

Fact sheet FS3115

Class 1 Local Impact Assessment (LIA)

This fact sheet is for hotels and registered clubs that apply to obtain an increase to their gaming machine threshold and need to complete a Class 1 Local Impact Assessment.

Overview

The purpose of a Class 1 LIA is to inform and support a community consultation process that will enable the Independent Liquor & Gaming Authority Board (the Authority) to determine whether approving an increased gaming machine threshold at a particular hotel or registered club will provide a positive contribution towards the local community.

Guidelines on Class 1 local impact assessments are available at liquorandgaming.nsw.gov.au.

Format of a Class 1 LIA

LIA documentation submitted by applicants should be succinct. All Class 1 LIAs must include a clearly marked executive summary of no more than 3 A4 (single-sided pages).

Preparing a Class 1 LIA

The Authority may only approve a Class 1 LIA if it is satisfied about certain matters specified in the legislation:

- ▲ it complies with the requirements of the *Gaming Machines Act 2001* and Gaming Machine Regulation 2010
- ▲ it demonstrates that gambling activities at the venue will be conducted in a responsible manner
- ▲ it demonstrates that the proposed increase in gaming machines for the venue will provide a positive contribution towards the local community in which the venue is situated
- ▲ (if it is a new hotel or registered club) the venue is not in the immediate vicinity of a school, place of public worship or hospital; and

- ▲ community concerns arising out of the consultation process are adequately addressed.

New hotel or Club

- ▲ for a new or registered club (as defined by the *Gaming Machines Act 2001*), a map showing the location of any school, place of public worship or hospital within 200 metres of the venue. The Authority must be satisfied that the new venue is not in the immediate vicinity of these types of premises. If there are none within that distance, the LIA should indicate that.

Positive contributions to Community

- ▲ details of the benefits the venue will provide to the local community if the additional gaming machines are approved. The Authority must be satisfied that the proposed increase in the venue's gaming machine threshold will provide a positive contribution towards the local community where the venue is situated.
- ▲ A benefit that may result in a positive contribution must include a financial contribution to the Responsible Gambling Fund (RGF). For further details on how positive contributions are determined by the Authority, see Class 1 LIA Guidelines at liquorandgaming.nsw.gov.au

Harm minimisation and responsible gambling

- ▲ details of the harm minimisation and responsible gambling measures in place in the venue. The Authority must be satisfied that the LIA demonstrates that gambling activities in the relevant venue will be conducted in a responsible manner. For this purpose, the Authority will review details of those measures currently in place at the venue and any assurance these will continue. Information about any additional measures the venue proposes to adopt if the application is granted may also be taken into account. In the case of a new hotel or registered club, the LIA should include information about the measures that are proposed to be put in place.

Submitting a Class 1 LIA

- ▲ The LIA should be attached to the application form for a threshold increase application and submitted to the Liquor & Gaming NSW (L&GNSW) Customer Experience team by email. Forms can be found at liquorandgaming.nsw.gov.au.
- ▲ A threshold increase application form that does not appear to contain the requisite information, or an LIA that does not appear to comply with the requirements of this fact sheet, will not be accepted for processing but will be returned to the applicant.

Consultation requirements

Within two working days after submitting the threshold increase application form and the LIA, the applicant must initiate the following consultation process:

- ▲ provide a copy of the application form and the LIA to the **local council** for the area where the venue is situated
- ▲ provide a copy of the application form and the LIA to the **local police**
- ▲ notify the following stakeholders that the threshold increase application has been made and advise the availability of the application and the LIA on the L&GNSW website at liquorandgaming.nsw.gov.au:
 - the **NSW Council of Social Service**
 - the **local health district** for the area where the venue is situated
 - any organisation in the LGA that receives funding from the Responsible Gambling Fund to provide gambling-related counselling or treatment services. The RGF provides funding for a range of gambling counselling and treatment services across NSW. Notification should be given to each RGF-funded service that has a presence in the relevant LGA. Information about those services is available at gamblinghelp.nsw.gov.au.
 - other community services organisations as are listed by the local council for the area in which the relevant venue is situated that provide the local community services relating to welfare, emergency relief, financial assistance, Aboriginal health, Aboriginal legal assistance, or gambling and addiction counselling or treatment.

The applicant must also advise each of the above organisations that they have 60 calendar days after the application and the LIA has been posted on the L&GNSW website to make a written submission to L&GNSW.

In addition a venue must:

- ▲ place an **advertisement in a local newspaper** circulating in the area in which the relevant venue is situated
- ▲ **display a notice** in a conspicuous area outside the relevant venue, or on the perimeter of the site if the venue has not been built

The advertisement and notice must state that a gaming machine threshold increase application has been made and an LIA provided, explain the nature of the application, and advise that the material can be viewed on the L&GNSW website and that any person may make a submission on it within 60 calendar days of the application and LIA being posted on the L&GNSW website.

This reflects the minimum consultation process specified in the legislation and evidence of compliance with these requirements must be provided to the Authority upon request, in the form of a statutory declaration.

Applicants should also note that they can engage more closely with relevant stakeholders at any time to discuss their proposal – including prior to the required documentation being formally submitted. It is likely that any such engagement will lead to the earlier identification of issues of concern and better enable applicants to address the matters about which the Authority is required to be satisfied.

The threshold increase application form and the LIA will be placed on the L&GNSW website during the consultation period (approximately 60 calendar days).

Any submissions received during that period will be provided to the applicant for comment to the Authority. Before determining the application, the Authority must be satisfied that the applicant has adequately addressed any community concerns arising out of the consultation process.

Assessment Process

The application will be assessed and determined:

- ▲ after the conclusion of the consultation period; or
- ▲ where submissions raising concerns have been made during the consultation period - after the applicant has provided comments on those concerns to the Authority.

A threshold increase application will only be approved if the Authority approves the accompanying LIA. A Class 1 LIA will only be approved if the Authority is satisfied about several matters that are set out in the legislation.

If the LIA is approved, the Authority will determine the threshold increase application. If the Authority approves a threshold increase application, it remains open to the Authority to approve a lesser increase than that sought. However, the Authority will generally approve the requested increase unless the particular circumstances of an application warrant it approving a lesser increase. The Authority may also approve an increase subject to conditions.

Determinations made by the Authority will be published at liquorandgaming.nsw.gov.au.

If the Authority approves an increased gaming machine threshold, the venue has up to two years from the date of the approval to acquire the gaming machine entitlements (or poker machine permits for hotels) for the number of gaming machines that the approval relates to. If at the end of the two year period, the venue has not acquired sufficient entitlements to fulfil the approved increase, the gaming machine threshold will be reduced by the amount of the unused portion.

Assessment costs

The applicant must meet any costs incurred by the Authority in determining the LIA and the Authority may refuse to make a determination until arrangements have been made to cover those costs. Applicants will be advised of likely costs prior to them being incurred.

For further information

To find out more about Class 1 LIA:

 liquorandgaming.nsw.gov.au

 contact.us@liquorandgaming.nsw.gov.au

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