

Interactive Gaming (Player Protection) Act 1999
Act No. 41/1999

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Victoria

No. 41 of 1999

Interactive Gaming (Player Protection) Act 1999[†]

[Assented to 8 June 1999]

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. *Purpose*

The purpose of this Act is to make provision for the protection of persons participating in interactive games by regulating the provision of interactive gaming services.

2. Commencement

- (1) This section and section 1 come into operation on the day on which this Act receives the Royal Assent.
- (2) The remaining provisions of this Act come into operation on a day or days to be proclaimed.

3. Definitions

In this Act—

"approved game" has the meaning given by section 8;

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

"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 promote, organise and operate;

"control system" means a system of internal controls and administrative and accounting procedures for the conduct of interactive games by a licensed provider;

"corresponding law", in relation to a participating jurisdiction, means a law of the participating jurisdiction declared to be a corresponding law under section 6;

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"employ" includes engage under a contract for services;

"employee", in relation to a licensed provider, means a person employed by the licensed provider in functions related to the conduct of approved games;

"executive associate"—

- (a) in relation to a licensed provider, means an executive officer of a corporation, a partner or trustee, or another person stated by the Authority, whom the Authority reasonably believes to be associated with the ownership or management of the operations of the licensed provider;
- (b) in relation to an applicant for an interactive gaming licence, means an executive officer of a corporation, a partner or trustee, or another person stated by the Authority whom the Authority reasonably believes—
 - (i) is associated with the ownership or management of the applicant's operations; or
 - (ii) will, if an interactive gaming licence is issued to the applicant, be associated with the ownership or management of the licensed provider's operations;

"executive officer", in relation to a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer;

"game" includes a scheme or arrangement;

"gaming record", in relation to a licensed provider, means a record (including a document) about the operations conducted by the licensed provider under the interactive gaming licence;

"gaming Act" means any of the following Acts—

- (a) the **Casino Control Act 1991**;
- (b) the **Gaming Machine Control Act 1991**;
- (c) the **Club Keno Act 1993**;
- (d) the **Gaming and Betting Act 1994**;
- (e) the **Gaming No. 2 Act 1997**;
- (f) the **Lotteries Gaming and Betting Act 1966**;

"identity", in relation to a person, means name, address, date of birth or a prescribed aspect of the person's identity;

"inspector" means a person who is an inspector for the purposes of this Act;

"interactive gaming equipment" means a machine or other device (whether electronic, electrical or mechanical), computer software, or another thing used, or suitable for use, in the conduct of an approved game;

"interactive gaming licence" means a licence under Part 3;

"interactive game" has the meaning given by section 5;

"licensed provider" means a person who is licensed under this Act to conduct interactive games;

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"participating jurisdiction" means a State or Territory that, under an Order under section 6, is declared to be a participating jurisdiction;

"play" means participate in an interactive game;

"player" means a person who participates in an interactive game;

"public office", in relation to a licensed provider, means the licensed provider's principal place of business in the State or, if the licensed provider is a corporation and has its registered office in the State, the registered office;

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

"TABCORP" means TABCORP Holdings Limited A.C.N. 063 780 709;

"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;

"wager" means an amount a player pays to participate in an interactive game or puts at risk in playing an interactive game;

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

4. *Meaning of associate*

(1) For the purposes of this Act, a person is an associate of an applicant for an interactive gaming licence or a licensed provider if the person—

- (a) holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in right of the person or on behalf of any other person) in the interactive gaming business of the applicant or licensed provider 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
- (b) holds or will hold any relevant position, whether in right of the person or on behalf of any other person, in the interactive gaming business of the applicant or licensed provider; or
- (c) is a relative of the applicant or licensed provider.

(2) In this section—

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

"relevant financial interest", in relation to a business, means—

- (a) any share in the capital of the business; or
- (b) any entitlement to receive any income derived from the business; or

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- (c) any entitlement to receive any payment as a result of money advanced;

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

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

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

5. *Meaning of interactive game*

- (1) For the purposes of this Act but subject to subsection (2), an interactive game is a game in which—
 - (a) a prize consisting of money or something else of value is offered or can be won under the rules of the game; and
 - (b) a player—
 - (i) enters the game or takes any step in the game by means of a telecommunication device; and
 - (ii) pays, or undertakes to pay, a monetary payment or other valuable consideration to participate in the game; and
 - (c) the winner of a prize is decided—
 - (i) wholly or partly by chance; or
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- (ii) by a competition or other activity in which the outcome is wholly or partly dependent on the player's skill.
- (2) The following are not interactive games—
- (a) wagering or an approved betting competition authorised to be conducted by TABCORP if the player participates in it by means of a telecommunications device used in conducting the wagering or competition;
 - (b) wagering of a kind authorised to be carried on by a bookmaker registered under the **Racing Act 1958** if the person placing a bet with the bookmaker places it by means of the telecommunication device used in carrying on the wagering;
 - (c) a lottery for the promotion of a trade or business or a raffle or other lottery, being a lottery or raffle authorised under the **Gaming No. 2 Act 1997**, but not including bingo or lucky envelopes, if the person making the bet or investment does so by means of the telecommunications device used in conducting the lottery or raffle;
 - (d) club keno within the meaning of the **Club Keno Act 1993** if the player participates by means of a telecommunications device;
 - (e) a consultation or soccer football pool within the meaning of the **Tattersall Consultations Act 1958** if the player participates by means of a telecommunication device;
 - (f) a game approved by the Authority under section 60 of the **Casino Control Act 1991** if the player participates by means of a telecommunications device;
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- (g) gaming that is lawful under the **Gaming Machine Control Act 1991** if the player participates by means of a telecommunications device;
- (h) a game in which the player participates by means of a telecommunications device and all wagers are returned to players whether as prizes or otherwise.

