

## Council Policy NB-P-21

### Gambling Harm Minimisation

#### Policy Statement

Northern Beaches Council is committed to minimising the harm associated with poker machine gambling on the Northern Beaches and online gambling.

Gambling through electronic gambling machines (EGMs) or 'poker machines' and online gambling can be entertaining. Many participate with minimal problems however some people and their community experience significant harm associated with gambling via these methods.

#### Principles

- Harm minimisation seeks to reduce the negative effects of gambling through considering the health, social and economic consequences of gambling on both the individual and the community.
- Council supports a public health approach to the prevention of gambling related harm which considers the broad range of factors that influence individual gambling behaviour, and the possible consequences for the individual, their families and the wider community.
- EGMs are designed to maximise spending and EGM machine usage are highly addictive.
- Local councils have a significant role to play in education, advocacy and lobbying to support evidence-based approaches to minimise the harms associated with poker machine and online gambling.
- Local councils have a responsibility to demonstrate community leadership on this issue.
- Council shall support evidence-based approaches to prevent and reduce gambling harm.
- Council shall work in collaboration with local clubs, hotels and other relevant bodies/stakeholders, where appropriate, regarding community education and harm minimisation programs.
- Council shall continue as a key member of the Northern Beaches ClubGrants Committee, working with local clubs to ensure fair and equitable distribution of funds to a range of community organisations for its legislated purpose.
- Council considers requests for increased EGMs from Liquor and Gaming NSW through a Local Impact Assessment on its merits and will work with relevant agencies regarding local government involvement in the determination of EGM applications and giving priority consideration to social impact.

#### Scope and Application

This policy recognises there are a range of legal gambling opportunities available to the community including EGMs, Club Keno, casino table games, lotteries, wagering (racing or sports betting) and online gambling. This policy is focused on EGM and online gambling in line with current research suggesting these cause the greatest harm in our communities. This policy also recognises the limited role local councils can play in the regulation of EGMs and online gambling and acknowledges the powers of the state and federal governments to create the most effective policy frameworks to address this complex issue.

In NSW, gambling via EGMs and online gambling is regulated under various pieces of both State and Federal legislation including the *Interactive Gambling Act 2001* (Cth) and *Gaming Machines Act 2001* (Gaming Act). This legislation does not generally include a role for local councils, with the exception of the Gaming Act that requires certain applications to increase gaming machine thresholds to be provided to the relevant council.

Section 209(1) of the Gaming Act provides that an environmental planning instrument under the *Environmental Planning and Assessment Act 1979* cannot prohibit or require development consent for or otherwise regulate or restrict the installation, keeping or operation of approved gaming machines in hotels or on the premises of clubs or any other premises.

Section 209(3) of the Gaming Act provides:

A consent authority (within the meaning of the Environmental Planning and Assessment Act 1979) cannot:

- (a) as a condition of any development consent under that Act, prohibit or otherwise regulate or restrict the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club or any other premises, or
- (b) refuse to grant any such development consent to a hotel or club for any reason that relates to the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club.

This prevents gaming machines from being considered in social and economic assessments undertaken according to the Environmental Planning & Assessment Act 1979 as part of the determination of applications for development. Restriction or reference to gambling cannot be included in local environment plans, planning proposals or planning schemes. Most importantly, Council cannot place conditions of consent on developments that prohibit or restrict electronic gambling machines. While local government assesses the social and economic impacts of most development, Council is prevented from refusing or limiting development based on EGMs. Local government, therefore, does not have any jurisdiction in relation to gambling and is therefore restricted in its capacity to limit any local harm to the community.

The policy statement and principles of this policy will guide and inform Council actions on this issue. This policy recognises the need to monitor ongoing reforms in gambling legislation and amendments will be made when required to either this policy or relevant actions.

## References and related documents

Review of the NCOSS role on ClubGRANTS Local Committees, Report to the Office of Responsible Gambling, July 2021

'You win some, you lose more', Online gambling and its impacts on those experiencing gambling harm, by the Standing Committee on Social Policy and Legal Affairs from the House of Representatives, Parliament of Australia, June 2023

Reforming Gaming in NSW Pubs and Clubs, NSW Government Response to the NSW Crime Commission and Independent Liquor & Gaming Authority NSW Project Islington – Inquiry into Money Laundering via Electronic Gaming Machines in Hotels and Clubs (the Inquiry), February 2023

Code of Conduct 2022

Council Policy Framework

## Definitions

*EGM*: Electronic Gambling Machine, or Poker Machine

## Responsible Officer

Executive Manager Community, Arts and Culture

## Review Date

March 2028

## Revision History

| Revision | Date           | Details                                                                                    | TRIM Ref    |
|----------|----------------|--------------------------------------------------------------------------------------------|-------------|
| 1        | 25 Sept 2018   | Gambling and Poker Machine Harm Management Policy adopted by Council on 25 September 2018. | 2018/546043 |
| 2        | 22 August 2023 | Amended draft Gambling Minimisation Policy presented to Council for public exhibition      | 2023/484970 |
| 3        | 26 March 2024  | Gambling Harm Minimisation Policy presented to Council and adopted.                        | 2023/423356 |