

Legislative Council

Gaming Machine Tax Bill

Schedule of the amendments agreed to in Committee of the Whole
on Tuesday 16 October 2001.

Government amendments:

- No. 1 Page 3, clause 3, line 4. Omit all words on that line. Insert instead:
- (c) the monetary value of the credits accumulated by a gaming machine player in the course of play that are redeemed by the award of a non-monetary prize, or
 - (d) in the case of a gaming machine that is a part of an authorised linked gaming system operating under Part 12 of the *Liquor Act 1982* or under Part 12 of *Registered Clubs Act 1976C* the amount that is deducted from the gaming machine in order to build a prize for the authorised linked gaming system concerned.
- No. 2 Page 5, clause 7. Insert after line 26:
- (3) A hotelier or registered club must:
 - (a) before the end of each such 21-day period, deposit the amount payable in a bank or financial institution, and
 - (b) make such arrangements with the Chief Commissioner as enable the Chief Commissioner to access or appropriate that amount (such as by way of direct debit from the account of the hotelier or registered club concerned).Maximum penalty (subsection (3)): 20 penalty units.
- No. 3 Page 6, clause 8, line 12. After ~~A~~comply@, insert ~~A~~with@.
- No. 4 Page 7. Insert after line 28:
- 11 Apportionment of liability for tax in certain circumstances**
- (1) The Chief Commissioner may, in such manner as the Chief Commissioner considers appropriate:
 - (a) apportion the liability for tax as between hoteliers:
 - (i) in any case where there has been a change in the ownership of a hotelier-s licence, or
 - (ii) in such other circumstances as the Chief Commissioner considers appropriate, and
 - (b) apportion the liability for tax as between registered clubs:
 - (i) in the event of an amalgamation of a registered club

- under the *Registered Clubs Act 1976*, or
 (ii) in such other circumstances as the Chief Commissioner considers appropriate.

(2) Subsection (1) (a) does not affect the operation of section 7 (3).

No. 5 Page 12. Insert before line 1:

Part 5 Exemption from or deferral of tax

Division 1 Hardship Review Board

17 Waiver, deferral and writing off of tax in hardship cases

The Hardship Review Board constituted under Division 5 of Part 10 of the *Taxation Administration Act 1996* may exercise its functions in relation to tax payable under this Act.

Division 2 Exemption from tax liability of certain registered clubs

18 Constitution of Committee

- (1) There is to be a Committee for the purposes of this Division comprising the following members:
- (a) the Auditor-General (or a senior officer of the Auditor-General's Office appointed by the Auditor-General),
 - (b) the Secretary of the Treasury (or a senior officer of the Treasury appointed by the Secretary),
 - (c) the Director-General of the Department of Gaming and Racing (or a senior officer of the Department appointed by the Director-General),
 - (d) a person appointed by the Club Industry Advisory Council established by the Minister for Gaming and Racing.
- (2) If a person is not appointed for the purposes of subsection (1) (d), the Minister for Gaming and Racing may appoint a person to be a member of the Committee for the purposes of that paragraph.
- (3) A member of the Committee may appoint a person to act in the place of that member at meetings of the Committee.
- (4) Each member of the Committee has a deliberative vote and, in the event of an equality of votes, the member referred to in subsection (1) (a) has a second or casting vote.
- (5) The procedure for the calling of meetings of the Committee and the conduct of business at those meetings is to be determined by the Committee.

- (6) The Committee is a continuation of the Committee constituted under Division 3 of Part 4 of the *Registered Clubs Regulation 1996* immediately before the commencement of this section.

19 Exemption from tax liability in certain cases of hardship

- (1) The Committee may, by order in writing, exempt a registered club from its liability to pay the whole or part of an instalment of tax if the Committee is satisfied that:
- (a) a casino was in operation (under the *Casino Control Act 1992*) during the whole or part of the instalment period concerned, and
 - (b) the whole or any part of that casino was within 10 kilometres of any part of the premises of the registered club, and
 - (c) the club first became registered under the *Registered Clubs Act 1976* before 23 April 1993, and
 - (d) the club is suffering serious financial hardship as a result of a reduction in the profits from poker machines kept by the club during that instalment period, and
 - (e) the reduction in profits is reasonably attributable to the availability of poker machines in the casino during that instalment period, and
 - (f) the exemption is necessary to alleviate or assist in the alleviation of that hardship.
- (2) The Chief Commissioner is to be notified of, and is to give effect to, any order by the Committee under this section.
- (3) Notice of the order is also to be given to the registered club to which the order relates.

20 Application for exemption

- (1) An exemption under this Division may be granted on application by the registered club concerned.
- (2) An application (and any exemption granted on the application) can relate to one instalment of tax only. Further applications in respect of an instalment period can be made.

- (3) An application must be in writing and be accompanied by:
 - (a) a copy of the income and expenditure statement and balance sheet for the registered club in respect of the 3 financial years immediately preceding the application, and
 - (b) such other information and documentation as the Committee may request, being information and documentation that it reasonably requires to determine the application.
- (4) The Committee may require an application and the details and information accompanying an application to be verified by statutory declaration.

21 Effect of previous refusal by Hardship Review Board

The Committee cannot grant an exemption under this Division in respect of the liability of a registered club to pay an instalment of tax if:

- (a) the registered club has made an application to the Hardship Review Board for that Board to waive, defer or write off the tax concerned, and
- (b) the Hardship Review Board has refused the application.