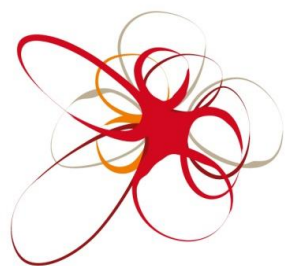


SUBMISSIONS

Prepared by Springvale Monash Legal Service Inc for the
Victorian Commission for Gambling and Liquor Regulation
Application of KWR Hotels Pty Ltd for approval of premises for gaming

Date submitted: 22 March 2021



**SPRINGVALE MONASH
LEGAL SERVICE Inc.**

Celebrating 40 years of Working for Justice



CASEY & CARDINIA

INTRODUCTION

Vision:

We are committed to shaping a fairer future for our community through accessibility and engagement.

Our Mission:

Working with vulnerable and disadvantaged community members, Springvale Monash Legal Service contributes to a fair and just society by:

- Advising on legal rights and responsibilities;
- Advocating for systemic change;
- Collaborating with stakeholders; &
- Educating law students as future advocates

Our organisation

Established in 1973, Springvale Monash Legal Service (SMLS) is a community legal centre that provides free legal advice, assistance, information and education to people experiencing disadvantage in our community. We offer services in the City of Greater Dandenong, the City of Monash, the City of Casey and the Shire of Cardinia.

SMLS operates a duty lawyer service at various courts in Victoria, including Dandenong Magistrates Court, the Children's Court and provides legal representation in courts and tribunals such as the Victorian Civil and Administrative Tribunal, Fair Work Commission, Federal Circuit Court, Family Court and VOCAT.

Additionally, as a community legal centre, we offer legal assistance as well as an extensive community legal education program that is developed in response to feedback from the range of community engagement and community development activities that we are and have been involved in. SMLS also has a significant policy focus, contributing to law reform and other public inquiries such as access to civil procedure reforms, reforming the criminal justice system, access to justice issues, and advocating for the rights of victims of crime.

Acronyms:

EGMs	electronic gaming machines
E & S I report	Economic and social impact report
SMLS	Springvale Monash Legal Service Inc

INTRODUCTION

We oppose the application of KWR Hotels Pty Ltd for approval of premises as suitable for gaming. We consider that the net economic and social impact of approval will be detrimental to the wellbeing of the community of the municipal district in which the premises are located.

We make these submissions as an organisation located within close proximity to the region and as a provider of services to the residents of Koo Wee Rup and the broader Shire of Cardinia.

These submissions are informed by our long-standing experience assisting some of the most vulnerable members of our community, and the intersections between gambling and the justice system. Given the devastating effect that gambling harm can have, especially on those within the community experiencing disadvantage, we argue that the applicant is unable to meet the necessarily high threshold of outweighing the extraordinary social and economic harms of problem gambling.

We agree that notwithstanding that the Shire of Cardinia forms part of metropolitan Melbourne, given the relatively isolated and sparsely populated location of the proposed premises, the relevant catchment area should be expanded to at least a 5 km radius.

Risk factors to problem gambling

We urge the Commission to give significant weight to the serious impact of gambling harm on the most vulnerable and disadvantaged members of the community.

We consider there are a number of factors which create an increased risk of problem gambling occurring within the catchment area.

Visibility and accessibility

The visibility and accessibility of electronic gaming machines ('EGMs') contributes to an increased risk of problem gambling. The experts broadly agreed that venues considered 'convenient' for people going about daily activities were more likely to attract problem gamblers than destination venues.¹

We see there is a risk of harmful 'convenience gambling' here given that the proposed premises are within close proximity to sites of day-to-day life, such as a supermarket directly opposite the proposed premises. The premises appears to be within close walking distance to shops, schools, the Koo Wee Rup community centre and banks. We would say the proposed venue has high visibility and accessibility and therefore increases the risk of problematic 'convenience' gambling.

The prevalence of problem gambling increases with increasing density of EGMs.² Every increase in EGM numbers increases their accessibility to the community, and will therefore have a detrimental impact on people experiencing problem gambling in the local community.

¹ Productivity Commission, *Gambling: Productivity Commission Inquiry Report* (Report, Vol. 1, 2010) 14.3.

² Evidence, 2014, Ms Kirsten Shannon, Clinic Manager, Gambling Treatment Clinic, University of Sydney, p 16, as quoted in New South Wales. Parliament. Legislative Council. Select Committee on Gambling, 2014, *The impact of Gambling / Select Committee on Gambling*. [Sydney, N.S.W.], report accessed August 2018: <https://www.parliament.nsw.gov.au/lcdocs/inquiries/1974/Final%20Report.pdf>.

Population growth

It is forecasted that the population of Koo Wee Rup will increase by 61.51% by 2041³, which is higher than the forecasted population growth of 58.69% by 2041 for the Cardinia Shire. The Shire of Cardinia is already considered one of the fastest growing LGAs in Australia, ranking sixth on forecast lists⁴. With the extraordinary rate of population growth in the region, we expect the increase in population density will also give rise to increasing risks of problem gambling.

