



LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Brendan Smyth MLA (Chair), Mary Porter AM MLA (Deputy Chair), Nicole Lawder MLA,
Meegan Fitzharris MLA

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Inquiry into elements impacting on the future of the ACT Clubs sector

Supplementary Questions No. 1 – 20

Responses from Minister for Racing and Gaming

PAC clubs SQON 1.



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PUBLIC ACCOUNTS

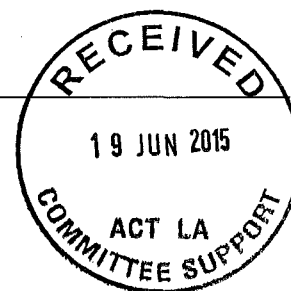
Brendan Smyth MLA (Chair), Mary Porter AM MLA (Deputy Chair), Nicole Lawder MLA, Meegan Fitzharris MLA, Shane Rattenbury MLA¹

¹The Assembly motion of 26 March 2015 resolved that a member of the cross-bench be appointed to the Standing Committee on Public Accounts for the purpose of this investigation.

Inquiry into elements impacting on the future of the ACT Clubs sector

ANSWER TO QUESTION ON NOTICE

27 May 2015



Asked by the Chair:

In relation to: Live Music

What consideration is undertaken of impacts on live music opportunities from sites being converted from community sites to residential?

MS BURCH: The answer to the Member's question is as follows:—

The Environment and Planning Directorate have advised that the loss of a live music venue is not necessarily specifically considered when a potential rezoning is requested. This is because the use is permitted in a number of zones and the 'permissions' usually required for such a use are outside of the control of the Territory Plan (e.g. liquor licenses, noise emissions etc).

However, in seeking deconcessionalisation and redevelopment of a community facility, the Territory Plan requires an applicant to address the potential reduction in the range of community or recreation facilities (such as live music opportunities) available and must demonstrate that there is sufficient other facilities in the locality to meet anticipated demand.

Approved for circulation to the Standing Committee on Public Accounts

Signature:

J. Burch 19 6 15

Date:

By the Minister for Racing and Gaming, Ms Joy Burch MLA



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Inquiry into elements impacting on the future of the ACT Clubs sector

ANSWER TO QUESTION ON NOTICE

27 May 2015



Asked by the Chair:

In relation to: Deconcessionalisation

1. When a club decides that they no longer want to run a non-profit organization on the allocated community site, a social impact assessment is required – how is this assessed to determine what the negative impacts are?
2. Is a loss of community club space in the area deemed to be a negative outcome?
3. Is there any assessment of the use of the site by other community organisations, aside from the club directly itself? (e.g. Groups who use meeting rooms or performance halls)
4. Is there any assessment of the cumulative impacts of deconcessionalisation in an area? Is there any consideration of community land offsets?
5. Given deconcessionalisation of community land is largely done in older inner suburbs, and new community land is largely offered in new suburbs, is anything being done to address the risk that over time there will be less community land in inner, older suburbs?

MS BURCH: The answer to the Member's question is as follows:–

1. The government's February 2011 *Social Impact Assessment Guidelines* are available at www.planning.act.gov.au/data/assets/pdf_file/0014/21641/Social_Impact_Assessment_Guidelines_web.pdf. The Guidelines (and Section 261(2) of the *Planning and Development Act 2007*) provide details on how applications for deconcessionalisation of community land are considered. In assessing the impacts of a deconcessional lease application, the Minister considers (among other things) whether approving the application would cause any disadvantage to the community taking into account potential uses of the leased land that are consistent with the territory plan, whether or not those uses are authorised by the lease.

In support of this, the *Social Impact Assessment Guidelines* identify key elements for consideration including, but not limited to, general requirements such as:

- legislative compliance;
- proposal objectives and alternatives;
- community and stakeholder information/community profile including: local, social

- demographics, infrastructure, social, physical, employment and economic; and
- value including: the change of use value (if relevant); the value of improvements and the pay-out figure.

In addition, specific requirements are also considered, including:

- socio-economic and health:
 - the development potential of the site including: accommodation and housing; community services and facilities; interaction between development of the site and the existing community; the impacts of the proposal on social cohesion;
 - practical measures for protecting or enhancing social values;
 - the level of community support for the project;
 - the overall net community benefit;
 - economic costs and benefits;
 - community and stakeholder consultation;
 - traffic and streetscape impact; and
 - reasons for deconcessionalisation.
2. A Development Application to remove the concessional status of the Crown lease does not change the use permitted by the lease or the zoning under the Territory Plan. As such, approval of an application to remove the concession does not result in the loss of community space because the permitted uses are not changed. However, the impact of the loss of community club space is considered on a case-by-case basis. The Territory Plan requires an applicant to address the potential reduction in the range of community or recreation facilities available and must demonstrate that there is sufficient other facilities in the locality to meet anticipated demand. I note that since the introduction of the *Planning and Development Act 2007*, 14 Development Applications have been submitted to deconcessionalise Crown leases. I am informed by the Environment and Planning Directorate that 10 applications have been for club sites with the significant majority, eight sites, still operated as clubs.
 3. Yes. The government's *Social Impact Assessment Guidelines* identify community and stakeholder consultation as a key element for consideration; the Guidelines require consultation with other relevant community organisations that may be impacted by the deconcessionalisation proposal. Existing community organisation's uses of the site, aside from the club itself, would be considered as part of this element.
 4. As noted in response to Question 2, the Territory Plan requires a deconcessionalisation applicant to address the potential reduction in the range of community or recreation facilities available and must demonstrate that there are sufficient other facilities in the locality to meet anticipated demand. If the applicant proposes redevelopment requiring a variation to the Territory Plan, consideration is given to the appropriateness of the proposed policy change for the area (particularly the impact the loss of the existing zoning will have on both the local and wider community). The Territory Plan variation process involves the circulation of the proposal to relevant agencies, a public notification process in accordance with the requirements of the *Planning and Development Act 2007*, and approval by the Minister for Planning. Any Territory Plan variation is subject to disallowance by the ACT Legislative Assembly.
 5. The assertion of the question is incorrect, deconcessionalising a lease does not change the Territory Plan zoning of the land; nor does it change the purpose clause of the lease. Deconcessionalising a lease in existing suburbs can actually allow for community groups to continue operating within those suburbs. Deconcessionalising a lease requires the assessment of the social, cultural and economic impact of the proposal. Before the development application is decided the Minister for Planning must also consider if removal of the concessional status would be in the public interest, taking into account whether the change would disadvantage the community and other matters.

