

GAMING MACHINE ACT 2004

GAMING AREAS IN UNENCLOSED PUBLIC PLACES

POLICY STATEMENT

With the impending prohibition of smoking in enclosed public places under the *Smoking (Prohibition in Enclosed Public Places) Act 2003* (the Prohibition Act), it has been necessary for the Commission to re-consider its approach to approving gaming areas.

For the purposes of this Policy Statement, an “enclosed public place” has the same meaning as that under the Prohibition Act. In this context, an “unenclosed public place” means a public place that is not an “enclosed public place” as defined under the Prohibition Act.

The Commission is aware that some gaming machine licensees have provided, or plan to provide, areas in which their patrons can smoke. The Commission is also aware that some licensees, for various reasons, may consider applying to the Commission for approval to relocate gaming machines to these areas. One such reason may be to reduce any adverse impact of the smoking ban.

Subsection 25(5) of the *Gaming Machine Act 2004* (the Act) requires that in deciding whether a gaming area will be suitable for the installation of gaming machines, the Commission must consider the safety and comfort of, and harm minimisation strategies for, patrons. In applying the requirements of the Act, the Commission must now take into consideration the change in the Government’s public health policy on smoking, effective 1 December 2006.

The following matters are considered relevant as part of the Commission’s statutory deliberations:

- (i) patron safety –
 - building and fittings standards (covered by Certificate of Occupancy and Use);
 - gaming machine manufacturing standards;
 - width of aisles or gaps between banks of machines;
 - exit routes; and
 - access to other areas such as toilets, doorways etc.

- (ii) patron comfort –
 - temperature, air quality and air movement; and
 - noise levels.

- (iii) harm minimisation strategies –
 - access by minors or excluded persons;
 - screening between gaming and non-gaming areas;
 - location and screening of ATMs;
 - systems, strategies, schemes, events or activities that may increase or encourage problem gambling.

In its harm minimisation considerations the Commission has taken due cognisance of the body of research literature dealing with smoking and gambling and the reported link between smoking and problem gambling behaviour. Importantly, the Commission's statutory obligations go beyond the health policy on passive smoking issues and include patron comfort and harm minimisation matters.

While the Commission will consider any application for a gaming area in an unenclosed public place on its merits, the Commission's statutory obligations require it to take into account those matters identified above. In this regard, the Commission has resolved to adopt the general policy of not allowing gaming machines to be installed in a public place that is unenclosed.

27 July 2006