

Gambling Policy

Policy Endorsement:	Endorsement required by Council		
Policy Superseded by this Policy:	Electronic Gaming Policy 2018		
Directorate:	Community Services		
Responsible Officer:	Hayden Brown		
Policy Type:	Discretionary		
File Number:	A8898853		
1 st Adopted by Council	Minute No. 1313 25 November 2002	Last Adopted by Council: 12 September 2022	Minute No. 564
Review Period:	Every 4 years	Next Review:	August 2026

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1. POLICY OBJECTIVE (OR PURPOSE)

This policy forms a basis for Council activities relating to gambling. These include monitoring of gambling trends, informing residents about the hazards of gambling and sources of assistance, easing the impact of gambling, supplying alternative social and recreational outlets, guiding Council's interactions with gambling providers, advocacy for gambling reforms and responses to applications for the electronic gambling machines (EGMs) or venues.

It provides a foundation for Council responses to gambling issues within our community and incorporates amendments which respond to emerging challenges, such as the rise of sports betting and online gambling.

The most recent review of this policy conducted in 2022 was guided by the findings of research, coupled with targeted internal and external consultations.

2. BACKGROUND

Council first developed a gambling policy in 2002, with the last review being completed in 2018. These successive policies have guided Council responses to EGM gambling in particular and to gambling-related issues in general.

As part of the 2022 review the Electronic Gambling Policy has been retitled to the Gambling Policy and it now incorporates amendments to strengthen and refine Council activities in the fields of community education and development, Council's relationship with the gambling industry, responses to local EGM gambling applications and advocacy. Among the primary concerns for Council are the high levels of EGM gambling expenditure incurred by residents as well as the rise of sports betting and online gambling.

The easing of lockdowns has triggered a surge in local EGM gambling, with losses surging to \$103 million in 2021/22 – representing the second highest rate of losses per adult in the State and the equivalent of the cost of feeding nearly 40,000 children for an entire year¹. Cumulative EGM gambling losses in Greater Dandenong, since the introduction of EGMs in Victoria, now exceed \$4 billion (in 2022 dollars). Low incomes and high rates of unemployment, aggravated by rising food, housing and utility costs, make gambling-related problems and their impact upon residents an issue of acute concern for our community.

In addition, the rise of sports and online gambling forms a growing source of gambling harm, for younger, local residents in particular, fuelled largely by the easy availability of online gambling and its aggressive promotion by gambling operators.

Practical experience shows that the effects of gambling upon residents include poverty and financial pressure, personal distress, a diminished social life, family conflict, violence and breakup, decreased attendance and productivity at work, deceptive or criminal actions to obtain money and homelessness. Though males predominate among those who participate in sports gambling, similar proportions of women and men use EGMs and both women and men endure the adverse impacts of gambling. Notably, women account for most of those adversely affected by family violence – a common result of gambling-related problems.

State Government-sponsored research shows that gambling generates no net economic benefit, as jobs generated by gambling are balanced by declines in expenditure and employment in other fields of industry.

¹ Based on the findings of the 2014 Healthy Food Access Basket Survey, conducted by Queensland Health CPI adjusted.

Further, less than five cents for every dollar lost to gambling by residents is returned by local clubs to the wider community in the form of gifts, donations, sponsorships and support for veterans.

3. SCOPE

This policy encompasses community education and engagement, monitoring of gambling trends, advocacy for gambling reform and Council's relationship with the gambling industry. It also concerns applications for new venues or additional EGMs which are submitted to Council as statutory planning applications or referred to Council by the Victorian Gambling and Casino Control Commission (VGCCC).

4. POLICY

4.1 ADVOCACY

Council will advocate and support the advocacy of other local governments or organisations for reform to the regulation of gambling, including, but not limited to:

- reduction in the number of EGMs permitted under the caps, in municipalities of socio-economic disadvantage and relatively high EGM density;
- measures to diminish EGM gambling harm such as \$1 bet limits, removal of EFTPOS facilities from venues, compulsory pre-commitment, reduced venue operating hours and removal of misleading or addictive EGM design features;
- more stringent restraints upon advertising of sports betting during sports broadcasts;
- steps to reduce access to unregulated online gambling sites;
- removal of gambling advertisements from SBS; and
- prohibition of donations by the gambling industry to political parties, parliamentarians and candidates.

Council will collaborate with other local governments and work within State-wide and national forums to advocate for reform.

