



Electronic Gaming Machine (Pokies) Community Policy

Macedon Ranges Shire Council

2009

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Introduction

Electronic Gaming Machine (Pokie) gambling is a lawful activity engaged in by many local residents with expenditure in Macedon Ranges Shire in 2006/07 being \$8,268,009.61¹. Council acknowledges that pokie gaming is a legal activity and that it is strongly supported by the State Government of Victoria who consider it to “make an important contribution to our community and our economy”². Macedon Ranges Shire Council is aware that there are a number of negative aspects to pokie gaming as revealed by research and inquiries. In its report, the Productivity Commission conceded that “Gambling clearly does have severe social impacts for some people, so the objective of ameliorating or preventing these harms has a strong foundation.”³ In order to provide a balance between the recreational potential of pokie gaming in the Shire and Council’s broader town planning, health, wellbeing and community representation responsibilities Council has developed an Electronic Gaming Machine (Pokies) Community Policy.

Council's aim is to provide a transparent and practical approach to pokie venues that reflects local community expectations. This current document is a supplement and reference to the Macedon Ranges Shire's Gaming Policy Framework, the latter sitting within the Local Planning Policy Framework. The two new Macedon Ranges Shire Pokies Policies are supported by the Council Plan, Municipal Strategic Statement, Health and Wellbeing Plan and the Macedon Ranges Planning Scheme. It is expected that Council’s documents and policies on pokies will provide clarity to current and prospective gaming venues and the community, particularly in relation to placement and harm prevention.

All proposals for new gaming venues and applications for increases in machine numbers to existing venues in the Macedon Ranges Shire, need specific planning approval. A planning permit issued by Council in respect to the use and development of land for an hotel or a restricted place of assembly however is not a planning permit to install or use gaming machines, even if use for gaming machines is mentioned in the application. If gaming is planned at the site or venue, a separate permit is required. This present document and the Gaming Policy Framework (still in draft format as at October 2008) provides details and guidance about the type of information required by Council from applicants seeking a permit to install additional pokie gaming machines in the Shire.

Vision

Council's vision for pokie gambling in the Shire is to ensure pokie gaming is positioned appropriately and developed in ways that comply with Council’s planning regulations and policies.

Background

The Victorian Government has granted twenty year licences to Tattersalls and Tabcorp to operate pokie machines in the State of Victoria. These licenses are due to expire on 15 August 2012 after which a different model is expected to be implemented. Currently, pokie machines in Victoria are owned, operated and maintained by the two aforementioned licensed operators. These agencies also operate the on-line monitoring system for pokies which means that, unlike in other states and internationally, the licensed operators have access to sophisticated data from the pokie machines which is not available for public access or for government

¹ VCGR (2008) Gaming Expenditure by Local Government Area. www.vcgr.vic.gov.au As at October

² Department of Justice (2006) *Taking Action on Problem Gambling – A strategy for combating problem gambling in Victoria*. State Government of Victoria. October. Page3.

³ Productivity Commission (1999) *Australia's Gambling Industries, Report No. 10*, AusInfo, Canberra: 12.12.

monitoring. In other States and Territories in Australia, monitoring of data from pokie machines is conducted by independent, licensed monitoring operators⁴.

As far back as 1994 the Schilling Report found that little research had been conducted in Victoria, or even basic statistics made available to show what the social and community costs associated with pokie gaming might be⁵. This is still the case today⁶. Lack of public or government access to pokie machine data in Victoria means it is not possible for State or Local governments to assess the economic and social impact of pokie gaming in local communities - although such assessment is required of local governments in the event they oppose an application for installation of more pokie machines in their areas.

Local governments have conducted their own research in attempts to assess economic and social impacts but the scope has necessarily been extremely limited since there is no ability to access the relevant data and there is an inability to show a direct nexus between observed impacts and specific pokie machines as has been required at VCAT hearings. As such local government assessments of impact are easily able to be challenged at Victorian Commission for Gambling Regulation (VCGR) and Victorian Civil and Administrative Tribunal (VCAT) hearings. Local governments have been directly involved in the gaming license process since the introduction of the *Responsible Gambling Act 2000*. However, as a result of their involvement they have incurred considerable financial costs through the necessity of engaging legal representation and having to conduct their own research to try and show the economic and social impact of proposed additional machines.

Macedon Ranges Shire Council recognises that pokie gaming may provide entertainment, recreation and socialising opportunities. However, it is aware of academically rigorous research and anecdotal evidence that indicates there are severe negative wellbeing and economic issues associated with pokie gambling. The industry itself directs significant funding toward the prevention of problem pokie gambling and education campaigns including responsible gambling awareness weeks and media campaigns. However, there has been little funding for problem gambling research that has focused on product safety, venue design, density in local communities and the effects these have on problem gambling behaviour. With little research that shows pokies are not harmful to the community there remains considerable community anxiety and antipathy toward pokie machines being located in their local towns' communities⁷.

