



New South Wales

# Gambling Legislation Amendment (Responsible Gambling) Bill 1999

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Liquor Act 1982*, the *Registered Clubs Act 1976* and several other Acts that govern the conduct of lawful gaming and wagering so as to further provide for the responsible conduct of gambling in licensed premises, registered clubs and other places, and to minimise the harm associated with the misuse and abuse of gambling activities (such as harm arising from the financial and social impact of excessive gambling on individuals and families).

Among other measures, the Bill:

- (a) provides that the responsible conduct of gambling at licensed premises and clubs are objectives of the *Liquor Act 1982* and the *Registered Clubs Act 1976*, and
- (b) provides for the approval of poker machines and amusement devices that are operated by cards instead of cash and enables the making of regulations with respect to the use of such cards, and

- (c) enables the making of regulations imposing further controls over the provision of credit for gambling, and advertising, promotions, signs and notices associated with gambling, and
- (d) further restricts minors from organising or participating in gambling activities, and
- (e) promotes arrangements by which people who misuse and abuse gambling activities can exclude themselves from hotels or registered clubs, and
- (f) allows court-ordered participation in gambling counselling for people who breach an order excluding them from a casino, and
- (g) enables a court to require corrective advertising to be published, or training in the responsible conduct of gambling activities to be undertaken, as a penalty for breach of regulations dealing with advertising relating to gambling activities.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

**Clause 3** is a formal provision giving effect to the amendments to the *Casino Control Act 1992*, the *Liquor Act 1982*, the *Lotteries and Art Unions Act 1901*, the *Public Lotteries Act 1996*, the *Racing Administration Act 1998*, the *Registered Clubs Act 1976* and the *Totalizator Act 1997* set out in Schedules 1–7.

## Schedules

**Schedule 1** makes amendments to the *Casino Control Act 1992*.

Schedule 1 [1] allows a court to require a person who has breached an order excluding the person from a casino, and who the court, after taking into account any evidence it considers proper, is satisfied has a problem arising from the misuse and abuse of gambling activities, to undergo counselling directed at reducing the harm arising from the person's gambling.

Schedule 1 [2]–[4] recognise changes in the names of the “casino community benefit levy” and the “Casino Community Benefit Fund” to the “community benefit levy” and the “Community Benefit Fund”, respectively. Schedule 1 [6] is a savings provision making it clear that the changes do not alter the status of the levy or Fund.

Schedule 1 [5] inserts proposed section 169A. The proposed section enables a court to order a casino operator who has committed an offence prescribed by the regulations to publish an advertisement correcting false, misleading or deceptive advertising about gaming in the casino or to order the casino operator (or an employee of the casino operator, or, if the casino operator is a corporation, a director or manager of the corporation) to undertake a course of training about responsible practices in the conduct of the casino.

**Schedule 2** makes amendments to the *Liquor Act 1982*.

Schedule 2 [2] includes as objects of the Act minimising the harm associated with gambling by persons who misuse or abuse gambling activities and fostering the responsible conduct of gambling activities. Schedule 2 [1] makes a consequential amendment to section 2A.

Schedule 2 [3] inserts proposed section 17B. The proposed section enables the Licensing Court, in imposing a penalty or making any decision concerning licensed premises, to require a licensee to publish an advertisement correcting false, misleading or deceptive advertising about gambling at the premises or to require the licensee, a manager or other person involved in the conduct of gambling activities at the premises to undertake a course of training that will promote responsible practices in the conduct of gambling at the premises.

Schedule 2 [7] enables regulations to be made with respect to the following:

- the adoption of responsible practices in relation to gambling activities that may lawfully be conducted at licensed premises,
- restricting or prohibiting activities or inducements that could encourage persons who misuse or abuse gambling activities to gamble at licensed premises,
- the standards to be observed for the purpose of preventing the misuse or abuse of gambling activities at licensed premises,
- requiring licensees or other persons to undergo courses of training that will promote responsible practices in gambling,
- specifying information to be provided and signs to be displayed about the gambling activities at licensed premises, and about the availability of gambling counselling,
- requiring facilities for withdrawing money, such as automatic teller machines and EFTPOS terminals, to be located in places that are separate from places in which gambling activities are conducted at licensed premises,
- the provision of anonymity at the request of a gambler who has won a major prize at licensed premises.

Schedule 2 [4] makes an amendment consequential to these proposed amendments. Schedule 2 [5] requires a licensee, as a condition of the licence, to comply with reasonable directions given by the Director of Liquor and Gaming with respect to minimising the harm caused by misuse and abuse of gambling activities.

Schedule 2 [6] provides that a formal complaint may be made against a licensee or manager of licensed premises who has engaged in conduct likely to encourage the misuse and abuse of gambling activities.

Schedule 2 [8] inserts two new sections dealing with gambling on credit. Proposed sections 126A and 126B make it an offence for a licensee, any employee of a licensee or any other responsible person:

- to extend a cash advance or any other form of credit to a person for the purpose of enabling that person to gamble, or
- to misdescribe or misrepresent a credit transaction providing a cash advance for gambling as payment for goods or services lawfully provided on the licensed premises.

Schedule 2 [9] inserts proposed section 150B. The section authorises use of reasonable force to prevent a person who misuses and abuses gambling activities from entering licensed premises, or to remove the gambler from the premises, if the gambler is a participant in a self-exclusion arrangement and also exempts the licensee and any employee from liability for any act done or omitted in good faith in excluding the person.