6. Participating jurisdictions

- (1) Subject to this section, the Governor in Council, on the recommendation of the Minister, by Order in Council published in the Government Gazette—
 - (a) may declare another State or Territory to be a participating jurisdiction for the purposes of this Act;
 - (b) may declare a law of another State or Territory to be a corresponding law for the purposes of this Act.
 - (2) The Minister must not make a recommendation for the purposes of sub-section (1) unless the Minister is satisfied that—
 - (a) there is in force an agreement between the Minister and a Minister of the other State or Territory making adequate provision for administrative arrangements between this State and the other State or Territory relating to the administration of this Act and the proposed corresponding law of the other State or Territory; and
 - (b) there is in force an agreement between the Treasurer and the Treasurer of the other State or Territory making adequate provision for the taxation of approved games and the sharing of taxation revenue.
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- (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 sub-section (1).
 - (4) The Minister must make a recommendation for the purposes of sub-section (3) if satisfied that there is no longer in force the agreement or administrative arrangements referred to in sub-section (2).
 - (5) If there is in force an agreement referred to in sub-section (2)(b)—
 - (a) gaming revenue in section 38 does not include an amount in respect of which a tax or duty is payable under the corresponding law in accordance with the agreement; and
 - (b) there shall be paid out of the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly) such amount (if any) as is required to be paid in accordance with the agreement to a participating State.

7. Territorial application of this Act

- (1) This Act applies both within and outside Victoria.
 - (2) This Act applies outside Victoria to the full extent of the extraterritorial legislative power of the Parliament.
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PART 2—INTERACTIVE GAMING

8. *Meaning of approved game*

- (1) For the purposes of this Act, an approved game is an interactive game, not being a prohibited game, that—
 - (a) a licensed provider is authorised to conduct under this Act; or
 - (b) a person licensed under a corresponding law is authorised to conduct under the corresponding law.
- (2) If the Minister is satisfied that a game is contrary to the public interest, the Minister, by notice published in the Government Gazette, may declare the game to be a prohibited game.

9. *Offence to conduct unauthorised interactive gaming*

- (1) A person must not—
 - (a) conduct an interactive gaming business at or from a place in Victoria; or
 - (b) own, control or operate a computer server in Victoria that enables interactive games to be played; or
 - (c) offer or advertise in Victoria the playing of interactive games; or
 - (d) seek to obtain a commercial advantage from the use of premises in Victoria for the playing of interactive games—

unless the person is a licensed provider or is authorised under a corresponding law and the person's licence or authority authorises that activity.

Penalty: For a first offence, 600 penalty units.
For a second or subsequent offence,
600 penalty units or imprisonment for
2 years or both.

- (2) For the purposes of sub-section (1), if a wager for an interactive game is placed at premises or money is deposited at premises to be held on behalf of a player for the purposes of interactive gaming, an interactive gaming business is deemed to be conducted at those premises.
- (3) A person who supplies to the public a listed carriage service (within the meaning of the Telecommunications Act 1997 of the Commonwealth) that enables end-users to access the Internet is not guilty of an offence under sub-section (1)(c) by reason only of hosting or carrying information—
- (a) kept on a data storage device; and
 - (b) accessed or available for access using that service—

if the person was not aware of that information.

10. *Compliance with certain conditions*

- (1) A licensed provider must not conduct or offer to conduct an approved game unless—
- (a) the rules of the game are approved by the Authority; and
 - (b) the game is conducted in accordance with those rules; and
 - (c) the game is conducted at or from premises approved by the Authority; and
 - (d) equipment used in conducting the game is approved by the Authority; and

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- (e) the associates of the licensed provider are approved by the Authority in accordance with this Act; and
- (f) the licensed provider has an internal control system that is approved by the Authority.

Penalty: 240 penalty units.

- (2) The Authority must not approve rules unless it is satisfied that the rules are fair to players, are reasonable and are not contrary to the public interest.

11. *Player registration and acceptance of wagers*

- (1) A licensed provider must not permit a person to play an approved game unless the person is registered with the provider as a player.

Penalty: For a first offence, 600 penalty units.
For a second or subsequent offence, 600 penalty units or imprisonment for 2 years, or both.

- (2) A licensed provider must not accept a wager from a player in an approved game unless—
 - (a) the player is a registered player; and
 - (b) the funds necessary to cover the amount of the wager are held by the provider on behalf of the player.

Penalty: 240 penalty units.

12. *Procedure for registration*

A licensed provider must not register a person under the age of 18 years as a player.

Penalty: For a first offence, 600 penalty units.
For a second or subsequent offence, 600 penalty units or imprisonment for 2 years, or both.

13. *Verification of player's identity*

A licensed provider must not allow a registered player to play an approved game until the player's identity has been authenticated in accordance with the conditions of the licence.

Penalty: For a first offence, 600 penalty units.

For a second or subsequent offence, 600 penalty units or imprisonment for 2 years, or both.

14. *Offence for licensed provider to participate etc*

(1) A licensed provider must not participate as a player in an interactive game conducted by the provider.

Penalty: 600 penalty units.

(2) An employee of a licensed provider must not participate as a player in an interactive game conducted by the provider.

Penalty: 240 penalty units.

15. *Lawful activities*

Despite any other law, the following activities are lawful—

- (a) the conduct of an approved game, under this Act, by a person authorised under this Act or a corresponding law to conduct the game;
 - (b) the advertisement and promotion (subject to this Act) of an approved game;
 - (c) participation (subject to this Act) as a player in an approved game;
 - (d) the doing of anything else required or authorised to be done under this Act.
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PART 3—INTERACTIVE GAMING LICENCES

16. *Application for interactive gaming licence*

- (1) An application for an interactive gaming licence—
 - (a) must be made in a form in or to the effect of the form approved by the Authority; and
 - (b) must be accompanied by the prescribed fee.
- (2) The application must contain or be accompanied by any additional information that the Authority requests.
- (3) If a requirement made by this section is not complied with, the Authority may refuse to consider the application.

17. *Consideration of application*

- (1) The Authority must consider an application for an interactive gaming licence and either grant or refuse to grant the application.
- (2) Despite sub-section (1), the Authority is required to consider an application for an interactive gaming licence by a natural person only if the applicant agrees to having the applicant's fingerprints and palm prints taken.

18. *Conditions for granting application*

- (1) The Authority may grant an application for an interactive gaming licence only if the Authority is satisfied that—
 - (a) the applicant is a suitable person to hold an interactive gaming licence; and
 - (b) the applicant, if a natural person, is over the age of 18 years; and
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(c) each associate of the applicant is a suitable person to be associated with a licensed provider's operations.

(2) The Authority may refuse to grant an application even if the Authority is satisfied of the matters mentioned in sub-section (1).

