

PARLIAMENT OF VICTORIA

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**Gaming Acts (Amendment) Act 1996**

**Act No.**

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# PARLIAMENT OF VICTORIA

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Initiated in Assembly 29 May 1996

## A BILL

to make miscellaneous amendments to the **Gaming Machine Control Act 1991**, the **Casino Control Act 1991**, the **Gaming and Betting Act 1994**, the **Lotteries Gaming and Betting Act 1966**, the **Racing Act 1958** and the **Casino (Management Agreement) Act 1993** and for other purposes.

## **Gaming Acts (Amendment) Act 1996**

**The Parliament of Victoria enacts as follows:**

### **PART 1—PRELIMINARY**

#### **1. *Purposes***

The main purposes of this Act are—

- (a) to make further provision in relation to gaming operator's licences;

- 
- (b) to provide for the release of Victorian gambling statistics and the release of certain information to a court;
- (c) to amend disciplinary action provisions;
- 5 (d) to prohibit gaming at an approved venue after it is closed to the public;
- (e) to remove references to restricted machines;
- (f) to require approval of electronic monitoring systems before their use in approved venues;
- 10 (g) to require approval of variations to games and gaming machine types;
- (h) to limit oral exclusion orders to 14 days;
- (i) to remove surcharges on raffles, bingo and lucky envelopes;
- 15 (j) to ratify a third deed of variation to the management agreement for the Melbourne Casino;
- (k) to make other miscellaneous amendments to gaming legislation.

20 **2. Commencement**

- (1) This Act (except Part 5) comes into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to sub-section (3), Part 5 comes into operation on a day or days to be proclaimed.
- 15 (3) If a provision referred to in sub-section (2) does not come into operation before 31 December 1996, it comes into operation on that day.

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**PART 2—GAMING MACHINE CONTROL ACT 1991**

**3. *Principal Act***

In this Part, the **Gaming Machine Control Act 1991** is called the Principal Act.

No. 53/1991.  
Reprinted to  
No. 98/1994  
and  
subsequently  
amended by  
No. 44/1995.

**4. *Definitions***

In section 3(1) of the Principal Act—

(a) after the definition of "operator under the gaming licence" **insert—**

' "**related entity**", in relation to the Trustees, includes—

- (a) a body corporate, partnership or trust of which, or in which—
  - (i) the Trustees or one or more of the Trustees; or
  - (ii) a person who holds a direct or indirect interest as legatee, beneficiary or otherwise in the will and estate of the late George Adams; or
  - (iii) a person who is a discretionary beneficiary in that will and estate—

is a director, partner or trustee or holds a substantial interest, whether direct or indirect; and

- (b) a trust of which the Trustees, or one or more of the Trustees, or a person referred to in paragraph (a) (ii) or (iii) is a beneficiary or discretionary beneficiary;';

*Gaming Acts (Amendment) Act 1996*  
*Act No.*

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(b) after the definition of "tabaret premises"  
**insert—**

**"Trustees"** means the trustees of the will  
and estate of the late George Adams;'

**5. *New sections 33 and 33A inserted***

For section 33 of the Principal Act **substitute—**

**"33. *Gaming operator's licence***

- (1) Subject to this Act, the Trustees or any other person may apply to the Authority for a gaming operator's licence.
- (2) A licence granted under this section must not commence before the expiry, or earlier termination, of the gaming operator's licence held by the Trustees immediately before the commencement of section 5 of the **Gaming Acts (Amendment) Act 1996**.

**33A. *Premium payment***

- (1) Before a licence is granted under section 33, the applicant must pay to the Treasurer as consideration for the grant of the licence the amount determined by the Treasurer as the premium payment.
- (2) The premium payment is a tax."

**6. *New section 35A inserted***

After section 35 of the Principal Act **insert—**

**'35A. *Entitlement of former licensee on grant of new licence***

- (1) If—
  - (a) a gaming operator's licence held by a person ("**the former licensee**") expires; and



- 
- (b) the Authority grants a gaming operator's licence to a person other than the former licensee, or a related entity of the former licensee being a licence that commences within 6 months after that expiry; and
  - (c) the Authority does not grant a gaming operator's licence before the expiration of that period to the former licensee or a related entity of the former licensee—

the former licensee is entitled to be paid an amount equal to the licence value of the licence held by the former licensee or the premium payment paid by the holder of the licence referred to in paragraph (b), whichever is the lesser.

