



Information Sheet – Gambling Regulation Act appeals

Background

This Information Sheet explains how the Commission usually conducts appeals of decisions made under the *Gambling Regulation Act 2003* (**the Act**).

What type of decisions can be appealed?

Under the Act, we may make a decision to, or refuse to, do one of the following:

- to modify a gaming machine area in an approved venue;
- to approve the provision of an automatic teller machine in an approved venue;
- to declare that an organisation is a community or charitable organisation;
- to grant a minor gaming permit; and
- to grant an application for a gaming industry's employee's licence.

We can also decide to:

- suspend or impose conditions on a community or charitable organisation's conduct of sessions of bingo; and
- require a person to apply for a commercial raffle organiser's licence.

If you are affected by one of these decisions, you have a right to have that decision reviewed by a panel of three Commissioners (**an appeal**). This is known as a Gambling Regulation Act appeal.

How do I appeal?

You need to write to the Commission and explain the reasons why you are appealing the decision within **28 days** of being told of the original decision.

How will the Commission deal with my application?

The Commission can make its decision 'on the papers' (that is: on the basis of the written information you include in your letter), or after a hearing (if you request one or the Commission thinks it is needed).

Decisions 'on the papers'

We might request further information from you to assist us make a decision.

If we obtain any other information which affects your appeal, we will provide it to you so that you can respond and/or provide further information. We will specify a timeframe for you to provide any further information you have, but if you don't respond within that time, we may make our decision based on the information already available to us.

Hearing

If you request a hearing, or we decide that one is needed, we will arrange a time and date that suits both you and the Commission. If you require an interpreter, please let us know as soon as possible so that we can arrange for one to be present.

As with decisions on the papers, we might ask you for some further information. If we obtain any other information which affects your appeal, we will provide it to you so that you can respond and/or provide further information. If we cannot provide this information to you before the hearing, you will be given the opportunity to consider and respond to it at the hearing.

What happens at a hearing?

At a hearing, you will have the opportunity to explain your reasons for your appeal and provide other relevant supporting information or evidence, including having people speak to the Commission. We might ask questions to help us make our decision.

The hearing will generally be conducted in public, unless we believe that the circumstances require a private hearing. You can also ask to have a private hearing – see Practice Note G-02 for further information about private hearings.

There is usually a lawyer present who helps the Commission in conducting the hearing. See Practice Note G-01 for information about this person's role.

At the end of the hearing, we will not usually make an immediate decision, but will consider all the information new have received and make a decision at a later time.

Do I need a lawyer? Can I bring a support person?

We aim to conduct hearings with as little formality and technicality as possible. You are not required to have a lawyer represent you but may do so if you wish. You can also bring along a support person.

Decision

After considering your appeal and all the information that has been provided, we will usually either decide to confirm or change the original decision (possibly with or without conditions, depending on the type of decision being appealed).

You will be notified of our decision in writing and you can also ask us for a written statement of reasons for our decision.

Effective Date: This information sheet was approved by the Commission on 31 August 2017 and applies to all appeals made to the Commission after this date.

The Commission has approved this Information Sheet to explain how it generally handles appeals under the Act, but may vary the way it handles an appeal at its absolute discretion.