Schedule 2 [10] inserts proposed section 158A. The section enables the Liquor Administration Board to declare an amusement device operated by a card as an approved amusement device for the purposes of the Act, and enables regulations to be made with respect to such cards. Schedule 2 [11] makes a consequential amendment to section 165.

**Schedule 3** makes amendments to the *Lotteries and Art Unions Act 1901*.

Schedule 3 [1]–[5] prevent minors from applying for a permit to conduct a game of chance, a lottery or an art union.

Schedule 3 [6] inserts proposed section 22D. The proposed section enables a court that finds a person guilty of a prescribed offence to suspend or revoke a permit or take other prescribed action in addition or as an alternative to any penalty it may impose for the offence.

Schedule 3 [7] enables regulations to be made with respect to the following:

- restricting or prohibiting promotions or other activities (including advertising) relating to lottery activities,

- prescribing information and signs to be displayed at venues where games of chance are to be conducted.

**Schedule 4** makes amendments to the *Public Lotteries Act 1996*.

Schedule 4 [1] prevents a minor from applying for a licence to conduct a public lottery. Schedule 4 [2] requires a notice stating that minors are prohibited from entering public lotteries to be displayed at each place where lottery entries are accepted, and Schedule 4 [5] increases the maximum penalty that may be imposed on a minor who enters a lottery from 2 to 5 penalty units.

Schedule 4 [3] enables a court that finds a person guilty of an offence under section 39 of the Act (Advertising of public lotteries) to make an order:

- requiring the person to publish an advertisement correcting any false, misleading or deceptive advertising, or
- requiring the person (or an employee of the person or, if the person is a corporation, a director or manager of the corporation) to undertake a specified course of training that will promote responsible practices in the conduct of public lotteries.

Schedule 4 [4] inserts proposed section 42A. The proposed section makes it an offence for a person to advertise that for financial reward the person will provide information relating to a particular method of entering a lottery, or making a particular entry in a lottery, that it is claimed may increase the chances of winning a prize in a lottery.

Schedule 4 [6] enables regulations to be made with respect to the following:

- the adoption of responsible practices in the conduct of public lotteries,
- the standards to be observed for the purposes of preventing the misuse and abuse of gambling activities,
- the prohibition of the offering of specified inducements that may encourage the misuse and abuse of gambling activities,
- the information to be provided and signs to be displayed with respect to the conduct of public lotteries.

**Schedule 5** makes amendments to the *Racing Administration Act 1998*.

Schedule 5 [1] inserts proposed section 35A. The proposed section enables a court that finds a person guilty of a prescribed offence to make an order requiring the person to publish an advertisement correcting any false, deceptive or misleading

betting information or to make an order requiring the person (or an employee of the person or, if the person is a corporation, a director or manager of the corporation) to undertake a course of training that will promote responsible practices in the conduct of betting activities.

Schedule 5 [2] enables regulations to be made with respect to the following:

- the adoption of responsible practices in the conduct of betting under the Act,
- restricting or prohibiting promotions or other activities (including advertising) that could encourage the misuse and abuse of gambling activities,
- the standards to be observed for the purpose of preventing the misuse and abuse of gambling activities,
- the notices to be displayed with respect to the availability of gambling counselling.

**Schedule 6** makes amendments to the *Registered Clubs Act 1976*.

Schedule 6 [2] includes as objects of the Act minimising the harm associated with gambling by persons who misuse and abuse gambling activities and fostering the responsible conduct of gambling activities. Schedule 6 [1] and [3] make amendments consequential to these proposed amendments.

Schedule 6 [4] requires a club, as a condition of the registration of the club, to comply with reasonable directions given by the Director of Liquor and Gaming with respect to minimising any harm arising from gambling activities conducted at the club.

Schedule 6 [5] provides that a formal complaint may be made against a club that has engaged in conduct likely to encourage the misuse and abuse of gambling activities.

Schedule 6 [6] enables regulations to be made with respect to the following:

- the adoption of responsible practices in gambling at clubs,
- restricting or prohibiting activities or inducements that could encourage the misuse and abuse of gambling activities,
- the standards to be observed for the purpose of preventing the misuse and abuse of gambling activities,
- requiring the secretary of a club or other persons to undergo a course of training that will promote responsible practices in gambling,
- prohibiting specified inducements that may encourage the misuse and abuse of gambling activities,
- specifying information to be provided and signs to be displayed about gambling at a club, and about the availability of gambling counselling,

- requiring facilities for withdrawing money, such as automatic teller machines and EFTPOS terminals, to be located in places that are separate from places in which gambling activities are conducted,
- the provision of anonymity at the request of a gambler who has won a major prize at a registered club.

Schedule 6 [7] inserts two new sections dealing with gambling on credit. Proposed sections 54C and 54D make it an offence for a club or any employee of a club:

- to extend a cash advance or any other form of credit to a person for the purpose of enabling that person to gamble, or
- to misdescribe or misrepresent a credit transaction providing a cash advance for gambling as payment for goods or services lawfully provided on the premises of the club.

Schedule 6 [8] inserts proposed section 65B. The proposed section enables a court that finds a person guilty of a prescribed offence to make an order requiring the person to publish an advertisement correcting any false, deceptive or misleading betting information or to make an order requiring the person (or an employee of the person or, if the person is a corporation, a director or manager of the corporation) to undertake a course of training that will promote responsible gambling practices.

