

SOUTH GIPPSLAND SHIRE COUNCIL

South Gippsland Liquor and Gambling Strategy 2017-2021



*South Gippsland
Shire Council*



Table of Contents

Executive Summary	3
Recommendations - Liquor and Gambling	4
Background	5
Role of Local Government in Liquor and Gambling	5
Legislative and Strategy Framework	6
Liquor and Gambling South Gippsland	8
Risk of liquor and gambling harm to the South Gippsland community	8
Gambling	8
Why focus on Electronic Gaming Machines (EGMs)?	9
Electronic Gaming Machine Licences	9
Impact of problem gambling on health and wellbeing	9
Features that make individuals and the community more vulnerable to gambling harms	10
Problem gambling vulnerability - South Gippsland community profile	10
Electronic Gaming Machines in South Gippsland	11
Neighbouring Councils	11
Limiting harm through the South Gippsland Planning Scheme	13
Alcohol consumption and liquor supply	14
Alcohol consumption in South Gippsland	14
Alcohol harm	14
Alcohol's impact on children and families	15
Demographic influences on alcohol related harm	15

Harm reduction - community attitudes	16
Availability and density	16
Marketing and promotion	16
Pricing and taxation	17
Liquor Control and Supply	17
Addressing alcohol harm	19
Council's role relating to liquor licence applications	19
Conclusion	19
Recommendations	19
Action Plan	21
Appendix One South Gippsland Planning Scheme Amendment Support	23
Gaming Machines	23
Liquor and Alcohol Supply	24
Appendix Two Legislative Framework	26
Victorian Local Government Act 1989	26
Victorian Public Health and Wellbeing Act 2008	26
Victorian Public Health and Wellbeing Plan 2015-2019	26
Planning and Environment Act 1987	26
Legislative Framework - Gaming Regulation	26
State Planning Strategy Framework	27
Gambling Regulation Act 2003	27
The Casino Control Act 1991	28
The Commonwealth Interactive Gambling Act 2001	28
Racing Act 1958	28
Legislative Framework - Liquor Regulation	28
Liquor Control Reform Act 1998	28
Liquor Control Reform Regulations 2009	29
Planning and Environment Act 1997	29
State Planning Strategy Framework	29
South Gippsland Shire Council General Local Law 2014	30
Appendix Three - Terms and Definitions	30
References	32



Executive Summary

The South Gippsland Liquor and Gambling Strategy 2017–2021 (the strategy) provides strategic direction for Council in its role in planning, health and protection of people in South Gippsland. The strategy recommends a public health partnership approach to limiting harm from alcohol and gambling within the community.

It will help Council prepare for and respond to liquor and gambling issues as they arise and provides strategic justification for revisions to the local planning scheme on liquor and gambling.

The aim of the Liquor and Gambling Strategy is to identify ways to minimise the negative impacts of liquor and gambling in the South Gippsland community.

The Strategy objectives are to:

- Inform Council's actions and initiatives to address the issue of problem gambling and alcohol harm in the community through the presentation of
 - the South Gippsland liquor and gambling context;
 - the broader influences of liquor and gambling on public health and wellbeing;
 - the legislative and strategic framework for liquor and gambling; and
 - evidence in support of controls on liquor and gambling in South Gippsland.
- Provide recommendations and an action plan to be implemented in partnership with the community over the next four years.
- Inform further strategic work to implement changes to the South Gippsland Planning Scheme to limit harm from alcohol and gambling within South Gippsland.

The analysis of the legislation, planning policy, Council policies and academic research relevant to liquor and gambling provides a strong strategic foundation for Council to:

1. Develop a clear framework within which applications for planning permits can be approved or denied in reference to local community needs and opinion.
2. Commence further actions for Council and our health and wellbeing partners to implement actions to protect the health of our community through the South Gippsland Municipal Health and Wellbeing Plan 2017–2021.

Recommendations and an action plan guide the work of Council and their partners over the next four years to support public health and wellbeing in the South Gippsland community.



Background

Gambling and alcohol consumption are legal activities enjoyed by many people in Australia. They provide opportunities for socialisation and bring economic benefits to businesses providing liquor and gambling in the community. Whilst all forms of gambling and the provision of alcohol are regulated in Victoria, there are still members of the community who experience harm from misuse of alcohol or addiction to gambling. The recent Royal Commission into family violence has identified the link between family violence, alcohol and gambling¹.

The aim of the Liquor and Gambling Strategy is to minimise the negative impacts of liquor and gambling in the South Gippsland community. It seeks to inform Council's actions and initiatives to address the issue of problem gambling and alcohol harm in the community.

Council has responsibilities under the *Victorian Local Government Act 1989* and *Victorian Health and Wellbeing Act 2008* to provide the best outcomes for the community and protect, improve and promote health and wellbeing for the community. Council has a role in administering the planning scheme where applications for gaming and liquor licencing are reviewed.

This strategy provides background information to inform the implementation of harm reduction measures including policy changes in the South Gippsland Planning Scheme. The analysis of the legislation, planning policy, Council policies and academic research relevant to liquor and gambling provides a strong strategic foundation for Council to:

1. Develop a clear framework within which applications for planning permits can be approved or denied in reference to local community needs and opinion.
2. Further actions for Council and our health and wellbeing partners to implement actions to protect the health of our community through the South Gippsland Municipal Health and Wellbeing Plan 2017-2021.

Recommendations - Liquor and Gambling

1. Facilitate and annual forum for key stakeholders in liquor and alcohol harm reduction in South Gippsland - Council, Victoria Police, Australian Hoteliers Association, packaged liquor retailers, Victorian Commission for Liquor and Gambling, welfare and social support organisations.
2. Support partners in their promotion and delivery of harm reduction training and events in the South Gippsland area.
3. Undertake extensive community consultation to determine community opinion regarding:
 - liquor and gambling harm in South Gippsland
 - alcohol supply in South Gippsland towns
 - electronic gaming machine availability in South Gippsland
4. Undertake a review of the South Gippsland Planning Scheme to include protective factors for the local community for liquor and gambling.
5. Develop applicant guidelines outlining good practice in harm reduction. Include desirable supporting documents from applicants including:
 - reference to the revised South Gippsland Planning Scheme
 - a social impact assessment; and
 - results of specific community consultation and regarding application
6. Prioritise harm reduction strategies for alcohol and gambling in the Municipal Public Health and Wellbeing Plan that includes:
 - restricting alcohol marketing at sporting grounds, in shopping strips and where children and adolescents are present
 - support alcohol cultural behaviour change interventions or policy change in workplaces and sporting clubs



Role of Local Government in Liquor and Gambling

Regulation of the liquor and gambling industries and activities is the responsibility of the Victorian Commission for Gambling and Liquor Regulation (VCGLR). The VCGLR is an independent decision-making authority accountable to the Minister of Consumer Affairs, Gaming and Liquor Regulation and the Parliament of Victoria.

Local governments are required to balance responsibilities to:

- respond to community and industry expectations;
- manage the extent to which liquor and gambling is available;
- create safe and supportive environments in order to prevent and minimise harms; and
- play a role in approval of licences and administration of liquor and gaming applications.

The VAGO report² recommends that Councils should do more work within the existing planning and liquor licensing arrangements. It suggests Councils should develop a local policy for licenced premises to guide decision-making on planning permits or insert and enforce specific conditions on licensed premises' planning permits. The report notes shortcomings in the planning permit and liquor licence application processes that provide little guidance for contesting licence applications.

