

18 March 2020

The Secretary
Department of Treasury and Finance
GPO Box 147
Hobart 7001

Email: future.gaming@treasury.tas.gov.au

Attention: Future Gaming Market Project

Thank you for the opportunity to provide a submission on the implementation of *The Future of Gaming in Tasmania Policy*.

The Local Government Association of Tasmania (LGAT) is incorporated under the *Local Government Act 1993* and is the representative body for Local Government in Tasmania.

The objectives of LGAT are to:

- protect and represent the interests and rights of Councils in Tasmania;
- promote an efficient and effective system of Local Government in Tasmania; and
- provide services to Members, councillors and employees of Councils.

This submission is consistent with two previous LGAT submissions that continue to be relevant to the implementation of the Government's policy on the future gaming regulatory model. They are the 2016 response to the Joint Select Committee of the Future of Gaming Markets and 2017 response to the *Tasmanian Liquor and Gaming Commission on the Gaming Control Act Community Interest Test Discussion Paper*. Please see the 2017 response included below.

LGAT welcomed the announcement of the *Gaming Control Amendment (Community Interest) Act 2016*, which introduced the requirement for a community interest test when a new Licensed Premises Gaming Licence is applied for. Community involvement in the decision making is central to the concerns of our sector and the Community Interest Test (CIT) is an important mechanism for expression of those important principles.

The Consultation Paper notes the need for a CIT for new EGM venues and a legislation/regulation extension of the CIT objection period from 14 days to 28 days.

The extension is a positive acknowledgement that the creation of individual licences to operate EGMs in hotels and clubs adds complexity to the harm minimization regulations and procedures.

LGAT considers that there is insufficient examination of the implications on the CIT resulting from individual licensing.

LGAT acknowledges the importance given to harm minimization and the commitment to closely monitor the operation of EGMs in the restructured gaming market acting quickly to address and harm concerns. LGAT requests a commitment from the Tasmanian Government to consult with Local Government on the how the current CIT will be affected by the regulatory changes and what changes will assist community contributions to harm minimization. LGAT believes this must be done before they are put in place and that an ongoing specific CIT review process is required.

LGAT welcomes the changes proposed to the Community Health Levy.

The Consultation Paper notes that the move to individually licensed venues will have “implications for the level of suitability assessment at the time of licensing, as well as ongoing activities to ensure compliance”. LGAT welcomes the recognition that new conditions will require appropriate suitability assessment as part of the licencing process. At least six councils have an interest in EGM regulations and LGAT requests that Local Government is directly consulted in that process.

If you have any queries or would like further information, please contact [REDACTED]

Yours sincerely



Dr Katrena Stephenson
CHIEF EXECUTIVE OFFICER



Local Government Association Tasmania

28 February 2017

Our Ref: PF/FM
File No.:

Jenny Cranston
Chair
Tasmanian Liquor and Gaming Commission
Level 2 80 Elizabeth Street
HOBART TAS 7000

Dear Ms Cranston

Gaming Control Act Community Interest Test – Discussion Paper

The Local Government Association of Tasmania (LGAT / the Association) is incorporated under the Local Government Act 1993 and is the representative body for Local Government in Tasmania.

The objectives of LGAT are to:

- protect and represent the interests and rights of Councils in Tasmania;
- promote an efficient and effective system of Local Government in Tasmania; and
- provide services to Members, councillors and employees of Councils.

LGAT is aware of, and fully supports, those councils that have made their own submissions to the consultation process. Where a council has made a direct submission to this process, any omission of these specific council comments in the LGAT submission should not be viewed as lack of support by the Association for that specific issue.

While this submission does not contain detail from all Councils, the mood of the sector is supportive of a Community Interest Test. Three of the four Councils, that have provided comment to LGAT, support a Community Interest Test. These Councils are West Tamar, Clarence City and Glenorchy. Brighton Council strongly advocates from the removal of Poker machines from pubs and clubs and considers that the Community Interest Test is aiming at treating symptoms and predominantly future expansion, rather than the cause and an existing problem.

Glenorchy City Council qualifies its support for the community interest test stating that the test would serve a purpose in the transition to remove poker machines from Glenorchy. Council is also of the opinion that the community interest test best serves the community if it is applied to all applications for new machines, relocation of machines to new venues, replacement of machines after seven years and all licence renewal application.

Detailed responses to the questions posed in the Discussion Paper follow in **Appendix One**. These responses are from one rural and two urban Councils and so therefore represent views from different population groups.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Katrena', written over a light grey circular stamp.

Dr Katrena Stephenson
CHIEF EXECUTIVE OFFICER

APPENDIX 1

LGAT has received the following responses from West Tamar and Glenorchy Councils to the questions in the discussion paper.

