

Authorised Version

Gambling Regulation Amendment (Gaming Machine Arrangements) Act 2017

No. 62 of 2017

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
Part 1—Preliminary	1
1 Purposes	1
2 Commencement	3
3 Principal Act	3
Part 2—Gaming machine entitlements that take effect on or after 16 August 2022	4
Division 1—Surrender	4
4 Possession of gaming equipment or monitoring equipment may be authorised	4
5 Gaming machine entitlement allocation and transfer rules	4
6 Minister may create and allocate gaming machine entitlements	5
7 New Division 5AA inserted in Part 4A of Chapter 3	7
8 Ministerial Order for extinguishment	10
9 Effect of Order	11
Division 2—Venue ratios	11
10 Minister may create and allocate gaming machine entitlements	11
11 New section 3.4A.5AA inserted	12
12 Commission decision on the request	13
13 Ministerial Order for extinguishment	13
Division 3—Taxation	14
14 Division 2 of Part 6 of Chapter 3—Definitions	14
15 Taxation in relation to gaming in approved venues with pub licences until 16 August 2022	14
16 Taxation in relation to gaming in approved venues with club licences until 16 August 2022	16
17 New sections 3.6.6C and 3.6.6D inserted	18
18 Declaration for club venue operators to pay different tax in some circumstances	23
19 Hospitals and charities and mental health levy	24
20 Payment to community support fund	24

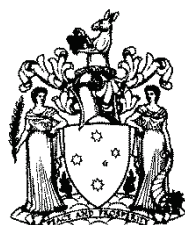
<i>Section</i>	<i>Page</i>
Division 4—Payment to Treasurer on transfer of gaming machine entitlement	25
21 Gaming machine entitlements that expire on 15 August 2022 and that are transferred before specified date	25
22 New section 3.4A.18A inserted	25
23 Exemption from requirement to pay for transfer related to refusal to grant relevant authority	27
24 New section 3.4A.19A inserted	28
25 Hospitals and Charities Fund	29
Division 5—Expiry	29
26 Duration of gaming machine entitlements	29
27 Gaming machine entitlements may authorise preparatory action	30
Part 3—Assignment of gaming machine entitlements	31
28 Who is an associate?	31
29 Part 1 of Chapter 3—Definitions	31
30 Possession of gaming equipment or monitoring equipment may be authorised	32
31 Duration of approval	33
32 Register of venue operators and approved venues	33
33 Division 2A of Part 4 of Chapter 3—Definitions	33
34 New section 3.4.28AB inserted	34
35 Commission may declare certain agreements to be reviewable venue agreements	35
36 New Division 3A of Part 4A of Chapter 3 inserted	35
37 New section 3.4A.11T inserted	46
38 Request for amendment of geographic area condition or venue condition	47
39 Commission decision on the request	47
40 New sections 3.4A.13A and 3.4A.13B inserted	48
41 New sections 3.4A.14A and 3.4A.14B inserted	50
42 New sections 3.4A.17AA and 3.4A.17AAB inserted	51
43 New section 3.4A.21A inserted	52
44 Section 3.4A.22 substituted	53
45 Section 3.4A.23 substituted	54
46 Commission may extend relevant holding period	54
47 Gaming machine entitlements forfeited if venue operator's licence cancelled, surrendered or not renewed	55
48 Installation and storage of gaming machines	55
49 Amendments relating to suspension of venue approval	55
Part 4—Increased limit on club gaming machine entitlements	62
50 Prohibited interests in gaming machine entitlements	62
51 New section 3.2A.7A inserted	64

<i>Section</i>	<i>Page</i>
Part 5—Responsible Gambling Codes of Conduct and self-exclusion programs	65
Division 1—Responsible Gambling Codes of Conduct	65
52 Functions of Commission	65
53 Sections 10.6.6 to 10.6.9 substituted	65
54 Section 10.6.9A repealed	67
55 Schedule 1 amended	67
56 Consequential amendments—application for and issue of various licences	68
57 Consequential amendments—requirements to have compliant Codes	70
58 Amendment of Casino Control Act 1991	73
59 Amendment of Victorian Commission for Gambling and Liquor Regulation Act 2011	73
Division 2—Self-exclusion programs	74
60 Matters to be considered in determining applications	74
61 Self-exclusion program is a condition of licence	74
62 Section 3.4.12C repealed	74
63 Functions of Commission	74
64 Division 1 of Part 6 of Chapter 10 substituted	75
65 Schedule 1 amended	77
66 Amendment of Victorian Commission for Gambling and Liquor Regulation Act 2011	77
Part 6—Standard conditions	78
67 Chapter 1—Definitions	78
68 New Division 2A of Part 4A of Chapter 3 inserted	78
69 Heading to Division 8 of Part 4A of Chapter 3	80
70 New section 3.4A.26A inserted	80
71 Heading to Division 4A of Part 8A of Chapter 3	81
72 Minister may determine standard pre-commitment conditions	81
73 Publication and effect of standard pre-commitment conditions	81
74 No compensation for determination of standard pre-commitment conditions	81
75 Consequential amendments—contravention of standard entitlement-related conditions	82
Part 7—Agreements	83
76 Part 1 of Chapter 3—Definitions	83
77 New section 3.1.6B inserted	83
78 Disciplinary action against venue operator	84
79 Authority conferred by gaming machine entitlements	84
80 Minister may refuse to allocate gaming machine entitlement if entitlement-related agreements not entered into	84

<i>Section</i>	<i>Page</i>
81 Directions in relation to entitlement-related agreements with Minister	84
82 No compensation payable because of direction to enter entitlement-related agreements under section 3.4A.6A	85
83 States rights in relation to allocated gaming machine entitlements	85
84 New sections 3.4A.17AAC and 3.4A.17AAD inserted	85
85 Related agreements must be entered into before gaming machine entitlement may be transferred	86
86 Gaming machine entitlements forfeited if venue operator defaults under related agreement	87
Part 8—Cashless gaming, electronic funds transfer, cheques, debit cards and credit cards	88
Division 1—Cashless gaming	88
87 Chapter 1—Definitions	88
88 New Subdivision 3 of Division 3 of Part 5 of Chapter 3 inserted	88
89 Schedule 1 amended	89
Division 2—Cashing cheques and paying out credits	90
90 Section 3.5.32 substituted	90
91 Payment of accumulated credits by cheque or electronic funds transfer	91
Division 3—Cash facilities	92
92 Chapter 1—Definitions	92
93 Heading to Subdivision 2 of Division 3 of Part 5 of Chapter 3 substituted	93
94 Section 3.5.33C substituted	93
95 Section 3.5.33D substituted	94
96 New section 3.5.33DA inserted	96
97 Conditions of approvals	97
Part 9—Metropolitan Melbourne	98
98 Chapter 1—Definitions	98
99 Schedule 1 amended	98
100 New Schedule 5 inserted	99
101 Consequential amendments—references to Melbourne Statistical Division	100

<i>Section</i>	<i>Page</i>
Part 10—Other amendments to Principal Act	101
Division 1—Transitional provisions	101
102 Part 32 inserted in Schedule 7	101
Division 2—Minor technical amendments	102
103 Division 6 of Part 1 of Chapter 10—Definitions	102
Part 11—Repeal of amending Act	103
104 Repeal of amending Act	103
<hr/>	
Endnotes	104
1 General information	104

Authorised Version



Victoria

**Gambling Regulation Amendment
(Gaming Machine Arrangements)
Act 2017[†]**

No. 62 of 2017

[Assented to 12 December 2017]

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purposes

The main purposes of this Act are—

- (a) to amend the **Gambling Regulation Act 2003** to make special provision for gaming machine entitlements that take effect on or after 16 August 2022, including by—

Gambling Regulation Amendment (Gaming Machine Arrangements)
Act 2017
No. 62 of 2017
Part 1—Preliminary

- (i) providing a scheme for the surrender of those entitlements; and
 - (ii) providing for the Minister to declare what percentage of those entitlements must be club gaming machine entitlements and what percentage must be hotel gaming machine entitlements; and
 - (iii) providing different taxation arrangements in relation to those entitlements; and
 - (iv) changing the amount that a venue operator must pay to the Treasurer on transferring any of those entitlements to another venue operator; and
 - (v) providing for those entitlements to expire after 20 years; and
- (b) to further amend the **Gambling Regulation Act 2003**—
- (i) to provide for the assignment of gaming machine entitlements; and
 - (ii) for an increase in the number of club gaming machine entitlements in which a venue operator may have an interest; and
 - (iii) to provide different arrangements for Responsible Gambling Codes of Conduct and self-exclusion programs; and
 - (iv) to provide for the Minister to make standard conditions that deal with matters relating to gaming machine entitlements, the provision of monitoring services and the provision of responsible gambling services; and

- (v) in relation to agreements between venue operators and other persons; and
 - (vi) in relation to cashless gaming, cash, cheques, credit cards, debit cards and electronic funds transfers; and
 - (vii) to replace references to the Melbourne Statistical Division with references to metropolitan Melbourne; and
- (c) to make consequential and related amendments to other Acts.

2 Commencement

- (1) Parts 1 and 9 come into operation on the day after the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in subsection (2) does not come into operation before 19 September 2018, it comes into operation on that day.

3 Principal Act

In this Act the **Gambling Regulation Act 2003** is called the Principal Act.

Part 2—Gaming machine entitlements that take effect on or after 16 August 2022

Division 1—Surrender

4 Possession of gaming equipment or monitoring equipment may be authorised

In section 3.2.2(5) of the Principal Act, in the definition of *relevant event*, after paragraph (b) insert—

"(ba) the surrender, under Division 5AA, of all gaming machine entitlements held by the operator; or".

5 Gaming machine entitlement allocation and transfer rules

After section 3.4A.3(1) of the Principal Act insert—

"(1A) Gaming machine entitlement allocation and transfer rules may specify, or include a process for calculating, an amount or amounts that must be paid by a person to whom a gaming machine entitlement is allocated.

Note

Section 3.4A.5(9A) provides that the Minister must make certain determinations in accordance with these specifications or processes.

(1B) The specification of, or process for calculating, an amount referred to in subsection (1A) for a gaming machine entitlement that takes effect on or after 16 August 2022 may provide—

- (a) for an amount in respect of the period that begins when the entitlement takes effect and ends on 15 August 2032; and
- (b) that the Minister may determine, at a later date, the amount in respect of the subsequent period."

6 Minister may create and allocate gaming machine entitlements

- (1) In section 3.4A.5(1)(b) of the Principal Act, for "5A." **substitute** "5A;"
- (2) After section 3.4A.5(1)(b) of the Principal Act **insert**—
 - "(c) allocate to venue operators gaming machine entitlements surrendered under Division 5AA;
 - (d) subject to subsection (1A), allocate to venue operators gaming machine entitlements that—
 - (i) have been designated for surrender under Division 5AA; but
 - (ii) have not yet been surrendered under that Division."
- (3) After section 3.4A.5(1) of the Principal Act **insert**—
 - "(1A) The allocation of a gaming machine entitlement referred to in subsection (1)(d) takes effect immediately after the entitlement is surrendered under that Division."
- (4) In section 3.4A.5(4) of the Principal Act, for "must impose on a gaming machine entitlement he or she allocates—" **substitute** "may impose on a gaming machine entitlement—".

Gambling Regulation Amendment (Gaming Machine Arrangements)
Act 2017
No. 62 of 2017

Part 2—Gaming machine entitlements that take effect on or after
16 August 2022

(5) After section 3.4A.5(8) of the Principal Act
insert—

"(8A) Subject to subsection (8B), the Minister may impose or vary a geographic area condition or venue condition on a gaming machine entitlement at any time while it is unallocated.

(8B) The Minister may only vary a venue condition on a gaming machine entitlement that is forfeited or surrendered if the Minister has first offered the entitlement to venue operators in accordance with the gaming machine entitlement allocation and transfer rules for at least 6 months.

(8C) The Minister must not allocate a gaming machine entitlement that does not include a geographic area condition and a venue condition."

(6) In section 3.4A.5(9) of the Principal Act, for "The Minister" **substitute** "Subject to subsection (9A), the Minister".

(7) After section 3.4A.5(9)(b) of the Principal Act
insert—

"(ba) for a gaming machine entitlement that takes effect on or after 16 August 2022—

"(i) whether an amount determined under paragraph (b) is an amount in respect of the period that begins when the entitlement takes effect and ends on 15 August 2032;

(ii) that the Minister may determine, at a later date, the amount in respect of the subsequent period;"

(8) After section 3.4A.5(9) of the Principal Act
insert—

"(9A) The Minister must not make a determination under subsection (9)(b) or (ba) that is inconsistent with the provisions of the gaming machine entitlement allocation and transfer rules referred to in section 3.4A.3(1A).".

7 New Division 5AA inserted in Part 4A of Chapter 3

After section 3.4A.20 of the Principal Act
insert—

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

3.4A.20AA Rules for surrender of gaming machine entitlements

- (1) The Minister may make rules in accordance with which a venue operator who holds a gaming machine entitlement may designate that entitlement as one that is to be surrendered at midnight on a day specified in those rules.
- (2) The rules may contain provisions that—
 - (a) apply generally or are of limited application;
 - (b) apply differently according to differences in time, place or circumstance;
 - (c) leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Minister or the Commission.
- (3) The rules must be published in the Government Gazette.

- (4) The rules take effect on the day that they are published in the Government Gazette or on such later date as is specified in the rules.

