

Attachments

Council Meeting

Monday 8 July 2024

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10.1 Community Engagement at Whitehorse

Attachment 1 Community Engagement Impact Report

10.1 – ATTACHMENT 1. Community Engagement Impact Report



Community Engagement Impact Report

Delivering on our policy and handbook

October 2022 to May 2024



10.1 – ATTACHMENT 1. Community Engagement Impact Report

Community engagement at Whitehorse

Whitehorse City Council is committed to actively engaging with the local community on initiatives, programs, projects and policies that affect them. That's why our engagement principles are at the core of all that we do.

Since the adoption of our Community Engagement handbook in October 2022, Council has seen some valuable advancements in the way we engage with our community.



**Inclusion, access
and constructive
participation**



**Clarity of
purpose
and scope**



**Transparency,
Informative
and Clear**



**Integrity,
Caring and
Responsiveness**

Our Community Vision 2040 was developed by the community for the community, gathering the views of a broad cross-section of people to understand what they love about Whitehorse and how they would like their community to be in the future.

Our engagement aligns with the following themes and key priority areas outlined in the Community Vision.

Theme 1: Diverse and Inclusive Community

We will make decisions that encompass the rich cultural, linguistic, and diverse abilities of all people represented within the City of Whitehorse.

- **Key priority 1.1:** Create opportunities for every person in the community to be listened to and included in community decision-making processes.

Theme 6: Whitehorse is an Empowered Collaborative Community

Active citizenship and Council engagement with all sectors of the community from the outset is vital for success in meeting all other priorities in this Vision.

- **Key priority 6.1:** Engage with the community collaboratively to hear their views on what needs to be done.
- **Key priority 6.2:** Encourage everyone to feel engaged with, and involved in, the Whitehorse community.

10.1 – ATTACHMENT 1. Community Engagement Impact Report

Key Achievements

Since the endorsement of our most recent engagement handbook in October 2022 there have been:

97

Projects we consulted the community on

498

New registered participants
(45% increase since July 2021)

> 19,900

Pieces of feedback received

116

Pop ups and engagement activities held in public open spaces

Top Your Say Pages visited

Page visits are more than just numbers; they reflect the effectiveness and reach of our community engagement.

Each visit to our project pages is a chance for people to connect with our projects, learn about our initiatives, and understand our work.

Project pages are a powerful tool for education and building awareness. They offer insights into our programs, goals and values, fostering a more informed and engaged community.



10.1 – ATTACHMENT 1. Community Engagement Impact Report

Shaping Whitehorse — Taking a strategic and integrated approach

Shaping Whitehorse is an engagement initiative inviting the community to share their unique perspectives, ideas, and priorities for the next Council period.



In 2024 our Shaping Whitehorse engagement will directly influence the development and review of major long-term community, health, assets and financial plans. These plans affect everybody in Whitehorse. They guide the day-to-day work of Council as well as longer-term decisions. This includes things like the services Council provides, the buildings and facilities and works we invests in, and how we support the health and wellbeing of the community and environment.

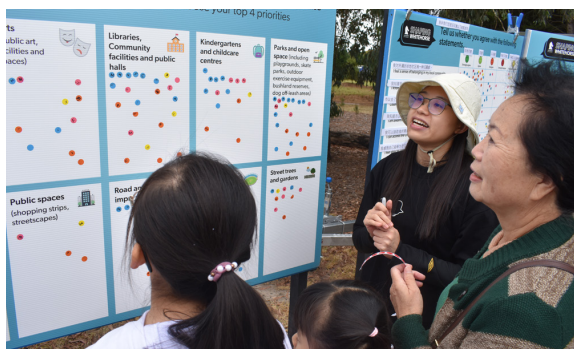
In March and April of 2024, we asked the community to share their ideas for a Whitehorse they would be excited to live, work and play in. 1430 community members responded through a range of targeted methods including a community survey and community pop up events.

This is a 398% increase on those engaged in the development of the last Council Plan.

In the next stage, we invited people to be part of our Shaping Whitehorse Community Panel, which will:

- be made up of 50 randomly selected Whitehorse community members
- include a mix of people that reflect our diverse community
- consider and discuss community feedback, research and information

Feedback from this engagement will input into a range of major plans that will set Council's priorities for the next four years.



10.1 – ATTACHMENT 1. Community Engagement Impact Report

Transforming how we engage with our community

Through our digital transformation project, we've made major changes to the way Council communicates in response to our community's changing needs and preferences.

We aim for more effective engagement through methods including:

- targeted communications unique to each audience
- use of signage with QR codes
- engaging visual communication materials
- social media advertising to reach more people.



Case study — Play space engagements

When renewing our play spaces, we ask the local community what types of equipment they enjoy and want to see included. We recently expanded the engagement process to focus on digital approaches and use of contemporary communications and engagement methods.

We made the online survey more engaging by adding images to show examples of each option. We also reviewed and simplified all our communications with the community to ensure information about the project could be easily understood.

These improvements resulted in a 500-800% increase in engagement with more than 1000 visitors to the play space engagement web page. This has meant that we can receive more effective and timely input from the community for our play space consultations.



10.1 – ATTACHMENT 1. Community Engagement Impact Report

Pop ups

Pop up events are a very effective engagement method. Rather than asking community members to come to us, we go to where people are; places like parks, malls, libraries, and sports grounds.

These pop ups allow community members to meet Council officers, ask questions and share their thoughts and ideas through a variety of innovative methods.

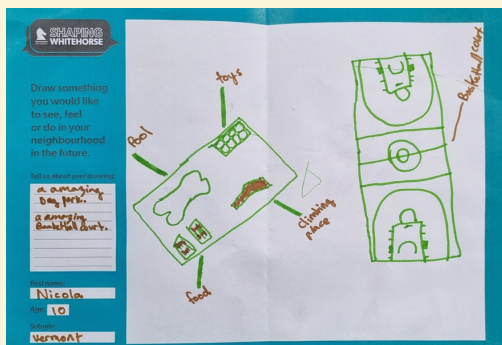
When engaging on a draft Master Plan for a reserve, for example, participants can view images of equipment they'd like included at the reserve and indicate their preferences by placing stickers on their preferred options.

We also encourage participation by offering incentives, such as coffee trucks, free muffins and face painting for kids.



Exploring innovative methods

We are working with the community to expand the ways in which you can have your say. Here are some of the varied methods we have used:



Children's drawing activities

It's essential to design our engagement activities so that children can actively participate in consultations and influence the decisions that affect them.

Children are experts about their own experiences and aspirations and offer different perspectives from adults.

As methods such as surveys may not be suitable for young children, we propose fun, rewarding and age-appropriate activities such as drawing to engage young children.



Easy Rides Routes

Between 2021 and 2023, we introduced the Easy Ride Routes, a network of low-stress local streets and off-road cycle paths to help make cycling to work or the shops safe and comfortable.

We asked 50 selected participants to complete five trial rides on the Easy Ride Routes and evaluate each ride. The recommendations panel members make will then directly inform the improvements we make to the Easy Ride Routes.

10.1 – ATTACHMENT 1. Community Engagement Impact Report

Successful projects

Engaging with schools

Engaging directly with young people enables us to listen to diverse perspectives and empowers them to voice their opinions on matters that impact and interest them.

In the development of our Master Plan for Charles Rooks-Dagola Reserve in Nunawading, we invited students from Mount Pleasant Primary School to contribute their ideas. Nine Year 6 students completed our survey and took part in two additional activities that encouraged them to express their preferences and demonstrate their planning abilities.

In the first activity, students were presented with images of a variety of play spaces and recreational equipment and used coloured stickers to select their preferred options.

In the second activity the students were given a symbolic budget of \$100 to plan their ideal playground. Divided into two groups, the students determined their priorities and allocated funds to various items, each with a corresponding price tag.

The students thoroughly enjoyed the informative sessions and actively contributed to the planning efforts, showcasing their commitment to shaping their local park. This initiative demonstrated the importance and benefits of engaging young people and empowering them to make active contributions to their neighbourhoods.

The students highlighted the interest in diversified play activities (like large play items for older age children and sensory play) and enhanced social recreation facilities for broader age group uses. We reflected this in the draft masterplan concept by providing larger play spaces with multiple social recreation facilities.



10.1 – ATTACHMENT 1. Community Engagement Impact Report

Successful projects

Managing Dogs in Parks and Reserves

In February 2023, we invited feedback on changes to where dogs can be walked and exercised off lead in Whitehorse.

We proposed changes to limit damage to our sports ovals and provide more off-lead areas for dog owners.

There was a huge response from the community with 1258 people sharing their thoughts and ideas.

The community strongly supported new areas for people to walk and exercise their dogs closer to where they live. Many people were happy with proposed restrictions which would prevent damage to our high grade and specialised sports fields.

We also heard the community's concerns about changes at two parks and in response, Council did not proceed with the proposed changes to these parks.

The community also expressed concerns about safety and behaviour in dog off-lead areas. To address this we committed to new initiatives to educate owners about their responsibilities, guide them in improving dog behaviour and reduce uncollected dog droppings.

The feedback we received from the community on this project helped us make changes that balance the needs of dog owners, sports oval users and people using our open spaces to ensure everyone's safety and enjoyment.



10.1 – ATTACHMENT 1. Community Engagement Impact Report

Successful projects

East Burwood Reserve Master Plan

East Burwood Reserve is an extensive open space which offers a large range of informal recreation activities and major sporting facilities.

In July and August 2022, we asked the community to share their ideas, needs and aspirations for the future of East Burwood Reserve.

We worked closely with local residents, user groups and the broader community to capture a wide range of opinions and ideas for the future of this valued reserve. Based on what we heard from the community, we developed a Draft Master Plan to guide use of the site for the next 15 years and meet the needs of our changing and growing community.

We went back to the community in May 2023 to ask them whether the Draft Master Plan captured what they'd told us they wanted. The vast majority of the 2521 responses we received were positive, with 86% supporting the proposed plan.

This very pleasing result clearly shows the benefits of working closely with the community to harness their ideas and respond to their needs.

The feedback requested safer and more efficient vehicle and pedestrian routes, improvements to the aging sporting facilities and more diverse active recreation facilities. The draft masterplan responds to the feedback with key highlights including simplified internal roads, renewal and upgrades of existing sporting facilities and new casual recreation facilities including play equipment and a pump track.



10.1 – ATTACHMENT 1. Community Engagement Impact Report

Successful projects

Scott Grove Park

In November 2019, Council purchased land in Burwood with the aim of developing a new small local park, delivering much-needed public open space in this neighbourhood and providing a new space for local residents to enjoy.

Initial community consultation was carried out in 2022 to collect ideas on the new open space. A lot of ideas and local knowledge was shared and helped inform the concept design development. We learned that the local community welcomed a new open space in the area, and wanted to see environmental benefits in addition to spaces for play, relaxation and communal activities.

This valuable information helped us develop the concept design for the new small local park. After sharing the concept design, we received more feedback that helped us refine the design further.

This was a great example of the community's ideas and enthusiasm contributing to a successful outcome for local residents.

The feedback requested play space that caters for multiple age groups, fitness equipment and a mix of native and exotic plants which was all incorporated in the final design. We heard a strong community need for a bin within the reserve and while in our small local open spaces Council doesn't typically provide bins, a bin has been provided at Scott Grove Park.



Scott Grove Park – Before



Scott Grove Park – After

10.1 – ATTACHMENT 1. Community Engagement Impact Report

Successful projects

Positive Ageing in Whitehorse

In mid 2023 we established our Positive Ageing Team. To achieve an effective service that responds to community needs, we actively sought direct input from residents about their needs.

In September 2023 we released the Positive Ageing in Whitehorse survey to seek feedback and input about the opinions, barriers and aspirations of our older residents. Over three months we went out to the community, holding pop ups, events, and visiting seniors' groups and community organisations to talk to people.

We visited more than 30 seniors' groups across various sites, days and times. We also provided information and surveys at about 60 sites throughout Whitehorse and throughout the process identified demographic gaps in responses and undertook targeted engagements to ensure we reached our diverse communities.

We had a huge response through the online survey as well as the printed surveys with 1052 responses collected.

We have utilised this information to further engage, establish service priorities areas and develop a process that brings together community working groups to help deliver services for the community. Council is committed to engaging with our community so that they can contribute to and influence decisions that directly affect them.

Summary

Council is committed to engaging with our community so that they can contribute to and influence decisions that directly affect them. Through our engagement we seek to hear a diverse range of opinions, thoughts and views. We know that the most effective and transparent decision-making processes are based on sound evidence, community input and understanding the community's aspirations and priorities.

We have achieved many positive outcomes thanks to the contributions the community have made to our consultations, however we are always looking for ways to improve

how we engage. We will continue to build on what we've learned and seek innovative and effective ways to engage with our community.

Council is also committed to ensuring we are keeping the community informed on the outcomes of projects and how their feedback is incorporated in the decision making process. This area will be a key focus for us moving forward.

We want to thank the Whitehorse community for your active participation and valuable contributions to our engagements, and we look forward to hearing from you again.

10.1 – ATTACHMENT 1. Community Engagement Impact Report**ACKNOWLEDGEMENT OF COUNTRY**

Whitehorse City Council acknowledges the Wurundjeri Woi-wurrung people of the Kulin Nation as the Traditional Owners of the land. We pay our respects to their Elders past, present and emerging.

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10.2 Whitehorse Community Local Law 2024

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| Attachment 2 | Community Impact Statement - Community Local Law 2024 Draft |
| Attachment 3 | Local Law Legal Certification |
| Attachment 4 | Whitehorse Community Local Law 2024 - Certified Council Report (005) |

10.2 – ATTACHMENT 1. Building and Works Code of Practice 2024



WHITEHORSE

Building and Works Code of Practice



10.2 – ATTACHMENT 1. Building and Works Code of Practice 2024**Contents**

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10.2 – ATTACHMENT 1. Building and Works Code of Practice 2024



1. Introduction

Whitehorse City Council has developed the Building and Works Code of Practice (**Code of Practice**) to ensure that any person who is in charge of building work on a building site in the municipality, understands the minimum acceptable standards under which they operate.

Problems commonly reported to Council and observed by Authorised Officers include:

- Storage of materials and equipment on roads, footpaths and nature strips;
- Waste materials and litter not stored or removed in a responsible manner;
- Wind-blown waste;
- Silt, sand, mud and litter fouling storm water systems;
- Traffic and pedestrian hazards causing risk to the public;
- Unreasonable noise; and
- Unauthorised damage to and interference with Council assets.

2. Objective

The objective of this Code of Practice is to protect the community and Council assets from activities relating to building sites and building works.

3. Relationship with the Local Law

3.1. This Code of Practice has been incorporated by reference into the Whitehorse City Council Community Local Law 2024 (**Local Law**).

3.2. Clause 4.2 of the ~~Local~~ Local Law 2024 provides that:

“The person in charge of building work on land must comply with Whitehorse City Council's Building and Works Code Practice being a document incorporated by reference and forming part of this Local Law.”

3.3. It is an offence under the Local Law to fail to comply with the Code of Practice.

10.2 – ATTACHMENT 1. Building and Works Code of Practice 2024**4. Definitions**

The following definitions, as contained within the Local Law, also apply to the Code of Practice. Where a term is not defined it adopts its normal meaning:

Building Site	means the land upon which Building Work is being undertaken and includes a work site.
Building Work	has the same meaning as in the <i>Building Act 1993</i> .
Construction	includes any work for or in connection with the construction, demolition, renovation, alteration or removal of any building or structure; and includes any change to the natural or existing condition or topography of land including but not limited to trenching, digging, excavating or filling whether by mechanical or manual methods and the loading or unloading of any goods or materials for or in connection with any building work.
Council Land	means any land or road owned, vested in, managed by or under the control of Council and includes any building or structure on that land, within a reserve or on a road.
Drainage System	means a stormwater system which provides for the conveyance and / or detention of stormwater run-off, including kerb and channel, open channels, underground pipe systems, water sensitive urban design infrastructure (such as swale drains or rain gardens) and natural waterways.
Person in Charge	means the person or persons whether natural or incorporated, who has or have management responsibility for building works or a building site and includes the owner of land, the developer and any other person who has control of the building site or the building works being carried out.
Sanitary Facilities	means sanitary facilities provided for the use of persons working on a building site, including: <ul style="list-style-type: none"> (a) Toilets; (b) hand basins; and (c) the supply of clean water to toilets and hand basins.
Site Fencing	means a fence around the entire perimeter of a building site at the commencement and for the duration of the building works: <ul style="list-style-type: none"> (a) at a height of not less than 1800 millimetres; (b) so as to be capable of preventing litter from being transported from a building site by wind; and (c) any access opening: <ul style="list-style-type: none"> (i) has a width not greater than 2800 millimetres; (ii) is fitted with an 1800 millimetres high gate or gates which prevents litter from being transported from a building site when closed;

10.2 – ATTACHMENT 1. Building and Works Code of Practice 2024

- (iii) is located to correspond with the vehicle crossing referable to the building site; and
- (iv) is securely closed when the building site is unattended.

Site Identification	<p>means a sign which is at least 600 millimetres in height and 400 millimetres in width, is erected at the entrance to the building site and is clearly visible from the road, and includes:</p> <ul style="list-style-type: none">(a) the lot and street number, as described on the Certificate of Title relevant to the land;(b) the name of the person in charge;(c) the postal address of the person in charge; and(d) the 24-hour contact telephone number or numbers for the person in charge.
Unreasonable Noise	<p>has the meaning ascribed to it by section 3 of the <i>Environment Protection Act 2017</i>.</p>
Waste	<p>has the meaning ascribed to it by section 3 of the <i>Environment Protection Act 2017</i>.</p>
Waste Container	<p>means the container that is designed for the containment of litter and waste material within the building site, and which is:</p> <ul style="list-style-type: none">(a) of robust construction;(b) not less than one cubic metre in volume;(c) has a lid which is attached to the container with hinges;(d) closed at all times to prevent wind borne litter escaping from the container;(e) emptied regularly; and(f) not overfilled at any time.

10.2 – ATTACHMENT 1. Building and Works Code of Practice 2024**5. Building Site Containment**

The person in charge must ensure that all:

- (a) building work is contained entirely within the building site;
- (b) building related materials are stored within the building site; and
- (c) materials used for or during building works cannot be deposited on Council land by wind or other means.

6. Entry to Building Sites

The person in charge must ensure that the point of entry to a building site is by way of an approved vehicle crossing.

7. Building Site Identification

The person in charge must ensure that a building site is provided with site identification to the satisfaction of an Authorised Officer.

8. Sanitary Facilities

- 8.1. The person in charge must ensure that sanitary facilities are provided on the building site at the commencement of and for the duration of building works.
- 8.2. The person in charge must ensure that sanitary facilities on a building site do not cause odours or are detrimental to the amenity of the area in which the building site is located.
- 8.3. The person in charge must ensure that any sanitary facilities on a building site are maintained in a clean and sanitary condition at all times.

9. Spoil on Roads

A person must not permit or cause to be driven, a vehicle on a road or footway, in the course of any trade, industry or commercial undertaking, unless the wheels and tyres of the vehicle are free from soil, earth, clay or like substances.

10. Building Site Waste

The person in charge must ensure that waste produced as a result of building works are:

- (a) contained in a waste container;
- (b) stored in a manner that does not attract the depositing of waste from sources other than the building site;
- (c) stored in a manner that does not cause detriment to the visual amenity of the area in which the building site is located;
- (d) disposed of regularly and to a legal point of waste disposal; and
- (e) stored and contained in a manner that will prevent waste from leaving the site by wind or other means.

10.2 – ATTACHMENT 1. Building and Works Code of Practice 2024**11. Direction to Cease Building Works**

A person in charge of building works on Council land or a road must cease building works immediately, when directed verbally or in writing to do so by an Authorised Officer.

12. Pedestrian and Traffic Hazards and Safety

- 12.1. The person in charge must ensure that building works do not cause detriment to pedestrian or vehicular traffic or become unsafe.
- 12.2. For the purposes of this Code of Practice, detriment to pedestrian or vehicular traffic includes but is not limited to:
 - (a) mud or debris on a road;
 - (b) materials referable to building works on a road;
 - (c) equipment referable to building works or other works on a road;
 - (d) excavation on or immediately adjacent to a road;
 - (e) building works on a road;
 - (f) damaged footpaths and nature strips; or
 - (g) any similar obstruction.

13. Soil Stockpiles and Dust

- 13.1. The person in charge must ensure that soil that is stripped from the building site is stockpiled on the building site for re-use or is transported to a legal place of disposal.
- 13.2. The person in charge must not allow any dust or air pollutants to escape from the building site.

14. Site Fencing

The person in charge of a building site must ensure:

- (a) prior to the commencement of any building work, temporary fencing must be erected and in place until the completion of any building work;
- (b) temporary fencing gates are not left open at any time causing obstruction of the footpath or Council land; and
- (c) temporary fencing is secured to ensure it does not fall onto the footpath or Council land.

15. Blasting Controls

The person in charge must provide the Council with written notification 7 days prior to carrying out any blasting on the building site.

10.2 – ATTACHMENT 1. Building and Works Code of Practice 2024**16. Working Hours and Unreasonable Noise**

The person in charge of building works must not, without a permit, cause or allow building works or other building related activities that cause unreasonable noise to be carried out outside the hours of:

- | | |
|--------------------------------|---------------|
| • Monday to Friday - | 7am to 6pm |
| • Saturday - | 9am to 3pm |
| • Sunday and Public Holidays - | Not permitted |

17. Drains

The person in charge must ensure that building works do not allow potential stormwater pollutants to escape from the building site.

18. Environmental Controls

The person in charge of a building site must ensure:

- (a) activities on a building site do not damage or cause detriment to the natural or built environment within the site or surrounding Council land in which the building site is located;
- (b) sediment, erosion or other site run off does not leave the building site.; and
- (c) sediment controls are in place on the building site at all times.

10.2 – ATTACHMENT 1. Building and Works Code of Practice 2024

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10.2 – ATTACHMENT 2. Community Impact Statement - Community Local Law 2024 Draft



LOCAL LAW COMMUNITY IMPACT STATEMENT

Community Local Law 2024

Local Laws help to protect public health, safety and amenity throughout the municipality. They are created in consultation with the community in order to meaningfully deal with local issues and meet emerging needs. The following information is provided to the community in respect of Council's proposed Community Local Law 2024.

