

# Community Impact Assessment Guidelines

## *Gaming Machines Act 1992*

Effective 3 December 2020

The following guidelines have been published by the Liquor and Gambling Commissioner under section 17B of the Gaming Machines Act 1992.

### 1. Introduction

Under section 17B of the Gaming Machines Act 1992 (the “Act”) the Liquor and Gambling Commissioner (the “Commissioner”) must by notice in the Gazette, publish guidelines (the **community impact assessment guidelines**) for the purposes of determining—

- (a) whether or not an application is a designated application for the purposes of section 17A of the Act; and
- (b) whether or not a designated application is in the community interest.

The Social Effect Inquiry Process and Principles published in the Gazette by the former Independent Gambling Authority is repealed.

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### 2. Commencement

These guidelines come into effect from 3 December 2020, being the date determined by the Commissioner by notice published in the South Australian Government Gazette.

The Commissioner may by notice in the Gazette vary or revoke these guidelines at any time in accordance with section 17B(2) of the Act.

Version control will be used to indicate revisions to these guidelines.

### 3. Community Impact Assessment Guidelines

Schedule 1 sets out the Community Impact Assessment Guidelines for the purposes of section 17B of the *Gaming Machines Act 1992*.

# Schedule 1—Community impact assessment guidelines

## 1. Introduction

These Guidelines are intended for use by applicants for:

- a gaming machine licence;
- a transfer of a gaming machine licence;
- an amalgamation of club licence;
- a variation of a licence condition relating to an increase of the number of gaming machines on licensed premises; and
- the removal of a gaming machine licence;

as well as members of the community and other stakeholders with an interest in any of the abovementioned applications.

## 2. Statement of purpose

The purpose of these Guidelines is to provide guidance to the intended audience in relation to how an applicant can satisfy its onus to the Commissioner that the grant of its application is in the community interest and to provide relevant evidence to give confidence that the risks of harm from gambling are understood, and that processes to minimise such risks have been clearly contemplated.

## 3. Designated applications

Under section 17A of the *Gaming Machines Act 1992* (the Act), the Commissioner may only grant a **designated application** if satisfied that to grant the application would be in the **community interest**.

Pursuant to section 17A(4) of the Act, a **designated application** means—

- (a) an application for a gaming machine licence; or
- (b) any other application that the Commissioner has determined, either in accordance with the community impact assessment guidelines or another provision of this Act, to be a designated application for the purpose of this section.

**Schedule 1** provides a non-exhaustive list of guiding principles and criteria that the Commissioner may have regard to in determining whether an application is deemed to be a “designated application” for the purposes of section 17A(4)(b) of the Act.

## 4. Application process and determination of designated application status

Applications to which these Guidelines relate must be lodged via the CBS Liquor and Gaming Online (LGO) portal.

Any application for a **new gaming machine licence** is automatically deemed to be a **designated application** and the initial application must be accompanied by a **Community Impact Assessment Submission**, together with the related prescribed fee, at the time of lodgment.

All other applications are **assessed by the Commissioner after receipt of the initial application** to determine whether or not it is deemed to be a **designated application** for the purpose of section 17A(4)(b) of the Act.

Once the application is received, a case manager from Consumer and Business Services will contact the applicant to confirm the designated application status and whether the preparation of a **Community Impact Assessment Submission** is required in order to complete the lodgment process. Payment of the prescribed fee will be required at this stage.

Once lodgment of an application has been completed, the ordinary application and submission process as prescribed by Part 4B of the Act will follow, including requirements provided for under section 44D of the Act relating to notice that must be given of certain applications, including applications for:

- (a) the grant of a gaming machine licence;
- (b) the transfer of a gaming machine licence;
- (c) the removal of a gaming machine licence;
- (d) **a designated application.**

The Community Impact Assessment Submission relating to a designated application forms part of the licence application, and is therefore **able to be inspected and reviewed** as part of the notice provisions provided for by section 44D of the Act.

Upon receipt of a Community Impact Assessment Submission, it will be **published on the CBS website** to enable members of the public in the affected locality and other relevant stakeholders the opportunity to provide a written submission to the Commissioner in response to the designated application.

Under section 44E of the Act, if an applicant has also made a related application under the *Liquor Licensing Act 1997*, the Commissioner may deal with both applications concurrently in any manner the Commissioner thinks fit.

**Schedule 2 provides a flowchart of the application process and the determination of designated application status.**

## 5. Community interest

Whether or not a **designated application** is in the **community interest** is determined on a case by case basis by the Commissioner.