- (2) The payment under sub-section (1) must be made not later than 30 days after the commencement of the new licence and the Consolidated Fund is hereby to the necessary extent appropriated accordingly.
- (3) In this section, "**licence value**", in relation to the gaming operator's licence held by the former licensee, means the amount determined in accordance with the formula—

$$\$520\,000\,000 \times A$$

where—

- (a) A is the amount calculated in accordance with the formula—

$$\frac{B}{\$13\,705\,000\,000}$$

where—

B is the aggregate sum of the actual daily net cash balance (within the

meaning of section 136) of gaming machines of the former licensee for each day from and including 1 January 1995 to and including the last day of the period of the former licence—

but—

- (b) if the amount so calculated is less than 0.25, A is 0.10;
- (c) if the amount so calculated is more than 0.25 and less than 0.45, A is 0.45;
- (d) if the amount so calculated is more than 0.45 but less than 0.85, A is 0.85;
- (e) if the amount so calculated is more than 1.15, A is 1.15.'

**7. New section 36 substituted**

For section 36 of the Principal Act **substitute—**

**"36. Amendment of conditions**

The conditions of a gaming operator's licence (other than the term) may be amended by the Governor in Council with the consent of the gaming operator."

**8. New section 38 substituted**

For section 38 of the Principal Act **substitute—**

**"38. Disciplinary action**

- (1) If the Authority is satisfied that a gaming operator has committed a breach—
  - (a) of a condition of the gaming operator's licence; or
  - (b) of this Act or the regulations or the **Club Keno Act 1993** or of any other law relating to gaming—

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the Authority may give notice to the gaming operator to show cause why the Authority should not take disciplinary action under this section.

(2) If the gaming operator, within 7 days or such longer period as the Authority allows, does not—

(a) remedy the breach or cause the breach to be remedied; or

(b) if the breach cannot be remedied, satisfy the Authority that steps have been taken to ensure a similar breach does not occur again—

the Authority, after giving the gaming operator an opportunity to be heard—

(c) may reprimand the gaming operator; or

(d) may impose a fine on the gaming operator not exceeding \$5 000 000.

### **38A. Cancellation of licence**

(1) The Authority, with the consent of the Minister, may apply to the Supreme Court for cancellation of a gaming operator's licence.

(2) On an application under sub-section (1), the Supreme Court may cancel the licence if it is satisfied—

(a) that the gaming operator—

(i) has committed a material breach of a term or condition of the licence or of this Act or the regulations or the **Club Keno Act 1993** or of any other law relating to gaming; or

(ii) has persistently committed breaches of terms or conditions of a gaming operator's licence or of this Act or the regulations or the **Club Keno Act 1993** or of any other law relating to gaming—

and that a reprimand or fine is not, in all the circumstances, a sufficient sanction; or

(b) if the gaming operator is not a corporation, that the gaming operator is insolvent; or

(c) if the gaming operator is a corporation, that on an application under section 459P of the Corporations Law, the Court would be required under section 459C (2) of that Law to presume that the gaming operator is insolvent; or

(d) that the gaming operator is an externally-administered body corporate within the meaning of the Corporations Law; or

(e) that the gaming operator has been convicted of an offence which is of sufficient magnitude to warrant cancellation of the licence; or

(f) if the gaming operator is a body corporate, that the gaming operator is not incorporated under the Corporations Law of Victoria; or

(g) if the gaming operator is not a body corporate, that the gaming operator does not have a principal place of business in Victoria; or

- (h) that the gaming operator is not carrying on a significant gaming business in Victoria; or
- (i) that the gaming operator is involved in a scheme or arrangement the purpose, or one of the purposes, of which is the avoidance of tax under Part 9."

**9. New sections 135A, 135B and 135C inserted**

After section 135 of the Principal Act **insert—**

**'135A. Amounts payable by Trustees**

- (1) In respect of the year ending on 30 June 1996, the Trustees must, in accordance with section 135C, pay to the Treasurer for payment into the Consolidated Fund the greater of—
  - (a) 30% of the Trustees' net profit for that year; and
  - (b) \$35 000 000.
- (2) In respect of the year ending on 30 June 1997 and each year ending on a subsequent 30 June up to and including 30 June 2011, the Trustees must, in accordance with section 135C, pay to the Treasurer for payment into the Consolidated Fund the greater of—
  - (a) 30% of the Trustees' net profit for that year; and
  - (b) the lesser of—
    - (i) an amount calculated in accordance with the formula—
$$\frac{\$35\,000\,000 \times A}{B}$$
; and

(ii) 35% of the Trustees' net profit for that year—

where—

(iii) A is the All Groups consumer price index for all capital cities in respect of the quarter ended on 30 June of that year first published by the Commonwealth Statistician after that date; and

(iv) B is the All Groups consumer price index for all capital cities in respect of the quarter ended on 30 June 1996 first published by the Commonwealth Statistician after that date.

