



Victoria Government Gazette

No. S 104 Wednesday 24 March 2010
By Authority of Victorian Government Printer

Gambling Regulation Act 2003

DETERMINATION OF GAMING MACHINE ENTITLEMENT ALLOCATION AND TRANSFER RULES

I, Tony Robinson MP, Minister for Gaming, acting under sections 3.4A.3 and 3.4A.5(9) of the **Gambling Regulation Act 2003** determine as follows –

1. The following rules constitute gaming machine entitlement allocation and transfer rules.
2. For the purposes of section 3.4A.5(9) of the Act, the gaming machine entitlement allocation and transfer rules specify –
 - (a) the process for allocating gaming machine entitlements; and
 - (b) the requirements to be complied with by a person wishing to participate in the process for allocating gaming machine entitlements.
3. These rules constitute rules specifying requirements to be complied with by qualified bidder representatives who are to participate in the auction of gaming machine entitlements. The date of the effect of the rules contained in this determination is the date of publication in the Victorian Government Gazette.

4. Definitions

In these rules, the following definitions apply:

auction has the same meaning as in rule 6 of the auction rules

auction rules means the gaming machine entitlement allocation and transfer rules determined by the Minister for Gaming and published in the Victorian Government Gazette as No. S93 on Thursday 18 March 2010

auctioneer has the same meaning as in rule 6 of the auction rules

coach has the same meaning as in rule 6 of the auction rules

Commission has the same meaning as in rule 6 of the auction rules

communication device means an electronic device that can communicate with other electronic devices and includes without limitation and by way of example, a mobile phone, laptop computer, notebook computer, personal digital assistant, multi-function calculator, Blackberry™ or iPhone™

event management rules means these gaming machine entitlement allocation and transfer rules determined by the Minister for Gaming

event venue means the area designated for the second stage of the auction as determined by the Minister under rule 7 of the auction rules

first stage of the auction has the same meaning as in rule 8(b) of the auction rules

nominating entity has the same meaning as in rule 6 of the auction rules

password has the same meaning as in rule 6 of the auction rules

PIC has the same meaning as in rule 6 of the auction rules

prohibited items means those items listed or determined under rule 8.2 as prohibited

qualified bidder has the same meaning as in rule 6 of the auction rules

qualified bidder representative has the same meaning as in rule 12 of the auction rules

related entity has the same meaning as in rule 6 of the auction rules

restricted bidding area means that part of the event venue (as determined by the Minister) in which qualified bidder representatives will be seated and will place orders via consoles

second stage of the auction has the same meaning as in rule 8(c) of the auction rules

SPECIAL

Second Stage of the Auction

5. Registration and Security

- 5.1 Only qualified bidder representatives and persons authorised by the auctioneer are permitted to enter the restricted bidding area.
- 5.2 All qualified bidder representatives must register at the registration desk on arrival at the event venue.
- 5.3 In order to enter the restricted bidding area a qualified bidder representative must produce photographic identification, in the form of either a driver's licence issued by an authorised body within Australia or an Australian passport. If either of these forms of photographic identification are not produced then the qualified bidder representative must execute a statutory declaration verifying their identity as that of the relevant qualified bidder representative and provide at least one other form of identification in order to be permitted to enter the restricted bidding area.
- 5.4 A pass will be provided to qualified bidder representatives at the registration desk, which must be worn and clearly displayed at all times while inside the event venue and must be returned when leaving the event venue.
- 5.5 Qualified bidder representatives must not enter any area of the event venue that is not authorised by the pass issued to them. Information as to permitted and non-permitted access areas will be provided prior to commencement of the second stage of the auction.
- 5.6 All qualified bidder representatives, by presenting for registration at the event venue, consent to inspection of any bag, case or container that they wish to take into the restricted bidding area in order to identify any prohibited items. Each qualified bidder representative will be given a sealable plastic bag at registration. Such bags must be placed on the qualified bidder representative's allocated desk located in the restricted bidding area and all communication devices must be turned off and placed into the bag and left sealed once the auction has commenced.
- 5.7 Prohibited items must not be taken into the restricted bidding area but instead will be required to be deposited in a secure storage area.
- 5.8 Qualified bidder representatives will be provided at registration with a password and personal identification code which can only be used at the bidding console located at their allocated desk in the restricted bidding area and which will only enable orders to be lodged in the markets for which their qualified bidder has registered.