In making this determination, the Commissioner will take into account the unique circumstances of an application and consider the evidence provided by an applicant in their **Community Impact Assessment Submission** to inform the Commissioner's decision.

The **onus is on the applicant** to satisfy the Commissioner that the grant of the application **is in the community interest** and to provide relevant evidence and submissions to discharge this onus.

Pursuant to section 17A(2)(a) of the Act, in determining whether or not a designated application is in the **community interest**, the Commissioner will have regard to:

- (i) the **harm** that might be caused by gambling, whether to a community as a whole or a group within the community; and
- (ii) the **cultural, recreational, employment or tourism impacts**; and

- (iii) the **social impact** in, and the **impact on the amenity** of, the locality of the premises or proposed premises; and
- (iv) any other prescribed matter.

## 6. Considerations

### A. the harm that might be caused by gambling, whether to a community as a whole or a group within the community

- Any “at-risk” groups or sub-communities within the locality should be identified.
- A description should be provided of how the applicant intends to minimise any potential harm to “at-risk” groups and sub-communities in the locality, with particular focus on how the applicant will seek to minimise the adverse effects of gambling on the wellbeing of members of those groups/communities identified.
- A copy should be provided of any relevant policies and procedures that the applicant intends to implement to address and minimise the harm that might be caused by gambling in the locality.
- It is expected that these policies and procedures should relate to issues such as (but not limited to)—
  - arrangements for the identification of possible problem gamblers in those premises;
  - arrangements to inform customers and their families of, and facilitate access to, voluntary self-exclusion and formal barring (including licensee involuntary barring);
  - enforcement and compliance arrangements for voluntary self-exclusion and formal barring; and
  - design/location of the gaming area so it would not be an attraction to minors.
- It is important to note that reliance alone on membership of an industry body will not be considered sufficient to satisfy or dispense with these harm minimisation requirements of an application, and each applicant should consider the specific circumstances of their venue when addressing this consideration.

### B. the cultural, recreational, employment or tourism impacts

- Information should be provided about the gaming services to be offered and how the grant of the application may impact on the cultural, recreational, employment and tourism in the locality.
- Evidence of community engagement and consultation must be provided; this may include petitions, survey results and/or letters of support. At a minimum, it is expected that the applicant demonstrates engagement with key stakeholders including, but not limited to:
  - local community;
  - local council;
  - non-government gambling help groups and community service organisations; and
  - local community cultural and residential groups.

Where appropriate, the applicant is required to demonstrate what measures will be implemented to counteract concerns raised through this consultation process.

**C. the social impact in, and the impact on the amenity of, the locality of the premises or proposed premises; and**

- A list should be provided of community buildings, facilities and areas within the locality, including schools and educational institutions; hospitals, drug and alcohol treatment centre's; accommodation or refuges for vulnerable or disadvantaged people; child care centers; recreational areas; pawn brokers or credit providers, and any other areas where vulnerable or disadvantaged people may congregate or be attracted to.
- Information must be included about the gaming services to be provided and how the grant of the application may impact on the amenity of the locality or the proposed premises.
- Consideration needs to be demonstrated about what measures will be implemented to ensure that the conduct of the proposed gaming operations on the premises would be unlikely to result in undue offence, annoyance, disturbance or inconvenience to those who reside, work or worship in the vicinity of the premises.

## 7. Locality

In determining whether or not a designated application is in the **community interest**, the Commissioner will have regard to the impacts on the "**locality**", or the area surrounding the licensed premises/proposed licensed premises **most likely to be affected** by the granting of the application.

**Schedules 3(a) and 3(b)** provide guidance for applicants in identifying the geographic area that should be considered in the preparation of their **Community Impact Assessment Submission**.

The Commissioner may exercise discretion in determining whether the locality identified in the Community Impact Assessment Submission is appropriate, and may direct a variation with respect to the locality that should be considered in the preparation of a submission.

## 8. Manner and form of a community impact assessment submission

Applicants are encouraged to utilise the online form provided for by the Commissioner in the CBS Liquor and Gaming Online (LGO) Portal to be guided as to the type of information needed in support of their Community Impact Assessment Submission.

Alternatively, applicants may instead choose to prepare a Community Impact Assessment Submission in an alternate format of their own preference and lodge that through the LGO Portal.