1. INTRODUCTION

In order to facilitate the administration and enforcement of municipal activities and protect the amenity of the local community, Council is proposing to replace the *Community Local Law 2014* which is due to expire on 31 December 2024, with the *Community Local Law 2024*.

Council's current Local Law was adopted by Council on 31 December 2014. Under the *Local Government Act 2020 (LGA)*, Local Laws cease to have effect after 10 years, necessitating the adoption of a new Local Law in order to continue to protect community amenity. The proposed Local Law is being made under section 74 of the LGA and will operate throughout Council's municipal district.

This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any person who may choose to engage with Council as part of Council's community engagement process to understand the changes that are proposed.

Once the community engagement process has been finalised, the proposed Local Law will be further reviewed, before being presented to Council for adoption.

A copy of the proposed Local Law is provided with this Community Impact Statement.

10.2 – ATTACHMENT 2. Community Impact Statement - Community Local Law 2024 Draft



2. OVERVIEW OF THE PROPOSED LOCAL LAW

The objectives of the proposed Local Law are to provide for the:

- (a) protection of the community and Council's assets;
- (b) regulation and management of activities which may be dangerous, unsafe or detrimental to the quality of life for the residents and visitors of the municipal district;
- (c) protection, maintenance and enhancement of the natural environment of the municipal district;
- (d) prevention and management of nuisances which may adversely affect the enjoyment of life or the health, safety and welfare of persons within the municipal district;
- (e) provision of uniform and fair administration of this Local Law; and
- (f) peace, order and good government of the municipal district, in a way that is complementary to the Council Plan.

In order to inform the preparation of the proposed Local Law, Council undertook an internal consultation process with various Council departments. The primary purpose of this exercise was to understand how the proposed Local Law could address municipal changes, regulatory concerns and emerging issues.

During July 2023, an initial community consultation process was undertaken to understand what issues were of interest to the community and required Council consideration. This was undertaken as a YourSay survey and 4 pop up consultations at various locations within Whitehorse. A total of 201 submissions were received. The findings of the initial community engagement are provided as an attachment to this Community Impact Statement and assisted in the development of the proposed Local Law.

A number of clauses within the current Local Law have been retained, and although the wording or formatting may have changed, the substantive purpose remains the same.

The following table provides a summary of the main, substantive amendments which are proposed to be introduced in the *Community Local Law 2024*.

10.2 – ATTACHMENT 2. Community Impact Statement - Community Local Law 2024 Draft



No.	Excerpt from Proposed Local Law	Reason for Change
2.4	<p>Gateways to Reserves</p> <p>A person must not, without a permit, install or maintain a gate or other structure to facilitate entry into a reserve from privately owned land.</p>	<p>This is a new provision which has been included into the new draft Local Law due to a range of issues with gates being installed within Council reserves. This clause does not apply to any new gates installed prior to the new Local Law being implemented.</p>
2.10	<p>Obstructions</p> <p>A person must not, without a permit, place, authorise to be placed, or allow any obstruction that is on, over or affecting Council land, a road or a Public Place, including items which could:</p> <p>(a) cause an obstruction to pedestrians or vehicles; or</p> <p>(b) constitute a danger.</p>	<p>This provision was introduced in order to effectively manage safety issues within the community which occur on Council land.</p> <p>Under this provision, before placing an obstruction on Council land, a person must apply to Council for a permit to enable the application to be properly considered prior to being issued.</p> <p>Permit conditions will address the placement of any such obstruction, interim safety measures and remedial actions which may be required.</p>
3.1	<p>Condition of Land</p> <p>3.1.1 An owner or occupier of land must not cause or allow that land to be kept in a manner which is:</p> <p>(a) unsightly;</p> <p>(b) dangerous or likely to cause danger to life or property; or</p> <p>(c) detrimental to the general amenity of the area in which the land it is located.</p> <p>3.1.2 An Authorised Officer may, by serving a Notice to Comply, direct an owner or occupier of land to temporarily fence that land in order to preserve amenity or uphold public safety.</p>	<p>This provision has been expanded in recognition of the limitations existing under the current Local Law which did not extend to address dangerous land.</p> <p>During the initial community consultation that was conducted last year, this issue was raised as an important matter for the community in order to safe-guard amenity.</p> <p>Council considers that a provision which addresses dangerous land will provide a useful enforcement mechanism and reaffirms that this is a high priority for the Whitehorse community.</p>

10.2 – ATTACHMENT 2. Community Impact Statement - Community Local Law 2024 Draft



No.	Excerpt from Proposed Local Law	Reason for Change
3.3	<p>Fire Hazards</p> <p>An owner or occupier of land must not allow any material, including vegetation, which constitutes or is likely to constitute a fire hazard or a source of fuel for any fire, to exist on that land.</p>	<p>Having a separate provision relating to fire hazards will ensure the protection of the community from properties which pose a risk. This is continuing the theme of the Community Local Law 2024 of safety and amenity.</p>
3.6	<p>Trees and Vegetation</p> <p>The owner or occupier of land must not allow vegetation on that land to:</p> <ul style="list-style-type: none"> (a) overhang onto the footpath, road or Council land at a height of not less than 2.5 metres from the surface of the adjacent footpath or nature strip; (b) obstruct or impair the vision or clear passage of a vehicle using the road; (c) obstruct or interfere with the safe and accessible use of the footpath or road adjacent to or near the land; (d) encroach upon any adjacent road or Council land; or (e) obscure streetlights or traffic control items. 	<p>This provision has been expanded to ensure Council can follow up on a range of issues caused by encroaching or overhanging vegetation.</p> <p>Initial community consultation showed the community strongly supported safe footpath access and concerns regarding obstructive vegetation.</p>
3.17	<p>E-Scooter and E-Bike Scheme</p> <p>A commercial operator of an e-scooter or e-bike share scheme, must not, without a permit, allow e-scooters and e-bikes to be used within the municipality.</p>	<p>It is anticipated that the use of e-scooters and e-bikes will increase in the coming years.</p> <p>The introduction of this new provision will require operators of e-bike and e-scooter schemes to apply to Council for a permit in order to facilitate the lawful use of these devices within the municipality.</p> <p>The implementation of a permit process is designed to make operators accountable for their equipment by introducing permit conditions to regulate use, protect amenity and enhance public safety.</p>

10.2 – ATTACHMENT 2. Community Impact Statement - Community Local Law 2024 Draft



No.	Excerpt from Proposed Local Law	Reason for Change
4.2	Building Works The person in charge of building work must comply with Whitehorse City Council's Building and Works Code of Practice being a document incorporated by reference and forming part of this Local Law.	Amendments have been made to the current incorporated document to expand clauses relating to building sites that have caused safety issues. Community consultation strongly supported Council action surrounding unsafe building sites.
Part 5	Waste Management Incorporated Document Domestic and Commercial Waste Management Procedures	The Domestic and Commercial Waste Management Procedures incorporated document in the current Local Law has been removed and the contents simplified and streamlined and placed into a specific waste section of the Local Law draft. This has made provisions surrounding waste management more easy to understand and easier to take relevant action if required.
6.1	Animal Numbers An owner or occupier of land, must not without a permit, keep or allow to be kept any more than the number of each animal set out in the table.	The numbers for animals have slightly varied. Mainly around dogs and cats where the requirement to have animal numbers related to property size has been removed
6.7	Feeding of Birds on Council Land A person must not, on a road or on Council land, feed birds.	This is a new provision which has been created due to environmental impacts posed by people feeding birds on Council land.
8.6	Exercise of Discretion In exercising any discretion contained in this Local Law, an Authorised Officer must have regard to: (a) the objectives of this Local Law; (b) any other relevant matter, including extenuating circumstances including personal and financial hardship.	The inclusion of considering extenuating circumstances such as homelessness and other vulnerable situations, providing Authorised Officers with the opportunity to exercise their discretion.
Schedule 2	Infringement Penalties	Infringement penalties have been divided into two categories - penalties which apply to individuals and increased penalties which apply to corporate entities.

10.2 – ATTACHMENT 2. Community Impact Statement - Community Local Law 2024 Draft



3. COMMENTS ON THE PROPOSED LOCAL LAW

Measuring Success	<p>Council will measure the success of the proposed Local Law by –</p> <ul style="list-style-type: none"> • recording levels of compliance and non-compliance; • comparing levels of compliance with previous data collected by Council; • monitoring complaints and customer service requests; • assessing the resources required to administer and enforce the Local Law; and • considering any responses received from the community as part of Council's community satisfaction survey ratings.
Existing Legislation	<p>The LGA gives Councils broad powers to make local laws for or with respect to any act, matter or thing in respect of which the Council has a function or power under legislation.</p> <p>The Local Law will supplement existing State legislation administered and enforced by Council whilst addressing matters within Council's functions and powers.</p>
State Legislation more appropriate	<p>In circumstances where Council has considered that State legislation is more appropriate to deal with particular issues, clauses have been removed in favour of relying on State legislation.</p> <p>The proposed Local Law does not contain any clauses where it is considered that State legislation alone would provide a more appropriate response to the issues concerned.</p>
Overlap of existing legislation	<p>Council believes the provisions of the proposed Local Law supplement State legislation without duplicating, overlapping or creating any inconsistency.</p>
Overlap of Planning Scheme	<p>Council does not consider any provision of the proposed Local Law overlaps, duplicates or creates an inconsistency with the Planning Scheme.</p> <p>The proposed Local Law is subordinate to the Planning Scheme.</p>
Risk Assessment	<p>Council has adopted a risk management approach to the review and development of the proposed Local Law, particularly with respect to the introduction of new clauses.</p> <p>Council does not consider that there are any risks associated with the proposed Local Law.</p>
Legislative approach adopted	<p>Council believes in the minimum imposition on the community with Local Laws. The proposed Local Law reflects this approach by providing for:</p>

10.2 – ATTACHMENT 2. Community Impact Statement - Community Local Law 2024 Draft



	<ul style="list-style-type: none"> • reasonable penalties; • minimum possible number of provisions which create offences; • where possible, provision for permits rather than prohibition of activities; • reasonable and appropriate permit conditions which will be relied on if a decision is made to issue a permit under the Local Law; and • reasonable enforcement procedures including provision for the giving of warnings where appropriate and the exercise of the officers' discretion. <p>Council has ensured that the proposed Local Law is expressed plainly and unambiguously and in a manner which is consistent with the language of the enabling Act and in accordance with modern standards of drafting applying within Victoria.</p> <p>The Local Law has also been drafted in compliance with the Local Law requirements contained within s.72 of the LGA.</p> <p>In addition, the proposed Local Law:</p> <ul style="list-style-type: none"> • does not make unusual or unexpected use of the powers conferred by the Act under which the local law is made having regard to the general objectives, intention or principles of that Act; • does not embody principles of major substance or controversy or contain any matter which principles or matter should properly be dealt with by an Act and not by subordinate legislation; • does not unduly trespass on rights and liberties of the person previously established by law; • does not unduly make rights and liberties of the person dependent upon administrative and not upon judicial decisions; • is not inconsistent with principles of justice and fairness; and • does not duplicate, overlap or conflict with other statutory rules or legislation.
Penalties	<p>The penalties applying to all existing and new clauses were considered and reviewed.</p> <p>The penalty amounts stated in the proposed Local Law are designed as a deterrent and are considered appropriate. They have been intentionally scaled to reflect the impact of the offence on the community and the prevalence of this type of offending.</p>

10.2 – ATTACHMENT 2. Community Impact Statement - Community Local Law 2024 Draft



	<p>A distinction has been made between offences committed by individuals and bodies corporate with the latter imposing higher penalties where stated.</p> <p>Council is satisfied that the included penalties are consistent in nature and amount with like and neighboring municipalities.</p> <p>Due to changes in legislation, a penalty unit under the proposed Local Law is set by the State Treasurer and reviewed annually.</p> <p>Currently, a penalty unit in Victoria is valued at \$192.31.</p>
Permits	<p>A number of provisions in the proposed Local Law require permits for various activities to be obtained. This practice is consistent with the general approach to the issuing of permits within the Local Government sector.</p>
Fees	<p>Council will set any fees that are payable under the Local Law annually as part of the budget process. Council also has the discretion to waive, reduce or defer payment of fees and charges in whole or in part, with or without conditions.</p>
Performance standards or prescription	<p>Where appropriate and possible, Council has adopted a performance-based approach to Local Law provisions.</p>
Comparison with neighboring Councils	<p>In drafting the proposed Local Law, Council examined the local laws of the following neighboring Councils:</p> <ul style="list-style-type: none"> • Manningham City Council • Yarra Ranges Shire Council • Knox City Council • Maroondah City Council <p>The purpose of conducting this exercise was to assess the similarities and differences between the Councils so as to ensure a best practice approach was adopted in the drafting of Council's proposed Local Law.</p>
Charter of Human Rights & Responsibilities	<p>Council regards the Victorian Charter of Human Rights and Responsibilities as an important reference in the development of Local Laws to ensure that such laws do not encroach upon a person's basic human rights, freedoms and responsibilities.</p> <p>As a public authority, Council appreciates its obligation to ensure that Local Laws are interpreted and applied consistently with human rights.</p> <p>Council has assessed the proposed Local Law for compatibility with the Charter and has found that there are no inconsistencies.</p>
Community Engagement	<p>An engagement process will be undertaken in accordance with Council's Community Engagement Policy following the release of the draft Local Law to the community.</p>

10.2 – ATTACHMENT 3. Local Law Legal Certification**WHITEHORSE CITY COUNCIL
Community Local Law 2024****Solicitor's Certificate - s.74(1) of the *Local Government Act 2020***

Pursuant to sub-section 74(1) of the *Local Government Act 2020 (Act)*, I, Georgie Ward of Macquarie Local Government Lawyers, certify that the proposed Community Local Law 2024, to be presented to the Council, is consistent with the Local Law requirements of section 72 of the Act which requires the following:

- A Local Law must not be inconsistent with any Act (including the *Charter of Human Rights and Responsibilities Act 2006*) or Regulations;
- A Local Law must not duplicate or be inconsistent with a Planning Scheme that is in force in the municipal district;
- A Local Law for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles;
- A Local Law must not exceed the power to make Local Laws conferred by the Act or any other authorising Act;
- A Local Law must be consistent with the objectives of the Act or any other authorising Act;
- A Local Law must be expressed as clearly and unambiguously as is reasonably possible;
- Unless there is clear and express power to do so under the Act or any other authorising Act, a Local Law must not –
 - seek to have a retrospective effect;
 - impose any tax, fee, fine, imprisonment or other penalty; or

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10.2 – ATTACHMENT 3. Local Law Legal Certification*Macquarie Local Government Lawyers*

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- authorise the sub-delegation of powers delegated under the Local Law; and
- A Local Law must comply with any details prescribed in the regulations relating to the preparation and content of Local Laws, of which at the time of providing this certification, no Regulations have been made.

In providing this certification, I confirm that I am an Australian lawyer who has been admitted to the legal profession for at least 5 years and that I am not a Councillor of the Council.

This certificate must be tabled at the Council meeting at which the proposed Local Law is to be made in compliance with sub-section 74(3) of the Act.

Yours faithfully

MACQUARIE LOCAL GOVERNMENT LAWYERS

Per:



Signed by Georgie Ward
In Victoria on 17 May 2024

10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)

WHITEHORSE Community Local Law 2024



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)



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PART 1 – INTRODUCTION

1.1. Local Law

This Local Law is titled Whitehorse City Council Community Local Law 2024.

1.2. Objectives

The objectives of this Local Law are to provide for the:

- (a) protection of the community and Council's assets;
- (b) regulation and management of activities which may be dangerous, unsafe or detrimental to the quality of life for the residents and visitors of the municipal district;
- (c) protection, maintenance and enhancement of the natural environment of the municipal district;
- (d) prevention and management of nuisances which may adversely affect the enjoyment of life or the health, safety and welfare of persons within the municipal district;
- (e) uniform and fair administration of this Local Law; and
- (f) peace, order and good government of the municipal district, in a way that is complementary to the Council Plan.

1.3. Power to Make this Local Law

This Local Law is made pursuant to section 71 of the *Local Government Act 2020* and section 42 of the *Domestic Animals Act 1994*.

1.4. Commencement Date

This Local Law commences on 1 September 2024.

1.5. Revocation Date

1.5.1 This Local Law will cease to operate on 1 September 2034 unless revoked sooner.

1.5.2 On the commencement of this Community Local Law 2024, Community Local Law 2014 is revoked, save that any notice or consent given, or any business, matter or thing commenced, made or done under that Local Law, is not affected.

1.6. Application

This Local Law operates throughout the municipal district.

1.7. Other Legislation

Anything allowed under any Act, Regulation or the Planning Scheme, is not affected by any prohibition, requirement or restriction under this Local Law.



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)



1.8. Definitions

Act	means the <i>Local Government Act 2020</i> .
Advertising Sign	means any placard, board, poster, banner, sign (including electronic or animated signage), card, structure or other similar device, whether portable, affixed or attached on or over any land, building, vehicle or structure, which: <ul style="list-style-type: none"> • provides information about a business or industry; • advertises the sale or hire of goods; or • promotes a service, event or a competition.
Authorised Officer	means a person appointed as an Authorised Officer under section 224 of the <i>Local Government Act 1989</i> and includes a police officer appointed in accordance with section 224A of that Act.
Barbeque	means a structure or device, used outdoors, that is either fixed or mobile which has as its primary purpose, the cooking of food for human consumption.
Building	includes any building or structure, whether temporary or permanent, or any part of a building or structure.
Building Site	includes any land on which building works are being undertaken.
Building Work	has the same meaning as in the <i>Building Act 1993</i> .
Bulk Rubbish Container	means a bin, skip or other container used for the deposit of waste.
Busking	means to provide public entertainment including street performances which may include singing, dancing, playing a musical instrument, reciting or creating street art.
Camping	means the occupation or use of a tent, annexe or similar structure, sleeping bag, caravan, mobile home or other moveable vehicle for accommodation.
Council	means Whitehorse City Council.
Council Asset	means any road, drain, drainage infrastructure, swale drain, footpath culvert, street trees, plant, road sign or any other property owned, vested in or under the control of Council.
Council Land	means any land or road owned, vested in, managed by or under the control of Council and includes any building or structure on that land or road.
Dangerous	includes the condition of land and the storage of any item on that land which is likely to cause a risk to health or safety, and excludes trees on privately owned land, unless such trees pose a safety risk to a public place.
Donation Bin	means a bin or similar structure used for the placement of donated items.
Dilapidated	means a building which is derelict, in a state of disrepair, damaged, defaced, incomplete or which given its condition, adversely affects the amenity of the neighbourhood.
Farm Animals	includes horses, cattle, sheep, donkeys, mules, goats, pigs and deer or similar of any age.
FOGO	means food organic garden organic.
Goods	includes produce, articles, items, tables, chairs, advertising signs, planter boxes, umbrellas and any similar type items.
Hard Rubbish	includes house-hold furniture and other domestic items but excludes waste.
Heavy Vehicle	has the same meaning as used in the <i>Road Safety Act 1986</i> .
Incorporated Document	means any document, guidelines, policy, plan or code of practice incorporated by reference into this Local Law.



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Incinerator	includes a structure, device or contraption, (not enclosed in any building,) which is used, designed or is capable of being used for the purpose of burning any substance.
Land	means land which is privately owned or occupied, irrespective of its zoning under the Planning Scheme.
Liquor	has the same meaning as in the <i>Liquor Control Reform Act 1998</i> .
Long Vehicle	has the same meaning as in the <i>Road Safety Act 1986</i> .
Mobile Garbage Bin	means a bin or receptacle supplied by Council for the purposes of waste collection including household waste, organic waste, recyclable materials, or other materials which may be regulated by Council.
Mobile Trading	means any vehicle, caravan, trailer, table, stall or other similar structure used for the purpose of selling food or offering goods or services for sale, including any food or drink.
Municipal District	means the municipal district of Council.
Notice to Comply	means a Notice to Comply issued under this Local Law.
Noxious Weeds	includes blackberry, gorse, Chilean needle and serrated tussock.
Nuisance	includes any behaviour or condition which is or is liable to be dangerous to health or is noxious or injurious to personal comfort.
Offence	means an offence under this Local Law.
Occupier	means a person: <ul style="list-style-type: none"> (a) in charge of or having the management or control of land; or (b) who is legally entitled to occupy land (including premises) - and includes, in relation to land which has a lot entitlement or lot liability in respect of common property, the Owners Corporation created on the registration of a Plan of Subdivision affecting that land.
Organised Activity	means an activity conducted in a reserve upon payment of a fee to the organiser.
Parking Permit	means any parking related permit issued by Council.
Penalty Unit	has the same meaning as used in the <i>Sentencing Act 1991</i> .
Permit	means a permit issued under this Local Law and includes a parking permit issued by Council.
Person	includes a natural person, corporation and a body corporate.
Person in Charge	includes: <ul style="list-style-type: none"> (a) a person in charge of a building site or land where building works are to be carried out; (b) a person who causes building works to be carried out; (c) the owner of the building site and in the case of a company, each director of the company; or (d) the person in charge of an animal or bird.
Planning Scheme	means the Whitehorse Planning Scheme.
Poultry	includes chickens, ducks, geese, peacocks, pheasants, turkeys and guinea fowl.
Public Place	has the same meaning as used in section 3 of the <i>Summary Offences Act 1966</i> which includes any public highway, road, street, bridge, footway, footpath, court, alley, passage or thoroughfare.
Road	has the same meaning as used in section 3 of the <i>Local Government Act 1989</i> .
Reserve	means open spaces, including parks and gardens which are owned, occupied or under the control of Council.



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Sell	means to: <ul style="list-style-type: none"> (a) sell by means of any machine or mechanical device; (b) barter or exchange; (c) agree to sell; (d) offer or expose for sale; (e) keep or have in possession for sale; or (f) direct, cause or attempt any such acts or things.
Unightly Land	includes land which contains - <ul style="list-style-type: none"> (a) excessive waste; (b) excessive building materials; (c) discarded, rejected, surplus or abandoned solid or liquid materials; (d) dilapidated structures; (e) graffiti; (f) machinery or machinery parts stored on the land for more than 2 months; (g) dilapidated structures; (h) grass or weeds that are 200 millimetres above the surface of the ground; (i) unregistered, unroadworthy, disassembled, incomplete or deteriorated motor vehicles, caravans, trailers or similar, visibly stored on the land for more than 2 months; (j) anything being built which is left incomplete and is detrimental to the appearance of the surrounding area; or (k) any other thing making the land visually unsightly or detrimental to the general amenity of the area, including land which is neglected or unsecured.
Vegetation	includes trees, grass, shrubs, hedges and plants.
Vermin	includes cockroaches, European wasps, mice, rats or any animal which is destructive or a nuisance.
Vehicle	has the same meaning as in the <i>Road Safety Road Rules 2017</i> .
Vehicle Crossing	means a Council approved constructed access point between a privately owned property boundary and a road in order to facilitate vehicular access to and from that property.