Council will respond to government and parliamentary inquiries that present an opportunity to advance gambling reform.

4.2 MONITORING AND REPORTING GAMBLING TRENDS

Council will monitor and make information available about:

- gambling conditions and trends - including EGM, sports betting, online gambling and others - and the nature and extent of gambling harm; and
- relevant policy or legislative developments.

Statistical data and research about gambling will be maintained on Council's website.

Relevant data and research prepared by Council will be shared with its local government partners, interested community organisations and peak bodies.

4.3 COMMUNITY CONSULTATION AND EDUCATION

Council will inform residents about the destructive consequences of gambling – including EGM gambling, sports and online betting and other forms of gambling – and advise them of available support for those adversely affected by gambling.

Council may support community education and awareness-raising initiatives that are complementary to existing programs.

Council may, at its discretion, provide advice, information or publicity, to gambling-focused community groups whose goals and activities are consistent with Council policy, objectives and standards.

Council will favour the development of social and recreational options for residents – such as libraries, community centres, sports grounds and fitness centres – which provide alternative recreational outlets to gambling.

4.4 COUNCIL'S RELATIONSHIP WITH THE GAMBLING INDUSTRY

Council will prohibit, to the extent possible, any proposal to install further EGMs on Council-owned or managed land or facilities.

Council will not accept financial or in-kind contributions from any club or commercial gambling provider or hotel that derives revenue from EGMs. The exception to this policy statement will be any proposed investment by such club or hotel that increases the amenity of its operations on leased Greater Dandenong City Council owned land and facilities, where such investments are considered by Council to offer significant community benefit.

Council-supported clubs will be discouraged from accepting funds from the gambling industry.

Gambling advertising and promotion is prohibited in council-owned venues, except where that venue is functioning as a commercial gambling provider.

Council will discourage organising activities involving staff or residents at EGM gambling venues where equivalent, suitable alternatives are available.

Council will not provide funding to any club or hotel that derives revenue from EGMs.

4.5 EGM APPLICATIONS

EGM gambling applications are those applications (to whom) for approval to operate EGMs at non-gambling venues, or for additional EGMs at an existing venue. In response to such applications, State legislation prescribes a dual role for councils in the process of approval. This is as follows:

- the granting or refusal of planning approval for the addition of further EGMs, or establishment of a new gambling venue.
- the opportunity to oppose an application by submission to the VGCCC.

Relevant Factors in Considering EGM Applications

The merits of each EGM application will be considered by Council on a case-by-case basis. Accordingly, when deciding whether to support or oppose an application, Council will consider the full range of economic and social benefits and liabilities of that proposal.

Additionally, Council will discourage locating additional EGMs in:

- Venues located in an area with high levels of socio-economic disadvantage among residents living within a 2.5 kilometre radius of the venue. This is to be verified by evidence, which may include:
 - low incomes or high levels of dependence upon government pensions or benefits;
 - limited English fluency;
 - high unemployment;
 - limited educational attainments;
 - high proportion of government-subsidised housing; and
 - disadvantage measured by the Index of Relative Socio-economic Disadvantage.
 - other measures which may provide evidence of socioeconomic disadvantage and vulnerability to gambling-related harm among residents in the vicinity of the venue;
- Venues in an area where the density of EGMs is relatively high, measured as the number of EGMs per 1000 adults within 2.5 kilometre of the subject venue;
- Venues situated in an area where the average estimated EGM expenditure per adult within 2.5 kilometre of the subject venue is relatively high;
- Venues in close proximity to activity centres, strip shopping centres, transport hubs and other areas where people go about their daily routines, which may encourage convenience or impulse gambling;
- Venues situated near sensitive land uses, including, but not limited to:
 - areas frequented by children;
 - families or vulnerable residents;
 - welfare agencies;
 - gambling support service providers;
 - counselling service provider;
 - mental health services; and
 - schools and aged care facilities;
- Circumstances of substantial opposition or specific objections from residents, community groups, agencies or other Councils, in relation to specific features of an application;
- The presence of other conditions where it is determined by Council that approval of the application would exert a substantial adverse influence upon the local community.

In weighing such considerations, Council may decide to oppose an application where it concludes that the proposal would result in a net negative impact upon the local community.

Response to EGM Applications

As an initial response to an EGM application within Greater Dandenong, Council may prepare a Social and Economic Impact Assessment to help guide its response to that application. Council may then decide to respond to an EGM application to the VGCCC by either of the following steps:

- Inform the VGCCC that it does not wish to make a submission; or
- Oppose the application by written submission to the VGCCC, supplemented by oral testimony at a hearing to determine the application.