The government is cognisant of the need for community facilities. As part of the forward detailed planning for areas undergoing urban renewal, an assessment of future needs for key community uses is undertaken. This assessment considers the future demand for community facilities and then informs decision making. Similar assessments are also undertaken for development in new urban (greenfield) areas and key city, town, group and local centres.

Approved for circulation to the Standing Committee on Public Accounts

Signature:



Date: 19.6.15

By the Minister for Racing and Gaming, Ms Joy Burch MLA



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Brendan Smyth MLA (Chair), Mary Porter AM MLA (Deputy Chair), Nicole Lawder MLA, Meegan Fitzharris MLA, Shane Rattenbury MLA¹

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Inquiry into elements impacting on the future of the ACT Clubs sector
ANSWER TO QUESTION ON NOTICE
27 May 2015

Asked by the Chair:

In relation to: Income Diversification

1. Do you think that clubs can or should be viable without poker machines?
2. What would you see as their main alternative revenue source?
3. What do you see as the main opportunities for club site revitalisation?
4. Is the Government concerned about the net loss of community space in the older suburbs over time?

MS BURCH: The answer to the Member's question is as follows:—

1. The government wants to see a thriving community clubs sector for future Canberrans to enjoy. It does not have a specific view on whether clubs can or should be viable without poker machines.
2. I note that each club has different circumstances and some will have more options and opportunities for alternative revenue sources than others. While the government encourages clubs to explore opportunities to diversify where possible, the decisions taken to maintain future viability are ultimately for individual clubs to make.
3. The government's submission to the Inquiry provides information on diversification opportunities and support available to clubs.
4. The government aims to ensure sufficient land supply to meet the community's needs for facilities such as schools, child care centres, aged care facilities and places of worship.

Approved for circulation to the Standing Committee on Public Accounts

Signature:

A handwritten signature in black ink, appearing to be "JB", written over a horizontal line.

Date:

19/6/15

By the Minister for Racing and Gaming, Ms Joy Burch MLA



LEGISLATIVE ASSEMBLY
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Inquiry into elements impacting on the future of the ACT Clubs sector
ANSWER TO QUESTION ON NOTICE
27 May 2015

Asked by the Chair:

In relation to: Information sharing

Clubs ACT advise information sharing between venues, problem gambling service providers and the gaming Commission has deteriorated over recent years and should be restored. What can be done to improve this? Should that information flow also include Gambling researchers?

MS BURCH: The answer to the Member's question is as follows:—

The ACT Gambling and Racing Commission was asked this question directly and a response was provided by the Commission on 10 June 2015 (refer question 2, Attachment A).

Approved for circulation to the Standing Committee on Public Accounts

Signature:

A handwritten signature in black ink, appearing to be "Joy Burch".

Date: 19/6/15

By the Minister for Racing and Gaming, Ms Joy Burch MLA



ACT
Government



GAMBLING
AND
RACING
COMMISSION

The Secretary
Standing Committee on Public Accounts
Legislative Assembly of the ACT
GPO Box 1020
CANBERRA ACT 2601

Dear Dr Cullen

**Response to supplementary questions regarding the inquiry into
elements impacting on the future of the ACT Clubs sector**

Thank you for your request to provide further information to the Public Accounts Committee (the Committee) inquiry into elements impacting the future of the ACT clubs sector.

The attached responses address the Committee's queries raised following the hearing on 18 May 2015. The information provided is in accordance with the ACT Gambling and Racing Commission's functions and responsibilities.

Should the Committee require further information, please contact me on 6207 0360 or Belinda Josey, Manager, Policy and Research on 6207 0382 or email Belinda.josey@act.gov.au.

Yours sincerely

Greg Jones
Chief Executive
ACT Gambling and Racing Commission

10 June 2015

STANDING COMMITTEE ON PUBLIC ACCOUNTS
INQUIRY INTO ELEMENTS IMPACTING ON THE FUTURE OF THE ACT
CLUBS SECTOR

Supplementary Questions to ACT Gambling and Racing Commission

1. Trading Scheme - Does the Commission have any concerns regarding the trading scheme?

The development of the gaming machine trading scheme along with the rest of the gaming machine reform package is a policy decision for Government. The Commission is working on changes to its administrative systems so that the scheme can commence as soon as possible.

2. Information - Clubs ACT advise information sharing between venues, program gambling service providers and the gaming Commission has deteriorated over recent years and should be restored. What can be done to improve this?

The Commission does not agree that information sharing has deteriorated in recent years; in fact the Commission contends that communication and information sharing in this regard has been enhanced in recent years.

It should be noted that any information sharing between the parties mentioned above must respect the privacy and confidentiality of club members and ACT Gambling Counselling and Support Service (AGCSS) clients.

The AGCSS is funded through the Problem Gambling Assistance Fund (PGAF) which is administered by the Commission. The Commission has established the PGAF Advisory Committee which meets regularly to discuss and consider projects proposals under the Fund. The Advisory Committee consists of representatives from ClubsACT, TABCorp, Casino Canberra, ACTCOSS and ACT Government Community Service Directorate.

AGCSS provides quarterly and annual financial and performance reports to the Commission, as well as a publicly available annual report. A copy of that report and quarterly performance information is provided to the PGAF Advisory Committee by the Commission.

Information about counselling services in the ACT is also provided to the Gambling Industry Consultative Committee (GICC) which includes industry representatives.

In response to a recent request from ClubsACT, the Commission has consulted with AGCSS about their capacity to provide additional information without compromising client

confidentiality and privacy. The Commission has advised ClubsACT that AGCSS are able to collect and provide some of the information requested.

In addition, the AGCSS liaises regularly with the club industry. It is required under its Service Funding Agreement to liaise with the management of licensed venues, visit licensed venues and liaise with Gambling Contact Officers including the conduct of training courses and information seminars. AGCSS has recruited an industry liaison officer whose primary role is to engage with gambling providers.

- Should that information flow also include gambling researchers?