1.9. Operator Onus

The operator onus provisions under Part 6AA of the *Road Safety Act 1986* apply to any provision of this Local Law which involves a vehicle.

1.10. Incorporation of Documents

The following documents as made and amended by Council from time to time, and published on Council's website, are incorporated by reference into this Local Law:

1. Building and Works Code of Practice.



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)**PART 2 – COUNCIL LAND****2.1. Conduct on Council Land**

A person must not, on Council land:

- (a) commit any nuisance;
- (b) act in a manner that endangers a person or animal;
- (c) alter, damage, destroy, remove or interfere with any Council asset;
- (d) behave in a manner which may likely interfere with another person's reasonable use and enjoyment;
- (e) act contrary to a sign displayed by Council; or
- (f) act contrary to any lawful direction of an Authorised Officer or person in charge of a Council facility.

2.2. Activities on Council Land

A person must not, without a permit, on Council land:

- (a) conduct a commercial or organised activity;
- (b) engage in, play, or practice golf unless the land has been designated for that purpose;
- (c) undertake any unauthorised building or construction related activities, including building any structures;
- (d) enter other than through an entrance provided for that purpose;
- (e) park, ride, drive or use a vehicle except in an area designated for that purpose; or
- (f) ride a bicycle or use a wheeled recreational device unless the area has been designated for that purpose and not in a manner which:
 - (i) interferes with another person's use and enjoyment;
 - (ii) endangers any other person; or
 - (iii) causes damage to Council land.

2.3. Property Numbering

Where a property has been allocated a property number by Council, the owner of that property must clearly display the property number in such a manner that it is identifiable from the adjoining road.

2.4. Gateways to Reserves

A person must not, without a permit, install or maintain a gate or other structure to facilitate entry into a reserve from privately owned land.

2.5. Commercial Filming

A person must not, without a permit, engage in any commercial filming or photography on Council land.

2.6. Camping

A person must not, without a permit, camp in a tent, vehicle, caravan or any other temporary or makeshift accommodation on Council land or in a Public Place.



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)**2.7. Donation Bins**

A person must not, without a permit, place or authorise to be placed, a donation bin on a road, Council land or in a Public Place.

2.8. Shopping Trolleys

2.8.1 A person must not leave a shopping trolley on a road or in a Public Place, except in an area designated for the leaving of shopping trolleys.

2.8.2 The owner of any shopping trolley, on becoming aware that the shopping trolley has been left other than in compliance with sub-clause 2.8.1, must ensure that the shopping trolley is retrieved when directed to do so by an Authorised Officer.

2.9. Obstructions

A person must not, without a permit, place, authorise to be placed, or allow any obstruction that is on, over or affecting Council land, a road or a Public Place, including items which could:

- (a) cause an obstruction to pedestrians or vehicles; or
- (b) constitute a danger.

2.10. Vegetation Control

A person must not, without a permit, plant, poison, damage or interfere with any vegetation on Council land.

2.11. Bulk Waste Containers and Shipping Containers

A person must not, without a permit, place or cause to be placed a bulk rubbish container or shipping container on a road or Council land.

2.12. Footpath Trading

A person must not, without a permit, on a road or on Council land:

- (a) display an advertising sign;
- (b) offer goods for sale; or
- (c) place any other furniture or item used for trading activities.

2.13. Busking

A person must not, without a permit, busk or spruik on Council land.

2.14. Collections and Fundraising

A person must not, without a permit, solicit, distribute materials or promotional items, collect money or fundraise on Council land.



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)



2.15. Advertisements and Graffiti

A person must not, without a permit, on a road or on Council land:

- (a) write, deface, place or affix any letter, figure, device, poster, sign or advertisement on any building, fence or other property under the control of or vested in Council;
- (b) erect or place an advertising sign or cause or authorise another person to do so; or
- (c) erect or place any structure, banner or similar item.

2.16. Consumption of liquor

2.16.1 A person must not, without a permit on Council land or in a Public Place:

- (a) dispense or consume any liquor; or
- (b) have in their possession an open receptacle that contains liquor.

2.16.2 An Authorised Officer may impound any open or unopened container of liquor.

Note: *This clause does not apply where liquor is being consumed within a premises or at a location which is licensed under the Liquor Control Reform Act 1998, or where liquor is provided as part of an organised activity or event that has been approved by Council with a permit.*

2.17. Parking Permits

Where a person obtains a Council issued parking permit, that person must comply with the conditions of use.



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)**PART 3 –AMENITY AND SAFETY****3.1. Condition of Land**

3.1.1 An owner or occupier of land must not cause or allow that land to be kept in a manner which is:

- (a) unsightly;
- (b) dangerous or likely to cause danger to life or property; or
- (c) detrimental to the general amenity of the area in which the land is located.

3.1.2 An Authorised Officer may, by serving a Notice to Comply, direct an owner or occupier of land to temporarily fence that land in order to preserve amenity or uphold public safety.

3.2. Condition of Buildings

The owner of land on which a building exists, must not allow that building to be kept in manner which is:

- (a) dilapidated;
- (b) not secured to prevent unauthorised entry; or
- (c) detrimental to the general amenity of the area in which the land is located.

3.3. Fire Hazards

An owner or occupier of land must not allow any material, including vegetation, which constitutes or is likely to constitute a fire hazard or a source of fuel for any fire, to exist on that land.

3.4. Noxious Weeds

An owner or occupier of land must take all reasonable steps to control, reduce and remove noxious weeds on that land.

3.5. Vermin

An owner or occupier of land must take all reasonable steps to control, reduce and remove vermin on that land.

3.6. Trees and Vegetation

The owner or occupier of land must not allow vegetation on that land to:

- (a) overhang onto the footpath, road or Council land at a height of not less than 2.5 metres from the surface of the adjacent footpath or nature strip;
- (b) obstruct or impair the vision or clear passage of a vehicle using the adjacent road;
- (c) obstruct or interfere with the safe and accessible use of the footpath or road adjacent to or near the land;
- (d) encroach upon any adjacent road or Council land; or
- (e) obscure streetlights or traffic control items.



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)



3.7. Fires in the Open Air

3.7.1 An owner or occupier of land must not, without a permit, light, allow to be lit or remain alight a fire:

- (a) in the open air; or
- (b) in an incinerator.

3.7.2 Sub-clause 3.7.1 does not apply to a fire lit:

- (a) in a well-constructed and safe device for the purpose of outdoor heating;
- (b) in a barbeque whilst being used for its intended purpose; or
- (c) by a person authorised to do so by or on behalf of a public authority.

3.8. Storage on a Road

A person must not, without a permit, on Council land, a road or in a Public Place, store, keep or allow to be placed, a boat, caravan or trailer for longer than 14 continuous days.

3.9. Repairing Vehicles

A person must not dismantle, paint, carry out maintenance on or repair a vehicle on a road or on Council land.

Note: Clause 3.9 does not apply to repairs carried out in response to for a mechanical breakdown.

3.10. Abandoned and Unregistered Vehicles

A person must not leave or allow to be left, a vehicle on Council land, a road or in a Public Place that is:

- (a) abandoned;
- (b) unregistered;
- (c) accident damaged;
- (d) dilapidated;
- (e) immobile; or
- (f) causing a danger or an obstruction to other road users or pedestrians.

Note: For the purposes of clause 3.10, a vehicle will be considered by Council to be abandoned if the vehicle has not been moved for 2 continuous months.

3.11. Vehicles and Machinery on Land

A person must not, without a permit, use any land for the:

- (a) storage of disused old, used or second-hand machinery, material or goods;
- (b) assembly or dismantling of machinery, material or goods;
- (c) storage of unregistered vehicles or parts of vehicles;
- (d) assembly or dismantling of old or second-hand vehicles; or
- (e) storage of more than 1 caravan -

unless the storage, assembly or dismantling is confined to an enclosed building on the land.



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)

***Note:** Clause 3.11 does not apply if the use or activity is permitted under the Planning Scheme.*

3.12. Heavy and Long Vehicles

A person must not, without a permit, use land to store or keep a heavy vehicle or long vehicle on that land.

***Note:** Clause 3.12 does not apply if the activity permitted under the Planning Scheme.*

3.13. Mobile Trading

A person must not, without a permit, on a road or on Council land, sell or offer for sale, any goods or services from a vehicle.

3.14. Camping on Land

The owner or occupier of land must not camp, or allow any other person to camp, on that land in a manner that causes a nuisance.

3.15. Audible Alarms

An owner or occupier of land must not allow an alarm to operate on that land which emits noise beyond the land boundary, unless the audible alarm:

- (a) when activated, is automatically rendered inaudible beyond the boundary of the land within 10 minutes of it being activated; and
- (b) the alarm cannot re-activate until the device has been re-set.

3.16. E-Scooter and E-Bike Scheme

A commercial operator of an e-scooter or e-bike share scheme, must not, without a permit, allow the operation of their e-scooters or e-bikes to be used within the municipal district.



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)



PART 4 - ASSET PROTECTION AND BUILDING SITES

4.1. Asset Protection Permit

The person in charge of building work on land must obtain an Asset Protection Permit at least 7 days prior to the commencement of that building work.

4.2. Building and Works Code of Practice

The person in charge of building work on land must comply with **Whitehorse City Council's Building and Works Code of Practice** being a document incorporated by reference and forming part of this Local Law.

4.3. Vehicle Crossings

4.3.1 An owner or occupier of land must not, without a permit:

- (a) install, construct, alter, remove or reconstruct a temporary or permanent vehicle crossing; or
- (b) allow any vehicle to enter or leave any land except by using the vehicle crossing servicing that land.

4.3.2 An occupier of land must remove a redundant vehicle crossing when directed to do so by Council.

4.4. Falling Substances from Vehicles

A person who drives or operates a vehicle, must not allow any grease, oil, mud, clay or other substances to fall from that vehicle onto a road or Council land.

4.5. Council Assets

A person must not, without a permit, destroy, damage, modify, connect or interfere with any Council asset.

4.6. Protection and Use of Drains

An owner and occupier of land must ensure that any drain located on that land is not:

- (a) in disrepair;
- (b) in a condition which is a nuisance;
- (c) in a condition that interferes with a Council asset; or
- (d) dangerous to health.

4.7. Drainage of Land

An owner and occupier of land must ensure that:

- (a) the land is adequately drained to the satisfaction of an Authorised Officer;
- (b) water on the land is not discharged onto Council land;
- (c) water does not discharge from an air conditioner or other equipment on that land; and
- (d) any drain discharges to Council's nominated point of discharge.



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)**4.8. Occupying Council Land for Building Works**

A person must not, without a permit:

- (a) occupy any part of a road or Council land for building works; or
- (b) alter the traffic flow or any parking provisions affecting a road or Council land.



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)**PART 5 - WASTE MANAGEMENT****5.1. Waste Collection**

5.1.1 An occupier of land to which Council provides a bin and collection service for domestic waste must:

- (a) deposit all refuse generated on the land into the bin provided by Council;
- (b) place the bin for collection on the nature strip or as advised by Council not more than 24 hours before collection;
- (c) return the bin to the land as soon as possible after collection but no later than 24 hours after collection;
- (d) ensure that the bin's lid is closed at all times;
- (e) ensure the bin is not overloaded to a weight exceeding 70kg;
- (f) keep the bin in a clean, inoffensive and sanitary condition;
- (g) remove any litter from a road or Council land which has spilled from the bin supplied to the land; and
- (h) comply with any conditions or requirements that Council applies to the waste collection service.

5.1.2 An occupier of land must not:

- (a) place for collection any refuse other than the type of waste specified for collection in a Council issued general waste, recycling, glass or FOGO bin;
- (b) place out for collection more than two of each general waste, recycling, glass or FOGO bins unless permitted to do so by Council; or
- (c) damage or interfere with any bin not under their control.

5.2. Prohibited Waste

A person must not place any of the following items in a Council issued bin:

- (a) explosive or flammable substances;
- (b) electronic waste (including batteries);
- (c) any medical or infectious waste;
- (d) any material containing asbestos;
- (e) waste derived from building construction or demolition;
- (f) hot ash or embers;
- (g) any item which may compromise the bins structural integrity;
- (h) oil, paint, solvents and similar substances;
- (i) any item that would prevent the lid from closing;
- (j) any hazardous or chemical waste; or
- (k) any volatile or explosive substance.



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)**5.3. Hard Waste Management**

- 5.3.1 Where an occupier of land has arranged for hard rubbish or bundled garden waste to be collected, such waste must be placed out for collection:
- (a) in a manner which does not cause an obstruction to road users or pedestrians; and
 - (b) in accordance with any Council issued directives regarding size, location and permitted contents of the hard rubbish.
- 5.3.2 Any unacceptable items which are not collected by Council's contractor must be removed by the occupier of the land from the nature strip within 24 hours.

5.4. Commercial Waste

An occupier of land where commercial waste is generated must ensure that any receptable used to collect that waste is:

- (a) kept in a clean, sanitary and inoffensive condition;
- (b) constructed of impervious materials as approved by Council;
- (c) provided with a removable drainage plug if required by an Authorised Officer of a sufficient size and placed in a suitable location to allow the receptacle to be cleaned;
- (d) provided with a fly and vermin proof fully closing lid; and
- (e) placed in an area of the land which is:
 - (i) constructed of an impervious surface approved by Council; and
 - (ii) screened and is adequately fenced as required by Council.

5.5. Maintaining a Waste Receptacle

An occupier of land where waste is generated, must keep all receptacles on that land:

- (a) in a clean, sanitary and inoffensive condition;
- (b) fitted with a secure lid; and
- (c) in a condition which is undamaged and does not undermine safety to the community or waste collectors.

5.6. Restriction of Use of Public Bins

A person must not use a public bin to dispose of waste or recyclables generated from domestic, commercial or industrial premises.



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)



PART 6 – ANIMALS

6.1. Animal Numbers

An owner or occupier of land, must not without a permit, keep or allow to be kept any more than the number of each animal set out in the following table and in accordance with the conditions specified:

Type of Animal	Number	Conditions
Dogs	2	An additional dog can be kept where according to Council records, the dog is 10 years old or more
Cats	2	An additional cat can be kept where according to Council records, the cat is 10 years old or more
Rooster	0	A rooster is not permitted
Poultry	6	Poultry must be kept in a poultry house
Domestic Caged Birds	20	Birds must be kept in appropriate housing
Pigeons	20	Pigeons must be kept in appropriate housing
Farm Animals	0	A permit to keep farm animals can be applied for if the property is over 2000 sqm
Ferrets, Guinea Pigs, Rabbits	5	
Rodents	6	
Reptiles	5	

6.2. Keeping Animals

The owner or occupier of any land where an animal is kept must ensure that:

- (a) the animal is kept in a manner which does not cause a nuisance to any other person because of noise, smell or any other condition;
- (b) the land where the animal is kept is in a clean and sanitary condition;
- (c) the animal is provided with adequate shelter for the welfare needs of the animal; and
- (d) the land is adequately fenced to prevent animals from escaping.

6.3. Animal Housing

The owner or occupier of any land where an animal is kept, must ensure that the animal housing or enclosure:

- i. is adequate and appropriate based the type and number of animals kept;
- ii. is located at a distance from any property boundary to the satisfaction of an Authorised Officer;
- iii. does not incorporate boundary fencing;
- iv. is clear of materials which may harbour or attract vermin; and
- v. is constructed and maintained to the satisfaction of an Authorised Officer.



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)**6.4. Animal Waste**

A person in charge of an animal on Council land, a road or in a Public Place must:

- (a) carry a suitable device for the collection of excrement from that animal;
- (b) immediately collect any excrement deposited by that animal;
- (c) dispose of the animal faeces in a proper and sanitary manner; and
- (d) ensure that the animal does not defecate on land unless permitted by the owner of that land to do so.

6.5. Animal Nuisance

An owner or occupier of land where an animal is kept, must ensure that the animal does not cause a nuisance.

6.6. Keeping of Bees

The owner or occupier of any land where bees are kept, must keep those bees in accordance with the relevant Apiary Code of Practice.

6.7. Feeding of Birds on Council Land

A person must not, on a road or on Council land, feed birds.



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)**PART 7 – PERMITS****7.1. Applications**

7.1.1 An application for a permit under this Local Law must be:

- (a) in a form approved by Council; and
- (b) accompanied by the fee set by Council.

7.1.2 A permit may include any condition which the Council considers to be reasonable and appropriate.

7.2. Decision on Permit Application

After considering all relevant documentation, Council may decide:

- (a) to grant a permit;
- (b) to grant a permit subject to conditions including a requirement to lodge a bond with Council;
- (c) refuse to grant a permit; or
- (d) exempt a person or class of persons from the requirement to obtain a permit.

7.3. Further Requirements

Council may require a permit applicant to:

- (a) provide more information; or
- (b) give public notice of the application.

7.4. Amendments, Suspension or Cancellation of a Permit

7.4.1 Council may amend, suspend or revoke a permit at any time if:

- (a) it is requested to do so by the permit holder;
- (b) a mistake has been made in relation to the issuing of the permit; or
- (c) a material change of circumstances has occurred since the permit was granted.

7.4.2 The Council must give written notice to a permit holder of any correction, cancellation, suspension or amendment of a permit.

7.4.3 Before it cancels a permit, the Council must provide the permit holder an opportunity to make a submission on the proposed cancellation.

7.4.4 If a permit holder is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be notified of any Notice to Comply subsequently issued by Council.



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)**7.5. Fees**

- 7.5.1 Council may, by resolution, determine fees and charges for the purposes of this Local Law.
- 7.5.2 Council may waive, reduce or defer payment of fees and charges in whole or in part, with or without conditions.

7.6. Bonds

- 7.6.1 In deciding to grant a permit, Council may require the applicant to lodge with Council a bond for such amount and in such a manner as Council determines.
- 7.6.2 If Council is required to remedy a breach of a permit or repair any damage caused by any work carried out under a permit, it may for that purpose, use part or all of any bond associated with that permit.
- 7.6.3 Where the bond or any part is used pursuant to clause 7.6.2, the person to whom the permit was granted or the property owner may be directed to replenish or increase the bond amount.
- 7.6.4 On satisfactory completion of any works which required a bond, Council must release any applicable bond or remainder of the bond.
- 7.6.5 Council may retain the bond amount and place it into Council's general revenue if the permit holder cannot be located or has not collected the bond payment within 12 months of being notified.



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)**PART 8 – ENFORCEMENT****8.1. Offences****8.1.1 A person who –**

- (a) contravenes or fails to comply with any provision of this Local Law;
- (b) contravenes or fails to comply with any provision of an incorporated document;
- (c) breaches or fails to comply with a condition of a permit issued under this Local Law;
- (d) fails to obtain a permit when a permit is required;
- (e) fails to comply with a Notice to Comply issued under this Local Law;
- (f) fails to comply with a sign erected by Council;
- (g) fails to comply with a Notice of Impoundment served by an Authorised Officer;
- (h) fails to comply with a verbal or written direction issued by an Authorised Officer; or
- (i) knowingly supplies false or misleading information to an Authorised Officer -

is guilty of an offence and is liable to -

- (i) a maximum penalty of twenty penalty units; and
- (ii) a further penalty of one penalty unit for each day after a finding of guilt or conviction for an offence during which the contravention continues.

8.1.2 Where a corporation commits an offence under this Local law, any Directors or Officers of that corporation also commit an offence.**8.2. Notice to Comply****8.2.1 Where an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, a Notice to Comply may be issued and served on that person.****8.2.2 The period required to comply with a Notice to Comply must be reasonable in the circumstances having regard to the circumstances.****8.3. Infringement Notices****8.3.1 Where an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, an infringement notice may be issued and served on that person.****8.3.2 The amount of the fixed penalty is specified in an infringement notice is set out in Schedule 2****8.4. Power to Issue a Direction**

Where an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, the officer may issue a verbal or written direction, requiring a person to stop offending and do anything necessary to rectify the offence.

8.5. Urgent Circumstances

In any urgent circumstance arising under this Local Law, an Authorised Officer may take any reasonable action to remedy the situation without first serving a Notice to Comply.



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)**8.6. Exercise of Discretion**

In exercising any discretion contained in this Local Law, an Authorised Officer must have regard to:

- (a) the objectives of this Local Law; and
- (b) any other relevant matter, including extenuating circumstances such as personal or financial hardship.

8.7. Impounding Items

- 8.7.1 An Authorised Officer may immediately move or impound any object, thing or animal which the officer reasonably believes contravenes this Local Law.
- 8.7.2 Following impoundment, an Authorised Officer must, if practicable, serve a Notice of Impoundment on the person whom the officer reasonably believes is the owner of the object, outlining the process for collection.
- 8.7.3 For the purposes of clause 8.7.2, an Authorised Officer may determine that it is not practical to serve a Notice of Impoundment if the impounded item is perishable in which case the Authorised Officer may determine the most appropriate method of disposal.
- 8.7.4 An Authorised Officer may sell, dispose of or destroy an object that isn't collected in the manner specified in the Notice of Impoundment, with any proceeds from the sale being placed in Council's consolidated revenue.
- 8.7.5 An Authorised Officer may direct any person responsible for causing or permitting an obstruction on Council land to remove the obstruction.