Schedule 6 [9] inserts proposed section 77BA. The section enables the Liquor Administration Board to declare a device operated by a card as an approved poker machine for the purposes of the Act, and enables regulations to be made with respect to such cards.

Schedule 6 [10] authorises use of reasonable force to prevent a person who misuses or abuses gambling activities from entering a club, or to remove the gambler from the club, if the gambler is a participant in a self-exclusion arrangement and also exempts the secretary of the club, a director and any employee for any act done or omitted in good faith in excluding the person.

**Schedule 7** makes amendments to the *Totalizator Act 1997*.

Schedule 7 [1] inserts proposed section 103A. The proposed section enables a court that finds a person guilty of a prescribed offence to make an order requiring the person to publish an advertisement correcting any false, misleading or deceptive betting information or to make an order requiring the person (or an employee of the person or, if the person is a corporation, a director or manager of the corporation) to undertake a course of training that will promote responsible practices in the conduct of betting activities.

Schedule 7 [2] enables regulations to be made with respect to the following:

- the adoption of responsible practices in the conduct of totalizators, totalizator betting and approved betting,
- the standards to be observed for the purpose of preventing the misuse and abuse of gambling activities,
- prohibiting specified inducements that may encourage the misuse and abuse of gambling activities,
- the notices to be displayed with respect to the availability of gambling counselling.





New South Wales

# Gambling Legislation Amendment (Responsible Gambling) Bill 1999

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New South Wales

# **Gambling Legislation Amendment (Responsible Gambling) Bill 1999**

No , 1999

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## **A Bill for**

An Act to amend certain Acts to minimise the harm associated with the misuse and abuse of gambling activities, to promote the responsible conduct of gambling activities, and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1    Name of Act</b>	2
This Act is the <i>Gambling Legislation Amendment (Responsible Gambling) Act 1999</i> .	3 4
<b>2    Commencement</b>	5
This Act commences on a day or days to be appointed by proclamation.	6 7
<b>3    Amendment of Acts</b>	8
The Acts specified in Schedules 1–7 are amended as set out in those Schedules.	9 10

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**Schedule 1    Amendment of Casino Control Act 1992  
   No 15**

(Section 3)

**[1]    Section 84 Excluded person not to enter casino**

Insert at the end of the section:

- (2) A court that finds a person guilty of an offence against this section may, if satisfied (after taking into account any evidence that the court thinks it proper to consider) that the person has a problem arising from the person's gambling activities, postpone its decision as to the imposition of a penalty on condition that the person agrees to undergo such gambling counselling, for such a period not exceeding 12 months, as is specified by the court.
- (3) A court that postpones its decision as to the imposition of a penalty for a period under subsection (2) is to make its decision:
  - (a) as soon as practicable after the end of the period, or
  - (b) if, during the period the person concerned advises the court that he or she does not intend to continue to undergo the gambling counselling, as soon as practicable after receiving that advice, or
  - (c) if, during the period the court is satisfied that the person has failed to undergo the gambling counselling, as soon as practicable after being so satisfied.
- (4) In making its decision under subsection (3), the court is to take into consideration whether the person concerned has undergone the gambling counselling as agreed.
- (5) In this section:  
*gambling counselling* means counselling that a court considers would be beneficial in assisting a person to avoid any financial, social or other harm that the court is satisfied has arisen or is likely to arise from the person's gambling activities.

<b>[2] Section 115 Community benefit levy and fund</b>	1
Omit "casino community" from section 115 (1).	2
Insert instead "community".	3
<b>[3] Section 115 (4)</b>	4
Omit "Casino Community Benefit Fund".	5
Insert instead "Community Benefit Fund".	6
<b>[4] Sections 117 and 119 (1) and (4)</b>	7
Omit "casino community" wherever occurring. Insert instead "community".	8
<b>[5] Section 169A</b>	9
Insert after section 169:	10
<b>169A Remedial orders</b>	11
(1) A court that finds a casino operator guilty of an offence against this Act or the regulations, being an offence that is prescribed by the regulations for the purposes of this section, may, in addition or as an alternative to any penalty that it may impose for the offence, make either or both of the following orders:	12
(a) an order requiring the casino operator to publish an advertisement correcting any information contained in any advertising concerning any game played or gaming equipment provided in a casino that the court is satisfied on evidence before it is false, misleading or deceptive and giving directions (if any) that the court considers appropriate as to the time, form, extent and manner of publication,	13
(b) an order requiring any one or more of the following:	14
(i) the casino operator,	15
(ii) if the casino operator is a corporation, a director of the corporation or a person concerned in the management of the corporation,	16
(iii) a special employee within the meaning of Part 4,	17
to undertake any specified course of training that the court considers will promote responsible practices in the conduct of gambling activities in the casino.	18
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(2) A person who, without lawful excuse, fails to comply with an order under this section is guilty of an offence.	1 2
Maximum penalty: 20 penalty units.	3
<b>[6] Schedule 4 Savings and transitional provisions</b>	4
Insert after Part 4:	5
 <b>Part 5 Gambling Legislation Amendment (Responsible Gambling) Act 1999</b>	 6 7
 <b>5 Community benefit levy and Community Benefit Fund</b>	 8 9
(1) The community benefit levy is the same levy as the casino community benefit levy payable under section 115, as in force immediately before the commencement of this clause.	10 11 12
(2) The Community Benefit Fund is the same fund as the Casino Community Benefit Fund established under section 115, as in force immediately before the commencement of this clause.	13 14 15