The Victorian Supreme Court of Appeal decision in *Macedon Ranges Shire Council v Romsey Hotel Pty Ltd* (VSCA 45) on 19 March 2008⁸ upheld the Macedon Ranges Shire Council's contention that the views and objections of the local community must be taken into account in the granting of permission to install pokie machines in a locale. Previously the views and opinions of the community have held little or no weight in hearings. The Supreme Court decision gave status to the fundamental principle that community views and wishes are important, and must be considered seriously in decision-making. The VCAT re-hearing decision of 12 November 2009 refused the Romsey Hotel application for pokie machines on the grounds that ". . . the net economic and social impact of the gaming machines will be detrimental to the wellbeing of the community". Justice Bell states that: "Community wellbeing is a regulatory concept of some importance. It has been employed in the Gambling Regulation Act 2003, the Local Government Act 1989, the Health Act 1958 and (more recently) the Public Health and Wellbeing Act 2008. Under the Gambling Regulation Act, which applies in this

⁴ Office of Gaming and Racing (2006) *Gaming Machine Licence Arrangements Post-2012: Report by Peter Kirby on Public Consultations and Submissions*. The Review of Electronic Gaming Machine, Club Keno and Wagering Licences, and Funding Arrangements for the Racing Industry Post-2012. Office of Gaming and Racing Department of Justice (October). Page 5. (www.justice.vic.gov.au)

⁵ State Government of Victoria (1994) *Review of Electronic Gaming Machines in Victoria*, Vols 1 and 2. (Also called the Schilling Report.)

⁶ Office of Gaming and Racing (2006) Op Cit. Page 18

⁷ Macedon Ranges Shire Council (2007) *Resident Survey on Pokie Machines*. February.

⁸ Full Decision is at: <http://www.austlii.edu.au/au/cases/vic/VSCA/2008/45.html>

case, wellbeing is the object of the no net detriment test. Under the Local Government Act, the objectives and functions of municipal councils are now framed around wellbeing.”⁹

The Supreme Court and VCAT decisions in the matter of the Romsey Hotel v Macedon Ranges Shire Council gives clear articulation to the concept that local governments have a duty and mandated responsibility to protect and enhance the wellbeing of their communities and to represent the views and wishes of their communities.

In relation to direct benefits to towns and communities from pokie machines it has been found to be minimal and often directed to what in any other context would be considered business overheads including venue rent, salaries and the like (See VCGR web site 2006 Report on Community Benefit by Venue). This situation has since been revised somewhat by changes to legislation. However, direct benefit of pokie gambling to the local community is still minimal. In addition it appears that what is provided is most usually narrowly focused either to those areas where one could argue there are marketing opportunities for the venue such as male sports or to members and patrons of the venue. Macedon Ranges Shire Council has estimated that in Kyneton at least \$1,208.87 per adult is lost to pokies, while \$60.62 per adult is donated or gifted directly into the town. In Gisborne about \$731.33 is lost per adult in the town to pokies and \$3.19 per adult received as gifts or donations to groups in the town¹⁰. Council's Electronic Gaming Machine (Pokies) Community Policy takes into account the identified harms of pokie gambling so that the impact of pokie gambling on the health and wellbeing of the community, individuals and family and friends is minimised. An aspect of this will be to actively encourage pokie venues to make sure that the 'community benefit' component of pokie gambling is more generous and more visibly and equitably invested in the local community. Council anticipates that existing venues will embrace these goals and concepts.

Experience has shown that when Council has opposed introduction of additional pokie machines and venues in the Macedon Ranges Shire it has been criticised by State government bodies for having an 'anti-pokie' policy. At the same time Council is perceived by many residents as being 'pro-pokies' because pokie venues have been established in the Shire. Council has had a very difficult role in developing local policy for pokie gambling that strikes a balance. It intends to do this through a transparent, pragmatic land-use planning approach that will balance competing views and protect the towns' precious cultural and heritage characters, sense of community wellbeing among residents and towns' economic health.

Until relatively recently, planning provisions for pokie venues were structured so that local government approval was not required if the gaming area took up less than 25% of the total licensed floor space. This meant local governments were unable to have any great influence on decisions about pokies in their communities. Changes to the Victorian Planning Provisions in October 2006 removed the 25% floor space clause. This means that all new gaming venues, and applications for increases in machine numbers to existing venues, need specific planning approval from local governments. It is hoped this amendment will enable local government to have a greater say in determining the placement of pokie venues in their local communities.

The Macedon Ranges Shire

The Macedon Ranges Shire consists of nine small towns and a number of smaller hamlets. Gisborne in the south of the Shire is the largest town with a population of 6,398 and Kyneton in the north is the second largest with a population of 4,286. Romsey in the south-east of the Shire is third largest town with a population of 3,527.

⁹ Victorian Civil and Administrative Tribunal (2009) Romsey Hotel v Victorian Commission for Gambling Regulation & Macedon Ranges Shire Council. Citation [2009] VCAT 2275, VCAT Ref. No. B322/2006. 12 November. Page 85-88

¹⁰ www.mrsc.vic.gov.au/Files/LossBenefitEstimates0506.pdf

Towns are interspersed with open grazing country, cultivated land, forests, mountains and distinctive rock formations. The Shire's most important industry is tourism. The area is well known for its natural beauty and heritage towns. The Shire contains some of Victoria's best preserved heritage streetscapes, buildings and gardens from the gold rush era.. Each town has its own distinctive culture and characteristics.

Between 1996 and 2001 Macedon Ranges Shire experienced significant growth of 2.0% per annum which at that time made it the fourth fastest growing regional Shire in Victoria. The 2006 Census however has revealed a considerable slowing of growth between 2001 and 2006, with only 1.2% growth per year.¹¹ Greatest growth in the Shire during this latter period has occurred in the towns of Gisborne, Romsey and Riddells Creek, all of which are located in the south and south-east of the Shire – the areas closest to Melbourne. Combined these three towns accounted for most of the growth in the Shire between 2001 and 2006.

