

# Guideline G01 - Gaming machine site licences and increases

This guideline is issued under section 18 of the *Gaming Machine Act 1991* by the Commissioner for Liquor and Gaming.

## Purpose

The purpose of this guideline is to provide guidance to potential applicants on the Commissioner's attitude to certain matters and the range of factors that will generally be taken into account when considering applications.

## Consideration of applications

The Act specifies matters the Commissioner must consider before granting or refusing to grant an application. The Act also requires the Commissioner to conduct investigations considered necessary and reasonable to help the Commissioner to consider applications.

All applications of significant community impact<sup>1</sup> are required to provide a community impact statement and a statement of responsible gambling initiatives. Applicants are also required to advertise the application so that members of the local community may comment on the application. Applications of significant community impact include:

- a) an application for a gaming machine licence
- b) an application for additional licensed premises (clubs only)
- c) an application to have the approved number of gaming machines for licensed premises increased by 10 in the case of a hotel and 20 in the case of a club
- d) other applications identified by the Commissioner. This currently includes, but is not limited to, an application representing a 100 per cent increase in the existing gaming machine numbers at the premises
- e) for premises where a gaming machine licence is currently in operation, a written request may be considered to waive the requirements to submit a community impact statement and/or advertising, provided there is no intention to make major changes to the current operations and/or redevelopment of the premises.

Whilst specific information may be requested, on the merits of a particular application, the Commissioner considers the investigation of the following matters as relevant to the assessment of all applications:

- demand for gaming
- the range of facilities provided at the premises
- anticipated revenues from gaming in proportion to total revenue
- location of child minding and play room facilities (if any) on the premises
- management plan for child minding facilities (if any) on the premises.

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<sup>1</sup> With the exception of gaming trading hours (refer to Hours of gaming)

## **Commissioner's attitude to certain matters**

The Commissioner will not determine an application for a gaming machine licence until an appropriate liquor licence has been granted. However, the Commissioner may consider the applications for the liquor and gaming licences at the same time.

Applicants should also be aware that the issue of a liquor licence **DOES NOT** give the licence holder an automatic right to a gaming machine licence.

Applications are assessed and determined on the evidence applicable to each individual case. The Commissioner has the legislative responsibility to give consideration to the objects of the *Gaming Machine Act 1991*, being to “ensure that, on balance, the State and the community as a whole benefit from gaming machine gambling”.

In part, the balance is achieved by “minimising the potential for harm from gaming machine gambling.” The Commissioner believes the following assists to maintain this balance:

### ***Location***

- consideration will be given to the location of premises to ensure that licences are not granted for premises which would generally be considered inappropriate for gaming machines.

### ***Type of premises***

- the nature of the premises must be consistent with the Principal Activity, as prescribed by the *Liquor Act 1992* for a Commercial hotel licence, Commercial special facility licence or Community club licence
- the total publicly accessible area of the premises must be of a sufficient size and capable from the outset of providing a range of facilities
- gaming must not be the dominant function of a Commercial hotel or Commercial special facility licence application, only an ancillary service
- the premises must be fully integrated (detached gaming machine areas will not be acceptable)
- gaming machine area(s) must not be the main/only point of access for the premises. Toilet facilities must be accessible without requiring patrons to pass through the gaming machine areas.

### ***Location of child minding and/or children's play room facilities on the premises***

- the children's play room or childminding facilities should not be located directly adjoining, or within the direct line of sight of, the gaming machine area(s).

### ***Management plan for child minding facilities on the premises***

- the management plan must provide for safe and suitable standards of care in accordance with relevant child care legislation and ensure children are not left for long periods of time.

## **Number of gaming machines**

The Commissioner, in granting a gaming machine licence or increase in the approved number of gaming machines, must fix the number of gaming machines for the premises.

The maximum number of gaming machines allowed at a single premises is:

- 45 for a hotel
- 300 for a club.

The Commissioner may approve a lesser number than the number sought in the application:  
The following matters are relevant to this determination:

- any potential adverse effect on the amenity or character of the locality, or
- evidence that there is already an adequate number of gaming machines in the venue and/or in the local community, or
- the applicant cannot demonstrate a sustainable demand for the full number of gaming machines sought in the application.

## Hours of gaming

The Commissioner, in granting a gaming machine licence, must fix the approved hours of gaming.

In general, the Commissioner considers gaming during the span of ordinary liquor trading hours of 10am to 12.30am to be acceptable. Applicants requesting hours that exceed the ordinary hours must demonstrate that there is a demand for gaming during the additional hours and should address the following:

- evidence demonstrating demand for gaming for each additional hour outside the ordinary hours of 10am–12midnight
- if requested, a social and economic profile of the local community
- evidence of Town Planning approval.

### Advertising an application for extended gaming hours

You **do not need** to publicly advertise an application for extended gaming hours if the application is for up to 1 hour past your usual gaming hours and does not include a liquor application.

You **do need** to publicly advertise an application for extended gaming hours if the application is for more than 1 hour past your usual gaming hours. Such applications are considered to be of significant community impact and must be advertised under section 55C of the *Gaming Machine Act 1991*. The advertising period will be reduced to 14 days. **Note:** You will not need to provide a community impact statement (CIS) or a statement of responsible gambling initiatives.

Under the Gaming Machine Regulation 2002 the following restrictions on the hours of gaming apply:

Gaming prior to 10:00am is prohibited

**Christmas Day**—no gaming allowed from midnight on Christmas Eve

**Good Friday**—no gaming allowed from midnight from the Thursday evening

**Anzac Day**—no gaming is allowed from midnight Anzac Day evening until 1:00pm on Anzac Day.

## Non-contiguous transfer of hotel operating authorities/club entitlements

In exceptional circumstances, a licensee may apply to relocate a licensed premise.  
Exceptional circumstances are those outside of the licensee's control such as:

- a notice of intention to resume the land on which the premises is situated under the *Acquisition of Land Act 1967* or under another Act
- the old premises is situated in a shopping centre that is to be redeveloped.

In considering an application for a gaming machine licence requiring the transfer of hotel operating authorities/club entitlements to a new premises the Commissioner may only consider the application where:

- the application is lodged in conjunction with a *Form 12 - Notification of surrender of a gaming machine licence* for the premises being replaced and
- where there are exceptional circumstances and
- where the new premises is in the same local community area as the premises being replaced and
- for hotels where the new premises is in the same authority region as the premises being replaced.

To determine the local community area you should contact the Statistics & Research Unit of OLGR on 13 QGOV (13 74 68) before making application.

For the new premises, the Commissioner may only fix the number of gaming machines and the hours of gaming that are equal to or less than those fixed at the old premises. The number of hotel operating authorities/club entitlements transferring must not be greater than the number of gaming machines fixed for the new premises.

### **Additional premises (clubs only)**

The Act provides for clubs to make application for an additional premise provided the total number of gaming machines across all premises does not exceed the following:

- 450 for a club with one additional premises with no more than 300 at any one premises, or
- 500 for a club with more than one additional premises with no more than 300 at any one premises.

Clubs considering the operation of more than one premises should refer to *Guideline G05—Application by a club for additional licensed premises*, for more information on the requirements.

### **Further information**

Please note that these guidelines are not exhaustive. The Commissioner has the legislative ability to require further information from an applicant, if the particular circumstances of the case demand.

Potential applicants and/or their advisors are encouraged to clarify licensing requirements before submitting their application and should contact the Office of Liquor and Gaming Regulation on 13 QGOV (13 74 68).