

Draft Reducing Harm from Gambling Policy 2021-2025

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Mayor's Message

Maribyrnong City Council's role in managing the impacts of gambling

Gambling can cause significant harm to individuals, families and their communities. The impacts of gambling harm include family violence, physical and mental health impacts, financial hardship, social isolation, and drug and alcohol addiction (Browne Et Al, 2017).

Maribyrnong City Council plays a direct role in assessing the social and economic impacts of electronic gaming machine (EGM) applications through the *Gambling Regulation Act 2003* and the Gaming Policy at Clause 22.06 of the Maribyrnong Planning Scheme.

Council also plays an important role in advocating for changes to the regulation and management of all forms of gambling, including EGMs, online gambling/sports betting, racing, keno, lotteries and the Melbourne Casino.

Council's approach to managing the impacts of gambling harm is based on a social justice and harm prevention and minimisation approach. Social justice is the pursuit of equal rights and equal opportunity for all people in our community. Social justice seeks to redress the impact that social and economic inequalities have on both the people experiencing them and the wider community.

The harm prevention and minimisation approach to managing gambling harm is based on the key determinants of health. The determinants of health include gender, income and social status, education, physical environment, social support networks and access to health services (World Health Organisation 2021).

This model states that the context of people's lives determine their health, and so blaming individuals for having poor health or crediting them for good health is inappropriate. Individuals are unlikely to be able to directly control many of the determinants of health (World Health Organisation 2021).

Council's approach aligns with the Council Plan 2021-2025, which incorporates the Health and Wellbeing Plan, and the Human Rights and Social Justice Framework 2017-2021. This framework provides a foundation for Council's commitment and actions to protect human rights and promote social justice in the City of Maribyrnong.

Council's approach further aligns with the Gender Equity Strategy 2030. The vision of Towards Gender Equity 2030 is that all people in Maribyrnong flourish and live free from violence and discrimination and have equal status, rights, opportunities, representation and respect regardless of their gender.

Information about the impact of gambling in the City of Maribyrnong is contained in the Gambling Fact Sheets attached to this policy. These fact sheets will be updated annually to reflect changes in electronic gaming machine losses in the City of Maribyrnong.

Scope

The scope of this draft policy includes the following types of gambling which are legal in Victoria:

- Electronic Gaming Machines
- Online Gambling/Sports Betting
- Keno
- Lotteries
- Racing
- Gambling at Crown Casino.

Purpose

The purpose of this draft policy is to prevent and minimise harm from gambling in the City of Maribyrnong community.

Objectives

- Assess the social and economic impacts of EGM applications to reduce harm from EGMs in the City of Maribyrnong through the *Gambling Regulation Act 2003* and the Gaming Policy at Clause 22.06 of the Maribyrnong Planning Scheme.
- Advocate for a reduction in harm caused by gambling in the City of Maribyrnong community through key partnerships with the Alliance for Gambling Reform, the Municipal Association of Victoria (MAV) and the Victorian Local Government Association (VLGA).
- Encourage alternative activities to gambling through Council-owned facilities including libraries, community centres, open space and indoor and outdoor sport and recreation facilities.

Legislation

Council's approach to gambling is informed by the following legislation and planning regulations:

- Gambling Regulation Act 2003
- Clause 22.06 Gaming Policy, Maribyrnong Planning Scheme
- Gambling Regulations 2015
- Gambling Regulation (Pre-commitment and Loyalty Scheme) Regulations 2014
- Interactive Gambling Act 2001
- Casino Act 1991
- Local Government Act 2020
- Public Health and Wellbeing Act 2008
- Victorian Charter for Human Rights and Responsibilities 2006
- Family Violence Protection Act 2008.

Further details of the legislation and regulations are outlined in Appendix 2.

Principles and Actions

Principle 1: Assess the Social and Economic Impacts of Gaming Applications to Reduce Harm from EGMs in the City of Maribyrnong

Actions:

- 1.1 Under the requirements for local government outlined in the *Gambling Regulation Act 2003*, undertake a social impact assessment of applications to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) for an increase in electronic gaming machines at new and existing venues in the City of Maribyrnong.
- 1.2 Assess planning applications for gaming venues under the Gaming Policy outlined in the Maribyrnong Planning Scheme.
- 1.3 Support enforcement of gaming venue conditions that reduce gambling harm by referring any breaches to relevant regulators, including signage, accessibility, opening hours or community benefit conditions.

