
Gaming Machines—Social Effect Inquiry Process and Principles— Prescription Notice 2011

Version No. 002, as at 22 August 2014

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Version No. 002

Reprinted, incorporating amendments, as at 22 August 2014

GM Notice No. 4 of 2011
**Gaming Machines—Social Effect Inquiry
Process and Principles—Prescription
Notice 2011**

The Independent Gambling Authority publishes this notice under section 10A of the *Gaming Machines Act 1992*:

PART 1—PRELIMINARY

1 Citation, commencement, authorising provisions

- (1) This notice may be cited as the Gaming Machines—Social Effect Inquiry Process and Principles—Prescription Notice 2011.
- (2) This notice comes into operation on the same day as section 14 of the *Gaming Machines (Miscellaneous) Amendment Act 2010*.
- (3) This notice is authorised by paragraphs (a) and (b) of section 10A(1) of the *Gaming Machines Act 1992*.

2 Purpose

This notice prescribes—

- (a) an inquiry process that must precede an application for a social effect certificate or, if required by the Commissioner, a variation of a gaming machine licence (a *social effect inquiry*); and
- (b) principles for assessing the social effect of the grant or variation of a gaming machine licence (*social effect principles*).

3 Definitions and interpretation

- (1) In this notice—

“**applicant**” means—

- (a) a person intending to apply for a social effect certificate under section 17B; or
- (b) the holder of a gaming machine licence who, upon making application for variation of the licence, has been required by the Commissioner to hold a social effect inquiry;

“**applicant community stakeholders**” means the local community stakeholders and other stakeholders identified by an applicant as

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having an interest (other than an arm's-length business relationship) with the applicant and the relevant premises;

*Definition
amended by
GR Notice
No. 4 of 2014,
cl. 3(1)(a)*

“local community area” means each SA2 wholly or partly falling within a radius of 2 kilometres from the relevant premises;

“local community organisations” means the organisations which provide social and educational services to the people who reside in the local community area;

“local community stakeholders” means—

- (a) the people who reside in the local community area;
- (b) the people who own property in the local community area;
- (c) the people who work in the local community area; and
- (d) the local community organisations;

“premises baseline document”—*see clause 8*;

“relevant premises” means—

- (a) the premises or proposed premises intended to be the subject of an application for a social effect certificate; or
- (b) the premises the subject of an application for variation of a gaming machine licence;

“responsible local council” means the council under the *Local Government Act 1999* for the area in which the relevant premises are situated;

*Definition
inserted by GR
Notice No. 4 of
2014,
cl. 3(1)(b)*

“SA2” means an area defined by the Australian Bureau of Statistics as a Statistical Area, Level 2 within the Australian Statistical Geography Standard;

“SEIFA” means the current release of the Socio-Economic Indexes for Areas published by the Australian Bureau of Statistics;

“social effect inquiry report”—*see clause 7(2)*;

“SLA” means a statistical local area defined, as an Australian Standard Geographical Classification defined area, by the Australian Bureau of Statistics.

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GM Notice No. 4 of 2011**Clause 3A**

- (2) In this notice, unqualified references to “the Act”, to a section or sections, or to a section or sections of the Act are to be taken as references to the *Gaming Machines Act 1992* or to a section or sections of the *Gaming Machines Act 1992* as in force on or after the commencement of section 14 of the *Gaming Machines (Miscellaneous) Amendment Act 2010*.

3A Transitional

Despite the variations made to this notice by the Gaming Machines (Social Effect—General) Variation Notice 2014, a premises baseline document may validly be published quoting SLA-based demographic data (including SEIFA data) until 1 December 2014, as though those variations had not been made.”.

*Clause 3A
inserted by GR
Notice No. 4 of
2014, cl. 4*

PART 2—SOCIAL EFFECT INQUIRY

4 Components of a social effect inquiry

A social effect inquiry is made up of—

- (a) a structured stakeholder engagement period;
- (b) a stakeholder comment period; and
- (c) an applicant response period.

