

Decision and reasons for decision

In the matter of an application under section 3.4.17(1)(b) of the *Gambling Regulation Act 2003* (Vic) by Cranbourne Pakenham Racing Club Incorporated to amend its venue operator's licence to vary the number of electronic gaming machines at the approved premises, Club Officer, located at 3 Niki Place, Officer VIC 3809 from 60 to 80.

Commission	Dr Ron Ben-David, Deputy Chair (presiding) Andrew Scott, Deputy Chair Claire Miller, Commissioner
Date of hearing	6, 7 and 8 July 2026
Date of decision	24 July 2026
Date of reasons	24 July 2026
Appearances	Mr Ian Munt appeared as Counsel assisting the Commission, instructed by the VGCCC Ms Nicola Collingwood appeared as Counsel for the Applicant, instructed by Bazzani Scully Priddle Lawyers Ms Mimi Marcus of Marcus Lane Group, on behalf of Cardinia Shire Council
Decision	The application is granted subject to the conditions set out in Appendix B
Signed	
	Dr Ron Ben-David
	Presiding Chair

Executive Summary

Cranbourne Pakenham Racing Club Incorporated, which operates Club Officer, located at 3 Niki Place, Officer VIC 3809, has had its application to increase the number of electronic gaming machines at Club Officer by 20, from 60 to 80, granted subject to the conditions set out in Appendix B.

While the increase in electronic gaming machines has the potential to increase gambling expenditure and the risk of gambling harm, the Commission concluded that these risks would be mitigated through a suite of strengthened, enforceable harm minimisation measures imposed as conditions of approval. The Commission has elevated expectations of gambling providers in relation to harm minimisation, and these measures will require a higher standard of responsible gambling oversight at the venue than currently exists. This reflects the Commission's expectation that gambling providers go above and beyond minimum legal compliance when offering products that are known to cause harm, consistent with the responsibilities that accompany their social licence to operate.

The Commission has arrived at the decision because a majority of the Commissioners who comprised the Commission for the purposes of the application, being Deputy Chair Ben-David and Deputy Chair Scott, have determined to approve the application, subject to the conditions set out at Appendix B. Commissioner Miller has determined that the application ought not to be approved.

In summary, Commissioner Miller disagreed with the majority's weighting of the economic and social impacts of a likely increase in gambling-related harm, and on the community's sense of wellbeing, were the application to be approved, and was therefore not satisfied that approval of the application will not be detrimental to the community of the municipal district in which the Premises is located. All Commissioners otherwise agreed with the weighting for the other factors considered by the Commission.

The reasons for the Commission's decision identify and explain both why the Commission arrived at its decision, and why Commissioner Miller determined that the application ought not to be approved.

Reasons for Decision

Introduction

- 1) Cranbourne Pakenham Racing Club Incorporated (**Applicant**) is the holder of venue operator's licence V9510034 (**Licence**) and operates Club Officer, located at 3 Niki Place, Officer VIC 3809 (**Premises**). The Applicant, also known as "Southside Racing Incorporated", was created following a merger between Cranbourne Turf Club and Pakenham Racing Club in early 2024, and operates two other approved premises in addition to the Premises.
- 2) On 12 February 2026, the Applicant made an application to the Victorian Gambling and Casino Control Commission (**Commission**) to amend its Licence, in accordance with s 3.4.18(1) of the *Gambling Regulation Act 2003* (Vic) (**GR Act**), to vary the number of electronic gaming machines (**EGMs**) operating at the approved Premises, from sixty (60) to eighty (80). The Applicant completed the application with payment on 24 March 2026.
- 3) The relevant municipal council is the Cardinia Shire Council (**Council**), which administers the municipal district of the Shire of Cardinia (**LGA**).
- 4) On 25 March 2026, the Commission notified the Council of the application and requested that it advise the Commission whether it wished to lodge a submission to address the social and economic impacts of the application on the local community.
- 5) On 25 May 2026, the Council made a submission in accordance with s 3.4.19 of the GR Act.
- 6) The Commission conducted a public inquiry, for the purposes of determining the application, on 6, 7 and 8 July 2026.

- 7) In considering all of the material before it, the Commission has decided to make the amendment to the Licence, subject to the conditions set out in Appendix B.
- 8) The reasons for this decision are set out below.

Legislation and the Commission's task

Relevant considerations under the GR Act

- 9) The Commission must:
 - a. determine the application in accordance with the relevant provisions of the GR Act and the Victorian Gambling and Casino Control Act 2011 (**VGCCC Act**); and
 - b. notify the Applicant of its decision.¹
- 10) The Commission cannot amend the Licence unless it is satisfied that:²
 - a. the amendment does not conflict with any Ministerial direction given under s 3.2.3 of the GR Act;
 - b. the municipal limit for gaming machines in the Shire of Cardinia will not be exceeded by the making of the amendment; and
 - c. the net economic and social impact of the amendment will not be detrimental to the wellbeing of the community of the Shire of Cardinia (being the municipal district in which the Premises is located) – the no net detriment test.

Determination of the application

- 11) The Commission's power to approve the application is only exercisable if the Commission is satisfied of the above matters. However, even if the Commission is satisfied of the above matters, it still has a discretion to refuse the application, or to grant the application with conditions.³ The residual discretion to refuse is to be exercised in accordance with the GR Act as a whole, including in furtherance of the broader objectives of the GR Act.
- 12) To that end, it is relevant that:
 - a. the main objectives of the GR Act include, among other things:⁴
 - i. to foster responsible gambling, in order to:
 - (1) minimise harm caused by problem gambling;
 - (2) accommodate those who gamble without hurting themselves or others; and
 - ii. to promote tourism, employment and economic development generally in the State; and
 - b. the purpose of Chapter 3 of the GR Act is:⁵
 - i. to provide for the allocation of gaming machine entitlements in order to maximise the financial and social benefits to the Victorian community within the regulatory framework applying to the allocation of entitlements; and
 - ii. to promote a competitive gaming industry with the aim of providing financial and social benefits to the Victorian community.
- 13) The main objectives of the GR Act recognise that gambling is a legal activity when conducted in accordance with the provisions of the GR Act and many who gamble do so without harming themselves or others. However, others do suffer harm from gambling. Minimising the harm caused by gambling is central to the Commission's functions.

¹ *Gambling Regulation Act 2003 (GR Act)*, s 3.4.20(2).

² GR Act, s 3.4.20(1).

³ See *Ocean Grove Bowling Club v Victorian Commission for Gambling Regulation* [2006] VCAT 1921 at [32] and *Mitchell SC v Victorian Commissioner for Gambling and Liquor Regulation* [2021] VCAT 300 at [30].

⁴ GR Act, s 1.1(2).

⁵ GR Act, s 3.1.1(1).

