

QUEENSLAND GAMING COMMISSION

Guidelines

Applicants for gaming machine (site) licences and increases

These guidelines are issued under section 17(2) of the *Gaming Machine Act 1991* (the Act). They replace the commission's previous *Guidelines – Applicants for Gaming Machine (Site) Licences and Increases* which was released in February 2009.

The guidelines should be read in conjunction with the following guidelines also provided by the commission:

- *Guidelines – Community Impact Statement*
- *Guidelines –Hours of Gaming*

They provide details of the matters the commission considers in relation to gaming applications, and its attitude to particular issues. Potential applicants need to be aware of these issues when preparing applications for the commission's consideration.

Also, it is essential that potential applicants carefully peruse the following guidelines provided under section 54A of the Act by the chief executive under the Act. They provide details of the documentation that must be provided with gaming applications and information regarding legislative requirements for the conduct of gaming in Queensland.

For all applicants:

- *Brief to Applicants for a Gaming Machine (Site) Licence or Increase in Gaming Machines*
- *Guidelines – Plans*
- *Guidelines –Advertising Applications of Significant Community Impact*
- *Guideline for Gaming – Related Compliance Programs*

For club applicants:

- *Guidelines to the Authorised Sale of Gaming Machine Entitlements for Clubs*
- *Guidelines to the Transfer of Gaming Machine Entitlements between Clubs*

For hotel applicants:

- *Guidelines to the Authorised Sale of Gaming Machine Operating Authorities.*

Purpose

The purpose of this guideline is to give guidance to potential applicants:

- on the attitude the commission is likely to adopt with respect to applications for gaming machine sites
- on the attitude the commission is likely to adopt on particular issues, such as sites located in or in close proximity to convenience gambling locations, shopping centres, cabarets,

bar and grills, cinemas, ten pin bowling alleys, restaurants and accommodation/resort style premises

- on the range of factors that the commission will generally take into account when considering applications for gaming machine licenses or applications for a significant increase of machine numbers at licensed premises, and
- how the applicant should deal with issues involved in the proper formulation of the application or supporting material related to the application.

Please note that this guideline is not exhaustive and the commission has the legislative ability to require further information from an applicant, if the particular circumstances of the case demand, to enable the commission to make a fully informed decision.

An example of this may be the commission requesting the advertisement of an application and the supply of a community impact statement for an applicant who applies for an increase in machine numbers slightly less than that prescribed as an application of significant community impact (please refer to the *Brief to Applicants for a Gaming Machine Licence or Increase in Gaming Machines* for details as to what constitutes an application of significant community impact).

Consideration of application

Section 57 of the Act prescribes certain matters that the chief executive must investigate, and make an assessment of, in relation to an application for a gaming machine licence. Section 82 of the Act prescribes matters that the chief executive must assess in making a recommendation in respect of an increase application.

In addition to the normal matters that the chief executive must consider, the commission in accordance with its powers to take into account social and community issues, has directed the chief executive to also investigate and make an assessment of the following matters:

- demand for gaming
- primary purpose of the facility i.e. predominantly gaming or the provision of a range of amenities
- anticipated revenues from gaming in proportion to total revenue
- location of child minding facilities (if any) on the premises
- management plan for child minding facilities (if any) on the premises
- source of funds for entitlements/authorities and gaming machine installation timeframes.

It is mandatory that all of the above matters are addressed.

Commission's attitude to certain matters

Applicants should also be aware of the commission's attitude to the following:

- **Location**
 - Shopping centres, convenience locations and other public areas are generally considered inappropriate locations for gaming machines
 - Locations in close proximity to child care centres, schools, places of public worship and community social services are generally considered inappropriate locations for gaming machine.

- **Type of facility**

- The total publicly accessible area of the facility must be of a sufficient size and capable from the outset of providing a range of amenities.
- Premises such as bar and grills, restaurants, cinemas, nightclubs, cabarets and bowling alleys are considered unsuitable as gaming venue.
- The dominant purpose of the facility for a hotel must not be gaming.
- The dominant purpose of the facility for a club must be the provision of services to its members.
- The facility must also be a fully integrated facility, gaming must only be an ancillary service forming an integral part of the whole facility (detached gaming areas will not be acceptable).
- Direct street access to gaming machines is generally unacceptable.

- **Location of child minding facilities on the premises**

Child minding facilities should not be located directly adjoining, or with direct access to, the gaming area.

- **Management plan for child minding facilities (if any) on the premises**

The management plan must provide for safe and suitable standards of care in accordance with relevant child care legislation.

- **Accommodation/resort style venues**

The following matters are particularly pertinent to applications for such venues:

- The venue must be readily accessible to members of the public as well as hotel guests. A venue that is not conducive to ready access by the general public is unsuitable as it would be considered to be operated in the manner of a private club rather than as a tavern/hotel.
- The venue, excluding the accommodation component, must be a publicly accessible area that incorporates a range of amenities and is of a reasonable standard.
- The venue must incorporate a range of amenities (e.g. bars, dining, entertainment, conference facilities, bottleshop, gaming etc.).

- **Additional information required for accommodation/resort style venues**

In respect of such venues, the commission requires that applicants provide the following additional information that will enable them to have a thorough understanding of the anticipated market for the hotel and its various facilities:

- a financial budget across each cost centre showing the contribution to the profit and loss (i.e. bottom line) separated to show trade attributable to in-house guests and members of the general public.
- an overview of the guest demographics.

- **Community contributions for clubs**

Clubs seeking a licence or an increase of twenty gaming machines or more must demonstrate to the commission the scale and scope of their community contributions, including:

- the dollar value, correlated to audit reports and financial reports, of direct donations to the community, including a corresponding breakdown of recipient, purpose and amount.

- the dollar value, correlated to audit reports and financial reports, of the costs incurred by the club in the pursuit of its constitutional objectives (less any revenue earned from these activities).
- well-reasoned and justified details of how the additional gaming machines will impact upon the club's community contributions.
- detailed information as to the club's role in, and the services that it provides to, its local community.

Clubs should ensure that claims regarding community-related expenditure are fully justified and able to be correlated to an audited financial report. Applicants are advised to await the Office of Liquor and Gaming Regulation's written instructions before submitting this information. These instructions will be provided following receipt of the application.

Number of gaming machines

The commission, in granting a gaming machine licence must fix the number of approved gaming machines for the premises. The onus will be on the applicant to demonstrate that there is a sustainable demand for the number of gaming machines sought in the application.

The commission may approve a lesser number than the number sought in the application:

- to minimise any potential adverse affect on the amenity or character of the locality
- where the commission forms the view that there is already an adequate number of gaming machines in the venue and/or in the local community
- where the applicant cannot demonstrate a sustainable demand for the full number of gaming machines sought in the application.

Hours of gaming

The applicant should refer to the commission's *Guidelines – Hours of Gaming* to ascertain the commission's attitude to acceptable gaming hours.

Further information

Potential applicants and/or their advisors are encouraged to clarify licensing requirements before submitting their application and should contact a licensing officer from the Office of Liquor and Gaming Regulation on telephone (07) 3872 0857 or (07) 3003 0037.