

# Welcome to the Venue Manual

This online resource is designed to assist gaming venue operators meet their regulatory and compliance obligations. It is important that you read the Terms and Conditions before accessing the Venue Manual.

While the Venue Manual is published online, there is an option to download and print the entire manual, or relevant sections, for use within a gaming venue. To download and print the entire manual, select the 'PDF' button on the right hand side of this page. To download individual sections or sub-sections, select the same button on the relevant page.

Please note that information in this manual is being continuously reviewed and updated as changes to the regulatory environment occur. When using a printed copy of the Venue Manual, you should check that it is the latest version from this website.

## Terms and conditions

The Venue Manual is intended for gaming venue operators and gaming industry employees only.

The manual is available for you to access on the terms and conditions set out below. By accessing this manual, you agree to these terms and conditions.

The VCGLR reserves all intellectual property rights, including but not limited to, copyright in material and/or services provided by it.

No part of this manual may be copied or reproduced by any process without prior written permission from the VCGLR. The material provided in the manual is for use by approved gaming venue operators, their nominees and staff only and may not be:

- re-sold and/or re-distributed in any material form
- stored in any storage media, and/or
- re-transmitted in any media.

## Gaming Machine Entitlements

### Gaming Machine Entitlements

The new gaming machine arrangements came into effect on 16 August 2012.

Venue operators are now responsible for the ownership and operation of gaming machines. The venue operator must hold a gaming machine entitlement for each machine in operation.

Each entitlement authorises venue operators to operate one gaming machine for a period of 10 years from 2012.

The new arrangements are designed to:

- Foster increased market competitiveness.
- Allow venue operators to have more control over the way they run their gaming business and the services they offer.

For further information refer to the [Gaming machine entitlements fact sheet](#) page on the VGCCC website.

### Table of Contents

1. [Amending Entitlement Conditions](#)
2. [Payment of Entitlements](#)
3. [Forfeiture of Entitlements](#)
4. [Transfer of Entitlements](#)

### Disclaimer

This manual avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. The Victorian Gambling and Casino Control Commission (VGCCC) does not accept or undertake any duty of care relating to any part of this manual.

While the material contained in this manual has been compiled with all due care, the VGCCC does not warrant or represent that the material is free from errors or omissions, or that it is exhaustive. The VGCCC does not accept any liability, nor takes responsibility for the accuracy, currency or correctness of material included in the information that has been provided neither by third parties nor for the accuracy, currency, reliability or correctness of links or references to information sources (including Internet sites).

## 1.0 Amending Entitlement Conditions

Under section 3.4A.5(4) of the [Gambling Regulation Act 2003](#) every gaming machine entitlement allocated by the Minister has a condition that specifies the region or municipal district in which gaming may be conducted under that entitlement (a geographic area condition) and a condition that specifies the type of approved venue (either club or hotel) in which gaming may be conducted under that entitlement (a venue condition).

A venue operator may request an amendment to the geographic area condition or venue condition of their gaming machine entitlement.

An application to change the geographic area condition or venue condition requires the venue operator to lodge with the Commission an [amendment of a geographic area/venue condition application form](#) (PDF: 308KB).

The application form must be completed by the authorised officer or nominee on behalf of the venue operator.

An applicant may nominate a date for the amendment to take effect from and the reason for this date being requested. Please note that a requested date for amendment is not automatically guaranteed and the Commission may approve the amendment effective from another date. If no date is nominated, the amendment will take effect from the date the Commission makes its decision.

Please check the [VGCCC website](#) for further information.

You will be advised in writing of the outcome of the Commission's decision concerning your application. If the Commission approves the amendment, you will receive a 'Notice of Approved Amendment of Gaming Machine Entitlement Condition' detailing the gaming machine entitlement/s where the conditions have been approved for amendment.

For more information, please view the [amendment of gaming machine entitlement conditions information sheet](#) (PDF: 354KB).

### Disclaimer

This manual avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. The Victorian Gambling and Casino Control Commission (VGCCC) does not accept or undertake any duty of care relating to any part of this manual.

While the material contained in this manual has been compiled with all due care, the VGCCC does not warrant or represent that the material is free from errors or omissions, or that it is exhaustive. The VGCCC does not accept any liability, nor takes responsibility for the accuracy, currency or correctness of material included in the information that has been provided neither by third parties nor for the accuracy, currency, reliability or correctness of links or references to information sources (including Internet sites).

## 2.0 Payment of Entitlements

Venue operators were provided with the option of entering into a deferred payment schedule for gaming machine entitlements that were allocated in 2010.

Venue operators that entered a deferred payment schedule are required to meet minimum payment terms for their entitlements.

If a venue operator fails to comply with the minimum payment terms:

- a) interest becomes payable on any overdue amount; and
- b) the entitlements may be forfeited back to the State.

Venue operators are able to pay for entitlements early without penalty.

### **Minimum Payment Terms for Club Entitlements**

The Entitlement Related Agreement for Payment specifies the minimum payment terms that a venue operator must comply with consisting of 20 instalments:

the first instalment of 5% was payable within 28 days of the close of the Gaming Auction. Any default bond may be offset against the first instalment.

a further instalment of 5%, payable on or before 5pm, 16 August 2012 (operational commencement date)

18 quarterly instalments of 5% are payable on or before the last day of every third month following the date from which entitlements can be used to operate machines (instalments 3 to 20).