As noted above, any information sharing must respect the privacy and confidentiality of club members and AGCSS clients.

Researchers from the ANU Centre for Gambling Research (CGR) have approached ClubsACT for support in engaging their members in research projects on a number of occasions with mixed success.

A recent example of research engaging ACT clubs that was more successful was research on self exclusion in the ACT. Staff from eight gambling venues agreed to participate in the research and will be invited to a presentation by the author when the report is completed.

The AGCSS is required under its Service Funding Agreement to reasonably assist researchers specified by the Commission. AGCSS is a recruiting agency for the current CGR Client Cohort Longitudinal Study research project.

Copies of all CGR reports are made available on the Commission's website as they are published. Where other research is particularly relevant to ACT gaming licensees the Commission advises licensees directly either through Compliance Bulletins or where appropriate sending a summary to licensees and encouraging them to make the information available to their staff.

- What capacity does the Commission currently have to obtain data from clubs for gambling research? Does this capacity need to be increased?

The Commission obtains data from clubs under their reporting requirements, including expenditure, revenue and taxation data, as well as through publicly available information such as annual reports. Through its administration of the ACT Gambling Exclusion Database, the Commission has access to limited information provided by people who have chosen to exclude themselves from gambling or who have been excluded by licensees due to concerns about the person's welfare.

Increased capacity to obtain data would enhance the Commission's research role. In most cases this data would be requested by and provided directly to the researchers rather than

through the Commission. Obviously all the necessary privacy and confidentiality requirements would continue to be met in such circumstances.

As mentioned above, the ANU Centre for Gambling Research has met with mixed responses from clubs in relation to engaging in research.

- Clubs ACT want the Commission's gambling prevalence research to be put out to competitive tender. What are your thoughts on this? Does the Commission have any concerns regarding the quality of the existing research?

The Commission funds research projects in a number of ways, including from its own resources, through approved projects under the Problem Gambling Assistance Fund (PGAF) and through a share of national projects under the control of Gambling Research Australia. The 2014 Prevalence Survey (and a similar survey conducted in 2009) was funded directly by the Commission with contract performance and monitoring undertaken in accordance with normal public sector accountability requirements.

The Commission has a Deed of Agreement with the Australian National University (ANU) that establishes a Centre for Gambling Research at the University which undertakes research on a non-exclusive basis for the Commission. The ANU is a well-respected research organisation both nationally and internationally with the staff of the Centre being very experienced researchers with expert knowledge in study design, methodology and data analysis. All research projects undertaken by the Centre are subject to ethics approval by the University and to rigorous approval and monitoring processes by the Commission, including their design, conduct and publication.

The Commission has no concerns regarding the quality of the research it receives.

3. ATM EFTPOS Load up limit - It is well known that some clubs are currently circumventing the ATM limit by using EFTPOS, and that Clubs ACT are trying to address this through a voluntary code of conduct. Does the Commission think this will suffice or does this problem require a legislative response?

Section 153A of the *Gaming Machine Act 2004* (the Act) provides that a licensee commits an offence if ATMs on their premises allow a person to withdraw more than a total of \$250 from any debit or credit card on any gaming day.

At the Minister's request, the Commission will continue to monitor the use of EFTPOS facilities and report to the Minister. Any policy changes will be undertaken by the Economic Development area in the Chief Minister, Treasury and Economic Development Directorate.

- The Commission submission describes ticket in ticket out gaming as a Government initiative? At the time the Minister publicly stated it was a Commission initiative. Can you please clarify who initiated the move to TITO gaming?

Since the introduction of Ticket In Ticket Out in NSW in 2006, ClubsACT has submitted a number of requests to the Commission for the implementation of the new technology in the ACT.

Following the most recent approach by ClubsACT and after extensive consultation with external stakeholders, the Commission agreed in February 2014 to allow Ticket In Ticket Out technology to be used in the ACT. The Commission's agreement was subject to a maximum ticket value of \$800 being accepted by a gaming machine.

The Commission's support of Ticket In Ticket Out was conveyed through the policy area to the Minister with a recommendation to amend the *Gaming Machine Regulation 2004* to enable it to be implemented. This was subsequently agreed by the Minister and the amending Regulation made by the Executive to enable Ticket In Ticket Out to operate.

4. Enforcement - Clubs ACT allege concerns over transparency and professionalism of enforcement agencies. Are you aware of any specific concerns?

The Commission is aware that ClubsACT has previously expressed concern over the number of audits/inspections conducted by regulatory agencies, both in general terms and in relation to specific clubs.

As part of its overall compliance program, the Commission conducts at least one full audit (including code of practice requirements) and one community contribution audit on each club during a financial year. Where practicable, the Commission endeavours to conduct the full audit and community contribution audit during the same visit to minimise the impact on the club's operations during the audit.

Additional audits conducted at a particular club during a financial year are dependent on a risk based methodology. This means that a club may receive a number of additional visits during a year if it has been identified as a high risk entity based upon previous compliance history, management acumen, resourcing, adequacy of control procedures and other relevant factors. Legislative change may also trigger additional visits to a club where the Commission takes an educational approach in the first instance to assist with compliance with new requirements.

The total number of audits conducted by the Commission each year (including breaches identified) are reported in the Commission's annual report. Overall, the total number of audits conducted by the Commission has been relatively static over the last few years.

The establishment of Access Canberra will enable the Commission's audit program to be streamlined and co-ordinated with other regulatory agencies where appropriate.

- Do you feel there are currently obstacles to clubs providing feedback regarding audit processes to the Directorate/Commission/Minister?

The Commission is always open to feedback from licensed entities in relation to its operations on a formal and informal basis. The Commission is aware that some clubs and ClubsACT have provided feedback to the Directorate and the Minister in the past.

While at a venue during a visit, Commission inspectors typically discuss major audit findings while they are at the premises, including ways of improving compliance where relevant. The Commission does not believe that there are any obstacles in relation to the provision of feedback.

- Do you agree with Clubs ACT that this process requires setting up another semi-independent regulatory body?

The Commission does not agree with ClubsACT that there is a need for "another semi-independent regulatory body". The Commission was established as an independent regulatory body under section 5 of the *Gambling and Racing Control Act 1999* (the Act). The Act establishes the powers, functions and activities of the Commission.

