

# Gambling Harm Prevention and Minimisation Policy

FINAL VERSION

July 2024

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## **Acknowledgment of Country**

Cardinia Shire Council acknowledges the Bunurong and Wurundjeri people of the Kulin Nation as the traditional custodians of the land on which we work. Council pays its respects to elders past and present, recognising their continuing traditions, knowledge, language, and culture for over 65,000 years.

## **Acknowledgement of Gambling Harm**

Cardinia Shire Council acknowledges that whilst gambling is a legal activity, for some it can lead to harmful consequences, not only for the individual gambler, but also for their family, friends, and wider community. Harms associated with gambling can have significant health, social and economic impacts within Cardinia Shire.

Council's Household Liveability Survey 2023 found that residents experienced a variety of harms from gambling, both directly and indirectly.

According to the objectives set in the Victorian Government's *Gambling Regulation Act 2003*, gambling should be safe, fair, conducted honestly, free from exploitation, devoid of participation by minors, and delivered in a way that minimises harm from gambling.

It is acknowledged that the Victorian Gambling and Casino Control Commission (VGCCC) is responsible for regulating gambling activity in Victoria and that gaming venues have a regulated role in upholding the objectives of the *Act 2003* and ensuring the responsible operation of gambling in their venue.

## Purpose

The purpose of the Gambling Harm Prevention and Minimisation Policy is to outline Cardinia Shire Council's whole-of-organisation approach and commitment to minimising and preventing the health, social and economic impacts and harms associated with gambling in our community.

A key focus of this policy is to provide clear direction for Council's approach to assessing the social and economic impacts of electronic gaming machine (EGMs, also known as poker machines or pokies) applications, due to Council's role as the Municipal Authority under the *Gambling Regulation Act 2003* and the Responsible Authority under the *Planning and Environment Act 1987*.

This policy replaces Council's previous Responsible Gaming Policy 2005-2009 and takes a contemporary approach to ensuring social and economic impacts are considered and preventing and minimising gambling harm, where it is recognised as a public health issue.

## Scope

For the purpose of this policy, gambling relates to electronic gaming machines and betting. This policy does not cover lower risk gambling activities such as bingo and fundraising raffles.

This policy affects:

- Councillors and Council staff
- Council contracted service providers (i.e., libraries, leisure providers)
- Hotels and clubs seeking a new EGM licence or planning permit.
- Hotels and clubs seeking to increase the number, or transfer, of EGMs licences.
- Businesses, organisations, clubs, and other user groups who lease or manage council-owned land or facilities.

## Policy alignment

Cardinia Shire's Municipal Public Health and Wellbeing plan (Liveability Plan), alongside the Cardinia Planning Scheme (Scheme), provide the local policy framework to address the social and economic impacts of gaming machines and gambling-related harm within the municipality.