Local councils have the power and opportunity to provide input into licensing applications, participate in liquor licensing forums and implement local strategies to minimise alcohol-related harm, for example by introducing and enforcing by-laws, developing guidelines for planning decisions or adopting local planning strategy for licenced premises.

Figure One: Local Government Role in Managing Liquor and Gambling Harm



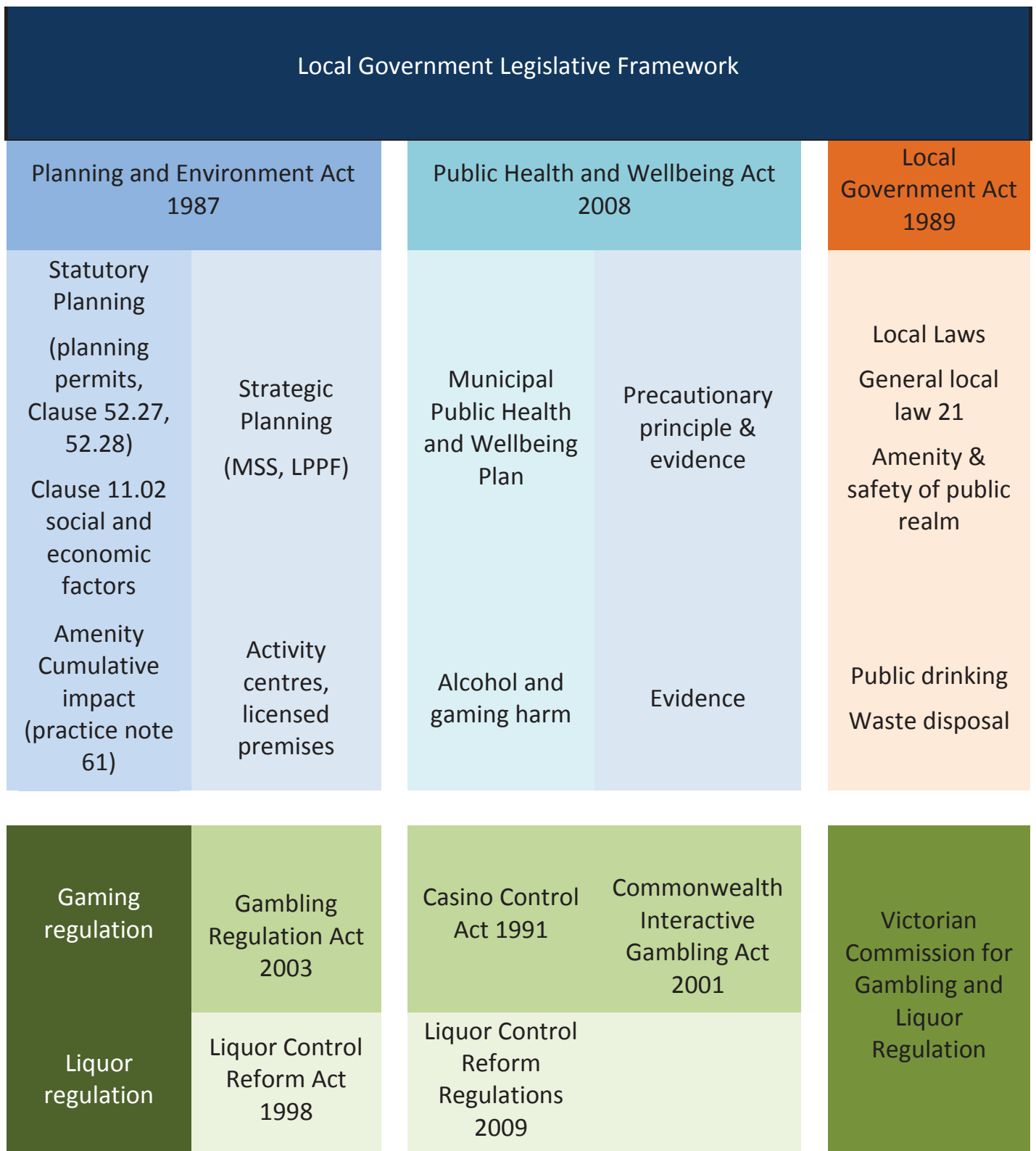


Legislative and Strategy Framework

A range of Victorian Acts are relevant to management and control of liquor and gambling and are regulated by the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

Councils have additional obligations under the *Planning and Environment Act 1987*, *Victorian Local Government Act 1989* and *Victorian Health and Wellbeing Act 2008*. These acts require Council to provide the best outcomes for the community and to improve and promote wellbeing.

Figure Two: Local Government Legislative Framework





Liquor and Gambling - South Gippsland

Risk of liquor and gambling harm to the South Gippsland community.

Although legal activities, the consumption of alcohol and gambling are considered risky or addictive and are therefore subject to government regulation. The potential harm distinguishes alcohol and gambling from other forms of recreation and entertainment. Reducing harm from alcohol and gambling need not be an individual responsibility. Council and other partners have a role in preventing harm before it occurs through:

- addressing environmental risk factors such as accessibility and location of venues with gaming machines and alcohol and package liquor outlets;
- addressing the social risk factors of the normalisation and culture of drinking in our community;
- raising awareness of common misunderstandings of how gaming machines work; and
- improving access to local data on alcohol and gambling harm in South Gippsland.

Rates of gambling on electronic gaming machines (EGMs) in South Gippsland are low when compared to surrounding local government areas with online sports betting identified as on the rise. Rates of long term alcohol harm are marked in people aged over 65 with death due to alcohol in South Gippsland the highest in Gippsland and one of the highest in Victoria. More broadly, family violence has been identified as having a link to gambling and excess alcohol consumption.⁴

Gambling

There are a range of legal gambling opportunities readily accessible in Australia including EGMs, wagering (racing and sports betting), lotteries and bingo, Keno, Crown Casino and online gambling. The Victorian Commission for Gambling and Liquor Regulation (VCGLR) governs all forms of gambling except online gambling, governed by the Federal Government.

Council has little influence over wagering, sports betting, Keno, lotteries and bingo but can have influence over applications to install or increase the number of EGMs. The strategy seeks to investigate how harm from gambling may be reduced through local public health action and changes to the South Gippsland Planning Scheme to control gaming machines in areas of the Shire where communities may be more vulnerable.

Australians spend more on gambling per person than any other country in the world and have 20% of the world's poker machines despite having 0.3% of the world's population.

Reduce Harm from Gambling

The Liquor and Gambling Strategy proposes changes to the South Gippsland Planning Scheme to increase control of future applications to increase EGMs in the Shire and identifies areas where Council will work with partners to reduce harm from other forms of gambling to the community.



Why focus on EGMs?

As with all forms of gambling, EGMs/poker machines provide social entertainment for many people. There is clear evidence that gaming machines are the most addictive form of gambling⁵. This evidence coupled with Council's influence over applications to install or increase the number of gaming machines in clubs and hotels in the Shire, provides opportunities to change the South Gippsland Planning Scheme to prevent harm to our local community

Electronic Gaming Machine Licences

- EGMs are owned and operated by a local venue
- Venue operators must apply to:
 1. The Victorian Commission for Gambling and Liquor Regulation (VCGLR) for a licence to operate EGMs; and
 2. To their local Council for a planning permit.
- Gaming machines must return a minimum of 85 cents in the dollar to players after deductions for any jackpots.
- The remainder (losses) go to gaming machine owners and the Victorian Government as tax revenue.
- Club venues receive a gambling tax concession of 8.33% provided they complete an annual community benefit statement demonstrating community contributions of an equivalent amount.
- Clubs are entitled to claim salaries, rates and other administrative costs as community contributions.
- Gaming venues are permitted in clubs and hotels operating with a full club or general liquor licence.