The Commission is governed by a Board which is required under the *Financial Management Act 1996*, section 77, to ensure, as far as practicable, that the authority operates in a proper, effective and efficient way.

The Commission is unsure of the purpose of the proposed additional "semi-independent regulatory body". Its establishment would not be consistent with a reduction in red tape and unnecessary regulation.

As stated above, Access Canberra will provide enhanced co-ordination of regulatory activity and practices across the Territory.

- How many fines and warnings have been issued to clubs in recent years due to regulatory infractions?

Since 1 July 2012 the Commission has issued a number of warnings to clubs in relation to regulatory infractions. While the Commission does not issue "fines", it does have disciplinary powers under the *Gaming Machine Act 2004* which includes the issuing of

monetary penalties. A list of warnings issued and disciplinary action taken against clubs since 1 July 2012 is at Attachment A.

5. Problem Gambling - Wins over \$1500 are currently paid by cheque. Should this value be lowered to \$1000 or \$500?

After extensive stakeholder consultation, the maximum cash payout limit was adjusted in 2014 from \$1200 to \$1500 to bring it broadly in line with Consumer Price Index movements since it was first established. This was the first revision to the cash payment limit in the *Gambling and Racing Control (Code of Practice) Regulation 2002* (Code of Practice) since 2004.

As part of the Code of Practice amendments in 2014, licensees are now required to provide payment of amounts over \$300 by cheque or electronic funds transfer if requested by a patron. Information regarding this option must also be made available through signage displayed in venues.

6. Problem Gambling Assistance Fund - Clubs ACT want to extend access to the PGAF to more organisations. What organizations currently have access? How do organisations apply for access to the fund?

The current requirements for the operation of the Problem Gambling Assistance Fund do not restrict particular organisations from applying for funding. Therefore any organisation is able to apply to the PGAF for support funding as long as the purpose is consistent with the legislation. Expenditure from the Fund is for the purpose of alleviating problem gambling or the disadvantages that arise from problem gambling and for providing or ascertaining information about problem gambling.

Applications have been recently received from OzHelp, ClubsACT, The Youth Coalition of the ACT and the Gambling Impact Society of NSW. An application is expected shortly from Medicare Local.

Enquiries regarding proposals for funding may be directed to the Commission or any member of the PGAF Advisory Committee (membership outlined in Question 2). Whilst there is no specified format for an application Commission staff are able to provide information and assistance in the preparation of a proposal.

7. Exclusion program - Do clubs exclude people against their will?

The *Gambling and Racing Control (Code of Practice) Regulation 2002* requires ACT licensees to prevent a person gambling at their venue if they form the belief on reasonable grounds that the gambling of an individual poses a serious threat to the welfare of that person or to

their dependants. A person may also voluntarily self-exclude themselves from gambling at as many gambling venues in the ACT as they wish.

- How many people are currently excluded?

There are 695 active exclusions registered on the ACT Online Gambling Exclusion Database, from 322 people. Note that one person can exclude themselves from multiple venues.

Since the online scheme was introduced on 1 July 2014, 104 new self-exclusions and 36 licensee exclusions have been initiated.

A factsheet for the online scheme is provided at Attachment B.

- Clubs ACT want to exchange exclusion data with Queanbeyan, does this raise any privacy concerns?

NSW has a significantly different approach to exclusion from gambling. There are at least six different exclusion schemes in operation in NSW and it is possible for individual gambling venues to operate their own schemes.

Since implementing the ACT Online Gambling Exclusion Scheme in July last year, the Commission has met with administrators of three of the largest NSW gambling exclusion schemes, TABCorp, Betsafe and ClubSafe and reached agreement in principle to have reciprocal arrangements that facilitate access by gamblers to the different schemes.

8. Floor plan changes - Clubs ACT are requesting automatic approval of changes to gaming floor plans. What are the Commission's thoughts on this proposal?

In December 2014 amendments were made through the *Gaming Machine (Red Tape Reduction) Amendment Bill 2014* to allow licensees under the *Gaming Machine Act 2004* to move gaming machines within the existing approved gaming area without applying to the Commission for approval.

Other changes to the approved gaming area require approval from the Commission, such as changes to the location or boundaries of the gaming area. In considering an application for these changes, the Commission must consider harm minimisation strategies for patrons, including the relative location of cash facilities and accessibility by minors.

A licensee also requires an approval from the Commission to make a change to the structure of the part of the premises that affects the gaming area. This is consistent with section 39 of the *Liquor Act 2010* (Licence – amendment for change to floor plan of licensed premises), which is currently administered by the Office of Regulatory Services.

The Gaming Machine Reform Package supports the current policy in relation to gaming machine area floor plans. It further clarifies what must be included in an application and that the Commission must consider harm minimisation strategies for patrons in making decisions on whether a gaming area will be suitable for the operation of the number of gaming machines the licensee may have under an authorisation certificate.

Enforcement Action Taken Against Clubs since 1 July 2012

Year	Club	Breach	Enforcement Action
2012/13	Tennis ACT	Fail to pay Problem Gambling Assistance Fund payment on time	Warning
	Calwell Club	Unauthorised access to gaming machines and Machine Access Register entries made by unauthorised person	Reprimand
	Canberra Club	Fail to pay gaming machine tax and Problem Gambling Assistance Fund payment on time	Warning
	Canberra Irish Club	Operating gaming machines between 4am and 9am	Warning
	Eastlake Football Club	Unauthorised access to gaming machines and Machine Access Register entries made by unauthorised person	Reprimand
	Federal Golf Club	Fail to pay Problem Gambling Assistance Fund payment on time	Warning
	Italo Australian Club	Non-members/guests of members utilising club facilities	Warning
	Italo Australian Club	Fail to operate gaming machines in accordance with control procedures Fail to ensure staff had completed required training	3 day licence suspension
	Spanish Australian Club	Fail to lodge certified income and expenditure statement on time	Warning
	Sports Club Kaleen	Unauthorised access to gaming machines and Machine Access Register entries made by unauthorised person	Reprimand
2013/14	ACT Rugby Union Club	Fail to pay Problem Gambling Assistance Fund payment on time	Warning
	Ainslie Football Club	Promotional Material sent to excluded person	Warning
	Canberra Tradesmen's Union Club	Fail to pay gaming machine tax and Problem Gambling Assistance Fund payment on time	Warning

