made the decision appealed against.

Division 3—Disciplinary action

8.3.19 Definitions

In this Division—

disciplinary action, against the holder of a minor gaming permit, means any of the following—

(a) the cancellation or suspension of the minor gaming permit;

(b) the variation of the terms of the permit;

(c) the issuing of a letter of censure to the permit holder;

grounds for disciplinary action, in relation to the holder of a minor gaming permit, means any of the following—

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

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

(c) that the permit holder has contravened this Act or the regulations or a condition of the permit;

(d) that—

(i) the permit holder; or

(ii) an executive officer or nominee of the permit holder—

has been found guilty of a relevant offence;

(e) that the permit holder has become an externally-administered body corporate;

(f) that for any reason the permit holder is not a suitable person to hold their permit;

relevant offence means—

(a) an offence against a gaming Act or gaming regulations; or

(b) an offence (in Victoria or elsewhere) involving fraud or dishonesty punishable by imprisonment for 3 months or more (whether or not in addition to a fine).

8.3.20 Taking disciplinary action

(1) The Commission may inquire into whether there are grounds for disciplinary action against the holder of a minor gaming permit.

S. 8.3.20(2) amended by No. 58/2011 s. 91(2).

(2) At the request of the Commission, a commissioner may conduct an investigation in relation to a permit holder and may make a report on the investigation to the Commission.

(3) If, following an inquiry or investigation under subsection (1) or (2), the Commission considers there are grounds for taking disciplinary action against a permit holder, the Commission may serve on the permit holder a notice in writing giving them an opportunity to show cause within 14 days why disciplinary action should not be taken against them on the grounds for disciplinary action specified in the notice.

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

(5) If the Commission decides that—

(a) the permit holder is not a suitable person to hold their permit, the Commission may only vary, suspend or cancel the permit; or

(b) there are any other grounds for disciplinary action against the permit holder, the Commission may take the action—

and does so by giving written notice of the disciplinary action to the permit holder.

(6) If the disciplinary action is the cancellation, suspension or variation of the terms of a permit, it takes effect when the notice under subsection (5) is given or at a later time specified in the notice.

8.3.21 Letter of censure

(1) Disciplinary action taken by the Commission under section 8.3.20(5) in the form of a letter of censure may censure the permit holder in respect of any matter connected with the permit holder's activities under this Chapter and may include a direction to the permit holder to rectify within a specified time any matter giving rise to the censure.

(2) If a direction given in a letter of censure is not complied with in the specified time, the Commission may, by giving written notice to the permit holder, cancel, suspend or vary the terms of the permit without giving the permit holder a further opportunity to be heard.

8.3.22 Performance of functions

A function of the Commission under this Division may be performed by any commissioner.

Part 4—Conduct of community and charitable gaming

Division 1—Lucky envelopes

8.4.1 Lucky envelopes must comply with prescribed standards

(1) A person must not supply lucky envelopes that do not comply with the prescribed standards.

Penalty: 60 penalty units.

(2) The holder of a minor gaming permit must not sell (whether by a lucky envelope vending machine or otherwise) lucky envelopes that do not comply with the prescribed standards.

Penalty: 60 penalty units.

8.4.2 Lucky envelopes only to be supplied to permit holder

A person must not supply lucky envelopes to a person or organisation that does not hold a minor gaming permit authorising the sale of lucky envelopes.

Penalty: 60 penalty units.

8.4.2AA Lucky envelopes must not be sold online

S. 8.4.2AA inserted by No. 28/2022 s. 137.

A person must not sell a lucky envelope via a website or any other online platform or interface.

Penalty: 60 penalty units.

Division 2—Bingo

8.4.2A Notification of intention to conduct or cease conducting bingo sessions

S. 8.4.2A inserted by No. 71/2008 s. 23.

(1) A community or charitable organisation must give notice to the Commission of the intention to commence the conduct of one or more sessions of

bingo at least 7 days before the first day on which the first session of bingo is to be conducted.

(2) The notice—

(a) must be in the form approved by the Commission; and

(b) must contain the following information—

(i) the address of the premises at which the sessions will be conducted;

(ii) the days of the week or the dates on which the sessions will be conducted;

(iii) the starting and finishing times of the sessions;

(iv) the frequency of the sessions;

(v) the number of games of bingo to be played in each session;

S. 8.4.2A (2)(b)(vi) amended by No. 64/2014 s. 39(5).

(vi) the name and number of the account in which the proceeds from the sessions will be deposited and the name and branch of the ADI at which that account is held; and

(c) must nominate a natural person aged 18 years or more to be responsible for the conduct of the sessions; and

S. 8.4.2A(2)(d) amended by No. 23/2025 s. 74(Sch. 1 item 2.38).

(d) must include the consent of the nominee to the nomination.

(3) A community or charitable organisation must notify the Commission in writing within 7 days after a change in any of the information referred to in subsection (2)(b) contained in a notice given by the organisation to the Commission.

(4) If sessions of bingo are conducted on behalf of a community or charitable organisation by a bingo centre operator, subsection (3) applies as if the bingo centre operator were the community or charitable organisation.

(5) A community or charitable organisation must notify the Commission in writing of the organisation's intention to cease conducting sessions of bingo for a period longer than the period, if any, prescribed by the regulations.

8.4.2B Nominees

S. 8.4.2B inserted by No. 71/2008 s. 23.

(1) The natural person nominated by a community or charitable organisation under section 8.4.2A is responsible on behalf of the organisation for the conduct of the sessions of bingo and is liable under this Act as the organisation.

(2) If a nominated person resigns, is dismissed or leaves the community or charitable organisation—

(a) the organisation must nominate another natural person within 7 days (or any longer period allowed by the Commission in a particular case) after the resignation, dismissal or leaving; and

(b) the directors of the organisation or the members of the managing committee of the organisation (as the case may be) are severally liable under this Act as the organisation in relation to the conduct of sessions of bingo until such time as another person is nominated by the organisation.

(3) The liability of a community or charitable organisation is not limited under this Act by the nomination of its nominee except in respect of a contract entered into under section 8.4.6.

(4) A function of the Commission under this section may be performed by any commissioner.

S. 8.4.2C inserted by No. 71/2008 s. 23.

8.4.2C Notification of large bingo prizes

(1) A community or charitable organisation or a bingo centre operator that intends to conduct a session of bingo at which the total prizes for the session will or is likely to exceed the prescribed amount must notify the Commission in writing of that intention at least 3 business days before conducting the session.

(2) The notice—

(a) must be in the form approved by the Commission; and

(b) must contain the following information—

(i) the contact details for the organisation or operator;

(ii) the organisation's declared organisation number or the operator's licence number (as the case requires);

(iii) the date and time of the session at which the prizes will or are likely to exceed the prescribed amount;

(iv) the expected amount of prizes for the session;

(v) any other information the Commission requires.

S. 8.4.2D inserted by No. 71/2008 s. 23.

8.4.2D Bingo rules

S. 8.4.2D(1) amended by No. 60/2011 s. 43(3).

(1) The Commission may make rules for or with respect to the conduct of bingo under this Chapter.

(2) The Commission may vary or revoke a rule made under subsection (1).

(3) The Commission must—

(a) publish on its website a copy of rules made under this section and any variation or revocation of those rules; and

(b) notify in writing each community or charitable organisation and each bingo centre operator that the Commission knows is conducting bingo to which rules made under this section apply of the making of those rules and of any variation or revocation of those rules.

(4) The Commission must cause rules made under this section, and a variation or revocation of a rule, to be published in the Government Gazette.

(5) A rule, a variation of a rule or a revocation of a rule takes effect on the date that it is published in the Government Gazette or on the later date specified in the rule, variation or revocation.

(6) Different rules may be made under this section for different forms of bingo.

8.4.2E Rules binding unless Commission approves a variation

S. 8.4.2E inserted by No. 71/2008 s. 23.

(1) Subject to this section, a community or charitable organisation or a bingo centre operator must comply with rules made under section 8.4.2D.

(2) A community or charitable organisation or a bingo centre operator may apply to the Commission for approval to vary the rules that would otherwise apply to the organisation or operator.

(3) An application—

(a) must be in the form, and contain the information, approved by the Commission; and

(b) must be accompanied by the prescribed fee.

(4) On an application under subsection (2), the Commission may approve a variation of the rules as those rules apply to the applicant.

(5) If the Commission approves a variation under subsection (4), the organisation or operator must comply with the rules as varied.

(6) The Commission must publish on its website any variation approved by the Commission under subsection (4).

S. 8.4.2F inserted by No. 71/2008 s. 23.

8.4.2F Commission may require notification of bingo rules

(1) The Commission, by written notice, may require a community or charitable organisation or a bingo centre operator, to notify patrons of the rules that apply to the conduct of a session of bingo.

(2) Without limiting the Commission's power under subsection (1), the Commission may require notification of the rules to be made—

(a) by displaying notices in the form and manner specified by the Commission;

(b) by making announcements in the form and manner specified by the Commission.

(3) A community or charitable organisation or a bingo centre operator must comply with a notice of the Commission under subsection (1).

8.4.3 Bingo equipment must comply with prescribed standards

S. 8.4.3(1) amended by No. 71/2008 s. 24(1)(a).

(1) A person must not supply bingo tickets that do not comply with the standards set out in the rules made by the Commission under section 8.4.2D.

Penalty: 60 penalty units.

(2) Subsection (1) does not apply to a person who supplies braille tickets in the form approved by the Commission under section 8.4.5(2) for use by visually-impaired people.

(3) A person must not supply a random number generator for use in the playing of bingo which does not comply with the standards set out in the rules made by the Commission under section 8.4.2D.

S. 8.4.3(3) amended by No. 71/2008 s. 24(1)(a).

Penalty: 60 penalty units.

(4) A community or charitable organisation or a bingo centre operator must not use in the playing of bingo—

S. 8.4.3(4) amended by No. 71/2008 s. 24(1)(b).

(a) a bingo ticket; or

(b) a random number generator—

that does not comply with the standards set out in the rules made by the Commission under section 8.4.2D.

Penalty: 60 penalty units.

(5) Subsection (4) does not apply to a community or charitable organisation or a bingo centre operator who accepts a braille ticket in the form approved by the Commission under section 8.4.5(2) from a visually-impaired person.

S. 8.4.3(5) amended by No. 71/2008 s. 24(1)(c).

8.4.4 Restriction on supply of bingo equipment

S. 8.4.4 (Heading) substituted by No. 7/2006 s. 7(1).

(1) A person must not supply—

S. 8.4.4(1) amended by No. 71/2008 s. 24(1)(d).

(a) bingo tickets; or

(b) a random number generator for use in the playing of bingo—

to a person or organisation that is not a community or charitable organisation or a bingo centre operator.

Penalty: 60 penalty units.

(2) Subsection (1) does not apply to a person who supplies a braille ticket in the form approved by the Commission under section 8.4.5(2) to a visually-impaired person for use by the visually-impaired person in playing bingo.

S. 8.4.4(3) inserted by No. 7/2006 s. 7(2), amended by No. 71/2008 s. 24(1)(e).

(3) Subsection (1) does not apply to the supply of bingo tickets or a random number generator to a person who or organisation that is authorised under section 8.2.4A to conduct a session of bingo.

Note

Section 8.2.4 sets out circumstances in which a minor gaming permit is not required to conduct a session of bingo games.

8.4.5 Braille bingo tickets

(1) A person who conducts a session of bingo games must not refuse to allow a visually-impaired person to participate in the session only because the person wishes to play bingo by means of a braille ticket in the form approved by the Commission.

(2) For the purposes of subsection (1), the Commission may, from time to time, approve a form of braille ticket.

(3) Nothing in subsection (1) prevents a person who conducts a session of bingo games from charging a visually-impaired person the price of a bingo ticket to enter the game.

S. 8.4.6 (Heading) amended by No. 71/2008 s. 24(1)(f).

8.4.6 Community or charitable organisation may contract with bingo centre operator to conduct bingo

S. 8.4.6(1) substituted by No. 71/2008 s. 24(2).

(1) A community or charitable organisation may enter into an agreement with a bingo centre operator for the conduct by the bingo centre operator of bingo

sessions at a bingo centre on behalf of the community or charitable organisation.

(2) The agreement must provide for—

(a) compliance by the bingo centre operator with all relevant provisions of this Act; and

(b) the submission to the Commission of periodic audited statements as required by or under this Act; and

(c) the retention of records as required by this Act; and

(d) the provision to the community or charitable organisation of a copy of all documents submitted on its behalf to the Commission by the bingo centre operator; and

S. 8.4.6(2)(d) amended by No. 71/2008 s. 24(3)(a).

(e) subject to subsection (2A), the maximum fee, determined in accordance with the regulations and not exceeding 2% of the gross receipts, to be paid to the bingo centre operator for each session of bingo.

S. 8.4.6(2)(e) amended by No. 104/2004 s. 27(1).

(2A) If the community or charitable organisation is required to provide any assistance in the conduct of a session of bingo or in the operation of the bingo centre, the bingo centre operator is not to be paid a fee referred to in subsection (2)(e).

S. 8.4.6(2A) inserted by No. 104/2004 s. 27(2), amended by No. 71/2008 s. 24(3)(a).

(3) The agreement may contain any other provisions that are not inconsistent with this Act.

(4) The community or charitable organisation must—

(a) give the Commission a copy of an agreement entered into under this section; and

(b) notify the Commission of the termination of the agreement.

S. 8.4.6(4) amended by No. 71/2008 s. 24(3)(a).

S. 8.4.6(5) amended by No. 71/2008 s. 24(3)(a).

(5) If an agreement is entered into under this section, the bingo centre operator is solely liable under this Act in all respects as if it were the community or charitable organisation.

S. 8.4.7 amended by No. 71/2008 s. 24(3)(b).

8.4.7 Expenses operators can charge for bingo

A bingo centre operator must not require a community or charitable organisation to pay to the bingo centre operator or to an associate of the bingo centre operator any expenses exceeding the maximum amount (if any) prescribed by the regulations.

Penalty: 60 penalty units.

S. 8.4.7A inserted by No. 58/2009 s. 105, substituted by No. 23/2025 s. 65.

8.4.7A Payment of prize money by cheque or electronic funds transfer

(1) If a person wins prize money of $1000 or more in a bingo game, the bingo centre operator or a nominee of the community or charitable organisation who is conducting the bingo game must not pay out, or allow another person to pay out, any of that prize money except—

(a) by cheque in accordance with subsection (2); or

(b) by electronic funds transfer in accordance with subsection (4).

Penalty: 60 penalty units.

(2) A bingo centre operator or a nominee of the community or charitable organisation who is conducting a bingo game must, at the request of a person, pay out any prize money won by the person on the game to the person by cheque that is not payable to cash.

Penalty: 60 penalty units.

(3) Subsection (2) does not apply to a bingo centre operator or a nominee of a community or charitable organisation who does not have the facilities to provide cheques.

(4) A bingo centre operator or a nominee of the community or charitable organisation who is conducting a bingo game must—

(a) at the request of a person, pay out any prize money won by the person on the game to the person by electronic funds transfer; and

(b) if at least $1000 is to be transferred, ensure that those funds are not transferred until at least 24 hours after the request.

Penalty: 60 penalty units.

(5) Subsection (4) does not apply to a bingo centre operator or a nominee of a community or charitable organisation who does not have the facilities to make the electronic funds transfer described in that subsection.

8.4.7B Bingo must not be conducted online

S. 8.4.7B inserted by No. 28/2022 s. 138.

(1) A person must not conduct a session of bingo via a website or any other online platform or interface.

Penalty: 60 penalty units.

(2) A person must not sell a bingo ticket via a website or any other online platform or interface.

Penalty: 60 penalty units.

(3) Subsection (1) or (2) does not apply to the conduct of a session of bingo or the sale of a bingo ticket via an electronic ticket device used by a player at the premises at which the bingo is conducted, including a device that has auto-marking functionality.

Division 3—Bingo pooling schemes

8.4.8 When can a pooling scheme operate?

(1) A pooling scheme may only operate if—

(a) all the community or charitable organisations conducting bingo games at the particular place or places to which the scheme applies are members of the scheme; and

(b) the Commission has been given a copy of the rules of the scheme before the scheme comes into operation.

(2) A pooling scheme operates for 3 years or, if a shorter period is set out in the rules of the scheme, that shorter period.

(3) A person must not administer or assist in the administration of a pooling scheme otherwise than in accordance with—

(a) this Act; and

(b) the regulations; and

(c) the rules of the pooling scheme.

Penalty: For a first offence, 20 penalty units;

For a second or subsequent offence, 60 penalty units.

8.4.9 Membership of pooling scheme

The members of a pooling scheme are—

(a) the community or charitable organisations conducting or proposing to conduct bingo in a particular place or places; and

(b) if the particular place or places referred to in paragraph (a) are bingo centres, the bingo centre operator of each of those centres.

8.4.10 Pooling scheme rules

(1) A pooling scheme is governed by the rules of the scheme adopted by the members of the scheme.

(2) The rules—

(a) must not be inconsistent with this Act or the regulations; and

S. 8.4.10(2)(a) substituted by No. 27/2013 s. 18(1).

(b) must deal with the matters specified from time to time by the Commission in a notice published under section 8.4.11.

(3) The rules of a pooling scheme take effect—

(a) 28 days after a copy of the rules or the amendment has been given to the Commission; or

(b) if the Commission agrees, from an earlier date specified by the Commission.

8.4.11 Commission may specify matters for rules

The Commission, from time to time, by notice published in the Government Gazette, may specify the matters to be included in rules of pooling schemes including, but not limited to—

(a) the money that must, or must not, be paid into the pool;

(b) the payment of expenses of the scheme administrator;

(c) settlements;

(d) the formula or other means by which payments to pool members are to be determined;

(e) the circumstances under which an agreement under section 8.4.6 may be required for members of the scheme.

8.4.12 Disallowance of rules

(1) The Commission, at any time, may disallow the rules of a pooling scheme or any amendment of those rules, by giving written notice to the members of the scheme, if the Commission considers that the rules or the amendment—

(a) are not sufficiently clear or certain; or

(b) do not provide for equitable treatment of the members; or

S. 8.4.12(1)(c) substituted by No. 27/2013 s. 18(2).

(c) are inconsistent with this Act or the regulations.

(2) The disallowance of the rules or an amendment to the rules takes effect on the day specified in the notice of disallowance.

8.4.13 Scheme administrator

(1) A pooling scheme must have a scheme administrator.

(2) The scheme administrator is—

(a) if a bingo centre operator is a member of the scheme, that person; or

(b) in any other case, a person appointed in accordance with the rules of the scheme.

(3) The scheme administrator must—

(a) establish and maintain a financial institution account in accordance with section 8.6.1 for all money forming part of the pool or incidentally involved in the pooling scheme; and

(b) ensure compliance with the rules of the scheme by the members of the scheme.

8.4.14 Amendment of rules

(1) The rules of the pooling scheme may be amended in accordance with this section.

(2) Subject to subsection (3), an amendment to the rules does not take effect until—

(a) it is approved by at least two-thirds of the community or charitable organisations that are members of the scheme in a vote on that amendment; and

(b) the Commission has been given notice of the amendment and a copy of the amendment before the amendment comes into effect.

(3) An amendment to the rules of a pooling scheme takes effect—

(a) 28 days after a copy of the amendment has been given to the Commission; or

(b) if the Commission agrees, from an earlier date specified by the Commission.

(4) A member may not be removed from a pooling scheme without the member's consent unless an amendment is made to the rules of the scheme removing that member.

(5) An amendment to the rules which has the effect of reducing the amount payable to the scheme administrator in respect of the expenses of conducting a bingo session is only effective if the scheme administrator consents to that amendment.

(6) An amendment to the rules may operate to terminate the pooling scheme at any time.

8.4.15 Declaration of interest

(1) Despite any amendment to the rules being in the direct or indirect interest of the member or a related member of that member, a member may

vote on that amendment if that interest is declared at the time of voting.

(2) A declaration under subsection (1) must be included in the notice of the amendment to the Commission under section 8.4.14(2)(b).

(3) A vote on an amendment to the rules is not invalid only because a member of the pooling scheme failed to declare an interest under subsection (1).

(4) In this section, an organisation that is a member of the pooling scheme is a related member of another organisation that is a member of the pooling scheme if—

(a) there is significant commonality of membership of those organisations; or

(b) there is significant commonality of membership of the controlling body or committees of those organisations; or

(c) the controlling offices of each of those organisations are held by the same person or persons.

8.4.16 Application to political parties

Nothing in this Division applies to a community or charitable organisation that is conducted for the purposes of a political party.

Division 4—Disciplinary action against community or charitable organisations in relation to bingo

Ch. 8 Pt 4 Div. 4 (Heading and ss 8.4.17–8.4.20) inserted by No. 71/2008 s. 25.

8.4.17 Definitions

S. 8.4.17 inserted by No. 71/2008 s. 25.

In this Division—

disciplinary action, against a community or charitable organisation, means any of the following—

(a) the issuing of a letter of censure to the organisation;

(b) the imposition of a fine on the organisation not exceeding an amount that is 60 times the value of a penalty unit fixed by the Treasurer under section 5(3) of the **Monetary Units Act 2004**;

(c) the imposition of conditions on the organisation's authority to conduct sessions of bingo;

grounds for disciplinary action, in relation to a community or charitable organisation, means any of the following—

S. 8.4.17 def. of *grounds for disciplinary action* amended by Nos 56/2010 s. 47, 60/2011 s. 43(4).

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

(b) that the organisation has contravened this Act, the regulations or the rules made by the Commission under

section 8.4.2D in relation to bingo or a condition imposed under this Division;

(c) that—

(i) the organisation; or

(ii) an executive officer or nominee of the organisation—

has been found guilty of a relevant offence;

(d) that the organisation has become an externally-administered body corporate;

(e) that for any reason the organisation is not a suitable person to conduct a session of bingo;

relevant offence means—

(a) an offence against a gaming Act or gaming regulations in relation to bingo; or

(b) an offence (in Victoria or elsewhere) involving fraud or dishonesty punishable by imprisonment for 3 months or more (whether or not in addition to a fine).

S. 8.4.18 inserted by No. 71/2008 s. 25.

8.4.18 Taking disciplinary action

(1) The Commission may inquire into whether there are grounds for disciplinary action against a community or charitable organisation.

(2) If, following an inquiry under subsection (1), the Commission considers there are grounds for taking disciplinary action against a community or charitable organisation, the Commission may serve on the organisation a notice in writing giving them an opportunity to show cause within 14 days why disciplinary action should not be

taken against them on the grounds for disciplinary action specified in the notice.

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

(4) If the Commission decides that—

(a) the organisation is not a suitable person to conduct a session of bingo, the Commission may suspend the organisation's authority to conduct sessions of bingo for a period specified by the Commission; or

(b) there are any other grounds for disciplinary action against the organisation, the Commission may take the action—

and does so by giving written notice of the disciplinary action to the organisation.

(5) If the Commission suspends the organisation's authority to conduct sessions of bingo—

(a) the suspension takes effect at the time notice of it is given to the organisation; and

(b) this Act does not authorise the conduct of any session of bingo by or on behalf of the organisation at any time during the period of suspension.

(6) If the disciplinary action is the imposition of conditions on an organisation's authority to conduct sessions of bingo, the organisation must comply with those conditions.

(7) A function of the Commission under this section may be performed by any commissioner.

S. 8.4.19 inserted by No. 71/2008 s. 25.

8.4.19 Letter of censure

(1) Disciplinary action taken by the Commission under section 8.4.18(4) in the form of a letter of censure may censure the community or charitable organisation in respect of any matter connected with the organisation's conduct of sessions of bingo games under this Chapter and may include a direction to the organisation to rectify within a specified time any matter giving rise to the censure.

(2) If a direction given in a letter of censure is not complied with in the specified time, the Commission may, by giving written notice to the organisation, suspend the organisation's authority to conduct sessions of bingo games without giving the organisation a further opportunity to be heard.

(3) Section 8.4.18(5) applies to a suspension under subsection (2).

(4) A function of the Commission under this section may be performed by any commissioner.

S. 8.4.20 inserted by No. 71/2008 s. 25.

8.4.20 Appeal

(1) A community or charitable organisation may appeal to the Commission, within 28 days of notification of the decision, against the following decisions made by a single commissioner—

(a) a decision to suspend the organisation's authority to conduct sessions of bingo;

(b) a decision to impose conditions on the organisation's authority to conduct sessions of bingo.

(2) An appeal must—

(a) be in writing; and

(b) specify the grounds on which it is made.

(3) After consideration of an appeal, the Commission may—

(a) confirm the decision; or

(b) in the case of a decision to suspend the authority to conduct sessions of bingo—lift the suspension, either unconditionally or subject to conditions; or

(c) in the case of a decision to impose conditions on the authority to conduct sessions of bingo—vary or remove the conditions.

(4) The decision of the Commission on an appeal—

(a) must be notified in writing to the community or charitable organisation; and

(b) may include the reasons for the decision.

(5) The Commission as constituted for the purposes of the appeal must not include the commissioner who made the decision appealed against.

Part 5—Bingo centres

Division 1—Licensing of bingo centre operators

8.5.1 Requirement to be licensed

A person must not have the management or control of a bingo centre unless the person holds a bingo centre operator's licence.

Penalty: 100 penalty units.

8.5.2 Application for licence

(1) Subject to subsection (2), a person may apply to the Commission for a bingo centre operator's licence.

(2) A person cannot apply for, or be granted, a bingo centre operator's licence if the person—

S. 8.5.2(2)(a) amended by No. 28/2022 s. 108(a).

(a) is a venue operator under this Act or holds a licence under the law of another State or a Territory that corresponds to a venue operator's licence; or

S. 8.5.2(2)(b) amended by No. 28/2022 s. 108(b).

(b) is an associate of a venue operator; or

(c) is a casino operator under the **Casino Control Act 1991** or holds a licence under the law of another State or a Territory that corresponds to a casino operator's licence.

8.5.3 Application procedure

S. 8.5.3(1) substituted by No. 72/2007 s. 35.

(1) An application for a licence must—

(a) be in the form approved by the Commission; and

(b) be accompanied by the prescribed fee; and

(c) be accompanied by a Responsible Gambling Code of Conduct that the applicant intends to implement if the licence is granted.

(2) Within 14 days after applying for a bingo centre operator's licence, the applicant must—

(a) send a copy of the application to the relevant responsible authority within the meaning of the **Planning and Environment Act 1987**; and

(b) cause to be published in a newspaper circulating in the area and in a newspaper circulating generally in Victoria a notice containing—

(i) the prescribed information; and

(ii) a statement that any person may object to the grant of the licence by giving notice in writing to the Commission within 28 days after the date of publication stating the grounds for the objection.

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

Note

Division 1 of Part 4 of Chapter 10 provides for the investigation of an application for a bingo centre operator's licence.

8.5.4 Objections

(1) A person may object to the grant of a bingo centre 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 business of the applicant is not a suitable person to act in that capacity.

(2) The Commission must consider every objection so made.

8.5.5 Responsible authority's report

S. 8.5.5(1) amended by No. 6/2024 s. 41.

(1) The relevant responsible authority may submit to the Commission a report on the application within 14 days of the date of receipt of the copy of the application under section 8.5.3(2)(a).

(2) The Commission must consider a report so made.

8.5.6 Matters to be considered in determining applications

(1) The Commission must not grant an application for a bingo centre operator's licence unless satisfied that—

(a) the applicant and each associate of the applicant is a suitable person to be concerned in the management and operation of a bingo centre; and

S. 8.5.6(1)(b) amended by No. 72/2007 s. 36(1).

(b) the applicant's premises are, or on the completion of building works will be, suitable for a bingo centre; and

S. 8.5.6(1)(c) inserted by No. 72/2007 s. 36(2).

(c) the Responsible Gambling Code of Conduct accompanying the application complies with—

(i) regulations made for or with respect to Part 4C in Schedule 1; and

S. 8.5.6(1)(c)(i) substituted by No. 62/2017 s. 56(10).

(ii) each direction under section 10.6.6(1) that applies in relation to the application.

S. 8.5.6(1)(c)(ii) substituted by No. 62/2017 s. 56(10).

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

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

(b) the applicant and each associate of the applicant is of sound and stable financial background;

(c) if the applicant is not a natural person, the applicant has, or has arranged, a satisfactory ownership, trust or corporate structure;

(d) the applicant or an associate of the applicant has any business association with any person, body or association who or which, in the opinion of the Commission, 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 Commission 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.

8.5.7 Determination of applications

(1) The Commission must determine an application by either granting or refusing to grant the application and must notify the applicant of its decision.

(2) If the Commission refuses to grant an application, the notice must set out the reasons for the refusal.

(3) A bingo centre operator's licence is subject to—

(a) the prescribed conditions; and

S. 8.5.7(3)(b) amended by No. 72/2007 s. 37.

(b) any other conditions imposed by this Act or that the Commission imposes on the licence.

S. 8.5.7A inserted by No. 72/2007 s. 38, amended by No. 62/2017 s. 57(11).

8.5.7A Responsible Gambling Code of Conduct is a condition of licence

It is a condition of a bingo centre operator's licence that the bingo centre operator implement a Responsible Gambling Code of Conduct that complies with—

S. 8.5.7A(a) inserted by No. 62/2017 s. 57(11).

(a) regulations made for or with respect to Part 4C in Schedule 1; and

S. 8.5.7A(b) inserted by No. 62/2017 s. 57(11).

(b) each direction under section 10.6.6(1) that applies in relation to the bingo centre operator.

S. 8.5.8 amended by No. 64/2014 s. 32(1).

8.5.8 Duration of licence

A bingo centre operator's licence remains in force for the term not exceeding 10 years specified in the licence, unless sooner cancelled or surrendered.

8.5.9 Nominee of licensee

(1) Within 60 days, or the longer period allowed by the Commission, after a bingo centre operator that is a body corporate is notified under section 8.5.7(1) that it has been granted a bingo centre operator's licence, the operator must—

(a) nominate a natural person to be responsible as operator on behalf of the bingo centre operator; and

(b) apply to the Commission for approval under this section of the person nominated.

Penalty: 20 penalty units.

Note

Division 1 of Part 4 of Chapter 10 provides for the investigation of an application for approval under this section.

(2) Within 60 days, or the longer period allowed by the Commission, after—

(a) a bingo centre operator is notified by the Commission of a refusal to approve a person nominated under this section; or

(b) a person nominated by the bingo centre operator and approved by the Commission resigns, is dismissed or ceases to manage or control the bingo centre—

the bingo centre operator must nominate another natural person to be responsible as operator on behalf of the bingo centre operator and apply to the Commission for approval of the person nominated.

Penalty: 20 penalty units.

(3) A person nominated by a bingo centre operator and approved by the Commission under this section is liable under this Act as a bingo centre operator.

(4) If a bingo centre operator that is a body corporate does not have a person who has been approved by the Commission under this section managing or controlling a bingo centre, the directors or members of the committee of management of the body corporate (as the case requires) are severally liable under this Act as a bingo centre operator.

(5) The Commission 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 a bingo centre.

(6) In particular, the Commission 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 Commission, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources.

(7) The Commission must determine an application by either approving or refusing to approve the person nominated and must notify the applicant in writing of its decision.

(8) The nomination and approval by the Commission of a person under this section does not limit the liability of a bingo centre operator under this Act whilst that person is a nominee.

(9) A function of the Commission under this section may be performed by any commissioner.

8.5.10 Licence non-transferable

An operator's licence is not transferable to any other person or bingo centre.

8.5.11 Licence renewal

S. 8.5.11 substituted by No. 7/2006 s. 8.

(1) A bingo centre operator may, not earlier than 9 months before the expiration of the current licence, apply to the Commission for a new bingo centre operator's 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 Commission and must be accompanied by the prescribed fee.

(3) This Act (except sections 8.5.3, 8.5.4 and 8.5.5) 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 bingo centre operator.

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

Note

Division 1 of Part 4 of Chapter 10 provides for the investigation of an application for a bingo centre operator's licence.

8.5.12 Amendment of conditions

S. 8.5.12(1) amended by No. 72/2007 s. 39.

(1) The Commission may amend the conditions of a bingo centre operator's licence, other than the prescribed conditions or conditions imposed by this Act, in accordance with this section.

(2) An amendment may be proposed—

(a) by the bingo centre operator by requesting the Commission in writing to make the amendment and giving reasons for the request; or

(b) by the Commission by giving notice in writing of the proposed amendment and giving reasons to the operator.

(3) An amendment proposed by the Commission must be in the public interest or for the proper conduct of bingo.

(4) The Commission must give the operator at least 28 days to make a submission to the Commission concerning an amendment proposed by the Commission and must consider any submission made.

(5) The operator may waive the right under subsection (4) to make a submission concerning a proposed amendment by giving notice in writing signed by the operator to the Commission.

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

(7) An amendment takes effect when notice of the Commission's decision is given to the operator or on any later date that may be specified in the notice.

8.5.13 Disciplinary action

(1) In this section—

disciplinary action, against a bingo centre operator, means any of the following—

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

(b) the variation of the terms of the licence;

(c) the issuing of a letter of censure to the operator;

grounds for disciplinary action, in relation to a bingo centre operator, means any of the following—

S. 8.5.13(1) def. of *grounds for disciplinary action* amended by Nos 7/2006 s. 9, 72/2007 s. 40, 56/2010 s. 48.

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

(b) that the 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 the operator has contravened this Act, the regulations or the rules made by the Commission under section 8.4.2D or a condition of the licence;

(d) that—

(i) the operator; or

(ii) if the operator is not a natural person, an executive officer or nominee of the operator—

has been found guilty of a relevant offence;

(e) that the operator has become an insolvent under administration or an externally-administered body corporate;

(f) that the operator has engaged in conduct that, in the opinion of the Commission, is undesirable in relation to a community or charitable organisation;

(fa) that the operator no longer has the management or control of the bingo centre;

(g) that the bingo centre is, for specified reasons, no longer suitable for the conduct of bingo;

(h) that for any reason the operator is not a suitable person to hold their licence;

(i) that the bingo centre operator has repeatedly breached the operator's Responsible Gambling Code of Conduct;

relevant offence in relation to a bingo centre operator or an executive officer or nominee of a bingo centre operator, means—

(a) an offence against a gaming Act or gaming regulations; or

(b) an offence arising out of or in connection with the management or operation of a bingo centre; or

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

(d) an indictable offence, or an offence that, if committed in Victoria, would be an indictable offence, the nature or circumstances of which, in the opinion of the Commission, relate to a bingo centre of the operator.

(2) The Commission may inquire into whether there are grounds for disciplinary action against a bingo centre operator.

S. 8.5.13(3) amended by No. 58/2011 s. 91(2).

(3) At the request of the Commission, a commissioner may conduct an investigation in relation to a bingo centre operator and may make a report on the investigation to the Commission.

(4) If, following an inquiry or investigation under subsection (2) or (3), the Commission considers there are grounds for taking disciplinary action against a bingo centre operator, the Commission may serve on the person a notice in writing giving them an opportunity to show cause within 14 days why disciplinary action should not be taken against them on the grounds for disciplinary action specified in the notice.

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

(6) If the Commission decides that—

(a) the bingo centre operator is not a suitable person to hold their licence, the Commission may only vary, suspend or cancel the licence; or

(b) there are any other grounds for disciplinary action against the operator, the Commission may take the action—

and does so by giving written notice of the disciplinary action to the operator.

(7) If the disciplinary action is the cancellation, suspension or variation of the terms of a licence, it takes effect when the notice under subsection (6) is given or at a later time specified in the notice.

(8) A function of the Commission under this section may be performed by any commissioner.

8.5.14 Letter of censure

(1) Disciplinary action taken by the Commission under section 8.5.13(6) in the form of a letter of censure may censure the bingo centre operator in respect of any matter connected with the operator's activities under this Chapter and may include a direction to the operator to rectify within a specified time any matter giving rise to the censure.

(2) If a direction given in a letter of censure is not complied with in the specified time, the Commission may, by giving written notice to the bingo centre operator, cancel, suspend or vary the

terms of the licence without giving the operator a further opportunity to be heard.

(3) A function of the Commission under this section may be performed by any commissioner.

8.5.15 Effect and maximum period of suspension of bingo centre operator's licence

(1) Subject to subsection (2) and section 8.5.16, a bingo centre operator's licence cannot be suspended for longer than 6 months.

(2) The Commission may extend a suspension once for a period not exceeding 6 months if there are reasonable grounds for doing so.

(3) During any period of suspension of a bingo centre operator's licence, the holder of the licence is to be taken not to be a bingo centre operator except for the purposes of section 8.5.38 (returns by bingo centre operator).

8.5.16 Suspension of bingo centre operator's licence pending criminal proceedings

(1) The Commission may suspend a bingo centre operator's licence by notice in writing given to the operator if the Commission is satisfied that—

(a) the operator; or

(b) if the operator is a body corporate, an executive officer or nominee of the operator—

has been charged with a relevant offence within the meaning of section 8.5.13.

(2) The Commission may, at any time, terminate or reduce a period of suspension imposed under subsection (1).

8.5.17 Licence document to be surrendered

If a document evidencing a bingo centre operator's licence has been issued by the Commission and the licence is amended, suspended or cancelled, the holder of the licence must surrender the document to an inspector on demand.

8.5.18 Provisional bingo centre operator's licence

(1) The Commission may grant a provisional bingo centre operator's licence to a person in respect of a bingo centre.

(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 subsection (1) to enable an application for a bingo centre operator's licence in respect of that bingo centre to be made.

Ch. 8 Pt 5 Div. 2 (Heading and ss 8.5.19–8.5.36) amended by No. 45/2004 s. 34, repealed by No. 104/2004 s. 39(4).

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Division 3—Compliance requirements and monitoring

8.5.37 Accounts and financial statements

(1) A bingo centre operator must keep accounting records that correctly record and explain the transactions and financial position of the operations of the operator.

Penalty: 60 penalty units.

(2) A bingo centre operator must keep the accounting records in the form required by the Commission 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: 60 penalty units.

(3) A bingo centre operator must, as soon as practicable after the end of each financial year, prepare financial statements and accounts including—

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

(b) 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: 60 penalty units.

8.5.38 Returns to the Commission

S. 8.5.38 substituted by No. 104/2004 s. 28.

A bingo centre operator must, not later than 3 months after the end of each financial year, send to the Commission a full and accurate statement in the form approved by the Commission about all sessions of bingo conducted at the bingo centre during that financial year.

Penalty: 60 penalty units.

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Ss 8.5.39–8.5.41 repealed by No. 56/2010 s. 61(6).

8.5.42 Gaming machines in bingo centres

A bingo centre operator must not permit a gaming machine to be played at any time in premises included in the operator's licence.

Penalty: 100 penalty units.

Part 5A—Commercial raffle organisers

Ch. 8 Pt 5A (Heading and ss 8.5A.1–8.5A.27) inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

8.5A.1 Definition

S. 8.5A.1 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

In this Part—

licensee means the holder of a commercial raffle organiser's licence.

8.5A.2 Requirement to be licensed

S. 8.5A.2 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

A commercial raffle organiser must not conduct a raffle, in whole or in part, on behalf of a community or charitable organisation unless the commercial raffle organiser holds a commercial raffle organiser's licence.

Penalty: 100 penalty units.

8.5A.3 Commission may require person to show cause

S. 8.5A.3 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

(1) The Commission may serve on a person who is conducting a raffle, in whole or in part, a notice in writing giving the person an opportunity to show cause within 28 days (or any longer period specified in the notice) why the person is not required to have a commercial raffle organiser's licence.

(2) A person who is served with a notice under subsection (1) may make submissions to the Commission as to why the person is not required to have a commercial raffle organiser's licence and the Commission must consider any submission so made.

(3) The Commission may require a person who is served with a notice under subsection (1) to apply for a commercial raffle organiser's licence.

(4) A function of the Commission under this section may be performed by any commissioner.

S. 8.5A.4 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

8.5A.4 Appeal

(1) If a decision to require a person to apply for a commercial raffle organiser's licence is made under section 8.5A.3 by a single commissioner, the person may appeal against the decision to the Commission within 28 days after notification of the decision.

(2) An appeal must—

(a) be in writing; and

(b) specify the grounds on which it is made.

(3) After consideration of an appeal, the Commission may—

(a) confirm the decision of the single commissioner; or

(b) if satisfied that proper grounds for making the decision did not exist, quash the decision of the single commissioner.

(4) The decision of the Commission on an appeal—

(a) must be notified in writing to the appellant; and

(b) may include the reasons for the decision.

(5) The Commission as constituted for the purposes of an appeal must not include the commissioner whose decision is subject to appeal.

S. 8.5A.5 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

8.5A.5 Application for licence

(1) Subject to subsection (2), a person may apply to the Commission for a commercial raffle organiser's licence.

(2) An application for a licence must—

S. 8.5A.5(2) substituted by No. 72/2007 s. 41.

(a) be in the form approved by the Commission; and

(b) be accompanied by the prescribed fee; and

(c) be accompanied by a Responsible Gambling Code of Conduct that the applicant intends to implement if the licence is granted.

(3) Within 14 days after applying for a commercial raffle organiser's licence, 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—

(a) the prescribed information; and

(b) a statement that any person may object to the grant of the licence by giving notice in writing to the Commission within 28 days after the date of publication stating the grounds for the objection.

(4) If a requirement made by this section is not met, the Commission may refuse to consider the application.

Note

Division 1 of Part 4 of Chapter 10 provides for the investigation of an application for a commercial raffle organiser's licence.

8.5A.6 Objections

S. 8.5A.6 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

(1) A person may object to the grant of a commercial raffle organiser'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 business of the applicant is not a suitable person to act in that capacity.

(2) The Commission must consider every objection so made.

S. 8.5A.7 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

8.5A.7 Matters to be considered in determining applications

(1) The Commission must not grant an application for a commercial raffle organiser's licence unless satisfied that the applicant and each associate of the applicant is a suitable person to be concerned in the management and conduct of a raffle.

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

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

(b) the applicant and each associate of the applicant is of sound and stable financial background;

(c) if the applicant is not a natural person, the applicant has, or has arranged, a satisfactory ownership, trust or corporate structure;

(d) the applicant or an associate of the applicant has any business association with any person, body or association who or which, in the opinion of the Commission, 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 Commission 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;

S. 8.5A.7(2)(e) amended by No. 72/2007 s. 42(1).

(f) the Responsible Gambling Code of Conduct accompanying the application complies with—

S. 8.5A.7(2)(f) inserted by No. 72/2007 s. 42(2).

(i) regulations made for or with respect to Part 4C in Schedule 1; and

S. 8.5A.7(2)(f)(i) substituted by No. 62/2017 s. 56(11).

(ii) each direction under section 10.6.6(1) that applies in relation to the application.

S. 8.5A.7(2)(f)(ii) substituted by No. 62/2017 s. 56(11).

8.5A.8 Determination of application

S. 8.5A.8 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

(1) The Commission must determine an application by either granting or refusing to grant the application and must notify the applicant of its decision.

(2) If the Commission refuses to grant an application, the notice must set out the reasons for the refusal.

(3) A commercial raffle organiser's licence is subject to—

(a) the prescribed conditions; and

(b) any other conditions imposed by this Act or that the Commission imposes on the licence.

S. 8.5A.8(3)(b) amended by No. 72/2007 s. 43.

S. 8.5A.8A inserted by No. 72/2007 s. 44, amended by No. 62/2017 s. 57(12).

8.5A.8A Responsible Gambling Code of Conduct is a condition of licence

It is a condition of a commercial raffle organiser's licence that the licensee implement a Responsible Gambling Code of Conduct that complies with—

S. 8.5A.8A(a) inserted by No. 62/2017 s. 57(12).

(a) regulations made for or with respect to Part 4C in Schedule 1; and

S. 8.5A.8A(b) inserted by No. 62/2017 s. 57(12).

(b) each direction under section 10.6.6(1) that applies in relation to the licensee.

S. 8.5A.9 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14), amended by No. 64/2014 s. 32(2).

8.5A.9 Duration of licence

A commercial raffle organiser's licence remains in force for the term not exceeding 10 years specified in the licence, unless sooner cancelled or surrendered.

S. 8.5A.10 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

8.5A.10 Nominee of licensee

(1) Within 60 days, or any longer period allowed by the Commission, after a licensee that is a body corporate is notified under section 8.5A.8(1) that it has been granted a commercial raffle organiser's licence, the licensee must—

(a) nominate a natural person to be responsible as licensee on behalf of the licensee; and

(b) apply to the Commission for approval under this section of the person nominated.

Penalty: 20 penalty units.

Note

Division 1 of Part 4 of Chapter 10 provides for the investigation of an application for approval under this section.

(2) Within 60 days, or any longer period allowed by the Commission, after—

(a) a licensee is notified by the Commission of a refusal to approve a person nominated under this section; or

(b) a person nominated by the licensee and approved by the Commission resigns, is dismissed or ceases to manage or control the business of the licensee—

the licensee must nominate another natural person to be responsible as licensee on behalf of the licensee and apply to the Commission for approval of the person nominated.

Penalty: 20 penalty units.

(3) A person nominated by a licensee and approved by the Commission under this section is liable under this Act as a licensee.

(4) If a licensee that is a body corporate does not have a person who has been approved by the Commission under this section managing or controlling the business of the licensee, the directors or members of the committee of management of the body corporate (as the case requires) are severally liable under this Act as a licensee.

(5) The Commission 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 the business of the licensee.

(6) In particular, the Commission 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 Commission, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources.

(7) The Commission must determine an application by either approving or refusing to approve the person nominated and must notify the applicant in writing of its decision.

(8) The nomination and approval by the Commission of a person under this section does not limit the liability of a licensee under this Act whilst that person is a nominee.

(9) A function of the Commission under this section may be performed by any commissioner.

S. 8.5A.11 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

8.5A.11 Licence non-transferable

A commercial raffle organiser's licence is not transferable to any other person.

S. 8.5A.12 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

8.5A.12 Licence renewal

(1) A licensee may, not earlier than 9 months before the expiration of the current licence, apply to the Commission for a new commercial raffle organiser's 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 Commission and must be accompanied by the prescribed fee.

(3) This Act (except section 8.5A.5 and 8.5A.6) 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 commercial raffle organiser.

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

Note

Division 1 of Part 4 of Chapter 10 provides for the investigation of an application for a commercial raffle organiser's licence.

S. 8.5A.13 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

8.5A.13 Amendment of conditions

S. 8.5A.13(1) amended by No. 72/2007 s. 45.

(1) The Commission may amend the conditions of a commercial raffle organiser's licence, other than the prescribed conditions or conditions imposed by this Act, in accordance with this section.

(2) An amendment may be proposed—

(a) by the licensee by requesting the Commission in writing to make the amendment and giving reasons for the request; or

(b) by the Commission by giving notice in writing of the proposed amendment and giving reasons to the licensee.

(3) An amendment proposed by the Commission must be in the public interest or for the proper conduct of raffles.

(4) The Commission must give the licensee at least 28 days to make a submission to the Commission concerning an amendment proposed by the Commission and must consider any submission made.

(5) The licensee may waive the right under subsection (4) to make a submission concerning a proposed amendment by giving notice in writing signed by the licensee to the Commission.

(6) The Commission must then decide whether to make the proposed amendment, either with or without changes from that originally proposed, and must notify the licensee of its decision.

(7) An amendment takes effect when notice of the Commission's decision is given to the licensee or on any later date that may be specified in the notice.

8.5A.14 Disciplinary action

S. 8.5A.14 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

(1) In this section—

disciplinary action, against a licensee, means any of the following—

(a) the cancellation or suspension of the licensee's commercial raffle organiser's licence;

(b) the variation of the terms of the licence;

(c) the issuing of a letter of censure to the licensee;

S. 8.5A.14(1) def. of *grounds for disciplinary action* amended by No. 72/2007 s. 46.

grounds for disciplinary action, in relation to a licensee, means any of the following—

(a) that the licensee's commercial raffle organiser's licence was improperly obtained in that, at the time it was granted, there were grounds for refusing it;

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

(c) that the licensee has contravened this Act or the regulations or a condition of the licence;

(d) that—

(i) the licensee; or

(ii) if the licensee is not a natural person, an executive officer or nominee of the licensee—

has been found guilty of a relevant offence;

(e) that the licensee has become an insolvent under administration or an externally-administered body corporate;

(f) that the licensee has engaged in conduct that, in the opinion of the Commission, is undesirable in relation to a community or charitable organisation;

(g) that for any reason the licensee is not a suitable person to hold the licence;

(h) that the licensee has repeatedly breached the licensee's Responsible Gambling Code of Conduct;

relevant offence in relation to a licensee or an executive officer or nominee of a licensee, means—

(a) an offence against a gaming Act or gaming regulations; or

(b) an offence arising out of or in connection with the management or conduct of a raffle; or

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

(d) an indictable offence, or an offence that, if committed in Victoria, would be an indictable offence, the nature or circumstances of which, in the opinion

of the Commission, relate to a raffle of the licensee.

(2) The Commission may inquire into whether there are grounds for disciplinary action against a licensee.

(3) At the request of the Commission, a commissioner may conduct an investigation in relation to a licensee and may make a report on the investigation to the Commission.

S. 8.5A.14(3) amended by No. 58/2011 s. 91(2).

(4) If, following an inquiry or investigation under subsection (2) or (3), the Commission considers there are grounds for taking disciplinary action against a licensee, the Commission may serve on the person a notice in writing giving the person an opportunity to show cause within 14 days why disciplinary action should not be taken against the person on the grounds for disciplinary action specified in the notice.

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

(6) If the Commission decides that—

(a) the licensee is not a suitable person to hold the licence, the Commission may only vary, suspend or cancel the licence; or

(b) there are any other grounds for disciplinary action against the licensee, the Commission may take the action—

and does so by giving written notice of the disciplinary action to the licensee.

(7) If the disciplinary action is the cancellation, suspension or variation of the terms of a licence, it takes effect when the notice under subsection (6) is given or at a later time specified in the notice.

(8) A function of the Commission under this section may be performed by any commissioner.

S. 8.5A.15 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

8.5A.15 Letter of censure

(1) Disciplinary action taken by the Commission under section 8.5A.14(6) in the form of a letter of censure may censure the licensee in respect of any matter connected with the licensee's activities under this Chapter and may include a direction to the licensee to rectify within a specified time any matter giving rise to the censure.

(2) If a direction given in a letter of censure is not complied with in the specified time, the Commission may, by giving written notice to the licensee, cancel, suspend or vary the terms of the licence without giving the licensee a further opportunity to be heard.

(3) A function of the Commission under this section may be performed by any commissioner.

S. 8.5A.16 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

8.5A.16 Effect and maximum period of suspension of commercial raffle organiser's licence

(1) Subject to subsection (2) and section 8.5A.17, a commercial raffle organiser's licence cannot be suspended for longer than 6 months.