Impact of problem gambling on health and wellbeing

*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.*⁸

Losses per day of \$17,988 are calculated after returns to gamblers are paid (between 85 – 92% return). An estimated \$43,771,947 turnover in gaming machines annually results in \$6,565,792 losses per year of which around 50% is lost to South Gippsland in government taxes.

Although player ratio returns are set at between 85 - 92% on most machines, any individual gambler may lose their whole week's income in a day with no returns. (Tracking losses for South Gippsland to other forms of gambling such as racing, lotteries or sports betting is difficult as statistics to the local area are not available.)

EGM Losses for South Gippsland

\$17,988 lost every day

\$6,565,792 lost each year

2015/16 Electronic Gaming Machine losses

Problem gambling is a big problem for a small number of people

- At least 80% of people with a gambling problem in Australia have the problem due to their use of EGMs.
- EGMs are identified as the cause in nine out of ten cases of problem gambling in women.
- Young people (18 – 21 year olds) spend more on EGMs than any other age.
- Of the 4% of people who play electronic gaming machines at least weekly
 - 15% experience significant harm from gambling; and
 - their share of total spending on machines is estimated in the range of 40%.
- Problem gamblers lose around one third of the average Australian salary (\$21,000 lost) each year.
- Children of parents who are problem gamblers are up to 10 times more likely to become problem gamblers themselves than children of non-gambling parents.
- Problem gamblers are six times more likely to be divorced than other gamblers.



Problem gambling vulnerability - South Gippsland community profile

The following features of the South Gippsland community as a whole, (relative to Victoria) increase the risk of problem gambling:

- Number of people reporting high/very high psychological distress is one of the highest in Victoria
- High proportion of individuals with a personal income less than \$400 per week
- High proportion of older people and retirees
- High proportion of lone person households
- Social isolation due to lack of public transport and limited range of social activities, particularly in the evenings in winter
- Access to relatively affordable housing attracting people experiencing social and economic disadvantage
- High proportion of households with mortgage stress
- High proportion of people at risk of short and long term harm from alcohol
- High proportion of people who delayed medical consultation due to cost
- High proportion of people with food insecurity⁶

For vulnerable and disadvantaged community members, addiction to gambling may add to health and housing inequities or impact on poor mental health and contribute to other addictions including alcohol and smoking.

Features that make individuals and the community more vulnerable to gambling harms

- accessibility
- socio-economic disadvantage
- marital status
- gender
- ethnicity
- exposure to gaming venues
- social context

EGMs in South Gippsland

Compared with neighbouring local government areas, South Gippsland:

- has the lowest number of gaming machines;
- 105 machines are located in four venues;
- two gaming venues are located in clubs (Leongatha RSL, Foster Golf Club);
- two gaming venues located in hotels (Middle Hotel Korumburra, McCartin's Hotel Leongatha); and
- many additional venues in the Shire operate under club and general liquor licences that do not currently have Electronic Gaming Machines (EGMs).

Neighbouring Shire Councils

- In Councils around South Gippsland there are 34 venues with 1,540 machines.
- Residents frequently travel between municipalities for shopping and entertainment.
- South Gippsland has a greater density of EGMs per head than Cardinia Shire Council.
- Wellington has one of the highest densities of EGMs per head of the population.
- Latrobe City has the greatest losses due to EGMs per day and year in Gippsland.

Gambling Indicators for South Gippsland and Neighbouring Municipalities 2015/16

2016	South Gippsland	Baw Baw	Bass Coast	Latrobe	Wellington	Cardinia
Venues	4	4	5	13	7	5
EGMs	105	198	216	522	318	286
EGMs per 100 adults	4.84	5.42	8.22	9.11	9.79	4.15
EGM losses per day	\$17,939	\$40,058	\$44,593	\$119,490	\$59,412	\$68,418
EGM losses per year	\$303	\$401	\$621	\$769	\$669	\$363
Total losses 2015/16	\$6,565,792	\$14,661,093	\$16,321,155	\$43,613,709	\$21,744,942	\$25,041,008

12

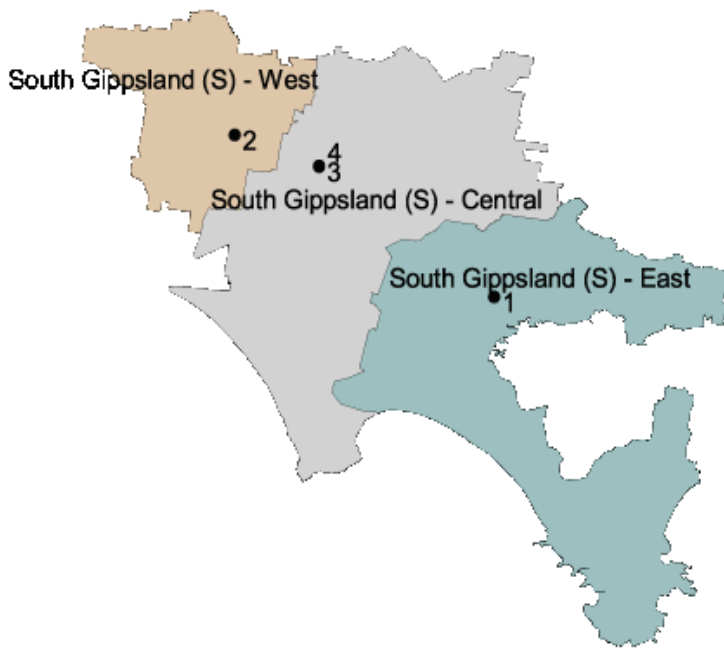
EGM Licences and Losses South Gippsland

Venue	Licensed EGMs	2015/16	2014/15
Leongatha RSL	44	\$2,927,657.30	\$2,811,846.14
Korumburra Middle Hotel*	16	\$1,525,712.87	\$1,571,506.09
McCartins Hotel, Leongatha*	20	\$1,290,192.35	\$1,446,674.50
Foster Golf Club	25	\$822,229.90	\$762,456.64
Total current licenced EGMs	105	\$6,565,792.42	\$6,592,483.37
Total EGMs allowed	207		