Year	Club	Breach	Enforcement Action
	Canberra Tradesmen's Union Club	Software not from approved supplier, operate gaming machine at unapproved return to player percentage	Reprimand with Direction to remove software \$3,000 monetary penalty
	Canberra Irish Club	Fail to pay gaming machine tax and Problem Gambling Assistance Fund payment on time	Warning
	Federal Golf Club	Fail to pay Problem Gambling Assistance Fund payment on time	Warning
	Raiders Gungahlin	Fail to send self-exclusion to all nominated licensees	Warning
	Woden Tradesmen's Union Club	Fail to pay gaming machine tax and Problem Gambling Assistance Fund payment on time	Warning
	Woden Tradesmen's Union Club	Software not from approved supplier	Reprimand with Direction to remove software \$1,000 monetary penalty
	Woden Tradesmen's Union Club	Unauthorised access to gaming machines and Machine Access Register entries made by unauthorised person	\$500 monetary penalty
2014/15	Croatia Deakin Soccer Club	Fail to pay gaming machine tax, Problem Gambling Assistance Fund payment and lodge tax return on time	Warning
	Raiders Belconnen	Unauthorised access to gaming machines and Machine Access Register entries made by unauthorised person	Warning
	Burns Club	Fail to pay Problem Gambling Assistance Fund payment on time	Warning

ACT Online Gambling Exclusion Scheme

Fact Sheet

The ACT Online Gambling Exclusion Scheme (AOGES) provides a means for people to be excluded from gambling venues in the ACT.

Self-exclusion is where a person chooses to exclude themselves from as many gambling venues in the ACT as they wish.

Licensee exclusion is where a gambling licensee believes the welfare of a person or their dependants is seriously at risk from the person's gambling. The licensee must exclude the person from gambling at their venue.

Gambling venues in the ACT include:

- licensed clubs and taverns with electronic gaming machines;
- all ACTTAB facilities including branches, agencies, telephone, on course and online gambling facilities; and
- Casino Canberra.

A person who wants to exclude from an internet gambling service should contact the service provider. There are also programs available for purchase which block access to Australian and international gambling sites on your computer and mobile devices. Examples include GamBlock, Betfilter and TXNoGam.

Self-exclusion

Self-exclusion is where a person chooses to exclude themselves from as many gambling venues in the ACT as they believe they need to. This is done by completing a self-exclusion Deed.

A person can request assistance from a gambling venue, the ACT Gambling Counselling and Support Service or obtain a self-exclusion Deed and lodge it directly with the ACT Gambling and Racing Commission (the Commission). Contact details are provided at the end of this factsheet.

Self-exclusion places responsibility on the excluded person not to enter gambling venues or participate in gambling activities from which they are excluded.

An excluded person is not eligible to claim a prize or winnings from a venue they are excluded from.

Venue operators have a responsibility to enforce the exclusion. A failure to enforce the exclusion may result in penalties under the law.

The self-exclusion process:

- It is important for a person who is considering self-exclusion to be fully informed about how exclusion works and to be aware of their rights and responsibilities.
- The Commission recommends seeking assistance from an ACT gambling venue, the ACT Gambling Counselling and Support Service or the Commission for guidance.
- It is possible to proceed without assistance by obtaining information about self-exclusion and a self-exclusion Deed from the Commission. The Deed must be completed and returned with supporting identification to the Commission.
- When completing the Deed the applicant needs to decide which gambling venues they wish to be excluded from and for how long.
- The minimum period of a self exclusion is six months and the maximum period is three years.
- A person may increase the number of gambling venues they have excluded from or the length of their exclusion (up to maximum of three years) at any time.
- The applicant can also indicate on the Deed that they would like the ACT Gambling Counselling and Support Service to contact them.
- The applicant needs to provide a photo or have one taken to help gambling venue staff identify and assist them should they be detected at an excluded venue.

- Once the applicant signs the exclusion Deed it is uploaded into the AOGES database and the information in the Deed is immediately accessible to the venues from which the person has excluded.
- If an excluded person is detected in the venue staff will ask the person to leave and will inform the Commission that the excluded person has breached their self-exclusion.
- At the end of their exclusion, a person can ask the Commission or any ACT gambling venue to continue their exclusion for up to three years.
- A person can apply at any time to revoke their self-exclusion through the Commission or at a venue they are excluded from. There is a seven day cooling off period after the application is made before the revocation becomes effective.
- After a self exclusion ends the gambling venue(s) the person was excluded from may seek to determine that gambling no longer poses a serious risk to the person before re-admitting them to the venue.

Licensee exclusion

Where a gambling licensee believes the welfare of a person or their dependants is seriously at risk from the person's gambling the licensee must prevent that person gambling at their venue. They will do this through a licensee exclusion.

The decision to exclude a person is often a difficult decision for a licensee to make. Sometimes something will happen that will give the licensee immediate cause for concern however it is more likely that a licensee will develop concerns over a period of time and the licensee is likely to have spoken with the person concerned before taking this step.

A licensee must provide a copy of the exclusion notice to the excluded person and this document will outline the reasons the licensee has taken this action.

A person who does not agree with the licensee's decision may ask the licensee to

reconsider and may also ask the Commission to review the exclusion.

A family member or friend of someone who they believe is being harmed by gambling may ask to speak with the Gambling Contact Officer (GCO) at a venue where that person gambles. The GCO should consider all information available to them when deciding whether the licensee needs to exclude a person because their gambling is posing a serious risk to their welfare.

A concerned family member or friend can also contact gambling help services for help with their own situation even if the gambler is not yet ready to seek help. The ACT Gambling Counselling and Support Service also provides free financial counselling for anyone affected by problem gambling.

A concerned family member or friend who believes a GCO has not responded appropriately to their concerns may contact the Commission to seek further assistance.

Contact Information

The ACT Gambling and Racing Commission

Ph 02 62070359

Canberra Nara Centre, Level 2, 1 Constitution Avenue CANBERRA CITY 2601

PO Box 214 CIVIC SQUARE ACT 2608

www.gamblingandracing.act.gov.au

grc@act.gov.au, or

exclusionsupport@act.gov.au

ACT Gambling Counselling and Support Service

Ph Gambling Helpline 1800 858 858

Office enquiries 02 6129 6100

National Gambling Helpline

24/7 telephone help 1800 858 858

Gambling Help Online

www.gamblinghelponline.org.au

Information, 24/7 real time chat, email support.



