



Banyule City Council

Gambling Policy –

Gambling Reduction &

Harm Minimisation

2019-2022

INTRODUCTION

Gambling can be defined as the wagering of money or something of value on an uncertain event that is dependent on chance, or partly on chance and partly on skill.

Australians spend more on gambling per head than any other country in the world with \$23.64 billion in total gambling losses in 2016-2017¹. In the previous financial year, Australians were spending \$1100 per annum per person on gambling. The next highest losses were in Singapore (\$800 per person) and then Ireland (\$600 per person). Australia has 20% of the world's poker machines as compared with 0.3% of the world's population². Poker machines are the source of over two thirds of total gambling losses. Poker machines in hotels and clubs are the source of almost half of these total losses.

The total gambling expenditure in Victoria was \$5.4 billion in 2016/2017, with more than half of this spent on poker machines¹. People who identify as having a gambling problem have high gambling participation in the following six activities: electronic gambling machines (EGMs), also known as poker machines or pokies; race betting; sports betting; casino table games; private betting; and poker³.

In Banyule, during 2017-2018, EGM losses totalled more than \$58.5 million⁴. This was an increase of more than \$2.7 million from the 2016-2017 financial year⁵.

Gamblers in low-income households spend a greater proportion of their household's total disposable income on gambling than high-income households (10% v 1%), and those who experience harm from gambling from low-income households spend 27% of their disposable income on gambling³.

The prevalence of gambling advertising on all social media and advertising platforms has increased during the past three years. This has seen an increase in losses in gambling venues and alternative gambling avenues such as sports betting, online gambling and lotteries.

GAMBLING POLICY POSITION

Banyule City Council recognises the destructive impacts that gambling has on our community and is committed to minimising these harms, and progressively reducing all forms of gambling within our city.

Banyule City Council will:

1. Actively work to reduce adult financial losses from gambling in Banyule.
2. Ban the use of Council Wi-Fi for online gambling.
3. Ban any form of advertising for gambling on Council owned and operated facilities.
4. Inform the community on programs and services available to prevent harm from gambling.
5. Advocate to the State Government on reforms in the gambling landscape.
6. Partner with the local government networks, and community organisations such as the Alliance for Gambling Reform to utilise their expertise in broader advocacy issues.
7. Support community based organisations in Banyule that generate some of their income from gambling activity to reduce their reliance on gambling income streams.
8. Meet its requirements as a responsible authority in accordance with the *Planning and Environment Act 1987*.

POLICY OBJECTIVE

Banyule City Council acknowledges that gambling is a legal activity and advocates for a society where the social and financial impacts of gambling no longer cause harm in our society.

This Policy Statement outlines Banyule Council's position on gambling related matters, although the main focus is upon minimising the harms associated with gambling, particularly electronic gambling machines (EGMs) within Banyule and in close proximity to our municipality. This policy guides how the Council will respond to applications for new venues with EGMs, additional machines and transfers of machines between venues. The Policy also guides how Council will work towards reducing gambling within the municipality, and Council's response to other gambling related matters.

To reduce harm from gambling, Banyule City Council applies a public health approach. Council will work in partnership with the community, service providers and gambling venue operators towards reducing harm from gambling activities. An evidence-based approach to planning, regulation, advocacy and community education will seek to reduce the negative impacts of current and emerging forms of gambling.

Council recognises that EGMs are legal technologies used at least occasionally by 20 – 25 % of Banyule residents. Council is concerned about their potential to harm those at risk of harm from gambling. Advocacy for enhanced consumer protection measures for poker machine users is therefore a central policy objective.

BACKGROUND

This Policy Statement has been developed in line with Part 1A—Local Government Charter of the Local Government Act 1989 and in line with current State Government Policy, Legislation and Victorian Planning Provisions (VPP's).

THE COUNCIL'S INFLUENCE

All forms of gambling can lead to a range of complex social issues, and local governments are well placed to take a range of actions to minimise the harm from gambling. Banyule City Council identifies and acknowledges that it has a number of roles around minimising harm from gambling, and EGMs in particular, which include:

- **Responsible authority** - in accordance with the Planning and Environment Act 1987, in deciding on applications for planning permits;
- **Site, premises or land owner/manager** - in situations where gambling venues are already established or proposed to be situated, are owned, managed or vested in the authority of Banyule City Council;
- **The referral authority** - where an application for planning permit is made within a neighbouring municipality (Darebin, Yarra, Boroondara, Manningham, Nillumbik and Whittlesea) and is referred to Banyule City Council for comment;
- **Key stakeholder and community advocate** - during times of government review or alternative mechanisms involving community consultation and community advocacy.

This Policy therefore has gambling reduction and harm minimisation from EGMs as its main focus, whilst also acknowledging other forms of gambling.

ELECTRONIC GAMBLING MACHINES

EGMs can be found in clubs and hotels within Banyule. The community building role that 'not for profit' clubs play within our community is recognised, while balanced against the backdrop of the negatives associated with gambling harm.