(2) The Commission may extend a suspension once for a period not exceeding 6 months if there are reasonable grounds for doing so.

(3) During any period of suspension of a commercial raffle organiser's licence, the holder of the licence is to be taken not to be a licensee except for the purposes of section 8.5A.27.

8.5A.17 Suspension of commercial raffle organiser's licence pending criminal proceedings

S. 8.5A.17 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

(1) The Commission may suspend a commercial raffle organiser's licence by notice in writing given to the licensee if the Commission is satisfied that—

(a) the licensee; or

(b) if the licensee is a body corporate, an executive officer or nominee of the licensee—

has been charged with a relevant offence within the meaning of section 8.5A.14.

(2) The Commission may, at any time, terminate or reduce a period of suspension imposed under subsection (1).

8.5A.18 Licence document to be surrendered

S. 8.5A.18 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

If a document evidencing a commercial raffle organiser's licence has been issued by the Commission and the licence is amended, suspended or cancelled, the holder of the licence must surrender the document to an inspector on demand.

8.5A.19 Provisional commercial raffle organiser's licence

S. 8.5A.19 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

(1) The Commission may grant a provisional commercial raffle organiser's licence to a person.

(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 subsection (1) to enable an application for a commercial raffle organiser's licence to be made.

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Ss 8.5A.20–8.5A.22 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14), repealed by No. 56/2010 s. 61(6).

S. 8.5A.23 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

8.5A.23 Community or charitable organisation may contract with licensee to conduct raffle

(1) A community or charitable organisation may enter into an agreement with the holder of a commercial raffle organiser's licence for the conduct by the licensee of a raffle, in whole or in part, on behalf of the organisation.

(2) The agreement must provide for—

(a) compliance by the licensee with all relevant provisions of this Act; and

(b) the submission to the Commission of periodic audited statements as required by or under this Act; and

(c) the retention of records as required by this Act; and

(d) the provision to the community or charitable organisation of a copy of all documents submitted on its behalf to the Commission by the licensee; and

(e) the maximum fee, determined in accordance with the regulations, to be paid to the licensee for the raffle.

(3) The agreement may contain any other provisions that are not inconsistent with this Act.

(4) A community or charitable organisation must—

(a) give the Commission a copy of an agreement entered into under this section; and

(b) notify the Commission of the termination of the agreement.

(5) If an agreement is entered into under this section, the licensee is solely liable under this Act in respect of the functions performed by the licensee as if it were the community or charitable organisation.

8.5A.24 Expenses licensee can charge for raffle

S. 8.5A.24 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

A licensee must not require the holder of a minor gaming permit to pay to the licensee or to an associate of the licensee—

(a) any expenses exceeding the prescribed maximum amount, if any; or

(b) if types of expenses are prescribed, any expenses other than the prescribed types of expenses.

Penalty: 60 penalty units.

8.5A.25 Promotion of raffle

S. 8.5A.25 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

A commercial raffle organiser that conducts a raffle on behalf of a community or charitable organisation must not make any statement in relation to the application of the proceeds of the raffle, knowing it to be false or misleading.

8.5A.26 Accounts and financial statements

S. 8.5A.26 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

(1) A licensee must keep accounting records that correctly record and explain the transactions and financial position of the operations of the licensee in relation to conducting raffles, in whole or in part.

Penalty: 60 penalty units.

(2) A licensee must keep the accounting records 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: 60 penalty units.

(3) A licensee must, as soon as practicable after the end of each financial year, prepare financial statements and accounts including—

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

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

that give a true and fair view of the financial operations of the licensee in relation to conducting raffles, in whole or in part.

Penalty: 60 penalty units.

(4) A licensee must, as soon as practicable after the end of each financial year, cause the books, accounts and financial statements of the licensee to be audited by an auditor in accordance with the regulations.

S. 8.5A.27 inserted by No. 104/2004 s. 29 (as amended by No. 7/2006 s. 14).

8.5A.27 Returns to the Commission

A licensee must, within 3 months after the draw of a raffle and at any other periods or times that are prescribed and within the time limits (if any) prescribed, send to the Commission a full and accurate statement in the form approved by the Commission about the raffle.

Penalty: 60 penalty units.

Part 6—General compliance requirements

Division 1—Banking and records

8.6.1 Banking

(1) This section applies to a person who—

(a) is the holder of a minor gaming permit; or

(b) administers a pooling scheme as a scheme administrator; or

(c) conducts any other activity authorised by this Chapter—

or has, at any time in the preceding 12 months, held a minor gaming permit, administered a pooling scheme or conducted an activity referred to in paragraph (c).

(2) A person to whom this section applies must—

(a) keep and maintain a single account, as approved by the Commission, at an ADI in the State for use for all transactions arising under this Chapter in relation to all such permits or activities held or conducted by that person or any pooling scheme administered by that person as a scheme administrator; and

S. 8.6.1(2)(a) amended by No. 64/2014 s. 39(6).

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

S. 8.6.1(2)(b) amended by No. 64/2014 s. 39(6).

Penalty: 100 penalty units.

S. 8.6.1(3) amended by No. 64/2014 s. 39(6).

(3) An inspector may, by notice in writing, require the manager or other principal officer of an ADI referred to in subsection (2) to provide the inspector with a statement of an account referred to in that subsection and any other particulars relating to the account that are specified in the notice.

(4) A person to whom a notice is given under subsection (3) must comply with the notice.

Penalty: 60 penalty units.

(5) An inspector may not exercise the powers conferred by this section without the prior written approval of the Commission.

S. 8.6.1(6) inserted by No. 71/2008 s. 26(1).

(6) This section does not apply to—

(a) a community or charitable organisation that conducts a session or sessions of bingo only as referred to in section 8.2.4(2); or

(b) a person who conducts a session or sessions of bingo only as authorised by section 8.2.4A.

8.6.2 Records

(1) This section applies to—

S. 8.6.2(1)(aa) inserted by No. 71/2008 s. 26(2).

(aa) a community or charitable organisation, but only in relation to transactions related to bingo;

(a) the holder of a minor gaming permit;

S. 8.6.2(1)(b) amended by No. 104/2004 s. 30(a).

(b) a bingo centre operator;

S. 8.6.2(1)(c) inserted by No. 104/2004 s. 30(b).

(c) the holder of a commercial raffle organiser's licence.

(2) Unless a contrary requirement is specified in this Act, a person to whom this section applies must keep records containing the prescribed information in the form approved by the Commission for a period of 3 years after the completion of the transactions to which they relate.

Penalty: 20 penalty units.

(3) This section does not apply to a community or charitable organisation in relation to sessions of bingo referred to in section 8.2.4(2).

S. 8.6.2(3) inserted by No. 71/2008 s. 26(3).

Division 2—Ongoing notification requirements

8.6.3 Change in situation of person or associate

S. 8.6.3 (Heading) amended by No. 7/2006 s. 10(a).

(1) This section applies to—

(aa) a community or charitable organisation;

S. 8.6.3(1)(aa) inserted by No. 7/2006 s. 10(b).

(a) the holder of a minor gaming permit.

S. 8.6.3(1)(a) amended by No. 60/2011 s. 41(1).

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S. 8.6.3 (1)(b)(c) repealed by No. 60/2011 s. 41(2).

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S. 8.6.3(1)(d) substituted by No. 104/2004 s. 39(5)(p), repealed by No. 7/2006 s. 10(c).

* * * * *

S. 8.6.3(1)(e)(f) inserted by No. 104/2004 s. 31 (as amended by No. 7/2006 s. 15), repealed by No. 60/2011 s. 41(2).

(2) Whenever a change of a kind specified by the Commission in writing given to a person to whom this section applies takes place in the situation existing in relation to that person, the person must notify the Commission in writing of the change within 14 days after it takes place.

Penalty: 60 penalty units.

S. 8.6.3(3) amended by No. 7/2006 s. 10(d).

(3) A function of the Commission under this section may be performed by any commissioner.

Part 7—Reviews

8.7.1 Tribunal reviews

(1) A person whose interests are affected by a decision of the Commission under this Chapter may apply to the Tribunal for review of the decision.

S. 8.7.1(2) amended by No. 104/2004 s. 38.

(2) In the case of a decision referred to in section 8.3.18(1), 8.5.25(1) or 8.5A.4(1) made by a single commissioner, a person who could appeal the decision under section 8.3.18, 8.5.25 or 8.5A.4 (as the case requires) cannot apply for review of the decision under this section, but may apply for review of the Commission's decision on an appeal under section 8.3.18, 8.5.25 or 8.5A.4.

(3) An application for review must be made within 28 days after the later of—

(a) the day on which the decision is made;

(b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the person requests a statement of reasons for the decision, the day on which the statement of reasons is given to the person or the person is informed under section 46(5) of that Act that a statement of reasons will not be given.

(4) This section does not apply to—

(a) a decision of the Commission under Division 1 of Part 3; or

(b) the revocation of a declaration under Division 1 of Part 3.

Part 8—General

8.8.1 Refusal to issue licence or permit

(1) Without limiting the discretion of the Commission to refuse an application for a licence or permit under this Chapter, the Commission may refuse to grant a licence or permit to a person who at any time has contravened—

(a) this Chapter or regulations made for the purpose of this Chapter or a previous Act that corresponds to this Chapter or previous regulations made for the purpose of that Act; or

(b) a condition of a licence, permit or approval under this Chapter or a previous Act that corresponds to this Chapter.

(2) In determining whether to grant a licence or permit to an organisation, the Commission may consider whether—

(a) the organisation; or

(b) an associate of the organisation; or

(c) a person nominated by the organisation—

has contravened a provision of this Act or the regulations or a previous corresponding Act or regulations made under that Act or a condition of a licence, permit, consent or approval under this Act or a previous corresponding Act.

(3) In this section, ***associate***, in relation to an organisation, means—

(a) a person, body or association having a business association with the organisation; or

(b) a director, partner, trustee, executive officer, secretary or any other officer or person determined by the Commission to be associated or connected with the ownership, administration or management of the operation or business of the organisation.

Chapter 9—Onboard gaming

Part 1—Introduction

9.1.1 Purpose

The purpose of this Chapter is to allow gaming on ships operated by a company formed and incorporated pursuant to section 5 of the TT-Line Arrangements Act 1993 of Tasmania as amended and in force for the time being.

9.1.2 Definitions

(1) In this Chapter and the applied provisions—

ship means a ship operated by a company formed and incorporated pursuant to section 5 of the TT-Line Arrangements Act 1993 of Tasmania;

the applied provisions means the provisions applying by reason of section 9.2.1;

the Tasmanian Act means the TT-Line Gaming Act 1993 of Tasmania;

the Tasmanian Minister means the Minister of Tasmania administering the Tasmanian Act;

the Victorian Minister means the Minister administering this Act;

this Chapter (except in this Part) includes the applied provisions.

(2) Words and expressions used in this Chapter that are defined in the applied provisions have the same respective meaning as in the applied provisions.

9.1.3 Application of Chapter

This Chapter does not apply to ships on a voyage other than an inter-state voyage or overseas voyage within the meaning of the Navigation Act 1912 of the Commonwealth.

Part 2—Application of Tasmanian Act

9.2.1 Tasmanian Act applies as law of Victoria

(1) The Tasmanian Act applies as a law of Victoria and so applies as if amended as set out in Schedule 2.

(2) Regulations in force under the Tasmanian Act (other than provisions providing for the citation or commencement of the regulations) apply as laws of Victoria and so apply as if amended as set out in Schedule 3.

9.2.2 Amendment of Schedules

If—

(a) the Tasmanian Act is, or is to be, amended; or

(b) regulations are made, or are proposed to be made, under the Tasmanian Act (whether or not amending other regulations made under the Tasmanian Act)—

the Governor in Council may make regulations amending Schedule 2 or 3, as the case requires.

Part 3—Further provisions regulating onboard gaming

Division 1—Legality of onboard gaming

9.3.1 Legality of onboard gaming

(1) The conduct and playing of a game on a ship and the use of gaming equipment or monitoring equipment is lawful when the game is conducted, and the gaming equipment or monitoring equipment is provided, in an approved gaming area or approved keno outstation by or on behalf of the operator.

S. 9.3.1(1) amended by No. 58/2009 s. 136 (as amended by No. 29/2011 s. 3(Sch. 1 item 43.3)).

(2) The conduct of operations on a ship in an approved gaming area or approved keno outstation in accordance with this Chapter and the conditions of the relevant gaming licence is not a public or private nuisance.

9.3.2 Non-applicability of other laws

(1) Nothing in Chapter 3, Chapter 8 or the **Casino Control Act 1991** applies to gaming and gaming operations conducted on ships to which this Chapter applies.

(2) Except to the extent (if any) that the regulations otherwise provide, nothing in Chapter 2 applies to the conduct and playing of a game on a ship and the use of gaming equipment or monitoring equipment when the game is conducted, and the gaming equipment or monitoring equipment is provided, in an approved gaming area or approved keno outstation by or on behalf of the operator.

S. 9.3.2(2) amended by No. 58/2009 s. 137.

Division 2—Conduct of onboard gaming

9.3.3 Limit on number of gaming machines

This Chapter does not authorise or permit a number of gaming machines to be placed on a ship in approved gaming areas or approved keno outstations that exceeds the maximum permissible number for the time being approved by the Minister in writing given to the licensee and the Tasmanian Minister.

9.3.4 Unlawful interference with gaming equipment

(1) A person must not on a ship—

S. 9.3.4(1)(a) amended by No. 58/2009 s. 138.

(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 monitoring equipment; or

S. 9.3.4(1)(b) amended by No. 58/2009 s. 138.

(b) do any act or thing calculated, or likely, to improperly interfere with gaming equipment or monitoring 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 2 years or both.

S. 9.3.4(2) amended by No. 37/2014 s. 10(Sch. item 72.17).

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

9.3.5 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 on a ship, induce—

(d) a person licensed under the Tasmanian Act; or

(e) an associate of a person so licensed; or

(f) a person acting on behalf of a person so licensed—

to deliver, give or credit to the person or another person, any money, gaming tokens, benefit, advantage, valuable consideration or security.

Penalty: 1000 penalty units or imprisonment for 2 years or both.

(2) A person licensed under the Tasmanian Act or an associate of a person so licensed 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 on a ship, 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.

Penalty: 1000 penalty units or imprisonment for 2 years or both.

(3) A person must not dishonestly cause gaming equipment on a ship to deliver, give or credit to the person or another person any gaming tokens, benefit, advantage, valuable consideration or security.

Penalty: 1000 penalty units or imprisonment for 2 years or both.

(4) A person must not, for the purpose of cheating or stealing in relation to gaming or the conduct of gaming on a ship, 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: 1000 penalty units or imprisonment for 2 years or both.

Division 3—Taxes

9.3.6 Revenue-sharing agreement

(1) The Treasurer or Minister, for and on behalf of the State, may enter into an agreement with the Tasmanian Minister that provides for the payment to Victoria of a proportion of the taxes that are received by the Tasmanian Minister under the Tasmanian Act.

(2) An agreement referred to in subsection (1) may include such provisions relating to the conduct of gaming on ships as the parties determine.

Part 4—Suspension of Chapter

9.4.1 Suspension of Chapter

(1) If—

S. 9.4.1(1) amended by No. 23/2025 s. 74(Sch. 1 item 2.39).

(a) the Minister believes on reasonable grounds that the provisions of this Chapter or an agreement under section 9.3.6 are not being complied with in a material respect; or

(b) there is no agreement in force under section 9.3.6—

the Minister may, by writing given to the Tasmanian Minister, give notice of the Minister's intention to suspend the operation of this Chapter as from a specified date being not less than 14 days after the giving of the notice.

(2) Unless the Minister is satisfied within the period specified in a notice under subsection (1) that the operation of this Chapter ought not to be suspended, the Minister may suspend the operation of this Chapter for not more than 3 months by notice published in the Government Gazette within 7 days after the expiration of that period.

(3) The Minister—

(a) may extend, or further extend, the period of suspension of this Chapter by notice published in the Government Gazette;

(b) may terminate the suspension by notice so published.

(4) The Minister must give notice in writing to the Tasmanian Minister of the Minister's decision to suspend, or not to suspend, the operation of this Chapter and of any decision under subsection (3).

S. 9.4.1(4) amended by No. 23/2025 s. 74(Sch. 1 item 2.39).

Ch. 9A (Heading and ss 9A.1.1–9A.1.21) inserted by No. 104/2004 s. 32.

Chapter 9A—Licensing of gaming industry employees

S. 9A.1.1 inserted by No. 104/2004 s. 32.

9A.1.1 Definitions

In this Chapter—

game has the same meaning as in Chapter 3;

gaming has the same meaning as in Chapter 3;

gaming industry employee means a person who performs any function or duty referred to in section 9A.1.2;

S. 9A.1.1 def. of *gaming machine services provider* inserted by No. 32/2012 s. 15.

gaming machine services provider means a person listed on the Roll who supplies, or intends to supply, testing services to a venue operator that holds a gaming machine entitlement or the monitoring licensee;

licensee means the holder of a gaming industry employee's licence.

S. 9A.1.2 inserted by No. 104/2004 s. 32.

9A.1.2 Authority conferred by a gaming industry employee's licence

(1) A gaming industry employee's licence authorises the licensee, subject to this Act and any conditions to which the licence is subject—

S. 9A.1.2(1)(a) amended by No. 32/2012 s. 16.

(a) to be employed by or to work for a venue operator, a monitoring licensee or a gaming machine services provider carrying out prescribed duties; and

(b) to perform prescribed functions in a bingo centre; and

(c) to service, repair and maintain gaming equipment or monitoring equipment; and

S. 9A.1.2(1)(c) amended by No. 58/2009 s. 139(1).

(ca) to install, service, repair and maintain player account equipment, or part of a pre-commitment system, on or in a gaming machine; and

S. 9A.1.2 (1)(ca) inserted by No. 4/2014 s. 38(a).

(d) to test gaming equipment, monitoring equipment or games for the purposes of the issue of certificates referred to in section 3.5.4, 3.5.5 or 3.5.13; and

S. 9A.1.2(1)(d) amended by No. 58/2009 s. 139(2).

(da) for the purposes of the issue of certificates referred to in section 3.8A.4(4)(b), to test a pre-commitment system; and

S. 9A.1.2 (1)(da) inserted by No. 4/2014 s. 38(b).

(e) to service, repair and maintain instruments, contrivances, hardware, software or equipment referred to in section 4.2.3 and to test them for the purposes of the issue of certificates referred to in that section; and

* * * * *

S. 9A.1.2(1)(f) repealed by No. 28/2022 s. 127(h).

(g) to carry out prescribed duties.

(2) A gaming industry employee's licence also authorises the licensee, subject to any conditions to which the licence is subject, to test gaming equipment (within the meaning of the **Casino Control Act 1991**) for the purposes of the issue of certificates referred to in section 62 of that Act.

S. 9A.1.3 inserted by No. 104/2004 s. 32.

9A.1.3 Gaming industry employees to be licensed

S. 9A.1.3(1) amended by No. 4/2014 s. 39(1).

(1) A person (other than a person referred to in section 9A.1.20) must not perform any of the functions of a gaming industry employee unless the person holds a gaming industry employee's licence and complies with the conditions of the licence.

Penalty:

(a) if the function is referred to in section 9A.1.2(1)(c), (1)(ca), (1)(d), (1)(da), (1)(e), (1)(f) or (2)—250 penalty units or imprisonment for 12 months or both;

(b) in any other case—60 penalty units or imprisonment for 3 months or both.

S. 9A.1.3(2) amended by Nos 32/2012 s. 17, 4/2014 s. 39(2).

(2) A venue operator, a monitoring licensee, a bingo centre operator or a gaming machine services provider must not—

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

(b) allocate, or permit or allow to be allocated, to a person the performance of a function of a gaming industry employee—

unless the person holds a gaming industry employee's licence or is a person referred to in section 9A.1.20.

Penalty:

(a) if the function is referred to in section 9A.1.2(1)(c), (1)(ca), (1)(d), (1)(da), (1)(e), (1)(f) or (2)—250 penalty units;

(b) in any other case—60 penalty units.

(3) It is a defence to a prosecution for an offence against subsection (1) or (2) to prove that the person exercising the prescribed function was doing so in a bingo centre as a volunteer acting in good faith due to the absence, as a result of an emergency, of a person holding a gaming industry employee's licence.

9A.1.4 Application for gaming industry employee's licence

S. 9A.1.4 inserted by No. 104/2004 s. 32.

(1) Subject to subsection (2), a natural person may apply to the Commission for a gaming industry employee's licence.

(2) An application under subsection (1) cannot be made by—

(a) a minor; or

(b) a person belonging to a class of persons prescribed as being ineligible to apply for a gaming industry employee's licence.

(3) An application for a gaming industry employee's licence must be in the form approved by the Commission and must be accompanied by—

(a) the prescribed fee; and

(b) the documents, if any, specified by the Commission in the form of application.

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

(5) A function of the Commission under this section may be performed by any commissioner.

Note

Division 1 of Part 4 of Chapter 10 provides for the investigation of an application for a gaming industry employee's licence.

S. 9A.1.5 inserted by No. 104/2004 s. 32.

9A.1.5 Determination of application

(1) The Commission must consider an application for a gaming industry employee's licence and must take into account any submission made by the applicant within the time allowed by the Commission.

(2) In considering an application, the Commission 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.

(3) The Commission must determine an application by either issuing a gaming industry employee's licence to the applicant or refusing the application and must notify the applicant in writing accordingly.

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

(5) A function of the Commission under this section may be performed by any commissioner.

S. 9A.1.6 inserted by No. 104/2004 s. 32.

9A.1.6 Conditions of gaming industry employee's licence

(1) A gaming industry employee's licence is subject to—

(a) any condition imposed by the Commission and notified to the licensee on the issue of the licence or during its currency; and

(b) the conditions specified in subsection (3).

(2) A condition of a gaming industry employee's licence (other than a condition specified in subsection (3)) may be varied or revoked by the Commission, whether or not on application made to the Commission by the licensee.

(3) Every gaming industry employee's licence is subject to the following conditions—

(a) the licensee must not participate in gaming or the playing of bingo, other than as required in the course of the licensee's employment—

(i) while on duty (including intervals for meals and other rostered breaks arising in the course of duty); or

(ii) at any time when the approved venue or bingo centre is closed to the public;

S. 9A.1.6(3)(a) amended by No. 23/2025 s. 74(Sch. 1 item 2.40).

(b) the licensee must comply with the requirements of a notice under section 9A.1.17.

(4) A licensee must not contravene a condition of the licensee's licence.

Penalty: 60 penalty units.

S. 9A.1.6(4) amended by No. 23/2025 s. 74(Sch. 1 item 2.40).

(5) If a licensee is found guilty of contravening the condition specified in subsection (3)(a), section 3.5.22(2) and (3) apply as if the offence had been against section 3.5.22(1).

(6) A function of the Commission under this section may be performed by any commissioner.

9A.1.7 Appeal

S. 9A.1.7 inserted by No. 104/2004 s. 32.

(1) If a decision to refuse to grant an application for a gaming industry employee's licence, or a decision to grant a gaming industry employee's licence subject to conditions, is made by a single commissioner, the applicant may appeal against

the decision to the Commission within 28 days after notification of the decision.

(2) An appeal must—

(a) be in writing; and

(b) specify the grounds on which it is made.

(3) After consideration of an appeal, the Commission may—

(a) confirm the decision; or

(b) in the case of a decision to refuse an application—grant the application, either unconditionally or subject to conditions; or

(c) in the case of a decision to grant an application subject to conditions—vary or remove the conditions.

(4) The decision of the Commission on an appeal—

(a) must be notified in writing to—

(i) the applicant; and

(ii) the venue operator, monitoring licensee, bingo centre operator or gaming machine services provider who employs or proposes to employ the applicant, if known to the Commission; and

(b) may include the reasons for the decision.

S. 9A.1.7 (4)(a)(ii) amended by No. 32/2012 s. 18.

(5) The Commission as constituted for the purposes of the appeal must not include the commissioner who made the decision that is subject to appeal.

S. 9A.1.8 inserted by No. 104/2004 s. 32.

9A.1.8 Identification of gaming industry employee

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

(2) Identification worn—

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S. 9A.1.8(2)(a) repealed by No. 1/2010 s. 89.

(b) on and from the commencement of section 211 of the **Private Security Act 2004**, by a gaming industry employee, who is a crowd controller within the meaning of that Act, that complies with that Act—

is sufficient compliance with this section.

(3) The Commission may issue replacement identification to a gaming industry 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.

(5) A function of the Commission under this section may be performed by any commissioner.

9A.1.9 Provisional licence

S. 9A.1.9 inserted by No. 104/2004 s. 32.

(1) The Commission may, pending a decision on an application for a gaming industry employee's licence, grant the applicant a provisional gaming industry employee's licence.

(2) A provisional licence is subject to any conditions or restrictions of which the Commission gives notice to the provisional licensee when issuing the provisional licence.

(3) A provisional licence may be cancelled by the Commission at any time and, unless sooner surrendered or cancelled, ceases to have effect on

the determination of the provisional licensee's application for a gaming industry employee's licence.

(4) This Act applies to a provisional licence as if it were a gaming industry employee's licence, to the extent that is consistent with this section.

(5) A function of the Commission under this section may be performed by any commissioner.

S. 9A.1.10 inserted by No. 104/2004 s. 32.

9A.1.10 Duration of gaming industry employee's licence

A gaming industry employee's 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 Commission; or

(c) the expiration of 10 years after the end of the month in which the licence was granted.

S. 9A.1.11 inserted by No. 104/2004 s. 32.

9A.1.11 Renewal of gaming industry employee's licence

S. 9A.1.11(1) amended by No. 23/2025 s. 74(Sch. 1 item 2.40).

(1) A licensee may, not earlier than 3 months before the expiration of the licensee's current gaming industry employee's licence, apply to the Commission for a new gaming industry employee's 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 Commission 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; 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 licensee.

(4) A function of the Commission under this section may be performed by any commissioner.

9A.1.12 Disciplinary action

S. 9A.1.12 inserted by No. 104/2004 s. 32.

(1) In this section—

disciplinary action in relation to a licensee, means any of the following—

S. 9A.1.12(1) def. of *disciplinary action* amended by No. 23/2025 s. 74(Sch. 1 item 2.41(a)).

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

(b) variation of the gaming industry employee's licence;

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

(d) cancellation of the licence;

(e) cancellation of the licence and disqualification from obtaining or applying for a licence or permit under a

gaming Act for a specified period not exceeding 4 years;

S. 9A.1.12(1) def. of *grounds for disciplinary action* amended by No. 23/2025 s. 74(Sch. 1 item 2.41(b)).

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

(a) that the licensee's gaming industry employee's 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 a relevant offence;

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

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

(e) that the licensee has become an insolvent under administration;

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

relevant offence, in relation to a licensee, means—

(a) an offence against a gaming Act or gaming regulations; or

(b) an offence arising out of or in connection with the employment of the licensee under a gaming Act; or

(c) an offence (wherever occurring) involving fraud or dishonesty punishable on conviction by imprisonment for 3 months or more (whether or not in addition to a fine).

(2) The Commission may serve on a licensee a notice in writing giving the licensee 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 licensee, within the period allowed by the notice, may arrange with the Commission for the making of submissions to the Commission as to why disciplinary action should not be taken and the Commission must consider any submissions so made.

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

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

9A.1.13 Suspension of gaming industry employee's licence in connection with criminal proceedings

S. 9A.1.13 inserted by No. 104/2004 s. 32.

(1) The Commission may suspend the gaming industry employee's licence of a licensee by notice in writing given to the licensee if the Commission is satisfied that the licensee has been charged with, found guilty of or convicted of a relevant offence within the meaning of section 9A.1.12.

(2) A function of the Commission under this section may be performed by any commissioner.

9A.1.14 Effect etc. of suspension

S. 9A.1.14 inserted by No. 104/2004 s. 32.

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

(2) The Commission may, at any time, terminate or reduce a period of suspension of a gaming industry employee's licence.

(3) A function of the Commission under this section may be performed by any commissioner.

S. 9A.1.15 inserted by No. 104/2004 s. 32.

9A.1.15 Return of licence on suspension or cancellation

If the gaming industry employee's licence of a licensee is suspended or cancelled, the licensee must return the licence to the Commission within 14 days after the suspension or cancellation.

Penalty: 20 penalty units.

S. 9A.1.16 inserted by No. 104/2004 s. 32, amended by No. 32/2012 s. 19.

9A.1.16 Termination of employment on suspension or cancellation of licence

If a venue operator, monitoring licensee, bingo centre operator or gaming machine services provider receives written notice from the Commission that the gaming industry employee's licence of an employee has been suspended under section 9A.1.12 or 9A.1.13 or cancelled, or has otherwise ceased to be in force, the operator, licensee or provider must, within 24 hours after receiving the notice, terminate the employment that constitutes the exercise of the functions of a gaming industry employee or cause it to be terminated.

Penalty: 100 penalty units.

S. 9A.1.17 inserted by No. 104/2004 s. 32.

9A.1.17 Licensee to provide information relating to licence

(1) The Commission, by notice in writing, may require a licensee—

S. 9A.1.17 (1)(a) amended by No. 23/2025 s. 74(Sch. 1 item 2.42).

(a) to provide, in accordance with directions in the notice, any information relevant to the holding of the licensee's gaming industry employee's 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 those records and the making of copies of them.

(2) A function of the Commission under this section may be performed by any commissioner.

9A.1.18 Compulsory training for certain gaming industry employees

S. 9A.1.18 inserted by No. 104/2004 s. 32, amended by Nos 79/2006 s. 22, 32/2012 s. 20, 27/2013 s. 19, 64/2014 s. 33, substituted by No. 58/2015 s. 9.

(1) This section applies to—

(a) a venue operator; and

(b) the holder of a gaming industry employee's licence; and

(c) a person—

(i) who is a nominee of a venue operator; and

(ii) who performs the duties of a gaming industry employee; and

(d) a person who is employed by a venue operator and who, in that employment—

(i) works in the gaming machine area of an approved venue; and

(ii) has more than incidental contact or interaction with players of gaming machines in the gaming machine area.

Example

Cleaners, technicians and tradespersons may be employed by a venue operator to work in the gaming machine area of an approved venue without having more than incidental contact and interaction with players of gaming machines in that area.

(2) A person to whom this section applies must comply with the prescribed training requirements.

(3) A venue operator who employs a person to whom this section applies must ensure that the person complies with the training requirements prescribed for the purposes of subsection (2).

Penalty: 20 penalty units.

(4) Regulations made for the purposes of subsection (2) may specify—

(a) a training course that a person must complete, including by specifying a training course by reference to—

(i) the person who provides it; or

(ii) the content of the course; and

(b) the period within which a person must complete a training course, including by specifying that the person must complete the training course on a recurring basis.

S. 9A.1.19 inserted by No. 104/2004 s. 32.

9A.1.19 Venue operator may perform duties of gaming industry employee

A natural person who is on duty as—

(a) a venue operator or a bingo centre operator; or

(b) the nominee of a venue operator or a bingo centre operator—

may perform the duties of a gaming industry employee, subject to the conditions in section 9A.1.6, if the person wears identification of a kind required to be worn by gaming industry employees in such a manner as to be visible to other people.

9A.1.20 Volunteers at bingo centres

S. 9A.1.20 inserted by No. 104/2004 s. 32.

(1) A person may, within any period of 7 days, perform a prescribed function in a bingo centre as a volunteer acting in good faith for only one community or charitable organisation, whether or not the person holds a gaming industry employee's licence.

S. 9A.1.20(1) amended by No. 71/2008 s. 27(a).

(2) A community or charitable organisation—

S. 9A.1.20(2) amended by No. 71/2008 s. 27(b).

(a) must notify the Commission of the commencement of the performance of any prescribed functions by a person referred to in subsection (1) not less than 7 days before the person commences to perform them; and

(b) must notify the Commission of the cessation of the performance of those functions not more than 28 days after the person ceases to perform them.

9A.1.21 Casino employees

S. 9A.1.21 inserted by No. 104/2004 s. 32.

(1) A person who holds a casino special employee's licence may apply to the Commission for a gaming industry employee's licence.

(2) An application under subsection (1) must be accompanied by—

(a) the prescribed fee; and

(b) evidence that the applicant is or was employed by a casino operator to perform the functions of a special employee within the meaning of section 37 of the **Casino Control Act 1991**.

(3) If the Commission is satisfied that the applicant is or was employed by a casino operator to perform the functions of a special employee within the meaning of section 37 of the **Casino Control Act 1991**, the Commission may issue a gaming industry employee's licence to the applicant.

(4) A function of the Commission under this section may be performed by any commissioner.

S. 9A.1.22 inserted by No. 7/2006 s. 11.

9A.1.22 Change in situation of licensees

(1) Whenever a change of a kind specified by the Commission in writing given to a licensee takes place in the situation existing in relation to the licensee, the licensee must notify the Commission in writing of the change within 14 days after it takes place.

Penalty: 60 penalty units.

(2) A function of the Commission under this section may be performed by any commissioner.

Chapter 10—Administration and enforcement

Part 1—The Commission's functions

Ch. 10 Pt 1 (Heading) substituted by No. 58/2011 s. 72.

Division 1—General functions

Ch. 10 Pt 1 Div. 1 (Heading) substituted by No. 58/2011 s. 73.

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Ss 10.1.1, 10.1.2 repealed by No. 58/2011 s. 74.

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S. 10.1.3 amended by No. 18/2007 s. 4(f), repealed by No. 58/2011 s. 74.

10.1.4 Functions of Commission

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S. 10.1.4(1) repealed by No. 58/2011 s. 75.

(2) The functions of the Commission under this Act include—

S. 10.1.4(2) amended by No. 58/2011 s. 76(1).

(a) regulating the use of gaming machines in casinos and approved venues;

(ab) to monitor compliance with Part 2A of Chapter 3;

S. 10.1.4(2)(ab) inserted by No. 29/2009 s. 38.

S. 10.1.4(2)(ac) inserted by No. 58/2009 s. 106.

(ac) regulating the allocation, transfer and use of gaming machine entitlements;

S. 10.1.4(2)(ad) inserted by No. 58/2009 s. 106.

(ad) regulating the monitoring licensee and its activities;

S. 10.1.4(2)(ae) inserted by No. 58/2009 s. 106.

(ae) any functions conferred on the Commission under the gaming machine entitlement allocation and transfer rules;

S. 10.1.4(2)(af) inserted by No. 58/2009 s. 106.

(af) making determinations, declarations and decisions and giving approvals under this Act in respect of betting exchanges;

S. 10.1.4(2)(ag) inserted by No. 58/2009 s. 106.

(ag) approving simulated racing events;

S. 10.1.4 (2)(ah) inserted by No. 4/2014 s. 40.

(ah) regulating venue operators and casino operators in relation to pre-commitment;

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

S. 10.1.4 (2)(ba) inserted by No. 9/2018 s. 19.

(ba) on the request of the Minister, advising on the making of a fixed term ban order under section 2.5A.9;

(c) ensuring that the conduct of gaming at approved venues is supervised;

(d) detecting offences committed in or in relation to approved venues;

(e) receiving and investigating complaints from gaming patrons concerning the conduct of gaming in approved venues;

(f) regulating the activities of key operatives in the wagering and betting, keno, community and charitable gaming, bingo, onboard gaming and public lottery industries;

S. 10.1.4(2)(f) amended by Nos 45/2004 s. 35, 1/2021 s. 63, 28/2022 ss 109, 127(i).

(faa) registering and regulating bookmakers and bookmaker's key employees;

S. 10.1.4(2)(faa) inserted by No. 73/2008 s. 26.

(fab) providing training courses for the purpose of the training requirements referred to in section 9A.1.18;

S. 10.1.4(2)(fab) inserted by No. 58/2015 s. 10.

(fa) making determinations and performing other functions in relation to sports betting;

S. 10.1.4(2)(fa) inserted by No. 18/2007 s. 4(g).

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S. 10.1.4(2)(fb) inserted by No. 72/2007 s. 47, repealed by No. 62/2017 s. 63(1).

(fc) monitoring self-exclusion programs to ensure that they comply with—

(i) regulations made for or with respect to Part 4B in Schedule 1; and

(ii) the direction under section 10.6.1(1);

S. 10.1.4(2)(fc) inserted by No. 72/2007 s. 47, substituted by No. 62/2017 s. 63(2).

(fd) ensuring that Responsible Gambling Codes of Conduct comply with—

(i) regulations made for or with respect to Part 4C in Schedule 1; and

(ii) directions under section 10.6.6(1);

S. 10.1.4(2)(fd) inserted by No. 72/2007 s. 47, substituted by No. 62/2017 s. 52.

S. 10.1.4(2)(fe) inserted by No. 72/2007 s. 47.

(fe) monitoring the compliance of relevant persons (within the meaning of section 10.6.5) with their Responsible Gambling Codes of Conduct;

(g) advising the Minister on community concerns about the economic and social impact of gambling on the well-being of the community.

S. 10.1.4(3) amended by No. 18/2007 s. 4(h), repealed by No. 58/2011 s. 76(2).

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S. 10.1.5 repealed by No. 58/2011 s. 77.

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S. 10.1.5A inserted by No. 58/2009 s. 107.

10.1.5A Standards for approvals of technical equipment and systems

S. 10.1.5A(1) substituted by No. 4/2014 s. 41(1).

(1) The Commission, with the approval of the Minister, may make and amend standards in respect of—

(a) any technical equipment and systems that the Commission is required to approve under this Act; and

(b) player account equipment; and

(c) player cards.

(2) The Commission must—

(a) publish each standard, and each amendment to a standard, on the Internet; and

(b) publish a notice of the making or amendment of each standard in the Government Gazette.

(3) A standard or amendment to a standard comes into force on the day specified in the notice of making published in the Government Gazette.

(4) A function of the Commission under this section may be performed by any commissioner.

(5) In this section—

technical equipment and systems means a system, equipment, instrument, a contrivance, hardware, software or a device referred to in section 3.5.13, 3.8A.4, 4.2.3, 4.3A.34B, 5.2.1A or 6A.2.5.

S. 10.1.5A(5) def. of *technical equipment and systems* amended by No. 4/2014 s. 41(2).

Note

Standards for the approval of gaming machines types and games are made by the Commission under section 3.5.3.

10.1.5B Standards relating to certain matters

S. 10.1.5B (Heading) substituted by No. 4/2014 s. 42(1).

S. 10.1.5B inserted by No. 64/2010 s. 46.

(1) The Commission may, with the approval of the Minister, make and amend standards in respect of any of the following—

(a) linked jackpot arrangements and jackpot special prize pools, including—

S. 10.1.5B (1)(a) substituted by No. 28/2022 s. 131.

(i) the allocation of the balances of jackpot special prize pools; and

(ii) the distribution of amounts across difference components of a jackpot special prize pool; and

(iii) transfers of unpaid jackpot funds between venue operators; and

(iv) the calculation of jackpot special prize pool balances for the purposes of section 3.5.47;

(b) the conduct of gaming;

S. 10.1.5B (1)(c) amended by No. 4/2014 s. 42(2).

(c) the conduct of monitoring;

S. 10.1.5B (1)(d) inserted by No. 4/2014 s. 42(3), amended by No. 23/2025 s. 17(2).

(d) the provision of responsible gambling and regulatory compliance services;

S. 10.1.5B (1)(e) inserted by No. 4/2014 s. 42(3).

(e) the provision of pre-commitment services.

(2) Before making or amending a standard, the Commission must consult—

(a) the monitoring licensee; and

(b) each venue operator whose interests the Commission considers will be adversely affected by the making or amendment of the standard.

(3) The Commission must—

(a) publish a standard, and an amendment to a standard, on the Internet; and

(b) publish a notice of the making or amendment of a standard in the Government Gazette.

(4) A standard or amendment to a standard comes into force on the day specified in the notice of making published in the Government Gazette.

(5) A function of the Commission under this section may be performed by any Commissioner.

Note

Standards for the approval of gaming machines types and games are made by the Commission under section 3.5.3.

10.1.5C Operational requirements

S. 10.1.5C (Heading) amended by No. 4/2014 s. 43(1).

S. 10.1.5C inserted by No. 64/2010 s. 46.

(1) The Commission may determine operational requirements in relation to any of the following—

(a) linked jackpot arrangements and jackpot special prize pools, including— S. 10.1.5C (1)(a) substituted by No. 28/2022 s. 132.

(i) the allocation of the balances of jackpot special prize pools; and

(ii) the distribution of amounts across difference components of a jackpot special prize pool; and

(iii) transfers of unpaid jackpot funds between venue operators; and

(iv) the calculation of jackpot special prize pool balances for the purposes of section 3.5.47;

(b) the conduct of gaming;

(c) the conduct of monitoring; S. 10.1.5C (1)(c) amended by No. 4/2014 s. 43(2)(a).

(d) the provision of responsible gambling and regulatory compliance services; S. 10.1.5C (1)(d) inserted by No. 4/2014 s. 43(2)(b), amended by No. 23/2025 s. 17(2).

S. 10.1.5C (1)(e) inserted by No. 4/2014 s. 43(2)(b).

(e) the provision of pre-commitment services.

(2) Without limiting subsection (1), the Commission may determine an operational requirement in respect of any of the following—

(a) information and reporting about the conduct of gaming or monitoring;

(b) testing of any of the following—

(i) gaming equipment;

(ii) monitoring equipment;

(iii) gaming machines and equipment required to be approved by the Commission under section 3.5.4;

(iv) an electronic monitoring system required to be approved by the Commission under section 3.5.13;

S. 10.1.5C (2)(b)(v) inserted by No. 4/2014 s. 43(3).

(v) a pre-commitment system required to be approved by the Commission under section 3.8A.4;

(c) responsible gambling measures the Commission may require a venue operator or the monitoring licensee to comply with.

*	*	*	*	*	**Ch. 10 Pt 1 Div. 2 (Heading and ss 10.1.6–10.1.15) amended by Nos 108/2004 s. 117(1) (Sch. 3 item 86.1), 80/2006 s. 26(Sch. item 44), 40/2008 ss 19, 20, repealed by No. 58/2011 s. 78.**
*	*	*	*	*	**Ch. 10 Pt 1 Div. 3 (Heading and ss 10.1.16–10.1.22) amended by Nos 104/2004 s. 33, 18/2005 s. 18(Sch. 1 item 46), 72/2007 s. 48, 40/2008 s. 21, 71/2008 s. 15, 58/2009 ss 108 (as amended by No. 56/2010 s. 71), 109, 69/2009 s. 54(Sch. Pt 2 item 23), repealed by No. 58/2011 s. 79.**
*	*	*	*	*	**Ch. 10 Pt 1 Div. 4 (Heading and ss 10.1.23, 10.1.24) amended by No. 58/2009 s. 110, repealed by No. 58/2011 s. 80.**

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Ch. 10 Pt 1 Div. 5 (Heading and ss 10.1.25–10.1.28) amended by Nos 104/2004 s. 34, 108/2004 s. 117(1) (Sch. 3 item 86.2), 54/2006 s. 16, 72/2007 s. 51(b), 71/2008 s. 36, 73/2008 s. 27, repealed by No. 58/2011 s. 81.

Ch. 10 Pt 1 Div. 6 (Heading and ss 10.1.29–10.1.37) amended by Nos 104/2004 ss 39(5)(q), 40(d), 22/2005 s. 12, substituted as Ch. 10 Pt 1 Div. 6 (Heading and ss 10.1.29–10.1.34) by No. 54/2006 s. 17.

Division 6—Confidentiality

S. 10.1.29 substituted by No. 54/2006 s. 17.

10.1.29 Definitions

(1) In this Division—

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

enforcement agency means a person or body in Victoria or another jurisdiction (whether in or outside Australia)—

(a) that is responsible for, or engages in, law enforcement generally; or

(b) that is approved by the Minister under subsection (2);

gambling regulator means a person or body in Victoria or another jurisdiction (whether in or outside Australia) that is responsible for the licensing, supervision or regulation of gambling activities;

produce includes permit access to;

protected information means information, other than pre-commitment information within the meaning of section 3.8A.24, that is—

S. 10.1.29(1) def. of *protected information* amended by No. 4/2014 s. 44.

(a) information with respect to the affairs of any person; or

(b) information with respect to the establishment or development of a casino;

regulated person means the Commission or a person who is or was—

S. 10.1.29(1) def. of *regulated person* amended by No. 11/2007 s. 4(b)(c), substituted by No. 71/2008 s. 37(1), amended by Nos 62/2017 s. 103, 9/2018 s. 20, 54/2021 ss 32, 41(e), 26/2022 s. 13.

(a) a commissioner;

(ab) the chief executive officer of the Commission;

(b) an employee or member of staff referred to in section 29(1) of the **Victorian Gambling and Casino Control Commission Act 2011**;

(c) a person nominated under section 29(3) of the **Victorian Gambling and Casino Control Commission Act 2011**;

(ca) a special manager appointed under section 36B of the **Casino Control Act 1991**;

(cb) a member of staff (within the meaning of the **Casino Control Act 1991**) of a special manager appointed under section 36B of that Act;

(d) the Minister;

(e) the Secretary;

(f) an employee in the Department administered by the Minister;

(g) a person nominated under section 10.1A.1(1);

(h) a person acting on behalf of the Commission, the Minister or the Secretary;

(i) a member of the Review Panel established by section 10.2A.2.

(2) The Minister may, by written notice given to the Commission, approve as an enforcement agency a person or body that is responsible for, or engages in, the administration of a licensing or other regulatory scheme that requires licensees or other persons regulated to be suitable, or fit and proper, persons.

S. 10.1.30 substituted by No. 54/2006 s. 17.

10.1.30 General duty of confidentiality

(1) A regulated person must not, directly or indirectly, make a record of, or disclose to someone else, any protected information acquired by the person in the performance of functions under a gaming Act or gaming regulations.

Penalty: 60 penalty units.

(2) Subsection (1) does not apply to—

S. 10.1.30(2)(a) substituted by No. 58/2011 s. 82.

(a) a record or disclosure made in the performance of, or for the purpose of performing or enabling someone else to perform, a function under—

(i) a gaming Act or gaming regulations; or

* * * * *

S. 10.1.30 (2)(a)(ii) repealed by No. 26/2022 s. 14.

(iii) the **Victorian Gambling and Casino Control Commission Act 2011**; or

S. 10.1.30 (2)(a)(iii) inserted by No. 9/2018 s. 21(1), amended by No. 54/2021 s. 41(f).

(b) a record or disclosure permitted or required to be made by or under another provision of this Division; or

S. 10.1.30 (2)(b) amended by No. 9/2018 s. 21(2).

(c) a record or disclosure made to another regulated person for the purpose of providing advice or assistance, or enabling someone else to provide advice or assistance, to a Minister in respect of the Minister's responsibilities or functions under—

S. 10.1.30 (2)(c) inserted by No. 9/2018 s. 21(3).

(i) a gaming Act or gaming regulations; or

* * * * *

S. 10.1.30 (2)(c)(ii) repealed by No. 26/2022 s. 14.

(iii) the **Victorian Gambling and Casino Control Commission Act 2011**.

S. 10.1.30 (2)(c)(iii) amended by No. 54/2021 s. 41(f).

10.1.31 Disclosure in legal proceedings

S. 10.1.31 substituted by No. 54/2006 s. 17.

(1) Subject to subsection (2), a regulated person is not, except for the purposes of a gaming Act or gaming regulations, permitted or required—

S. 10.1.31(1) amended by No. 71/2008 s. 37(2)(a).

(a) to produce in a court a document that has come into the person's possession or under the person's control; or

(b) to disclose to a court any protected information that has come to the person's notice—

in the performance of functions under a gaming Act or gaming regulations.

S. 10.1.31(2) amended by No. 71/2008 s. 37(2)(b).

(2) A regulated person may disclose, or be required to disclose, protected information to a court or produce, or be required to produce, in court any document containing information if—

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

(b) the person to whose affairs the information relates has expressly authorised it to be disclosed to a court.

S. 10.1.32 substituted by No. 54/2006 s. 17.

10.1.32 Other permitted disclosures

(1) A regulated person may disclose protected information—

(a) with the consent (express or implied) of the person to whose affairs the information relates; or

(b) to an enforcement agency for the purpose of law enforcement; or

S. 10.1.32(1)(c) amended by No. 40/2008 s. 22(a).

(c) to a gambling regulator for regulatory or law enforcement purposes; or

(ca) to an authorised officer (within the meaning of the **Taxation Administration Act 1997**) for the purpose of administering the **Gambling Taxation Act 2023** and the **Taxation Administration Act 1997** as it applies to that Act; or

S. 10.1.32 (1)(ca) inserted by No. 47/2018 s. 6, amended by No. 52/2021 s. 53, substituted by No. 14/2023 s. 73.

(cb) to the Victorian Liquor Commission established under Part 9A of the **Liquor Control Reform Act 1998** for the purpose of performing its functions under that Act; or

S. 10.1.32 (1)(cb) inserted by No. 26/2022 s. 15.

(d) with the authorisation of the Minister or the Commission under subsection (3); or

(e) if the information was considered at a meeting or inquiry, or part of a meeting or inquiry, of the Commission that was held in public.

(2) In addition to any disclosure permitted under subsection (1), the Minister or the Commission may disclose protected information (except to a court) if the Minister or the Commission (as the case requires) considers that—

S. 10.1.32(2) amended by No. 71/2008 s. 37(3).

(a) disclosure of the information is in the public interest; or

(b) in the circumstances, disclosure of the information is not unreasonable.

(3) The Minister or the Commission may authorise the disclosure of protected information, or protected information of a specified class, if the Minister or the Commission (as the case requires) considers that—

(a) disclosure of the information, or information of the class, is in the public interest; or

(b) in the circumstances, disclosure of the information, or information of the class, is not unreasonable.

(4) An authorisation under subsection (3) may be expressed to apply to a specified regulated person, to regulated persons of a specified class or to all regulated persons.

S. 10.1.32(4A) inserted by No. 71/2008 s. 37(4).

(4A) An authorisation cannot be given under subsection (3) to disclose protected information to a court.

Note

The disclosure of protected information to a court is dealt with in section 10.1.31.

S. 10.1.32(5) repealed by No. 9/2018 s. 22.

* * * * *

S. 10.1.33 substituted by No. 54/2006 s. 17.

10.1.33 Aggregation of statistical information

(1) Any statistical information published about gambling expenditure in relation to gaming venues (whether pursuant to an authorisation under section 10.1.32(3) or otherwise) must be aggregated—

(a) to give the total gambling expenditure for all approved venues in a municipal district; and

(b) if a municipal district has less than 3 approved venues, to give the total gambling expenditure for all approved venues in the municipal district together with an adjoining municipal district or districts so that the statistical information indicates gambling expenditure for at least 3 approved venues—

except as authorised by or under subsection (2).