ACT
Government

**GAMBLING
AND
RACING
COMMISSION**



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Brendan Smyth MLA (Chair), Mary Porter AM MLA (Deputy Chair), Nicole Lawder MLA, Meegan Fitzharris MLA, Shane Rattenbury MLA¹

¹The Assembly motion of 26 March 2015 resolved that a member of the cross-bench be appointed to the Standing Committee on Public Accounts for the purpose of this investigation.

Inquiry into elements impacting on the future of the ACT Clubs sector
ANSWER TO QUESTION ON NOTICE
27 May 2015

Asked by the Chair:

In relation to: Club sign-in

Clubs ACT advise their clubs are being disadvantaged by membership rules and sign-in protocols. Can you please tell us why ACT clubs have these rules and if anything should or could be done to change these rules?

MS BURCH: The answer to the Member's question is as follows:—

The *Gaming Machine Act 2004* provides for community based clubs to operate Class C gaming machines. Clubs must be established and conduct their activities for the benefit of members generally as part of the not-for-profit sector. This requirement is what differentiates community clubs from hotels and taverns – the latter do not have members and are operated as commercial entities for profit. Hotels and taverns have access to older and less popular Class B gaming machines.

Having membership rules, including the need to sign-in when visiting club premises, is a fundamental requirement that is consistent with clubs being community based entities operated for their members. The government's community gaming model is based on these principles along with a club's ability to claim significant income tax concessions through the mutuality principle that applies to community clubs.

Approved for circulation to the Standing Committee on Public Accounts

Signature:

Date:

By the Minister for Racing and Gaming, Ms Joy Burch MLA



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

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Inquiry into elements impacting on the future of the ACT Clubs sector ANSWER TO QUESTION ON NOTICE 27 May 2015

Asked by the Chair:

In relation to: ATM EFTPOS Load up limit

1. Clubs ACT are pushing for a load up limit to offset a change to note acceptor limits. You have publicly said you are progressing this. Can you please provide us with an update on progress?
2. Clubs ACT submission says there is no evidence that note acceptor limits are effective against problem gambling. The inter-jurisdictional review done by the Commission and given to you suggests otherwise. Have Clubs ACT seen the review? Should you release it?
3. The Casino is currently exempt from the \$250 ATM limit, why? Does any condition in the recent sale to AQUIS prevent extending the \$250 limit to the casino?
4. Victoria has enjoyed a significant reduction in problem gambling by banning ATMs from gaming premises. What is your position on such a move?

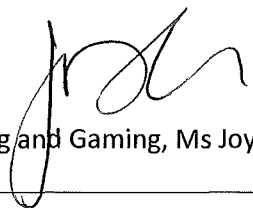
MS BURCH: The answer to the Member's question is as follows:—

1. The government is currently considering a cash input limit for gaming machines. However, noting earlier advice about potential costs to industry and the Inquiry's interest in the subject, the government will consider the Inquiry's findings before proceeding.
2. Advice from the ACT Gambling and Racing Commission provided a comparison of the jurisdictional arrangements in place and noted conflicting research as to whether note acceptor limits, on their own, assist in reducing the harm caused by problem gambling. It was also noted that harm minimisation strategies are designed to work as a range of measures forming a multifaceted approach rather than a particular measure in isolation. ClubsACT has not seen the review. Under section 35 of the *Freedom of Information Act 1989*, it has been deemed that the review's release would disclose unpublished deliberations and decisions of Cabinet.
3. The government has no intention to change the scope or operation of the \$250 ATM withdrawal limit at this time but will consider the Inquiry's findings in any future policy development.

4. See response to 3. above.

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20/6/15



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Inquiry into elements impacting on the future of the ACT Clubs sector
ANSWER TO QUESTION ON NOTICE
27 May 2015

Asked by the Chair:

In relation to: Rebate Scheme

Clubs ACT are calling for a 'Club Grants Scheme' similar to NSW whereby clubs would receive a rebate for community contributions. What are your thoughts on such a scheme?

MS BURCH: The answer to the Member's question is as follows:—

Given the differences between existing New South Wales (NSW) arrangements and the ACT's Community Gaming Model and associated progressive taxation structure, community contributions, and Problem Gambling Assistance Fund, a comprehensive review would be required before contemplating the introduction of the arrangements that operate in NSW. The ACT Government is committed to retaining the current arrangements and there would need to be compelling evidence that the NSW rebate scheme, in the ACT context, would provide more assistance to clubs.

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Signature:

J. Burch 20615

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LEGISLATIVE ASSEMBLY
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Inquiry into elements impacting on the future of the ACT Clubs sector
ANSWER TO QUESTION ON NOTICE
27 May 2015

Asked by the Chair:

In relation to: Arts

1. What role does the Government see the club venues playing in terms of opportunities for performers?
2. Do you think ArtsACT could play a stronger role in coordination/information portal, to assist performers looking for appropriate venues?
3. Many smaller venues are not set up with sufficient sound and lighting equipment to enable venue hire for performances - is this something that ArtsACT could help with?
4. Does ArtsACT have a plan to protect opportunities for live music through specific noise zoning for clubs?

MS BURCH: The answer to the Member's question is as follows:—

1. The government is supportive of opportunities for live music and performance in a range of venues.
2. In 2011, artsACT provided funding to MusicACT Inc to develop a website listing public buildings suitable for use as live music venues in the ACT. The ongoing maintenance of the website is undertaken by MusicACT.
3. Venue set up is a matter for operators based on their business model.
4. artsACT does not have responsibility for noise zoning but is working across the government including with Access Canberra to address regulatory issues surrounding live music.

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Inquiry into elements impacting on the future of the ACT Clubs sector
ANSWER TO QUESTION ON NOTICE
27 May 2015

Asked by the Chair:

In relation to: Land availability for community/club sites

1. How is community zoned land allocated to groups?
2. How much space/how many sites are allocated for different types of groups? Is there a set amount for sports groups; cultural groups?
3. If you know a group is looking for community space, do you coordinate with ACTPLA to find out whether there are any appropriate sites that community clubs would like to deconcessionalise? And is there any consideration of offering the land to a new group?
4. Are the geographic needs in different regions taken into account?
5. What is being done to address the fact that deconcessionalisation of community land is largely done in older inner suburbs, and new community land is largely offered in new suburbs, thus over time there will be less community land in inner older suburbs?

