

Lotteries Gaming and Betting (Amendment) Bill

No.

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LEGISLATIVE COUNCIL

Read 1° 18 March 1986

(Brought from the Legislative Assembly)

A BILL

for

An Act to amend the *Lotteries Gaming and Betting Act 1966*, the *Stamps Act 1958* and the *Racing Act 1958* and for other purposes.

Lotteries Gaming and Betting (Amendment) Act 1985

The Parliament of Victoria enacts as follows:

Purposes.

1. The purposes of this Act are—

- (a) to better control the conduct of bingo; and
- 5 (b) to ensure the effective and efficient administration and enforcement of the *Lotteries Gaming and Betting Act 1966*; and
- (c) to require the payment of stamp duty by illegal bookmakers; and
- 10 (d) to enable additional mixed sports gatherings under the *Racing Act 1958* to be held.

Commencement.

2. This Act comes into operation on a day or days to be proclaimed.

Principal Act.

No. 7229
Reprinted to No
9880
Subsequently
amended by Nos
10127, 10134
and 10195

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

Sideshow permits for fixed locations.

4. In section 5 (3) (a) of the Principal Act, after “prize of money at” for “a” substitute “an amusement, tourist or recreational centre,”. 5

Bingo.

5. (1) Section 6A of the Principal Act is amended as follows:

(a) In sub-section (5)—

(i) for “to a person who proposes to conduct a session of bingo games” substitute “allowing bingo to be played”; and 10

(ii) for “given its consent to the conduct of the session of bingo games” substitute “consented to bingo being played”; and 15

(b) in sub-section (6) for “wherein the session of bingo games may be conducted” substitute “where bingo may be played”.

(2) In section 6B of the Principal Act—

(a) in sub-section (1)—

(i) for paragraphs (k) and (l) substitute— 20

“(k) Unless a jackpot is conducted, the amount of prizes distributed in a bingo game—

(i) must not be less than 50 per cent of the gross receipts for that game; and

(ii) must not be more than 70 per cent of the gross receipts which would be obtained for the game if all tickets were sold; 25

(l) If a jackpot is conducted during a session of bingo games, the amount of prizes distributed in the session— 30

(i) must not be less than 50 per cent of the gross receipts of that session; and

(ii) must not be more than 70 per cent of the gross receipts which would be obtained for the session if all tickets were sold;” and 35

(ii) after paragraph (s) insert—

“(t) The amount which is paid for the expenses of a session of bingo games (other than the prescribed

fee under section 6A and the surcharge payable under section 6D (1)) must not be more than 12 per cent of the gross receipts for that session.”; and

(b) for sub-section (2), substitute—

“(2) The conditions mentioned in paragraphs (k) and (l) of sub-section (1) may be omitted or deleted by the Board if it is satisfied that the applicant for the permit (or the permit holder, as the case may be) will distribute the whole of the gross receipts from each session of bingo games conducted by the person as prizes during that session.”.

(3) In section 6D of the Principal Act—

(a) after “6D” omit “(1)”; and

(b) sub-section (2) is repealed.

(4) For section 6E of the Principal Act substitute—

15 Returns to the Board.

“6E. (1) A person who holds a bingo permit must—

(a) within 1 month after the issue of the permit, and then at monthly intervals, send to the Board—

(i) a full and accurate statement of account in the prescribed form setting out prescribed particulars about all sessions of bingo conducted by the person during the month;

(ii) the surcharge, if any, payable under section 6D; and

(iii) the running sheets kept in respect of each session of bingo conducted by the person during the month; and

(b) each 12 months (or, if within that period the person’s bingo permit is not renewed, on the expiry of the bingo permit), send to the Board an audited statement in the prescribed form setting out prescribed particulars about the conduct of bingo by the person during the period since the previous statement, or, where there has been no previous statement, during the preceding 12 months.

(2) If the Board requests a permit holder to send it running sheets more often than required under sub-section (1), the permit holder must comply with the request.”.