Any formal Council resolution determining Council's response to an application within Greater Dandenong to the VGCCC will be made at an open meeting of Council.

Council will notify residents of gambling applications within Greater Dandenong, in print or social media, and/or through its website. These notifications will inform residents of their right to present a submission on their own behalf directly to the VGCCC, expressing their views about the application.

Council may inform the VGCCC or the Victorian Civil and Administrative Tribunal (VCAT) of its opposition to any application in an adjacent municipal district where it considers that the proposal would exert a net negative impact upon the wellbeing of Greater Dandenong residents, or upon people employed within this municipality.

5. RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020

Section 9 of the *Local Government Act 2020* (the Act) states that a Council must give effect to its overarching governance principles in the performance of its role. This Gambling Policy is consistent with the principles set out in the Act.

First, in its intention to mitigate the harm caused by gambling, this policy strives to accomplish the most beneficial outcomes for the municipal community and alleviate the harmful economic and social impacts of gambling, reflecting the intent of Sections 9(b) & (c) of the Act.

Furthermore, this policy reflects collaborative efforts in advocacy for gambling reform and in supporting community initiatives which inform the community about the nature and impacts of gambling, matching the purpose of Section 9(f) of the Act.

The fact that the report will be considered by Council in an open public meeting and minutes of that meeting and decision will be published, reflects transparency in the manner in which this policy shall be considered, as the Act requires.

The manner and extent to which the policy fulfils its purpose in providing support to the community and responds in an appropriate fashion to EGM applications is assessed during the life of the policy as well as during the process of formal review which preceded the development of this policy.

Finally, in its focus upon easing the impact of gambling upon lower-income families and individuals this policy responds to well-documented local gambling losses and their adverse effects upon our community – reflecting efforts to achieve the best outcomes for the municipal community, as required under the Act.

5.1 DIVERSITY, ACCESS AND EQUITY POLICY

This Gambling Policy is also consistent with Council's Diversity and Access Policy in its objective of crafting services and programs which meet the diverse needs of residents and addressing circumstances that limit access, opportunity and inclusion for residents – of which, gambling losses are one for many residents.

5.2 COMMUNITY ENGAGEMENT POLICY

This Gambling Policy is also consistent with Council's Community Engagement Policy in the process of consultation with residents, local agencies, other councils and state-wide bodies with a formal role in monitoring and responding to gambling-related issues.

5.3 COMMUNITY VISION 2040 AND COUNCIL PLAN 2021-25

After consultation with the Greater Dandenong community on what kind of future they wanted for themselves and our city, the Greater Dandenong People's Panel developed a new Community Vision for 2040:

*The City of Greater Dandenong is a home to all.
It's a city where you can enjoy and embrace life through celebration and equal opportunity.
We harmonise the community by valuing multiculturalism and the individual.
Our community is healthy, vibrant, innovative and creative.
Our growing city is committed to environmental sustainability.
Welcome to our exciting and peaceful community*

Moreover, Council's determination to alleviate gambling-related problems experienced by residents, as articulated in this policy, conforms with Council's Community Vision for 2040 and its accompanying principles, including a "safe and peaceful community" and "Mind, Body and Spirit".

The Council Plan describes the kind of future the Council is working for, and how Council will accomplish this over four years. This report is consistent with the following Council Plan objectives:

- A socially connected, safe and healthy city;
- A city that supports entrepreneurship, quality education and employment outcomes; and
- A Council that demonstrates leadership and a commitment to investing in the community.

This policy reflects the intent to achieve a 'socially connected, safe and healthy city', under a Council that demonstrates leadership and a commitment to investing in the community – goals that are consistent with the Council Plan 2021-25. Further, the contents of the policy are consistent with the Council Plan 2021-2025 Objective 'Support alliances and community initiatives to address gambling harm and promote sources of assistance'.

6. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 – COMPATIBILITY STATEMENT

Council, Councillors and members of Council staff are a public authority under the *Charter of Human Rights and Responsibilities Act 2006* and, as such, are all responsible to act in accordance with the Victorian Charter of Human Rights and Responsibilities 2006 (the Charter).

All matters relevant to the Victorian Human Rights Charter have been considered in the preparation of this policy and are consistent with the standards set by the Charter.

