

# 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.

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## Venue Operator's Licence Home Page

### Venue Operator's Licence

Licence information for current venue operators, employees and those seeking a licence to conduct gaming activities is available in this section.

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## 1.0 Venue Operator's Licence

Under section 3.4.8 of the [Gambling Regulation Act 2003](#) (the Act), only a person who is a body corporate may apply for a venue operator's licence. An applicant for a venue operator's licence is commonly an entity incorporated under the Corporations Act 2001 or under the Associations Incorporation Reform Act 2012. A venue operator's licence may be either a club venue operator's licence or a hotel venue operator's licence.

An application for a club venue operator's licence may only be made by a club that is established for a community purpose and has a constituting document that contains provisions prohibiting the: distribution of any annual profit or surplus to its members and distribution of any surplus to its members on winding up.

An applicant for a club venue operator's licence must provide its constituting document containing the required provisions and a copy of its club liquor licence or racing club licence (if it holds one of these licences).

Both club and hotel venue operator licence applicants will need to refer to the [application form](#) for the details required to complete an application.

### Renewing a Venue Operator's licence

Three months before a venue operator's licence is due to expire, the Victorian Gambling and Casino Control Commission (VGCCC) will send a letter to the venue operator, advising that the licence needs to be renewed and outlining the renewal process. Nominees should be aware of their licence expiry date, as it is printed on the 'Notice of Venue Operator's Licence' or 'Notice of Approved Venue'.

If this letter is not received approximately three months before the licence is due to expire, please contact the VGCCC to obtain the necessary renewal forms.

It is the nominee's responsibility to lodge the application to renew the venue operator's licence and any other required information with the VGCCC before the licence is due to expire. This allows gaming to continue past the expiry date of the existing licence and until the application for a new licence is decided by the VGCCC.

If there are any changes to the information provided with an application before it is determined, the applicant must immediately inform the VGCCC.

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## 2.0 Include or Remove Premises

Once a venue operator's licence is obtained, a venue operator may add or remove an 'approved premises' to or from this licence.

Approved premises are those on which gaming is proposed to be conducted and that have been approved by the Victorian Gambling and Casino Control Commission (VGCCC) as suitable for gaming.

A venue operator applying to include approved premises in its licence must complete, and submit to the VGCCC, the application to [Include approved gaming premises and transfer an existing liquor licence](#). A venue operator applying to remove approved premises from its licence should complete the application to [Remove approved gaming premises](#).

Circumstances that may require a venue operator to apply to remove approved premises from its licence include:

- the sale of an approved venue to another party
- a change in the liquor licence status
- a change in tenure status or the lapse or cessation of an agreement between the owner of an approved premises and the holder of a venue operator's licence to conduct gaming at the venue.

Under the Gambling Regulation Act 2003, it is a condition of a venue operator's licence that the licensee notifies the VGCCC of any premises to be removed from the licence within 14 days of the change taking place. It is important that the VGCCC is notified of any premises to be removed from a venue operator's licence in order to maintain the accuracy of the licence. Failure to notify the VGCCC of the removal of any premises from a venue operator's licence may result in a fine of up to [60 penalty units](#), and/or [disciplinary action](#) being taken against the venue operator.

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## 3.0 Nominees

The Gambling Regulation Act 2003 (the Act) requires venue operators to nominate a natural person to be responsible as the licensee for each approved venue. This person is known as a nominee and must be approved by the Victorian Gambling and Casino Control Commission (VGCCC).

This provision ensures that one person is accountable for the management and control of each gaming venue, with the person nominated and approved being liable under the Act as the licensee. Nominees of a licensed gaming venue play an important role in the regulation of Victoria's gaming industry and in ensuring responsible, honest and crime free gambling takes place in their venue.

Once an application to be a nominee is approved by the VGCCC, that person is accountable for the management and control of the gaming venue. They are also liable under the Act and may, along with the licensee, be prosecuted for any breaches of the Act.

Generally, the person best placed to be a nominee is one who has an understanding of the requirements of the role, coupled with the capacity to influence the business direction of the venue operator.