(5) For section 6F (6) of the Principal Act substitute—

“(6) An inspector appointed under this Part or a member of the police force, in order of find out whether an offence is being, or has been, committed in connexion with bingo—

(a) may enter premises where a bingo game or session of bingo is being or has recently been conducted, or where the inspector or member reasonably believes documents or

equipment relating to a bingo game or session are kept, and—

- (i) request the production of;
- (ii) inspect;
- (iii) take possession of; and
- (iv) remove—

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any document or equipment found in the premises, and

- (b) may request any person who holds, or has held, a bingo permit to produce all running sheets relating to sessions of bingo conducted by the person.”.

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(6) After section 6F of the Principal Act, insert—

Supply of bingo tickets.

“6FA. (1) A person must not supply tickets for use in bingo, without the approval of the Board.

(2) The Board may give its approval to a person to supply tickets to the holder of a bingo permit for use in bingo.

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(3) A person to whom approval has been given under this section must keep prescribed particulars about tickets the person supplies for use in bingo, and must forward those particulars to the Board when requested by the Board to do so.

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(4) The Board may withdraw its approval given under this section, by giving the person written notice of its intention to do so.”.

Bingo centres.

“6FB. (1) In this section and in section 6FC—

“**Bingo centre**” means a house or place in which there is regularly conducted more than seven sessions of bingo within a period of seven consecutive days.

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“**Operator**”, in relation to a bingo centre, means the owner or occupier of the bingo centre who leases or hires the bingo centre to the holder of a bingo permit to enable bingo to be played there, and, if there is more than one such owner or occupier, each of them.

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(2) The operator of a bingo centre must hold a bingo centre operator licence issued by the Board.

Penalty: 10 penalty units.

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(3) A person must not conduct a session of bingo in a bingo centre if—

- (a) the person is the operator;
- (b) the person is a member of the family of the operator;
- (c) the person is an employee of the operator;

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(d) the person manages and controls the bingo centre on behalf of the operator; or

(e) the operator is a body corporate and the person is—

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(i) a director, or concerned in the management of the body corporate; or

(ii) an employee of a related body corporate.

Penalty: 10 penalty units.

(4) For the purposes of sub-section (3), a person is a member of the family of an operator if the person is—

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(a) the spouse;

(b) the son or daughter; or

(c) the brother or sister—

of the operator.

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(5) A reference in this section to the spouse of a person includes a reference to a person who is not legally married to the first-mentioned person but who lives with that person on a *bona fide* domestic basis.

(6) For the purposes of sub-section (3) a body corporate is a related body corporate in relation to another body corporate—

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(a) if the body corporate is by virtue of section 7 (5) of the *Companies (Victoria) Code* deemed to be related to the other body corporate;

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(b) if the directors of the body corporate are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of the directors of the other body corporate;

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(c) if the directors of the other body corporate are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of the directors of the body corporate;

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(d) if the other body corporate is, by reason of section 7 (5) of the *Companies (Victoria) Code*, deemed to be related to another body corporate the directors of which are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of the directors of the body corporate;

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(e) if the directors of the body corporate and the directors of the other body corporate are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of another person;

(f) If the body corporate has a share capital and the directors of the other body corporate may (directly or indirectly) exercise, control the exercise of or substantially influence the exercise of, 50 per cent or more of the voting power

attached to voting shares issued by the first-mentioned body corporate; or

- (g) where each body corporate has a share capital and the person or persons who may (directly or indirectly) exercise, control the exercise of, or substantially influence the exercise of, 50 per cent or more of the voting power attached to voting shares issued by one of those bodies corporate, may also exercise, control the exercise of or substantially influence the exercise of, 50 per cent or more of the voting power attached to voting shares issued by the other body corporate.”. 5 10

Bingo centre operator licences.

‘6FC. (1) In this section “licence” means a bingo centre operator licence.

(2) The operator of a bingo centre may apply to the Board for a licence. 15

(3) On payment of the prescribed fee, the Board may issue a licence to an operator.

(4) A licence, unless previously suspended or revoked, remains in force for the prescribed period. 20

(5) On payment of the prescribed fee, a licence may be renewed by the Board for a prescribed period.