### **Minimum Payment Terms for Hotel Entitlements**

The Entitlement Related Agreement for Payment specifies the minimum payment terms that a venue operator must comply with consisting of 18 instalments:

- the first instalment of 10% was payable within 28 days of the close of the Gaming Auction. Any default bond may be offset against the first instalment.
- a further instalment of 10%, payable on or before 5pm, 16 August 2012 (operational commencement date)
- 16 quarterly instalments of 5% are payable on or before the last day of every third month following the date from which entitlements can be used to operate machines (instalments 3 to 18).

Payments must be made to the VGCCC per the payment schedule below

### **Disclaimer**

This manual avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. The Victorian Gambling and Casino Control Commission (VGCCC) does not accept or undertake any duty of care relating to any part of this manual.

While the material contained in this manual has been compiled with all due care, the VGCCC does not warrant or represent that the material is free from errors or omissions, or that it is exhaustive. The VGCCC does not accept any liability, nor takes responsibility for the accuracy, currency or correctness of material included in the information that has been provided neither by third parties nor for the accuracy, currency, reliability or correctness of links or references to information sources (including Internet sites).

Club Entitlements	Hotel Entitlements
16/08/2012	16/08/2012
30/11/2012	30/11/2012
28/02/2013	28/02/2013
31/05/2013	31/05/2013
31/08/2013	31/08/2013
30/11/2013	30/11/2013
28/02/2014	28/02/2014
31/05/2014	31/05/2014
31/08/2014	31/08/2014
30/11/2014	30/11/2014
28/02/2015	28/02/2015
31/05/2015	31/05/2015
31/08/2015	31/08/2015
30/11/2015	30/11/2015
29/02/2016	29/02/2016
31/05/2016	31/05/2016
31/08/2016	31/08/2016
30/11/2016	
28/02/2017	

#### Disclaimer

This manual avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. The Victorian Gambling and Casino Control Commission (VGCCC) does not accept or undertake any duty of care relating to any part of this manual.

While the material contained in this manual has been compiled with all due care, the VGCCC does not warrant or represent that the material is free from errors or omissions, or that it is exhaustive. The VGCCC does not accept any liability, nor takes responsibility for the accuracy, currency or correctness of material included in the information that has been provided neither by third parties nor for the accuracy, currency, reliability or correctness of links or references to information sources (including Internet sites).

## 3.0 Forfeiture of Entitlements

Entitlements will be forfeited if:

- the entitlement holder is no longer a licensed venue operator; or
- the entitlement holder has not complied with the payment requirements as outlined in the Entitlement Related Agreement for Payment; or
- the entitlement holder fails to use the entitlements within the relevant holding period.

### Licensed Venue Operators

A venue operator can only hold entitlements if it is currently licensed. Any entitlements held by a venue operator are forfeited if the venue operator's licence is cancelled, surrendered or is not renewed by the expiry date.

### Non-compliance with Payment Requirements

Any entitlements held by a venue operator are forfeited if the venue operator fails to meet its payment requirements. Venue operators should pay the full amount owing for each scheduled payment on or before the due date.

### Fail to use

A venue operator who purchases entitlements has six (6) months to use the entitlements. Should the venue operator not be able to use the entitlements they may apply to the Commission to extend the relevant holding period. Failure to utilise or seek an extension will result in forfeiture of the relevant entitlements.

### Penalties for entitlements that are forfeited

- All amounts owing at the date of forfeiture become immediately due and payable to the State. This includes all future payments, penalty interest and prescribed fees.
- The State will be able to reallocate the entitlements through the transfer scheme.
- The State will pass on to the original entitlement holder the amount obtained for the entitlement on transfer, less any amounts owing to the State, any prescribed fees and any fines imposed by the State.
- For more information, please view the [forfeiture of gaming machine entitlements information sheet](#) (PDF: 347KB).

### Disclaimer

This manual avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. The Victorian Gambling and Casino Control Commission (VGCCC) does not accept or undertake any duty of care relating to any part of this manual.

While the material contained in this manual has been compiled with all due care, the VGCCC does not warrant or represent that the material is free from errors or omissions, or that it is exhaustive. The VGCCC does not accept any liability, nor takes responsibility for the accuracy, currency or correctness of material included in the information that has been provided neither by third parties nor for the accuracy, currency, reliability or correctness of links or references to information sources (including Internet sites).

## 4.0 Transfer of Entitlements

The first step an entitlement holder must take when wanting to transfer their entitlement/s is to advertise on the [Entitlement transfer market](#) using their allocated username and chosen password.

Entitlements can only be transferred to another licensed venue operator.

Venue operators who wish to transfer gaming machine entitlements must advertise the availability of the entitlements on the VGCCC transfer market website except where:

1. transfer of the entitlement is integral to the sale of a gaming business;
2. the transfer is between venue operators who are 'related bodies corporate' under the Corporations Act 2001 (Commonwealth); or
3. is the subject of concluded negotiations for sale or is not intended to be entered into with an unrelated purchaser on the open market; or
4. in circumstances otherwise determined by the VGCCC.

Operators can advertise by other means also providing these do not involve, or attempt to involve, the completion of the transaction (e.g. eBay)

If a venue operator meets one of the exceptions above, the intention to transfer the entitlements to the specified buyer must be notified on the VGCCC transfer market website by the seller prior to the transfer being recorded by the VGCCC.

Negotiations around price between the two venue operators may take place in private.

Once a venue operator decides who to sell their entitlement to, they must apply to VGCCC through the transfer application form found in the [Entitlement transfer market](#).

The venue operator transferring the entitlements must pay the prescribed fee when applying.

For more information, please view the [Gaming machine entitlements information sheet](#) or [Transfer of gaming machine entitlements information sheet](#) on the Gaming machine entitlements page of the website.