

LEGISLATIVE COUNCIL

GAMBLING LEGISLATION AMENDMENT (TRANSITION) BILL 2012

(Amendments and New Clauses to be proposed in Committee by Mr GUY)

1. Clause 2, line 29, omit "3 to 7 and 12 to 17" and insert "3(1) and (2), 4 to 7 and 15 to 20".
2. Clause 2, line 32, omit "3" and insert "3(1) and (2)".
3. Clause 2, lines 34 and 35, omit "the remaining provisions of this Act" and insert "sections 4 to 7 and 15 to 20".
4. Clause 3, after line 19 insert—

() In section 1.3(1) of the **Gambling Regulation Act 2003**, insert the following definition—

"wagering and betting operator means the company (if any) appointed under section 4.3A.15A as operator of the wagering and betting licence;".

5. Insert the following New Clauses to follow clause 11—

'AA New sections 4.3A.15A to 4.3A.15C inserted

After section 4.3A.15 of the **Gambling Regulation Act 2003** insert—

"4.3A.15A Appointment of wagering and betting operator

- (1) Subject to section 4.3A.15B, the wagering and betting licensee may, by notice in writing given to the Commission, appoint as operator of the wagering and betting licence a company that—
 - (a) is a wholly-owned subsidiary of the licensee; and
 - (b) has a physical place of business in Victoria; and
 - (c) is approved by the Commission.
- (2) A company appointed as operator ceases to be the operator on ceasing to be a wholly-owned subsidiary of the licensee.
- (3) The licensee may, at any time by notice in writing given to the Commission, revoke the appointment of an operator under this section.
- (4) The appointment of an operator under this section does not affect any function or obligation of the licensee under a gaming Act or gaming regulations.

4.3A.15B Approval of wholly-owned subsidiary

On application by the wagering and betting licensee, the Commission may approve a wholly-owned subsidiary of the

licensee for appointment under section 4.3A.15A if satisfied that the appointment would not result in a person who is not currently an associate of the licensee becoming an associate of the licensee.

4.3A.15C Rights and obligations of wagering and betting operator

- (1) The wagering and betting operator is authorised to conduct, subject to this Act and the regulations, the **Racing Act 1958** and any conditions to which the wagering and betting licence is subject, any activities that the wagering and betting licensee is authorised to conduct under the licence.
- (2) In conducting activities under the wagering and betting licence, the wagering and betting operator has all of the rights of the wagering and betting licensee, and is subject to all of the obligations of the wagering and betting licensee, under this Act, the regulations, the **Racing Act 1958** and the licence (other than an obligation of the licensee to pay an amount under Part 6 of this Chapter).
- (3) If the wagering and betting operator performs any obligation of the wagering and betting licensee under this Act, the regulations, the **Racing Act 1958** or the licence, the licensee's obligation is discharged.
- (4) For the purposes of this Act—
 - (a) a reference in Part 6 of this Chapter to any totalisator, approved betting competition or approved simulated racing event conducted by the wagering and betting licensee includes a reference to any totalisator, approved betting competition or approved simulated racing event conducted by the wagering and betting operator; and
 - (b) a reference in section 4.6.6B to betting exchange commissions earned by the wagering and betting licensee includes a reference to betting exchange commissions earned by the wagering and betting operator.
- (5) A reference in section 115(2)(ba) of the **Liquor Control Reform Act 1998** to the holder of the wagering and betting licence includes a reference to the wagering and betting operator."

BB Consequential amendments regarding wagering and betting operator

- (1) In section 4.3A.26 of the **Gambling Regulation Act 2003**—
 - (a) in paragraphs (a) and (b), after "licensee" **insert** "or operator";
 - (b) in paragraph (c), for "licensee, or an associate of the licensee" **substitute** "licensee or operator, or an associate of the licensee or operator";

- (c) in paragraphs (d), (e), (f) and (g), after "licensee" (wherever occurring) **insert** "or operator";
- (d) in paragraph (i)—
 - (i) after "licensee" **insert** "or operator";
 - (ii) after "licensee's" **insert** "or operator's".
- (2) In section 4.3A.27 of the **Gambling Regulation Act 2003**—
 - (a) in subsection (1)—
 - (i) after "licensee" (where first occurring) **insert** "and the wagering and betting operator";
 - (ii) after "licensee" (where secondly occurring) **insert** "and the operator";
 - (b) in subsections (2), (3)(a)(i) and (ii), (5), (6)(a) and (7), after "licensee" (wherever occurring) **insert** "or operator".
- (3) In section 4.3A.28(1), (2) and (3) of the **Gambling Regulation Act 2003**, after "licensee" (wherever occurring) **insert** "or operator".
- (4) In section 4.3A.29(1) of the **Gambling Regulation Act 2003**, for "licensee or an executive officer of the licensee" **substitute** "licensee or operator, or an executive officer of the licensee or operator,".
- (5) In sections 4.3A.39A(1) and (2) and 4.3A.39B(1), (2) and (3) of the **Gambling Regulation Act 2003**, after "licensee" (wherever occurring) **insert** "or operator".
- (6) In section 4.6.3(1A)(a) and (1B)(a) of the **Gambling Regulation Act 2003** omit "or wagering operator".

CC Banking

After section 4.8.2(1A) of the **Gambling Regulation Act 2003 insert**—

"(1B) An account referred to in subsection (1A)(a)(i) or (ii) may, in addition to the amounts referred to in that subsection, contain any other amounts approved by the Commission.".

- 6. Clause 17, line 15, omit "17" and insert "20".
- 7. Clause 32, lines 14 and 15, omit "the first anniversary of its commencement" and insert "1 September 2013".