STAKEHOLDER ENGAGEMENT

- 1. An applicant will be required to complete a community interest submission to accompany the application. What form should this take?**

The application should require a planning permit to strengthen council's capacity to control but not prohibit as EGM gaming is a legitimate activity. This process could limit the net increase of EGMs within a municipality and mitigation of any negative impacts on the community. Regional caps are a way of setting limits on the number of gaming machines that can be available for gaming in certain specified areas. The capped regions cover parts of the identified municipalities that are considered to be most at risk, based on a high level of disadvantage, significant density of EGMs and relatively high levels of EGM losses.

In consideration of the options presented in the discussion paper, Tasmania could draw from the practices in Victoria, the ACT and Queensland, requiring an EGM applicant to submit a social or community impact assessment or statement. The Queensland model appears to be the more holistic as it requires applicants to identify community attitudes towards their application, which means they have to fully explain to the public their intentions and what the benefits may be; as well as provide an indication of the prevalence of problem gambling in the community.

This process seems to be a more transparent and accountable approach to determining applications.

- 2. Should an applicant be required to directly consult with local community organisations in relation to their application? If so, are the following community organisations sufficient for consultation?**

- o **Local government**
- o **Local Community Groups**
- o **Health Care Providers**
- o **Business and Industry**
- o **Tasmania Police**

Community consultation, focus groups and in-depth interviews with local council, community groups, welfare and emergency relief providers, financial assistance counselling services and healthcare services can provide a greater understanding of the interaction between gamblers and the local society and economy. Will there be a standard form for the consultation to be undertaken? Applicants without consulting experience may not be able to present well to local community groups and other organisations on the list especially in vulnerable communities.

Within regional and rural areas there may be no direct community services/providers within the area to comment on how it will impact and support people who develop problems as a result of the application. City based services are not always appropriate to comment on rural and regional areas.

In relation to consultation with Local Government, it is advisable that Local Government is not seen as the 'provider' of all information, but rather as the 'facilitator' to point applicants towards relevant networks and key contacts.

3. **If an applicant is required to consult, what timeframe do you consider appropriate for consulted parties to provide comment? What timeframe do you consider appropriate for consulted parties to provide comment?**

It is recommended that six weeks (and at the very least 28 days) should be the minimum timeframe stakeholders should have to provide their comments about the application. This will provide sufficient time for the public participation. It is also recommended that public consultation is not conducted in the months of December and January as it will likely exclude many interested members of the public due to holidays.

4. **Would the Commission conducting open hearing/forums in the community be an effective way for the community to participate in the process?**

Open hearings may work in central business districts but not in rural regional and rural areas. In regional areas it makes sense to consider the catchment as that of the town, and not the municipality.

However open hearings/forum are sometimes intimidating for community members to express their views. Many people addicted to gambling or affected by gambling find it shameful to talk about their experience in public. Public hearings could also be easily hijacked by well-resourced or domineering groups. A community poll independently conducted and not paid for by tax payers may be a better alternative to an open hearing/forum.

Open hearing or forums could be considered as part of a suite or tool box of methods depending on the community. They can be a very effective method to ensure increased accessibility for the wider community however they can also be derailed by influential communities of interest. As noted in the discussion paper, this is where an experienced third party should be required to facilitate community consultation on behalf of the applicant.

Are there advantages/disadvantages with this?

A key disadvantage for regional and rural areas relates to transport and access to open hearing/forums dependant on times and location.

5. **To maximise community participation, other than the introduction of open hearings and open community forums, are there other ways for the Commission to inform itself of the community's position?**

Suggestions include: the Tasmanian Liquor and Gaming website; public notices in Local newspapers; direct mail out to adjoining property owners and contact directly with community support organisations within the area; written submission, surveys, petition signatures, hotlines and phone-in, online submission, suggestion box, comment forms, social media.

It is important that existing community groups are consulted using methods such as information sessions or focussed groups. It is also important that the process and method is simple, inclusive and transparent.

DEFINITION OF THE AREA

6. **Is the LGA the most appropriate definition of area to use for the purposes of a submission? If not what alternatives would be suitable?**

The Local Government area may be the appropriate definition of area to be used. LGA statistics are commonly available and accessible enabling the applicant to report on, or the

Commission to verify, profiling information. However, the LGA's information is not in a consistent format or may not have the same access to the relevant information package required for such an application. The Australian Statistical Geography Standard (an Australian Bureau of Statistics measurement) for analysis may be considered as a second option in Tasmania.

7. Should more than one LGA be taken into consideration for the determination of a premises within two kilometres of other LGA's?

The South Australian model for defining the Local Government area as a statistical local area appears to be the most sound, as it considers ABS data within a radius of 2kms that allows other suburbs or cities to be included in the community of interest. This is important when considering community profiling and impacts across close local government boundaries in Tasmania. Where the proximity of a proposed gaming venue is within two kilometres to another Local Government area, the other Local Government area should also be consulted.

8. Provided are examples of what other jurisdictions use as key demographics statistics for inclusion in community interest submissions. What demographic statistics could/should be included as relevant matters under the Tasmanian community interest model?