3.4A.20AAB Surrender of designated gaming machine entitlements

- (1) A gaming machine entitlement that has been designated in accordance with the rules under section 3.4A.20AA is surrendered at midnight on the day that, under those rules, applies in relation to that entitlement.
- (2) On the surrender of a gaming machine entitlement—
- (a) the entitlement is taken to be unallocated; and
 - (b) the geographic area condition imposed on the entitlement is removed; and
 - (c) any interest, right or privilege in or to which the entitlement is subject (other than an interest, right or privilege held by, or granted in favour of, the State) is, by force of this subsection, extinguished.

3.4A.20AAC No compensation payable because of surrender of gaming machine entitlements

No compensation is payable by the State to any person as a result of—

- (a) the surrender of a gaming machine entitlement under this Division; or
- (b) the operation of section 3.4A.20AAB.

3.4A.20AAD Certain amounts become immediately payable

- (1) On and after the day on which a gaming machine entitlement is surrendered under this Division, any amount owed to the State for the allocation of the entitlement to the venue operator (other than an amount excluded by subsection (3)) becomes immediately due and payable to the State.
- (2) Subsection (1) applies to an amount owed to the State whether it is owed under an agreement or otherwise.
- (3) An amount that becomes immediately due and payable under subsection (1) does not include any amount determined by the Minister under section 3.4A.5(9)(b) in respect of any period after the surrender of the entitlement.
- (4) The venue operator is not liable to pay any amount excluded under subsection (3).
- (5) An amount that becomes immediately due and payable under subsection (1) may be recovered in a court of competent jurisdiction as a debt due to the State.
- (6) This section applies despite any agreement to the contrary.

3.4A.20AAE Ministerial Order for extinguishment

- (1) The Minister may, by Order published in the Government Gazette, extinguish any gaming machine entitlements that—
 - (a) have been surrendered under this Division; and
 - (b) have not been allocated since.

(2) In making an Order under this section, the Minister must take the following matters into account—

- (a) the extinguishment must result in at least 20% of all remaining gaming machine entitlements authorising the conduct of gaming in a region or municipal district outside metropolitan Melbourne;
- (b) the extinguishment must not result in a contravention of section 3.4A.5AA(2).

Note

Section 3.4A.5AA(2) specifies that certain percentages of gaming machine entitlements must relate to specified types of approved venues.

3.4A.20AAF Effect of order

On the day on which an Order made under section 3.4A.20AAE is published in the Government Gazette, the gaming machine entitlements specified in the Order are extinguished.

Note

Related interests, rights and privileges in or to which the entitlement is subject will already have been extinguished by section 3.4A.20AAB(2)(c).

3.4A.20AAG No compensation payable

No compensation is payable by the State as a result of the making of an Order under section 3.4A.20AAE or the operation of section 3.4A.20AAF."

8 Ministerial Order for extinguishment

- (1) In section 3.4A.20K(1) of the Principal Act, after "including gaming machine entitlements" **insert** "surrendered under Division 5AA or".

- (2) In section 3.4A.20K(2) of the Principal Act, after "section" **insert** "3.4A.20AAE or".
- (3) After section 3.4A.20K(3)(a) of the Principal Act **insert**—
- "(ab) entitlements that have been surrendered under Division 5AA—
- (i) must be extinguished before entitlements that have been forfeited; and
 - (ii) need not be extinguished in the order in which they were surrendered;"

9 Effect of Order

After section 3.4A.20L(2) of the Principal Act **insert**—

- "(3) To avoid doubt, the extinguishment under this Division of an entitlement that has been surrendered under Division 5AA does not affect the operation of section 3.4A.20AAD in relation to the entitlement."

Division 2—Venue ratios

10 Minister may create and allocate gaming machine entitlements

For section 3.4A.5(6) of the Principal Act **substitute**—

- "(6) The imposition of venue conditions under subsection (4)(b) must not result in a contravention of section 3.4A.5AA(1) or (2).

Note

Section 3.4A.5AA(1) and (2) specify that certain percentages of gaming machine entitlements must relate to specified types of approved venues."

11 New section 3.4A.5AA inserted

After section 3.4A.5 of the Principal Act **insert**—

"3.4A.5AA Proportions of gaming machine entitlements for venues of different types

- (1) The following provisions apply to gaming machine entitlements that expire on 15 August 2022—
 - (a) 50% of those entitlements must be club gaming machine entitlements; and
 - (b) 50% of those entitlements must be hotel gaming machine entitlements.
- (2) The following provisions apply to gaming machine entitlements that take effect on or after 16 August 2022—
 - (a) if a declaration under subsection (3) is in force—
 - (i) the percentage of those entitlements that are club gaming machine entitlements must be in accordance with that declaration; and
 - (ii) the percentage of those entitlements that are hotel gaming machine entitlements must be in accordance with that declaration; or
 - (b) otherwise—
 - (i) 50% of those entitlements must be club gaming machine entitlements; and
 - (ii) 50% of those entitlements must be hotel gaming machine entitlements.

- (3) The Minister may make a declaration that specifies the permissible percentages of club gaming machine entitlements and hotel gaming machine entitlements for the purposes of subsection (2)(a).
- (4) The Minister must publish a declaration under subsection (3) in the Government Gazette."

12 Commission decision on the request

For section 3.4A.13(4) of the Principal Act
substitute—

- "(4) The effect of a decision of the Commission to amend a venue condition must not be to contravene 3.4A.5AA(1) or (2)."

13 Ministerial Order for extinguishment

For section 3.4A.20K(3)(d) of the Principal Act
substitute—

- "(d) the extinguishment must not result in a contravention of section 3.4A.5AA(1) or (2).

Note

Section 3.4A.5AA(1) and (2) specify that certain percentages of gaming machine entitlements must relate to specified types of approved venues."

Division 3—Taxation

14 Division 2 of Part 6 of Chapter 3—Definitions

- (1) In section 3.6.2 of the Principal Act, in the definition of *required community benefit contribution*, for "year." **substitute** "year;".
- (2) In section 3.6.2 of the Principal Act **insert** the following definition—

revenue, in relation to the conduct of gaming under a gaming machine entitlement, means the total amount earned from bets made on a gaming machine operated under that entitlement less—

- (a) the sum of all prizes paid from that amount (other than prizes from a jackpot special prize pool); and
- (b) the sum of the amounts determined as prescribed for payment in respect of that total amount bet to a jackpot special prize pool."

15 Taxation in relation to gaming in approved venues with pub licences until 16 August 2022

- (1) In the heading to section 3.6.6A of the Principal Act, after "licences" **insert** "until 16 August 2022".
- (2) For section 3.6.6A(1) of the Principal Act **substitute**—

"(1) This section applies—

- (a) to a venue operator who conducts or may conduct gaming under gaming machine entitlements in an approved venue in respect of which there is in force a pub licence; and
- (b) in relation to each calendar month up to and including August 2022."

Gambling Regulation Amendment (Gaming Machine Arrangements)
Act 2017
No. 62 of 2017

Part 2—Gaming machine entitlements that take effect on or after
16 August 2022

(3) After section 3.6.6A(2) of the Principal Act
insert—

"(2A) For the purposes of this section, the last day of the calendar month of August 2022 is taken to be 15 August 2022.

Note

Section 3.6.6C provides a tax that applies in relation to the period of time beginning 16 August 2022."

(4) For section 3.6.6A(3) of the Principal Act
substitute—

"(3) The tax per gaming machine entitlement in a calendar month is the sum of the amounts of average revenue per gaming machine entitlement determined by multiplying those parts of that average revenue per gaming machine entitlement specified in column 1 of the applicable table by the rate specified in column 2 of the applicable table opposite those parts of the average revenue per gaming machine entitlement.

(3A) The *applicable table* for a calendar month before August 2022 is the following Table.

Table for months before August 2022

<i>Column 1</i>	<i>Column 2</i>
<i>The part of average revenue per gaming machine entitlement that:</i>	<i>Rate</i>
does not exceed \$2666	8·33%
exceeds \$2666 but does not exceed \$12 500	55·03%
exceeds \$12 500	62·53%

Gambling Regulation Amendment (Gaming Machine Arrangements)
Act 2017
No. 62 of 2017

Part 2—Gaming machine entitlements that take effect on or after
16 August 2022

(3B) The *applicable table* for the calendar month of August 2022 is the following Table.

Table for August 2022

<i>Column 1</i>	<i>Column 2</i>
<i>The part of average revenue per gaming machine entitlement that:</i>	<i>Rate</i>
does not exceed \$1290	8.33%
exceeds \$1290 but does not exceed \$6048.39	55.03%
exceeds \$6048.39	62.53%

(5) Section 3.6.6A(8) of the Principal Act is **repealed**.

16 Taxation in relation to gaming in approved venues with club licences until 16 August 2022

(1) In the heading to section 3.6.6B of the Principal Act, after "**licences**" insert "**until 16 August 2022**".

(2) For section 3.6.6B(1) of the Principal Act **substitute**—

"(1) This section applies—

(a) to a venue operator who conducts or may conduct gaming under gaming machine entitlements in an approved venue in respect of which there is in force a club licence or a racing club licence; and

(b) in relation to each calendar month up to and including August 2022."

Gambling Regulation Amendment (Gaming Machine Arrangements)
Act 2017
No. 62 of 2017

Part 2—Gaming machine entitlements that take effect on or after
16 August 2022

(3) After section 3.6.6B(2) of the Principal Act
insert—

"(2A) For the purposes of this section, the last day
of the calendar month of August 2022 is
taken to be 15 August 2022.

Note

Section 3.6.6C provides a tax that applies in relation
to the period of time beginning 16 August 2022."

(4) For section 3.6.6B(3) of the Principal Act
substitute—

"(3) The tax per gaming machine entitlement in
a calendar month is the sum of the amounts
of average revenue per gaming machine
entitlement determined by multiplying those
parts of that average revenue per gaming
machine entitlement specified in column 1
of the applicable table by the rate specified
in column 2 of the applicable table opposite
those parts of the average revenue per
gaming machine entitlement.

(3A) The *applicable table* for a calendar month
before August 2022 is the following Table.

Table for months before August 2022

<i>Column 1</i>	<i>Column 2</i>
<i>The part of average revenue per gaming machine entitlement that:</i>	<i>Rate</i>
exceeds \$2666 but does not exceed \$12 500	46.7%
exceeds \$12 500	54.2%

Gambling Regulation Amendment (Gaming Machine Arrangements)
Act 2017
No. 62 of 2017

Part 2—Gaming machine entitlements that take effect on or after
16 August 2022

(3B) The *applicable table* for the calendar month of August 2022 is the following Table.

Table for August 2022

<i>Column 1</i>	<i>Column 2</i>
<i>The part of average revenue per gaming machine entitlement that:</i>	<i>Rate</i>
exceeds \$1290 but does not exceed \$6048.39	46.7%
exceeds \$6048.39	54.2%

(5) Section 3.6.6B(8) of the Principal Act is **repealed**.

17 New sections 3.6.6C and 3.6.6D inserted

After section 3.6.6B of the Principal Act **insert**—

"3.6.6C Taxation in relation to gaming in approved venues on and after 16 August 2022

- (1) This section applies—
- (a) to a venue operator who conducts or may conduct gaming under gaming machine entitlements in an approved venue in respect of which there is a pub licence, a club licence or a racing club licence in force; and
 - (b) on and after 16 August 2022.
- (2) For each approved venue in which the venue operator conducts or may conduct gaming under gaming machine entitlements, the venue operator must pay to the Commission, to be paid into the Consolidated Fund, the tax calculated as follows—

$$T = GM_T \times E$$

Gambling Regulation Amendment (Gaming Machine Arrangements)
Act 2017
No. 62 of 2017

Part 2—Gaming machine entitlements that take effect on or after
16 August 2022

where—

T is the tax payable for a calendar month;

GM_T is the tax per gaming machine entitlement held in respect of which there is a gaming machine installed at the approved venue that is connected to the electronic monitoring system in accordance with this Act in a calendar month determined in accordance with subsection (4);

E is the total number of gaming machine entitlements held by the venue operator in respect of which there is a gaming machine installed at the approved venue that is connected to the electronic monitoring system in accordance with this Act on each day in a calendar month divided by the number of days in that month.

- (3) For the purposes of this section, the calendar month of August 2022 is taken to begin on 16 August 2022.
- (4) The tax per gaming machine entitlement in a calendar month is the sum of the amounts of average revenue per gaming machine entitlement determined by multiplying those parts of that average revenue per gaming machine entitlement specified in column 1 of the applicable table by the rate specified, opposite those parts of the average revenue per gaming machine entitlement, in—
- (a) if the entitlement is a club gaming machine entitlement, column 2 of the applicable table; or

Gambling Regulation Amendment (Gaming Machine Arrangements)
Act 2017
No. 62 of 2017

Part 2—Gaming machine entitlements that take effect on or after
16 August 2022

(b) if the entitlement is a hotel gaming machine entitlement, column 3 of the applicable table.

(5) The *applicable table* for the calendar month of August 2022 is the following Table.

Table for August 2022

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>The part of average revenue per gaming machine entitlement that:</i>	<i>Rate for club gaming machine entitlement</i>	<i>Rate for hotel gaming machine entitlement</i>
does not exceed \$1376	0.00%	8.33%
exceeds \$1376 but does not exceed \$3440.86	46.70%	55.03%
exceeds \$3440.86 but does not exceed \$6451.61	51.17%	57.50%
exceeds \$6451.61	60.67%	65.00%

(6) The *applicable table* for a calendar month after August 2022 is the following Table.