Material before the Commission

- 14) Before the hearing the Applicant filed the following witness statements and expert reports:
 - a. Witness statement of Mr Neil Bainbridge, dated 9 February 2026;
 - b. Witness statement of Mr Hussein Dergham, dated 2 February 2026;
 - c. A Social and Economic Impact Assessment report prepared by Mr Rhys Quick of Urbis dated February 2026 (**Quick Report**);
 - d. a Compliance report prepared by Ms Elizabeth Mackintosh of Onyx Gaming dated 6 February 2026 (**Mackintosh Report**); and
 - e. An Expenditure report prepared by Mr Tim Stillwell of SW Accountants and Advisors dated 23 December 2025 (**Stillwell Report**).
- 15) Reports were also prepared by officers of the Commission and provided to the Applicant and the Council, and considered by the Commission, including an:
 - a. Economic and Social Impact Report dated 29 April 2026 (**VGCCC Report**);
 - b. Economic and Social Supplementary Table comparing similar local government areas (**VGCCC Table**); and
 - c. Intelligence Report dated May 2026 (**Intelligence Report**).
- 16) The Commission received and considered three public submissions,⁶ as well as a submission from the Council made under s 3.4.19 of the GR Act, which included a Social and Economic Report prepared by Ms Bonnie Rosen of Symplan (**Symplan Report**).
- 17) Mr Quick responded in writing to the Symplan Report (**Quick Supplementary Note**).
- 18) The Applicant and Council filed written opening submissions outlining the principal contentions that the parties would advance in the public hearing.

Public hearing

- 19) The following witnesses gave oral evidence at the public hearing:
 - a. Mr Bainbridge, CEO of the Applicant since May 2024, whose responsibilities include the strategic direction and operation of the Applicant's entire business, and the leadership of all staff;
 - b. Mr Dergham, General Manager for all three clubs operated by the Applicant, including the Premises, whose responsibilities include daily operational matters;
 - c. Mr Stillwell from SW Accountants and Advisors;
 - d. Ms Mackintosh from Onyx Gaming; and
 - e. Mr Quick from Urbis.
- 20) At the public hearing, Ms Collingwood and Ms Marcus made oral opening and closing submissions. After that hearing, the Applicant and Council filed and served written closing submissions.

Background

The Premises and the surrounding area

- 21) The Premises is located at 3 Niki Place, Officer, in the LGA, a metropolitan municipality located approximately 60km south-east of Melbourne that covers an area of 1,282 square kilometres.⁷ The VGCCC Report describes the socio-economic profile of the LGA as a moderate socio-economic area compared to other metropolitan areas, based on the social and economic indicators presented.⁸

⁶ The three public submissions were received from the City of Casey Council, from Gambling Harm Lived Experience Experts, and a member of the public living in Pakenham.

⁷ VGCCC Report, page 10, at [6.1].

⁸ VGCCC Report, at page 6.

- 22) The Club provides a rounded entertainment offer, with a:
- bistro, the largest catering area within the Premises and open seven days, serving lunch and dinner, with access to external decks and courtyard areas, overlooking the adjacent waterway;
 - café, located next to the main entrance and the bistro, and offering drinks and meals;
 - children's play space, accessible from the bistro and café, catering to the young families in the local area;
 - sports lounge, providing sports-related entertainment, including live sport viewing, TAB, and so on, with seating capacity for 37 patrons;
 - gaming room that currently accommodates 60 EGMs; and
 - external terraces and courtyards accessible throughout the Premises.⁹
- 23) The Premises provides ample car parking for patrons, and the area surrounding the Premises is largely residential, with other retail, education and services beyond a 500m walk, including Lakeside Square Shopping Centre containing a supermarket, pharmacy, bottle shop and other commercial and retail businesses.¹⁰
- 24) Currently, there are six gaming venues operating within the LGA with 405 EGMs with attached entitlements. The LGA has a maximum permissible gaming machine entitlement of 573.¹¹

Socio-economic profile of the Shire of Cardinia

- 25) According to the VGCCC Report, the estimated total adult population of the LGA is 99,229, making it the 25th most populous of the 31 metropolitan municipalities.¹² The annual rate of population growth in 2025 of 2.64% was projected by the Department of Transport and Planning to be lower than the Victorian average (0.87%).¹³
- 26) The VGCCC Report notes that:
- as of February 2026, that the LGA was ranked 19th of 31 metropolitan municipalities in terms of EGM density, being 4.07 EGMs per 1,000 adults, which is 7.9% less than the metropolitan LGA average (4.42) and 13.7% less than the State average (4.72).¹⁴ If the application were approved, the EGM density would be 4.27 EGMs per 1,000 adults, representing a 4.91% increase in change for the Shire of Cardinia;¹⁵
 - in the 2024-25 financial year, the LGA:
 - had an average gaming expenditure of \$397.81 per adult, which was 31.3% lower than the metropolitan average (\$578.70) and 29.6% less than the State average (\$564.88);
 - was ranked 24th of 31 metropolitan municipalities for gaming expenditure per adult;¹⁶
 - had total gaming machine expenditure of \$39,473,887.76;¹⁷ and
 - was ranked 2nd highest of 31 metropolitan municipalities with gaming machines by indexed gaming expenditure.¹⁸

⁹ Urbis Report, at page 8; see also: the Applicant's Opening Submissions, page 1, at [5].

¹⁰ VGCCC Report, page 10 at [7], see also Urbis Report at page 7.

¹¹ VGCCC Intelligence Report, see also Stillwell Report at page 3, [1.2].

¹² VGCCC Report, page 10 at [6.2].

¹³ VGCCC Report, page 10 at [6.4].

¹⁴ VGCCC Report, pages 11 to 12 at [8.2].

¹⁵ VGCCC Report, page 12 at [8.4].

¹⁶ VGCCC Report, page 17 at [10.1] to [10.2].

¹⁷ VGCCC Report, page 17 at [10.3] and page 20 at [11.1].

¹⁸ VGCCC Report, page 24 at [11.9].

The application and the proposed redevelopment

- 27) The Applicant makes the application as part of, and in order to support, a proposed redevelopment of the Premises.
- 28) The proposed redevelopment, if carried out, would include the:
- reconfiguration and extension of the gaming room to accommodate 80 gaming machines;
 - refurbishment of the gaming bar within the gaming room;
 - relocation of the cash office;
 - expansion of the Premises in order to add a function room with capacity to seat 200 patrons;
 - upgrade to the prominence and utility of the entrance to the Premises from the car park fronting Cardinia Rd;
 - expansion of the sports lounge by virtue of the relocation of the roofed and unroofed areas in the sports bar; and
 - car park siteworks.¹⁹
- 29) The proposed redevelopment was estimated to cost \$5.5 million excluding GST, and was estimated to create approximately 32 full-time equivalent (**FTE**) jobs during construction, with 5.5 additional FTE ongoing jobs created at the Premises, of which 1.9 FTE will be related to gaming.²⁰

The mandatory pre-conditions contained in section 3.4.20(1) of the GR Act

- 30) As set out in paragraph 10) above, the Commission's power to approve the Applicant's proposed amendment to its Licence is exercisable only if the Commission is satisfied of the matters set out in ss 3.4.20(1)(a), (b) and (c) of the GR Act. These reasons first address the mandatory pre-conditions contained in ss 3.4.20(1)(a) and (b) of the GR Act and then address s 3.4.20(1)(c) (the no net detriment test).

No conflict with Ministerial directions given under section 3.2.3 of the GR Act

- 31) Pursuant to s 3.4.20(1)(a) of the GR Act, the Commission must be satisfied that the proposed amendment does not conflict with a Ministerial direction, if any, given under section 3.2.3 of the GR Act. There is no Ministerial direction given pursuant to section 3.2.3 of the GR Act that is relevant for the purposes of this application. The Commission is satisfied that the amendment of the Licence does not conflict with a direction given under section 3.2.3.

Municipal limit for EGMs not exceeded

- 32) Pursuant to s 3.4.20(1)(b) of the GR Act, the Commission must be satisfied that the municipal limit for gaming machines for the municipal district in which the Premises is located will not be exceeded by the making of the amendment.
- 33) As set out in paragraph 24), there are currently six gaming venues operating within the LGA with entitlements to operate a total of 405 EGMs. The granting of this application would result in the number of EGMs increasing by 20 to 425. The municipal limit for gaming machines in the LGA is 573. The Commission is satisfied that the municipal limit for gaming machines for the municipal district in which the Premises is located will not be exceeded by the making of the amendment.