Noting that each community is different, the level of detail required in a Community Impact Assessment Submission will vary for each application and will be subject to the complexity of the application and the potential impact that the grant of the application will have on the affected locality.

There is no requirement for a Community Impact Assessment Submission to be prepared by legal counsel or an industry consultant.

Applicants can complete their own Community Impact Assessment Submission after liaising with the relevant stakeholders and interest groups in the locality and obtaining all other required information.

Where a Community Impact Assessment Submission is being prepared in conjunction with a designated application under the Liquor Licensing Act 1997, information that is required under both Acts can be provided once to avoid duplication in the application process.

If a Community Impact Assessment Submission in support of a designated application does not adequately address the requisite issues, the Commissioner may require additional information to be provided prior to determining the application.

**When providing information, applicants should bear in mind that Community Impact Assessment Submissions are made public.**

## 9. Written submissions in relation to a community impact assessment submission

Pursuant to section 24(2) of the Act, the Commissioner should not grant an application as a matter of course without **proper inquiry into its merits**.

Section 44G(2) sets out the grounds upon which a written submission may be made, including:

- that the grant of the application would not be consistent with the objects of this Act or would be contrary to this Act in some other way (section 24(2)(a));
- in the case of a designated application—that the granting of the designated application is not in the community interest (section 24(2)(b));
- in the case of an application for the grant or removal of a licence—that the position, nature or quality of the premises renders them unsuitable to be licensed (section 24(2)(e));
- that if the application were granted—
  - undue offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of the premises or proposed premises to which the application relates would be likely to result; or
  - the safety or welfare of children attending kindergarten, primary school or secondary school in the vicinity of the premises or proposed premises to which the application relates would be likely to be prejudiced; or
  - the amenity of the locality in which the premises or proposed premises to which the application relates are situated would be adversely affected in some other way (section 24(2)(f)) .

Further, section 44G of the Act provides that a person may, at least **7 days before** the day appointed for the determination or hearing of the application (or such lesser period as the Commissioner may allow), make a **written submission** to the Commissioner in respect of an advertised application.

Written submissions in response to a Community Impact Assessment Submission should **specifically relate to aspects of the proposed application** rather than, for instance, raising generic concerns about problem gambling impacts more generally.

Written submissions should seek to use some form of evidence or provide sufficient detail to explain any basis for concern, for example personal experience, or knowledge relating to the operation of the specific venue. This may include personal experiences of gambling at the venue or in the identified locality.

For example, a written submission that opposes an application to increase the number of gaming machines permitted in a gaming venue based on the general proposition that all gaming machines in South Australia should be removed, will be of limited value to the Commissioner. Such a proposition could apply to any locality in South Australia and provides limited value to the Commissioner in assessing the impact of additional gaming machines in that particular venue in that particular locality.

Conversely, a written submission that opposes an increase in gaming machines at a gaming machine venue on the basis that the particular venue has a history of poor compliance with the Commissioner's Gambling Codes of Practice is likely to be given more weight by the Commissioner. In such circumstances, the applicant would be required to provide a response to such a written submission, as it raises specific issues with respect to the operation of gaming machines at the venue that is the subject of the application.

The Commissioner must have regard to any written submissions received.

Pursuant to section 44H of the Act, the Commissioner may also, in the Commissioner's absolute discretion, in accordance with the rules of natural justice—

- (a) call for further written submissions to be made in relation to a particular application; or
- (b) invite a person or body determined by the Commissioner to make written submissions in relation to a particular application.

Such written submissions made under section 44H(1) may be made on any ground, including the seeking of advice about the application from community service organisations and relevant researchers. A copy of any written submissions received by the Commissioner under this section must be provided to the applicant a reasonable time before the hearing or determination of the application.

Written submissions in response to an application will not be published on the CBS website.

