

Amendment to venue operator's licence – vary gaming machines

November 2016
CD/15/245416

This package contains the application and information material for amendment of a venue operator's licence to vary (increase/decrease) the number of gaming machines.

How to apply

Send application to:

Victorian Commission for Gambling and Liquor Regulation
GPO Box 1988
Melbourne Vic 3001

or lodge in person at:

49 Elizabeth Street
Richmond

Need help?

For more information on how to apply:

- visit the Victorian Commission for Gambling and Liquor Regulation (VCGLR) website at vcglr.vic.gov.au
- telephone the VCGLR on 1300 182 457
- email the VCGLR at contact@vcglr.vic.gov.au



Important Information

Amendment to venue operator's licence – vary gaming machines

Making an application

Section 3.4.17(1)(c) of the *Gambling Regulation Act 2003* (the Act) makes provision for applications to amend the conditions of a venue operator's licence to vary the number of gaming machines.

When approved premises receive authorisation from the VCGLR to be included on a venue operator's licence, the approved premises become an approved venue. At this time the number of gaming machines licensed to operate at the approved venue is specified on the Notice of Approved Venue.

Applications for changes (increase or decrease) to the number of gaming machines permitted in an approved venue must be made to the VCGLR by completing this application form and be accompanied by the prescribed fee. To confirm the current fee, refer to the 'Gambling fees and fines' information sheet available at vcglr.vic.gov.au.

Note: There is no fee for an application to decrease the number of gaming machines permitted in an approved venue.

Applicants must also ensure that all items on the checklist (see page 3) are lodged with the application. Incomplete applications will not be accepted and will be returned to the applicant.

If the application is to decrease gaming machines at an approved venue please complete and lodge **Part A** of this application form.

If the application is to increase gaming machines, a complete copy of the application must be given to the responsible authority and then lodged with the VCGLR **within three days** of receipt by the responsible authority, unless there are exceptional circumstances. If there are exceptional circumstances the VCGLR may extend the period of time within which the applicant may make the application. The VCGLR must determine an application at a public hearing* within 60 days of either;

- being notified that the responsible authority will not make a submission (the responsible authority must advise whether it intends to make a submission within 37 days of receiving notification advising of the application from the VCGLR); or
- receiving a submission from the responsible authority (the responsible authority has a total of 60 days from receipt of notification from the VCGLR to make a submission).

As an applicant you will be required to appear at the public hearing and present evidence in support of your application. If a responsible authority makes a submission relating to an application, it may also appear at the public hearing and provide evidence to support its position.

*The Commission may conduct an inquiry in public or private if the proposed amendment will increase the number of gaming machines by more than 10 per cent. The Commission must conduct an inquiry in public if the proposed amendment will increase the number of gaming machines by more than 10 per cent (unless it is satisfied that exceptional circumstances require it to be held in private) or a previous application to increase the number of gaming machines by less than 10 per cent has been approved within the last two years.

If the Commission determines to conduct a private inquiry the application fee for a public hearing will be refunded (in part) to the applicant to recognise the reduction in fee units for a public hearing vs private inquiry.

The application form

Part A of this application form requires information relating to the applicant, the approved venue and proposed changes in the number of gaming machines.

Part B of this application requires information relating to the economic and social impact of the application. This information will assist the Commission in determining whether the application is likely to result in net social and economic detriment to the local community in which the premises is located.

Amending an application

An application may only be amended within 30 days of giving the application to the responsible authority. An amended application must be given to the responsible authority and lodged with the VCGLR on the same day.

Responsible authority

The Act also provides the responsible authority with an opportunity to make a submission regarding the economic and social impact of the proposal on the local community within specified timeframes.

Information you provide in Part B of this application will assist the responsible authority in making their economic and social impact submission. The submission form used by responsible authorities can be found at www.vcglr.vic.gov.au.

A submission from a responsible authority is due 60 days after the responsible authority receives notification from the VCGLR advising of the application. If an application is amended, the responsible authority has a further 60 days to respond from the date it receives the amended application. The responsible authority must also advise the VCGLR whether it intends to make a submission within 37 days from receiving notification from the VCGLR advising of the application or from receiving an amended application.



Important Information

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The responsible authority has 60 days from either the receipt of notification of the application from the VCGLR or receipt of any amended application from the applicant to make a submission. In either case, the VCGLR may grant an extension of up to 30 days for the council to make a submission.

You can supply any additional information to the VCGLR and the responsible authority which may be of assistance in making an assessment of your proposal. The information required by this application is only the minimum that can be supplied. Applicants and responsible authorities are free to communicate directly throughout the application process.

For further information relating to **Part B** of this application please contact the VCGLR on 1300 182 457.

Modification of gaming machine area

Please note that approved additional gaming machines cannot be installed and commence operation until a modification application has been approved by the VCGLR.

An application for approval of a modification of the gaming machine area must be provided once your application to amend your venue operator licence to vary the number of gaming machines has been approved, and any subsequent appeals concluded.

