

Information Notice

Application Type: Gaming Machine Licence and Commercial Hotel Licence

Trading Name: River Road Tavern

Address of the Premises: 39 – 49 Logan River Road, Beenleigh

Date of the Decision: 22 February 2024

Applicable Legislation: Part 3, Division 3 of the Gaming Machine Act 1991 and Part 4, Division 2 and Part 4, Division 7 of the Liquor Act 1992

Brief Summary of the Reasons for the Decision

On 22 February 2024, as Delegate of the Commissioner for Liquor and Gaming, I conducted a review of the applications for a commercial hotel licence and a gaming machine licence with extended trading hours lodged by the applicant on 7 July 2022. In deciding the application, I took into account the following material facts:

1. The applicant is eligible to apply for a commercial hotel licence with extended trading hours under the *Liquor Act 1992* (Liquor Act) and a gaming machine licence the *Gaming Machine Act 1991* (Gaming Act).
2. The applications were advertised and received no adverse comments or objection by the public.
3. Queensland Police Service and OLGR Compliance Division have no objection to the application.
4. The liquor and gaming community impact statements comply with guideline 38 and G02, respectively.
5. The gaming community impact statement demonstrated some risk of elevated potential for gambling related harm in the area.
6. The applicant is an experienced hotel operator, holding gaming machine licences for other venues within Queensland. There is no concern over its suitability or compliance history.
7. The applicant has provided details of their responsible gaming initiatives which has been assessed as appropriate.
8. A decision to grant the application is justifiable and reasonable under the *Human Rights Act 2019*.
9. The applicant is considered financially suitable under Section 57(3)(c) of the Gaming Machine Act.

I took into account the objection from the Logan City Council ('Council') and the local Member of Parliament which outlined the following concerns:

- a. Impact on the community welfare and safety.
- b. Harm from the sale of takeaway liquor.
- c. Proposed location of any future detached bottle shops.
- d. Lack of courtesy bus at the venue.
- e. Gaming machine density and gaming demand.
- f. Efforts by applicant regarding community consultation.
- g. Further demonstration of strategies, programs and revenue on how the community will benefit from the approval.
- h. Whether there would be responsible gaming measures in place.

In response to the concerns by the Council and the local Member of Parliament, I am satisfied the granting the applications would not necessarily have an adverse effect on the amenity of the locality and, on balance, ensures the State and the community are benefited as:

- a. The applicant has complied with OLGR guidelines in relation community consultation.
- b. The applicant has demonstrated they intend to have comprehensive responsible gaming measures in place.
- c. Appropriate noise mitigation conditions will be imposed following assessment of the acoustic report when submitted.
- d. Appropriate gambling harm minimisation conditions will be imposed, including operating pre-commitment technology.
- e. The Liquor Act does not contemplate nil impact on the amenity of the locality, The presumption is in favour of, rather than against, granting of the application unless community impact cannot be minimised.
- f. The Liquor Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
- g. The premises forms part of a large commercial development at the site
- h. No objections were received from the public or Queensland Police Service.
- i. It would be unfair to deny the applicant the opportunity to trade under these conditions without evidence confirming that the potential for harm cannot be minimised.

In making this decision, I have also carefully considered the applicant's submissions regarding the gaming licence conditions. However, on balance, I am of the view that the conditions are proportional to address the higher risk of gambling harm from late-night trading and the higher levels of socio-economic disadvantage exhibited in the local community area.

After considering all of the relevant factors and information, both positive and negative, and the aforementioned findings on material questions of fact, I decided to:

- provisionally approve a commercial hotel licence with extended trading hours from 10:00am to 2:00am Monday to Sunday and;
- grant a category one gaming machine licence for 45 machines, with gaming hours of 10:00am to 4:00am Monday to Sunday;

with licence conditions as set out in Schedule 1 of this notice.