<b>Schedule 2    Amendment of Liquor Act 1982 No 147</b>	1
<b>(Section 3)</b>	2
<b>[1]    Section 2A Liquor harm minimisation is a primary object of this Act</b>	3
Insert “liquor” before “harm minimisation” wherever occurring.	4
<b>[2]    Section 2B</b>	5
Insert after section 2A:	6
<b>2B    Gambling harm minimisation and responsible conduct of gambling activities are primary objects of the Act</b>	7 8
(1) Other primary objects of this Act are:	9
(a)    gambling harm minimisation, that is, the minimisation of harm associated with the misuse and abuse of gambling activities, and	10 11 12
(b)    the fostering of responsible conduct of gambling activities.	13 14
(2) The court, the Board, the Director, the Commissioner of Police and all other persons having functions under this Act are required to have due regard to the need for gambling harm minimisation and to foster the responsible conduct of gambling activities when exercising functions under this Act. In particular, due regard is to be had to the need for gambling harm minimisation when considering for the purposes of this Act what is or is not in the public interest.	15 16 17 18 19 20 21 22
<b>[3]    Section 17B</b>	23
Insert after section 17A:	24
<b>17B    Remedial orders</b>	25
(1) The court may, in addition to or as an alternative to any requirement that it makes or penalty that it imposes in any proceedings before it in relation to a complaint or in which it finds any person guilty of an offence against this Act or the	26 27 28 29

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- regulations, being an offence prescribed by the regulations for  
the purposes of this section, do either or both of the following:
- (a) require a person to publish an advertisement correcting  
any information contained in any advertising concerning  
any gambling activities authorised by or under this Act  
that are conducted at the licensed premises concerned  
that the court is satisfied on the evidence before it is  
false, misleading or deceptive and give directions (if  
any) that the court considers appropriate as to the time,  
form, extent and manner of publication,
  - (b) require a licensee, manager or any other person involved  
in the conduct of gambling activities at the licensed  
premises to undertake any specified course of training  
that the court considers will promote responsible  
practices in the conduct of gambling activities at the  
licensed premises.
- (2) A person who, without lawful excuse, fails to comply with an  
order under this section is guilty of an offence.
- Maximum penalty: 20 penalty units.

**[4] Section 20 Conditions of licences**

Insert “or section 125D (Responsible conduct of gambling activities)” after  
“(Responsible service)” in section 20 (2) (a1).

**[5] Section 20 (4B)**

Insert after section 20 (4A):

- (4B) It is a condition of a hotelier’s licence that the licensee comply  
with any reasonable direction in writing given by the Director  
in accordance with the regulations with respect to action to be  
taken or practices to be adopted to minimise harm associated  
with the misuse and abuse of gambling activities.



**[6]    Section 68 Grounds for complaint**

Insert at the end of section 68 (1) and omit “or” from section 68 (1) (i):

, or

- (k)    that the licensee or manager has engaged in conduct or activities in relation to gambling at the licensed premises that have encouraged, or are likely to encourage, the misuse and abuse of gambling activities.

**[7]    Section 125D**

Insert after section 125C:

**125D    Responsible conduct of gambling activities**

- (1) The regulations may make provision for or with respect to requiring or encouraging the adoption of responsible practices in relation to the gambling activities that may lawfully be conducted at licensed premises.
- (2) In particular, the regulations may make provision for or with respect to the following:
- (a)    restricting or prohibiting the conduct of promotions or other activities (including advertising),
- (b)    the standards to be observed on licensed premises for the conduct of responsible gambling activities,
- (c)    requiring licensees, managers or other persons involved or proposing to be involved in the conduct of gambling activities at licensed premises to undergo courses of training that will promote responsible practices in the conduct of those activities,
- (d)    the prohibition or restriction of the offering of inducements, or inducements of a kind, specified in the regulations,
- (e)    the information to be provided and signs to be displayed about gambling activities at licensed premises,
- (f)    the notices to be displayed with respect to the availability of counselling in respect of financial, social or other problems that may arise in connection with gambling,

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	(g)	requiring facilities on licensed premises for the withdrawal or transfer of money from banks and authorised deposit-taking institutions (such as ATMs and EFTPOS) to be installed or located in parts of the premises that are separate from parts of those premises where gambling activities are conducted,	1 2 3 4 5 6
	(h)	the provision of anonymity at the request of a gambler who has won a major prize.	7 8
	(3)	The regulations under this section may create offences punishable by a penalty not exceeding 50 penalty units.	9 10
<b>[8]</b>	<b>Sections 126A and 126B</b>		11
	Insert after section 126:		12
<b>126A</b>	<b>Prohibition on extension of credit for gambling</b>		13
	(1)	A responsible person for licensed premises must not extend, or offer to extend, a cash advance or any other form of credit to another person for the purpose of enabling the other person to gamble at the licensed premises.	14 15 16 17
		Maximum penalty: 50 penalty units.	18
	(2)	Subsection (1) does not apply to the extension of a cash advance in the form of a prize or bonus provided as referred to in section 20 (4A).	19 20 21
	(3)	In this section:	22
		<i>responsible person</i> for licensed premises means the following:	23
	(a)	the licensee,	24
	(b)	the manager of the premises,	25
	(c)	an agent or employee of the licensee or manager,	26
	(d)	a person acting or purporting to act on behalf of the licensee or manager.	27 28
<b>126B</b>	<b>Misrepresentation or misdescription of credit transactions</b>		29
	(1)	A responsible person for licensed premises must not, in any transaction involving a payment to the licensed premises by means of a credit facility provided by a bank or authorised deposit-taking institution, describe or represent any cash advance extended to another person who the responsible person	30 31 32 33 34

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knows, or could reasonably be expected to know, intends to use the cash advance to gamble at the licensed premises to be a payment for goods or services lawfully provided on the licensed premises or elsewhere.