MS BURCH: The answer to the Member's question is as follows:—

1. There is no formal allocation process for community zoned land. Each request is assessed on a case by case basis and is typically handled via either the direct sale of land process or by proponents purchasing land on the open market.
2. There are no set amounts of land allocated for different community groups. In greenfield estates, an amount of land is appropriately zoned for community facilities by the Environment and Planning Directorate through the planning process and is based on community needs analysis of the specific catchment area. In established suburbs, community groups are catered for on a case by case basis. Community facility planning focuses on the provision of adequate space for a range of community facilities and services to operate from effectively. This space can be provided as a stand-alone building or integrated within a complex. A similar assessment for sporting needs is also undertaken. A decision is made concerning the available land against specified need. It is then allocated by Economic Development within the Chief Minister, Treasury and Economic Development Directorate.

3. Approaches from community groups are handled in various ways ranging from advice on land available for purchase, the direct sale of land at either full market value or a concessional rate, and the availability of space within the current ACT Property Group portfolio of properties. The underutilisation of leased Community Facility Zoned land is yet to be fully explored but is planned as a future phase of the current Whole of Government Framework for Community Facilities.
4. A key action of the 2012 ACT Planning Strategy is to prepare a community facilities strategic plan that considers the community's requirements in both greenfield estates and urban intensification areas, to ensure social equity across Canberra. This work is still in progress. Eligibility criteria for a direct sale of land require community groups to demonstrate community need for the proposed use.
5. The assertion of the question is incorrect. Deconcessionalising a lease in existing suburbs actually allows for community groups to operate within those suburbs. Deconcessionalising a lease requires the assessment of the social, cultural and economic impact of the proposal. Before the development application is decided the Minister for Planning must also consider other matters including if removal of the concessional status would be in the public interest, taking into account whether the change would disadvantage the community.

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Inquiry into elements impacting on the future of the ACT Clubs sector ANSWER TO QUESTION ON NOTICE 27 May 2015

Asked by the Chair:

In relation to: Tourism and Events

1. What does Tourism & Events see as the role for Clubs in terms of tourists?
2. Does the government have any modelling about tourist numbers attending clubs for meals, televising sports, music events, or other events?

MS BURCH: The answer to the Member's question is as follows:—

1. Consistent with many Canberra entertainment and hospitality venues, clubs provide a range of services and deliver experiences relevant to interstate audiences. This includes diverse food and beverage offerings and entertainment. Events staged at clubs provide reasons for people to visit Canberra, particularly from nearby regions. Events staged at night will naturally result in overnight stays in Canberra. Like the rest of the hospitality industry, clubs also benefit from major events and other activity being staged in Canberra that brings interstate audiences to the city. Clubs are part of the choice of experiences available to visitors for dining, meeting friends or relatives or other entertainment.
2. VisitCanberra collects a range of international and domestic visitor data via the National and International Visitor Survey. This data does provide detail on purpose of visit but not specifically about clubs. Other data is made available through National Attractions, hotels and event organisers. Visitor and customer data collected by individual clubs is not accessed. ClubsACT are an active part of the tourism industry in the ACT. For example, they are one of several industry partners working with VisitCanberra to develop a customer service training tool for Canberra tourism and hospitality businesses.

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Signature:

[Handwritten signature] 20615

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Inquiry into elements impacting on the future of the ACT Clubs sector

ANSWER TO QUESTION ON NOTICE

27 May 2015

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Inquiry into elements impacting on the future of the ACT Clubs sector ANSWER TO QUESTION ON NOTICE 27 May 2015

Asked by the Chair:

In relation to: ACT Government Revenue

1. What types of rates concessions are given to clubs, and on what basis?
2. How is this support shown in the budget papers?

MS BURCH: The answer to the Member's question is as follows:—

1. Some small special interest community based clubs have a concession on the fixed charge component on their general rates. The block and section details for the clubs that receive a concession are listed on the legislation register as Notifiable Instruments NI 2014/344 and 2014/521.
2. Funding for general rates concessions is included as an expense in the 2015-16 Budget Paper no 4 Table 61 (page 155) under expenses "grants and purchased services".

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Inquiry into elements impacting on the future of the ACT Clubs sector
ANSWER TO QUESTION ON NOTICE
27 May 2015

Asked by the Chair:

In relation to: Diversification and Club subsidies

1. Clubs are calling for support for diversification. Other than the Small Site Redevelopment Support Scheme, deconcessionalisation waiver fees and water subsidies, what types of financial support have been considered?
2. What are the criteria for deconcessionalisation waivers?

MS BURCH: The answer to the Member's question is as follows:—

1. The government is committed to supporting those community clubs who want to explore diversification opportunities further. The government provides financial support through channels such as those listed above. It also provides support via other means including the Community Clubs Taskforce. The government is open to considering any other support arrangements that may arise from the Inquiry's findings.
2. The government assesses any request for a waiver of the payout amount to deconcessionalise a lease on a case by case basis and under the criteria of the *Financial Management Act 1996*. Each case is considered on its merits and assessed in terms of community benefit.

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Inquiry into elements impacting on the future of the ACT Clubs sector
ANSWER TO QUESTION ON NOTICE
27 May 2015

Asked by the Chair:

In relation to: Water subsidies

1. How are subsidies for water charges determined? On what basis are some community groups given waivers and some not?
2. Has there been any consideration of subsidies for water charges only being given in return for reducing the number of gaming machines?

MS BURCH: The answer to the Member's question is as follows:—

1. For non potable water, golf clubs receive a 50 per cent waiver of the Water Abstraction Charge. This is the key component of their non potable water bill known as the Market Equity Scheme.
2. No.

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Inquiry into elements impacting on the future of the ACT Clubs sector

ANSWER TO QUESTION ON NOTICE

27 May 2015

Asked by the Chair:

In relation to: Community Land

1. How much land is allocated in new suburbs to community zoned land?
2. What community needs assessment is undertaken to determine the amount of community land that is allocated?