5 Structured stakeholder engagement period

- (1) A structured stakeholder engagement period will commence with the publication of—
- (a) an 8–12 week timetable for structured stakeholder engagement;
 - (b) indicative arrangements (including dates) for the stakeholder comment period and the applicant response period; and
 - (c) a premises baseline document.
- (2) Without limiting the activities to be included in a timetable for structured stakeholder engagement, the timetable must include—
- (a) delivery of the timetable, the indicative arrangements and the premises baseline document to the responsible local council within the first week of the timetable;
 - (b) a program of visitation to local community organisations and other local community stakeholders identified as appropriate for consultation; and
-

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- (c) one or more public meetings with applicant community stakeholders, the last of which is to be held within the local community area and in the final week of the timetable.

6 Stakeholder comment period

The stakeholder comment period will be a 2–4 week period during which—

- (a) the applicant will receive written comments (by mail or by electronic means) about the proposal; and
- (b) the applicant will not engage with applicant community stakeholders or gaming regulatory authorities on matters going to the substance of the proposal.

7 Applicant response period

- (1) The applicant response period will be a period of at least 2 weeks during which—

- (a) the applicant may engage with people who have provided written comments during the stakeholder comment period; and
- (b) the applicant will formulate responses to the comments provided during the stakeholder comment period.

- (2) The applicant response period will end with the publication of a social effect inquiry report, given to—

- (a) the responsible local council;
- (b) each person or organisation which made a written comment during the stakeholder comment period; and
- (c) each person or organisation which requested to be provided with a copy of the social effect inquiry report.

- (3) A social effect inquiry report must include—

- (a) the premises baseline document;
- (b) a record of the actual activities undertaken for structured stakeholder engagement, including—
 - (i) a list of the people and organisations visited during the structured stakeholder engagement period;

*Paragraph (b)
amended by
GR Notice
No. 4 of 2014,
cl. 7(2)*

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GM Notice No. 4 of 2011**Clause 8**

- (ii) a list of the people and organisations with whom contact was unsuccessfully attempted during the period (including a concise statement of the attempts made); and
- (iii) notes of public meetings (including attendance sheets completed for those meetings);
- (c) the written comments received during the stakeholder comment period; and
- (d) the applicant's response to the written comments received during the stakeholder comment period, including—
 - (i) an account of the outcome of any engagement between the applicant and people who provided comments;
 - (ii) any changes made to the proposal by the applicant between the commencement of the structured stakeholder engagement period and the publication of the report, accompanied by a concise note explaining the reason for the change; and
 - (iii) any undertakings the applicant has made to applicant community stakeholders to be bound by ongoing special licence conditions upon the grant or variation of a gaming machine licence.

8 Premises baseline document

- (1) A premises baseline document will follow the form of Schedule 1.
- (2) A premises baseline document will define the community of the relevant premises, including by—
 - (a) listing the SA2s of the local community area;
 - (b) describing the local community stakeholders in the language of demographers and planners; and
 - (c) listing the responsible local council and the main organisations which provide social and educational services to the people who reside in the local community area.
- (3) A premises baseline document will locate the relevant premises within the local community area by identifying the relevant premises on a map

*Paragraph (a)
amended by
GR Notice
No. 4 of 2014,
cl. 5*

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Clause 8**GM Notice No. 4 of 2011**

which includes roads, railways, waterways, allotments, major buildings and open public spaces.¹

(4) A premises baseline document will include the following information about the proposal—

(a) what the relevant premises (including the area licensed for gaming) will be like—

(i) described in words;

(ii) depicted in artists' impressions; and

(iii) shown in the form of indicative floor plans—

and, if the relevant premises already exist, how the proposal will change the relevant premises;

(b) the business model underlying the proposal, including—

(i) the capital cost of the proposal;

(ii) the financing of the proposal (including the on-going cost of finance);

(iii) the revenues of the relevant premises (separating gaming and non-gaming revenues);

(iv) who will be the customers of the relevant premises; and

(v) how the relevant premises will be staffed (separating gaming and non-gaming staff); and

(c) how the relevant premises are proposed to be managed, including—

(i) arrangements for identification of possible problem gamblers in those premises;

(ii) arrangements to inform customers and their families of, and facilitate access to, informal voluntary self-exclusion and formal barring (including licensee involuntary barring); and

(iii) enforcement and compliance arrangements for informal voluntary self-exclusion and formal barring.