The Shire population (Place of Usual Residence), as at the 2006 Census, was 38,360. Similarly to the rest of Victoria, Macedon Ranges Shire is experiencing growth in its population of older people and growth in smaller household size (currently a majority of households are of one or two people). Housing stress, high interest rates, increased fuel and transport costs, ongoing drought and rising farm costs such feed and fertiliser are other issues seriously impacting on the economic and social health and wellbeing of the Shire's residents and economy.

In a State-wide 2007 Community Indicator's Survey it was shown that Macedon Ranges Shire residents have a higher rate of participation in all types of gambling in comparison to five other local government areas (who also purchased gambling data). While rate of pokie gambling by residents in the Macedon Ranges Shire was slightly less than that of Maroondah local government area it was higher than for Monash, Manningham and Whittlesea and higher than the average. A high proportion of pokie gamblers in the Macedon Ranges Shire appear to be aged 55 years and over¹².

Community Perspective

Council is aware there is considerable local community disquiet about the harmful and potentially harmful effects of pokie machines in the Shire. Community consultation in 2007 revealed considerable negativity toward pokie machines with 93% of the 476 residents consulted wanting "no more [pokie machines] than what we already have" (22%); "less [pokie machines] than what we have now" (20%) and "none" wanted in the Shire (51%)¹³. There was strong support for Council to have greater say in how pokie venues were run and where they should be placed. Concerns of residents ranged from worrying about individuals who use pokie gaming as a means of meeting their psycho/social needs and who are vulnerable to becoming 'problem gamblers'. Other residents are worried about the effect the proliferation of gaming machines in the Shire will have on the character and rural ambience of its small towns and villages. Other concerns are that significant and increasing amounts of money are being spent on pokie machines with almost all directly leaving the Shire. Benefit to the community is considered insignificant since only a fraction of funds are directly benefiting local communities¹⁴.

¹¹ Department of Planning and Community Development (2007) *Victorian Population Bulletin Special Edition 2007*

¹² Macedon Ranges Shire Council (2007) *Community Indicators Victoria Survey: Gaming Rates Analysis*. Survey conducted by the McCaughey Centre, Department of Population Health at Melbourne University

¹³ Macedon Ranges Shire Council (2007) *Resident Survey on Pokie Machines*. February: 6

¹⁴ Ibid: 11 and 24 - 25

The Role of Local Government

Local governments are constituted under the Local Government Act 1989 and are democratically elected. The Act indicates that the primary objective of a Local Council is to endeavour to achieve *the best outcomes for the local community, having regard to the long term and cumulative effects of decisions*. To achieve this, a Local Council needs to have regard to the social, economic and environmental viability and sustainability of the local area and the overall quality of life of the people in the local community¹⁵. Additionally, community wellbeing is a regulatory concept in the Public Health and Wellbeing Act 2008 under which local governments have certain obligations.

In relation to pokie machine gambling, key elements that the Macedon Ranges Shire Council considers as its key responsibilities includes:

1. Ensuring community views about the shape of local communities and neighbourhoods, including the built and social environment, are considered. This includes provision of opportunities for residents to express views on pokie gambling and whether it may be accommodated within any given community.
2. Using the precautionary principle to ensure pokie venues and gaming do not negatively impact towns' social, economic and environmental health or overall quality of life in the local community and developing criteria against which applications for additional pokie machines and gaming venues, or the expansion of venues, may be assessed.
3. Identifying ways in which people may avoid problematic gaming behaviour, for example provision of a range of alternate passive and semi-structured leisure and recreation opportunities that appeal to people traditionally attracted to pokies, such as singles, women, older persons and those with limited means.

Policy Context

While Council Plans and other strategic level documents define the general intent of Council, documents such as this present Electronic Gaming Machine (Pokies) Community Policy fulfil the next step that is concerned with the detail and which focuses on specific issues, goals and implementation plans.

This document and the Macedon Ranges Shire Gaming Policy Framework are Council's policy and planning response to pokie machines and pokie gambling in the Macedon Ranges Shire. The present document is a reference document for the Macedon Ranges Shire *Gaming Policy Framework* which is a separate document within the Local Planning Scheme.

The purpose of the Policy is to communicate Council's policy position in relation to pokie machines in the Shire and to clearly articulate decision and planning guidelines including the criteria that will be used by Council to assess applications for: 1) permits to introduce additional pokie machines, 2) permits to re locate machines within the Shire and 3) to establish new pokie venues. The purpose, principles and planning criteria in this document are consistent with Community and Council aspirations for the Shire, the Municipal Strategic Statement, the Council Plan, the Health and Wellbeing Plan and the Gaming Policy Framework. They are also consistent with the Local Planning Policy Framework outlined in the Government Advisory Note of October 2006, 'Changes to the gaming provisions in planning schemes'. These include the following recommendation:

Objectives and strategies for the location of gaming machines to respond to local environmental, social and economic considerations can be expressed in the Local Planning Policy Framework (LPPF). Local policy can also direct gaming machines to

¹⁵ *Local Government Act 1989* Part 1A Section 3C. Victoria.

appropriate locations and premises in a municipality (Government Advisory Note re: Section 60 of the *Planning and Environment Act*)¹⁶.

The present Electronic Gaming Machine (Pokies) Community Policy is positioned under the Macedon Ranges Shire Council's corporate theme of 'Community Wellbeing - healthy, vibrant and resilient communities that promote and support social, recreational, cultural and community life by providing both essential and innovative amenities, services and facilities in the Macedon Ranges'¹⁷. Outcome 2.1 is "Engaged and Connected Community" with one of the strategies to achieve this being to: "Support research and analysis on issues of emerging community concern, and develop strategies to address those issues". Actions to achieve this in Council Plan 2006-2010 were to review of Council's Gaming Policy and continue advocacy to minimise impact and harm of gaming.