**10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council
Report (005)**



Schedule 1 – List of Incorporated Documents

1. Building and Works Code of Practice



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)



Schedule 2 – Infringement Penalties

Clause	Activity	Infringement Penalty Unit(s) Person	Infringement Penalty Unit(s) Corporation
PART 2 – COUNCIL LAND			
2.1 (a)–(f)	Conduct on Council Land	2	4
2.2 (a)–(f)	Activities on Council Land	2	4
2.3	Property Numbering	1	2
2.4	Gateways to Reserves	1	2
2.5	Commercial Filming	2	4
2.6	Camping	1	2
2.7	Donation Bins	2	4
2.8	Shopping Trolleys	2	4
2.9 (a)-(b)	Obstructions	2	4
2.10	Vegetation Control	3	6
2.11	Bulk Waste Containers and Shopping Containers	2	4
2.12 (a)-(c)	Footpath Trading	2	4
2.13	Busking	1	2
2.14	Collections and Fundraising	1	2
2.15 (a)–(c)	Advertisements and Graffiti	2	4
2.16 (a)-(b)	Consumption of Liquor	2	4
2.17	Parking Permits	2	4
PART 3 – AMENITY AND SAFETY			
3.1 (a)–(c)	Condition of Land	2	4
3.2 (a)–(c)	Condition of Buildings	2	4
3.3	Fire Hazards	2	4
3.4	Noxious Weeds	2	4
3.5	Vermin	2	4
3.6 (a)-(e)	Trees and Vegetation	2	4
3.7 (a)-(b)	Fires in the Open Air	2	4
3.8	Storage on a Road	2	4
3.9	Repairing of Vehicles	2	4
3.10	Abandoned and Unregistered Vehicles	2	4
3.11(a)-(e)	Vehicles and Machinery on Land	2	4
3.12	Heavy and Long Vehicles	2	4
3.13	Mobile Trading	2	4
3.14	Camping on Land	2	4
3.15 (a)-(b)	Audible Alarms	1	2
3.16	E-Scooter and E-Bike Scheme	2	4
PART 4 – ASSET PROTECTION AND BUILDING SITES			
4.1	Asset Protection Permit	3	6
4.2	Building and Works Code of Practice	4	8
4.3	Vehicle Crossing	3	6
4.4	Falling Substances from Vehicles	3	6
4.5	Council Assets	3	6
4.6 (a)-(d)	Protection of Council Drains	3	6
4.7 (a)-(d)	Drainage of Land	3	6



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)



Clause	Activity	Infringement Penalty Unit(s) Person	Infringement Penalty Unit(s) Corporation
4.8 (a)-(b)	Occupying Council Land for Building Works	3	6
PART 5 - WASTE			
5.1 (a)-(h)	Waste Collection	2	4
5.2 (a)-(k)	Prohibited Waste	3	6
5.3 (a)-(b)	Hard Waste Management	2	4
5.4 (a)-(e)	Commercial Waste	2	4
5.5 (a)-(c)	Maintaining a Receptacle	2	4
5.6	Restriction of Use of Public Bins	2	4
PART 6 – ANIMALS			
6.1	Animal Numbers	2	4
6.2 (a) - (d)	Keeping of Animals	2	4
6.3 (a) - (f)	Animal Housing	2	4
6.4 (a)-(d)	Animal Waste	2	4
6.5	Animal Nuisance	2	4
6.6	Keeping of Bees	2	4
6.7	Feeding Birds on Council Land	1	2
PART 8 – ENFORCEMENT			
8.1 (b) – (h)	Offences	2	4



10.2 – ATTACHMENT 4. Whitehorse Community Local Law 2024 - Certified Council Report (005)**ACKNOWLEDGEMENT OF COUNTRY**

Whitehorse City Council acknowledges the Wurundjeri Woi-wurrung people of the Kulin Nation as the traditional owners of the land. We pay our respects to their Elders past, present and emerging.

CONTACTING COUNCIL

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(Service for deaf or hearing impaired people)

Service Centre: Whitehorse Civic Centre
379-399 Whitehorse Road,
Nunawading 3131

Website: www.whitehorse.vic.gov.au/contact-us

Email: customer.service@whitehorse.vic.gov.au

Social Media: Connect with Whitehorse City Council



Subscribe: www.whitehorse.vic.gov.au/subscribe
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10.3 **Draft Gambling Harm Minimisation Policy**

Attachment 1 Draft Gambling Harm Minimisation Policy

Attachment 2 Whitehorse Gambling Policy Review Background
Report October 2023

Attachment 3 Summary of key policy considerations

10.3 – ATTACHMENT 1. Draft Gambling Harm Minimisation Policy

Whitehorse Gambling Harm Minimisation Policy 2024

1. PURPOSE

The purpose of this policy is to outline Whitehorse City Council's approach to minimise harm from gambling, with a focus on reducing the economic, social and health harms associated with electronic gaming machines and other forms of gambling.

The policy also guides Council responses to gaming proposals and planning applications within the municipality of Whitehorse.

This policy replaces the previous Whitehorse City Council Responsible Gambling Policy which was developed in 2011. It recognises the statutory and regulatory changes that have occurred since that time and the increased knowledge and understanding of the social and economic impacts of gambling on the community.

The policy balances the right to undertake a legal revenue-generating activity with the need to promote wellbeing in the context of public health. It recognises that gambling harm can be experienced by individuals, their loved ones, and the wider community.

2. ROLE OF COUNCIL

Council has a statutory obligation to:

- Assess a planning permit application to install or use electronic gaming machines within the framework of the planning provisions of the Whitehorse Planning Scheme and the Planning and Environment Act 1987; and
- Assess the potential social and economic impacts of an application for a gaming licence in the municipality or adjoining municipality in accordance with the Gambling Regulation Act 2003 and, if required, make a submission on behalf of the community to the Victorian Gambling & Casino Control Commission.

Clause 52.28 of the Whitehorse Planning Scheme enables Council to prohibit electronic gaming machines in designated shopping complexes and all strip shopping centres. Council does not have the same defined roles in relation to other forms of gambling.

10.3 – ATTACHMENT 1. Draft Gambling Harm Minimisation Policy

Council also has broader statutory roles under the Local Government Act 1989 and Public Health and Wellbeing Act 2008, which focus on exercising good governance and promoting and protecting the health and wellbeing of the community.

At the state level, gambling is regulated by the Victorian Gambling & Casino Control Commission. The Commission is an independent statutory body responsible for the licensing of the gambling industry. Gambling advertising is regulated at a federal level by the Australian Communications and Media Authority.

3. BACKGROUND

Gambling has become normalised and celebrated as part of our culture, from sporting events to the expansion of gaming venues and online platforms. There is an average of 948 advertisements on television in Victoria every day, with 1 in 4 children able to name four or more gambling brands.

As a result, 70 per cent of Victorians gamble, and at least 1 in 5 experience gambling harm, while an additional 6 per cent are harmed by someone else's gambling (Responsible Gambling Foundation, 2023).

Public health approach

Whitehorse City Council considers gambling a public health issue that impacts not just individuals but whole families and communities. A public health approach recognises that addressing gambling harm requires consideration of the social, economic and environmental factors that contribute to people's health. By taking a public health approach, we can work together to prevent harm from gambling for the whole population, not just those experiencing significant harm from gambling.

We recognise that Council plays an important role in addressing this issue and it requires collaboration from various stakeholders, including individuals, community groups, businesses and government at all levels.

Several factors contribute to the issue, such as social norms, public awareness, accessibility of gambling (both venues and online), legislation around gambling product design and advertising, how venues operate, the process for approving electronic gaming machines, and where these machines are located, especially in vulnerable areas.



10.3 – ATTACHMENT 1. Draft Gambling Harm Minimisation PolicyGambling harms

Electronic gaming machines and other forms of gambling are having an increasingly harmful impact on the health and wellbeing of the community. Harm experienced by people who gamble and those close to them can be broadly grouped into the following six areas:

- Relationship harm (e.g. conflict within relationships, neglect of responsibilities).
- Emotional or psychological harm (e.g. feelings of regret, worthlessness and failure).
- Financial harm (e.g. credit card debt, reduced spending on essentials and bankruptcy).
- Health harm (e.g. stress, depression and reduced sleep).
- Work / study harm (e.g. reduced performance due to tiredness, absenteeism or loss of employment).
- Harm through criminal activity and neglect of responsibilities (e.g. involvement in illegal activities such as theft or fraud, failure to fulfil obligations such as child support payments).

4. OBJECTIVES

The key objectives of this policy are:

- To create a safe environment for residents in the City of Whitehorse.
- To improve awareness of the risks associated with gambling, both to individuals and the community.
- To minimise the adverse impacts of gambling and promote alternatives that lead to positive economic, social, and health outcomes.
- To collaborate with relevant stakeholders to implement evidence-based strategies for preventing and addressing gambling-related harm in the community.
- To advocate for legislative and regulatory reforms aimed at reducing gambling-related harm.



10.3 – ATTACHMENT 1. Draft Gambling Harm Minimisation Policy

- To regulate where electronic gaming machines are located, ensuring their proximity to areas of social and economic vulnerability is limited.

5. SCOPE

This policy has a primary focus on electronic gaming machines, as Council has a legislated role as the Planning Authority responsible for issuing planning permits to gaming venues, and a legislated role as a Referral Agency, whereby it can make a submission to the Victorian Gambling & Casino Control Commission in response to a new or revised gaming licence application.

The secondary focus of this policy is on the negative impacts of online gambling and sports betting. While the levels of harm from online gambling and sports betting are lower than those caused by electronic gaming machines, the level of participation in this form of gambling is growing rapidly.

6. DEFINITIONS

Term	Definition
Application	An application, or a proposed application, for a planning permit and/or approval from the Victorian Gambling & Casino Control Commission for either a new gaming venue, an increase in electronic gaming machines or extension of opening hours at an existing venue.
Bingo	A gambling activity where players receive a ticket(s) with randomly numbered squares, then players mark off the numbers as they are randomly drawn and announced. To win, a player must be the first to mark off all numbers on their ticket and call 'line', or 'pattern', or 'bingo' or make an audible noise or have another person call on their behalf.
Community contribution	Financial or in-kind support provided by gambling operators to local communities or charitable causes as a requirement of their gambling licence.
Council building	A building owned by Whitehorse City Council.



10.3 – ATTACHMENT 1. Draft Gambling Harm Minimisation Policy

Council land	Land owned by Whitehorse City Council, including vacant land, discontinued roads, and any building and development thereon.
Council program or event	An activity organised, sponsored, hosted or facilitated by Whitehorse City Council.
Electronic Gaming Machine (EGM)	A computerised gambling device that has a video screen displaying symbols on simulated reels. Cash is inserted into the machine and buttons are used to place bets. The machine randomly determines the position of symbols on the screen. Wins are returned as credits back into the machine. They are also referred to as EGMs, gaming machines, pokies and pokie machines.
Funding / financial contribution	For the purposes of this policy, 'funding' refers to the provision of monetary resources to support a project, organisation or individual. This includes various forms of financial support, such as donations, sponsorships or grants. However it excludes investments in or allocation of Council land or buildings.
Gambling	An activity in which: (a) a prize of money or something else of value is offered or can be won; and (b) a person pays or stakes money or some other valuable consideration to participate; and (c) the outcome involves, or is presented as involving, an element of chance'. For the purpose of this policy, raffles, bingo, and sports tipping for fundraising activities have been excluded.
Gambling industry	For the purposes of this policy, the gambling industry encompasses all businesses, services and organisations that promote or offer gambling as a commercial activity. It does not include organisations declared by the Victorian Gambling & Casino Control Commission as community or charitable



10.3 – ATTACHMENT 1. Draft Gambling Harm Minimisation Policy

	organisations conducting a raffle as a fund-raising activity if they have obtained a minor gaming permit.
Gaming venue	<p>A hotel or club approved by the Victorian Gambling & Casino Control Commission as a premise suitable for electronic gaming machine gambling.</p> <p>The Gambling Regulation Act 2003 permits the use of electronic gaming machines in venues with a pub licence (hotel operating under a General Liquor Licence), club licence (operating under a Full Club Liquor Licence) and racing club licence (Full Club Liquor Licence).</p>
Gambling support services	A range of services designed to assist individuals and their families affected by gambling harm. These services often include counselling, therapy, financial advice, support groups, and educational resources aimed at helping individuals understand and manage their gambling behaviour. In Victoria, gambling support services are typically provided by organisations such as Gambler's Help.
Mandatory pre-commitment	A requirement for someone to set limits on the time and/or money they are willing to spend playing electronic gaming machines.
Online gambling	A wide range of different forms of gambling that can be provided in an online format i.e. accessed and played via the internet. This can include traditional casino-style games, sports betting, horse racing betting, or other forms of online wagering.
Raffle	<p>A lottery where entrants purchase tickets for the chance to win prizes. Any method can be used to draw winners, if it:</p> <ul style="list-style-type: none"> – provides a random and equal chance of each ticket being drawn, and – the method does not allow the possibility of more than one entry being deemed the winner of the same prize.



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Social and Economic Indexes for Areas (SEIFA)	An index which ranks areas in Australia according to their relative levels of socio-economic disadvantage. It is produced by the Australian Bureau of Statistics and is based on data from the Census.
Sports betting	A form of gambling where individuals place wagers on the outcome of sporting events. This can involve predicting the winner of a game, the final score, or other specific outcomes within the event. Participants typically place bets through licensed bookmakers or betting agencies, with the potential to win money based on the accuracy of their predictions.
Sports tipping	A tipping competition (e.g. AFL footy tipping) that allows entrants to pick the winning team/s in each week of a sporting season to earn points if successful, and where: <ul style="list-style-type: none"> – All of the money that has been collected is returned as prizes. – The total value of prizes distributed is not more than \$5000.
Vulnerable groups	Groups within the community at an elevated risk of gambling-related harms because of their age, socio-economic status, gender, cultural and linguistic background or exposure to opportunities to gamble.

7. POLICY

Policy statements are grouped around six themes representing Council's policy roles including Council operations, awareness raising and engagement, land-use planning, Council assets and infrastructure, funding and support, and advocacy and partnerships.

It is policy that Council will:

Council operations

- 7.1 Prohibit the hosting of any community events, activities, programs, or social outings in venues with electronic gaming machines.



10.3 – ATTACHMENT 1. Draft Gambling Harm Minimisation PolicyAwareness Raising & Engagement

- 7.2 Publicise gaming applications within the City of Whitehorse through print or social media, and/or Council's website. These notifications will inform residents of their right to submit their views regarding the application directly to the Victorian Gambling & Casino Control Commission.
- 7.3 Inform the community about gambling harm, including electronic gaming machine gambling, sports and online betting and other forms of gambling, while also directing individuals on where to seek support.
- 7.4 Collaborate with gambling support services to develop and implement initiatives aimed at raising awareness about gambling-related harms, particularly amongst vulnerable groups.
- 7.5 Collaborate, where appropriate, with research and data collection projects aimed at enhancing understanding of the prevalence and impacts of gambling in Whitehorse.
- 7.6 Monitor emerging trends and ongoing issues in relation to electronic gaming machines and other gambling forms, particularly their impacts on vulnerable communities, to guide community awareness efforts and advocacy.
- 7.7 Seek community feedback on gaming licence applications to the Victorian Gambling & Casino Control Commission, subject to timelines and available resources.

Land use planning

- 7.8 Assess the social and economic impacts of electronic gaming machine applications that propose a new gaming venue; a variation to the number of gaming machines at an existing venue; and or a variation to the hours of operation at an existing gaming venue, including consideration of its proximity to sensitive land uses, such as schools, childcare facilities, welfare agencies, gambling support services and healthcare facilities.
- 7.9 Not support any planning and licensing application for additional electronic gaming machines and the transfer of electronic gaming machines in the municipality where evidence indicates a negative net social and economic impact on Whitehorse residents.



10.3 – ATTACHMENT 1. Draft Gambling Harm Minimisation Policy

- 7.10 Not support gaming licence applications in neighbouring municipalities if they are considered to have a negative net social and economic impact on Whitehorse residents.
- 7.11 Require gaming venue applicants to conduct comprehensive social and economic assessments of their proposals, providing specific information to Council as outlined in Section 8.

Council Assets & Infrastructure

- 7.12 Prohibit electronic gaming machines on any land or facilities owned or managed by Council, including reserves and sporting venues.
- 7.13 Amend lease and licence agreements with current and future tenants (at the time of renewal) to prohibit gambling (as defined in this policy) on Council owned or controlled land.
- 7.14 Amend lease and licence agreements with current and future tenants (at the time of renewal) to prohibit advertising of gambling activities on Council land and buildings. This aims to reduce community exposure to gambling advertising and the normalisation of sports betting.
- 7.15 Filter and block access to gambling websites on Council-provided equipment and internet (Wi-Fi) to prevent gambling activity by staff and community, in accordance with Whitehorse City Council's IT Acceptable Use Policy.

Funding & Support

- 7.16 Not provide funding (as defined in this policy) to groups for events or activities that occur in gaming venues from 1 July 2025.
- 7.17 Not provide funding to hotels and clubs that own or operate electronic gaming machines.
- 7.18 Not accept financial contributions from the gambling industry or venues with electronic gaming machines, except in cases where proposed investments by clubs or hotels increases the amenity of its operations on leased Whitehorse City Council owned land and facilities, and are considered by Council to offer significant community benefit.



10.3 – ATTACHMENT 1. Draft Gambling Harm Minimisation Policy

- 7.19 Support and encourage clubs with electronic gaming machines to allocate their gambling-related community contributions to relevant services targeted towards minimising gambling-related harm.

Advocacy and Partnerships

- 7.20 Where appropriate engage in government and parliamentary inquiries that present an opportunity to advance gambling reform.
- 7.21 Advocate for the provision of adequately funded and easily accessible support services for people affected directly or indirectly by gambling.
- 7.22 Advocate for enhancements to consumer protection measures, strengthened legislative controls, and industry practice reforms, including but not limited to:
- a. Advocating for mandatory pre-commitment.
 - b. Advocating for the removal of misleading and addictive features in electronic gaming machines, such as 'near misses' and losses disguised as wins.
 - c. Advocating for a maximum bet limit of \$1 per spin on electronic gaming machines.
 - d. Advocating for reduced operating hours of gambling rooms, from midnight to 10 am.
 - e. Advocating for increased rigour on the assessment criteria for electronic gaming machine licence applications (net determinate test).
 - f. Advocating for increased transparency regarding community contributions from club gaming venues.
 - g. Advocating for stronger regulation to decrease advertising of online gambling, particularly during television broadcasts and live sports events.
- 7.23 Collaborate with local government, community organisations and key agencies to leverage their expertise in broader advocacy issues, to achieve systemic changes and structures that mitigate gambling-related harm in the Whitehorse community.



10.3 – ATTACHMENT 1. Draft Gambling Harm Minimisation Policy**8. INFORMATION REQUIRED BY APPLICANTS**

Any application to Whitehorse City Council for a Planning Permit for a new gaming venue or to increase electronic gaming machine numbers in an existing venue will be required to include a robust impact assessment of the social and economic impacts and risks of the proposal. Factors to be included in this assessment are outlined in Table 1.

Table 1 – Factors to be included in impact assessment

Factor	Information required
Locational features	Description of the gaming venue, its proposed location and details about the existing and proposed distribution of electronic gaming machines in the municipality. List businesses and facilities in the immediate vicinity.
Patron profile	Social and demographic profile of the current and/or anticipated patrons of the gaming venue including how the profile and conclusions about patrons were reached. Rationale for the patron catchment based on established patterns of movement by local residents and visitors. Supporting evidence (such as attendance records) provided of patronage and anticipated patronage.
Social profile	Detailed profile of the residential population in the catchment area (5km radius of venue), including information about recreational habits and tourism. Include the current population profile and projected growth, Socio-Economic Index of Disadvantage, level of housing affordability and housing stress, income levels, employment and unemployment rates, educational retention and attainment levels, crime data , and levels of demand for financial aid/social support services (if available). Appropriate comparative measures to be provided to assess the relative vulnerabilities and strengths of the local community.



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Vulnerability and proximity to sensitive uses	Description of currently available support services that deal with vulnerable members of the community, problem gambling or gambling-related harm including: specific gambling support services, financial counselling, social and financial support services, general psychological support services and their location in relation to the anticipated patron catchment area. Level of current demand for gambling help services, financial counselling, material and financial aid (if available).
Community attitudes	<p>Evidence of the community's attitude toward the application for increased electronic gaming machines in the municipality broadly, and the local area more specifically.</p> <p>The Applicant needs to provide evidence of this attitude by conducting a technically sound and robust attitudinal survey of patrons of the premises and more broadly. Summarise the community survey methodology and the results.</p> <p>Where the application concerns a club licence (as opposed to a hotel licence) evidence that the application has the support of the majority of the club's members. This would ordinarily require a copy of a club resolution following full details of the application being conveyed to the club members and debated.</p>
Community contributions	Details of the nature and extent of community contributions expected from the proposal and how the contributions are to be secured and distributed to the local community. Where, for example, the Applicant claims that the proposal will result in improvements being made to the premises or improvements to services, how the community will be assured that these improvements will occur once the application is approved. Where the application concerns a club licence (as opposed to a hotel licence) details of the distribution of Community Benefit Funds to the local community.



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Alternative entertainment	Details of existing and proposed gambling and non-gambling related entertainment and recreation facilities within the local area and, if it is being contended that those facilities are not satisfying the current or future needs of the community, provide evidence of the contended needs.
Gaming losses	<p>Details of existing gambling losses at the venue (over a 3 year period prior to the application) and a forecast of anticipated losses at the venue if the proposal was to be approved.</p> <p>If the Applicant contends that gambling losses are likely to be transferred from other venues (including venues in other municipalities), the Applicant is to provide:</p> <ul style="list-style-type: none"> - How the level of transfer has been calculated (including, but not limited to, a comparison per machine losses at the venue prior to and after the additional machines, current usage levels of machines at the venue, and projected usage level of machines at the venue after the additional machines). - The amount of transfer anticipated. - The resulting impact on revenue of the venue from where the losses are being transferred. - The resulting social and economic impact on the venue from where the losses are transferred (such as loss of employment, loss of complementary revenue, loss of customers, and impact on ability to provide services). - The resulting social and economic impact on the local area within which those venues are located. - Details of the relative social and economic differences between the two venue catchments (measured by SEIFA indices, ABS data and other relevant data). An



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	<p>explanation as to why the electronic gaming machines are being transferred is to be provided.</p> <p>This would ordinarily require a statement from the operators of other venues.</p>
Gambling-related harm prevention measures	<p>Details of the design and layout of the premises (including gambling area) including all proposed and existing signage and evidence of compliance with any relevant gambling regulations concerning the premises' layout, design and operation.</p> <p>Any information relating to gambling-related harm currently being experienced at the premises and/or in the municipal district.</p> <p>Details of any current or proposed measures by the applicant to minimise harms due to gambling that are additional to regulatory requirements.</p>

9. RESPONSIBILITIES

When Council receives an application to increase the number of electronic gaming machines at a venue a dual assessment process of social planning and statutory planning is undertaken.