(5) A premises baseline document will include a statistical compendium comprising—

(a) for the local community area—

¹ A map produced from Google Maps (<http://maps.google.com.au>) will meet this requirement.

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- (i) the annual net gambling revenue;
 - (ii) the present number of premises licensed for gaming or in respect of which a social effect certificate has been granted;
 - (iii) the present number of licensable gaming machines (including those licensable under suspended licences and under social effect certificates);
 - (iv) the number of employed persons;
 - (v) the number of resident adults; and
 - (vi) the SEIFA score in each of the—
 - (A) Index of Relative Socio-economic Advantage and Disadvantage;
 - (B) Index of Relative Socio-economic Disadvantage;
 - (C) Index of Economic Resources; and
 - (D) Index of Education and Occupation;
- (b) for the State—
- (i) the annual net gambling revenue;
 - (ii) the present number of premises licensed for gaming or in respect of which a social effect certificate has been granted;
 - (iii) the present number of licensable gaming machines (including those licensable under suspended licences and under social effect certificates);
 - (iv) the number of employed persons;
 - (v) the number of resident adults; and
 - (vi) the aggregated SEIFA score for each of the—
 - (A) Index of Relative Socio-economic Advantage and Disadvantage;
 - (B) Index of Relative Socio-economic Disadvantage;
 - (C) Index of Economic Resources; and
 - (D) Index of Education and Occupation; and
- (c) for the relevant premises—
- (i) the present annual net gambling revenue (if any);
 - (ii) the net annual gambling revenue expected upon completion of the proposal;
-

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*Sub-paragraph (iii)
amended by
GR Notice
No. 4 of 2014,
cl. 7(3)*

- (iii) the number of gaming machines proposed to be licensed and the number (if any) presently included in a gaming machine licence or in a social effect certificate; and
 - (iv) the number of employed persons.
- (6) A premises baseline document will include a narrative statement of the risks identified to the local community as arising from the proposal, by reference to the matters which sub-clauses (2), (3), (4) and (5) require to be included, and how the applicant will manage those risks.

9 Process guidance

- (1) When publishing the documents required by clause 5(1), the applicant should adopt a range of measures, adapted to the circumstances, which a reasonable person would accept were likely—
- (a) to draw the existence of the proposal to the attention of local community stakeholders generally;
 - (b) to ensure that the local community stakeholders living or working close to the relevant premises were well aware of the proposal; and
 - (c) to give ready access to the published documents (such as by publication on a website)—
- but nothing in this notice should be read as—
- (d) requiring an applicant to write to all local community stakeholders; or
 - (e) forbidding an applicant from writing to all local community stakeholders.
- (2) When engaging with stakeholders, the applicant must use the standard letters set out in Schedule 2.
- (3) When presenting statistical information—
- (a) data about the demographics of the local community area and the State must be drawn from the most recent census data;
 - (b) data about net gambling revenue must relate to the 12 month period ending on the 30 June preceding the commencement of the social effect inquiry; and

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- (c) data about the numbers of gaming machines approved under licences and social effect certificates must be presented as at the more recent of the preceding 31 December or 30 June.
- ² (4) When presenting SEIFA scores for a local community area made up of more than one SA2, the applicant must show—
- (a) the scores for each of the SA2, identified by name and number; and
 - (b) an aggregate score for the local community area in which the scores for each SA2s are combined by weighting them for their proportion of the population of the local community area.
- (5) When presenting the aggregated SEIFA score for the State, the scores of the SA2s within the State must be combined by weighting them for their proportion of the population of the State.
- (6) When presenting demographic data generally, and SEIFA data in particular, the applicant must identify and account for limitations in the data for the particular local community area disclosed by the Australian Bureau of Statistics.
- (7) If data required by this notice are not reasonably available to the applicant, the applicant must disclose which data are missing and adapt the disclosures accordingly, so as to follow the requirements of this notice as closely as the availability of data allows.

