

Club Keno Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1° 5 May 1993

(Brought in by Mr Stockdale and Mr Coleman)

A BILL

to make provision for the game of Club Keno, to amend the **Tattersall Consultations Act 1958** and the **Racing Act 1958** and for other purposes.

Club Keno Act 1993

The Parliament of Victoria enacts as follows:

1. Purpose

The purpose of this Act is to make provision for the game of club keno.

2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

Section headings appear in bold italics and are not part of the Act.
(See **Interpretation of Legislation Act 1984**.)

3. Definitions

In this Act—

“club keno game” means a game that complies with the prescribed requirements and which is approved by the Minister and is known as club keno;

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“participants” means—

(a) the trustees of the will and estate of the late George Adams; and

(b) the Totalizator Agency Board—

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acting in accordance with an agreement approved by the Minister or (except in the definition of **“participants’ net profit”** and sections 7 to 11), either of those trustees or that Board;

“participants’ net profit” in relation to a relevant period means the net profit derived by the participants from conducting club keno games in the relevant period as determined in accordance with generally accepted accounting standards as disclosed in the statement of accounts prepared and certified by the participants and on which the Auditor-General has expressed a confirming opinion;

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“relevant period” means the financial year ending on 30 June;

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“this Act” includes regulations under this Act and the **Tattersall Consultations Act 1958** and regulations under that Act.

4. Club keno not subject to Gaming Machine Control Act 1991

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The game approved as club keno by the Minister under this Act is not a game that may be approved by the Victorian Gaming Commission under the **Gaming Machine Control Act 1991**.

5. *Club keno games*

- 5 (1) The participants are authorised, subject to this Act and to such commercial arrangements between the participants as are from time to time agreed by the Minister, to conduct and promote club keno games in Victoria.
- 10 (2) It is a condition of the authorisation under sub-section (1) that not less than 75 per centum of the total amount subscribed to any club keno game be paid by the participants to a prizes fund established by the participants which must be applied exclusively for the payment of prizes in respect of club keno games conducted under and in accordance with this Act.
- 15 (3) The Minister may apply to the Supreme Court for an order that the authorisation under this section be revoked on the ground that the participants have wilfully contravened or failed to comply with this Act or the authorisation.

6. *Club keno games conducted by participants not unlawful*

- 20 (1) The participants may, subject to and in accordance with this Act and the authorisation under section 5, conduct and promote club keno games and do all such acts and things as are necessary or expedient in relation to conducting and promoting those games.
- 25 (2) Despite anything in any Act, any club keno game conducted by the participants subject to and in accordance with this Act and the authorisation shall not be unlawful or a common nuisance.

7. *Duty payable by participants*

- 30 (1) The participants must pay to the Treasurer, in accordance with arrangements approved by the Treasurer, for payment into the Consolidated Fund in respect of each club keno game conducted under the authorisation under section 5—

Club Keno

- (a) if the total subscriptions to club keno games for the relevant period as at the date the duty becomes payable do not exceed \$100 000 000, a duty equal to 20 per centum of the amount subscribed to the game; or 5
 - (b) if the total subscriptions to club keno games for the relevant period as at the date the duty becomes payable are \$100 000 000 or more but do not exceed \$300 000 000, a duty equal to 20·5 per centum of the amount subscribed to the game; or 10
 - (c) if the total subscriptions to club keno games for the relevant period as at the date the duty becomes payable are \$300 000 000 or more, a duty equal to 21 per centum of the amount subscribed to the game. 15
- (2) In addition to the payments required by sub-section (1), the participants must pay to the Treasurer for payment into the Consolidated Fund—
- (a) an amount equal to 35 per centum of the participants' net profit for the relevant period; and 20
 - (b) if 65 per centum of the participants' net profit for the relevant period exceeds 1·5 per centum of the total subscriptions to club keno games for that relevant period, an amount equal to the difference between 65 per centum of the participants' net profit for the relevant period and 1·5 per centum of those total subscriptions. 25
- (3) Payments under sub-section (1) must be made on such day of each week as is prescribed, in respect of club keno games conducted during the week ending on that day of the preceding week. 30
- (4) Payments under sub-section (2) must be made within 3 months of the end of each relevant period.
- (5) In respect of each relevant period, an amount equal to the amount paid into the Consolidated Fund under sub-sections (1) and (2) in respect of that relevant period must be paid out of the Consolidated Fund (which is hereby to the necessary extent appropriated 35

5 accordingly) into the Hospitals and Charities Fund under the **Health Services Act 1988** and the Mental Hospitals Fund under the **Tattersall Consultations Act 1958**, in such proportions as the Treasurer determines.

8. *Accounts and records*

10 The participants must ensure that there are kept proper accounts and records of the transactions and affairs of the participants and such other records as sufficiently explain the financial operations and financial position of the participants.

9. *Registered company auditor to be engaged*

The participants must engage a registered company auditor to carry out such audits as are necessary.