* Also a TAB Venue



EGMs in South Gippsland

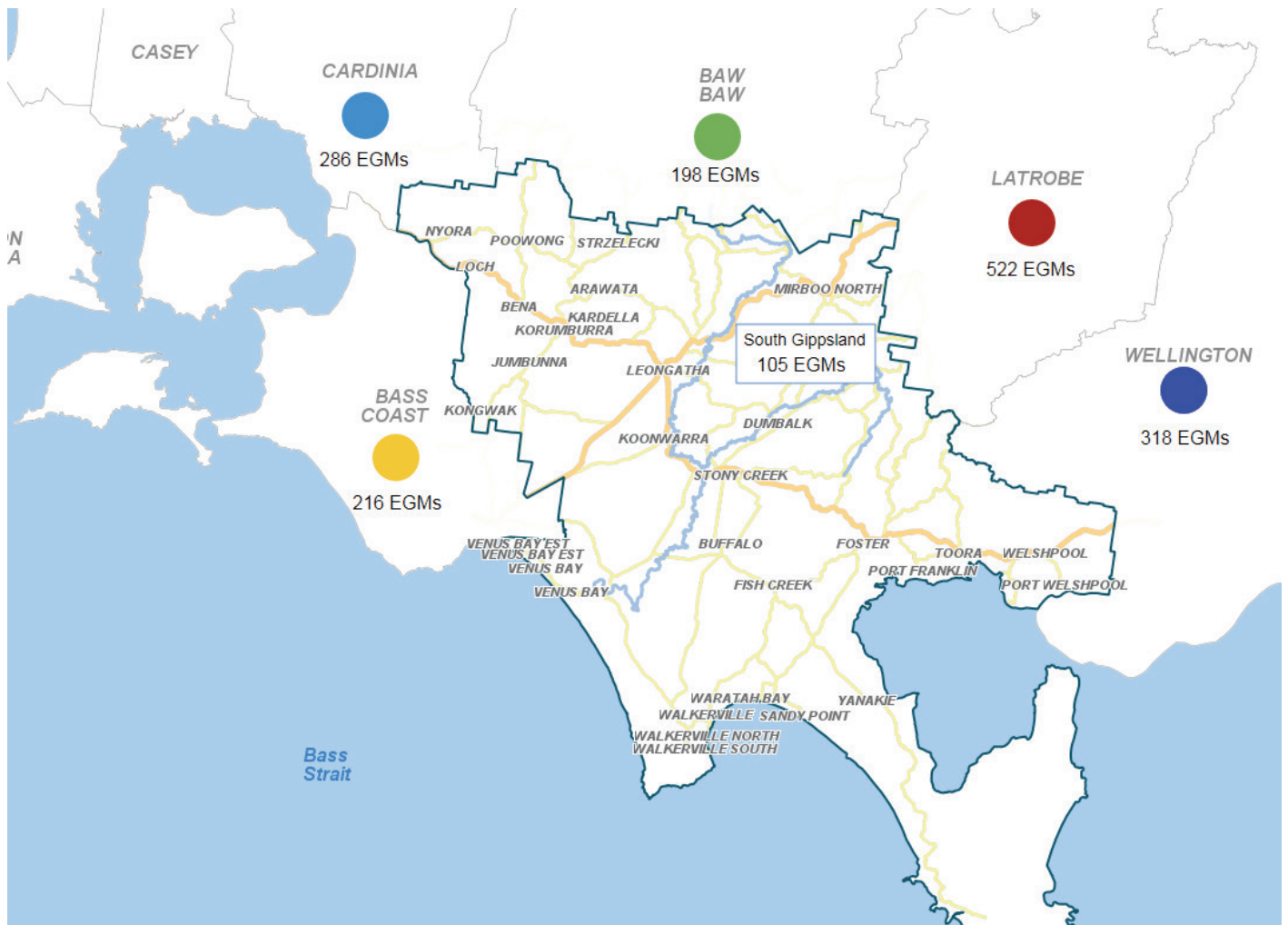


Three of the four venues in South Gippsland are in prominent and accessible locations that may be passed as part of a daily or weekly work or shopping trip. These gambling facilities could be said to be widely accessible to the broader municipal and regional community who come to Leongatha, Korumburra or Foster for retail, recreation, health, education, family or employment.

The location of the existing venues are now recognised as a risk to people who have gambling problems as they may be tempted to spend money on gaming machines rather than essential needs.

Outside of South Gippsland there are a large number of EGMs located in adjoining municipalities.

EGMs South Gippsland and Neighbouring Councils



Limiting harm through the South Gippsland Planning Scheme

One way to limit harm from gambling is through implementing policy change to the South Gippsland Planning Scheme, defining where gaming machines are prohibited and strongly discouraged. Evidence tells us that changes to the South Gippsland Planning Scheme limiting the location and density of gaming machines helps reduce harm from gambling.

Currently there are no specific clauses in the South Gippsland Planning Scheme to limit the expansion of electronic gaming machines to vulnerable areas of the Shire.

Other Victorian councils have reduced harm to their local community through changes to their local planning scheme. They have successfully limited expansion of Electronic Gaming Machines to vulnerable areas of their Shire. Recommendations to be considered when changing the South Gippsland Planning Scheme are included in Appendix One.



Alcohol consumption and liquor supply

Alcohol is a widely accepted part of Australian culture and the majority of people drink responsibly. The number of liquor licences issued have more than doubled in Victoria since the Liquor Control Reform Act 1998 was introduced. There are now more than 19,000 active liquor licences in Victoria. Alcohol has become more readily available than ever before.

The link between alcohol and injury, accidents, violence and physical and mental illnesses makes alcohol one of the top 10 avoidable causes of disease and death in Victoria.

Alcohol consumption in South Gippsland

16.4% of people in South Gippsland consume alcohol weekly at levels associated with short term risk of harm, 6.2% higher than Victoria and 5.2% high than Gippsland¹³.

Alcohol related hospital admissions for females in South Gippsland (34.3%) is highest in Gippsland¹⁴ (Males 44.9% alcohol hospital admissions)¹⁴.

Total alcohol death rates in South Gippsland around 60% higher than other Gippsland local government areas¹⁵.

10.4% of people in South Gippsland aged over 65 years die from alcohol related issues, one of the highest rates in Victoria¹⁶.

Alcohol harm

Alcohol related harm is experienced individually, socially and economically

- Alcohol causes over 1200 deaths and 40,000 hospitalisations in Victoria annually¹⁷
- Drinking alcohol has been estimated to cost \$4.3 billion every year to the health and justice systems, workplaces, families and individual Victorians¹⁸
- 22% of all assaults in Victoria are related to alcohol¹⁹

Alcohol's impact on children and families

Alcohol is associated with the likelihood of family violence and the severity of harms that result from this violence. It is estimated that alcohol is involved in

- up to 65% of family violence incidences reported to the police and up to 47% of child abuse cases each year across Australia²⁰.
- Alcohol related family violence incidents in Victoria are increasing.
- 23% of parents of children under 18 years reported that their child has been harmed or put at risk of harm because of someone else's drinking. Most common causes of harm to the child are they are verbally abused, neglected, physically assaulted or put in a car with someone who was over the legal drink driving limit.

Demographic influences on alcohol related harm

Alcohol related harm is often driven by demographic factors. While research findings in relation to the proximity of liquor outlets to vulnerable communities are variable, there are more acute and chronic alcohol related deaths occurring in disadvantaged areas.²¹

Where people drink alcohol - the issues

- Nearly 80% of alcohol consumed in Australia is sold at packaged liquor outlets
- The average drinking occasion at home involves more than five standard drinks (more than four standard drinks is enough to exceed the National Health and Medical Research Council's guidelines)

22 23



Harm reduction - community attitudes²⁴

As much as alcohol is culturally accepted, our local community has many concerns regarding alcohol related harm. The Foundation for Alcohol Research and Education (FARE) conducts an annual attitudes and behaviours survey. The 2016 survey revealed the following attitudes to alcohol in Australia.

Community attitudes for alcohol related harm

- 79% of Australians believe that alcohol related violence is the biggest concern.
- 78% think more has to be done to address alcohol.
- Most consume bottled wine at home.
- Most people drink to get drunk at home.
- 63% drink at home.
- 62% believe alcohol should not be sold in supermarkets.
- Alcohol and sport – community concern with relationship 63% alcohol sponsorship should not be allowed.

