

Gaming Acts (Further Amendment) Bill

EXPLANATORY MEMORANDUM

PART 1—PRELIMINARY

- Clause 1 sets out the purpose of the Act.
- Clause 2 provides for the commencement of the Act on the day on which it receives the Royal Assent, except for Parts 4 and 5 and sections 9 and 11. The provisions of Part 5 will come into operation on 1 July 1997, and the remaining provisions of the Act on a day or days to be proclaimed. If the remaining provisions are not proclaimed to come into operation on a date earlier than 6 January 1998, they will come into operation on that date.

PART 2—GAMING AND BETTING ACT 1994

- Clause 3 specifies that the Principal Act for the purposes of Part 2 is the **Gaming and Betting Act 1994**.
- Clause 4 repeals the requirement in section 95 of the Principal Act for the Victorian Casino and Gaming Authority to submit quarterly financial statements to the Minister for Gaming and the Treasurer.
- Clause 5 amends section 53(1) of the Principal Act and repeals section 54, to vary the Tabcorp shareholding restrictions as follows:
- The limitation on overseas shareholdings is lifted from 2.5% to 5%.
 - The requirement in relation to the limitation on shareholdings for persons convicted of a relevant offence is abolished.
 - The requirement for a probity check for Australian shareholders who wish to hold between 2.5% and 5% of Tabcorp shares is abolished.
- Clause 6 amends section 68(4) of the Principal Act, to clarify the Act's exemptions in respect to sections 40 and 41 of the **Lotteries Gaming and Betting Act 1966**.
- Clause 7 amends sections 74 and 77 of the Principal Act. These amendments exempt TABCORP from paying tax on underpar subsidies.

PART 3—GAMING MACHINE CONTROL ACT 1991

- Clause 8 specifies that the Principal Act for the purposes of Part 3 is the **Gaming Machine Control Act 1991**.
- Clause 9 amends the Principal Act by inserting a new section 26A. The new section introduces a process for renewal of venue operator's licences.
- Clause 10 amends section 30 of the Principal Act. The amendments substantially provide, in relation to venue operator's licences, that where a licensee is charged with an indictable offence, the Director of Gaming and Betting may suspend the licence, and the Victorian Casino and Gaming Authority may take disciplinary action at a later date, if a licensee is convicted or found guilty of an indictable offence.

These powers only apply if the Director or Authority respectively consider that the nature or circumstances of the alleged offence or offence is or are related to the premises or operation of the hotel or club which is the subject of the licence.

- Clause 11 amends section 77 of the Principal Act to require a gaming operator to obtain certification that gaming equipment is functioning properly, before the commencement of gaming.
- Clause 12 amends section 125 of the Principal Act, which deals with complaints about gaming at a venue, to redefine the requirements to inform the venue and gaming operators about the complaint and the investigation of it. If, after the investigation, it is proposed to take further action in respect of the complaint, the operators are to be notified of the complaint and investigation and given an opportunity to respond to the notice within a reasonable time specified in the notice.
- Clause 13 amends both section 3(1) (definition of "**gaming operator**") and section 134 of the Principal Act to exclude the requirement for auditing by the Auditor-General in respect of Tabcorp's gaming operations.
- Clause 14 makes statute law revision amendments.

PART 4—CLUB KENO ACT 1993

- Clause 15 specifies that the Principal Act for the purposes of Part 4 is the **Club Keno Act 1993**.

Clause 16 defines the following terms for the purposes of the Principal Act:

"approved venue", "gaming revenue", "venue operator".

Clause 17 amends section 5(2) of the Principal Act to require that 75% of the total amount received by the participants for a club keno game be paid out in prizes.

Clause 18 inserts a new section 7 in the Principal Act. New section 7(1) defines "week" as a period of 7 days commencing on a Sunday and ending on the following Saturday.

New section 7(2) provides that the participants must pay, in respect of club keno games conducted every week, each to the Government and to venues one-third of gaming revenue, with the amount payable to a particular venue being proportionate to the amount subscribed to club keno in that venue.

New section 7(3) provides that, if gaming revenue is negative in any week, it may be carried forward to reduce gaming revenue in future weeks.

New section 7(4) provides that debts payable under this provision may be recovered in court.

New section 7(5) provides for the appropriation of club keno taxes from the Consolidated Fund to the Hospitals and Charities Fund and the Mental Hospitals Fund.

New section 7(6) is a transitional provision.

PART 5—TATTERSALL CONSULTATIONS ACT 1958

Clause 19 specifies that the Principal Act for the purposes of Part 5 is the **Tattersall Consultations Act 1958**.

Clause 20 amends section 6 of the Principal Act to impose a tax rate of 35.55 percent on lottery turnover, 34 per cent on soccer football pool turnover and requires Tattersall's to pay to the Government 25 percent of its net profit.

Clause 21 abolishes the Lotteries Development Fund and provides that the balance standing to the credit of the Fund at the time of abolition must be paid to Tattersall's.

Clause 22 repeals the Gold Lottery Consultation provisions of the **Tattersall Consultations Act 1958**.

- Clause 23 provides that all duty from soccer football pools must be appropriated to the Hospitals and Charities Fund and the Mental Hospital Fund.
- Clause 24 excludes the amount paid to Tattersall's accredited representatives as commission from the definition of the amount subscribed to a lottery consultation or soccer football pool.
- Clause 25 inserts transitional provisions into the Principal Act.