(3) In respect of the period beginning on 1 July 2011 and ending on 14 April 2012, the Trustees must, in accordance with section 135C, pay to the Treasurer for payment into the Consolidated Fund the greater of—

(a) 30% of the Trustees' net profit for that period; and

(b) the lesser of—

(i) an amount calculated in accordance with the formula—

$$\frac{\$35\,000\,000 \times A}{B} \quad ; \text{ and}$$

(ii) 35% of the Trustees' net profit for that period—

where—

(iii) A is the All Groups consumer price index for all capital cities in respect of the quarter ended on 30

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June 2012 first published by the Commonwealth Statistician after that date; and

(iv) B is the All Groups consumer price index for all capital cities in respect of the quarter ended on 30 June 1996 first published by the Commonwealth Statistician after that date.

(4) In this section, "**net profit**", in relation to a year or period, means the net profit (before deduction of the amounts payable under this section or section 135B) of the Trustees for that year or period from the conduct of gaming as shown in a statement of account—

(a) prepared in accordance with generally accepted accounting principles; and

(b) prepared in respect of the conduct of gaming for which financial statements and accounts are required to be kept in accordance with section 132; and

(c) confirmed by the Auditor-General as fairly presenting the net profit and the results of that conduct of gaming—

or, if the Auditor-General does not, before the date on which a payment is required to be made by the Trustees under section 135C, confirm the statement of account (including the net profit), the amount determined under section 135B.

**135B. *Determination of net profit by independent expert***

(1) If the Treasurer is satisfied that the Auditor-General has not confirmed the statement of account (including the net profit) under

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5 section 135A, the Treasurer may request the President for the time being of the Institute of Chartered Accountants in Australia to nominate a person ("**the independent expert**") to determine the amount of the net profit.

10 (2) The independent expert must make the determination within one month after being appointed or any longer period that the Treasurer and the Trustees agree in writing.

(3) The Treasurer, Auditor-General and Trustees—

15 (a) must provide the independent expert with such information as he or she requires and is available; and

(b) may make submissions to the independent expert.

20 (4) The reasonable costs of the independent expert in making the determination must be paid as to one half by the Treasurer and as to one half by the Trustees.

25 (5) Where the net profit is determined by the independent expert, the Trustees must pay the amount to which the determination relates within 10 days after the determination.

(6) The independent expert, in carrying out the functions under this section does not act as arbitrator.

### 30 **135C. Manner of payment by Trustees**

(1) The amount payable by the Trustees under section 135A(1) or (2) in respect of a year must be paid—

(a) by 4 instalments due on 30 September, 31 December, 31 March and 30 June in



that year, each instalment being calculated in accordance with the formula—

$$\frac{(NP \times 30)}{(100)} \times \frac{25}{100}$$

where NP is the Trustees' net profit (within the meaning of section 135A(4)) in respect of the preceding year ending on 30 June; and

(b) as to the balance (if any)—

(i) within 28 days after the Auditor-General, having audited the Trustees' financial statements and accounts for the year, has issued a certificate for the purposes of this section confirming that the statement of account represents fairly the net profit and the Trustees' operations under the gaming operator's licence for that year; or

(ii) if the net profit is determined by an independent expert, in accordance with section 135B(5).

(2) The amount payable by the Trustees under section 135A (3) in respect of the period referred to in that sub-section must be paid—

(a) by 4 instalments due on 30 September 2011, 31 December 2011, 31 March 2012 and 14 April 2012, each instalment being calculated in accordance with the formula—

$$\frac{(NP \times 30)}{(100)} \times \frac{25}{100}$$

where NP is the Trustees' net profit  
(within the meaning of section 135A(4))  
in respect of the year ending on 30 June  
2011; and

(b) as to the balance (if any)—

(i) within 28 days after the Auditor-  
General, having conducted an  
audit of a statement of accounts  
prepared by the Trustees in respect  
of that period, has issued a  
certificate for the purposes of this  
section confirming that the  
statement of accounts represents  
fairly the net profit and the  
Trustees' operations under the  
gaming operator's licence for that  
period; or

(ii) if the net profit is determined by an  
independent expert, in accordance  
with section 135B(5).

(3) If the sum of the amounts paid by the  
Trustees under sub-section (1)(a) or (2)(a) in  
respect of a year or the period referred to in  
section 135A(3), as the case requires,  
exceeds the amount payable under section  
135A in respect of that year or period, the  
Treasurer must refund to the Trustees the  
amount of the excess and the Consolidated  
Fund is hereby to the necessary extent  
appropriated accordingly.'

### 10. Amendment of section 160

In section 160(3) of the Principal Act, in the  
proposed new section 136(3B), for "75 per  
centum" **substitute** "66  $\frac{2}{3}$  per centum".

