

# ELECTRONIC GAMING MACHINE POLICY

<b>Policy Number:</b>	5.1.2
<b>Approved by</b>	Council
<b>Date Approved/Effective:</b>	17 December 2019
<b>Date of Next Review:</b>	1 October 2020
<b>Related Policies:</b>	Nil
<b>Applicable to Unit(s):</b>	Community Wellbeing
<b>Responsible Officer:</b>	Coordinator Social Planning & Policy
<b>Statutory Reference:</b>	<i>Gambling Regulation Act 2003</i> <i>Planning and Environment Act 1987</i> <i>Wellington Planning Scheme</i>

## OVERVIEW

This policy outlines Wellington Shire Council's:

- Position on Electronic Gaming Machines (EGMs)
- Decision-making framework to assist with Council's response to EGM's application within the municipality.

This policy builds on the previous *Responsible Gaming Policy 2015*.

## WELLINGTON SHIRE GAMING PROFILE

Under section 3.4A(3A) (b) of the *Gambling Regulation Act 2003* the Victorian Commission for Gambling and Liquor Regulation (VCGLR) determines the maximum permissible number of gaming machine entitlements, under which gaming may be conducted in each municipal district in Victoria. This is commonly referred to as a 'municipal cap'.

Wellington Shire has a regional cap of 318 poker machine entitlements. As of 20 November 2018, there are 318 machines operating within Wellington Shire. The 318 machines are currently operating across six Clubs and one Hotel throughout the municipality. This represents a density of 9.2 EGMs per 1000 adults in Wellington Shire, the highest concentration of EGMs in the Gippsland Region. Losses to EGMs in Wellington Shire exceeded \$21.2 million in 2017/18, ranking Wellington Shire as 35<sup>th</sup> highest pokies expenditure in Victoria<sup>1</sup>.

## THE POLICY

Wellington Shire Council *Electronic Gaming Machine Policy* is based on the following:

- EGM gambling is a legal recreational activity in Victoria.
- EGMs can have significant social, economic and health impacts on individuals, families and communities. These impacts are felt disproportionately by different segments of the community and more vulnerable groups tend to sustain the biggest losses.

Because of this, it is imperative that a robust social and economic impact assessment of EGMs are

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<sup>1</sup> Victorian Responsible Gambling Foundation (2018). *Pokies across Victoria*. [online] Available at: <https://responsiblegambling.vic.gov.au/resources/gambling-victoria/pokies-across-victoria/compare/wellington/> [Accessed 22.11.2018].

considered in assessing applications for new venues or variations to the number of machines at existing venues.

## **ASSESSING APPLICATIONS**

### **EGM Applications**

The term 'EGM applications' refers to applications by venue operators for approval to operate new and additional EGMs at a venue. These include applications to add additional EGMs to a current gaming venue (sometimes referred to as 'top up applications') and applications to add EGMs to a non-gaming venue. EGM applications may take the form of a planning permit application to install or use EGMs at a venue ('planning approval') or an application to the VCGLR for approval to operate EGMs at a venue ('gaming approval').

Any application to Wellington Shire Council for a Planning Permit to install or use EGM's at a new venue or to increase EGM numbers in an existing venue will require the applicant to complete a robust impact assessment of the social and economic benefits and risks of the proposal.

Overall the outcome for the Economic and Social Assessments will need to:

- Ensure that the operation of gambling in Wellington Shire delivers a net community benefit;
- Ensure that the location and design of EGMs minimises the incidence of problem gambling. *This includes prohibiting venues in shopping centres or at strip shopping centres to minimise opportunities for convenience gambling (as stipulated in Clause 52.28 of the Wellington Planning Scheme);*
- Ensure gambling premises offer a range of non-gambling entertainment and recreation activities rather than being standalone gambling premises;
- Ensure that the operation, location and design of gambling premises does not have a negative impact on the amenity, character, community values and safety of the area.

Further points to be included in this assessment are outlined below:

**Locational features:** Description of the gambling venue and its proposed location. Details about the existing and proposed distribution of EGMs in the municipality.

**Patron profile:** Social and demographic profile of the current and/or anticipated patrons of the gambling venue including how the profile and conclusions about patrons were reached. Rationale for the patron catchment based on established patterns of movement by residents and visitors.

Supporting evidence (such as attendance records) provided of patronage and anticipated patronage.