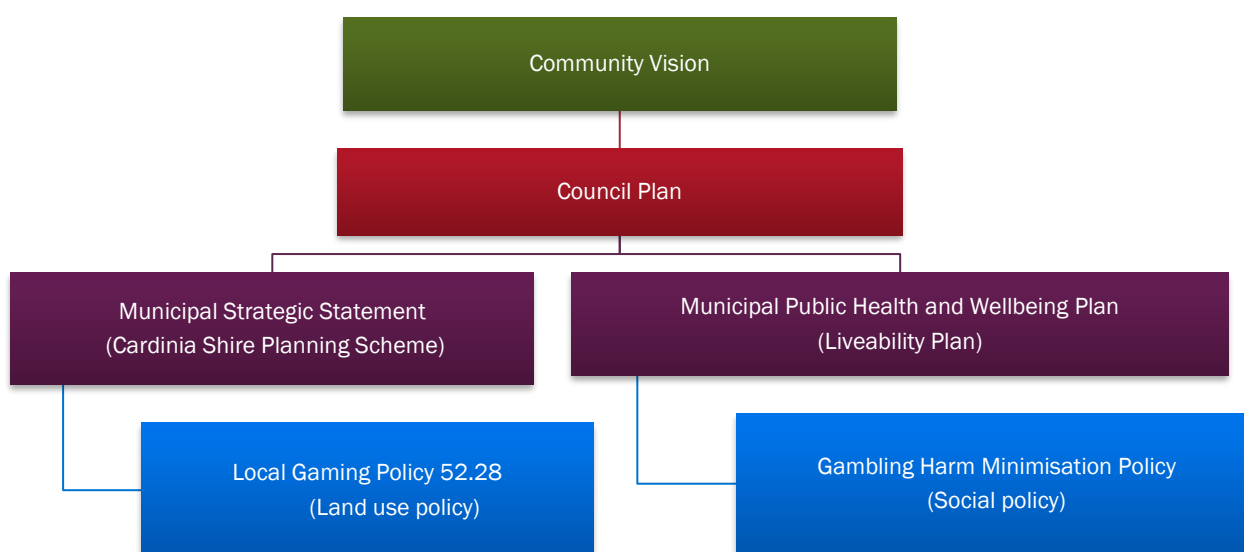


Figure 1. local policy context

## **Role of Council in gambling harm prevention**

Council acknowledges that gambling is a legal form of recreation and is associated with some benefits. However, there are also inherent risks for harm which can be prevented and minimised.

Council is concerned about the health, social and economic impacts and harms caused by gambling, particularly EGMs, on individual residents, their families, and the broader community.

Council's role in ensuring social and economic impacts are considered and preventing and minimising harm from gambling is set out under various legislation and is informed by local gambling data and community and stakeholder sentiment through consultation and engagement.

Council's role in respect of considering social and economic impacts and harm prevention and minimisation is summarised into four policy pillars:

### **Planning and regulation**

Council's goal is to ensure the municipality is planned in a way that achieves the best outcomes for the community, including for future generations. Under the *Local Government Act 2020* (LG Act), the economic and social sustainability of the municipality is to be promoted. Under the LG Act, regional, state, and national plans and policies are to be considered in strategic planning and decision making.

Under the *Gambling Regulation Act 2003*, Council is provided with the right to raise concerns about the social and economic impacts of EGM's in their municipality. This Policy outline's Council's role as the Municipal Authority under the *Gambling Regulation Act 2003* in weighing the social and economic impact of licence applications and making submissions to the Victorian Gambling and Casino Control Commission (VGCCC). Appendix A outlines a summary of the process Council follows when assessing the social and economic impact of EGM applications.

Council may also regulate gambling or the advertisement of gambling on council-owned land through other mechanisms such as local laws, lease and licence agreements and other related policy.

Under the *Planning and Environment Act 1987*, Council is the Responsible Authority for the assessment of planning permit applications to install and use EGM's and makes decisions based on policy within the Cardinia Planning Scheme. This includes a consideration of the social and economic impacts of the proposal.

Under the *Public Health and Wellbeing Act 2008*, Council has a responsibility to protect, improve and promote public health and wellbeing within its municipal district including by initiating, supporting and managing public health planning processes at the local government level and developing and implementing public health policies and programs.

### **Leadership and advocacy**

Council's goal is to provide good governance of the municipality for the benefit and wellbeing of the community.

Councils have governance principles defined within the *Local Government Act 2020* that indicate how Council must perform its role. This includes making decisions and acting in accordance with the relevant law, pursuing innovation and continuous improvement, collaborating with other councils, governments, and statutory bodies, ensuring the ongoing financial viability of Council and ensuring transparency of decisions, actions and information.

Under the *Public Health and Wellbeing Act 2008*, Council's core function is to seek to protect, improve and promote public health and wellbeing within the municipality. Councils must do this by creating an environment which supports the health of members of the local community and strengthens capacity of the community to achieve better health.