**11. Restricted machines**

- (1) In section 3(1) of the Principal Act **omit** the definition of "restricted machine".
- (2) Section 9 of the Principal Act is **repealed**.
- (3) In section 10(1) of the Principal Act, for paragraphs (a) and (b) **substitute** "gaming equipment that is not authorised under this Act to be in the premises."
- (4) In section 10(2) of the Principal Act—
  - (a) **omit** "or a machine"; and
  - (b) **omit** "or machine".
- (5) In section 10(3) of the Principal Act—
  - (a) **omit** "or machine" (wherever occurring); and
  - (b) for paragraphs (a) and (b) **substitute** "gaming equipment that is not authorised under this Act to be in the premises,".
- (6) In section 10(4) of the Principal Act—
  - (a) **omit** "or a machine"; and
  - (b) **omit** "or machine".
- (7) In section 10(5) of the Principal Act—
  - (a) **omit** "or machine" (wherever occurring); and
  - (b) for paragraph (a) **substitute**—
    - "(a) is not gaming equipment; or".
- (8) In section 10(6) of the Principal Act—
  - (a) **omit** "or a machine"; and
  - (b) **omit** "or machine" (wherever occurring).
- (9) In section 10(7) of the Principal Act **omit** "or machine".

**12. *Disciplinary action against venue operator***

- (1) In section 30(1) of the Principal Act, in the definition of "disciplinary action", for "or the issuing of a letter of censure" **substitute** ", the issuing of a letter of censure or the imposition of a fine not exceeding \$50 000".
- (2) After section 30(8) of the Principal Act **insert**—
- "(9) A fine imposed under this section may be recovered as a debt due to the State."

**13. *Special employee functions***

In section 40(2) of the Principal Act, after "gaming operator" **insert** "or licensee".

**14. *Special employees***

- (1) In section 46(3) of the Principal Act, after "employment" **insert** "or at any time when the approved venue is closed to the public".
- (2) After section 46(3) of the Principal Act **insert**—
- "(4) A licensee must not contravene a condition of his or her licence.
- Penalty: 50 penalty units.
- (5) If a licensee is found guilty of contravening a condition of his or her licence by participating in gaming at any time when the approved venue is closed to the public, section 77A(2) and (3) apply as if the offence had been against section 77A(1)."

**15. *Insertion of new section 53A***

After section 53 of the Principal Act **insert**—

**"53A. *Return of licence on suspension or cancellation***

If the licence of a licensee is suspended or cancelled, the licensee must return the licence

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to the Director within 14 days after the suspension or cancellation.

Penalty: 20 penalty units."

**16. Approval of variations to gaming machines etc.**

In section 69 of the Principal Act, for sub-section (5) **substitute—**

"(5) If a gaming machine type is varied in a material particular from the gaming machine type approved by the Authority—

(a) the machine type as varied is not approved under this section; and

(b) the variation must be approved by the Authority before the machine type as varied may be used.

(5A) If a game is varied in any respect from the game approved by the Authority—

(a) the game as varied is not approved under this section; and

(b) the variation must be approved by the Authority before the game as varied may be used.

(5B) The Authority may approve a variation to a gaming machine type or game.

(5C) A gaming operator must not use a gaming machine type or game which has been varied in a way that requires approval under this section unless the Authority has given its approval to the variation.

Penalty: 100 penalty units.

(5D) A gaming machine type lawfully used for gaming, and a game lawfully used,

immediately before the commencement of section 16 of the **Gaming Acts (Amendment) Act 1996** is deemed to be approved under this section."

5 **17. Insertion of new section 75B**

After section 75A of the Principal Act insert—

**"75B. Approval of electronic monitoring systems**

- 10 (1) A gaming operator must not use an electronic monitoring system unless it has been approved by the Authority.
- 15 (2) A gaming operator must not use an electronic monitoring system which has been varied from the system approved by the Authority unless the variation has been approved by the Authority.
- (3) The Authority may approve—
- (a) an electronic monitoring system; or
  - (b) a variation to an electronic monitoring system—
- 20 for use by a gaming operator.
- (4) An electronic monitoring system lawfully used by a gaming operator immediately before the commencement of section 17 of the **Gaming Acts (Amendment) Act 1996** is deemed to be approved under this section."
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**18. Installation of gaming machines**

In section 77(1A) of the Principal Act, after "function" insert "and must retain the certificate for a period of 12 months immediately following the date of signature".

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**19. Insertion of new section 77A**

After section 77 of the Principal Act **insert—**

**'77A. After hours gaming**

- (1) A person must not play a gaming machine in an approved venue at any time when the approved venue is closed to the public.

Penalty: 50 penalty units.

- (2) If a person is found guilty of an offence against sub-section (1)—

(a) all winnings (except linked jackpots) paid or payable to the person as a result of the commission of the offence are forfeited to the State; and

(b) all linked jackpots paid or payable to the person as a result of the commission of the offence are to be returned to the jackpot special prize pool.

- (3) Winnings forfeited under sub-section (2)(a)—

(a) must be paid into the Consolidated Fund; and

(b) must be included in the calculation of "daily net cash balance" for the purposes of section 136.'

**20. Delegation**

In section 107A of the Principal Act, after sub-section (2) **insert—**

- "(3) Despite sub-section (1), a power or function under section 69(5B) or 75B(3) (except paragraph (a)) delegated to the Director under sub-section (1) may be delegated by

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the Director to an officer or member of the staff of the Authority."