(2) The Minister or the Commission may publish, or authorise the publication of, disaggregated statistical information if the Minister or the

Commission (as the case requires) considers that—

(a) publication is in the public interest; or

(b) in the circumstances, publication is not unreasonable.

10.1.34 Third party disclosures

S. 10.1.34 substituted by No. 54/2006 s. 17.

(1) A person (other than a regulated person) to whom protected information is disclosed by a regulated person must not make a record of, or disclose to someone else, any of the information.

Penalty: 60 penalty units.

(2) Subsection (1) does not apply to—

(a) a record or disclosure made with the prior written authorisation of the Commission or the Minister; or

(b) a record or disclosure made by an enforcement agency or a gambling regulator in the performance of functions of the agency or regulator (as the case requires); or

(c) protected information that has been given in evidence or produced before a court.

Ch. 10 Pt 1A (Heading and s. 10.1A.1) inserted by No. 71/2008 s. 38.

Part 1A—The Minister and the Secretary

S. 10.1A.1 inserted by No. 71/2008 s. 38.

10.1A.1 Nomination of assistants and advisers

(1) The Secretary, by instrument, may nominate a person by name to assist or advise the Secretary or the Minister in the performance of functions under this Act.

(2) A nomination under subsection (1) must specify the functions in relation to which the nominated person is to assist or advise the Secretary or the Minister.

(3) A nomination under subsection (1) remains in force for the period determined by the Secretary and may be extended from time to time by the Secretary.

S. 10.1A.2 inserted by No. 56/2014 s. 54.

10.1A.2 Directions to licence holders to provide information for policy development

(1) The Minister may give a written direction to a licence holder requiring the licence holder to provide to the Minister any information or document that is in the possession or under the control of the licence holder and that—

(a) is specified in the direction in accordance with subsection (2); or

(b) belongs to a class of information or document specified in the direction in accordance with subsection (2).

(2) The Minister may specify information or a document, or a class of information or document, that, in the opinion of the Minister, will assist in the development of policy in accordance with—

(a) the objectives of this Act; or

(b) the purposes of the **Casino Control Act 1991**.

(3) The licence holder must comply with a direction under subsection (1) within the period (being not less than 10 business days) specified in the direction.

(4) No compensation is payable by the State in respect of anything done under this section or in compliance with a direction under subsection (1).

(5) In this section—

licence holder means any of the following—

S. 10.1A.2(5) def. of *licence holder* amended by No. 13/2023 s. 82.

(a) a casino operator;

(b) a keno licensee;

(c) the monitoring licensee;

(d) a public lottery licensee;

(e) a venue operator;

(f) a wagering and betting licensee.

10.1A.3 Delegation of certain reporting functions of Secretary

S. 10.1A.3 inserted by No. 1/2021 s. 64.

(1) The Secretary, by instrument, may delegate a function under any of the following provisions to an executive within the meaning of the **Public Administration Act 2004** who is employed in a role of Deputy Secretary or equivalent—

(a) section 4.3A.4;

(b) section 4.3A.4A;

(c) section 4.3A.6;

(d) section 6A.3.4;

(e) section 6A.3.4A;

(f) section 6A.3.6.

(2) A person to whom a function is delegated under subsection (1) has all the functions of the Secretary under Division 1C and 1D of Part 4 that are necessary for the performance of the function delegated.

* * * * *

Ch. 10 Pt 2 (Heading and ss 10.2.1–10.2.13) substituted as Ch. 10 Pt 2 (Heading and ss 10.2.1, 10.2.2) by No. 104/2004 s. 35, amended by Nos 48/2006 s. 42(Sch. item 15), 64/2014 s. 34, repealed by No. 25/2024 s. 13.

Ch. 10 Pt 2A (Heading and ss 10.2A.1–10.2A.12) inserted by No. 11/2007 s. 3.

Part 2A—Review Panel

Division 1—Introduction

S. 10.2A.1 inserted by No. 11/2007 s. 3.

10.2A.1 Definitions

In this Part—

S. 10.2A.1 def. of *authorisation and licensing process* substituted by No. 28/2022 s. 110(a), amended by No. 23/2025 ss 49, 66(b).

authorisation and licensing process means—

(a) the process for the authorisation and licensing of gaming machines, wagering, approved betting competitions, public lotteries and keno games; and

(ab) without limiting paragraph (a), the process of extending a public lottery licence for a period of 10 years or longer; and

(b) the licensing process for the monitoring of gaming machines—

including any decisions made by the Minister during the process referred to in paragraph (a), (ab) or (b);

Example

A decision of the Minister as to the length of an authorisation or licence or the number of licences that may be issued.

* * * * *

S. 10.2A.1 defs of *current gambling licences, current gaming operator's licence, current public lottery licence, current wagering and gaming licences* repealed by No. 28/2022 s. 110(b).

key operative means—

(a) a key operative within the meaning of section 1.3(1); or

(b) a licensed racing club; or

(c) a registered bookmaker; or

(d) Racing Products; or

(e) VicRacing; or

(f) Racing Victoria; or

(g) a person registered or licensed in accordance with the rules of Racing Victoria, Harness Racing Victoria or Greyhound Racing Victoria;

* * * * *

S. 10.2A.1 def. of *other gambling activities* amended by No. 40/2008 s. 22(b), repealed by No. 28/2022 s. 110(b).

S. 10.2A.1 def. of *pending applicant* inserted by No. 23/2025 s. 66(a).

pending applicant has the meaning given by section 10.4.7P;

S. 10.2A.1 def. of *possible invitee* inserted by No. 23/2025 s. 66(a).

possible invitee has the meaning given by section 10.4.7P;

protected information has the meaning given in section 10.1.29;

Racing Victoria has the same meaning as in the **Racing Act 1958**;

S. 10.2A.1 def. of *regulatory review* amended by No. 1/2021 s. 65, substituted by No. 28/2022 s. 110(c), amended by No. 23/2025 s. 66(c).

regulatory review means the review by one or more relevant entities of the regulatory structure and associated arrangements for—

(a) the operation and monitoring of gaming machines; and

(b) the operation of wagering; and

(c) the operation of approved betting competitions; and

(d) the operation of keno; and

(e) the funding of the racing industry—

but does not include anything that is part of the authorisation and licensing process;

relevant activity, in relation to the regulatory review, means an activity that—

(a) is relevant to the regulatory review; and

(b) is authorised or licensed under this Act;

relevant entity means—

(a) the Commission; or

(b) a public official (within the meaning of the **Public Administration Act 2004**) employed in—

(i) the Department administered by the Minister; or

(ii) the Department administered by the Premier; or

(iii) the Department administered by the Treasurer; or

(c) a person engaged to provide services to an entity referred to in paragraph (a) or (b);

Secretary means Secretary to the Department administered by the Minister.

Division 2—Establishment and functions

10.2A.2 Establishment of Review Panel

S. 10.2A.2 inserted by No. 11/2007 s. 3.

A Review Panel is established.

10.2A.3 Functions and powers of Review Panel

S. 10.2A.3 inserted by No. 11/2007 s. 3.

(1) The functions of the Review Panel are—

(a) to consider, and report to the Minister, whether, in the preparation of recommendations or reports to the Minister by a relevant entity with respect to the regulatory review—

(i) all parties interested in a relevant activity have been treated impartially and have been given the same opportunity to access information and

advice in relation to the review process; and

(ii) information received from parties referred to in subparagraph (i) has been managed to ensure the security and confidentiality of intellectual property and proprietary information; and

S. 10.2A.3 (1)(a)(iii) amended by No. 23/2025 s. 67(1)(a).

(iii) every relevant entity involved in the regulatory review has been required to declare any actual or perceived conflict of interest before participating in the regulatory review and while participating in the regulatory review, as the case requires; and

(iv) any conflict of interest referred to in subparagraph (iii) has been appropriately addressed; and

(v) there has been any improper interference with the making of a recommendation or report; and

(vi) the preparation of a recommendation or report discloses bias or anything that could lead to a reasonable apprehension of bias;

S. 10.2A.3 (1)(b) amended by No. 23/2025 s. 67(1)(b)(i).

(b) to consider, and report to the Minister, whether, in the preparation of recommendations or reports to the Minister or the Secretary by a relevant entity with respect to the authorisation and licensing process—

S. 10.2A.3 (1)(b)(i) amended by No. 23/2025 s. 67(1)(b)(ii).

(i) all possible invitees, pending applicants and applicants for an authorisation or a licence have been treated equally and impartially and have been given the same opportunity to access information

and advice about the authorisation and licensing process; and

(ii) all protected information has been managed to ensure its security and confidentiality; and

(iii) all possible invitees, pending applicants and applicants referred to in subparagraph (i) have been evaluated in a systematic manner against explicit predetermined evaluation criteria; and

S. 10.2A.3 (1)(b)(iii) amended by No. 23/2025 s. 67(1)(b)(iii).

(iv) every relevant entity involved in the authorisation and licensing process has been required to declare any actual or perceived conflict of interest before participating in the process and while participating in the process, as the case requires; and

S. 10.2A.3 (1)(b)(iv) amended by No. 23/2025 s. 67(1)(b)(iv).

(v) any conflict of interest referred to in subparagraph (iv) has been appropriately addressed; and

(vi) there has been any improper interference with the making of a recommendation or report; and

(vii) the preparation of a recommendation or report discloses bias or anything that could lead to a reasonable apprehension of bias;

(c) to consider, and report to the Minister on, any other matter referred to the Review Panel under subsection (2);

(d) to report to the Minister on request under section 10.2A.12(2).

S. 10.2A.3(2) amended by No. 23/2025 s. 67(2).

(2) The Minister, by notice published in the Government Gazette, may refer any matter to the Review Panel for consideration and report to the Minister.

(3) The Review Panel has all the powers necessary to perform its functions.

S. 10.2A.3 (4)(5) repealed by No. 28/2022 s. 111.

* * * * *

Division 3—Membership of Review Panel

S. 10.2A.4 inserted by No. 11/2007 s. 3.

10.2A.4 Membership of Review Panel

The Review Panel consists of—

(a) a chairperson; and

(b) 3 other members—

appointed by the Governor in Council on the recommendation of the Minister.

S. 10.2A.5 inserted by No. 11/2007 s. 3.

10.2A.5 Chairperson

(1) The Governor in Council, on the recommendation of the Minister, may appoint a person as chairperson of the Review Panel.

S. 10.2A.5(2) amended by No. 23/2025 s. 74(Sch. 1 item 2.43).

(2) A person is not eligible for appointment as chairperson unless the person has been a judge of—

(a) the High Court; or

(b) the Federal Court; or

(c) the Supreme Court of a State or Territory; or

(d) the County Court or a court of another State or Territory of equivalent status to the County Court.

(3) The appointment as chairperson of a person who has been a judge of the Supreme Court or the County Court does not affect any pension or other rights or privileges the person has as a former judge.

(4) The appointment is on the terms and conditions, including remuneration, determined by the Governor in Council.

10.2A.6 Other members

S. 10.2A.6 inserted by No. 11/2007 s. 3.

(1) The Governor in Council, on the recommendation of the Minister, may appoint a qualified person as a member of the Review Panel.

Note

3 members are to be appointed under this section—see section 10.2A.4(b).

(2) A person is qualified to be appointed as a member under this section if the Minister is satisfied that the person has appropriate knowledge, experience and expertise to perform a member's functions.

(3) The appointment is on the terms and conditions, including remuneration, determined by the Governor in Council.

10.2A.7 Vacancies and resignation

S. 10.2A.7 inserted by No. 11/2007 s. 3.

(1) A member's office becomes vacant if the member—

S. 10.2A.7(1) amended by No. 23/2025 s. 74(Sch. 1 item 2.44).

(a) resigns by notice in writing delivered to the Minister; or

(b) is removed from office under subsection (2).

(2) The Governor in Council, on the recommendation of the Minister, may remove a member from office if the member—

(a) has refused, neglected or failed to carry out the duties of office; or

(b) has demonstrated inefficiency or misbehaviour in carrying out those duties; or

(c) is employed, in any capacity, by a key operative; or

(d) knowingly has, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, a key operative.

(3) Subsection (2)(d) does not apply if the member complies with subsection (4)(a) and with any direction of the Secretary under subsection (4)(b) in relation to the association or interest.

(4) A member who knowingly has, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, a key operative must forthwith—

(a) notify the Secretary of the association or interest; and

(b) if directed to do so by the Secretary, within a time specified by the Secretary terminate the association or relinquish the interest.

S. 10.2A.8 inserted by No. 11/2007 s. 3.

10.2A.8 Acting chairperson

(1) The Minister may appoint another member of the Review Panel to act as chairperson—

(a) during a vacancy in the office of chairperson; or

(b) if the chairperson is absent or, for any other reason, is unable to perform the duties of office.

(2) The acting chairperson is not required to be eligible for appointment as chairperson as set out in section 10.2A.5(2).

(3) The Minister may terminate the appointment of an acting chairperson at any time.

(4) While acting as chairperson, the acting chairperson—

(a) has and may perform all the functions of the chairperson; and

(b) is entitled to be paid the remuneration to which the chairperson would have been entitled.

Division 4—Procedure of Review Panel

10.2A.9 Meetings

S. 10.2A.9 inserted by No. 11/2007 s. 3.

(1) The quorum for a meeting of the Review Panel is a majority of members for the time being, at least one of whom must be the chairperson or acting chairperson.

(2) The chairperson, or in the chairperson's absence the acting chairperson, is to preside at a meeting of the Review Panel.

S. 10.2A.9(2) amended by No. 23/2025 s. 74(Sch. 1 item 2.45).

(3) Subject to this section, the Review Panel may regulate its own procedure.

(4) The Review Panel may meet with one or more relevant entities at any time during the regulatory review or the authorisation and licensing process.

10.2A.10 Reports

S. 10.2A.10 inserted by No. 11/2007 s. 3.

(1) The Review Panel—

(a) may at any time give a written report to the Minister on the performance of its functions; and

(b) must give a written report to the Minister on the performance of its functions, within the time specified by the Minister, if directed to do so by the Minister.

(2) The Minister must consult the Review Panel before specifying the time for a report under subsection (1)(b).

(3) A report on a matter referred to the Review Panel under section 10.2A.3(2) must include a copy of the Order referring the matter.

S. 10.2A.11 inserted by No. 11/2007 s. 3, amended by No. 69/2009 s. 54(Sch. Pt 1 item 27), substituted by No. 56/2010 s. 49.

10.2A.11 Publication of Review Panel reports

(1) The Minister must give a copy of each report of the Review Panel to the Secretary as soon as practicable after receiving it.

S. 10.2A.11(2) substituted by No. 60/2011 s. 42(1).

(2) In the case of a report with respect to the regulatory review, the Minister must—

(a) cause a copy of the report to be presented to each House of the Parliament within 7 sitting days of the House after the Minister publicly announces the government's decision on the regulatory review; or

(b) if the Parliament is not sitting, give a copy of the report to the clerk of each House of the Parliament, within 21 days after the Minister publicly announces the government's decision on the regulatory review.

S. 10.2A.11(3) substituted by No. 60/2011 s. 42(1).

(3) In the case of a report with respect to the authorisation and licensing process, the Minister must—

(a) cause a copy of the report to be presented to each House of the Parliament within 7 sitting days of the House after the Minister publicly announces the grant or issue of an authorisation or licence that is the subject of a report; or

(b) if the Parliament is not sitting, give a copy of the report to the clerk of each House of Parliament, within 21 days after the Minister publicly announces the grant or issue of an authorisation or licence that is the subject of a report.

(3A) In the case of any other report, the Minister must cause a copy of each report to be presented to each House of the Parliament at the time determined by the Minister.

S. 10.2A.11 (3A) inserted by No. 60/2011 s. 42(1).

(4) If the clerk of each House of the Parliament receives a copy of a report under subsection (2)(b) or (3)(b), the clerk of each House of the Parliament must—

S. 10.2A.11(4) amended by No. 60/2011 s. 42(2).

(a) as soon as practicable after the report is received, notify each member of the House of the receipt of the report and advise that the report is available upon request; and

(b) give a copy of the report to any member of the House upon request to the clerk; and

(c) cause the report to be laid before the House on the next sitting day of the House.

S. 10.2A.11 (4)(c) amended by No. 29/2011 s. 3(Sch. 1 item 42.2).

(5) The Secretary must cause a copy of each report received under subsection (1) to be published on an appropriate Internet site as soon as practicable after—

S. 10.2A.11 (5)(a) amended by No. 60/2011 s. 42(3)(a).

(a) the copy of the report has been presented to each House of the Parliament by the Minister under subsection (2)(a), (3)(a) or (3A); or

S. 10.2A.11 (5)(b) amended by No. 60/2011 s. 42(3)(b).

(b) the copy of the report has been given to the clerk of each House of the Parliament by the Minister under subsection (2)(b) or (3)(b).

S. 10.2A.11(6) amended by No. 60/2011 s. 42(4).

(6) Before complying with subsection (1), (2), (3) or (3A), the Minister may exclude information from the report if the Minister has received advice from the Victorian Government Solicitor that the information is—

(a) protected information; or

(b) information that is or could be the subject of legal professional privilege or client legal privilege.

S. 10.2A.11(7) amended by No. 60/2011 s. 42(5).

(7) A report that is given to the clerks under subsection (2)(b) or (3)(b) is taken to have been published by order, or under the authority, of the Houses of the Parliament.

(8) The publication of a report by the Secretary under this section is absolutely privileged and the provisions of sections 73 and 74 of the **Constitution Act 1975** and of any other enactment or rule of law relating to the publication of the proceedings of the Parliament apply to and in relation to the publication of the report as if it were a report to which those sections applied and had been published by the Government Printer under the authority of the Parliament.

S. 10.2A.11(9) repealed by No. 60/2011 s. 42(6).

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10.2A.12 Direction in response to Review Panel's reports

S. 10.2A.12 inserted by No. 11/2007 s. 3.

(1) The Minister may give a written direction to a relevant entity to take all reasonable steps to address any finding or implement any recommendation contained in a report of the Review Panel.

(2) The Minister may request the Review Panel to report to the Minister on a relevant entity's compliance with a direction under subsection (1).

Part 3—Funds

Division 1—Community Support Fund

10.3.1 Community Support Fund

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

(2) The Community Support Fund is the same fund as that established under section 138 of the **Gaming Machine Control Act 1991**.

10.3.2 Payments into Community Support Fund

(1) There is to be credited to the Community Support Fund all money required or authorised to be paid into the Fund by this or any other Act.

(2) In addition to the money referred to in subsection (1), there is also to be paid into the Fund interest derived from investment of money in the Fund.

S. 10.3.3 substituted by No. 45/2004 s. 36, amended by No. 62/2011 s. 25(2) (ILA s. 39B(1)).

10.3.3 Payments from the Community Support Fund

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

S. 10.3.3(1)(a) amended by No. 62/2011 s. 25(1)(a).

(a) first, for any or all of the following—

S. 10.3.3(1)(a)(i) amended by No. 104/2004 s. 40(e).

(i) for payment of such amounts as are determined by the Minister for research relating to the social and economic impact of gambling, the causes of problem gambling and strategies to minimise harm from gambling, and the publication of the results of the research;

(ii) for payment for or towards the provision of programs for or purposes relating to the prevention of excessive gambling or for the treatment or rehabilitation of persons who gamble to problem levels;

(iii) for payment of amounts into the Gambling Harm Response Fund;

S. 10.3.3(1)(a)(iii) inserted by No. 62/2011 s. 25(1)(b), amended by No. 25/2024 s. 11(1).

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

(i) programs for the treatment or rehabilitation of persons who are addicted to or abuse drugs;

(ii) educational programs relating to drug addiction or drug abuse;

(iii) programs for financial counselling services or support and assistance for families in crisis;

(iv) programs for the benefit of youth;

(v) research or pilot programs relating to community advancement programs;

(vi) programs for the benefit of sport or recreation;

(vii) programs for the promotion or benefit of the arts;

(viii) programs establishing or developing tourist destinations or facilities or services or for the purposes of promoting tourism;

(ix) any other programs or purposes relating to the support or advancement of the community as determined by the Minister;

S. 10.3.3(c) amended by No. 104/2004 s. 40(f).

(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.

S. 10.3.3(2) inserted by No. 62/2011 s. 25(2), repealed by No. 25/2024 s. 11(2).

* * * * *

S. 10.3.3A inserted by No. 98/2005 s. 89.

10.3.3A Additional payment from the Community Support Fund

(1) On 1 September in each year the Minister must pay out of the Fund to the Victorian Veterans Fund the amount derived by the following formula—

$$\frac{TR}{D}$$

where—

"TR" is the amount of revenue from the operation of electronic gaming machines paid into the Fund in the preceding financial year;

"D" is the number of days in that financial year.

(2) The Minister must make a payment out of the Fund on 1 February 2006 as if a reference to "1 September" in subsection (1) were a reference to 1 February 2006.

Division 2—Mental Health Fund

10.3.4 Mental Health Fund

(1) There continues to be an account in the Public Account as part of the Trust Fund known as the Mental Health Fund.

(2) The fund is the same as that established under section 58 of the **Public Lotteries Act 2000**.

10.3.5 Payments into the Mental Health Fund

There is to be credited to the Mental Health Fund all money required or authorised to be paid into the Fund by this or any other Act.

10.3.6 Payments from the Mental Health Fund

Money standing to the credit of the Fund may be applied, at the determination of the Treasurer, for or towards—

(a) the establishment and maintenance of designated mental health services within the meaning of the **Mental Health and Wellbeing Act 2022**;

S. 10.3.6(a) substituted by No. 26/2014 s. 455(Sch. item 11(a)), amended by No. 39/2022 s. 826.

(b) the establishment and maintenance of residential treatment facilities within the meaning of the **Disability Act 2006**;

S. 10.3.6(b) amended by Nos 23/2006 s. 239(1), 19/2019 s. 260.

(c) the administration of the **Mental Health and Wellbeing Act 2022**;

S. 10.3.6(c) amended by Nos 26/2014 s. 455(Sch. item 11(b)), 39/2022 s. 826.

(d) the administration of the **Disability Act 2006**.

S. 10.3.6(d) amended by No. 23/2006 s. 239(2).

Ch. 10 Pt 3 Div. 3 (Heading and ss 10.3.7–10.3.9) inserted by No. 25/2024 s. 12.

Division 3—Gambling Harm Response Fund

S. 10.3.7 inserted by No. 25/2024 s. 12.

10.3.7 Gambling Harm Response Fund

There is established an account in the Public Account as part of the Trust Fund known as the Gambling Harm Response Fund.

S. 10.3.8 inserted by No. 25/2024 s. 12.

10.3.8 Payments into the Gambling Harm Response Fund

(1) There is to be credited to the Gambling Harm Response Fund all money required or authorised to be paid into the Fund by this or any other Act.

(2) In addition to the money referred to in subsection (1), there is also to be paid into the Fund—

(a) any fee or charge imposed under section 7A of the **Victorian Responsible Gambling Foundation Act 2011** that was not received before the repeal of that Act; and

(b) interest derived from investment of money in the Fund.

S. 10.3.9 inserted by No. 25/2024 s. 12.

10.3.9 Payments from the Gambling Harm Response Fund

Money standing to the credit of the Gambling Harm Response Fund may be applied for or towards—

(a) any liability of the Responsible Gambling Fund established by section 19 of the **Victorian Responsible Gambling Foundation Act 2011** that has not been met before the repeal of that Act; and

(b) at the determination of the Minister, the following—

(i) preventative and other activities to address determinants of gambling harm;

(ii) education and information programs—

(A) to reduce gambling harm; and

(B) to increase community awareness of the risks associated with gambling; and

(C) to encourage people to seek help in relation to gambling harm;

(iii) treatment, counselling services and intervention services in relation to gambling harm;

(iv) research and evaluation activities related to the matters described in subparagraphs (i) to (iii);

(v) information and advice in relation to the issue or grant of licences, permits, approvals, authorisations, registration or allocations under this Act or the regulations, the **Casino Control Act 1991** or regulations made under that Act or the **Casino (Management Agreement) Act 1993** or regulations made under that Act;

(vi) the regulation of gambling under this Act or the regulations, the **Casino Control Act 1991** or regulations made under that Act or the **Casino (Management Agreement) Act 1993** or regulations made under that Act.

Part 4—Investigations and information gathering by the Commission

Division 1—Investigation of applications

10.4.1 Application of Division

Except where otherwise stated in this Division, this Division applies to any of the following applications—

S. 10.4.1(a) amended by Nos 40/2008 s. 22(c), 29/2009 s. 37, 1/2021 s. 66, 13/2023 s. 83, 23/2025 s. 50(a).

(a) an application for a licence under this Act other than the monitoring licence, a wagering and betting licence, a public lottery licence or a keno licence;

(b) an application for an on-course wagering permit;

S. 10.4.1(ba) inserted by No. 73/2008 s. 28(a).

(ba) an application for registration as a bookmaker or bookmaker's key employee under Part 5A of Chapter 4;

(c) an application for approval—

(i) as a nominee of a venue operator under section 3.4.14;

S. 10.4.1 (c)(ii)(iii) repealed by No. 28/2022 s. 112.

* * * * *

S. 10.4.1 (c)(iiiaa) inserted by No. 73/2008 s. 28(b).

(iiiaa) as a nominee of a registered bookmaker that is a corporation under section 4.5A.2;

* * * * * S. 10.4.1 (c)(iiia) inserted by No. 54/2006 s. 18(1)(a), repealed by No. 23/2025 s. 50(b).

* * * * * S. 10.4.1(c)(iv) repealed by No. 23/2025 s. 50(b).

* * * * * S. 10.4.1(c)(v) amended by No. 54/2004 s. 8(8), repealed by No. 28/2022 s. 112.

(vi) as a nominee of a bingo centre operator under section 8.5.9;

(vii) as a nominee of a commercial raffle organiser under section 8.5A.10; S. 10.4.1(c)(vii) inserted by No. 104/2004 s. 36(1).

(ca) an application for approval as a sports controlling body under Division 4 of Part 5 of Chapter 4; S. 10.4.1(ca) inserted by No. 18/2007 s. 4(i).

(cb) an application for approval to become an associate of a gambling industry participant under section 10.4A.7; S. 10.4.1(cb) inserted by No. 40/2008 s. 22(d), substituted by No. 56/2010 s. 60(1).

(d) an application for listing on the Roll;

(e) an application for approval of premises under Part 3 of Chapter 3.

10.4.2 Investigation of application

(1) On receiving an application, the Commission must cause to be carried out all investigations and inquiries that it considers necessary to enable it to consider the application properly.

S. 10.4.2(2) amended by Nos 54/2004 s. 8(8), 104/2004 ss 36(2)–(4), 39(5)(r), 18/2007 s. 4(j), 40/2008 s. 22(e), 73/2008 s. 28(c)(d), 56/2010 s. 60(2), substituted by No. 58/2011 s. 87.

(2) A function of the Commission under this section may be performed by any commissioner in relation to an application for—

(a) a venue operator's licence;

S. 10.4.2(2)(b) repealed by No. 28/2022 s. 113.

* * * * *

(c) a gaming industry employee's licence;

(d) registration as a bookmaker or bookmaker's key employee under Part 5A of Chapter 4;

(e) approval as a nominee of a venue operator under section 3.4.14;

S. 10.4.2 (2)(f)–(h) repealed by No. 28/2022 s. 113.

* * * * *

(i) approval as a nominee of a bingo centre operator under section 8.5.9;

(j) approval as a nominee of a commercial raffle organiser under section 8.5A.10;

(k) approval as a sports controlling body under Division 4 of Part 5 of Chapter 4;

(l) listing on the Roll;

(m) approval of premises under Part 3 of Chapter 3.

10.4.3 Photographs, finger prints and palm prints

(1) The Commission may require a natural person—

(a) who has made an application; or

(b) who is being investigated by the Commission in relation to the person's suitability to be concerned in or associated with the management or operation of any activity in respect of which an application has been made—

to consent to having the person's photograph, finger prints and palm prints taken by the Commission.

S. 10.4.3(1) amended by No. 23/2025 s. 74(Sch. 1 item 2.46).

(2) The Commission may refuse to consider an application if any person from whom it requires a photograph, finger prints or palm prints under this section refuses to allow the photograph, finger prints or palm prints to be taken.

S. 10.4.3(2) amended by No. 23/2025 s. 74(Sch. 1 item 2.47).

(3) A function of the Commission under this section may be performed by any commissioner in relation to an application for—

S. 10.4.3(3) amended by Nos 54/2004 s. 8(8), 104/2004 ss 36(5)(7) (as amended by No. 92/2005 s. 10(2)), 39(5)(s), 40/2008 s. 22(f), 73/2008 s. 28(e)(f), 56/2010 s. 60(3), substituted by No. 58/2011 s. 88.

(a) a venue operator's licence;

S. 10.4.3(3)(b) repealed by No. 28/2022 s. 114.

* * * * *

(c) a gaming industry employee's licence;

(d) registration as a bookmaker or bookmaker's key employee under Part 5A of Chapter 4;

(e) approval as a nominee of a venue operator under section 3.4.14;

S. 10.4.3 (3)(f)–(h) repealed by No. 28/2022 s. 114.

* * * * *

(i) approval as a nominee of a bingo centre operator under section 8.5.9;

(j) approval as a nominee of a commercial raffle organiser under section 8.5A.10;

(k) listing on the Roll.

(4) This section does not apply to an application for—

S. 10.4.3(4)(a) repealed by No. 23/2025 s. 51.

* * * * *

S. 10.4.3 (4)(ab) inserted by No. 54/2006 s. 18(1)(b), repealed by No. 23/2025 s. 51.

* * * * *

S. 10.4.3(4)(ac) inserted by No. 18/2007 s. 4(k).

(ac) approval as a sports controlling body under Division 4 of Part 5 of Chapter 4;

(b) an application for approval of premises under Part 3 of Chapter 3.

10.4.4 Police inquiry and report

(1) The Commission must refer to the Chief Commissioner of Police—

S. 10.4.4(1) substituted by No. 56/2010 s. 50.

(a) details of an application; and

(b) a copy of any photograph, finger prints and palm prints obtained under section 10.4.3; and

(c) any other information from or concerning an application that the Chief Commissioner of Police considers necessary to inquire into and report on the application.

S. 10.4.4(1)(c) amended by No. 23/2025 s. 74(Sch. 1 item 2.48).

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

(3) A function of the Commission under this section may be performed by any commissioner in relation to an application for—

S. 10.4.4(3) amended by Nos 54/2004 s. 8(8), 104/2004 ss 36(8)(10) (as amended by No. 92/2005 s. 10(4)), 39(5)(t), 40/2008 s. 22(g), 73/2008 s. 28(g)(h), 56/2010 s. 60(4), substituted by No. 58/2011 s. 89.

(a) a venue operator's licence;

* * * * *

S. 10.4.4(3)(b) repealed by No. 28/2022 s. 115.

(c) a gaming industry employee's licence;

(d) registration as a bookmaker or bookmaker's key employee under Part 5A of Chapter 4;

(e) approval as a nominee of a venue operator under section 3.4.14;

S. 10.4.4 (3)(f)–(h) repealed by No. 28/2022 s. 115.

* * * * *

(i) approval as a nominee of a bingo centre operator under section 8.5.9;

(j) approval as a nominee of a commercial raffle organiser under section 8.5A.10;

(k) listing on the Roll.

(4) This section does not apply to an application for—

S. 10.4.4(4)(a) repealed by No. 23/2025 s. 51.

* * * * *

S. 10.4.4 (4)(ab) inserted by No. 54/2006 s. 18(1)(b), repealed by No. 23/2025 s. 51.

* * * * *

S. 10.4.4(4)(ac) inserted by No. 18/2007 s. 4(l).

(ac) approval as a sports controlling body under Division 4 of Part 5 of Chapter 4;

(b) an application for approval of premises under Part 3 of Chapter 3.

10.4.5 Commission may require further information etc.

(1) The Commission may, by notice in writing, require an applicant or a person whose association with the applicant is, in the opinion of the Commission, 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);

(d) to provide the Commission with any authorities and consents the Commission requires for the purpose of enabling the Commission to obtain information (including financial and other confidential information) concerning the person and the person's associates from other persons.

S. 10.4.5(1)(d) amended by No. 23/2025 s. 74(Sch. 1 item 2.49).

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

S. 10.4.5(3) amended by Nos 54/2004 s. 8(8), 104/2004 ss 36(11)–(13), 39(5)(u), 18/2007 s. 4(m), 40/2008 s. 22(h), 73/2008 s. 28(i)(j), 56/2010 s. 60(5), substituted by No. 58/2011 s. 90.

(3) A function of the Commission under this section may be performed by any commissioner in relation to an application for—

(a) a gaming industry employee's licence;

(b) registration as a bookmaker or bookmaker's key employee under Part 5A of Chapter 4;

(c) approval as a nominee of a venue operator under section 3.4.14;

S. 10.4.5 (3)(d)–(f) repealed by No. 28/2022 s. 116.

* * * * *

(g) approval as a nominee of a bingo centre operator under section 8.5.9;

(h) approval as a nominee of a commercial raffle organiser under section 8.5A.10;

(i) approval as a sports controlling body under Division 4 of Part 5 of Chapter 4;

S. 10.4.5(3)(j) repealed by No. 1/2021 s. 67.

* * * * *

(k) approval of premises under Part 3 of Chapter 3.

(4) This section does not apply to an application for—

S. 10.4.5(4)(a) repealed by No. 28/2022 s. 127(j).

* * * * *

* * * * *

S. 10.4.5(4)(b) repealed by No. 23/2025 s. 51.

* * * * *

S. 10.4.5 (4)(ba) inserted by No. 54/2006 s. 18(1)(c), repealed by No. 23/2025 s. 51.

(c) listing on the Roll.

(5) Subsection (1)(d) does not apply to an application for approval of premises under Part 3 of Chapter 3.

10.4.6 Updating of application

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

Penalty: 60 penalty units.

(2) If—

(a) the Commission requires information (including information in any records) from a person referred to in section 10.4.5 whose association with the applicant is in the opinion of the Commission relevant to the application; and

(b) a change occurs in that information before the application is granted or refused—

that person must forthwith give the Commission written particulars of the change.

Penalty: 60 penalty units.

(3) 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 subsection (1) or (2) to any further change in the information provided.

S. 10.4.6(4) substituted by Nos 7/2006 s. 12(1), 54/2006 s. 18(2), repealed by No. 23/2025 s. 51.

* * * * *

(5) Subsection (2) does not apply to an application for—

S. 10.4.6(5)(a) repealed by No. 28/2022 s. 117.

* * * * *

S. 10.4.6(5)(b) repealed by No. 23/2025 s. 51.

* * * * *

S. 10.4.6(5)(c) repealed by No. 28/2022 s. 127(k).

* * * * *

S. 10.4.6(5)(d) substituted by No. 104/2004 s. 39(5)(v).

(d) a gaming industry employee's licence;

S. 10.4.6(5)(e) repealed by No. 104/2004 s. 39(5)(v), new s. 10.4.6(5)(e) inserted by No. 7/2006 s. 12(2).

(e) listing on the roll;

(f) approval to become an associate of a gambling industry participant under section 10.4A.7;

S. 10.4.6(5)(f) repealed by No. 104/2004 s. 39(5)(v), new s. 10.4.6(5)(f) inserted by No. 40/2008 s. 22(i), substituted by No. 56/2010 s. 60(6).

(g) an on-course wagering permit;

* * * * *

S. 10.4.6 (5)(h)(i) repealed by No. 28/2022 s. 117.

* * * * *

S. 10.4.6(5)(j) amended by No. 54/2004 s. 8(8), repealed by No. 28/2022 s. 117.

(k) approval of premises under Part 3 of Chapter 3.

10.4.7 Costs of investigating applications

(1) The Commission may, by written notice, require a person who is an applicant for any licence or permit under this Act (other than a wagering and betting licence or a keno licence), for registration as a bookmaker or bookmaker's key employee under Part 5A of Chapter 4, for approval for appointment as an operator or for approval of a proposed manager referred to in an application for a permit, or for approval as a sports controlling body under Division 4 of Part 5 of Chapter 4 to pay to the Commission the amount determined by the Commission being an amount not exceeding the reasonable costs of investigation of the application.

S. 10.4.7(1) amended by Nos 18/2007 s. 4(n), 40/2008 s. 22(j), 73/2008 s. 28(k).

S. 10.4.7(1A) inserted by No. 22/2005 s. 13(1).

(1A) The Commission may, by written notice, require a person who is a registrant under section 5.3.2A to pay to the Commission the amount determined by the Commission, being an amount not exceeding the reasonable costs of investigation of the registration of interest.

S. 10.4.7(2) amended by No. 22/2005 s. 13(2)(a)(b).

(2) The Commission may require costs payable under subsection (1) or (1A) to be paid by instalments or at any time before, during or after the investigation, whether or not the application is granted or the registrant is invited to apply for a public lottery licence, as the case may be.

S. 10.4.7(3) inserted by No. 22/2005 s. 13(3), amended by No. 28/2022 s. 118.

(3) Costs payable under subsection (1) or (1A) may be recovered in a court of competent jurisdiction as a debt due to the State.

Ch. 10 Pt 4 Div. 1A (Heading and ss 10.4.7A–10.4.7H) inserted by No. 40/2008 s. 23, amended by Nos 40/2008 s. 23, 71/2008 ss 39, 40(2), 56/2010 s. 51, 20/2018 ss 49, 50, repealed by No. 1/2021 s. 68.

* * * * *

Division 1B—Investigations of certain licence transfers and temporary licensing

Ch. 10 Pt 4 Div. 1B (Heading) amended by Nos 29/2009 s. 42(1), 23/2025 s. 52.

Ch. 10 Pt 4 Div. 1B (Heading and ss. 10.4.7I–10.4.7O) inserted by No. 40/2008 s. 23.

10.4.7I Definitions

S. 10.4.7I inserted by No. 40/2008 s. 23.

In this Division—

interested person means—

(a) a temporary licensee; or

(b) a transferee; or

(c) an associate of a temporary licensee or transferee;

(d) a person who the Commission considers may become an associate of a temporary licensee or transferee;

relevant licence means—

S. 10.4.7I def. of *relevant licence* amended by Nos 29/2009 s. 42(2)(a), 23/2025 s. 53(a).

(aa) the monitoring licence; or

(a) a wagering and betting licence; or

(ab) a public lottery licence; or

(b) a keno licence;

temporary licence means—

S. 10.4.7I def. of *temporary licence* amended by Nos 29/2009 s. 42(2)(b), 23/2025 s. 53(b).

(aa) a temporary monitoring licence under section 3.4.59I; or

(a) a temporary wagering and betting licence under section 4.3A.31; or

(ab) a temporary public lottery licence under section 5.3.27; or

(b) a temporary keno licence under section 6A.3.31;

S. 10.4.7I def. of *temporary licensee* amended by Nos 29/2009 s. 42(2)(c), 23/2025 s. 53(c).

temporary licensee—

(aa) in relation to the monitoring licence, has the same meaning as in section 3.4.59I; or

(a) in relation to a wagering and betting licence, has the same meaning as in section 4.3A.31; or

(ab) in relation to a public lottery licence, has the same meaning as in section 5.3.27; or

(b) in relation to a keno licence, has the same meaning as in section 6A.3.31;

S. 10.4.7I def. of *transferee* amended by Nos 29/2009 s. 42(2)(d), 23/2025 s. 53(d).

transferee—

(aa) in relation to the monitoring licence, has the same meaning as in section 3.4.56; or

(a) in relation to a wagering and betting licence, has the same meaning as in section 4.3A.17; or

(ab) in relation to a public lottery licence, has the same meaning as in section 5.3.15C; or

(b) in relation to a keno licence, has the same meaning as in section 6A.3.17.

S. 10.4.7J inserted by No. 40/2008 s. 23.

10.4.7J Investigations and inquiries

(1) If the Minister has referred to the Commission an application to transfer a relevant licence or requested the Commission to report on the issue of a temporary licence, the Commission—

(a) must cause to be carried out all investigations and inquiries that the Commission considers necessary to enable the Minister to properly consider the application for transfer or the issue of the temporary licence; and

(b) must report to the Minister on the results of those investigations and inquiries.

(2) A function of the Commission under subsection (1)(a) may be performed by any commissioner.

S. 10.4.7J(2) amended by No. 58/2011 s. 91(1).

10.4.7K Photographs, finger prints and palm prints

S. 10.4.7K inserted by No. 40/2008 s. 23.

(1) The Commission may require an interested person who is a natural person to consent to having the person's photograph, finger prints and palm prints taken by the Commission.

S. 10.4.7K(1) amended by No. 23/2025 s. 74(Sch. 1 item 2.49).

(2) The Commission may make a requirement under subsection (1) only if the Commission is satisfied that it is necessary to do so for the purposes of an investigation or inquiry under section 10.4.7J.

(3) If an interested person refuses to comply with a requirement under subsection (1)—

(a) the Commission must notify the Minister in writing as soon as practicable; and

(b) the Minister may refuse to consider the application or issue the temporary licence (as the case requires).

(4) A function of the Commission under this section may be performed by any commissioner.

S. 10.4.7K(4) amended by No. 58/2011 s. 91(1).

S. 10.4.7L inserted by No. 40/2008 s. 23.

10.4.7L Police inquiry and report

(1) If the Minister has referred to the Commission an application to transfer a relevant licence or requested the Commission to report on the issue of a temporary licence, the Commission must refer to the Chief Commissioner of Police—

S. 10.4.7L (1)(a) substituted by No. 56/2010 s. 52.

(a) in the case of the application to transfer a relevant licence—

(i) details of the application; and

(ii) a copy of any photograph, finger prints and palm prints obtained under section 10.4.7K; and

S. 10.4.7L (1)(a)(iii) amended by No. 23/2025 s. 74(Sch. 1 item 2.50).

(iii) any other information from or concerning the application that the Chief Commissioner of Police considers necessary to inquire into and report on the application;

S. 10.4.7L (1)(b) substituted by No. 56/2010 s. 52.

(b) in the case of the issue of a temporary licence—

(i) a copy of any photograph, finger prints and palm prints obtained under section 10.4.7K; and

S. 10.4.7L (1)(b)(ii) amended by No. 23/2025 s. 74(Sch. 1 item 2.50).

(ii) any other information concerning the temporary licence that the Chief Commissioner of Police considers necessary to inquire into and report on the temporary licence.

(2) The Chief Commissioner of Police must inquire into and report to the Commission on any matters concerning the application or temporary licence that the Commission requests.

S. 10.4.7L(3) amended by No. 58/2011 s. 91(1).

(3) A function of the Commission under this section may be performed by any commissioner.

10.4.7M Commission may require further information

S. 10.4.7M inserted by No. 40/2008 s. 23.

(1) The Commission, by notice in writing, may require an interested person 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 an investigation of the application or temporary licence under section 10.4.7J and is specified in the notice;

(b) to produce, in accordance with directions in the notice, any records relevant to the investigation 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 provide the Commission with any authorities and consents the Commission requires for the purpose of enabling the Commission to obtain information (including financial and other confidential information) concerning the interested person from other persons.

(2) The Commission must give the Minister a copy of any information or records provided or produced under subsection (1) as soon as practicable.

(3) If an interested person refuses to comply with a requirement under subsection (1)—

(a) the Commission must notify the Minister in writing as soon as practicable; and

(b) the Minister may refuse to consider the application or to issue the temporary licence (as the case requires).

S. 10.4.7M(4) amended by No. 58/2011 s. 91(1).

(4) A function of the Commission under this section may be performed by any commissioner.

S. 10.4.7N inserted by No. 40/2008 s. 23.

10.4.7N Updating information

(1) If—

(a) the Commission requires information (including information in any records) from an interested person under section 10.4.7M; and

(b) a change occurs in that information before the application is granted or refused or the Minister decides whether or not to issue the temporary licence (as the case requires)—

the interested person must give the Commission written particulars of the change as soon as practicable.

Penalty: 60 penalty units.

(2) The Commission must give the Minister a copy of any particulars received under subsection (1) as soon as practicable.

(3) When particulars of a change are given, those particulars must then be considered to have formed part of the original information, for the purposes of the application of subsection (1) to any further change in the information provided.

S. 10.4.7O inserted by No. 40/2008 s. 23.

10.4.7O Costs of investigating

(1) The Commission, by written notice, may require an applicant or temporary licensee to pay to the Commission the amount determined by the Commission, being an amount not exceeding the reasonable costs of an investigation under section 10.4.7J in relation to the application or temporary licence (as the case requires).

(2) The Commission may require costs payable under subsection (1) to be paid by instalments or at any time before, during or after the investigation, whether or not the application is granted or the temporary licence is issued.

(3) Costs payable under subsection (1) may be recovered in a court of competent jurisdiction as a debt due to the State.

Division 1C—Investigations of persons for suitability for invitation, and to apply, for certain licences

Ch. 10 Pt. 4 Div. 1C (Heading) amended by Nos 20/2018 s. 51, 1/2021 s. 69, 23/2025 s. 54.

Ch. 10 Pt 4 Div. 1C (Heading and ss 10.4.7P–10.4.7X) inserted by No. 29/2009 s. 41.

10.4.7P Definitions

S. 10.4.7P inserted by No. 29/2009 s. 41.

In this Division—

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, 4.3A.5, 5.3.3 or 6A.3.5 (as the case requires);

S. 10.4.7P def. of *pending applicant* substituted by Nos 56/2010 s. 53, 20/2018 s. 52(a), amended by Nos 1/2021 s. 70(a), 23/2025 s. 55(a).

S. 10.4.7P def. of *possible invitee* amended by No. 20/2018 s. 52(b).

possible invitee means a person the Minister is considering to invite to apply for the relevant licence;

S. 10.4.7P def. of *related party* amended by No. 20/2018 s. 52(c).

related party means—

(a) an associate of a possible invitee or pending applicant;

(b) a person who the Secretary considers may become an associate of a possible invitee or pending applicant;

(c) a person who the Commission considers may become an associate of a possible invitee or pending applicant;

S. 10.4.7P def. of *relevant licence* inserted by No. 20/2018 s. 52(d), amended by Nos 1/2021 s. 70(b), 13/2023 s. 84, 23/2025 s. 55(b).

relevant licence means—

(a) the monitoring licence; or

(b) a wagering and betting licence; or

(ba) a public lottery licence; or

(c) a keno licence.

S. 10.4.7Q inserted by No. 29/2009 s. 41.

10.4.7Q Investigations and inquiries

(1) On the written request of the Secretary, the Commission—

(a) must cause to be carried out all investigations and inquiries that the Commission considers necessary to enable, as the case requires—

(i) the Secretary to report to the Minister on a possible invitee or pending applicant; or

(ii) the Minister to properly consider whether to invite a possible invitee to apply for the relevant licence; or

S. 10.4.7Q (1)(a)(ii) amended by No. 20/2018 s. 53.

(iii) if a pending applicant subsequently applies for the relevant licence, the Minister to properly consider whether to grant the relevant licence to that person; and

S. 10.4.7Q (1)(a)(iii) amended by No. 20/2018 s. 53.

(b) must report to the Secretary on the results of those investigations and inquiries.

(2) An investigation or inquiry under subsection (1) may extend to an investigation or inquiry into a related party.

(3) After receiving a report under subsection (1)(b), the Secretary may make a written request to the Commission to—

(a) carry out further investigations or inquiries regarding a possible invitee, pending applicant or related party (as the case requires); and

(b) report to the Secretary on the results of those further investigations or inquiries.

(4) The Commission must comply with a request under subsection (3).

(5) A function of the Commission under this section, other than the function of reporting to the Secretary, may be performed by any commissioner.

S. 10.4.7R inserted by No. 29/2009 s. 41.

10.4.7R Photographs, finger prints and palm prints

S. 10.4.7R(1) amended by No. 23/2025 s. 74(Sch. 1 item 2.51).

(1) The Commission may require a related party who is a natural person to consent to having the related party's photograph, finger prints and palm prints taken by the Commission.

(2) The Commission may make a requirement under subsection (1) only if the Commission is satisfied that it is necessary to do so for the purposes of an investigation or inquiry under section 10.4.7Q.

S. 10.4.7R(3) amended by No. 23/2025 s. 74(Sch. 1 item 2.51).

(3) The Secretary may make a written request to the Commission to require a related party who is a natural person to consent to having the related party's photograph, finger prints and palm prints taken by the Commission.

(4) The Secretary can make a request under subsection (3) only if the Secretary is satisfied that it is necessary to do so for the purposes of the proper consideration by the Minister of whether to, as the case requires—

S. 10.4.7R (4)(a) amended by No. 20/2018 s. 54(1).

(a) invite a possible invitee to apply for a relevant licence;

S. 10.4.7R (4)(b) amended by No. 20/2018 s. 54(1).

(b) if a pending applicant subsequently applies for the relevant licence, grant the relevant licence to that person.

(5) The Commission must comply with a request under subsection (3).

(6) If a related party refuses to comply with a requirement of the Commission under this section—

(a) the Commission must notify the Secretary and the Minister in writing as soon as practicable; and

(b) the Minister may, as the case requires—

(i) decide not to invite the possible invitee to apply for the relevant licence;

S. 10.4.7R (6)(b)(i) amended by No. 20/2018 s. 54(2).

(ii) if the pending applicant subsequently applies for the relevant licence, decide not to grant the relevant licence to that person.

S. 10.4.7R (6)(b)(ii) amended by No. 20/2018 s. 54(2).

(7) A function of the Commission under this section may be performed by any commissioner.

10.4.7S Police inquiry and report

S. 10.4.7S inserted by No. 29/2009 s. 41.

(1) If the Secretary has requested the Commission to carry out an investigation or inquiry under section 10.4.7Q, the Commission must refer to the Chief Commissioner of Police—

S. 10.4.7S(1) substituted by No. 56/2010 s. 54.

(a) details of the request of the Secretary; and

(b) a copy of any photograph, finger prints and palm prints obtained under section 10.4.7R; and

(c) any other information concerning the request that the Chief Commissioner of Police considers necessary to inquire into and report on the request.

S. 10.4.7S (1)(c) amended by No. 23/2025 s. 74(Sch 1 item 2.52).

(2) The Secretary may make a written request to the Commission to refer any other information regarding a possible invitee, pending applicant or related party to the Chief Commissioner of Police.

