

Our ref: R98/0060 Out-24884
Further contact: Liz Gemes

17 June 2016

Mr Feargus O'Connor
A/Deputy Secretary
LIA Review
Liquor & Gaming NSW
GPO Box 7060
SYDNEY NSW 2001

Dear Mr O'Connor

Draft Terms of Reference for the Review of Local Impact Assessment Scheme

Local Government NSW (LGNSW) is the peak body for councils in NSW, representing NSW general-purpose councils and associate members including special-purpose county councils and the NSW Aboriginal Land Council. In essence, LGNSW is the organisation for all things local government in NSW. LGNSW facilitates the development of an effective community-based system of local government in the State.

LGNSW thanks Liquor & Gaming NSW for the opportunity to provide feedback on the draft Terms of Reference (TOR) for the review of the Local Impact Assessment (LIA) scheme that is prescribed in the *Gaming Machine Act 2001* and *Gaming Machine Regulation 2010*.

Local Government is a key contributor to the LIA consultation process and best placed level of government to provide an understanding of in impact of increasing gambling machines in their communities.

LGNSW proposed amendments to the draft TOR are attached and highlighted. The key areas LGNSW considers should be included in the review are:

- The requirements for LIA are mostly prescribed in the Gaming Machines Regulation 2010. The review should evaluate the Act and Regulation relating to LIA scheme, not just the Act.
- The opportunity to provide comment on the discussion paper should be publicly available for all interested stakeholders to provide input, not just targeted stakeholders.
- The language and intentions of the TOR should be aligned to the objectives and terminology in the legislation. For example the legislation seeks to minimise harm whereas the draft TOR aims to strike a balance for industry and community harm.
- This review has been instigated because of the recommendation from the Select Committee inquiry on the Impact of Gambling final report. The TOR should incorporate the identified issues from the inquiry report and recommendation.

- Whether the guidance resources from Liquor & Gaming NSW are adequate to support LIA being developed and whether the resources reflect the objectives of the legislation.

Should you wish to discuss these matters further or seek further information please contact Liz Gemes, Senior Policy Officer on 02 9242 4063 or liz.gemes@lgnsw.org.au.

Yours sincerely

per 
Donna Rygate
Chief Executive

Local Impact Assessment (LIA) Review

Draft Terms of Reference

1. Evaluate whether and how the LIA scheme helps to achieve the objectives of the *Gaming Machines Act 2001* and *Gaming Machines Regulation 2010*, including harm minimisation, the balanced development – in the public interest – of the gaming industry, and the ongoing reduction in the number of gaming machines across NSW. ~~and~~
2. Determine whether the relevant provisions of the *Gaming Machines Act 2001* and *Gaming Machines Regulation 2010* remain appropriate for securing those objectives.
3. Identify opportunities for improving the operation of the LIA scheme so as to increase its effectiveness and reduce costs and complexity, and to provide greater regulatory efficiency.

In the course of the Review, the Working Group should give consideration to whether the existing scheme appropriately mitigates the risk of harm associated with the misuse and abuse of gambling activities by considering:

- a) The effectiveness of the current scheme in restricting the further concentration of gaming machines in areas with the highest risk of gambling-related harm.
- b) The effectiveness of the current scheme in assessing the harm and benefits that result from additional machines and the effectiveness of minimising the harm from gambling in all communities, not only in areas identified as highest risk of 'problem gambling'.
- c) The effectiveness of the current scheme in reducing the number of gaming machines across NSW.
- d) Whether the current system enables the community to be effectively, transparently and without biases consulted, engaged with the process and effectively able to participate in the identification of issues, the impact of the harm of gambling and the probable impact of any increase in the number of gaming machines in the local area. How best to identify, on an ongoing basis, the comparative risk of gambling-related harm in an area, including the criteria for determining which a particular area has a higher risk of harm compared to others.
- e) Whether the tests for approving an expansion in the availability of gaming in a venue minimise the harm from gambling and foster responsible conduct in relation to gambling while permitting industry development, ~~strike an appropriate balance between permitting industry development and minimising community harm~~ or whether an alternative mechanism might achieve the same outcomes more efficiently.
- f) Whether consideration of the impacts of a proposed expansion in the availability of gaming in a venue is required in all circumstances ~~to achieve a balance of harm minimisation and industry development~~, and if not, define the criteria when the consideration of the impacts is not required.
- g) Where consideration of the impacts of the expansion in the availability of gaming in a venue is required, whether levels of risk should continue to be assessed at the LGA boundary level or at another level.
- h) Whether the current system is accessible to individuals and organisations external to the gaming industry and if this facilitates the objects of the Act.

- i) Analyse the number of electronic gaming machine entitlements in each local government area compared to the SEIFA ranking of each area.
- j) Review LIA guidance resources available to determine they are effective in assisting the development of LIAs.
- k) Any other relevant matters.

The review will not consider current legislative provisions preventing the use of the planning laws to regulate or restrict the operation of approved gaming machines in any premises. While planning regulations may not be part of the TOR, the relationship between planning approvals and community impacts should be recognised.

A discussion paper seeking feedback on the LIA scheme will be circulated publicly for broad consultation.