**Partnerships and capacity building**

Our goal is to facilitate and support local agencies whose work has an impact on public health and wellbeing.

Under the *Public Health and Wellbeing Act 2008*, Council must specify how Council will work in partnership with the Department of Health and other agencies undertaking public health initiatives, projects and programs to accomplish the goals and strategies identified in the municipal public health and wellbeing plan.

**Research and engagement**

Our goal is to ensure that any policies, programs, and services are informed by relevant and reliable evidence and community sentiment.

Under the *Local Government Act 2020*, Council must ensure that the community are engaged in decisions that affect them. Under the *Public Health and Wellbeing Act 2008* the municipal public health and wellbeing plan must include an examination of data about health status and health determinants in the municipality and provide for the involvement of people in the local community.

# Policy Pillars

The following section outlines how Council will fulfill its role under each policy pillar.

## 1. Planning and regulation

- 1.1 Council, acting as the Responsible Authority, is obliged to consider the social and economic impacts, when determining whether to grant or permit for planning permit applications for new or transferred EGMs, under the *Planning and Environment Act 1987*. Council must determine, on balance, and having regard to the principle of integrated decision making under the Cardinia Planning Scheme, whether the permit application results in an acceptable outcome.
- 1.2 Council will oppose applications for new EGM licences, increases in EGMs licences or transfer of EGMs licences when an application made through the VGCCC is shown to elevate the risk of gambling related harm within vulnerable communities (i.e. through a social and economic impact assessment).
- 1.3 Council will not support any application for EGMs on council-owned or managed land.
- 1.4 Council will consider, on a case by case basis, becoming a party and making a submission to the Victorian Civil and Administrative Tribunal (VCAT) where a decision made by the VGCCC is on review at VCAT or bringing its own application to review the Commission's decision.
- 1.5 Council will consider EGM planning permit advice and decisions relevant to gambling matters with reference to this Policy and the relevant controls and policy in the Cardinia Planning Scheme.
- 1.6 Council will regularly review the provisions in the Cardinia Planning Scheme relevant to EGMs to ensure the provisions reflect the current social and economic conditions of the municipality.
- 1.7 Council will enforce (as appropriate) all EGM venues who have entered into an agreement under Section 173 of the *Planning and Environment Act 1987* with Council, to provide Community Contributions, as a condition of their planning permit. As a condition of the planning permit, annual Community Contributions are to be issued to the Cardinia Foundation for distribution to the community and venues must demonstrate the transaction of their annual Community Contribution to Council annually.
- 1.8 Council will not allow gambling activity or the promotion or advertising of gambling activities on Council-owned or managed land or in council facilities. This includes advertising promotion within clubrooms, on sports ground fencing and scoreboards. This pertains to all forms of gambling advertising, particularly sports betting, online gambling, and pokies (EGMs). Failure by user groups or tenants to comply with this requirement will result in their use of the facility being jeopardised.

## 2. Leadership and advocacy

- 2.1 Council will apply a public health approach to harm prevention and minimisation and focus on collaborative action with other levels of government, peak bodies, local service providers, community partners and other councils.
- 2.2 Council will advocate for a continuation of the current maximum municipal limit and regional cap in the municipality.
- 2.3 Council will oppose increases to the current maximum municipal cap and regional cap or the inappropriate relocation of existing machines to areas that are vulnerable, having regard to the Socio-Economic Indexes for Areas (SEIFA) index of disadvantage.

- 2.4 Council will respond to government and parliamentary inquiries that present an opportunity to advance and influence gambling reform.
- 2.5 Council will not provide support, including use of its facilities, funding, publicity or promotion for community groups, organisations, clubs or businesses that promote or advertise gambling, particularly EGMs, sports betting, and online gambling. All relevant Council policies and guidelines will align with this policy position.
- 2.6 Council will maintain independence from the gambling industry. Council will not accept direct financial contributions from the gambling industry and will not promote community grants, events or initiatives offered by EGM venues.