- 1.4 Oppose gaming license applications in neighbouring municipalities if they have a negative impact on City of Maribyrnong residents.

Principle 2: Partner and Advocate

Partnerships:

Council supports the Alliance for Gambling Reform which is a national advocacy organisation that works to prevent and minimise the harm caused from gambling. A total of 21 other Victorian councils are Leadership Councils supporting the Alliance.

Council is also a member of the VLGA Local Government Working Group on Gambling and the MAV Local Government Gambling, Alcohol and Other Drugs Issues Forum.

Actions

- 2.1 Support Alliance for Gambling Reform campaigns for minimising harm from gambling in Victorian and Australian communities.
- 2.2 Work with MAV and VLGA to develop submissions and advocate to the State Government for gambling industry reform.

Advocacy:

Actions:

Council will undertake advocacy actions directly and through advocacy networks in three key areas:

- Electronic Gaming Machines;
- Sports Betting; and
- Gambling Harm Research.

Electronic Gaming Machines:

- 2.3 Advocate for the following in relation to the regulation of EGMs:

- Reduce the current cap of 471 EGMs in the City of Maribyrnong.
- Increase the ratio of the number of adults per 10 EGMs, under municipal caps. This will reduce the likelihood of an increase in EGM numbers in capped regions, as the population increases. (The current EGM cap ratio is 10 machines per 1,000 adults in capped municipalities, such as the City of Maribyrnong. Current municipal limits were calculated using the 2017 Victorian adult population).
- Reduce the number of EGMs in locations with high levels of social and economic disadvantage including Braybrook and Maidstone.
- Reduce the number of EGMs in venues in convenient locations including shopping centres and shopping strips, and close to public transport.
- Introduce a mandatory 2am to 6am shutdown for all gaming venues in Victoria, in line with the Alliance for Gambling Reform position. (The Alliance is working towards the longer term goal of a mandatory 12am to 10am shutdown period).
- Introduce a ban on incentives to encourage residents to enter gaming venues, such as free or discounted meal for adults and children, give-aways and prizes.
- Introduce \$1 maximum bet per spin on all EGMs in Victoria to reduce the amount of money gamblers can lose each time they press a button and slow the rate of losses.

- Introduce mandatory pre-commitment for players of EGMs, as part of the Your Play Victorian Government's Gambling Pre-commitment Scheme. (Your Play currently allows for EGM players to voluntarily set limits on time and money spent and track their play across Victoria. An evaluation of Your Play found the program had a low take up with players of EGMs in Victoria (Victorian Department of Justice and Community Safety 2019).
- Change the definition of what is classified as community benefit, under the Gambling Regulation Act, to genuine philanthropic organisations or charities as defined by tax deductible status or grass roots activities.
- Introduce a state government fund to support gaming venues that wish to transition away from EGMs.
- Increase the timeframe for councils to respond to gaming applications from 60 days to 90 days to allow appropriate time to assess the social and economic impacts.

Sports Betting:

- 2.4 Advocate for a ban on sports betting advertising on television and live stream services in Victoria in alignment with the Alliance for Gambling Reform position.

Gambling Harm Research:

- 2.5 Update Gambling Fact Sheets on an annual basis to include new information on local EGM losses, other gambling data and gambling harm research.
- 2.6 Advocate for increased investment in research on the social and economic impacts of gambling on individuals, their families and local communities.
- 2.7 Advocate for increased investment in research on the health and wellbeing impacts of gambling including research into family violence, mental and physical health impacts.

Principle 3: Council will not encourage or promote gambling through its facilities, program or services

Actions:

- 3.1 Promote local programs and services through Council's Gambling Alternatives Program.
- 3.2 Request the Alliance for Gambling Reform to undertake a survey of its Leadership Councils, to determine the relationship between gaming venues, sports clubs and community organisations. This includes sponsorships, grants and subsidised venue hire.
- 3.3 Work with venue operators to restrict the inclusion of additional EGMs on Council-owned land. (Note: A current lease is in place for the only EGM operator on Council-owned land, the Yarraville-Footscray Bowling Club – a not-for-profit organisation. This allows for a maximum of 40 EGMs. The venue currently has 29 EGMs and its lease expires in January 2024).
- 3.4 Work with the Yarraville-Footscray Bowling Club during the current lease to ensure the continued implementation of gambling harm minimisation measures included in lease.
- 3.5 No future leases will be provided to any new gaming operator seeking a facility on Council-owned land.
- 3.6 Do not approve gambling promotional material in Council-owned facilities or on Council's websites (with the exception of Yarraville-Footscray Bowling Club).
- 3.7 Council will not hold official meetings, events or community activities at gaming venues in the City of Maribyrnong.
- 3.8 Continue with Council's endorsed plans for investing and renewing Council-owned community infrastructure.

