

**Reducing Harm from Gambling Policy 2016-2020**

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Introduction

Gambling in Victoria is lawfully provided through electronic gaming machines located in hotels, clubs and the casino, wagering (racing and sports betting), lotteries, keno and bingo, as well as by casino table games. In recent years there has also been a significant increase in online gambling through online wagering.

The suite of policy and regulatory responses over the past decade have had mixed outcomes especially with regards to protecting problem gamblers, and vulnerable local communities. Electronic Gambling Machines (EGMs) are the most dominant source of gambling losses in Australia and these losses have been most acute and sustained in Maribyrnong since their introduction. Maribyrnong per capita losses on EGMs are among the highest in Victoria.

Local Government has an important role in managing the social, economic and health impacts of gambling in local communities, particularly for electronic gaming machines. This role is supported in the Victorian Local Government Act 1989, which requires Councils to provide the best outcomes for the community, while having regard for the long term and cumulative effects of decisions. Maribyrnong City Council is also required to protect and promote health and wellbeing under the Victorian Public Health and Wellbeing Act 2008 and apply the ‘precautionary principle’[[1]](#footnote-1) to preventing and controlling public health risk.

Furthermore Maribyrnong City Council has a statutory responsibility to assess the impacts of EGMs in their municipality under the Victorian Gambling Regulation Act 2003 and Victorian Planning and Environment Act 1987, and have the option to respond to applications to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) in their municipality.

In 2011, Council adopted its previous Gambling Policy which outlined Council actions for managing gambling within the public policy and gambling industry context of Victoria and Maribyrnong.

This 2016-2020 policy builds on the previous document and provides Council’s position on reducing the harms from gambling and the actions that Council will undertake to promote the public health and wellbeing of residents and visitors and protect and grow the prosperity of the City of Maribyrnong.

Responsibilities

* + Community Infrastructure and Social Development
	+ Communications and Engagement
	+ City Business
	+ City Strategy
	+ Planning Services
	+ Recreation
	+ Aged and Diversity
	+ Family and Community Services

Purpose

This purpose of this policy is to outline Council’s position on preventing and reducing the negative impacts of gambling and the actions that Council will undertake to support its position.

The Policy aims to:

1. Reduce the harmful impact of gambling on communities and individuals in the City of Maribyrnong.
2. Support the public health and wellbeing of residents and visitors of the municipality.
3. Protect and grow the prosperity of the City of Maribyrnong.

Scope

This policy:

1. Provides information on gambling in Victoria and the City of Maribyrnong and an analysis of the causes and impacts of problem gambling through a background paper at Appendix 1.
2. Focuses mainly but not exclusively on electronic gaming machines due their significant contribution to losses from gambling in the community. The scope does address gambling in general in recognition of the diversity of gambling options and the predicted growth of new forms such as online gaming.
3. Aligns with Council’s legislative duties and powers under the Local Government Act 1989, the Public Health and Wellbeing Act 2008, the Victorian Gambling Regulation Act 2003 and the Victorian Planning and Environment Act 1987.
4. Aligns with key Council policies including the Council Plan 2013-17 (incorporating the Health and Wellbeing Plan), the Human Rights and Social Justice Framework 2013-2016 and the Revitalising Braybrook Strategy and Action Plan 2013-2015.

Policy Statement

As a leader, partner, advocate, decision maker, service provider, and planner Council identifies that community health and wellbeing is a long term investment. Council therefore has a key role in creating and improving the physical, social, natural, cultural and economic environments that keep people and communities well now and into the future[[2]](#footnote-2).

Council recognises that whilst gambling is a legal activity, problem gambling causes social and economic harms to individuals, families and communities making it a significant public health issue. The Council is therefore committed to prevent and reduce the harm and minimise the negative impacts of gambling to the City of Maribyrnong community.

Council’s framework for action will focus on advocacy, research, engagement and legislation and be delivered in partnership with our community, local stakeholders and gambling venues operators.

