

Club refuges operating under the *Gaming Machine Act 2004*

1. Purpose

This document provides club licensees with relevant information on how to become a refuge during an extreme heat and smoke event and how to operate as a refuge under the *Gaming Machine Act 2004*.

2. Background

2.1. Gaming Machine (Club Refuge) Amendment Act 2022

The Gaming Machine (Club Refuge) Amendment Act 2022 amended the *Gaming Machine Act 2004* to provide the legislative framework for clubs to become club refuges for local communities.

The purpose of club refuges in the ACT is to enable members of the public to have access to venues that may better provide for their health and safety than what may be available at their private residences. For example, clubs typically have Heating Ventilation and Air Cooling (HVAC) systems and/or air conditioning that provide a better indoor climate during heat and smoke events than some Canberrans, particularly vulnerable members of the community, have access to in their homes.

2.2. Intersection between club refuges and evacuation centres

Club refuges will not operate as an evacuation centre, but rather as a place for community members to attend for respite during an emergency or other hazard occurrence such as extreme heat and smoke events. The ACT Government may operate relief and evacuation centres concurrently with club refuges.

3. Application Process

Club licensees must nominate to operate as a club refuge via an Expression of Interest Form found on the Justice and Community Safety (JACS) website. All forms must be emailed to LRGPolicy@act.gov.au.

Following receipt of an EOI, JACS will assess the suitability of the venue to operate as a refuge. This may involve undertaking a site visit if required and consulting representatives from other directorates. If suitable, JACS will advise the club and they will be registered as a suitable refuge.

Following this process, clubs who are deemed suitable may be declared to operate as a club refuge by Ministerial Declaration when an emergency or other hazard event takes place.

JACS will maintain a register of all clubs that are deemed suitable. Clubs may remove themselves from the register by emailing LRGPolicy@act.gov.au.

4. Communication strategies

The ACT Government may release media and/or other communication materials relating to the operation of the venue as a club refuge.

4.1. ACT Government and clubs

The use of a club as a refuge will be activated by Ministerial declaration. Such a declaration will be made having regard to any advice from the Emergency Services Commissioner (who will liaise with the Lead Response Agency under the *ACT Emergencies (Emergency Plan) 2023* or any version which amends or replaces this plan. Information will be communicated with suitable clubs should there be any changes made to the *ACT Emergencies (Emergency Plan) 2014 (No 1)* relevant to club refuges.

Clubs will only operate as a club refuge once a Ministerial declaration is made. This is to ensure that activation is part of the broader emergency management coordination and suite of response/management options.

LRG will engage with Emergency Services Agency (ESA), the Security and Emergency Management Division (SEMD) and the Lead Response Agency to notify clubs when they are required to be activated as a refuge.

4.2. ACT Government and the public

Communication material will be developed to advise the public of venues that have been activated as refuges. Careful messaging will be used to ensure consistency with the ACT Emergency Plan, and to highlight that the venues will not be evacuation centres, but rather a space for community members to attend for respite during an emergency or other hazard. It will also identify that public spaces such as libraries and community centres are also available as alternatives for children and families seeking emergency refuge who want to avoid exposure to liquor or electronic gaming machines.

5. Self-exclusion

Deeds of exclusion must be managed in line with the *Gambling and Racing Control (Code of Practice) Regulation 2002*. An individual who has self-excluded from gambling at the gambling facility is able to still access the club venue when operating as a refuge, just not the gaming area.

6. Club refuge obligations

A club that has been activated as a refuge by Ministerial declaration has several obligations under the *Gaming Machine Act*. These obligations are outlined below.

6.1. Record keeping

The Act amends the temporary membership requirements when a club is declared a refuge. This allows people (local guests, noting there is not a membership requirement for interstate guests) to enter the club without obtaining a membership while a club refuge is in force for the club.

The club licensee is still required to maintain appropriate records of people who access the club venue, for both members and non-members.

A person can only use the gaming machine area in a club refuge if they are signed into the club.

6.2. Direct marketing

The club licensee must ensure a person accessing the club as a refuge does not receive direct marketing about club memberships. This is to ensure that the venue does not promote membership to non-members during an emergency or other hazard. Direct marketing is defined in *the Gambling and Racing Control (Code of Practice) Regulation 2002* as “any advertising, promotion or offer from a licensee, or from a person on the licensee’s behalf, that is made directly to a person by telephone, SMS, email, app, post or other direct means.”

6.3. Information about emergencies and refuges

The club licensee under a club refuge declaration is required to make information related to emergencies and refuges available to people who access the club as a refuge.

Emergency information must be provided to the community under the *Emergencies Act 2004*, section 149B. This is enacted by the Emergency Services Commissioner through Lead Response Agency and Community Communications and Information Plan. Public information on the emergency, club refuges and alternate locations as refuges will be available to club licensees and the club licensee must make that information available to people who access the club as a refuge.

If the Director-General for an administrative unit gives information to the club licensee about other places that may be accessed as a refuge while the club refuge declaration is in force for the licensee’s club, the club licensee must make that information available to people who access the club as a refuge. Other venues such as libraries, family centres and community centres may also be available.

6.4. Refuge area

The club licensee must make an area in the club (a refuge area) available to a person who accesses the club as a refuge. This refuge area must be separate from the gaming area and the club licensee must not serve alcohol in the refuge area.

6.5. Gambling contact officers

It is the responsibility of the club licensee to ensure that gambling contact officers are available within the club refuge for the period for which that club is operating as a refuge.

7. Hours of operation

Club licensees operating as a refuge may be requested to extend the hours which the venue is open and operating during an emergency or other hazard. If this is a requirement it will be communicated to club licensees.

8. Provision of free non-alcoholic drinks

Club refuges must provide people who access the club as a refuge free, non-alcoholic drinks. This provides a safety measure for members of the community attending the refuge as it supports hydration during extreme weather events, such as heatwaves. The provision of free non-alcoholic beverages can be claimed as a community purpose contribution.

9. Club emergency and evacuation procedures

In a life-threatening emergency, at any time, day or night, you should dial Emergency Triple Zero (000) for Police, Fire or Ambulance.

If you need assistance for flood and storm, contact the ACTSES on 13 25 00.

Follow the club licensee general building evacuation procedures.

10. Claiming community purpose contributions

Club refuges will be able to claim as community purpose contributions, the expenses associated with:

- a) the provision of free non-alcoholic drinks to the club's members or people attending the club only while a club refuge declaration is in place, and
- b) the cost of forgone membership fees, as a result of the club providing the venue as a club refuge, only while a club refuge declaration is in place.