¹⁹ Urbis Report, page 12.

²⁰ Urbis Report, page 12.

The no net detriment test

- 34) Pursuant to s 3.4.20(1)(c) of the GR Act, the Commission must be satisfied that the net economic and social impact of approval will not be detrimental to the wellbeing of the community of the LGA, being the municipal district in which the Premises is located. This requires the Commission to weigh the likely economic impacts of approval, the likely social impacts of approval, and the net effect of those impacts on the wellbeing of the relevant community,²¹ being the community within 2.5 kilometres of the venue, whether residing in the municipal area or beyond it.
- 35) The net economic and social impact of an approval of the application on the wellbeing of a relevant community must be either neutral or positive for an application to be granted.
- 36) Set out below (and summarised in tabular form at Appendix A) is the Commission's identification and weighting of the likely economic and social benefits, and likely economic and social detriments, associated with the application. These economic and social impacts have been considered individually and then cumulatively; further, where aspects overlap as both economic and social impacts, they have not been double counted.²²

Economic and social benefits arising from the application

Capital works (proposed redevelopment)

- 37) The Applicant submitted, consistent with Mr Quick's evidence, that the economic benefit of approval of the application with the greatest weighting was the value of the capital spend on carrying out the proposed redevelopment of the Premises. At \$5.5 million, plus GST, Mr Quick's view was that this spend would be 'considerable' and ought to be afforded a medium weighting in the Commission's assessment.
- 38) Council urged the Commission to view much of this benefit as deriving from the redevelopment of the Premises, rather than from the presence of an additional 20 gaming machines there. Council urged the Commission to distinguish between the benefits to be derived from the proposed redevelopment of the Premises and those shown, on the evidence, to arise from the increase in the number of gaming machines at the Premises, saying:²³

The statutory question is not whether the redevelopment is desirable. It is whether increasing the venue's gaming machine entitlement from 60 to 80 will produce a net economic and social impact that is not detrimental to community wellbeing.

- 39) The Applicant, by way of Mr Bainbridge's evidence, and Ms Collingwood's submissions, countered that the Applicant would not carry out the proposed redevelopment of the Premises absent approval of this application. Mr Bainbridge was clear that the Applicant could not prudently invest the sums necessary to establish the proposed function space and upgrade and expand the sports lounge unless accompanied by the revenue that would be generated by the proposed 20 additional gaming machines. Mr Bainbridge's evidence was supported by a letter from the Applicant's bank saying that its financing of the proposed capital works was contingent on approval of the application.
- 40) Council did not challenge the veracity of Mr Bainbridge's evidence, nor did it suggest that the Applicant could afford the proposed redevelopment without the revenue that would be generated by 20 additional EGMs.
- 41) Absent a condition, or conditions, imposed on the Applicant's venue operator's licence which required the carrying out of all of the proposed redevelopment works at the Premises, approval of the application

²¹ *Macedon Ranges Shire Council v Romsey Hotel Pty Ltd* (2008) 19 VR 422 at [43].

²² For the avoidance of doubt, where a benefit or detriment has been identified, the absence of a separate assessment of its economic or social impact should not be taken to mean that no such impact exists. Rather, any such assessment has been omitted to avoid double counting.

²³ Opening Submissions on behalf of Cardinia Shire Council at [21].

would not, on its own, oblige the Applicant to redevelop the Premises. Performance of that obligation can, however, be required through conditions to be imposed on the venue operator's licence. It follows that approval of the application would carry with it the obligation to spend the monies necessary to redevelop the Premises as proposed by the Applicant and, as such, the impact of the capital value of the proposed redevelopment works, as well as the ongoing economic and social impacts of the operation of the Premises in its redeveloped form, fall within the ambit of the Commission's assessment of the economic and social impacts of approval of the application.

- 42) The Commission considers the economic impact of employment creation during and after the construction of the proposed redevelopment of the Premises later in these reasons. In order to avoid double counting, the Commission does not take that impact into account when assessing the economic impact of the capital expenditure on carrying out the proposed development.
- 43) There was no evidence before the Commission on the quantum of the proposed \$5.5 million expenditure that would be attributable to the creation of the estimated 32 FTE positions that would be created during the construction of the redevelopment of the Premises. At best, the Commission can be satisfied that some of that sum will be spent on the other components of the project, such as materials, equipment hire, and the like.
- 44) There was also no evidence on which companies, entities, or individuals would be engaged to carry out the works and to supply inputs into the project. Mr Bainbridge's evidence explained in detail the financial position of the Applicant following its establishment out of the merger of two racing clubs. The Applicant bears a significant debt load, and the directors and senior office holders of the Applicant bear a duty to manage the Applicant's resources prudently. The Applicant must achieve value for money in the fulfilment of a major project like the proposed redevelopment of the Premises. There was no suggestion that the Applicant has already signed any contracts to carry out that project, and the Commission does not expect the Applicant to make a commitment of that nature before approval of this application.
- 45) It follows that there must be a reasonable prospect that much of the proposed capital expenditure on the redevelopment of the Premises, excluding the sum to be spent on generating employment during construction, would be spent outside the Cardinia LGA. But even if that were not accepted, and one were to consider that a larger proportion of the expenditure were to remain within the Cardinia LGA, the Commission considers that the weighting of the economic impact of that expenditure must allow for its one-off nature within the overall context of the economy of the Cardinia LGA.
- 46) For these reasons, the Commission considers that the likely economic benefit of the expenditure on the proposed capital works would be marginal.

Addition of a function room and improved facilities at the Premises

- 47) Both the Applicant and Council accepted that the addition of a function room and improved facilities at the Premises would have a positive social impact on the community of the Cardinia LGA. The dispute centred on:
 - a. whether the Commission ought properly to take that impact into account when determining the application, on the basis that the benefits of a new function facility, and an expanded and upgraded sports lounge, derived from the proposed redevelopment of the Premises, and not from the addition of 20 gaming machines at the Premises; and
 - b. the weight to give to that impact.
- 48) For the reasons we have already given, the Commission considers that the social impact of the establishment of the proposed new function facility and the expanded and upgraded sports lounge is a matter which the Commission ought to take into account when determining the application. The issue, therefore, is the weight to allocate to that impact, along with the expansion of the gaming room and the other proposed upgrades to the services to be offered at the Premises, in the Commission's assessment of the application.

- 49) Mr Quick's evidence was that the availability of improved facilities at the Premises would benefit the community of the Cardinia LGA. He summarised his opinion thus:²⁴

Improvements will provide members, local residents, and visitors with greater access to facilities along with an improved general experience. In particular, the addition of a function room provides a greater opportunity for local residents or community groups to hold a variety of celebrations, or for local businesses to host meetings, conferences or other functions. This is an opportunity currently not available in the venue, or at this scale in other locations in Officer.

