

Responsible Electronic Gaming (EGM) Policy, August 2016



**MORNINGTON
PENINSULA**
Shire

TYPE	COUNCIL
PURPOSE	This policy aims to minimise the harms from electronic gaming and encourage responsible gaming with an overall net social, economic and environmental benefit.
OBJECTIVES	To guide Council in its decision making relating to electronic gaming including: applications for gaming authorisations; land use and development applications; proposals that may avoid, minimise or alleviate potential harm from electronic gaming and the review of State and local regulations relating to electronic gaming.
SCOPE	<p>The policy applies to Council in the exercise of any of its powers that relate directly or indirectly to the matter of electronic gaming machines and gaming venues in the municipality or those within close proximity to our municipality.</p> <p>This policy has the following themes;</p> <ol style="list-style-type: none"> 1. Regulation – to develop appropriate regulation to minimise harm from EGMs 2. Advocacy, Education & Consultation - To ensure that Council's advocacy effort has a direct positive influence on local communities and individuals and to provide a vehicle for community consultation. 3. Integrated Policy – To consider the net socio-economic impact of gaming on individuals and the community in all Council policy, planning, strategy development, land management and community development. 4. Research, Resources and Review – To ensure Mornington Peninsula Shire Council is a leader in the field and adopts best practice guidelines to inform Council actions. <p>This policy recognises that the location of EGMs in Victoria is regulated by the Gambling Regulation Act (2003).</p> <p>This policy applies to both existing and proposed venues.</p> <p>Related legislation and policy is described in later sections of this document.</p> <p>The Mornington Peninsula Shire (MPS) Responsible Gaming Policy (RGP) 2016 updates the Shire's earlier policy, Responsible Gaming</p>

	<p>Strategy 2001 and the results of the outcome of the exhibition of Mornington Peninsula Shire Responsible Gaming Background Paper and Draft Strategy and Action Plan in 2007.</p> <p>This policy is prepared on the basis that EGMs should not be prohibited given they are a legitimate form of entertainment that can positively contribute to the community and the local economy. However, this is premised on ensuring there are adequate mechanisms in place for harm minimisation and when a best practice approach is undertaken to optimise positive social and economic outcomes.</p> <p>This policy acknowledges that both gaming and non-gaming clubs and hotels on the Peninsula make positive contributions to the community and provide a range of services and community benefits.</p> <p>Further, applicants should consider this policy and how their proposal responds as part of any application referred to or made to Council.</p>
<p>DEFINITIONS</p>	<p>EGMs: Electronic Gaming Machines - commonly known as ‘poker’ machines or ‘pokies’</p> <p>Gambling: An entertainment based on staking money on uncertain events driven by chance, with the potential to win more than staked, but with the ultimate certainty that gamblers as a group will lose over time. Legal gambling in Australia may take many forms including on and off course bookmakers, the TAB, casinos, gaming machines, instant lottery, interactive gaming, Keno, lotteries, lotto, pools and sports betting</p> <p>http://www.audit.act.gov.au/auditreports/reports2012/Report%201_2012%20Monitoring%20and%20minimising%20harm%20caused%20by%20problem%20gambling%20in%20the%20ACT.pdf</p> <p>Gambling Harm: A broad term used to describe the adverse health, social and economic consequences of gambling behaviour for individuals, families, and communities.</p> <p>Gambling venues: refers to licensed clubs and hotels in which electronic gaming machines are located and where other forms of gambling may also be situated.</p> <p>Gaming: the playing of an electronic gaming machine</p> <p>Gaming authorisation: Any approval or licence required under the Gaming Regulation Act.</p>