(6) The Board may refuse to issue a licence or to renew a licence.

(7) If the Board decides to refuse to issue or renew a licence, it must send to the applicant a written notice of the refusal setting out the reasons for the refusal. 25

(8) The Board on issuing a licence—

(a) must insert in it the prescribed conditions, limitations and restrictions; and

(b) may insert in it such other conditions, limitations and restrictions as the Board thinks appropriate. 30

(9) The Board may amend, suspend or revoke a licence.

(10) Where a document evidencing a licence has been issued by the Board and that licence is amended, suspended or revoked, the licensee must surrender the document to an inspector on demand. 35

(11) A licence must not be suspended for longer than 6 months.

(12) A licensee may, on payment of the prescribed fee and with the consent of the Board, transfer the licence to any other person and that person shall then become the licensee.’

(7) After section 6G (fa) of the Principal Act insert— 40

“(f) prescribing fees for issue, renewal and transfer of bingo centre operator licences”.

Amendment of permits and consents.

5 6. (1) In section 3 of the Principal Act, after the definition of “Acknowledgment” insert—

‘ “Amend”, in relation to a permit, consent or licence includes amend, substitute or impose a condition of the permit, consent or licence.’.

(2) Section 6 of the Principal Act is amended as follows:

10 (a) in sub-section (1C) after “at any time” insert “amend,”; and
(b) in sub-section (3) (b) for “subject to which that authorization was given” substitute “of that authorization”.

(3) After section 6AAA (4) of the Principal Act, insert—

15 “(5) The Board may amend, suspend or revoke a permit under this Division”.

(4) For section 6AAD (b) of the Principal Act, substitute—

“(b) permits under this Division”.

(5) In section 6AB (6) of the Principal Act, after “of police,” insert “amend,”.

20 (6) For section 6AF (b) of the Principal Act substitute—

“(b) permits under this Division”.

(7) In section 6A (11) of the Principal Act, after “of police,” insert “amend,”.

(8) For section 6G (b) of the Principal Act substitute—

25 “(b) relating to bingo permits”.

Calcutta sweepstakes.

7. In section 5 (4) (e) of the Principal Act—

(a) omit “holding a club licence under the *Liquor Control Act 1968*”;

30 (b) for “two occasions” substitute “ten occasions”;

(c) for “\$20” substitute “\$30”; and

(d) in sub-paragraph (i) for “horse races or dog races” substitute “sporting contingencies”.

Lucky envelopes.

35 8. (1) Section 6AA of the Principal Act is amended as follows:

(a) In the definition of “Lucky envelope” for “raffle” (wherever occurring) substitute “lottery”; and

- (b) Omit the definitions of “Lucky envelope vending machine” and “Raffle”.
- (2) Section 6AB of the Principal Act is amended as follows:
- (a) In sub-section (1) omit “by means of a lucky envelope vending machine”; 5
- (b) for sub-section (4) substitute—
 “(4) A permit is subject to the condition that not less than half nor more than three quarters of the gross receipts shall be distributed as prizes.”; and
- (c) In sub-section (5) (a) omit “by means of the lucky envelope vending machine”. 10
- (3) The Principal Act is amended as follows:
- (a) In the heading before section 6AA for “LUCKY ENVELOPE VENDING MACHINES” substitute “LUCKY ENVELOPES”; 15
- (b) in section 6AC (1) in paragraphs (a) and (b)—
 (i) omit “by means of a lucky envelope vending machine”; and
 (ii) omit “by means of the lucky envelope vending machine”; 20
- (c) in section 6AC (2) for “each month during which the permit is in force” substitute “each three months or, if another period is prescribed for the purposes of this section, that other period, during which the permit is in force”;
- (d) in section 6AE— 25
 (i) in sub-section (1) omit “by means of a lucky envelope vending machine”;
 (ii) for sub-section (2) substitute—
 “(2) An Inspector appointed under section 5B or a member of the police force may, for the purpose of investigating whether an offence is being committed, or has been committed, in relation to lucky envelopes—
 (a) enter premises in which the Inspector or member reasonably believes are tickets, documents, or equipment relevant to the investigation; and 35
 (b) take possession of, inspect or remove any ticket, document or equipment found in the premises.”;
- (iii) in sub-section (3) (a) for “sub-section (6)” substitute “sub-section (2)”;
- (iv) in sub-section (3) (b), after “obstruct or hinder” insert “a member of the police force or”; and 40
- (e) in section 6AF—

