



Victoria Government Gazette

No. S 100 Wednesday 27 August 1997
By Authority: Victorian Government Printer

SPECIAL

Subordinate Legislation Act 1994 REGULATORY IMPACT STATEMENT Gaming Machine Control (Fees) (Amendment) Regulations 1997

Notice is given under section 11 of the **Subordinate Legislation Act 1994**, that a Regulatory Impact Statement (RIS) has been prepared in relation to the proposed Gaming Machine Control (Fees)(Amendment) Regulations 1997.

The objective to be achieved by the proposed Regulations is facilitation of the efficient allocation of resources by recovering the costs of administering the licensing process. The Regulations prescribe a fee for an application for renewal of a venue operator's licence.

The reason for the proposed Regulations is that the **Gaming Machine Control Act 1991** has been amended to provide for a separate category of application, for the renewal of an existing venue operator's licence. It is therefore necessary to amend the Gaming Machine Control (Fees) Regulations 1992 to provide for a fee for this category of application. The proposed Regulations impose a fee of \$400 as the fee which must accompany an application for the renewal of a venue operator's licence under the Act.

The Act sets out the process to be followed in applying for a venue operator's licence for premises in respect of which an appropriate category of liquor licence is held, and the matters to which the Victorian Casino and Gaming Authority must have regard in determining an application for a licence. Section 19(2) requires that an application be accompanied by the prescribed fee.

Section 26A of the Act, which will take effect on 1 November 1997, sets out a process whereby an application may be made to renew an existing venue operator's licence. This includes a requirement that the renewal application be accompanied by the prescribed fee.

The Regulations, which are intended to take effect simultaneously with section 26A, fix the fee to accompany an application for the renewal of a venue operator's licence at \$400.00.

An RIS has been prepared in respect of the Regulations. The RIS has been prepared to examine the proposed Regulations and consider and evaluate alternatives and it concludes that the objectives could best be achieved by making the Regulations.

It is noted in the RIS that alternatives to making the Regulations are limited by the requirements of the Act. The intention of Parliament as embodied in the Act and expressed during debate was to establish a regulated gaming machine industry and to protect players participating in gaming on gaming machines. The imposition of a licensing regime for venue operators supports this intention.

However an alternative method of assessment of the appropriate fee was considered in the RIS, namely to categorise applications by the level of resources required to assess the application required, and to levy different fees for each category of application.

This alternative was rejected because it is not possible to identify at the application stage which applications may present issues that require more detailed investigation or legal advice and because the benefits derived from an expanding base of legal and industry knowledge accrue to all participants in the gaming machine industry, not just those entities which are the direct subject of inspections or legal questions.

The RIS clearly demonstrates that the proposed Regulations are the most effective means of meeting the objective.

Copies of the RIS may be obtained by contacting the Victorian Casino and Gaming Authority on 9651 3333 between 9 am and 5 pm on weekdays or collected from Level 5, 35 Spring Street Melbourne 3000.

Public comments or submissions are invited on the proposed Regulations and RIS. All comments and submissions must be in writing and must be received at the above address by no later than 5 pm on Friday 26 September 1997.

All submissions will be treated as public documents.

Bill Lahey
Acting Director of Gaming and Betting

Subordinate Legislation Act 1994
REGULATORY IMPACT STATEMENT
Gaming Machine Control (Returns By Gaming Operators) Regulations 1997

Notice is given under section 11 of the **Subordinate Legislation Act 1994**, that a Regulatory Impact Statement (RIS) has been prepared in relation to the proposed Gaming Machine Control (Returns By Gaming Operators) Regulations 1997.

The objective of the proposed Regulations is to ensure a fair distribution of the total daily net cash balance of electronic gaming machines (EGMs) between a gaming operator, a venue operator, the Community Support Fund and the Consolidated Fund under section 136(3) of the **Gaming Machine Control Act 1991**.

The proposed Regulations will replace the Gaming Machine Control (Returns By Gaming Operators) Regulations 1996, which sunset on 31 October 1997.

The proportions in which net EGM revenue is divided were set out in section 136 of the **Gaming Machine Control Act 1991** until 1 November 1996. From that date section 160 of the Act required the proportions to be prescribed in Regulations.

The proposed Regulations provide for the division of revenue in the same proportions as in the Act and the Gaming Machine Control (Returns By Gaming Operators) Regulations 1996.

The division of revenue formerly set out in the **Gaming Machine Control Act 1991** and now provided for in Regulations is as follows:

Club Venue	% of return	Hotel venue	% of return
Venue	$33\frac{1}{3}$	Venue	25
Gaming operator	$33\frac{1}{3}$	Gaming Operator	$33\frac{1}{3}$
Government	$33\frac{1}{3}$	Government	$33\frac{1}{3}$
		Community Support Fund	$8\frac{1}{3}$

There are two gaming operators in Victoria, the estate of the late George Adams (Tattersall's), and TABCORP Holdings Pty Ltd (TABCORP). Each gaming operator owns and operates 50% of the EGMs in Victoria, outside the casino.