*Paragraph (a)
amended by
GR Notice
No. 4 of 2014,
cl .6.1(a)*

*Paragraph (b)
amended by
GR Notice
No. 4 of 2014,
cl .6.1(b)*

*Sub-clause (5)
amended by
GR Notice
No. 4 of 2014,
cl .6(3)*

PART 3—SOCIAL EFFECT PRINCIPLES

10 Decision making principles

- (1) Subject to sub-clause (2), the grant, or variation, of a gaming machine licence should not give rise to a level of gambling activity which is not sustainable having regard to its likely positive and negative impacts on the applicant community stakeholders as identified—
- (a) by a social effect inquiry; or

² *Sub-clauses (4)–(6): It is intended that all the SEIFA index scores and population data required for the purposes of a social effect inquiry using 2006 ABS Census data will be drawn from the downloadable spreadsheet file for ABS product code 2033.0.55.001—2033055001_ seifa, statistical local areas, data cube only, 2006.xls.*

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Clause 10**GM Notice No. 4 of 2011**

(b) in evidence taken in the course of the proceeding before the Liquor and Gambling Commissioner.

(2) In applying sub-clause (1), the following must be taken into account—

- (a) the adequacy of the relevant social effect inquiry;
- (b) the extent to which the applicant has engaged with local community stakeholders in respect of the proposal;
- (c) the extent to which the risks identified by the applicant (including those so identified in the social effect inquiry) and by applicant community stakeholders can be managed;
- (d) the extent to which the net beneficial impacts likely to accrue to applicant community stakeholders other than local community stakeholders offset the net detrimental impacts likely to be experienced by local community stakeholders;
- (e) the extent to which the level of gaming activity in the local community area, by reference either to net gambling revenue or to the numbers of local machines, would be disproportionate to the level of gaming activity for the State;
- (f) the extent of support for the proposal among local community stakeholders;
- (g) the extent to which conditions can be specified in the licence to—
 - (i) ameliorate the social effect of the grant, or variation, of the licence; and
 - (ii) reflect undertakings given by the applicant to applicant community stakeholders; and
- (h) concerning any undertakings given by the applicant to applicant community stakeholders to be bound by ongoing special licence conditions upon the grant or variation of a gaming machine licence—
 - (i) the relevance of the undertakings; and
 - (ii) the desirability of enforcing the undertakings by the specification of licence conditions.

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Schedule 1

Schedule 1

Form of premises baseline document

1. Introduction

This premises baseline document has been prepared as the first step in the community consultation required for the **proposed introduction of gaming at** *[insert premises name]*/**proposed changes to the gaming arrangements at** *[insert premises name]*/**proposed relocation of the** *[insert old premises name]* **to** *[insert premises name]**.

Paragraph substituted by GR Notice No. 4 of 2014, cl.8(1)

The consultation is being undertaken by *[insert name of applicant]* (“**the Applicant**”).

The street address of the premises is *[insert premises address]*.

The process which requires this community consultation is called a **social effect inquiry**. When a social effect inquiry is completed, an applicant can seek a **social effect certificate** (to allow the introduction of gaming or the relocation of a gaming venue within the area) or **variation** of the Applicant’s existing licence (to allow an expansion of gaming). These are granted by the Liquor and Gambling Commissioner.

Paragraph amended by GR Notice No. 4 of 2014, cl.8(2)

The law was amended in 2010 to make sure that the social effect of new licensing proposals was included in the first stage of decision making. The role of the application for a social effect certificate is to allow those decisions to be made.

If a social effect certificate is granted, the applicant can then proceed to the next step of licensing which is for a **premises certificate**. (In order to do this, the Applicant will also have to have obtained any necessary development approvals.) A premises certificate tells the Applicant what will be an acceptable built environment for gaming and thereby allows the Applicant to go ahead with construction processes. On completion of construction in compliance with the premises certificate, the Applicant may apply for the grant of a gaming machine licence, with all the necessary licensing criteria having been met.

While the premises certificate and licence applications are important licensing steps, it is intended that the assessment of the social effect of the grant of a licence be resolved at the social effect certificate stage, before those steps are undertaken.