	<p>Gaming Expenditure: relates to the overall amount of money expended on electronic gaming machines, http://www.responsiblegambling.vic.gov.au/information-and-resources/your-local-government-area</p> <p>Harm minimisation: aims to address addictive issues by reducing the harmful effects on individuals and society</p> <p>LGWGOG: Local government working group on gaming</p> <p>MPPS: Mornington Peninsula Planning Scheme which is created under the Planning and Environment Act 1987 and provides the framework for the assessment of planning applications.</p> <p>Problem gaming: Problem gambling is characterised by difficulties in limiting money and/or time spent on gambling which leads to adverse consequences for the gambler, others, or for the community. http://www.responsiblegambling.vic.gov.au/home</p> <p>Regional caps: Determination by the Victorian Commission for Gambling and Liquor Regulation of the Maximum Permissible Number of Gaming Machine Entitlements under which gaming may be conducted in Capped Regions or the maximum permissible gaming Machine entitlements under which gaming may be conducted in a region of the State determined and in force under section 3.4A.5(3A) http://www.vcglr.vic.gov.au/home/gambling/gaming+venue+operators/caps+and+limits/municipal+limit</p> <p>VCGLR: Victorian Commission on Gaming and Liquor Regulation which assesses applications for venue operator licences.</p>
<p>POLICY</p>	<p>In carrying out its duties, Mornington Peninsula Shire will:</p> <ol style="list-style-type: none"> 1. Provide a proactive and integrated approach to the gaming industry through a collaborative response across the organisation. 2. Ensure that the social and economic impacts of gaming are considered when determining applications for gaming venues and machines. 3. Seek to ensure that gaming venues and machines are located, designed and operated; <ol style="list-style-type: none"> a. in a manner that minimises opportunities for convenience gaming and where they are readily accessible from or highly exposed to disadvantaged areas or gambling-sensitive uses

	<ul style="list-style-type: none"> b. so that the community has a choice of non-gaming entertainment and recreation facilities and activities within the gaming venue and in the local area. 4. Work with other councils and all levels of government in ensuring best practice mitigation of the negative impacts of gaming, including responses to VCGLR applications in neighbouring municipalities where relevant. 5. Work with existing venue operators to understand their issues and pressures whilst ensuring they are responsive to social and economic issues. 6. Implement best practice guidelines in the assessment of proposals and work with operators to achieve best practice. 7. Seek To Protect Vulnerable Communities & Local Amenity.
<p>PROCEDURE</p>	<p>Regulation</p> <p><i>Prohibit Gaming Machines On Council Owned Or Controlled Land</i></p> <ul style="list-style-type: none"> • Prohibit the establishment of any new gaming venues on Council-owned or managed land. • It is recognised that the Hastings Club which was licensed for 50 EGMS on 15 September 1998 is an existing venue of Council owned land. Accordingly, for the Hastings Club, it must operate under all of the following conditions: <ul style="list-style-type: none"> ○ make a positive net community benefit; and ○ have the number of EGMS controlled to 50 EGMS or less through the property lease arrangement. <p><i>Assessment of Proposals (planning applications & gaming authorisations)</i></p> <ul style="list-style-type: none"> • Oppose any proposal for a new gaming venue or installation of EGMS which would not have a net community benefit having regard to the community it is to be located within. • Seek to influence the design of gaming venues, particularly in relation to the location of EGMS in gaming venues, including clear directional signs from gaming areas to all non-gaming

	<p>amenities,</p> <ul style="list-style-type: none"> • Ensure appropriate venues comply with the following: <ul style="list-style-type: none"> ○ Provide a range of social, leisure and recreational activities other than gaming as the primary purpose of the venue. ○ Operate alternative social or recreational activities when gaming machines are available for use by patrons. ○ Have a gaming floor area less than 25 per cent of the total floor area of the venue. ○ Have access to natural light and allow patron surveillance of outdoor areas. ○ Physically and visually separate the venue’s non-gaming activities from gaming activities. ○ Are designed so that amenities for the venue’s non-gaming activities, including entrances and exits, toilets, meeting spaces and dining areas, can be accessed without entering the gaming area. ○ Do not operate for more than 18 hours per day or beyond 2:00AM. • Oppose new gaming venues in strip shopping centres and shopping complexes. • Oppose the location of gaming venues in residential neighbourhoods. Recognising this leads to convenience gambling and often results in adverse amenity impacts such as noise, traffic and a shortage of on street car parking which are similar to considerations regarding the sale and consumption of alcohol. • New gaming venues and machines should not be located: <ul style="list-style-type: none"> ○ Where they are convenient to core retail areas, supermarkets, community facilities and services or bus interchanges where large numbers of pedestrians are likely to pass in the course of their daily activities, increasing the likelihood of impulse decisions to play gaming machines; or, ○ within 400 metres of any of the following uses: <ul style="list-style-type: none"> ▪ Gambling-sensitive uses, such as social security
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	<p>offices, welfare agencies, and gambler support services</p> <ul style="list-style-type: none"> ▪ School, kindergarten or childcare centre ▪ Supported or special accommodation ▪ Social (public and community) housing developments or clusters comprising 50 or more dwellings. ▪ Medical or health centre ▪ Libraries, community hall or facility. <ul style="list-style-type: none"> • Establish appropriate densities of machines at the township level so that clusters of venues and machines are avoided in vulnerable areas and where there is already an existing high density of gaming venues and/or gaming machines. Specifically, the townships of Dromana, Hastings, Mornington, Rosebud and Rosebud West and Rye where a higher density of gaming venues already exists. • Require the provision of a social and economic impact assessment to be submitted to Council for consideration for any new gaming venue or installation of additional EGMs at existing venues. <p><i>Submissions to the VCGLR</i></p> <ul style="list-style-type: none"> • Council will make submissions to the VCGLR setting out the net economic and social impact on the wellbeing of the community when: <ul style="list-style-type: none"> ○ a club or hotel in Rye, Rosebud, Mornington, Hastings or Dromana applies for a new, or seeks to vary an existing gaming venue licence; or ○ the Shire considers there may be adverse impacts or no net community benefit from a club or hotel, within the Shire or in a bordering municipality that applies to become a gaming venue or seeks to vary an existing gaming venue licence. • Oppose the transfer of machines between venues from one part of the Peninsula to another location in the Shire where a greater negative social and economic impact is demonstrated. • Consider appealing against VCGLR decisions regarding increasing gaming machine numbers where the Shire makes a
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submission to VCGLR that:

