



Victoria Government Gazette

No. S 238 Tuesday 16 May 2023
By Authority of Victorian Government Printer

Gambling Regulation Act 2003

MINISTERIAL DIRECTION PURSUANT TO SECTION 3.4A.20AA

Surrender Rules

I, Hon. Melissa Horne MP, Minister for Casino, Gaming and Liquor Regulation acting under section 3.4A.20AA(1) of the **Gambling Regulation Act 2003** (Act) determine the following gaming machine entitlement surrender rules for the purposes of Division 5AA of Part 4A of Chapter 3 of the Act.

1. Definitions

- 1.1. Words in these rules have the same meaning as in the Act, except where a contrary intention appears.
- 1.2. In these rules:

Act means the **Gambling Regulation Act 2003**

club venue operator means a venue operator that holds a club venue operator's licence issued under Division 2 of Part 4 of Chapter 3 of the Act to a body corporate that holds a club licence or a racing club licence.

2. Designation of entitlements for surrender

- 2.1. A club venue operator may designate a club gaming machine entitlement that it holds for surrender if, as at the date these rules are made:
 - (a) the entitlement is not attached to an approved venue operated by the club venue operator as recorded on the Register; and
 - (b) the club venue operator to which the entitlement is allocated does not have approval to operate the entitlement within any of its approved venues.
- 2.2. For the purpose of Clause 2.1(b), a club venue operator has approval to operate the entitlement if:
 - (a) it has capacity to use the entitlement to conduct gaming within the maximum number of gaming machines permitted to be operated in an approved venue operated by the club venue operator as recorded on the Register; and
 - (b) it has capacity to use the entitlement to conduct gaming within the maximum number of gaming machines permitted to be operated in the gaming machine area or areas approved by the Commission within any of the approved venues operated by the club venue operator; and
 - (c) using the entitlement to conduct gaming at the approved premises operated by the club venue operator would not exceed the relevant regional limit or municipal limit or be inconsistent with the effect of section 3.4A.5(5) of the Act; and
 - (d) it has capacity to use the entitlement in accordance with any planning permit issued under the **Planning and Environment Act 1987** permitting the premises of the approved venue to be used for gaming on gaming machines.
- 2.3. A club venue operator cannot designate more club gaming machine entitlements for surrender than the total number of club gaming machine entitlements that it holds but does not have approval to operate.
- 2.4. A club venue operator must notify the Commission of an entitlement it wishes to designate for surrender, in a form approved by the Commission, no later than midnight on 24 July 2023.

SPECIAL

3. Surrender date

- 3.1. If a club venue operator designates an entitlement for surrender, and that entitlement is eligible to be designated for surrender under these rules, the entitlement will be surrendered at midnight on 16 August 2023.
- 3.2. If a club venue operator designates an entitlement for surrender, and that entitlement is not eligible to be designated for surrender under these rules, the Commission will notify the venue operator that the entitlement is not eligible by 1 August 2023.

This direction takes effect on the day it is published in the Government Gazette and remains in force until revoked.

Dated 16 May 2023

THE HON. MINISTER HORNE MP
Minister for Casino, Gaming and Liquor Regulation

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