- (i) in paragraph (c) for “lucky envelope to be dispensed by a lucky envelope vending machine” substitute “lucky envelopes”;
- 5 (ii) in paragraph (e) omit “dispensed by a lucky envelope vending machine”;
- (iii) in paragraph (f) omit “not exceeding \$50”;
- (iv) in paragraph (g) for “lucky envelope vending machines may be installed” substitute “lucky envelopes may be sold”; and
- 10 (v) in paragraph (h) omit “by means of a lucky envelope vending machine”.

Trade promotion lotteries.

9. (1) In section 5 (4) of the Principal Act, for paragraph (b) substitute—
- 15 “(b) to a scheme—
- (i) which is not for the promotion of a trade or business; and
- (ii) in which all participation is gratuitous;”
- (2) In section 6AAB of the Principal Act, for sub-section (1) substitute—
- 20 “(1) The fee for a permit under section 6AAA is—
- (a) where the value of the prizes being offered in the lottery is less than \$1000—\$20; and
- 25 (b) in any other case—two per cent of the value of the prizes being offered in the lottery or \$1000 (whichever is the lesser).”.

- (3) In section 6AAC of the Principal Act, for sub-section (2) substitute—
- 30 “(2) A person is not guilty of an offence against this Act for anything done for the purposes of a lottery for the promotion of a trade or business if the total value of the prizes being offered is less than \$200 and the prescribed conditions for the conduct of the lottery are complied with.”.

Street betting.

- 35 10. Section 23 of the Principal Act is amended as follows:
- (a) In sub-section (1) for the expression commencing “shall be liable” and ending at the end of the sub-section, substitute—
“is guilty of an offence.
- Penalty:
- 40 (a) if it is the defendant’s first relevant offence and the Court is satisfied that, at the time of the offence, the

- value of all bets held by the person receiving the bets was less than \$500— 50 penalty units; and
- (b) in any other case—
- (i) for a first relevant offence—not less than 50 penalty units nor more than 100 penalty units or to imprisonment for 3 months; 5
 - (ii) for a second relevant offence—not less than 100 penalty units nor more than 250 penalty units or imprisonment for 6 months; and
 - (iii) for a third or subsequent relevant offence—not less than 250 penalty units nor more than 1,000 penalty units or imprisonment for 2 years or both.”; and 10
- (b) after sub-section (1) insert—
- “(2) In sub-section (1) “**relevant offence**” means an offence against sub-section (1) or section 18 (1)”.
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Communicating racing information.

11. In section 42 (1) of the Principal Act for the expression “Penalty: 25 penalty units or imprisonment for six months or both” substitute—

- “Penalty: 20
- (a) for a first offence—not less than 50 penalty units nor more than 100 penalty units or imprisonment for 3 months;
 - (b) for a second offence—not less than 100 penalty units nor more than 250 penalty units or imprisonment for 6 months;
 - (c) for a third or subsequent offence—not less than 250 penalty units nor more than 1,000 penalty units or imprisonment for 2 years or both.”. 25

Instruments of betting.

12. (1) In section 3 of the Principal Act—
- (a) omit the definition of “Document”; and 30
 - (b) for the definition of “Instruments of Gaming” substitute:

“**Instrument of betting**” includes—

 - (a) any document;
 - (b) any card, list, money, paper, record, sheet, table, ticket or other writing; 35
 - (c) any mechanical, electrical, telephonic, electronic or other equipment or device or any access to such equipment or device;
 - (d) any board, chart or screen; or

(e) any form or means of recording, storing or transmitting information or data—

used, apparently used or capable of being used in carrying on or in connexion with betting on any sporting contingency.