Maximum penalty: 50 penalty units.

(2) In this section:

*responsible person* has the same meaning as it has in section 126A.

**[9] Section 150B**

Insert after section 150A:

**150B Liability with respect to self-exclusion schemes**

(1) In this section:

*self-exclusion scheme* means a scheme:

- (a) in which a person ("the participant") is prevented, at his or her own request, from entering or remaining on any part or parts of licensed premises used for gambling, and
- (b) that is conducted by the licensed premises in accordance with any requirements prescribed by the regulations for the purposes of this section.

(2) It is lawful for a responsible person for licensed premises, using no more force than is reasonable in the circumstances:

- (a) to prevent a participant in a self-exclusion scheme from entering those parts of the premises used for gambling, and
- (b) to remove such a person from those parts of the premises or cause such a person to be removed from them.

(3) No civil or criminal liability is incurred by a responsible person for licensed premises for any act done or omitted in good faith and in accordance with this section to or in respect of a participant in a self-exclusion scheme conducted at the licensed premises.

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(4) In this section:	1
<i>responsible person</i> for licensed premises means the following:	2
(a) the licensee,	3
(b) the manager of the premises,	4
(c) an agent or employee of the licensee or manager,	5
(d) any other person involved in the conduct of gambling activities at the premises.	6 7
<b>[10] Section 158A</b>	8
Insert after section 158:	9
<b>158A Card-operated approved amusement devices</b>	10
(1) Without limiting section 158, the Board may declare that a device is an approved amusement device under that section if the device is a device that can be operated by means of a card of a kind or kinds prescribed by the regulations.	11 12 13 14
(2) The Board may declare a device to be an approved amusement device as referred to in subsection (1) only if the Board considers that the device complies with the requirements of the regulations (if any) prescribed for approved amusement devices for the purposes of this section.	15 16 17 18 19
(3) The regulations may make provision for or with respect to cards for the operation of approved amusement devices, and in particular with respect to the following:	20 21 22
(a) the kinds of cards that may be used to operate approved amusement devices,	23 24
(b) the persons who may provide cards,	25
(c) the kinds of information that may be stored on cards,	26
(d) measures for the security and integrity of cards,	27
(e) the maximum amount of credit that may be stored electronically on a card,	28 29
(f) the conditions on which cards are provided,	30
(g) the storing of credit on cards and the redemption of credit stored on cards,	31 32

Gambling Legislation Amendment (Responsible Gambling) Bill 1999

Schedule 2      Amendment of Liquor Act 1982 No 147

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(h)	the provision of a facility for the holder of a card to set a limit on the amount of credit that may be stored on the card,	1 2 3
(i)	the provision of a facility for the holder of a card to have the card disabled so that it cannot be used to operate an approved amusement device,	4 5 6
(j)	inducements to use cards (such as bonus points or rewards), and the advertising or promotion of such inducements,	7 8 9
(k)	access to information stored on cards or about the use of cards (whether any particular card or cards in general).	10 11
<b>[11]</b>	<b>Section 165 Conditions relating to prizes</b>	12
	Insert “or a credit stored in a card” after “money” in section 165 (4).	13

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**Schedule 3    Amendment of Lotteries and Art Unions  
Act 1901 No 34**

(Section 3)

**[1]    Section 4A    Certain organisations authorised to conduct games of chance**

Insert after section 4A (4):

(4A)    An application for a permit under this section may not be made by or on behalf of a person who is under the age of 18 years.

**[2]    Section 4B    Lotteries and games of chance for the promotion of trade**

Insert after section 4B (4):

(4A)    An application for a permit under this section may not be made by or on behalf of a person who is under the age of 18 years.

**[3]    Section 4C    Games of chance in registered clubs**

Insert after section 4C (4):

(4AA)    An application for a permit under this section may not be made by or on behalf of a person who is under the age of 18 years.

**[4]    Section 4D    Sweepstakes in relation to Melbourne Cup and other events**

Insert after section 4D (5):

(5A)    An application for a permit under this section may not be made by or on behalf of a person who is under the age of 18 years.

**[5]    Section 6    Conditions and permits for art unions**

Insert after section 6 (2):

(2A)    An application for a permit under this section may not be made by or on behalf of a person who is under the age of 18 years.