The 2010 amendments to the law adapted this approach to expansions of existing gaming venues by giving the Liquor and Gambling Commissioner the power to require a social effect inquiry to precede an application for variation of a licence.

This document is intended to set out the broad range of information community stakeholders will need to engage effectively in the social effect inquiry and any subsequent application for a social effect certificate or application for variation of a licence.

The information in this document is current as at *[date of publication of document]*.

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Schedule 1**GM Notice No. 4 of 2011**

2. How social effect decision-making works

There are three components to a social effect inquiry—

- (a) a structured stakeholder engagement period of 8–12 weeks ending with at least one public meeting;
- (b) a stakeholder comment period of 2–4 weeks; and
- (c) an applicant response period of at least 2 weeks, ending with the publication of a *social effect inquiry report*.

Timelines are set out in a separate timetable which the applicant must publish with this document.

While community stakeholders may put in their comments earlier than the end of the stakeholder comment period, it makes sense to see through the whole of the structured stakeholder engagement period and the public meeting, so that the full picture is known.

Once the applicant has completed the social effect inquiry report, the applicant is allowed to apply for a social effect certificate (or, if the proposal is to expand gaming, a variation of the licence). This application must be advertised. Stakeholders are able to participate in the formal decision process by lodging an objection.

The formal decision process is a proceeding before the Liquor and Gambling Commissioner.

The prescribed *social effect principles* require the Commissioner to take into account—

- (a) the adequacy of the relevant social effect inquiry;
- (b) the extent to which the applicant has engaged with local community stakeholders in respect of the proposal;
- (c) the extent to which the risks identified by the applicant (including those so identified in the social effect inquiry) and by applicant community stakeholders can be managed;
- (d) the extent to which the net beneficial impacts likely to accrue to applicant community stakeholders offset the net detrimental impacts likely to be experienced by local community stakeholders;
- (e) the extent to which the level of gaming activity in the local community area, by reference either to net gambling revenue or to the numbers of local machines, would be disproportionate to the level of gaming activity for the State;
- (f) concerning applicant undertakings—
 - (i) the relevance of undertakings the applicant has made to applicant community stakeholders to be bound by ongoing special licence conditions upon the grant or variation of a gaming machine licence;
 - (ii) the desirability of enforcing undertakings mentioned in sub-paragraph (i) by the imposition of special licence conditions.

If the applicant or any of the objectors is unhappy with the decision made by the Commissioner, there is a right of review in the Licensing Court.

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GM Notice No. 4 of 2011**Schedule 1****3. The local community**

The local community area is shown on the attached map. It is made up of one or more ABS SA2s *[name them]*, being the areas identified by some or all of them being within a radius of 2 kilometres from the site of the premises. (ABS SA2 refers to a *Statistical Area Level 2* for the purpose of the census and other data collections.)

*Paragraph
substituted by
GR Notice
No. 4 of 2014,
cl. 8(3)*

The local community stakeholders are the people who live, work or own property in the area, and the organisations which provide social and educational services to the area.

The residents are *[here provide a profile of the resident population in the language of demographers and planners]*.

The workforce is *[here provide a profile of the resident population in the language of demographers and planners, by reference to available data and by reference to the nature of the main employers in the local community area]*.

The applicant has identified the organisations providing services to the local community; they are listed in *[name of Appendix]*.

The relevant local council is *[name]*.

4. The proposal and the premises

The proposal is to create a gaming venue which *[here include long narrative of the what the premises will be like, including non-gaming as well as gaming areas]*.

There will be *[number]* electronic gaming machines.

Artists' impressions and floor plans are included in *[name of appendixes]*.

[If applicable] The proposal will change the existing premises by *[set out particulars]*.

[Here set out particulars of the business model for the venue as proposed.]

The anticipated capital cost of the proposal is *[amount in dollars]*.