- The marginal impact resulting for the approval of new gaming machines will result in a net social and economic impact that is negative;
- There is a negative spatial impact related to proximity of the gaming machines to social and community facilities and services;
- Taking account of the character and composition of the local area the increase in gaming machine numbers could result in detrimental impacts for the local community; or,
- The gaming machines are located in one of the five local areas Council (Rye, Rosebud, Mornington, Hastings or Dromana) has determined should have no increase in gaming machines.

Review of the Mornington Peninsula Planning Scheme

- Review the Planning Scheme with a view to commencing a planning scheme amendment process to strengthen planning scheme provisions relating to gaming including:
 - Introducing a new local Planning Scheme Policy for Gaming to provide stronger guidance in decision making about gaming venues and EGMs which draws upon this Responsible Electronic Gaming (EGM) Policy; and,
 - Amending the Schedule to Clause 52.28-3 so that it prohibits gaming venues in the following shopping complexes:
 - Mornington Safeway Complex, 219 - 257 Main Street,
 - Mornington Central Shopping Complex, Railway Grove,
 - Somerville Shopping Centre, Eramosa Road West,
 - Dromana Shopping Centre, Pt Nepean Road, Dromana.
 - Port Phillip Plaza, corner Boneo Road &

	<p>McCombe Street, Rosebud</p> <ul style="list-style-type: none"> ▪ Rosebud Central Shopping Centre, 991 Point Nepean Road, Rosebud ▪ McCrae Plaza Shopping Centre, Point Nepean Road McCrae ▪ Bentons Square Shopping Centre, Dunns Road, Mornington ▪ Balnarring Village Shopping Centre <ul style="list-style-type: none"> ○ Retaining the planning provision that provides for a general prohibition on locating gaming machines in strip shopping centres. ○ Making the Responsible Electronic Gaming (EGM) Policy a reference document. <p>Advocacy, Education & Consultation</p> <p><i>Advocate for Improved Healthy Outcomes</i></p> <ul style="list-style-type: none"> • State government to reduce the densities of EGMs in vulnerable communities, particularly within 2.5 k radius. • Equitable distribution of the financial gains from EGMS to and within the Mornington Peninsula. • Improved regulation to prevent problem gambling. • Ready access to services for problem gamblers. • Greater transparency in the distribution of the State Government Community Support Fund on a municipal basis. • State Government to limit Regional cap on number of Electronic Gaming Machines on the Mornington Peninsula to current level of 821. • State Government to restructure Community Benefit Statements for clubs to exclude operating expenses. • A State plan to reduce its dependency on gaming revenue. • Continued research to address problem gambling in order to better prevent and mitigate harms. <p><i>Facilitate Community Awareness & Education</i></p> <ul style="list-style-type: none"> • Promote and participate in the annual Victorian Gambling
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	<p>Awareness Week activities and hold an annual community forum on gaming and/or gaming related issues</p> <ul style="list-style-type: none"> • Produce an annual state of play summary report on electronic gaming on the Mornington Peninsula and/or hold an annual forum • Undertake community consultation (i.e. such as surveys) in response to applications for increased gaming machines to gauge community views and inform the public via Council's website about applications. • Encourage gaming venue applicants to seek community input regarding applications. <p><i>Encourage a Best Practice Approach from Gaming Operators</i></p> <ul style="list-style-type: none"> • Encourage gaming venue operators to develop and implement a harm minimisation plan to reduce the negative impacts of gaming on individuals and communities • Encourage proponents to engage with Council on an ongoing basis to enable greater understanding of issues whilst developing community partnerships which provide for a net community benefit. • Encourage proponents to undertake public consultation with both patrons and the broader community in relation to any gaming venue or EGM proposal (i.e. public