Schedule 1 – Licence Conditions

Commercial hotel licence conditions

- Liquor may be sold or supplied only whilst the premises adheres to its principal activity of the sale of liquor for consumption on the licensed premises, or on and off the premises.
- Liquor may not be sold for consumption off the licensed premises after 10:00pm or be taken away from the premises after 10:30pm.
- The licensee and approved manager/s must ensure crowd controllers licensed under the Security Providers Act 1993 are employed in the following ratios at all times from 11:00pm until one hour after the premises ceases to supply liquor:
 - 1 to 100 patrons or part thereof - 1 crowd controller
 - More than 100 patrons but not more than 200 patrons - 2 crowd controllers
 - More than 200 patrons but not more than 300 patrons - 3 crowd controllers
 - More than 300 patrons but not more than 400 patrons - 4 crowd controllers
 - More than 400 patrons but not more than 500 patrons - 5 crowd controllers
 - Plus at least 1 crowd controller for every 250 patrons (or part) thereafter.
- The licensee and approved manager/s must ensure a minimum of one (1) crowd controller licensed under the Security Providers Act 1993 maintains surveillance outside the premises for at least one hour after the premises closes for business or, if earlier, until all patrons have vacated the immediate vicinity of the premises.
- The licensee and approved manager/s must ensure an incident register is kept on site, in a secure place. The register must be signed by all staff involved in the incident and must include:
 - a. Date and time of the incident;
 - b. Where the incident occurred;
 - c. Full descriptions of persons involved, including names where obtainable;
 - d. Reasons for removing persons from the premises;
 - e. Any details of injuries to persons.
- The licensee and approved manager/s must maintain closed-circuit television (CCTV) equipment recordings of all patrons entering and leaving the premises via the entrance and exit (including any fire exit used for removing patrons). The CCTV footage must include recordings of all interactions between patrons and crowd controllers or staff, from 8:00pm until one hour after all patrons have left the premises, or close of business, whichever is later.
- The licensee and approved manager/s must keep CCTV recordings in a secure place for at least 28 days after the recording is made. Recordings of incidents where persons are removed or injured must be kept on the premises for 1 year after the recording is made. The recordings must be produced on request by an

investigator appointed under the Liquor Act 1992.

- Conditions LL300 and LL302 apply only on nights the premises trades beyond 1:00am.
- This provisional licence does not allow the sale or supply of liquor under the authority of the provisional licence.
- The issue of the licence is subject to evidence of a final inspection of the premises by an officer of the Office of Liquor and Gaming Regulation and the completion of any further requirements of the Commissioner as a consequence of that final inspection.
- The issue of the licence is subject to the lodgement of an acoustic report of which, the content and recommendations satisfy the Commissioner that any noise from the premises will not create a noise nuisance.
- The issue of the licence may be subject to the imposition of further conditions relating to noise, based on the submitted acoustic report.
- All the stated evidence must be produced to the Commissioner by 22 December 2028.

Gaming machine licence conditions

- GHM1A - The licensee will ensure suitably trained staff conduct 'walk-throughs' of the gaming room area at one hourly intervals. Should they observe any patrons displaying behaviours associated with problem gambling, they must maintain a record of the observations in the Responsible Service of Gambling (RSG) logbook and also record the action and engagement they undertook with the patron concerned. The logbook must be made available for inspection by an Office of Liquor and Gaming Regulation (OLGR) officer.
- GHM2 - The licensee will ensure the venue's RSG Policy document details the actions that staff are required to undertake should they identify a patron who is exhibiting genuine problem gambling behaviours.
- GHM3 - The licensee will operate and maintain a facial recognition system to ensure that patrons who are excluded from areas of the premises are identified and prevented from gaining access to the excluded areas in line with the terms of the exclusion.
- GHM4 - The licensee will ensure the RSG Policy document details the process staff are required to undertake should they be required to remove an excluded person from the premises.
- GHM5A - The licensee's RSG Policy will be available for inspection by an OLGR officer.
- GHM6A - The licensee must operate, promote and utilise pre-commitment technology to support patrons' ability to set time and/or spend limits for gaming machine play and as part of their gambling harm risk mitigation strategy.
- GHM7A - The licensee must have established procedures to create and maintain

an effective working relationship with their local Gambling Help provider or gambling support service and these must be made available to an OLGR officer upon request.

- GHM8A - A customer liaison officer must be reasonably available during the approved hours of gaming.
- GHM9 - Staff must not serve liquor to patrons at gaming machines after 10:00pm.
- GHM10 - The licensee must maintain a training program to provide ongoing responsible gambling training for all staff who provide gambling products and services to patrons at least on a semi-annual basis. Records of training undertaken by staff must be kept in a register and be made available to an OLGR officer upon request.