



Victoria Government Gazette

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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 sections 3.4A.3 and 3.4A.5 of the Act, these allocation and transfer rules relate to the transfer of gaming machine entitlements between venue operators.
3. These rules amend the gaming machine entitlement allocation and transfer rules that were published in the Victoria Government Gazette on 24 March 2010 by substituting a new rule 13 as follows:

13 Payment of Amounts Owing to State on Settlement of Transfers

- (a) The Commission must not record a transfer of a gaming machine entitlement, (except as provided in rules 13(c), (d) or (e)) until it has received all amounts owing to the State that are outstanding in relation to the gaming machine entitlement, by way of –
 - (i) any unpaid purchase price for allocated gaming machine entitlements;
 - (ii) any prescribed fees relating to the transfer of the gaming machine entitlement under the Act;
 - (iii) any interest payable on overdue instalments for the purchase of gaming machine entitlements allocated under either the Pre-Auction Club Offer or the Gaming Auction held in 2010 in accordance with the Act;
 - (iv) any fines imposed in accordance with section 3.4.25 of the Act on the venue operator who is seeking the transfer of a gaming machine entitlement; and
 - (v) any amount payable to the Treasurer under section 3.4A.18 of the Act.
- (b) The Commission must calculate any amount payable to the Treasurer under section 3.4A.18 and advise the Treasurer and the liable party of the amount due.
- (c) The Minister may direct the Commission to record a transfer, without the amount referred to in rule 13(a)(i) being first paid, if the Minister determines that the transfer of the gaming machine entitlement is from one club venue operator (the *first club*) to another club venue operator (the *new club*) in circumstances where the Minister is satisfied that:
 - (i) the transfer is necessary due to a reconstitution or restructure of the first club that gives rise to the creation of the new club as a separate legal entity that succeeds the first club at law; and
 - (ii) the conduct, operation, objectives and purposes of the new club are substantially the same as the first club; and
 - (iii) the new club has executed all the necessary related agreements with the Minister in accordance with the Act including a deed of assumption for the amount referred to in rule 13(a)(i) in the form required by the Commission.
- (d) The Minister may direct the Commission to record a transfer, without the amount referred to in rule 13(a)(i) being first paid, if the Minister is satisfied that:
 - (i) the transfer is made by two or more clubs to another club (*amalgamated club*) following an amalgamation in accordance with section 31 of the **Associations Incorporation Act 1981** (Vic.); and

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- (ii) the amalgamated club has executed all the necessary related agreements with the Minister in accordance with the Act including a deed of assumption for the amount referred to in rule 13(a)(i) in the form required by the Commission.
- (e) The Minister may direct the Commission to record a transfer, without the amount referred to in rule 13(a)(i) being first paid, if the Minister is satisfied that:
 - (i) the transfer is between an entity (the *holding company*) and its wholly owned subsidiary (the *subsidiary*); and
 - (ii) the subsidiary –
 - (a) was a subsidiary of the holding company at the time of the initial allocation of the entitlements; or
 - (b) is a newly created entity of that holding company; and
 - (iii) the transfer of entitlements is for nil or nominal consideration; and
 - (iv) the transferee has executed all the necessary related agreements with the Minister in accordance with the Act including a deed of assumption for the amount referred to in rule 13(a)(i) in the form required by the Commission.
- 4. Other than as amended by rule 3 the gaming machine entitlement allocation and transfer rules that were published in the Victoria Government Gazette on 24 March 2010 remain of full force and effect.
- 5. The date of effect of the rules contained in this determination is the date of publication in the Victoria Government Gazette.

Dated 21 September 2010

HON TONY ROBINSON MP
Minister for Gaming

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