Policy Commitments:

In achieving the aims of this policy, Maribyrnong Council commits to:

1. Advocate for changes to Victorian and Commonwealth legislation and policies that contribute to, increase or entrench harm derived from gambling.
2. Promote and raise awareness of Council’s advocacy activities within the local community and stakeholder organisations.
3. Support engagement activities that encourage the prevention and management of all forms of harm derived from gambling in the community.
4. Inform the community on the programs and services available to assist problem gamblers.
5. Utilise relevant legislation, in particular the Maribyrnong Planning Scheme Clause 22.06 (Local Planning Policy) to reduce the negative impacts of gambling on the City of Maribyrnong community.
6. Thoroughly assess the social and economic impacts for each gaming licence application to the VCGLR.
7. Oppose any increase in the cap of 511 EGMs and advocate for a decrease in EGM’s in the City of Maribyrnong.
8. Oppose any increase in density or relocation of EGMs in areas with high levels of social and economic disadvantage, such as Braybrook.
9. Prohibit any new gaming proposals on Council owned or managed land or facilities including reserves and sporting venues.
10. Not provide financial support to venues with electronic gaming machines.
11. Maintain independence from the gambling industry and accordingly not accept financial or in kind contributions from gaming operators.
12. Prohibit access to online gambling at all Council provided or supported internet public access points.
13. Oppose gaming license applications in neighboring municipalities should it consider they may have a negative impact on City of Maribyrnong residents.

Framework For Action

Maribyrnong City Council commits to undertake the following actions in support of the policy:

**1.Advocacy**

Council regularly advocates for policy and legislative changes that encourage the responsible provision of gambling and take account of the social and economic impacts of gambling on the Maribyrnong community.

In particular, Council will continue to engage with the Australian and the Victorian Governments for better and more effective regulation and management of EGM gambling through its participation in the National Alliance for Gambling Reform, Local Government Working Group on Gambling and other key stakeholder advocacy groups, with a view to reducing its harms to the greatest possible degree.

To support Council’s policy implementation and enhance its advocacy efforts, Council has developed a dedicated Council Gambling Advocacy Campaign 2015/16, which was adopted by Council in August 2015. A copy of the Gambling Advocacy Action Plan is at Appendix 2.

The key messages from the Gambling Advocacy Campaign include the following:

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| 1.1 | Advocate to State Government for the introduction of a $1 maximum bet limit forEGMs with a maximum $120.00 limit per hour. This should be phased in over a period of five years commencing as soon as possible. |
| 1.2 | Advocate to the State Government to reduce EGM caps in disadvantaged areas, such as Braybrook, which has an EGM density of 15 per 1000 adults. |
| 1.3 | Advocate to the State Government to give Council 90 days to consider applications to the VCGLR by gaming venues to increase the number of gaming machines. |
| 1.4 | Advocate to the State Government to provide clear direction and definition for the determination of community benefit for EGM applications |
| 1.6 | Advocate to the State Government to amend the definition of what is classified as community benefit associated with community benefit statements. The definition should be restricted to genuine philanthropic organisations or charities as defined by tax deductable status or grass routes activities.  |
| 1.5 | Encourage the State Government to provide greater transparency in the distribution of the State Government Community Support Fund on a municipal basis. |
| 1.7 | Advocate to the State Government to amend the Victorian Planning Provisions to prohibit or discourage the opportunity for the co-location of residential dwellings in gaming venues. |
| 1.8 | Advocate to the Commonwealth Government for changes to the *Interactive Gambling Act 2001* to strengthen regulation of online gambling and associated advertising.  |

**2. Engagement**

As part of the Gambling Advocacy Campaign, Council will continue to support engagement activities that help prevent harm caused by gambling and support problem gamblers and their families.

**Engagement actions:**

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| 2.1 | Promote the key messages of the National Alliance for Gambling Reform to the City of Maribyrnong community. The Alliance seeks to campaign for reforms to the gambling industry to reduce harm from gambling. |
| 2.2 | Support and promote gambling prevention programs such as ReSPIN Gambling Awareness Speakers Bureau and HealthWest Reducing Gambling Frequency Project. |
| 2.3 | Provide information to the local communities about gambling prevention programs and tools such as the Quit Pokies App and the Bet Regret Campaign. |
| 2.4 | Promote Responsible Gambling Awareness Week programs across the City of Maribyrnong.  |
| 2.5 | Attend forums that promote the prevention of harm from gambling, such as the VLGA Local Government Working Group on Gambling and the MAV Local Government Gambling, Alcohol and Other Drugs Issues Forum. |

**3. Research**

Council will support ongoing research into developments in the gambling sector at a local, Victorian and national level. This will involve research into the social and economic impacts of gambling, changes in the local gambling market, and policy and regulatory developments in the gambling sector in Victoria and across Australia. This research will help inform Council’s ongoing regulatory and advocacy role in relation to the gambling sector in Maribyrnong.