## Schedule 2—Designated applications

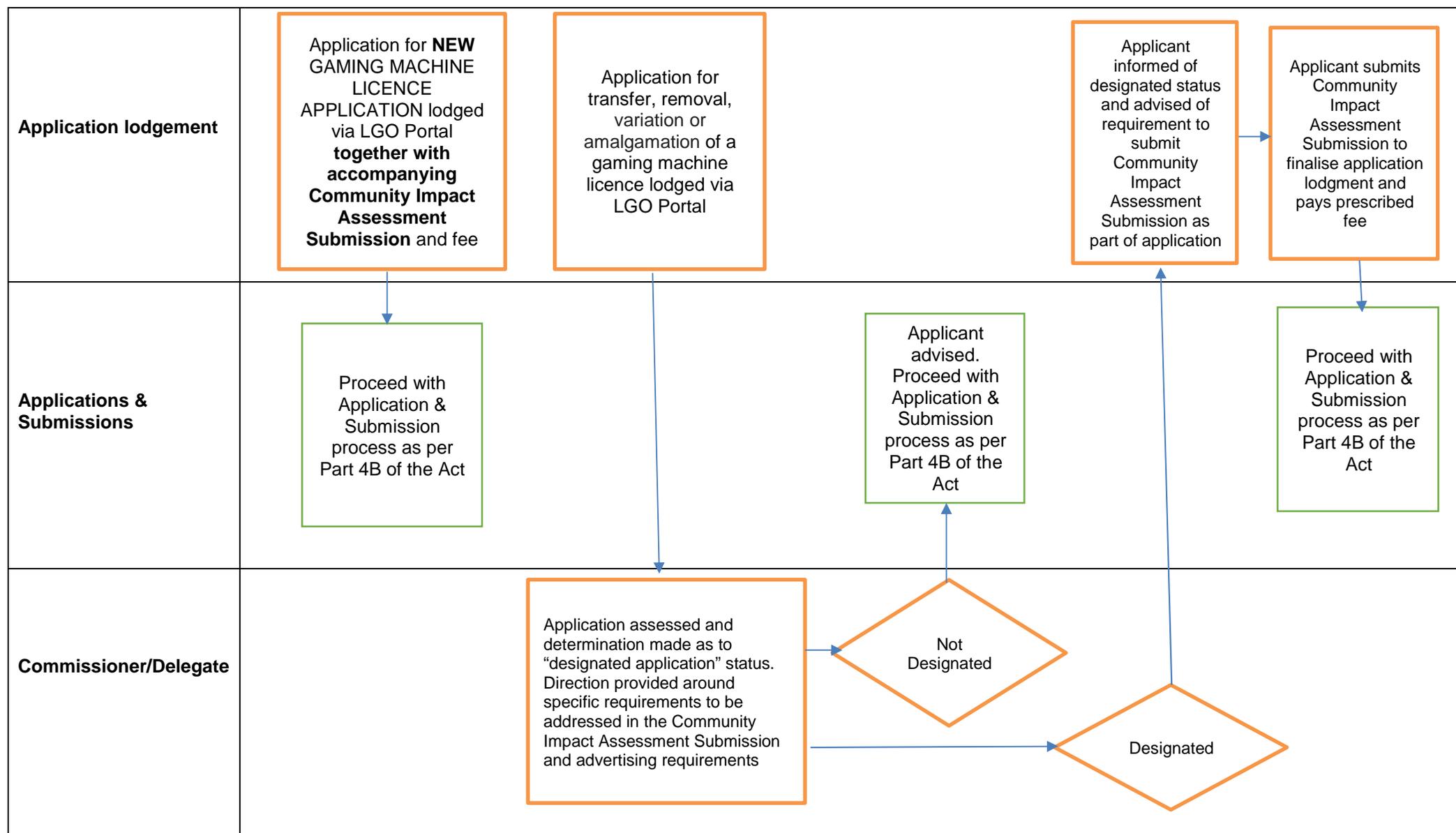
For the purposes of section 17A(4) of the Act, a **designated application** means—

- (a) an application for a gaming machine licence; or
- (b) any other application that the Commissioner has determined, either in accordance with the Community Impact Assessment Submission guidelines, or another provision of this Act, to be a designated application for the purposes of this section.

In determining whether an application is deemed to be a “designated application” for the purposes of section 17A(4)(b) of the Act, the Commissioner may have regard to (but is not limited to only having regard to):

- Net Gambling Revenue (NGR) data for the responsible local council(s) for the preceding financial year (where “responsible local council” means the council under the Local Government Act 1999 for the area in which the relevant premises are situated);
- Social profile information, such as the Socio-Economic Indexes for Areas (SEIFA) scores at the Statistical Area Level 2 (SA2) and the LGA and the location of existing licensed premises within the locality.
- SEIFA data published by the Australian Bureau of Statistics at the SA2 and LGA for the statistical area where the proposed premises are to be located, in relation to—
  - Index of Relative Socio-economic Advantage and Disadvantage;
  - Index of Relative Socio-economic Disadvantage;
  - Index of Economic Resources; and
  - Index of Education and Occupation.
- The extent of increase in the number of approved gaming machines sought on premises (for instance, the % increase in the number of approved gaming machines proposed for the venue);
- The scale of the proposed gaming operations relative to the other business to be conducted at, or in connection with, the premises;
- The length of time the premises has been licensed to operate gaming machines;
- Overall capacity of the licensed premises;
- Whether the applicant has an approved responsible gambling agreement with an industry body; and
- Any information submitted by the applicant in support of why/why not its application should be deemed to be a “designated application”.