Planning permit applications for a new gaming venue or variation to the number of machines or hours of operation at an existing gaming venue must be directed to Council's City Planning & Development Department and are then referred to the Communities, Engagement & Integrated Planning Department for further comment.

Gaming licence referrals from the Victorian Gambling & Casino Control Commission must be sent to the Communities, Engagement & Integrated Planning Department who will review the social and economic impact assessment provided by the applicant.

10. RELATED POLICIES & LEGISLATION

This Policy should be read in conjunction with Council's Local Planning Policy, Clause 22.17 of the Whitehorse Planning Scheme, as well as the Municipal Public Health and Wellbeing Plan.



10.3 – ATTACHMENT 1. Draft Gambling Harm Minimisation Policy**Internal Use Only****11. REVIEW**

Responsible Manager: Director Community Services

Date Adopted: Month and Year

Date of Next Review: Month and Year

This policy has been reviewed for Human Rights Charter compliance.

12. APPENDICES

Appendix 1: Details of Electronic Gaming Machine Venues in the City of Whitehorse

Appendix 2: Map of Gaming Venues in the City of Whitehorse



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APPENDIX 1: DETAILS OF ELECTRONIC GAMING MACHINE VENUES IN THE CITY OF WHITEHORSE

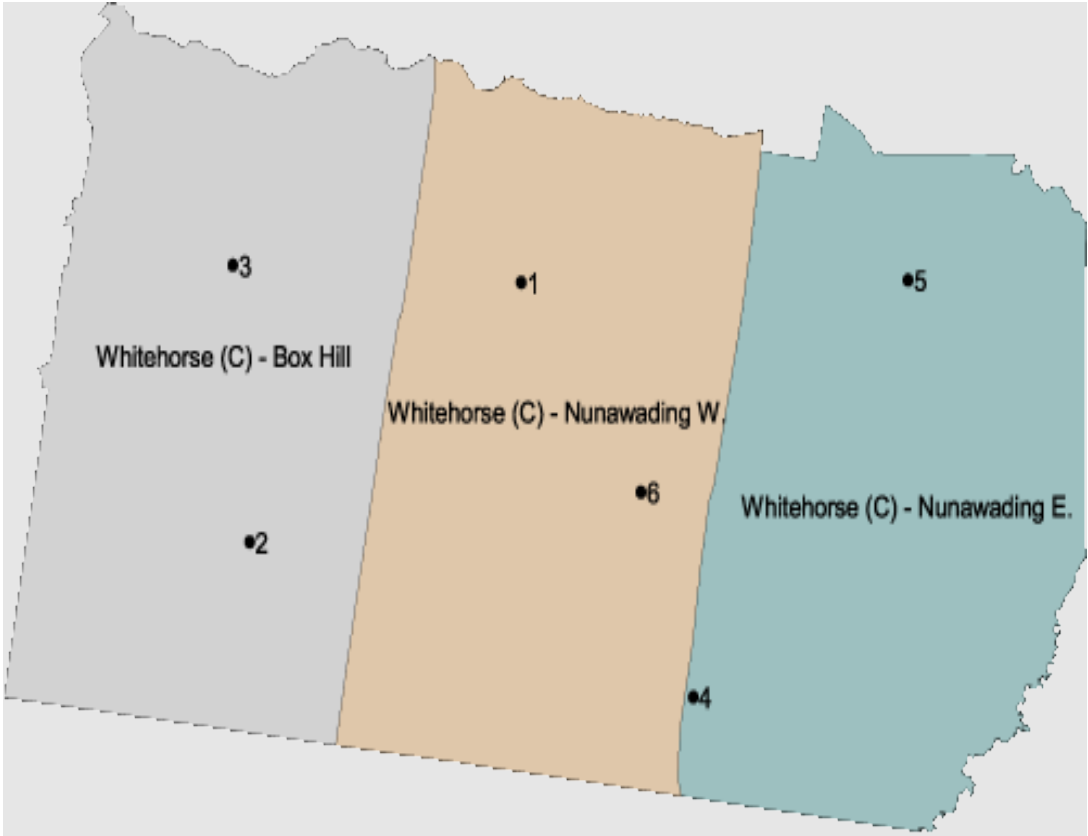
	Venue	Address	Attached Entitlements	Licensed EGMs	Venue Type
1	Blackburn Hotel	111 Whitehorse Road, Blackburn	66	102	Hotel
2	Box Hill Golf Club	202 Station Street, Box Hill	39	39	Club
3	Box Hill RSL	26 Nelson Road, Box Hill	103	103	Club
4	Burvale Hotel	Cnr Springvale Road & Burwood Highway, Nunawading	73	103	Hotel
5	Mitcham Hotel	556 Maroondah Highway, Mitcham	60	100	Hotel
6	The Chase Hotel	Tenancy 304 Level 3, 270 Canterbury Road, Forest Hill	90	90	Hotel
Totals			431	537	



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APPENDIX 2: MAP OF GAMING VENUES IN THE CITY OF WHITEHORSE

Source: Victorian Gambling & Casino Control Commission, *City of Whitehorse: Current Venues*, accessed in April 2024.



Legend

1	Blackburn Hotel	Blackburn
2	Box Hill Golf Club	Box Hill
3	Box Hill RSL	Box Hill
4	Burvale Hotel	Nunawading
5	Mitcham Hotel	Mitcham
6	The Chase Hotel	Forest Hill



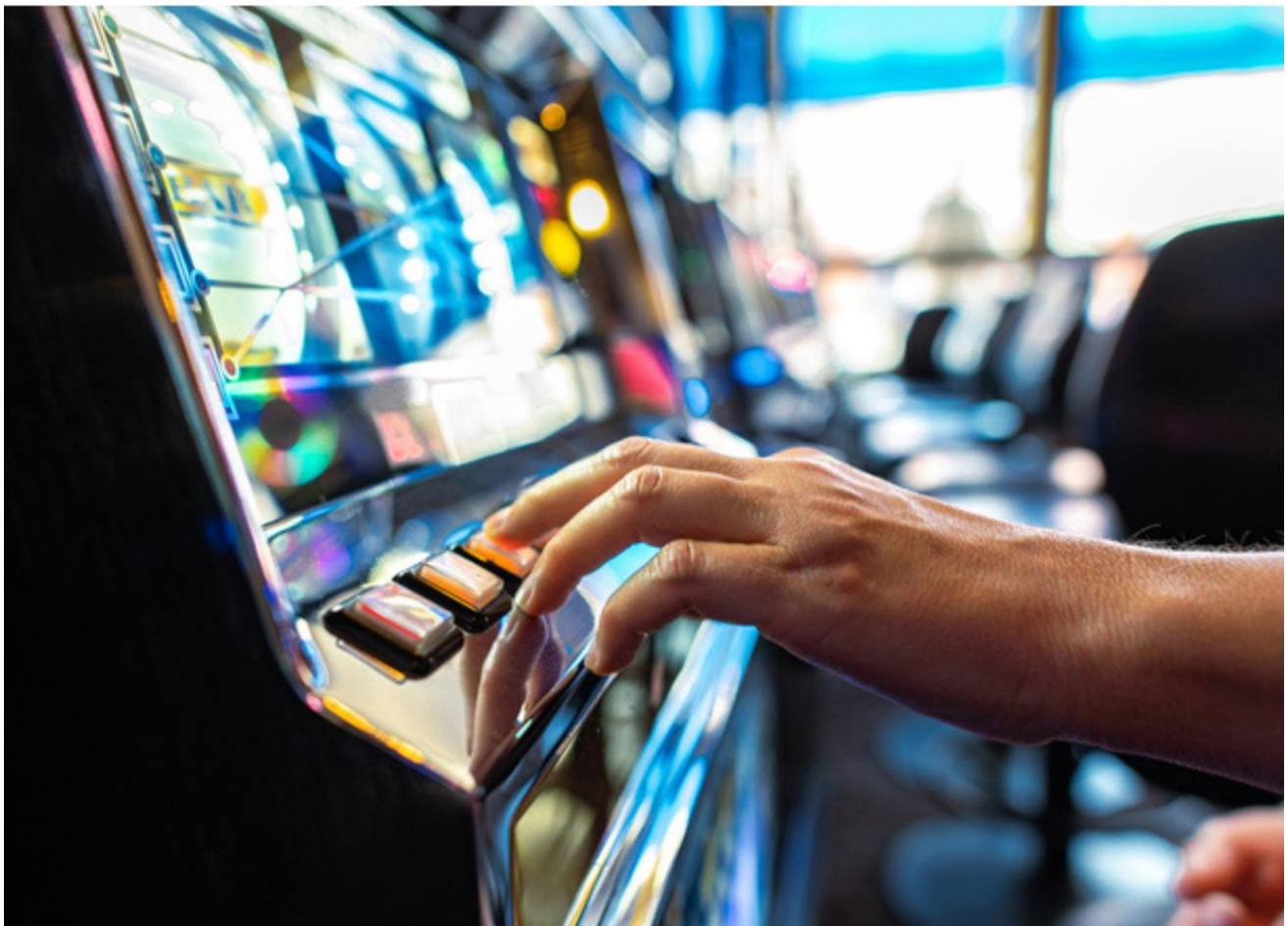
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Whitehorse City Council

Gambling Policy Review Background Report

2023



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Executive Summary

This report summarises best practice gambling policies to inform a review of Whitehorse's Responsible Gambling Policy 2011. The process encompassed a review and gap analysis of the current Policy, which has identified potential policy options for consideration. These policy options will form the basis of community engagement efforts, seeking input from the community to inform the revised Policy. Consequently, this report will enable Council to develop a more robust, evidence-driven gambling policy that aligns with best practice.

The gap analysis involved benchmarking the gambling policies of 22 Victorian councils and comparing these to Whitehorse's current Policy. Desktop research was then undertaken to better understand the empirical support for these policy positions, with an emphasis on their potential to mitigate and prevent gambling-related harm. Internal Council departments were also engaged to explore the potential impacts on key stakeholders.

The analysis confirmed that the current Policy is outdated in its approach and presents significant opportunities for improvement that could enhance Council's ability to address gambling-related harm. A strong need exists to transition away from the obsolete and discredited 'Responsible Gambling Approach', and instead adopt a public health approach to gambling policy. This shift will ensure that the Policy acknowledges the multifaceted and complex range of factors contributing to gambling-related harm and provides a broad approach while allowing harm to be addressed at multiple impact levels and across the entire spectrum of gambling behaviour.

The current Policy focusses on electronic gambling machines (EGMs) and does not encompass other forms of gambling such as online and sports gambling. Based on the benchmarking results and empirical evidence, several priority areas have been identified for exploration in Council's revised gambling policy:

- Awareness-raising and education initiatives to inform the community of gambling products and their harms.
- Limiting opportunities to promote and provide support to the gambling industry, including policy positions preventing Council from receiving or providing funds to the gambling industry and not holding Council events in venues that offer gambling activities.
- An opportunity for Council to expand its advocacy efforts.

From these findings, a number of key policy options have been identified as opportunities for consideration in the next iteration of Council's gambling policy. These include:

1. Consider broadening the scope of the Policy to include other forms of gambling, including online and sports gambling which are increasing in prevalence.
2. Review the current title of Council's "Responsible Gambling Policy" and its reference to 'responsible' gambling.
3. Explore adopting a public health approach to gambling policy design and implementation, addressing language inconsistencies existing in the current Policy.
4. Review the appropriateness of an acknowledgment of gambling as a legitimate recreational activity in the Policy.

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5. Consider the removal of references to the alleged social benefits of gambling.
6. Examine the alignment of the Policy with the IT Acceptable Use Policy, which restricts access to online gambling activities via Council Wi-Fi and on Council-owned devices.
7. Consider restricting gambling and the promotion of gambling on council-owned land or within council buildings via lease agreements.
8. Explore the potential prohibition of Council hosting community activities, events, programs, or social outings in venues with electronic gaming machines (EGMs) or gambling activities.
9. Examine existing prohibitions in place to prevent Council from promoting or providing funding to the gambling industry.
10. Assess potential prohibitions on financial and community contributions from the gambling industry or EGM venues to Council.
11. Consider collaboration with sporting clubs to reduce their reliance on funding or support from the gambling industry.
12. Consider collaboration with gambling operators to reduce their dependence on revenue from EGMs.
13. Explore the possibility of encouraging gambling operators to have a harm minimisation plan.
14. Explore the inclusion of a commitment to engage in gambling harm community education and awareness-raising initiatives, particularly amongst vulnerable groups.
15. Assess opportunities to extend operating hours of community facilities to function as alternative safe spaces to gambling venues, particularly facilities located in close proximity to existing gambling venues.
16. Consider a commitment to collaborate on research and data collection projects that aim to illustrate the harm caused by gambling.
17. Consider advocacy to the State Government to strengthen gambling regulation and legislation including:
 - a. Establishment of a national gambling regulator and an online gambling ombudsman.
 - b. Regulation to decrease online gambling advertising.
 - c. Reduction of the EGM cap in Victoria.
 - d. Implementation of a mandatory 10-hour shutdown in EGM venues across Victoria.
 - e. Removal of EGM features that are misleading and addictive.
 - f. Introduction of a \$1 maximum bet per spin on EGMs.
18. Consider establishing specific criteria to discourage EGM applications in following circumstances:
 - a. In areas with a high density of EGMs per 1,000 adults.
 - b. In areas where there is an elevated risk of gambling-related harm.
 - c. In areas where there are few alternative recreational activities available.
19. Explore potential measures of effectiveness and impact to be included in the revised policy.

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Introduction

Council's Responsible Gambling Policy is entering its 12th year and urgently requires revision. A desktop review and gap analysis has been undertaken to identify potential areas of improvement that more effectively prevent and reduce gambling-related harm. This will form the basis for community engagement to gauge the level of support for their inclusion in the development of a revised gambling policy.

- Section 1 provides an overview of gambling in Whitehorse and Victoria more broadly.
- Section 2 analyses the current Policy, highlighting its strengths and weaknesses.
- Section 3 discusses the overarching policy approaches currently being adopted by other councils.
- Section 4 covers a number of policy issues and identifies policy options for consideration, supported by scholarly evidence and the impact on Council and the community.
- Section 5 summarises the opportunities for improvement in the revised Gambling Policy.

Background

1.1 Introduction to gambling

Australia has the sixth highest number of electronic gaming machines (EGMs or 'pokies') in the world, and one of the highest EGM densities per capita.¹ Unlike most countries in the world, gambling is normalised and often celebrated as a fundamental part of Australian culture², with Australians gambling online 20 per cent more than any country in the world.³ As such, preventing gambling-related harm is a critical issue throughout the country.

There are five key types of gambling: EGMs, sports and race betting, lotteries, casino games (consisting of both table games and EGMs), and bingo.

¹ Ziolkowski, S, *World Count of Gaming Machines 2019* (Sydney: Gaming Technologies Association, October 2020), <https://gamingta.s3-ap-southeast-2.amazonaws.com/World+Count+of+Gaming+Machines+2019.pdf>.

² Alliance for Gambling Reform, *Online Gambling Policy* (Alliance for Gambling Reform, June 2023), https://f3b93a30-43cc-4041-a960-cf2c3b13ff2a.usrfiles.com/ugd/f3b93a_dfc1e55cf81b4e359b96cc5530ff1042.pdf.

³ "Resources", Alliance for gambling Reform, accessed 5 September 2023, <https://www.agr.org.au/resources>.

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Of Victorians
gamble

**1 in 5**

Victorians who
gamble experience
harm from gambling



Gambling
advertisements per
day on free-to-air
TV in Victoria

3x

The risk of lifetime
gambling for
individuals who
gamble online

**Ages 18-24
and 55-65**

Are most at risk of
moderate and high-risk
gambling

4%

Of suicides in Victoria
are gambling related

6.1%

Of Victorians are
harmed by someone
else's gambling

\$153,738

Lost on gambling everyday
in Whitehorse

1 in 4

Children are able to
name four or more
gambling brands



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In Victoria, EGMs result in the greatest level of harm (38 per cent), followed by casino table games (15 per cent), gambling on sports and races (10 per cent), and bingo (4 per cent).⁴

Prevalence

More than 70 per cent of Victorians gamble⁵, with 1 in 5 people gambling online and the prevalence of online gambling generally increasing alongside personal income.⁶ In 2018-19, 6.7 per cent of Victorians experienced low-risk gambling, 2.4 per cent experienced moderate-risk gambling and 0.7 per cent experienced high-risk gambling.⁷ These categorisations are based on the Problem Gambling Severity Index (PGSI), see Table 1 for definitions.

Table 1. Definitions of PGSI categories. Responsible Gambling Foundation.

PGSI Category	Definition
Low-risk gambling	Low-risk gamblers experience a low level of problems with few or no identified negative consequences. For example, they may very occasionally spend over their limit or feel guilty about their gambling.
Moderate-risk gambling	Moderate-risk gamblers experience a moderate level of problems leading to some negative consequences. For example, they may sometimes spend more than they can afford, lose track of time or feel guilty about their gambling.
High-risk gambling (also known as problem gambling)	High-risk gamblers gamble with negative consequences and a possible loss of control. For example, they may often spend over their limit, gamble to win back money and feel stressed about their gambling.

Over 2018-19, levels of high and moderate-risk gambling remained relatively stable, however, concerningly, 14 per cent of those in a moderate-risk category transitioned to high-risk gambling.⁸

It should be noted the language used in relation to gambling has shifted in the last decade, involving a move away from individualised language such as the notion of the 'problem gambler' to the term 'high-risk gambling'.

⁴ "Gambling products and Harm", Victorian Responsible Gambling Foundation, accessed July 2023 21 August 2023, <https://responsiblegambling.vic.gov.au/resources/gambling-victoria/sport-and-race-betting-in-victoria/>.

⁵ Rockloff et al., *Victorian Population Gambling and Health Study (2018-19)*.

⁶ Victorian Responsible Gambling Foundation, *Fact Sheet 6: Online Gambling - Victorian Population Gambling and Health Study (2018-2019)* (Victorian Responsible Gambling Foundation, June 2020), <https://responsiblegambling.vic.gov.au/resources/publications/victorian-population-gambling-and-health-study-20182019-759/>.

⁷ Matthew Rockloff et al., *Victorian Population Gambling and Health Study (2018-19)* (Melbourne: Victorian Responsible Gambling Foundation, May 2020), <https://responsiblegambling.vic.gov.au/resources/publications/victorian-population-gambling-and-health-study-20182019-759/>.

⁸ Ibid.

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Prevalence of gambling advertising has also increased substantially in recent years. Advertising spending by the gambling industry increased from \$89 million in 2011 to \$287 million in 2021 – a 220 per cent increase.⁹ The number of gambling ads on TV per day has also increased by 150 per cent since 2016, with more than 15 per cent of these typically broadcasted during primetime for family viewing.¹⁰ The Victorian Responsible Gambling Foundation has calculated there were 948 gambling advertisements a day on free-to-air television in Victoria in 2021.¹¹

Harm

Gambling harm is not limited to financial impacts - *Figure 1* shows a breakdown of the types of harm and their prevalence in Australia. 1 in 5 Victorians who gamble experience harm from gambling, with 85 per cent of this harm originating from moderate or low-risk gambling, and 15 per cent from high-risk gambling.¹² This indicates that most gambling-related harm affects individuals not experiencing high-risk gambling. This clearly demonstrates the importance of policy which works across the spectrum of gambling related harm, and does not focus solely on high-risk gambling.¹³

There is evidence to suggest that the burden of disease created by high and moderate-risk gambling combined is comparable to that of a severe and moderate alcohol abuse disorder.¹⁴ In addition, at least 4 per cent of suicides in Victoria were gambling related, amounting to 184 deaths over 8 years.¹⁵

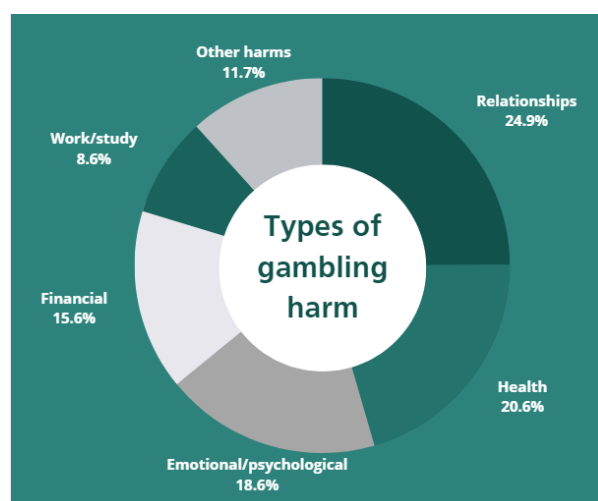


Figure 1. The types of gambling harm and their prevalence in Australia. Browne et al., 2016, p. 134.

⁹ "Gambling Advertising," Victorian Responsible Gambling Foundation, accessed 21 August 2023, <https://responsiblegambling.vic.gov.au/resources/gambling-victoria/gambling-advertising/>.

¹⁰ Ibid.

¹¹ "Gambling Advertising."

¹² Responsible Gambling Foundation, "Gambling Harm in Victoria."

¹³ Ibid.

¹⁴ Matthew Browne et al., "What is the harm? Applying a public health methodology to measure the impact of gambling problems and harm on quality of life," *Journal of Gambling Issues*, 36 (2017). doi: 10.4309/jgi.v0i36.3978.

¹⁵ Angela Rintoul et al., "Gambling-related suicide in Victoria, Australia: a population-based cross-sectional study," *The Lancet Regional Health*, 100903 (2023). doi: 10.1016/j.lanwpc.2023.100903.

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While only a very small proportion of Victorians gamble on fantasy sports and e-sport (0.4 per cent and 0.5 per cent respectively in 2018-19), these groups typically experience the highest level of gambling harm.¹⁶ Individuals who gamble online experience almost triple the risk of lifetime gambling than those who don't gamble online,¹⁷ which demonstrates an urgent need for increased policy and regulation in this area.