19. *Suitability of applicant to hold interactive gaming licence*

(1) In deciding whether an applicant is a suitable person to hold an interactive gaming licence, the Authority may have regard to the following matters—

- (a) the applicant's character or business reputation;
- (b) the applicant's current financial position and financial background;
- (c) if the applicant is not a natural person, whether the applicant has, or has arranged, a satisfactory ownership, trust or corporate structure;
- (d) whether the applicant has, or is able to obtain, appropriate resources and appropriate services;
- (e) if the applicant has a business association with another entity—
 - (i) the entity's character or business reputation; and
 - (ii) the entity's current financial position and financial background;
- (f) anything else prescribed under the regulations.

(2) In sub-section (1)—

"appropriate resources" means financial resources—

- (a) adequate, in the Authority's opinion, to ensure the financial viability of operations conducted under an interactive gaming licence; and
- (b) available from a source that is not, in the Authority's opinion, tainted with illegality;

"appropriate services" means the services of persons who have appropriate experience to ensure the proper and successful conduct of interactive games.

20. *Suitability of associates*

In deciding whether an associate of an applicant for an interactive gaming licence is a suitable person to be associated with a licensed provider's operations, the Authority may have regard to the following matters—

- (a) the person's current financial position and financial background;
- (b) if the person has a business association with another entity—
 - (i) the entity's character or business reputation; and
 - (ii) the entity's current financial position and financial background;
- (c) anything else prescribed under the regulations.

21. *Updating of application*

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

Penalty: 60 penalty units.

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

22. *Investigations of suitability of persons*

- (1) The Authority may investigate an applicant for an interactive gaming licence to help the Authority decide whether the applicant is a suitable person to hold an interactive gaming licence.
- (2) The Authority may investigate an associate of an applicant for an interactive gaming licence to help the Authority decide whether the associate is a suitable person to be associated with a licensed provider's operations.

23. *Matters to be considered in determining applications*

- (1) The Authority must not grant an application for an interactive gaming licence unless satisfied—
 - (a) that 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 interactive gaming business; and
 - (b) that the applicant has, or has access to, the technical ability and resources to conduct interactive games in accordance with a licence.
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- (2) In particular, the Authority must consider whether—
- (a) each applicant and associate of the applicant is of good repute, having regard to character, honesty and integrity;
 - (b) 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;
 - (c) any of those persons has any business association with any person, body or association who or which, in the opinion of the Authority, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources;
 - (d) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Authority to be associated or connected with the ownership, administration or management of the operations or business of the applicant is a suitable person to act in that capacity.

24. *Determination of applications*

- (1) The Authority must determine an application by either granting or refusing the application and must notify the applicant in writing of its decision.
 - (2) A licence may be granted subject to any conditions that the Authority thinks fit.
 - (3) Without limiting the matters to which conditions may relate, the conditions of a licence may relate to—
 - (a) any matter for which provision is made by this Act but must not be inconsistent with a provision of this Act;
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- (b) approval of games and rules of games;
 - (c) approval of premises;
 - (d) approval of equipment;
 - (e) approval of associates;
 - (f) approval of an internal control system relating to such matters as the Authority determines, including the keeping of records, holding of funds on behalf of players, financial statements, reports, accounts and prizes.
- (4) The Authority is not required to give reasons for its decision on an application but may give reasons if it thinks fit.
- (5) If an application is granted, the licence is granted subject to the conditions and for the premises specified in the licence.

25. *Changing conditions of licence*

The Authority may, by notice in writing given to a licensed provider, change the conditions of an interactive gaming licence, if the Authority considers it is necessary or desirable to make the change for the proper conduct of approved games by the licensed provider or otherwise in the public interest.

26. *Interactive gaming licence not transferable*

An interactive gaming licence cannot be transferred.

27. *Surrender of interactive gaming licence*

- (1) A licensed provider may surrender the licence with the written consent of the Authority.

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- (2) The Authority may refuse consent if not satisfied about the arrangements made by the licensed provider for the termination of the licensee's interactive gaming business.

28. *Grounds for disciplinary action*

- (1) Each of the following is a ground for disciplinary action in relation to an interactive gaming licence—
- (a) the licensed provider is not, or is no longer, a suitable person to hold an interactive gaming licence;
 - (b) an associate of the licensed provider is not, or is no longer, a suitable person to be associated with a licensed provider's operations;
 - (c) the licensed provider has been found guilty of an offence against this Act, a gaming Act or a corresponding law;
 - (d) the licensed provider 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;
 - (e) the licensed provider has contravened a condition of the interactive gaming licence;
 - (f) the licensed provider has contravened a provision of this Act or a corresponding law (being a provision a contravention of which does not constitute an offence);
 - (g) the licensed provider has failed to discharge financial obligations to a player or to the State;
 - (h) the licensed provider is bankrupt, has compounded with creditors or otherwise
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- taken, or applied to take, advantage of any law about bankruptcy;
- (i) the licensed provider is affected by control action under the Corporations Law;
 - (j) the interactive gaming licence was obtained by a materially false or misleading representation or in some other improper way;
 - (k) the circumstances existing as prescribed.
- (2) For the purposes of forming the belief that the ground mentioned in sub-section (1)(a) exists, the Authority may have regard to the same matters to which the Authority may have regard in deciding whether an applicant is a suitable person to hold an interactive gaming licence.
- (3) For the purposes of forming the belief that the ground mentioned in sub-section (1)(b) exists, the Authority may have regard to the same matters to which the Authority may have regard in deciding whether an associate of an applicant is a suitable person to be associated with a licensed provider's operations.
- (4) For the purposes of sub-section (1)(i), a licensed provider is affected by control action under the Corporations Law if the licensed provider—
- (a) has executed a deed of company arrangement under the Corporations Law; or
 - (b) is the subject of a winding-up (whether voluntarily or under a court order) under the Corporations Law; or
 - (c) is the subject of an appointment of an administrator, liquidator, receiver or receiver and manager under the Corporations Law.

29. *Cancellation, suspension or variation of licence*

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(1) In this section—

"disciplinary action" means the cancellation or suspension of an interactive gaming licence, the variation of the terms of a licence, the issuing of a letter of censure or the imposition of a fine not exceeding \$50 000;

"grounds for disciplinary action" in relation to an interactive gaming licence means any of the grounds referred to in section 28.