6. Bidder Seating Arrangements

- 6.1 Qualified bidder representatives will be directed to their designated seating in the restricted bidding area once they are approved to enter. They must only sit in their designated seating in the restricted bidding area.
- 6.2 A nominating entity that has provided notice under rule 12(e)(i) of the auction rules must also provide notice for each qualified bidder (not less than fourteen (14) days before the second stage of the auction) of one qualified bidder representative for each three markets (or part thereof) for which each related entity is registered, which qualified bidder representative will be available to act for that related entity in the second stage of the auction.
- 6.3 Qualified bidder representatives who have been nominated by a nominating entity under rule 12(e)(i) of the auction rules (but who are not immediately to act as a qualified bidder representative for a nominating entity or related entity) will be directed to a designated area upon registration.

7. Access to, Movement around and Exit from Event Venue

- 7.1 A qualified bidder representative may not leave the restricted bidding area during a bidding round, unless:
- 7.1.1 authorised by the auctioneer; or
 - 7.1.2 to leave the event venue completely for the remainder of the second stage of the auction.
- 7.2 A qualified bidder representative who leaves the event venue, before the completion of the second stage of the auction, will not be permitted to return.

8. Permissible and Prohibited Items

- 8.1 A qualified bidder representative is permitted to take and use the following items into the restricted bidding area:
- 8.1.1 a hard copy version of their proposed order schedule;
 - 8.1.2 stationery; and
 - 8.1.3 any materials provided at the qualified bidder representative training or otherwise provided by the State prior to the second stage of the auction or at the event venue.
- 8.2 A qualified bidder representative is prohibited from bringing the following items into the restricted bidding area:
- 8.2.1 cameras or video equipment;
 - 8.2.2 alcohol;
 - 8.2.3 weapons or hazardous materials; and
 - 8.2.4 illegal drugs.
- 8.3 The auctioneer may determine that any item is unsuitable to be brought into the restricted bidding area and that it constitutes a prohibited item under sub-rule 8.2.

9. Bidder Communication during the Auction

- 9.1 A qualified bidder representative is not permitted to use a communication device in the event venue once the auction has commenced. Communication devices are subject to rule 5.6.
- 9.2 If a qualified bidder representative has an enquiry regarding any procedural matter during the course of the second stage of the auction, then in the first instance they must communicate with a coach.

10. Console Security

- 10.1 A qualified bidder representative must not:
- 10.1.1 load any form of electronic spreadsheet, database or software on to the bidding console;
 - 10.1.2 insert any external storage device into the console; or
 - 10.1.3 otherwise attempt to interfere with the console.
- 10.2 If leaving their console unattended, qualified bidder representatives must log out from their console. The qualified bidder representative and the qualified bidder shall be solely responsible for any entries on, and any liability arising from the use of, a bidding console that is unattended and from which the qualified bidder representative has not logged out.

11. Venue Safety and Unruly Behaviour

- 11.1 All persons attending the second stage of the auction must comply with any lawful instructions given regarding evacuation of the event venue or the building it is located in or resulting from any other emergency or safety consideration.

- 11.2 All persons attending the second stage of the auction:
- (A) must behave in a quiet and respectful manner to all other persons in the event venue; and
 - (B) must not behave in a disruptive, unruly, loud or offensive manner in the event venue,
- and if a person breaches these requirements that person may be required by the auctioneer to leave the event venue and will be excluded from further participation in the second stage of the auction.

