

16 January 2017

Office of Liquor, Gaming and Racing
PO Box 18055
Collins Street East VIC 8003

To Whom It May Concern

MAV response to consultation paper – Gaming Machine Harm Minimisation Measures

The MAV commends the Victorian Government for reviewing the *regulatory arrangements for gaming machines* and welcomes the opportunity to inform the review.

Local Government has both a legislated planning and a community advocacy role in relation to electronic gambling machines. The timing of this review has precluded the majority of our sector from providing submissions, and most are yet to meet formally for 2017.

Councils have long advocated more control over siting of electronic gaming machines (EGMs) in communities that can least afford to lose as well as harm minimisation measures such as maximum bets. Councils have undertaken significant work over a number of years in recommending changes to the legislation to support harm minimisation and the crux of the legislative reform request is outlined in the attachment.

Local Government has a statutory role under the *Public Health and Wellbeing Act 2008* (PH&WB Act) to '*protect, improve and promote public health and wellbeing within the municipal district*'. Many councils have prioritised pokie related gambling harm in the municipal health and wellbeing plans but have limited control and influence on licencing decisions.

Our submission contends that with over \$7 million being lost daily in Victoria on EGMs, the burden of harm is falling disproportionately on communities that can least afford to lose. We urge State Government to minimise the harm through regulation of machine design as well as reducing the number and availability of EGMs in communities where losses are above state averages.

There are 17 local government areas where the losses are 20% higher than state averages and these losses impact individuals, families, other community members and businesses and have economic and social consequences that are far reaching particularly in lower socio-economic communities or those growth areas with limited alternative venues and recreational outlets.

Knowledge is growing about the harm caused by poker machine addiction and there is now much greater understanding that the putative recreational and social benefits rely on the losses of those who succumb to the addictive features of the machine design. Gamblers inform that they are not even necessarily playing to win but to continue in the 'zone'. This understanding helps inform the growing body of knowledge of the harm minimisation approach.

Harm minimisation is best effected by a public health approach including:

- limiting the numbers and access to machines and venues (including measures such as regional and municipal caps)
- requiring the removal of the features of the machines that lead to addiction
- measures such as maximum bets to \$1 per spin, mandatory pre-commitment, limiting access to money in venues and other measures that have some evidence-base for effectiveness.

With the growing disquiet about the harm created through EGMs, councils have supported the Enough Pokies Campaign and the legislative reform that will give more weight to the views of councils and their communities on the numbers and placement of machines in local areas. Last year, the Alliance for Gambling Reform formed with the support of a number of councils and the concern continues to grow particularly as losses in communities are in tens of millions of dollars annually.

The MAV calls on the State Government to continue to adopt harm minimisation measures and to work with local government in limiting impacts of EGMs in communities that can least afford to lose by:

- i. Reducing the total number of poker machines in Victoria
- ii. Retaining regional caps and municipal limits policy setting by reducing the numbers in both cases to current numbers or to average numbers per population whichever is the lesser.
- iii. Agreeing with councils where losses are above state average on reduction to municipal and where relevant, suburb, levels of machine density.
- iv. Introducing legislation (as attached) giving councils and their communities more control over the placement of machines in their communities.
- v. Requiring the removal of machine features that lead to addiction
- vi. Requiring measures such as maximum bets to \$1 per spin, mandatory pre-commitment, and limiting access to money in venues.

Councils are willing to work with State Government to limit the harms on communities and would be pleased to support any further advancement in harm minimisation measures which take a population health approach and allow for further interventions as we grow our collective knowledge.

Should you have any queries about this matter, please contact Jan Black, Social Policy Adviser, 03 9667 5512 or jblack@mav.asn.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'ROB SPENCE', with a large, sweeping flourish extending to the right.

ROB SPENCE
Chief Executive Officer

Changing the legislation

The changes we are seeking are simple, are easily implemented, and aren't nearly as expensive as some of the election pledges the major parties are throwing around.

We are seeking amendments to the Gambling Regulation Act that will help councils to protect vulnerable communities from inappropriate placement of pokies.

An overview is provided below – specific legislative language has been developed for discussion with the next Victorian Government.

In summary, the changes we are seeking to specific sections of the existing legislation are:

1. Remove 'fostering competition' as an excuse for more machines and require the VCGLR to judge that an area already has enough pokies

Section 3.1.1:

There are two amendments here. One is intended to remove the provision about fostering competition, in order to permit the Commission to decide that an area already has enough EGMs and that no more are required. The second is to require the Commission to decide whether the EGM facilities in the area are sufficient to meet the needs of those who gamble without hurting themselves or others.

2. Allow the Commission enough time to make the right decision

Section 3.3.8:

This amendment is to remove the obligation from the Commission to make decisions within 60 days – this is likely to allow for more reflection on applications and give the Commission more room for better decisions.

3. Allow councils enough time to develop comprehensive submissions

Section 3.3.6:

This amendment is to allow the responsible authority (local councils) 90 days for submissions regarding EGM applications, on the basis that they use their best endeavours to complete the application within that time.

4. A stronger requirement for the Commission to take council submissions into account

Section 3.3.7(3):

This amendment is to require the Commission to 'have regard to' rather than 'consider' any submission by the responsible authority. The effect of this change is to increase the extent to which the Commission must take the submission into account in determining the application.

5. Make the applicant meet social and economic impact tests

Section 3.3.7(1):

This amendment is to require the Commission to be satisfied by the applicant that the economic and social impact test has been met, thus placing the onus on the applicant to demonstrate this.

6. Only grant applications that benefit the community

Section 3.3.7(1)(c):

This amendment is to modify the social and economic impact test to require the effect of the application to be beneficial to the local community.

7. Consider the specific community, not just a municipality-wide approach

Section 3.3.7(4):

This amendment is to require the Commission to have particular regard to the social effects of the application on the immediate vicinity of the venue – not just the 'municipal district'.