Reducing Harm from Gambling Action Plan

The Reducing Harm from Gambling Action Plan outlines Council's response to key actions contained in this policy. This action plan will be reviewed annually over the duration of the policy. A copy of the action plan is attached.

Appendix 1: Glossary

Crown Casino: Crown Casino is regulated under separate legislation to clubs and hotels in Victoria under the Casino Act 1991.

EGMs: Electronic Gaming Machines

Keno: A rapid-draw game in which a set of numbers is drawn through a random number generator from a pool of numbers. The numbers are then posted electronically in venues.

LGWGOG: Local Government Working Group on Gambling

Lotteries: A lottery is a rapid draw game where a set of numbers is drawn through a random number generator.

MAV: Municipal Association of Victoria

Online Gambling: Online gambling comprises of a wide range of different forms of gambling that can be provided in an online format i.e. accessed and played via the internet. This can include forms of poker, casinos (blackjack, roulette etc.), sports betting, bingo, lotteries, betting on horse racing.

Sports Betting: Sports betting is a form of gambling that involves placing a bet or wagering on a sporting activity. Bets can be placed in person with a bookmaker or online using an account that accepts debit and credit cards. Popular sports on which Australians can bet include AFL, rugby league, soccer, cricket, tennis, motorbike racing and basketball.

Racing: In Victoria, wagering on horse and greyhound races is offered on-course, by bookmakers at a racetrack, and off-course by Tabcorp Wagering and TAB agencies.

VCGLR: Victorian Commission for Gambling and Liquor Regulation

VLGA: Victorian Local Government Association

Your Play: Your Play is a gambling pre-commitment scheme which allows EGM players to voluntarily set limits of time or money spent and track their gaming machine play across Victoria.

Appendix 2: Legislative and Policy Context

Gambling Regulation Act 2003

The *Gambling Regulation Act 2003* regulates the conduct of gambling in Victoria, with the exception of the Melbourne Casino. This includes regulating the management of and distribution of EGMs including the following:

- Caps on the maximum number of EGMs allowed in individual municipalities.
- The operation of gaming venues including the provision of responsible gambling services.
- The lodgement of annual Community Benefit Statements by each venue.

Community Benefit Statements

Under Section 3.6.9 of the *Gambling Regulation Act 2003*, all hotel and club operators are required to lodge an audited community benefit statement with the Victorian Commission for Gambling and Liquor Regulation on an annual basis.

A Community Benefit Statement requires hotels and clubs which operate EGMs to provide an indication of what support they are providing to their local community to offset the losses from EGMs.

Community Support Fund

Under section 3.6.6(2) of the *Gambling Regulation Act 2003*, net gaming revenues from hotel venues are subject to an additional tax of 8.33 per cent which is paid into the Community Support Fund. The Community Support Fund was established in 1991 and is a trust fund governed by the *Gambling Regulation Act 2003* to direct a portion of gaming revenues back into the community.

The Community Support Fund provides funding for the following:

- Addressing problem gambling
- Drug education, treatment and rehabilitation
- Financial counselling support for families in crisis
- Youth programs
- Sport and recreation
- Arts and Tourism
- Advancement of the community as determined by the Minister
- Costs Associated with administering the Community Support Fund.

Assessment of Gaming Applications under the *Gambling Regulation Act*

Under the *Gambling Regulation Act*, councils can assess the social and economic impacts of a gaming application in their municipality and respond to applications in adjoining municipalities.

Under the Act, councils are empowered to make submissions in response to applications for gaming approval. These submissions must address, as relevant:

- The social and economic impact of the proposal for approval on the well-being of the community of the municipal district; and
- Take into account the impact of the proposal on the surrounding municipal districts.

Any submission by Council must be lodged with the VCGLR within 60 days after Council receives notice of the application (or a copy of the amended application).