(3) The Secretary can make a request under subsection (2) only if the Secretary is satisfied that it is necessary to do so for the purposes of the proper consideration by the Minister of whether to, as the case requires—

S. 10.4.7S (3)(a) amended by No. 20/2018 s. 55.

(a) invite a possible invitee to apply for the relevant licence;

S. 10.4.7S (3)(b) amended by No. 20/2018 s. 55.

(b) if a pending applicant subsequently applies for the relevant licence, grant the relevant licence to that person.

(4) The Commission must comply with a request under subsection (2).

(5) The Chief Commissioner of Police must inquire into and report to the Commission on any matters concerning a possible invitee, pending applicant or related party that the Commission requests.

(6) A function of the Commission under this section may be performed by any commissioner.

S. 10.4.7T inserted by No. 29/2009 s. 41.

10.4.7T Commission may require further information

(1) The Commission, by notice in writing, may require a possible invitee, pending applicant or related party 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 an investigation under section 10.4.7Q and is specified in the notice;

(b) to produce, in accordance with directions in the notice, any records relevant to the investigation 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 provide the Commission with any authorities and consents the Commission requires for the purpose of enabling the Commission to obtain information (including financial and other confidential information) concerning, as the case requires, the possible invitee, pending applicant or related party from other persons.

(2) The Commission must give the Secretary and the Minister a copy of any information or records provided or produced under subsection (1) as soon as practicable.

(3) If a possible invitee, pending applicant or related party refuses to comply with a requirement under subsection (1)—

(a) the Commission must notify the Secretary and the Minister in writing as soon as practicable; and

(b) the Minister may, as the case requires—

(i) decide not to invite the possible invitee to apply for the relevant licence;

S. 10.4.7T (3)(b)(i) amended by No. 20/2018 s. 56.

(ii) if the pending applicant subsequently applies for the licence, decide not to grant the relevant licence to that person.

S. 10.4.7T (3)(b)(ii) amended by No. 20/2018 s. 56.

(4) A function of the Commission under this section may be performed by any commissioner.

S. 10.4.7U inserted by No. 29/2009 s. 41.

10.4.7U Updating information

(1) If—

(a) the Commission requires information (including information in any records) from a possible invitee, pending applicant or related party under section 10.4.7T; and

(b) a change occurs in that information before—

S. 10.4.7U (1)(b)(i) amended by No. 20/2018 s. 57.

(i) the Minister decides whether or not to invite the possible invitee to apply for the relevant licence; or

S. 10.4.7U (1)(b)(ii) amended by No. 20/2018 s. 57.

(ii) a pending applicant applies for the relevant licence—

the possible invitee or pending applicant or related party (as the case requires) must give the Commission written particulars of the change as soon as practicable.

Penalty: 60 penalty units.

(2) The Commission must give the Secretary and the Minister a copy of any particulars received under subsection (1) as soon as practicable.

(3) When particulars of a change are given, those particulars must then be considered to have formed part of the original information, for the purposes of the application of subsection (1) to any further change in the information provided.

S. 10.4.7V inserted by No. 29/2009 s. 41.

10.4.7V Costs of investigating

(1) The Commission, by written notice, may require a possible invitee or pending applicant to pay to the Commission the amount determined by the Commission, being an amount not exceeding the reasonable costs of an investigation under

section 10.4.7Q in relation to the possible invitee or pending applicant.

(2) The Commission may require costs payable under subsection (1) to be paid by instalments or at any time before, during or after the investigation, whether or not the possible invitee is invited by the Minister to apply for a relevant licence.

S. 10.4.7V(2) amended by No. 20/2018 s. 58.

(3) Costs payable under subsection (1) may be recovered in a court of competent jurisdiction as a debt due to the State.

10.4.7W Service agreement

S. 10.4.7W inserted by No. 29/2009 s. 41.

(1) The Secretary and the Commission may enter into an agreement in relation to the performance of functions by the Commission under this Division.

(2) The failure of a party to an agreement referred to in subsection (1) to comply with the agreement does not affect or make unlawful—

(a) the performance of a function by the Commission under this Division; or

(b) any report made or advice given to the Minister by the Secretary concerning a possible invitee or pending applicant; or

(c) the consideration or decision by the Minister as to whether to—

(i) invite a possible invitee to apply for the relevant licence; or

S. 10.4.7W (2)(c)(i) amended by No. 20/2018 s. 59.

(ii) if a pending applicant subsequently applies for the relevant licence, grant the relevant licence to that person.

S. 10.4.7W (2)(c)(ii) amended by No. 20/2018 s. 59.

S. 10.4.7X inserted by No. 29/2009 s. 41, amended by No. 23/2025 s. 74(Sch. 1 item 2.53).

10.4.7X Powers of Secretary

The Secretary has all the powers necessary to perform the Secretary's functions under this Division.

Ch. 10 Pt 4 Div. 1D (Heading) amended by Nos 20/2018 s. 60, 1/2021 s. 71, 23/2025 s. 56.

Ch. 10 Pt 4 Div. 1D (Heading and ss 10.4.7Y–10.4.7ZG) inserted by No. 29/2009 s. 41.

Division 1D—Investigations of certain licence applications

S. 10.4.7Y inserted by No. 29/2009 s. 41.

10.4.7Y Definitions

In this Division—

S. 10.4.7Y def. of *applicant* amended by No. 20/2018 s. 61(a).

applicant means applicant for the relevant licence;

S. 10.4.7Y def. of *application* amended by No. 20/2018 s. 61(b).

application means application for the relevant licence;

S. 10.4.7Y def. of *interested person* amended by No. 20/2018 s. 61(c).

interested person means—

(a) an applicant; or

(b) an associate of an applicant; or

(c) a person who the Secretary considers may become an associate of an applicant; or

(d) a person who the Commission considers may become an associate of an applicant;

relevant licence means—

(a) the monitoring licence; or

(b) a wagering and betting licence; or

(ba) a public lottery licence; or

(c) a keno licence.

S. 10.4.7Y def. of *relevant licence* inserted by No. 20/2018 s. 61(d), substituted by No. 1/2021 s. 72, amended by Nos 13/2023 s. 85, 23/2025 s. 57.

10.4.7Z Investigations and inquiries

S. 10.4.7Z inserted by No. 29/2009 s. 41.

(1) On the written request of the Secretary, the Commission—

(a) must cause to be carried out all investigations and inquiries that the Commission considers necessary to enable—

(i) the Secretary to report to the Minister on an application; or

(ii) the Minister to consider the application properly; and

(b) must report to the Secretary on the results of those investigations and inquiries.

(2) After receiving a report under subsection (1)(b), the Secretary may make a written request to the Commission to carry out further investigations or inquiries regarding the application and report to the Secretary on the results of those further investigations or inquiries.

(3) The Commission must comply with a request under subsection (2).

(4) A function of the Commission under this section, other than the function of reporting to the Secretary, may be performed by any commissioner.

S. 10.4.7ZA inserted by No. 29/2009 s. 41.

10.4.7ZA Photographs, finger prints and palm prints

S. 10.4.7ZA(1) amended by No. 23/2025 s. 74(Sch. 1 item 2.54).

(1) The Commission may require an interested person who is a natural person to consent to having the person's photograph, finger prints and palm prints taken by the Commission.

(2) The Commission may make a requirement under subsection (1) only if the Commission is satisfied that it is necessary to do so for the purposes of an investigation or inquiry under section 10.4.7Z.

S. 10.4.7ZA(3) amended by No. 23/2025 s. 74(Sch. 1 item 2.54).

(3) The Secretary may make a written request to the Commission to require an interested person who is a natural person to consent to having the person's photograph, finger prints and palm prints taken by the Commission.

(4) The Secretary can make a request under subsection (3) only if the Secretary is satisfied that it is necessary to do so for the purposes of the proper consideration of the application.

(5) The Commission must comply with a request under subsection (3).

(6) If an interested person refuses to comply with a requirement of the Commission under this section—

(a) the Commission must notify the Secretary and the Minister in writing as soon as practicable; and

(b) the Minister may refuse to consider the application.

(7) A function of the Commission under this section may be performed by any commissioner.

10.4.7ZB Police inquiry and report

S. 10.4.7ZB inserted by No. 29/2009 s. 41.

(1) If the Secretary has requested the Commission to carry out an investigation or inquiry under section 10.4.7Z, the Commission must refer to the Chief Commissioner of Police— S. 10.4.7ZB(1) substituted by No. 56/2010 s. 55.

(a) details of the application; and

(b) a copy of any photograph, finger prints and palm prints obtained under section 10.4.7ZA; and

(c) any other information from or concerning the application that the Chief Commissioner of Police considers necessary to inquire into and report on the application. S. 10.4.7ZB (1)(c) amended by No. 23/2025 s. 74(Sch. 1 item 2.55).

(2) The Secretary may make a written request to the Commission to refer any other information regarding the application to the Chief Commissioner of Police.

(3) The Secretary can make a request under subsection (2) only if the Secretary is satisfied that it is necessary to do so for the purposes of the proper consideration of the application.

(4) The Commission must comply with a request under subsection (2).

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

(6) A function of the Commission under this section may be performed by any commissioner.

S. 10.4.7ZC inserted by No. 29/2009 s. 41.

10.4.7ZC Commission may require further information

(1) The Commission, by notice in writing, may require an interested person 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 an investigation of the application under section 10.4.7Z and is specified in the notice;

(b) to produce, in accordance with directions in the notice, any records relevant to the investigation 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 provide the Commission with any authorities and consents the Commission requires for the purpose of enabling the Commission to obtain information (including financial and other confidential information) concerning the interested person from other persons.

(2) The Commission must give the Secretary and the Minister a copy of any information or records provided or produced under subsection (1) as soon as practicable.

(3) If an interested person refuses to comply with a requirement under subsection (1)—

(a) the Commission must notify the Secretary and the Minister in writing as soon as practicable; and

(b) the Minister may refuse to consider the application.

(4) A function of the Commission under this section may be performed by any commissioner.

10.4.7ZD Updating information

S. 10.4.7ZD inserted by No. 29/2009 s. 41.

(1) If—

(a) the Commission requires information (including information in any records) from an interested person under section 10.4.7ZC; and

(b) a change occurs in that information before the application is granted—

the interested person must give the Commission written particulars of the change as soon as practicable.

Penalty: 60 penalty units.

(2) The Commission must give the Secretary and the Minister a copy of any particulars received under subsection (1) as soon as practicable.

(3) When particulars of a change are given, those particulars must then be considered to have formed part of the original information, for the purposes of the application of subsection (1) to any further change in the information provided.

10.4.7ZE Costs of investigating

S. 10.4.7ZE inserted by No. 29/2009 s. 41.

(1) The Commission, by written notice, may require an applicant to pay to the Commission the amount determined by the Commission, being an amount not exceeding the reasonable costs of an investigation under section 10.4.7Z in relation to the application.

(2) The Commission may require costs payable under subsection (1) to be paid by instalments or at any time before, during or after the investigation, whether or not the application is granted.

(3) Costs payable under subsection (1) may be recovered in a court of competent jurisdiction as a debt due to the State.

S. 10.4.7ZF inserted by No. 29/2009 s. 41.

10.4.7ZF Service agreement

(1) The Secretary and the Commission may enter into an agreement in relation to the performance of functions by the Commission under this Division.

(2) The failure of a party to an agreement referred to in subsection (1) to comply with the agreement does not affect or make unlawful—

(a) the performance of a function by the Commission under this Division; or

(b) any report made or advice given to the Minister by the Secretary concerning an application; or

(c) the consideration or determination of an application by the Minister.

S. 10.4.7ZG inserted by No. 29/2009 s. 41, amended by No. 23/2025 s. 74(Sch. 1 item 2.56).

10.4.7ZG Powers of Secretary

The Secretary has all the powers necessary to perform the Secretary's functions under this Division.

Division 2—General investigatory powers of Commission

10.4.8 Definitions

In this Division—

entitlement holder connected person means—

(a) a person who has a prescribed interest referred to in paragraph (a) of the definition of ***prescribed connection***; or

(b) a person who has a prescribed right or power referred to in paragraph (b) of the definition of ***prescribed connection***; or

(c) a prescribed common person referred to in paragraph (c) of the definition of ***prescribed connection***; or

(d) a person who is in or has a prescribed relationship referred to in paragraph (d) or (e) of the definition of ***prescribed connection***; or

(e) a person who is a party to a prescribed agreement or arrangement referred to in paragraphs (f) or (g) of the definition of ***prescribed connection***;

S. 10.4.8 def. of *entitlement holder connected person* inserted by No. 29/2009 s. 39(2).

gambling authorisation means a licence, permit or registration as a bookmaker or bookmaker's key employee under Part 5A of Chapter 4 issued or gaming machine entitlement allocated under this Act;

S. 10.4.8 def. of *gambling authorisation* amended by Nos 73/2008 s. 28(l), 29/2009 s. 39(1).

* * * * *

S. 10.4.8 def. of *prescribed connection* inserted by No. 29/2009 s. 39(2), repealed by No. 58/2011 s. 83.

S. 10.4.8 def. of *regulated person* amended by No. 29/2009 s. 39(3).

regulated person means—

(a) the holder of a gambling authorisation; or

(b) an operator or nominee under a gambling authorisation; or

(c) an associate of a person referred to in paragraph (a) or (b); or

(d) an entitlement holder connected person.

S. 10.4.9 amended by Nos 45/2004 s. 37, 29/2009 s. 40, repealed by No. 58/2011 s. 84.

* * * * *

10.4.10 Provision of information

(1) The Commission may, by notice in writing, require a person who, in the opinion of the Commission, is a regulated person—

(a) to provide the Commission or an authorised person, in accordance with directions in the notice, with any information as is specified in the notice that is—

(i) relevant to the regulated person; or

(ii) relevant to the conduct of operations under the gambling authorisation; or

(iii) otherwise required by the Commission; or

(b) to produce to the Commission or an authorised person, in accordance with the directions in the notice, any records specified in the notice that are—

(i) relevant to the regulated person; or

(ii) relevant to the conduct of operations under the gambling authorisation; or

(iii) otherwise required by the Commission—

and to permit examination of those records, the taking of extracts from them and the making of copies of them; or

(c) to attend before the Commission or an authorised person for examination, and to answer questions, in relation to any matters—

(i) relevant to the regulated person; or

(ii) relevant to the conduct of operations under the gambling authorisation; or

(iii) otherwise specified by the Commission.

(2) If records are produced under this section, the Commission or authorised person to whom they are produced may retain possession of the records for such period as may reasonably be necessary to permit examination of the records, the taking of extracts from them and the making of copies of them.

(3) At any reasonable times during the period for which records are retained, the Commission or authorised person must permit inspection of the records by a person who would be entitled to

inspect them if they were not in the possession of the Commission or an authorised person.

(4) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

Division 3—Information gathering for law enforcement purposes

10.4.11 Information gathering for law enforcement purposes

(1) For the purpose of obtaining information that may be of assistance to a law enforcement agency, the Commission may direct a regulated person in writing to provide the Commission with information obtained by the person concerning their operations.

(2) A direction under subsection (1) 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 regulated person is required to provide; and

(b) the manner in which and time within which the information is to be provided.

(4) It is a condition of a regulated person's licence, permit or listing under this Act that the provider must comply with such a direction.

(5) The Commission may make information obtained by the Commission under this section available to any law enforcement agency.

(6) This section applies despite anything to the contrary in Division 6 of Part 1.

(7) In this section—

law enforcement agency means—

S. 10.4.11(7) def. of *law enforcement agency* amended by No. 37/2014 s. 10(Sch. item 72.18).

(a) Victoria Police or a police force or police service of any other State or of a Territory; or

(b) the Australian Federal Police; or

(c) the Australian Crime Commission; or

(d) the New South Wales Crime Commission; or

(e) any other Commission or person responsible for the enforcement of the laws of the Commonwealth or of this or any other State or of a Territory;

operations of a regulated person, means their operations in respect of any activity regulated by this Act;

regulated person means—

S. 10.4.11(7) def. of *regulated person* amended by Nos 40/2008 s. 24(1), 29/2009 s. 42(3), 1/2021 s. 79(2), 28/2022 s. 119, 13/2023 s. 86.

(a) the holder of a venue operator's licence;

* * * * *

(ba) the monitoring licensee;

(c) a person listed on the Roll;

* * * * *

(e) the holder of an on-course wagering permit;

(f) a licensed provider;

(g) a wagering and betting licensee;

(h) a keno licensee.

(8) A function of the Commission under this section may be performed by any commissioner.

Ch. 10 Pt 4A (Headings and ss 10.4A.1–10.4A.14) inserted by No. 56/2010 s. 59.

Part 4A—Monitoring of relationships with associates

Division 1—Interpretation

S. 10.4A.1 inserted by No. 56/2010 s. 59.

10.4A.1 Definitions

In this Part—

associate suitability criteria, in relation to an associate, or a person who may become an associate, of a gambling industry participant, means—

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

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

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

listed corporation has the same meaning as in section 9 of the Corporations Act;

listed gambling industry participant means a gambling industry participant that is a listed corporation;

voting share in relation to a gambling industry participant, has the same meaning as in section 9 of the Corporations Act.

10.4A.2 Relevant interests

S. 10.4A.2 inserted by No. 56/2010 s. 59.

For the purposes of this Part, a person has a relevant interest in a share if, and only if, the person would be taken to have a relevant interest in the share because of sections 608 and 609 of the Corporations Act.

10.4A.3 References to the Corporations Act

S. 10.4A.3 inserted by No. 56/2010 s. 59.

A reference in this Part to the Corporations Act is a reference to that Act as it would apply if references in that Act to a body corporate, corporation or company included references to—

(a) a body corporate of any kind wherever formed or incorporated and whether formed or incorporated under that Act or any other law; and

(b) any unincorporated body, being a society, association, company of proprietors or other body, wherever formed, that, under the law of its place of formation, may sue or be sued, or may hold property in the name of the secretary or some other officer of the society, association or body, or in the name of any trustee or trustees; and

(c) any unincorporated body, being a society, association, company of proprietors or other body or undertaking to which is applied, under the laws of the place of its formation, with or without exceptions, a law in force in that place relating to companies or corporations as if it were a company or corporation within the meaning of that Act.

Division 2—Notifications in relation to associates

S. 10.4A.4 inserted by No. 56/2010 s. 59.

10.4A.4 Change in situation of gambling industry participants, associates etc.

(1) Whenever a change of a kind specified by the Commission in writing given to a person who is—

(a) a gambling industry participant; or

(b) an associate of a participant; or

(c) a nominee of a participant (if the participant is required under the Act to have a nominee)—

takes place in the situation existing in relation to that person, the person must notify the Commission in writing of the change within 14 days after it takes place.

Penalty: 60 penalty units.

(2) A function of the Commission under this section may be performed by any commissioner.

S. 10.4A.5 inserted by No. 56/2010 s. 59.

10.4A.5 Notification of Commission of persons who are likely to become associates

A gambling industry participant must notify the Commission in writing that a person is likely to become an associate of the participant of the kind referred to in section 1.4(1)(a) or (b) as soon as practicable after the participant becomes aware of the likelihood.

Penalty: 60 penalty units.

S. 10.4A.6 inserted by No. 56/2010 s. 59.

10.4A.6 Notification of Commission of persons who have become associates

A gambling industry participant must notify the Commission in writing of any person becoming an associate of the participant—

(a) of the kind referred to in section 1.4(1)(a) or (b); and

(b) in respect of whom no approval has been granted under section 10.4A.7—

within 7 days after becoming aware that the person has become an associate.

Penalty: 60 penalty units.

Division 3—Commission approval

10.4A.7 Prior Commission approval required before certain persons become associates

S. 10.4A.7 inserted by No. 56/2010 s. 59.

(1) A gambling industry participant must ensure that a person does not become an associate of the kind referred to in section 1.4(1)(a) or (b) except with the prior approval in writing of the Commission.

Penalty: 60 penalty units.

(2) On application by a gambling industry participant, the Commission may grant its approval, but must not grant its approval unless satisfied that the person is suitable to be concerned in or associated with the gambling business of the gambling industry participant.

S. 10.4A.7(2A) inserted by No. 64/2014 s. 35.

(2A) An application for approval under this section—

(a) must be in the form approved by the Commission; and

(b) must be accompanied by the prescribed fee (if any).

(3) In determining whether the person is a suitable person to be concerned in or associated with the gambling business of the gambling industry participant, the Commission must have regard to the associate suitability criteria.

(4) If the Commission refuses to grant its approval—

(a) the Commission must notify the gambling industry participant in writing; and

(b) to the extent that it is within the gambling industry participant's power to do so, the participant must ensure—

(i) that the person does not become an associate; or

(ii) if the person becomes or has become an associate, that the person ceases to be an associate of the licensee within 28 days after the licensee is notified by the Commission under paragraph (a).

(5) An approval under this section may be granted subject to any conditions that the Commission thinks fit.

Note

Division 1 of Part 4 of Chapter 10 provides for the investigation of an application to approve a person to become an associate of a gambling industry participant.

Division 4—Termination of associations, warnings and undertakings

S. 10.4A.8 inserted by No. 56/2010 s. 59.

10.4A.8 Termination of association

(1) This section applies if—

(a) a person is an associate of a gambling industry participant within the meaning of section 1.4(1)(a) or (b); and

(b) the Commission, having regard to the associate suitability criteria, determines that the associate is unsuitable to be concerned in or associated with the gambling business of the gambling industry participant.

(2) The Commission may, by notice in writing, require the associate to terminate the association with the gambling industry participant.

(3) An associate who is given written notice under subsection (2) must terminate the associate's association with the gambling industry participant within 14 days or any longer period agreed with the Commission.

(4) If the association is not terminated within 14 days after the date of the notice referred to in subsection (2) or any longer period agreed with the Commission, the Commission may, by notice in writing, direct the gambling industry participant to take all reasonable steps to terminate the association.

(5) A gambling industry participant must comply with the direction under subsection (4) within 14 days or any longer period agreed with the Commission.

10.4A.9 Written warnings and undertakings in relation to conduct of associates

S. 10.4A.9 inserted by No. 56/2010 s. 59.

(1) If the Commission determines that an associate of a gambling industry participant has engaged or is engaging in conduct that, in the Commission's opinion, is unacceptable for a person who is concerned in or associated with the gambling business of the gambling industry participant, the Commission may—

(a) issue a written warning to the associate that the conduct is unacceptable; or

(b) give written notice to the associate requiring the associate to give a written undertaking to the Commission, within the period specified in the notice, regarding the future conduct of the associate.

(2) If the associate fails to give an undertaking required under subsection (1)(b) or breaches an undertaking given under that provision, the Commission may give the associate written notice requiring the associate to terminate, within

14 days or a longer period agreed with the Commission, the association with the gambling industry participant.

(3) If the association is not terminated within 14 days after the date of the notice referred to in subsection (2) or any longer period agreed with the Commission, the Commission may, by notice in writing, direct the gambling industry participant to take all reasonable steps to terminate the association.

(4) A gambling industry participant must comply with the direction under subsection (3) within 14 days or any longer period agreed with the Commission.

Division 5—Forfeiture and sale of shares in gambling industry participants

S. 10.4A.10 inserted by No. 56/2010 s. 59.

10.4A.10 Disposal, forfeiture etc. of shares

(1) This section applies if after considering a report under section 10.4A.14, the Minister considers that—

(a) a person who is the subject of the report has a relevant interest in shares in a listed gambling industry participant and because of that interest is an associate of the participant of the kind referred to in section 1.4(1)(a); and

(b) the person is not suitable to be concerned in or associated with the gambling business of the listed gambling industry participant (the ***unsuitable associate***).

(2) The Minister may, by notice in writing served on—

(a) if the unsuitable associate holds voting shares in the listed gambling industry participant in which the unsuitable associate

has a relevant interest—the unsuitable associate; or

(b) any other person who holds voting shares in the listed gambling industry participant in which the unsuitable associate has a relevant interest—

declare that the unsuitable associate or that other person must, within a period specified in the notice, dispose of the relevant number of those shares or a specified number of those shares not exceeding the relevant number.

(3) A period specified in a notice under subsection (2) must not be less than 3 months commencing on the day the notice is served.

(4) For the purposes of subsection (2), the relevant number of shares that an unsuitable associate or other person may be required by a notice under that subsection to dispose of is the number of shares held by the unsuitable associate or other person that would need to be so disposed of in order to cause the unsuitable associate to cease to be an associate of the listed gambling industry participant.

(5) For the purposes of this section, an unsuitable associate or other person is not to be taken to have disposed of shares in the listed gambling industry participant in which an unsuitable associate has a relevant interest unless and until the unsuitable associate or other person ceases to hold the shares and the unsuitable associate ceases to have a relevant interest in them.

(6) If an unsuitable associate or other person served with a notice of a declaration under subsection (2) requiring the associate or person to dispose of shares in the listed gambling industry participant fails to comply with the notice within the period

specified in the notice, the shares to which the notice relates are, by force of this subsection, forfeited to the State.

(7) The Minister must cause written notice of a declaration under subsection (2) requiring an unsuitable associate or other person to dispose of shares in the listed gambling industry participant to be served on the listed gambling industry participant.

S. 10.4A.11 inserted by No. 56/2010 s. 59.

10.4A.11 Sale of forfeited shares

(1) The Commission is to sell any shares forfeited to the State under this Division.

(2) For the purposes of any such sale, the Commission is not bound by any restriction on the sale of shares contained in the constitution of the gambling industry participant.

(3) Any money realised from the sale of forfeited shares under this section must, after deduction of the reasonable costs of the forfeiture and sale, be paid to the person from whom the shares were forfeited.

Division 6—Investigations for purposes of Divisions 4 and 5

S. 10.4A.12 inserted by No. 56/2010 s. 59.

10.4A.12 Investigation of associates and others

(1) For the purposes of Divisions 4 and 5, the Commission may from time to time investigate—

(a) an associate, a person likely to become an associate, or a person the Commission suspects is an associate of a gambling industry participant; or

(b) any person, body or association having a business association with an associate of a gambling industry participant.

(2) The Commission—

(a) may require an associate, a person likely to become an associate or a person the Commission suspects is an associate to consent to having the associate's or person's photograph, finger prints and palm prints taken; and

S. 10.4A.12 (2)(a) amended by No. 23/2025 s. 74(Sch. 1 item 2.57).

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

(3) A function of the Commission under this section may be performed by any commissioner.

10.4A.13 Provision of information to Commission

S. 10.4A.13 inserted by No. 56/2010 s. 59.

(1) For the purpose of any investigation under this Division, the Commission may, by notice in writing, require a regulated person—

(a) to provide the Commission or an authorised person, in accordance with directions in the notice, with any information as is specified in the notice that is—

(i) relevant to the regulated person; or

(ii) relevant to the gambling business of the gambling industry participant; or

(iii) otherwise required by the Commission; or

(b) to produce to the Commission or an authorised person, in accordance with the directions in the notice, any records or documents specified in the notice that are—

(i) relevant to the regulated person; or

(ii) relevant to the gambling business of the gambling industry participant; or

(iii) otherwise required by the Commission—

and to permit examination of those records or documents, the taking of extracts from them and the making of copies of them; or

(c) to attend before the Commission or an authorised person for examination, and to answer questions, in relation to any matters—

(i) relevant to the regulated person; or

(ii) relevant to the gambling business of the gambling industry participant; or

(iii) otherwise required by the Commission.

(2) If records or documents are produced under this section, the Commission or authorised person to whom they are produced may retain possession of the records or documents for such period as may reasonably be necessary to permit examination of the records or documents, the taking of extracts from them and the making of copies of them.

(3) At any reasonable times during the period for which records or documents are retained, the Commission or authorised person must permit inspection of the records or documents by a person who would be entitled to inspect them if they were not in the possession of the Commission or an authorised person.

(4) A person incurs, with a requirement of a notice under this section, no liability for breach of contract, breach of confidence or any other civil wrong.

(5) In this section—

regulated person means—

(a) a gambling industry participant; or

(b) a person who in the opinion of the Commission is an associate of a gambling industry participant.

10.4A.14 Reports to Minister

S. 10.4A.14 inserted by No. 56/2010 s. 59.

(1) The Commission must make a written report to the Minister on any investigation under this Division if after that investigation the Commission considers that—

(a) a person has a relevant interest in the shares in a listed gambling industry participant and because of that interest is an associate of the listed gambling industry participant of the kind referred to in section 1.4(1)(a); and

(b) the person is not suitable to be concerned in or associated with the gambling business of the listed gambling industry participant.

(2) The report must contain—

(a) an explanation of the relevant interest the person has in the listed gambling industry participant and how, by having that interest, the person is an associate of the listed gambling industry participant; and

(b) the reasons why the Commission considers that the person is not suitable to be concerned in or associated with the gambling business of the listed gambling industry participant.

Part 5—Compliance and enforcement

Division 1—Inspectors

S. 10.5.1 amended by Nos 108/2004 s. 117(1) (Sch. 3 item 86.4), 40/2008 s. 24(2), 29/2009 s. 42(4), repealed by No. 58/2011 s. 85.

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Ss 10.5.2, 10.5.3 repealed by No. 58/2011 s. 85.

* * * * *

S. 10.5.4 amended by No. 37/2014 s. 10(Sch. item 72.19).

10.5.4 Police may perform functions of inspectors

A police officer may perform the functions of an inspector under this Act.

S. 10.5.5 amended by No. 23/2025 s. 74(Sch. 1 item 2.58).

10.5.5 Responsibilities of inspectors while on duty

An inspector must not participate in any of the following while on duty other than as required in the course of the inspector's employment—

(a) gaming (within the meaning of Chapter 3);

S. 10.5.5(b) repealed by No. 28/2022 s. 127(l).

* * * * *

S. 10.5.5(c) amended by No. 1/2021 s. 73.

(c) keno games.

Penalty: 10 penalty units.

* * * * *

S. 10.5.6 repealed by No. 58/2011 s. 86.

Division 2—Functions of inspectors

10.5.7 Functions of inspectors

(1) The functions of inspectors are as follows—

(a) for the purpose of determining compliance with any gaming Act and gaming regulations—

(i) to inspect premises used in connection with any activity regulated by a gaming Act;

(ii) to monitor the operation and management of any such activity;

(iii) to examine machinery and equipment used and records kept in premises referred to in subparagraph (i);

(b) to assist in any other manner, where necessary, in the detection of offences committed against a gaming Act or gaming regulations;

(c) to report to the Commission as required;

(d) any other functions conferred on inspectors by a gaming Act or gaming regulations.

10.5.8 Right of entry

(1) An inspector may enter and remain on any premises used in connection with any activity regulated by a gaming Act for the purposes of exercising the inspector's functions.

S. 10.5.8(1) amended by No. 23/2025 s. 74(Sch. 1 item 2.59).

(2) The power of entry may be exercised—

(a) at any time when the premises are open to the public; or

(b) with the written consent of the occupier, at any other time.

S. 10.5.8(3) amended by No. 23/2025 s. 74(Sch. 1 item 2.60).

(3) An inspector who enters premises under this section is not authorised to remain on the premises if, on the request of the occupier of the premises, the inspector does not show the inspector's identity card to the occupier.

(4) If an occupier consents to the entry of premises under this section, the inspector must give the occupier a copy of the consent immediately.

(5) If, in any proceeding, a written consent is not produced to the court, it must be presumed, until the contrary is proved, that the occupier did not consent to the entry.

10.5.9 Powers of inspectors

(1) An inspector may do any one or more of the following—

(a) require any person in possession of, or having control of, any machinery, equipment or records relating to an activity regulated by a gaming Act to produce the machinery, equipment or records for inspection and to answer questions or provide information relating to the machinery, equipment or records;

(b) inspect any machinery, equipment or records referred to in paragraph (a) and take copies of, extracts from, or notes relating to, those 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 machinery, equipment or records;

(d) by written notice require—

(i) the holder of a licence, permit, approval or other authorisation under a gaming Act or a person listed on the Roll; or

(ii) an employee of a person referred to in subparagraph (i); or

(iii) 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 to provide information within a reasonable period specified in the notice, with respect to any activity regulated by a gaming Act;

(e) examine and test any machinery or equipment referred to in paragraph (a) and order the person in charge of the machinery or equipment to withdraw it from use if it is unsatisfactory for use;

(f) call to the inspector's assistance a police officer if the inspector is obstructed, or believes on reasonable grounds that the inspector will be obstructed, in the performance of the inspector's functions;

S. 10.5.9(1)(f) amended by Nos 37/2014 s. 10(Sch. item 72.19), 23/2025 s. 74(Sch. 1 item 2.61).

(g) any other thing authorised by a gaming Act or gaming regulations to be done by an inspector.

(2) If an inspector seizes anything under this section, it may be retained by the inspector until the completion of any proceedings (including proceedings on appeal) in which it 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) Subsection (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 subsection are instituted so orders.

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

10.5.10 Power to require names and addresses

(1) An inspector who exercises a right of entry to premises under section 10.5.8 or under a search warrant may require a person on the premises to state the person's full name and residential address.

S. 10.5.10(2) amended by No. 23/2025 s. 74(Sch. 1 item 2.62).

(2) An inspector is not authorised to require a person to state the person's name or address unless the inspector—

(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.

(3) A person must comply with a requirement made in accordance with this section.

Penalty: 20 penalty units.

10.5.11 Inspector to investigate complaints

(1) On receiving a complaint from a patron relating to the conduct of any activity regulated by a gaming Act, an inspector must forthwith investigate the complaint.

(2) If, as a result of the investigation, the inspector is satisfied that there has been a contravention of a gaming Act or gaming regulations, the inspector—

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

(b) subsequently must notify the person conducting the activity of the substance of the complaint and give them an opportunity to respond to the complaint within a reasonable period to be specified in the notice.

(3) Subsection (2)(b) does not apply to a complaint in respect of which the Commission 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.

(5) A function of the Commission under this section may be performed by any commissioner.

10.5.12 Search warrants

(1) An inspector, with the consent of a commissioner, may apply to a magistrate for the issue of a search warrant in relation to particular premises (including any vehicle on or in the premises) or a particular vehicle located in a public place, if the inspector believes on reasonable grounds that there are on the premises or on or in the vehicle any machinery, equipment or records—

S. 10.5.12(1) amended by Nos 25/2009 s. 14(1), 58/2011 s. 91(2).

(a) in relation to which an offence against a gaming Act or gaming regulations has been, is being, or is likely to be, committed; or

(b) that may be evidence of the commission of an offence against a gaming Act or gaming regulations.

S. 10.5.12(2) amended by Nos 37/2014 s. 10(Sch. item 72.20(a)), 6/2018 s. 68(Sch. 2 item 59.3).

(2) If a magistrate is satisfied by the evidence on oath or by affirmation, whether oral or by affidavit, that there are reasonable grounds for suspecting any of the matters referred to in subsection (1)(a) or (b), the magistrate may issue a search warrant authorising an inspector or police officer named in the warrant and any assistants the inspector or police officer considers necessary—

S. 10.5.12(2)(a) amended by No. 25/2009 s. 14(2).

(a) to enter the premises or the vehicle, or the part of premises or the vehicle, named or described in the warrant; and

(b) to search for and seize any machinery, equipment or records named or described in the warrant.

(3) In addition to any other requirement, a search warrant issued under this section must state—

(a) the offence suspected; and

S. 10.5.12 (3)(b) amended by No. 25/2009 s. 14(3).

(b) the premises or vehicle to be searched; and

(c) a description of the thing for which the search is to be made; and

(d) any conditions to which the warrant is subject; and

(e) whether entry is authorised to be made at any time or during stated hours; and

(f) a day, not later than 7 days after the issue of the warrant, on which the warrant ceases to have effect.

(4) A search warrant must be issued in accordance with the **Magistrates' Court Act 1989** and in the form prescribed under that Act.

(5) The rules to be observed with respect to search warrants mentioned in the **Magistrates' Court Act 1989** extend and apply to warrants under this section.

(6) Despite subsection (1), a police officer does not require the consent of a commissioner to exercise the power of an inspector to apply for a search warrant under this section.

S. 10.5.12(6) amended by Nos 58/2011 s. 91(2), 37/2014 s. 10(Sch. item 72.20(b)).

10.5.13 Announcement before entry

(1) Before executing a search warrant, the person named in the warrant or a person assisting that person must—

S. 10.5.13(1) amended by No. 23/2025 s. 74(Sch. 1 item 2.63(a)(i)).

(a) announce that the person is authorised by the warrant to enter the premises or vehicle located in a public place, as the case requires; and

S. 10.5.13(1)(a) amended by Nos 25/2009 s. 15(1), 23/2025 s. 74(Sch. 1 item 2.63 (a)(ii)).

(b) give any person at the premises, on the vehicle or in the vehicle an opportunity to allow entry to the premises or vehicle.

S. 10.5.13 (1)(b) substituted by No. 25/2009 s. 15(2).

(2) The person named in the warrant or a person assisting that person need not comply with subsection (1) if the person believes on reasonable grounds that immediate entry to the premises or vehicle is required to ensure—

S. 10.5.13(2) amended by Nos 25/2009 s. 15(3), 23/2025 s. 74(Sch. 1 item 2.63(b)).

(a) the safety of any person; or

(b) that the effective execution of the search warrant is not frustrated.

S. 10.5.14 (Heading) amended by No. 25/2009 s. 16(1).

10.5.14 Copy of warrant to be given to occupier or person in charge of vehicle

S. 10.5.14 amended by No. 25/2009 s. 16(2)(3) (ILA s. 39B(1)).

(1) In the case of a warrant issued in respect of premises, if the occupier or another person who apparently represents the occupier is present at the premises when a search warrant is being executed, the inspector must—

S. 10.5.14(1)(a) substituted by No. 23/2025 s. 74(Sch. 1 item 2.64).

(a) produce the inspector's identity card for inspection by that person; and

(b) give to that person a copy of the execution copy of the warrant.

S. 10.5.14(2) inserted by No. 25/2009 s. 16(3).

(2) In the case of a warrant issued in respect of a vehicle in a public place, if there is a person in charge of the vehicle when a search warrant is being executed, the inspector must—

S. 10.5.14(2)(a) substituted by No. 23/2025 s. 74(Sch. 1 item 2.64).

(a) produce the inspector's identity card for inspection by that person; and

(b) give to that person a copy of the execution copy of the warrant.

S. 10.5.14A inserted by No. 25/2009 s. 17, repealed by No. 28/2022 s. 120.

* * * * *

10.5.14B Application of Division to personal electronic devices

S. 10.5.14B inserted by No. 1/2021 s. 74.

Nothing in this Division authorises or permits an inspector to—

(a) inspect or seize a personal electronic device that is or may be used to participate in gambling authorised by or under this Act or another Act; or

(b) require a person to answer questions or provide information in relation to any such device.

Division 3—Offences

10.5.15 Offences relating to obstruction of inspectors

A person must not—

(a) assault, obstruct, hinder, threaten, abuse, insult or intimidate an inspector or a police officer when the inspector or police officer is performing or attempting to perform functions under a gaming Act or gaming regulations; or

S. 10.5.15(a) amended by No. 37/2014 s. 10(Sch. item 72.21(a)).

(b) fail, without reasonable excuse, to produce for inspection any machinery, equipment or records in the possession or under the control of the person when required so to do by an inspector or police officer in the performance of the inspector's or police officer's functions under a gaming Act or gaming regulations; or

S. 10.5.15(b) amended by Nos 37/2014 s. 10(Sch. item 72.21(b)), 23/2025 s. 74(Sch. 1 item 2.65).

(c) fail, without reasonable excuse, to attend before an inspector or police officer and answer questions or supply information when required so to do by the inspector or police officer in the performance of the

S. 10.5.15(c) amended by Nos 37/2014 s. 10(Sch. item 72.21(c)), 23/2025 s. 74(Sch. 1 item 2.65).

inspector's or police officer's functions under a gaming Act or gaming regulations; or

S. 10.5.15(d) amended by No. 37/2014 s. 10(Sch. item 72.21(d)).

(d) except with the permission of an inspector or police officer, take any machinery, equipment or records seized, impounded or retained under the authority of a gaming Act or gaming regulations; or

S. 10.5.15(e) amended by No. 37/2014 s. 10(Sch. item 72.21(e)).

(e) fail to comply with a direction of an inspector or police officer under a gaming Act or gaming regulations to cease to have available for use any machinery or equipment considered by the inspector or police officer to be unsatisfactory for use; or

S. 10.5.15(f) amended by No. 37/2014 s. 10(Sch. item 72.21(f)).

(f) prevent, directly or indirectly, a person from attending before an inspector or police officer, producing to an inspector or police officer any machinery, equipment or records or answering any question of, or supplying any information to, an inspector or officer when that person is required to do so under a gaming Act or gaming regulations.

Penalty: 60 penalty units.

10.5.16 False or misleading information

(1) A person must not—

(a) in, or in relation to, an application for a licence, permit, approval or other authorisation under a gaming Act, or an application for listing on the Roll; or

(b) in purported compliance with the requirements of a notice under a gaming Act or gaming regulations; or

(c) in answer to a question asked by an inspector in the exercise of the functions of an inspector; or

(d) in purporting to provide information that the person has been authorised to provide; or

S.10.5.16(1)(d) amended by No. 54/2021 s. 33(a).

(e) in a notice given under section 27A of the **Casino Control Act 1991**—

S.10.5.16(1)(e) inserted by No. 54/2021 s. 33(b).

give information that is false or misleading in a material particular.

Penalty: 60 penalty units.

(2) It is a defence to a prosecution of a person for an offence under subsection (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.

10.5.17 Impersonation of inspectors or commissioners

A person must not impersonate an inspector or a commissioner.

Penalty: 120 penalty units or imprisonment for 2 years or both.

10.5.18 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 to perform the authorised person's functions under a gaming Act or in order to influence the authorised person in the performance of those functions; or

S.10.5.18(1)(a) amended by No. 23/2025 s. 74(Sch. 1 item 2.66(a)).

S.10.5.18(1)(b) amended by No. 23/2025 s. 74(Sch. 1 item 2.66(b)).

(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 the authorised person's functions under a gaming Act; or

S.10.5.18(1)(c) amended by No. 23/2025 s. 74(Sch. 1 item 2.66(b)).

(c) for the authorised person to use or take advantage of the authorised person's position improperly to gain any benefit or advantage for or facilitate the commission of an offence by another person.

Penalty: 600 penalty units or imprisonment for 2 years or both.

(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—

S.10.5.18(2)(a) amended by No. 23/2025 s. 74(Sch. 1 item 2.66(a)).

(a) so that the authorised person will forego or neglect to perform the authorised person's functions under a gaming Act or in order to influence the authorised person in the performance of those functions; or

S.10.5.18(2)(b) amended by No. 23/2025 s. 74(Sch. 1 item 2.66(b)).

(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 the authorised person's functions under a gaming Act; or

S.10.5.18(2)(c) amended by No. 23/2025 s. 74(Sch. 1 item 2.66(b)).

(c) for the authorised person to use or take advantage of the authorised person's 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: 600 penalty units or imprisonment for 2 years or both.

10.5.19 Protection against self-incrimination

(1) It is a reasonable excuse for a person to refuse or fail to answer questions or provide information that the person is required to answer or provide by or under a gaming Act if the answering of the question or provision of the information would tend to incriminate the person.

(2) It is not a reasonable excuse for a person to refuse or fail to produce any machinery, equipment or records that a person is required to produce by or under a gaming Act on the ground that the production of the machinery, equipment or records would tend to incriminate the person.

(3) If the person claims, before producing the machinery, equipment or records, that production of the machinery, equipment or records would tend to incriminate them, the equipment or records are not admissible in evidence against the person in criminal proceedings.

(4) This section is subject to sections 2.5.40(2)(f), 5.6.4(2) and 7.7.3(4).

Division 4—Infringement notices

10.5.20 Power to serve a notice

(1) An inspector may serve an infringement notice on any person that the inspector has reason to believe has committed an offence against a gaming Act or gaming regulations that is prescribed by the regulations as an offence in respect of which an infringement notice may be issued.

S. 10.5.20(1) amended by No. 23/2025 s. 74(Sch. 1 item 2.67).

(2) An offence referred to in subsection (1) for which an infringement notice may be served is an infringement offence within the meaning of the **Infringements Act 2006**.

S. 10.5.20(2) substituted by No. 32/2006 s. 94(Sch. item 22(1)).

S. 10.5.21 substituted by No. 32/2006 s. 94(Sch. item 22(2)).

10.5.21 Prescribed infringement penalty

The infringement penalty for an offence referred to in subsection (1) is the prescribed penalty in respect of the offence.

Ss 10.5.22–10.5.26 repealed by No. 32/2006 s. 94(Sch. item 22(3)).

* * * * *

10.5.27 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 accused if the accused is present at the hearing of the charge.

S. 10.5.27(4) amended by No. 68/2009 s. 97(Sch. item 62.14).

(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 accused or that the accused was not in fact convicted of the offences as alleged in the document.

S. 10.5.27(5) amended by No. 68/2009 s. 97(Sch. item 62.15).

(6) Subsection (5) does not limit the generality of Part 3.4 of Chapter 3 of the **Criminal Procedure Act 2009**.

S. 10.5.27(6) amended by No. 68/2009 s. 97(Sch. item 62.16).

(7) In this section—

infringement means an offence in respect of which an infringement notice may be issued.

Note

Section 10.5.20(1) provides that infringement notices may be issued in respect of certain offences prescribed by the regulations.

Division 5—Forfeiture

10.5.28 Forfeiture

(1) If instruments of gaming or money or securities for money—

(a) are lawfully seized under a gaming Act; or

(b) are found in the possession or control of a person found committing an offence against a gaming Act or gaming regulations—

the Magistrates' Court may order that the instruments of gaming or money or securities for money are forfeited to the State.

S. 10.5.28(2) substituted by No. 3/2016 s. 94.

(2) An appeal against an order of forfeiture under subsection (1) may be made—

(a) to the County Court; or

S. 10.5.28 (2)(b) amended by No. 1/2022 s. 94.

(b) if the order was made by the Magistrates' Court constituted by the Chief Magistrate who is a dual commission holder, to the Court of Appeal.

(3) Any property forfeited under this section must be sold or otherwise disposed of in accordance with the directions of the Magistrates' Court.

S. 10.5.28(4) amended by No. 45/2004 s. 38.

(4) The proceeds, if any, of the sale or disposal must be paid into the Consolidated Fund.

10.5.29 Seizure and forfeiture of equipment

S. 10.5.29(1) amended by No. 58/2009 s. 141(1).

(1) An inspector may seize without a warrant any equipment that the inspector reasonably suspects is gaming equipment or monitoring equipment that is not authorised under a gaming Act to be in the premises.

S. 10.5.29(2) amended by No. 37/2014 s. 10(Sch. item 72.22).

(2) A police officer or inspector may apply to a court not less than 28 days after seizure of equipment for an order that the equipment seized under subsection (1) be forfeited to the State.

S. 10.5.29(3) amended by No. 58/2009 s. 141(1).

(3) On an application under subsection (2), the court must order that the equipment be forfeited to the State if the court is satisfied that the equipment is gaming equipment or monitoring equipment that is not authorised under a gaming 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 subsection (1) may apply within 28 days of the seizure to a court for the return of the equipment.

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

(a) is not, as the case requires, gaming equipment or monitoring equipment; or

S. 10.5.29(5)(a) substituted by No. 58/2009 s. 141(2).

(b) is, as the case requires, gaming equipment or monitoring equipment authorised under a gaming Act to be on the premises.

S. 10.5.29 (5)(b) substituted by No. 58/2009 s. 141(2).

(6) If the owner of equipment seized under subsection (1) does not apply for the return of the equipment within 28 days of the seizure, the equipment is forfeited to the State.

(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.

Division 6—Prosecutions and evidentiary provisions

10.5.30 Offences by bodies

(1) If a body (whether incorporated or not) contravenes any provision of a gaming Act or gaming regulations, each executive officer of the body is to be taken to have contravened the same provision if the executive officer knowingly authorised or permitted the contravention.

(2) A person may be proceeded against and convicted under a provision in accordance with subsection (1) whether or not the body has been proceeded against or convicted under that provision.

(3) Nothing in this section affects any liability imposed on a body for an offence committed by the body against a gaming Act or gaming regulations.

10.5.31 Proceedings

(1) A proceeding for an offence against a gaming Act or gaming regulations may only be brought by—

S. 10.5.31(1)(a) amended by No. 37/2014 s. 10(Sch. item 72.22).

(a) a police officer; or

(b) the Commission; or

(c) a person authorised to do so, either generally or in a particular case, by the Commission.

(2) In a proceeding for an offence against a gaming Act or gaming regulations it must be presumed, in the absence of evidence to the contrary, that the person bringing the proceeding was authorised to bring it.

(3) A function of the Commission under this section may be performed by any commissioner.

10.5.32 Evidence

(1) In proceedings under a gaming Act, an assertion—

(a) that, at a specified time or during a specified period, a specified person was the Minister administering any Act; or

(b) that, at a specified time or during a specified period, a specified person held, or is acting in, a specified office; or

(c) that a signature purporting to be the signature of a Minister, a commissioner, an inspector, a police officer or an authorised person is the signature it purports to be; or

S. 10.5.32(1)(c) amended by No. 37/2014 s. 10(Sch. item 72.22).

(d) that, at a specified time or during a specified period, a specified person was, or was not, the holder of a specified licence, permit, approval or other authorisation under a gaming Act—

S. 10.5.32 (1)(d) amended by No. 58/2009 s. 142(12).

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S. 10.5.32(1)(e) repealed by No. 71/2008 s. 29(c).

is evidence of the fact or facts asserted.

(1A) In proceedings under a gaming Act, an assertion 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 truth of the assertion unless the accused denies the assertion.

S. 10.5.32(1A) inserted by No. 71/2008 s. 30, amended by No. 68/2009 s. 97(Sch. item 62.17).

(2) In proceedings under a gaming Act—

(a) a document purporting to be a copy of a direction, notice, order, requirement or decision given or made under a gaming Act is evidence of a direction, notice, order, requirement or decision of which it purports to be a copy; and

(b) a document purporting to be a copy of a licence, permit, approval or other authorisation under a gaming Act is evidence of the licence, permit, approval or authorisation 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.

Part 6—Self exclusion programs and Responsible Gambling Codes of Conduct

Ch. 10 Pt 6 (Headings and ss 10.6.1–10.6.10) inserted by No. 72/2007 s. 49.

Division 1—Self-exclusion programs

Ch. 10 Pt 6 Div. 1 (Heading and ss 10.6.1–10.6.4) inserted by No. 72/2007 s. 49, amended by No. 71/2008 s. 17, substituted by No. 62/2017 s. 64.

10.6.1 Ministerial direction about self-exclusion programs

S. 10.6.1 substituted by No. 62/2017 s. 64.

(1) The Minister may give a direction in relation to—

(a) the standards and requirements that must be met by a self-exclusion program conducted by or at the request of a venue operator; and

(b) how a self-exclusion program must be monitored and reported on.

