

GAMBLING HARM MINIMISATION POLICY

1.0 Purpose

The City of Ballarat acknowledges regulation of Electronic Gaming Machines (EGMs) primarily rests with State Government. In upholding its responsibility to improve community health and wellbeing, Council plays an important role in ensuring harm resulting from gambling across the community is minimised, as outlined in this document.

The City of Ballarat Gambling Harm Minimisation Policy 2022 is a 'whole of Council' approach to minimising gambling-related harm in the community. The purpose of this policy is to guide Council in its decision making to reduce the harm from gambling in the City of Ballarat. In adopting this social policy, Council's position, responsibilities, commitments, and approach to minimising gambling related harms in the municipality are set forth. This policy replaces the City of Ballarat Gaming Machine Community Policy (2011).

Whilst Council carries a high level of commitment to the wellbeing of the community, including mitigating the impacts of gambling harm, the state-controlled nature of gambling regulation leaves Council with little regulatory influence. In endeavouring to achieve a healthy and safe community, the City of Ballarat is committed to reducing the harms that result from gambling where influence allows and supports the use of a broad range of measures and strategies to ensure the impacts of gambling are reduced in the municipality.

Local government has a legislated responsibility to protect, promote and improve community health and wellbeing, and to apply the 'precautionary principle' to preventing and controlling public health risk under the Victorian *Public Health and Wellbeing Act 2008*. Additionally, the Victorian *Local Government Act 2020* requires councils to provide the best outcomes for the community regarding the long-term cumulative effects of decisions. This includes seeking to protect communities from the risks and harms associated with gambling.

For the purpose of this policy, 'gambling' is defined as the placement of a wager or bet on the outcome of a future uncertain event, including poker machines, casino games, race betting, and sports betting activities.

2.0 Scope

While the policy is relevant to all gambling activities that take place in the municipality, its primary focus is on EGMs and gambling at gaming venues, as this is where Council has greatest influence through its statutory roles and decision-making processes. Additionally, this form of gambling continues to cause significant losses and community harm.

Clause 52.28 of the Victorian Planning Provisions under the *Planning and Environment Act 1987* provides a statutory responsibility for councils to consider the social and economic impacts of gaming machines in their municipality. The *Gambling Regulation Act 2003* enables local government to make submissions to the Victorian Gambling and Casino Control Commission (VGCCC) in the form of a social and economic impact assessment (SEIA) for potential new applications for EGMs within its municipality or a neighbouring municipality.

Land use planning at the local level has a role in addressing and regulating the use of EGMs. Local Government is the responsible authority for deciding whether to approve, or not approve, a planning permit

application for EGMs. Like other land use planning processes, if Council rejects the application and decides not to issue a planning permit, the applicant has the right to appeal the decision to the Victorian Civil and Administrative Tribunal (VCAT).

The policy supports the proposal of a future amendment process in relation to gaming provisions in the Ballarat Planning Scheme. Additionally, whilst the decision-making criteria set out in the Ballarat Planning Scheme underpins decisions relating to EGM applications in the municipality, this policy clearly articulates Council's intent in relation to the provision of EGMs from a public health perspective. It will also inform Council's submissions to the VGCCC in response to applications for new gaming licences or amendments to existing gaming licences, and the assessment of applications considered under the relevant clauses of the Ballarat Planning Scheme. Whilst the Ballarat Planning Scheme provides an important role in assessing gaming related planning applications, it is important to note that local planning policies are limited to addressing locational issues and to a lesser extent operation and design issues.

As the closest level of government to the community, local government is best placed to understand the effects of gambling and to limit the negative impacts of gambling on their communities. As a result, the City of Ballarat undertakes roles as a planner and regulator, community partner, and advocate. The ways in which this will be undertaken are outlined in 4.0 Policy Statements.

3.0 Background

Gambling has the potential to generate negative social and economic impacts for the player, their family and friends, and the wider community. The experience of these harms can differ depending on a person's gender, cultural background, age, and other intersecting factors. Whilst there are many different forms of gambling, a significant source of financial loss and harm in Australia comes from EGMs.