**21. Substitution of section 132**

For section 132 of the Principal Act **substitute—**

**'132. Accounts**

(1) In this section, "**operator**" means a venue operator, the holder of a gaming operator's licence under Part 3 or an operator under the gaming licence.

(2) Each operator must keep accounting records that correctly record and explain the transactions and financial position of the operations of the operator.

Penalty: 50 penalty units.

(3) Each operator must keep the accounting records in the form required by the Authority and in a manner that will enable true and fair financial statements and accounts to be prepared from time to time and the financial statements and accounts to be conveniently and properly audited.

Penalty: 50 penalty units.

(4) Each operator must, as soon as practicable after the end of each financial year, prepare financial statements and accounts including—

(a) cash flow statements for the financial year; and

(b) profit and loss accounts for the financial year; and

(c) a balance-sheet as at the end of the financial year—



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that give a true and fair view of the financial operations of the operator.

Penalty: 50 penalty units.'.

**22. Statistics**

In section 139 of the Principal Act, after sub-section (4) **insert**—

"(4A) Nothing in this section or any other Act applies to prohibit or restrict the giving of statistical information with respect to gambling in Victoria to the Authority or the Minister or the publication of any such information."

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**PART 3—CASINO CONTROL ACT 1991**

No. 47/1991.  
 Reprinted to  
 No. 93/1995.

**23. *Principal Act***

In this Part, the **Casino Control Act 1991** is called the Principal Act.

**24. *Definitions***

In section 3(1) of the Principal Act—

(a) in the definition of "exclusion order", after "written" **insert** "or oral";

(b) for the definition of "inspector" **substitute**—

' **"inspector"** means a person appointed under Division 3 of Part 7;'

**25. *Meaning of "associate"***

In section 4(1) of the Principal Act—

(a) for "section 9" **substitute** "sections 9, 20, 28 and 28A";

(b) after ' "associate" of ' **insert** "a casino operator or";

(c) in paragraph (a), before "applicant" **insert** "operator or";

(d) in paragraph (b), before "applicant" **insert** "operator or".

**26. *Disciplinary action***

(1) In section 20(1) of the Principal Act, in the definition of "grounds for disciplinary action", after paragraph (d) **insert**—

"(da) the casino operator has failed to comply with a direction under section 28A(5) within the time referred to in that sub-section to terminate an association with an associate;".

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- (2) In section 20(4) of the Principal Act, after paragraph (b) **insert—**
- "; or
- (c) any combination of the sanctions referred to in paragraph (a) or paragraphs (a) and (b)."
- (3) After section 20(9) of the Principal Act **insert—**
- "(10) A member of the Authority who has participated in consideration of disciplinary action is not prevented by that reason alone from considering whether further disciplinary action should be taken."

**27. Insertion of new section 28A**

After section 28 of the Principal Act **insert—**

**"28A. On-going monitoring of associates and others**

- (1) The Authority may from time to time investigate—
- (a) an associate, or a person likely to become an associate, of a casino operator; or
  - (b) any person, body or association having a business association with a person referred to in paragraph (a).
- (2) A casino operator must —
- (a) notify the Authority in writing that a person is likely to become an associate as soon as practicable after the casino operator becomes aware of the likelihood; and
  - (b) take all reasonable steps to ensure that a person does not become an associate

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except with the prior approval in writing of the Authority.

5 (3) If the Authority, having regard to the matters referred to in sub-section (4), determines that an associate is unsuitable to be concerned in or associated with the business of the casino operator, the Authority may, by notice in writing, require the associate to terminate the association with the casino operator.

10 (4) In particular, the Authority must consider whether the associate—

(a) is of good repute, having regard to character, honesty and integrity;

15 (b) is of sound and stable financial background;

(c) has any business association with any person, body or association who or which, in the opinion of the Authority, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources.

20 (5) If the association is not terminated within 14 days from the date of the notice referred to in sub-section (3), the Authority may, by notice in writing, direct the casino operator to take all reasonable steps to terminate the association and the casino operator must comply with the direction within 14 days or any longer period agreed with the Authority.

30 (6) The Authority—

(a) may require an associate or a person likely to become an associate to consent to having his or her photograph, finger prints and palm prints taken; and

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- 
- (b) must refer a copy of such photograph, finger prints and palm prints and any supporting documents to the Chief Commissioner of Police."

**28. Insertion of new section 54A**

After section 54 of the Principal Act **insert**—

**"54A. Return of licence on suspension or cancellation**

If the licence of a licensee is suspended or cancelled, the licensee must return the licence to the Director within 14 days after the suspension or cancellation.

Penalty: 20 penalty units."

