

QUEENSLAND GAMING COMMISSION

GUIDELINES –NON-CONTIGUOUS TRANSFER OF OPERATING AUTHORITIES BY A CATEGORY ONE (HOTEL) LICENSEE

This guideline should be read in conjunction with the following guidelines provided by the Queensland Gaming Commission (Commission). They provide details of matters the Commission considers in relation to gaming applications and their attitude to particular issues. Potential applicants need to be cognisant of these issues when preparing applications for the Commission's consideration.

- *Guidelines – Applicants for Gaming Machine (Site) Licences and Increases*
- *Guidelines – Community Impact Statement*
- *Guidelines – Hours of Gaming*

Also it is essential that potential applicants carefully peruse the following guidelines provided by the Office of Liquor, Gaming and Racing (OLGR). They provide details of the documentation that must be provided with gaming applications and legislative requirements for the conduct of gaming in Queensland.

- *Brief to Applicants for a Gaming Machine Licence or Increase in Gaming Machines.*
- *Guidelines - Plans.*
- *Guidelines – Acquisition and Sale of Operating Authorities.*
- *Guidelines to the Authorised Sale of Gaming Machine Operating Authorities.*
- *Guidelines – Advertising Applications of Significant Community Impact.*
- *Guidelines for Gaming –Related Compliance Programs.*

Purpose

The purpose of this Guideline is to give guidance to potential applicants-

- on the attitude the Commission is likely to adopt in regard to the exceptional circumstances requiring the transfer of operating authorities to a new premises;
- on the range of factors the Commission must take into account when considering applications for the non-contiguous transfer of operating authorities to a new premises; and
- how the applicant should deal with issues involved in the proper formulation of the application and supporting material related to the application.

Please note 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.

Consideration of the Application

An application for a gaming machine licence for a new premises to replace an old premises will be investigated and assessed as outlined in the Office of Gaming Regulation's *Brief to Applicants for a Gaming Machine Licence or Increase in Gaming Machines*.

The Commission's *Guidelines – Applicants for Gaming Machine (site) Licences and Increases* provides information on the attitude of the Commission when considering an application for a gaming machine licence.

In considering an application for the transfer of operating authorities to a new premises the Commission may only consider such an application where -

- the application is lodged in conjunction with a *Notification for the Surrender of a Gaming Machine Licence* for the premises to be replaced; and
- where there are exceptional circumstances; and
- where the new premises is in the same authority region as the premises to be replaced; and
- where the new premises is in the same local community area as the premises to be replaced.

Exceptional Circumstances

A submission specifically providing details of the exceptional circumstances must be provided with the application and should include documentary evidence of the circumstances. **It should be noted that the flexibility to allow a limited transfer of authorities, is not intended to facilitate the general transfer of authorities from one premises to another.**

Circumstances the Commission may consider exceptional are-

- the applicant has received, under the *Acquisition of Land Act 1967*, a notice of intention to resume relating to the land on which the old premises are situated;
- the land being acquired under another Act;
- the old premises is situated in a shopping centre that is to be redeveloped;

Local Community Area

The local community area has the meaning given in the Commission's *Guidelines – Community Impact Statement*.

Due to the significance of determining the local community area for the old premises you are encouraged to consult with the Research and Statistics Unit of OLGR for assistance.

Section 55A of the Act requires all applications of a significant community impact to be accompanied by a Community Impact Statement (CIS) and to be advertised. The Act further states that an application of significant community impact is an application for a gaming machine licence. Accordingly, a CIS must be provided with your application. However, the

Act also provides for the consideration of a written request for the waiver of the requirements under this section to provide the CIS and/or to advertise.

When determining the local community area in relation to the CIS you are again encouraged to consult with OLGR's Research and Statistics Unit for assistance.

In all instances the Commission has the legislative ability to require further information from an applicant in regard to a gaming machine application including the local community area.

Number of Gaming Machines

The Commission may only set the number of gaming machines for the new premises that is equal to or less than the number approved at the old premise. The applicant should refer to the Commission's *Guidelines – Applicants for Gaming Machine (Site) Licences and Increases* to ascertain the Commission's attitude when setting the number of gaming machines for a premise.

Hours of Gaming

The hours of gaming for the new premises cannot be set to commence earlier or finish later than the hours approved at the old premise. However, should the circumstances require it the Commission may set lesser hours than requested. The applicant should refer to the Commission's *Guidelines – Hours of Gaming* to ascertain the Commission's attitude to acceptable gaming hours.

Operating Authorities to be Transferred

The Commission may not set a greater number of operating authorities to transfer to the new premises that is more than the approved number of gaming machines set for the new premise.

Where the number of operating authorities at the old premises is higher than the number set to transfer to the new premise, the operating authorities not being transferred must be sold at an authorised sale.

Further Information

Potential applicants and/or their advisors are encouraged to clarify licensing requirements before submitting their application and should contact a licensing officer on:-

- (07) 387 20857; or
- (07) 300 30037.