15 **10. *Annual financial statements***

- 20 (1) The participants must, in respect of each relevant period, prepare financial statements in respect of club keno games and submit them to the Treasurer not later than 31 October next following the relevant period.
- 25 (2) The financial statements referred to in sub-section (1)—
- (a) must be prepared in a form appropriate to the activities of the participants in relation to club keno games; and
 - (b) must present fairly the results of the financial transactions of the participants during the relevant period to which they relate and the financial position of the participants as at the end of that period; and
 - 30 (c) must be audited as required by section 11.
- (3) The Treasurer must cause the financial statements submitted to the Treasurer under this section to be laid before the Legislative Council and the Legislative Assembly before the expiration of the seventh sitting

day of the Council or the Assembly, as the case may be, after the statements have been received by the Treasurer.

- (4) If the participants fail to submit the financial statements to the Treasurer— 5
- (a) if an extension has not been granted under sub-section (6), by 31 October in any year; or
- (b) if such an extension has been granted, by the date to which the extension was granted—
- the Treasurer must report or cause to be reported that failure and the reasons for the failure to each House of the Parliament. 10
- (5) The participants may apply in writing to the Treasurer for an extension of the date by which the financial statements are to be submitted to the Treasurer. 15
- (6) The Treasurer may in writing grant to the participants an extension to such date as the Treasurer determines.
- (7) The Treasurer must advise or cause to be advised each House of the Parliament of each extension granted under this section and the reasons for the extension. 20

11. *Audit*

- (1) The financial statement referred to in section 10 must be audited by the Auditor-General.
- (2) The Auditor-General has, in respect of the audit of those financial statements, all the powers conferred on the Auditor-General by any law relating to the audit of the public accounts. 25
- (3) Without limiting the generality of sub-section (2), the Auditor-General and each person authorised by the Auditor-General— 30
- (a) has right of access at all times to the books of the participants; and
- (b) may require from an employee of the participants any information, assistance or explanations necessary for the performance of the duties of the 35

Auditor-General in relation to the audit of the financial statements referred to in section 10.

- 5 (4) The participants must pay to the Consolidated Fund an amount to be determined by the Auditor-General to defray the costs and expenses of any audit by the Auditor-General under this section.

12. *Sale of tickets*

10 Tickets in a club keno game must not be sold except in an approved venue within the meaning of the **Gaming Machine Control Act 1991**.

13. *Agents of participants*

A person who is not an accredited representative of the participants must not hold out the person as an agent of the participants.

15 Penalty: 50 penalty units or imprisonment for 6 months.

14. *Act to be read as one with Tattersall Consultations Act 1958*

20 This Act must be read as one with the **Tattersall Consultations Act 1958**.

15. *Regulations*

- (1) The Governor in Council may make regulations for or with respect to—

25 (a) the accrediting of representatives of the participants to conduct club keno games on behalf of the participants and prescribing conditions governing the sale of tickets by those representatives;

30 (b) prescribing requirements for the purposes of the definition of club keno game, including requirements as to the conduct, monitoring and promotion of club keno games;

- (c) generally prescribing any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) Regulations made under this Act— 5
- (a) may be of general or of specially limited application; and
- (b) may differ according to differences in time, place or circumstance; and
- (c) may apply, adopt or incorporate any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any person whether— 10
- (i) wholly or partially or as amended by the regulations; or 15
- (ii) as formulated, issued, prescribed or published at the time the regulations are made or at any time before then; and
- (iii) as formulated, issued, prescribed or published from time to time; and 20
- (d) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Director of Gaming appointed under the **Gaming Machine Control Act 1991**.
- (3) Regulations made under this section may be disallowed in whole or in part by resolution of either House of Parliament in accordance with the requirements of section 6 (2) of the **Subordinate Legislation Act 1962**. 25
- (4) Disallowance under sub-section (3) is deemed to be disallowance by Parliament for the purposes of the **Subordinate Legislation Act 1962**. 30
- (5) A determination made by the Director of Gaming under sub-section (2) (d) must be included in the annual report of the Victorian Gaming Commission.

16. Amendment of the Tattersall Consultations Act 1958

The **Tattersall Consultations Act 1958** is amended as follows:

(a) in section 3—

(i) before the definition of “**community project**” insert—

“**club keno game**” has the same meaning as in the **Club Keno Act 1993**;’;

(ii) in the definition of “**Consultation**”, in paragraph (f), after “pool” insert “or club keno game”;

(iii) in the definition of “**ticket**”, after “pool” insert “or in a club keno game”;

(b) in section 9A, after “pools” insert “or club keno games”;

(c) in section 10 (1) (c), after “pool” insert “or club keno game”;

(d) in section 11 (1) (b), after “pools” insert “or club keno games”.

17. Amendment of the Racing Act 1958

After section 116HE of the **Racing Act 1958** insert—

“**116HF. TAB participation in Club Keno**

The Board may act as a participant under the **Club Keno Act 1993** and do any thing authorised by or under that Act.”.