- (2) The Authority may serve on a licensed provider a notice in writing affording the provider 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 licensed provider, within the period allowed by the notice, may arrange with the Authority for the making of submissions to the Authority as to why disciplinary action should not be taken and the Authority must consider any submissions so made.
- (4) The Authority may then take disciplinary action against the licensed provider as the Authority sees fit and does so by giving written notice to the provider—
- (a) of the cancellation or suspension of the licence or the variation of the terms of the licence; or
 - (b) in the form of a letter of censure; or
 - (c) of a fine.
- (5) The cancellation, suspension or variation of a licence under this section takes effect when the notice is given or on a later date specified in the notice.
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- (6) A letter of censure may censure the licensed provider in respect of any matter connected with the operation of the interactive gaming business and may include a direction to the provider to rectify within a specified time any matter giving rise to the letter of censure.
- (7) If any direction given under sub-section (6) is not complied with in the specified time, the Authority may, by giving written notice to the licensed provider, cancel, suspend or vary the terms of the provider's licence without affording the provider a further opportunity to be heard.
- (8) The Authority may suspend a licensed provider's licence by notice in writing given to the provider if the Authority is satisfied that—
- (a) the provider; or
 - (b) if the provider is a body corporate, an officer or director of the provider—
- has been charged with—
- (c) an offence against this Act or a gaming Act or an offence against regulations made under this Act or a gaming Act; or
 - (d) an offence arising out of or in connection with the management or operation of an interactive gaming business; or
 - (e) an indictable offence or an offence which, if committed in Victoria, would be an indictable offence, the nature and circumstances of which, in the opinion of the Authority, relate to the management or operation of a gaming business.
- (9) The Authority may, at any time, terminate or reduce a period of suspension imposed under sub-section (8).
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- (10) An interactive gaming licence is of no effect for the purposes of Part 2 while it is suspended.
- (11) A fine imposed under this section may be recovered as a debt due to the State.

30. *On-going monitoring of associates and others*

- (1) The Authority may from time to time investigate—
 - (a) an associate, or a person likely to become an associate, of a licensed provider; or
 - (b) any person, body or association having a business association with a person referred to in paragraph (a).
- (2) A licensed provider must—
 - (a) notify the Authority in writing that a person is likely to become an associate as soon as practicable after the licensed provider becomes aware of the likelihood; and
 - (b) ensure that a person does not become an associate within the meaning of section 4(1)(a) or (b) except with the prior approval in writing of the Authority.
- (3) If—
 - (a) the Authority, having regard to the matters referred to in sub-section (4), determines that an associate is unsuitable to be concerned in or associated with the business of the licensed provider; and
 - (b) the associate is a person referred to in section 4(1)(a) or (b)—

the Authority may, by notice in writing, require the associate to terminate the association with the licensed provider.

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- (4) In particular, the Authority must consider whether the associate—
- (a) is of good repute, having regard to character, honesty and integrity;
 - (b) is of sound and stable financial background;
 - (c) has any business association with any person, body or association who or which, in the opinion of the Authority, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources.
- (5) If the association is not terminated within 14 days from the date of the notice referred to in subsection (3), the Authority may, by notice in writing, direct the licensed provider to take all reasonable steps to terminate the association and the licensed provider must comply with the direction within 14 days or any longer period agreed with the Authority.
- (6) The Authority—
- (a) may require an associate or a person likely to become an associate to consent to having his or her photograph, finger prints and palm prints taken; and
 - (b) must refer a copy of such photograph, finger prints and palm prints and any supporting documents to the Chief Commissioner of Police.

31. Investigations

- (1) The Authority may investigate a licensed provider to help the Authority decide whether the licensed provider is a suitable person to hold, or to continue to hold, an interactive gaming licence.

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- (2) The Authority may investigate a business or executive associate of a licensed provider to help the Authority decide whether the person is, or continues to be, a suitable person to be associated with a licensed provider's operations.
- (3) However, the Authority may investigate a licensed provider only if the Authority reasonably suspects the licensed provider is not, or is no longer, a suitable person to hold an interactive gaming licence.
- (4) Also, the Authority may investigate a business or executive associate of a licensed provider only if—
 - (a) the Authority reasonably suspects the person is not, or is no longer, a suitable person to be associated with a licensed provider's operations; or
 - (b) the person became a business or executive associate of the licensed provider after the issue of the interactive gaming licence.

32. Requirement to give information or document for investigation

- (1) In investigating a licensed provider, or a business or executive associate of a licensed provider, the Authority may, by written notice given to the person, require the person to give the Authority information or a document the Authority considers relevant to the investigation.
 - (2) When making the requirement, the Authority must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.
 - (3) The person must comply with the requirement, unless the person has a reasonable excuse.
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Penalty: 240 penalty units.

- (4) It is a reasonable excuse for the person not to comply with the requirement if complying with the requirement might tend to incriminate the person.
- (5) The person does not commit an offence against this section if the information or document sought by the Authority is not in fact relevant to the investigation.

33. *Power to executors, trustees etc. to carry on business under licence*

- (1) Any of the following persons may apply to the Authority to have their name endorsed on a licence—
 - (a) a person who is, or intends to become, the legal personal representative of a deceased licensed provider;
 - (b) the guardian or administrator appointed under the **Guardianship and Administration Act 1986** in respect of a licensed provider who is a represented person within the meaning of that Act;
 - (c) the official receiver, trustee or assignee of a licensed provider who becomes bankrupt or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit;
 - (d) a receiver and manager or an administrator who is appointed in respect of a licensed provider that is a body corporate;
 - (e) an official liquidator or provisional liquidator who is appointed in respect of a licensed provider that is a body corporate.

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- (2) If—
- (a) the Authority is satisfied that the applicant is a suitable person to carry on the business of the licensed provider; and
 - (b) the prescribed fee is paid—
- the Authority must cause the licence to be endorsed accordingly.
- (3) If a person referred to in sub-section (1) does not apply to the Authority under that sub-section in respect of a licence, the Authority may cause the licence to be endorsed with the name of a person nominated by the Authority.

34. *Effect of endorsements*

A person whose name is endorsed on a licence under section 33 may carry on the business of interactive gaming authorised by the licence until the expiration of 6 months after the endorsement is made and is subject to the same duties, liabilities, obligations, disqualifications and penalties as if the person were a licensed provider.

35. *Licence lapses if not endorsed*

If a licensed provider dies or becomes bankrupt or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit or becomes a represented person within the meaning of the **Guardianship and Administration Act 1986**, the licence ceases to have force at the end of the period of 90 days after the happening of the event or such longer period as the Authority in any particular case allows, unless the licence is endorsed under section 33.