**Research Actions:**

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| 3.1 | Include a question in Council’s Annual Community Survey on the impacts of gambling in the City of Maribyrnong community. |
| 3.2 | Support research projects on the harmful impacts of gambling being undertaken by the Victorian Responsible Gambling Foundation, the Australian Gambling Research Centre, universities and other research organisations. |
| 3.3 | Collaborate with other western and northern region Council on research projects and submissions to government inquiries, which focus on the harmful impacts of gambling to local communities. |

**4.Legislation**

Council will utilise relevant legislation, in particular the Maribyrnong Planning Scheme Clause 22.06 (Local Planning Policy) to reduce the negative impacts of gambling on the City of Maribyrnong community.

There are four key pieces of legislation that relate to the management of gambling by Local Government, They are: the Local Government Act 1989, the Public Health and Wellbeing Act 2008; the Gambling regulation Act 2003; and the Planning and Environment Act 1987. There is also the Interactive Gambling Act 2001 which regulates online gambling in Australia.

Key Stakeholders

* City of Maribyrnong community
* Municipal Association Victoria
* Victorian Local Government Association
* Victorian Responsible Gambling Foundation
* Australian Gambling Research Centre
* Health West
* All internal Council departments that have an responsibility in gambling

Related Legislation

* Gambling Regulation Act 2003 (the Act)
* Planning & Environment Act 1987
* Victorian Charter of Human Rights and Responsibilities 2006
* The [Public Health and Wellbeing Act 2008](http://www.lgam.info/victorian-public-health-and-wellbeing-act-2008)
* Casino Control Act 1991 and the Casino (Management Agreement) Act 1993.
* Gaming Machine Control Act 1991
* [Interactive Gambling Act 2001](http://www.comlaw.gov.au/Details/C2014C00255/545162e0-b8df-4690-8ce0-1463a047de55) *(*Commonwealth)

Related Documents

Council documents:

* Gambling Advocacy Campaign 2015/16
* Maribyrnong Planning Scheme Clause 22.06 Gaming (Local Planning Policy)
* Maribyrnong City Council Plan 2013-2017
* Human Rights and Social Justice Framework 2013-2016
* Revitalising Braybrook Strategy and Action Plan 2013-2015

Review of Policy

The policy will be reviewed four years from the date of approval, or whenever Council determines that there is a need to amend the policy.

