**Gaming machine applications:
Information for Councils**

Under the Gambling Regulation Act 2003 (the Act), the Commission must decide applications to:

* approve a premises as suitable for gaming (including the number of gaming machines permitted)
* vary (by increasing) the number of gaming machines at a premises.

Unless confidentiality considerations apply, the Commission generally holds public hearings when deciding these applications.

## The role of the Commission in deciding gaming machine applications

The Commission cannot approve an application for gaming machines unless it is satisfied that ‘the net economic and social impact of the proposal will not be detrimental to the wellbeing of the community of the municipal district’.

This is known as the ‘no net detriment’ test and it essentially means that if the Commission decides an application would have a negative impact on the community, it cannot be approved.

When the Commission is considering an application, it will review a number of factors that influence the impact the proposal will have on a community. Each factor is evaluated separately and then given a weighting, using a scale from nil to considerable. A fact sheet explaining each of the factors is on the VGCCC website ([vgccc.vic.gov.au/gaming-machine-applications](http://vgccc.vic.gov.au/gaming-machine-applications)).

The weight the Commission gives to any factor depends on the quality of the evidence and the significance of the impact. For example, the Commission might find strong evidence that the proposal will create employment, but assess that the number of new jobs is small or very short-term. As a result, this benefit will likely be given less weight. Similarly, if an applicant claims a significant benefit will occur but there is limited evidence to confirm the benefit will occur, this benefit is likely to be given little to no weight.

## The role of local Councils

The Council where the premises is located has the right to make a submission to the Commission about the proposal, and will be invited to any public hearing. Information provided by the Council assists the Commission to make its decision.

The Commission is aware that the local Council is uniquely placed to bring information to the Commission about the impact a proposal will have on the community. The Commission therefore encourages Councils to make a submission using the submission form on the VGCCC website ([vgccc.vic.gov.au/gaming-machine-applications](http://vgccc.vic.gov.au/gaming-machine-applications)).

The Council is not required to complete every question on the submission form. If there are any questions that a Council cannot answer, the Council is still encouraged to submit its answers to the other questions.

The Commission is more likely to give greater weight to a submission if the author of the submission attends the hearing and can give evidence. This is because attending in person gives the Commission the chance to ask questions and clarify any uncertainty. The VGCCC encourages Councils to attend the hearing.

## Frequently asked questions

### How does the Commission decide who to invite to give evidence at a hearing? What can they do to be more persuasive?

As mentioned above, the Council where the premises is located will be invited to the hearing.

Third parties, such as Councils in surrounding areas, community organisations or individuals, are also able to make a submission. The Commission will generally only invite a third party to speak if there is something in their submission that the Commission would like to discuss further in order to make the best decision.

The Commission does not expect the Council or any third party to have any special knowledge or skills in giving evidence. The only requirement is that they answer questions honestly and to the best of their knowledge. However, any person making a submission or giving evidence is encouraged to focus their responses on the impact of the proposal being considered.

### How does the Commission decide what weight to give community wellbeing?

The weight the Commission gives to any factor generally depends on the quality of the evidence and the significance of the impact.

When it comes to community wellbeing, a substantial component of this factor is how the community feels about the proposal. Several elements can be relevant here, such as:

* the level of response to the application from residents, community groups and the Council (including any surrounding Councils)
* the type of response (for example, template emails generally opposing gaming may be given less weight than a well-designed survey of the community which indicates specific concern regarding the application)

### How does the VGCCC implement and monitor approval conditions?

Once the Commission’s decision comes into effect, VGCCC staff will take steps to ensure that the premises meets the conditions of its approval. Some of these conditions will be actions the applicant needs to do immediately, and others only take effect in the months or years following approval.

If a Council, or anyone else in the community, feels that a premises is not meeting their approval conditions, they are welcome to contact the VGCCC. The VGCCC will then investigate and take any necessary action.

### What factors influence the weight given to community surveys?

If a survey accurately represents the views of the community, it can be helpful in assisting the Commission make a decision. A survey will be more helpful if it:

* includes details and asks questions about the specific proposal, rather than about general attitudes towards gambling
* is worded impartially and not in a way that is biased towards getting a certain outcome for example, omitting any potential benefits of the proposal)
* is a representative sample of the community (such as how many people were surveyed and whether those people live or work in the community).

However, a Council does not need to conduct a perfect survey in order for the Commission to give it weight. The Commission will carefully consider any relevant information a Council provides.

### How does the Commission determine approval conditions?

The Commission can impose conditions if it decides to approve an application.

The conditions usually relate to fundamental parts of the proposal and are imposed to ensure that benefits identified during the application will be delivered to the community, such as community contributions promised by an application or that proposed capital works are built within the promised timeframe.

In deciding whether to imposed conditions, the Commission will consider any conditions suggested by either the applicant or the Council. Therefore, if a Council believes a particular condition would reduce the negative impact of a proposal, then they are encouraged to include this in their submission.

Please note: Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation.