

## Council Policy

# Gambling and Poker Machine Harm Management

### Policy Statement

Northern Beaches Council is committed to minimising the harms associated with poker machine gambling on the Northern Beaches.

### Principles

- Electronic gambling machine (EGM) gambling is a legal and enjoyable activity for many Australians, and while the majority participate without adverse effects, a proportion of individuals, and their community experience significant harms associated with gambling
- EGMs are designed to maximise spending and machine usage and are highly addictive
- Harm minimisation seeks to reduce the negative effects of EGM gambling through considering the health, social and economic consequences of EGM gambling on both the individual and the community as a whole
- Local councils have a significant role to play in lobbying, education and advocacy to minimise the harms associated with poker machine gambling
- Local councils have a responsibility to demonstrate community leadership on this issue
- Council to support evidence-based approaches to prevent and reduce gambling harm
- Council to work in collaboration with local Clubs, Hotels and other relevant bodies/stakeholders, where appropriate, regarding community education and harm minimisation programs

### 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 gambling as current research suggests this causes the greatest harm in our communities. This policy also recognises the limited role local councils can play in the regulation of EGMs, and acknowledges the powers of the state and federal governments to create the most effective policy frameworks to address this complex issue.

The scope of this policy is influenced by the Gaming Machines Act 2001 (with Gaming Machines Amendment Act 2008). The Gaming Machines Act provides for the regulation, control and management of gaming machines in hotels and clubs and for related purposes. The Act amends the Liquor Act 1982, the Registered Clubs Act 1976, the Casino Control Act 1992 and certain other Acts with respect to gaming machines and other matters; and for other purposes.

Section 209(3) of the NSW Gaming Machines Act 2001 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 gambling 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 on the basis of 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, including the Gambling and Poker Machine Harm Management Plan 2018-2023, and any future plans and actions. This policy recognises the need to monitor ongoing reforms in gaming machine legislation and amendments will be made when required to either this policy or relevant plans and actions.

### References and related documents

Model Code of Conduct 2015

Northern Beaches Council Gambling and Poker Machine Harm Management Plan 2018-2023

### Definitions

*EGM*: Electronic Gaming Machine, or Poker Machine

### Responsible Officer

Executive Manager Community Arts and Culture

### Review Date

August 2023

### 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
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