<b>[6]    Section 22D</b>	1
Insert after section 22C:	2
<b>22D    Remedial orders</b>	3
(1) A court that finds a person guilty of an offence against this Act or the regulations, being an offence that is prescribed by the regulations for the purposes of this section, may, by order, suspend or revoke a permit issued under this Act to the person or take any other action prescribed by the regulations, in addition or as an alternative to any penalty that it may impose in respect of the offence.	4 5 6 7 8 9 10
(2) A person who, without lawful excuse, fails to comply with an order under this section is guilty of an offence.	11 12
Maximum penalty: 20 penalty units.	13
<b>[7]    Section 23 Regulations</b>	14
Insert after section 23 (1) (n):	15
(o) Restricting or prohibiting the conduct of promotions or other activities (including advertising) relating to lottery activities.	16 17 18
(p) The information to be provided and signs to be displayed at venues where games of chance are to be conducted.	19 20 21

(Section 3)

Insert after section 10 (2):

- (3) An application may not be made by or on behalf of a person who is under the age of 18 years.

Insert after section 24:

**24A Display of notice that minors prohibited from entering lottery**

A licensee or agent must display a notice to the effect that persons under 18 years of age are prohibited from entering a public lottery in a prominent position at the place where entries are accepted at the time the licensee or agent accepts any entry in a public lottery.

Maximum penalty: 10 penalty units.

Insert after section 39 (1):

- (1A) A court that finds a person guilty of an offence under this section may, in addition or as an alternative to any penalty that it may impose for the offence, make either or both of the following orders:
- (a) an order requiring the person to publish an advertisement correcting any information contained in the public lottery advertising concerned that the court is satisfied is false, misleading or deceptive and giving directions (if any) that the court considers appropriate as to the time, form, extent and manner of publication,
  - (b) an order requiring any one or more of:
    - (i) the person, or



- (ii) if the person is a corporation, a director of the corporation or a person concerned in the management of the corporation, or
  - (iii) an employee of the person (including a key employee),
- to undertake any specified course of training that the court considers will promote responsible practices in the conduct of public lotteries by the person.

- (2) A person who, without lawful excuse, fails to comply with an order under this section is guilty of an offence.

Maximum penalty: 20 penalty units.

**[4] Section 42A**

Insert after section 42:

**42A Advertising of alleged method for winning prohibited**

A person who advertises by any means that the person or some other person will accept any money or other reward in return for information relating to:

- (a) a particular method of entering in or subscribing to a public lottery, being a method of a kind prescribed by the regulations, or
- (b) making or selecting a particular entry in such a public lottery,

that it is claimed may, or will, increase the chances of winning a prize in a lottery is guilty of an offence.

Maximum penalty: 20 penalty units.

**[5] Section 46 Minor not to enter public lottery**

Omit “2 penalty units”. Insert instead “5 penalty units”.

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<b>[6] Section 83A</b>	1
Insert after section 83:	2
<b>83A Responsible conduct of gambling activities</b>	3
(1) The regulations may make provision for or with respect to requiring or encouraging the adoption of responsible practices in the conduct of public lotteries.	4 5 6
(2) In particular, the regulations may make provision for or with respect to the following:	7 8
(a) the standards to be observed for the conduct of responsible gambling activities,	9 10
(b) the prohibition or restriction of the offering of inducements, or inducements of a kind, specified by the regulations,	11 12 13
(c) the information to be provided and signs to be displayed with respect to the conduct of, entry into and subscription to public lotteries.	14 15 16
(3) The regulations under this section may create offences punishable by a penalty not exceeding 50 penalty units.	17 18

**Schedule 5      Amendment of Racing Administration Act  
1998 No 114**

(Section 3)

**[1]      Section 35A**

Insert after section 35:

**35A      Remedial orders**

(1) A court that finds a person guilty of an offence against this Act or the regulations, being an offence prescribed by the regulations for the purposes of this section, may, in addition or as an alternative to any penalty that it may impose for the offence, make either or both of the following orders:

(a) an order requiring the person to publish an advertisement correcting any information contained in any betting information or advertisement published by the person that the court is satisfied on the evidence before it is false, misleading or deceptive and giving directions (if any) that the court considers appropriate as to the time, form, extent and manner of publication,

(b) an order requiring any one or more of the following:

(i) the person,

(ii) if the person is a corporation, a director of the corporation or a person concerned in the management of the corporation,

(iii) an employee of the person,

to undertake any specified course of training that the court considers will promote responsible practices in the conduct of betting activities by the person.

(2) A person who, without lawful excuse, fails to comply with an order under this section is guilty of an offence.

Maximum penalty: 20 penalty units.

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**[2] Section 37 Regulations**

1

Insert at the end of the section:

2

(3) The regulations may make provision for or with respect to requiring or encouraging the adoption of responsible practices in the conduct of betting authorised by or under this Act.

3

4

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(4) In particular, the regulations may make provision for or with respect to the following:

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7

(a) restricting or prohibiting the conduct of promotions or other activities (including advertising),

8

9

(b) the standards to be observed for the conduct of responsible gambling activities,

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11

(c) the notices to be displayed with respect to the availability of counselling in respect of financial, social or other problems that may arise in connection with gambling activities.

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(5) The regulations under this section may create offences punishable by a penalty not exceeding 50 penalty units.

