




Gambling Policy

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1 Document Control

The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

RESPONSIBLE GENERAL MANAGER	Chief Executive Officer
POLICY OWNER	Community Development Officer – Social Development
APPROVED/ADOPTED BY	Council on 21 September 2020
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SIGNATURE	
REVIEW DATE	21/09/2024
CM REF AND VERSION	14/95986[v2]
VERSION HISTORY	This Policy replaces: <ul style="list-style-type: none"> • Gambling Policy and Action Plan 2014-2019 (14/95986) • Gaming Policy 2002 (02/75903)

2 Purpose

The purpose of the policy is to guide Council in its decision making to prevent and reduce the harm from gambling in the City of Kingston.

3 Scope

This policy is external and applies across all of Council. It replaces all other previous Council policies relating to gambling and electronic gaming machines. This policy applies equally to all gambling venues, whether on Council-owned / managed land or privately-owned land.

While this is a gambling policy, it has a key focus on EGMs because of the role appointed to Council via planning legislation and the entitlement for Council to make submissions to the VCGLR. It is anticipated however, that the benefits resulting from this policy will also have an effect on people who may be experiencing gambling harm from other forms of gambling.

For the purpose of this policy 'gambling' refers to the following activities: poker machines, casino games, lotteries, race betting, sports betting and similar activities. It excludes activities such as card games, raffles, sports tipping competitions and bingo for club social activities and fundraising.

For the purpose of this policy 'significant community benefit' will be assessed on a case by case basis. Officers will present a report to Council that presents all information associated with each proposal. Council will then assess and determine whether the 'significant community benefit' clause is met.

4 Policy Details

Kingston City Council recognises that at harmful levels, gambling can have significant health, social and economic impacts to individuals, families and communities. Therefore, Council will work with and support any community group/organisation to transition away from gambling.

Council adopts the following position statements to prevent and reduce harm from gambling:

1. Council will strongly advocate for and implement initiatives to reduce gambling harm in the Kingston community. It will support the advocacy of other local governments or organisations for reform to the regulation of gambling, a reduction in EGMs in Kingston and other gambling related issues. All advocacy positions will be detailed in Council's Gambling Action Plan.
2. Council will complete a social and economic impact assessment for every EGM application made to the VCGLR. Council will oppose any applications where evidence indicates the net social and economic impact will be detrimental to the wellbeing of the Kingston community. Council will also identify areas in Kingston of higher vulnerability to gambling harm and work toward no additional EGMs being located in these areas. This applies to applications for new EGM licences, increases in EGMs or transfers of EGMs in Kingston or neighbouring Councils within a 2.5km radius (Refer to Section 4.1 for factors that will be considered in the assessment).
3. Council will take a public health approach and work in collaboration with State Government, other local Councils and relevant organisations to reduce the negative impacts from gambling harm experienced by the Kingston community.
4. Council will not accept financial contributions from gambling venues/operators and will not promote community contributions offered by local gambling venues/operators

(grant programs, donations, sponsorships), unless there is significant community benefit demonstrated.

5. Council will not provide community grants, funding, sponsorship, publicity or promotion for community groups/organisations that undertake or promote gambling, unless there is significant community benefit demonstrated.
6. Council will not support new requests for gambling promotion or advertising on Council-owned or managed land, resources and facilities.
7. Council will not support new agreements for Council owned or managed land or facilities to be provided to any clubs, community groups, organisations or associations who undertake gambling activities in Kingston or elsewhere, unless there is significant community benefit demonstrated.
8. Council will not run any Council and community events, activities, programs and social outings in venues that have gaming machines, unless the venue offers a unique setting and there is no viable alternative.
9. Council will raise community awareness about the facts of gambling and promote a range of non-gambling social activities in Kingston to encourage engaged, active and healthy lifestyle choices and reduce gambling harm.
10. Council will actively promote support services available to assist people who are experiencing issues associated with gambling harm.
11. Council will support research into the impacts of gambling and the development of effective harm minimisation strategies.

4.1 Factors to determine harm in a social and economic impact assessment (reference to policy statement 2).

The following factors will be considered to determine whether or not there will be no harm caused by the application on the health, social and economic wellbeing of the community (Note: these factors are subject to change in response to industry updates):

- Municipal district profile such as demographics, recreational habits and facilities, economic data, crime and tourism.
- Location
 - Accessibility and alternative venues in the area
 - Proximity to sensitive uses such as places where people who may be more vulnerable to gambling-related harm can be found.
- Gaming competition and surrounding impacts
 - The degree of the density of gaming venues and EGMs in the local area (2.5km radius) and whether Kingston overall will be affected by the application.
- Problem gambling and gambling related harm such as:
 - Whether less harm may come from additional EGMs being located in an area that has rapid population growth forecast.
- The vulnerability of the municipal district