**PART 4—RETURNS TO PLAYERS, SUPERVISION CHARGES
AND TAX**

36. *Returns to players*

- (1) A licensed provider must ensure that the pay-out table on interactive games is set so as to return to players the players' proportion of the total amounts wagered each year on interactive games conducted by the licensed provider.
- (2) The players' proportion is—
 - (a) not less than 85 per centum; or
 - (b) if the Authority so determines in accordance with sub-section (3), a fixed percentage greater than 85 per centum.
- (3) A determination under sub-section (2)—
 - (a) must be made by notice published in the Government Gazette; and
 - (b) must be expressed to have effect on and after a specified date.

37. *Liability to supervision charge*

- (1) A licensed provider 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 Authority in carrying out its functions and powers under this Act.
- (3) The supervision charge is a tax.

38. *Interactive gaming tax*

- (1) A licensed provider must, in respect of each month, pay to the Authority to be paid into the Consolidated Fund, 50 per centum or, if another percentage is prescribed, the prescribed percentage, of the provider's gaming revenue in respect of that month.
- (2) A payment under sub-section (1) in respect of a month must be made not later than the seventh day of the following month.
- (3) If, in respect of a month, the amount of all prizes payable by the licensed provider exceeds the total of gaming revenue received by the provider in that month, the amount of the excess may be applied to reduce the gaming revenue for the next or a subsequent month for the purpose of determining the amount payable under sub-section (1).

- (4) In this section—

"gaming revenue", in relation to a month, means the total amount wagered on interactive games conducted by the licensed provider during that month less—

- (a) the sum of all prizes paid from that total amount (other than prizes paid from a jackpot special prize pool); and
- (b) the sum of amounts determined under the rules of the interactive games for payment in respect of that total amount wagered to a jackpot special prize pool;

"jackpot" means winnings payable from money that accumulates as contributions are made to a special prize pool.

39. Returns for calculation of tax

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- (1) Within 7 days after the end of each month, a licensed provider must give the Authority a return in a form approved by the Authority containing—
- (a) the information for calculating the amount payable by the licensed provider under section 38 in respect of the preceding month; and
 - (b) any prescribed information.

Penalty: 60 penalty units.

- (2) If a licensed provider does not give the Authority a return in accordance with sub-section (1), the Authority may by notice given to the provider, determine the information for the purposes of calculating the amount payable by the provider under section 38 in respect of the preceding month.

40. *Penalty for late payment*

A licensed provider must pay to the Authority interest on an amount payable under section 38 or on a licence fee that is outstanding (the "**unpaid amount**") 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**.

41. *Recovery of amounts*

An amount payable under section 38, a licence fee or a penalty payable under section 40 is a debt payable to the State and may be recovered by action in a court of competent jurisdiction.

42. *Revenue offences*

- (1) A licensed provider must not—
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- (a) evade the payment of an amount payable by the licensed provider under section 38 or a licence fee; or
- (b) give the Authority a return containing information the licensed provider knows to be false, misleading or incomplete in a material particular.

Penalty: For a first offence, 600 penalty units.
For a second or subsequent offence, 600 penalty units or imprisonment for 2 years, or both.

- (2) Sub-section (1)(b) does not apply to a licensed provider if the licensed provider, when giving the return—
 - (a) informs the Authority in writing, to the best of the licensed provider's ability, how the return is false, misleading or incomplete; and
 - (b) if the licensed provider has, or can reasonably obtain, the correct information, gives the correct information.
- (3) It is sufficient for a complaint for an offence against sub-section (1) to state that the document was false, misleading or incomplete to the defendant's knowledge.

PART 5—COMPLIANCE REQUIREMENTS

43. *Directions*

The Authority may, by written notice given to licensed providers, give directions about the conduct of authorised games by licensed providers.

44. *Players funds*

A licensed provider must, at the request of the registered player or the personal representatives of the registered player, remit funds of the player held by the licensed provider on behalf of the player as directed by the player no later than the first business day after the request is received.

Penalty: 60 penalty units.

45. *Licensed provider not to act as credit provider*

A licensed provider must not provide credit to a player.

Penalty: For a first offence, 600 penalty units.

For a second or subsequent offence, 600 penalty units or imprisonment for 2 years, or both.

46. *Funds held on behalf of players*

A licensed provider must not have recourse to funds held on behalf of a player except as follows—

- (a) to debit to the funds of the player a wager made by the player or an amount the player indicates the player wants to wager in the course of an approved game the player is playing or about to play;
- (b) to remit funds of the player at the player's request; or

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(c) as otherwise authorised under this Act.

Penalty: For a first offence, 600 penalty units.

For a second or subsequent offence,
600 penalty units or imprisonment for
2 years, or both.

47. *Inactive players*

If no transaction has been recorded on behalf of a player for a period of 2 years, the licensed provider must remit any funds held on behalf of the player, or if the player cannot be found, must deal with the amount as unclaimed moneys under the **Unclaimed Moneys Act 1962**.

48. *Limitation on amount wagered*

- (1) A registered player may, by notice to a licensed provider, set a limit on the amount the player may wager.
- (2) A player who has set a limit under this section may change or revoke the limit by written notice given to the licensed provider.
- (3) A notice increasing or revoking the limit does not have effect unless—
 - (a) 7 days have passed since the provider received the notice; and
 - (b) the player has not notified the provider of an intention to withdraw the notice.
- (4) A notice reducing the limit has effect on its receipt by the licensed provider.
- (5) A licensed provider must not accept a wager from a player contrary to a limit set for the player under this section.

Penalty: 240 penalty units.

49. Self-exclusion order

- (1) If a person gives notice in writing to a licensed provider to the effect that the person is not to be permitted to play an interactive game conducted by the licensed provider, the licensed provider—
 - (a) must give a copy of the notice to the Authority; and
 - (b) must not permit the person to play an interactive game conducted by the licensed provider unless the notice is revoked in accordance with this section.
- (2) If the Authority receives a notice from a licensed provider under sub-section (1), the Authority must give a copy to each other licensed provider and to the relevant authority in each participating jurisdiction.
- (3) If the Authority receives a notice from the relevant authority in a participating jurisdiction under a provision of a corresponding law corresponding to this section, the Authority must give a copy of the notice to each licensed provider.
- (4) A licensed provider that receives a copy of a notice under sub-section (2) or (3) must not permit the person to whom the notice relates to play an interactive game conducted by the provider unless the notice is revoked in accordance with this section or the corresponding law.
- (5) A person may revoke a notice given under sub-section (1) by giving notice to that effect to the licensed provider.
- (6) A notice under sub-section (5) does not take effect unless—

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- (a) 7 days have passed since the person gave the notice; and
 - (b) the person has not withdrawn the notice.
- (7) A licensed provider must not accept a wager from a person in respect of whom a notice under subsection (1) or under a corresponding provision of a corresponding law is in effect.