(2) A direction under subsection (1) is to be given by publishing the direction in the Government Gazette.

(3) A direction under subsection (1) takes effect on a day specified in the direction.

10.6.2 Change in Ministerial direction about self-exclusion programs

S. 10.6.2 substituted by No. 62/2017 s. 64.

(1) This section applies if the Minister—

(a) gives a direction under section 10.6.1(1) (the ***old direction***); and

(b) subsequently—

(i) varies the old direction; or

(ii) revokes the old direction and gives a new direction under section 10.6.1(1).

(2) During the period of 6 months beginning on the day on which the variation or new direction takes effect, a venue operator who complies with the old direction as in force immediately before that day is taken to be complying with the varied or new direction.

S. 10.6.3 substituted by No. 62/2017 s. 64.

10.6.3 Review of direction about self-exclusion programs

(1) During each period specified in subsection (2), the Minister must cause a review to be undertaken of the operation of the direction under section 10.6.1(1) during that period.

(2) The review must be undertaken within each consecutive period of 5 years, the first of which begins on the day on which the first direction is given under section 10.6.1(1).

(3) The review is to be a review of how effectively the self-exclusion programs assist people to exclude from approved venues and limit their access to gaming.

(4) A failure to undertake a review in accordance with this section does not affect the validity of any direction under section 10.6.1(1).

S. 10.6.4 substituted by No. 62/2017 s. 64.

10.6.4 Regulations prevail over direction

A direction under section 10.6.1(1) is of no effect to the extent that it is inconsistent with regulations made for or with respect to Part 4B in Schedule 1.

Division 2—Responsible Gambling Codes of Conduct

10.6.5 Definition

S. 10.6.5 inserted by No. 72/2007 s. 49.

In this Part—

S. 10.6.5 def. of *relevant person* amended by Nos 40/2008 s. 33, 71/2008 s. 16, 25/2009 s. 50, 1/2021 s. 75, 28/2022 ss 121, 127(m), 13/2023 s. 87.

relevant person means—

(a) a venue operator;

* * * * *

(ca) a wagering and betting licensee;

(cb) a registered bookmaker;

(d) a public lottery licensee or temporary public lottery licensee;

(da) a keno licensee;

(e) a holder of a commercial raffle organiser's licence;

(f) a bingo centre operator;

(g) a casino operator.

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10.6.6 Ministerial direction about Responsible Gambling Codes of Conduct

S. 10.6.6 inserted by No. 72/2007 s. 49, amended by No. 4/2014 s. 45, substituted by No. 62/2017 s. 53.

(1) The Minister may give a direction in relation to—

(a) the standards and requirements that a Responsible Gambling Code of Conduct implemented by a relevant person must meet; and

(b) the content that must be included in a Responsible Gambling Code of Conduct implemented by a relevant person.

(2) A direction under subsection (1) may be given in respect of—

(a) a specified relevant person; or

(b) relevant persons of a specified class.

(3) A direction under subsection (1) is to be given by publishing the direction in the Government Gazette.

(4) A direction under subsection (1) takes effect on a day specified in the direction.

S. 10.6.7 inserted by No. 72/2007 s. 49, substituted by No. 62/2017 s. 53.

10.6.7 Change in Ministerial direction about Responsible Gambling Codes of Conduct

(1) This section applies if the Minister—

(a) gives a direction under section 10.6.6(1) (the ***old direction***) that applies to a relevant person; and

(b) subsequently—

(i) varies the old direction; or

(ii) revokes the old direction and gives a new direction under section 10.6.6(1) that also applies to the relevant person.

(2) During the period of 6 months beginning on the day on which the variation or new direction takes effect, if the relevant person complies with the old direction as in force immediately before that day, they are taken to be complying with the varied or new direction.

10.6.8 Review of direction about Responsible Gambling Codes of Conduct

S. 10.6.8 inserted by No. 72/2007 s. 49, substituted by No. 62/2017 s. 53.

(1) During each period specified in subsection (2), the Minister must cause a review to be undertaken of the operation of directions under section 10.6.6(1).

(2) The review must be undertaken within each consecutive period of 5 years, the first of which begins on the day on which the first direction is given under section 10.6.6(1).

(3) The review is to be a review of how effectively the Responsible Gambling Codes of Conduct—

(a) ensure that gambling products are supplied in a responsible manner; and

(b) promote practices that support and encourage responsible gambling; and

(c) assist in minimising harm caused by gambling.

(4) A failure to undertake a review in accordance with this section does not affect the validity of any directions under section 10.6.6(1).

10.6.9 Regulations prevail over direction

S. 10.6.9 inserted by No. 72/2007 s. 49, substituted by No. 62/2017 s. 53.

A direction under section 10.6.6(1) is of no effect to the extent that it is inconsistent with regulations made for or with respect to Part 4C in Schedule 1.

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S. 10.6.9A inserted by No. 71/2008 s. 18, repealed by No. 62/2017 s. 54.

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Ch. 10 Pt 6 Div. 3 (Heading and s. 10.6.10) inserted by No. 72/2007 s. 49, repealed by No. 20/2018 s. 68.

Part 7—Minors

Ch. 10 Pt 7 (Heading and ss 10.7.1–10.7.13) inserted by No. 71/2008 s. 31.

10.7.1 Definitions

S. 10.7.1 inserted by No. 71/2008 s. 31.

(1) 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;

allow a minor to gamble means—

S. 10.7.1(1) def. of *allow a minor to gamble* amended by Nos 1/2021 s. 76(a), 28/2022 s. 127(n)(i).

(a) accept a bet from, or give or send a ticket or acknowledgement in respect of a bet to, any minor; or

(b) allow a minor to play a gaming machine in any area of an approved venue; or

(c) sell a ticket in a public lottery to a minor; or

(d) accept an entry in a public lottery from a minor; or

* * * * *

(g) sell a ticket in a keno game to a minor; or

(h) accept an entry in a keno game from a minor; or

* * * * *

(j) allow a minor to play a gaming machine or other game, or participate in an approved betting competition, in a casino;

S. 10.7.1(1) def. of *bookmaker's clerk* repealed by No. 73/2008 s. 29(1)(a).

* * * * *

S. 10.7.1(1) def. of *gamble* amended by Nos 73/2008 s. 29(1)(b), 1/2021 s. 76(b), 28/2022 s. 127(n)(ii).

gamble means—

(a) make a bet in a totalisator or approved betting competition; or

(b) buy a ticket in a totalisator or approved betting competition; or

(c) play a gaming machine in any area of an approved venue; or

* * * * *

(e) buy a ticket in a keno game; or

* * * * *

(g) make a bet with a registered bookmaker or registered bookmaker's key employee; or

(h) play a gaming machine or other game, or participate in an approved betting competition, in a casino; or

(i) buy a ticket in a public lottery;

gambling employee means a person employed by a gambling provider who performs functions or duties in relation to the provision of gambling;

gambling provider means—

S. 10.7.1(1) def. of *gambling provider* amended by Nos 28/2022 ss 122, 127(o), 144, 13/2023 s. 88.

* * * * *

(b) a wagering and betting licensee or wagering and betting operator; or

(ba) an agent of a wagering and betting licensee or wagering and betting operator; or

(c) a venue operator; or

(d) a public lottery licensee; or

(e) a casino operator; or

* * * * *

(g) a keno licensee.

* * * * *

(2) For the avoidance of doubt, a reference in subsection (1) to the buying or selling of a ticket includes the buying or selling of a ticket through a vending machine.

10.7.2 Application of Part

S. 10.7.2 inserted by No. 71/2008 s. 31.

Nothing in this Part applies to any of the following—

(a) the distribution of property among its owners if—

(i) the property is capable of being fairly apportioned among all the owners; and

(ii) the property is proposed to be apportioned equally so far as practicable among all the owners;

(b) a scheme—

(i) which is not for the promotion of a trade or business; and

(ii) in which all participation is gratuitous;

(c) a private raffle among persons engaged in common employment under the same employer if—

(i) the net proceeds of the raffle are intended to be appropriated to the provision of amenities for persons in that employment; and

(ii) the value of the prize does not exceed $5000;

(d) a competition based on predicting the results of a sporting event or to a sweepstake if the competition or sweepstake—

(i) is not of a commercial nature; and

(ii) does not result in the distribution of prizes having a total value of more than $5000;

(e) a trade promotion lottery.

S. 10.7.3 inserted by No. 71/2008 s. 31.

10.7.3 Offences in respect of allowing a minor to gamble

(1) A gambling provider must not allow a minor to gamble.

Penalty: 120 penalty units.

S. 10.7.3(2) amended by Nos 28/2022 s. 145, 13/2023 s. 89.

(2) A gambling employee or an agent of a gambling provider (other than an agent of a wagering and betting licensee or wagering and betting operator) must not knowingly allow a minor to gamble.

Penalty: 20 penalty units.

(3) A registered bookmaker must not allow a minor to gamble.

Penalty: In the case of a body corporate, 120 penalty units;

In any other case, 20 penalty units.

(4) A registered bookmaker's key employee must not allow a minor to gamble.

S. 10.7.3(4) amended by No. 73/2008 s. 29(2).

Penalty: 20 penalty units.

10.7.4 Offence to assist minor to gamble

S. 10.7.4 inserted by No. 71/2008 s. 31.

(1) A person must not knowingly assist a minor or enable a minor to gamble.

Penalty: 10 penalty units.

(2) A person must not knowingly assist a minor or enable a minor to obtain entry to or remain in a gaming machine area of an approved venue.

Penalty: 10 penalty units.

(3) A person must not knowingly assist a minor or enable a minor to obtain entry to or remain in a casino.

Penalty: 10 penalty units.

(4) This section does not apply to a person in their capacity as a gambling provider, gambling employee, agent of a gambling provider, registered bookmaker or registered bookmaker's key employee.

S. 10.7.4(4) amended by No. 73/2008 s. 29(3).

10.7.5 Offence by minor to gamble

S. 10.7.5 inserted by No. 71/2008 s. 31.

A minor must not gamble.

Penalty: 10 penalty units.

10.7.6 Offences in respect of minors in a gaming machine area or casino

S. 10.7.6 inserted by No. 71/2008 s. 31.

(1) If a minor enters a gaming machine area of an approved venue, the venue operator is guilty of an offence and liable to a penalty of not more than 120 penalty units.

(2) If a gambling employee of a venue operator knowingly allows a minor to enter a gaming machine area of an approved venue, the gambling

employee is guilty of an offence and liable to a penalty of not more than 20 penalty units.

(3) If a minor enters a casino, the casino operator is guilty of an offence and liable to a penalty of not more than 120 penalty units.

(4) If a gambling employee of a casino operator knowingly allows a minor to enter a casino, the gambling employee is guilty of an offence and liable to a penalty of not more than 20 penalty units.

S. 10.7.7 inserted by No. 71/2008 s. 31.

10.7.7 Offence by minor to enter gaming machine area or casino

(1) A minor must not enter or remain in a gaming machine area of an approved venue.

Penalty: 10 penalty units.

(2) A minor must not enter or remain in a casino.

Penalty: 10 penalty units.

S. 10.7.8 inserted by No. 71/2008 s. 31.

10.7.8 Offence by minor using false evidence of age

(1) A minor must not use any evidence that is false in a material particular in relation to the minor in order to gamble.

Penalty: 10 penalty units.

(2) A minor must not use any evidence that is false in a material particular in relation to the minor in order to obtain entry to or remain in a gaming machine area of an approved venue.

Penalty: 10 penalty units.

(3) A minor must not use any evidence that is false in a material particular in relation to the minor in order to obtain entry to or remain in a casino.

Penalty: 10 penalty units.

10.7.9 Notices to be displayed

S. 10.7.9 inserted by No. 71/2008 s. 31.

(1) The Commission, by written direction given to a gambling provider or registered bookmaker, may require the gambling provider or registered bookmaker to display notices in accordance with this section in relation to gambling by minors.

(2) The Commission may specify the content, size, format, location and manner of display of any notice.

(3) A gambling provider or registered bookmaker must cause to be displayed any notice that the Commission directs under subsection (1).

Penalty: 60 penalty units.

(4) The Commission must cause a copy of any direction given under subsection (1) to be made available on its website as soon as practicable after giving the direction.

10.7.10 Supervision of vending machines

S. 10.7.10 inserted by No. 71/2008 s. 31.

A gambling provider must ensure that any vending machine used to gamble is at all times reasonably supervised by a gambling employee or an agent of the gambling provider.

Penalty: 20 penalty units.

10.7.11 No offence if gambling employee a minor

S. 10.7.11 inserted by No. 71/2008 s. 31, amended by No. 23/2025 s. 74(Sch. 1 item 2.68).

Despite anything to the contrary in this Part or the **Sentencing Act 1991**, a gambling employee who is a minor does not commit an offence if, in the employee's capacity as a gambling employee, the employee contravenes a provision of this Part.

S. 10.7.12 inserted by No. 71/2008 s. 31, amended by No. 68/2009 s. 97(Sch. item 62.18), substituted by No. 18/2025 s. 15.

10.7.12 Exceptions to offences in this Part

(1) A person does not commit an offence against section 10.7.3, 10.7.4 or 10.7.6 if—

(a) the minor concerned is above the age of 14 years at the time of the acts that would constitute the offence; and

(b) immediately before those acts, there was produced to the person acceptable proof of age for the minor.

(2) A person does not commit an offence against section 10.7.4(2), 10.7.4(3), 10.7.6 or 10.7.7 if—

(a) the minor concerned is an apprentice within the meaning of Part 5.5 of the **Education and Training Reform Act 2006**; and

(b) the minor's entry into the gaming machine area of the approved venue or casino is for the purpose only of the minor receiving training or instruction as an apprentice.

S. 10.7.13 inserted by No. 71/2008 s. 31.

10.7.13 Proof of age may be required

(1) If an authorised person has reasonable cause to suspect that a person in an approved venue or casino is a minor the authorised person may—

S. 10.7.13(1)(a) amended by No. 23/2025 s. 74(Sch. 1 item 2.69(a)).

(a) require the person in the approved venue or casino to state the person's 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 subsection (1)(a) and must not, without reasonable cause, fail to comply with a requirement under subsection (1)(b).

Penalty: 10 penalty units.

(3) It is not an offence to fail to comply with a requirement under subsection (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 subsection (2), a police officer may arrest the person without warrant and bring the person before a magistrate to be dealt with according to law.

S. 10.7.13(4) amended by Nos 37/2014 s. 10(Sch. item 72.23(a)), 23/2025 s. 74(Sch. 1 item 2.69(b)).

(5) In this section—

authorised person means—

S. 10.7.13(5) def. of *authorised person* amended by No. 37/2014 s. 10(Sch. item 72.23(b)).

(a) the person for the time being in charge of an approved venue;

(b) the person for the time being in charge of a casino;

(c) an agent of the venue operator;

(d) an agent of the casino operator;

(e) a holder of a gaming industry employee's licence;

(f) a casino employee within the meaning of the **Casino Control Act 1991**;

(g) an inspector;

(h) a police officer.

Chapter 11—General

Part 1—Administrative provisions

Division 1—Service of documents

11.1.1 Service of documents on Commission

(1) A document may be served on the Commission by sending it by post to the principal office of the Commission or leaving it at the office with a person authorised in writing by the Commission to accept service of documents on behalf of the Commission.

(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 Commission in any other manner.

S. 11.1.2 amended by No. 7/2006 s. 13.

11.1.2 Service of documents on other persons

If, by or under a gaming Act or gaming regulations, a document is required or permitted to be served on, or given or sent to, a person other than the Commission, the document may be served, given or sent—

(a) in the case of a natural person—

(i) by delivering it personally to the person; or

(ii) by leaving it at the person's usual or last known place of residence with a person apparently over the age of 16 years and apparently residing there; or

S. 11.1.2(a)(iii) substituted by No. 27/2013 s. 20, amended by No. 23/2025 s. 74(Sch. 1 item 2.70).

(iii) by sending it by post to the person at the person's usual or last known place of residence or business; or

(b) in the case of a company or other body—by leaving it at, or sending it by post to—

(i) the registered office of the company or business; or

(ii) a place of business of the company or body—

whether in Victoria or elsewhere; or

(c) in any case—in a manner of service prescribed by any other Act or law in relation to the person or persons of a class that include the person.

Division 2—Records and forms

11.1.3 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 a gaming 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.

11.1.4 Sufficient compliance with approved forms

If a gaming Act or gaming regulations require anything to be in the form approved by the Commission, any form in or to the like effect as the approved form is sufficient compliance with the requirement.

Division 3—General

11.1.5 Destruction of finger prints and palm prints

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

(2) The Commission is to be considered to have no further use for them if—

(a) they were obtained in connection with an application for a licence, permit, approval or other authorisation under a gaming Act or gaming regulations and the application is refused; or

(b) the licence, permit, approval or authorisation in connection with which they were obtained is cancelled, revoked, surrendered or no longer in force; or

(c) they were obtained in connection with a person's application for listing on the Roll and—

(i) the application is refused; or

(ii) the person's name is removed from the Roll; or

(d) they were obtained in connection with the appointment or employment of a person as—

(i) a commissioner; or

(ii) an inspector; or

(iii) an employee or member of staff referred to in section 10.1.25—

and the person is not so appointed or employed or is no longer so appointed or employed.

(3) A person who has possession of finger prints or palm prints obtained by the Commission under a gaming Act, or copies of them, must deliver them to the Commission, in accordance with the directions of the Commission, so as to enable the Commission to comply with subsection (1).

Penalty: 20 penalty units.

11.1.6 Refund of fees

If an application under this Act is refused or is withdrawn by the applicant, the Commission at its discretion may refund the whole or part of the application fee, if any, and the Consolidated Fund is appropriated to the necessary extent for the payment to be made.

11.1.7 Supreme Court—limitation of jurisdiction

S. 11.1.7 amended by No. 54/2004 s. 10 (ILA s. 39B(1)).

(1) It is the intention of section 3.2.5 to alter or vary section 85 of the **Constitution Act 1975**.

S. 11.1.7(1) amended by No. 56/2010 s. 56(1).

(2) It is the intention of section 3.8A.25 to alter or vary section 85 of the **Constitution Act 1975**.

S. 11.1.7(2) inserted by No. 54/2004 s. 10, repealed by No. 56/2010 s. 56(2), new s. 11.1.7(2) inserted by No. 58/2015 s. 11.

11.1.8 No entitlement to or legitimate expectation of licence

S. 11.1.8 inserted by No. 40/2008 s. 25.

For the avoidance of doubt, a person does not have any entitlement to, or legitimate expectation of, the grant of a wagering and betting licence or keno licence only because the person is or was—

(a) the holder of the wagering licence and gaming licence that were issued on 15 August 1994; or

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

(c) an agent or associate of a person described in paragraph (a) or (b).

Part 2—Regulations

11.2.1 Regulations

(1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act including, but not limited to, the matters and things specified in Schedule 1.

(2) Regulations made under this Act—

(a) may be of general or specially limited application; and

(b) may differ according to differences in time, place or circumstances; and

(c) may apply, adopt or incorporate any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any person whether—

(i) wholly or partially or as amended by the regulations; or

(ii) as formulated, issued, prescribed or published at the time the regulations are made or at any time before then; or

(iii) as formulated, issued, prescribed or published from time to time; and

(d) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Minister, the Commission or a person belonging to a class of persons specified in the regulations; and

S. 11.2.1(2)(d) amended by No. 58/2015 s. 12.

(e) may impose penalties not exceeding 20 penalty units for a contravention of the regulations.

(3) A power conferred by this Act 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;

S. 11.2.1(3)(d) amended by No. 104/2004 s. 39(5)(w), substituted by No. 64/2014 s. 36.

(d) fees that vary according to different classes of—

(i) applicants; or

(ii) gambling industry participants; or

(iii) gambling authorisations; or

(iv) premises;

S. 11.2.1 (3)(da) inserted by No. 64/2014 s. 36.

(da) scales of fees according to the value of the services to which the fees relate;

(e) the manner of payment of fees;

(f) the time or times at which fees are to be paid.

(4) The regulations are subject to disallowance by a House of the Parliament.

(5) If a regulation made under this Act is disallowed by the Parliament or a House of the Parliament, no regulation which is the same in substance as the disallowed regulation may be made within 6 months after the date of the disallowance, unless—

(a) if the regulation was disallowed by one House of the Parliament, that House approves the making of a regulation the same in substance as the disallowed regulation; or

(b) if the regulation was disallowed by both Houses of the Parliament, each House approves the making of a regulation the same in substance as the disallowed regulation.

(6) Any regulation made in contravention of subsection (5) is void and of no effect.

Chapter 12—Amendments, repeals and transitional and other provisions

Ch. 12 (Heading) amended by No. 54/2004 s. 12(4).

Ch. 12 Pt 1 (Heading) repealed by No. 43/2012 s. 3(Sch. item 22.4).

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Ss 12.1.1–12.1.4 repealed by No. 29/2011 s. 3(Sch. 1 item 42.3).

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S. 12.1.5 amended by No. 29/2009 s. 43, repealed by No. 29/2011 s. 3(Sch. 1 item 42.3).

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Part 2—Transitional provisions

12.2.1 Transitional provisions

Schedule 7 has effect.

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Ch. 12 Pt 3 (Heading and ss 12.3.1–12.3.3) inserted by No. 54/2004 s. 4, repealed by No. 28/2022 s. 123.

Schedules

Schedule 1—Subject matter for regulations

Section 11.2.1

Part 1—Keno

Sch. 1 Pt 1 (Heading and items 1.1, 1.2) substituted by No. 32/2012 s. 21.

1.1 The accrediting of agents of a keno licensee to conduct approved keno games on behalf of the keno licensee and prescribing conditions governing the sale of tickets by those agents.

Sch. 1 item 1.1 substituted by No. 32/2012 s. 21, amended by No. 1/2021 s. 77(1).

1.2 Prescribing requirements as to the conduct, monitoring and promotion of keno games.

Sch. 1 item 1.2 substituted by No. 32/2012 s. 21.

1.3 Prescribing—

(a) the minimum frequency of draws for a game to be a keno game; and

(b) further requirements for a game to be a keno game; and

(c) a game not to be a keno game.

Sch. 1 item 1.3 inserted by No. 1/2021 s. 77(2).

Part 2—Community and charitable gaming

2.1 Conditions of bingo centre operator's licences, commercial raffle organiser's licences, minor gaming permits and the conduct of bingo.

Sch. 1 item 2.1 amended by Nos 104/2004 s. 37(1), 58/2009 s. 111.

2.2 Rules for the conduct of raffles, fundraising events and the sale of lucky envelopes.

Sch. 1 item 2.2 amended by No. 71/2008 s. 28(1)(a).

Sch. 1 item 2.2A inserted by No. 104/2004 s. 37(2).

2.2A The disclosure that proceeds of a raffle are to be paid to or for the purposes of a political party.

Sch. 1 item 2.3 substituted by No. 56/2014 s. 50.

2.3 Standards and conditions relating to the offering of a prize at a place or a function referred to in section 2.2.3.

Sch. 1 item 2.4 amended by No. 71/2008 s. 28(1)(b).

2.4 Standards for lucky envelopes.

2.5 The amount to be paid for expenses in relation to the sale of lucky envelopes, including but not limited to site fees or maximum amounts.

2.6 The disposal of unclaimed prizes.

Sch. 1 item 2.7 amended by No. 71/2008 s. 28(1)(c).

2.7 The maximum amount a community or charitable organisation may be required to pay as expenses of bingo, whether prescribed by all or any of the following—

(a) a percentage of gross receipts;

(b) a percentage of gross proceeds;

(c) a fixed amount per session of bingo games;

(d) a fixed amount per week.

2.8 Requiring periodic returns to be made to the Commission by the holder of a minor gaming permit or a person who was the holder of such a permit at any time in the preceding 12 months, in the form approved by the Commission, including—

(a) the information, manner, frequency, return dates and length of period to which the return relates to be included in those returns;

(b) requiring the verification of information in the returns by specified persons by means of signed certificate or other authentication.

2.8A Requiring periodic returns in relation to bingo to be made to the Commission by a community or charitable organisation or a person that was a community or charitable organisation at any time in the preceding 12 months, in the form approved by the Commission, including—

Sch. 1 item 2.8A inserted by No. 71/2008 s. 28(2).

(a) the information, manner, frequency, return dates and length of period to which the return relates to be included in those returns;

(b) requiring the verification of information in the returns by specified persons by means of signed certificate or other authentication.

2.8B Prohibiting the playing of bingo by minors.

Sch. 1 item 2.8B inserted by No. 71/2008 s. 28(2).

2.8C Requiring the keeping of records and accounts in relation to bingo by community or charitable organisations and bingo centre operators.

Sch. 1 item 2.8C inserted by No. 71/2008 s. 28(2).

2.9 The types of expenses and the maximum amount that a community or charitable organisation may be required to pay as expenses to a commercial raffle organiser in relation to the conduct of a raffle.

Sch. 1 item 2.9 inserted by No. 104/2004 s. 37(3).

2.10 The maximum fee that a community or charitable organisation may be required to pay to a commercial raffle organiser for the conduct of a raffle.

Sch. 1 item 2.10 inserted by No. 104/2004 s. 37(3).

2.11 The keeping of records and accounts in relation to the conduct of raffles.

Sch. 1 item 2.11 inserted by No. 104/2004 s. 37(3).

Part 3—Gaming machines

Sch. 1 item 3.1 amended by No. 28/2022 s. 124(a).

3.1 The activities of persons licensed under Chapter 3.

Sch. 1 item 3.2 repealed by No. 28/2022 s. 124(b).

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3.3 The activities of persons listed on the Roll.

3.4 Classes of approved venue and the restrictions and entitlements applying to each class.

3.5 Facilities and amenities in approved venues or classes of approved venue.

Sch. 1 item 3.5A inserted by No. 104/2004 s. 37(5).

3.5A Areas in a casino determined under section 3.1.5(3A) to be gaming machine areas.

Sch. 1 item 3.5B inserted by No. 62/2017 s. 99.

3.5B Alterations to the region referred to in the definition of ***metropolitan Melbourne*** in section 1.3(1) that relate to any of the following events occurring on or after the day on which Part 9 of the **Gambling Regulation Amendment (Gaming Machine Arrangements) Act 2017** comes into operation—

(a) the alteration of a boundary of a municipal district specified in Schedule 5;

(b) the amalgamation, re-constitution or abolition of the Council for a municipal district specified in Schedule 5;

(c) the alteration of the name of the Council for a municipal district specified in Schedule 5.

Note to Sch. 1 item 3.5B amended by No. 9/2020 s. 390(Sch. 1 item 45.2).

Note

See section 235 of the **Local Government Act 2020**.

3.6 Security arrangements to be taken by persons licensed under Chapter 3 or by persons listed on the Roll.

3.7 Transportation of gaming equipment.

3.8 The keeping of accounts by venue operators with financial institutions.

* * * * * **Sch. 1 item 3.9 repealed by No. 28/2022 s. 124(b).**

3.10 Production, registration, security and confidentiality of gaming tokens.

3.11 Access to gaming machines.

* * * * * **Sch. 1 items 3.12, 3.13 repealed by No. 104/2004 s. 37(4).**

3.14 Administration and accounting procedures of venue operators. **Sch. 1 item 3.14 amended by No. 28/2022 s. 124(c).**

3.15 The collection and security of money in approved venues and between approved venues and financial institutions.

3.16 Procedures for the counting of revenue in approved venues.

3.17 Procedures and standards for the maintenance, security and storage of gaming equipment.

3.18 Monitoring and testing of gaming equipment and the giving of directions by authorised persons to venue operators. **Sch. 1 item 3.18 amended by No. 28/2022 s. 124(d).**

3.19 The acquisition of gaming equipment including tendering and the calling of expressions of interest.

3.20 Conditions under which linked jackpot arrangements are permitted.

3.21 The calculation and fixing of levies.

3.22 Any matter relevant to the proper conduct of gaming on gaming machines.

Sch. 1 item 3.22A inserted by No. 62/2017 s. 89.

3.22A The conduct of gaming that involves non-cash gaming tokens, including—

(a) any matter relevant to those tokens or the conduct of that gaming;

(b) technical standards for—

(i) those tokens; or

(ii) equipment and systems that relate to those tokens or that gaming;

(c) other restrictions relating to those tokens or the equipment and systems referred to in paragraph (b)(ii), including restrictions on where the equipment may be installed;

(d) restrictions that may be imposed in relation to those tokens and that gaming to foster responsible gambling;

(e) the interaction between the equipment and systems referred to in paragraph (b)(ii) and—

(i) a loyalty scheme; or

(ii) a pre-commitment system.

3.23 Advertising relating to gaming or gaming machines or that is generally associated with gaming or gaming machines.

3.24 Gaming-related signs.

3.25 The provision to players of gaming machines of information relevant to gaming on gaming machines.

Sch. 1 item 3.25A inserted by No. 29/2009 s. 63(5).

3.25A Responsible gambling signs including—

(a) the information that must be included in a responsible gambling sign;

(b) the size of a responsible gambling sign;

(c) the placement of a responsible gambling sign outside an entrance to a gaming machine area of an approved venue;

(d) the manner in which a responsible gambling sign must be displayed.

3.26 In relation to loyalty schemes—

(a) information to be given to persons before joining the scheme and before or on leaving the scheme;

Sch. 1 item 3.26(a) amended by No. 42/2022 s. 61(1)(a).

(ab) information that must be included in a notice sent under section 3.5.39(1);

Sch. 1 item 3.26(ab) inserted by No. 42/2022 s. 61(1)(b).

(b) the provision to participants of player activity statements, including—

Sch. 1 item 3.26(b) substituted by No. 4/2014 s. 46(1).

(i) information that must be included in those statements, including information relating to responsible gambling; and

(ii) information that must not be included in those statements;

(c) restrictions that may be imposed in relation to the conduct of a loyalty scheme to foster responsible gambling;

Sch. 1 item 3.26(c) Inserted by No. 4/2014 s. 46(1).

(d) the manner and form in which information relating to a loyalty scheme is required to be presented when it is accompanied by information relating to a pre-commitment system;

Sch. 1 item 3.26(d) Inserted by No. 4/2014 s. 46(1).

(e) the interaction between a loyalty scheme and a pre-commitment system (including matters relating to player cards) and the giving of directions by authorised persons to venue operators or casino operators.

Sch. 1 item 3.26(e) Inserted by No. 4/2014 s. 46(1).

Sch. 1 item 3.26A inserted by No. 29/2009 s. 83.

3.26A In relation to pre-commitment mechanisms—

(a) the method by which a time limit or net loss limit is set;

(b) if a person has previously set a time limit or net loss limit, the period of time during which a new time limit or new net loss limit set by a person will not be effective;

(c) if a person has previously set a time limit or net loss limit, the responsible gambling information that may be provided to the person, electronically or otherwise, before or during the playing of a gaming machine;

Sch. 1 item 3.26A(d) amended by No. 23/2025 s. 74(Sch. 1 item 2.71).

(d) the method by which a person who has set a time limit or net loss limit may access an historical record of the person's spending on the playing of a gaming machine;

Sch. 1 item 3.26A(e) substituted by No. 18/2025 s. 16(1).

(e) requirements in relation to the setting of time limits or net loss limits or both;

Sch. 1 item 3.26A(f) substituted by No. 18/2025 s. 16(1).

(f) the consequences and options for a person or play once a time limit or net loss limit is reached;

(g) the kinds of networks and connections that may constitute a pre-commitment mechanism that is a system;

(h) persons who may install and maintain pre-commitment mechanisms.

Sch. 1 item 3.26B inserted by No. 4/2014 s. 46(2).

3.26B In relation to pre-commitment services, player cards and player account equipment—

(a) the method by which a time limit or net loss limit is set under a pre-commitment system;

(b) if a person has previously set a time limit or net loss limit, the period of time during which a new time limit or new net loss limit set by a person will not be effective;

* * * * *

Sch. 1 item 3.26B(c) repealed by No. 18/2025 s. 16(2)(a).

(d) monitoring and testing of player account equipment and the pre-commitment system and the giving of directions by authorised persons to venue operators and casino operators;

(e) the persons or classes of persons who may connect player account equipment and parts of a pre-commitment system;

(f) the security of information relating to a pre-commitment system;

(g) signage related to a pre-commitment system;

(h) the availability and distribution of player cards;

Sch. 1 item 3.26B(h) amended by No. 42/2022 s. 61(2)(a).

(i) measures and incentives to promote, and encourage the take-up of, pre-commitment, including requiring a venue operator or casino operator to allocate funds to pre-commitment promotional campaigns;

Sch. 1 item 3.26B(i) inserted by No. 42/2022 s. 61(2)(b), amended by No. 18/2025 s. 16(2)(b).

(j) requirements in relation to the setting of time limits or net loss limits or both;

Sch. 1 item 3.26B(j) inserted by No. 18/2025 s. 16(2)(c).

(k) the consequences and options for a person or play once a time limit or net loss limit is reached;

Sch. 1 item 3.26B(k) inserted by No. 18/2025 s. 16(2)(c).

Sch. 1 item 3.26B(l) inserted by No. 18/2025 s. 16(2)(c).

(l) procedures to be followed if player account equipment is unable to connect to a pre-commitment system;

Examples

Player account equipment is unable to connect to a pre-commitment system due to a failure of communications infrastructure or a technical outage in the pre-commitment system.

Sch. 1 item 3.26B(m) inserted by No. 18/2025 s. 16(2)(c).

(m) technical standards for carded play or equipment systems that relate to carded play;

Sch. 1 item 3.26B(n) inserted by No. 18/2025 s. 16(2)(c).

(n) the collection, storage, use and disclosure of data through carded play;

Sch. 1 item 3.26B(o) inserted by No. 18/2025 s. 16(2)(c).

(o) information to be provided to players in relation to carded play;

Sch. 1 item 3.26B(p) inserted by No. 18/2025 s. 16(2)(c).

(p) the requirements or specifications for player cards;

Sch. 1 item 3.26B(q) inserted by No. 18/2025 s. 16(2)(c).

(q) the criteria that the Commission must apply in determining whether to approve a period under section 3.8A.13C(3), including conditions to be imposed on any such approval;

Sch. 1 item 3.26B(r) inserted by No. 18/2025 s. 16(2)(c).

(r) procedures for applying for and issuing player cards and for creating player accounts;

Sch. 1 item 3.26B(s) inserted by No. 18/2025 s. 16(2)(c).

(s) restrictions on the issuing of player cards;

(t) procedures for linking a player card issued or to be issued to a person to their identity and for verifying that identity;

Sch. 1 item 3.26B(t) inserted by No. 18/2025 s. 16(2)(c).

(u) requirements for verifying a person's identity before paying winnings to them;

Sch. 1 item 3.26B(u) inserted by No. 18/2025 s. 16(2)(c).

(v) requirements or procedures for verifying a person's identity to ensure that a player card being used by a person is linked to that person's identity;

Sch. 1 item 3.26B(v) inserted by No. 18/2025 s. 16(2)(c).

(w) requirements and restrictions in relation to issuing player cards to self-excluded persons, and the use of player cards by self-excluded persons;

Sch. 1 item 3.26B(w) inserted by No. 18/2025 s. 16(2)(c).

(x) the collection, storage, use and disclosure of information provided for the purpose of identity verification.

Sch. 1 item 3.26B(x) inserted by No. 18/2025 s. 16(2)(c).

* * * * *

Sch. 1 item 3.27 repealed by No. 45/2004 s. 39(1).

Part 3A—Wagering, gaming and betting

Sch. 1 Pt 3A (Heading and items 3.27–3.30) inserted by No. 45/2004 s. 39(2).

3.27 Any matter in relation to which betting rules may be made.

Sch. 1 item 3.27 inserted by No. 45/2004 s. 39(2).

Sch. 1 item 3.28 inserted by No. 45/2004 s. 39(2).

3.28 Requirements relating to betting rules.

Sch. 1 items 3.29, 3.30 inserted by No. 45/2004 s. 39(2), repealed by No. 28/2022 s. 124(e).

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Part 4—Lotteries

4.1 Conditions applying to permits to conduct trade promotion lotteries.

4.2 Conditions on which trade promotion lotteries may be conducted without a permit.

4.3 Rules for the conduct of trade promotion lotteries.

4.4 Calcutta Sweepstakes.

Sch. 1 item 4.5 inserted by No. 22/2005 s. 14.

4.5 The activities of public lottery licensees and any company appointed under section 5.3.14.

Sch. 1 item 4.6 inserted by No. 22/2005 s. 14.

4.6 Training requirements for employees or agents of a public lottery licensee or of a company appointed under section 5.3.14 or for other persons who accept entries in a public lottery.

Sch. 1 item 4.7 inserted by No. 22/2005 s. 14.

4.7 The provision to entrants in a public lottery of information in relation to the public lottery.

Sch. 1 item 4.8 inserted by No. 22/2005 s. 14.

4.8 The payment of prizes in a public lottery.

4.9	Advertising and promotions in relation to a public lottery.	Sch. 1 item 4.9 inserted by No. 22/2005 s. 14.
4.10	Lottery-related signs.	Sch. 1 item 4.10 inserted by No. 22/2005 s. 14.
4.11	Requirements for the conduct of public lotteries and the sale of entries in public lotteries.	Sch. 1 item 4.11 inserted by No. 22/2005 s. 14.
4.12	Monitoring or reporting by a public lottery licensee as to its compliance with the regulations.	Sch. 1 item 4.12 inserted by No. 22/2005 s. 14.

Part 4A—Gaming industry employees

Sch. 1 Pt 4A (Heading and items 4A.1–4A.3) inserted by No. 104/2004 s. 37(6).

4A.1	The activities of persons licensed under Chapter 9A.	Sch. 1 item 4A.1 inserted by No. 104/2004 s. 37(6).
4A.2	Duties of holders of a gaming industry employee's licence.	Sch. 1 item 4A.2 inserted by No. 104/2004 s. 37(6).
4A.3	Requirements with respect to reporting information about holders of a gaming industry employee's licence.	Sch. 1 item 4A.3 inserted by No. 104/2004 s. 37(6).
4A.4	Training requirements for the purposes of section 9A.1.18.	Sch. 1 item 4A.4 inserted by No. 58/2015 s. 13.

Part 4B—Self-exclusion programs

Sch. 1 Pt 4B (Heading and items 4B.1–4B.8) inserted by No. 62/2017 s. 65.

Sch. 1 item 4B.1 inserted by No. 62/2017 s. 65.

4B.1 The standards and requirements that must be met by a self-exclusion program conducted by or at the request of a venue operator.

Sch. 1 item 4B.2 inserted by No. 62/2017 s. 65.

4B.2 The duties of a venue operator in relation to a self-exclusion program.

Sch. 1 item 4B.3 inserted by No. 62/2017 s. 65.

4B.3 How a self-exclusion program must be monitored and reported on.

Sch. 1 item 4B.4 inserted by No. 62/2017 s. 65.

4B.4 A specified self-exclusion program that must be conducted.

Sch. 1 item 4B.5 inserted by No. 62/2017 s. 65.

4B.5 Who may conduct a self-exclusion program at the request of a venue operator.

Sch. 1 item 4B.6 inserted by No. 62/2017 s. 65.

4B.6 Agreements between venue operators and persons who conduct self-exclusion programs at the request of venue operators.

4B.7 Fees that a venue operator must pay to a person who conducts a self-exclusion program at the request of the venue operator.

Sch. 1 item 4B.7 inserted by No. 62/2017 s. 65.

4B.8 A process for determining a fee referred to in item 4B.7.

Sch. 1 item 4B.8 inserted by No. 62/2017 s. 65.

Part 4C—Responsible Gambling Codes of Conduct

Sch. 1 Pt 4C (Heading and items 4C.1, 4C.2) inserted by No. 62/2017 s. 55.

4C.1 The standards and requirements that a Responsible Gambling Code of Conduct must meet.

Sch. 1 item 4C.1 inserted by No. 62/2017 s. 55.

4C.2 The content that must be included in a Responsible Gambling Code of Conduct.

Sch. 1 item 4C.2 inserted by No. 62/2017 s. 55.

Part 5—General

5.1 Fees.

5.2 Forms.

Sch. 1 item 5.2 inserted by No. 45/2004 s. 39(3).

Schedule 2—Modifications of Tasmanian Act

Section 9.2.1(1)

The Tasmanian Act applies as if—

(1) sections 1 and 2 were repealed;

(2) in section 3—

Sch. 2 cl. (2)(a) amended by Nos 64/2014 s. 37(a), 54/2021 s. 41(g).

(a) in the definition of ***approved***, in paragraph (b), after "Act 1993" there were inserted "of Tasmania and the Victorian Gambling and Casino Control Commission";

(b) in the definition of ***Commission***, after "Act 1993" there were inserted "of Tasmania";

Sch. 2 cl. (2)(c) repealed by No. 64/2014 s. 37(b).

* * * * *

(d) in the definition of ***exclusion order*** and "gaming" after "Act 1993" there were inserted "of Tasmania";

(e) in the definition of ***gaming licence*** after "section 4" there were inserted "of the Tasmanian Act";

(f) in the definition of ***gaming management agreement*** after "section 5" there were inserted "of the Tasmanian Act";

(g) in the definition of ***inspector*** and ***keno game*** after "Act 1993" there were inserted "of Tasmania";

Sch. 2 cl. (2)(h) repealed by No. 64/2014 s. 37(b).

* * * * *

(i) after the definition of ***operator*** there were inserted—

"***section*** in the applied provisions means section of the applied provisions;";

Sch. 2 cl. (2)(i) amended by No. 64/2014 s. 37(c).

(j) in the definition of ***special employee*** after "Act 1993" there were inserted "of Tasmania";

(k) in the definition of ***State shipping company*** after "1993" there were inserted "of Tasmania";

(l) after the definition of ***terms*** there were inserted—

"***this Act*** means Chapter 9 of the Victorian Act;";

(m) in the definition of ***Victorian Commission***, for "Victorian Commission for Gambling Regulation" there were substituted "Victorian Gambling and Casino Control Commission";

Sch. 2 cl. (2)(m) inserted by No. 64/2014 s. 37(d), substituted by No. 26/2022 s. 16.

(3) sections 4, 5 and 6 were repealed;

(4) in section 7 for subsection (3) there were substituted—

"(3) For the purposes of this section, a ship is taken to be providing a standard interstate ferry service—

(a) when it is in port embarking passengers for that service during the period of 3 hours immediately before the scheduled departure time; or

(b) during any time when it is at sea on that service.";

(5) sections 9, 11, 12, 13, 14 and 15 were repealed;

(6) in section 16—

(a) after "Act 1993" (wherever occurring) there were inserted "of Tasmania";

(b) in subsection (1)(f), (g) and (j) after "section 4" there were inserted "of the Tasmanian Act";

Sch. 2 cl. (7) amended by Nos 58/2011 s. 104(Sch. item 3.4), 54/2021 s. 41(g).

(7) in section 17 for "Commission" there were substituted "Victorian Gambling and Casino Control Commission";

(8) in sections 18 and 19 after "Act 1993" (wherever occurring) there were inserted "of Tasmania";

(9) in section 19A—

Sch. 2 cl. (9)(a) repealed by No. 64/2014 s. 37(e).

* * * * *

(b) after "Act 1993" there were inserted "of Tasmania";

Sch. 2 cl. (10) amended by No. 64/2014 s. 37(f).

(10) sections 24, 25, 28, 30A and 31 and Schedule 1 were repealed.

Schedule 3—Modifications of Tasmanian regulations

Section 9.2.1(2)

Schedule 4—Forms for Chapter 2

Sch. 4 Form 1 amended by Nos 37/2014 s. 10(Sch. item 72.24(a)), 56/2014 s. 51(1), 6/2018 s. 68(Sch. 2 item 59.4), 33/2018 s. 92.

FORM 1

Section 2.5.21(2)

SPECIAL WARRANT

Gambling Regulation Act 2003

To , a police officer and to all other police officers.

WHEREAS it appears to me , a magistrate, by the evidence on oath or by affirmation or by affidavit of [*insert name, address and occupation of informant*] that there is reason to suspect that the place known as [*insert a description of the place by which it may be readily known and found*] [is provided for the purposes of unauthorised gambling/contains equipment for unauthorised gambling], this warrant authorises and directs you—

(a) to enter and re-enter the place as often as and with any assistants that may be found necessary, and if necessary to use force for making the entry or re-entry, whether by breaking open doors or otherwise; and

(b) to arrest, search and bring before a bail justice or the Magistrates' Court to be dealt with according to law all persons found in the place or entering or leaving it; and

(c) to diligently search all parts of the place where you suspect that equipment for unauthorised gambling is concealed; and

(d) to seize and bring before a bail justice or the Magistrates' Court to be dealt with according to law all equipment for unauthorised gambling and all money and securities for money found in the place or on any such person.

Dated at on: .

Signature of Magistrate

Sch. 4 Form 2 amended by No. 37/2014 s. 10(Sch. item 72.24(a)), repealed by No. 56/2014 s. 51(2).

* * * * *

FORM 3

Section 2.5.40

Sch. 4 Form 3 amended by Nos 37/2014 s. 10(Sch. item 72.24(b)), 56/2014 s. 51(3), 38/2017 s. 86(4), 23/2025 s. 74(Sch. 1 item 2.72).

WARRANT TO IMPRISON

Gambling Regulation Act 2003

To , a police officer and to the Governor of [*insert name and address of prison*].

WHEREAS on , [*insert name(s) and address(es) of person(s) to be imprisoned*] was/were brought before by a police officer and was/were so brought as a person/persons found in/entering/leaving a place entered by virtue of a warrant under the **Gambling Regulation Act 2003** [or as a person/persons arrested under the **Gambling Regulation Act 2003**, as a person (persons) found in (*or* on *or* entering *or* leaving) a place].

This warrant commands [insert name of police officer] to take [*insert name(s) of prisoner(s)*] to [*insert name of prison*] and there to deliver the person/persons to the Governor of that prison together with this warrant.

This warrant commands the Governor of the prison to receive [*insert name(s) of prisoner(s)*] into custody and to keep the person/persons until the hearing of any charge or charges filed or to be filed against the person/persons for an offence or offences against the **Gambling Regulation Act 2003** or until the person/persons is/are discharged by due course of law.

If, within 24 hours after the Governor has received a person into custody under this warrant, a document purporting to be a copy of the charge is not served on or delivered to the Governor, the person must be discharged from custody.

Dated at on .

Signature of Magistrate

Sch. 5 repealed by No. 29/2011 s. 3(Sch. 1 item 42.3), new Sch. 5 inserted by No. 62/2017 s. 100.

Schedule 5—Municipal districts within metropolitan Melbourne

Section 1.3(1)

1 Banyule.
2 Bayside.
3 Boroondara.
4 Brimbank.
5 Cardinia.
6 Casey.
7 Darebin.
8 Frankston.
9 Glen Eira.
10 Greater Dandenong.
11 Hobsons Bay.
12 Hume.
13 Kingston.
14 Knox.
15 Manningham.
16 Maribyrnong.
17 Maroondah.
18 Melbourne.
19 Melton.
20 Monash.
21 Moonee Valley.
22 Moreland.
23 Mornington Peninsula.
24 Nillumbik.

25 Port Phillip.

26 Stonnington.

27 Whitehorse.

28 Whittlesea.

29 Wyndham.

30 Yarra.

31 Yarra Ranges.

* * * * *

Sch. 6 amended by Nos 2/2009 s. 23, 70/2004 s. 15, repealed by No. 29/2011 s. 3(Sch. 1 item 42.3).

Schedule 7—Transitional provisions

Section 12.2.1

Part 1—Introduction

1.1 Definitions

In this Schedule—

Authority means the Victorian Casino and Gaming Authority established by section 82 of the **Gaming and Betting Act 1994**;

commencement day means the day on which section 12.2.1 comes into operation;

Director means Director of Gaming and Betting under Part 9 of the **Gaming and Betting Act 1994**;

Director of Casino Surveillance means Director of Casino Surveillance under section 94 of the **Casino Control Act 1991**;

superseded Act means—

(a) the **Club Keno Act 1993**;

(b) the **Gaming and Betting Act 1994**;

(c) the **Gaming Machine Control Act 1991**;

(d) the **Gaming No. 2 Act 1997**;

(e) the **Interactive Gaming (Player Protection) Act 1999**;

(f) the **Lotteries Gaming and Betting Act 1966**;

(g) the **Public Lotteries Act 2000**;

(h) the **TT-Line Gaming Act 1993**.

1.2 General transitional provisions

(1) Except where the contrary intention appears, this Schedule does not affect or take away from the **Interpretation of Legislation Act 1984**.

(2) If a provision of a superseded Act continues to apply by force of this Schedule, the following provisions also continue to apply in relation to that provision—

(a) any other provisions of the superseded Act necessary to give effect to that continued provision; and

(b) any regulations made under the superseded Act for the purposes of that continued provision.

1.3 Savings and transitional regulations

The regulations may contain provisions of a savings and transitional nature consequent on the repeal of a superseded Act.

Part 2—General prohibition on gambling

2.1 Unlawful lotteries and games

(1) An approval by the Minister of the conduct of Calcutta Sweepstakes under section 6 of the **Gaming No. 2 Act 1997** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Minister under section 2.2.9 subject to any conditions to which the approval was subject immediately before that day.

(2) An approval by the Minister under section 11A(1)(b) or (3)(c) of the **Lotteries Gaming and Betting Act 1966** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of

the Minister under section 2.3.2(1)(b) or (3)(c) (as the case requires).

2.2 Betting offences

(1) An approval by the authorized officer under section 38(2) of the **Lotteries Gaming and Betting Act 1966** that was in force immediately before the commencement day is taken, on and after that day, to be an approval by a prescribed person under section 2.5.10(1)(b).

(2) An approval by the Minister of a group of races under the further proviso to section 40(1) of the **Lotteries Gaming and Betting Act 1966** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Minister under section 2.5.16(1)(b).

(3) An approval by the Minister under section 42A(2) of the **Lotteries Gaming and Betting Act 1966** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Minister under section 2.5.19(2) subject to any conditions to which the approval was subject immediately before that day.

2.3 Common gaming houses

(1) A special warrant issued under section 45 of the **Lotteries Gaming and Betting Act 1966** that was in force immediately before the commencement day is taken, on and after that day, to be a special warrant issued under section 2.5.21(2).

(2) A notice to quit served under section 49(1) of the **Lotteries Gaming and Betting Act 1966** that was in force immediately before the commencement day is taken, on and after that day, to be a notice to quit served under section 2.5.25(1).