Applicants should note the VCGLR will only consider approval of an application to modify a gaming machine area that is submitted with all required supporting documentation including, but not limited to, 1:50 scale plan of the gaming machine area, 1:100 scale plan of the premises, local government authority planning permit and endorsed plans (or evidence that planning is not required) and evidence that an application to the VCGLR for a variation of liquor licence has been applied for (if applicable).

Further information on applying to modify the gaming machine area and applying for approval of premises can be obtained from the VCGLR by contacting the VCGLR on 1300 182 457.

Matters for consideration

The matters the VCGLR will consider when determining whether to approve a proposed amendment to the conditions of a venue operator's licence to vary the number of gaming machines permitted in an approved venue are set out under section 3.4.20(1) of the Act. In particular, the VCGLR must be satisfied that if the proposed amendment will result in an increase in the number of gaming machines licensed in the approved venue, the net economic and social impact will not be detrimental to the well-being of the community of the municipal district in which the premises is located.

You will be advised in writing of the outcome of the VCGLR's decision concerning your application.

Nomination of an authorised officer to complete the application form

For the purposes of this application, the 'applicant' must nominate an 'authorised officer' responsible for the completion of an application form and for the certification of all information provided. The authorised officer will be an associate of the applicant and should have capacity to influence the business direction of the applicant. This capacity to influence extends beyond the day to day management and control of gaming operations, although it may include this.

The authorised officer is typically the Chairman of the Board of Directors/Committee of Management, Managing Director, Chief Executive Officer, Public Officer, Club/Company Secretary or Social Club President.

False or misleading information

It is an offence under the Act to provide information that is false or misleading. If you provide false or misleading information, your application may be refused and/or you may be prosecuted and fined up to 60 penalty units (visit our website www.vcglr.vic.gov.au for current penalty unit values).

Privacy policy

The VCGLR is committed to responsible and fair handling of personal information consistent with the *Privacy and Data Protection Act 2014* and its obligations under the Act.

Confidentiality provisions

Information provided in your application must not be disclosed by the VCGLR or its staff to someone else, except as permitted under Division 6 to Part 1 of Chapter 10 of the Act. You may access these provisions at www.vcglr.vic.gov.au.

Checklist

Amendment to venue operator's licence – vary gaming machines

The following documentation must be submitted with this application

To reduce the number of gaming machines:

- Completed current application form (Note: completion of Part A is required)

To increase the number of gaming machines:

- Completed current application form (Note: completion of both Part A and Part B of the form is required).
- The prescribed fee. To confirm the current fee, refer to the 'Gambling fees and fines' information sheet available at www.vcglr.vic.gov.au.
- Evidence that the application has been lodged with the VCGLR within 3 days of being given to the responsible authority as specified in Part A of the application form.
- Economic and Social Impact Assessment – please provide 4 copies.
- Expenditure Analysis – expenditure estimates or any other analysis of anticipated gaming machine expenditure as a result of the proposal as referred to in your application.
- All witness statements as referred to in your application.
- Any reports or documents the applicant intends to rely on at the public hearing, as specified in Part B of the application form.

How to lodge

By post

Victorian Commission for Gambling and Liquor Regulation
GPO Box 1988, Melbourne VIC 3001

In person

Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond



OFFICE USE ONLY

Date Rec'd / /
Receipt No. _____
File No. _____

1. Additional gaming machines

The net number of gaming machines to be added by the proposal:

(New gaming machines sought less those relocated from within municipal district)

2. Venue Patron Profile

In an attachment describe the expected patron profile of the venue if the proposal is approved.

Make reference to the following:

- Do they live near the venue, elsewhere in the municipal district, or do they work but not live in the municipal district?
- Are they from a particular socio-economic background (includes ethnicity, gender, age, income level/type)?
- Are they already customers of other gaming venues in the municipal district?

Has an attachment been included? YES NO

If YES, attachment/page number is:/.....

3. Gaming Expenditure

Anticipated net gaming machine expenditure arising from this proposal over the first 12 months:

_____ \$

(Net expenditure equals total money less prizes paid, i.e. player losses)

Has an attachment been included? YES NO

If YES, attachment/page number is:/.....

4. Employment

Direct gaming employment from proposal:

(Provide equivalent full-time figures)

In addition, in an attachment, you should detail and describe the amount and type of direct new employment created. For example, number of new full-time or part-time, permanent or casual positions; whether in gaming, hospitality or administration; whether wages or conditions are above the award. Please include details of indirect employment creation.

Has an attachment been included? YES NO

If YES, attachment/page number is:/.....

5. Infrastructure Investment, Development and Maintenance

Please make an estimate. If you cannot, please state 'Unable to accurately determine'.

5.1 Value of new building or renovation works from proposal: \$

5.2 Value of building maintenance contracts from proposal for next 12 months: \$

6. Supply contracts

For new premises this will involve all contracts. Please make estimate. If you cannot, please state 'Unable to accurately determine'.