Penalty: 240 penalty units.

50. Disposal of unclaimed non-monetary prizes

- (1) This section applies to a non-monetary prize in an approved game conducted by a licensed provider that is not collected within 3 months after notification of the place at which it may be collected.
- (2) The licensed provider—
 - (a) may dispose of the prize by public auction or tender or in some other way approved by the Authority; and
 - (b) may pay for the disposal from the proceeds of sale; and
 - (c) must—
 - (i) pay the remainder of the proceeds to the relevant player or former player; or
 - (ii) if the licensed provider is unaware of the whereabouts of the relevant player or former player, pay the remainder of the proceeds in accordance with the **Unclaimed Moneys Act 1962**.

51. Claims for prize

- (1) If a claim for a prize in an approved game is made to a licensed provider within 2 years after the end of the game, the licensed provider must—
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- (a) immediately try to resolve the claim; and
 - (b) if the licensed provider is not able to resolve the claim, by written notice (a "claim result notice") given to the claimant, promptly inform the claimant—
 - (i) of the licensed provider's decision on the claim; and
 - (ii) that the person may, within 10 days of receiving the notice, ask the Authority to review the decision.
 - (2) If the claim is not resolved, the claimant may ask the Authority to review the licensed provider's decision on the claim, or if the claimant has not received a claim result notice, to resolve the claim.
 - (3) A request to the Authority under sub-section (2)—
 - (a) must be in the approved form; and
 - (b) if the claimant received a claim result notice, must be made within 10 days after receiving the notice.
 - (4) If a request is made to the Authority, the Authority may carry out investigations the Authority considers necessary to resolve matters in dispute.

52. Entitlement to prize lapses if not claimed within 2 years

If a prize is not claimed within 2 years after the end of the approved game in which the prize was won, the licensed provider must pay the amount of the prize in accordance with the **Unclaimed Moneys Act 1962**.

53. Power to withhold prize in certain cases

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- (1) If a licensed provider has reason to believe that the result of an approved game has been affected by an illegal activity or malfunction of equipment, the licensed provider may withhold a prize in the game.
- (2) If a licensed provider withholds a prize under this section, the licensed provider—
 - (a) must immediately inform the Authority of the circumstances of the incident; and
 - (b) must not conduct a further game if a recurrence of the illegality or malfunction is likely.
- (3) After investigating the incident, the Authority may, by written notice to the licensed provider—
 - (a) direct the licensed provider to pay the prize; or
 - (b) confirm the licensed provider's decision to withhold the prize, but direct the licensed provider to refund amounts wagered in the game.
- (4) The licensed provider must comply with a direction under sub-section (3).

54. *Inquiries about complaints*

- (1) A licensed provider must inquire into—
 - (a) a complaint made to the licensed provider by a person about—
 - (i) the conduct of an approved game by the licensed provider; or
 - (ii) the conduct of an agent of the licensed provider in operations related to an approved game; or
 - (b) a complaint referred to the licensed provider by the Authority under sub-section (3).
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Penalty: 60 penalty units.

- (2) Within 21 days after the complaint is received by, or referred to, the licensed provider, the licensed provider must give written notice of the result of the inquiry to—
- (a) the complainant; and
 - (b) if the complaint was referred to the licensed provider by the Authority, the Authority.

Penalty: 60 penalty units.

- (3) If a complaint is made to the Authority about the conduct of an approved game, or the conduct of an agent in operations related to an approved game, the Authority must promptly—
- (a) inquire into the complaint; or
 - (b) if the Authority considers it appropriate—
 - (i) refer the complaint to the licensed provider who conducted the game; or
 - (ii) if the approved game is conducted by an external provider, refer the complaint to the relevant participating regulator.
- (4) The Authority must promptly advise the complainant of—
- (a) the result of the Authority's inquiry; or
 - (b) the Authority's decision to refer the complaint to the licensed provider or a participating regulator.
- (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.
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55. Authority's power to restrict participation in approved games by gaming officials

- (1) The Authority may, by written notice given to a person employed in the administration of this Act, direct the employee—
 - (a) not to participate as a player in an approved game; or
 - (b) not to participate as a player in an approved game except in stated circumstances or for stated purposes.
- (2) A person employed in the administration of this Act must not participate as a player in an approved game in contravention of a direction under this section.

Penalty: 60 penalty units.

PART 6—INVESTIGATION AND ENFORCEMENT

56. *Inspectors*

A person holding an appointment under Part 10 of the **Gaming and Betting Act 1994** is an inspector for the purposes of this Act.

57. *Rights of inspector in certain premises*

- (1) An inspector may at any time enter and remain on the premises of a licensed provider for the purposes of doing any one or more of the following—
 - (a) observing any of the operations on such premises relating to the conduct of interactive games;
 - (b) ascertaining whether the operation of any such premises is being properly conducted, supervised and managed;
 - (c) ascertaining whether the provisions of this Act and the regulations are being complied with;
 - (d) in any other respect, exercising his or her functions under this Act.
- (2) An inspector who enters premises under subsection (1) is not authorised to remain on the premises if, on the request of the licensed provider, the inspector does not show his or her identity card to the licensed provider.

58. *Functions of inspectors*

- (1) The functions of inspectors under this Act are as follows—
 - (a) to supervise operations on the premises of licensed providers and to inspect the gaming equipment used and records kept in such

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premises, for the purpose of ascertaining whether or not the licensed provider is complying with the provisions of this Act, the conditions of the licence, and any directions issued by the Authority under this Act;

- (b) to assist in any other manner, where necessary, in the detection of offences committed against this Act;
 - (c) to report to the Authority as required;
 - (d) such other functions as are conferred on inspectors under this Act.
- (2) Inspectors must not participate in interactive gaming while on duty other than as required in the course of their employment.