In Victoria, losses from EGMs totalled \$3.2 billion in 2017-2018⁶. There are 635 EGMs across the municipality, which equates to 6.25 per 1000 adults⁵. During 2017-2018, EGM loss totalled more than \$58.5 million for Banyule alone⁴. This was nearly a 5% increase on the loss from the previous financial year⁵. Australian research also shows that people for whom welfare payments formed their main source of income are over-represented amongst people who use EGMs³. As well as there being a strong relationship between EGM losses and social disadvantage, the density of EGMs available also impacts on the financial level of loss, and the highest mean annual EGM losses occur in the most disadvantaged areas, where the density of EGMs is also the highest⁷.

In each situation the application or proposal to increase numbers of EGMs will be assessed on its own individual merits, based on the proponent's ability to demonstrate no net community harm. As this will be evidenced by the proponent's Social Economic Impact Assessment (SEIA), each proposal is expected to be accompanied by a SEIA.

POLICY DIRECTIONS

The following Policy Directions will guide Banyule City Council when determining an application or matters directly associated with EGMs and other forms of gambling:

RESPONSIBLE MANAGEMENT OF EGM DENSITY AND REDUCING GAMBLING LOSSES

Gambling is recognised as a legal activity, however it is acknowledged that local government has a responsibility to explore approaches to prevent and reduce harm from gambling in our community.

The introduction of mandatory and systematic management programs by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) is supported. For example, Banyule City Council supports capping the number of EGMs in the municipality, particularly in areas where community indicators represent higher levels of vulnerability as the most disadvantaged communities incur the highest gambling losses. In areas where greater vulnerability is identified, Banyule City Council will advocate to decrease EGM numbers.

In 2017, the cap for Heidelberg West was extended by the Minister for Consumer Affairs, Gaming and Liquor Regulation to include the suburbs of:

- Bellfield
- Bundoora
- Eaglemont
- Heidelberg
- Heidelberg Heights
- Heidelberg West
- Ivanhoe
- Ivanhoe East
- Rosanna
- Watsonia
- Watsonia North

Banyule Council also advocates and supports the extension of the cap to include the suburb of Greensborough.

While the extension of the capped area is supported, it also recognised that considerable harm occurs within the existing EGM numbers, thus further actions are required to reduce harm at existing EGMs numbers within the capped areas. This remains even with forecasted population growth, particularly within and surrounding the 3081 postcode area, due to the harm EGMs causes within vulnerable communities.

It is also recognised that the potential for negative impacts on our community is not solely related to the number of EGMs within Banyule, but also relates to access to gambling machines within a 5km radius of Banyule's municipal borders.

All EGM applications will be considered against their ability to demonstrate comparative community benefit. Any increase in EGMs would be of particular concern and will be opposed where a negative impact can be reasonably anticipated.

The transfer of EGMs between venues will not be supported in situations where the potential for a negative social impact is demonstrated, including when the transfer will result in the concentration of EGMs in areas of vulnerability, as identified by the Socio-Economic Indexes for Areas (SEIA) and other relevant indicators of health and wellbeing disadvantage.

Collaboration with neighbouring and other Councils, State and Federal Governments, and proprietors to ensure best practice gambling operations is supported. Banyule will support evidence informed measures to reduce gambling harm, such as reducing the operating hours of venues, reducing the bet limit per spin, removing the addictive features of machines, and lowering the daily cash out EFTPOS limit at venues.

SUPPORTING THOSE AFFECTED BY GAMBLING HARM

It is acknowledged that harm from gambling is a complex social issue, which requires a series of interrelated interventions. Gambling harm has personal, financial, family, legal and employment consequences. Approximately 80% of gamblers seeking gambling assistance use EGMs⁵, and approximately half of the participants categorised as moderate risk of, or experiencing harm from gambling, indicated that EGMs made the largest contribution to their gambling problems⁸.

Research from the Victorian Responsible Gambling Foundation in July 2017 found that nearly 9% of Victorian adults are low-risk gamblers, and that low-risk and moderate-risk gamblers do experience harm. In fact, they account for 85% of people experiencing harm from gambling in Victoria⁹.

In recognition of the harms experienced by even low-risk and moderate-risk gamblers, Council will discourage Council related use of venues with EGM's.

Council will promote the availability of locally accessible support services for gamblers experiencing harm, together with inclusive community support services for citizens adversely affected by gambling.

The mandatory subscription of the gambling industry to the State Government managed, best-practice responsible gambling and harm minimisation principles is also supported by Council.

Council will also advocate for all information and resources to be made available, particularly in relation to Gamblers Help, in all relevant languages and in formats suitable for people with disabilities i.e. large print, braille, audio and easy to understand English.

UNDERSTANDING THE SOCIAL AND ECONOMIC IMPACTS OF GAMBLING

A Social and Economic Impact Assessment (SEIA), will be required to be provided with all applications for additional EGMs or new Electronic Gambling venues. The SEIA will be prepared by a suitably qualified practitioner and will incorporate a report that demonstrates appropriate community engagement has been undertaken.