- 50) Mr Quick assessed this impact as being of medium weight.
- 51) Council, through the Symplan Report, disputed this weighting and assessed the benefit as negligible. In summary, the Symplan Report noted the availability of other function facilities in the Cardinia LGA and queried the community demand for the proposed function facility at the Premises given the need for revenue from the proposed 20 additional EGMs to fund its development and operation.
- 52) In response:
- a. Ms Collingwood submitted that the Commission should give the Symplan Report less weight than Mr Quick's evidence as its author, Ms Rosen, did not attend the hearing to give evidence; and
 - b. Mr Bainbridge gave evidence that, based on inquiries received from actual and potential patrons, and the performance of the function facilities offered at other venues operated by the Applicant, he believed that the proposed function facility at the Premises would be booked frequently and would be a popular addition to the community.
- 53) The Commission agrees that the opinions expressed in the Symplan Report ought to be given less weight than those expressed by Mr Quick, as the latter attended the hearing and answered questions from the Applicant, Council, Counsel Assisting the Commission, and the Commission. That does not mean, however, that the Symplan Report was inaccurate in its list of the other function facilities in the Cardinia LGA.
- 54) Moreover, the Commission notes that the gaming room patron counts carried out by the Applicant, upon the advice of Mr Quick's firm, Urbis, demonstrated that the gaming room achieved 70% utilisation of gaming machines for less than 2% of the fortnight survey period. This result suggests that there is little, if any, unmet demand for gaming machines at the Premises. While the redevelopment of the Premises might be expected to increase the attractiveness of the Premises, there was little evidence, beyond Mr Stillwell's expenditure estimate, of the likely demand for gaming machines at the Premises were the application to be approved, let alone whether that demand could not be satisfied by the existing allocation of 60 gaming machines at the Premises.
- 55) The Commission also notes the aspects of the Premises and the hospitality services offered there that are not proposed to change were this application to be approved. The Applicant does not plan to refurbish or upgrade the bistro, to enhance the menu, or to improve the children's play area.
- 56) Taken as a whole, the Commission is satisfied that the establishment of a new function room, the upgrade and expansion of the gaming room, and the upgrade and expansion of the sports lounge, will have a beneficial social impact on the community of the Cardinia LGA. The weight given to this benefit is mitigated by the existence of other function offerings in the community and the existing unmet capacity in the gaming room. For these reasons, the Commission is satisfied that the addition of a function room and improved facilities at the Premises will have a marginal to low beneficial social impact on the community.

²⁴ Urbis Report at 38.

On-going complementary expenditure (non-gaming revenue)

- 57) The Applicant estimated that expenditure by the Applicant on food, beverage and function-related services would increase by approximately \$725,000 in the first year after the proposed redevelopment of the Premises. The Applicant could not estimate the extent to which any of this additional expenditure would be spent on persons within the community of the Cardinia LGA.
- 58) The lack of evidence on the likelihood of any additional food, beverage and function-related expenditure having an impact on the community of the Cardinia LGA means that the Commission cannot give this impact any weight.

Employment creation

- 59) The Applicant submitted that approval of the application would result in additional employment opportunities associated with both the construction phase of the redevelopment and the ongoing operation of the Premises, as described in paragraph 29, above.
- 60) There was little evidence about whether any of the additional FTE positions would be filled by those who are or would be part of the community of the LGA. In his oral evidence Mr Bainbridge noted that 73% of employees of the Premises have a Cardinia postcode; in his report, Mr Quick suggested that the new jobs that would be created by the proposed redevelopment of the Premises 'are likely to be filled by local residents'.
- 61) There was no evidence as to whether the estimated additional FTE positions would result in a reduction of any FTE positions elsewhere in the Cardinia LGA.
- 62) In her written opening submission on behalf of the Applicant, Ms Collingwood submitted that the Commission should 'give the benefits associated with short and long term employment and complementary expenditure full consideration and weight', in part on the basis that all current and potential employees of the Applicant working at the Premises would be members of the 'community'. In this way, the Applicant likened the relevant 'community' of the LGA to that of the Melbourne Central Business District (**CBD**).²⁵ Mr Quick, for his part, gave the economic benefits of additional employment a low weight.
- 63) The Commission does not accept that the community of the Cardinia LGA is sufficiently comparable to that of the Melbourne CBD to warrant the finding that all employees of the Applicant working at the Premises are or would form part of the community of the Cardinia LGA irrespective of whether they lived in the Cardinia LGA. The Melbourne CBD is the focus on business, public administration, and entertainment in Victoria with a corresponding influx of visitors to that area that has no counterpart in this State. The Cardinia LGA does not serve such a function. Visitors to the Cardinia LGA play a different role in the life of that community than do those to the Melbourne CBD.
- 64) Taken as a whole, the evidence supports a finding that some, but not all, of the additional FTE positions that would result from the proposed redevelopment of the Premises would be taken by residents of the Cardinia LGA. But even if the Commission were to assume that all of the proposed additional FTE positions were to be filled by those who live in the Cardinia LGA, given the size of the economy of the Cardinia LGA and the likelihood that the economy of that community would grow as the urban area grows, the short term economic impact of an additional 32 FTE positions to be generated during the construction of the proposed works at the Premises, and the longer-term economic impact of an additional 5.5 FTE positions at the Premises once those works had concluded, would be of only negligible benefit to the community.

²⁵ See *Francis Hotel Pty Ltd v Melbourne CC* [2012] VCAT 1896 at [17] to [22].

Gambling expenditure not associated with harm

- 65) To the extent that new EGM expenditure is not associated with problem gambling, it has been recognised that it is legitimate to treat it as a positive economic impact.²⁶
- 66) The Intelligence Report contains a projection of additional EGM expenditure of between \$0 in the low scenario, \$1,352,409 in the medium case and \$2,718,818 in the high case in the first 12 months of trade, post installation of the additional 20 EGMs. The Stillwell Report projects an increase in additional EGM expenditure ranging between \$1,105,720 (low case), \$1,228,577 (medium case) and \$1,351,435 (high case) range in the first 12 months of trade, post installation of the additional 20 EGMs.
- 67) Both estimates demonstrate a relatively modest increase in revenue per gaming machine. For the reasons we have already given, this is consistent with the results of the gaming room patron counts which showed limited capacity constraints in the gaming room during the survey period.
- 68) There was no evidence before the Commission that the community of the Cardinia LGA was deprived of access to gaming machines, and neither the Applicant nor Council suggested as much in their written and oral submissions to the Commission.
- 69) For these reasons, the Commission gives this factor negligible to marginal weight.

Community contributions

- 70) The Applicant has not proposed to include, as a condition of approval, any additional community contributions on top of those that the Applicant currently makes.
- 71) In her written closing submission, Ms Collingwood:
 - a. noted that the Applicant is a 'not-for-profit' incorporated association that supports thoroughbred breeding and racing in the community of the Cardinia LGA and the neighbouring City of Casey;
 - b. said that the Applicant is 'committed to increasing its community contributions over time' with the aspiration to double 'community contributions over the next 5 years'; and, as such
 - c. contended that approval of the application would strengthen the financial position of the Applicant and thereby support the fulfilment of its objects as a not-for-profit entity and its commitment to increase community contributions in the medium term.
- 72) The Commission accepts that the Applicant is dedicated to its mission to support thoroughbred breeding and racing in the community of the Cardinia LGA and the neighbouring City of Casey and has a sincere desire to increase its contribution to the community of the Cardinia LGA. It is inherently plausible that approval of the application would strengthen the Applicant's capacity to increase its community contributions in the future.
- 73) The application is not premised, however, on there being any increase in community contributions in the near, medium or long term were the application to be approved, and there was no suggestion in Mr Bainbridge's evidence that the Applicant would not be in a position to maintain its existing level of community contributions or its broader support for thoroughbred breeding and racing in the community of the Cardinia LGA and the neighbouring City of Casey were the application to be refused.
- 74) For these reasons, the Commission gives this factor no weight in its assessment of the application.
- 75) Furthermore, the Council proposed an additional licence condition which would have required the Applicant to have made an additional community contribution of \$50,000.
- 76) The Applicant did not agree to the Council's proposal. It is a matter for the Applicant, or any prospective applicant, to determine whether they will make community contributions.