Importantly, harms from gambling are not limited to those experienced by the gambler, with 6.1 per cent of Victorians harmed by someone else's gambling.¹⁸ A recent scoping review found that the quality of life of individuals affected by someone else's gambling decreased by 10-28 per cent.¹⁹ Hence, more than 17,680 Whitehorse residents could be experiencing adverse effects and lower quality of life due to gambling-related harm.²⁰

Losses

There has been an increasing trend in all forms of gambling in Victoria.²¹ However, this notably reduced over 2019-2022 due to COVID-related venue closures. Gambling venues in Melbourne were closed at various times during the lockdown and this significantly reduced the overall gambling losses in Whitehorse. It is estimated that more than \$59.3m in gambling losses were saved by the Whitehorse community during the venue closures between March and November 2020.²²

Across Victoria in 2021-22 gambling losses totalled \$2.57b lost on sports and race gambling, \$2.237b on EGMs, and \$788m on lotteries.²³ It is important to note that previous figures have shown EGMs producing the highest losses, and that this change in 2021 was likely the effect of the pandemic reducing access to gaming venues.

The total cost of gambling to the Victorian community includes not only the direct losses, but also emotional, psychological, relationship, family, crime, and productivity costs. In 2014-15, these costs amounted to approximately \$7b.²⁴ If it is assumed that costs have remained stable and adjust for inflation, this would amount to \$8.4b in 2022.

¹⁶ Victorian Responsible Gambling Foundation, *Fact Sheet 6: Online Gambling - Victorian Population Gambling and Health Study (2018-2019)*.

¹⁷ Ibid.

¹⁸ Rockloff et al., *Victorian Population Gambling and Health Study (2018-19)*.

¹⁹ N.A. Dowling et al., *Addressing gambling harm to affected others: a scoping review* (Melbourne Victorian Responsible Gambling Foundation, May 2021), <https://responsiblegambling.vic.gov.au/resources/publications/addressing-gambling-harm-to-affected-others-a-scoping-review-1044/>.

²⁰ Extrapolated from VGCCC data 2018-19 and the Whitehorse .id Community Profile 2023.

²¹ Rockloff et al., *Victorian Population Gambling and Health Study (2018-19)*.

²² Extrapolated from VGCCC closure date data and daily loss data.

²³ "Expenditure on gambling in Victoria", Victorian Responsible Gambling Foundation, accessed 21 August 2023, <https://responsiblegambling.vic.gov.au/resources/gambling-victoria/expenditure-on-gambling-victoria-and-australia/>.

²⁴ Matthew Browne et al., *Assessing gambling-related harm in Victoria: a public health perspective* (Melbourne: Victorian Responsible Gambling Foundation, 2016), <https://responsiblegambling.vic.gov.au/resources/publications/assessing-gambling-related-harm-in-victoria-a-public-health-perspective-69/>.

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Who is most at risk?

Those aged 18-24 years and 55-65 years are most at risk of high and moderate-risk gambling,²⁵ which indicates that young and older people are most vulnerable. Men are also at significantly higher risk of harm than women.²⁶ Children are also at substantial risk from the influence of gambling advertising, with 1 in 4 children able to name four or more gambling brands.²⁷

Gambling in Whitehorse

Whitehorse had the 25th highest EGM losses in Victoria at \$56.1m. Compared to Victoria, Whitehorse has a lower equivalent loss per adult (\$402 compared to \$575) and while this might suggest that gambling is less of an issue for Whitehorse residents, \$153,738 was lost every day on EGMs in 2022-23 in the City of Whitehorse.²⁸ In 2022-23 annual EGM losses in Whitehorse represented the equivalent to the cost of feeding 20,555 children for the entire year.

Whitehorse has 431 EGMs across 6 venues: The Blackburn Hotel, Box Hill Golf Club, Box Hill RSL, Burvale Hotel, the Chase Hotel and Mitcham Hotel (see Table. 2). This constitutes a density of 2.9 EGMs for every 1,000 adults in 2022.²⁹ However, this only accounts for 33 per cent of the allowable machines in Whitehorse, with a municipal limit of 1,308 set by the Minister for Gaming and Liquor Regulation in 2017, based on 10 gaming machine entitlements per 1,000 adults. Table 2 includes a detailed breakdown of the licences, entitlements and losses for each EGM venue in Whitehorse.

²⁵ Rockloff et al., *Victorian Population Gambling and Health Study (2018-19)*.

²⁶ Ibid.

²⁷ Samantha Thomas et al., *Child and parent recall of gambling sponsorship in Australian sport* (Melbourne: Victorian Responsible Gambling Foundation, 2016), <https://responsiblegambling.vic.gov.au/resources/publications/child-and-parent-recall-of-gambling-sponsorship-in-australian-sport-67/>.

²⁸ "Expenditure Data", Victorian Gambling and Casino Control Commission, accessed 12 September 2023, <https://www.vgccc.vic.gov.au/resources/information-and-data/expenditure-data>.

²⁹ "Expenditure Data."

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Table 2. EGMs in Whitehorse, 2022-23. Victorian Gambling and Casino Control Commission 2023.

Venue	Club/Hotel	Attached Entitlements	Licensed EGMs	Losses (\$)
Blackburn Hotel	Hotel	66	102	8,256,220
Box Hill Golf Club	Club	39	39	2,415,127
Box Hill RSL	Club	103	103	9,263,134
Burvale Hotel	Hotel	73	103	11,535,344
Mitcham Hotel	Hotel	60	100	6,463,268
The Chase Hotel	Hotel	90	90	18,181,458
TOTAL		431	537	56,114,551

Community Benefits from EGMs

Sporting clubs in Victoria are legally required to allocate a minimum of 8.33 per cent of their EGM revenue towards 'community benefits' through various means, such as gifts, donations, sponsorships, and support for veterans. In 2020/21, an examination of the community benefit statements from all Club EGM operators showed that the majority of benefits provided by club EGM operators were directed toward club members and related activities rather than benefiting the general community. The actual total community benefit was equivalent to 1.8 percent of EGM losses. In Whitehorse, the percentage was slightly lower at 1.3 percent.³⁰

1.2 Policy benchmarking process

The benchmarking process involved a comparison of Whitehorse City Council's 2011 Responsible Gambling Policy to the recently adopted gambling/EGM policies of 22 Councils across Victoria.

The sample included all councils in the eastern metropolitan region, along with four councils selected due to their proximity to Whitehorse, and eleven other councils because of their recently adopted gambling policies (from 2017 onwards). These local government areas were: Ballarat, Brimbank, Casey, Darebin, Greater Bendigo, Greater Dandenong, Greater Geelong, Hume, Kingston, Knox, Manningham, Maribyrnong, Maroondah, Melbourne, Melton, Monash, Mornington Peninsula, South Gippsland, Strathbogie, Wyndham, Yarra, and Yarra Ranges. All councils in the sample had a formally adopted gambling policy, with

³⁰ Hayden Brown, "EGM Gambling Club Contributions to the Community",

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the exception of Melbourne City Council, their draft policy was analysed due to the absence of an adopted policy.

The process involved recording all the major policy positions observed in each Policy and any other notable data or procedures. This data was then analysed to reveal the most common policy positions and overall trends in policy development over time.

Current Policy Analysis

Whitehorse City Council's 2011 Responsible Gambling Policy adopts the overarching policy position that Council "has a responsibility to minimise the harmful and negative impacts of EGMs in the local community" (p. 2). It clearly articulates the role of Council in minimising gambling-related harms. Importantly, the Policy places an emphasis on the social, economic and health impacts resulting from EGMs.

The Policy is focused on efforts to prevent increases in gambling opportunities within the municipality. This is manifested through a good variety of policy approaches, including: land use and planning, contributing to the licensing process, land ownership and lease agreements, advocacy and partnerships, community engagement and alternative recreational activities, as well as research.

The identified key strengths of Whitehorse's gambling policy include the following:

- Recognition of community concern on gambling and gambling-related harms.
- Prioritisation of the provision of alternative recreational activities to gambling.
- Recognition of the disproportionate magnitude of gambling-related harms experienced by vulnerable community groups.
- A number of policy positions to ensure access to adequate research and locally relevant data.
- Recognition of the role of Council in advocating for various state-level reforms.
- Prohibition of EGMs on Council-owned or managed land.

The Policy demonstrates a strong awareness of the extent to which the community is concerned about gambling and acknowledges that Council has a responsibility to address these concerns. The provision of alternative recreational activities to gambling is prioritised, both within gambling venues and the municipality more generally, which is important since this is known to be one of the most effective policies in preventing gambling-related harm and de-normalising EGMs.³¹

The Policy acknowledges that gambling-related harms are felt disproportionately by vulnerable groups in the community, which is exemplified through Council's commitment to collaborate with culturally specific agencies to ensure migrant groups can access sufficient support.

³¹ Marko et al., "The development and implementation of electronic gambling machine policy: a qualitative study of local government policy makers."

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As previously mentioned, understanding the prevalence of gambling-related harm is critical, and a lack of relevant data is a key barrier to policy efficacy.^{32 33} As such, the inclusion of various measures to ensure adequate research and data gathering regarding gambling activities and related harms throughout the municipality is another valuable aspect of the Policy.

The Policy recognises the role of Council in advocating to the Victorian Government for reforms to policy and regulation. This includes advocating for the provision of adequate funding for gambling support services, as well as consumer protection measures such as mandatory pre-commitment, which requires users to set a binding limit on losses prior to using an EGM.³⁴ It is worth noting that in August 2023 the State Government announced proposed reforms that includes all EGMs in Victoria will require mandatory pre-commitment limits and carded play, helping patrons keep control over their choices.

A key strength of the current Policy is the stipulation that "Council will not permit EGMs on Council owned or controlled land" (p. 5). Whitehorse is a leader in this policy area, as many Councils have not yet fully prohibited EGMs on Council land, particularly due the difficulties created by current tenants operating EGMs. It should be noted that none of Whitehorse's tenants have ever operated EGMs on Whitehorse City Council land, meaning the adoption of this policy position did not have the same implementation difficulties as other councils.

There are also a number of critical gaps and issues with the current policy which necessitates that it be revised. Broadly, these include:

- Despite being titled a "Gambling Policy", the policy scope only covers EGMs and does not include specific measures targeted to online and other forms of gambling.
- The "Responsible Gambling" framing is outdated, with a significant shift in policy away from such an individualised focus that places the burden of responsibility solely on the individual.
- Limited policies pertaining to service delivery and community development, including the absence of any awareness-raising or educational initiatives.
- An absence of policy positions in the areas of funding, financing, and Council infrastructure.

The next section examines these policy gaps in more detail and identifies opportunities for improvement in a revised gambling policy.

³² P Johnstone and M Regan, "Gambling harm is everybody's business: A public health approach and call to action," *Public Health* 184 (2020), doi: 10.1016/j.puhe.2020.06.010.

³³ Marko et al., "The development and implementation of electronic gambling machine policy: a qualitative study of local government policy makers."

³⁴ "Pre-commitment systems for electronic gambling machines," Australian Institute of Family Studies, accessed 6 September 2023, <https://aifs.gov.au/resources/policy-and-practice-papers/pre-commitment-systems-electronic-gambling-machines>.

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Trends in Policy Approach

3.1 The transition away from 'responsible gambling'

There has been a strong trend in recent years to shift away from and discredit the responsible gambling approach. Of the 22 Councils analysed, only three Councils, including Whitehorse, utilised a responsible gambling approach. Policies typical of a responsible gambling approach include self-exclusion measures, 'gamble responsibly' signage, and an exclusive focus on individuals experiencing high-risk gambling.³⁵

Key issues with the responsible gambling approach include:

- A focus on personal responsibility which understates the broader determinants of gambling-related harm.
- Portraying gambling issues as individual problems, instead of addressing the harmful aspects of gambling products and venues³⁶.
- A focus on helping individuals with gambling problems after the harm has already occurred, an approach which lacks evidence of efficacy in reducing gambling-related harm.³⁷
- Supporting the interests of the gambling industry in allowing it to continue current practices.³⁸

Gambling is now more commonly viewed as a public health issue, with an emphasis on harm prevention and reduction.³⁹ This has led to a move away from individualised language such as the notion of the "problem gambler", and a greater emphasis on the harms of gambling products (e.g. gambling "losses" instead of gambling "expenditure"). A comprehensive language guide has been developed by the Alliance for Gambling Reform (see Figure 2).

POLICY OPTION FOR CONSIDERATION

Consider updating the current title of Council's "Responsible Gambling Policy" and its reference to 'responsible' gambling.

³⁵ Livingstone and Rintoul, "Moving on from responsible gambling: a new discourse is needed to prevent and minimise harm from gambling."

³⁶ May van Schalkwyk et al., "A public health approach to gambling regulation: countering powerful influences," *The Lancet Public Health* 6, no. 8 (2021), doi: 10.1016/S2468-2667(21)00098-0.

³⁷ Livingstone and Rintoul, "Moving on from responsible gambling: a new discourse is needed to prevent and minimise harm from gambling."


³⁸ Ibid.

³⁹ Marko et al., "The development and implementation of electronic gambling machine policy: a qualitative study of local government policy makers."

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Figure 2. Alliance for Gambling Reform Language Guide. <https://www.agr.org.au/language-guide-1>


**ALLIANCE FOR
GAMBLING REFORM**

Quick Reference Language Guide September 2020

DONT USE: "problem gambler" or "responsible gambling"
DO USE: people experiencing gambling harm, people affected by gambling issues
 "Problem gambler" is an industry term, as is "responsible gambling". It places all the blame with the gambler and attributes no responsibility on the industry.

DONT USE: players/playing
DO USE: users/using
 The industry has worked hard to condition us all to view the use of machines as "playing", in order to make it sound fun and innocent, when clearly it is neither. People "use" poker machines. That said, it's best to use "people targeted by poker machines", or "poker machine targets" where possible.

DONT USE: gaming
DO USE: gambling
 Gaming implies fun, gambling has serious consequences and impacts.

DONT USE: pokies
DO USE: poker machines
 This isn't a hard and fast rule, but the diminutive pokies makes the machines sound cute/friendly.

DONT USE: "anti-gambling" to describe the Alliance or our advocates
DO USE: gambling reform organisation or advocate
 The concept of us being anti-gambling is an industry trope that portrays us as being "the fun police" and wanting gambling gone from Australia. We want gambling to not cause harm, not to be totally banned.

DONT USE: poorest suburbs/most disadvantaged suburbs/vulnerable communities
DO USE: most stressed suburbs/communities
 People will not necessarily identify with being considered poor or disadvantaged, but will often identify with being under stress. This allows us to describe their situation, without alienating them.

DONT USE: victims of poker machines
DO USE: people targeted by poker machines
 The term "victim" is incredibly disempowering, and sadly too many of us still blame the victim in certain circumstances. "Target" allows us to express the harm in a less patronising way, and also explain that none of this happens by accident. If there is a target, there has to be a shooter, and that shooter deliberately wanted to cause harm. It is also expandable as a term, so we can eventually start to talk about poker machines targeting stressed families etc.

DONT USE: gambling expenditure
DO USE: gambling losses or money taken
 Expenditure implies gambling is something that can be budgeted for or controlled.

DONT USE: Sports betting
DO USE: Sports gambling
 The latter sounds harsher than the former and clearly the sporting codes don't want to be associated with gambling, so we should put the word "gambling" front and centre in our comms. "Sports-betting" will be seen as dishonest and "sports-gambling" will be seen as more representative of what we are talking about.

WHENEVER DISCUSSING A STORY ABOUT GAMBLING HARM REMEMBER TO INCLUDE
 Gamblers Helpline 1800 858 858 gamblershelp.com.au
 When discussing gambling-related deaths by suicide, refer to Mindframe's language guide
mindframe.org.au/suicide/communicating-about-suicide/language

3.2 The need for a public health approach

Since 2018, there has been a major shift in Council policy towards viewing gambling as a public health issue, with more than half (12 out of 22) of the policies analysed specifically

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citing a public health approach. Multiple sources have affirmed a similar trend throughout Australia.^{40 41} Within the Eastern metropolitan region, Monash and Manningham have adopted this approach.

There is substantial evidence to demonstrate that a public health approach is more effective than other approaches in reducing gambling-related harm.⁴² The Productivity Commission recommended a shift from an addiction and problem gambling approach towards a public health approach in 2010.⁴³ However, this has only recently begun to appear in policy in the past five years due to increasing EGM losses and gambling-related harm.⁴⁴

A public health approach to gambling involves the following key elements:

- Population-level emphasis on building a well-functioning community through addressing the effects of gambling-related harm at multiple impact levels and across the entire spectrum of gambling behaviour.^{45 46}
- A recognition of the diverse and complex range of factors contributing to gambling harm,⁴⁷ and a focus on the situations and environments in which risk and harm is constructed.⁴⁸
- Both upstream and downstream intervention: the prioritisation of prevention, as opposed to a narrow focus on downstream treatment and mitigation of harm.⁴⁹

Policies taking a public health approach should address the de-normalisation of gambling, prevention measures, protection measures, and harm minimisation/reduction.⁵⁰ Hence, a public health approach implies that a broad range of policy responses, as well as effective enforcement, is necessary to effectively address gambling-related harm.

Harm minimisation is a key area of interest for other Councils, with 17 of 22 adopting this approach and many doing so as a part of an overarching public health approach to policy.

⁴⁰ Marko et al., "The development and implementation of electronic gambling machine policy: a qualitative study of local government policy makers."

⁴¹ Alex Price, Margo Hilbrecht, and Rosa Billi, "Charting a path towards a public health approach for gambling harm prevention," *Journal of Public Health* 29 (2021), doi: 10.1007/s10389-020-01437-2.

⁴² Livingstone and Rintoul, "Moving on from responsible gambling: a new discourse is needed to prevent and minimise harm from gambling."

⁴³ Productivity Commission, *Gambling* (Canberra: Commonwealth of Australia, February 2010), <https://www.pc.gov.au/inquiries/completed/gambling-2010/report>.

⁴⁴ Marko et al., "The development and implementation of electronic gambling machine policy: a qualitative study of local government policy makers."

⁴⁵ Price, Hilbrecht, and Billi, "Charting a path towards a public health approach for gambling harm prevention."

⁴⁶ Victorian Auditor-General, 2021, *Reducing the Harm Caused by Gambling*, p. 15

⁴⁷ Price, Hilbrecht, and Billi, "Charting a path towards a public health approach for gambling harm prevention."

⁴⁸ Christian Nyemcsok et al., "Young men's perceptions about the risks associated with sports betting: a critical qualitative inquiry," *BMC Public Health* 22, no. 867 (2022), doi: 10.1186/s12889-022-13164-2.

⁴⁹ van Schalkwyk et al., "A public health approach to gambling regulation: countering powerful influences."

⁵⁰ Carmen Messerlian, Jeffrey Derevensky, and Rina Gupta, "Youth gambling problems: A public health perspective," *Health Promotion International* 20, no. 1 (2005), doi: 10.1093/heapro/dah509.

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POLICY OPTION FOR CONSIDERATION

Explore adopting a public health approach to gambling policy design and implementation, addressing language inconsistencies existing in the current Policy.

3.3 Emphasis on harm

There has been a noteworthy shift in the language used by Councils with the positioning of gambling as a 'legitimate recreational activity' which brings 'significant social benefits' becoming increasingly less prevalent. Both Maribyrnong and Melton councils view gambling as a harmful product and neither make reference to the legitimacy or the positive impacts of gambling in their policies. Darebin has taken the strongest stance though, stipulating that harm caused by gambling in Darebin "greatly outweighs any perceived benefits" (p. 10).

This sentiment is also evident in the VGCCC's 2022 Statement on Harm Minimisation, which asserts that:

- "The harm experienced by one person is not lessened by any associated benefits accruing to other people."
- "Gambling markets gravitate toward harmful offerings."⁵¹

POLICY OPTIONS FOR CONSIDERATION

- Review the appropriateness of an acknowledgment of gambling as a legitimate recreational activity in the Policy.
- Consider the removal of references to the alleged social benefits of gambling.

Specific Gambling Policy Issues

This section identifies a number of issue-specific gaps in Whitehorse City Council's 2011 gambling policy and outlines various policy options for consideration.

4.1 Online gambling

Whitehorse's current Policy is limited in scope to EGMs, and makes no mention of online gambling, illustrating a clear policy gap. There is a need to widen the scope of Council's gambling policy to address other forms of gambling, including sports and online gambling. As previously mentioned, online gamblers suffer higher lifetime gambling risk, with e-sports and fantasy sports resulting in disproportionate levels of harm.

⁵¹ Victorian Gambling and Casino Control Commission, "Our position on harm minimisation," accessed 6 October 2023, <https://www.vgccc.vic.gov.au/our-position-harm-minimisation#:~:text=Harm%20is%20preventable>

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However, councils' sphere of influence with regards to sports and online gambling is constrained by its limited legislative powers. Council's main influence is through the planning permit approval process for EGMs and as a referral agency, by submitting a social and economic impact assessment to the VGCCC in response to a gaming licence application. For this reason, many councils have restricted the scope of their policies to EGMs.

Seven council policies are titled an "EGM" policy instead of a "gambling" policy. Furthermore, half of the policies benchmarked mentioned online gambling, but only nine included a council policy position relevant to online gambling. These typically related to advocacy and research, as well as more targeted interventions like restricting access to gambling sites on Council Wi-Fi and the prohibition of (online) gambling promotion on Council land.

POLICY OPTION FOR CONSIDERATION

Consider broadening the scope of the Policy to include other forms of gambling, including online and sports gambling which are increasing in prevalence.

Benchmarked Policy Positions

1. Restrict access to online gambling activities via Council Wi-Fi and on Council-owned devices

This is an emerging policy position which has been adopted by six Councils, including Monash. It has been quite prevalent in more recent policies adopted from 2018 onwards.

Implementation: Council already blocks access to online gambling websites on Council devices and when connected to Council's Wi-Fi (see Figure 3), as per the Whitehorse IT Acceptable Use Policy 2021. The policy lists 'participation in or facilitation of the services offered by commercial and/or online gambling and/or gaming sites or the equivalent mobile applications commonly referred to as apps' as 'inappropriate' activity.

Figure 3. Council Staff Wi-Fi blocks access to the online gambling website Sportsbet



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Policy Example:

"Council will block and filter internet accounts across Council provided equipment and internet (WiFi) to ensure computers are not being accessed for gambling activity by staff and community" (Monash).⁵²

POLICY OPTION FOR CONSIDERATION

Review the alignment of the Gambling Policy with the IT Acceptable Use Policy, which restricts access to online gambling activities via Council Wi-Fi and on Council-owned devices.