### **3. Partnerships and capacity building**

- 3.1 Council will work with the Department of Health and local service providers to plan, deliver and monitor programs and services assisting to prevent or minimise harm from gambling, particularly in areas, settings or populations that are vulnerable.
- 3.2 Council will work with the VGCCC and EGM venue operators in their efforts to prevent and minimise harm from gambling.
- 3.3 Council will work in partnership with the Cardinia Foundation to ensure that annual Community Contributions required from EGM venues through Section 173 Agreements are acquitted, and redistributed through grant programs and other arrangements, which have a health and social benefit to the community.
- 3.4 Council will use its grant allocation process to provide a mechanism for Council to support facilities, programs and activities that provide alternative social and recreational activities to gambling.
- 3.5 Council will work in partnership with community health services to build capacity of settings and services (including sporting clubs, committees, etc.) operating from Council owned facilities, to establish healthy sponsorship and fundraising models.
- 3.6 Council will work in partnership with other levels of government and service providers to build and maintain community facilities which are free from gambling and provide alternative social and recreational opportunities.

### **4. Research and engagement**

- 4.1 Council will provide public notice to the community when there is an application for new EGM licences, an increase in or transfer of EGMs, consult where applicable and publish copies of all gambling related submissions it makes on Council's website.
- 4.2 Council will raise awareness of issues related to gambling harm by:
- promoting regional, state or national education campaigns
  - producing communications material highlighting local gambling data
- 4.3 Council will promote services which support individuals and families experiencing gambling-related harm.



## Implementation and Responsibility

This Policy is a whole-of-Council approach to minimising harm from gambling and will inform and be applied to all relevant decision-making.

Responsible Team	Relevant section/s
Councillors	All
Senior Leadership Team	All
Health and Social Planning	1.1, 1.2, 1.3, 1.4, 1.7, 2.1, 2.2, 2.3, 2.4, 3.1, 3.2, 3.3, 3.5, 4.1, 4.2, 4.3
Strategic Planning	1.5, 1.6
Statutory Planning	1.1, 1.2, 1.3, 1.4, 1.5, 1.7, 3.3
Active & Connected Communities	1.8, 2.5, 2.6, 3.1, 3.5, 3.6, 4.2
Community and Family Services	2.1, 2.5, 3.1, 3.2, 3.4, 3.6, 4.2, 4.3
Economic Development	2.5, 2.6, 3.2
Communications and Engagement	1.8, 2.6, 4.1, 4.2, 4.3
Advocacy	2.2, 2.4
Property & Risk	1.3, 1.8, 2.5, 2.6, 3.4, 3.6
People & Culture	2.5

## Monitoring and Review

The Gambling Harm Prevention and Minimisation Policy will operate alongside state government legislation, regulations, and policy regarding gambling and public health. To ensure that the policy considers changes in the policy context, this policy will be regularly monitored and reviewed.

This Policy will be monitored through the routine monitoring of Council's Municipal Public Health and Wellbeing Plan (Liveability Plan) and includes the following key indicators:

- Number of EGM applications received (annually).
- Key gaming indicators (Annual EGM losses (\$), density of EGMs per 1,000 adults, expenditure per adult, expenditure per attached EGM entitlement).
- Extent of social and economic vulnerability to gambling-related harm within the community.

The Policy will remain current and applicable until it's next review or alternatively until such time that amendments or changes are adopted by Council. A review of the policy may be carried out when necessary, resulting from any of the following:

- Changes to state/federal government policy and or regulation in regard to gambling;
- Policy development or review by Cardinia Shire Council;
- Effectiveness of the policy;
- Proposals not covered by this policy.

The next review of this document is scheduled for completion by 2030.