Availability and density

There has been unprecedented growth in the physical availability of alcohol in Australia over the last 15 years. Alcohol has become more readily available than ever before.

- The number of liquor licenses and licensed premises has increased by 120% between 1996 and 2010.
- Nearly 80% of alcohol consumed in Australia is sold at packaged liquor outlets²⁵.
- The increased density and availability of alcohol has been shown to lead to increased alcohol consumption and in turn increased levels of family violence, general assaults and alcohol specific chronic disease²⁶.
- Studies have found alcohol outlet density was associated significantly with family violence rates with very high rates associated with packaged liquor licences. An increase in off-licence liquor outlets was associated with a 3.3% increase in family violence²⁷.

Marketing and promotion

The volume of alcohol advertising young people are exposed to has been demonstrated to impact on their future alcohol consumption behaviour. Alcohol advertising is presented through a variety of media in many settings. Exposure to alcohol advertising shapes the beliefs of young people's attitudes, branding awareness and drinking behaviours. Youth exposure to outdoor advertising is unlimited and there is very little control over social media promotions²⁸.

Alcohol advertising in Australia is self-regulated through industry codes of practice with some State control provided by the VCGLR.

Pricing and taxation

Wine is the cheapest form of alcohol available for sale with some wine in Australia being sold for as little as 24 cents per standard drink and the majority of bottled wine (65%) being sold for under \$8.00 per bottle.

Young drinkers and the heaviest drinkers are sensitive to alcohol price.



Liquor Control and Supply

There are around 160 liquor licences in South Gippsland in 10 different licence types. Licence types range from hotels, wineries and cafes, and individuals or organisations offering one off or temporary events. The *Liquor Control Reform Act 1998 (Vic)* regulates the sale and supply of alcohol (see appendix 2: Liquor Legislation).

Addressing alcohol harm

Addressing alcohol related harms requires a broad variety of approaches by all organisations and individuals involved in the supply and consumption of alcohol.

Council's role relating to liquor licence applications

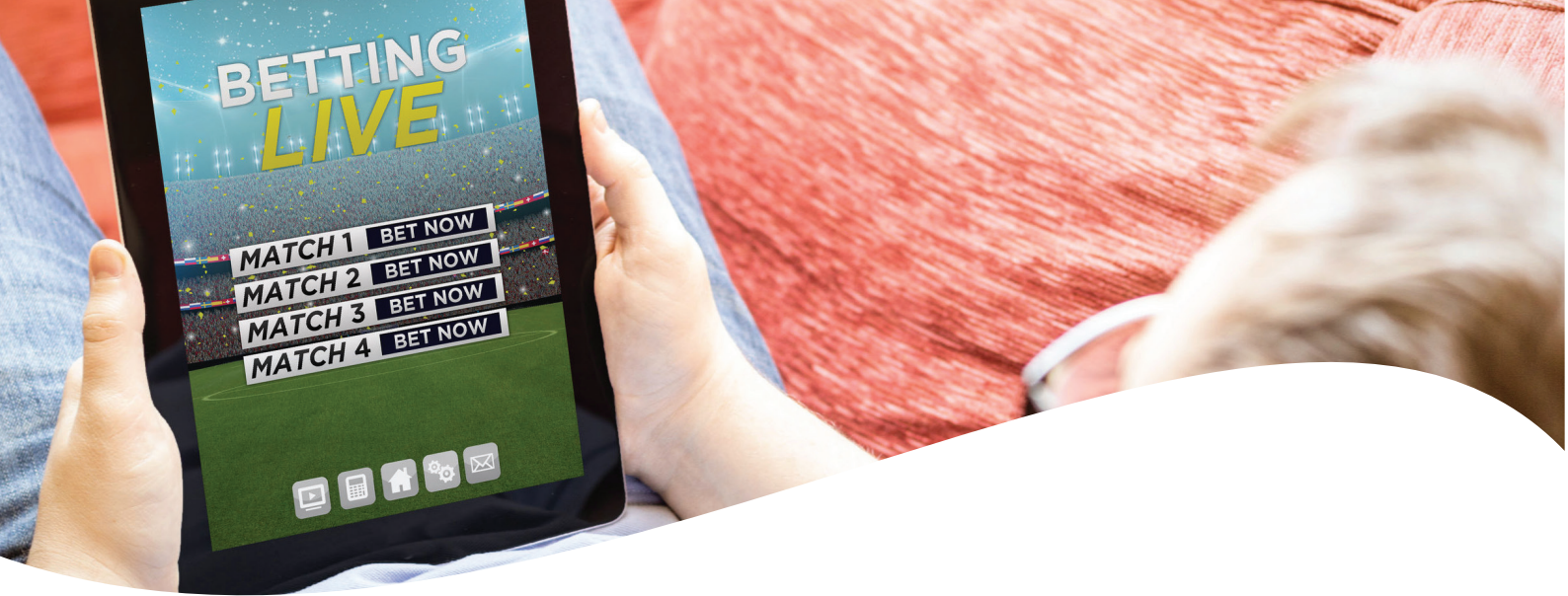
Local councils play a vital role in the liquor licensing process in Victoria, through planning approvals for venues that wish to trade in their municipalities, and through their ability to object to a new licence or variation.

To support its decision making, and in accordance with requirements under the *Liquor Control Reform Act 1998* (the Act), the VCGLR notifies the relevant local council when it receives a new liquor licence application or variation to an existing licence (excluding applications for major event and other limited licences and for prescribed variations to licences). It also seeks input from Victoria Police. Local councils have up to 30 days to lodge a written objection with the VCGLR. In addition, local council may also request the VCGLR to conduct an inquiry into:

- the amenity or disuse (where the licence has not been used for 12 months or more) of a liquor licence in their local government area;
- whether there are grounds to take disciplinary action against a licensee within their local government area.

Active Liquor Licences South Gippsland

Liquor licence type	Number	Business type
<p>General licence Authorises the supply of liquor for consumption on the licenced premises and to take away. *licensees wanting to extend their trading hours past 1am need to apply for a late night (general) licence.</p>	20	Pubs, hotels, taverns
<p>Late night (general) licence Permits the supply of alcohol for on-premises and off-premises consumption after 1.00am.</p>	1	Hotel wishing to trade on a general licence past 1.00am.
<p>Bring Your Own permit Permits people to bring their own alcohol but may not sell alcohol as well.</p>	12	Social/sports club, party bus/ restaurant
<p>Restricted club licence Permits the supply of alcohol to members and guests for drinking on club premises but does not allow for customers to purchase alcohol to take away.</p>	8	RSL, bowls or golf clubs
<p>Packaged Liquor licence Authorises the retail supply of liquor for consumption off the licensed premises.</p>	19	Bottle shop, general stores, supermarkets
<p>Full club licence Permits the supply of alcohol to members, guests and gaming visitors for drinking on the premises, and for members to take away.</p>	13	RSL, golf club, social club, bowls club
<p>Restaurant and café licence Authorises the supply of liquor for the consumption of alcohol on the premises. The predominant activity carried out at all times must be the preparation and serving of meals to be consumed on the premises.</p>	23	Cafe, restaurant
<p>On-Premises licence Authorises the supply of liquor for consumption on the licensed premises.</p>	8	Cafe, restaurant, bars and nightclubs
<p>Wine and beer producers licence Authorises the supply of the licensee's own product of wine, cider, brandy, sherry or fruit provided it is grown under the direction of the licensee. Where the licensee brews their own beer</p>	15	Wineries and breweries
<p>Limited licence Sought for one off events such as a ball or presentation night or a one off event requiring an extension of trading hours or the size of the licenced premises.</p>	51	Sporting clubs, RSL, bar and grill, farm gate/brewery/ winery



Conclusion

There are a range of factors which can influence the nature and extent of gambling and alcohol harm. This strategy provides a series of recommendations in response to these factors that are based on the legislative environment and Council's capacity to influence change.