(3) A declaration by the Magistrates' Court under section 51(4) of the **Lotteries Gaming and Betting Act 1966** that was in force immediately before the commencement day is taken, on and after that day, to be a declaration by the Magistrates' Court under section 2.5.27(1).

(4) A special warrant issued under section 61 of the **Lotteries Gaming and Betting Act 1966** that was in force immediately before the commencement day is taken, on and after that day, to be a special warrant issued under section 2.5.39(3).

(5) A warrant to imprison issued under section 62 of the **Lotteries Gaming and Betting Act 1966** that was in force immediately before the commencement day is taken, on and after that day, to be a warrant to imprison issued under section 2.5.40.

Part 3—Gaming machines

3.1 Declaration of gaming machines and types

An Order of the Governor in Council under section 6 of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be an Order of the Governor in Council under section 3.1.3.

3.2 Ministerial directions and regional limits

(1) A direction given to the Authority by the Minister under section 12 of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be a direction given to the Commission by the Minister under section 3.2.3.

(2) An order published by the Minister under section 12AA of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be an order published by the Minister under section 3.2.4.

(3) A determination of the Authority under section 12AA(2) or a direction of the Authority under section 12AA(3) of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be a determination of the Commission under section 3.2.4(2) or a direction of the Commission under section 3.2.4(3) (as the case requires).

3.3 Premises approvals

(1) An approval of premises under Part 2A of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of premises under Part 3 of Chapter 3 subject to any conditions to which the approval was subject immediately before that day.

(2) An approval of premises referred to in subsection (1) remains in force until the approval is revoked or surrendered under this Act.

(3) However, if the approval allows the premises to be open for 24 hour gaming on any day, the approval does not have force so as to allow 24 hour gaming at any time after the approval would have expired under section 12I of the **Gaming Machine Control Act 1991**.

3.4 Venue operator's licences

(1) A venue operator's licence under Division 2 of Part 3 of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be a venue operator's licence under Division 2 of Part 4 of Chapter 3 subject to any conditions to which the licence was subject immediately before that day.

(2) A provisional venue operator's licence under Division 2 of Part 3 of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be a provisional venue operator's licence under Division 2 of Part 4 of Chapter 3 subject to any conditions to which the licence was subject immediately before that day.

(3) The holder of a provisional operator's licence referred to in subclause (2) that was in force immediately before the commencement of section 5 of the **Gambling Legislation (Miscellaneous Amendments) Act 2000**, must notify the Commission of the expiry of that provisional licence at least 45 days before the provisional licence is due to expire.

(4) A nomination and approval of a person as the nominee of a venue operator under section 25A of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be the nomination and approval of the person under section 3.4.14.

(5) Section 30 of the **Gaming Machine Control Act 1991** continues to apply to any disciplinary action commenced but not completed against a venue operator under that section before the commencement day as if a reference in that section—

(a) to the Authority were a reference to the Commission; and

(b) to a venue operator's licence were a reference to the venue operator's licence under this Act.

(6) For the purposes of subclause (5), disciplinary action is taken to have commenced against a venue operator if the Authority has served a notice on the venue operator under section 30(2) of the **Gaming Machine Control Act 1991**.

(7) If a suspension of a venue operator's licence under section 30(7A) of the **Gaming Machine Control Act 1991** is in force immediately before the commencement day, the suspension is taken, on and after that day, to be a suspension of the licence under section 3.4.27.

3.5 Gaming operator's licences

(1) A gaming operator's licence under Division 3 of Part 3 of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be a gaming operator's licence under Division 3 of Part 4 of Chapter 3 for the balance of the term of the licence subject to any conditions to which the licence was subject immediately before that day.

(2) A gaming operator's licence granted under section 3.4.29 on or after the commencement day must not commence before the expiry, or earlier termination, of the gaming operator's licence held by the Trustees immediately before the commencement day.

(3) A declaration of a wholly-owned subsidiary of the Trustees as operator under section 3A of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be a declaration of the subsidiary as operator under section 3.9.1.

(4) Section 38 of the **Gaming Machine Control Act 1991** continues to apply to any disciplinary action commenced but not completed against a gaming operator under that section before the commencement day as if a reference in that section—

(a) to the Authority were a reference to the Commission; and

(b) to a gaming operator's licence were a reference to the gaming operator's licence under this Act.

(5) For the purposes of subclause (4), disciplinary action is taken to have commenced against a gaming operator if the Authority has served a notice on the gaming operator under section 38(1) of the **Gaming Machine Control Act 1991**.

(6) Section 38A of the **Gaming Machine Control Act 1991** continues to apply to any application made to the Supreme Court under that section before the commencement day that had not been determined by the Court before that day as if a reference in that section—

(a) to the Authority were a reference to the Commission; and

(b) to a gaming operator's licence were a reference to the gaming operator's licence under this Act.

3.6 Special employee's licences

(1) A special employee's licence under Division 4 of Part 3 of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be a special employee's licence under Division 4 of Part 4 of Chapter 3 subject to any conditions to which the licence was subject immediately before that day.

(2) A provisional licence under section 48 of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be a provisional special employee's licence under section 3.4.45 subject to any conditions to which the licence was subject immediately before that day.

(3) Subsections (6) to (10) of section 45 of the **Gaming Machine Control Act 1991** continue to apply in respect of a decision of the Director under section 45 of that Act made before the commencement day (unless an appeal has already been determined in respect of that decision) as if—

(a) a reference in that section to the Authority were a reference to the Commission; and

(b) a reference in subsection (8) of that section to a licence were a reference to a special employee's licence.

(4) Section 51 of the **Gaming Machine Control Act 1991** continues to apply to any disciplinary action commenced but not completed against a licensee (within the meaning of that section) under that section before the commencement day as if a reference in that section—

(a) to the Authority or the Director were a reference to the Commission; and

(b) to a licence were a reference to the special employee's licence under this Act.

(5) For the purposes of subclause (4), disciplinary action is taken to have commenced against a licensee if the Director has commenced an inquiry in respect of the licensee under section 51(2) of the **Gaming Machine Control Act 1991**.

(6) If a suspension of a special employee's licence by the Director under section 52 of the **Gaming Machine Control Act 1991** is in force immediately before the commencement day, the suspension is taken, on and after that day, to be a suspension of the licence by the Commission under section 3.4.49.

* * * * * **Sch. 7 cl. 3.6(7) repealed by No. 79/2006 s. 23.**

3.7 Technician's licences

(1) A technician's licence under Division 5 of Part 3 of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be a technician's licence under Division 5 of Part 4 of Chapter 3 subject to any conditions to which the approval was subject immediately before that day.

(2) Clause 3.6 (other than subclause (1)) applies with any necessary modifications to applications for technician's licences and technician's licences under the **Gaming Machine Control Act 1991**.

3.8 Roll of Manufacturers, Suppliers and Technicians

(1) A person who was listed on the Roll of Suppliers under Division 6 of Part 3 of the **Gaming Machine Control Act 1991** immediately before the commencement day is taken, on and after that day, to be listed on the Roll under Division 7 of Part 4 of Chapter 3 subject to any conditions to which the listing was subject immediately before that day.

(2) Section 66 of the **Gaming Machine Control Act 1991** continues to apply to any disciplinary action commenced under that section before the commencement day but not completed before that day against a person listed on the Roll of Suppliers under that Act as if a reference in that section—

(a) to the Authority were a reference to the Commission; and

(b) to the Roll of Suppliers were a reference to the Roll under this Act.

(3) For the purposes of subclause (2), disciplinary action is taken to have commenced against a person listed on the Roll if the Authority has served a notice on the person under section 66(2) of the **Gaming Machine Control Act 1991**.

3.9 Manufacture, supply and possession of gaming machines

(1) Any authority of the Authority or the Director under section 7(2) of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be an authority of the

Commission under section 3.5.1(4) subject to any conditions to which the authority was subject immediately before that day.

(2) Any authorisation by the Authority or the Director under section 8(1) or (2) of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be an authorisation by the Commission under section 3.2.2(1) or (2) (as the case requires) subject to any conditions to which the authorisation was subject immediately before that day.

3.10 Controls over gaming machines and games

(1) Any standards of the Director under section 68A of the **Gaming Machine Control Act 1991** that were in force immediately before the commencement day are taken, on and after that day, to be standards made by the Commission under section 3.5.3.

(2) Any approval or deemed approval of a gaming machine type or game under section 69 of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the gaming machine type or game under section 3.5.4 subject to any conditions to which the approval was subject immediately before that day.

(3) Despite anything to the contrary in subclause (2), the holder of the gaming licence under Chapter 4 may not use more than 460 gaming machines of the type deemed under section 69(6) of the **Gaming Machine Control Act 1991** to be approved.

(4) Subclause (3) does not apply if the Commission approves the gaming machine type in accordance with section 3.5.4(3).

(5) The Commission must not, under section 3.5.6, withdraw the approval of a gaming machine type or game to which section 69(6) of the **Gaming Machine Control Act 1991** applied immediately before the commencement day, unless the Commission is satisfied that the machine or game has been altered.

(6) An identification number issued for a gaming machine by the Director under section 72(1) or (2) of the **Gaming Machine Control Act 1991** before the commencement day is taken, on and after that day, to be an identification number issued by the Commission under section 3.5.8(1) or (2) (as the case requires).

(7) A label affixed to a gaming machine in accordance with section 72(3) of the **Gaming Machine Control Act 1991** before the commencement day is taken, on and after that day, to be a label affixed to the machine in accordance with section 3.5.8(3).

(8) A gaming machine that, immediately before the commencement day, is sealed in accordance with section 73 of the **Gaming Machine Control Act 1991** is taken, on and after that commencement, to be sealed in accordance with section 3.5.9.

(9) Any authorisation of a person by the Director under section 75(1) of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be an authorisation of the person by the Commission under section 3.5.11.

(10) Any approval or deemed approval of an electronic monitoring system or a variation of an electronic monitoring system under section 75B of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the system or variation (as the case requires) under section 3.5.13 subject to any conditions to which the approval was subject immediately before that day.

(11) Any approval of the Authority under section 77 of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 3.5.15 or 3.5.16 (as the case requires).

(12) Any rules of the Authority under section 78 of the **Gaming Machine Control Act 1991** that were in force immediately before the commencement day are taken, on and after that day, to be rules made by the Commission under section 3.5.23.

(13) Any direction given to a gaming operator or venue operator by the Authority under section 80 of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be a direction given to the gaming operator or venue operator by the Commission under section 3.5.27.

(14) Section 3.5.29(1) and (2) do not apply, before 1 January 2008, to a game that was approved by the Authority under the **Gaming Machine Control Act 1991** before 1 January 2003.

(15) A notice published by the Authority under section 77B(4) or 77C(2) of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be a notice published by the Commission under section 3.5.29(3) or 3.5.30(2) (as the case requires).

(16) Any procedures approved by the Authority for resolving disputes under section 83(3) of the **Gaming Machine Control Act 1991** that were in force immediately before the commencement day are taken, on and after that day, to be procedures approved by the Commission under section 3.5.20(3).

3.11 Gaming machine advertising and signs

(1) Section 3.5.34(1) does not apply to any gaming machine advertising published or caused to be published at any time during the period of 6 months after the commencement of that section.

(2) Any contract or arrangement for the publication of gaming machine advertising that was entered into before the commencement of section 3.5.34 ceases to have effect 6 months after that commencement.

(3) Section 3.5.35(1) does not apply to any gaming machine related sign displayed or caused to be displayed at any time during the period of 12 months after the commencement of that section.

(4) Any contract or arrangement for displaying a gaming machine related sign (being a sign that is displayed in contravention of section 3.5.35(1)) that was entered into before the commencement of section 3.5.35 ceases to have effect 12 months after that commencement.

3.12 Loyalty schemes

(1) A written statement given to a person by a loyalty scheme provider under section 82A of the **Gaming Machine Control Act 1991** before the commencement day is taken, on and after that day, to be a statement given to the person under section 3.5.36.

(2) A limit set by a participant in a loyalty scheme under section 82A(2) of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be a limit set by the participant under section 3.5.36(2).

3.13 Notices regarding minors

A direction given to a venue operator by the Authority under section 96 of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be a direction given to the venue operator by the Commission under section 3.5.52.

3.14 Taxation, etc.

(1) A determination of the Treasurer under section 135A(3) of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be a determination of the Treasurer under section 3.6.3(3).

(2) An amount paid in respect of a financial year in accordance with section 135B of the **Gaming Machine Control Act 1991** before the commencement day is taken, on and after that day, to be an amount paid in respect of that year under section 3.6.11.

(3) A determination of the Treasurer under section 135D(1) or (2) of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be a determination of the Treasurer under section 3.6.5(1) or (2) (as the case requires).

(4) A community benefit statement lodged with the Authority under section 136AB of the **Gaming Machine Control Act 1991** before the commencement day is taken, on and after that day, to be a community benefit statement lodged with the Commission under section 3.6.9.

(5) A form of community benefit statement approved by the Minister under section 136AB(2)(a) of the **Gaming Machine Control Act 1991** before the commencement day is taken, on and after that day, to be a form approved by the Minister under section 3.6.9(2)(a).

(6) An order of the Minister under section 136AB(3) of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be an order of the Minister under section 3.6.9(3).

(7) Despite section 3.6.12, the total amount paid into the Community Support Fund under section 3.6.12 in respect of the financial year commencing on 1 July 2003 is to be the amount paid to the Consolidated Fund under section 3.6.6(2)(c) in respect of that financial year less $25 000 000.

3.15 Compliance requirements

(1) An approval of the Authority under section 131 of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 3.7.3.

(2) An exemption granted by the Authority under section 133(2) of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be an exemption granted by the Commission under section 3.7.5(2).

(3) A notice given to a venue operator by the Authority under section 134(6) of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be a notice given to the venue operator by the Commission under section 3.7.6(6).

(4) A specification in writing given to a person by the Director under section 142 of the **Gaming Machine Control Act 1991** that was in force immediately before the commencement day is taken, on and after that day, to be a specification in writing given to the person by the Commission under section 3.8.1.

(5) An investigation by the Authority under section 142A(1) of the **Gaming Machine Control Act 1991** that was begun but not completed before the commencement day may be completed on or after that day by the Commission as an investigation under section 3.8.3.

(6) A notice given to a person by the Authority under section 142A(3), (4A), (4B) or (5) of the **Gaming Machine Control Act 1991** before the commencement day is taken on and after that day, for the purposes of section 3.8.4, to be a notice given to the person by the Commission under section 3.8.4(1), (3), (4) or (5) (as the case requires).

Part 4—Wagering and betting

4.1 Approval of totalisator equipment

(1) Any approval or deemed approval of equipment in connection with a totalisator or approved betting competition or a change in equipment under section 70 of the **Gaming and Betting Act 1994** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the equipment or change (as the case requires) under section 4.2.3 subject to any conditions to which the approval was subject immediately before that day.

(2) Any rules of the licensee under section 72 of the **Gaming and Betting Act 1994** that were in force immediately before the commencement day are taken, on and after that day, to be rules made by the licensee under section 4.2.5.

4.2 Wagering licence and gaming licence

(1) The wagering licence granted under section 12(1)(a) of the **Gaming and Betting Act 1994** that was in force immediately before the commencement day is taken, on and after that day, to be the wagering licence under Part 3 of Chapter 4 for the balance of the term of the licence subject to any conditions to which the licence was subject immediately before that day.

(2) The gaming licence granted under section 12(1)(b) of the **Gaming and Betting Act 1994** that was in force immediately before the commencement day is taken, on and after that day, to be the gaming licence under Part 3 of Chapter 4 for the balance of the term of the licence subject to any conditions to which the licence was subject immediately before that day.

(3) The appointment by the licensee of a wholly-owned subsidiary as operator of the wagering licence under section 22(1) of the **Gaming and Betting Act 1994** that was in force immediately before the commencement day is taken, on and after that day, to be an appointment of the subsidiary as operator of the wagering licence under section 4.3.15(1)(a).

(4) The appointment by the licensee of a wholly-owned subsidiary as an operator of the gaming licence under section 22(2) of the **Gaming and Betting Act 1994** that was in force immediately before the commencement day is taken, on and after that day, to be an appointment of the subsidiary as an operator of the gaming licence under section 4.3.15(1)(b).

(5) Section 32 of the **Gaming and Betting Act 1994** continues to apply to any disciplinary action commenced but not completed against the licensee or an operator under that section before the commencement day as if a reference in that section—

(a) to the Authority were a reference to the Commission; and

(b) to a licence were a reference to the wagering licence or the gaming licence under this Act.

(6) For the purposes of subclause (5), disciplinary action is taken to have commenced against the licensee or an operator if the Authority has served a notice on the licensee and operator under section 32(1) of the **Gaming and Betting Act 1994**.

(7) Section 33 of the **Gaming and Betting Act 1994** continues to apply to any application made to the Supreme Court under that section before the commencement day that had not been determined by the Court before that day as if a reference in that section—

(a) to the Authority were a reference to the Commission; and

(b) to a wagering licence and a gaming licence were a reference to the wagering licence and the gaming licence under this Act.

4.3 Shareholding requirements

(1) A notice served on a person by the Minister or a director or the secretary of the licensee under section 55(1) of the **Gaming and Betting Act 1994** before the commencement day that had not been complied with before that day is taken, on and after that day, to be a notice served on the person by the Minister, director or secretary (as the case requires) under section 4.3.21.

(2) A declaration of the Minister under section 55(3) of the **Gaming and Betting Act 1994** before the commencement day that is still in force on that day is taken, on and after that day, to be a declaration of the Minister under section 4.3.21(3).

(3) If notice of a declaration referred to in subclause (2) has been served on a person in accordance with section 55(4) of the **Gaming and Betting Act 1994** before the commencement day, it is taken to have been served on the person under section 4.3.21(4).

(4) A declaration of the Minister under section 56(1) of the **Gaming and Betting Act 1994** before the commencement day that is still in force on that day is taken, on and after that day, to be a declaration of the Minister under section 4.3.22(1).

(5) Section 59(4) and (5) of the **Gaming and Betting Act 1994** continues to apply to any application for review under that section before the commencement day that had not been determined by the Minister before that day as if a reference in that section to the licensee were a reference to the licensee under Part 3 of Chapter 4.

(6) Section 60 of the **Gaming and Betting Act 1994** continues to apply to any appeal to the Supreme Court under that section before the commencement day that had not been determined by the Court before that day as if a reference in that section to the licensee were a reference to the licensee under Part 3 of Chapter 4.

4.4 On-course wagering permits

(1) An on-course wagering permit under Part 3 of the **Gaming and Betting Act 1994** that was in force immediately before the commencement day is taken, on and after that day, to be an on-course wagering permit under Part 4 of Chapter 4 subject to any conditions to which the permit was subject immediately before that day.

(2) A determination of the Treasurer under section 47(1) or (2) of the **Gaming and Betting Act 1994** that was in force immediately before the commencement day is taken, on and after that day, to be a determination of the Treasurer under section 4.4.12(1) or (2) (as the case requires).

4.5 Approved betting competitions

An approval of a betting competition under Part 5 of the **Gaming and Betting Act 1994** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the betting competition under Part 5 of Chapter 4 subject to any conditions to which the approval was subject immediately before that day.

4.6 Taxes

A determination of the Treasurer under section 79(1) or (2) of the **Gaming and Betting Act 1994** that was in force immediately before the commencement day is taken, on and after that day, to be a determination of the Treasurer under section 4.6.7(1) or (2) (as the case requires).

4.7 Offences

Any conditions imposed by the Minister under section 114(2)(c) of the **Gaming and Betting Act 1994** that were in force immediately before the commencement day are taken, on and after that day, to be conditions imposed by the Minister under section 4.7.2(2)(c).

4.8 Compliance requirements

(1) An approval of the Authority under section 121 of the **Gaming and Betting Act 1994** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 4.8.2.

(2) An approval of the Authority under section 123(1)(a) or (2)(a) of the **Gaming and Betting Act 1994** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 4.8.4(1)(a) or (2)(a) (as the case requires).

(3) An exemption granted by the Authority under section 123(3) of the **Gaming and Betting Act 1994** that was in force immediately before the commencement day is taken, on and after that day, to be an exemption granted by the Commission under section 4.8.4(3).

(4) An approval of an auditor by the Authority under section 124(1) or (2) of the **Gaming and Betting Act 1994** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the auditor by the Commission under section 4.8.5(1) or (2) (as the case requires).

(5) An agreement by the Authority for extension of time under section 124(4) of the **Gaming and Betting Act 1994** that was in force immediately before the commencement day is taken, on and after that day, to be an agreement to that extension by the Commission under section 4.8.5(4).

(6) A notice given to a subsidiary of the licensee by the Authority under section 124(5) of the **Gaming and Betting Act 1994** that was in force immediately before the commencement day is taken, on and after that day, to be a notice given to the subsidiary by the Commission under section 4.8.5(5).

(7) A notice given to an operator or permit holder by the Authority under section 126(4) of the **Gaming and Betting Act 1994** that was in force immediately before the commencement day is taken, on and after that day, to be a notice given to the operator or permit holder by the Commission under section 4.8.6(4).

Part 5—Lotteries

5.1 Lottery rules

(1) Any rules made by a licensee under section 7 of the **Public Lotteries Act 2000** that were in force immediately before the commencement day are taken, on and after that day, to be rules made by the licensee under section 5.2.2.

(2) If a licensee has complied with section 7(4) of the **Public Lotteries Act 2000** before the commencement day in respect of any lottery rules, the licensee is taken, on and after that day, to have complied with section 5.2.2(4) in respect of those rules.

5.2 Conduct of public lotteries

A nomination by the Director of a person to supervise a draw under section 11 of the **Public Lotteries Act 2000** that was in force immediately before the commencement day is taken, on and after that day, to be the nomination of the person by the Commission under section 5.2.6.

5.3 Public lottery licences

(1) A determination of the Minister under section 17 of the **Public Lotteries Act 2000** that was in force immediately before the commencement day is taken, on and after that day, to be a determination of the Minister under section 5.3.1.

(2) A licence issued under Part 3 of the **Public Lotteries Act 2000** that was in force immediately before the commencement day is taken, on and after that day, to be a public lottery licence issued under Part 3 of Chapter 5 for the balance of the term of the licence subject to any conditions to which the licence was subject immediately before that day.

(3) If the Minister complied with section 32 of the **Public Lotteries Act 2000** in respect of a licence referred to in subsection (2) before the commencement day, the Minister is taken to have complied with section 5.3.11 in respect of the licence.

(4) An application for a licence under Part 3 of the **Public Lotteries Act 2000** that was made but not determined by the Minister before the commencement day may be determined by the Minister on or after that day as if it were an application under Part 3 of Chapter 5 for a public lottery licence.

(5) For the purposes of determining an application referred to in subsection (4), the Minister may have regard to any investigation undertaken by, any report made by, or anything else done by, the Authority or the Secretary under Part 3 of the **Public Lotteries Act 2000** in relation to the application before the commencement day.

(6) A request for the amendment of a licence made under section 38 of the **Public Lotteries Act 2000** but not determined before the commencement day may be determined by the Minister after that day as if it were a request made under section 5.3.16 and, for that purpose, the Minister must have regard to any objections made under section 40 of the **Public Lotteries Act 2000** as if they were objections made under section 5.3.18.

(7) Division 5 of Part 3 of the **Public Lotteries Act 2000** continues to apply to any disciplinary action commenced but not completed against a licensee or an appointed subsidiary of a licensee under that Division before the commencement day as if a reference in that section—

(a) to the Authority or the Secretary were a reference to the Commission; and

(b) to a licence were a reference to a public lottery licence under this Act.

(8) For the purposes of subclause (7), disciplinary action is taken to have commenced against a licensee or subsidiary if the Authority or Secretary has given notice to the licensee or subsidiary under section 44(1) of the **Public Lotteries Act 2000**.

(9) If a suspension of a licence under section 46 of the **Public Lotteries Act 2000** is in force immediately before the commencement day, the suspension is taken, on and after that day, to be a suspension of the licence under section 5.3.24.

5.4 Trustees entitled to public lottery licence

The Trustees' public lottery licence for the conduct of consultations and soccer football pools (within the meaning of the **Public Lotteries Act 2000**) remains in force until 30 June 2007, unless it is surrendered, cancelled or suspended earlier in accordance with this Act.

5.5 Subsidiaries appointed to conduct public lotteries

(1) An appointment of a subsidiary of a licensee under section 35 of the **Public Lotteries Act 2000** that was in force immediately before the commencement day is taken, on and after that day, to be an appointment of the subsidiary by the licensee under section 5.3.14.

(2) An approval or deemed approval by the Authority of a wholly-owned subsidiary of a licensee under section 36 of the **Public Lotteries Act 2000** that was in force immediately before the commencement day is taken, on and after that day, to be an approval by the Commission under section 5.3.15.

5.6 Taxes

A determination of the Treasurer under section 53(1) or (2) of the **Public Lotteries Act 2000** that was in force immediately before the commencement day is taken, on and after that day, to be a determination of the Treasurer under section 5.4.2(1) or (2) (as the case requires).

5.7 Saving of existing agreements with other jurisdictions

(1) An Order in Council in force under section 59(1) of the **Public Lotteries Act 2000** immediately before the commencement day is taken on and after that day to be an Order in Council under section 5.4.7(1).

(2) An agreement in force or deemed to be in force under section 59(2)(b) of the **Public Lotteries Act 2000** immediately before the commencement day is taken on and after that day, for the balance of the term of the agreement, to be an agreement made under section 5.4.7(2)(b).

5.8 Compliance requirements

(1) An approval of a form by the Minister under section 61(2)(a) of the **Public Lotteries Act 2000** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the form by the Minister under section 5.5.2(2)(a).

(2) An extension of time granted by the Minister under section 63(2) of the **Public Lotteries Act 2000** that was in force immediately before the commencement day is taken, on and after that day, to be an extension of time granted by the Minister under section 5.5.4(2).

(3) A direction given to a licensee by the Authority under section 66 of the **Public Lotteries Act 2000** that was in force immediately before the commencement day is taken, on and after that day, to be a direction given to the licensee by the Commission under section 5.5.7.

5.9 Claims for prizes

(1) Section 68 of the **Public Lotteries Act 2000** continues to apply on and after the commencement day to a request made to the Authority under section 68(2) of that Act before that day if the claim to which the request relates is not resolved before that day as if a reference in that section to the Authority were a reference to the Commission.

(2) For the purposes of subclause (1), the Commission may have regard to any investigation carried out by the Authority under section 68(4) of the **Public Lotteries Act 2000** in respect of the request before the commencement day.

Sch. 7 cl. 5.9(3) inserted by No. 45/2004 s. 40.

(3) Despite the repeal of the **Public Lotteries Act 2000**, every prize in a public lottery conducted in June 2004 under that Act that remains unclaimed as at the expiration of 31 May 2005 must be paid to the Treasurer in accordance with section 5.5.9(1) as if that public lottery were a public lottery conducted under this Act.

5.10 Complaints

(1) Section 70 of the **Public Lotteries Act 2000** continues to apply on and after the commencement day to a complaint made or referred to a licensee or the Authority under that section before that day if the complaint has not been finalised before that day as if a reference in that section to the Authority were a reference to the Commission.

(2) For the purposes of subclause (1), a complaint is taken to have been finalised when notice of the results of the inquiry into the complaint has been given to the complainant.

5.11 Ongoing monitoring

(1) A specification in writing given to a person by the Authority under section 67(3) of the **Public Lotteries Act 2000** that was in force immediately before the commencement day is taken, on and after that day, to be a specification in writing given to the person by the Commission under section 5.6.1(3).

(2) An approval of the Authority under section 48(2)(b) of the **Public Lotteries Act 2000** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 5.6.2(b).

(3) A notice given to a person by the Authority under section 51 of the **Public Lotteries Act 2000** before the commencement day is taken, on and after that day, to be a notice given to the person by the Commission under section 5.6.4.

(4) An investigation by the Authority under section 50 of the **Public Lotteries Act 2000** that was begun but not completed before the commencement day may be completed on or after that day by the Commission as an investigation under section 5.6.5.

(5) A notice given to a person by the Authority under section 49(1)(b), (2), (3) or (5) of the **Public Lotteries Act 2000** before the commencement day is taken, on and after that day, for the purposes of section 5.6.6, to be a notice given to the person by the Commission under section 5.6.6(1)(b), (2), (3) or (5) (as the case requires).

5.12 Trade promotion lotteries

(1) A permit to conduct a lottery under Part 4 of the **Gaming No. 2 Act 1997** that was in force immediately before the commencement day is taken, on and after that day, to be a permit to conduct a trade promotion lottery under Part 7 of Chapter 5 subject to any conditions to which the permit was subject immediately before that day.

(2) A nomination and approval of a person as nominee of a permit holder under section 28A of the **Gaming No. 2 Act 1997** that was in force immediately before the commencement day is taken, on and after that day, to be a nomination and approval of the person under section 5.7.7.

(3) Section 92 of the **Gaming No. 2 Act 1997** continues to apply to any disciplinary action commenced under that section but not completed against the holder of a permit under section 28 of that Act before the commencement day as if a reference in that section—

(a) to the Authority or the Director were a reference to the Commission; and

(b) to the permit under section 28 of that Act were a reference to a permit to conduct a trade promotion lottery under Part 7 of Chapter 5 of this Act.

(4) For the purposes of subclause (3), disciplinary action is taken to have commenced against a permit holder if the Director has commenced an inquiry in respect of the permit holder under section 92(2) of the **Gaming No. 2 Act 1997**.

(5) If a suspension under section 92(9) of the **Gaming No. 2 Act 1997** of a permit under Part 4 of that Act is in force immediately before the commencement day, the suspension is taken, on and after that day, to be a suspension of the permit under section 5.7.15.

(6) A specification in writing given to a holder of a permit under Part 4 of the **Public Lotteries Act 2000** by the Authority under section 91 of that Act that was in force immediately before the commencement day is taken, on and after that day, to be a specification in writing given to the permit holder by the Commission under section 5.7.17.

Part 6—Club keno

6.1 Approval of club keno

The game approved as club keno by the Minister under the **Club Keno Act 1993** as in force immediately before the commencement day is taken, on and after that day, to be the game approved as club keno by the Minister under Chapter 6.

6.2 Commercial arrangements between participants

(1) Any commercial arrangements agreed by the Minister under section 5(1) of the **Club Keno Act 1993** that were in force immediately before the commencement day are taken, on and after that day, to be commercial arrangements agreed by the Minister under section 6.2.2(1).

(2) Section 5(3) of the **Club Keno Act 1993** continues to apply to any application to the Supreme Court made under that section but not determined before the commencement day as if a reference in that section to the authorisation under that section were a reference to the authorisation under section 6.2.2.

6.3 Subsidiary of Trustees

A declaration by the Minister of a wholly-owned subsidiary of the Trustees as a participant under section 3A of the **Club Keno Act 1993** that was in force immediately before the commencement day is taken, on and after that day, to be a declaration of the subsidiary as a participant under section 6.5.1.

6.4 Conduct of club keno games

An order of the Director under section 13N of the **Club Keno Act 1993** that was in force immediately before the commencement day is taken, on and after that day, to be an order of the Commission under section 6.2.7.

6.5 Compliance requirements

An extension of time granted by the Treasurer under section 10(6) of the **Club Keno Act 1993** that was in force immediately before the commencement day is taken, on and after that day, to be an extension of time granted by the Treasurer under section 6.4.2(4).

6.6 Investigation of complaints

Section 13M of the **Club Keno Act 1993** continues to apply on and after the commencement day to a complaint made to the Director under that section before that day if the investigation of the complaint has not been finalised before that day as if a reference in that section to the Director were a reference to the Commission.

Part 7—Interactive gaming

7.1 Participating jurisdictions

(1) An Order in Council under section 6(1) of the **Interactive Gaming (Player Protection) Act 1999** that was in force immediately before the commencement day is taken, on and after that day, to be an Order in Council under section 7.1.5(1).

(2) An agreement referred to in section 6(2)(a) or (b) of the **Interactive Gaming (Player Protection) Act 1999** that was in force immediately before the commencement day is taken, on and after that day, to be an agreement referred to in section 7.1.5(2)(a) or (b) (as the case requires).

7.2 Prohibited games

A notice of the Minister under section 8(2) of the **Interactive Gaming (Player Protection) Act 1999** that was in force immediately before the commencement day is taken, on and after that day, to be a notice of the Minister under section 7.1.4(2).

7.3 Interactive gaming licences

(1) An interactive gaming licence under Part 3 of the **Interactive Gaming (Player Protection) Act 1999** that was in force immediately before the commencement day is taken, on and after that day, to be an interactive gaming licence under Part 3 of Chapter 7 subject to any conditions to which the licence was subject immediately before that day.

(2) Section 29 of the **Interactive Gaming (Player Protection) Act 1999** continues to apply to any disciplinary action commenced but not completed against a licensed provider under that section before the commencement day as if a reference in that section—

(a) to the Authority were a reference to the Commission; and

(b) to an interactive gaming licence were a reference to the interactive gaming licence under this Act.

(3) For the purposes of subclause (2), disciplinary action is taken to have commenced against a licensed provider if the Authority has served a notice on the licensed provider under section 29(2) of the **Interactive Gaming (Player Protection) Act 1999**.

(4) If a suspension of an interactive gaming licence under section 29(8) of the **Interactive Gaming (Player Protection) Act 1999** was in force immediately before the commencement day, the suspension is taken, on and after that day, to be a suspension of the licence under section 7.3.13.

(5) An endorsement of a person's name on an interactive gaming licence by the Authority under section 33 of the **Interactive Gaming (Player Protection) Act 1999** that was in force immediately before the commencement day is taken, on and after that day, to be an endorsement of the person's name on the licence under section 7.3.15.

(6) An extension of time allowed by the Authority under section 35 of the **Interactive Gaming (Player Protection) Act 1999** that was in force immediately before the commencement day is taken, on and after that day, to be an extension of time allowed by the Commission under section 7.3.17.

7.4 Player registration

The registration of a person with a licensed provider as a player under Part 2 of the **Interactive Gaming (Player Protection) Act 1999** that was in force immediately before the commencement day is taken, on and after that day, to be the registration of the person with the licensed provider as a player under Division 1 of Part 4 of Chapter 7.

7.5 Conduct of interactive gaming

(1) An approval by the Authority for the purposes of section 10 of the **Interactive Gaming (Player Protection) Act 1999** that was in force immediately before the commencement day is taken, on and after that day, to be an approval by the Commission for the purposes of section 7.4.4.

(2) A direction of the Authority under section 55 of the **Interactive Gaming (Player Protection) Act 1999** that was in force immediately before the commencement day is taken, on and after that day, to be a direction of the Commission under section 7.4.7.

7.6 Prizes

(1) An approval by the Authority under section 50(2)(a) of the **Interactive Gaming (Player Protection) Act 1999** that was in force immediately before the commencement day is taken, on and after that day, to be an approval by the Commission under section 7.4.12(2)(a).

(2) Section 51 of the **Interactive Gaming (Player Protection) Act 1999** continues to apply on and after the commencement day to a request made to the Authority under section 51(2) of that Act before that day if the claim to which the request relates is not resolved before that day as if a reference in that section to the Authority were a reference to the Commission.

(3) For the purposes of subclause (2), the Commission may have regard to any investigation carried out by the Authority under section 51(4) of the **Interactive Gaming (Player Protection) Act 1999** in respect of the request before the commencement day.

(4) A direction of the Authority under section 53(3) of the **Interactive Gaming (Player Protection) Act 1999** that was in force immediately before the commencement day is taken, on and after that day, to be a direction of the Commission under section 7.4.15(3).

(5) Section 54 of the **Interactive Gaming (Player Protection) Act 1999** continues to apply on and after the commencement day to a complaint made or referred to a licensed provider or the Authority under that section before that day if the complaint has not been finalised before that day as if a reference in that section to the Authority were a reference to the Commission.

(6) For the purposes of subclause (5), a complaint is taken to have been finalised when notice of the results of the inquiry into the complaint has been given to the complainant.

7.7 Self-exclusion orders

A notice or copy of a notice given to a licensed provider under section 49(1), (2) or (3) of the **Interactive Gaming (Player Protection) Act 1999** that was in force immediately before the commencement day is taken, on and after that day, to be a notice given to the licensed provider under section 7.4.17(1), (2) or (3) (as the case requires).

7.8 Returns to players and taxes

(1) A determination of the Authority under section 36(2)(b) of the **Interactive Gaming (Player Protection) Act 1999** that was in force immediately before the commencement day is taken, on and after that day, to be a determination of the Commission under section 7.5.1(2)(b).

(2) A determination of the Treasurer under section 37(1) or (2) of the **Interactive Gaming (Player Protection) Act 1999** that was in force immediately before the commencement day is taken, on and after that day, to be a determination of the Treasurer under section 7.5.2(1) or (2) (as the case requires).

(3) A determination of the Authority under section 39(2) of the **Interactive Gaming (Player Protection) Act 1999** that was in force immediately before the commencement day is taken, on and after that day, to be a determination of the Commission under section 7.5.4(2).

7.9 Compliance requirements

A direction of the Authority under section 43 of the **Interactive Gaming (Player Protection) Act 1999** that was in force immediately before the commencement day is taken, on and after that day, to be a direction of the Commission under section 7.6.1.

7.10 Ongoing monitoring

(1) An investigation by the Authority under section 31 of the **Interactive Gaming (Player Protection) Act 1999** that was begun but not completed before the commencement day may be completed on or after that day by the Commission as an investigation under section 7.7.1 or 7.7.2 (as the case requires).

(2) An investigation by the Authority under section 30 of the **Interactive Gaming (Player Protection) Act 1999** that was begun but not completed before the commencement day may be completed on or after that day by the Commission as an investigation under section 7.7.5.

(3) A notice given to a person by the Authority under section 30(3) or (5) of the **Interactive Gaming (Player Protection) Act 1999** before the commencement day is taken, on and after that day, for the purposes of section 7.7.6, to be a notice given to the person by the Commission under section 7.7.6(1) or (3) (as the case requires).

7.11 VCAT reviews

Section 68 of the **Interactive Gaming (Player Protection) Act 1999** continues to apply to any decision referred to in subsection (1) of that section, except in the case of a person who has applied for review of the decision under that section before the commencement day.

Part 8—Community and charitable gaming

8.1 Community and charitable organisations

(1) A declaration of an organisation as a community or charitable organisation by the Director under section 12B of the **Gaming No. 2 Act 1997** that was in force immediately before the commencement day is taken, on and after that day, to be a declaration of the organisation as a community or charitable organisation by the Commission under section 8.3.3.

(2) Section 12D of the **Gaming No. 2 Act 1997** continues to apply to a decision referred to in subsection (1) of that section, unless the applicant has appealed against the decision under that section before the commencement day, as if a reference in that section to the Authority were a reference to the Commission.

(3) Section 12E of the **Gaming No. 2 Act 1997** continues to apply to an appeal made to the Authority but not decided before the commencement day as if—

(a) a reference in that section to the Authority were a reference to the Commission; and

(b) a reference in that section (other than in subsection (1)(a)) to the Director were a reference to the Commission; and

(c) a reference in subsection (1)(b) of that section to "this Division" were a reference to Division 1 of Part 3 of Chapter 8.

(4) If a notice has been served on an organisation under section 12G of the **Gaming No. 2 Act 1997** before the commencement day, section 12I of that Act continues to apply in respect of the notice as if a reference in that section 12I—

(a) to the Authority were a reference to the Commission; and

(b) to a declaration under "this Division" were a reference to a declaration under Division 1 of Part 3 of Chapter 8.

(5) Section 12J of the **Gaming No. 2 Act 1997** continues to apply to an appeal made to the Supreme Court but not decided before the commencement day.

(6) If a suspension of a declaration under section 12K of the **Gaming No. 2 Act 1997** was in force immediately before the commencement day, the suspension is taken, on and after that day, to be a suspension of the declaration under section 8.3.11.

8.2 Minor gaming permits

(1) A minor gaming permit under Division 2 of Part 3 of the **Gaming No. 2 Act 1997** that was in force immediately before the commencement day is taken, on and after that day, to be a minor gaming permit under Division 2 of Part 3 of Chapter 8 subject to any conditions to which the permit was subject immediately before that day.

(2) A nomination of a person under section 16 of the **Gaming No. 2 Act 1997** that was in force immediately before the commencement day is taken, on and after that day, to be a nomination of the person under section 8.3.16.

8.3 Agreements with bingo centre operators

(1) An agreement entered into under section 26 of the **Gaming No. 2 Act 1997** that was in force immediately before the commencement day is taken, on and after that day, to be an agreement entered into under section 8.4.6.

(2) Without limiting the application of clause 10(1)(g) of this Schedule, a reference in any agreement referred to in subclause (1) to the Director is taken, so far as it relates to any period on or after the commencement day, to be a reference to the Commission.

8.4 Pooling schemes

(1) A pooling scheme operating in accordance with section 26B of the **Gaming No. 2 Act 1997** immediately before the commencement day is taken, on and after that day, to be a pooling scheme operating under section 8.4.8 and, if a copy of the rules of the scheme were given to the Authority under section 26B(1)(b) of the **Gaming No. 2 Act 1997** before the scheme came into operation, the requirements of section 8.4.8(1)(b) are taken to have been complied with.

(2) The rules of a pooling scheme referred to in subclause (1) that were in force under section 26C of the **Gaming No. 2 Act 1997** immediately before the commencement day are taken, on and after that day, to be rules of the scheme under section 8.4.10.

(3) A specification by the Authority under section 26D of the **Gaming No. 2 Act 1997** that was in force immediately before the commencement day is taken, on and after that day, to be a specification by the Commission under section 8.4.11.

(4) A person who was the scheme administrator of a pooling scheme under section 26F of the **Gaming No. 2 Act 1997** immediately before the commencement day continues, on and after that day, to be the scheme administrator of the pooling scheme under section 8.4.13.

8.5 Bingo centre operator's licences

(1) An operator's licence under Division 1 of Part 5 of the **Gaming No. 2 Act 1997** that was in force immediately before the commencement day is taken, on and after that day, to be a bingo centre operator's licence under Division 1 of Part 5 of Chapter 8 subject to any conditions to which the licence was subject immediately before that day.

(2) A provisional operator's licence under Division 1 of Part 5 of the **Gaming No. 2 Act 1997** that was in force immediately before the commencement day is taken, on and after that day, to be a provisional bingo centre operator's licence under Division 1 of Part 5 of Chapter 8 subject to any conditions to which the licence was subject immediately before that day.

(3) A nomination and approval of a person as the nominee of the holder of an operator's licence under section 39A of the **Gaming No. 2 Act 1997** that was in force immediately before the commencement day is taken, on and after that day, to be the nomination and approval of the person under section 8.5.9.

(4) If a suspension of an operator's licence under section 92(9) of the **Gaming No. 2 Act 1997** was in force immediately before the commencement day, the suspension is taken, on and after that day, to be a suspension of the bingo centre operator's licence under section 8.5.16.

8.6 Bingo centre employee's licences

(1) An employee's licence under Division 2 of Part 5 of the **Gaming No. 2 Act 1997** that was in force immediately before the commencement day is taken, on and after that day, to be a bingo centre employee's licence under Division 2 of Part 5 of Chapter 8 subject to any conditions to which the licence was subject immediately before that day.

(2) A provisional licence under Division 2 of Part 5 of the **Gaming No. 2 Act 1997** that was in force immediately before the commencement day is taken, on and after that day, to be a provisional bingo centre employee's licence under Division 2 of Part 5 of Chapter 8 subject to any conditions to which the licence was subject immediately before that day.

(3) Subsections (6) to (9) of section 57 of the **Gaming No. 2 Act 1997** continue to apply in respect of a decision of the Director under section 57 of that Act made before the commencement day (unless an appeal has already been determined in respect of that decision) as if—

(a) a reference in that section to the Authority were a reference to the Commission; and

(b) a reference in subsection (8) of that section to an employee's licence were a reference to a bingo centre employee's licence.

(4) An approval by the Director under section 60(1) of the **Gaming No. 2 Act 1997** that was in force immediately before the commencement day is taken, on and after that day, to be an approval by the Commission under section 8.5.26(1).

(5) If a disqualification of a person under section 92(5A) of the **Gaming No. 2 Act 1997** was in force immediately before the commencement day, the disqualification is taken, on and after that day, to be a disqualification of the person under section 8.5.32.

(6) If a suspension of a bingo employee's licence under section 92(10) of the **Gaming No. 2 Act 1997** was in force immediately before the commencement day, the suspension is taken, on and after that day, to be a suspension of the bingo centre employee's licence under section 8.5.33.

8.7 Monitoring of associates

(1) An approval of the Authority under section 48(3)(b) of the **Gaming No. 2 Act 1997** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 8.5.39(b).

(2) An investigation by the Authority under section 48(2) of the **Gaming No. 2 Act 1997** that was begun but not completed before the commencement day may be completed on or after that day by the Commission as an investigation under section 8.5.40.

(3) A notice given to a person by the Authority under section 48(4), (4A), (4B) or (6) of the **Gaming No. 2 Act 1997** before the commencement day is taken on and after that day, for the purposes of section 8.5.41, to be a notice given to the person by the Commission under section 8.5.41(1), (2), (3) or (5) (as the case requires).

8.8 General compliance requirements

(1) An approval of the Authority under section 89(1)(c) or (d) of the **Gaming No. 2 Act 1997** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 8.6.1(2)(a) or (b) (as the case requires).

(2) An approval of the Authority under section 89(4) of the **Gaming No. 2 Act 1997** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 8.6.1(5).

(3) A specification by the Director under section 91 of the **Gaming No. 2 Act 1997** that was in force immediately before the commencement day is taken, on and after that day, to be a specification by the Commission under section 8.6.3(2).

8.9 Disciplinary action

(1) Section 92 of the **Gaming No. 2 Act 1997** continues to apply to any disciplinary action commenced but not completed under that section before the commencement day against—

(a) the holder of an operator's licence under that Act; or

(b) the holder of an employee's licence under that Act; or

(c) the holder of a minor gaming permit under that Act.

(2) For the purposes of subclause (1), section 92 of the **Gaming No. 2 Act 1997** continues to apply as if a reference in that section—

(a) to the Authority were a reference to the Commission; and

(b) to an operator's licence were a reference to a bingo centre operator's licence under Chapter 8; or

(c) to an employee's licence were a reference to a bingo centre operator's licence under Chapter 8; or

(d) to a minor gaming permit were a reference to a minor gaming permit under Chapter 8.

(3) For the purposes of subclause (1), disciplinary action is taken to have commenced against a person if the Director has commenced an inquiry in respect of the person under section 92(2) of the **Gaming No. 2 Act 1997**.

8.10 VCAT reviews

Section 87 of the **Gaming No. 2 Act 1997** continues to apply to any decision referred to in subsection (1) of that section, except in the case of a person who has applied for review of the decision under that section before the commencement day.

Part 9—Onboard gaming

9.1 Limit on number of gaming machines

An approval of the Minister under section 13 of the **TT-Line Gaming Act 1993** that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Minister under section 9.3.3.

9.2 Taxes

An agreement entered into under section 11(1) of the **TT-Line Gaming Act 1993** that was in force immediately before the commencement day is taken, on and after that day, to be an agreement entered into under section 9.3.6(1).

Part 10—Administration and enforcement

10.1 Commission succeeds Authority and Directors

(1) On the Commencement day—

(a) the Authority is abolished and its members go out of office as members;

(b) the office of Director of Gaming and Betting under Part 9 of the **Gaming and Betting Act 1994** is abolished and the person holding the office goes out of office;

(c) the office of Director of Casino Surveillance under Division 2 of Part 7 of the **Casino Control Act 1991** is abolished and the person holding the office goes out of office;

(d) all rights, property and assets that, immediately before the commencement day, were vested in the Authority are, by force of this subclause, vested in the Commission;

(e) all debts, liabilities and obligations of the Authority existing immediately before that day become, by force of this subclause, debts, liabilities and obligations of the Commission;

(f) the Commission is, by force of this subclause, substituted as a party to any proceeding pending in any court or tribunal to which the Authority, the Director of Gaming and Betting or the Director of Casino Surveillance was a party immediately before that day;

(g) the Commission is, by force of this subclause, substituted as a party to any arrangement or contract entered into by or on behalf of the Authority, the Director of Gaming and Betting or the Director of

Casino Surveillance as a party and in force immediately before that day;

(h) any reference to the Authority, the Director of Gaming and Betting or the Director of Casino Surveillance in any Act (other than this Act or the **Casino Control Act 1991**) or in any rule, regulation, order, agreement, instrument, deed or other document whatever must, so far as it relates to any period on or after that day and if not inconsistent with the context or subject-matter, be construed as a reference to the Commission.

(2) Without prejudice to the generality of this clause and despite anything to the contrary in any other Act or law, if, immediately before the commencement day, the Authority is the registered proprietor of an interest in land under the **Transfer of Land Act 1958**, then on and after that day—

(a) the Commission is to be taken to be the registered proprietor of that interest in land; and

(b) the Commission has the same rights and remedies in respect of that interest as the Authority had.

(3) The Registrar of Titles, on being requested to do so and on delivery of any relevant certificate of title, must make any amendments in the Register that are necessary because of the operation of this clause.

10.2 Inquiries in progress

Any inquiry commenced by the Authority under a superseded Act but not completed before the commencement day may be completed by the Commission on or after that day as if it were an inquiry under section 10.1.20.

10.3 Confidentiality

Sch. 7 cl. 10.3 substituted by No. 54/2006 s. 19.

(1) In Division 6 of Part 1 of Chapter 10 a reference to a gaming Act includes a reference to a superseded Act.

(2) A certificate under section 10.1.31(2)(a) (as in force immediately before the commencement of the amending Act) that was in force immediately before that commencement is taken, on and after that commencement, to be a certificate under section 10.1.31(2)(a) as substituted by the amending Act.

(3) An authorisation under section 10.1.31(2)(b) (as in force immediately before the commencement of the amending Act) that was in force immediately before that commencement is taken, on and after that commencement, to be an authorisation under section 10.1.31(2)(b) as substituted by the amending Act.

(4) A direction under section 10.1.33(2) (as in force immediately before the commencement of the amending Act) that was in force immediately before that commencement is taken, on and after that commencement, to be an authorisation of the Minister under section 10.1.32(3)(a) as substituted by the amending Act.

(5) An approval of a person or body under section 10.1.37(5) (as in force immediately before the commencement of the amending Act) that was in force immediately before that commencement is taken, on and after that commencement, to be an approval of the person or body as an enforcement agency under section 10.1.29(2) as substituted by the amending Act.

(6) In this clause—

amending Act means the **Gambling Regulation (Further Miscellaneous Amendments) Act 2006**.

Sch. 7 cl. 10.4 repealed by No. 104/2004 s. 40(g).