- Whether the relocation of EGMs would result in a reduction of EGMs in an area of socio-economic disadvantage.
- Services within the municipal district
 - 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.
 - The degree to which the community has choices of other types of recreational activities and entertainment facilities in the venue and the local area.
 - Benefits that will be experienced by the community as a result of an increase in gaming in their local area (economic, entertainment and contributions).
- The proposed approach to minimising harm
 - The extent to which the applicant will have, and demonstrates, a commitment to the Industry Code of Practice for Responsible Gambling.
- Community wellbeing
 - Community attitudes regarding the application.
 - Feedback from businesses, individuals or organisations
- Community contributions
- The net impact on the municipal district
- Improving the anticipated impact of the proposal
- The impact on surrounding municipal districts

Additional EGMs or new venues should not be located in areas:

- Of relative socio-economic disadvantage;
- Where populations of people who are socially disadvantaged and are most vulnerable to the harms of problem gambling live in the local community;
- Where activities are focused on children or young people;
- Where people from vulnerable communities visit the area for a purpose, e.g. a mental health clinic, public housing, tertiary education setting etc.; or
- Where people go about their everyday business, in addition to the prohibited shopping strips identified in Council's Planning Scheme (e.g. a concentration of shops, major community facilities or key public transport modes).

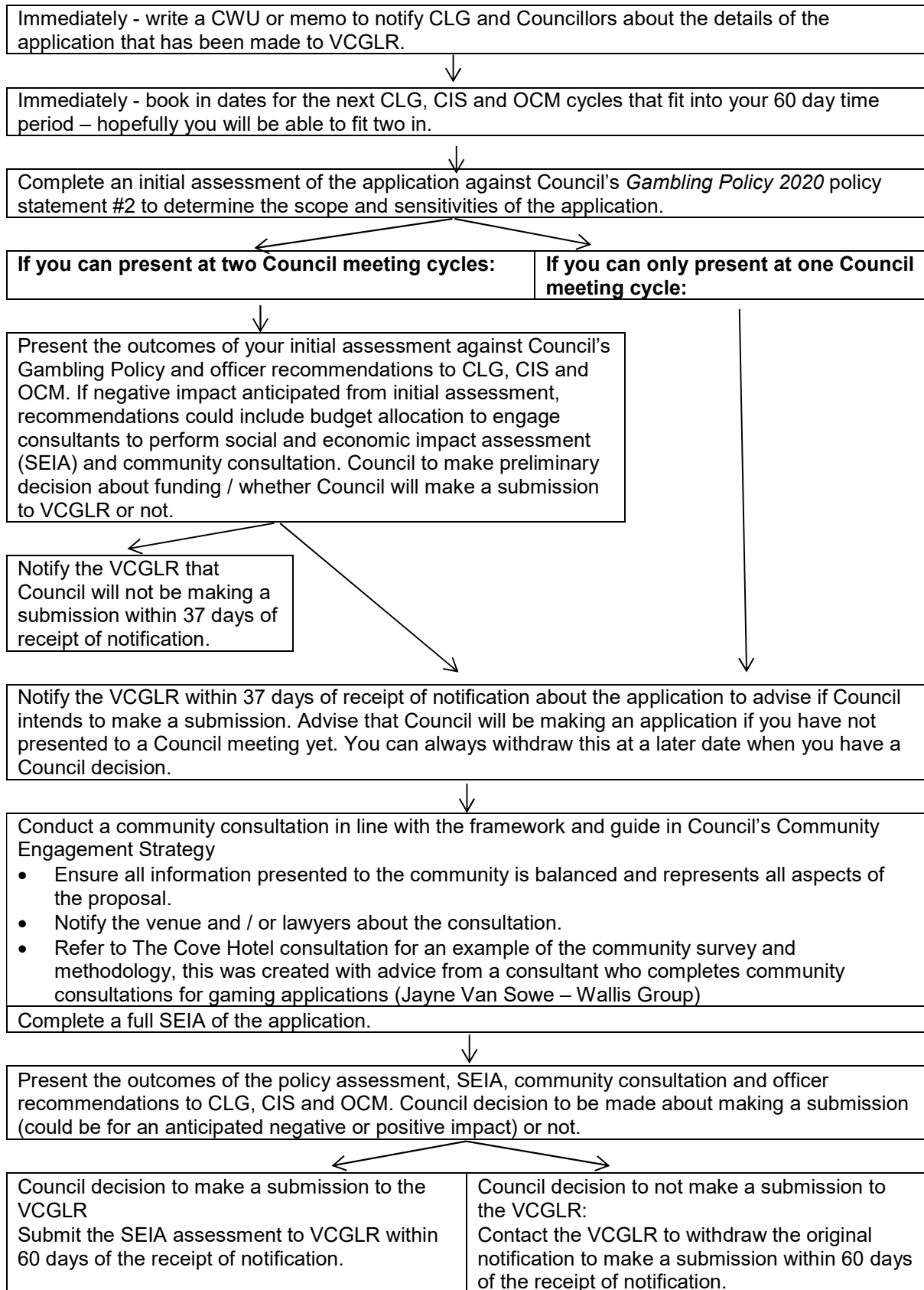
4.2 VCGLR gaming applications – Assessment process recommendation

In reference to Policy Statement 2: Council will complete a social and economic impact assessment for every EGM application made to the VCGLR.