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

59. 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 interactive gaming equipment or records to produce the equipment or records for inspection and to answer questions or provide information relating to the equipment or records;
 - (b) inspect any interactive gaming equipment or records and take copies of, extracts from, or notes relating to, any records;
 - (c) if the inspector considers it necessary to do so for the purpose of obtaining evidence of the commission of an offence, seize any interactive gaming equipment or records;
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- (d) by notice in writing require—
- (i) the licensed provider; or
 - (ii) any other person associated with operations or their management in premises the inspector is authorised to enter—

to attend before the inspector at a specified time or place and answer questions, or provide information, with respect to operations on the premises;
- (e) examine and test any interactive gaming equipment in such premises and order the person in charge of the premises to withdraw unsatisfactory interactive gaming equipment from use on the premises;
- (f) if the inspector is not a member of the police force, call to his or her aid a member of the police force if he or she is obstructed, or believes on reasonable grounds that he or she will be obstructed, in the exercise of his or her functions;
- (g) any other thing authorised under this Act to be done by an inspector.
- (2) If an inspector seizes interactive gaming equipment or records under this section, they may be retained by the inspector until the completion of any proceedings (including proceedings on appeal) in which they may be evidence but only if, in the case of records, the person from whom the records were seized is provided, within a reasonable time after the seizure, with a copy of the records certified by an inspector as a true copy.
- (3) Sub-section (2) ceases to have effect in relation to things seized if, on the application of a person
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aggrieved by the seizure, the court in which proceedings referred to in that sub-section are instituted so orders.

- (4) A copy of records provided under sub-section (2) is, as evidence, of equal validity to the records of which it is certified to be a copy.
- (5) A person is not required by this section to answer a question that might incriminate the person.

60. Search warrants

- (1) An inspector, not being a member of the police force, with the consent of the Authority may apply to a magistrate for the issue of a search warrant if the inspector believes on reasonable grounds—
 - (a) that there are on any premises interactive gaming equipment or records—
 - (i) in relation to which an offence has been, is being, or is likely to be, committed; or
 - (ii) that those articles may be evidence of an offence; or
 - (b) that there is or has been a contravention of this Act or the regulations on any premises other than the premises of a licensed provider.
 - (2) A magistrate to whom such an application is made, if satisfied by evidence on oath or by affidavit that there are reasonable grounds for doing so, may issue in accordance with the **Magistrates' Court Act 1989** a search warrant in the prescribed form authorising an inspector or member of the police force named in the warrant and any assistants to enter the premises, or part of premises, specified in the warrant, for the purpose of searching for and seizing interactive gaming
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equipment or records referred to in sub-section (1).

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

61. *Offences relating to obstruction etc. of inspectors*

- (1) A person must not—
- (a) assault, obstruct, hinder, threaten, abuse, insult or intimidate an inspector when the inspector is exercising or attempting to exercise his or her functions under this Act; or
 - (b) fail to produce for inspection any interactive gaming equipment or records in the possession or under the control of the person when required so to do by an inspector in the exercise of his or her functions under this Act; or
 - (c) fail without reasonable excuse to attend before an inspector and answer questions or supply information when required so to do by the inspector in the exercise of his or her functions under this Act; or
 - (d) except with the permission of an inspector, take any interactive gaming equipment or records seized, impounded or retained under the authority of this Act; or
 - (e) when directed by an inspector, in the exercise of his or her functions under this Act, to cease to have available for use any interactive gaming equipment considered by the inspector to be unsatisfactory for use, fail to comply with the direction; or
 - (f) prevent, directly or indirectly, a person from attending before an inspector, producing to
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an inspector any interactive gaming equipment or records or answering any question of, or supplying any information to an inspector when that person is required to do so under this Act.

Penalty: 60 penalty units.

- (2) If an inspector requires a person at the premises of a licensed provider to state his or her full name and residential address the person must not—
- (a) fail to comply with the requirement; or
 - (b) in purported compliance with the requirement, state a name or address that is false.

Penalty: 60 penalty units.

- (3) An inspector is not authorised to require a person at premises referred to in sub-section (2) to state his or her full name or residential 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.

62. Evidence

- (1) In proceedings under this Act, an assertion—
- (a) that, at a specified time or during a specified period, a specified person was the Minister administering this or any other Act;
 - (b) that, at a specified time or during a specified period, a specified person held, or is acting in, a specified office;
 - (c) that a signature purporting to be the signature of a Minister, a member of the
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Authority, an inspector or a member of the police force is the signature it purports to be.

- (d) that, at a specified time or during a specified period, a specified person was, or was not, the holder of a specified licence under this Act; or
- (e) that, at a specified time, a person attained a specified age or that, at a specified time or during a specified period, a specified person was under or over a specified age—

is evidence of the fact or facts asserted.

(2) In proceedings under this Act—

- (a) a document purporting to be a copy of a direction, notice, order, requirement or decision given or made under this Act is evidence of a direction, notice, order, requirement or decision of which it purports to be a copy;
- (b) a document purporting to be a copy of a licence under this Act is evidence of a licence of which it purports to be a copy; and
- (c) evidence that a person accepted service of a document is evidence of the authority of the person to accept service of the document.

63. *Offences by corporation*

- (1) If a corporation contravenes any provision of this Act, each person who is a director of the corporation or who is concerned in the management of the corporation is to be taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.
- (2) A person may be proceeded against and convicted under a provision in accordance with sub-section

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(1) whether or not the corporation has been proceeded against or convicted under that provision.

(3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation against this Act.

64. *Proceedings*

(1) A proceeding for an offence against this Act (or the regulations) may only be brought by—

(a) a member of the police force; or

(b) a person authorised to do so, either generally or in a particular case, by the Authority.

(2) In a proceeding for an offence against this Act it must be presumed, in the absence of evidence to the contrary, that the person bringing the proceeding was authorised to bring it.

65. *Information gathering for law enforcement purposes*

(1) For the purpose of obtaining information that may be of assistance to a law enforcement agency, the Authority may direct a licensed provider in writing to provide the Authority with information obtained by the licensed provider concerning their operations.

(2) A direction under sub-section (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 licensed provider is required to provide; and

(b) the manner in which and time within which the information is to be provided.

