

Proposals to establish new club premises in “new development” areas



Independent Liquor & Gaming Authority

A statutory board established under the Gaming and Liquor Administration Act 2007

The Independent Liquor & Gaming Authority (the Authority) has received a number of enquiries from prospective applicants seeking a “preliminary view” as to whether it considers that their respective sites satisfy the requirements of section 37A of the *Gaming Machines Act 2001*.

At its meeting of 22 February 2017, the Authority determined to decline any such requests to provide an in-principle decision. While the Authority acknowledges that it has provided this form of preliminary advice to prospective applicants on previous occasions, the Authority is now differently comprised, and as such, has a different position.

The Authority has two primary concerns in respect of the provision of a preliminary indication as to the satisfaction of section 37A:

1. Any “new development area” in question requires consideration at the time that an application under section 37A is made.

The situation is fluid, and subject to changes to population figures, LGA bandings and the scope and status of services and facilities of the type provided by registered clubs in the area. It would not be appropriate to take a preliminary position given the likelihood that the statistical indicators required to be relied upon by the Authority in coming to that position are likely to be significantly changed at the time of the making of an actual application.

2. While the Authority is required to consider and determine any relevant application that comes before it, it is not legislatively compelled to consider enquiries of this type.

Although the Authority understands the commercial risks surrounding the type of application being considered in these circumstances, it is not the function of the Authority to provide legal advice to prospective applicants. Given the high volume of applications Liquor & Gaming NSW processes, it does not have the resources to assess enquiries that would be more appropriately made to a legal practitioner.

The Authority’s current position is that it will not entertain any further such requests from any prospective applicants.

For further information

To find out more contact Independent Liquor & Gaming Authority secretariat:

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