Table for months after August 2022

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>The part of average revenue per gaming machine entitlement that:</i>	<i>Rate for club gaming machine entitlement</i>	<i>Rate for hotel gaming machine entitlement</i>
does not exceed \$2666	0.00%	8.33%
exceeds \$2666 but does not exceed \$6666.67	46.70%	55.03%

Gambling Regulation Amendment (Gaming Machine Arrangements)
Act 2017
No. 62 of 2017

Part 2—Gaming machine entitlements that take effect on or after
16 August 2022

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>The part of average revenue per gaming machine entitlement that:</i>	<i>Rate for club gaming machine entitlement</i>	<i>Rate for hotel gaming machine entitlement</i>
exceeds \$6666.67 but does not exceed \$12 500	51.17%	57.50%
exceeds \$12 500	60.67%	65.00%

- (7) In subsection (4) ***average revenue per gaming machine entitlement*** means revenue earned by a venue operator in a calendar month from the conduct of gaming under each gaming machine entitlement in the approved venue calculated on the following basis—

$\frac{TR}{M_T}$

M_T

where—

TR is the total revenue earned at the approved venue from the conduct of gaming under all gaming machine entitlements in the calendar month;

M_T is the average number of gaming machine entitlements in respect of which there is a gaming machine installed at the approved venue that is connected to the electronic monitoring system in accordance with this Act in the calendar month.

- (8) In subsection (7) *average number of gaming machine entitlements* means the sum of the total number of gaming machine entitlements in respect of which there is a gaming machine installed at the approved venue that is connected to the electronic monitoring system in accordance with this Act on each day of the calendar month divided by the number of days in that month.
- (9) If the application of subsection (8) results in a total number that is not a whole number, the number that is a rounding up of that number to the next 2 decimal points is to be taken to be the total number.
- (10) The tax payable under subsection (2) is payable within 7 days after the end of the calendar month to which the tax relates.

3.6.6D Review of tax rates under section 3.6.6C

- (1) After 16 August 2023, the Treasurer must cause a review of the rates set out in section 3.6.6C(6) to be undertaken.
- (2) On or before 16 February 2024, the Treasurer must either—
- (a) cause a copy of the review to be laid before each House of the Parliament; or
 - (b) if a House of the Parliament is not sitting on the day on which the Treasurer intends to cause a copy of the review to be laid before that House, give the copy of the review to the clerk of that House.

- (3) If the clerk of a House of the Parliament receives a copy of a review under subsection (2)(b), the clerk must—
- (a) as soon as practicable after the review is received, notify each member of the House of the receipt of the review and advise that the review is available on request; and
 - (b) give a copy of the review to any member of the House on request to the clerk; and
 - (c) cause the review to be laid before the House on the next sitting day of the House.
- (4) A copy of a review that is given to a clerk of a House of the Parliament under subsection (2)(b) is taken to have been published by order, or under the authority of, that House."

18 Declaration for club venue operators to pay different tax in some circumstances

- (1) In section 3.6.8(1) and (4A) of the Principal Act—
- (a) for "section 3.6.6B," **substitute** "the applicable club provision,";
 - (b) for "section 3.6.6A" **substitute** "the applicable pub provision".
- (2) After section 3.6.8(4C) of the Principal Act **insert—**
- "(5) In this section—
- applicable club provision*** means—
- (a) in relation to a period ending before 16 August 2022, section 3.6.6B; and

- (b) in relation to a period starting on or after 16 August 2022, section 3.6.6C;

applicable pub provision means—

- (a) in relation to a period ending before 16 August 2022, section 3.6.6A; and
- (b) in relation to a period starting on or after 16 August 2022, section 3.6.6C."

19 Hospitals and charities and mental health levy

For section 3.6.11(3) of the Principal Act
substitute—

- "(3) The relevant gaming machine entitlement amount for a particular financial year is the amount that is equal to the sum of the amounts paid into the Consolidated Fund in respect of that year under section 3.6.6A, 3.6.6B and 3.6.6C (less any amount payable into the Community Support Fund under section 3.6.12)."

20 Payment to community support fund

After section 3.6.12(2) of the Principal Act
insert—

- "(2A) To avoid doubt, in calculating a relevant pub gaming machine entitlement amount for a period any part of which is in or after August 2022—
- (a) it does not matter that section 3.6.6A does not apply to, or impose any tax for, any part of that period; and
- (b) section 3.6.6A(2A) does not apply."

Division 4—Payment to Treasurer on transfer of gaming machine entitlement

21 Gaming machine entitlements that expire on 15 August 2022 and that are transferred before specified date

- (1) In the heading to section 3.4A.18 of the Principal Act, after "**entitlements**" insert "**that expire on 15 August 2022 and**".
- (2) In section 3.4A.18(1) of the Principal Act, after "a gaming machine entitlement" insert "that expires on 15 August 2022".

22 New section 3.4A.18A inserted

After section 3.4A.18 of the Principal Act
insert—

"3.4A.18A Gaming machine entitlements that take effect on or after 16 August 2022 and that are transferred during specified period

- (1) This section applies if a venue operator (the *transferor*), in accordance with the gaming machine entitlement allocation and transfer rules, transfers a gaming machine entitlement that takes effect on or after 16 August 2022 to another venue operator (the *transferee*) during—
 - (a) the period beginning on the day on which the entitlement was allocated and ending on the day 18 months after the gaming machine entitlement declared day that applies to the entitlement; or
 - (b) the period beginning on the tenth anniversary of the gaming machine entitlement declared day that applies to the entitlement and ending on the day 18 months after that.

Gambling Regulation Amendment (Gaming Machine Arrangements)
Act 2017
No. 62 of 2017

Part 2—Gaming machine entitlements that take effect on or after
16 August 2022

- (2) Unless the transferor is granted an exemption under section 3.4A.19 or 3.4A.19A, the transferor must pay to the Treasurer the amount calculated as follows—

$SP - AP$

where—

SP is the sale price, being the price paid to the transferor in respect of the transfer of the gaming machine entitlement;

AP is the allocation price, which—

- (a) is the amount paid by the transferor for the allocation of the transferred gaming machine entitlement as determined under section 3.4A.5(9)(b); and
- (b) does not include any amount determined, or to be determined, under section 3.4A.5(9)(ba)(ii) if the period referred to in that provision has not yet commenced.

- (3) Unless the transferee is granted an exemption under section 3.4A.19 or 3.4A.19A, the transferee must pay to the Treasurer the amount calculated as follows—

$HAP - AP$

where—

HAP is the hypothetical allocation price referred to in subsection (4) and determined in accordance with subsection (5);

SP is the sale price, being the amount referred to by that name in subsection (2).

- (4) The hypothetical allocation price is the amount that would have been payable by the transferee for the allocation of the transferred gaming machine entitlement if it had been allocated—
 - (a) to the transferee rather than the transferor; and
 - (b) to enable the transferee to conduct gaming at the approved venue specified by the transferee under section 3.4.13A in respect of the entitlement.
- (5) The hypothetical allocation price is to be determined by applying the provisions of the gaming machine entitlement allocation and transfer rules referred to in section 3.4A.3(1A) on the basis set out in subsection (4).
- (6) If an amount calculated under subsection (2) or (3) is less than \$0, the amount is taken to be calculated as \$0.
- (7) If an amount calculated under subsection (2) or (3) is not a whole number, the number that is a rounding up of that number to the next 2 decimal points is to be taken to be the amount.
- (8) The Treasurer may recover an amount payable under subsection (2) or (3) as a debt due to the State."

23 Exemption from requirement to pay for transfer related to refusal to grant relevant authority

- (1) In the heading to section 3.4A.19 of the Principal Act, for **"75% of prescribed profit obtained on transfer"** substitute **"for transfer related to refusal to grant relevant authority"**.

(2) For section 3.4A.19(1) of the Principal Act
substitute—

"(1) On the application of a venue operator, the Treasurer may, in accordance with subsection (2), exempt the operator from a requirement under section 3.4A.18(2), or under section 3.4A.18A(2) or (4), to pay an amount to the Treasurer in relation to the transfer of a gaming machine entitlement."

(3) In section 3.4A.19(2) of the Principal Act, after "exemption" **insert** "under subsection (1)".

24 New section 3.4A.19A inserted

After section 3.4A.19 of the Principal Act
insert—

"3.4A.19A Exemption from requirement to pay for transfer related to sale of approved venue

- (1) On the application of a venue operator, the Treasurer may, in accordance with subsections (2) and (3), exempt the operator from a requirement under section 3.4A.18(2), or under section 3.4A.18A(2) or (4), to pay an amount to the Treasurer in relation to the transfer of a gaming machine entitlement.
- (2) The Treasurer may only give an exemption under subsection (1) if—
 - (a) the venue operator who transferred the gaming machine entitlement has sold, or has entered into an agreement to sell, an approved venue to the venue operator to whom the entitlement is transferred; and
 - (b) the Treasurer is satisfied that the transfer is related to the sale of the approved venue.

- (3) The maximum number of gaming machine entitlements that may be exempted under subsection (1) in relation to the sale of a particular approved venue is the number of gaming machines that, immediately before the agreement for the sale was entered into, was specified in the transferor's venue operator's licence under section 3.4.12(2)(b) as the number of gaming machines permitted in the venue.
- (4) The Treasurer must not give an exemption under subsection (1) if to do so would contravene subsection (3)."

25 Hospitals and Charities Fund

In section 3.4A.20 of the Principal Act, after "section 3.4A.18" **insert** "or 3.4A.18A".

Division 5—Expiry

26 Duration of gaming machine entitlements

For section 3.4A.7(1) of the Principal Act **substitute—**

- "(1) A gaming machine entitlement takes effect on the day determined by the Minister under section 3.4A.5(9)(e).
- (1A) Subject to subsection (2), a gaming machine entitlement remains in force for a period that ends—
 - (a) if the entitlement took effect on or after 16 August 2012 and before 16 August 2022, at midnight on 15 August 2022;
or
 - (b) if the entitlement took effect on or after 16 August 2022, at midnight on 15 August 2042.

(1B) A gaming machine entitlement remains in force in accordance with subsection (1A) whether or not it is surrendered under Division 5AA or forfeited to the State under Division 6, 7, 8 or 8A and allocated to another venue operator during the period referred to in that subsection."

27 Gaming machine entitlements may authorise preparatory action

- (1) In section 3.4A.9(4) of the Principal Act, for "3.4A.7(1)(a)," **substitute** "3.4A.7(1),".
- (2) Section 3.4A.9(5) of the Principal Act is **repealed**.

Part 3—Assignment of gaming machine entitlements

28 Who is an associate?

After section 1.4(1) of the Principal Act **insert**—

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

29 Part 1 of Chapter 3—Definitions

In section 3.1.2 of the Principal Act **insert** the following definitions—

assigned, in relation to a gaming machine entitlement, means assigned under Division 3A of Part 4A;

assignee has the meaning given in section 3.4A.11D;

assignment agreement has the meaning given in section 3.4A.11D;

assignor has the meaning given in section 3.4A.11D;

gaming machine entitlement assignment rules means rules made under section 3.4A.11F;

registered assignment agreement means an assignment agreement registered by the Commission under section 3.4A.11H;".

30 Possession of gaming equipment or monitoring equipment may be authorised

(1) After section 3.2.2(2C) of the Principal Act
insert—

"(2D) The Commission must not give an authorisation under subsection (2B) in respect of a relevant event that is the assignment of a gaming machine entitlement except to authorise the venue operator to be in possession of, or sell or dispose of, gaming equipment at the venue that is associated with the entitlement.

(2E) For the purposes of subsection (2D), an approved venue (or a venue whose approval under Part 3 is suspended) is *associated* with an assigned gaming machine entitlement if—

(a) the venue operator has notified the Commission under section 3.4.13A that gaming will be conducted by the venue operator at that venue under that entitlement; and

(b) that notification has not been superseded by a subsequent notification under section 3.4.13A (other than a notification relating to the conduct of gaming under that entitlement by the assignee)."

(2) In section 3.2.2(5) of the Principal Act, in the definition of *relevant event*, before paragraph (a)
insert—

"(aa) the assignment of a gaming machine entitlement held by the operator; or"

31 Duration of approval

- (1) In section 3.3.10 of the Principal Act, for "An"
substitute "Subject to subsection (2), an".
- (2) At the end of section 3.3.10 of the Principal Act
insert—
"(2) An approval of premises as suitable for
gaming is taken not to be in force while it is
suspended."

32 Register of venue operators and approved venues

- In section 3.4.13(2)(g) of the Principal Act—
- (a) in subparagraph (iii), for "conducted."
substitute "conducted; and".
 - (b) after subparagraph (iii) **insert**—
"(iv) if the gaming machine entitlement is
assigned, details of the assignment
(including the identity of the venue
operator to whom it is assigned)."

33 Division 2A of Part 4 of Chapter 3—Definitions

- (1) In section 3.4.28A of the Principal Act, for the
definition of *prohibited venue agreement*
substitute—
"*prohibited venue agreement* has the meaning
given in section 3.4.28AB;"
- (2) In section 3.4.28A of the Principal Act, in the
definition of *reviewable venue agreement*, for
"means" **substitute** "means, subject to
subsection (2),".
- (3) At the end of section 3.4.28A of the Principal Act
insert—
"(2) A registered assignment agreement is not a
reviewable venue agreement."