A person nominated to be the nominee is usually a director of the company or committee member of the club that holds the venue operator's licence. Alternatively, that person may be employed as the venue manager.

Before a nominee is approved, the VGCCC must consider whether the nominated person, and each of their associates, is suitable to be concerned in, or associated with, the management and operation of a gaming venue. The VGCCC must consider whether the nominated person and their associates are of good reputation by assessing their character, honesty and integrity. It must consider if the nominated person has a business association with anyone who may be regarded as not of good standing or as having unsatisfactory financial resources.

Using information obtained through the application and other checks, the VGCCC assesses each nominated person and confirms their suitability. Before they can take on the role, all nominated individuals must receive a letter from the VGCCC approving their nomination.

### When to nominate a nominee

Venue operators must nominate a nominee for each venue included on its licence. A new person must be nominated and apply for approval in the following instances:

- when a venue operator is granted a licence with an approved venue
- after the licence conditions have been amended to add an approved venue
- when the VGCCC notifies the venue operator that it has refused to approve a nominated person
- when an approved nominee resigns, is dismissed or stops managing the venue.

Applications to the VGCCC must be made within 60 days of any of the above circumstances arising. If venue operators are unable to meet this timeline, they should apply to the VGCCC for an extension. Failure by a venue operator to nominate a person within the required time may result in a fine of up to [60 penalty units](#).

### What if there isn't a nominee?

If a body corporate or managing committee does not have a natural person approved as a nominee (or if the nominee has resigned, been dismissed or has ceased to manage or control an approved venue),

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the directors or members of the committee of management of the body corporate are severally liable under the Act as licensee until such time as a natural person is nominated and approved by the VGCCC.

Nominee applications must be submitted to the VGCCC through the approved [application form](#).

### **Notification of changes in the licensee's situation**

Through the nominee, venue operators are responsible for notifying the VGCCC of certain changes in the licensee's situation.

Whenever any of the specific changes take place, a written notice must be provided to the VGCCC within 14 days of the change occurring.

Individual nominees and associates are also required to notify the VGCCC about certain changes in their situation. Nominees can help by reminding associates from time to time about this obligation.

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## 4.0 Associates

An application for a **new** venue operator's licence must be accompanied with completed [Associated individual](#) and [Associated entity](#) forms where applicable. Subsequent investigations by the Victorian Gambling and Casino Control Commission (VGCCC) may reveal additional associates who will also be required to complete and submit an appropriate associate form.

Persons who are new associates of the holder of a **current** venue operator's licence will need to complete the [Associated individual](#) or [Associated entity](#) form (whichever is applicable).

Under the *Gambling Regulation Act 2003* (the Act), an associate of a gambling industry participant is –:

- a person who holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (where in right of the person or on behalf of any other person) in the gambling business of the gambling industry participant, and by virtue of that interest or power, is able or will be able to exercise a significant influence over or with respect to the management or operation of that business
- a person who is or will be an executive officer, whether in right of the person or on behalf of any other person, of the gambling business of the gambling industry participant
- if the gambling industry participant is a natural person – a person who is a relative of the gambling industry participant.
- Persons who may be associates are:
  - each director, public officer, chief executive, chief financial officer, committee or board member of the applicant or associated entity
  - all committee members or members of the board of management of a club
  - partners with a partnership interest of 10 per cent or greater in income or voting entitlements of the applicant or associated entity
  - where the applicant or associated entity is a trust, the trustee of the trust. In the case of a corporate trustee, all directors of that trustee company
  - trust unit holders or beneficiaries who, by virtue of the Trust Deed, have voting rights enabling them to remove or change the trustee, or to influence decisions of the trustee
  - beneficiaries of discretionary trusts who have received 10 per cent or greater of the trust's income distribution in the last three years
  - any person who could exercise a significant influence over or with respect to the management or operation of the gaming machine business
  - any individual considered to be an associate by the VGCCC.

The approval of an associate lasts for the life of the current venue operator's licence. An approved associate may, within the life of the current venue operator's licence, be associated with respect to more than one approved venue operator. However, there are restrictions on being associated with some of the other licences granted under the Act. For example, you cannot be an associate of a venue operator and an associate of a person that is the holder of the monitoring licence or a person who is on the Roll of Manufacturers, Suppliers and Testers.