‘**“Instrument of gaming”** includes any instrument of betting and—

(a) any document;

(b) any playing cards, dice, balls, coins, tokens or counters;

(c) any card, list, money, paper, record, sheet, table, ticket or other writing;

(d) any mechanical, electrical, telephonic, electronic or other equipment or device or any access to any such equipment or device;

(e) any board, chart or screen; or

(f) any form or means of recording, storing or transmitting information or data—

used, apparently used or capable of being used in carrying on or in connexion with betting or gaming.’

(2) In section 45 of the Principal Act, after “informant so to be,” insert “or that the informant reasonably suspects it to contain instruments of betting.”

(3) Before section 67 of the Principal Act insert—

25 Possession of instrument of betting.

“66B. (1) A person must not possess an instrument of betting not authorized under this Act.

(2) For the purposes of this section, an instrument of betting is in a person’s possession if it is on land or in premises occupied, used or controlled by the person.

(3) Without limiting sub-section (2), in this section “**possession**” includes—

(a) actual physical possession;

(b) custody or control; and

(c) having and exercising access, either solely or in common with others.

(4) A person guilty of an offence against this section shall be liable to a penalty—

(a) for a first offence—not less than 50 penalty units nor more than 100 penalty units or imprisonment for 3 months;

- (b) for a second offence—not less than 100 penalty units nor more than 250 penalty units or imprisonment for 6 months; and
- (c) for a third or subsequent offence—not less than 250 penalty units nor more than 1000 penalty units or imprisonment for 2 years or both.” 5

Search and seizure of instruments of betting.

“66c. A member of the police force in any place—

- (a) may stop, detain and search—
 - (i) a vehicle in or on which the member reasonably suspects there is being carried an instrument of betting; or 10
 - (ii) a person who the member reasonably suspects is committing an offence against section 66B;
- (b) may seize any instrument of betting found therein or thereon; and 15
- (c) for the purposes of paragraphs (a) and (b), may use such force as is reasonably necessary in gaining entry into the vehicle, conducting the search or seizing an instrument of betting.”

(4) In section 73 of the Principal Act, after “gaming or totalizators” insert “or found in the possession or control of a person found committing an offence against any such Act” 20

Betting houses and places.

13. (1) Section 3 of the Principal Act is amended as follows:

- (a) In the definition of “House or place” after “premises” insert “vessel, vehicle”; and 25
- (b) after the definition of “Undertaking” insert—
 - ‘ “**Vehicle**” means a conveyance, and includes an aircraft, caravan or trailer.
 - “**Vessel**” includes a ship, boat, air cushion vehicle and a vehicle that is capable of use in or on water, whether floating or submersible and whether or not self-propelled.’ 30

(2) Section 17 (1) of the Principal Act is amended as follows:

- (a) after paragraph (a), omit “or”; and 35
- (b) at the end of the sub-section, insert—
 - “or
 - (c) For the purposes of printing, duplicating or producing lists of persons, animals or things (however identified) for the purpose of such lists being used for or in connexion with unlawful betting on a sporting contingency.” 40

(3) Section 18 of the Principal Act is amended as follows:

(a) In sub-section (1) (a), for the expression commencing “being the owner” and ending “or uses the”, substitute “opens, keeps or uses a”;

5 (b) In sub-section (1), for the expression commencing “shall be liable” and ending at the end of the sub-section substitute—
“is guilty of an offence.

Penalty:

10 (a) if it is the defendant’s first relevant offence and the Court is satisfied that, at the time of the offence, the value of all bets held by the person receiving the bets was less than \$500— 50 penalty units; and

(b) in any other case—

15 (i) for a first relevant offence—not less than 50 penalty units nor more than 100 penalty units or imprisonment for 3 months;

(ii) for a second relevant offence—not less than 100 penalty units nor more than 250 penalty units or imprisonment for 6 months; and

20 (iii) for a third or subsequent relevant offence— not less than 250 penalty units nor more than 1,000 penalty units or imprisonment for 2 years or both.”;

(c) After sub-section (1) insert—

25 “(1A) In sub-section (1) “**relevant offence**” means an offence against sub-section (1) or section 23 (1).”; and

(d) After sub-section (2) insert—

30 “(3) A person found committing an offence against sub-section (1) who, on apprehension by a member of the police force, does not comply with a request to supply his or her name and address is guilty of an offence.