34 New section 3.4.28AB inserted

After section 3.4.28A of the Principal Act
insert—

"3.4.28AB Meaning of *prohibited venue agreement*

- (1) A *prohibited venue agreement* is an agreement, arrangement or understanding entered into by a venue operator and another person under which the venue operator provides, as consideration, an amount (however described) calculated by reference to gaming machine revenue earned by the venue operator.
- (2) An entitlement-related agreement is not a *prohibited venue agreement* only because—
 - (a) the agreement provides for an amount or amounts to be paid by a venue operator who holds a gaming machine entitlement; and
 - (b) the amount is, or the amounts are, calculated by reference to gaming machine revenue earned by the venue operator.
- (3) An assignment agreement is not a *prohibited venue agreement* unless it provides for the payment of an amount calculated by reference to gaming machine revenue in respect of the conduct of gaming—
 - (a) under specific gaming machine entitlements; or
 - (b) on specific gaming machines."

35 Commission may declare certain agreements to be reviewable venue agreements

In section 3.4.28B(1) of the Principal Act, after "other than" **insert** "a registered assignment agreement or".

36 New Division 3A of Part 4A of Chapter 3 inserted

After section 3.4A.11C of the Principal Act **insert**—

"Division 3A—Assignment of gaming machine entitlements

3.4A.11D What is an *assignment agreement*?

An *assignment agreement* is an agreement between a venue operator (the *assignor*) and another venue operator (the *assignee*) that—

- (a) provides for one or more gaming machine entitlements held by the assignor to be assigned to the assignee—
 - (i) under section 3.4A.11I; and
 - (ii) for a period specified in the agreement; and
- (b) specifies the approved venues in which the assignee will conduct gaming under each assigned gaming machine entitlement; and
- (c) provides for the assignee to pay an amount or amounts to the assignor.

3.4A.11E Gaming machine entitlement may be assigned only by registered assignment agreement

- (1) An assignment agreement is of no effect unless it is registered by the Commission under section 3.4A.11H.

- (2) Any other agreement or deed that purports to assign a gaming machine entitlement, or a right or obligation under a gaming machine entitlement, is of no effect.

3.4A.11F Gaming machine entitlement assignment rules

- (1) The Minister may make rules for or with respect to—
- (a) the assignment of gaming machine entitlements; and
 - (b) the process for the registration of assignment agreements by the Commission under section 3.4A.11H.
- (2) Gaming machine entitlement assignment rules may—
- (a) apply generally or be of limited application;
 - (b) apply differently according to differences in time, place or circumstance;
 - (c) leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Minister or the Commission.
- (3) The rules must be published in the Government Gazette.
- (4) The rules take effect on the day that they are published in the Government Gazette or on such later date as is specified in the rules.

3.4A.11G Venue operator may apply to Commission for registration of assignment agreement

- (1) A venue operator who is a party to an assignment agreement may, in accordance with the gaming machine entitlement assignment rules, apply to the Commission for registration of the agreement.
- (2) An application must be—
 - (a) in the form approved by the Commission; and
 - (b) accompanied by the prescribed fee.

3.4A.11H Commission may register assignment agreement

- (1) On receiving an application under section 3.4A.11G, the Commission may, in accordance with the gaming machine entitlement assignment rules, register the assignment agreement.
- (2) The Commission must not register the assignment agreement if—
 - (a) either party to the agreement does not hold a club venue operator's licence; or
 - (b) the Commission considers that the conduct of gaming, by the assignee, in the assignee's approved venue, and under a gaming machine entitlement specified in the agreement, would result in the contravention of—
 - (i) the assignee's venue operator's licence; or
 - (ii) the assignee's approval of premises as suitable for gaming; or
 - (iii) a provision of this Act; or

- (iv) a condition imposed by the Minister on the entitlement under section 3.4A.5(4); or
 - (v) an entitlement-related agreement; or
 - (vi) an agreement referred to in section 3.4A.11A, 3.8A.15 or 3.8A.16; or
 - (vii) a regional limit or municipal limit; or
- (c) the agreement provides for the assignment of a gaming machine entitlement for a period that exceeds the duration of the gaming machine entitlement; or
 - (d) the agreement does not comply with the gaming machine entitlement assignment rules.
- (3) In considering the matters referred to in subsection (2)(b)(iv) and (vii) in relation to a particular gaming machine entitlement, the Commission must have regard to any proposed amendment to the geographic area condition imposed on the entitlement.

3.4A.11I Effect of registration of assignment agreement

- (1) This section applies if an assignment agreement is registered under section 3.4A.11H.
- (2) On the applicable day under subsection (3), each gaming machine entitlement specified in the agreement is assigned, in accordance with this section, to the assignee—
 - (a) for the period specified in the agreement; and

Part 3—Assignment of gaming machine entitlements

- (b) subject to—
 - (i) this Division; and
 - (ii) the gaming machine entitlement assignment rules; and
 - (iii) the agreement.
- (3) The applicable day is—
 - (a) if the agreement specifies a day on which the gaming machine entitlements are to be assigned, and that day is after the day on which the agreement is registered, the specified day; or
 - (b) otherwise, the day on which the agreement is registered.
- (4) For the duration of the assignment of a gaming machine entitlement—
 - (a) except as set out in subsections (5) and (6), the assignee (and not the assignor) is taken to be the holder of the entitlement; and
 - (b) without limiting paragraph (a), the entitlement authorises the assignee (and not the assignor) to conduct gaming under the entitlement.
- (5) Despite subsection (4)(a), the assignor (and not the assignee) is taken to be the holder of an assigned gaming machine entitlement for the purposes of—
 - (a) section 3.4.13(2)(g); and
 - (b) section 3.4.28AB(2); and

Part 3—Assignment of gaming machine entitlements

- (c) the liability for, or payment of, an amount or amounts in relation to the entitlement as determined under section 3.4A.5(9) in accordance with an entitlement-related agreement; and
 - (d) Division 5; and
 - (e) Division 5AA; and
 - (f) Division 5A; and
 - (g) section 3.4A.26A; and
 - (h) Division 8A.
- (6) Despite subsection (4)(a), each of the assignor and the assignee is taken to be the holder of an assigned gaming machine entitlement for the purposes of—
- (a) the definition of *entitlement holder* in section 1.3(1); and
 - (b) section 3.2A.7; and
 - (c) Division 4; and
 - (d) sections 3.4.28C and 3.4.28D; and
 - (e) section 3.4A.14A; and
 - (f) the definition of *gaming machine services provider* in section 9A.1.1; and
 - (g) any conditions of a venue operator's licence that are expressed to apply in relation to a gaming machine entitlement held by a venue operator.
- (7) For the duration of the assignment of a gaming machine entitlement, the assignor is not taken to be permitting or allowing the conduct of gaming under the entitlement.

3.4A.11J No entitlement to or legitimate expectation of approval of venue

To avoid doubt, a venue operator does not, by reason only that the operator is the assignee for a gaming machine entitlement, have any entitlement to, or legitimate expectation of—

- (a) premises being approved under Part 3 to enable the venue operator to conduct gaming under that entitlement in those premises; or
- (b) any other approval under this Act to enable the venue operator to conduct gaming under that entitlement in those premises.

3.4A.11K Restrictions on assignor for duration of assignment

- (1) For the duration of the assignment of a gaming machine entitlement, the assignor is subject to the provisions of this section despite anything to the contrary in this Act (other than section 3.4A.11R).
- (2) The assignor must not exercise any control, whether directly or indirectly, in relation to the conduct of gaming by the assignee.
- (3) The approval, under Part 3, for the assignor's venue that is associated with the gaming machine entitlement is suspended.
- (4) For the purposes of subsection (3), an approved venue (or a venue whose approval under Part 3 is suspended) is *associated* with a gaming machine entitlement if—

- (a) the Commission has been notified under section 3.4.13A that gaming will be conducted by the assignor at that venue under that entitlement; and
- (b) that notification has not been superseded by a subsequent notification under section 3.4.13A (other than a notification relating to the conduct of gaming under that entitlement by the assignee).

3.4A.11L Gaming under registered assignment agreement must be commenced within 6 months

An assignee must commence the conduct of gaming by means of an approved gaming machine under an assigned gaming machine entitlement within 6 months of the day on which the entitlement is assigned under section 3.4A.11I.

3.4A.11M Assignment ended if gaming not commenced within 6 months

If an assignee does not comply with section 3.4A.11L in relation to a gaming machine entitlement, the assignment of the entitlement is terminated at the end of the 6-month period referred to in that section.

3.4A.11N Variation of registered assignment agreement

If the parties to a registered assignment agreement vary the agreement, the assignor must, within 7 days, give the Commission a notice in writing setting out the variation.

3.4A.110 Commission may deregister registered assignment agreement

- (1) This section applies if the Commission has received a notice under section 3.4A.11N or 3.4A.17AA concerning the variation of a registered assignment agreement (including by the substitution of parties).
- (2) The Commission may serve notice under subsection (3) on the assignor and the assignee if the Commission considers that the agreement as varied does not comply with the requirements for registration set out in section 3.4A.11H(2).
- (3) A notice under this subsection must give the assignor and the assignee an opportunity to show cause within 28 days why the agreement should not be deregistered.
- (4) Each of the assignor and the assignee, within the period allowed by the notice, may arrange with the Commission for the making of submissions to the Commission as to why the agreement should not be deregistered.
- (5) The Commission must consider the submissions made in accordance with an arrangement referred to in subsection (4).
- (6) If the Commission then considers that the agreement as varied does not comply with the requirements for registration set out in section 3.4A.11H(2), the Commission may give the assignor and the assignee a notice in writing specifying the day on which the agreement is to be deregistered.
- (7) On the day specified in the notice under subsection (6), the agreement is deregistered and terminated.

3.4A.11P Termination of registered assignment agreement if licence expires or is cancelled or suspended

A registered assignment agreement is terminated if the venue operator's licence held by the assignor or the assignee expires or is cancelled or suspended.

3.4A.11Q Termination of assignment if venue approval revoked or venue removed from licence

- (1) The assignment of a gaming machine entitlement is terminated if—
 - (a) the assignee's approval, under Part 3, for the venue associated with the entitlement is revoked; or
 - (b) the premises that were the venue associated with the entitlement are removed from the assignee's venue operator's licence.
- (2) For the purposes of subsection (1), an approved venue (or a venue whose approval under Part 3 is suspended) is *associated* with a gaming machine entitlement if—
 - (a) the Commission has been notified under section 3.4.13A that gaming will be conducted by the assignee at that venue under that entitlement; and
 - (b) that notification has not been superseded by a subsequent notification under section 3.4.13A.

3.4A.11R Preparatory action authorised in relation to termination of assignment

- (1) On and after the day that is 20 business days before the day on which, as specified in a registered assignment agreement, the assignment of a gaming machine entitlement is to end, the assignor is authorised to take preparatory action even though the entitlement is still assigned.
- (2) For the purpose of any preparatory action taken in accordance with subsection (1)—
 - (a) the gaming machine entitlement is taken not to be assigned; and
 - (b) if a temporary amendment was made to the geographic area condition imposed on the entitlement, and the end of the assignment is to cause that amendment to expire, that amendment is taken not to have been made; and
 - (c) the approved venue that is suspended under section 3.4A.11K(3) is taken not to be suspended.
- (3) In this section—

preparatory action has the same meaning as it has in section 3.4A.9.

3.4A.11S No compensation payable

No compensation is payable by the State to any person because of—

- (a) the operation of any provision of a registered assignment agreement; or
- (b) the operation of this Act in relation to a registered assignment agreement; or
- (c) the termination of the assignment of a gaming machine entitlement."

37 New section 3.4A.11T inserted

After the heading to Division 4 of Part 4A of Chapter 3 of the Principal Act **insert**—

"3.4A.11T Temporary amendment rules

- (1) The Minister may make rules for or with respect to the temporary amendment of a geographic area condition on a gaming machine entitlement.
- (2) The rules may provide for the circumstances and manner in which the Commission may make, vary or revoke a temporary amendment to a geographic area condition on a gaming machine entitlement.
- (3) The rules may—
 - (a) apply generally or be of limited application;
 - (b) apply differently according to differences in time, place or circumstance;
 - (c) leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Minister or the Commission.
- (4) The rules must be published in the Government Gazette.
- (5) The rules take effect on the day that they are published in the Government Gazette or on such later date as is specified in the rules."

38 Request for amendment of geographic area condition or venue condition

- (1) In section 3.4A.12(1) of the Principal Act, for "A venue operator" **substitute** "Subject to subsection (1B), a venue operator".
- (2) After section 3.4A.12(1) of the Principal Act **insert**—
 - "(1A) A request under subsection (1) may be for the variation or revocation of a temporary amendment made to a geographic area condition.
 - (1B) A venue operator to whom a gaming machine entitlement is assigned must not request the Commission to make an amendment to a condition to which that entitlement is subject other than—
 - (a) a temporary amendment of a geographic area condition on the entitlement; or
 - (b) the variation or revocation of a temporary amendment referred to in paragraph (a)."

39 Commission decision on the request

After section 3.4A.13(5) of the Principal Act **insert**—

- "(5A) The Commission may, in accordance with section 3.4A.13A and the rules under section 3.4A.11T—
- (a) make an amendment to a geographic area condition as a temporary amendment; or
 - (b) vary or revoke a temporary amendment referred to in paragraph (a).

- (5B) On and after the expiry or revocation of a temporary amendment referred to in subsection (5A), the entitlement is taken to have the geographic area condition that it had immediately before the amendment was made.

Note

Section 3.4A.13B provides for a grace period in relation to the expiry of the temporary amendment in certain circumstances."