South Gippsland has not previously had a liquor or a gambling strategy, however the evidence supporting a need to limit harm from alcohol and gambling in our local community is strong. The South Gippsland Planning Scheme currently contains no specific local policies to address issues associated with the supply and consumption of alcohol nor the control of the supply of gambling in the Shire.

Recommendations below, represented in an action plan will allow the development of:

- a planning scheme amendment;
- partnerships with industries, organisations and the community; and
- links to public health and wellbeing strategies to support the South Gippsland community.

Recommendations

1. Facilitate and annual forum for key stakeholders in liquor and alcohol harm reduction in South Gippsland - Council, Victoria Police, Australian Hoteliers Association, packaged liquor retailers, Victorian Commission for Liquor and Gambling, welfare and social support organisations.
2. Support partners in their promotion and delivery of harm reduction training and events in the South Gippsland area.
3. Undertake extensive community consultation to determine community opinion regarding:
 - liquor and gambling harm in South Gippsland
 - alcohol supply in South Gippsland towns
 - electronic gaming machine availability in South Gippsland
4. Undertake a review of the South Gippsland Planning Scheme to include protective factors for the local community for liquor and gambling.
5. Develop applicant guidelines outlining good practice in harm reduction. Include desirable supporting documents from applicants including:
 - reference to the revised South Gippsland Planning Scheme
 - a social impact assessment; and
 - results of specific community consultation and regarding application
6. Prioritise harm reduction strategies for alcohol and gambling in the Municipal Public Health and Wellbeing Plan that includes:
 - restricting alcohol marketing at sporting grounds, in shopping strips and where children and adolescents are present
 - support alcohol cultural behaviour change interventions or policy change in workplaces and sporting clubs

The following action plan outlines how recommendations will be implemented over the next four year period.

SCRATCH AND

WINNERS

Action Plan

Objective One - Support collaboration to support alcohol and gambling harm reduction in South Gippsland

Action	Partners	Outcome	Timeline
1.1 Facilitate annual forum of key in liquor and gambling stakeholders	Council, Victoria Police, Australian Hoteliers Association, packaged liquor retailers, Victorian Commission for Liquor and Gaming, welfare and social support organisations	Collective approach to alcohol and gambling harm management Sharing of contemporary data and information on alcohol and gambling behaviours and risks	Annually
1.2 Support promotion and delivery of harm reduction training and events in the South Gippsland area	Gamblers Help (Latrobe Community Health Service) Victorian Local Governance Association Local venue operators Community social justice groups	Increased knowledge and awareness of gambling and/or alcohol harm in the community	As required

Objective Two - Seek community opinion on liquor and gambling in South Gippsland

Action	Partners	Outcome	Timeline
2.1 Develop community consultation plan including survey, community meetings, town walks, expert speakers	Council, community	Community opinion can be referenced in response to gambling and liquor licensing application	2018
2.2 Undertake community consultations	Council	The opinions of key South Gippsland communities is available for licence applications	Annually
2.3 Assess interest in liquor/gambling community reference group	Council, partners, community	Reference group for future planning applications	To be determined depending on interest

Objective Three - Enhance Council's regulatory role in relation to liquor and gambling through revision of the South Gippsland Planning Scheme

Action	Partners	Outcome	Timeline
3.1 Amend South Gippsland Planning Scheme in relation to provision of gaming machines	Council working group	Reduced risk to vulnerable communities in South Gippsland	2017-2019
3.2 Review South Gippsland Planning Scheme in relation to the provision of liquor licences	Council working group	Reduced risk of alcohol harm	2017-2019
3.3 Develop applicant guidelines outlining good practice in alcohol harm reduction	Council working group	Increased consideration of social impact in liquor licencing applications	2020-2021

Objective Four - Prioritise harm reduction strategies for alcohol and gambling in the Municipal Public Health and Wellbeing Plan (MPHWP)

Action	Partners	Outcome	Timeline
4.1 Discouraging alcohol marketing at sporting grounds, in shopping strips and where children and adolescents are present	To be identified in MPHWP	Alcohol marketing is restricted from young people	See MPHWP
4.2 Investigate alcohol cultural behaviour change interventions or policy change in work-places and sporting clubs	To be identified in MPHWP	Alcohol culture change interventions in place	See MPHWP



KENO

Appendix One - South Gippsland Planning Scheme Amendment Support

Gaming Machines

The following principles and regulations have been developed in reference to academic evidence relating to gambling harm, other Victorian council strategies and policies and VCAT and VCGLR cases considering applications for gaming machines.

Further work is required to consider how the following principles are best incorporated into the South Gippsland Planning Scheme in relation to the unique geographical and community profile of the area.

- **Defining strip shopping centres:** Some councils have mapped shopping strip boundaries to provide proponents, Council and the community with clear direction of where EGMs will be prohibited and discouraged. The address of prohibited areas may be included in a schedule to the planning scheme to overcome any limitations resulting from changing retail areas and uses.
- **Limiting EGMs in areas of socio economic disadvantage:** Gambling harm and addiction may affect any person in the community however people who are vulnerable or experiencing disadvantage have fewer resources to cope with the consequence of problem gambling. Relative disadvantage may vary considerably within larger towns such as Leongatha, Korumburra, Mirboo North and Foster. Variation of advantage and disadvantage within larger towns should be considered when assessing location of gambling venues.
- **Distancing gaming venues from social support services and social housing**
- **Limit gambling venues where there are limited alternative social activities:** An important harm minimisation strategy is to present a choice of alternative activities and attractions other than gambling in the immediate area of a gaming venue or within a gaming venue. The concentration of venues in a locality is also an important consideration. Where there is little choice of entertainment other than gaming, the potential for harm is increased.

Changes may be represented as follows:

1. Gaming machines should be accessible but not convenient:
 - a. only in areas where the population is growing or expected to grow
 - b. at the periphery of activity centres, outside of the main transport, shopping, community and civic functions of a centre
 - c. in areas that minimise the likelihood of people passing the venue in the course of their usual business or every day activities
 - d. near activity centres or sports and recreation clubs with a land holding of more than two hectares
 - e. located in areas and venues where there is a choice and diversity of entertainment facilities and attractions that are gambling free and open to the broad community
 - f. where the location could be perceived as a destination in its own right
 - g. new facilities design should minimise patron auditory or visual exposure to gaming rooms from non-gaming areas
2. Gaming machines should not be located:
 - a. in areas specified in South Gippsland Planning Scheme. They should be strongly discouraged in areas that abut, are adjacent to, opposite or in close proximity to a strip shopping centre or main shopping precinct.
 - b. in holiday destinations where there are no alternative entertainment activities in or outside of the holiday season
 - c. in holiday destinations where the permanent population is less than 1,000 people and/or the community is relatively disadvantaged
 - d. within venues where patrons are required to pass gaming machines to access general use areas
3. Social impact assessments should have regard to:
 - a. Socio-Economic Indicators for Areas (SEIFA) to smallest geography available
 - b. Relative disadvantage within larger towns where SEIFA varies greatly.
4. Gaming machines should not be transferred from existing areas to areas of relative disadvantage.
5. The economic benefits of a proposal should be balanced with the potential detriment of the proposal using the 'no detriment test' of the Gambling Regulations Act 2003.