Definitions

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| **Term** | **Definition** |
| **Gambling**  | An entertainment based on staking money on uncertain events driven by chance, with the potential to win more than staked, but with the ultimate certainty that gamblers as a group will lose over time. Legal gambling in Australia may take many forms including on and off course bookmakers, the TAB, casinos, gaming machines, instant lottery, interactive gaming, Keno, lotteries, lotto, pools and sports betting[[3]](#footnote-3) |
| **Gaming or EGMs** | A form of gambling using Electronic Gaming Machines (EGM) otherwise known as pokies |
| **Community net benefit** | Under Clause 11 of the Planning and Environment Act 1987, it is the State Governments expectation that planning and responsible Authorities will endeavour to integrate the range of policies relevant to the [gambling] issues to be determined and balance conflicting [individual] objectives in favour of net community benefit ( economic, social and physical) and sustainable development. |
| **Public Health & Wellbeing Act 2008** | The Act requires each council to create Municipal Health & Wellbeing Plans to protect and promote health and wellbeing including taking steps to prevent and control public health risks |
| **Gambling Harm** | A broad term used to describe the adverse health, social and economic consequences of gambling behaviour for individuals, families, and communities. |
| **Gambling Regulation Act 2003** | Consolidates the law relating to gambling in Victoria, and prescribes the process for the installation of EGMs. The Act confers power to theVictorian Commission for Gaming & Liquor Regulation to grant the approval of premises as suitable for gambling and making amendments to venue operator’s licence. |
| **Gambling venues** | Refers to licensed clubs and hotels in which electronic gaming machines are located and where other forms of gambling may also be situated. |
| **Harm minimisation** | Aims to address addictive issues by reducing the harmful effects on individuals and society |
| **Gaming Expenditure** | Relates to the overall amount of money expended on electronic gaming machines, [http://www.vcglr.vic.gov.au/home/resources/data+and+research/data/](https://webmail.mornpen.vic.gov.au/owa/redir.aspx?C=KBNa53b8K0WMJxCG3RKFDPkRKPsrxdEInpGgMi8Ls1Nlpaw2BciK1e-GyiWtSXxn2325f4kAvqg.&URL=http%3a%2f%2fwww.vcglr.vic.gov.au%2fhome%2fresources%2fdata%2band%2bresearch%2fdata%2f) |
| **Local Government Act 1989** | Confers a role on local government to represent the needs and advocate on behalf of the local community. Local councils can represent the community be submitting a social and economic impact assessment statement to the VCGLR. However local government powers in respect to control over the operation of gaming machines within the municipality are limited by State Government legislation. Providing land use requirements are satisfied, local government is largely restricted to acting as an advocate for the community. |
| **LGWGOG** | Local government working group on Gambling |
| **MSS** | Municipal Strategic Statement |
| **MPPS** | Maribyrnong Planning Scheme which is created under the Planning and Environment Act 1987 and provides the framework for the assessment of planning applications. |
| **Planning & Environment Act 1987** | Gives Councils the framework to determine a planning application for the installation and/or use of an EGM. Consideration must be given to the social & economic impact of the use and development of the land and appropriateness of the location. |
| **Problem gaming** | Problem gambling is characterised by difficulties in limiting money and/or time spent on gambling which leads to adverse consequences for the gambler, others, or for the community. [http://www.responsiblegambling.vic.gov.au/](https://webmail.mornpen.vic.gov.au/owa/redir.aspx?C=KBNa53b8K0WMJxCG3RKFDPkRKPsrxdEInpGgMi8Ls1Nlpaw2BciK1e-GyiWtSXxn2325f4kAvqg.&URL=http%3a%2f%2fwww.responsiblegambling.vic.gov.au%2f)The Productivity Commission Inquiry into Gambling report estimates problem gamblers account for between 22-60 per cent (with an average of 41 per cent) of total expenditure from EGMs in Australia. Moderate risk gamblers are estimated to account for an additional 20 per cent of EGM expenditure. |
| **Regional caps** | Determination by the Victorian Commission for Gambling and Liquor Regulation of the Maximum Permissible Number of Gaming Machine Entitlements under which gaming may be conducted in Capped Regions[[4]](#footnote-4) or the maximum permissible number of [gaming machine entitlements](https://webmail.mornpen.vic.gov.au/owa/redir.aspx?C=KBNa53b8K0WMJxCG3RKFDPkRKPsrxdEInpGgMi8Ls1Nlpaw2BciK1e-GyiWtSXxn2325f4kAvqg.&URL=http%3a%2f%2fwww.austlii.edu.au%2fau%2flegis%2fvic%2fconsol_act%2fgra2003190%2fs1.3.html%23gaming_machine_entitlement) under which [gaming](https://webmail.mornpen.vic.gov.au/owa/redir.aspx?C=KBNa53b8K0WMJxCG3RKFDPkRKPsrxdEInpGgMi8Ls1Nlpaw2BciK1e-GyiWtSXxn2325f4kAvqg.&URL=http%3a%2f%2fwww.austlii.edu.au%2fau%2flegis%2fvic%2fconsol_act%2fgra2003190%2fs9a.1.1.html%23gaming) may be conducted in a region of the State determined and in force under section 3.4A.5(3A) |
| **VCGLR** | Victorian Commission on Gaming and Liquor Regulation |

1. If a public health risk poses a serious threat, lack of full scientific certainty should not be used as a reason for postponing measures to prevent or control the public health risk. [↑](#footnote-ref-1)
2. MCC Council Plan 2013-17, Wellbeing Commitment, pg 10 [↑](#footnote-ref-2)
3. <http://www.audit.act.gov.au/auditreports/reports2012/Report%201_2012%20Monitoring%20and%20minimising%20harm%20caused%20by%20problem%20gambling%20in%20the%20ACT.pdf> [↑](#footnote-ref-3)
4. http://assets.justice.vic.gov.au/vcglr/resources/1496ff64-1a85-4d3a-97be-87552a7ad848/ministerial\_direction\_regional\_caps\_2012.pdf [↑](#footnote-ref-4)