12. Breach of Event Management Rules

- 12.1 If the auctioneer determines under the auction rules to disqualify a qualified bidder representative from further participation in the second stage of the auction then the qualified bidder representative must leave the event venue and will not be able to participate further in the auction. In the event that the relevant qualified bidder is disqualified under the auction rules then all qualified bidder representatives acting for that qualified bidder must leave the event venue and the qualified bidder will be excluded from further participation in the auction.

First Stage of the Auction

13. Placing of Orders in First Stage of the Auction

- 13.1 A qualified bidder may place orders in the first stage of the auction by accessing the secure website provided for that purpose on behalf of the Minister by means of a computer system that is compatible with the system requirements of the secure website.
- 13.2 A qualified bidder may register to submit orders in the first stage of the auction by use of consoles provided at premises on behalf of the Minister (**State Premises**).
- 13.3 Orders may be placed by use of the PIC and password issued on behalf of the Minister to the qualified bidder.
- 13.4 An order must meet the relevant requirements of the auction system as set out in the auction rules for it to be accepted as a valid order.
- 13.5 The Minister may determine other methods by which a qualified bidder may place orders in the first stage of the auction.

14. Registration and Security for Use of Consoles Supplied on behalf of the Minister

- 14.1 A qualified bidder that wants to submit an order by using consoles provided at State Premises must book a time in advance not less than seven (7) days prior to the commencement of the first stage of the auction. Notice of that requirement may be given by telephone to the contact nominated on behalf of the Minister or by email to the address notified on behalf of the Minister. Notice must include the names of the qualified bidder representatives who will attend on behalf of the qualified bidder.
- The qualified bidder will be notified of the block of appointed time during the first stage of the auction that a console will be available at the State Premises for the use by qualified bidder representatives nominated on behalf of the qualified bidder.
- Only qualified bidder representatives nominated on behalf of the relevant qualified bidder will be permitted access to the consoles provided at State Premises at the appointed time.
- 14.2 Qualified bidder representatives must register their attendance on arrival at the State Premises.

- 14.3 In order to be permitted access to the consoles provided at State Premises, a qualified bidder representative must produce photographic identification, in the form of either an Australian driver's licence or Australian passport. If either of these forms of photographic identification are not produced then the qualified bidder representative must execute a statutory declaration verifying their identity as that of the relevant qualified bidder representative and provide at least one other form of identification in order to be permitted access to the consoles provided at the State Premises.

15. Bidder Seating Arrangements

- 15.1 A qualified bidder representative must only use the console allocated to them.
- 15.2 Once the allocated time for the use of the console has elapsed, the qualified bidder representative must log out and leave the State Premises, unless a request for additional time is made to the Minister's representative at the registration desk and that request is granted. The request will only be granted if an additional amount of time is available having regard to other bookings and requests that have been made.

16. Bidder Communication

- 16.1 A qualified bidder representative must not speak to, communicate with or otherwise interfere with, a qualified bidder representative of another qualified bidder located at another console at the State Premises.

17. Console Security

- 17.1 A qualified bidder representative must not use the console for any purpose other than taking part in the first stage of the auction and submitting orders into the auction system.
- 17.2 If leaving their console unattended, qualified bidder representatives must log out from their console. The qualified bidder representative and the qualified bidder shall be solely responsible for any entries on, and any liability arising from the use of, a console that is unattended and from which the qualified bidder representative has not logged out.
- 17.3 A qualified bidder representative must not:
- 17.3.1 load any form of electronic spreadsheet, database or software on to the console;
or
- 17.3.2 insert any external storage device into the console, or otherwise attempt to interfere with the console.

18. Venue Safety Requirements and Conduct

- 18.1 All persons attending the State Premises must comply with any lawful instructions given regarding evacuation of the State Premises resulting from any other emergency or safety consideration.
- 18.2 All persons attending the State Premises for the first stage of the auction must ensure that they behave in a quiet and respectful manner to all other persons at the State Premises. If a person is behaving in a disruptive, unruly, loud or offensive manner, or is otherwise in breach of these rules, that person must leave the State Premises when requested to do so by the Minister's representative.

Dated 23 March 2010

HON TONY ROBINSON MP
Minister for Gaming

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