6.1 Value of supply contracts to venue for next 12 months: \$

6.2 Estimated proportion to be provided by suppliers from within municipal district: \$

7. Complementary expenditures

For new premises this will include all complementary expenditures. Please make an estimate. If you cannot, please state 'Unable to accurately determine'.

Value of complementary expenditure for the next 12 months: \$

8. Revenue distribution

In an attachment please provide further comment and information in relation to the net expenditure on gaming machines that remain in the municipal district or return to the municipal district.

Has an attachment been included? YES NO

If YES, attachment/page number is:/.....

9. Tourism

9.1 Estimated impact of gaming on tourism to the municipal district for the previous financial year:

9.2 Estimated impact on tourism from the proposal (first 12 months)

Has an attachment been included? YES NO

If YES, attachment/page number is:/.....

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File No. _____

10. Social, recreational and entertainment opportunities

For each of the relevant sections make an estimate. If you cannot, please state 'Unable to accurately determine'.

10.1 Estimate of funding contributions towards improvements to recreational, entertainment or community facilities from this proposal:
\$

10.2 Estimate of value of sponsorship of sporting activities, social events and live entertainment from this proposal:
\$

10.3 Estimate funding towards opportunities for particular social groups from this proposal:
\$

10.4 Estimate the average number of patrons who attend any part or all of entire venue weekly:
.....

10.5 Estimate the average number of patrons who use the gaming facility weekly:
.....

10.6 Estimate the additional weekly patrons who may attend any part or all of the venue weekly due to the approval of this proposal:
.....

10.7 Estimate the additional average number of patrons who may use the gaming facility weekly due to this proposal:
.....

Has an attachment been included? YES NO

If YES, attachment/page number is:...../.....

11. Incidence of problem gambling/residents at risk and demand for community support services

Please provide detail of the venue's proposed responsible gaming practices and harm minimisation strategies in an attachment.

11.1 What will be its responsible gaming practices and harm minimisation strategies (Comments could be made on any harm minimisation partnerships with any local agencies)?

Use an attachment to provide your response.

Has an attachment been included? YES NO

If YES, attachment/page number is:...../.....

12. Responsible Gambling Environment

In an attachment please outline how the proposal will provide a Responsible Gambling Environment, including but not limited to the location and appropriateness of a children's play area, if applicable.

Has an attachment been included? YES NO

If YES, attachment/page number is:...../.....

13. Evidence and witness statements for public hearing

Lay and expert witnesses may appear at the hearing and present evidence in support of your application. Written witness statements may also be lodged.

13.1 Any written witness statements which will be relied upon at the public hearing must be provided in an attachment.

13.2 You must provide any other evidence or documents that you intend to rely on or use in the public hearing. This includes documentation of any agreements between the applicant and venues where gaming machines are to be transferred from.

Has an attachment been included? YES NO

If YES, attachment/page number is:...../.....

14. Qualifications of expert witness

Qualification details of the witness who completed the Social and Economic Impact statement must be provided in an attachment.

Has an attachment been included? YES NO

If YES, attachment/page number is:...../.....



Advertising requirement

Within 7 days of lodging the application with the responsible authority the **applicant must publish** in a newspaper circulating in the local area of the premises a notice, in the format prescribed below, informing the public of the application. The notice invites public comment on the application in writing, to the responsible authority or directly to the VCGLR.

Applicants are required to include venue details and the existing number of machines and the proposed number of machines to be installed at the venue in the notice.

The authorised officer, on behalf of the applicant, must forward to the VCGLR a copy of the notice **within 14 days** of the application being given to the responsible authority.

This requirement is made under section 3.4.18 of the *Gaming Regulation Act 2003*.

Required format of Public Notice for Application Increase of Number of Gaming Machines:

Notice of Application to amend Venue Operator's Licence to Increase the Number of Gaming Machines

Section 3.4.18 of the Gambling Regulation Act 2003

(Applicant) has applied to the Victorian Commission for Gambling and Liquor Regulation to increase the number of gaming machines at **(venue name, address, and suburb)** from **(existing number)** to **(proposed number)**.

Persons from the municipality where the venue is located may comment on this application in writing, within 30 days of this notice. For more information and contact details regarding this application please visit www.vcglr.vic.gov.au/Hearings.

Persons wishing to make a submission that do not have internet access can telephone the VCGLR on 1300 182 457 to obtain contact details.



Payment by credit card

Complete only if paying by credit card.

Visa Mastercard Amex

Amount

Card number

Name of cardholder

Card expiry date

 /

Daytime telephone contact number of cardholder

Signature

Date

 /

Privacy – the VCGLR is committed to responsible and fair handling of personal information consistent with the *Privacy and Data Protection Act 2014* and its obligations under the *Gambling Regulation Act 2003* and the *Liquor Control Reform Act 1998*. This page will be destroyed once your payment has been processed.



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