²⁶ *Romsey Hotel Pty Ltd v Victorian Commission for Gambling Regulation* [2009] VCAT 2275 at [351] (**Romsey No 2**). As Bell J also observed in that decision, as the no net detriment test is a composite test, it does not matter 'whether the benefits of consumption for the gaming machine user are included in the economic or the social side, or both, as long as they are included and are not double-counted' (at [352]).

Increased competition among gaming venues

- 77) Increased competition is a factor to be considered by the Commission in light of the statutory purposes of the GR Act and the consumer benefits that derive from competition.
- 78) For the reasons we gave when addressing the social impact of the addition of a function room and improved facilities at the Premises, the Commission accepts Ms Collingwood's submission that approval of the application could increase competition between venues with gaming machines in the Cardinia LGA and would thereby improve consumer choice and amenity. The Commission has also not accepted Council's submission that, to the extent that such benefits derive from the establishment of the proposed function facility and the upgrade and expansion of the sports lounge, the Commission ought not to weigh them when determining the application.
- 79) Nonetheless, for the reasons we have already given, the Commission is mindful of the limited evidence of unmet demand for improved services and facilities at the Premises. Moreover:
 - a. Mr Stillwell's estimate that 45% of the revenue to be generated by the 20 additional EGMs at the Premises would be transferred from other venues suggests a limited impact on those venues were the application to be approved; and
 - b. there was no evidence before the Commission of the extent to which competing venues might improve their services to the community of the Cardinia LGA in order to compete with the Premises were this application to be approved.
- 80) The Commission therefore gives this factor no weight.

Economic and social detriments arising from the application

Gambling harm

- 81) To the extent that a portion of the new expenditure will be by those suffering gambling harm, this represents an adverse economic and social impact.²⁷
- 82) Two estimates of the likely expenditure to be generated by the proposed 20 additional gaming machines in the first year of operation were before the Commission. One was prepared by Mr Stillwell, the other by the Commission's staff, as described in the Intelligence Report. Mr Stillwell also prepared an estimate of the likely quantum of likely gaming machine expenditure that would be new expenditure to the Cardinia LGA, and would be transferred from other venues.
- 83) Council challenged the reliability of Mr Stillwell's expenditure estimates by contending that Mr Stillwell's estimate:
 - a. was informed by historical behaviour of comparable venues; and, as such
 - b. did not take into account the potential for upcoming reforms to the operation of approved premises and gaming machines to affect future gaming machine expenditure.
- 84) For his part, Mr Stillwell accepted that his estimates did not take into account the impact of these reforms on venue operation and gaming machine revenue because there was no reliable method for him to do so. His view was that the likely impact, if any, arising from these reforms would be difficult to assess and largely speculative as to its magnitude. He nevertheless considered that they would likely cause his current aggregate gaming machine revenue estimates to be overstated to a minor degree.
- 85) The Commission accepts Mr Stillwell's evidence on this point. It was preferable for him to avoid undertaking an exercise without historical precedent and which would thus be subject to an unacceptable degree of uncertainty.
- 86) The Commission notes that Mr Stillwell's median gaming machine revenue estimate differed little from that prepared by the Commission. Preparation of prospective gaming machine revenue estimates is notoriously challenging. In the absence of any better evidence before it, the Commission accepts that

²⁷ Similarly to the observations Bell J made in *Romsey (No 2)* (above), this can be treated as a social and economic impact provided there is no double-counting (see e.g. Bell J's consideration of social and economic impact in *Romsey (No 2)* at [45] to [47]).

both the median estimate prepared by Mr Stillwell and that contained in the Intelligence Report represent reasonable estimates of the likely median gaming machine expenditure from the proposed 20 additional gaming machines during their first year of operation at the Premises.

- 87) There was much less controversy about the reasonableness and reliability of Mr Stillwell's estimate of new and transferred expenditure. Mr Stillwell's view was that 45% of the likely gaming machine expenditure from the proposed 20 additional gaming machines during their first year of operation at the Premises would be transferred from other venues, and 55% would be new expenditure to the Cardinia LGA. The Commission again considers that Mr Stillwell's estimate is reasonable, but notes the inherent uncertainty in making such an estimate.
- 88) The result is that approval of the application would be likely to generate an additional \$608,000 to \$743,000 in new gaming machine expenditure (as opposed to expenditure transferred from other venues) in the community of the Cardinia LGA in the first year of operation of the additional 20 gaming machines.
- 89) As both the Applicant and Council accepted, a portion of this expenditure will likely be derived from those whose gambling harms themselves or others. The challenge is measuring the impact of this consequential increase in the risk of gambling-related harm in the community.
- 90) There was no evidence before the Commission of the present incidence and severity of gambling-related harm amongst:
 - a. existing patrons of the gaming room at the Premises; and
 - b. within the community of the Cardinia LGA as a whole.
- 91) Rather, both the Applicant, through its submissions and by way of Mr Quick's evidence, and Council, through its submission, including the Symplan Report, sought to identify factors in the socio-demographic profile of the community of the Cardinia LGA which have been demonstrated by research to increase, or to protect against, the risk of gambling-related harm.
- 92) According to the Applicant, the community demonstrates a 'mixed demographic profile' with areas within the likely patron catchment with comparatively low SEIFA rankings, such as in central Pakenham, co-existing with other areas within the likely patron catchment that show comparatively less disadvantaged rankings. Indicators of housing stress are consistent with the character of the community as a growth area, and are accompanied by comparatively higher wages and hence capacity to sustain the cost of buying housing in the community. The Premises is not, in the Applicant's submission, and on Mr Quick's evidence, a convenience venue. And the Cardinia LGA already exhibits gaming machine density, gaming machine expenditure, and venue density lower than the metropolitan average. Approval of the application would do little to shift these indicators and would, in any event, be moderated by the forecast population growth for what remains a growth area.
- 93) Council's submission contended in response that:²⁸

While the Applicant places substantial reliance on municipal-level indicators said to demonstrate relative socio-economic advantage within the municipality, including comparatively favourable Socio-Economic Indexes for Areas (SEIFA) rankings, relatively lower gaming expenditure per adult, comparatively lower EGM density and broader indicators of employment, income and home ownership, Council submits those broad statistical measures mask significant pockets of vulnerability within the municipal catchment and do not adequately reflect the lived financial pressures affecting many households within rapidly expanding outer-suburban growth corridors, including the catchment areas surrounding the venue.

- 94) Council contended that these more fine-grained characteristics of the community 'can increase vulnerability to gambling-related harm notwithstanding broader municipal indicators of relative socio-

²⁸ Council's submission dated 26 May 2026 at 17 of 27, [115].

economic advantage'²⁹ and have grown worse since 2017, when the Commission refused an application for additional gaming machines at the Premises.