40 New sections 3.4A.13A and 3.4A.13B inserted

After section 3.4A.13 of the Principal Act
insert—

"3.4A.13A Temporary amendments to geographic area conditions

- (1) This section applies to the Commission in making or varying a temporary amendment to a geographic area condition on a gaming machine entitlement under section 3.4A.13(5A).
- (2) The temporary amendment—
 - (a) must be expressed so that it expires at the end of specified period; and
 - (b) may also be expressed so that if a specified event occurs before the end of that period, the amendment expires on, or within a specified period after, that specified event instead.
- (3) Without limiting subsection (2)(b), a specified event referred to in that provision may relate to—
 - (a) the expiry of a temporary amendment to the geographic area condition on any other gaming machine entitlement; or

- (b) the revocation of a temporary amendment to the geographic area condition on any other gaming machine entitlement; or
- (c) the termination of the assignment of any other gaming machine entitlement under Division 3A, whether—
 - (i) at the end of the full period specified in the registered assignment agreement for that entitlement; or
 - (ii) at an earlier time by the occurrence of any other event.

3.4A.13B Grace period for early expiry of temporary amendment

- (1) This section applies if—
 - (a) a temporary amendment to the geographic area condition on a gaming machine entitlement expires; and
 - (b) that expiry is caused by the occurrence of a specified event (the *event*) referred to in section 3.4A.13A(3)(b) or (c)(ii).
- (2) As soon as practicable after the occurrence of the event, the Commission must give written notice of the event to the venue operator who is conducting gaming under the gaming machine entitlement.
- (3) Despite section 3.4A.13(5B), the expiry of the temporary amendment is taken not to apply in relation to the gaming machine entitlement until 24 hours after the operator has received the notice under subsection (2).

- (4) Without limiting subsection (3), during the 24 hour period referred to in that subsection, the expiry of the temporary amendment does not prevent the venue operator from conducting gaming under the gaming machine entitlement in accordance with the geographic area condition as in force before that expiry.
- (5) During the 24 hour period referred to in subsection (3), it does not matter that the operation of that subsection causes a contravention of a regional limit or a municipal limit."

41 New sections 3.4A.14A and 3.4A.14B inserted

After section 3.4A.14 of the Principal Act
insert—

"3.4A.14A No entitlement to or legitimate expectation of certain matters in relation to temporary amendment

To avoid doubt, a venue operator does not, by reason only of the making of a temporary amendment to the geographic area condition on a gaming machine entitlement held by the operator, have any entitlement to, or legitimate expectation of—

- (a) the amendment subsequently being—
 - (i) made as an amendment that is not temporary; or
 - (ii) varied so that it does not expire; or
- (b) premises being approved under Part 3 to enable the venue operator to conduct gaming under that entitlement; or
- (c) any other approval under this Act to enable the venue operator to conduct gaming under that entitlement.

3.4A.14B No compensation payable because of expiry or revocation of temporary amendment

No compensation is payable by the State because of the expiry or revocation of a temporary amendment to a geographic area condition on a gaming machine entitlement."

42 New sections 3.4A.17AA and 3.4A.17AAB inserted

After section 3.4A.17 of the Principal Act
insert—

"3.4A.17AA Transfer agreement may provide for substitution of parties to registered assignment agreement

- (1) This section applies to the assignment of a gaming machine entitlement if—
 - (a) the entitlement is transferred in accordance with this Division to a person other than the assignee; and
 - (b) the agreement that provides for the transfer provides that, under this section, the assignment is to continue with the transferee becoming the assignor.
- (2) On the day of the transfer, the transferee becomes a party to the registered assignment agreement in place of the transferor (but only in relation to the transferred gaming machine entitlement).
- (3) On and after the day of the transfer, the transferee is taken to be the assignor of the transferred gaming machine entitlement.

- (4) Within 7 days of the transfer of the gaming machine entitlement, the transferor must give the Commission a notice in writing setting out the change in the assignment.

3.4A.17AAB Assignment of gaming machine entitlement otherwise terminated on transfer

- (1) This section applies if—
- (a) an assigned gaming machine entitlement is transferred in accordance with this Division; and
 - (b) section 3.4A.17AA does not apply to the assignment of the gaming machine entitlement.
- (2) On the day of the transfer, the assignment is terminated."

43 New section 3.4A.21A inserted

After section 3.4A.21 of the Principal Act
insert—

"3.4A.21A Division does not require gaming under an assigned gaming machine entitlement

Nothing in this Division requires a venue operator to whom a gaming machine entitlement is assigned to commence gaming under that entitlement within any period.

Notes

- 1 Section 3.4A.11M provides that if an assignee does not commence gaming under an assigned gaming machine entitlement within 6 months of the assignment of the entitlement, that assignment terminates.
- 2 On the end of the assignment of a gaming machine entitlement, this Division requires the assignor to conduct gaming on the entitlement within 6 months (unless that period is extended). See sections 3.4A.22(3) and 3.4A.23(2)."

44 Section 3.4A.22 substituted

For section 3.4A.22 of the Principal Act
substitute—

"3.4A.22 Meaning of *relevant holding period*

- (1) If a gaming machine entitlement is allocated to a venue operator, the *relevant holding period* for the entitlement is—
 - (a) the period of 6 months commencing on the gaming machine entitlement declared day that applies to the entitlement; or
 - (b) if that period is extended under section 3.4A.25, the period as extended.
- (2) If a gaming machine entitlement is transferred to a venue operator, on and after that transfer the *relevant holding period* for the entitlement is—
 - (a) the period of 6 months commencing on the day on which the entitlement was transferred; or
 - (b) if that period is extended under section 3.4A.25, the period as extended.
- (3) If a venue operator assigns a gaming machine entitlement, on and after the end of the assignment the *relevant holding period* for the entitlement is—
 - (a) the period of 6 months commencing on the day on which the assignment ends; or
 - (b) if that period is extended under section 3.4A.25, the period as extended.

- (4) However, the *relevant holding period* for a gaming machine entitlement is not to be taken to include any period during which the venue operator's licence of the venue operator who holds the entitlement is suspended under section 3.4.25(4) or 3.4.26(2)."

45 Section 3.4A.23 substituted

For section 3.4A.23 of the Principal Act
substitute—

"3.4A.23 Gaming under gaming machine entitlements must be commenced within relevant holding period

- (1) If a gaming machine entitlement is allocated or transferred to a venue operator, the operator must commence the conduct of gaming by means of an approved gaming machine under the entitlement within the relevant holding period.
- (2) If a venue operator assigns a gaming machine entitlement, and that assignment subsequently ends, the operator must commence the conduct of gaming by means of an approved gaming machine under the entitlement within the relevant holding period."

46 Commission may extend relevant holding period

- (1) In section 3.4A.25(1) of the Principal Act, for "period." **substitute** "period for a gaming machine entitlement."
- (2) For section 3.4A.25(2)(a) of the Principal Act **substitute—**
- "(a) must be made before the end of the relevant holding period for the gaming machine entitlement; and"

47 Gaming machine entitlements forfeited if venue operator's licence cancelled, surrendered or not renewed

For section 3.4A.26(2) of the Principal Act
substitute—

"(2) On the relevant day—

- (a) every gaming machine entitlement held by the venue operator (other than a gaming machine entitlement assigned to the venue operator under Division 3A) is forfeited to the State; and
- (b) every registered assignment agreement under which the venue operator is the assignee is terminated; and
- (c) every gaming machine entitlement assigned under Division 3A by the venue operator is forfeited to the State."

48 Installation and storage of gaming machines

Before section 3.5.15(2) of the Principal Act
insert—

"(1C) Subsection (1A) does not apply to an entitlement holder in relation to the conduct of gaming under a gaming machine entitlement that the entitlement holder has assigned to another venue operator."

49 Amendments relating to suspension of venue approval

(1) After section 3.3.11(1) of the Principal Act
insert—

"(1A) Subsection (1) applies whether or not the approval is suspended."

Part 3—Assignment of gaming machine entitlements

(2) After section 3.3.12(1) of the Principal Act
insert—

"(1A) Subsection (1) applies whether or not the approval is suspended."

(3) In the heading to section 3.3.13 of the Principal Act, after "**revocation**" **insert "or suspension"**.

(4) At the end of section 3.3.13 of the Principal Act
insert—

"(2) Subsection (1) applies whether or not the approval under this Part is already suspended under any other section of this Act.

(3) If an approval under this Part is suspended both under subsection (1)(b) and under any other section of this Act, the expiry of the period referred to in subsection (1)(b) does not affect the suspension that is effected under that other section."

(5) After section 3.3.16(1) of the Principal Act
insert—

"(1A) In subsection (1), a reference to an approved venue also refers to a venue whose approval under Part 3 is suspended."

(6) In section 3.4.1(1)(ac) and (ad) of the Principal Act, after "approved venue operated by the licensee" **insert** "(including a venue whose approval under Part 3 is suspended)".

(7) In section 3.4.1(1)(af) of the Principal Act, for "licensee," **substitute** "licensee (including a venue whose approval under Part 3 is suspended),".

(8) For section 3.4.1(1)(c) of the Principal Act
substitute—

"(c) to manage and operate an approved venue in relation to the conduct of gaming at the venue; and"

Part 3—Assignment of gaming machine entitlements

- (9) In section 3.4.11(1)(d) of the Principal Act—
- (a) after "approved venue" (where first occurring) **insert** "(including a venue whose approval under Part 3 is suspended)";
 - (b) for "the approved venue" **substitute** "that venue".
- (10) After section 3.4.13(2) of the Principal Act **insert**—
- "(3) In subsection (2), a reference to an approved venue also refers to a venue whose approval under Part 3 is suspended."
- (11) After section 3.4.14(10) of the Principal Act **insert**—
- "(11) In this section, a reference to an approved venue also refers to a venue whose approval under Part 3 is suspended."
- (12) After section 3.4.17(1) of the Principal Act **insert**—
- "(1A) In subsection (1), a reference to an approved venue also refers to a venue whose approval under Part 3 is suspended."
- (13) After section 3.4.18(3) of the Principal Act **insert**—
- "(4) This section applies in relation to a venue whose approval under Part 3 is suspended in the same way that it applies in relation to an approved venue."
- (14) In section 3.4.18A of the Principal Act—
- (a) for "permitted" **substitute** "that are to be permitted";
 - (b) after "approved venue" (where first occurring) **insert** "(or venue whose approval under Part 3 is suspended)";

Part 3—Assignment of gaming machine entitlements

- (c) for "approved venue" (where secondly occurring) **substitute** "venue".
- (15) In section 3.4.18B(1) of the Principal Act—
- (a) for "permitted" **substitute** "that are to be permitted";
 - (b) after "an approved venue" **insert** "(or venue whose approval under Part 3 is suspended)";
 - (c) for "the approved venue" **substitute** "the venue".
- (16) In section 3.4.19(1)(a) of the Principal Act, after "approved venue" **insert** "(or venue whose approval under Part 3 is suspended)".
- (17) After section 3.4.20(4) of the Principal Act **insert**—
- "(5) This section applies in relation to a venue whose approval under Part 3 is suspended in the same way that it applies in relation to an approved venue."
- (18) In section 3.4.22(2) of the Principal Act—
- (a) after "an approved venue" **insert** "(or venue whose approval under Part 3 is suspended)";
 - (b) for "the approved venue." **substitute** "the venue."
- (19) After section 3.4.25(1) of the Principal Act, in the definition of *grounds for disciplinary action*, in paragraph (b), for "3.5.23;" **substitute** "3.5.23 (whether or not the approval under Part 3 for that venue has since been suspended);".
- (20) After section 3.5.15(1A) of the Principal Act **insert**—
- "(1B) To avoid doubt, a reference in subsection (1A)(a) to a gaming machine area does not include a reference to a gaming machine area

Part 3—Assignment of gaming machine entitlements

- in a venue whose approval under Part 3 is suspended.".
- (21) In section 3.5.15(2) of the Principal Act, after "approved venue" **insert** "(or at a venue whose approval under Part 3 is suspended)".
- (22) In section 3.5.16(1) of the Principal Act, after "approved venue" **insert** "(or at a venue whose approval under Part 3 is suspended)".
- (23) After section 3.5.16(1) of the Principal Act **insert**—
- "(1A) If the holder of a gaming industry employee's licence installs gaming equipment or monitoring equipment at a venue whose approval under Part 3 is suspended, the holder must not sign the certificate under subsection (1) until that suspension ends.".
- (24) In section 3.5.16(3) of the Principal Act, after "approved venue" **insert** "(or at a venue whose approval under Part 3 is suspended)".
- (25) After section 3.5.16(3) of the Principal Act **insert**—
- "(3A) If an entitlement holder installs gaming equipment or monitoring equipment, or causes gaming equipment or monitoring equipment to be installed, at a venue whose approval under Part 3 is suspended, the holder must not sign the certificate under subsection (3) until that suspension ends.".
- (26) After section 3.5.27(1) of the Principal Act **insert**—
- "(1A) In subsection (1), a reference to an approved venue also refers to a venue whose approval under Part 3 is suspended.".

Part 3—Assignment of gaming machine entitlements

(27) After section 3.5.33E(2) of the Principal Act
insert—

"(3) An application for an approval may be made in respect of a venue whose approval under Part 3 is suspended."

(28) After section 3.5.33F(6) of the Principal Act
insert—

"(7) This section applies in relation to a venue whose approval under Part 3 is suspended in the same way that it applies in relation to an approved venue."

(29) In section 3.5.34(1) of the Principal Act, after "approved venue" **insert** "(or a venue whose approval under Part 3 is suspended)".