Penalty: 2 penalty units.

(4) A person who bets with a person who is in a house or place which is kept or used for a purpose mentioned in section 17—

35 (a) is not, for that reason, aiding and abetting the commission of an offence against sub-section (1); and

(b) is guilty of an offence against this sub-section.

Penalty: 5 penalty units.”;

(4) For section 70 (1) (e) of the Principal Act, substitute—

40 “(e) the—

(i) finding of instruments of gaming in any house or place or about the person of anyone found therein; or

(ii) receipt of telephone calls or other communications in any house or place—

in circumstances which raise the reasonable inference that the house or place is used for a purpose described in section 17 (1) shall be *prima facie* evidence that the house or place is used as a common gaming house or place and that the persons found therein were playing at an unlawful game;”.

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Inspectors.

14. Section 5B of the Principal Act is amended as follows:

(a) in sub-section (2), for “one or more of the officers or employes of the Board” substitute “qualified persons”; and

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(b) after sub-section (2) insert—

‘(3) In this section “qualified persons” means officers or employees—

(a) of the Board; or

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(b) of the Administrative Unit administered by the Minister.’.

New section in *Stamps Act 1958*.

15. After section 128 of the *Stamps Act 1958* insert—

Stamp duty on illegal bookmaking.

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‘128A. (1) In this section—

“appropriate officer” means—

(a) in the case of the Supreme Court—the Prothonotary;

(b) in the case of the County Court—the Registrar; and

(c) in the case of a magistrates court—the clerk of courts.

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“illegal bookmaking” means an offence against section 18 or 23 of the *Lotteries Gaming and Betting Act 1966*.

“stamp duty liability” means liability under sub-section (4).

(2) If a person is found guilty of illegal bookmaking, the appropriate officer of the court must send the prescribed information in the prescribed form to the Comptroller of Stamps.

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(3) After receiving information sent under sub-section (2), the Comptroller of Stamps must cause an assessment to be made of the amount which, in the Comptroller’s judgment, is the person’s stamp duty liability.

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(4) The stamp duty liability of a person found guilty of illegal bookmaking is—

(a) if the person establishes to the Comptroller’s satisfaction the aggregate of the bets received by the person during the

year preceding the date of the offence—2.25% of that amount; or

- 5 (b) if the person does not establish to the Comptroller's satisfaction the things mentioned in paragraph (a)—2.25% of the aggregate of the bets received by race-course bookmakers who operated on the rails at the Flemington race-course during the whole of the year preceding the date of the offence divided by the number of such bookmakers who operated during the whole of that year.

- 10 (5) For the purposes of this Act, an assessment under this section shall be deemed to be an assessment under section 33 (1).'

Mixed sports gatherings.

16. In section 19 of the *Racing Act* 1958, after sub-section (1A) insert—

- 15 “(1B) The Minister may authorize up to 20 additional mixed sports gatherings under sub-section (1) in any one year if the Minister is satisfied that they are to be held for patriotic, charitable or community purposes.”.

No. 6353.
Reprinted to
No. 10087.

Miscellaneous amendments.

- 20 17. (1) In section 1 of the Principal Act, omit all the words and expressions appearing after “*Government Gazette*”.

(2) After section 5 (2) of the Principal Act, insert—

- 25 “(2A) A person is not guilty of an offence against sub-section (2) for anything done by that person for the purposes of a raffle, lottery or other activity authorised by a permit under this Act.”.

(3) Section 6AAC (2) of the Principal Act is repealed.

(4) In section 6A (9) of the Principal Act, for “6D (1)” substitute “6D”.

- 30 (5) In section 64 (2) of the Principal Act—

- (a) omit “or before any justices”; and
(b) omit “or justices” (where first occurring); and
(c) for “court or justices think” substitute “court thinks”.

(6) Section 72 of the Principal Act is repealed.