In the more recent Council Plan 2010 – 2013 relevant sections include:

- 1.2 Appropriate Development enhancing our Lifestyle and Community. By developing clear directions, strategies and responsible stewardship of the natural and built environment based on consultation with our partners and with respect for the diverse views in our community.

2.1 'Engaged and Connected Community: By enhancing the capacity of all people to live fulfilling lives by participating in community development initiatives to enhance safety, health, education, quality of life, mobility and accessibility and sense of belonging'.¹⁸

- 2.1 d) Support research and social planning initiatives across the organisation and provide information for evidence-based decision-making
- 4.1 c) Continually reinforce the council's commitment to the value of democratically elected local government through strong representation on issues of local importance.¹⁹

Under the Macedon Ranges Shire Health and Wellbeing Plan 2009 – 2013, a number of goals and strategic actions are relevant:

- Goal 2: To enhance the community's mental and physical health and wellbeing by addressing social isolation, strengthening social capital and encouraging people to adopt a healthier way of life. Council is committed to minimising the damaging social, health and economic impacts of pokie machines in its towns and across the Shire."
- Objective 2.5: Promote healthy lifestyles;
- Strategic Action 2.5b 'Reduce the negative health, economic and social impacts of problem gambling'; and
- Strategic Action 2.5c 'Develop a Gaming Policy Framework and Electronic Gaming Machine (Pokies) Community Policy and integrate them into the Planning Scheme'.²⁰

The Electronic Gaming Machine (Pokies) Community Policy

The Macedon Ranges Shire Electronic Gaming Machine (Pokies) Community Policy is based on four main principles:

1. The playing of pokie machines is a legal activity within the State of Victoria and many people choose to play.
2. As gambling venues have potential for significant negative impacts on the health and wellbeing of communities it is important that their locations are not in areas of high vulnerability or in locations central to where people go about their normal daily activities.

¹⁶ Victoria Government Gazette No. S 276 Wednesday 18 October 2006. Victorian Government Printer and Department of Sustainability and Environment (2006) *Changes to the Gaming Provisions in Planning Schemes, Advisory Note*. October.

¹⁷ Macedon Ranges Shire Council Plan 2009 – 2013: 6, and Macedon Ranges Shire Council Plan 2006 – 2010: 7

¹⁸ Macedon Ranges Shire Council Plan 2009 – 2013: 11

¹⁹ Ibid: 18

²⁰ Macedon Ranges Shire Health and Wellbeing Plan 2009 – 2013: 22-24

3. Pokie venues need to have in place responsible gambling, 'host venue' responsibility and harm minimisation strategies and activities that are visible .
4. Gaming venues need to demonstrate they provide direct (not indirect) benefits to the Macedon Ranges Shire local community. Additionally, method of distribution of local benefit must reflect community preferences and be allocated by a locally representative committee in a transparent, impartial, equitable and inclusive way. Community benefit does *not* include expenditure on business overheads and subsidised goods, services and other benefits aimed at venues' members and customers.

Scope

The current document is a reference document to the Macedon Ranges Shire Gaming Policy Framework. This latter document was developed following changes to the Victorian Planning Provisions (18 October 2006) and the new requirement that a planning permit must be obtained for all new gaming machines in the State of Victoria²¹. This current document should therefore be read in conjunction with the Macedon Ranges Shire Gaming Policy Framework document.

Development

Development of this present document has involved examination of:

- the Victorian Gaming Act and Gaming Regulations;
- recent decisions of the Victorian Gaming and Licensing Commission and the Victorian Civil and Administrative Tribunal;
- Outline Development Plans and Strategic Planning reports on Towns;
- other Councils' Gaming Strategies; and
- academically rigorous Australian research on the characteristics and impacts of pokies gaming.

Also informing development of the policy was:

1. focus group discussions with local residents in the three biggest towns;
2. a comprehensive consultation survey of local residents;²²
3. community and stakeholder consultations conducted during development of the Gaming Policy Framework.

This document,

1. Reflects community and Council expectations of pokie gambling venues.
2. Will be used as a guide for Council decision-making in respect to the granting of planning permits for pokie venues and applications by existing pokie venues for additional machines.

The document is also consistent with Council vision, mission and themes. Themes detail the areas in which Council will focus its energies over the next four years. These are:

- Economic Vitality derived from Sustainable Principles;
- Healthy, vibrant and resilient communities;
- Safe, functional assets and a protected natural environment; and
- Transparent accountable leadership and democratic decision-making²³.

²¹ Department of Sustainability and Environment (2006) *Changes to the Gaming Provisions in Planning Schemes, Advisory Note*. October.

²² Macedon Ranges Shire Council (2007) *Resident Survey on Pokie Machines*. February.

²³ Macedon Ranges Shire Council Plan 2010 – 2013: 6

Assessment of Applications

It is preferable that Applicants address the planning issues of the proposal, and obtain a planning permit from the Macedon Ranges Shire Council, (under the provisions of the Planning and Environment Act 1987) prior to the submission of a gaming application to the Victorian Commission for Gambling Regulation.

Any application to the Macedon Ranges Shire Council for a permit to establish a new pokie venue or to increase pokie numbers in existing venues requires the following documentation.

Document 1: Location

A statement indicating the location of the existing and/or proposed pokie gambling venue and whether it will be:

- within a shopping strip;
- close to shops;
- in a location central to where people go about their normal daily activities;
- in a location of major community congregation;
- close to transport centres or community centres;
- in a town with a low SEIFA score;
- in a town other than a major urban centres; or
- in a location that may compromise the amenity of the area.

Document 2: Impact Assessment

All applicants need to demonstrate through a rigorous and methodologically sound assessment what impact the additional pokie machines will have on health, social and economic wellbeing of the local community.

Assessment needs to demonstrate that there is a net social and economic benefit to the community as a direct result of the addition of more pokie machines. Document 2 provides a comprehensive list of what factors should be included in the impact assessment. Note that Council has developed an Integrated Impact Assessment Tool that will be made available to applicants on request. As part of the assessment a representative survey of the views and wishes of the community in the catchment area will be also be required to be provided by the applicant. This will assess the community's level of happiness, contentment and feelings of wellbeing in relation to the proposal and its expected impact in the community. A standard survey template based on the 2008 Supreme Court findings²⁴ of the importance of community opinion in these matters will be provided to applicants.

Document 3: Harm Prevention

Council believes that pokie venues and the pokie industry more widely is responsible to ensure the safety and integrity of their products and in preventing and minimising the potentially negative outcomes for persons using their products and patronising their venues. Accordingly, Council requires applicants to indicate which product safety, venue host responsibility and harm minimisation strategies will be put in place and to submit a comprehensive Code of Conduct for their venue. An example Code of Conduct is provided. All applicants need to provide a statement indicating the measures that will be adopted at the venue to prevent the possibility of harmful consequences. And, provision of a statement detailing the advantages, grants and benefits the venue will provide directly into the local town community and how decisions affecting their allocation will be managed.

Almost all State government efforts and funding allocations are focussed on reducing the harms of pokie gambling by focusing on problem gamblers. Although this is an area of great importance, little or no attention and funding has focused on the equally important area of preventing problematic behaviours developing. Macedon Ranges Shire Council requires pokie

²⁴ Macedon Ranges Shire Council Vs Romsey Hotel Pty Ltd. (2008) VSCA 45.

gambling venues in the Macedon Ranges to focus on eliminating the environmental cues and prompts that may induce problematic behaviour²⁵.

Council will look more favourably on applications that incorporate an agreement to apply measures that are designed to enhance product safety and steps to minimise the potential of harm (however defined) to patrons. A range of measures are listed in Document 3. Applicants are encouraged to indicate further harm minimisation, venue host responsibility and product safety measures they intend to put in place, additional to those listed.

Document 4: Community Advantage

As well as taking active steps to prevent harm occurring from the applicant's product (pokie machines), applicants need to demonstrate that there will be significant and measurable advantages to the broader local community as a result of their venue and additional machines.

As identified in the Review of Electronic Gaming Machines²⁶ there is a need for the community to be more involved in decisions about where the 'community benefit' funds go so that the process is transparent, appropriately recognised and fairly distributed where it is most needed to assist the community. This may be achieved through:

- placing an agreed amount of funds into a local 'community trust' which will comprise a representative board who will decide allocation of funds in the local community; and
- providing a publicly available annual audited statement of local community benefit distribution reported through such means as local papers, local libraries, Council's web site and in public areas of venues.

Document 5: Action Based Code of Conduct

The requirement for submission of an 'Action-Based Code of Conduct' with the application for a permit enables Council to assess the extent to which the applicant is prepared to implement harm prevention and harm minimisation practices into the management of their pokie venue. An Action-Based Code of Conduct will help consolidate good intentions and broad, generic Codes into concrete policy and visible actions. The Action-Based Code of Conduct will list the specific actions undertaken, or to be undertaken at the venue or proposed venue. Vague statements of good intention are to be kept to a minimum. A suggested Code of Conduct is provided to assist applicants.

Document 6 Cover Sheet and Checklist

A checklist coversheet to ensure all required documentation is included in the permit application.

Documents Required

The following documents are to be consulted and where required filled out and submitted as part of the application process.

²⁵ Department of Justice (2006: 11) states that, "Policies and strategies designed to *respond* to the harm caused by problem gambling must be evidence-based [and] . . . founded and based on objective analysis, research and experience, from both local and overseas sources." However, an evidence-base and "objective analysis, research and experience" is not exhorted for *prevention*. Thus, there is no State requirement to demonstrate at any level that the industry and venues' strategies and product delivery methods or the pokie machines themselves are not contributing or inducing the problematic gambling behaviours.

²⁶ Office of Gaming and Racing (2006) *Gaming Machine Licence Arrangements Post-2012: Report by Peter Kirby on Public Consultations and Submissions*. The Review of Electronic Gaming Machine, Club Keno and Wagering Licences, and Funding Arrangements for the Racing Industry Post-2012. Office of Gaming and Racing Department of Justice (October): 27

DOCUMENT 1: LOCATION

What is the physical address of the pokie venue or proposed venue?

Is the location in a prohibited or discouraged area? Please refer to the maps contained in the Gaming Policy Framework and indicate yes or no in the following table.

Prohibited Area

A permit **will not** be granted for new gaming venues or additional pokie machines if they are proposed to be located:

- within a shopping strip;.

Yes No

Discouraged Areas

Council **will look unfavourably** on applications for permits for new gaming venues or additional pokie machines if they are proposed to be located:

1. in a 'discouraged area'. (See maps in the Gaming Policy Framework showing the prohibited and discouraged areas);
2. close to shops and, or in locations central to where people go about their normal daily activities' such as shopping and accessing services;
3. in locations of major community congregation such as transport centres and community centres;
4. in a town with a comparatively low SEIFA Advantage/Disadvantage score;
5. in a town that is not a major urban centre;
6. in a town that has few comparable non-gaming venues which have similar services and opening hours; or
7. where there are likely to be negative impacts on the amenity of the area .