A SEIA involves a process for managing potential outcomes of a proposal, more than the delivery of a report as an outcome in itself. It is not just about demonstrating awareness of potential changes but more so, what is proposed to be done to manage those anticipated changes. The aim of a SEIA is to demonstrate a proponent's commitment and ability to do no harm, or at least an ability for managing the changes anticipated to produce less harm. Council will discourage new machines in disadvantaged areas as defined by the SEIFA index of relative disadvantage.

Strength for Council's authority to request a SEIA is offered by Sections 4(2)(c) and (2)(d) of the Planning and Environment Act 1987 which sets out the objectives of the planning framework established by the Act and enables the integration of environmental, social and economic policies in land use and development planning. In addition, Section 60(1A)(a) of the Act allows the Council as the Responsible Authority to consider "any significant social and economic effects of the use or development for which the application is made".

According to the Gambling Regulation Act, the Victorian Commission for Gambling and Liquor Regulation (VCGLR) must not grant an application for approval of premises as suitable for gambling unless it is satisfied that the net economic and social impact of approval will not be detrimental to the wellbeing of the community in the municipality in which the premises are located.

Proponents will be expected to demonstrate a considered planning approach to internal venue design, with clearly defined activity separation and compatible land uses within and external to the building envelope.

Banyule City Council supports responsive social and recreational policies which encourage proponents for new EGM venues to demonstrate sustainable and adaptive building construction principles that will provide opportunities for the venue to cater for a range of alternative recreation uses in the future. Council will aim to ensure that the location, design and operation of a gambling machine premises minimises the social and economic impacts caused by gambling machines and delivers a net community benefit.

Council will complete a SEIA for each EGM licence application. The following factors will be considered to determine whether or not there will be harm caused by the application on the health, social and economic wellbeing of the community:

- The degree of the density of gambling venues and EGMs in the local area (5.0 km radius);
- Whether the relocation of EGMs would result in a reduction of EGMs in an area of socio-economic disadvantage;
- The degree to which the community has choices of other types of recreational activities and entertainment facilities in the venue and the local area;
- The degree to which established social infrastructure, services and networks exist within the local area for community members to engage with for support when required; and
- The extent to which the applicant has demonstrated a commitment to the Industry Code of Practice for Responsible Gambling.

Furthermore, new gambling venues and additional EGMs should not be:

- In areas of relative socio-economic disadvantage.
- In strip shopping centres and shopping complexes.

- Where they are convenient to core retail areas, supermarkets, community facilities and services or bus interchanges where large numbers of pedestrians are likely to pass by in the course of their daily activities, increasing the likelihood of impulse decisions to play gambling machines.
- Within 400 metres of social security offices, welfare agencies, gambler support services, schools, kindergartens, childcare centres, medical or health centres, libraries, community halls, supported or special accommodation or social housing developments.

Council will oppose the transfer of machines within the municipality where a negative social and economic impact will result.

In relation to the economic effects of gambling, Council will be mindful that the Productivity Commission¹⁰ and Competition and Efficiency Commission¹¹ concluded that gambling losses displace expenditure from other sectors of the economy, with the result that employment generated by gambling is at least matched by job reductions in other industries, making the net economic contribution of the industry insignificant.

ADVOCACY, ADVICE AND ACTION

All decisions and advice provided by Banyule City Council in relation to matters of gambling will be made in accordance with this policy, the relevant provisions of the Banyule Planning Scheme and relevant implementation guidelines.

When an application for additional machines, new venues or transfers of machines between venues, is not supported, Banyule City Council will coordinate a submission to the Victorian Commission of Gambling and Licensing Regulation (VCGLR).

The VCGLR will continue to be lobbied as required to ensure the role and views of Banyule Council are considered.

The wellbeing of the community, in particular the impacts of harm from gambling will continue to be monitored and an understanding of the impact of gambling on our local community will be used to inform strategic action plans.

Banyule City Council will work with other Councils and like-minded organisations to advocate for evidence-based regulatory changes at state and national levels which reduce gambling harm and opportunity to participate in gambling activities. Examples of changes which have received support from the Productivity Commission, academic researchers, and the community are:

- A maximum \$1 bet limit per button push;
- Redesigning machines to remove addictive features such as losses disguised as wins, and 'near misses';
- Reducing venue operating hours;
- Creating a duty of care for venue operators;
- Limiting the daily EFTPOS cash out from venues to \$200; and
- Adopting the New Zealand model which gives Councils the capacity to retire machines permanently where a venue decides to surrender them.

Banyule City Council will also work with local partners and community groups to raise awareness about harm from gambling and promote harm reduction.

REFERENCE AND WORKING GROUPS AND PROCEDURAL GUIDELINES

An internal Council Working Group will oversee the development, implementation, and evaluation of an Action plan for this Policy Statement.

POLICY REVIEW AND REVISION

This Policy Statement will be reviewed within four years from the date of adoption or as triggered by changes to legislation, Government or Council policy direction, or in response to any other requirement which may trigger the need to do so.

Notional Policy Review date: 30th May 2022.

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