It is also recognised that sports betting and internet gambling are fast growing in the community, increasing rapidly each year. The advertising and normalisation of sports betting and online gambling and the resultant community impacts are of concern to Council. While mostly controlled at the federal level, there are points of influence that Council can utilise, particularly around supporting education efforts in the community, and the introduction of advertising restrictions on Council-owned land.

The prevalence and accessibility of EGMs in the Ballarat area, and their potential harmful impacts on the community, are also of concern to Council. A large body of evidence exists that demonstrates the adverse consequences resulting from problem gambling, including financial loss, relationship breakdown, emotional or psychological distress, issues with work or study, criminal activity and reduced health and wellbeing.

The *Gender Equality Act 2020* requires defined entities, including councils, to conduct gender impact assessments to ensure policies, programs and services are designed to benefit all members of the community. The gender impact assessment undertaken relating to the issue of gambling harm has identified that males are more likely to participate in gambling activities, and in fact are more likely to be problem gamblers; however, females suffer disproportionately more gambling related harm. There are also differences in both gambling behaviour and the experience of gambling harm between different sub-groups of men and women, particularly between different age groups, and those from Aboriginal and Torres Strait Islander or migrant communities. A growing concern is the emerging research revealing the relationship between family violence and problem gambling, especially given the very high rates of family violence in the City of Ballarat, and very high EGM losses in the municipality. These findings should be considered when developing responses to reduce gambling-related harm.

4.0 Policy Statements

4.1. Policy Principles

The policy is founded on a public health approach to gambling-related harm. This approach acknowledges a shared responsibility for improving the health of population groups and subgroups, rather than just the health of individuals. Two key principles underpin the public health approach to gambling-related harms:

1. A range of social, economic, and environmental factors affect a person's mental and physical health and wellbeing; and
2. It is important to implement an appropriate mix of actions with partners and the community to achieve improved health outcomes.

4.2. Policy Objectives

1. **Planning, Regulation, and Enforcement**

Demonstrate Council's commitment to protecting those most at risk of gambling related harms through its statutory roles and responsibilities, including strengthening Council's capacity to effectively guide the location of EGMs by providing the framework for proposed future amendments to the Ballarat Planning Scheme.

2. **Community Partnerships**

Collaborate with partners and the community to reduce gambling related harm using a public health approach, increasing access to services and opportunities for alternative recreational activities.

3. **Advocacy**

Advocate for systemic and legislative change within the gambling industry, promote harm minimisation best practice and improve understanding to reduce gambling harm in the Ballarat community.

4.3. Policy Statements

The City of Ballarat adopts the following policy statements in relation to gambling. These statements are founded on three primary priorities that reflect Council's statutory roles, namely: planning, regulation, and enforcement; community partnerships; and advocacy. These will guide Council strategies and actions over the life of this Policy.

Planning, Regulation, and Enforcement

- Council will fulfil its various statutory roles to encourage an environment which aims to protect the community from gambling related harms.
- Council will assess Gaming Machine planning permit applications on their merits, seeking to reduce the harm from EGMs in Ballarat, with consideration to venue location, relationship to known risk factors, and ensuring that vulnerable communities are protected.
- Council will consider the potential social and economic impacts of applications for new or amended gaming licences or applications to install, transfer or use EGMs, including consideration of gender and intersectional specific experiences of gambling harm.
- Council will oppose any planning and licensing application for additional EGMs and the transfer of EGMs in the municipality where there is solid evidence that the application will have negative social and economic impacts and minimal community benefit.