Important Timelines

- You must notify the VCGLR whether you intend to make an economic and social impact submission within 37 days of being notified by the VCGLR about the submission.
- If you choose to make a submission, you must lodge it within 60 days of receiving the notification, if Council has endorsed to do so. Therefore you need to get moving quickly with the assessments / community consultation as soon as you receive notification about an application. You may request an extension from the VCGLR if exceptional circumstances exist that prevent you from making a submission within this period.

Recommended Process



5 Delegation Authority and Decision Guidelines

5.1 Delegations/Authorisations

Not applicable

5.2 Exemptions

Not applicable

5.3 Human Rights Charter

This policy has been reviewed against and complies with the Charter of Human Rights and Responsibilities Act 2006.

6 Related Documents and Resources

Legislation / External Document

Victorian Legislation:

- Racing Act 1958
- Planning and Environment Act 1987
- Casino Control Act 1991
- Casino (Management Agreement) Act 1993
- Gambling Regulation Act 2003
- Public Health and Wellbeing Act 2008
- Victorian Commission for Gambling and Liquor Regulation Act 2011
- Local Government Act 2020

Federal Legislation:

- National Gambling Reform Act 2012

Council is guided by the *Gambling Regulation Act 2003*, *Planning and Environment Act 1987* and Victorian Planning Provisions for its involvement in gaming management in Kingston. The *Gambling Regulation Act 2003* entitles Council to make a submission to the VCGLR about social and economic impacts of gaming applications. The *Planning and Environment Act 1987* requires a planning permit to be applied for from Council for the installation of gaming machines. The Victorian Planning Provisions in the Planning Scheme provide local governments with decision making powers over the location of EGMs.

Internal Document

Gambling Background Information for Gambling Policy 2020 (CM REF: 20/76427)

The background information on gambling in Kingston document provides the context for the direction of this policy document:

Council Plan 2017-2021 (CM REF: 17/39870)

This policy supports the City of Kingston Council Plan 2017-2019 aimed goal for a 'connected, inclusive, healthy and learning community' (p. 18).

Goal 3 Our connected, inclusive, healthy and learning community
Direction 3.1 Respond to our community's social needs

Objective 3.1.2 Support socially vulnerable community members

Action 3.1.2.2 Utilise opportunities to reduce the density of poker machines in the municipality

Public Health and Wellbeing Plan 2017-2021 (CM REF: 17/165778)

This policy directly contributes to the Public Health and Wellbeing Plan 2017-2021 to 'reduce harm from consumption of alcohol and other drugs, smoking and gambling' (p. 10).

Resources

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- Francis, L & Livingstone, C, 2019, *Gambling's community contributions: does the community benefit?*, *Addiction Research & Theory*, DOI: 10.1080/16066359.2019.1663834
- Goodwin, B, Browne, M, Rockloff M & Rose, J, 2017, *A typical problem gambler affects six others*, *International Gambling Studies*, 17:2, 276-289, DOI: 10.1080/14459795.2017.1331252. Retrieved 27 March 2020 via <https://responsiblegambling.vic.gov.au/resources/gambling-victoria/gambling-harm-victoria/>
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- State Revenue Office, 2020, *Community Support Fund financial overview 2017-18*, <https://www.dtf.vic.gov.au/community-support-fund/community-support-fund-financial-overview-2017-18>
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- Victorian Commission for Gambling and Liquor Regulation, 2018, *Gaming machine caps and limits*, <https://www.vcqlr.vic.gov.au/gambling/gaming-venue-operator/understand-your-gaming-licence/caps-and-limits>
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- Victorian Commission for Gambling and Liquor Regulation, 2020, *Gaming expenditure by local area*, <https://www.vcqlr.vic.gov.au/resources/data-and-research/gambling-data/gaming-expenditure-local-area>
- Victorian Responsible Gambling Foundation, 2019, *Expenditure on gambling in Victoria and Australia*, <https://responsiblegambling.vic.gov.au/resources/gambling-victoria/expenditure-on-gambling-victoria-and-australia>
- Victorian Responsible Gambling Foundation, 2020, *Glossary*, <https://responsiblegambling.vic.gov.au/resources/glossary/#>

7 Transition arrangements

Not applicable

8 Definitions

EGM

'Electronic gaming machine' or 'poker machine' or 'pokies'

Gambling

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 a pokie machine). For the purposes of this policy 'gambling' refers to the following activities: poker machines, casino games, lotteries, race betting, sports betting and similar activities. It excludes activities such as card games, raffles, sports tipping competitions and bingo for club social activities and fundraising.

Gambling harm

Gambling-related harm can be defined as "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".

SEIA

Social and economic impact assessment

VCGLR

Victorian Commission for Gambling and Liquor Regulation