The capital cost will be financed by raising *[amount in dollars]* of debt, with the balance coming from the Applicant and investors. The annual interest cost of this finance is estimated at *[amount in dollars]*. The applicant's required rate of return on invested capital is *[percentage]* or *[amount in dollars]* each year.*

The anticipated annual revenues will be:

- total non-gaming sales *[amount in dollars]*;
- net gambling revenue *[amount in dollars]*;
- net profit *[amount in dollars]*.

The customers will be *[description in the language of demographers and planners]*

The venue, when completed, will employ *[number]* staff including *[number]* directly involved with gaming. These staff will be *[explain where the staff are expected to come from]*.

The premises are proposed to be managed *[set out general management arrangements]*. In particular—

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Schedule 2

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- *[set out detail of how identification of possible problem gamblers will be done];*
- *[set out detail of arrangements to inform customers and their families of, and facilitate access to, informal voluntary self-exclusion and formal barring (including licensee involuntary barring)];*
- *[set out detail of enforcement and compliance arrangements for informal voluntary self-exclusion and formal barring].*

5. Statistics

[Here set out tables of statistics.]

6. Appendixes

List of schools

List of community services

Artists' impressions

Map

Indicative floor plans

* **Delete the option which does not apply.**

Schedule 2

FORM OF CONSULTATION LETTER CORE TEXT

Initial structured engagement letter

*Paragraph
substituted by
GR Notice
No. 4 of 2014,
cl. 9(1)*

I am writing to you about **the proposed introduction of gaming/proposed changes to the gaming arrangements*** at *[insert premises name]*.

As part of the licensing requirements, *[name of applicant]* is conducting a social effect inquiry. Attached are the premises baseline document and the timetable for structured stakeholder engagement.

You will see that you are one of the stakeholders listed in the baseline document/You have been identified as a stakeholder the Applicant wishes to consult about the proposal.*

Please call me when you receive this letter to discuss an appropriate time and place to meet.

If you do not wish to meet, you are still able to attend a public meeting on *[date]*.

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Schedule 2

Acknowledgement of comment letter or email

Thank you for providing a comment about the **proposed introduction of gaming at [insert premises name]/proposed changes to the gaming arrangements at [insert premises name]/proposed relocation of the [insert old premises name] to [insert premises name]*.**

*Paragraph
substituted by
GR Notice
No. 4 of 2014,
cl. 9(2)*

Your comment will be published in the Applicant's social effect inquiry report, which will be finalised no earlier than *[first date for end of applicant response period]*.

If the Applicant decides to change the proposal in response to your comment, I will be back in touch before that date to discuss it with you.

Response letter or email

I refer to my letter dated/email of* *[date]* acknowledging receipt of your comment on the gaming proposal for *[insert premises name]*/Thank you for requesting a copy of the social effect inquiry report during the social effect inquiry process for the gaming proposal for *[insert premises name]*.*

I attach the social effect inquiry report.

Your comment on the proposal has been included.

[If applicable] Your comment is mentioned specifically on page *[page number]*.

The Applicant **will/will not*** be proceeding with an application for a social effect certificate. This application will be advertised as required by the Gaming Machines Act.

* **Delete the option which does not apply.**

NOTES

1. The Gaming Machines—Social Effect Inquiry Process and Principles—Prescription Notice 2011 was published in the South Australian Government Gazette on 12 May 2011 (No. 31 of 2011) at pages 1358–1370, GM Notice No. 4 of 2011.
2. This notice became effective on the commencement of section 14 of the *Gaming Machines (Miscellaneous) Amendment Act 2010*. This provision was proclaimed to come into operation on 1 June 2011 (Government Gazette, No. 33 of 2011, 26 May 2011, page 1581).

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Note 3**GM Notice No. 4 of 2011**

3. This version incorporates variations made to the Gaming Machines—Social Effect Inquiry Process and Principles—Prescription Notice 2011, since 12 May 2011, by the following:

<i>GR Notice No.</i>	<i>Title, making and gazettal details</i>	<i>Commencement details</i>
4 of 2014	Gaming Machines (Social Effect—General) Variation Notice 2014 21 August 2014 (Government Gazette, No. 63 of 2014, 21 August 2014, pages 4071–4073)	Whole of notice on 22 August 2014.