**29. Junkets**

- (1) In section 69 of the Principal Act, before subsection (1) **insert**—

"(1AA) A person may not organise or promote a junket without the approval of the Director given in accordance with the regulations.

(1AB) The Director must not grant approval to an organiser or promoter of a junket unless satisfied that the criteria specified in the regulations are met."

- (2) In section 69(2) of the Principal Act—

- (a) in paragraph (a), after "may" **insert** "be approved to"; and

- (b) after paragraph (a) **insert**—

- "(ab) prescribe the procedure for applications for the approval of the Director; and"

**30. Exclusion orders**

In section 72 of the Principal Act, after sub-section  
(1) **insert**—

"(1A) An oral order lapses after 14 days."

**31. Insertion of section 104**

After section 103 of the Principal Act **insert**—

**"104. Identification of inspectors**

(1) An inspector is not authorised to exercise the functions of an inspector unless he or she is in possession of an identification card issued by the Director.

(2) If a person proposing to exercise the functions of an inspector fails to produce on demand his or her identification card, the person is not authorised to exercise those functions in relation to the person making the demand."

**32. Secrecy**

(1) In section 151(2) of the Principal Act, after "person" **insert** "other than a casino operator".

(2) After section 151(2) of the Principal Act **insert**—

"(2A) A casino operator is not, except for the purposes of this Act, required to produce or divulge documents or information that the casino operator acquires from a prescribed person."

(3) In section 151 of the Principal Act, after sub-section (4) **insert**—

"(4A) Nothing in this section or any other Act applies to prohibit or restrict the giving of statistical information with respect to gambling in Victoria to the Authority or the

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Minister or the publication of any such information."

- (4) In section 151(6) of the Principal Act, after the definition of "court" **insert—**

' "**prescribed person**", in sub-section (2A), means the Minister, the Authority or a person performing duties or exercising powers under this Act or the **Gaming Machine Control Act 1991**;'.

### **33. Regulation-making power**

In section 167(2) of the Principal Act, after paragraph (c) **insert—**

"; and

- (d) may confer a discretionary authority or impose a duty on the Director."
-

**PART 4—GAMING AND BETTING ACT 1994**

No. 37/1994 as  
amended by  
Nos 98/1994,  
42/1995 and  
44/1995.

**34. Statistics**

In section 127 of the **Gaming and Betting Act 1994**, after sub-section (4) **insert—**

"(4A) Nothing in this section or any other Act applies to prohibit or restrict the giving of statistical information with respect to gambling in Victoria to the Authority or the Minister or the publication of any such information."

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**PART 5—LOTTERIES GAMING AND BETTING ACT 1966**

**35. *Principal Act***

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

No. 7429.  
Reprinted to  
No. 44/1995.

**36. *Raffles***

- (1) In section 6(1AA)(e) of the Principal Act, for "fee (if any) prescribed by section 6AAAA" **substitute** "prescribed fee".
- (2) In section 6(1A)(c) of the Principal Act, for "fee (if any) prescribed by section 6AAAA" **substitute** "prescribed fee".
- (3) In section 6(7) of the Principal Act, after paragraph (bb) **insert—**  
"(bc) prescribing fees;".

**37. *Substitution of section 6AAAA***

For section 6AAAA of the Principal Act **substitute—**

**"6AAAA. *Accounts***

- (1) The holder of a consent or permit issued under section 6 must keep accounting records in or to the effect of the form approved by the Director and containing the prescribed information for a period of 3 years after the completion of the transactions to which they relate.  
  
Penalty: 20 penalty units.
- (2) The holder of a consent or permit issued under section 6—
  - (a) must have the accounting records referred to in sub-section (1) properly audited within 28 days after the conduct

of the raffle, or the series of raffles, to which the consent or permit relates; and

- (b) must produce the records for inspection on request by a gaming investigator."

5 **38. Lucky envelopes**

For section 6AC of the Principal Act **substitute—**

10 **"6AC. Accounts and returns**

- (1) The holder of a permit must keep accounting records in or to the effect of the form approved by the Director and containing the prescribed information for a period of 3 years after the completion of the transactions to which they relate.

Penalty: 20 penalty units.

- 15 (2) The holder of a permit must produce the accounting records referred to in sub-section (1) for inspection on request by a gaming investigator.

- 20 (3) The holder of a permit must each 12 months (or, if within that period the person's permit is not renewed, on the expiry of the permit), send to the Board an audited statement in or to the effect of the form approved by the Director setting out prescribed particulars about the sale of lucky envelopes by the person during the period since the previous statement, or, if there has been no previous statement, during the preceding 12 months."