(30) In section 3.7.3(1) of the Principal Act, for "An operator" **substitute** "Subject to subsection (1A), an operator".

(31) After section 3.7.3(1) of the Principal Act
insert—

"(1A) If the approval of a venue under Part 3 is suspended, subsection (1) does not require a venue operator to do any of the following things during the period of the suspension in relation to the venue—

(a) to keep or maintain separate accounts as described in subsection (1)(a); or

(b) to provide a written authority described in subsection (1)(b) authorising the taking of any action."

(32) After section 3.7.5(1) of the Principal Act
insert—

"(1A) In subsection (1), a reference to an approved venue also refers to a venue whose approval under Part 3 is suspended."

Gambling Regulation Amendment (Gaming Machine Arrangements)
Act 2017
No. 62 of 2017

Part 3—Assignment of gaming machine entitlements

- (33) In section 3.8A.15(1) of the Principal Act, for "services." **substitute** "services at or in relation to an approved venue."
- (34) In section 3.8A.16(1) of the Principal Act, for "services." **substitute** "services at or in relation to an approved venue."
- (35) For section 3.8A.18(1) of the Principal Act **substitute**—
- "(1) A casino operator must comply with a direction under section 3.8A.15 or 3.8A.16.
- (1A) Subject to subsection (1B), a venue operator must comply with a direction under section 3.8A.15 or 3.8A.16.
- (1B) A venue operator is not required to comply with a direction under section 3.8A.15 or 3.8A.16 in relation to a venue whose approval under Part 3 is suspended unless the venue operator is undertaking preparatory action in that venue under section 3.4A.9 or 3.4A.11R."

Part 4—Increased limit on club gaming machine entitlements

50 Prohibited interests in gaming machine entitlements

(1) In section 3.2A.7(2)(b) of the Principal Act—

- (a) for "an entitlement holder" **substitute** "the entitlement holder";
- (b) after "and" **insert** "those that are held by".

(2) In section 3.2A.7(3) of the Principal Act—

- (a) for "An entitlement holder" **substitute** "Before the day declared by the Minister under section 3.2A.7A, an entitlement holder";
- (b) in paragraph (a), for "entitlements;" **substitute** "entitlements that expire on 15 August 2022;";
- (c) in paragraph (b)—
 - (i) for "entitlements held by an" **substitute** "entitlements that expire on 15 August 2022 and that are held by the";
 - (ii) for "and one" **substitute** "and those that are held by one";
 - (iii) "entitlements." **substitute** "entitlements; or";
- (d) after paragraph (b) **insert**—

"(c) the entitlement holder holds more than 420 club gaming machine entitlements that take effect on or after 16 August 2022; or

- (d) the sum of the club gaming machine entitlements that take effect on or after 16 August 2022 and that are held by the entitlement holder (the *first entitlement holder*) and those that are held by one or more other entitlement holders that have a prescribed connection with the first entitlement holder equates to more than 420 club gaming machine entitlements."
- (3) After section 3.2A.7(3) of the Principal Act **insert—**
- "(3A) On and after the day declared by the Minister under section 3.2A.7A, an entitlement holder holds a prohibited number of club gaming machine entitlements if—
- (a) the entitlement holder holds more than 840 club gaming machine entitlements that expire on 15 August 2022; or
 - (b) the sum of the club gaming machine entitlements that expire on 15 August 2022 and that are held by the entitlement holder (the *first entitlement holder*) and those that are held by one or more other entitlement holders that have a prescribed connection with the first entitlement holder equates to more than 840 club gaming machine entitlements; or
 - (c) the entitlement holder holds more than 840 club gaming machine entitlements that take effect on or after 16 August 2022; or

(d) the sum of the club gaming machine entitlements that take effect on or after 16 August 2022 and that are held by the entitlement holder (the *first entitlement holder*) and those that are held by one or more other entitlement holders that have a prescribed connection with the first entitlement holder equates to more than 840 club gaming machine entitlements."

(4) In section 3.2A.7(4) of the Principal Act—

(a) for "section" (where secondly occurring) **substitute** "sections";

(b) for "and (6)" **substitute** "and 3.4A.5AA".

51 New section 3.2A.7A inserted

After section 3.2A.7 of the Principal Act **insert**—

"3.2A.7A Minister may declare day for increase of limit on club gaming machine entitlements

Before 16 August 2022, the Minister may, by Order published in the Government Gazette, declare a day on which the limits applying in relation to club gaming machine entitlements under section 3.2A.7 are increased."

Part 5—Responsible Gambling Codes of Conduct and self-exclusion programs

Division 1—Responsible Gambling Codes of Conduct

52 Functions of Commission

For section 10.1.4(2)(fd) of the Principal Act
substitute—

- "(fd) ensuring that Responsible Gambling Codes
of Conduct comply with—
- (i) regulations made for or with respect to
Part 4C in Schedule 1; and
 - (ii) directions under section 10.6.6(1);".

53 Sections 10.6.6 to 10.6.9 substituted

For sections 10.6.6, 10.6.7, 10.6.8 and 10.6.9 of
the Principal Act **substitute—**

"10.6.6 Ministerial direction about Responsible Gambling Codes of Conduct

- (1) The Minister may give a direction in relation
to—
 - (a) the standards and requirements that
a Responsible Gambling Code of
Conduct implemented by a relevant
person must meet; and
 - (b) the content that must be included in
a Responsible Gambling Code of
Conduct implemented by a relevant
person.
- (2) A direction under subsection (1) may be
given in respect of—
 - (a) a specified relevant person; or
 - (b) relevant persons of a specified class.

- (3) A direction under subsection (1) is to be given by publishing the direction in the Government Gazette.
- (4) A direction under subsection (1) takes effect on a day specified in the direction.

10.6.7 Change in Ministerial direction about Responsible Gambling Codes of Conduct

- (1) This section applies if the Minister—
 - (a) gives a direction under section 10.6.6(1) (the *old direction*) that applies to a relevant person; and
 - (b) subsequently—
 - (i) varies the old direction; or
 - (ii) revokes the old direction and gives a new direction under section 10.6.6(1) that also applies to the relevant person.
- (2) During the period of 6 months beginning on the day on which the variation or new direction takes effect, if the relevant person complies with the old direction as in force immediately before that day, they are taken to be complying with the varied or new direction.

10.6.8 Review of direction about Responsible Gambling Codes of Conduct

- (1) During each period specified in subsection (2), the Minister must cause a review to be undertaken of the operation of directions under section 10.6.6(1).
- (2) The review must be undertaken within each consecutive period of 5 years, the first of which begins on the day on which the first direction is given under section 10.6.6(1).

- (3) The review is to be a review of how effectively the Responsible Gambling Codes of Conduct—
 - (a) ensure that gambling products are supplied in a responsible manner; and
 - (b) promote practices that support and encourage responsible gambling; and
 - (c) assist in minimising harm caused by gambling.
- (4) A failure to undertake a review in accordance with this section does not affect the validity of any directions under section 10.6.6(1).

10.6.9 Regulations prevail over direction

A direction under section 10.6.6(1) is of no effect to the extent that it is inconsistent with regulations made for or with respect to Part 4C in Schedule 1."

54 Section 10.6.9A repealed

Section 10.6.9A of the Principal Act is **repealed**.

55 Schedule 1 amended

In Schedule 1 to the Principal Act, before the heading to Part 5 **insert**—

"Part 4C—Responsible Gambling Codes of Conduct

- 4C.1 The standards and requirements that a Responsible Gambling Code of Conduct must meet.
- 4C.2 The content that must be included in a Responsible Gambling Code of Conduct."

56 Consequential amendments—application for and issue of various licences

- (1) For section 3.4.11(1)(f)(i) and (ii) of the Principal Act **substitute**—
 - "(i) regulations made for or with respect to Part 4C in Schedule 1; and
 - (ii) each direction under section 10.6.6(1) that applies in relation to the application."
- (2) In section 4.3A.7(2)(d) of the Principal Act, for "with any directions given under section 10.6.6 and the additional requirements set out in section 10.6.7, and has been approved by the Commission." **substitute** "with—
 - (i) regulations made for or with respect to Part 4C in Schedule 1; and
 - (ii) each direction under section 10.6.6(1) that applies in relation to the application."
- (3) In section 4.3A.18(4A) of the Principal Act, for "with any directions given under section 10.6.6 and the additional requirements set out in section 10.6.7, and has been approved by the Commission." **substitute** "with—
 - (a) regulations made for or with respect to Part 4C in Schedule 1; and
 - (b) each direction under section 10.6.6(1) that applies in relation to the transferee."
- (4) For section 4.5A.4(2)(f)(i) and (ii) of the Principal Act **substitute**—
 - "(i) regulations made for or with respect to Part 4C in Schedule 1; and
 - (ii) each direction under section 10.6.6(1) that applies in relation to the application."

- (5) In section 5.3.3(2)(a) of the Principal Act, for "Conduct approved by the Commission)," **substitute** "Conduct),".
- (6) In section 5.3.4(1)(h) of the Principal Act, for "with any directions given under section 10.6.6 and the additional requirements set out in section 10.6.7, and has been approved by the Commission." **substitute** "with—
- (i) regulations made for or with respect to Part 4C in Schedule 1; and
 - (ii) each direction under section 10.6.6(1) that applies in relation to the application."
- (7) In section 6A.3.7(2A) of the Principal Act, for "with any directions given under section 10.6.6 and the additional requirements set out in section 10.6.7, and has been approved by the Commission." **substitute** "with—
- (a) regulations made for or with respect to Part 4C in Schedule 1; and
 - (b) each direction under section 10.6.6(1) that applies in relation to the application."
- (8) In section 6A.3.18(4A) of the Principal Act, for "with any directions given under section 10.6.6 and the additional requirements set out in section 10.6.7, and has been approved by the Commission." **substitute** "with—
- (a) regulations made for or with respect to Part 4C in Schedule 1; and
 - (b) each direction under section 10.6.6(1) that applies in relation to the application."
- (9) For section 7.3.2(1)(c)(i) and (ii) of the Principal Act **substitute**—
- "(i) regulations made for or with respect to Part 4C in Schedule 1; and

- (ii) each direction under section 10.6.6(1) that applies in relation to the application."
- (10) For section 8.5.6(1)(c)(i) and (ii) of the Principal Act **substitute**—
 - "(i) regulations made for or with respect to Part 4C in Schedule 1; and
 - (ii) each direction under section 10.6.6(1) that applies in relation to the application."
- (11) For section 8.5A.7(2)(f)(i) and (ii) of the Principal Act **substitute**—
 - "(i) regulations made for or with respect to Part 4C in Schedule 1; and
 - (ii) each direction under section 10.6.6(1) that applies in relation to the application."

57 Consequential amendments—requirements to have compliant Codes

- (1) In section 3.4.12B of the Principal Act, for "has been approved by the Commission."
substitute "complies with—
 - (a) regulations made for or with respect to Part 4C in Schedule 1; and
 - (b) each direction under section 10.6.6(1) that applies in relation to the venue operator."
- (2) In section 4.3.10A of the Principal Act, for "has been approved by the Commission."
substitute "complies with—
 - (a) regulations made for or with respect to Part 4C in Schedule 1; and
 - (b) each direction under section 10.6.6(1) that applies in relation to the licensee and the wagering operator."

- (3) In section 4.3A.10A of the Principal Act, for "has been approved by the Commission." **substitute** "complies with—
- (a) regulations made for or with respect to Part 4C in Schedule 1; and
 - (b) each direction under section 10.6.6(1) that applies in relation to the wagering and betting licensee."
- (4) In section 4.3A.31(2)(f) of the Principal Act, for "has been approved by the Commission." **substitute** "complies with—
- (i) regulations made for or with respect to Part 4C in Schedule 1; and
 - (ii) each direction under section 10.6.6(1) that applies in relation to the temporary licensee."
- (5) In section 4.5A.10A of the Principal Act, for "has been approved by the Commission." **substitute** "complies with—
- (a) regulations made for or with respect to Part 4C in Schedule 1; and
 - (b) each direction under section 10.6.6(1) that applies in relation to the bookmaker."
- (6) In section 5.3.7B of the Principal Act, for "has been approved by the Commission." **substitute** "complies with—
- (a) regulations made for or with respect to Part 4C in Schedule 1; and
 - (b) each direction under section 10.6.6(1) that applies in relation to the public lottery licensee."

- (7) In section 5.3.30 of the Principal Act, for "has been approved by the Commission."
substitute "complies with—
- (a) regulations made for or with respect to Part 4C in Schedule 1; and
 - (b) each direction under section 10.6.6(1) that applies in relation to the temporary licensee."
- (8) In section 6.2.6C of the Principal Act, for "has been approved by the Commission in relation to the operation of the club keno system."
substitute "complies with—
- (a) regulations made for or with respect to Part 4C in Schedule 1; and
 - (b) each direction under section 10.6.6(1) that applies in relation to the participants."
- (9) In section 6A.3.9A of the Principal Act, for "has been approved by the Commission."
substitute "complies with—
- (a) regulations made for or with respect to Part 4C in Schedule 1; and
 - (b) each direction under section 10.6.6(1) that applies in relation to the licensee."
- (10) In section 7.3.5A of the Principal Act, for "has been approved by the Commission."
substitute "complies with—
- (a) regulations made for or with respect to Part 4C in Schedule 1; and
 - (b) each direction under section 10.6.6(1) that applies in relation to the holder of the licence."

