

Passed by both Houses



New South Wales

Gaming Machine Tax Amendment Bill 2011

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2011*



New South Wales

Gaming Machine Tax Amendment Bill 2011

Act No , 2011

An Act to amend the *Gaming Machine Tax Act 2001* to make further provision in relation to gaming machine tax payable by registered clubs and the rebate available to those clubs for certain spending for community development and support; and for other purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Gaming Machine Tax Amendment Act 2011*.

2 Commencement

This Act commences on 1 September 2011.

Schedule 1 Amendment of Gaming Machine Tax Act 2001 No 72

[1] Section 15 Instalment rate for registered clubs

Omit “1.5” from section 15 (4). Insert instead “1.85”.

[2] Section 15 (4), note

Omit “tax rate 2 becomes 19.5, instead of 21”.

Insert instead “tax rate 2 becomes 18.05, instead of 19.9”.

[3] Section 15A Tax rates for registered clubs

Omit “2007 and subsequent tax years” from Table 1 to the section.

Insert instead “2007–2010 tax years”.

[4] Section 15A, Table 1

Insert at the end of the Table:

2011 and subsequent tax years	10.0	19.9	24.4	26.4	28.4
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[5] Section 16 ClubGRANTS

Omit “(the *CDSE guidelines*)” and “CDSE guidelines” wherever occurring.

Insert instead “(the *ClubGRANTS guidelines*)” and “ClubGRANTS guidelines”, respectively.

[6] Section 16 (3A)

Insert after section 16 (3):

- (3A) Provisions of the ClubGRANTS guidelines that from time to time define the terms *Category 3 projects and services* for the purposes of section 17A are to be settled in consultation with Clubs NSW.

[7] Section 17 Tax rebate for ClubGRANTS expenditure

Omit “1.5%” from section 17 (2). Insert instead “1.85%”.

[8] Section 17 (2), note

Insert after section 17 (2):

Note. The combined effect of this subsection and the operation of section 17A (5) (that forwards 0.4% of the prescribed profits of each registered club to the ClubGRANTS Fund on behalf of clubs) is that the effective tax rebate rate is 2.25%.

[9] Section 17 (3) and (4)

Omit “CDSE Local Committee”, “CDSE guidelines” and “*CDSE Local Committee*” wherever occurring.

Insert instead “ClubGRANTS Local Committee”, “ClubGRANTS guidelines” and “*ClubGRANTS Local Committee*”, respectively.

[10] Section 17A

Insert after section 17:

17A ClubGRANTS Fund

- (1) There is established in the Special Deposits Account an account to be called the ClubGRANTS Fund (*the Fund*).
- (2) The Fund is to be administered by the Director-General of the Department of Trade and Investment, Regional Infrastructure and Services.
- (3) The following is to be paid into the Fund:
 - (a) money paid into the Fund under subsections (5) and (6),
 - (b) money advanced to the Fund by the Treasurer,
 - (c) the interest and any other amounts from time to time accruing from the investments of the Fund,
 - (d) other money required or permitted to be paid into the Fund by or under this or any other Act.
- (4) There is payable from the Fund:
 - (a) expenditure approved by the Minister administering the *Registered Clubs Act 1976* to support and develop, by way of grant, large scale projects or services associated with sport, health or community infrastructure that are defined in the ClubGRANTS guidelines as Category 3 projects and services,
 - (b) administrative expenses incurred in relation to the Fund,
 - (c) money that is directed to be paid from the Fund by or under this or any other Act.

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- (5) There is to be paid, without further appropriation than this Act, into the Fund out of the Consolidated Fund, within 1 month after the end of each tax year for registered clubs, an amount equal to 0.4% of the prescribed profits of each registered club during the tax year.
- (6) A registered club may pay amounts of money into the Fund.
- (7) In this section, *prescribed profits* has the same meaning as in section 17.

[11] Schedule 1, heading

Omit “**guidelines on Community Development and Support Expenditure (CDSE) Scheme**”.

Insert instead “**ClubGRANTS guidelines**”.

[12] Schedule 1, clause 1 (b), note

Insert after clause 1 (b):

Note. The effect of section 17 (2) of the Act and this clause is that a registered club may not claim a tax rebate for amounts applied to Category 2 projects and services that exceed 1.1% of the prescribed profits of the club.

[13] Schedule 1, clauses 3 (Community priorities identified by ClubGRANTS Local Committees), 4 and 5

Omit “CDSE” wherever occurring. Insert instead “ClubGRANTS”.

[14] Schedule 2 Savings and transitional provisions

Insert at the end of clause 1 (1):

Gaming Machine Tax Amendment Act 2011

[15] Schedule 2, Part 5

Insert at the end of the Schedule:

**Part 5 Provisions consequent on enactment of
Gaming Machine Tax Amendment Act 2011**

8 Definition

In this Part, *amending Act* means the *Gaming Machine Tax Amendment Act 2011*.

9 ClubGRANTS appropriation does not apply to 2010–2011 tax year

Section 17A (5), as inserted by the amending Act, does not apply to the tax year for registered clubs commencing on 1 September 2010.

10 Renaming of the Community Development and Support Expenditure (CDSE) Scheme as ClubGRANTS

For the avoidance of doubt:

- (a) CDSE guidelines in force immediately before the commencement of the amending Act are taken to be ClubGRANTS guidelines, and
- (b) each CDSE Local Committee in existence immediately before the commencement of the amending Act is taken to be a ClubGRANTS Local Committee established under the ClubGRANTS guidelines.