25 **39. Bingo**

- 30 (1) In section 6A of the Principal Act, sub-sections (3) and (9) are **repealed**.
- (2) Section 6D of the Principal Act is **repealed**.
- (3) In section 6E of the Principal Act—

- 
- (a) in sub-section (1), **omit** paragraph (a);
  - (b) in sub-section (1)(b), for "in the prescribed form" **substitute** "in or to the effect of the form approved by the Director";
  - (c) sub-section (2) is **repealed**;
  - (d) in sub-section (3), **omit** "further";
  - (e) at the foot of sub-section (4) **insert**—  
"Penalty: 20 penalty units."
- (4) In section 6E of the Principal Act, after sub-section (4) **insert**—
- "(5) A permit holder must produce the records referred to in sub-section (4) for inspection on request by a gaming investigator."
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*Gaming Acts (Amendment) Act 1996*  
*Act No.*

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**PART 6—RACING ACT 1958**

No. 6353.  
Reprinted to  
No. 98/1994  
and  
subsequently  
amended by  
No. 83/1995.

**40. *Repeal of section 116G***

Section 116G of the **Racing Act 1958** is  
**repealed.**

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**PART 7—CASINO (MANAGEMENT AGREEMENT) ACT  
1993**

**41. *Principal Act***

In this Part, the **Casino (Management Agreement) Act 1993** is called the Principal Act.

No. 94/1993 as amended by Nos 37/1994, 93/1994, 44/1995 and 89/1995.

**42. *Amendment of definitions***

In section 4 of the Principal Act—

- (a) in the definition of "the Agreement", after "second Deed of Variation" **insert** "and the third Deed of Variation";
- (b) after the definition of "the second Deed of Variation" **insert**—

**"the third Deed of Variation"** means the deed of variation to the management agreement for the Melbourne Casino Project, a copy of which is set out in Schedule 4.'

**43. *Insertion of new section 6C***

After section 6B of the Principal Act **insert**—

**"6C. *Ratification of the third Deed of Variation***

- (1) The third Deed of Variation is ratified and takes effect as if it had been enacted in this Act.
- (2) The Agreement is amended as provided in the third Deed of Variation.
- (3) A reference in clause 2.2 of the third Deed of Variation to the coming into operation of the Bill is deemed to be a reference to the commencement of Part 7 of the **Gaming Acts (Amendment) Act 1996**."

**44. Amendment of section 7**

In section 7(2) of the Principal Act, after "6B(1)" insert "or 6C(1)".

**45. Insertion of Schedule 4**

After Schedule 3 to the Principal Act insert—

**'SCHEDULE 4****THIRD DEED OF VARIATION TO THE MANAGEMENT AGREEMENT****MELBOURNE CASINO PROJECT**

DEED dated 3 June 1996.

**BETWEEN THE HONOURABLE ROGER M. HALLAM MLC**, the Minister of the Crown for the time being administering the *Casino Control Act* acting for and on behalf of the State of Victoria ('State')

**AND CROWN LIMITED ACN 006 973 262** with its registered office at Level 1, 99 Queensbridge Street, Southbank, Victoria ('Company')

**RECITALS**

**A.** The State and the Company entered into an agreement dated 20 September 1993 ratified by and scheduled to the *Casino (Management Agreement) Act 1993* ('**Management Agreement**').

**B.** The Management Agreement was varied by:

(a) a deed of variation dated 14 November 1994 ratified by and scheduled to the *Casino (Management Agreement) (Amendment) Act 1994*; and

(b) a deed of variation dated 12 October 1995 ratified by and scheduled to the *Casino (Management Agreement) (Further Amendment) Act 1995*;

**C.** The parties have agreed to further vary the Management Agreement as provided in this document.

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AGREEMENT

1. **Definitions**

Unless the context otherwise requires or the contrary intention appears, terms defined in the *Casino Control Act* or the Management Agreement have the same meaning when used in this document.

2. **Ratification and operation of provisions**

2.1 A minister of the State must introduce and sponsor a Bill in the Parliament of Victoria to ratify this document as soon as reasonably practicable after its execution.

2.2 Clause 3 of this document shall come into operation once:

- (a) the Bill referred to in clause 2.1 has come into operation as an Act; and
- (b) the changes to the Drawings referred to in clause 4 have been authorised in writing by the Minister and the period for disallowance under section 16 of the *Casino (Management Agreement) Act 1993* has expired without the changes being disallowed.

2.3 Clauses 1, 2, 4, 5, 6 and 7 of this document shall come into operation on the date of this document.

2.4 If the conditions in clause 2.2 are not satisfied by 31 July 1996 or such later date agreed by the parties, this document other than clause 5 will terminate. Following such termination neither party shall have any claim against the other with respect to any matter or thing antecedent to or arising out of or done, performed, or omitted to be done or performed under this document.