### Administrative updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made by resolution of Council.

### Related documents

Type of document	Title
Legislation	Local Government Act 2020 Gambling Regulation Act 2003 Planning and Environment Act 1987 Public Health and Wellbeing Act 2008 Charter of Human Rights and Responsibilities Act 2006 Gender Equality Act 2020
Background paper	<a href="#">Cardinia Shire Gambling Harm Minimisation Policy Background Report FINAL SEPTEMBER 2023.pdf</a>
Policies / Plans	<a href="#">Cardinia Planning Scheme - Ordinance</a> Cardinia Shire's Liveability Plan (Municipal Public Health and Wellbeing Plan) Cardinia Shire Social Justice and Equity Policy
Guidelines	N/A
Procedures	<a href="#">Electronic Gaming Machine Applications - Internal Referral Process</a> (internal only)

## Glossary of terms

Term	Description
<b>Community</b>	<p>Refers to the people who have a stake and interest in the municipality, including:</p> <ul style="list-style-type: none"> <li>• Those who live, work, study, conduct business or provide services in the municipality.</li> <li>• Those involved in local community groups or organisations.</li> <li>• Those who visit, use or enjoy the services, facilities and public places located within the municipality.</li> <li>• Those who share an interest, a sense of identity or a shared common goal.</li> </ul>
<b>Community Benefit Statement</b>	<p>Community benefit statements provide the framework for reporting expenditure on community benefits by club venue operators that receive gaming revenue in a financial year. A community benefit statement verifies whether the community benefit provided by the club is equal to at least 8.33 per cent of its net gaming machine revenue. Completion of community benefit statements is mandated by the <i>Gambling Regulation Act 2003</i>.</p>
<b>Community contributions</b>	<p>A community contribution is a cash or in-kind contribution made by clubs and hotels often considered when assessing the social and economic impacts of a gaming licence or planning permit for electronic gaming machines (EGMs). The value of a cash community contribution is typically determined by the number of EGMs proposed. The provision of community contributions is secured through conditions (such as through a Section 173 Agreement) on gaming licences and in some cases, in planning permit conditions.</p>
<b>Community Support Fund (CSF)</b>	<p>Hotels operating EGMs are required to pay 8.33 per cent of this revenue to the CSF which is a trust fund governed by the <i>Gambling Regulation Act 2003</i>. The funds are directed back to the community (not necessarily the community from which the revenue was generated) to support initiatives such as programs supporting people affected by gambling-related harm and substance abuse; youth programs; sport and recreation programs; art and tourism programs; and costs associated with administering the CSF. The payment to the Community Support Fund is mandated by the <i>Gambling Regulation Act 2003</i>.</p>
<b>Council / Municipal Authority</b>	Cardinia Shire Council
<b>Electronic Gaming Machine</b>	<p>An electronic gaming machine is a computerised gambling device that has a video screen displaying symbols on simulated reels. Cash is inserted into the machine and buttons are used to place bets. The machine randomly determines the position of symbols on the screen. Wins are returned as credits back into the machine. They are also referred to as EGMs, pokies, and poker machines.</p>
<b>Equity</b>	<p>Equity means that available information, spaces, services, and programs should deliver outcomes that are equal for all. This requires that services are able to consider and respond to the intersecting forms of disadvantage and discrimination to truly cater to all diverse needs.</p>
<b>Expenditure</b>	The monetary amount in dollars lost by people who gamble.
<b>Gambling</b>	<p>Gambling/betting requires a player to risk losing something of value (usually money) for the chance of winning more. Gambling outcomes may depend on correctly predicting an uncertain outcome (such as a particular horse coming first in a race), or luck (such as a winning combination of symbols on an electronic gaming machine).</p>