## Schedule 2 – Summary of application process and determination of designated application status



## Schedule 3(a)—Locality guidelines

*The following is intended as a guide only. Applicants are required to identify the geographic area from which they expect to draw customers having regard to the intended nature of business of the licensed premises.*

**Adelaide Metropolitan Area:** The locality of a premises in the Adelaide Metropolitan Area can be regarded as the area within a 2km radius of the site of the relevant premises.

A list of the suburbs considered to be in the Adelaide Metropolitan Area can be found at Schedule 2(b). The list is intended to be used as a guide only.

**Outside the Metropolitan Area:** The locality of premises outside of the Adelaide Metropolitan Area can be regarded as the area within a 5km radius of the site of the relevant premises.

**Regional:** Where a premises/proposed premises is remotely located, the applicant should determine and specify the appropriate locality based on the area most likely to be affected by the grant of the application.

## Schedule 3(b)—Adelaide metropolitan area

### Suburbs located in the **Adelaide Metropolitan Area**

Aberfoyle Park	Bridgewater	Croydon	Eyre
Adelaide	Brighton	Croydon Park	Fairview Park
Adelaide Airport	Broadview	Cumberland Park	Felixstow
Albert Park	Brompton	Darlington	Ferryden Park
Alberton	Brooklyn Park	Davoren Park	Findon
Aldgate	Brown Hill Creek	Daw Park	Firle
Aldinga	Buckland Park	Dernancourt	Fitzroy
Aldinga Beach	Burnside	Devon Park	Flagstaff Hill
Allenby Gardens	Burton	Direk	Flinders Park
Andrews Farm	Camden Park	Dorset Vale	Forestville
Angle Park	Campbelltown	Dover Gardens	Frewville
Angle Vale	Carey Gully	Dry Creek	Fulham
Ascot Park	Castambul	Dudley Park	Fulham Gardens
Ashford	Cavan	Dulwich	Fullarton
Ashton	Chandlers Hill	Eastwood	Garden Island
Athelstone	Cheltenham	Eden Hills	Gawler
Athol Park	Cherry Gardens	Edinburgh	Gawler East
Auldana	Cherryville	Edinburgh North	Gawler South
Banksia Park	Christie Downs	Edwardstown	Gawler West
Basket Range	Christies Beach	Elizabeth	Gepps Cross
Beaumont	Clapham	Elizabeth Downs	Gilberton
Bedford Park	Clarence Gardens	Elizabeth East	Gilles Plains
Belair	Clarence Park	Elizabeth Grove	Gillman
Bellevue Heights	Clarendon	Elizabeth North	Glandore
Beulah Park	Clearview	Elizabeth Park	Glanville
Beverly	Cleland	Elizabeth South	Glen Osmond
Bibaringa	Clovelly Park	Elizabeth Vale	Glenalta
Birkenhead	College Park	Enfield	Glenelg
Black Forest	Collinswood	Erindale	Glenelg East
Blackwood	Colonel Light Gardens	Ethelton	Glenelg North
Blair Athol	Coromandel East	Evanale	Glenelg South
Blakeview	Coromandel Valley	Evanston	Glengowrie
Blewitt Springs	Cowandilla	Evanston Gardens	Glenside
Bolivar	Crafers	Evanston Park	Glenunga
Bowden	Crafers West	Evanston South	Globe Derby Park
Bradbury	Craigburn Farm	Everard Park	Glynde
Brahma Lodge	Craigmore	Exeter	Golden Grove
Goodwood	Hyde Park	Marble Hill	Noarlunga Centre
Gould Creek	Ingle Farm	Marden	Noarlunga Downs
Grange	Ironbank	Marino	North Adelaide
Green Fields	Joslin	Marion	North Brighton
Greenacres	Kangarilla	Marleston	North Haven
Greenhill	Kensington	Marryatville	North Plympton
Greenwith	Kensington Gardens	Maslin Beach	Northfield
Gulfview Heights	Kensington Park	Mawson Lakes	Northgate
Hackham	Kent Town	Maylands	Norton Summit
Hackham West	Keswick	Mclaren Flat	Norwood
Hackney	Keswick Terminal	Mclaren Vale	Novar Gardens
Hallett Cove	Kidman Park	Medindie	Oakden
Hampstead Gardens	Kilburn	Medindie Gardens	Oaklands Park
Happy Valley	Kilkenny	Melrose Park	O'Halloran Hill
Hawthorn	Kings Park	Mile End	Old Noarlunga
Hawthorndene	Kingston Park	Mile End South	Old Reynella
Hazelwood Park	Kingswood	Millswood	One Tree Hill
Heathfield	Klemzig	Mitcham	Onkaparinga Hills
Heathpool	Kudla	Mitchell Park	Osborne
Hectorville	Kuitpo	Moana	O'Sullivan Beach