**Social profile:** Detailed profile of the residential population in the catchment area (5km radius of venue). Include the Social and Economic Index for Areas (SEIFA) scope for the area, population profile and projected growth, level of housing affordability and housing stress, income levels, employment and unemployment rates, educational retention and attainment levels, social security recipients (if available), levels of demand for financial aid/social support services (if available). Appropriate comparative measures to be provided to assess the relative vulnerabilities and strengths of the local community.

Description of currently available support services including specific

**Vulnerability and Supports:** problem gambling support services, financial counselling, social and financial support services, general psychological support services and their location in relation to the anticipated patron catchment area. Level of current demand for gambling help services, financial counselling, material and financial aid (if available).

**Community and Stakeholders:** Evidence of the community's attitude toward the application for increased EGMs in the municipality broadly and the local area more specifically. The Applicant needs to provide evidence of this attitude by conducting a technically sound and robust attitudinal survey of patrons of the premises and more broadly. Where the application concerns a club licence (as opposed to a hotel licence) evidence that the application has the support of most the club's members. This would ordinarily require a copy of a club resolution following full details of the application being conveyed to the club members and debated.

**Community Benefit:** The Gambling Regulation Act 2003 determined that all venue operators who receive gaming revenue in a financial year must lodge a Community Benefit Statement (CBS) with the VCGR showing the application of gaming revenue to 'community purposes'. As part of the application process the Applicant must enclose a copy of the last 3 years CBS. In addition, details of the nature and extent of community benefits expected from the proposal and how the benefits are to be secured and distributed to the local community must be provided.

**Alternate Entertainment:** Details of existing and proposed gambling and non-gambling related entertainment and recreation facilities within the local area and, if it is being contended that those facilities are not satisfying the current or future needs of the community, provide evidence of the contended needs.

**Expenditure:** Details of existing gambling expenditure at the venue (over a 3-year period prior to the application) and a forecast of anticipated expenditure at the venue if the proposal was to be approved.

If the Applicant contends that gambling expenditure is likely to be transferred from other venues (including venues in other municipalities), the Applicant is to provide:

- How the level of transfer has been calculated (including, but not limited to a comparison per machine expenditure at the venue prior to and after the additional machines, current usage levels of machines at the venue and projected usage level of machines at the venue after the additional machines).
- The amount of transfer expenditure anticipated.
- The resulting impact on revenue of the venue from where the expenditure is being transferred.
- The resulting social and economic impact on the venue from where the expenditure is transferred (such as loss of employment, loss of complementary expenditures, loss of customers, and impact on ability to provide services).
- The resulting social and economic impact on the local area within which those venues are located.

- Details of the relative social and economic differences between the two venue catchments (be measure by SEIFA indices, ABS data and other relevant data). An explanation as to why the EGMs are being transferred is to be provided.

This would ordinarily require a statement from the operators of other venues.

**Harm prevention:** Details of the design and layout of the premises (including gambling area) including all proposed and existing signage and evidence of compliance with any relevant gambling regulations concerning the premises' layout, design and operation. Details of any current or proposed measures by the applicant to minimise harms due to problem gambling that are additional to regulatory requirements.

Council will critically evaluate any 'planning approval' or 'gaming approval' applications for EGM venues in Wellington Shire in accordance with this Policy.

## ADVOCACY AND COLLABORATION

Wellington Shire Council will support activities of Gamblers Help and other agencies to prevent and reduce gaming related problems.

Wellington Shire Council will work in partnership with the community, businesses and local organisations to research options available to reduce the ratio of EGMs per 1000 adults in Wellington Shire to be similar or lower than the state average.

Wellington Shire Council will advocate for changes to the Community Benefit Statement requirements that all club venues contribute to Wellington Shire Council Community Assistance Grant Scheme.

Wellington Shire Council will advocate to the State government *for a reduction in Municipal Cap (currently 318 EGMs)*.

Council will participate with other Councils in state wide and regional forums to exchange information and resources, advocate for gambling reform and collaborate to achieve regional reductions in gaming machines.

## HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

## Related Documents

Type:	Details:
Procedure	Wellington Planning Scheme Clause 52.28 Wellington Municipal Public Health and Wellbeing Plan (Healthy Wellington 2017 – 2021)
Strategy	Nil