- Council will discourage an increase in EGM density per 1,000 adults and EGM expenditure in vulnerable communities and neighbourhoods.
- A Planning Scheme amendment process will be undertaken, including the production of detailed and thoroughly researched supporting documents, to strengthen Council's capacity to manage and influence the location, operation, and design of EGM facilities in the municipality through the planning process.
- The following will be considered in the determination of any planning permit application:
 - Evidence of intentional design to limit access and exposure to gambling products (both visually and audibly), and promotion of gambling products, within all areas of premises that will attract minors, families and others seeking to avoid interactions with gambling products;
 - Prevention of access to gambling experiences for young people who may attend an establishment's bistro, family area, playground, or outdoor area has been prioritised, including ensuring that there is no visibility or promotion of products such as gaming machine areas, Keno, racing, sports betting, raffles, lucky cards, or envelopes;
 - For new gaming venues, this Policy recommends a minimum eight-hour shut down of the gaming floor, either between 1am-9am, or 3am-9am and 3pm-5pm daily;
 - Ensuring that EGMs are not located in close proximity (within 400m) to children's and community services, or vulnerable communities. This includes communities with lower SEIFA index of disadvantage or income, or those with higher levels of housing stress or unemployment than the City of Ballarat average;
 - Ensuring that the already higher than State average density of EGMs within the municipality does not increase; and
 - Ballarat and State Planning Scheme considerations will underpin final decisions.
- Council will require that applications for planning permits to install or use EGMs, or new or amended gaming licences are accompanied by rigorous and transparent social and economic impact assessments, encouraging applicants to have early engagement with Council to ensure harm minimisation design principles are employed. Social and economic impact assessments are completed entirely by Council with no cost to applicants.

Community Partnerships

- Council will work in partnership to support relevant organisations, providers, and agencies in their initiatives to increase access to services that address the impacts of gambling related harms, particularly for vulnerable groups, in line with best practice approaches.
- Council will promote services that assist those impacted by gambling harm, including family and friends affected by someone else's gambling.
- Council will support and assist coordination of collaborative work within the municipality in advocating for harm minimisation approaches and improved community awareness of gambling and related harms, including increased understanding of the different ways that gambling harm may be experienced depending on gender, culture, and other intersectional attributes, and the provision of gambling harm education efforts.
- Council internal meetings will be held at venues that do not have EGMs. This is in line with Council's staff Code of Conduct Handbook, which commits to limiting exposure at work to gambling. Larger events (sporting, festive and partnered) may continue to be held at such venues when required.

- Council will prohibit the siting and operation of any new or additional EGMs on Council-owned land. This does not retroactively apply to EGM applications commenced prior to the adoption of the policy.
- Council will prohibit permanent promotion and advertising of gambling products at Council-owned facilities outside of gaming floors, with the exception of pre-existing contractual obligations. This pertains to sports betting, online gambling, other forms of gambling and EGMs, with the aim of minimising community exposure to gambling advertising and the further normalisation of sports betting.
- Council will support initiatives that reduce gaming operators' reliance on revenue from EGMs.
- Council will prohibit applications to the City of Ballarat Community Impact Grant Program from entities and venues operating EGMS, and owners of EGM licenses, beginning 1 July 2022. This will not impact the delivery of grants previously awarded prior to 1 July 2022.
- Council will support opportunities which increase non-gambling social, leisure, entertainment and recreation opportunities which do not result in additional people being exposed to gambling related harms, including those providing safe alternative venues and activities.
- Council will maximise the opportunity for the community to provide their input into Council's strategic, regulatory, and decision-making processes relating to gaming applications.

Advocacy

- Council will advocate in partnership with the community for systemic and legislative change to address gambling harm.
- Council will advocate to the Victorian Government for a reduction in the regional cap for EGMs (currently 663).
- Council will advocate that any EGMs given up by venues are automatically removed from the regional cap.
- Council will advocate to government and peak bodies for effective reform of the gambling industry consistent with the Productivity Commission and the Alliance for Gambling Reform, including (but not limited to) restricting access through reduced poker machines and trading hours, limiting maximum bets to \$1, removing deceptive features such as 'near misses', and losses disguised as wins.
- Council will advocate to ensure state government is regulating the gaming industry in an appropriate manner.
- Council will support community, service providers and agencies in their efforts to advocate for necessary changes to the regulatory, statutory, and strategic framework.
- Council will research and access data on local gambling context and emerging needs to inform community awareness and advocacy, including online and sports betting, and gender and intersectional experiences of gambling harm, and include this information in the review of its 'Minimising Gambling Harm' Social Policy Position Statement.
- Council will encourage all gaming venues and community settings to promote their adoption and implementation of gambling harm minimisation strategies, such as Clubs managing Self-Exclusion Programs.
- Council will support advocacy efforts that increase transparency, efficiency, and equity in the regulatory and decision-making processes.
- Council will advocate for the amendment of legislation to transfer stronger controls over EGMs to local government.