* * * * *

10.5 Inspectors

(1) A person—

(a) appointed or employed as an inspector under section 104 of the **Gaming and Betting Act 1994**; or

(b) appointed as an inspector under section 102 of the **Casino Control Act 1991**—

who held office immediately before the commencement day is taken, on and after that day, to be an inspector appointed by the Executive Commissioner under section 10.5.1.

(2) A person who held office immediately before the commencement day as an inspector for the purposes of the **TT-Line Gaming Act 1993** is taken, on and after that day, to be an inspector appointed by the Executive Commissioner under section 10.5.1, but may only perform the functions of an inspector for the purposes of Chapter 9, unless the person is also a person referred to in subclause (1).

10.6 General investigations in progress

Any investigation commenced by the Authority under a superseded Act but not completed before the commencement day (other than an investigation referred to elsewhere in this Schedule) may be completed by the Commission

on or after that day as if it were an investigation under section 10.4.9.

10.7 Provision of information

(1) Any notice given by the Authority under a superseded Act but not complied with before the commencement day (other than a notice referred to elsewhere in this Schedule) is taken on and after that day to be a notice given by the Commission under section 10.4.10.

(2) Subsection (1) applies to a notice requiring a person—

(a) to provide information; or

(b) to produce records; or

(c) to attend for examination and answer questions.

(3) A direction given to a person by the Authority under section 153 of the **Gaming Machine Control Act 1991**, section 139 of the **Gaming and Betting Act 1994** or section 65 of the **Interactive Gaming (Player Protection) Act 1999** that was in force immediately before the commencement day is taken, on and after that day, to be a direction given to the person by the Commission under section 10.4.11.

Part 11—General

11.1 Approved forms

A form approved by the Authority or the Director for an application, notification or other document under a superseded Act as in force immediately before the commencement day is taken, on and after that day, to be a form approved by the Commission under this Act for the equivalent application, notification or document under this Act.

11.2 Applications in progress

(1) An application for a licence, permit, authority, approval, declaration or other authorisation under a superseded Act that was made but not determined by the Authority or the Director before the commencement day may be determined by the Commission on or after that day as if it were an application under this Act for the equivalent licence, permit, authority, approval, declaration or other authorisation.

(2) For the purposes of determining an application referred to in subsection (1), the Commission may have regard to any investigation undertaken by, any information before, or anything else done by, the Authority or the Director in relation to the application before the commencement day.

11.3 Destruction of finger prints

Section 11.1.5 extends to any finger prints or palm prints obtained by the Authority or the Director under a superseded Act.

11.4 References to superseded Acts

A reference to a superseded Act in any Act (other than this Act) or in any rule, regulation, order, agreement, instrument, deed or other document whatever must, so far as it relates to any period on or after the commencement day and if not inconsistent with the context or subject matter, be construed as a reference to this Act.

Sch. 7 Pt 12 (Heading and cls 12.1–12.3) inserted by No. 54/2004 s. 11(1).

Part 12—Gambling Regulation (Amendment) Act 2004

Sch. 7 cl. 12.1 inserted by No. 54/2004 s. 11(1).

12.1 Definition

In this Part ***Tattersall's*** means Tattersall's Limited ACN 108 686 040.

12.2 Club keno

Sch. 7 cl. 12.2 inserted by No. 54/2004 s. 11(1).

(1) If Tattersall's becomes a participant within the meaning of Chapter 6 because of the transfer to it in accordance with section 12.3.2 of the gaming operator's licence held by the Trustees, Tattersall's has all the rights, liabilities and obligations that the Trustees had as such a participant immediately before the transfer.

(2) An agreement made by the Minister under section 6.2.2 and in force immediately before the commencement of section 8 of the **Gambling Regulation (Amendment) Act 2004** continues, subject to this Act, in force on and after that commencement despite any change in the participants under Chapter 6 as amended by section 8 of that Act.

(3) Without limiting subclause (2), Division 2 of Part 3 of Chapter 6 applies in relation to Tattersall's as if it and the Trustees were the one participant for the whole of any week in the course of which the transfer to Tattersall's in accordance with section 12.3.2 of the gaming operator's licence held by the Trustees took effect.

12.3 Compliance requirements

Sch. 7 cl. 12.3 inserted by No. 54/2004 s. 11(1).

(1) An exemption granted by the Authority under section 133(2) of the **Gaming Machine Control Act 1991** that, by force of clause 3.15(2), was taken to be an exemption granted by the Commission under section 3.7.5(2) and that was in force immediately before the commencement of section 11 of the **Gambling Regulation (Amendment) Act 2004** applies to Tattersall's, on and after that commencement, as if it were the holder of a gaming operator's licence named in the exemption.

(2) An extension of time granted by the Treasurer under section 10(6) of the **Club Keno Act 1993** that, by force of clause 6.5, was taken to be an extension of time granted by the Treasurer under section 6.4.2(4) and that was in force immediately before the commencement of section 11 of the **Gambling Regulation (Amendment) Act 2004** applies to Tattersall's, on and after that commencement, as if it were a participant named in the exemption.

Sch. 7 cl. 12.4 inserted by No. 54/2004 s. 11(2).

12.4 Audit requirements

(1) Despite the repeal by section 6 of the **Gambling Regulation (Amendment) Act 2004** of section 3.7.6 of this Act, that section continues to apply with respect to any whole or part financial year completed before that repeal and, for this purpose, the holder of the gaming operator's licence and a declared operator of the licence immediately after that repeal has all the liabilities and obligations under that section as affected by this subclause that, but for the repeal, Tattersall's and the declared operator (as the case requires) would have had with respect to the relevant period.

(2) Despite the repeal by section 7 of the **Gambling Regulation (Amendment) Act 2004** of sections 5.5.2(2) to (4), 5.5.3, 5.5.4 and 5.5.5 of this Act, those sections continue to apply with respect to any whole or part financial year completed before that repeal and, for this purpose, the public lottery licensee immediately after that repeal has all the rights, liabilities and obligations under those sections as affected by this subclause that, but for the repeal, Tattersall's would have had with respect to the relevant period.

(3) Despite the repeal by section 9 of the **Gambling Regulation (Amendment) Act 2004** of sections 6.4.2, 6.4.3 and 6.4.4 of this Act, those sections continue to apply with respect to any whole or part financial year completed before that repeal and, for this purpose, the participants immediately after that repeal have all the liabilities and obligations under those sections as affected by this subclause that, but for the repeal, the participants as then existing would have had with respect to the relevant period.

Part 13—Gambling Regulation (Further Amendment) Act 2004

Sch. 7 Pt 13 (Heading and cls 13.1–13.6) inserted by No. 104/2004 s. 42.

13.1 Special employee's licences

Sch. 7 cl. 13.1 inserted by No. 104/2004 s. 42.

(1) A special employee's licence that was in force immediately before the commencement of section 32 of the **Gambling Regulation (Further Amendment) Act 2004**—

(a) is taken, on and after that day, to be a gaming industry employee's licence, subject to any conditions to which the licence was subject immediately before that day; and

(b) despite anything to the contrary in section 9A.1.10, expires on the day on which the licence would have expired under section 3.4.46 as in force immediately before that day unless sooner cancelled or surrendered.

(2) If, immediately before the commencement of section 32 of the **Gambling Regulation (Further Amendment) Act 2004**—

(a) an application under Division 4 of Part 4 of Chapter 3 has been made to the Commission but not determined; or

(b) an appeal under section 3.4.43 or 3.9.5 has been commenced but not determined; or

(c) the Commission has served a notice under section 3.4.48 but has made no decision as to whether there are grounds for disciplinary action—

this Act, and regulations made under this Act, as in force immediately before the commencement of section 32 of that Act continue to apply as if section 32 of that Act had not been enacted.

(3) Any licence granted on an application or appeal referred to in subclause (2) is taken to be a gaming industry employee's licence.

Sch. 7 cl. 13.2 inserted by No. 104/2004 s. 42.

13.2 Technician's licences

(1) A technician's licence that was in force immediately before the commencement of section 32 of the **Gambling Regulation (Further Amendment) Act 2004**—

(a) is taken, on and after that day, to be a gaming industry employee's licence, subject to any conditions to which the licence was subject immediately before that day; and

(b) despite anything to the contrary in section 9A.1.10, expires on the day on which the licence would have expired under section 3.4.46, as applied by section 3.4.57, as in force immediately before that day unless sooner cancelled or surrendered.

(2) If, immediately before the commencement of section 32 of the **Gambling Regulation (Further Amendment) Act 2004**—

(a) an application under Division 5 of Part 4 of Chapter 3 has been made to the Commission but not determined; or

(b) an appeal under section 3.4.43, as applied by section 3.4.57, or an appeal under section 3.9.5 has been commenced but not determined; or

(c) the Commission has served a notice under section 3.4.48, as applied by section 3.4.57, but has made no decision as to whether there are grounds for disciplinary action—

this Act, and regulations made under this Act, as in force immediately before the commencement of section 32 of that Act continue to apply as if section 32 of that Act had not been enacted.

(3) Any licence granted on an application or appeal referred to in subclause (2) is taken to be a gaming industry employee's licence.

13.3 Bingo centre employee's licences

Sch. 7 cl. 13.3 inserted by No. 104/2004 s. 42.

(1) A bingo centre employee's licence that was in force immediately before the commencement of section 32 of the **Gambling Regulation (Further Amendment) Act 2004**—

(a) is taken, on and after that day, to be a gaming industry employee's licence, subject to any conditions to which the licence was subject immediately before that day; and

(b) despite anything to the contrary in section 9A.1.10, expires on the day on which the licence would have expired under section 8.5.27 as in force immediately before

that day unless sooner cancelled or surrendered.

(2) If, immediately before the commencement of section 32 of the **Gambling Regulation (Further Amendment) Act 2004**—

(a) an application under Division 2 of Part 5 of Chapter 8 has been made to the Commission but not determined; or

(b) an appeal under section 8.5.25 or 8.7.1 has been commenced but not determined; or

(c) the Commission has served a notice under section 8.5.30(4) but has made no decision as to whether there are grounds for disciplinary action; or

(d) the Commission has served a notice under section 8.5.31(2)—

this Act, and regulations made under this Act, as in force immediately before the commencement of section 32 of that Act continue to apply as if section 32 of that Act had not been enacted.

(3) Any licence granted on an application or appeal referred to in subclause (2) is taken to be a gaming industry employee's licence.

Sch. 7 cl. 13.4 inserted by No. 104/2004 s. 42.

13.4 Provisional licences

A provisional licence under section 3.4.45 (whether or not applied by section 3.4.57) or 8.5.36 that was in force immediately before the commencement of section 32 of the **Gambling Regulation (Further Amendment) Act 2004** is taken, on and after that day, to be a provisional gaming industry employee's licence under section 9A.1.9, subject to any conditions to which the licence was subject immediately before that day.

13.5 Raffles

Sch. 7 cl. 13.5 inserted by No. 104/2004 s. 42.

(1) Section 8.2.5 as inserted by section 25 of the **Gambling Regulation (Further Amendment) Act 2004** applies to a raffle in respect of which a minor gaming permit is issued on or after the commencement of section 25 of that Act.

(2) Part 5A of Chapter 8 as inserted by section 29 of the **Gambling Regulation (Further Amendment) Act 2004** applies to a raffle in respect of which a minor gaming permit is issued on or after the commencement of section 29 of that Act.

13.6 Gambling Research Panel

Sch. 7 cl. 13.6 inserted by No. 104/2004 s. 42.

(1) In this clause—

commencement day means the day on which section 35 of the **Gambling Regulation (Further Amendment) Act 2004** comes into operation;

Panel means the Gambling Research Panel.

(2) On the commencement day—

(a) the Panel is abolished and its members go out of office;

(b) all rights, property and assets that immediately before the commencement day were vested in the Panel are, by force of this subclause, vested in the Crown;

(c) all debts, liabilities and obligations of the Panel existing immediately before the commencement day become, by force of this subclause, debts, liabilities and obligations of the Crown;

(d) the Crown is, by force of this subclause, substituted as a party to any proceeding pending in any court or tribunal to which the Panel was a party immediately before the commencement day;

(e) the Crown is, by force of this subclause, substituted as a party to any arrangement or contract entered into by or on behalf of the Panel as a party and in force immediately before the commencement day;

(f) any reference to the Panel in any Act (other than this Act) or in any rule, regulation, order, agreement, instrument, deed or other document whatever must, so far as it relates to any period on or after the commencement day and if not inconsistent with the subject-matter, be construed as a reference to the Crown.

Sch. 7 Pt 14 (Heading and cls 14.1, 14.2) inserted by No. 22/2005 s. 15.

Part 14—Gambling Regulation (Public Lottery Licences) Act 2005

Sch. 7 cl. 14.1 inserted by No. 22/2005 s. 15.

14.1 Approval of computer system

Any approval of—

(a) a computer system, or a part of a computer system, used for the conduct of public lotteries; and

(b) any modification of a function or the operation of a computer system referred to in paragraph (a)—

that has been given under condition 5 or 6 of the licence to conduct public lotteries issued under section 90(1) of the **Public Lotteries Act 2000** on 1 July 2001 to the trustees of the will and estate of the late George Adams and that was in force

immediately before the commencement of section 7 of the **Gambling Regulation (Public Lottery Licences) Act 2005** is taken, on and after that commencement, to be an approval of the computer hardware or software (as the case requires) under section 5.2.1A, subject to any conditions to which the approval was subject immediately before that commencement.

14.2 Term of public lottery licence

Sch. 7 cl. 14.2 inserted by No. 22/2005 s. 15.

Section 5.3.8(1)(b) as in force immediately before the commencement of section 10 of the **Gambling Regulation (Public Lottery Licences) Act 2005** continues to apply to a public lottery licence that was in force on that commencement.

Part 15—Gambling and Racing Legislation Amendment (Sports Betting) Act 2007

Sch. 7 Pt 15 (Heading and cl. 15.1) inserted by No. 18/2007 s. 5.

15.1 Approved betting competitions

Sch. 7 cl. 15.1 inserted by No. 18/2007 s. 5.

(1) The approval of a betting competition in respect of a racing event or contingency that was in force under Part 5 of Chapter 4 immediately before the commencement day remains in force on and after that day subject to any conditions to which the approval was subject immediately before that day as if it were an approval by the Minister under Division 2 of Part 5 of Chapter 4.

(2) Despite anything to the contrary in this Act, the approval of Trackside as an approved betting competition remains in force on and after the commencement day subject to the conditions to which the approval was subject immediately before that day as if it were an approval by the Minister under Division 2 of Part 5 of Chapter 4.

Sch. 7 cl. 15.1(2A) inserted by No. 29/2009 s. 74.

(2A) Subclause (2) expires on the day the wagering licence expires.

(3) The approval of a betting competition in respect of an event or class of event (other than a racing event or contingency or Trackside) that was in force under Part 5 of Chapter 4 immediately before the commencement day remains in force on and after that day subject to any conditions to which the approval was subject immediately before that day as if it were an approval of a betting competition by the Commission under Division 3 of Part 5 of Chapter 4.

(4) An event or class of event that is the subject of an approval referred to in subclause (3) is taken, on and after the commencement day, to be an event or class of event approved for betting purposes by the Commission under Division 3 of Part 5 of Chapter 4, subject to any conditions to which the approval was subject immediately before the commencement day.

(5) An event or class of event that—

(a) is the subject of an approval referred to in subclause (3); and

(b) is an event or class of event, or is related to a sport, referred to in Table 1—

is taken, on and after the commencement day, to be a sports betting event for the purposes of Part 5 of Chapter 4.

TABLE 1

American Football
Athletics
Australian Rules Football

Baseball
Basketball
Boxing
Commonwealth Games
Cricket
Cycling
Golf
Ironman
Motor Sport
Netball
Olympic Games
Rugby
Soccer Football
Surfing
Tennis
Triathlon
Yachting

(6) In this clause—

commencement day means the day on which section 5 of the **Gambling and Racing Legislation Amendment (Sports Betting) Act 2007** comes into operation;

racing event or contingency means an event or contingency, or a class of event or contingency, of or relating to a horse race, harness race or greyhound race;

Trackside means the simulated racing event known as Trackside, formerly known as TABRACE, the conditions of which were approved by the Minister on 23 March 2006 and published in the Government Gazette on 27 March 2006.

Sch. 7 Pt 16 (Heading and cl. 16.1) inserted by No. 22/2007 s. 13.

Part 16—State Taxation and Gambling Legislation Amendment (Budget Measures) Act 2007

Sch. 7 cl. 16.1 inserted by No. 22/2007 s. 13.

16.1 Commissions on wagering events

(1) This clause applies until betting rules specifying the maximum amount of commission for a totalisator are made as referred to in section 4.2.5(2A) or at any time when such rules do not have effect as provided by section 4.2.5(2C).

(2) When this clause applies, the maximum amount that may be deducted as commission under section 4.4.8 or 4.6.1 for a totalisator is the amount set out in column 2 of the following table opposite the totalisator referred to in column 1.

TABLE

Column 1 *Type of totalisator*	*Column 2* *Maximum amount of commission (as a percentage of the total amount invested in each totalisator)*
Place	14·25%
Win	14·50%
Duet	14·50%
Quinella	14·75%
Exacta	16·50%
Double	17·00%
Quaddie	20·00%
Trifecta	20·00%
First 4	22·50%
Mystery 6	25·00%

(3) A reference in the table to a totalisator is a reference to the totalisator of that name as defined in the betting rules that were made on 27 February 2007 and came into operation on 27 March 2007.

(4) This clause has effect despite anything to the contrary in section 4.2.5, 4.4.8 or 4.6.1.

Part 17—Gambling Regulation Amendment Act 2007

Sch. 7 Pt 17 (Heading and cls 17.1–17.3) inserted by No. 39/2007 s. 14.

17.1 Definition

Sch. 7 cl. 17.1 inserted by No. 39/2007 s. 14.

In this Part, ***commencement day*** means the day on which section 6 of the **Gambling Regulation Amendment Act 2007** comes into operation.

17.2 Ministerial orders and Commission directions and determinations

Sch. 7 cl. 17.2 inserted by No. 39/2007 s. 14.

(1) An order of the Minister that was in force under section 3.2.4(1) immediately before the commencement day is taken, on and after that day, to be an order of the Minister under section 3.2.4(1) as in force on and after that day.

(2) A determination of the Commission that was in force under section 3.2.4(2) immediately before the commencement day is taken, on and after that day, to be a determination of the Commission under section 3.2.4(4) as in force on and after that day.

(3) A direction of the Commission that was in force under section 3.2.4(3)(b) immediately before the commencement day is taken, on and after that day, to be a direction of the Commission under section 3.2.4(6)(b) as in force on and after that day.

Sch. 7 cl. 17.3 inserted by No. 39/2007 s. 14.

17.3 Community benefit statements

(1) Sections 3.6.8, 3.6.9(2)(b)(iii) and 3.6.10, as amended by section 12 of the **Gambling Regulation Amendment Act 2007**, apply in respect of a community benefit statement for the 2007–08 financial year and any subsequent financial year.

(2) Sections 3.6.8, 3.6.9(2)(b)(iii) and 3.6.10, as in force immediately before the commencement of section 12 of the **Gambling Regulation Amendment Act 2007**, continue to apply in respect of a community benefit statement for the 2006–07 financial year.

(3) Section 3.6.9(1A) applies in respect of a community benefit statement for the 2006–07 financial year and any subsequent financial year.

Sch. 7 Pt 18 (Headings and cls 18.1–18.10) inserted by No. 72/2007 s. 50.

Part 18—Gambling Legislation Amendment (Problem Gambling and Other Measures) Act 2007

Division 1—Preliminary

Sch. 7 cl. 18.1 inserted by No. 72/2007 s. 50.

18.1 Definition

In this Part—

Amending Act means the **Gambling Legislation Amendment (Problem Gambling and Other Measures) Act 2007**.

Division 2—Publication and use of race fields

Sch. 7 cl. 18.2 inserted by No. 72/2007 s. 50.

18.2 Publication and use approvals

(1) An approval that was in force under section 2.5.16A immediately before the commencement day is taken, on and after that day, to be a publication and use approval under section 2.5.19D.

(2) In this clause—

commencement day means the day on which section 6 of the Amending Act comes into operation.

Division 3—Self-exclusion programs

18.3 Venue operator's licence

Sch. 7 cl. 18.3 inserted by No. 72/2007 s. 50.

(1) Subject to subclause (2), the licence condition set out in section 3.4.12A applies to a venue operator licence whether the licence was granted before, on or after the commencement day.

(2) If a venue operator licence was granted before the commencement day, the condition set out in section 3.4.12A does not apply to the licence until the day that is 6 months after the commencement day.

(3) In this clause—

commencement day means the day on which section 11 of the Amending Act comes into operation.

Division 4—Responsible Gambling Codes of Conduct

18.4 Venue operator's licence

Sch. 7 cl. 18.4 inserted by No. 72/2007 s. 50.

(1) Subject to subclause (2), the licence condition set out in section 3.4.12B applies to a venue operator licence whether the licence was granted before, on or after the commencement day.

(2) If a venue operator licence was granted before the commencement day, the condition set out in section 3.4.12B does not apply to the licence until the day that is 6 months after the commencement day.

(3) In this clause—

commencement day means the day on which section 11 of the Amending Act comes into operation.

Sch. 7 cl. 18.5 inserted by No. 72/2007 s. 50.

18.5 The wagering licence

(1) The licence condition set out in section 4.3.10A applies only to the wagering licence that was in force immediately before the commencement day, but does not apply to that licence until the day that is 6 months after the commencement day.

(2) In this clause—

commencement day means the day on which section 21 of the Amending Act comes into operation.

Sch. 7 cl. 18.6 inserted by No. 72/2007 s. 50.

18.6 Public lottery licence

(1) Subject to subclause (2), the licence condition set out in section 5.3.7B applies to a public lottery licence whether the licence was granted before, on or after the commencement day.

(2) If a public lottery licence was granted before the commencement day, the condition set out in section 5.3.7B does not apply to the licence until the day that is 6 months after the commencement day.

(3) In this clause—

commencement day means the day on which section 26 of the Amending Act comes into operation.

Sch. 7 cl. 18.7 inserted by No. 72/2007 s. 50.

18.7 Club keno system

(1) Section 6.2.6C does not apply to the participants operating a club keno system until the day that is 6 months after the commencement day.

(2) In this clause—

commencement day means the day on which section 28 of the Amending Act comes into operation.

18.8 Interactive gaming licence

Sch. 7 cl. 18.8 inserted by No. 72/2007 s. 50.

(1) Subject to subclause (2), the licence condition set out in section 7.3.5A applies to an interactive gaming licence whether the licence was granted before, on or after the commencement day.

(2) If an interactive gaming licence was granted before the commencement day, the condition set out in section 7.3.5A does not apply to the licence until the day that is 6 months after the commencement day.

(3) In this clause—

commencement day means the day on which section 32 of the Amending Act comes into operation.

18.9 Bingo centre operator's licence

Sch. 7 cl. 18.9 inserted by No. 72/2007 s. 50.

(1) Subject to subclause (2), the licence condition set out in section 8.5.7A applies to a bingo centre operator's licence whether the licence was granted before, on or after the commencement day.

(2) If a bingo centre operator's licence was granted before the commencement day, the condition set out in section 8.5.7A does not apply to the licence until the day that is 6 months after the commencement day.

(3) In this clause—

commencement day means the day on which section 38 of the Amending Act comes into operation.

Sch. 7 cl. 18.10 inserted by No. 72/2007 s. 50.

18.10 Commercial raffle organiser's licence

(1) Subject to subclause (2), the licence condition set out in section 8.5A.8A applies to a commercial raffle organiser's licence whether the licence was granted before, on or after the commencement day.

(2) If a commercial raffle organiser's licence was granted before the commencement day, the condition set out in section 8.5A.8A does not apply to the licence until the day that is 6 months after the commencement day.

(3) In this clause—

commencement day means the day on which section 44 of the Amending Act comes into operation.

Sch. 7 Pt 19 (Heading and cl. 19.1) inserted by No. 40/2008 s. 26.

Part 19—Gambling Regulation Amendment (Licensing) Act 2008

Sch. 7 cl. 19.1 inserted by No. 40/2008 s. 26.

19.1 Commissioners

(1) A person who held office as a commissioner under this Act immediately before the commencement day continues to hold office on and after that day on the same terms and conditions.

(2) In this clause—

commencement day means the day after the day on which the **Gambling Regulation Amendment (Licensing) Act 2008** received the Royal Assent.

Part 20—Racing and Gambling Legislation Amendment Act 2008

Sch. 7 Pt 20 (Heading and cls 20.1–20.8) inserted by No. 73/2008 s. 30.

20.1 Definition

Sch. 7 cl. 20.1 inserted by No. 73/2008 s. 30.

In this Part—

amending Act means the **Racing and Gambling Legislation Amendment Act 2008**.

20.2 Registration of bookmakers

Sch. 7 cl. 20.2 inserted by No. 73/2008 s. 30.

A person who, immediately before the commencement of section 23 of the amending Act, held a certificate of registration as a bookmaker under section 86 of the **Racing Act 1958** is taken, on and after that commencement, to be a bookmaker registered under Part 5A of Chapter 4 for the remaining term of his or her registration, subject to this Act.

20.3 Approval of bookmakers to be in partnerships

Sch. 7 cl. 20.3 inserted by No. 73/2008 s. 30.

An approval under section 86B of the **Racing Act 1958** that was in force immediately before the commencement of section 23 of the amending Act is taken, on and after that commencement, to be an approval under section 4.5A.10 for the remaining term of the approval, subject to this Act.

20.4 Approval of companies to act as bookmakers

Sch. 7 cl. 20.4 inserted by No. 73/2008 s. 30.

(1) A corporation that, immediately before the commencement of section 23 of the amending Act, had approval to act as a bookmaker under section 86C of the **Racing Act 1958** is taken, on and after that commencement, to be a bookmaker registered under Part 5A of Chapter 4 for the remaining term of the approval, subject to this Act.

(2) A corporation referred to in subclause (1) must nominate an individual aged 18 years or more for approval under section 4.5A.8 to be the nominee of the corporation.

(3) A nomination under subclause (2) must be made within 60 days (or the longer period allowed by the Commission) after the commencement of section 23 of the amending Act.

Sch. 7 cl. 20.5 inserted by No. 73/2008 s. 30.

20.5 Registration of bookmaker's clerks

A person who, immediately before the commencement of section 23 of the amending Act, held a certificate of registration as a bookmaker's clerk under section 87 of the **Racing Act 1958** is taken, on and after that commencement, to be a bookmaker's key employee registered under Part 5A of Chapter 4 for the remaining term of his or her registration, subject to this Act.

Sch. 7 cl. 20.6 inserted by No. 73/2008 s. 30.

20.6 Applications made but not determined

(1) An application by a person for registration under section 86 of the **Racing Act 1958** that was made but not determined before the commencement of section 23 of the amending Act must be determined by the Commission on or after that commencement as if it were an application under section 4.5A.2 of this Act by the person for registration as a registered bookmaker.

(2) An application by a bookmaker for approval under section 86B of the **Racing Act 1958** that was made but not determined before the commencement of section 23 of the amending Act must be determined by the Commission on or after that commencement as if it were an application by a registered bookmaker under section 4.5A.9 of this Act.

(3) An application by a company for approval under section 86C of the **Racing Act 1958** that was made but not determined before the commencement of section 23 of the amending Act must be determined by the Commission on or after that commencement as if it were an application under section 4.5A.2 of this Act by the company for registration as a registered bookmaker.

(4) An application by a person for registration under section 87 of the **Racing Act 1958** that was made but not determined before the commencement of section 23 of the amending Act must be determined by the Commission on or after that commencement as if it were an application under section 4.5A.3 of this Act for registration as a bookmaker's key employee.

20.7 Disciplinary action by the Commission

Sch. 7 cl. 20.7 inserted by No. 73/2008 s. 30.

(1) Disciplinary action may be taken by the Commission under Part 5A of Chapter 4 after the commencement of section 23 of the amending Act whether the conduct giving rise to that action occurred before, on or after that commencement.

(2) In taking disciplinary action under Part 5A of Chapter 4 in relation to conduct occurring before the commencement of section 23 of the amending Act, the Commission may have regard to anything done by the Bookmakers and Bookmakers' Clerks Registration Committee in relation to that conduct before that commencement.

20.8 Guarantee of bookmakers against defaults in payment of wagers

Sch. 7 cl. 20.8 inserted by No. 73/2008 s. 30.

(1) A bond in force under section 94A(1) of the **Racing Act 1958** immediately before the commencement of section 17 of the amending Act remains in force on and after that commencement,

as if, instead of being given in favour of the Bookmakers and Bookmakers' Clerks Registration Committee, it had been given in favour of the Commission.

(2) An Order in force under section 94A(2B) of the **Racing Act 1958** immediately before the commencement of section 17 of the amending Act remains in force on and after that commencement, as if it were an Order made under section 94A(2B) of the **Racing Act 1958** as substituted by that section 17.

Sch. 7 Pt 21 (Heading and cls 21.1–21.3) inserted by No. 71/2008 s. 41.

Part 21—Gambling Legislation Amendment (Responsible Gambling and Other Measures) Act 2008

Sch. 7 cl. 21.1 inserted by No. 71/2008 s. 41.

21.1 Definition of *amending Act*

In this Part—

amending Act means the **Gambling Legislation Amendment (Responsible Gambling and Other Measures) Act 2008**.

Sch. 7 cl. 21.2 inserted by No. 71/2008 s. 41.

21.2 Community and charitable gaming

(1) A declaration of an organisation as a community or charitable organisation in force immediately before the commencement day remains in force for the period specified in the following table, unless cancelled or renounced earlier.

Declaration made	Remains in force until
at least 10 years before the commencement day	1 year after the commencement day
at least 9 years but less than 10 years before the commencement day	2 years after the commencement day
at least 8 years but less than 9 years before the commencement day	3 years after the commencement day

Declaration made	Remains in force until
at least 7 years but less than 8 years before the commencement day	4 years after the commencement day
at least 6 years but less than 7 years before the commencement day	5 years after the commencement day
at least 5 years but less than 6 years before the commencement day	6 years after the commencement day
at least 4 years but less than 5 years before the commencement day	7 years after the commencement day
at least 3 years but less than 4 years before the commencement day	8 years after the commencement day
at least 2 years but less than 3 years before the commencement day	9 years after the commencement day
at least 1 year but less than 2 years before the commencement day	10 years after the commencement day
less than 1 year before the commencement day	11 years after the commencement day

(2) In this clause, ***commencement day*** means the day on which section 14 of the amending Act comes into operation.

21.3 Bingo

Sch. 7 cl. 21.3 inserted by No. 71/2008 s. 41.

(1) Section 8.2.4 as substituted by section 21 of the amending Act, Parts 4 and 6 of Chapter 8, as amended by sections 23 to 26 of the amending Act and Chapter 9A as amended by section 27 of the amending Act, apply to a session of bingo conducted on or after the commencement day.

(2) Section 8.2.4, Parts 4 and 6 of Chapter 8 and Chapter 9A, as in force immediately before the commencement day, continue to apply to a

session of bingo conducted before the commencement day.

(3) In this clause, ***commencement day*** means the day that is the first anniversary of the day on which the amending Act receives the Royal Assent.

Sch. 7 Pt 22 (Heading and cls 22.1–22.2) inserted by No. 29/2009 s. 75.

Part 22—Gambling Regulation Amendment (Licensing) Act 2009

Sch. 7 cl. 22.1 inserted by No. 29/2009 s. 75.

22.1 Current venue operator's licences

(1) This clause applies to a venue operator's licence that is in force immediately before the transition day (an ***existing licence***).

(2) On the transition day, an existing licence is deemed to have been granted for a term of 10 years from the date the existing licence was granted.

(3) In this clause—

transition day means the day on which section 18(3) of the **Gambling Regulation Amendment (Licensing) Act 2009** comes into operation.

Sch. 7 cl. 22.1A inserted by No. 29/2009 s. 75.

22.1A Existing venue operator's licences to be club venue operator's licences or hotel venue operator's licences

On the commencement of section 16 of the **Gambling Regulation Amendment (Licensing) Act 2009**—

(a) a venue operator that holds a club liquor licence or a racing club licence is deemed to be the holder of a club venue operator's licence; and

(b) a venue operator that holds a pub liquor licence is deemed to be the holder of a hotel venue operator's licence.

22.1AB Venue operators that do not hold a club licence, pub licence or racing club licence

Sch. 7 cl. 22.1AB inserted by No. 58/2009 s. 143.

(1) This clause applies if immediately before the day on which section 143 of the **Gambling Regulation Further Amendment Act 2009** comes into operation (the ***relevant day***) a venue operator (a ***relevant operator)*** does not hold a club licence, pub licence or racing club licence.

(2) On the relevant day, a relevant operator that meets the club requirements is to be taken to hold a club venue operator's licence.

(3) On the relevant day, a relevant operator that does not meet the club requirements is to be taken to hold a hotel venue operator's licence.

(4) In this clause—

club requirements, in relation to a relevant operator, means the operator is a club—

(a) that is established for a community purpose; and

(b) the constituting document of which contains provisions prohibiting—

(i) the distribution of any annual profit or surplus to its members; and

(ii) the distribution of any surplus to its members on winding up.

22.1AC Transitioning of venue operator licences held by certain racing club operators

Sch. 7 cl. 22.1AC inserted by No. 63/2009 s. 3.

(1) In this clause—

club requirements, in relation to a company to which this clause applies, means—

(a) the company is established for a community purpose; and

(b) the constituting document of the company contains provisions prohibiting—

(i) the distribution of any annual profit or surplus to its members; and

(ii) the distribution of any surplus to its members on winding up;

commencement day means the day on which section 3 of the **Gambling Regulation Amendment (Racing Club Venue Operator Licences) Act 2009** comes into operation;

disqualifying restructuring event, in relation to a company to which this clause applies, means a change in the membership of the company that results in the company having at least one member who is not a holder of a racing club licence;

new industry arrangements day means the first day that is declared as a gaming machine entitlement declared day in relation to a gaming machine entitlement under section 3.4A.1.

(2) This clause applies to the following companies—

(a) Cranbourne Sports and Entertainment Centre Pty Ltd ACN 084 517 000;

(b) Greyhound Promotions Pty Ltd ACN 055 911 281;

(c) Horsham Racing Centre Pty Ltd ACN 120 174 941;

(d) HRV Management Ltd ACN 114 672 141.

(3) On the commencement day, a venue operator's licence held by a company to which this clause applies is taken to be a club venue operator's licence.

(4) However, if at any time before the new industry arrangements day a disqualifying restructuring event occurs in relation to a company to which this clause applies, the club venue operator's licence held by that company is taken to be a hotel venue operator's licence on the day the disqualifying restructuring event takes effect.

(5) In addition, on the new industry arrangements day a club venue operator's licence held by a company to which this clause applies is taken to be a hotel venue operator's licence if on that day the company does not meet the club requirements.

(6) Subclauses (3) to (5) apply despite anything to the contrary in this Act.

22.1B Minister's power to make directions relating to gaming machine numbers to continue until specified date

Sch. 7 cl. 22.1B inserted by No. 29/2009 s. 75.

Section 3.2.3, as in force immediately before the commencement of section 9 of the **Gambling Regulation Amendment (Licensing) Act 2009**, continues to have effect until 15 August 2012 as if section 9 had not come into operation.

22.1C Current Ministerial directions relating to gaming machine numbers

Sch. 7 cl. 22.1C inserted by No. 29/2009 s. 75.

(1) This clause applies to a direction of the Minister—

(a) made under section 3.2.3 that contains a matter or thing provided for under section 3.2.3(1)(b), (c) or (e); and

(b) that is in force immediately before the commencement of section 9 of the **Gambling Regulation Amendment (Licensing) Act 2009**.

(2) The direction continues to have effect until 15 August 2012 despite the commencement of section 9 of the of the **Gambling Regulation Amendment (Licensing) Act 2009** and may be amended or revoked accordingly.

Sch. 7 cl. 22.2 inserted by No. 29/2009 s. 75.

22.2 Approved betting competitions that are live events

(1) An event or class of event that—

(a) is the subject of an approval referred to in clause 15.1; and

(b) is an event or class of event, or is related to a sport, referred to in Table 1—

is taken, on and after the commencement day, to be a sports betting event for the purposes of Part 5 of Chapter 4.

TABLE 1

American Football
Athletics
Australian Rules Football
Baseball
Basketball
Boxing
Commonwealth Games
Cricket
Cycling
Golf
Ironman
Motor Sport
Netball

Olympic Games
Rugby
Soccer Football
Surfing
Tennis
Triathlon
Yachting

(2) In this clause—

commencement day means the day on which section 75 of the **Gambling Regulation Amendment (Licensing) Act 2009** comes into operation.

22.3 Gaming machine advertising and signs—venue operators and casino operators

Sch. 7 cl. 22.3 inserted by No. 29/2009 s. 76.

(1) Section 3.5.34AA does not apply to any gaming machine advertising published or caused to be published at any time during the period of 6 months commencing on the day section 64 of the **Gambling Regulation Amendment (Licensing) Act 2009** comes into operation.

(2) In subclause (1) ***gaming machine advertising*** has the same meaning as in section 3.5.34AA(8).

22.4 Gaming machine advertising and signs—gaming operators

Sch. 7 cl. 22.4 inserted by No. 29/2009 s. 76.

(1) Section 3.5.34AB does not apply to any gaming machine advertising published or caused to be published at any time during the period of 6 months commencing on the day section 64 of the **Gambling Regulation Amendment (Licensing) Act 2009** comes into operation.

(2) In subclause (1) ***gaming machine advertising*** has the same meaning as in section 3.5.34AB(6).

Sch. 7 cl. 22.5 inserted by No. 29/2009 s. 76.

22.5 Gaming machine advertising and signs—gaming operators

Despite anything to the contrary in this Act, section 3.5.34 as in force immediately before the commencement of section 64 of the **Gambling Regulation Amendment (Licensing) Act 2009** continues to apply for the period of 6 months commencing on the day section 64 of the **Gambling Regulation Amendment (Licensing) Act 2009** comes into operation.

Sch. 7 cl. 22.6 inserted by No. 29/2009 s. 77.

22.6 Trade promotion lotteries

Despite anything to the contrary in this Act, Part 7 of Chapter 5, as in force immediately before the commencement of Division 2 of Part 4 of the **Gambling Regulation Amendment (Licensing) Act 2009**, continues to apply for the period of 12 months commencing on the day Division 2 of Part 4 of the **Gambling Regulation Amendment (Licensing) Act 2009** comes into operation to a trade promotion lottery that a person has commenced to conduct before the commencement of that Division.

Sch. 7 Pt 23 (Heading and cls 23.1, 23.2) inserted by No. 25/2009 s. 51.

Part 23—Justice Legislation Amendment Act 2009

Sch. 7 cl. 23.1 inserted by No. 25/2009 s. 51.

23.1 Definition

In this Part—

Amending Act means the **Justice Legislation Amendment Act 2009**;

commencement day means the day on which section 44 of the Amending Act comes into operation.

23.2 Bookmaker's registration

Sch. 7 cl. 23.2 inserted by No. 25/2009 s. 51.

(1) This clause applies to the registration of a bookmaker granted before, on or after the commencement day.

(2) The condition of registration set out in section 4.5A.10A does not apply to the registration of a bookmaker until the day that is 6 months after the commencement day.

Part 24—Gambling Regulation Further Amendment Act 2009

Sch. 7 Pt 24 (Heading and cl. 24.1) inserted by No. 58/2009 s. 144.

24.1 Specified areas

Sch. 7 cl. 24.1 inserted by No. 58/2009 s. 144.

(1) Despite the repeal of section 3.5.29(3) by section 59 of the **Gambling Regulation Further Amendment Act 2009**, a notice which specifies an area under that section as in force immediately before that repeal is to be taken to remain in force for a period of three months after that repeal.

(2) Despite the repeal of section 3.5.30(2) by section 60 of the **Gambling Regulation Further Amendment Act 2009**, a notice which specifies an area under that section as in force immediately before that repeal is to be taken to remain in force for a period of three months after that repeal.

Sch. 7 Pt 25 (Heading) amended by No. 27/2013 s. 21.

Sch. 7 Pt 25 (Heading and cl. 25.1) inserted by No. 64/2010 s. 47.

Part 25—Justice Legislation Further Amendment Act 2010

Sch. 7 cl. 25.1 inserted by No. 64/2010 s. 47.

25.1 Definition of *electronic monitoring system*

The definition of ***electronic monitoring system*** in section 1.3, as in force immediately before the commencement of section 35 of the **Justice Legislation Further Amendment Act 2010**, continues to have effect until 15 August 2012 in relation to—

(a) the things the holder of the gaming operator's licence granted under Chapter 3 are authorised to do under that licence; and

(b) the things the holder of the gaming licence granted under Chapter 4 are authorised to do under that licence.

Sch. 7 Pt 26 (Heading and cls 26.1–26.10) inserted by No. 58/2011 s. 92.

Part 26—Victorian Commission for Gambling And Liquor Regulation Act 2011

Sch. 7 cl. 26.1 inserted by No. 58/2011 s. 92.

26.1 Definitions

In this Part—

commencement day means the day on which section 92 of the **Victorian Commission for Gambling and Liquor Regulation Act 2011** comes into operation;

Executive Commissioner means the Executive Commissioner of the former Commission appointed under section 10.1.9 as in force immediately before the commencement day;

former Commission means the Victorian Commission for Gambling Regulation established by section 10.1.1, as in force immediately before the commencement day;

liabilities means all liabilities, duties and obligations, whether actual, contingent or prospective;

new Commission means Victorian Commission for Gambling and Liquor Regulation established under Part 2 of the **Victorian Commission for Gambling and Liquor Regulation Act 2011**;

property means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description;

rights means all rights, powers, privileges and immunities, whether actual, contingent or prospective.

26.2 General savings provisions

Sch. 7 cl. 26.2 inserted by No. 58/2011 s. 92.

(1) This Part of this Schedule does not affect or take away from the **Interpretation of Legislation Act 1984**.

(2) This Part of this Schedule applies despite anything to the contrary in any other provision in this Act.

* * * * *

Sch. 7 cl. 26.3 inserted by No. 58/2011 s. 92, repealed by No. 114/2003 s. 12.2.1 (Sch. 7 cl. 26.3(4)).

Sch. 7 cl. 26.4 inserted by No. 58/2011 s. 92.

26.4 Abolition of the Victorian Commission for Gambling Regulation

On the commencement day—

(a) the former Commission is abolished and its members go out of office;

(b) all rights, property and assets that, immediately before that day, were vested in the former Commission are, by force of this subclause, vested in the new Commission;

(c) all debts, liabilities and obligations of the former Commission existing immediately before that day become, by force of this subclause, debts, liabilities and obligations of the new Commission;

(d) the new Commission is, by force of this subclause, substituted as a party to any proceeding pending in any court or tribunal to which the former Commission was a party immediately before that day;

(e) the new Commission is, by force of this subclause, substituted as a party to any arrangement or contract entered into by or on behalf of the former Commission as a party and in force immediately before that day.

Sch. 7 cl. 26.5 inserted by No. 58/2011 s. 92.

26.5 References to the Victorian Commission for Gambling Regulation and Executive Commissioner

On the commencement day—

(a) any reference to the former Commission in any Act (other than this Act) or in any rule, regulation, order, agreement, instrument, deed or other document whatever must, so far as it relates to any period on or after that day and if not inconsistent with the context or subject-matter, be construed as a reference to the new Commission;

(b) any reference to the Executive Commissioner of the former Commission in any Act (other than this Act) or in any rule, regulation, order, agreement, instrument, deed or other document whatever must, so far as it relates to any period on or after that day and if not inconsistent with the context or subject-matter, be construed as a reference to the new Commission.

26.6 Notices

Sch. 7 cl. 26.6 inserted by No. 58/2011 s. 92.

A notice given, issued or served by the former Commission or the Executive Commissioner under this Act that is in force immediately before the commencement day is, on and after that day, taken to be a notice given, issued or served by the new Commission.

26.7 Things commenced by the former Commission or Executive Commissioner before abolition of former Commission

Sch. 7 cl. 26.7 inserted by No. 58/2011 s. 92.

(1) This clause applies if immediately before the commencement day—

(a) the former Commission or the Executive Commissioner has commenced to do something required or permitted to be done under the Act; and

(b) the former Commission or Executive Commissioner has not completed doing that thing before that day.

(2) On and after the commencement day, the new Commission may continue to do and complete that thing in accordance with the Act, as if the Act had not been amended by the **Victorian Commission for Gambling and Liquor Regulation Act 2011**.

(3) For the purposes of this clause, anything done by the former Commission or Executive Commissioner before the commencement day in respect of that thing is, on and after that day, taken to have been done by the new Commission.

Sch. 7 cl. 26.8 inserted by No. 58/2011 s. 92.

26.8 Financial statements

On and after the commencement day, the new Commission must ensure that the financial statements of the former Commission for the period starting on 1 July 2011 and ending on the day before the commencement day are prepared in accordance with the **Financial Management Act 1994**.

Sch. 7 cl. 26.9 inserted by No. 58/2011 s. 92.

26.9 Taxes

No duty or other tax is chargeable under any Act in respect of anything done under this Part of this Schedule or in respect of any act or transaction connected with or necessary to be done by reason of this Part of this Schedule, including a transaction entered into or an instrument made, executed, lodged or given, for the purpose of, or connected with the transfer of property, rights or liabilities of the former Commission.

Sch. 7 cl. 26.10 inserted by No. 58/2011 s. 92.

26.10 Validity of things done under this Part of this Schedule

Nothing effected or to be effected by this Part of this Schedule or done or suffered under this Part of this Schedule—

(a) is to be regarded as placing any person in breach of contract or confidence or as otherwise making any person guilty of a civil wrong; or

(b) is to be regarded as placing any person in breach of, or as constituting a default under, any Act (other than the **Charter of Human Rights and Responsibilities Act 2006**) or other law or obligation or any provision in any agreement, arrangement or understanding including, but not limited to, any provision or obligation prohibiting, restricting or regulating the assignment, transfer, sale or disposal of any property or the disclosure of any information; or

(c) is to be regarded as fulfilling any condition that allows a person to exercise a power, right or remedy in respect of or to terminate any agreement or obligation; or

(d) is to be regarded as giving rise to any remedy for a party to a contract or an instrument or as causing or permitting the termination of any contract or instrument because of a change in the beneficial or legal ownership of any relevant property; or

(e) is to be regarded as causing any contract or instrument to be void or otherwise unenforceable; or

(f) is to be regarded as frustrating any contract; or

(g) releases any surety or other obligor wholly or in part from any obligation.

Sch. 7 Pt 27 (Heading and cls 27.1–27.4) inserted by No. 32/2012 s. 22.

Part 27—Gambling Legislation Amendment (Transition) Act 2012

Sch. 7 cl. 27.1 inserted by No. 32/2012 s. 22.

27.1 Authority conferred by venue operator's licence until expiry of gaming operator's licences

(1) This clause applies until 15 August 2012.

(2) A venue operator that holds a gaming machine entitlement may supply an approved gaming machine acquired by the venue operator from a person listed on the Roll, and any restricted component in relation to the gaming machine, to a gaming operator.

(3) This clause applies despite anything to the contrary in section 3.4.1(2)(b), but is otherwise subject to this Act and any conditions to which a venue operator's licence is subject.

Sch. 7 cl. 27.2 inserted by No. 32/2012 s. 22.

27.2 Authority conferred by gaming operator's licences until expiry of those licences

(1) This clause applies until 15 August 2012.

(2) A gaming operator's licence authorises the licensee and the operator to obtain from a venue operator that holds a gaming machine entitlement an approved gaming machine and any restricted component in relation to the gaming machine.

(3) This clause applies despite anything to the contrary in section 3.4.2(a), but is otherwise subject to this Act and any conditions to which a gaming operator's licence is subject.

Note

An approved gaming machine obtained under this clause may be used to conduct gaming at an approved venue: see section 3.4.2(d).

27.3 Expiry of gaming operator's licences

Sch. 7 cl. 27.3 inserted by No. 32/2012 s. 22.

Despite the expiry of a gaming operator's licence or a gaming licence, the person who held that licence must—

(a) discharge any obligation or liability (under contract or otherwise) that the person as a gaming operator owes to a person who has played a gaming machine operated by the gaming operator before the expiry of the licence; and

(b) comply with any requirement imposed on the person as a gaming operator by or under this Act or the licence before the expiry of the licence.

27.4 Expiry of wagering licence

Sch. 7 cl. 27.4 inserted by No. 32/2012 s. 22.

Despite the expiry of the wagering licence, the person who held the licence must—

(a) discharge any obligation or liability (under contract or otherwise) that the person as the wagering operator owes to a person who has engaged in wagering and betting with the wagering operator before the expiry of the licence; and

(b) comply with any requirement imposed on the person as the wagering operator by or under this Act or the licence before the expiry of the licence.

Sch. 7 Pt 28 (Heading and cl. 28.1) inserted by No. 4/2014 s. 47.

Part 28—Gambling Regulation Amendment (Pre-Commitment) Act 2014

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Sch. 7 cl. 28.1 inserted by No. 4/2014 s. 47, expired by force of No. 114/2003 Sch. 7 cl. 28.1(3).

Sch. 7 Pt 29 (Heading and cl. 29.1) inserted by No. 34/2014 s. 27.

Part 29—State Taxation Legislation Amendment Act 2014

Sch. 7 cl. 29.1 inserted by No. 34/2014 s. 27.

29.1 Taxation in relation to gaming in approved venues

(1) Section 3.6.6A as amended by section 26(1) of the **State Taxation Legislation Amendment Act 2014** applies to a venue operator in relation to the calendar month beginning on 1 May 2014 and all subsequent calendar months.

(2) Section 3.6.6A as in force immediately before the commencement of section 26(1) of the **State Taxation Legislation Amendment Act 2014** continues to apply to a venue operator on and after that commencement in relation to a calendar month before May 2014.

(3) Section 3.6.6B as amended by section 26(2) of the **State Taxation Legislation Amendment Act 2014** applies to a venue operator in relation to the calendar month beginning on 1 May 2014 and all subsequent calendar months.

(4) Section 3.6.6B as in force immediately before the commencement of section 26(2) of the **State Taxation Legislation Amendment Act 2014** continues to apply to a venue operator on and after that commencement in relation to a calendar month before May 2014.

Part 30—Gambling and Liquor Legislation Amendment (Modernisation) Act 2014

Sch. 7 Pt 30 (Heading and cls 30.1–30.9) inserted by No. 56/2014 s. 55 (as amended by No. 64/2014 s. 58(b)(c)).