Clause 22.06 Gaming Policy, Maribyrnong Planning Scheme

Under clause 52.28 of the Maribyrnong Planning Scheme a planning permit is required to install or use EGMs.

To assist decision makers in the exercise of discretion to grant a permit under clause 52.28, Council has developed and implemented clause 22.06, Council's local policy on gaming.

This policy applies to all planning applications to install or use a gaming machine or use of land for gaming. It sets out appropriate areas and sites where EGMs should be located and where they are discouraged from location together with planning permit application requirements (Maribyrnong Planning Scheme 2021).

However, under the Clause 52.28-4, a permit is only required to install or use an EGM if:

- The EGM is in an approved venue under the *Gambling Regulation Act 2003* on 18 October 2006 and
- The maximum number of EGMs for the approved venue on 18 October 2006 is not exceeded.

This means that Clause 22.06 will only apply to new venues in the City of Maribyrnong as the existing venues were approved prior to 2006 (Victorian Planning Provisions, Planning Scheme 2021, p 654).

Gambling Regulations 2015

The *Gambling Regulation Act 2015* prescribes detailed regulations on the operation of different forms of gambling, including gaming machines, wagering and betting, trade promotion lotteries, raffles and bingo.

Some of the key areas that the regulations address include the following:

Signage and advertising

This includes the following:

- Prohibiting the use of directional signs to gaming rooms inside venues and outside in carparks
- Specifications for gambling signs outside of venues, which must be plain and not include any corporate logos associated with the gaming venues.

Cashless Gaming

Amendments were made to the Gambling Regulations in 2019 introduced cashless gaming for all venues with EGMs in Victoria. EGM players must now use a cashless gaming card to play. These cards contain information about balances on the card and the time and date of transactions.

Display information on EGMs

This includes the following:

- The time of day must be accurately displayed on the EGM or on a device attached to a gaming machine.
- EGMs must display correct information about games being played by users.

Gambling Regulation (Pre-commitment and Loyalty Scheme) Regulations 2014

The Gambling Regulation (Pre-commitment and Loyalty Scheme) Regulations 2014 prescribe matters in relation to pre-commitment and the conduct of loyalty schemes at gaming machine venues, including the casino.

Under these regulations, the Victorian Government has established Your Play – Victoria’s Pre-commitment scheme which allows EGM Players to voluntarily set limits of time or money spent and track their gaming machine play across Victoria.

In 2019, the Victorian Department of Justice and Community Safety commissioned an evaluation of Your Play, which was undertaken by the South Australian Centre for Economic Studies.

The evaluation report found that the usage of Your Play in venues with EGMs, was very low. The report found that in 2017/18 YourPlay cards were used in sessions amounting to 0.01% of gaming machine turnover in Victorian hotels and clubs (Department of Justice and Community Safety 2019).

Interactive Gambling Act 2001

The *Interactive Gambling Act 2001* regulates online sports betting and online wagering in Australia from licensed providers. However, it prohibits the provision of other forms of online gambling such as gaming machines and casino games.

The Act defines online gambling as any gambling that is conducted using digital technology to engage in gambling with a remote provider.

Casino Control Act 1991

Crown Casino is regulated under the *Casino Control Act 1991*. Crown Casino is also regulated under the following Acts and Regulations:

- Gambling Regulation Act 2003
- Casino (Management Agreement) Act 1993
- Gambling Regulation (Pre-commitment and Loyalty Scheme) Regulations 2014
- Gambling Regulations 2015
- Gambling Regulation (Premium Customer) Regulations 2011
- Casino Control (Fees) Regulations 2015
- Liquor Control Reform Act 1998

Local Government Act 2020

The *Local Government Act 2020* outlines overarching governance principles and supporting principles, which are follows:

- A Council must in the performance of its role give effect to the overarching governance principles.
- The following are the overarching governance principles:
 - Council decisions are to be made and actions taken in accordance with the relevant law;
 - priority is to be given to achieving the best outcomes for the municipal community, including future generations;
 - the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
 - the municipal community is to be engaged in strategic planning and strategic decision making;
 - innovation and continuous improvement is to be pursued;
 - collaboration with other Councils and Governments and statutory bodies is to be sought;
 - the ongoing financial viability of the Council is to be ensured;

Public Health and Wellbeing Act 2008

Under this Act, the function of a Council is to seek to protect, improve and promote public health and wellbeing within the municipal district and to apply the 'precautionary principle' to preventing and controlling public health risk.