The experience of migrants, new arrivals, residents from non-English speaking backgrounds

Between 2016 to 2021, out of the 49 clients SMLS assisted with legal problems living in Koo Wee Rup and the immediate surrounds:

- Approximately 8 % were migrants arriving in Australia within the last 5 years
- Approximately 10% indicated their main language was a language other than English

Between 2016 to 2021, we assisted approximately 2,013 clients living in the Shire of Cardinia. Of those clients:

- Approximately 32% indicated their main language was a language other than English
- Approximately 2% required an interpreter
- Approximately 2% were born overseas and arrived in Australia within the last 5 years
- Approximately 15% were born overseas and arrived in Australia in 2000 or thereafter.

People from non English speaking backgrounds, including migrants, refugees and people seeking asylum, face unique challenges and barriers when settling into new communities, and when accessing services. Some of the documented challenges faced by people from refugee backgrounds in Australia are:

- finding affordable housing
- finding employment
- language and communication barriers
- racism and discrimination
- community attitudes
- impact of disrupted education on schooling
- learning English
- distance and lack of communication with families in the home country and/ or countries of asylum (particularly if/where the family remains in a conflict situation)
- ongoing mental health issues due to trauma, including survivor guilt
- financial difficulties
- visa insecurity (temporary visa holders)
- separation from family members; living in blended families
- changes in roles and status of family members.⁵

³ .id (2021) *Cardinia Shire: population forecast*, <https://forecast.id.com.au/cardinia/about-forecast-areas?WebID=190>, accessed 15 March 2021

⁴ .id (30 March 2020) *Australia's fastest growing areas are mostly in our capital cities*, <https://blog.id.com.au/2020/population/australias-fastest-growing-areas-are-mostly-in-our-capital-cities/>, accessed 15 March 2021

⁵ Refugee council of Australia, 2019, *Settling in Australia: The challenges*, <https://www.refugeecouncil.org.au/settlement-challenges/>

These combined challenges create layers of disadvantage and vulnerability for diaspora communities, and mean that they can be more vulnerable to scams, legal problems and gambling related harms. The Australian Institute of Family Studies (AIFS) states that ‘Australia’s strong gambling culture and the stress of migration are placing migrants and refugees at risk of developing problems with gambling’, with research proving that people from migrant/refugee backgrounds who engage in gambling are at ‘significantly greater risk’ of developing gambling problems than the general population.⁶ The research also found that stigma and shame can create considerable barriers to help seeking in CALD communities.

In the region of the proposed EGM premises is a number of migrant/refugee and asylum seeker communities. The Department of Home Affairs has listed the Koo Wee Rup and Pakenham postcodes in an approved list of locations eligible for people seeking asylum to live in who are on the Safe Haven Enterprise Visas (SHEV). All SHEV holders are required to live in an approved area for the majority of their 5 year visa term to be eligible for future visa applications.⁷

Local services, including Victoria Police, SMLS and the local council are preparing for a greater number of people seeking asylum moving into Pakenham and Koo Wee Rup, particularly Tamil, Rohingya, Burmese and Afghan people. This cohort of temporary visa holders are extremely vulnerable as they are not eligible for family reunion visas, are not eligible to access Centrelink, many government housing and support services, and spent a period of 2-3 years excluded from access to employment rights. Many suffer a range of mental health issues⁸ due to prolonged periods in detention centres, traumatic experiences as refugees, and exclusion from permanent safety in Australia. The lack of family reunion is particularly relevant in assessing gambling related harm, as people are extremely isolated, have limited access to services and cannot experience in person love and support of family members if they experience gambling related harm.

According to the City of Casey, Dandenong and Shire of Cardinia councils, many people seeking asylum from the City of Greater Dandenong are moving to adjoining municipalities of Casey and Cardinia where there is greater access to housing.

17,839 people who were living in Cardinia Shire in 2016 were born overseas, and just under 400 of these were living in the Koo Wee Rup area. Given that data is older, the figures are likely to be significantly higher in 2021.⁹

As the number of newly arrived people in Koo Wee Rup and the surrounding suburbs grows, ensuring the region is safe and welcoming is essential in preventing instances of problem gambling, and the associated harms caused.

⁶ Dickins, M & Thomas, A n.d., Gambling in culturally and linguistically diverse communities in Australia, viewed 22 March 2021, <<https://aifs.gov.au/agrc/sites/default/files/publication-documents/agrc-dp7-gambling-cald.pdf>>.

⁷ Safe Haven Enterprise visa (SHEV) regional area 2019, Homeaffairs.gov.au, viewed 22 March 2021, <<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/safe-haven-enterprise-790/safe-haven-enterprise-visa-regional-area>>.

⁸ Australian Human Rights Commission 2019, *What are the Commission’s concerns about TPVs?* Humanrights.gov.au, viewed 22 March 2021, <<https://humanrights.gov.au/our-work/4-what-are-commissions-concerns-about-tpvs>>.