16

17

<b>Schedule 6</b>	<b>Amendment of Registered Clubs Act 1976</b>	1
	<b>No 31</b>	2
	(Section 3)	3
<b>[1]</b>	<b>Section 3 Liquor harm minimisation</b>	4
	Insert “liquor” before “harm minimisation” wherever occurring.	5
<b>[2]</b>	<b>Section 3A</b>	6
	Insert after section 3:	7
	<b>3A Gambling harm minimisation and responsible conduct of</b>	8
	<b>gambling activities are primary objects of the Act</b>	9
	(1) Other primary objects of this Act are:	10
	(a) gambling harm minimisation, that is, the minimisation	11
	of harm associated with the misuse and abuse of	12
	gambling activities, and	13
	(b) the fostering of responsible conduct of gambling	14
	activities.	15
	(2) The Licensing Court, the Board, the Director, the	16
	Commissioner of Police and all other persons having functions	17
	under this Act are required to have due regard to the need for	18
	gambling harm minimisation and to foster the responsible	19
	conduct of gambling activities when exercising functions under	20
	this Act. In particular, due regard is to be had to the need for	21
	gambling harm minimisation when considering for the	22
	purposes of this Act what is or is not in the public interest.	23
<b>[3]</b>	<b>Section 9A Conditions relating to certificate of registration</b>	24
	Insert “or 44C (Responsible conduct of gambling activities)” after	25
	“(Responsible service)” in section 9A (1A).	26

<b>[4] Section 9A</b>	1
Insert after section 9A (5B):	2
(5C) It is a condition of a certificate of registration of a club that the club comply with any reasonable direction in writing given by the Director in accordance with the regulations with respect to action to be taken or practices to be adopted to minimise the harm associated with the misuse and abuse of gambling activities.	3 4 5 6 7 8
<b>[5] Section 17 Determination of complaints against registered clubs</b>	9
Insert after section 17 (1AA) (a) (xvi):	10
(xvii) that the club engaged in conduct or activities in relation to gambling at the club that have encouraged, or are likely to encourage, the misuse and abuse of gambling activities.	11 12 13 14
<b>[6] Section 44C</b>	15
Insert after section 44B:	16
<b>44C Responsible conduct of gambling activities</b>	17
(1) The regulations may make provision for or with respect to requiring or encouraging the adoption of responsible practices in relation to gambling activities that may lawfully be conducted at registered clubs.	18 19 20 21
(2) In particular, the regulations may make provision for or with respect to the following:	22 23
(a) restricting or prohibiting the conduct of promotions or other activities (including advertising),	24 25
(b) the standards to be observed for the conduct of responsible gambling activities,	26 27
(c) requiring the secretary of a registered club and other persons engaged or proposing to be engaged in the administration of the club or in the conduct of gambling activities at the club to undergo courses of training that will promote responsible practices in the conduct of those activities,	28 29 30 31 32 33

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(d)	the prohibition or restriction of the offering of inducements, or inducements of a kind, specified by the regulations,	1
(e)	the information to be provided and signs to be displayed about gambling activities at a registered club,	2
(f)	the notices to be displayed with respect to the availability of counselling in respect of financial, social or other problems that may arise in connection with gambling,	3
(g)	requiring facilities at registered clubs for the withdrawal or transfer of money from banks and authorised deposit-taking institutions (such as ATMs and EFTPOS) to be installed or located in parts of the premises that are separate from parts of those premises where gambling activities are conducted,	4
(h)	the provision of anonymity at the request of a gambler who has won a major prize.	5
(3)	The regulations under this section may create offences punishable by a penalty not exceeding 50 penalty units.	6
<b>[7] Sections 54C and 54D</b>		7
	Insert after section 54B:	8
<b>54C Prohibition on extension of credit for gambling</b>		9
(1)	A responsible person for a registered club must not extend, or offer to extend, a cash advance or any other form of credit to another person for the purpose of enabling the other person to gamble at the registered club.	10
	Maximum penalty: 50 penalty units.	11
(2)	Subsection (1) does not apply to the extension of a cash advance in the form of a prize or bonus provided as referred to in section 9A (5A).	12
(3)	In this section:	13
	<i>responsible person</i> for a registered club means the following:	14
(a)	the secretary of the club,	15
(b)	a director of the club,	16

(c)	an agent or employee of the club,	1
(d)	a person acting or purporting to act on behalf of the club.	2 3
<b>54D</b>	<b>Misrepresentation or misdescription of credit transactions</b>	4
(1)	A responsible person for a registered club must not, in any transaction involving a payment to the club by means of a credit facility provided by a bank or authorised deposit-taking institution, describe or represent any cash advance extended to another person who the responsible person knows, or could reasonably be expected to know, intends to use the cash advance to gamble at the club to be a payment for goods or services lawfully provided on the premises of the club or elsewhere.	5 6 7 8 9 10 11 12 13
	Maximum penalty: 50 penalty units.	14
(2)	In this section:	15
	<i>responsible person</i> has the same meaning as it has in section 54C.	16 17
<b>[8]</b>	<b>Section 65B</b>	18
	Insert after section 65A:	19
<b>65B</b>	<b>Remedial orders</b>	20
(1)	A court that finds a person guilty of an offence against this Act or the regulations, being an offence that is prescribed by the regulations for the purposes of this section, may, in addition or as an alternative to any penalty that it may impose for the offence, make either or both of the following orders:	21 22 23 24 25
(a)	an order requiring the person to publish an advertisement correcting any information contained in any advertising concerning any gambling activities at the registered club concerned that the court is satisfied on the evidence before it is false, misleading or deceptive and giving directions (if any) that the court considers appropriate as to the time, form, extent and manner of publication,	26 27 28 29 30 31 32 33
(b)	an order requiring any one or more of:	34
(i)	the secretary of the club, or	35