MS BURCH: The answer to the Member's question is as follows:—

1. The amount of land allocated in new estates varies from suburb to suburb. There is no set ratio.
2. Planning for Canberra is guided by the 2012 ACT Planning Strategy, Transport for Canberra and the climate change strategy and action plan (AP2), which support enduring sustainable, liveable and resilient communities and neighbourhoods. As part of the forward detailed planning for new urban (greenfield) areas, key centres (city, town, group and local) and areas undergoing urban renewal, an assessment of future community needs for key community uses is usually undertaken that considers the future demand for community facilities. Community facility planning focuses on the provision of adequate space for a range of community facilities and services to operate from effectively.

Community needs assessments provide background advice for planning regarding suitable future community facility provision, which is based on an understanding of likely demographic changes, current provision levels and any capacities within existing facilities. The Territory Plan provides specifically for community uses by identifying land within the Community Facility zone to facilitate social sustainability and inclusion through providing accessible sites for key government and non-government facilities and services for individuals, families and communities. The plan also permits various community uses in many

locations across the ACT, including in residential, commercial, urban open space and industrial zones. The Environment and Planning Directorate set the land use zoning policy for community facilities and other zonings. It is then up to the government through Economic Development to release land consistent with its priorities.

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Inquiry into elements impacting on the future of the ACT Clubs sector ANSWER TO QUESTION ON NOTICE 27 May 2015

Asked by the Chair:

In relation to: Redevelopment support

Small clubs that are investigating redevelopment proposals are calling for case management support from the ACT Government – has the Government considered this? And would the support come from ACTPLA or AccessCanberra?

MS BURCH: The answer to the Member's question is as follows:–

The government provides support to clubs who are looking at different uses for their sites and require assistance to navigate the planning 'system'. Following on from ClubsACT taking a facilitation role last year to assist clubs who have clear plans going forward, in November 2014, the government established the Community Clubs Taskforce (CCT). The CCT's membership includes officials from key government directorates and ClubsACT. The CCT:

- Is the key point of contact for ClubsACT on matters relating to the future viability of community clubs.
- Provides advice to ClubsACT (representing community clubs) on proposals put forward by the clubs to diversify their operations – including sale of land, relocation and/or amalgamation.
- Provides the opportunity to discuss other matters that may assist in the clubs' operational longevity where a clear economic or social benefit is demonstrated.
- Regularly brief the government on the Taskforce program and objectives.

Since its establishment, the CCT has helped a number of clubs to unblock problems that were preventing them from moving forward with their redevelopment plans. The government encourages any club who needs this type of help to first approach ClubsACT who can as a first step organise a presentation by the club to the CCT.

For redevelopment proposals that include development that is not currently permitted by the Territory Plan, a variation to the Territory Plan is required. If this is the case, it would be managed by the planning and land authority within the Environment and Planning Directorate (EPD) in accordance with the requirements of the *Planning and Development Act 2007*. A redevelopment proposal requires a

development application to be lodged with the planning and land authority and be assessed against the Territory Plan. This would need to be approved prior to any work being undertaken. EPD can arrange pre-application meetings where representatives from relevant Directorates can also attend. This assists proponents with identifying issues prior to the proponent submitting an application to the planning and land authority – whether it be amending a Territory Plan provision, leasing issue or for a development proposal.

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Inquiry into elements impacting on the future of the ACT Clubs sector

ANSWER TO QUESTION ON NOTICE

27 May 2015

Asked by the Chair:

In relation to: Amalgamations

1. Does the Office of the Registrar-General play any role in club amalgamation?
2. Does the Office of the Registrar-General support clubs to amalgamate if they are not separately financially viable?

MS BURCH: The answer to the Member's question is as follows:—

1. The Registrar-General administers the *Associations Incorporation Act 1991* (the Act) providing for the incorporation of an association. Where two or more clubs who are incorporated associations choose to amalgamate, they are required to satisfy the relevant sections of the Act. Documentation supporting the amalgamation is lodged with Access Canberra, and if compliant, the Registrar-General issues a new certificate of incorporation.
2. The Act does not call on the Registrar-General to make assessments about the financial viability of associations as part of the process to incorporate.

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Signature:

2015

Date:

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Inquiry into elements impacting on the future of the ACT Clubs sector ANSWER TO QUESTION ON NOTICE 27 May 2015

Asked by the Chair:

In relation to: Governance

Is there a role for the Office of the Registrar-General in helping clubs with their governance?

MS BURCH: The answer to the Member's question is as follows:—

The *Associations Incorporation Act 1991* (the Act) calls for associations who wish to incorporate to subscribe to governing rules. There are a set of standard or 'model rules' in the *Associations Incorporation Regulation 1991* that may be adopted. Associations are also free to develop their own rules. Where an association develops its own rules the Registrar-General vets them to encourage compliance with the Act, however assistance in their development needs to be sourced externally.

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Inquiry into elements impacting on the future of the ACT Clubs sector
ANSWER TO QUESTION ON NOTICE
27 May 2015

Asked by the Chair:

In relation to: Liquor Licensing

What work is being done to allow low risk venues to have lower licensing fees?

MS BURCH: The answer to the Member's question is as follows:—

The review of the *Liquor Act 2010* is currently underway and the market impact of using a licensee's compliance history as a risk factor in determining liquor fees or as an incentive to comply with the law is being considered as part of the Review.

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Inquiry into elements impacting on the future of the ACT Clubs sector
ANSWER TO QUESTION ON NOTICE
27 May 2015

Asked by the Chair:

In relation to: Enforcement

How many fines and warnings have been issued to clubs for regulatory breaches in recent years?

MS BURCH: The answer to the Member's question is as follows:—

The following applies to 'liquor' related regulatory offences for clubs over the last two financial years as at 1 June 2015:

- 6 verbal warnings;
- 4 written warnings - noting that 2 premises had more than one offence identified during an inspection;
- 3 formal complaints;
- 1 alleged supply to an intoxicated person;
- 2 alleged loss of amenity;
- 1 matter referred to ACAT - loss of amenity; and
- No infringement notices (fines) were issued by Access Canberra

Approved for circulation to the Standing Committee on Public Accounts

Signature:

Date:

20.6.15

By the Minister for Racing and Gaming, Ms Joy Burch MLA