30.1 Applications for Calcutta Sweepstakes approvals

Sch. 7 cl. 30.1 inserted by No. 56/2014 s. 55 (as amended by No. 64/2014 s. 58(c)).

(1) This clause applies if—

(a) an application has been made under section 2.2.9 before the commencement day; and

(b) the application has not been determined before that day.

(2) On the commencement day that application is taken to be an application under section 2.2.6(2) and must be determined in accordance with section 2.2.6 on and after that day.

(3) In this clause—

commencement day means the day on which section 9 of the **Gambling and Liquor Legislation Amendment (Modernisation) Act 2014** comes into operation.

30.2 Calcutta Sweepstakes approvals

Sch. 7 cl. 30.2 inserted by No. 56/2014 s. 55 (as amended by No. 64/2014 s. 58(c)).

(1) An approval that was in force under section 2.2.9 immediately before the commencement day is taken, on and after that day, to be an approval under section 2.2.6 as substituted by section 9 of

the **Gambling and Liquor Legislation Amendment (Modernisation) Act 2014**.

(2) In this clause—

commencement day means the day on which section 9 of the **Gambling and Liquor Legislation Amendment (Modernisation) Act 2014** comes into operation.

Sch. 7 cl. 30.3 inserted by No. 56/2014 s. 55 (as amended by No. 64/2014 s. 58(c)).

30.3 Applications for declaration of place provided for unauthorised gambling

(1) This clause applies if—

(a) an application has been made under section 2.5.27(1) before the commencement day; and

(b) the application has not been determined before that day.

(2) On the commencement day that application is taken to be an application under section 2.5.27(1) as amended by section 23(2) of the **Gambling and Liquor Legislation Amendment (Modernisation) Act 2014** and must be determined in accordance with section 2.5.27 on and after that day.

(3) In this clause—

commencement day means the day on which section 23(2) of the **Gambling and Liquor Legislation Amendment (Modernisation) Act 2014** comes into operation.

Sch. 7 cl. 30.4 inserted by No. 56/2014 s. 55 (as amended by No. 64/2014 s. 58(c)).

30.4 Declaration of place provided for unauthorised gambling

(1) This clause applies in relation to a declaration (an ***old declaration***) under section 2.5.27(4) declaring a house or place to be a common gambling house or place that was in force immediately before the commencement day.

(2) On and after the commencement day, an old declaration is taken to be a declaration (a ***new declaration***) under section 2.5.27(4) (as substituted by section 23(4) of the **Gambling and Liquor Legislation Amendment (Modernisation) Act 2014**) declaring that the relevant place is provided for the purposes of unauthorised gambling.

(3) In this clause—

commencement day means the day on which section 23(4) of the **Gambling and Liquor Legislation Amendment (Modernisation) Act 2014** comes into operation;

relevant place, in relation to an old declaration, means the house or place to which the old declaration applied.

30.5 Applications for rescission by owner

Sch. 7 cl. 30.5 inserted by No. 56/2014 s. 55 (as amended by No. 64/2014 s. 58(c)).

(1) This clause applies if—

(a) an application has been made under section 2.5.28(1) before the commencement day; and

(b) the application has not been determined before that day.

(2) On the commencement day that application is taken to be an application under section 2.5.28(1) as amended by section 24(1) of the **Gambling and Liquor Legislation Amendment (Modernisation) Act 2014** and must be determined in accordance with section 2.5.28 on and after that day.

(3) In this clause—

commencement day means the day on which section 24(1) of the **Gambling and Liquor Legislation Amendment (Modernisation) Act 2014** comes into operation.

Sch. 7 cl. 30.6 inserted by No. 56/2014 s. 55 (as amended by No. 64/2014 s. 58(c)).

30.6 Applications for rescission by police

(1) This clause applies if—

(a) an application has been made under section 2.5.29(1) before the commencement day; and

(b) the application has not been determined before that day.

(2) On the commencement day that application is taken to be an application under section 2.5.29(1) as amended by section 25(1) of the **Gambling and Liquor Legislation Amendment (Modernisation) Act 2014** and must be determined in accordance with section 2.5.29 on and after that day.

(3) In this clause—

commencement day means the day on which section 25(1) of the **Gambling and Liquor Legislation Amendment (Modernisation) Act 2014** comes into operation.

Sch. 7 cl. 30.7 inserted by No. 56/2014 s. 55 (as amended by No. 64/2014 s. 58(c)).

30.7 Application for publication and use approval

(1) This clause applies if—

(a) an application has been made under section 2.5.19C before the commencement day; and

(b) the application has not been determined before that day.

(2) On and after the commencement day that application is taken to be an application under section 4.2.3A and must be determined in accordance with that section.

(3) In this clause—

commencement day means the day on which section 48 of the **Gambling and Liquor Legislation Amendment (Modernisation) Act 2014** comes into operation.

30.8 Publication and use approvals

Sch. 7 cl. 30.8 inserted by No. 56/2014 s. 55 (as amended by No. 64/2014 s. 58(c)).

(1) An approval that was in force under section 2.5.19D immediately before the commencement day is taken, on and after that day, to be an approval under section 4.2.3B as inserted by section 48 of the **Gambling and Liquor Legislation Amendment (Modernisation) Act 2014**.

(2) In this clause—

commencement day means the day on which section 48 of the **Gambling and Liquor Legislation Amendment (Modernisation) Act 2014** comes into operation.

30.9 Tribunal review

Sch. 7 cl. 30.9 inserted by No. 56/2014 s. 55 (as amended by No. 64/2014 s. 58(c)).

(1) This clause applies if—

(a) an application has been made under section 2.5.19E(1) before the commencement day; and

(b) the application has not been determined before that day.

(2) On and after the commencement day that application is taken to be an application under section 4.2.3D(1).

(3) In this clause—

commencement day means the day on which section 48 of the **Gambling and Liquor Legislation Amendment (Modernisation) Act 2014** comes into operation.

Sch. 7 Pt 31 (Heading and cls 31.1–31.3) inserted by No. 64/2014 s. 38.

Part 31—Gambling and Liquor Legislation Further Amendment Act 2014

Sch. 7 cl. 31.1 inserted by No. 64/2014 s. 38.

31.1 Definition

In this Part—

amending Act means the **Gambling and Liquor Legislation Further Amendment Act 2014**.

Sch. 7 cl. 31.2 inserted by No. 64/2014 s. 38.

31.2 Extension of registration and licence periods

(1) On the day on which section 22 of the amending Act comes into operation, the registration of a bookmaker or bookmaker's key employee that was in effect under Part 5A of Chapter 4 immediately before that day is taken to have been granted for a period of 10 years from the date the registration took effect.

(2) On the day on which section 32(1) of the amending Act comes into operation, a bingo centre operator's licence that was in effect immediately before that day is taken to have been granted for a period of 10 years from the date the licence was granted.

(3) On the day on which section 32(2) of the amending Act comes into operation, a commercial raffle organiser's licence that was in effect immediately before that day is taken to have been granted for a period of 10 years from the date the licence was granted.

31.3 Trade promotion lotteries

Sch. 7 cl. 31.3 inserted by No. 64/2014 s. 38.

(1) This clause applies if a permit in force under Division 2 of Part 7 of Chapter 5 immediately before the day on which section 27 of the amending Act comes into operation authorises the conduct of a trade promotion lottery on or after that day.

(2) The trade promotion lottery may be conducted on or after the day on which section 27 of the amending Act comes into operation in accordance with the conditions of the permit as in force immediately before that day.

Part 32—Gambling Regulation Amendment (Gaming Machine Arrangements) Act 2017

Sch. 7 Pt 32 (Heading and cl. 32.1) inserted by No. 62/2017 s. 102.

32.1 Standard pre-commitment conditions

Sch. 7 cl. 32.1 inserted by No. 62/2017 s. 102.

(1) On and after the commencement day, the old conditions are taken to be standard pre-commitment conditions determined under section 3.8A.19A as amended by section 72 of the amending Act.

(2) In this section—

amending Act means the **Gambling Regulation Amendment (Gaming Machine Arrangements) Act 2017**;

commencement day means the day on which section 72 of the amending Act comes into operation;

old conditions means the standard venue conditions that were—

(a) determined under section 3.8A.19A as in force before the commencement day; and

(b) in force immediately before that day.

Sch. 7 Pt 33 (Heading and cls 33.1, 33.2) inserted by No. 9/2018 s. 23.

Part 33—Gambling Legislation Amendment Act 2018

Sch. 7 cl. 33.1 inserted by No. 9/2018 s. 23.

33.1 Interim ban orders

(1) In this clause, ***commencement day*** means the day on which sections 3, 4 and 5 of the **Gambling Legislation Amendment Act 2018** come into operation.

(2) On and from the commencement day, sections 2.5A.4 to 2.5A.9 (as in force immediately before the commencement day) continue to apply to an interim ban order in effect immediately before the commencement day.

Sch. 7 cl. 33.2 inserted by No. 9/2018 s. 23.

33.2 Gambling advertising

(1) In this clause, ***commencement day*** means the day on which section 18 of the **Gambling Legislation Amendment Act 2018** comes into operation.

(2) On and from the commencement day, sections 4.7.1 and 4.7.1A do not apply for a period of 2 years after 17 September 2017 to any gambling advertising published under a contract or agreement entered into before 17 September 2017.

Part 34—Liquor and Gambling Legislation Amendment Act 2018

Sch. 7 Pt 34 (Heading and cl. 34.1) inserted by No. 20/2018 s. 62.

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.

Part 35—Gambling Regulation Amendment (Wagering and Betting) Act 2018

Sch. 7 Pt 35 (Heading and cls 35.1–35.3) inserted by No. 47/2018 s. 7.

35.1 Definition

Sch. 7 cl. 35.1 inserted by No. 47/2018 s. 7.

In this Part—

commencement day means the day on which section 4 of the **Gambling Regulation Amendment (Wagering and Betting) Act 2018** comes into operation.

35.2 Payment of taxes

Sch. 7 cl. 35.2 inserted by No. 47/2018 s. 7.

(1) On and after the commencement day—

(a) section 4.6.3 continues to apply, despite its repeal, in respect of totalisators conducted before the commencement day; and

(b) section 4.6.6 continues to apply, despite its repeal, in respect of approved betting competitions conducted before the commencement day; and

(c) section 4.6.6A continues to apply, despite its repeal, in respect of approved simulated racing events conducted before the commencement day; and

(d) section 4.6.6B continues to apply, despite its repeal, in respect of betting exchange commissions earned before the commencement day.

(2) This clause is in addition to, and does not take away from, section 14(2) of the **Interpretation of Legislation Act 1984**.

Sch. 7 cl. 35.3 inserted by No. 47/2018 s. 7.

35.3 Hospitals and Charities Fund

An amount equal to the sum of the amounts paid to the Treasurer because of clause 35.2 must be paid out of the Consolidated Fund (which is appropriated to the necessary extent) into the Hospitals and Charities Fund.

Sch. 7 Pt 36 (Heading and cls 36.1–36.3) inserted by No. 1/2021 s. 78.

Part 36—Consumer and Other Acts Miscellaneous Amendments Act 2021

Sch. 7 cl. 36.1 inserted by No. 1/2021 s. 78.

36.1 Definition

In this Part—

amending Act means the **Consumer and Other Acts Miscellaneous Amendments Act 2021**.

Sch. 7 cl. 36.2 inserted by No. 1/2021 s. 78.

36.2 Approval of keno games for betting purposes

A keno game the approval of which was in force under section 6A.2A.1 immediately before the commencement of section 44 of the amending Act is taken on and after that commencement to be an approved keno game.

36.3 Duration of existing keno licence

Sch. 7 cl. 36.3 inserted by No. 1/2021 s. 78.

The amendment of section 6A.3.11 by section 52 of the amending Act does not apply to the keno licence that was in effect immediately before the commencement of section 47 of the amending Act.

Part 37—State Taxation Acts Amendment Act 2020

Sch. 7 Pt 37 (Heading and cl. 37.1) inserted by No. 47/2020 s. 36.

37.1 Wagering and betting tax

Sch. 7 cl. 37.1 inserted by No. 47/2020 s. 36.

Part 6A of Chapter 4 must be taken to have applied at all times on and after 1 January 2019 as if the amendments made to that Part by sections 31 and 32 of the **State Taxation Acts Amendment Act 2020** had come into operation on that day.

Note

1 January 2019 is the date on which Part 6A of Chapter 4 came into operation—see section 2 of the **Gambling Regulation Amendment (Wagering and Betting) Act 2018**.

Part 38—Windfall Gains Tax and State Taxation and Other Acts Further Amendment Act 2021

Sch. 7 Pt 38 (Heading and cls 38.1–38.3) inserted by No. 52/2021 s. 54.

38.1 Payment of taxes and commission

Sch. 7 cl. 38.1 inserted by No. 52/2021 s. 54.

(1) Section 6A.4.2, as in force immediately before 15 April 2022, continues to apply in relation to the keno revenue received by a keno licensee before that date.

(2) For the purposes of the period beginning on Sunday 10 April 2022, a reference to a week in section 6A.4.2, as in force immediately before 15 April 2022, is taken to be a reference to the

period of 5 days ending on Thursday 14 April 2022.

Note

15 April 2022 is the date on which the keno tax provisions in Part 4A of Chapter 6A come into operation—see section 2(2) of the **Windfall Gains Tax and State Taxation and Other Acts Further Amendment Act 2021**.

(3) Any prizes payable but not yet paid by a keno licensee before 15 April 2022 that are deducted from the keno licensee's keno revenue for the purposes of determining an amount payable under section 6A.4.2 cannot be taken into account in determining the keno licensee's net keno revenue in respect of any period on or after that date.

(4) Section 6A.4A.6 does not apply in relation to any negative amount of keno revenue of a keno licensee arising at any time before 15 April 2022.

(5) This clause is in addition to, and does not take away from, section 14(2) of the **Interpretation of Legislation Act 1984**.

Sch. 7 cl. 38.2 inserted by No. 52/2021 s. 54.

38.2 Hospitals and Charities Fund and Mental Health Fund

A reference in section 6A.4.4(1) to the amount of keno tax paid into the Consolidated Fund includes, in relation to the 2021–22 financial year, amounts paid into the Consolidated Fund in respect of that financial year under section 6A.4.2(2)(a) as in force immediately before 15 April 2022 and as continued under clause 38.1.

Sch. 7 cl. 38.3 inserted by No. 52/2021 s. 54.

38.3 Keno tax for 15–30 April 2022

Part 4A of Chapter 6A applies in relation to the period beginning on 15 April 2022 and ending on 30 April 2022 as if that period were a month.

Part 39—Gambling and Liquor Legislation Amendment Act 2022

Sch. 7 Pt 39 (Heading and cls 39.1, 39.2) inserted by No. 28/2022 s. 125.

39.1 Duration of existing wagering and betting licence

Sch. 7 cl. 39.1 inserted by No. 28/2022 s. 125.

The amendment of section 4.3A.11 by section 81 of the **Gambling and Liquor Legislation Amendment Act 2022** does not apply to the wagering and betting licence that was in effect immediately before that commencement.

39.2 Unclaimed dividends, refunds and prizes

Sch. 7 cl. 39.2 inserted by No. 28/2022 s. 125.

Section 4.6.9(2) (as in force immediately before the commencement of section 94 of the **Gambling and Liquor Legislation Amendment Act 2022**) continues to apply on and after that commencement in relation to any amounts paid to the Treasurer before that commencement under section 4.6.9(1) (as in force immediately before that commencement).

Part 40—Gambling Taxation Act 2023

Sch. 7 Pt 40 (Heading and cls 40.1, 40.2) inserted by No. 14/2023 s. 74.

40.1 Wagering and betting tax

Sch. 7 cl. 40.1 inserted by No. 14/2023 s. 74.

(1) Despite its repeal, Part 6A of Chapter 4 continues to apply on and after 1 July 2023 in relation to the net wagering revenue of a wagering and betting entity or a group in respect of any period before that day.

(2) Without limiting subclause (1)—

(a) section 4.6A.10 continues to apply on and after 1 July 2023 to require a wagering and betting entity to lodge a return and pay

wagering and betting tax in respect of any period before that day; and

(b) section 4.6A.21 continues to apply on and after 1 July 2023 to require a designated group entity to lodge a group return and pay wagering and betting tax in respect of any period before that day.

Sch. 7 cl. 40.2 inserted by No. 14/2023 s. 74.

40.2 Keno tax

(1) Despite its repeal, Part 4A of Chapter 6A continues to apply on and after 1 July 2023 in relation to the net keno revenue of a keno entity in respect of any period before that day.

(2) Without limiting subclause (1), section 6A.4A.10 continues to apply on and after 1 July 2023 to require a keno entity to lodge a return and pay keno tax in respect of any period before that day.

Sch. 7 Pt 41 (Heading and cls 41.1, 41.2) inserted by No. 6/2024 s. 42.

Part 41—Regulatory Legislation Amendment (Reform) Act 2024

Sch. 7 cl. 41.1 inserted by No. 6/2024 s. 42.

41.1 Definitions

In this Part—

amending Act means the **Regulatory Legislation Amendment (Reform) Act 2024**;

commencement day means the day Part 10 of the amending Act comes into operation.

Sch. 7 cl. 41.2 inserted by No. 6/2024 s. 42.

41.2 Approval of linked jackpot arrangements

(1) An approval referred to under section 3.5.7 as in force before the commencement day is, on and from the commencement day, taken to be an approval under section 3.5.7B as amended by section 39 of the amending Act.

(2) An application made in respect of an approval referred to under section 3.5.7 as in force before the commencement day is, on and from the commencement day, taken to be an application made under section 3.5.7B as amended by section 39 of the amending Act.

Part 42—Victorian Responsible Gambling Foundation Repeal and Advisory Councils Act 2024

Sch. 7 Pt 42 (Heading and cls 42.1, 42.2) inserted by No. 25/2024 s. 14.

42.1 Responsible Gambling Fund

Sch. 7 cl. 42.1 inserted by No. 25/2024 s. 14.

On and after the commencement of Part 3 of the **Victorian Responsible Gambling Foundation Repeal and Advisory Councils Act 2024**, all money forming part of the Responsible Gambling Fund (established by section 19 of the **Victorian Responsible Gambling Foundation Act 2011**) immediately before that commencement forms part of the Gambling Harm Response Fund established by section 10.3.7 of this Act.

42.2 Responsible Gambling Ministerial Advisory Council

Sch. 7 cl. 42.2 inserted by No. 25/2024 s. 14.

On the commencement of Part 3 of the **Victorian Responsible Gambling Foundation Repeal and Advisory Councils Act 2024**, the Responsible Gambling Ministerial Advisory Council established under section 10.2.1 is abolished and its members go out of office.

Sch. 7 Pt 43 (Heading and cls 43.1–43.3) inserted by No. 23/2025 s. 68.

Part 43—Gambling Legislation Amendment Act 2025

Sch. 7 cl. 43.1 inserted by No. 23/2025 s. 68.

43.1 Definitions

In this Part—

amending Act means the **Gambling Legislation Amendment Act 2025**;

commencement day means the day after the day on which the amending Act receives the Royal Assent;

current monitoring licence means the monitoring licence in effect immediately before the commencement day;

current public lottery licence means a public lottery licence in effect immediately before the commencement day.

Sch. 7 cl. 43.2 inserted by No. 23/2025 s. 68.

43.2 Monitoring licence

(1) The amendments made to sections 3.4.4 and 3.4.49 by sections 3 and 5 of the amending Act and the consequential amendments made by section 17 of the amending Act do not apply in relation to the current monitoring licence.

(2) The amendments made to sections 3.4.47 and 3.4.50(b) by sections 4 and 6 of the amending Act do not apply in relation to the current monitoring licence.

(3) Sections 3.4.52A, 3.4.52B and 3.4.52C do not apply in relation to the current monitoring licence.

Sch. 7 cl. 43.3 inserted by No. 23/2025 s. 68.

43.3 Public lottery licences

(1) The repeal of section 5.3.7A does not affect the continuing operation on and after the commencement day of any agreement referred to

in that section that was in force immediately before that day.

(2) Sections 5.3.7D and 5.3.7E apply in relation to a current public lottery licence as well as in relation to a public lottery licence issued on or after the commencement day.

(3) Sections 5.3.8C and 5.3.9(2A) apply in relation to a current public lottery licence as well as in relation to a public lottery licence issued on or after the commencement day.

(4) The amendment made to section 5.3.20(1) by section 40 of the amending Act applies in relation to a current public lottery licence as well as in relation to a public lottery licence issued on or after the commencement day.

(5) Despite the repeal of section 5.3.7A and the amendment of section 5.3.21(ea) by the amending Act, contravention by the holder of a current public lottery licence of an agreement to which subclause (1) applies is a ground for disciplinary action in relation to the licence under Division 5 of Part 3 of Chapter 5.

(6) Sections 5.3.22 and 5.3.23, as substituted by section 42 of the amending Act, apply in relation to a current public lottery licence as well as in relation to a public lottery licence issued on or after the commencement day.

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: 6 November 2003

Legislative Council: 2 December 2003

The long title for the Bill for this Act was "to re-enact and consolidate the law relating to various forms of gambling, to establish a Victorian Commission for Gambling Regulation, to amend the **Casino Control Act 1991** and other Acts, to repeal 8 Acts relating to gambling and for other purposes."

The **Gambling Regulation Act 2003** was assented to on 16 December 2003 and came into operation as follows:

Chapter 1 (sections 1.1–1.6) and section 12.1.4 on 17 December 2003: section 1.2(1); section 3.6.12 on 1 July 2004: section 1.2(2A); rest of Act (except sections 12.1.5 and 3.5.35) on 1 July 2004: Government Gazette 1 July 2004 page 1843; section 3.5.35 on 1 July 2005: section 1.2(4); section 12.1.5 on 1 July 2009: section 1.2(3).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

2 Table of Amendments

This publication incorporates amendments made to the **Gambling Regulation Act 2003** by Acts and subordinate instruments.

Gambling Regulation Act 2003, No. 114/2003

Assent Date:	16.12.03
Commencement Date:	Sch. 7 cl. 26.3(4) inserted on 6.2.12 by No. 58/2011 s. 92: Special Gazette (No. 423) 21.12.11 p. 4; Sch. 7 cl. 28.1(3) inserted on 30.3.14 by No. 4/2014 s. 47: Special Gazette (No. 94) 25.3.14 p. 1
Note:	Sch. 7 cl. 26.3(4) repealed Sch. 7 cl. 26.3 on 31.1.13; Sch. 7 cl. 28.1(3) provided that Sch. 7 cl. 28.1 expired on 1.12.16
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Monetary Units Act 2004, No. 10/2004

Assent Date:	11.5.04
Commencement Date:	S. 15(Sch. 1 item 10) on 1.7.04: s. 2(2)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Crimes (Controlled Operations) Act 2004, No. 16/2004

Assent Date:	18.5.04
Commencement Date:	S. 54 on 2.11.08: Government Gazette 30.10.08 p. 2530
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Private Security Act 2004, No. 33/2004

Assent Date:	1.6.04
Commencement Date:	S. 211 on 1.7.05: s. 2(3)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Racing and Gaming Acts (Amendment) Act 2004, No. 45/2004

Assent Date:	16.6.04
Commencement Date:	S. 15 on 17.12.03: s. 2(2); ss 16–40 on 17.6.04: s. 2(1)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation (Amendment) Act 2004, No. 54/2004

Assent Date:	21.9.04
Commencement Date:	Ss 4, 5, 8, 10, 11, 12(1)(2)(4) on 20.5.05: Government Gazette 19.5.05 p. 930; ss 6, 7, 9, 12(3) on 21.7.05: Government Gazette 21.7.05 p. 1598
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

State Sport Centres (Amendment) Act 2004, No. 70/2004

Assent Date:	19.10.04
Commencement Date:	S. 15 on 20.10.04: s. 2
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation (Further Amendment) Act 2004, No. 104/2004 (as amended by Nos 92/2005, 7/2006)

Assent Date:	21.12.04
Commencement Date:	S. 21 on 1.7.04: s. 2(2); ss 4(1)(2), 5–8, 13–15, 24, 26–28, 33–35, 36(2)(5)(8)(11), 37(5), 40, 42 on 22.12.04: s. 2(1); ss 9–12, 41 on 20.5.05: Government Gazette 19.5.05 p. 930; ss 4(3)(4), 16–20, 25, 32, 37(2)(4)(6), 39(1)–(6) on 25.6.05: Government Gazette 23.6.05 p. 1298; ss 4(5), 22, 23, 29–31, 36(1)(3)(4)(7)(10)(12)(13), 37(1)(3), 38 on 1.7.06: s. 2(6)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Public Administration Act 2004, No. 108/2004

Assent Date:	21.12.04
Commencement Date:	S. 117(1)(Sch. 3 item 86) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Legal Profession (Consequential Amendments) Act 2005, No. 18/2005

Assent Date:	24.5.05
Commencement Date:	S. 18(Sch. 1 item 46) on 12.12.05: Government Gazette 1.12.05 p. 2781
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation (Public Lottery Licences) Act 2005, No. 22/2005

Assent Date:	31.5.05
Commencement Date:	Ss 4, 5, 7–15 on 1.6.05: s. 2(1); s. 6 on 1.7.07: s. 2(2)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Racing and Gambling Acts (Amendment) Act 2005, No. 92/2005

Assent Date:	29.11.05
Commencement Date:	Ss 5–8 on 30.11.05: s. 2(1)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Veterans Act 2005, No. 98/2005

Assent Date:	7.12.05
Commencement Date:	S. 89 on 1.1.06: s. 2(2)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation (Miscellaneous Amendments) Act 2006, No. 7/2006

Assent Date:	4.4.06
Commencement Date:	Ss 3–13 on 5.4.06: s. 2
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Disability Act 2006, No. 23/2006

Assent Date:	16.5.06
Commencement Date:	S. 239 on 1.7.07: s. 2(3)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Education and Training Reform Act 2006, No. 24/2006

Assent Date:	16.5.06
Commencement Date:	S. 6.1.2(Sch. 7 item 21) on 1.7.07: Government Gazette 28.6.07 p. 1304
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Infringements (Consequential and Other Amendments) Act 2006, No. 32/2006

Assent Date:	13.6.06
Commencement Date:	S. 94(Sch. item 22) on 1.7.06: Government Gazette 29.6.06 p. 1315
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Children, Youth and Families (Consequential and Other Amendments) Act 2006, No. 48/2006

Assent Date:	15.8.06
Commencement Date:	S. 42(Sch. item 15) on 23.4.07: s. 2(3)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation (Further Miscellaneous Amendments) Act 2006, No. 54/2006

Assent Date:	15.8.06
Commencement Date:	Ss 3–19 on 16.8.06: s. 2
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Justice Legislation (Further Amendment) Act 2006, No. 79/2006

Assent Date:	10.10.06
Commencement Date:	Ss 22, 23 on 11.10.06: s. 2(1)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006, No. 80/2006

Assent Date:	10.10.06
Commencement Date:	S. 26(Sch. item 44) on 11.10.06: s. 2(1)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation Amendment (Review Panel) Act 2007, No. 11/2007

Assent Date:	8.5.07
Commencement Date:	Ss 3, 4 on 10.5.07: Government Gazette 10.5.07 pp 782, 783
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling and Racing Legislation Amendment (Sports Betting) Act 2007, No. 18/2007

Assent Date:	29.5.07
Commencement Date:	Ss 3–5 on 1.10.07: Government Gazette 20.9.07 p. 2143
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

State Taxation and Gambling Legislation Amendment (Budget Measures) Act 2007, No. 22/2007

Assent Date:	12.6.07
Commencement Date:	Ss 9–13 on 1.7.07: s. 2(3)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation Amendment Act 2007, No. 39/2007

Assent Date:	28.8.07
Commencement Date:	Ss 4–10, 12–14 on 29.8.07: s. 2(1); s.11 on 1.12.07: s. 2(3)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Legislation Amendment (Problem Gambling and Other Measures) Act 2007, No. 72/2007

Assent Date:	18.12.07
Commencement Date:	Ss 7, 16–18, 51 on 31.1.08: Government Gazette 31.1.08 p. 196; ss 5, 6, 50 on 4.9.08: Government Gazette 4.9.08 p. 2072; ss 3, 4, 8–12, 14, 15, 19–49 on 1.12.08: s. 2(3); s. 13 on 1.1.10: s. 2(2)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Motor Car Traders Amendment Act 2008, No. 4/2008

Assent Date:	4.3.08
Commencement Date:	S. 32(Sch. item 12) on 1.12.08: s. 2(2)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Relationships Act 2008, No. 12/2008

Assent Date:	15.4.08
Commencement Date:	S. 73(1)(Sch. 1 item 26) on 1.12.08: s. 2(2)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation Amendment (Licensing) Act 2008, No. 40/2008

Assent Date:	26.8.08
Commencement Date:	Ss 4–26 on 27.8.08: s. 2(1); ss 27–33 on 1.12.08: s. 2(2)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Legislation Amendment (Responsible Gambling and Other Measures) Act 2008, No. 71/2008

Assent Date:	25.11.08
Commencement Date:	Ss 34–41 on 26.11.08: s. 2(1); ss 4–8, 11–13, 15–18 on 1.3.09: Government Gazette 26.2.09 p. 444; ss 3, 29–31 on 1.6.09: Government Gazette 26.2.09 p. 444; s. 14 on 25.11.09: Government Gazette 26.2.09 p. 444; ss 19–28 on 25.11.09: s. 2(3); ss 9, 10 on 1.1.10: s. 2(4)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Racing and Gambling Legislation Amendment Act 2008, No. 73/2008

Assent Date:	25.11.08
Commencement Date:	Ss 18–28, 30 on 1.1.09: Government Gazette 18.12.08 p. 2998; s. 29 on 1.6.09: s. 2(2)(b)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Fundraising Appeals and Consumer Acts Amendment Act 2009, No. 2/2009

Assent Date:	10.2.09
Commencement Date:	S. 23 on 11.2.09: s. 2(1)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Justice Legislation Amendment Act 2009, No. 25/2009

Assent Date:	17.6.09
Commencement Date:	Ss 39–52 on 18.6.09: s. 2(1); ss 12–17 on 3.9.09: Government Gazette 3.9.09 p. 2331
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation Amendment (Licensing) Act 2009, No. 29/2009 (as amended by Nos 60/2011, 32/2012)

Assent Date:	23.6.09
Commencement Date:	Ss 4–62, 69–75, 82–84 on 24.6.09: s. 2(1)[6]; ss 63(1), 64–68, 76, 77 on 1.1.10: s. 2(3); s. 63(2)–(5) on 1.7.12: s. 2(4); ss 78–80 on 1.7.12: s. 2(6)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation Amendment Act 2009, No. 43/2009

Assent Date:	5.8.09
Commencement Date:	Ss 4–10 on 6.8.09: s. 2
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Racing Legislation Amendment (Racing Integrity Assurance) Act 2009, No. 52/2009

Assent Date:	8.9.09
Commencement Date:	S. 16 on 15.10.09: Government Gazette 15.10.09 p. 2637
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation Further Amendment Act 2009, No. 58/2009 (as amended by Nos 56/2010, 64/2010, 29/2011, 60/2011, 32/2012)

Assent Date:	21.10.09
Commencement Date:	Ss 5, 9, 11, 17, 19(2), 20, 25–43, 46–50, 55–84, 85(1)(3), 86–104, 106, 107, 111, 142–144 on 21.10.09: Special Gazette (No. 363) 21.10.09 p. 1; s. 105 on 25.11.09: Special Gazette (No. 363) 21.10.09 p. 1; s. 85(2) never proclaimed, repealed by No. 56/2010 s. 70; s. 119 never proclaimed, repealed by No. 64/2010 s. 51; s. 126 never proclaimed, repealed by No. 64/2010 s. 52; s. 127 never proclaimed, repealed by No. 64/2010 s. 53; ss 4(3), 19(1), 121 on 19.10.10: Special Gazette (No. 424) 19.10.10 p. 1; ss 12–16, 21–24, 108–110 on 1.1.11: Special Gazette (No. 424) 19.10.10 p. 1; ss 4(1)(2)(4), 6–8, 10, 18, 44, 45, 51–54, 112–118, 120, 123–125, 128–139, 141 on 16.8.12: Special Gazette (No. 273) 7.8.12 p. 1; s. 122 never proclaimed, repealed by No. 60/2011 s. 70; s. 140 never proclaimed, repealed by No. 32/2012 s. 34
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Liquor Control Reform Amendment (Licensing) Act 2009, No. 59/2009

Assent Date:	21.10.09
Commencement Date:	S. 33 on 1.1.10: Government Gazette 29.10.09 p. 2729
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation Amendment (Racing Club Venue Operator Licences) Act 2009, No. 63/2009

Assent Date:	17.11.09
Commencement Date:	18.11.09: s. 2
Current State:	All of Act in operation

Criminal Procedure Amendment (Consequential and Transitional Provisions) Act 2009, No. 68/2009

Assent Date:	24.11.09
Commencement Date:	S. 97(Sch. item 62) on 1.1.10: Government Gazette 10.12.09 p. 3215
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Statute Law Amendment (Evidence Consequential Provisions) Act 2009, No. 69/2009

Assent Date:	24.11.09
Commencement Date:	S. 54(Sch. Pt 1 item 27), (Sch. Pt 2 item 23) on 1.1.10: s. 2(2)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Consumer Affairs Legislation Amendment Act 2010, No. 1/2010

Assent Date:	9.2.10
Commencement Date:	S. 89 on 1.8.10: Government Gazette 22.7.10 p. 1628
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Justice Legislation Amendment Act 2010, No. 30/2010

Assent Date:	8.6.10
Commencement Date:	Ss 78, 79 on 1.7.10: Government Gazette 24.6.10 p. 1274
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation Amendment (Licensing) Act 2010, No. 56/2010

Assent Date:	14.9.10
Commencement Date:	Ss 3–5, 8, 9, 13–19, 21, 23–28, 32, 34–41, 43–45, 49–55 on 15.9.10: Special Gazette (No. 372) 14.9.10 p. 1; ss 56–61 on 1.12.10: Special Gazette (No. 372) 14.9.10 p. 1; ss 6, 7, 10–12, 42, 46–48 on 1.1.11: Special Gazette (No. 372) 14.9.10 p. 1; s. 20 on 1.1.11: Government Gazette 21.10.10 p. 2530; ss 22, 29–31, 33 on 16.8.12: Special Gazette (No. 273) 7.8.12 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Justice Legislation Further Amendment Act 2010, No. 64/2010

Assent Date:	28.9.10
Commencement Date:	Ss 34, 35, 37, 38(1)(2), 39–41, 45–47 on 12.10.10: Special Gazette (No. 415) 12.10.10 p. 1; ss 36, 38(3)(4), 42–44 on 16.8.12: Special Gazette (No. 273) 7.8.12 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Personal Property Securities (Statute Law Revision and Implementation) Act 2010, No. 74/2010

Assent Date:	19.10.10
Commencement Date:	S. 25 on 30.1.12: Special Gazette (No. 423) 21.12.11 p. 3
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Statute Law Revision Act 2011, No. 29/2011

Assent Date:	21.6.11
Commencement Date:	S. 3(Sch. 1 item 42) on 22.6.11: s. 2(1)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Victorian Commission for Gambling and Liquor Regulation Act 2011, No. 58/2011

Assent Date:	2.11.11
Commencement Date:	Ss 69–92, 104(Sch. item 3) on 6.2.12: Special Gazette (No. 423) 21.12.11 p. 4
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation Amendment (Licensing) Act 2011, No. 60/2011

Assent Date:	8.11.11
Commencement Date:	Ss 3, 13–18, 23, 24, 30–32, 38, 41, 43 on 9.11.11: s. 2(1); ss 4–7, 9–12, 19, 21, 22, 25–29, 33–37, 39, 40, 44–68 on 22.12.11: Special Gazette (No. 423) 21.12.11 p. 2; ss 8, 20 on 16.8.12: Special Gazette (No. 273) 7.8.12 p. 2; s. 42 on 1.11.12: s. 2(3)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Victorian Responsible Gambling Foundation Act 2011, No. 62/2011

Assent Date:	15.11.11
Commencement Date:	S. 25 on 22.5.12: Special Gazette (No. 164) 22.5.12 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Business Names (Commonwealth Powers) Act 2011, No. 79/2011

Assent Date:	21.12.11
Commencement Date:	S. 32 on 28.5.12: Special Gazette (No. 151) 8.5.12 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Associations Incorporation Reform Act 2012, No. 20/2012

Assent Date:	1.5.12
Commencement Date:	S. 226(Sch. 5 item 14) on 26.11.12: Special Gazette (No. 384) 20.11.12 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Australian Consumer Law and Fair Trading Act 2012, No. 21/2012

Assent Date:	8.5.12
Commencement Date:	S. 239(Sch. 6 item 19) on 1.7.12: Special Gazette (No. 214) 28.6.12 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Legislation Amendment (Transition) Act 2012, No. 32/2012

Assent Date:	13.6.12
Commencement Date:	Ss 3(3), 8–14, 21, 22, 32, 33 on 14.6.12: s. 2(1); s. 3(1)(2) on 1.7.12: s. 2(2); ss 4–7, 15–20 on 16.8.12: Special Gazette (No. 273) 7.8.12 p. 2
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Statute Law Revision Act 2012, No. 43/2012

Assent Date:	27.6.12
Commencement Date:	S. 3(Sch. item 22) on 28.6.12: s. 2(1)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Co-operatives National Law Application Act 2013, No. 9/2013

Assent Date:	13.3.13
Commencement Date:	S. 42(Sch. 2 item 10) on 3.3.14: Special Gazette (No. 46) 18.2.14 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation Amendment Act 2013, No. 27/2013

Assent Date:	15.5.13
Commencement Date:	Ss 4, 5, 7–9, 12, 13, 17–21 on 16.5.13: s. 2(1); ss 6, 10, 11, 14–16 on 1.7.13: Special Gazette (No. 203) 12.6.13 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Statute Law Revision Act 2013, No. 70/2013

Assent Date:	19.11.13
Commencement Date:	S. 3(Sch. 1 item 17) on 1.12.13: s. 2(1)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation Amendment (Pre-commitment) Act 2014, No. 4/2014

Assent Date:	11.2.14
Commencement Date:	Ss 4–31, 35–47 on 30.3.14: Special Gazette (No. 94) 25.3.14 p. 1; ss 32–34 on 20.6.15: Special Gazette (No. 133) 2.6.15 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Act 2014, No. 21/2014

Assent Date:	1.4.14
Commencement Date:	S. 3 on 16.4.14: Special Gazette (No. 122) 15.4.14 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Mental Health Act 2014, No. 26/2014

Assent Date:	8.4.14
Commencement Date:	S. 455(Sch. item 11) on 1.7.14: s. 2(1)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

State Taxation Legislation Amendment Act 2014, No. 34/2014

Assent Date:	13.5.14
Commencement Date:	Ss 25–27 on 14.5.14: s. 2(1)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Victoria Police Amendment (Consequential and Other Matters) Act 2014, No. 37/2014

Assent Date:	3.6.14
Commencement Date:	S. 10(Sch. item 72) on 1.7.14: Special Gazette (No. 200) 24.6.14 p. 2
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Treasury Legislation and Other Acts Amendment Act 2014, No. 44/2014

Assent Date:	27.6.14
Commencement Date:	S. 33(Sch. item 14) on 30.6.14: s. 2(5)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling and Liquor Legislation Amendment (Modernisation) Act 2014, No. 56/2014 (as amended by No. 64/2014)

Assent Date:	26.8.14
Commencement Date:	Ss 53, 54 on 15.10.14: Special Gazette (No. 364) 14.10.14 p. 2; ss 3–52, 55 on 1.7.15: s. 2(2)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling and Liquor Legislation Further Amendment Act 2014, No. 64/2014

Assent Date:	9.9.14
Commencement Date:	Ss 10, 12 on 10.9.14: s. 2(1); ss 4, 6, 7, 9, 13, 14, 22–24, 32, 34, 37, 38, 39 on 15.10.14: Special Gazette (No. 364) 14.10.14 p. 1; ss 3, 5, 8, 25–31, 35, 36 on 20.6.15: Special Gazette (No. 133) 2.6.15 p. 1; ss 11, 15–21, 33 on 1.8.15: s. 2(3)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Casino and Gambling Legislation Amendment Act 2014, No. 73/2014

Assent Date:	21.10.14
Commencement Date:	Ss 9, 10 on 22.10.14: s. 2
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Justice Legislation Amendment Act 2015, No. 20/2015

Assent Date:	16.6.15
Commencement Date:	S. 56(Sch. 1 item 7) on 17.6.15: s. 2(3)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Legislation Amendment Act 2015, No. 58/2015

Assent Date:	18.11.15
Commencement Date:	Ss 8, 11 on 19.11.15: s. 2(1); ss 7, 9, 10, 12, 13 on 1.9.16: s. 2(3)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Justice Legislation Further Amendment Act 2016, No. 3/2016

Assent Date:	16.2.16
Commencement Date:	S. 94 on 1.5.16: Special Gazette (No. 114) 26.4.16 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Justice Legislation Amendment (Court Security, Juries and Other Matters) Act 2017, No. 38/2017

Assent Date:	29.8.17
Commencement Date:	S. 86 on 30.8.17: s. 2(1)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation Amendment (Gaming Machine Arrangements) Act 2017, No. 62/2017

Assent Date:	12.12.17
Commencement Date:	Ss 98–101 on 13.12.17: s. 2(1); ss 4–51, 67–89, 91, 102, 103 on 20.12.17: Special Gazette (No. 443) 19.12.17 p. 2; ss 52–57, 60–65, 90, 92–97 on 19.9.18: s. 2(3)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Oaths and Affirmations Act 2018, No. 6/2018

Assent Date:	27.2.18
Commencement Date:	S. 68(Sch. 2 item 59) on 1.3.19: s. 2(2)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Legislation Amendment Act 2018, No. 9/2018

Assent Date:	14.3.18
Commencement Date:	Ss 3–5, 10, 12–17, 19–23 on 15.3.18: s. 2(1); ss 6–9, 11, 18 on 9.5.18: Special Gazette (No. 209) 8.5.18 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Liquor and Gambling Legislation Amendment Act 2018, No. 20/2018

Assent Date:	13.6.18
Commencement Date:	Ss 33–47, 49–62, 69 on 14.6.18: s. 2(1); ss 48, 63–68 on 18.7.18: Special Gazette (No. 337) 17.7.18 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018, No. 33/2018

Assent Date:	14.8.18
Commencement Date:	S. 92 on 31.7.19: Special Gazette (No. 306) 30.7.19 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Residential Tenancies Amendment Act 2018, No. 45/2018 (as amended by Nos 11/2020, 25/2020)

Assent Date:	18.9.18
Commencement Date:	S. 374 on 29.3.21: Special Gazette (No. 42) 27.1.21 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation Amendment (Wagering and Betting) Act 2018, No. 47/2018

Assent Date:	25.9.18
Commencement Date:	Ss 4–7 on 1.1.19: s. 2
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Guardianship and Administration Act 2019, No. 13/2019

Assent Date:	4.6.19
Commencement Date:	S. 221(Sch. 1 item 18) on 1.3.20: s. 2(2)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Disability (National Disability Insurance Scheme Transition) Amendment Act 2019, No. 19/2019

Assent Date:	25.6.19
Commencement Date:	S. 260 on 1.7.20: s. 2(4)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

State Taxation Acts Further Amendment Act 2019, No. 46/2019

Assent Date:	19.11.19
Commencement Date:	Ss 11−13 on 1.1.20: s. 2(2)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Local Government Act 2020, No. 9/2020

Assent Date:	24.3.20
Commencement Date:	S. 390(Sch. 1 item 45) on 6.4.20: Special Gazette (No. 150) 24.3.20 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

State Taxation Acts Amendment Act 2020, No. 47/2020

Assent Date:	15.12.20
Commencement Date:	Ss 31–36 on 16.12.20: s. 2
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Consumer and Other Acts Miscellaneous Amendments Act 2021, No. 1/2021

Assent Date:	9.2.21
Commencement Date:	Ss 8–80 on 10.3.21: Special Gazette (No. 110) 10.3.21 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation Amendment (Wagering and Betting Tax) Act 2021, No. 21/2021

Assent Date:	16.6.21
Commencement Date:	Ss 3, 4 on 1.7.21: s. 2
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Windfall Gains Tax and State Taxation and Other Acts Further Amendment Act 2021, No. 52/2021

Assent Date:	30.11.21
Commencement Date:	Ss 49–54 on 15.4.22: s. 2(2)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Casino and Gambling Legislation Amendment Act 2021, No. 54/2021

Assent Date:	14.12.21
Commencement Date:	Ss 32, 33, 41 on 1.1.22: Special Gazette (No. 733) 21.12.21 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Justice Legislation Amendment (Criminal Procedure Disclosure and Other Matters) Act 2022, No. 1/2022

Assent Date:	15.2.22
Commencement Date:	S. 94 on 29.3.22: Special Gazette (No. 157) 29.3.22 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Casino and Liquor Legislation Amendment Act 2022, No. 26/2022

Assent Date:	28.6.22
Commencement Date:	Ss 11–16 on 1.7.22: Special Gazette (No. 336) 30.6.22 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling and Liquor Legislation Amendment Act 2022, No. 28/2022

Assent Date:	28.6.22
Commencement Date:	Ss 15–125 on 29.6.22: s. 2(1); ss 126, 127, 133–145 on 1.9.22: Special Gazette (No. 422) 23.8.22 p. 1; ss 128–132 on 10.3.23: s. 2(3)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Mental Health and Wellbeing Act 2022, No. 39/2022

Assent Date:	6.9.22
Commencement Date:	S. 826 on 1.9.23: s. 2(2)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Casino Legislation Amendment (Royal Commission Implementation and Other Matters) Act 2022, No. 42/2022

Assent Date:	27.9.22
Commencement Date:	S. 62 on 28.9.22: s. 2(1); ss 53–55 on 31.5.23: Special Gazette (No. 273) 30.5.23 p. 1; ss 51, 52, 56–61 on 1.8.23: s. 2(3)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Regulation Amendment Act 2023, No. 13/2023

Assent Date:	6.6.23
Commencement Date:	Ss 4–89 on 7.6.23: s. 2
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Taxation Act 2023, No. 14/2023

Assent Date:	6.6.23
Commencement Date:	Ss 67–74 on 1.7.23: s. 2
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Legislation Amendment Act 2023, No. 30/2023

Assent Date:	8.11.23
Commencement Date:	Ss 14, 15 on 9.11.23: s. 2(1); ss 16–24 on 30.8.24: Special Gazette (No. 406) 23.7.24 p. 1; ss 25, 26 on 3.10.24: s. 2(3)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Regulatory Legislation Amendment (Reform) Act 2024, No. 6/2024

Assent Date:	5.3.24
Commencement Date:	Ss 36–42 on 6.3.24: s. 2(1)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Victorian Responsible Gambling Foundation Repeal and Advisory Councils Act 2024, No. 25/2024

Assent Date:	25.6.24
Commencement Date:	Ss 7–14 on 1.7.24: Special Gazette (No. 345) 25.6.24 p. 1
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Legislation Amendment (Pre-commitment and Carded Play) Act 2025, No. 18/2025

Assent Date:	3.6.25
Commencement Date:	Ss 3–16 on 4.6.25: s. 2
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

Gambling Legislation Amendment Act 2025, No. 23/2025

Assent Date:	24.6.25
Commencement Date:	Ss 3–68, 74(Sch. 1 item 2) on 25.6.25: s. 2(1)
Current State:	This information relates only to the provision/s amending the **Gambling Regulation Act 2003**

3 Explanatory details

[1] S. 2.5.40(2)(c)(i): The amendment proposed by section 68(Schedule 2 item 59.2) of the **Oaths and Affirmations Act 2018**, No. 6/2018 is not included in this publication as the word "sworn" does not appear in section 2.5.40(2)(c)(i).

Section 68(Schedule 2 item 59.2) reads:

Schedule 2—Further consequential amendments

59 Gambling Regulation Act 2003

59.2 In section 2.5.40(2)(c)(i), (e) and (g), after "sworn" (wherever occurring) **insert** "or affirmed".

[2] S. 2.5.40(2)(e): See note 1.

[3] S. 3.4.38 def. of ***monitoring services provider***: The amendment proposed by section 11(d) of the **Consumer and Other Acts Miscellaneous Amendments Act 2021**, No. 1/2021 is not included in this publication, as there is no definition of ***monitoring service provider*** in section 3.4.48.

Section 11(d) reads as follows:

11 Definitions for Division 4 of Part 4 of Chapter 3

In section 3.4.38 of the **Gambling Regulation Act 2003**—

(d) in the definition of ***monitoring service provider***, for "3.4.59LG." **substitute** "3.4.59LG;".

[4] S. 6A.2.6(1): The amendment proposed to section 6A.2.6(1) by section 79(3) of the **Consumer and Other Acts Miscellaneous Amendments Act 2021**, No. 1/2021 is not included in this publication, due to the earlier identical amendment by section 40(a) of that Act.

Section 79(3) reads as follows:

79 References to keno licence and licensee

(3) In sections 6A.1.3(3), 6A.2.6(1), 6A.2.9, 6A.2.10, 6A.2.13(1) and (2), 6A.3.10A(4) and (5), 6A.3.13A, 6A.3.22(1), 6A.3.24(1), 6A.4.3(1) and

6A.5.1(1) of the **Gambling Regulation Act 2003**, for "The keno licensee" **substitute** "A keno licensee".

[5] S. 6A.2.6(2): The amendment proposed to section 6A.2.6(2) by section 80(2) of the **Consumer and Other Acts Miscellaneous Amendments Act 2021**, No. 1/2021 is not included in this publication, due to the earlier identical amendment by section 40(b) of that Act.

Section 80(2) reads as follows:

80 References to keno games

(2) In sections 6A.2.6(2), 6A.2.7(1), 6A.2.8(a) and (b), 6A.2.9(a), 6A.2.13(1) and (2), 6A.4.3(2) and 6A.5.2(1) of the **Gambling Regulation Act 2003**, for "keno games" **substitute** "approved keno games".

[6] Table of Amendments (**Gambling Regulation Amendment (Licensing) Act 2009**): The amendment proposed by section 84(2) of the **Gambling Regulation Amendment (Licensing) Act 2009**, No. 29/2009 (*repealed*) is not included in this publication as section 3.2.24 does not exist.

Section 84(2) reads:

84 Statute law revision

(2) In the heading to section 3.2.24 of the Principal Act, **omit** "**and Register**".