- (ii) a director of the club, or 1
- (iii) an employee of the club, 2
- to undertake any specified course of training that the 3
- court considers will promote responsible practices in the 4
- conduct of gambling activities at the club. 5

- (2) A person who, without lawful excuse, fails to comply with an 6
- order under this section is guilty of an offence. 7

Maximum penalty: 20 penalty units. 8

**[9] Section 77BA** 9

Insert after section 77B: 10

**77BA Card-operated approved poker machines** 11

- (1) Without limiting section 77B, the Board may declare that a 12
- device is an approved poker machine under that section if the 13
- machine is a machine that can be operated by means of a card 14
- of a kind or kinds prescribed by the regulations. 15
- (2) The Board may declare a device to be an approved poker 16
- machine as referred to in subsection (1) only if the Board 17
- considers that the device complies with the requirements of the 18
- regulations (if any) prescribed for approved poker machines for 19
- the purposes of this section. 20
- (3) The regulations may make provision for or with respect to 21
- cards for the operation of approved poker machines, and in 22
- particular with respect to the following: 23
- (a) the kinds of cards that may be used to operate approved 24
- poker machines, 25
- (b) the persons who may provide cards, 26
- (c) the kinds of information that may be stored on cards, 27
- (d) measures for the security and integrity of cards, 28
- (e) the maximum amount of credit that may be stored 29
- electronically on a card, 30
- (f) the conditions on which cards are provided, 31
- (g) the storing of credit on cards and the redemption of 32
- credit stored on cards, 33

- 
- |     |  |             |
|-----|--|-------------|
| (h) | the provision of a facility for the holder of a card to set a limit on the amount of credit that may be stored on the card,                    | 1<br>2<br>3 |
| (i) | the provision of a facility for the holder of a card to have the card disabled so that it cannot be used to operate an approved poker machine, | 4<br>5<br>6 |
| (j) | inducements to use cards (such as bonus points or rewards), and the advertising or promotion of such inducements,                              | 7<br>8<br>9 |
| (k) | access to information stored on cards or about the use of cards (whether any particular card or cards in general).                             | 10<br>11    |

**[10] Section 132A** 12

Insert after section 132: 13

**132A Liability with respect to self-exclusion schemes** 14

- |     |  |                      |
|-----|--|----------------------|
| (1) | In this section,   | 15                   |
|     | <i>self-exclusion scheme</i> means a scheme:   | 16                   |
| (a) | in which a person (“the participant”) is prevented, at his or her own request, from entering or remaining on any part or parts of registered clubs used for gambling, and  | 17<br>18<br>19<br>20 |
| (b) | that is conducted by the registered club in accordance with any requirements prescribed by the regulations for the purposes of this section.   | 21<br>22<br>23       |
| (2) | It is lawful for a responsible person for a registered club, using no more force than is reasonable in the circumstances:  | 24<br>25             |
| (a) | to prevent a participant in a self-exclusion scheme from entering those parts of the club used for gambling, and   | 26<br>27             |
| (b) | to remove such a person from those parts of the club or cause such a person to be removed from them.   | 28<br>29             |
| (3) | No civil or criminal liability is incurred by a responsible person for a registered club for any act done or omitted in good faith and in accordance with this section to or in respect of a participant in a self-exclusion scheme conducted at the club. | 30<br>31<br>32<br>33 |

Gambling Legislation Amendment (Responsible Gambling) Bill 1999

Schedule 6      Amendment of Registered Clubs Act 1976 No 31

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- (4) In this section: 1
- responsible person* means: 2
- (a) the secretary of the club, 3
- (b) a director of the club, 4
- (c) an agent or employee of the club, 5
- (d) any other person involved in the conduct of gambling at 6
- the club. 7

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## Schedule 7 Amendment of Totalizator Act 1997 No 45

(Section 3)

### [1] Section 103A

Insert after section 103:

#### 103A Remedial orders

- (1) A court that finds a person guilty of an offence against this Act or the regulations, being an offence that is prescribed by the regulations for the purposes of this section, may, in addition or as an alternative to any penalty it may impose for the offence, make either or both of the following orders:
    - (a) an order requiring the person to publish an advertisement correcting any information contained in any betting information or advertisement published by the person that the court is satisfied on the evidence before it is false, misleading or deceptive and giving directions (if any) that the court considers appropriate as to the time, form, extent and manner of publication,
    - (b) an order requiring any one or more of the following:
      - (i) the person,
      - (ii) if the person is a corporation, a director of the corporation or a person concerned in the management of the corporation,
      - (iii) an employee of the person,to undertake any specified course of training that the court considers will promote responsible practices in the conduct of betting activities by the person.
  - (2) A person who, without lawful excuse, fails to comply with an order under this section is guilty of an offence.
- Maximum penalty: 20 penalty units.

**[2]    Section 117A**

Insert after section 117:

**117A    Responsible conduct of totalizators, totalizator betting and other betting activities**

- (1) The regulations may make provision for or with respect to requiring or encouraging the adoption of responsible practices in the conduct of totalizators, totalizator betting and any other betting activities approved under section 13.
- (2) In particular, the regulations may make provision for or with respect to:
  - (a) the standards to be observed for the conduct of gambling activities,
  - (b) the prohibition or restriction of the offering of inducements, or of inducements of a kind, specified by the regulations,
  - (c) the notices to be displayed with respect to the availability of counselling in respect of financial, social or other problems that may arise in connection with gambling.