- 95) On this view, approval of the application would increase the accessibility and the attractiveness of the Premises and thereby increase the risk of gambling-related harm in a community that has only grown more vulnerable to the risk of such harm.
- 96) Finally, the Applicant emphasised its commitment to complying with its obligations to operate the gaming room and the Premises more broadly in a responsible fashion. The Commission accepts Ms Mackintosh's and Mr Dergham's evidence as to the measures put in place by the Applicant both:
 - a. to minimise the risk of gambling-related harm caused by the use of gaming machines at the Premises; and
 - b. to maintain a focus on harm minimisation in all aspects of the Applicant's operation of the gaming room.
- 97) Viewed as a whole, Deputy Chair Ben-David and Deputy Chair Scott consider that the socio-economic indicia identified by Mr Quick and Ms Rosen do not clearly suggest that the community is unduly susceptible to an increased risk of gambling-related harm from the proposed additional 20 gaming machines at the Premises.
- 98) Put simply, the Commission accepts the Applicant's characterisation of the socio-economic profile of the community as being mixed, with pockets of disadvantage, especially in central Pakenham, coexisting with comparatively less disadvantaged areas elsewhere within the community and, in particular, within the primary and secondary catchments of the Premises.
- 99) The Commission is concerned that the addition of 20 gaming machines to the Premises would make it more accessible, and that the proposed redevelopment of the Premises would make it more attractive. While the Premises is not located in or adjoining a shopping centre or strip shopping centre within a 400 metre radius, the Premises is easily accessible by car given its proximity to the Monash Freeway and its location at a prominent intersection on an arterial road.
- 100) Further, while the Commission commends the Applicant for its commitment to improve its responsible service of gambling practices, the Commission is not persuaded that the Applicant's practices materially exceed its obligations under the GR Act and the regulations.
- 101) Finally, the Commission is conscious of the data demonstrating that the Cardinia LGA's venue density, gaming machine density, and gaming machine expenditure per person, is already below average. The municipality's gaming machine density and gaming machine expenditure per person would be expected to decrease further were population growth projections to be realised. Taken together, these data support the finding that the community enjoys below average accessibility to gaming machines and gaming machine venues. The likely increase in accessibility were the application to be approved, of 20 additional gaming machines, would be marginal.
- 102) Taking all of these factors into account, the Commission concludes that approval of the application will cause an additional risk of gambling-related harm in the community, but the characteristics of the community and the Premises moderate this risk in all of the circumstances.
- 103) Having regard to both the potential adverse social and economic impacts of increased gambling harm, and the mitigating factors identified above, the Commission accords the impact of an increase in the risk of gambling-related harm from 20 additional gaming machines at the Premises marginal weight in its assessment.

Diversion of trade

- 104) A diversion of trade will constitute a negative impact where that diversion would reduce the facilities, services or employment offered to the community of the LGA.

²⁹ Ibid at [118].

- 105) Mr Stillwell's estimate that approximately 55% of the estimated gaming machine expenditure would not be diverted from gaming machines in other venues, and the Applicant's estimate of an additional \$725,000 in new food, beverage and function-related expenditure in the Premises both indicate that there would be a reduction in expenditure on goods and services elsewhere in the Cardinia LGA. There was no evidence before the Commission, however, of what businesses in that community would be affected, let alone the extent of the impact on them, and whether any of the new hospitality expenditure at the Premises would be drawn from savings rather than diverted from other recipients.
- 106) Given the size of the economy of the Cardinia LGA, and in light of the very limited evidence before the Commission on this issue, the Commission is satisfied that the diversion of trade from other businesses within the community of the Cardinia LGA would have a negligible adverse economic impact.

Community attitude

- 107) The Victorian Court of Appeal has observed that concern about the impact of gaming machines on the community is relevant, with the weight to be attached to that evidence a matter for the Commission.³⁰ The Court of Appeal also observed that approvals likely to cause unhappiness or discontent in the community (or any part or parts of it) will cause a social impact which is detrimental to the wellbeing of the community.³¹
- 108) In the present case neither party conducted a survey on community attitudes to the application. The Commission does have the benefit of Council's submission in opposition to the application. The Commission accepts that Council's opposition is not based on a generalised opposition to all gaming but is instead founded in Council's consideration of the net economic and social impacts of approval of the application and an assessment of the application against Council's 'Shire Liveability Plan 2017-2029' and 'Gambling Harm Prevention and Minimisation Policy 2024'.
- 109) The Commission also acknowledges the submission by Casey City Council, noting some of the residents of the City of Casey attend the Premises.³² While that submission does not indicate any community concern about the application amongst residents of the community of the Cardinia LGA, it supports similar concerns expressed by Council regarding the LGA about the application.
- 110) The Commission has already addressed Council's submission on the net economic and social impacts of approval of the application, separate from community attitude, and so do not take that into account again when assessing this factor. The Commission does take into account Council's submission that the application is contrary to the policies described above. But the Commission also notes that Council's submission is not supported by any evidence to suggest that Council's opposition was itself informed by any specific community concern about the present application.
- 111) Deputy Chair Ben-David and Deputy Chair Scott acknowledge both Council's considered opposition to the application and its role as the democratically elected local government for the Cardinia LGA, but consider that, absent any indication of any specific community concern³³ about the application, it is unlikely that approval of the application will have any material impact on the overall sense of wellbeing of the community of the Cardinia LGA.
- 112) For these reasons, the Commission is satisfied that approval of the application would have a negligible to marginal impact on the community's sense of wellbeing.

³⁰ *Romsey* at [49].

³¹ *Ibid* at [44].

³² *Urbis* Report, at page 41.

³³ Gambling Harm Lived Experience Experts' submission was primarily general in its opposition to electronic gaming machines. It did include the statement, "broader community harm considerations must not be discounted simply because an individual does not reside within the immediate local government area." Whilst the Commission agrees with this statement, the no net detriment test requires its assessment to be primarily on the community of the Shire of Cardinia and those in the immediate surrounding area, rather than the broader community.

Conclusion as to the no net detriment test

- 113) After consideration of the material before them, including the evidence provided at the hearing (and weighted as outlined above and in tabular form at Appendix A of these reasons), Deputy Chair Ben-David and Deputy Chair Scott, who form the majority of the Commission, are satisfied that approval of the application would have a marginal to low beneficial impact on the community of the Cardinia LGA and a marginal to low adverse impact on the community of the Cardinia LGA.
- 114) Therefore, the Commission has concluded that there will be a net neutral economic and social impact on the community of the Cardinia LGA were the application to be approved.
- 115) Accordingly:
- the Commission is satisfied that the net social and economic impact on the wellbeing of the community of the municipal district in which the Premises is located will not be detrimental; and
 - the pre-condition set out in section 3.4.20(1)(c) of the GR Act is satisfied.

The Commission's discretionary power once the mandatory pre-conditions are satisfied

- 116) The Commission retains a residual discretion to refuse the application, even if the no net detriment test is satisfied. The exercise of such discretion would require exceptional circumstances. It is satisfied that there are no other circumstances that would justify refusal of the application in the exercise of its discretion.

Conclusion

- 117) On the material that has been put before it, the Commission has determined that the mandatory preconditions for approval set out in section 3.4.20(1) of the GR Act have been satisfied (including that the no net detriment test has been satisfied), and that it is appropriate to grant the application with conditions.
- 118) The application is therefore granted subject to the conditions set out in Appendix B.

Separate reasons of Commissioner Miller

- 119) Commissioner Miller agrees with and adopts the Commission's reasons at paragraphs 37 to 80, and 104 to 106.
- 120) Commissioner Miller does not agree with the Commission's reasons at paragraphs 81 to 103, and 107 to 112. Her reasons on those topics are set out here.