4.4. Monitoring and Review

Intended outcomes to monitor the implementation of the Policy may include but are not limited to:

Objective 1. Planning, Regulation, and Enforcement

- Amendments to the Ballarat Planning Scheme have been proposed with the view of strengthening Council's capacity to manage and influence the location, operation, and design of EGM facilities.
- All submitted planning permits related to EGM's have been assessed ensuring that harm minimisation principles are applied, and vulnerable populations have been protected.
- Social and Economic Impact Assessments have been undertaken by Council and submitted to the VGCCC on all applications for new or amended gaming licences or applications to install, transfer or use EGMs.
- Any planning and licensing application for additional EGMs and the transfer of EGMs in the municipality where there is solid evidence that the application will have negative social and economic impacts and minimal community benefit has been opposed.

Objective 2. Community Partnerships

- Council has worked with a range of partners to implement local gambling harm minimisation and awareness activities.
- Council has promoted services that assist those impacted by gambling harm, or family and friends affected by someone else's gambling.
- Council has worked with partners to undertake community attitudes to gambling survey.
- There is increased availability of facilities and services that provide non-gambling social, leisure, entertainment and recreation activities, and safe alternative venues for individuals experiencing harm.
- There are no new or additional EGMs on Council-owned land, with the exception of any applications currently in progress at the time this policy is adopted.
- Council internal meetings and staff social events have been held at venues where there is no exposure to EGMs.
- Council has not accepted new funding applications from entities or venues operating EGMS, or owners of EGM licenses, for the Community Impact Grant Program after 1 July 2022.
- The Community Impact Grant Guidelines and Grants Policy have been updated to reflect that Council will no longer accept funding applications from entities and venues operating EGMs, or the owners of EGM licenses, for the Community Impact Grant Program.
- Council has enabled opportunities for community members and stakeholders to participate in EGM decision making and gambling advocacy processes.
- Where possible, Council will participate in and/or support research undertaken regarding the impacts of gambling environments and gambling, and effective harm prevention and harm minimisation measures.

Objective 3. Advocacy

- Council has maintained its role as a supporter organisation to the Alliance for Gambling Reform and participated in relevant campaigns which advocate for state and federal government legislative change.
- Council has made submissions to appropriate enquiries, committees and policies calling for changes to gambling legislation and systems which reduce gambling harm.
- Council has updated the 'Minimising Gambling Harm' Social Policy Position Statement and made available on Council's website.
- Council has contributed to relevant gambling harm research projects through direct participation and promotion.

This policy will be subject to review by June 2026.

5.0 Supporting Documents and References

5.1. Legislation

- *Gambling Regulation Act 2003*
- *Gender Equality Act 2020*
- *Interactive Gambling Act 2001*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Public Health and Wellbeing Act 2008*
- *Victorian Commission for Gambling and Liquor Regulation Act 2011*
- *Victorian Gambling and Casino Control Commission Act 2011*

5.2. Associated Documents

- Ballarat Planning Scheme
- Ballarat Strategy 2040
- MySay Community Engagement - City of Ballarat Community Attitudes to Gambling 2019
- City of Ballarat Health and Wellbeing Plan 2021- 2031
- 'Minimising Gambling Harm' Social Policy Position Statement 2022
- Social Policy Framework 2018
- Victorian Planning Schemes

5.3. Definitions

Council means Ballarat City Council and/or City of Ballarat.

EGM means an electronic gaming machine. It 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 positions of symbols on the screen. Wins are returned as credits back into the machine.

Gambling means the placement of a wager or bet on the outcome of a future uncertain event. It includes gaming, racing, and sports betting activities.

Gambling related harm means any initial or increased detrimental consequence due to an engagement with gambling that leads to a negative impact to the health or wellbeing of an individual, family unit, community, or population.

VGCCC means Victorian Gambling and Casino Control Commission, the independent statutory authority which regulates Victoria's gambling and liquor industries. The commission conducts hearings (both public and private) on matters such as approval for proposed gaming premises, or requests for increased gaming machines.

6.0 Policy Owner

Executive Manager Engaged Communities.

7.0 Authorisation

Adopted by Ballarat City Council on 27 April 2022 (R54/22)