TRIM ID: CD/18/11454

**Information Sheet – Electronic Gaming Machine applications**

**Background**

This Information Sheet explains how the Victorian Commission for Gambling and Liquor Regulation (**the Commission**) usually conducts inquiries into applications under the *Gambling Regulation Act 2003* (**the Act**) to:

* approve a premises as suitable for gaming; or
* increase the number of electronic gaming machines (**EGMs**) permitted in an approved venue.

Under the Act, any owner of premises seeking to either be approved as suitable for gaming, or a venue operator seeking to amend its licence to increase the number of EGMs in an approved venue, must apply to the Commission for approval.

In considering an application, the Commission conducts an inquiry to determine if it is satisfied the approval should be given and, if so, on what conditions.

**How do I apply?**

An application to approve a premises as suitable for gaming, or to increase the number of EGMs permitted in an approved venue, must:

* contain all the information the Commission requires and be in the form approved by the Commission(<https://www.vcglr.vic.gov.au/sites/default/files/uploadApproval_of_premises_for_gaming_and_Mandatory_Information_Checklist.pdf> or <https://www.vcglr.vic.gov.au/sites/default/files/uploadAmendment_to_venue_operator_licence_____vary_gaming_machines.pdf>);
* be accompanied by the prescribed fee; and
* be accompanied by a submission on the 'net economic and social benefit' to the relevant community and surrounding council districts. The approved form gives details about this submission.

The application must be given to the Local Council in which the premises are situated and then lodged with the Commission **within 3 days**. The Commission publishes all applications and supporting documents on its website.

**How do I make a submission?**

1. Councils

The Commission considers that the relevant Local Council (**Council**) represents the views of the local community. Under the Act, the Commission must notify the Council and the Council can also make a submission in response to an application.

If a Council wishes to make a submission (either to support or oppose an application), it must inform us of its intention to do so **within 37 days** of receiving notification of the application from the Commission.

The Council has a total of **60 days** from receiving the Commission’s notification to make its submission. That submission should cover the economic and social impact of the proposed approval on surrounding Council districts. We have prepared a form to assist Councils in making submissions to the Commission accessible on our website (<https://www.vcglr.vic.gov.au/sites/default/files/economic_and_social_impact_submission.pdf>)

1. Individuals and other interested parties

Please note that the Act does not provide individuals and other interested parties with a right to object or to comment on an EGM application to the Commission. However, many Councils welcome input from individuals or interested parties, as it can form part of Council’s submission.

Alternatively, an individual can make a submission directly to us through our website. If you do, we may invite you to attend the hearing, to discuss your submissions. Please note, you may be asked questions about your submissions.

**How will the Commission deal with an application?**

Generally, the Commission will hold a public hearing concerning the application. However, in the case of a proposed amendment to a venue operator’s licence to increase the number of gaming machines permitted in an approved venue by less than 10%, the Commission may hold a private inquiry.[[1]](#footnote-1)

If the Council makes a submission in respect of an application, the Council will be a party to the matter along with the Applicant.

However, if the Council makes no submission, or if the Council supports the application, we will still hold a public hearing into the application. However, we may hold the hearing (or part) in private if the circumstances require it. A party can also request a private hearing - see Practice Note G-02 for further information about private hearings.

We will notify the applicant, the Council that has made a submission and any individuals or other interested parties that have made a submission to us, of the time and place for a public hearing.

What happens at a public hearing?

The hearing will be conducted by two members of the Commission, and presided over by either the Chairperson or a Deputy Chairperson of the Commission. If any party requires an interpreter, we ask that they notify the Commission so that we can arrange for one to be present.

At the hearing, each party will have the opportunity to explain their view and put forward any relevant evidence or submissions. This may include calling witnesses and other parties will have the opportunity to ask questions of witnesses.

If the Commission has any other information which may affect the outcome of the inquiry, we will provide that to all parties, and give everyone an opportunity to respond or provide further information (which needs to be provided within the time frame specified). However, if a party does not respond in time, we may make our decision based on the information already available to us.

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

**Decision**

After considering the application, the Commission may either grant the application (with or without conditions), or refuse the application. The Commission must make its decision within 60 days of receiving a submission from the Council (or application from Council that it does not intent to make a submission).

Parties will be notified of our decision in writing and receive a written statement of the reasons for our decision.

**Appeals**

Parties may apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of a decision of the Commission. Generally, the review application must be made within 28 days of our decision.

**Effective Date:** This Information Sheet was approved by the Commission on **26 April 2018** and applies to all applications to approve a premises as suitable for gaming or to increase the number of EGMs permitted an approved venue made to the Commission after this date.

The Commission has approved this Information Sheet to explain how it generally handles applications for approvals of premises as suitable for gaming or to increase the number of EGMs permitted in an approved venue, however it may vary the way it handles an application at its absolute discretion.

1. See section 28 *Victorian Commission for Gambling and Liquor Regulation Act 2011*. [↑](#footnote-ref-1)