- (11) In section 8.5.7A of the Principal Act, for "has been approved by the Commission."
substitute "complies with—
- (a) regulations made for or with respect to Part 4C in Schedule 1; and
 - (b) each direction under section 10.6.6(1) that applies in relation to the bingo centre operator."
- (12) In section 8.5A.8A of the Principal Act, for "has been approved by the Commission."
substitute "complies with—
- (a) regulations made for or with respect to Part 4C in Schedule 1; and
 - (b) each direction under section 10.6.6(1) that applies in relation to the licensee."

58 Amendment of Casino Control Act 1991

In section 69 of the **Casino Control Act 1991**, for "has been approved by the Commission."
substitute "complies with—

- (a) regulations made for or with respect to Part 4C in Schedule 1 to the **Gambling Regulation Act 2003**; and
- (b) each direction under section 10.6.6(1) of that Act that applies in relation to the casino operator."

59 Amendment of Victorian Commission for Gambling and Liquor Regulation Act 2011

Section 28(2)(g)(vi) of the **Victorian Commission for Gambling and Liquor Regulation Act 2011** is repealed.

Division 2—Self-exclusion programs

60 Matters to be considered in determining applications

For section 3.4.11(1)(e)(i) and (ii) of the Principal Act **substitute**—

- "(i) regulations made for or with respect to Part 4B in Schedule 1; and
- (ii) the direction under section 10.6.1(1); and".

61 Self-exclusion program is a condition of licence

In section 3.4.12A of the Principal Act, for "has been approved by the Commission." **substitute** "complies with—

- (a) regulations made for or with respect to Part 4B in Schedule 1; and
- (b) the direction under section 10.6.1(1).".

62 Section 3.4.12C repealed

Section 3.4.12C of the Principal Act is **repealed**.

63 Functions of Commission

(1) Section 10.1.4(2)(fb) of the Principal Act is **repealed**.

(2) For section 10.1.4(2)(fc) of the Principal Act **substitute**—

- "(fc) monitoring self-exclusion programs to ensure that they comply with—
 - (i) regulations made for or with respect to Part 4B in Schedule 1; and
 - (ii) the direction under section 10.6.1(1);".

64 Division 1 of Part 6 of Chapter 10 substituted

For Division 1 of Part 6 of Chapter 10 of the
Principal Act **substitute**—

"Division 1—Self-exclusion programs

**10.6.1 Ministerial direction about self-exclusion
programs**

- (1) The Minister may give a direction in relation to—
 - (a) the standards and requirements that must be met by a self-exclusion program conducted by or at the request of a venue operator; and
 - (b) how a self-exclusion program must be monitored and reported on.
- (2) A direction under subsection (1) is to be given by publishing the direction in the Government Gazette.
- (3) A direction under subsection (1) takes effect on a day specified in the direction.

**10.6.2 Change in Ministerial direction about
self-exclusion programs**

- (1) This section applies if the Minister—
 - (a) gives a direction under section 10.6.1(1) (the *old direction*); and
 - (b) subsequently—
 - (i) varies the old direction; or
 - (ii) revokes the old direction and gives a new direction under section 10.6.1(1).

- (2) During the period of 6 months beginning on the day on which the variation or new direction takes effect, a venue operator who complies with the old direction as in force immediately before that day is taken to be complying with the varied or new direction.

10.6.3 Review of direction about self-exclusion programs

- (1) During each period specified in subsection (2), the Minister must cause a review to be undertaken of the operation of the direction under section 10.6.1(1) during that period.
- (2) The review must be undertaken within each consecutive period of 5 years, the first of which begins on the day on which the first direction is given under section 10.6.1(1).
- (3) The review is to be a review of how effectively the self-exclusion programs assist people to exclude from approved venues and limit their access to gaming.
- (4) A failure to undertake a review in accordance with this section does not affect the validity of any direction under section 10.6.1(1).

10.6.4 Regulations prevail over direction

A direction under section 10.6.1(1) is of no effect to the extent that it is inconsistent with regulations made for or with respect to Part 4B in Schedule 1."

65 Schedule 1 amended

In Schedule 1 to the Principal Act, after item 4A.4
insert—

"Part 4B—Self-exclusion programs

- 4B.1 The standards and requirements that must be met by a self-exclusion program conducted by or at the request of a venue operator.
- 4B.2 The duties of a venue operator in relation to a self-exclusion program.
- 4B.3 How a self-exclusion program must be monitored and reported on.
- 4B.4 A specified self-exclusion program that must be conducted.
- 4B.5 Who may conduct a self-exclusion program at the request of a venue operator.
- 4B.6 Agreements between venue operators and persons who conduct self-exclusion programs at the request of venue operators.
- 4B.7 Fees that a venue operator must pay to a person who conducts a self-exclusion program at the request of the venue operator.
- 4B.8 A process for determining a fee referred to in item 4B.7."

66 Amendment of Victorian Commission for Gambling and Liquor Regulation Act 2011

Section 28(2)(g)(v) of the **Victorian Commission for Gambling and Liquor Regulation Act 2011** is **repealed**.

Part 6—Standard conditions

67 Chapter 1—Definitions

In section 1.3(1) of the Principal Act **insert** the following definitions—

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

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

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

68 New Division 2A of Part 4A of Chapter 3 inserted

After section 3.4A.4 of the Principal Act **insert**—

"Division 2A—Standard entitlement-related conditions and standard monitoring-related conditions

3.4A.4A Minister may determine standard entitlement-related conditions

- (1) The Minister may from time to time by instrument determine standard conditions (*standard entitlement-related conditions*) that—
 - (a) deal with matters related to gaming machine entitlements; and
 - (b) are to apply to a venue operator who holds a gaming machine entitlement.
- (2) The Minister may determine different standard entitlement-related conditions for different venue operators or classes of venue operators.

- (3) The Minister must consult venue operators before the Minister determines standard entitlement-related conditions that will apply to the operators.

3.4A.4B Minister may determine standard monitoring-related conditions

- (1) The Minister may from time to time by instrument determine standard conditions (*standard monitoring-related conditions*) that—
- (a) deal with matters related to the provision of monitoring services to a venue operator by the monitoring licensee; and
 - (b) deal with matters related to the provision of responsible gambling services to a venue operator by the monitoring licensee; and
 - (c) are to apply to a venue operator and the monitoring licensee.
- (2) The Minister may determine different standard monitoring-related conditions for different venue operators or classes of venue operators.
- (3) The Minister must consult venue operators and the monitoring licensee before the Minister determines standard monitoring-related conditions that will apply to the operators and the licensee.

3.4A.4C Publication and effect of standard conditions

- (1) A determination under section 3.4A.4A or 3.4A.4B—
- (a) must be published in the Government Gazette; and

- (b) takes effect at the time it is published or at the later time specified in it.
- (2) Each venue operator to whom a determination under section 3.4A.4A applies must comply with the standard entitlement-related conditions contained in the determination.
- (3) The monitoring licensee and each venue operator to whom a determination under section 3.4A.4B applies must comply with the standard monitoring-related conditions contained in the determination.

3.4A.4D No compensation for determination of standard conditions

No compensation is payable by the State because of the making of a determination under section 3.4A.4A or 3.4A.4B."

69 Heading to Division 8 of Part 4A of Chapter 3

In the heading to Division 8 of Part 4A of Chapter 3 of the Principal Act, for "**following default under related agreement**" substitute "**in accordance with standard conditions or related agreement**".

70 New section 3.4A.26A inserted

After the heading to Division 8 of Part 4A of Chapter 3 of the Principal Act **insert**—

"3.4A.26A Gaming machine entitlements forfeited in accordance with standard entitlement-related conditions

- (1) This section applies if—
- (a) a venue operator holds a gaming machine entitlement; and

- (b) the standard entitlement-related conditions that apply to the venue operator provide that, following the occurrence of specified circumstances, the entitlement is forfeited to the State under this section on a specified date.
- (2) On the specified date the gaming machine entitlement is forfeited to the State."

71 Heading to Division 4A of Part 8A of Chapter 3

In the heading to Division 4A of Part 8A of Chapter 3 of the Principal Act, for "venue" substitute "pre-commitment".

72 Minister may determine standard pre-commitment conditions

- (1) In the heading to section 3.8A.19A of the Principal Act, for "venue" substitute "pre-commitment".
- (2) In section 3.8A.19A(1) of the Principal Act, after "conditions" insert "(*standard pre-commitment conditions*)".
- (3) In section 3.8A.19A(2) and (3) of the Principal Act, after "standard" insert "pre-commitment".

73 Publication and effect of standard pre-commitment conditions

- (1) In the heading to section 3.8A.19B of the Principal Act, for "venue" substitute "pre-commitment".
- (2) In section 3.8A.19B(2) of the Principal Act, after "standard" insert "pre-commitment".

74 No compensation for determination of standard pre-commitment conditions

In the heading to section 3.8A.19C of the Principal Act, for "venue" substitute "pre-commitment".

75 Consequential amendments—contravention of standard entitlement-related conditions

- (1) In section 3.4.25(1) of the Principal Act, in the definition of *grounds for disciplinary action*, after paragraph (d)(iii) **insert**—
 - "(iiiia) the standard entitlement-related conditions, standard monitoring-related conditions or standard pre-commitment conditions that apply to the venue operator;"
- (2) In section 3.4A.2(1) of the Principal Act, after "this Act," **insert** "the standard entitlement-related conditions, standard monitoring-related conditions and standard pre-commitment conditions that apply to the venue operator,"
- (3) After section 3.4A.10(a) of the Principal Act **insert**—
 - "(ab) the standard entitlement-related conditions that apply to the venue operator; and"
- (4) In section 3.4A.11C(2) of the Principal Act, after "in accordance with" **insert** "the standard entitlement-related conditions that apply to the person and"

Part 7—Agreements

76 Part 1 of Chapter 3—Definitions

In section 3.1.2 of the Principal Act **insert** the following definition—

"entitlement-related agreement means—

- (a) an agreement referred to in—
 - (i) section 3.4A.6; or
 - (ii) section 3.4A.6A; or
 - (iii) section 3.4A.17AAC; or
- (b) any other agreement that deals with matters related to a gaming machine entitlement and that is between—
 - (i) a venue operator; and
 - (ii) the Minister or a person nominated by the Minister under section 3.1.6B;".

77 New section 3.1.6B inserted

After section 3.1.6A of the Principal Act **insert**—

"3.1.6B Minister may nominate person to enter into entitlement-related agreement

- (1) The Minister may nominate an employee in the department administered by the Minister for the purposes of paragraph (b)(ii) of the definition of **entitlement-related agreement** in section 3.1.2.
- (2) A nomination under subsection (1) is to be made by written notice given to the nominated person."

78 Disciplinary action against venue operator

In section 3.4.25(1) of the Principal Act, in the definition of *grounds for disciplinary action*, for paragraph (d)(iv) **substitute**—

- "(iv) an entitlement-related agreement; or
- (v) an agreement referred to in section 3.4A.11A, 3.8A.15 or 3.8A.16;"

79 Authority conferred by gaming machine entitlements

In section 3.4A.2(1) of the Principal Act, for "any related agreement referred to in section 3.4A.6 or 3.4A.6A" **substitute** "any entitlement-related agreement".

80 Minister may refuse to allocate gaming machine entitlement if entitlement-related agreements not entered into

In the heading to section 3.4A.6 of the Principal Act, for "**related**" **substitute** "**entitlement-related**".

81 Directions in relation to entitlement-related agreements with Minister

- (1) In the heading to section 3.4A.6A of the Principal Act—
 - (a) for "**related**" **substitute** "**entitlement-related**";
 - (b) **omit "with Minister"**.
- (2) In section 3.4A.6A(1) of the Principal Act, for "with the Minister" **substitute** "with the Minister, or a person nominated by the Minister,".

82 No compensation payable because of direction to enter entitlement-related agreements under section 3.4A.6A

In the heading to section 3.4A.6B of the Principal Act, for "**related**" substitute "**entitlement-related**".

83 States rights in relation to allocated gaming machine entitlements

For section 3.4A.10(b) and (c) of the Principal Act substitute—

"(b) any entitlement-related agreement."

84 New sections 3.4A.17AAC and 3.4A.17AAD inserted

Before section 3.4A.17A of the Principal Act insert—

"3.4A.17AAC Directions in relation to related agreements with Minister regarding transferred gaming machine entitlement

- (1) Subject to this section, the Minister may direct a venue operator to whom a gaming machine entitlement is transferred (or is to be transferred) to enter into an agreement with the Minister, or a person nominated by the Minister, that deals with matters related to the gaming machine entitlement.
- (2) A direction under subsection (1) is to be given by written notice.
- (3) Before giving a direction under subsection (1), the Minister must consult with the venue operator.
- (4) A direction under subsection (1)—
 - (a) must warn the venue operator of the Minister's powers under this section; and

- (b) must be accompanied by a copy of this section; and
 - (c) may specify the terms or kinds of terms to be contained in an agreement to be entered into; and
 - (d) may specify the terms or kinds of terms that must not be contained in an agreement to be entered into; and
 - (e) may specify a date by which an agreement is to be entered into.
- (5) A venue operator to which this section applies must comply with a direction under subsection (1).
- (6) The venue operator must give a copy of any agreement entered into in compliance with a direction under subsection (1) to the Commission.

3.4A.17AAD No compensation payable because of direction to enter into entitlement-related agreements

No compensation is payable by the State because of a direction under section 3.4A.17AAC or entering into an agreement in compliance with a direction under section 3.4A.17AAC."