Council Plan 2021-2025 (Incorporating the Municipal Public Health and Wellbeing Plan)

The Council Plan 2021-2025 guides the planning, development, resourcing and provision of services to the community over a four year period. Reviewed annually, to consider emerging community needs, this Council Plan aims to ensure the organisation is progressive, dynamic and committed to the City of Maribyrnong.

Strategic Objectives

Safe Climate and Healthy Environment - Council will proactively identify opportunities to support a return to a safe climate and healthy environment and work with our community to respond to climate emergency challenges.

Liveable Neighbourhoods - Council will partner with its community to provide and advocate for integrated built and natural environments with access to open spaces that are well maintained, accessible and respectful of the community and neighbourhoods.

A Place for All - Council will provide well-planned neighbourhoods and a strong local economy, delivering services that are inclusive and accessible to the whole community, and that support wellbeing, healthy and safe living, connection to the community, and cultural interaction.

Future Focussed - Council will plan and advocate for new infrastructure and safe, sustainable and effective transport networks and a smart innovative city that encourages and supports new generations to thrive.

Ethical Leadership - Council will proactively lead our changing City using strategic foresight, innovation, transparent decision making and well-planned and effective collaboration and community engagement to support community and economic growth during the ongoing challenges of the pandemic and beyond.

Human Rights and Social Justice Framework 2017-2021

The purpose of the Human Rights and Social Justice Framework is to provide a foundation for Council's commitment and actions to protect human rights and promote social justice in the City of Maribyrnong community. It aligns with the vision, principles and values of the Council Plan 2017-2021 and will apply to all of Council's laws, policies, programs and services.

The framework has four key pillars:

1. Compliance: Upholding the *Charter of Human Rights and Responsibilities Act 2006* and other legislation relating to human rights.
2. Culture: Developing a culture of understanding of human rights and social justice across Council to support local communities.
3. Advocacy: Advocating to reduce discrimination and disadvantage, and improve health and wellbeing in the municipality.
4. Practice: Promoting equity of access to the municipality's services and public places.

Charter of Human Rights and Responsibilities Act 2006

The *Charter of Human Rights and Responsibilities Act 2006* (the Charter) is a law that sets out the basic rights, freedoms and responsibilities of all people in Victoria. It is about the relationship between government and the people it serves.

The Charter lets the Victorian community know about which rights the Victorian Government will protect, how it intends to do this, and what the consequences are for failing to do so. It gives public authorities rules and a framework within which to operate, and the community a language and principles with which to engage public authorities.

Public authorities such as councils, police, hospitals and public schools must consider these rights when making decisions, creating laws, setting policies and providing services. The Charter provides a framework to assess actions by a public authority that may limit human rights.

Gender Equity Strategy – Towards Gender Equity 2030

The vision of Towards Gender Equity 2030 is that all people in Maribyrnong flourish and live free from violence and discrimination and have equal status, rights, opportunities, representation and respect regardless of their gender.

The strategy has six objectives:

1. Ensure that our services are equipped to respond effectively to violence against women and family violence.
2. Work alongside the community to prevent gender based violence and normalise gender equality in public and private life.
3. Increase women's independence and role in decision making.
4. Ensure that the development of policy and programs and services considers the specific impacts of gender inequity on health, wellbeing and safety.
5. Increase the number of safe-equitable facilities and public environments to facilitate equal participation in community and civic life.
6. Take steps to be a safer and more gender equitable organisation.

Family Violence Protection Act 2008

The *Family Violence Protection Act 2008* includes a range of initiatives to better protect those who are subject to family violence, usually women and children, and to make perpetrators accountable for their actions.

Appendix 3: References

- Browne, M., Greer, N., Armstrong, T., Doran, C., Kinchin, I., Langham, E., et al. (2017), The Social Cost of Gambling to Victoria. Melbourne: Victorian Responsible Gambling Foundation.
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- Maribyrnong Planning Scheme (2021), <https://www.planning.vic.gov.au/schemes-and-amendments/browse-planning-scheme/planning-scheme?f.Scheme%7CplanningSchemeName=maribyrnong>
- Victorian Department of Justice and Community Safety (2019), Evaluation of Your Play Final Report, Commissioned by the South Australian Centre for Economic Studies, University of Adelaide.
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