Liquor and Gambling Supply

1. Apply a precautionary approach to the approval of packaged liquor outlets, directing large format outlets to bulky goods retail area and higher order activity centres and assessing cumulative floor space when considering density of packaged liquor outlets
2. Discourage the clustering of packaged liquor outlets and oversupply of packaged liquor floor space in socio-economically disadvantaged areas and near schools, kindergartens and childcare centres
3. Develop a licenced liquor premises policy to be included in the South Gippsland Planning Scheme to provide clear direction to guide the assessment of planning permit applications for licenced premises and packaged liquor outlets including:
 - a. Preferred location, capacity and operating hours
 - b. Application requirements including the submission of:
 - i. site context plan
 - ii. site floor plans
 - iii. a detailed social impact assessment that takes into account available data concerning acute and chronic alcohol related disease and social harms of assaults on private property and family violence
 - iv. Show how social impacts will be managed and mitigated
 - v. Results of a community opinion survey from an area of 2km radius of the proposed site/venue
 - c. Decision guidelines requiring consideration of:
 - i. Social community impact and how impacts will be managed and mitigated
 - ii. Consideration of proximity to residential properties, location of outdoor areas, availability of car parking and location to schools, early years education sites and areas where children and adolescents are present
 - iii. Social community impact
 - iv. Cumulative impact of licenced premises
 - v. Cumulative impact of packaged liquor outlets
4. Reduce availability of alcohol including restricting trading hours and density of alcohol outlets

Appendix Two - Legislative Framework

Victorian Local Government Act 1989

The Victorian Local Government Act requires Council to provide the best outcomes for the community, whilst having regard to the long term cumulative effects of decisions regarding alcohol and gambling.

Victorian Public Health and Wellbeing Act 2008

Council is required to seek to protect, improve and promote health and wellbeing and to apply the 'precautionary principle' to preventing and controlling public health risk. Alcohol and gambling are public health issues which impact an individual, families and communities with consequences that can include significant financial losses, assault and family violence, illness and premature death.

Under the *Public Health and Wellbeing Act 2008* Councils must prepare a Municipal Public Health and Wellbeing Plan every four years. Harm minimisation measures for liquor and gambling may be included in a public health and wellbeing plan.

Victorian Public Health and Wellbeing Plan 2015-2019

The Victorian Public Health and Wellbeing Plan 2015–2019 sets six priorities. Priorities relevant to this Strategy include reducing harmful alcohol and drug use, preventing violence and injury, improving mental health and healthier eating and active living.

Planning and Environment Act 1987

The *Planning and Environment Act 1987* forms a planning framework for the use, development and protection of land in Victoria. Planning schemes outline the laws controlling planning decisions under the Act. Objectives relevant to liquor and gambling seek:

- to provide for the fair, orderly, economic and sustainable use and development of land;
- to secure a safe working, living and recreational environment for all Victorians and visitors to Victoria;
- to facilitate development in accordance with the objectives of the Act;
- to balance the present and future interests of all Victorians.



Legislative Framework - Gaming Regulation

Legal forms of gambling in Victoria include: Poker machines (Electronic Gaming Machines/EGMs), casino games, wagering, sports betting, Keno, lotteries and bingo. All of these forms of gambling are regulated in Victoria.

Under Victorian legislation a Venue Operators Licence is required in order to operate a gaming venue where gaming machines are installed. The Licence will only be issued to holders of:

- a general licence under the Liquor Control Reform Act 1998; or
- a club licence (whether full or restricted) under the Liquor Control Reform Act 1998; or
- a licence issued under Part 1 of the Racing Act 1958; or
- a planning permit for the operation of Electronic Gaming Machines under the Planning and Environment Act 1987.

State Planning Strategy Framework

Clause 52.28 of the Victorian State Planning Strategy Framework outlines the statutory responsibility for Council to consider the social and economic impacts of gaming machines.

The purpose of Clause 52.28 is to:

- Ensure that gaming machines are situated in appropriate locations and premises
- To ensure the social and economic impacts of the location of gaming machines are considered
- To prohibit gaming machines in specified shopping complexes and strip shopping centres

Schedules to the Clause allow for local variations to the standard provisions, enabling planning authorities to prohibit gaming machines in strip shopping centres or complexes. At present the schedule to Clause 52.28 of the South Gippsland Planning Scheme does not specify any shopping complexes or strip shopping centres within which gaming venues are prohibited. A default schedule prohibits gaming machines in all strip shopping centres where a detailed schedule has not been included in the scheme.

No EGMs in shopping centres or shopping strips

EGMs are prohibited in shopping centres or shopping strips to prevent people from gambling on impulse when they encounter a gambling venue while shopping or engaging in other activities. Shopping strips contain shops that can include take away premises but the shops do not need to account for the majority of premises in a strip shopping centre.

A gambling venue may lie outside a shopping centre or activity centre, yet still be regarded as a convenience venue, or at least not a destination venue.

Gambling Regulation Act 2003

The *Victorian Gambling Regulation Act 2003* legalises gambling on poker machines, keno, lotteries and bingo. It applies to some aspects of online bookmaking (wagering and sports betting) offered to Victorian residents by interstate bookmakers.

A maximum number of Electronic Gaming Machines (EGMs) in each municipality (a cap) in Victoria is set by the Minister for Gaming. Major themes considered under the Gambling Regulation Act by the Victorian Commission for Gaming and Liquor Regulation (VCGLR) includes:

- Social and economic impact (no net detriment)
- Concentration of EGMs/venues and available licences
- Proximity to local educational institutions
- Population growth (changes in demand)
- Proximity to shopping centres
- Resident opinion
- Responsible gaming practices.

Club venue operators (not pubs) are required under the Gambling Regulation Act 2003 to prepare and lodge an audited community benefit statement with the Victorian Commission for Gambling and Liquor Regulation (VCGLR) for every financial year in which they receive gaming machine revenue. A community benefit statement verifies whether the community benefit provided by the club is equal to at least 8.33% of its net gaming machine revenue.

In South Gippsland the Leongatha RSL and Foster Golf Club operate EGMs. The most recent community benefits statement (August 2016) for the Leongatha RSL is available here www.tinyurl.com/j9pcmem.

The social and economic impacts of the proposal are to be considered under both the planning and gaming legislation. Planning legislation addresses whether the location and the premises are deemed appropriate and whether the approval will result in net community benefit.



The Casino Control Act 1991

The Casino Control Act 1991 legalises gambling on casino games at Crown Casino.

The Commonwealth Interactive Gambling Act 2001

Online sports betting and online wagering in Australia from licensed providers is legalised by the Commonwealth Interactive Gambling Act 2001. It prohibits the provision of other forms of online gambling such as electronic machines and casino games. It guides the provision of raffles, card games, bingo, horse racing, casinos and electronic gaming machines where there is a prize of money, opportunity to bet for money.