2. Advocate for a national gambling regulator and online gambling ombudsman

The Alliance for Gambling Reform is calling for the establishment of an independent, adequately funded national gambling regulator and online gambling ombudsman. It is argued that our current regulation, which differs from state to state, should be replaced with a single national regulator and online gambling ombudsman which adopts a public health approach and prioritises harm minimisation.⁵³

This policy was only present in Maribyrnong's gambling policy and has been included in this analysis due to being one of the few policy positions which directly targets online gambling.

Implementation: Expanding Council's advocacy positions is feasible and could be achieved within existing Council resources.

POLICY OPTION FOR CONSIDERATION

Consider advocacy for the establishment of a national gambling regulator and an online gambling ombudsman.

4.2 Normalisation and promotion of gambling

There is a clear link between the increased presence of gambling both in the media and everyday settings and an increase in the prevalence of gambling.⁵⁴ Gambling promotion has a direct role in the normalisation of gambling, which is connected to reduced perceptions of

⁵² Monash City Council, *Public Health Approach to Gambling Harm Policy* (Melbourne: Monash City Council, 2022), 11, <https://www.monash.vic.gov.au/About-Us/Corporate-Strategies-Plans/Plans-and-Strategies/Public-Health-Approach-to-Gambling>.

⁵³ Alliance for Gambling Reform, *Online Gambling Policy* (Alliance for Gambling Reform, June 2023), https://f3b93a30-43cc-4041-a960-cf2c3b13ff2a.usrfiles.com/ugd/f3b93a_dfc1e55cf81b4e359b96cc5530ff1042.pdf.

⁵⁴ Hannah Pitt et al., "Older adults' perceptions of the risks associated with contemporary gambling environments: Implications for public health policy and practice," *Frontiers in Sociology* 8 (2023), doi: 10.3389/fsoc.2023.1061872.

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gambling risk, as well as increased gambling-related harm.^{55 56} Of particular concern, is during adolescence when young men formulate decreased risk perceptions towards online sports gambling, which is attributed to the normalisation of gambling in everyday activities like sports.⁵⁷

Gambling promotion has increased consistently over the last decade. Thus, the de-normalisation of gambling is a critical element of a public health approach to gambling policy, and there is substantial evidence that reducing the marketing and promotion of gambling products will both prevent and reduce harm.^{58 59}

While Council cannot directly reduce gambling promotion (except on Council land), there are a range of policy positions which may be effective in incentivising a reduction in gambling promotion and normalisation at venues.

Benchmarked Policy Positions

1. Advocating for regulation to decrease the advertising of online gambling

Five councils, including Monash, have currently adopted this policy position. This is consistent with the position of the Alliance for Gambling Reform.

Implementation: The expansion of Council's advocacy efforts is feasible and could be achieved within existing Council resources.

POLICY OPTION FOR CONSIDERATION

Consider advocacy for more regulation to decrease the advertising of online gambling.

2. Update lease agreements of council tenants to prohibit gambling and/or the promotion of gambling on council-owned land or within council buildings

While the current Policy does not permit EGMs on Council land, there is no mention of gambling promotion or partaking in other forms of gambling on Council land. Four Councils, including Monash, currently prohibit both participation in and the promotion/advertising of any gambling activity on Council land.

This policy position is of particular importance because Council facilities often include club rooms and sporting venues where children may be exposed to gambling advertising during their participation in sport.

⁵⁵ Hing, et al., "The gambling behaviour of Indigenous Australians."

⁵⁶ Nyemcsok et al., "Young men's perceptions about the risks associated with sports betting: a critical qualitative inquiry."

⁵⁷ Ibid.

⁵⁸ Livingstone and Rintoul, "Moving on from responsible gambling: a new discourse is needed to prevent and minimise harm from gambling."

⁵⁹ Nyemcsok et al., "Young men's perceptions about the risks associated with sports betting: a critical qualitative inquiry."

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heathAbility, as part of their Food for Thought project, recently audited 102 sporting clubs in eastern metropolitan region, including 23 clubs in Whitehorse. In the Whitehorse sample they found 77 sponsorships, including 8 per cent of sponsors related to either alcohol or gambling, and 100 per cent located on the boundary fence.

Whitehorse undertook community consultation in January and February 2023 to ascertain community expectations regarding signage in sporting reserves, particularly focusing on promotional signage that is commonly found in reserves. It found a significant lack of support for the installation of advertising signage for harmful industries or other sensitive categories including gambling. Of the 269 community responses, only 7 (2.6 per cent) supported gambling advertising and similarly only 1 of the 31 sporting club representatives (3.2 per cent) supported gambling advertising on Council land.

Implementation: If this policy position were to be adopted, a phased approach would need to be taken. Council would need to communicate well in advance that they would not be re-issue existing lease agreements, write this condition into new lease agreements after current lease agreements expire.

Policy Example:

“Gambling activity or the promotion or advertising of any gambling activity or venue on Council-owned or managed land or in Council facilities is prohibited. This includes but is not limited to advertising or promotion within clubrooms, via newsletters or email banners, on club attire or paraphernalia, or on sports ground fencing or scoreboards. This pertains to all forms of gambling advertising, particularly sports gambling, online gambling and EGM venues. Failure by user groups or tenants to comply with this requirement will result in their use of the facility being jeopardised” (Monash).⁶⁰

POLICY OPTION FOR CONSIDERATION

Consider restricting gambling and the promotion of gambling on council-owned land or within council buildings via lease agreements.

3. Work with sports clubs to reduce their reliance on funding or support from the gambling industry.

‘Love The Game’ is an initiative run by the Victorian Responsible Gambling Foundation, which aims to reduce the exposure of young people to sports gambling promotions and disrupt the normalisation of gambling in sports. Sporting clubs who join the voluntary program indicate that they will refuse revenue from sports betting providers and take an active stand against sports betting sponsorship. Currently, 20 sporting clubs in Whitehorse have signed up to the program.

⁶⁰ Monash City Council, *Public Health Approach to Gambling Harm Policy*, 10.

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However, it is important to note that the Love The Game initiative does not preclude clubs from receiving revenue from other gambling-related sources, and thus further support from Council may be required to help clubs fully divest themselves from the gambling industry.

Six other councils have committed to aiding sporting clubs or other community organisations if they would like to reduce their reliance on funding or support from the gambling industry.

Implementation: Council could start the process by running educational campaigns to raise awareness about the potential harms of gambling and the ethical implications of accepting funding from the gambling industry. Council could also provide training and resources to help apply for grants that are specifically designed to support sporting clubs and community groups.

Other options include offering training programs and capacity-building workshops to sports club administrators and community group leaders to improve their financial management skills and knowledge of alternative funding sources. Over time Council could then work with clubs and groups to create long-term funding strategies that reduce their reliance on gambling revenue by identifying alternative revenue streams such as membership fees, sponsorships from non-gambling businesses, and fundraising events.

POLICY OPTION FOR CONSIDERATION

Consider collaboration with sporting clubs to reduce their reliance on funding or support from the gambling industry.

4.3 Understanding gambling-related harm in our community

Understanding the prevalence of gambling-related harm is integral to the operationalisation of an effective public health approach to gambling policy.⁶¹ A lack of locally relevant data is one of the key barriers to gambling policy efficacy in Victoria.⁶² Whilst Whitehorse is currently actively monitoring and making publicly available data on EGM losses, there is a lack of comprehensive understanding of how our local communities are actually impacted by gambling-related harm.

Furthermore, gambling harm does not affect all individuals homogenously - men and women, young and older people, migrant and CALD groups, and socioeconomically disadvantaged individuals all experience gambling-harm differently.⁶³ Given this, more local area impact research is urgently required.⁶⁴ Whitehorse's current gambling policy includes the following commitment, "Council will, where appropriate, participate in local research",

⁶¹ Johnstone and Regan, "Gambling harm is everybody's business: A public health approach and call to action."

⁶² Marko et al., "The development and implementation of electronic gambling machine policy: a qualitative study of local government policy makers."

⁶³ McCarthy et al., "Strategies to prevent and reduce gambling harm in Australian women."

⁶⁴ Ibid.

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however, a stronger commitment to collecting data on specific community groups would allow a more comprehensive view of gambling harms and policy needs.

Benchmarked Policy Positions

1. Collaborate with research and data collection projects that aim to illustrate the harm caused by gambling

Whilst many councils included a similar policy position to Whitehorse suggesting they may 'support' such research, only four councils have adopted a robust policy position outlining their commitment to take action.

Implementation: The implementation of this policy position would be dependent on research partners undertaking work that is relevant to our local area, and whether Council has resource capacity to support this at the time.

Policy Example 1:

Council will "Partner with research institutions to develop a strong, robust, and defensible evidence base that will enhance the City's capacity to effectively influence the location, management, and operation of EGMs within the municipality, whilst also contributing to the broader evidence base" (Greater Geelong).⁶⁵

Policy Example 2:

Council will "collaborate with research and data collection projects that aim to illustrate the harm caused by poker machines" (Yarra).⁶⁶

POLICY OPTION FOR CONSIDERATION

Consider a commitment to collaborate on research and data collection projects that aim to illustrate the harm caused by gambling.

4.4 Education and awareness-raising

Since a public health approach involves prevention and harm reduction measures, awareness-raising around the harms of gambling products is also integral.⁶⁷ This is lacking in Whitehorse's current gambling policy and there is an urgent need to shift from the

⁶⁵ Greater Geelong City Council, *Gambling Harm Minimisation Policy* (Victoria: Greater Geelong City Council, 2022), 7, <https://www.geelongaustralia.com.au/governance/documents/item/aa3b64bf.aspx>.

⁶⁶ Yarra City Council, *Gambling Policy 2017* (Melbourne: Yarra City Council, 2017), 20, <https://www.yarracity.vic.gov.au/about-us/social-policy-and-demographics/gambling-policy#:~:text=The%20Yarra%20Gambling%20Policy%20outlines,increase%20community%20connectedness%20and%20inclusion.>

⁶⁷ Johnstone and Regan, "Gambling harm is everybody's business: A public health approach and call to action."

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personal responsibility framing of the responsible gambling approach to evidence-based risk intervention focusing on the harms of gambling products themselves.⁶⁸ Such awareness raising programs are effective in directly reducing harm, particularly amongst at-risk 18-24 year old men, as well as galvanising public support for more stringent gambling regulation and policies.⁶⁹ ⁷⁰ However, it should be noted that education and awareness-raising programs should be accompanied by other regulatory reforms for maximum efficacy,⁷¹ indicating that this should be implemented alongside other policies.

Benchmarked Policy Positions

1. Engage in community education and awareness-raising initiatives, particularly amongst vulnerable groups

16 out of 22 Councils analysed, including Knox, Manningham and Maroondah, committed to some form of education or awareness-raising initiatives within the community. Whitehorse has at times, but not consistently, run programs for Gambling Harm Awareness Week.

Implementation: It is recognised that whilst education and awareness-raising is incredibly important, planning and resources would be required. Hence, it is recommended at a minimum, that Council commit to running an annual initiative for Gambling Harm Awareness Week. In the past this has included promotion through social media campaigns and running events.

Policy example:

Council will “engage in community education to raise awareness of the risks involved in the poker machine industry” and “conduct these activities in a way which meets the specific needs of women, people from a CALD background, people from an Aboriginal or Torres Strait Islander background, people with a disability and/or mental illness, and older people” (Yarra).⁷²

POLICY OPTION FOR CONSIDERATION

Explore the inclusion of a commitment to engage in gambling harm community education and awareness-raising initiatives, particularly amongst vulnerable groups.

⁶⁸ Nyemcsok et al., “Young men’s perceptions about the risks associated with sports betting: a critical qualitative inquiry.”

⁶⁹ Ibid.

⁷⁰ Myles et al., “Three Contrasting Accounts of Electronic Gambling Machine Related Harm: Impacts on Community Views Towards Gambling Policy and Responsibility.”

⁷¹ Nyemcsok et al., “Young men’s perceptions about the risks associated with sports betting: a critical qualitative inquiry.”

⁷² Yarra City Council, *Gambling Policy 2017*, 20.

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4.5 EGM accessibility and availability

EGM accessibility and availability is a key area in which Council can advocate for state or national reforms. According to one systematic review of 34 gambling surveys, higher per capita density of EGMs is strongly related to the prevalence of high-risk gambling.⁷³ EGM accessibility is a key motivator for older people, one of the most vulnerable groups to gambling harm, in increasing gambling behaviour.⁷⁴ Avoiding an increase in EGMs in areas experiencing high levels of socio-economic disadvantage is also critical to reducing gambling-related harms.⁷⁵ Through reducing the EGM cap in Victoria, we can prevent an increase, or reduce, the availability of EGMs.

Advocacy for the reduction in opening hours of EGM venues is another important and increasingly popular policy position as a part of a public health approach.⁷⁶ In July 2023, state regulation on EGM venue operating hours was expanded to mandate a 6-hour shutdown from 4am-10am, in order to ensure a 'break-in-play' and prevent venues in close proximity from staggering opening times.⁷⁷ This is supported by a NSW study, which found that there is a correlation between gambling harm and late night hours, and that a substantial 'break in play' is effective in mitigating gambling harms.⁷⁸ However, the Alliance for Gambling Reform advocates for a 10-hour shutdown from midnight to 10am to be mandated and implemented incrementally.⁷⁹

Benchmarked Policy Positions

1. Advocate for the State Government to reduce the EGM cap in Victoria

This is a popular policy position, with 13 councils, including Manningham, currently advocating to reduce the EGM cap in Victoria.

Implementation: Expanding Council's advocacy positions is feasible and could be achieved within existing Council resources.

⁷³ John Storer, Max Abbott, and Judith Stubbs, "Access or adaptation? A meta-analysis of surveys of problem gambling prevalence in Australia and New Zealand with respect to concentration of electronic gaming machines," *International Gambling Studies* 9, no. 3 (2009), doi: 10.1080/14459790903257981.

⁷⁴ Pitt et al., "Older adults' perceptions of the risks associated with contemporary gambling environments: Implications for public health policy and practice."

⁷⁵ Livingstone and Rintoul, "Moving on from responsible gambling: a new discourse is needed to prevent and minimise harm from gambling."

⁷⁶ Marko et al., "The development and implementation of electronic gambling machine policy: a qualitative study of local government policy makers."

⁷⁷ "Landmark Reforms to Reduce Gambling Related Harm," Premier of Victoria, published 16 July 2023, <https://www.premier.vic.gov.au/landmark-reforms-reduce-gambling-related-harm>.

⁷⁸ NSW Office of Liquor, Gaming and Racing, *Evaluation of the 6 hour shutdown of electronic gaming machines in NSW - A multi-method research report* (New South Wales: Bluemoon Research + Planning, 2008), <https://www.gambleaware.nsw.gov.au/-/media/files/published-research-pdfs/evaluation-of-the-six-hour-shutdown-of-electronic-gaming-machines-in-nsw.ashx?rev=bc60960cc5df4b169353edb76f9afdc5&hash=6141AAE3E71490CC6967A45F66953A6F>.

⁷⁹ Alliance for Gambling Reform, *Opening Hours Policy Paper* (Alliance for Gambling Reform, October 2022), https://www.agr.org.au/_files/ugd/f3b93a_10049cd25ed24e53a146a94522294dca.

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POLICY OPTION FOR CONSIDERATION

Consider advocacy to the State Government for a reduction of the EGM cap in Victoria.

2. Discourage or oppose EGM licence applications in areas with a high density of EGMs per 1,000 adults

Knox, Monash and three other councils have recognised the role Council can have in opposing or discouraging EGM licence applications and have adopted this policy position.

Implementation: Whitehorse has not received any EGM licence applications in the past 11 years, but has the potential for an additional 877 EGMs. To deter applications, Council could incorporate clauses in its gambling policy. However, 'opposing' an application at the Commission would necessitate substantial financial commitments, including legal representation and the engagement of experts like spatial economists to assess the impact on EGM losses and employment.

Instead of adopting a rigid stance against all EGM applications, a more adaptable approach is advisable. This approach would allow Council to evaluate the cost-benefit of contesting an application based on various factors including the social and economic impact to the community, community sentiment and the likelihood of success.

Policy example:

Council will "discourage proposals for electronic gaming machines in areas with a high density of electronic gaming machines per 1,000 adults" (Knox).⁸⁰

POLICY OPTION FOR CONSIDERATION

Consider establishing specific criteria to discourage EGM applications in areas with a high density of electronic gaming machines per 1,000 adults.

3. Discourage or oppose EGM licence applications in areas where there is an elevated risk of gambling-related harm

Eight Councils, including Knox and Maroondah have adopted this policy position.

Implementation: As noted above, adopting a rigid stance against all EGM applications is not advisable given the financial resourcing required, and instead a more adaptable approach that discourages EGM licences is recommended. Determining what areas of the municipality are particularly vulnerable would be based on Socio-Economic Indexes for

⁸⁰ Knox City Council, *Electronic Gaming Machine Policy* (Melbourne: Knox City Council, 2020), 5, <https://www.knox.vic.gov.au/our-council/policies-strategies-and-plans/electronic-gaming-machine-policy>.

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Areas (SEIFA) scores, as well as considering distances from other sensitive uses such as social housing, schools and gambling support services.

Policy example 1:

Council will “discourage proposals for new gaming venues or the relocation of electronic gaming machines in or in close proximity to communities at an elevated risk of gambling-related harms” (Knox).⁸¹

Policy example 2:

“Council will actively discourage and oppose any increase in the number of EGMs, density of EGMs or numbers of gambling venues in any areas with high concentrations of people most at risk of harm from gambling” (Monash).⁸²

POLICY OPTION FOR CONSIDERATION

Consider establishing specific criteria to discourage EGM applications that would increase the number of EGMs in communities at an elevated risk of gambling-related harms.

4. Advocate for a mandatory 10-hour shutdown in EGM venues across Victoria

Half the councils analysed were advocating for some degree of reduction in openings hours for EGM venues in Victoria. While many of their proposals are now voided by the recent State Government change to a mandated six-hour closure, Monash and some others have specified the need for the 10-hour shutdown in accordance with the Alliance for Gambling Reform.

Implementation: Expanding Council’s advocacy positions is feasible and could be achieved within existing Council resources.

POLICY OPTION FOR CONSIDERATION

Consider advocacy for a mandatory 10-hour shutdown in EGM venues across Victoria.

4.6 Provision of alternative recreational activities to gambling

One of the most effective strategies to de-normalise EGMs and prevent harm is for communities to provide alternative recreational and leisure activities to gambling, particularly

⁸¹ Knox City Council, *Electronic Gaming Machine Policy*, 5.

⁸² Monash City Council, *Public Health Approach to Gambling Harm Policy*, 10.

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those available late at night.⁸³ Alternative recreational activities must not only be available, but also affordable. More specifically, the availability of alternative activities and safe spaces late at night is critical for women, who may utilise gambling venues as a safe space away from home when experiencing intimate partner violence or other forms of household instability.⁸⁴ Therefore in light of the new proposed regulation on EGM venue operating hours which mandates a consistent shutdown time of 4am, women may be left with no safe place to go, and policies such as this become even more critical.

Benchmarked Policy Positions

1. Explore opportunities to extend operating hours of community facilities to function as alternative spaces to gambling venues

While all the councils analysed recognised the need for alternative recreational activities, there is a disconnect between this sentiment and councils committing to delivering after-hours activities. Only Dandenong explicitly mentions the use of programs like [Libraries After Dark](#) to provide alternative recreational activities after 5pm.

Libraries After Dark is currently offered in 22 locations across Victoria, and is particularly prevalent in regional and rural areas where there may otherwise be an absence of other recreational activities available, particularly in the evenings.

It is noted that Whitehorse City Council and Whitehorse Manningham Libraries previously applied for a grant to operate Libraries After Dark in Box Hill, however this was unsuccessful. More recently, Council has been engaging with the local community on its vision for Whitehorse libraries and from the 300 responses received to date, extending opening hours later into the evening was a key theme.

Implementation: Access to grant funding is a key consideration in the adoption of this policy position. Given this, Council may be able to explore opportunities to provide late night recreational activities but may be unable to commit to delivering programs in the short term.

POLICY OPTION FOR CONSIDERATION

Assess opportunities to extend operating hours of community facilities to function as alternative safe spaces to gambling venues, particularly facilities located in close proximity to existing gambling venues.

2. Discourage or oppose EGM licence applications in areas where there are few alternative recreational activities available

This policy position may be more pressing for growth area councils and regional areas where community infrastructure could be lacking. However, this policy position is still worth considering, particularly if there are areas with little to no alternative recreational activities within a 20-minute walkable neighbourhood, as this could cause harm to the community. This policy position is currently adopted by Melbourne and Greater Bendigo.

⁸³ Marko et al., "The development and implementation of electronic gambling machine policy: a qualitative study of local government policy makers".

⁸⁴ McCarthy et al., "Strategies to prevent and reduce gambling harm in Australian women."

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Implementation: Whitehorse is a well-established municipality with a wide range of recreational activities available, and hence there would likely be very few areas where this would be applicable. However, given the potential for new EGM applications and venues in Whitehorse, the adoption of this policy position serves as a strong preventative measure.

Policy example:

Council will “discourage proposals that would increase the prominence of gaming in existing communities or establish gaming as the prominent form of entertainment in emerging communities” (Melbourne).⁸⁵

POLICY OPTION FOR CONSIDERATION

Consider establishing specific criteria to discourage EGM applications in areas where there are few alternative recreational activities available.

4.7 Structural characteristics of EGMs

As previously mentioned, an integral part of a public health approach is to reduce the harms caused by gambling products. The Australian Productivity Commission supports the notion that the State Government should address the harmful characteristics of EGMs, including the introduction of \$1 maximum bets per spin on EGMs.⁸⁶ Particularly harmful structural features of EGMs include ‘near misses’ and ‘losses disguised as wins’ (LDWs). LDWs have long been attributed to heightened arousal and a 2017 systematic review has linked this to increased motivation to use EGMs and more frequent gambling.^{87 88} A comprehensive redesign of the structural characteristics has already been undertaken in Norway, which successfully reduced harms from gambling.⁸⁹

The current maximum bet limit on EGMs is \$5 per spin in Victoria. To limit the maximum bet will reduce the rate at which an individual can lose money in a short period of time. Such a reform would be highly effective in reducing harm for those experiencing the greatest harm from gambling, since betting higher than \$1 is common only in those experiencing high-risk gambling.⁹⁰

⁸⁵ Melbourne City Council, *Draft electronic gaming machine decision-making framework* (Melbourne: Melbourne City Council, 2017), 19, https://hdp-au-prod-app-com-participate-files.s3.ap-southeast-2.amazonaws.com/9215/2660/5876/City_of_Melbourne_Electronic_Gaming_Machine_Dcision-Making_Framework_2017.PDF

⁸⁶ Productivity Commission. *Gambling*.