<b>Gambling-related harm</b>	<p>Any initial or exacerbated adverse consequence due to an engagement with gambling that leads to a decrement to the health or wellbeing of an individual, family unit, community, or population.<sup>5</sup> These harms include relationship breakdown, compromised mental and physical health and wellbeing, financial losses, demand for services, lost work productivity and crime.</p> <p>Gambling related harm can be divided into seven key areas: Financial harm, relationship disruption, emotional or psychological distress, decrements to health, cultural harm, reduced work, or study performance and criminal activity. These harms can further be considered as general harms (which occur at any time), crisis harms, which are associated with attempts to seek help, and legacy harms, which occur long after gambling has ceased.</p>
<b>Gaming</b>	For the purposes of this Policy, gaming refers to gambling using electronic gaming machines.
<b>Gaming venue</b>	<p>A gaming venue is classified as a 'gaming premises' under the Cardinia Planning Scheme. The definition of a 'gaming premises' is 'land used for gambling by gaming, and where there is the ability to receive a monetary reward'.</p> <p>The <i>Gambling Regulation Act 2003</i> permits the use of EGMs in venues with a pub licence (hotel operating under a General Liquor Licence), club licence (operating under a Full Club Liquor Licence) and racing club licence (Full Club Liquor Licence).</p> <p>The definition of a club under the <i>Gambling Regulation Act 2003</i> is a 'club, society, or other association of persons by whatever name called and whether incorporated or unincorporated'. There is no definition of a hotel or racing club under the <i>Gambling Regulation Act 2003</i>. Some clubs operating EGMs in Victoria provide sporting activities such as golf, tennis, or bowls.</p>
<b>Gender Impact Assessment</b>	A process of critically thinking about how policies, programs, and services will meet the different needs of women, men, and gender diverse people. The aim of a gender impact assessment is to create better and fairer outcomes and ensure all people have equal access to opportunities and resources.
<b>Harm minimisation</b>	For the purposes of this Policy, harm minimisation refers to a range of statutory and non-statutory measures which seek to reduce the potential for gambling to cause harm in the community.
<b>Partnership</b>	A relationship between Council and stakeholders, and between stakeholders themselves that involves shared responsibilities for implementing a range of actions that seek to achieve a common goal such as upholding the community's health and wellbeing.
<b>Public Health Approach</b>	A public health approach involves utilising scientific knowledge, evidence-based strategies, and community-based interventions to improve the health and well-being of populations by focusing on prevention, health promotion, and addressing the underlying determinants of health.
<b>Vulnerable groups</b>	Groups within the community at an elevated risk of gambling-related harms because of their age, socio-economic status, gender, cultural and linguistic background or exposure to opportunities to gamble.

## Appendix A – Summary of VGCCC Regulatory Process

Note: timelines with an asterisk (\*) are relevant if the Commission has granted an extension of the timeline to make a submission based on exceptional circumstances.

<b>Steps</b>	<b>Council process</b>	<b>Day from when commission notifies Council of application</b>
<b>Commission notifies Council of application</b>	<b>1. Council assesses the application and decides whether to make a submission</b>	<b>1</b>
<b>Apply for extension (if relevant)</b>	<b>2. Council applies to the Commission for an extension of the timelines to make a submission based on exceptional circumstances*.</b>	
	<b>3. Council informs the Commission of intention to make a submission.</b>	<b>1 to 37 from when Commission notifies Council of application.</b>
	<b>4. Council lodges a submission and SEIA (if relevant)</b>	<b>37 to 60 (90*) from when Commission notifies Council of application.</b>
<b>Hearing</b>	<b>5. Council attends the hearing (if relevant)</b>	<b>Any date between day 37 to 60 (90*) and 120 (150*) from when Council is first notified of application.</b>
<b>Commission decision</b>	<b>6. Council reviews the Commission’s decision and decides whether to apply to VCAT to review the decision at VCAT (if relevant)</b>	<b>120 (150*) days from when Council is first notified of application.</b>
<b>Appeal at VCAT (if relevant)</b>	<b>7. Council lodges an application to review, or becomes a party to a review of the Commission’s decision at VCAT (if relevant)</b>	<b>28 days from the date of the Commission</b>