While the proposed Regulations are expressed generally they only apply to revenue derived from EGMs which belong to Tattersall's. The proportions in which revenue derived from EGMs owned by TABCORP are divided as above, and are fixed in the **Gaming Machine Control Act 1991**.

This was done when TABCORP was floated on the public share market in 1994. When Tattersall's paid a fee for its gaming operator licence in 1996 the **Gaming Machine Control Act 1991** was amended to provide that the return to Tattersall's would be fixed but did not specify the proportions in which return was to be divided between the venue operators and the State.

The RIS considers an alternative to the proposed Regulations, that of providing for returns to be paid in different proportions but concludes that this would result in the venues of one operator being treated more or less favourably than those of the other, without justification.

The RIS concludes that prescription of a different rate of return is not a practical alternative. It concluded that the proposed Regulations will ensure that the returns payable by Tattersall's to venue operators and the Government and the Community Support Fund are divided in a fair manner, and are consistent with the returns payable by the other gaming operator, TABCORP.

It concludes that the fixing of these returns provides certainty as to the proportion of revenue which will flow to venue operators and to the Government and the Community Support Fund, as a result of gaming on EGMs owned by Tattersall's.

The RIS clearly demonstrates that the proposed Regulations are the most effective means of meeting the objective of a fair distribution of the total daily net cash balance of EGMs between a gaming operator, a venue operator, the Victorian Casino and Gaming Authority for payment to the Community Support Fund, and the Consolidated Fund under section 136(3) of the Act.

Copies of the RIS may be obtained by contacting the Victorian Casino and Gaming Authority on 9651 3333 between 9 am and 5 pm on weekdays, or collected from Level 5, 35 Spring Street, Melbourne 3000.

Public comments or submissions are invited on the proposed Regulations and RIS. All comments and submissions must be in writing and must be received at the above address by no later than 5 pm on Friday 26 September 1997.

All submissions will be treated as public documents.

Bill Lahey
Acting Director of Gaming and Betting

Planning and Environment Act 1987
MELBOURNE PLANNING SCHEME
Notice of Approval of Amendment
Amendment L262

The Minister for Planning and Local Government has approved Amendment L262 to the Melbourne Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment changes the provisions in Parts 1, 2, 3 and 4 of the Local Section of the Melbourne Planning Scheme to update the existing planning controls for the Melbourne Docklands area and to acknowledge and facilitate the Government decision to locate a major stadium within the Melbourne Docklands area. The amendment addresses the need for integrated and compatible land use and development in the vicinity of a major sports and recreation facility of the scale and nature proposed.

A copy of the amendment can be inspected, free of charge, during office hours, at the Department of Infrastructure, Customer Service Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Melbourne City Council, 6th Floor, 200 Little Collins Street, Melbourne.

ADRIAN SALMON
Co-ordinator, Amendment Services
Local Government, Planning and
Market Information Services Division
Department of Infrastructure

Land Acquisition and Compensation
Act 1986

Melbourne City Link Act 1995
NOTICE OF ACQUISITION

Compulsory Acquisition of Interest in Land

The Melbourne City Link Authority declares that by this notice it acquires the following interest in the land described as being part of Plan of Consolidation No. 104044 Parish of Jika Jika, shown on Plan Number 408289, comprising 64 square metres and being land described in Certificate of Title Volume 9817 Folio 845.

Interests Acquired: That of Malt Real Property Pty Ltd as Registered Proprietor and all other interests.

Published with the authority of the Melbourne City Link Authority.

T H HOLDEN
Manager Property Services
Roads Corporation
(Appointed as agent for the Melbourne City Link Authority)



Gazette Services

The *Victoria Government Gazette* (VGG) is published by AGPS Publications for the State of Victoria and is produced in three editions.

VGG General is published each Thursday and provides information regarding Acts of Parliament and their effective date of operation; Government notices; requests for tenders; as well as contracts accepted. Private notices are also published.

VGG Special is published any day when required for urgent or special Government notices. VGG Special is made available automatically to subscribers of VGG General.

VGG Periodical is published on Monday when required and includes specialised information eg. Medical, Dental, Pharmacist's Registers, etc.

Subscriptions

VGG is available by three subscription services:

General and Special—\$165.00 each year

General, Special and Periodical—\$220.00 each year

Periodical—\$110.00 each year

Subscriptions are payable in advance and accepted for a period of one year. All subscriptions are on a firm basis and refunds for cancellations will not be given.

All payments should be made payable to AGPS Publications.

Subscription inquiries (03) 9387 8135

Fax (03) 9387 3404

An AGPS Publication

Published by AGPS Publications

Printed by AGPS Printing

a business unit of

Department of Administrative Services

Brunswick Victoria Australia

© State of Victoria 1997

ISSN 0819—548X

This publication is copyright. No parts may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all inquiries to:

Subscriptions

AGPS Publications

PO Box 263, Brunswick 3056

Telephone inquiries (03) 9387 8135

Fax (03) 9387 3404

Retail Sales

Information Victoria Bookshop

356 Collins Street Melbourne 3000

Telephone inquiries 1300 366 356

Price Code A