⁸⁷ R. I. F Brown, "Arousal and sensation-seeking components in the general explanation of gambling and gambling addictions," *International Journal of the Addictions* 21, no. 9-10 (1986). doi: 10.3109/10826088609077251.

⁸⁸ Barton et al., "The effect of losses disguised as wins and near misses in electronic gaming machines: a systematic review," *Journal of Gambling Studies* 33 (2017), 10.1007/s10899-017-9688-0.

⁸⁹ Livingstone and Rintoul, "Moving on from responsible gambling: a new discourse is needed to prevent and minimise harm from gambling."

⁹⁰ Alliance for Gambling Reform, *Policy Position Paper - \$1 maximum bets* (Alliance for

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Benchmarked Policy Positions

1. Advocate for the removal of machine features that are misleading and addictive

Seven councils, including Monash, are advocating for the redesign of the structural characteristics of EGMs to remove misleading and addictive features such as LDWs and near misses.

Implementation: Expanding Council's advocacy positions is feasible and could be achieved within existing Council resources.

POLICY OPTION FOR CONSIDERATION

Consider advocacy for the removal of gaming machine features that are misleading and addictive.

2. Advocate for \$1 max bets per spin on EGMs

This is another popular policy position, with 10 councils (including Monash) advocating for the reduction of maximum bets per spin on EGMs.

Implementation: Expanding Council's advocacy positions is feasible and could be achieved within existing Council resources.

POLICY OPTION FOR CONSIDERATION

Consider advocacy for \$1 max bet per spin on EGMs.

4.8 Responsibility of venues

An integrated public health approach to gambling policy necessitates that responsibility for gambling harm should be placed not just on individuals, but also on governments and industry. One recent Australian study affirmed that this is a sentiment shared by the majority of the community.⁹¹ As such, policies should focus not just on Council initiatives, but on how industry and venue-operators can be encouraged to take action to mitigate gambling-related harm.

Gambling Reform, October 2022),
https://www.agr.org.au/_files/ugd/f3b93a_555095f82c2048a58910fa0d09d1c9f4.pdf.

⁹¹ Myles et al., "Three Contrasting Accounts of Electronic Gambling Machine Related Harm: Impacts on Community Views Towards Gambling Policy and Responsibility."

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Benchmarked Policy Positions

1. Encourage gambling operators to have a harm minimisation plan

Mornington Peninsula and Melbourne have adopted this policy position.

Implementation: Encouraging venues to think about their harm minimisation efforts will likely not require significant resourcing and is a valuable first step in venues taking responsibility for the harm the operation of EGMs causes.

Policy example:

“Encourage venue operators to prepare, adhere to and review venue management plans that transparently describe the venue’s harm minimisation practices” (Melbourne).⁹²

POLICY OPTION FOR CONSIDERATION

Explore the possibility of encouraging gambling operators to have a harm minimisation plan.

2. Work with gambling operators to reduce reliance on revenue from EGMs

Maroondah and six other Councils have committed to working with gambling venues to help reduce their reliance on EGMs. Additionally, all RSLs in Tasmania have now divested from EGMs, with advocates calling for Victoria to follow.⁹³ This initiative was driven by data that found RSLs with EGMs posed a greater risk of gambling harm, with 40 per cent of Australian veterans with gambling addictions having had suicidal thoughts.⁹⁴

Implementation: A key consideration is whether venues are likely to take up this suggestion. Council Officers have heard anecdotal evidence via the Local Government Working Group on Gambling (LGWGOG) that councils have seen an interest from some EGM venues in divestment.

In 2020, Manningham adopted a strong position on this by purchasing the Templestowe RSL and then leased the venue back to the local RSL for 20 years under the condition that it prohibits the operation of poker machines.⁹⁵ This is an extreme case, and it is acknowledged

⁹² Melbourne City Council, *Draft electronic gaming machine decision-making framework*, 19.

⁹³ Henry Belot, “RSLs across Australia urged to follow Tasmania and cut ties with pokies,” *The Guardian*, published 20 January 2023, <https://www.theguardian.com/australia-news/2023/jan/20/rsl-clubs-australia-tasmania-pokies-poker-machines>.

⁹⁴ Olivia Metcalf et al., “Gambling problems predict suicidality in recently transitioned military veterans,” *Australian and New Zealand journal of public health* (2023). doi: 10.1016/j.anzjph.2023.100038.

⁹⁵ Chloe Booker, “Council buys RSL venue to keep poker machines out,” *The Age*, published 16 December 2020, <https://www.theage.com.au/national/victoria/council-buys-rsl-venue-to-keep-poker-machines-out-20201216-p56o07.html>.

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that Whitehorse would not have the resourcing for such measures. However, encouraging and supporting venues in the development of a transition plan is a viable alternative which will likely take few resources.

Policy example:

“Council will support any Darebin club that wishes to divest themselves of EGMs to develop a transition plan in order that they may continue to access Council facilities and resources and provide a community benefit to their members” (Darebin).⁹⁶

POLICY OPTION FOR CONSIDERATION

Consider collaboration with gambling operators to reduce their dependence on revenue from EGMs.

4.9 Council’s promotion and encouragement of gambling

Council should maintain complete independence from the gambling industry and should not be seen to be supporting or promoting the gambling industry in any manner. This is consistent with adopting a public health approach to gambling. Shifting towards recognising the harms and not the benefits of gambling infers that Council should not be promoting, supporting or funding a harmful activity such as gambling. Reducing Council funding and support for organisations associated with the gambling industry may also be effective in encouraging venues to divest themselves from EGM funds.⁹⁷

Benchmarked Policy Positions

1. Prohibit Council from holding any community activity, event, program, or social outing in venues that have EGMs or gambling activities

Eight councils, including Monash, have adopted a robust policy position which fully prohibits any council events from being held in venues that have EGMs or gambling activities. An additional three councils had a similar policy position with certain exemptions, for example, the policy would only apply to internal meetings, ‘where possible’, or ‘unless there is no equivalent alternative’.

Implementation: Generally, Council does not hold events at EGM venues and this policy position should have minimal impact on EGM venues. However historically Council’s Investment & Economic Development (I&ED) unit have held business events at the Box Hill Golf Club in the function space. Implementing this policy position would necessitate finding equivalent venues and The Round has already been identified as a possible alternative.

⁹⁶ Darebin City Council, *Darebin Electronic Gaming Machine Policy 2018-2022*, (Victoria: Darebin City Council, 2018), 12, <https://www.darebin.vic.gov.au/-/media/Council/Files/Community-and-pets/Community-health-and-wellbeing/DarebinElectronicGamingMachinePolicy20182022.ashx>.

⁹⁷ Darebin City Council, *Darebin Electronic Gaming Machine Policy 2018-2022*, 14.

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The Whitehorse Business Group, a separate entity to Council who receive funding from the I&ED unit have also hosted events at the Box Hill Golf Club and this change would need to be written into their next funding agreement which typically occurs around October each year.

Policy example:

“Council will not facilitate any gambling activity nor hold any community activity, event, program and social outing in venues that have EGMs or gambling activities” (Monash).⁹⁸

POLICY OPTION FOR CONSIDERATION

Explore the potential prohibition of Council hosting community activities, events, programs, or social outings in venues with electronic gaming machines (EGMs) or gambling activities.

2. Update gambling and grants policies to ensure that Council will not provide funding or promotion to the gambling industry

Seven Councils, including Monash, currently limit funding and grant eligibility based on most of the criteria below, and an additional four councils limit funding based on some of these criteria.

Council will not:

- Fund activities or events that occur in venues that have EGMs or gambling activities.
- Fund organisations that have EGMs or gambling activities, receive revenue or sponsorship from gambling activities.
- Fund organisations that promote or advertise gambling activities.

Implementation: The adoption of this policy position would require changes to the Community Grants Policy and Guidelines and is not intended to apply to Council's procurement processes as this would be very resource intensive to scrutinise.

Council officers would need to conduct a review of existing commitments to identify any organisations or activities that may conflict with the new policy position and determine how to address these existing commitments, suggesting a phased approach. Then to support organisations that may be affected, Council could provide information and resources to help them explore alternative funding sources.

Policy example 1:

“The Monash Community Grants Program will not fund activities or events that occur in venues that have EGMs or gambling activities. Council does not provide support (including use of its facilities), funding, publicity or promotion for community

⁹⁸ Monash City Council, *Public Health Approach to Gambling Harm Policy*, 11.

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groups/ organisations/sports clubs that promote or advertise gambling, particularly EGMs, sports betting, and online gambling. This excludes commemorative events such as ANZAC Day that are held by approved RSL clubs. All relevant Council policies and guidelines will align with this policy position” (Monash).⁹⁹

Policy example 2:

“Any sporting club, community group, organisation or association that operate or own EGMs will be ineligible for community grants, financial assistance or in-kind support from Council. Any sporting club, community group, organisation or association that receives sponsorship or grants (in-kind or cash) from poker machine revenue will have Council grants, in-kind support and funding reduced by the amount and level of funding and/or in-kind support received from EGM sources. Council will not fund community groups who meet in venues that have EGMs through any of its community funding programs. Council will not provide community grants, funding, sponsorship, Council facilities, publicity or promotion for community groups/organisations that promote gambling” (Darebin).¹⁰⁰

POLICY OPTION FOR CONSIDERATION

Examine existing prohibitions to prevent Council from promoting or providing funding to the gambling industry.

3. Prohibit Council from accepting financial contributions or community contributions from the gambling industry

Eight councils, including Knox and Monash, fully prohibit financial contributions from the gambling industry or venues which operate EGMs. An additional two councils do so with exceptions.

Implementation: It is important that Council maintains its independence from the gambling industry. Council currently does not accept any financial contributions from the gambling industry, so this would just require formalisation through the revised Policy.

Policy example 1:

Council will “not accept sponsorship from organisations or businesses that derive their income from electronic gaming machines” (Knox).¹⁰¹

⁹⁹ Monash City Council, *Public Health Approach to Gambling Harm Policy*, 11.

¹⁰⁰ Darebin City Council, *Darebin Electronic Gaming Machine Policy 2018-2022*, 12.

¹⁰¹ Knox City Council, *Electronic Gaming Machine Policy*, 6.

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Policy example 2:

"Council will maintain independence from the gambling industry. Council will not accept financial contributions from gambling venues and will not promote community grants or initiatives offered by local EGM venues" (Darebin).¹⁰²

POLICY OPTION FOR CONSIDERATION

Assess potential prohibitions on financial and community contributions from the gambling industry or EGM venues to Council.

4.10 Evaluation and monitoring

A 2020 study evaluated the gambling policies present in councils across the Melbourne metropolitan region. A key finding was the absence of evaluation structures to determine the effectiveness of policies in preventing and reducing gambling-related harm, and thus recommend that all policies include a clear evaluation framework.¹⁰³ The effective operationalisation of gambling policies is dependent on meaningful outcome measures¹⁰⁴ and there needs to be a clear understanding of what is and is not effective.

Currently, only seven councils mentioned monitoring or evaluation in their policy. However, only Kingston, Maroondah and Melbourne's policies included clear outcome measures against which to measure policy performance.

POLICY OPTION FOR CONSIDERATION

Explore potential measures of effectiveness and impact to be included in the revised policy.

Summary of Identified Policy Options

Council's current Policy is outdated and narrow in scope. This report has identified several evidence-based policy options that could be adopted in the revised Gambling Policy. These improvements relate to both the overall policy approach, as well as a number of specific policy positions. Note that the policy options for consideration are in addition to a recommendation that Council maintains the policy positions present in the 2011 Whitehorse Responsible Gambling Policy.

¹⁰² Darebin City Council, *Darebin Electronic Gaming Machine Policy 2018-2022*, 11.

¹⁰³ Marko et al., "The development and implementation of electronic gambling machine policy: a qualitative study of local government policy makers".

¹⁰⁴ Johnstone and Regan, "Gambling harm is everybody's business: A public health approach and call to action."

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Policy Options for Consideration

1. Consider broadening the scope of the Policy to include other forms of gambling, including online and sports gambling which are increasing in prevalence.
2. Review the current title of Council's "Responsible Gambling Policy" and its reference to 'responsible' gambling.
3. Explore adopting a public health approach to gambling policy design and implementation, addressing language inconsistencies existing in the current Policy.
4. Review the appropriateness of an acknowledgment of gambling as a legitimate recreational activity in the Policy.
5. Consider the removal of references to the alleged social benefits of gambling.
6. Examine the alignment of the Policy with the IT Acceptable Use Policy, which restricts access to online gambling activities via Council Wi-Fi and on Council-owned devices.
7. Consider restricting gambling and the promotion of gambling on council-owned land or within council buildings via lease agreements.
8. Explore the potential prohibition of Council hosting community activities, events, programs, or social outings in venues with electronic gaming machines (EGMs) or gambling activities.
9. Examine existing prohibitions in place to prevent Council from promoting or providing funding to the gambling industry.
10. Assess potential prohibitions on financial and community contributions from the gambling industry or EGM venues to Council.
11. Consider collaboration with sporting clubs to reduce their reliance on funding or support from the gambling industry.
12. Consider collaboration with gambling operators to reduce their dependence on revenue from EGMs.
13. Explore the possibility of encouraging gambling operators to have a harm minimisation plan.
14. Explore the inclusion of a commitment to engage in gambling harm community education and awareness-raising initiatives, particularly amongst vulnerable groups.
15. Assess opportunities to extend operating hours of community facilities to function as alternative safe spaces to gambling venues, particularly facilities located in close proximity to existing gambling venues.
16. Consider a commitment to collaborate on research and data collection projects that aim to illustrate the harm caused by gambling.
17. Consider advocacy to the State Government to strengthen gambling regulation and legislation including:
 - a. Establishment of a national gambling regulator and an online gambling ombudsman.
 - b. Regulation to decrease online gambling advertising.
 - c. Reduction of the EGM cap in Victoria.
 - d. Implementation of a mandatory 10-hour shutdown in EGM venues across Victoria.
 - e. Removal of EGM features that are misleading and addictive.
 - f. Introduction of a \$1 maximum bet per spin on EGMs.

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18. Consider establishing specific criteria to discourage EGM applications in following circumstances:
 - a. In areas with a high density of EGMs per 1,000 adults.
 - b. In areas where there is an elevated risk of gambling-related harm.
 - c. In areas where there are few alternative recreational activities available.
19. Explore potential measures of effectiveness and impact to be included in the revised policy.

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10.3 – ATTACHMENT 3. Summary of key policy considerations**Draft Gambling Harm Minimisation Policy – Summary of key policy considerations**

Below are the key changes contained in Council's revised Draft Gambling Policy.

Expansion of The Policy Scope to Include Other Forms of Gambling

Many councils, including Whitehorse, have historically restricted the scope of their policies to electronic gaming machines.

However at least 20 per cent of Victorians gamble online, which studies have shown carries triple the lifetime risk. Half of the policies benchmarked in the background report mentioned online gambling and most of these included a specific policy position relevant to online gambling.

Almost two-thirds (61 per cent) of respondents to Whitehorse's community consultation 'supported' or 'strongly supported' including measures to address online gambling, while 65 per cent 'supported' or 'strongly supported' including measures targeted at sports gambling. As a result, Council's Draft Gambling Harm Minimisation Policy's scope has been expanded to also focus on minimising the adverse impacts of online gambling and sports betting.

Stronger focus on education and awareness raising

Education and awareness-raising about the harms of gambling products is central to a public health approach. Such programs have proven to be effective in directly reducing harm, particularly amongst at-risk 18- to 24-year-old men, as well as galvanising public support for more stringent gambling regulation and policies (Myles et al., 2023).

Council's revised Draft Policy commits Council to inform the community about gambling harm while also directing individuals where to seek support. The Draft Policy also states that Council will collaborate with gambling support services to develop and implement initiatives aimed at raising awareness, particularly amongst vulnerable groups.

Council Events, Activities, Programs, or Social Outings

Prohibiting Council activities in venues with gambling activities is also consistent with a public health approach. Eleven councils in the benchmarked sample had adopted a policy position which prohibits all Council events from being held in venues that have electronic gaming machines or gambling activities. An additional three Councils had a similar policy position with certain exemptions, for example, the policy would only apply to internal meetings or 'unless there is no equivalent alternative'.

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Approximately two-thirds of respondents (66.3 per cent) to the community survey said that no number of Council-hosted programs or events is acceptable in venues where there are electronic gaming machines, while around 14 per cent thought that a small amount is acceptable and 11 per cent thought that any amount is acceptable.

Based on community feedback, the revised policy has been updated to prohibit Council hosting any events, activities, programs, or social outings in venues with electronic gaming machines. Whitehorse does not currently host any community events in gaming venues and there are several alternative community meeting/function spaces that do not unnecessarily expose staff and community members to gambling and further normalise gambling within the community. This policy position does not extend to Councillors or Council officers attending events hosted by other groups or organisations in gambling venues, which is still permitted under the revised Draft Policy.

Gambling Activities on Publicly Owned Land and Buildings

Council's existing gambling policy states that gaming machines are not permitted on Council land, however this does not apply to other forms of gambling, nor does it cover promotion.

The overwhelming majority of respondents to the community survey, 94 per cent, felt that the amount of electronic gaming machines on Council land should remain at zero. When this question was expanded to include any form of gambling, overall support for 'no gambling on Council land' reduced, however still accounted for the majority of responses at 80 per cent.

Several respondents, who supported specific types of gambling being permitted on Council land, expressed concerns about the use of raffles as a popular fundraising activity for community groups and clubs.

Based on community feedback, the Draft Policy has been updated with a clause that Council will amend lease and licence agreements with current and future tenants (at the time of renewal) to prohibit gambling on Council-owned or controlled land. It is important to note the definition of gambling contained in Council's revised Draft Policy states that raffles, bingo, and sports tipping for fundraising activities are still permitted under the revised Policy.

Similarly, the Draft Policy's definition of a gambling operator does not include organisations declared by the VGCCC as community or charitable organisations conducting a raffle as a fund-raising activity if they have obtained a minor gaming permit (consistent with the Commission's definition).

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The impact of this policy position on clubs and community groups that utilise Council facilities is expected to be minimal, given that raffles, bingo, and sports tipping for the purposes of fundraising are still permitted, and electronic gaming machines are already prohibited on Council land in the Whitehorse Planning Scheme.

Gambling promotion on Council-owned land and buildings

The majority of respondents to the community survey, 87 per cent, indicated that no gambling advertising would be considered acceptable in Council buildings and facilities (e.g. sport pavilions, libraries, senior citizens' centres, and community notice boards).

As a result, the revised Draft Policy includes a policy statement that Council will amend lease and licence agreements with current and future tenants (at the time of renewal) to prohibit advertising of gambling activities on Council land and buildings, thereby reducing community exposure to gambling advertising and the normalisation of sports betting. Again, based on the Draft Policy's definition of gambling, this would not prevent a community group from advertising a raffle as a fundraising activity on Council land or in a Council facility. Similarly, it would not prevent a gaming venue from advertising its business, provided it was not advertising any gambling activities.

Council land and buildings typically fall under various zones such as the Public Use Zone, Public Park and Recreation Zone and the Public Conservation & Resource Zone. While these zones previously imposed regulations prohibiting advertising on Council land (with limited exceptions), advertising sign provisions changed in October 2023 and now Council may need to rely on internal policies (such as the Draft Gambling Policy) to determine if it is satisfied with the nature of the signage content on its own reserves.

Based on an audit of promotional signage around Whitehorse City Council sporting reserves conducted in April 2024, no sporting clubs would be impacted by this proposed policy position, however it will serve as an important preventative measure and present an opportunity to educate lessees and sporting clubs about the requirements during lease and licence renewals.

Council Funding and Support to Community Organisations, Events, and Activities

Council's background policy report highlighted the importance of Council maintaining independence from the gambling industry and not being seen to support or promote the gambling industry. This is consistent with adopting a public health approach to gambling, and the sentiment was echoed by approximately three quarters of respondents to the community survey, who 'opposed' or 'strongly opposed' Council

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funding groups, events or activities that occur in venues that have electronic gaming machines.

In recent years the only event funded by Council to be held in a gaming venue was the Whitehorse Women in Business Lunch, held at the Box Hill Golf Club, most recently in May 2024. This event is managed by the Whitehorse Business Group which receives \$60k from the Investment & Economic Development Department, and the current funding agreement has recently been extended until 30 June 2025.

Furthermore, only one grant application in 2024/25 Community Grants Program is proposed to be held in a gaming venue and has been recommended to receive funding.

Based on community feedback the revised policy has been updated to prohibit the funding of groups, events, or activities that occur in gaming venues commencing 1 July 2025. The delayed adoption of this policy position allows time to update any relevant Council funding agreements and provide sufficient notice to impacted community groups. The Box Hill Golf Club has expressed it would be disappointed with this outcome but the impact to its business would be minor given it is only one event over the course of the year.

The revised policy has also been updated with a clause stating that Council will not provide funding to hotels and clubs that own or operate electronic gaming machines. It is important to note the Draft Policy stipulates investments in or the allocation of Council land or buildings are still permitted, meaning it will not affect the allocation of Council sports grounds or upgrades to their facilities.

Expansion of advocacy efforts

Further regulation to decrease advertising of online gambling, particularly during television broadcasts and live sports events, was a key area identified in the policy background report where Council could advocate for reform. The Victorian Responsible Gambling Foundation has calculated that there is an average of 948 gambling advertisements on television in Victoria every day and has published research showing that 1 in 4 children are able to name four or more gambling brands.

This has also been reflected in the revised Draft Policy, along with advocating for other enhancements to consumer protection measures, such as the introduction of mandatory pre-commitment, the removal of misleading and addictive features in electronic gaming machines (e.g. 'near misses' and losses disguised as wins), and a maximum bet limit of \$1 per spin on electronic gaming machines, all of which have

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been recommended by the Productivity Commission as important measures to reduce gambling related harm.