Gambling harm

- 121) Viewed as a whole, Commissioner Miller considers that the socio-economic data for central Pakenham included in the VGCCC Report, Mr Quick's written evidence, and the Symplan Report, indicate an area of high relative economic and social disadvantage. While this area does not comprise all, or even a majority, of the likely patron catchment, it would be a substantial source of patrons. Combined with the evidence of housing stress, the socio-economic data for the catchment indicate a heightened vulnerability to the risk of gambling-related harm.
- 122) An increase of 20 gaming machines at the Premises would cause a material increase in the accessibility of the Premises for those who wish to gamble, and a corresponding increase in the risk of gambling-related harm, in circumstances where the Premises already displays risk factors for an elevated risk of gambling-related harm. In particular:

- a. the net machine revenue for the extant gaming machines at the Premises is high in comparison to other venues in the Cardinia LGA;
- b. the patron counts prepared by the Applicant show limited capacity constraints at the gaming room; and
- c. the gaming room is open until 2am between Sunday and Wednesday, and open until 3am between Thursday and Saturday.³⁴

123) Finally, the proposed redevelopment of the Premises would make it a more attractive venue for all patrons and increase its prominence in the community, thereby increasing its exposure to those at risk of suffering gambling-related harm.

124) Having regard to both the potential adverse social and economic impacts of increased gambling harm, and the mitigating factors identified above, Commissioner Miller accords the impact of an increase in the risk of gambling-related harm from 20 additional gaming machines at the Premises low weight in her assessment.

Community attitude

125) Commissioner Miller assigns more weight to Council's submission as indicating community concern about the application, on the basis that Council is the democratically elected local government authority for the community of the Cardinia LGA, compared to Deputy Chair Ben-David and Deputy Chair Scott. Council's opposition to the application in this matter causes her to conclude that approval of the application will have a noticeable detrimental impact on the sense of wellbeing of the community of the Cardinia LGA.

126) For these reasons, Commissioner Miller is satisfied that approval of the application would have a marginal to low detrimental impact on the community's sense of wellbeing.

Conclusion as to the no net detriment test

127) After consideration of the material before her, including the evidence provided at the hearing (and weighted as outlined above and in tabular form at Appendix A of these reasons), Commissioner Miller is satisfied that approval of the application would have a marginal to low beneficial impact on the community of the Cardinia LGA and a low detrimental impact on the community of the Cardinia LGA.

128) Therefore, Commissioner Miller assesses, on balance, a net detrimental economic and social impact on the community of the Cardinia LGA were the application to be approved.

129) Accordingly, Commissioner Miller:

- a. is not satisfied that the net social and economic impact on the wellbeing of the community of the municipal district in which the Premises is located will not be detrimental; and
- b. finds that the pre-condition set out in section 3.4.20(1)(c) of the GR Act is not satisfied.

³⁴ Urbis Report, at page 10.

Appendix A

Summary of social and economic impacts arising from the application

The following table is a summary of the economic and social benefits and detriments considered by Deputy Chair Ben-David and Deputy Chair Scott in reaching their decision. The table is to be read in conjunction with the main body of the Commissions reasons for decision.

	Impact	Weight
Social and Economic Benefits	Benefit of proposed redevelopments and money spent on facilities and availability of facilities - increased opportunity for recreational gaming - improved or enhanced venue offering	Marginal to low
	Community contributions Social benefit derived from community contributions	None
	Employment creation additional employment	Negligible
	Gambling expenditure not associated with gambling harm	Marginal
	Expenditure on associated suppliers complementary expenditure	None
	Increased competition among gaming venues in the Shire of Cardinia	None
	Total weight of social and economic benefits	
	Marginal to low benefit	
Social and Economic Detriments	Social and economic disbenefits related to gambling harm - increased incidence of gambling harm in the community - gaming expenditure associated with gambling harm	Marginal
	Diversion of trade lower spending or job losses from other businesses	Negligible
	Community attitude	Negligible to marginal
	Total weight of social and economic detriments	
	Marginal to low detriment	

Summary of social and economic impacts arising from the application

The following table is a summary of the economic and social benefits and detriments considered by Commissioner Miller in reaching her decision. The table is to be read in conjunction with the main body of the Commissions reasons for decision.

	Impact	Weight
Social and Economic Benefits	Benefit of proposed redevelopments and money spent on facilities and availability of facilities	Marginal to low
	- increased opportunity for recreational gaming - improved or enhanced venue offering	
	Community contributions	None
	Social benefit derived from community contributions	
	Employment creation	Negligible
	additional employment	
	Gambling expenditure not associated with gambling harm	Marginal
	Expenditure on associated suppliers	None
	complementary expenditure	
	Increased competition among gaming venues in the Shire of Cardinia	None
Total weight of social and economic benefits	Marginal to low benefit	
Social and Economic Detriments	Social and economic disbenefits related to gambling harm	Low
	- increased incidence of gambling harm in the community - gaming expenditure associated with gambling harm	
	Diversion of trade	Negligible
	lower spending or job losses from other businesses	
	Community attitude	Marginal to low
Total weight of social and economic detriments	Low detriment	

Appendix B

The following conditions at Appendix B of the Decision dated 24 July 2026 are conditions imposed on the Applicant's venue operator licence (V9510034) pursuant to section 3.4.20(3) of the *Gambling Regulation Act 2003* (Vic), following the Commission's Decision to grant the application by Cranbourne Pakenham Racing Club Incorporated to increase the number of EGMs operated at Club Officer, located at 3 Niki Place, Officer VIC 3809, from 60 to 80.

Condition 1 – Harm minimisation – Gambling harm risk assessment and controls

- 1.1. Before the installation of the additional 20 electronic gaming machines (**Additional EGMs**) at the Premises, the venue operator (**VO**) must:
 - 1.1.1. undertake and document a gambling harm risk assessment for the Premises' EGM gambling activities, based on the Australian Standard AS/NZS ISO 31000 Risk Management (**Risk Assessment**), to be made available to the Commission;
 - 1.1.2. develop a venue-specific gambling harm risk management plan which responds to the Risk Assessment, detailing controls for each risk, including actions that can manage the likelihood of an event occurring, and actions that can manage the consequences of an event (**Risk Management Plan**), to be made available to the Commission; and
 - 1.1.3. submit to and have approved by the Commission a harm minimisation policy and procedures manual (**HM Manual**), which gives effect to the gambling harm risk controls and operational practices specified in the Risk Management Plan.
- 1.2. The HM Manual must:
 - 1.2.1. include steps that the VO will take to minimise harm arising from EGM use (over and above any existing requirements detailed in the Premises' Code of Conduct, the current the Commission Gambling Venue Checklist and harm minimisation strategies set out in the *Gambling Regulation Act 2003* and/or relevant Regulations);
 - 1.2.2. include an obligation on the VO to communicate to adults with minors accompanying them on the premises that minors must:
 - 1.2.2.1. be monitored; and
 - 1.2.2.2. must not approach or enter the Gaming Room.
 - 1.2.3. prohibit the service of food and beverage to patrons whilst using an EGM;
 - 1.2.4. prohibit patrons from reserving EGMs for longer than 10 minutes.
- 1.3. The VO must submit the HM Manual for approval by the Commission. Following approval, the HM Manual may only be amended with the approval of the Commission.
- 1.4. Once approved by the Commission, the HM Manual is to be:
 - 1.4.1. implemented at the Premises to the satisfaction of the Commission; and
 - 1.4.2. provided to the Premises' Venue Support Worker; and
 - 1.4.3. made available to the venue's customers, including by
 - 1.4.3.1. publication on the venue's website; and
 - 1.4.3.2. display in the gaming room in a manner that invites public attention at all times the gaming room is open to the public.
- 1.5. The VO must confirm in writing to the Commission annually whether the gaming Room is being operated in accordance with the HM Manual.
- 1.6. If the HM Manual is breached, the VO must keep a register of the breaches that must be made available to the Commission for inspection upon request. The VO must enter the nature of the breach together with steps to be taken to remedy each breach in the register.