notice, local paper, and community survey) prior to the lodgement of an application with either Council or the VCGLR. • Apply the EGM best practice assessment criteria to all applications for increased gaming machines or venues (Attachment 1) <p><i>Integrated Policy</i></p> <ul style="list-style-type: none"> • Consider the Impact on All Council Policies • Include the net negative social impact of gaming on individuals and the community in the considerations of all Council policy, planning and strategy development: • Clubs with electronic gaming machines ineligible for any Mornington Peninsula Shire grants programs. • Criteria for, and provision of, Mornington Peninsula community
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	<p>grants program to take account of promotion and provision of alternative passive leisure and recreation options to gaming.</p> <ul style="list-style-type: none"> • Provision of alternative passive leisure and recreation taken into consideration in the development and review of the Shire's policies to promote a broad range of alternative local healthy activities to gaming, particularly for vulnerable and disadvantaged members of the community • Ensure the Shire's fees and charges policy take account of commercial benefits gained by clubs with gaming machines located on Shire owned or managed land and the limited funds available to clubs without gaming machines and/or other commercial activity such as bars or restaurants • Regularly assess the implications of Shire patronising gaming venues in association with Council's service delivery across council service areas • Continue to implement and review the Shire's Responsible Gaming Policy Donations/Sponsorship Guidelines¹ to assist Council make informed decisions regarding offers of sponsorship or donations from gaming venues and gaming operators. <p>Research, Resources & Review</p> <p><i>Allocate Appropriate Resources</i></p> <p>Allocate appropriate Council resources through the budget process to:</p> <ul style="list-style-type: none"> • Ensure that the Shire produces and supports comprehensive research setting out EGM industry trends and the net economic and social impact of gaming on the wellbeing of the community. • Maintain and support the continuation of the Shire's Consultative Committee on Gaming and promote dialogue between Council, venue operators and relevant community organisations.
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¹ (These guidelines outline the key objective of sponsorship and donations so as to deliver net community benefit that do not compromise the Responsible Gaming Policy or its goals.)

	<p>Review</p> <ul style="list-style-type: none"> • Enable the ongoing review of existing gaming policies and strategies to ensure gaming policies are current and relevant whilst responding to trends and the changing demographics of the Shire.
<p>RESPONSIBILITY</p>	<p>Social Planning and Community Development</p> <ul style="list-style-type: none"> • To provide administrative support for the Mornington Peninsula Consultative Committee on Gaming. • To consider this policy in advocating for any legislative change to minimise harm from electronic gaming. • To liaise with other Councils and bodies as appropriate to further electronic gaming research that is of benefit to Council's functions. • To provide gaming related research findings to other Shire Teams to assist them in their functions related to electronic gaming issues. • To consider this policy in making submissions to the VCGLR and seeking review of VCGLR decisions in relation to matters under the Gambling Regulation Act 2003. <p>Statutory Planning</p> <ul style="list-style-type: none"> • To consider this policy in assessing planning permit applications under the Mornington Peninsula Planning Scheme. <p>Strategic Planning</p> <ul style="list-style-type: none"> • To consider this policy before making decisions and preparing advice to Council about any review of the Planning Scheme including the preparation of any planning scheme amendment relating to planning policy and provisions affecting electronic gaming. <p>Economic Development</p> <ul style="list-style-type: none"> • To consider this policy in promoting economic development.