85 Related agreements must be entered into before gaming machine entitlement may be transferred

In section 3.4A.17A of the Principal Act, for "an agreement referred to in section 3.4A.6 or 3.4A.6A with the Minister, or a person nominated by the Minister," **substitute** "an entitlement-related agreement".

86 Gaming machine entitlements forfeited if venue operator defaults under related agreement

In section 3.4A.27(1)(a) of the Principal Act, for "a related agreement referred to in section 3.4A.6 or 3.4A.6A" **substitute** "an entitlement-related agreement".

Part 8—Cashless gaming, electronic funds transfer, cheques, debit cards and credit cards

Division 1—Cashless gaming

87 Chapter 1—Definitions

In section 1.3(1) of the Principal Act **insert** the following definitions—

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

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

- (a) is stored on or in respect of the token; and
- (b) can be used to cause gaming machine credits to be registered by a gaming machine;"

88 New Subdivision 3 of Division 3 of Part 5 of Chapter 3 inserted

After section 3.5.33N of the Principal Act **insert**—

"Subdivision 3—Cashless gaming

3.5.33O Subdivision does not apply to casino operator

This Subdivision does not apply to a venue operator who is a casino operator.

3.5.33P Prohibition on inducements involving cashless gaming

- (1) A venue operator must not offer a non-cash gaming token as an inducement to gamble.

Penalty: 60 penalty units.

- (2) A venue operator must not offer to increase the value of a non-cash gaming token as an inducement to gamble.

Penalty: 60 penalty units.

- (3) A person must not induce, or attempt to induce, a person to choose to have winnings or accumulated credits paid out as or by way of a non-cash gaming token.

Penalty: 60 penalty units.

- (4) In subsection (3)—

accumulated credits has the same meaning as in section 3.5.33.

3.5.33Q Prohibition on credit facilities relating to cashless gaming

A venue operator must not provide, or allow a person to provide, facilities by which a cash advance from a credit account can be used—

- (a) to obtain a non-cash gaming token; or
(b) to increase the value of a non-cash gaming token.

Penalty: 60 penalty units."

89 Schedule 1 amended

In Schedule 1 to the Principal Act, after item 3.22 **insert—**

"3.22A The conduct of gaming that involves non-cash gaming tokens, including—

- (a) any matter relevant to those tokens or the conduct of that gaming;

- (b) technical standards for—
 - (i) those tokens; or
 - (ii) equipment and systems that relate to those tokens or that gaming;
- (c) other restrictions relating to those tokens or the equipment and systems referred to in paragraph (b)(ii), including restrictions on where the equipment may be installed;
- (d) restrictions that may be imposed in relation to those tokens and that gaming to foster responsible gambling;
- (e) the interaction between the equipment and systems referred to in paragraph (b)(ii) and—
 - (i) a loyalty scheme; or
 - (ii) a pre-commitment system."

Division 2—Cashing cheques and paying out credits

90 Section 3.5.32 substituted

For section 3.5.32 of the Principal Act
substitute—

"3.5.32 Cashing of cheques

- (1) A person must not, at an approved venue, give another person cash or other gaming tokens in exchange for a cheque.

Penalty: 60 penalty units.

- (2) A venue operator must not allow another person to give, at an approved venue, cash or other gaming tokens to a third person in exchange for a cheque.

Penalty: 60 penalty units.

- (3) A person must not publish at an approved venue, or cause to be published at an approved venue, any advertising for a cheque cashing service.

Penalty: 60 penalty units.

- (4) A venue operator must not allow a person to publish at an approved venue, or cause to be published at an approved venue, any advertising for a cheque cashing service.

Penalty: 60 penalty units.

- (5) Subsections (2) and (4) do not apply to a venue operator who is a casino operator.

- (6) In this section—

approved venue has the meaning given by section 3.5.33B;

cheque cashing service means the service of providing, for a fee or for other consideration, cash or other gaming tokens in exchange for a cheque."

91 Payment of accumulated credits by cheque or electronic funds transfer

- (1) In the heading to section 3.5.33 of the Principal Act, for "**and cashing of cheques**" **substitute "by cheque or electronic funds transfer"**.

- (2) In section 3.5.33(1) of the Principal Act—

(a) for "\$1000" **substitute "\$2000"**;

(b) for "by cheque that is not payable to cash." **substitute "in accordance with subsection (2) or (3)."**

(3) For section 3.5.33(3) and (3A) of the Principal Act **substitute**—

"(3) A venue operator must, at the request of a person—

(a) pay out any accumulated credits from a gaming machine to the person by electronic funds transfer; and

(b) if at least \$2000 is to be transferred, transfer those funds in a way that means they are not available to the person for 24 hours after the transfer.

Penalty: 60 penalty units.

(3A) Subsection (3) does not apply to a venue operator who does not have the facilities to make the electronic funds transfer described in that subsection."

(4) Section 3.5.33(3B) of the Principal Act is **repealed**.

Division 3—Cash facilities

92 Chapter 1—Definitions

In section 1.3(1) of the Principal Act—

(a) the definition of *alternative cash access facility* is **repealed**;

(b) in the definition of *cash facility*, for paragraph (ba) **substitute**—

"(ba) a facility that—

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

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

93 Heading to Subdivision 2 of Division 3 of Part 5 of Chapter 3 substituted

For the heading to Subdivision 2 of Division 3 of Part 5 of Chapter 3 of the Principal Act
substitute—

"Subdivision 2—Cash facilities".

94 Section 3.5.33C substituted

For section 3.5.33C of the Principal Act
substitute—

**"3.5.33C Prohibitions on certain cash facilities—
approved venue not on a racecourse**

- (1) This section—
 - (a) applies in relation to an approved venue that is not on a racecourse; and
 - (b) does not apply to a venue operator who is a casino operator.
- (2) The venue operator must not provide, or allow another person to provide on the venue operator's behalf, a cash facility in the approved venue other than—
 - (a) an automatic teller machine—
 - (i) for which the venue operator holds an approval under this Subdivision; and
 - (ii) that is provided in accordance with the approval; or

- (b) an EFTPOS facility that complies with subsection (3).

Penalty: 60 penalty units.

- (3) An EFTPOS facility complies with this subsection if it does not allow a person to do any of the following by means of the facility—
 - (a) obtain an amount of cash exceeding \$500 on any one debit or credit card within a 24 hour period;
 - (b) obtain an amount of cash exceeding \$200 in any one transaction on any one debit or credit card;
 - (c) obtain a cash advance from a credit account.
- (4) The venue operator must ensure that a person is not able to obtain cash at the approved venue from an EFTPOS facility without the facility being operated by a person employed or engaged by the venue operator (including by entering the amount of the funds to be obtained).

Penalty: 60 penalty units."

95 Section 3.5.33D substituted

For section 3.5.33D of the Principal Act
substitute—

"3.5.33D Prohibitions on certain cash facilities— gaming machine area in approved venue on a racecourse

- (1) This section applies in relation to the following area (the *applicable area*)—
 - (a) the gaming machine area of an approved venue that is on a racecourse;

Gambling Regulation Amendment (Gaming Machine Arrangements)
Act 2017
No. 62 of 2017

Part 8—Cashless gaming, electronic funds transfer, cheques, debit cards and
credit cards

- (b) each area that is less than 50 metres walking distance away from an entrance to the gaming machine area.
- (2) The venue operator must not provide, or allow another person to provide on the venue operator's behalf, a cash facility in the applicable area other than an EFTPOS facility that complies with subsection (3).
Penalty: 60 penalty units.
- (3) An EFTPOS facility complies with this subsection if it does not allow a person to do any of the following by means of the facility—
 - (a) obtain an amount of cash exceeding \$500 on any one debit or credit card within a 24 hour period;
 - (b) obtain an amount of cash exceeding \$200 in any one transaction on any one debit or credit card;
 - (c) obtain a cash advance from a credit account.
- (4) The venue operator must ensure that a person is not able to obtain cash in the applicable area from an EFTPOS facility without the facility being operated by a person employed or engaged by the venue operator (including by entering the amount of the funds to be obtained).
Penalty: 60 penalty units.

- (5) Section 43 of the **Interpretation of Legislation Act 1984** does not apply to the measurement of any distance for the purposes of subsection (1)."

96 New section 3.5.33DA inserted

After section 3.5.33D of the Principal Act
insert—

**"3.5.33DA Prohibitions on certain cash facilities—
other areas in approved venue on a
racecourse**

- (1) This section—
- (a) applies in relation to an approved venue that is on a racecourse; but
 - (b) does not apply in relation to an area to which section 3.5.33D applies.
- (2) The venue operator must not provide, or allow another person to provide on the venue operator's behalf, a cash facility in the approved venue that does not comply with subsection (3).

Penalty: 60 penalty units.

- (3) A cash facility complies with this subsection if it does not allow a person to do any of the following by means of the facility—
- (a) obtain an amount of cash exceeding \$200 in any one transaction on any one debit or credit card;
 - (b) obtain a cash advance from a credit account."

97 Conditions of approvals

After section 3.5.33H(1)(a) of the Principal Act
insert—

- "(ab) it is a condition of the approval that the automatic teller machine to which the approval applies does not allow a person to obtain an amount of cash exceeding \$500 on any one debit or credit card within a 24 hour period;"

Part 9—Metropolitan Melbourne

98 Chapter 1—Definitions

- (1) In section 1.3(1) of the Principal Act, the definition of *Melbourne Statistical Division* is **repealed**.
- (2) In section 1.3(1) of the Principal Act **insert** the following definition—

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

99 Schedule 1 amended

In Schedule 1 to the Principal Act, after item 3.5A **insert**—

- "3.5B Alterations to the region referred to in the definition of *metropolitan Melbourne* in section 1.3(1) that relate to any of the following events occurring on or after the day on which Part 9 of the **Gambling Regulation Amendment (Gaming Machine Arrangements) Act 2017** comes into operation—
- (a) the alteration of a boundary of a municipal district specified in Schedule 5;
 - (b) the amalgamation, re-constitution or abolition of the Council for a municipal district specified in Schedule 5;

- (c) the alteration of the name of the Council for a municipal district specified in Schedule 5.

Note

See section 220Q of the **Local Government Act 1989**."

100 New Schedule 5 inserted

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

**"Schedule 5—Municipal districts
within metropolitan Melbourne**

Section 1.3(1)

- 1 Banyule.
- 2 Bayside.
- 3 Boroondara.
- 4 Brimbank.
- 5 Cardinia.
- 6 Casey.
- 7 Darebin.
- 8 Frankston.
- 9 Glen Eira.
- 10 Greater Dandenong.
- 11 Hobsons Bay.
- 12 Hume.
- 13 Kingston.
- 14 Knox.
- 15 Manningham.
- 16 Maribyrnong.
- 17 Maroondah.

- 18 Melbourne.
- 19 Melton.
- 20 Monash.
- 21 Moonee Valley.
- 22 Moreland.
- 23 Mornington Peninsula.
- 24 Nillumbik.
- 25 Port Phillip.
- 26 Stonnington.
- 27 Whitehorse.
- 28 Whittlesea.
- 29 Wyndham.
- 30 Yarra.
- 31 Yarra Ranges."

**101 Consequential amendments—references to
Melbourne Statistical Division**

- (1) In section 3.3.3(a) of the Principal Act, for "the Melbourne Statistical Division;" **substitute** "metropolitan Melbourne;"
- (2) In section 3.4.17(3)(a) of the Principal Act, for "the Melbourne Statistical Division;" **substitute** "metropolitan Melbourne;"
- (3) In section 3.4A.5(5) of the Principal Act, for "the Melbourne Statistical Division" **substitute** "metropolitan Melbourne".
- (4) In section 3.4A.20K(3)(c) of the Principal Act, for "the Melbourne Statistical Division;" **substitute** "metropolitan Melbourne;"
- (5) In section 3.5.33F(2)(a) of the Principal Act, for "the Melbourne Statistical Division;" **substitute** "metropolitan Melbourne;"

Part 10—Other amendments to Principal Act

Division 1—Transitional provisions

102 Part 32 inserted in Schedule 7

In Schedule 7 to the Principal Act, after Part 31
insert—

"Part 32—Gambling Regulation Amendment (Gaming Machine Arrangements) Act 2017

32.1 Standard pre-commitment conditions

- (1) On and after the commencement day, the old conditions are taken to be standard pre-commitment conditions determined under section 3.8A.19A as amended by section 72 of the amending Act.
- (2) In this section—

amending Act means the **Gambling
Regulation Amendment (Gaming
Machine Arrangements) Act 2017**;

commencement day means the day on which
section 72 of the amending Act comes
into operation;

old conditions means the standard venue
conditions that were—

- (a) determined under section
3.8A.19A as in force before
the commencement day; and
- (b) in force immediately before that
day."

Division 2—Minor technical amendments

103 Division 6 of Part 1 of Chapter 10—Definitions

In section 10.1.29(1) of the Principal Act, in the definition of *regulated person*, in paragraph (f) for "department" **substitute** "Department".

Part 11—Repeal of amending Act

104 Repeal of amending Act

This Act is **repealed** on 19 September 2019.

Note

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

Endnotes

1 General information

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

[†] *Minister's second reading speech—*

Legislative Assembly: 20 September 2017

Legislative Council: 2 November 2017

The long title for the Bill for this Act was "A Bill for an Act to amend the **Gambling Regulation Act 2003** in relation to gaming machine entitlements, Responsible Gambling Codes of Conduct, self-exclusion programs, standard conditions, agreements, cashless gaming and forms of money and credit, references to the Melbourne Statistical Division and to make related amendments to other Acts and for other purposes."