Yes No

More Desirable Areas

1. A town with a relatively high SEIFA 'Advantage/Disadvantage' score.
2. A town that is a 'major urban centre'.
3. A location where there will be few or no negative impacts on the amenity of the area.
4. In a location that is not:
 - a. central to where people go about their normal daily activities;
 - b. where there is major community congregation; or
 - c. prohibited or discouraged. (See also maps in the Gaming Policy Framework showing the prohibited and strongly discouraged areas.)

Yes No

DOCUMENT 2: IMPACT ASSESSMENT

Council considers there to be an onus on applicants to demonstrate that their proposal will not have negative health, social or economic outcomes for the community. Proposals are to be explicit about how and to what extent, the broader town community will benefit from having a pokie venue (or additional machines) in its midst. To this end Council requires applicants to provide a rigorous and methodologically sound Impact Assessment of the proposal. Health, social and economic factors and the extent to which they have been adequately covered, will be assessed by Council. The impact assessment's focus must be on the local community who reside in and, or work, within a radius of approximately five kilometres of the venue, or proposed venue (the patron catchment area). The impact assessment required by Council is in addition to any requirement of the Victorian Commission for Gambling Regulation.

Note that Council has developed an Integrated Impact Assessment Toolkit which may assist permit applicants in undertaking their Impact Assessment. Applicants are also advised that local information and statistics are available from Council's web site www.mrsc.vic.gov.au under 'Shire Profile and Statistics'. Council documents and papers relating more specifically to pokie gambling are on Council's web site under 'Community Wellbeing' 'Gaming' tabs. It is strongly recommended that applicants also refer to the Macedon Ranges Shire Gaming Policy Framework, particularly 8.2 'Application Requirements'²⁷. Please ensure that all factors required by the *Gaming Policy Framework* and this Community Policy are covered.

Factors to be Covered in the Impact Assessment	
Location features	<ul style="list-style-type: none"> Description of the gaming venue and its location including whether it is in a discouraged area, its proximity to major areas of community congregation and proximity to areas of normal daily activity such as transport, shops, schools, early childhood centres, health services, welfare services.
Patron profile	<ul style="list-style-type: none"> Social and demographic profiles of 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 . Supporting evidence (such as analysis of attendance records) of current patronage and anticipated patronage.
Social profile	<ul style="list-style-type: none"> Detailed profile of the population in the catchment area (5km radius of the venue), including SEIFA scores, projected growth, housing affordability and housing stress, income levels, unemployment rates, educational retention and attainment levels, social security recipients and levels of demand for financial aid / social support services. Appropriate comparative measures to be provided to assess the relative vulnerabilities and strengths of the local community.
Vulnerability and supports	<ul style="list-style-type: none"> Description of current available social support services including specific problem gambling services, financial counselling and location in relation to the venue and the patron catchment area. Description of currently available passive and active leisure and entertainment services and opportunities in the catchment area. Description of clubs and hotels without pokie gambling in the patron catchment area and which are open for similar hours. Level of current demand for gambling help services, financial counselling, material and financial aid. Provision of de-identified

²⁷ In progress of adoption as at October, 2008. Please contact the Social Planner 5422 0237

	<ul style="list-style-type: none"> Evidence of social cohesion within the township or precinct. Include description of social infrastructure, services, community networks, social health and well being. Include a description of local employment opportunities, access to public transport, public housing, and the diversity and stability of businesses within the township.
Community and stakeholders	<ul style="list-style-type: none"> A representative survey of the community living within five kilometres radius of the venue using the EGM Community Survey Template²⁸.
Revenues, Losses and Winnings	<ul style="list-style-type: none"> An economic assessment including expected commercial costs to current retailers located within the venue catchment area. This would be based around the estimated losses to players and its affect in expenditure elsewhere in the town. Provide estimated annual gross and net machine revenue and a detailed explanation of where the revenue is to be distributed including taxation payments. Provide an estimation of the payouts (winnings) per year paid to patrons by the machines. Provide an estimation of the losses to players per year and details of how this was calculated.
Direct financial and other benefit to the broader community	<ul style="list-style-type: none"> Provide details about previous direct financial contributions made to the local community (category 1 - 5 of the Community Benefit statements) and the criteria used to determine where the contributions are made. Provide details of the anticipated financial contributions to be made to the local community (category 1 - 5 of the Community Benefit statements) and willingness to have these managed by a Trust managed by a representative community board. (Refer to Document 4 - Community Advantage.) List any additional effective full time (EFT) employment directly associated with the proposed gaming activity, excluding bar or waiting staff. List any additional EFT employment that is indirectly associated with the proposed gaming activity eg. catering staff. Any other direct benefit to the wider community?
Harm prevention and product safety measures	<ul style="list-style-type: none"> Outline the measures that are or will be applied to strengthen consumer safety. Refer to Document 3 for a range of public and product safety measures and Document 5 for a suggested Action-Based Code of Conduct.

²⁸ The community survey template to assess community impact of pokie gambling can be found on Council's website 'Community Services', 'Gaming'. It is based on factors identified in the decision of the Supreme Court (2008) *Macedon Ranges Shire Council Vs Romsey Hotel Pty Ltd* (VSCA 45) 19 March

DOCUMENT 2a: IMPACT ASSESSMENT COVERSHEET

Please complete this 'Document 2a: Impact Assessment Coversheet' and attach to the front of the impact assessment.