Hendon	Kurralta Park	Modbury	Ottoway
Henley Beach	Largs Bay	Modbury Heights	Outer Harbor
Henley Beach South	Largs North	Modbury North	Ovingham
Hewett	Leabrook	Montacute	Panorama
Highbury	Leawood Gardens	Morphett Vale	Para Hills
Highgate	Lenswood	Morphettville	Para Hills West
Hillbank	Lightsview	Mount George	Para Vista
Hillcrest	Linden Park	Mount Osmond	Paracombe
Hillier	Lockleys	Munno Para	Paradise
Hilton	Longwood	Munno Para Downs	Parafield
Hindmarsh	Lonsdale	Munno Para West	Parafield Gardens
Holden Hill	Lower Mitcham	Mylor	Paralowie
Hope Valley	Lynton	Myrtle Bank	Park Holme
Horsnell Gully	Macdonald Park	Nailsworth	Parkside
Houghton	Magill	Netherby	Pasadena
Hove	Malvern	Netley	Payneham
Humbug Scrub	Manningham	New Port	Payneham South
Huntfield Heights	Mansfield Park	Newton	Penfield
Penfield Gardens	Seacliff	Tatachilla	West Croydon
Pennington	Seacliff Park	Tea Tree Gully	West Hindmarsh
Peterhead	Seacombe Gardens	Tennyson	West Lakes
Piccadilly	Seacombe Heights	Teringie	West Lakes Shore
Plympton	Seaford	The Range	West Richmond
Plympton Park	Seaford Heights	Thebarton	Westbourne Park
Pooraka	Seaford Meadows	Thorngate	Whites Valley
Port Adelaide	Seaford Rise	Tonsley	Willaston
Port Noarlunga	Seaton	Toorak Gardens	Willunga
Port Noarlunga South	Seaview Downs	Torrens Island	Willunga South
Port Willunga	Sefton Park	Torrens Park	Windsor Gardens
Prospect	Sellicks Beach	Torrensville	Wingfield
Queenstown	Sellicks Hill	Tranmere	Woodcroft
Redwood Park	Semaphore	Trinity Gardens	Woodforde
Regency Park	Semaphore Park	Trott Park	Woodville
Reid	Semaphore South	Tusmore	Woodville Gardens
Renown Park	Sheidow Park	Uleybury	Woodville North
Reynella	Skye	Underdale	Woodville Park
Reynella East	Smithfield	Unley	Woodville South
Richmond	Smithfield Plains	Unley Park	Woodville West
Ridgehaven	Somerton Park	Upper Hermitage	Wynn Vale
Ridleyton	South Brighton	Upper Sturt	Yatala Vale
Rose Park	South Plympton	Uraidla	Yattalunga
Rosewater	Springfield	Urrbrae	
Rossllyn Park	St Agnes	Vale Park	
Rostrevor	St Clair	Valley View	
Royal Park	St Georges	Verdun	
Royston Park	St Kilda	Virginia	
Salisbury	St Marys	Vista	
Salisbury Downs	St Morris	Walkerville	
Salisbury East	St Peters	Walkley Heights	
Salisbury Heights	Stepney	Warradale	
Salisbury North	Stirling	Waterfall Gully	
Salisbury Park	Stonyfell	Waterloo Corner	
Salisbury Plain	Sturt	Wattle Park	
Salisbury South	Summertown	Wayville	
Sampson Flat	Surrey Downs	Welland	
Scott Creek	Taperoo	West Beach	

## Revision History

Version	Changes	Release Date
1	Original document	3 December 2020