

The Secretary
Legislative Council Select Committee
Parliament House
HOBART TAS 7000

Via email.

Dear Mr Wright

Further to our appearance before the Select Committee and to the email of 14 February LGAT notes the following:

1. In relation to the motion passed by LGAT Members at the July 2016 AGM we confirm that we did not record the specific votes, merely that the motion was passed based on the weighted majority.
2. In relation to specific council considerations LGAT sought out of session advice from Members and received 12 replies which are outlined in Table 1 below.
3. LGAT also offers the following advice on the process for Councils being able to regulate gaming in their municipalities. Amendments would be required to the *Gaming Control Act* and also the State Planning Provisions of the Tasmanian Planning Scheme.

Gaming Control Act

The *Gaming Control Act 1993* (at Section 9) states that no other Act can prevent the conduct of gaming once a gaming licence is in force. For a Council to have the ability to regulate, via their planning scheme, whether gaming can occur in certain locations within their municipality, there are two potential legislative amendments to the *Gaming Control Act 1993* that could be considered.

1. Amendment to Section 9 of the *Gaming Control Act 1993* to provide for a planning scheme to determine if gaming can occur in a specific location, zone or municipality, via the addition of “unless prevented by a planning scheme” or similar.
2. Amendment of Section 23 (“Matters to be considered in determining application”) of the *Gaming Control Act 1993* to ensure a gaming licence cannot be issued prior to the issue of a planning permit.

Tasmanian Planning Scheme

The relevant use class for is Hotel Industry, which is:

The use of land to sell liquor for consumption on or off the premises. If the land is so used, the use may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines and gambling. Examples include a hotel, bar, nightclub, adult entertainment venue and tavern.

When preparing the Local Provision Schedule, a Council can include a site-specific qualification (SSQ) that is in addition to, modifies, or is in substitution for, a Zone Use Table or a use or development standard in a Zone or a Code. A SSQ could be used to prevent a permitted or discretionary use class (hotel Industry) or just an individual component of a use class (such as gambling) in certain locations. For example, if the *Gaming Control Act 1993* allowed a planning scheme to control the establishment of gambling, a use table could allow (either Permitted or Discretionary) the Use Class of Hotel Industry but with the qualification that it does not include gambling. This would make gambling prohibited in the location or zone that the SSQ applies to.

Table 1: Replies from Councils as at 11 March 2017.

Council	Response
Break O'Day Council	<p>Council passed the following motion 20 February:</p> <p>Council respond to the discussion paper on Community Interest Test Relevant Matters under the Gaming Control Act 1993 advising that Council supports the introduction of a community interest test process to all applications for a Licensed Premises Gaming Licence.</p> <p>Forming a position as to whether there are too many gaming licences was not something Council was in a position to decide as there were too much diversity the positions of Councillors.</p>
Brighton Council	Coalition member
Burnie City Council	Not debated in Burnie
Central Coast Council	Information has been sent out to councillors but has not been raised and the Council does not have a policy position on it.
Central Highlands Council	Coalition member
City of Hobart	Coalition member - has debated or passed two motions about its views on poker machines in the community. The Council has debated the issues surrounding poker machines twice over the past year. Firstly, when considering joining the Community Coalition on Pokie Reform in April 2016, and subsequently when preparing a submission for the Joint Select Committee Hearing on Gaming Markets in November 2016.
City of Clarence	Debated and supported Community Interest Test. No position on banning
Devonport City Council	Not a coalition member and considers issue a State matter

George Town Council	Information circulated to Councillors for comment but no feedback has been received.
Glenorchy City Council	Coalition member
Kingborough Council	Coalition member
Meander Valley Council	Coalition member
West Coast Council	No motions / resolutions – have heard from both sides formally – no Council direction identified at this point, although several Councillors have strong opinions on both sides of the argument
West Tamar Council	Not debated

However, there is no definition for gambling in the Tasmanian Planning Scheme, its dictionary definition is *the playing of games of chance for money*. This definition also captures other forms of gambling beyond Electronic Gaming Machines (EGMs), such as Keno for instance. If it is the intention to allow activities such as Keno, but to prevent the establishment of EGMs then it would be necessary to introduce a definition in the State Planning Provisions for EGMs and to amend the definition for Hotel Industry to also include reference the EGMs.

I trust this information is of assistance.

Yours sincerely



Dion Lester
POLICY DIRECTOR