3. **Variation of Management Agreement**

The State and the Company agree to vary the Management Agreement in the following manner:

- (a) the definition of '**Melbourne Casino Complex (excluding the Southern Tower of the Hotel)**' in clause 2 shall be deleted;
- (b) the following definitions shall be included in clause 2 in their appropriate alphabetical order:

**'Lyric Theatre'** means a theatre with at least 1800 seats which is capable of accomodating major theatrical productions, to be constructed by the Company on the

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Site in accordance with the Drawings and this document;

**'Melbourne Casino Complex (excluding the Lyric Theatre and the Southern Tower of the Hotel)'** means all of the Melbourne Casino Complex except the Lyric Theatre and the Southern Tower of the Hotel;

(c) the definition of **'Completion'** in clause 2 shall be varied by:

(i) adding the words 'the Lyric Theatre and' after the word 'excluding'; and

(ii) adding the words 'the Lyric Theatre,' after the words 'the Training and Human Resource Centre,';

(d) the definition of **'Completion Date'** in clause 2 shall be varied by:

(i) adding the words 'the Lyric Theatre and' after the word 'excluding' in paragraph (d); and

(ii) deleting paragraph (e) and substituting:

'(e) in relation to the Lyric Theatre and the Southern Tower of the Hotel, 30 November 1999 or such later date as is agreed by the State's Nominated Representative;'

(e) the definition of **'Completion Standards'** shall be varied by:

(i) adding the words 'the Lyric Theatre and' after the word 'excluding'; and

(ii) adding the words 'the Lyric Theatre,' after the words 'the Training and Human Resource Centre,';

(f) the definition of **'Southern Tower of the Hotel'** in clause 2 shall be deleted and the following substituted:

**'Southern Tower of the Hotel'** means the building to be constructed by the Company comprising not less than 465 hotel rooms and to be located on the Site;'

(g) the definition of **'Training and Human Resource Centre'** in clause 2 shall be deleted and the following substituted:

**'Training and Human Resource Centre'** means the staff facilities (including training and administration) to

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be incorporated within the building which incorporates the car park referred to in clause 10.3.;

- (h) the definition of 'Site' in clause 2 shall be varied by deleting 'F3263, V5867 F3264 and V6087 F365 together with' and substituting the following:
- 'F263, V5867 F264 and V6087 F365, together with such other land within the area bounded by Queensbridge Street, City Road, Clarendon Street and Whiteman Street which the Company shall designate, with the Minister's approval, as available for the construction of any part of the Melbourne Casino Complex and';
- (i) clause 10.1 shall be varied by adding the words 'the Lyric Theatre and' after:
- (i) the word 'excluding' in paragraph (c); and
  - (ii) the word 'Complete' in paragraph (d);
- (j) clause 10.3 shall be varied by:
- (i) adding the words 'in accordance with the Drawings and this document' after the word 'construct' in the first sentence; and
  - (ii) deleting the words 'of 7 levels above ground' in the first sentence;
- (k) clause 10.4 shall be varied:
- (i) by adding the words ',the Lyric Theatre' after the words 'Training and Human Resource Centre' wherever appearing; and
  - (ii) by adding the words '(including approval of drawings under section 16 of the Casino (Management Agreement) Act 1993)' after the word 'Minister';
- (l) clause 15.1 shall be varied by:
- (i) adding the words 'the Lyric Theatre and' after the word 'excluding'; and
  - (ii) adding the words 'the Lyric Theatre,' before the second reference to 'the Southern Tower of the Hotel';
- (m) the following clause shall be added as clause 15.11:
- '15.11 Notwithstanding clause 25.2, the obligation of the Company to Complete the Lyric Theatre in accordance with this document is not a condition of

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EXECUTED as a deed.

SIGNED by THE HONOURABLE)  
ROGER M. HALLAM MLC for )  
5 and on behalf of the State of ) ROGER M HALLAM  
Victoria in the presence of )

TIMOTHY P. HENDER  
Signature of witness

10 THE COMMON SEAL of CROWN )  
LIMITED is affixed in accordance with its ) LS  
articles of association in the presence of )

15 ANTHONY SEYFORT LLOYD JOHN WILLIAMS  
Secretary Director

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**PART 8—TRANSITIONAL PROVISIONS**

**46. *Transitional***

- (1) The **Gaming Machine Control Act 1991** as amended by section 22 of this Act applies to statistical information in respect of any period, whether before or after the commencement of Part 2.
  - (2) The **Casino Control Act 1991** as amended by section 32 of this Act applies—
    - (a) to statistical information in respect of any period, whether before or after the commencement of Part 3; and
    - (b) in relation to any documents and information acquired by a casino operator, whether acquired before or after the commencement of Part 3.
  - (3) The **Gaming and Betting Act 1994** as amended by section 34 of this Act applies to statistical information in respect of any period, whether before or after the commencement of Part 4.
  - (4) The **Lotteries Gaming and Betting Act 1966** as amended by section 36 of this Act applies to applications for a consent or permit under section 6 of the **Lotteries Gaming and Betting Act 1966** lodged with the Board after the commencement of section 36.
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**NOTES**

By Authority. Government Printer for the State of Victoria.

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