As an associate, you will also be given a [set of directions](#) that give you an ongoing responsibility to notify the VGCCC of specified changes in your situation.

Whenever a specified change takes place, you must give written notice to the VGCCC within 14 days of the change taking place. If you do not notify the VGCCC of a specified change, you may be

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prosecuted and fined up to [60 penalty units](#).

### **Approving new associates**

Through its nominee, a venue operator must ensure that a person does not become an associate before the VGCCC approves the appointment in writing.

This applies, but is not limited to, business partners, executive officers – such as a director, secretary, committee member or part of a management body – and significant shareholders of the venue operator. For further advice on who may be considered an associate, please contact the VGCCC.

Any new person associated with the venue operator must not play a role in the management or operation of gaming at the venue until they are approved by the VGCCC.

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## 5.0 Licence Responsibilities and Obligations

Under the *Gambling Regulation Act 2003* (the Act), venue operators are required to comply with all the conditions of its licence. Variations to the licence conditions may be made by following the steps set out in section 3.4.17 of [the Act](#).

Section 3.4.23 of [the Act](#) requires venue operators to notify the Victorian Gambling and Casino Control Commission (VGCCC) in writing if they change or plan to change their structure in the following ways:

- an incorporated association decides to amalgamate with another incorporated association, or to convert itself into a company
- an un-incorporated body decides to become incorporated
- a venue operator is one of two or more clubs applying for an amalgamated club liquor licence
- an application has been made by executors, trustees or administrators to have their name or that of their agent endorsed on the liquor licence.

Through the [nominee](#), venue operators are also responsible for notifying the VGCCC of certain changes in the licensee's situation as detailed in the [directions](#) made under section 10.4A.4 of the Act.

Whenever any of the specific changes take place, a written notice must be given to the VGCCC within **14 days** of the change occurring. An email from the nominee to the VGCCC is generally acceptable, provided it is accompanied by supporting documentation, if appropriate. The email can be sent to [contact@vgccc.vic.gov.au](mailto:contact@vgccc.vic.gov.au).

Venue operators are also required to notify the VGCCC in writing within **seven days** of becoming aware that a person has become an associate. A person cannot become an associate or nominee without the prior approval of the VGCCC in writing.

In accordance with [directions](#) made under section 10.4A.4 of the Act, individual [nominees](#) and [associates](#) are also required to notify the VGCCC about certain changes in their situation. Nominees can help by reminding associates from time to time about their reporting obligations.

If a liquor licence for an approved venue is cancelled, relocated, surrendered or released, the venue operator's licence is automatically and immediately amended to remove the premises that were the approved venue. In addition, the approval of the premises is immediately revoked. In these circumstances, gaming at those premises would have to cease immediately. If a liquor licence for an approved venue is suspended for a period of time, the approval of the premises is immediately suspended for the same period. If transferring an approved venue to the holder of a venue operator's licence, for further information refer to the section titled [Include or Remove Premises](#).

### **Nominees can perform the duties of a gaming industry employee**

The nominee of a venue operator may perform the duties of a [Gaming industry employee](#) at the venue for which they are the approved nominee without holding a gaming industry employee's licence. At all times while the nominee is performing the duties of a gaming industry employee, a VGCCC approved 'nominee identification' badge must be worn so that it can be clearly seen by other people.

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## 6.0 Gaming Industry Employees

Gaming industry employees hold a licence to carry out prescribed duties at an approved gaming venue. At all times when on duty, a gaming industry employee must wear identification approved by the Victorian Gambling and Casino Control Commission (VGCCC) that is clearly visible to patrons.

Venue operators must ensure that staff who are employed to undertake gaming-related duties in their venue are appropriately licensed. A person must not perform any of the functions of a gaming industry employee unless the person holds a licence and complies with the conditions of their licence.

If the VGCCC advises a venue operator or nominee that an employee's licence has been suspended or cancelled, the venue operator must stop that employee from continuing to fill the role of a gaming industry employee within 24 hours. This does not mean the employee must stop performing all duties at the venue – only those for which a gaming industry employee's licence is required.