The inclusion of regional benchmarks and projected tourism statistics as included in Queensland and Victoria should also be considered. Although social and economic impacts are considered it is recommended that the environmental impacts are also included.

In addition to the demographic statistics suggested, it will be useful to include information about:

- Age distribution;
- Gender distribution;
- Population and projected population growth;
- Socio-Economic Indexes for Areas scores;
- Average income/distribution;
- Labour force levels/unemployment levels;
- Education Levels;
- Ethnicity, Occupations and Housing Costs;
- Housing stress;
- Locational disadvantage;
- Family Structure;
- Community Health;
- Co-morbidities: mental illness including depression and anxiety; alcohol; and drug dependence and suicide
- Impacts on local tourism operators;
- Impacts on local crime; and
- Employment type and industry.

9. Do you consider that the SEIFA score by itself is an adequate summary of the demographics of an area?

By itself, the SEIFA score is never an accurate measure or summary of community demographics, needs or aspirations. It is potentially dangerous to use this rating to determine community interest in isolation from other information, as it can create and promote unnecessary stigma and untrue reflections in both communities of advantage and disadvantage.

Also the level of socio-economic disadvantage varies widely within Local Government Areas and even across Statistical Local Areas, applicants should include not only the SEIFA for the LGA but also the suburb where the gaming venue is proposed to be and their surrounding suburbs as their SEIFA can differ significantly from that of the whole Local Government area.

10. Should business and industry information be a 'relevant matter' to be considered as part of a Tasmanian community interest submission?

There should be a requirement to list the key businesses, industry and gaming sensitive sites operating within the specified area to provide a clear understanding of the area during assessment.

11. Key businesses for consideration could include gaming venues and businesses associated with hospitality, what other types of business would likely be affected by the introduction of EGMs in a particular area?

Others types of business impacted include:

- Emergency relief providers;
- Hospitals;
- Child care centres;
- Welfare services;
- Pawnbrokers or credit providers;
- Aged Care Facilities;
- Schools;
- Sporting and Community Associations;
- Places of worship; and
- All businesses dealing in nondurable consumer goods would be potentially affected by the introduction of poker machines in a particular area.

12. Is a two kilometre radius around a premises an appropriate measurement to identify those entities which may be most affected?

This would need to be dependent on the geographical nature of the local area. In some LGAs in Tasmania a two kilometre radius is more than sufficient, in others not adequate enough. In some areas a minimum of five kilometres radius around a poker machine venue should be considered as an appropriate measurement to identify those entities which may be most affected.

13. What site profile data do you consider appropriate for inclusion in the Tasmanian community interest submissions?

All the data above.

14. What information should applicants be required to provide in relation to the possible social impacts that the installation of EGMs at a venue will have?

Applicants should provide information on gaming sensitive sites within five kilometres of the proposed venue, the likely impact, the magnitude of the impact, and measures to mitigate the identified impacts. This information needs to be independently verified by a third party.

Poker machine venues should not be allowed near schools, shopping centres, sports and community facilities, places of worship, emergency relief providers, hospitals, child care centres, welfare services, credit providers, aged care facilities, banks and ATM machines, parks and open spaces.

Social impacts and community impacts should include:

- Problem gambling;
- Economic benefits to the community;
- Community facilities;
- Entertainment;
- Community health and wellbeing.

15. Are the proposed social impact requirements sufficient for the Commission to determine the proposed impact or are there perhaps too many requirements?

Social Impact Assessment and Community Impact Statements are required to ensure quantitative and qualitative research at a local level. While they are sufficient, what could be beneficial is to have clear positive and negative impacts around the categories identified i.e. details of gaming sensitive sites; harm minimisation measures to be adopted; and lifestyle, recreational and other social impacts. Adopting the ACT risk rating measures would appear to be a sound practice as well.

Everything that makes the community safer from the damage of poker machines should be considered. The question is around the effectiveness of these measures and their monitoring. For example, evidence suggests that harm minimisation measures such as preventing excluded persons from entering a venue has not been effective.

16. What information should applicants be required to provide, if any in relation to the possible economic impacts that the installation of EGMs will have at a venue?

Employment, impact on local businesses (and mitigation measures where impact is negative), gaming revenue and other economic contributions to the local community are information that should be provided. It is recommended that revenue per poker machine is reported to better identify economic impact.

The information applicants should be required to provide is adequately covered in the discussion paper, however the South Australian example of requiring applicants to provide an overall net impact assessment of any proposal on the community is something that could be considered for Tasmania as well.

17. Are the proposed economic impact requirements sufficient for the Commission to determine the proposed impact, or are there too many requirements or should they not be included at all?

Research and current policy directions indicate that communities that have high levels of socio-economic disadvantage are more vulnerable to high EGM expenditure and problem gambling. Often these socio-economic disadvantaged areas do not have access to services to provide advice, counselling or services. The proposed economic impact requirements should be included.