Racing Act 1958

The Racing Act 1958 relates to horse, pony, trotting and greyhound racing, the registration of bookmakers and their clerks and totalizators. Approved betting events referenced in the Act have the same meaning as in the *Gambling Regulation Act 2003*.

Legislative Framework - Liquor Regulation

Liquor Control Reform Act 1998

The Liquor Control Reform Act 1998 is the primary piece of legislation regulating the supply and consumption of liquor in Victoria.

The Act regulates the supply and consumption of liquor in Victoria. The objectives of the Liquor Control Reform Act are:

- to contribute to minimising harm arising from the misuse and abuse of alcohol, including by:
 - providing adequate controls over the supply and consumption of liquor
 - ensuring as far as practicable that the supply of liquor contributes to, and does not detract from, the amenity of community life
 - restricting the supply of certain other alcoholic products
 - encouraging a culture of responsible consumption of alcohol and reducing risky drinking of alcohol and its impact on the community
- to facilitate the development of a diversity of licensed facilities reflecting community expectations
- to contribute to the responsible development of the liquor, licensed hospitality and live music industries
- to regulate licensed premises that provides sexually explicit entertainment
- licensees obligations under the Act include:
 - Supplying liquor in accordance with their licence conditions
 - Completing Responsible Service of Alcohol (RSA) training
 - Publicly displaying their licence and other prescribed information
 - Not allowing their venue to adversely affect the amenity of the surrounding area
 - Fulfilling administration and record keeping requirements
 - Supplying free drinking water
 - Allowing the premises to be inspected when required

The Victorian Government is undertaking a review of the Liquor Control Reform Act in response to a recommendation from the Royal Commission into Family Violence. It is 20 years since the introduction of the Act and the purpose of the review is to ensure the regulatory framework keeps pace with industry change and provide an appropriate harm minimisation focus.



Liquor Control Reform Regulations 2009

Provide for a range of specific matters in relation to licensing and the regulation of liquor including prescribing licence fees and application requirements. The regulations complement the Act and provide further detail to give effect to the intentions of the Act.

Planning and Environment Act 1987

The *Planning and Environment Act 1987* establishes a planning framework and outlines the statutory responsibility for Council when deciding on an application in relation to the social and economic impacts and the effects the use of development may have on the environment.

Planning and Environment Amendment (General) Act 2013 amended the *Planning and Environment Act 1987* to strengthen the relevance of social and economic effects in decision making. Responsible authorities must now consider 'any significant social effects and economic effects which the responsible authority considers the use of development may have'.

State Planning Strategy Framework

Clause 52.27 provides a Strategy for licensed premises and provides a permit trigger for most licensed premises. The purpose of Clause 52.27 is to:

- Ensure that licensed premises are situated in appropriate locations
- Ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

South Gippsland Shire Council General Local Law 2014

The objectives of *General Local Law 2014* are to:

- a. Provide a safe and healthy environment in which the residents of the municipal district enjoy a quality of life that meets the general expectations of the community;
- b. Regulate and control activities which may be dangerous or unsafe or detrimental to the quality of life in the environment of the municipal district;
- c. Facilitate the provision of general public services, health and other community services, property services, recreational and cultural services, and other services in a way which enhances the environment and quality of life in the municipal district;
- d. Provide for the peace, order and good government of the municipal district;
- e. Provide for the administration of the Council's powers and functions; and
- f. Prescribe penalties for contravention of any provisions of this local law.

Local Law 21 applies to liquor:

A person must not, without a permit – consume liquor on a road, or consume any liquor in any other public place between 10.00pm and sunrise or have in his or her possession or control any liquor other than liquor in a sealed container on a road or any other public place between 10.00pm and sunrise. Except in an approved public ceremony, attending a private function leased for private use, purchased liquor from someone with a permit and is in an exempt area.



Appendix Three - Terms and Definitions

Alcohol related harm: Is a term used to describe a broad range of effects caused by alcohol consumption. The National Health and Medical Research Council (NHMRC) identifies alcohol related harm as:

- Short term risk: more than six standard drinks in any one day for men; more than four standard drinks in any one day for women. Increases the risk of accident or injury.
- Long term risk: more than four standard drinks per day/ 28 per week for men; more than two per day/14 per week for women. Increases alcohol-related disease risk.

Alcohol related harm is not limited to drinkers but also affects families, bystanders and the broader community.

Bingo: A form of minor gaming. Players receive a ticket with randomly numbered squares, then players mark off the numbers as they are randomly drawn and announced. Bingo may only be conducted for fundraising purposes by organisations registered by the VCGLR as a community or charitable organisation. A licensed bingo centre operator can also run bingo sessions on behalf of a declared community or charitable organisation.

- Economic impacts: costs to government, cost to industry, cost associated with crime and disorder including policy, justice and insurance, secondary indirect costs to other members of the community.

EGMs – Electronic Gaming Machines: Also known as poker machines or pokies are computerised, rapid-play gaming machines that map the selections of a random number generator to a visual output on a video screen. EGMs are owned and operated by the local venue. Venue operators must apply to the VCGLR for a license to operate EGMs and to their local council for a planning permit.

- Individual harm: overconsumption contributing to a range of adverse health outcomes

EGM density: EGM density is measured at a rate of EGMs per 1,000 adults. EGM density is an established measure of the accessibility a community has to gaming opportunities, distribution of machines and potential impact.

Keno: Is a rapid-draw game in which a set of numbers is drawn through a random number generator from a pool of numbers. The numbers are then posted electronically in venues. Tabcorp is authorised to provide Keno in eligible hotels, clubs and TAB agencies in Victoria. Unlike EGMs, Keno is not restricted to the gaming area of a hotel or club. There are nine TAB agencies in South Gippsland.

Lottery: A rapid draw game where a set of numbers is drawn through a random number generator. Tattersall's has the only public lottery licence in Victoria and is authorised to offer Tattslotto, Oz Lotto, Powerball, Super 66, The Pools, Monday and Wednesday Lotto, Lucky Lotteries and instant scratchies. There are 788 Tatts outlets in Victoria and three in South Gippsland.

Online sports betting: A wager on approved sporting events can be made online or using interactive television. Sports betting is legal on any event where approval has been provided by the VCGLR. Sports betting can be provided by the wagering provider (Tabcorp) or other sports betting companies licensed in Australia.

Packaged liquor outlets: Bottle shops within or connected to a supermarket, stand-alone bottle shops or drive-through bottle shops.

Pub Poker: Poker can be played in any venue or home as long as no person gains a percentage or share of the amounts wagered. This includes entry fees or buy-in amounts charged.

Red line: When a liquor licence or BYO permit is granted, it is for a defined area where liquor can be supplied and/or consumed. This is shown by a red-line drawn on a plan of the premises. This plan needs to be submitted to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) as part of the application process and may be requested at any time.

- Social impacts – broader social effects of alcohol consumption including crime and disorder, public safety, family violence, road trauma. Social impacts can affect drinker and others in the community.

VCGLR: Victorian Commission for Liquor and Gaming Regulation

Wagering: Is placing of a bet on racing, sports and other approved events. Wagering on horse and greyhound races is offered on-course, by bookmakers at a racetrack and off-course by Tabcorp at hotels, clubs and TAB agencies. Tabcorp is licensed until 2024 to operate the only off-course wagering network in Victoria. Bets can be accepted online or by telephone. TAB agencies are in nine venues (all hotels) in South Gippsland.



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