For further information, see [Gaming industry employees](#) or refer to section 9A of the [Act](#).

### Duties of a gaming industry employee

Under gambling legislation, the prescribed duties of a gaming industry employee employed by or working for a venue operator are:

- any task that requires the person to access the logic area of a gaming machine at an approved venue
- possessing, or issuing to other persons holding a gaming industry employee's licence, keys that unlock the logic area of a gaming machine at an approved venue
- any task that requires the person to access a prescribed restricted monitoring component (Jackpot Interface Board or a Slot Machine Interface Board) at an approved venue
- supervision of persons carrying out any of the duties above.

### Other duties of a gaming industry employee

Under gambling legislation, other prescribed duties of a gaming industry employee are:

- installing gaming equipment
- connecting gaming equipment to an electronic monitoring system at an approved venue
- supervising persons carrying out any of the duties above.

### Compulsory training

Gaming industry employees, and any other employee working in the gaming machine area of an approved venue while it is open to the public, must complete a Responsible Service of Gaming training course that has been approved by the VGCCC. They must also complete refresher training within three years of their initial training course, and every three years thereafter.

It is the venue operator's responsibility to ensure that relevant staff have been appropriately trained and that a copy of the employee's training certificate is kept on record for inspection by the VGCCC.

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## 7.0 Community Benefit Statements

Community benefit statements provide the framework for reporting expenditure on community benefits by club and racing club venue operators that receive gaming revenue in a financial year.

The [Ministerial Order](#) dated 28 June 2012 shows the activities and purposes that constitute community purposes. The [Community benefit statement frequently asked questions](#) provide more detailed explanation about community benefit statement requirements and examples of community benefit claims that fit with the Minister's Determination dated 28 June 2012.

It is up to club venue operators to collect and record the information that is needed to complete the community benefit statement, and for club venue operators and their auditors to ensure the validity and accuracy of the community benefits they claim to have provided.

In July each year, the Victorian Gambling and Casino Control Commission (VGCCC) notifies club venue operators of their username and password for online lodgement of community benefit statements. If you have not received your username and password or if you are uncertain as to what you can claim as a community benefit, please contact the VGCCC.

Community benefit statements must be submitted to the VGCCC by 30 September in respect of the financial year just ended.

Further information is available at [Community benefit statement](#).

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## 8.0 Supervision charge

Under the new venue operator based arrangement that came into effect 16 August 2012, gaming venue operators are required to pay a supervision charge to recover the costs of regulating the gaming industry in Victoria.

To help determine the most suitable method for the supervision charge, the Department of Treasury and Finance prepared a regulatory impact statement and facilitated a public consultation process. After considering submissions, the Treasurer determined to proceed with a two-tiered charge.

The Treasurer announced the 2012-2013 supervision charge and issued a [Gazette Notice](#) (PDF: 4,230KB) on Thursday 5 December 2013.

### How it works

The supervision charge is calculated:

Per entitlement unit charge X the number of entitlements held by the venue operator

+

Per operating electronic gaming machine unit charge X the number of operating gaming machines held by the venue operator.

### 2012-2013 payment

The first payment for the supervision charge applies to the period of August 2012 to June 2013.

Venue operators will have six months to pay from the date of invoice. If the invoice has not been paid by the specified due date, venues will be liable for penalty interest on the amount outstanding which is calculated at a rate of 20% per annum.

The VGCCC collects the supervision charge from venue operators and distributes the revenue to Treasury.

If you have any queries about the supervision charge, please contact the VGCCC on 1300 599 759 or by email [contact@vgccc.vic.gov.au](mailto:contact@vgccc.vic.gov.au).

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## 11.1 Venue Operator's Licence

A copy of the venue operator's licence or notice of approved venue must be publicly displayed either at the entrance to or the boundary of the gaming machine area or adjacent to the cashier's station.

The directions for the display of the venue operator's licence can be accessed via [VCGR Directions under Section 3.5.27 of the Gambling Regulation Act 2003](#) for the conduct of gaming, financial records and administration of an approved venue.