In particular, the Gambling Policy holds particular relevance to Section 17 – Right to the protection of families and children - whose welfare can be compromised by the destructive impacts of gambling in our community. In Section 4 which address advocacy, responses to gambling applications and informing residents about the impacts of gambling and sources of assistance, this policy seeks to ease the harmful impact of gambling upon vulnerable residents.

7. RESPONSE TO THE GENDER EQUALITY ACT 2020

The *Gender Equality Act 2020* took effect on 31 March 2021 and obliges councils to take steps to achieve workplace gender equality and to promote gender equality. In particular, Part 3, Section 9 of the Act states that 'A defined entity must undertake a gender impact assessment when developing or reviewing any policy of, or program or service provided by, the entity that has a direct and significant impact on the public.'

Indeed, the impact of gambling in our community does exhibit a gendered impact. Notably, the prevalence of participation in gambling on electronic gambling machines is slightly more prevalent among women than men, though males predominate among those who participate in sports and online betting. On the other hand, research has established that gambling losses contribute to family conflict and violence - circumstances most adversely affecting women and their children.

A gender impact assessment (GIA) was conducted to examine major gender-related issues connected with the prevalence of gambling and gambling problems, and their implications for this policy.

The GIA determined that levels of participation in EGM gambling were similar among women and men, while men predominated among those who engage in sports betting. Accordingly, measures to address sports betting in community programs and through advocacy are included in the revised version of the policy.

The GIA also found that some women were often attracted to EGM venues as safe, comfortable and welcoming settings, with the result that the reviewed policy has been amended to give emphasis to Council's role in creating and promoting safe, inexpensive alternatives, such as the activities conducted at the municipal libraries under the 'Libraries after Dark' program.

In addition, it was noted that family conflict and violence – largely affecting women and children – are among the consequences of gambling problems reported from local experience and documented in research. This issue is mentioned explicitly in the policy and forms one of the key subjects of efforts to inform the community.

8. CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY

Efforts to respond to the impact of gambling upon this community, embodied in this policy, do not have any direct bearing on Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability.

However, the policy features clauses with an explicit purpose to reduce gambling harm – a goal which may only be attained by reducing gambling losses among residents. In the extent to which adjustments to prevent further climate change may contribute to a rise in utility and food costs, it is to be hoped that a decline in local gambling losses may offset some of the accompanying financial burden upon residents.

It is otherwise unlikely that the implementation of this policy would exert any appreciable bearing upon the physical environment, climate change or ecological sustainability.

9. RESPONSIBILITIES

Responsibility for discharging the requirements entailed in this policy rests primarily with the Community Advocacy Unit.

10. REPORTING, MONITORING AND REVIEW

The achievement of beneficial outcomes for the community, required under the principles of the *Local Government Act 2020*, is a primary focus of this policy and therefore subject to review through this process. The requirement of transparency under the Act is fulfilled in the way in which the policy is reviewed, including the consultative process which generated the draft policy and the manner in which it is ratified by Councillors.

The effectiveness of the policy in guiding Council responses to gambling-related issues, is documented in quarterly responses to Council's Annual Plan actions to the Executive Management Team about progress in relation to advocacy, informing the community and responses to gambling issues, thereby forming a basis for assessing the effectiveness of the policy which directs and underpins these activities.

The manner in which the policy influences responses to proposals for EGMs at local venues will be closely monitored in order to ensure that it duly reflects the social conditions of the communities affected by such applications.

Finally, conditions relating to gambling, including levels and rates of EGM losses, EGM numbers and density, and venue numbers, will be monitored throughout the life of this policy, providing insight into its effectiveness in stemming gambling losses and protecting this community against the detrimental impact of gambling.

The policy will be reviewed every four years.

11. REFERENCES AND RELATED DOCUMENTS

Legislation

- *Family Violence and Protection Act 2008*
- *Gambling Regulation Act 2003*
- *Gender Equality Act 2020*
- *Interactive Gambling Act 2001*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Public Health and Wellbeing Act 2008*
- *Charter of Human Rights and Responsibilities Act 2006*

Related Council and Other Policies, Procedures, Strategies, Protocols, Guidelines

- Greater Dandenong City Council Community Engagement Policy 2021
- Greater Dandenong City Council Community Vision 2040
- Greater Dandenong City Council - Council Plan 2021-25
- Greater Dandenong City Council Diversity, Access and Equity Policy
- Greater Dandenong City Council Leasing and Licensing of Community Facilities Policy