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- (4) It is a condition of a licensed provider's licence that the provider must comply with such a direction.
- (5) The Authority may make information obtained by the Authority under this section available to any law enforcement agency.
- (6) In this section—
- "law enforcement agency"** means—
- (a) the police force of this or any other State or of a Territory; or
 - (b) the Australian Federal Police; or
 - (c) the National Crime Authority; or
 - (d) the New South Wales Crime Commission; or
 - (e) any other authority or person responsible for the enforcement of the laws of the Commonwealth or of this or any other State or of a Territory.

66. Authority may hold inquiries

- (1) For the purpose of the exercise of its functions under this Act, the Authority may hold inquiries in public or in private, being inquiries presided over by one or more members of the Authority.
- (2) For the purposes of holding an inquiry, the Authority shall be deemed to be a board appointed by the Governor in Council and Division 5 of Part I (including section 21A) of the **Evidence Act 1958** applies accordingly.

67. Representation

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

PART 7—APPEALS

68. *Review by Victorian Civil and Administrative Tribunal*

- (1) A person whose interests are affected by a decision of the Authority under this Act, other than a non-reviewable decision, may apply to the Victorian Civil and Administrative Tribunal for review of the decision.
 - (2) 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.
 - (3) In this section—

"non-reviewable decision" means a decision to approve, or refuse to approve, an interactive game or the rules of an interactive game or a decision about probity or a decision under Part 4.
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PART 8—MISCELLANEOUS

69. Secrecy

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

Penalty: 50 penalty units.

- (2) Subject to sub-section (5), a person is not, except for the purposes of this Act, required—
- (a) to produce in a court a document that has come into his or her possession or under his or her control; or
 - (b) to divulge to a court any information that has come to his or her notice—

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

- (3) A person may—
- (a) divulge specified information to such persons as the Minister directs if the Minister certifies that it is necessary in the public interest that the information should be so divulged; or
 - (b) divulge information to a prescribed authority or prescribed person; or

- (c) divulge information to a person who is expressly or impliedly authorised by the person to whom the information relates to obtain it.
- (4) An authority or person to whom information is divulged under sub-section (3), and a person or employee under the control of that authority or person, is subject, in respect of that information, to the same rights, privileges, obligations and liabilities under this section as if that authority, person or employee were a person performing duties under this Act and had acquired the information in the performance of those duties.
- (5) Nothing in this section or any other Act applies to prohibit or restrict—
 - (a) the giving of statistical information with respect to gambling in Victoria; or
 - (b) the giving of the names of all licensed providers—
to the Authority or the Minister or the publication of any such information.
- (6) If—
 - (a) the Minister certifies that it is necessary in the public interest that specified information should be divulged to a court; or
 - (b) a person to whom information relates has expressly authorised it to be divulged to a court—
a person may be required—
 - (c) to produce in the court any document containing the information; or
 - (d) to divulge the information to the court.

(7) In this section—

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

"produce" includes permit access to.

70. *Destruction of finger prints and palm prints*

- (1) Any finger prints or palm prints obtained by the Authority under this Act and any copies of them must be destroyed by the Authority as soon as the Authority has no further use for them.
- (2) The Authority is to be considered to have no further use for them if—
 - (a) they were obtained in connection with an application for a licence and the application is refused; or
 - (b) the licence in connection with which they were obtained is cancelled, surrendered or no longer in force.

71. *Delegation*

- (1) The Authority may, by instrument under its official seal, delegate to one or more members of the Authority or to the Director of Gaming and Betting appointed under the **Gaming and Betting Act 1994** any function of the Authority under this Act other than this power of delegation or a function or power under section 16, 21, 25, 27 or 35.
- (2) The Authority must publish in its annual report all delegations under sub-section (1) during the previous year.

72. *Regulations*

Interactive Gaming (Player Protection) Act 1999

Act No. 41/1999

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.

PART 9—CONSEQUENTIAL AMENDMENTS

73. *Gaming and Betting Act 1994*

(1) After section 64(3)(d) of the **Gaming and Betting Act 1994** insert—

"or

(e) that is an interactive game within the meaning of the **Interactive Gaming (Player Protection) Act 1999**."

(2) In section 104(1) of the **Gaming and Betting Act 1994**, after "1993" insert ", **Interactive Gaming (Player Protection) Act 1999**".

74. *New section 225A inserted*

After section 225 of the **Gaming and Betting Act 1994** insert—

"225A. *Inspectors*

A person who is an inspector under section 104 immediately before the commencement of section 73 of the **Interactive Gaming (Player Protection) Act 1999** is deemed to have been appointed as an inspector for the purposes of that Act."

75. *Casino Control Act 1991*

In section 3(1) of the **Casino Control Act 1991**—

(a) in the definition of "gaming equipment", after paragraph (d) insert—

"—

but does not include interactive gaming equipment within the meaning of the **Interactive Gaming (Player Protection) Act 1999** that is used or intended to be used for the purposes of interactive games within

the meaning of that Act and not for gaming of any other kind";

- (b) in the definition of "gaming machine", after "sub-section (3)" **insert** "but does not include interactive gaming equipment within the meaning of the **Interactive Gaming (Player Protection) Act 1999** that is used or intended to be used for the purposes of interactive games within the meaning of that Act and not for gaming of any other kind."

76. Gaming Machine Control Act 1991

In section 3(1) of the **Gaming Machine Control Act 1991**, in the definition of "gaming machine", after "**Act 1997**" **insert** "or interactive gaming equipment within the meaning of the **Interactive Gaming (Player Protection) Act 1999** that is used or intended to be used for the purposes of interactive games within the meaning of that Act and not for gaming of any other kind".

77. Gaming No. 2 Act 1997

In section 3 of the **Gaming No. 2 Act 1997**—

- (a) in the definition of "gaming", after "play at games" **insert** "but does not include playing an interactive game within the meaning of the **Interactive Gaming (Player Protection) Act 1999**";
- (b) in the definition of "lucky envelope vending machine" after "**Act 1991**" **insert** "or interactive gaming equipment within the meaning of the **Interactive Gaming (Player Protection) Act 1999** that is used or intended to be used for the purposes of interactive games within the meaning of that Act and not for gaming of any other kind".
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Interactive Gaming (Player Protection) Act 1999
Act No. 41/1999

Notes

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† *Minister's second reading speech—*

Legislative Assembly: 6 May 1999

Legislative Council: 26 May 1999

The long title for the Bill for this Act was "relating to interactive gaming, to make certain consequential amendments and for other purposes."