- 1.7. If the Commission determines that the VO has not implemented or complied with the HM Manual, the Commission may direct the VO to cease operating any of the Additional EGMs at the Premises until:
 - 1.7.1. such failure to implement or comply with the HM Manual is rectified to the satisfaction of the Commission; and
 - 1.7.2. the Commission is satisfied that the VO has adopted such practices, procedures, policies and systems as are necessary to prevent the breach of the HM Manual from occurring again.
- 1.8. The VO must implement and maintain venue management guidelines providing for the effective coordination and management of gambling related harms to support operation of the HM Manual, including specified meeting, record keeping and information sharing requirements;
 - 1.8.1. convening monthly harm minimisation coordination communications staff who participate in EGM monitoring;
 - 1.8.2. ensuring that responsible gambling officers and staff rostered for duty in the gaming room meet with the venue's nominated venue support worker at least once every six months;
 - 1.8.3. ensuring that all staff involved in gaming room operations are trained in and able to access and keep required records, including RG Register records; and
 - 1.8.4. ensuring that all staff involved in gaming room operations participate in arrangements to coordinate management of gambling harm risk, including between shifts.

Condition 2 – Compliance with risk register

- 2.1. No later than 1 month after the development of the Risk Register in accordance with Condition 1, and every 12 months after that date, the VO must provide a written attestation to the Commission confirming the following:
 - 2.1.1. that the VO has made all necessary enquiries to be satisfied that all the identified treatments and controls have been, and continue to be, implemented; and
 - 2.1.2. that the VO has reviewed the Risk Register to ensure that any new risks or changes to risks have been identified and that the Risk Register has been updated to ensure the treatments and controls are effective to address those risks.
- 2.2. The written attestation is to be made by an office holder of the VO.

Condition 3 – Compliance with other obligations

- 3.1. At all times any EGMs are in operation at the Premises, the VO must ensure that:
 - 3.1.1. the service of any food and beverage to patrons whilst seated at the EGMs at the Premises will not occur;
 - 3.1.2. minimum staffing levels are maintained as follows:
 - 3.1.2.1. a minimum staffing level on the gaming floor will be no less than two GIE licensed staff rostered within the Green Line Plan area at all times, with at least one of whom must be a Responsible Gambling Officer;
 - 3.1.2.2. from 4:00pm on Fridays, Saturdays and the eve of a Public Holiday and members' nights (and any other night where similarly high patronage numbers at Club Officer can be reasonably anticipated) until close of GMA the following day, a minimum of three staff rostered on duty in the GMA;
 - 3.1.2.3. from 10:00 pm until close of the GMA, a minimum of two of such staff are required to be qualified RGOs

- 3.1.3. all staff rostered in the gaming room are trained in YourPlay and able to assist patrons to enrol with YourPlay and set pre-commitment levels for EGM time and spend;
- 3.1.4. a full-time RGO is employed at the Premises to coordinate the Premises' self-exclusion program, and to implement and maintain harm minimisation training for staff. The RGO must have completed RSG Module 2 and Module 4 within the last 2 years;
- 3.1.5. at all times the gaming room is in operation, at least one staff member who has completed RSG Module 2-and Module 4 training is on duty;
- 3.1.6. staff are prohibited from using EGMs at the Premises at any time and for 1 month following the cessation of their employment at the Premises.
- 3.1.7. patrons are prohibited from reserving an EGM in order to use another EGM.
- 3.1.8. patrons are prohibited from reserving an EGM for longer than 10 minutes.
- 3.1.9. the café/lounge will remain open at all times the gaming machine area is open to the public.
- 3.1.10. Patrons attending pre booked functions in the function room may only access the balance of the venue if they have signed into the Club through the main entrance.
- 3.1.11. The café/lounge must include food available for purchase that is more than pre-packaged snacks at all hours.
- 3.2. No later than one month following the installation of any Additional EGMs at the Premises and every 12 months after that date, the VO must provide a written attestation to the Commission confirming that they have made all necessary enquiries to be satisfied that the requirements in Condition 3.1 above are being complied with. The written attestation is to be made by an office holder of the VO.
- 3.3. The written attestation must specify each of the systems, policies and procedures that have been developed and implemented to ensure continued compliance with each of the requirements in Condition 3.1.

Condition 4 – Risk of criminal influence

- 4.1. Prior to the installation of any Additional EGMs at the Premises, the VO must ensure that:
 - 4.1.1. all office holders of the VO, the nominee, managers and all gaming room staff have completed Anti-Money Laundering (**AML**) and Counter Terrorism Finance (**CTF**) Training within the last 12 months;
 - 4.1.2. adequate systems, policies and procedures have been developed and implemented at the Premises to ensure all staff are appropriately trained in identifying and mitigating this risk.
- 4.2. Every 12 months after the installation of any Additional EGMs at the Premises, the VO must provide a written attestation to the Commission confirming that they have made all necessary enquiries to be satisfied that the requirements in 4.1 above are being complied with. The written attestation is to be made by an office holder of the VO.
- 4.3. The written attestation must specify each of the systems, policies and procedures that have been developed and implemented to demonstrate compliance with Condition 4.1.2.

Condition 5 – The Works

- 5.1 The Amendment of Conditions does not take effect until the Commission has notified the VO in writing that the Premises have been inspected for the purpose of section 3.4.20(3C) of the

Gambling Regulation Act 2003 and the Commission is satisfied that the Premises are suitable for the management and operation of Additional EGMs.

- 5.2 Prior to the installation of the Additional EGMs at the Premises, the Works must be substantially completed to the satisfaction of the Commission generally in accordance with the floor plans dated 28 November 2025 titled '*Prelim Concept A proposed Venue Plan, Drawing No. SK-02A*' prepared by BSPN Architecture, provided to the Commission on 13 February 2026. The commencement of the operation of any of the Additional EGMs at the Premises must not occur until after the Commission has notified the VO in writing under Condition 5.1.
- 5.3 The windows for the gaming machine area must allow natural light into the Premises, but not visibility of the EGMs from the exterior of the Premises.
- 5.4 The Works must generally accord with the floor plans of the Premises prepared by BSPN Architecture and provided to the Commission in their request for further information on 19 June 2026 amended to include the following:
 - 5.4.1 the notation of "glazing" for the window on the northern wall of the gaming room be amended to read "opaque glazing"; and
 - 5.4.2 the access doors to the gaming room are to be activated by push buttons (with exit by automation only); and
 - 5.4.3 All CRT terminals to be located so that they have direct line of sight from the bar
- 5.5 The gaming machine layout must be amended to ensure, as far as practicable, that they are within direct line of sight from the bar.

Condition 6 – Breach of conditions

- 6.1 Notwithstanding any other conditions, where the Commission determines that the VO has not complied with one or more of the conditions, the Commission may require the VO to cease operating any EGMs at the Premises until it is satisfied that:
 - 6.1.1 such failure is rectified to the satisfaction of the Commission; and
 - 6.1.2 the VO has carried out the relevant and necessary action and/or implemented the relevant and necessary systems, processes and procedures to prevent the occurrence of a future breach.