CONTENT OF THE IMPACT ASSESSMENT	CONDUCTED	
	YES	NO
Description of the proposal	<input type="checkbox"/>	<input type="checkbox"/>
Description of the location of the site	<input type="checkbox"/>	<input type="checkbox"/>
List of documents and data reviewed, and the findings	<input type="checkbox"/>	<input type="checkbox"/>
Description of the process that was followed	<input type="checkbox"/>	<input type="checkbox"/>
List of stakeholders and others that were involved in the impact assessment.	<input type="checkbox"/>	<input type="checkbox"/>
Description of the methodology and findings of the representative survey of the 'catchment' community.	<input type="checkbox"/>	<input type="checkbox"/>
Details of any other community and stakeholder consultations and findings.	<input type="checkbox"/>	<input type="checkbox"/>
Description of the identified impacts and which sectors of the community will be affected.	<input type="checkbox"/>	<input type="checkbox"/>
All the factors listed in the table: 'Factors to be Covered in the Impact Assessment' have been included.	<input type="checkbox"/>	<input type="checkbox"/>
All items listed in the Macedon Ranges Gaming Policy Framework 8.2: 'Application Requirements' have been included.	<input type="checkbox"/>	<input type="checkbox"/>
Description of the prevention and amelioration measures in the venue.	<input type="checkbox"/>	<input type="checkbox"/>
All references cited within a bibliography and within the body of the report.	<input type="checkbox"/>	<input type="checkbox"/>
Description of the limitations and assumptions.	<input type="checkbox"/>	<input type="checkbox"/>
Name and contact details of the person(s) and company(s) that conducted the impact assessment and, or the various components of it.	<input type="checkbox"/>	<input type="checkbox"/>

DOCUMENT 3: HARM PREVENTION

The following measures have been identified by gaming patrons and in published research reports (New Focus Research, 2005, Livingston, 2006) as measures that would prevent or ameliorate the negative consequences experienced by some patrons and their families. Please indicate (✓) which, if any, of the following measures will apply to your proposal.

- The venue will be closed for eight (or more) out of every twenty-four hours.
- Players will be able to pre determine their spending before the start of play.
- The pokie machines will limit an individual's losses to (insert amount) per hour.
- The pokie machines will clearly show an individual's spending rates, including a progressive total.
- Each pokie machine will display at the front of the machine in clear sight of the player, the odds of winning and losing.
- The pokie machines will not have note receptors.
- The venue will have an ATM that has a daily withdrawal limit
- The ATM will not be within 50 metres of the entrance to the gaming area.
- No inducements will be offered to attend the gaming venue.
- Inducements and 'freebies' for patrons of the pokie machines will be minimal.
- Advertising for the gaming venue will be minimal.
- Gaming venue staff will have attended a recognised course in responsible gaming and responsible serving of alcohol.
- Gaming venue staff will attend regular operator training provided by Gamblers Help.
- The venue will have a Code of Conduct clearly visible at the venue and protocols and strategies in place to prevent harm (see suggested Code of Conduct, Document 5).
- Other additional measures that will be implemented. Please list:

Signature(s)

Name.....

Position held.....

Date.....

Please attach any additional pages or material as appropriate.

DOCUMENT 4: COMMUNITY ADVANTAGE

Pokie venues have a responsibility to contribute directly and substantially into the wider local community to prevent and ameliorate any negative consequences arising from pokie machines in the local community. The distribution of 'community benefit' funds (ie VCGR Categories 2 – 5) needs to be fair, equitable and transparent. To this end, venues should undertake to contribute into a community trust.²⁹

I acknowledge that it is the responsibility of the venue owner/ managers/other associates to contribute directly, generously and equitably to the local community in which the venue is located.

Yes No

I agree to contribute an agreed amount annually into a 'Community Trust'.

Yes No Approximate amount anticipated: \$_____

If 'No' to a community trust arrangement, what alternative is proposed (including the expected benefits of the alternative):

I agree to provide in conjunction with the Community Trust an annual, independently audited and publicly accessible, 'Statement of Community Benefit Distribution'.

Yes No

If 'No' to the above what alternative is proposed?

Signature(s)

Name.....

Position held.....

Date.....

²⁹ A Trust that is acceptable to the venue is expected to include the establishment of a Community Representative Board to distribute the funds

DOCUMENT 5: SUGGESTED CONTENTS, ACTION-BASED CODE OF CONDUCT

Objective

An Action-Based Code of Conduct for responsible pokie gambling practices is required to be submitted by applicants. Council wishes venues' Codes of Conduct to be explicit, action-based and tailored to local needs while also being consistent with the VCGR's 'approved' Code of Conduct. An Action-Based Code of Conduct that is freely available for anyone to read at any time will benefit the venues, pokie gamblers and the wider community. Vague statements of good intention are to be kept to a minimum. Instead the Action-Based Code of Conduct requires a listing of specific actions undertaken or to be undertaken, at the venue or proposed venue.

A list of suggested activities is provided below but this is not an exhaustive list. The list comprises those activities that can be easily observed by a visitor without disruption to the venue or venue staff.

1. Harm Minimisation within the Pokies Room

Provision of information to cause the gambler to assess the true nature of his/ her pokie gambling, to be more aware of potentially addictive behaviour and to know where to find help.