	<p>Property Operations</p> <ul style="list-style-type: none"> To consider this policy in managing Council land <p>Mornington Peninsula Consultative Committee on Gaming:</p> <ul style="list-style-type: none"> To consider this policy before providing any advice to Council.
<p>RELATED POLICIES / STRATEGIES / PLANS</p>	<p>Mornington Peninsula Planning Scheme Clause 52.28</p> <p>This is a State particular provision that sets permit requirements for the installation or use of a gaming machine and, via schedules, enables the installation or use of a gaming machine to be prohibited in particular shopping complexes and strip shopping centres.</p> <p>MPS Health and Wellbeing Plan 2013 – 2017</p> <p>MPS Responsible Gaming Policy Donations/Sponsorship Guidelines 2004</p>
<p>RELATED LEGISLATION</p>	<p>Local Government Act 1989:</p> <p>Confers a role on local government to represent the needs and advocate on behalf of the local community. Local councils can represent the community by submitting a social and economic impact assessment statement to the VCGLR. However local government powers in respect to control over the operation of gaming machines within the municipality are limited by State Government legislation. Providing land use requirements are satisfied, local government is largely restricted to acting as an advocate for the community.</p> <p>Public Health and Wellbeing Act 2008</p> <p>The Victorian Public Health and Wellbeing Act 2008 is designed to promote and protect public health and wellbeing in Victoria. The Act imposes a number of responsibilities on Councils including that a Council must prepare a Municipal Public Health and Wellbeing Plan to protect and promote health and wellbeing including taking steps to prevent and control public health risks.</p> <p>.</p>

	<p>Gambling Regulation Act 2003 (the Act)</p> <p>All forms of legalised gambling in Victoria are regulated in accordance with three Acts: the Gambling Regulation Act 2003, the Casino Control Act 1991 and the Casino (Management Agreement) Act 1993. These Acts aim to ensure the probity and integrity of gambling activities in Victoria by providing community-wide benefits while minimising harm. The Gambling Regulation Act 2003 consolidates the law relating to gambling in Victoria, and prescribes the process for the installation of EGMs. The Act confers power to the Victorian Commission for Gaming & Liquor Regulation to grant the approval of premises as suitable for gambling and making amendments to venue operator’s license.</p> <p>Gaming Machine Control Act 1991</p> <p>The purpose of this Act is to establish a system for the regulation, supervision and control of gaming machines and gaming equipment</p> <p>Planning & Environment Act 1987</p> <p>The purpose of this Act is to establish a framework for planning the use, development of land in Victoria.</p>
<p>REFERENCES</p>	<ul style="list-style-type: none"> • Australian Government Productivity Commission Inquiry into Gambling 2009, http://www.pc.gov.au/projects/inquiry/gambling-2009 • Counting the cost Inquiry into the Costs of Problem Gambling Final Report December 2012, Victoria Competition and Efficiency Commission • Electronic Gaming Vulnerability Maps Updated – Southern Metropolitan Region City of Kingston, Frankston City, City of Casey, Mornington Peninsula Shire, Cardinia Shire, City of Greater Dandenong; SGS Economics and Planning Pty. Ltd September 2008 • Mornington Peninsula Shire Responsible Gaming Strategy 2006 Issues and Background Paper, Section 1, January 2007 • Mornington Peninsula Shire Draft Responsible Gaming Strategy 2006 Strategy and Action Plan, Section 2, January 2007 • Mornington Peninsula Shire Responsible Gaming Strategy,

	<p>2001.</p> <ul style="list-style-type: none"> • Mornington Peninsula Consultative Committee on Gaming, Terms of Reference, May 2013 • Problem Gambling and Harm: Towards a National Definition Commissioned for: The Ministerial Council on Gambling Prepared by: The SA Centre for Economic Studies with the Department of Psychology, University of Adelaide Funded by the Australian Government and the State and Territory Governments http://www.adelaide.edu.au/saces/gambling/publications/ProblemGamblingAndHarmTowardNationalDefinition.pdf • South East Regional Gaming Policy Framework (Coomes December 2007) • Stress & Wellbeing Report 2015 http://www.responsiblegambling.vic.gov.au/information-and-resources/whats-new/stress-and-wellbeing-report-2015 • Victorian Commission for Gaming and Liquor Regulation: • http://www.vcglr.vic.gov.au/home/gambling • Victorian Local Government Working Group on Gaming (LWGOG) • Victorian Responsible Gambling Foundation website • http://www.responsiblegambling.vic.gov.au/information-and-resources/publications • Victorian Community Support Fund – Department of Treasury & Finance • http://www.dtf.vic.gov.au/Victorias-Economy/Community-Support-Fund-expenditure-Financial-overview
AUTHOR	Coordinated through Social Planning and Community Development, Statutory Planning and Strategic Planning Units.
APPROVED	Executive (date) Council (Adopted on 8 August 2016)
REVIEW	This Policy shall be subject to review within 12 months of the next general Council election to be held in October 2016.