Signs and Brochures

- The venue's Action-Based Code of Conduct is advertised in the venue and made freely available for view of anyone interested.
- 'You Cannot Win' talkers will be placed on the pokie machines (Section 17 of the Gambling Regulation Regulations). These are placed fully opposite the animated reels and not on the top of or bottom edge of the machine.
- 'You Cannot Win' wall posters. The number of posters depends upon the number of pokies at the venue (Section 16 of the Gambling Regulation Regulations). Double sided signs will be avoided. All signs should be prominently displayed. Posters should not be placed behind plants, in dark corners or grouped together.
- The colours on talkers and posters will contrast with the room so that they assume greater prominence in the pokie room. (Subtle colours fade into the background).
- Talkers and posters will be changed regularly (minimum monthly).
- Eliminate posters that imply that the premises may be 'lucky'. This includes posters that advertise past jackpot winnings.
- Promotion of pokies and pokie-related contests are restricted to 25% of the posters.
- "Reserved" signs are replaced with harm minimization promotions.
- Signs should clearly and prominently indicate that reserving a machine or playing longer does not affect the chances of winning.
- Signs are in car parks and other prominent locations warning parents about not leaving children in cars or unattended in the venue.

Player Information brochures

- Information brochures will be equal to the number of pokies in the venue and available at the cashier area. Two brochures, one produced by the State government, another produced by the gaming operators. Both will be provided

Notices on ATMs

- ATMs are not in the pokie room nor visible from it,
- Notices of how to contact Gambler's Help are prominently placed on each ATM.

Self Exclusion

- Information about the concept of Self-Exclusion and how Self Exclusion can be invoked is prominently displayed in the venue.

Gambler's Help

- Information about Gambler's Help services is prominently displayed.

Clocks

- Clocks are visible at the cashier and ATM areas as well as a small time read out appearing on each pokie screen. (Part 3 Division 1 of the Gambling Regulation Regulations).

Daylight

- Daylight is visible from the gambling room and windows are not obscured (Part 3 Division 2 of the Gambling Regulation Regulations. Section 14.) at the same time as not allowing the pokie room to be visible externally.

2. Conduct that discourages more frequent and longer gambling

- The venue takes every opportunity to develop other 'non-pokie' sources of revenue from the premises.
- The venue does not conduct activities that encourage return visits or longer visits.
- The venue focuses on promoting the other commercial activities at the hotel or club.

Loyalty Schemes

- As loyalty schemes may inadvertently promote more frequent gambling, loyalty schemes should involve rewards to purchase other services at the venue. That is, vouchers for services at the venue which are not connected to the pokies room.

Pokie Room Contests

- No contests will be conducted that require presence at the pokies room.

Public Address Announcements

- A public address system is installed and is used to promote harm minimisation services, government talker messages and to promote the other activities available in the venue.

Refreshments

- Active promotion of out-of-pokies room bar, food and coffee services is conducted and coming entertainment events are conducted.
- Bar, coffee and food services are not provided to gamblers while they remain at their pokies and complimentary coffee and tea service is not offered in the pokie room in order to encourage gamblers to take a break.
- Bar, coffee and food services take place in an area where there are no gambling activities including KENO and where nothing can be seen or heard from the pokie room. These areas promote the other non-gambling services offered by the venue.

Entertainment

- No live entertainment is provided in the pokies room

Reduce hours

- Pokies room operation corresponds to the venue's full bistro trading hours.

3. Children

- Children at the venue are not visually or audibly exposed to pokies or other forms of gambling.
- Non-violent games of skill are provided and not games of chance such as coin-operated games.
- The venue does not promote the provision of children's entertainment as a form of child minding while the parents gamble.
- No child is admitted to a pokie venue entertainment event without their parent.
- Venue staff ensure parents are present at all times in play areas.
- Children do not pass by the pokie area on their way to the play or bistro areas.
- Nutritionally sound meals are offered to children.
- No promotion, advertising or activity is aimed at minors.

DOCUMENT 6: COVER SHEET AND CHECKLIST

Please complete the following Check List and submit as the coversheet to your application

Applicant Name(s) _____

Physical address of the pokies venue

Application is for:

- New gaming venue - number of machines: _____
- Additional Pokie machines - number of additional machines: _____

Attached documents

I have attached the following documents:

- Application for Planning Approval.
 - Document 1: Location
 - Document 2: Impact Assessment
 - Document 3: Harm Prevention
 - Document 4: Community Advantage
 - Document 5: Action-Based Code of Conduct
-
- Tick if the Macedon Ranges Shire's 'Gaming Policy Framework' (draft) has been consulted as part of this application
 - Tick if the Macedon Ranges Shire's 'EGM Community Survey Template' has been used in this application
 - Tick if the Macedon Ranges 'Integrated Impact Assessment Tool' has been used in this application
 - Tick if a planning permit from the Macedon Ranges Shire Council is being sought prior to submission of a gaming application to the Victorian Commission for Gambling Regulation.

Signature (s)

Name.....

Position held..... Date.....

References

- Department of Justice (2006) *Taking Action on Problem Gambling – A strategy for combating problem gambling in Victoria*. State Government of Victoria. October.
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- Macedon Ranges Shire Council, (2006) *Submission to the Review of Gambling Licenses Post 2012 'Gaming Machines Review'* May.
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- Macedon Ranges Shire Council, (2005) *Submission to VCGR in response to Proposal to establish a gaming venue at the Romsey Hotel*, March.
- Macedon Ranges Shire Council, (2002) *Responsible Gaming Policy* MRSC.
- Macedon Ranges Shire Council, (2001) *Submission to the VCGA in response to a proposal to increase gaming machines at the Victoria Tavern Gisborne*, MRSC.
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