⁹ Overseas arrivals, Cardinia Shire, Community profile 2016, Id.com.au, viewed 22 March 2021, <<https://profile.id.com.au/cardinia/overseas-arrivals?WebID=180>>.

The financial cost of gambling

In the Cardinia Shire, an average of \$67,706 is lost each day on EGMs.¹⁰ We note the findings of the 2010 Productivity Commission that at least approximately 40% of this gambling expenditure could be said to be attributable to problem gambling.¹¹

Research demonstrates that people on lower incomes, those in unskilled work, the unemployed, and people of limited educational attainment suffer the highest gambling losses compared with people with more skilled occupations, higher incomes or educational attainments.¹² Gambling causes significantly greater harm on families in Melbourne's more disadvantaged suburbs, than it does in wealthier areas.¹³

Relevantly, households within Koo Wee Rup and the broader Shire of Cardinia:

- tend to be of lower income earners;
- include a high prevalence of Centrelink recipients;
- have lower levels of education attainment; and
- experience higher than average levels of housing stress.

As mentioned in the Economic and social impact report ('E & S I report') produced for this application, the SEIFA index for the SA1 in which the proposed premises is located is 900 compared with 1021 for the Shire of Cardinia and 1020.75 all metropolitan LGAs.

The E & S I report at page 43 indicates that 178.6 per 1000 adults are pension holders for Koo Wee Rup compared with 161.2 for the Shire of Cardinia and 156.5 for all metropolitan LGAs. Pensions include the age pension, Newstart payments and the DSP. Note that this excludes people seeking asylum and other temporary visa holders who are ineligible for Centrelink, and often live on very low incomes.

Analysis of the highest level of schooling attained by the population in Koo Wee Rup in 2016 compared to Greater Melbourne shows that there was a higher proportion of people who had left school at an early level (Year 10 or less) and a lower proportion of people who completed Year 12 or equivalent. Overall, 42.3% of the population left school at Year 10 or below, and 29.7% went on to complete Year 12 or equivalent, compared with 22.9% and 59.4% respectively for Greater Melbourne.

The major differences between the level of schooling attained by the population in Koo Wee Rup and Greater Melbourne were:

- A *larger* percentage of persons who completed year 10 or equivalent (24.3% compared to 11.4%)
- A *larger* percentage of persons who completed year 11 or equivalent (16.9% compared to 10.2%)
- A *larger* percentage of persons who completed year 9 or equivalent (10.4% compared to 4.9%)

¹⁰ Cardinia Shire Council (2017) [Cardinia Shire's Liveability Plan 2017 – 29](#), Cardinia Shire Council, accessed, 15 March 2021

¹¹ Productivity Commission Inquiry Report, vol 1, no 50, 26 February 2010, 'Gambling', p 16

¹² Ibid.

¹³ Australian Institute of Family Studies, *Tale of two suburbs: Gambling in suburban Australia*, Media Release (7 July 2016) Retrieved August 2018: <https://aifs.gov.au/media-releases/tale-two-suburbs-gambling-suburban-australia>

- A *smaller* percentage of persons who completed year 12 or equivalent (29.7% compared to 59.4%)¹⁴

Analysis of the qualifications of the population in Koo Wee Rup in 2016 compared to Greater Melbourne shows that there was a lower proportion of people holding formal qualifications (Bachelor or higher degree; Advanced Diploma or Diploma; or Vocational qualifications), and a higher proportion of people with no formal qualifications.

Overall, 40.7% of the population aged 15 and over held educational qualifications, and 46.3% had no qualifications, compared with 52.2% and 38.6% respectively for Greater Melbourne.

The major differences between qualifications held by the population of Koo Wee Rup and Greater Melbourne were:

- A *larger* percentage of persons with Vocational qualifications (26.6% compared to 15.3%)
- A *larger* percentage of persons with No qualifications (46.3% compared to 38.6%)
- A *smaller* percentage of persons with Bachelor or Higher degrees (6.5% compared to 27.5%)
- A *smaller* percentage of persons with Advanced Diploma or Diplomas (7.6% compared to 9.5%)¹⁵

We highlight that the E & S I report indicates that the average household income within the immediate surrounds of the proposed venue is lower compared with the Shire of Cardinia and the metropolitan LGAs.

Similarly, we have found that between 2016 and 2021, of the approximately 49 clients SMLS assisted living in Koo Wee Rup and the immediate surrounds, approximately:

- 18% indicated they were unemployed
- 12% indicated they received no income
- 29% received Centrelink payments
- 70% indicated their highest level of education attained was secondary level and below

Within the same time period, of the approximately 2013 clients SMLS assisted living in the broader Shire of Cardinia, approximately 32 % indicated they were unemployed and approximately 11% indicated they received no income at all.

According to the E & S I report at page 33, housing stress in the SA1 in which the venue is located is 79.31% compared with 58.5% in the Shire of Cardinia and 64.5% in all metropolitan LGAs. In the Cardinia shire, on average, 38% of adults have an income of less than \$400 a week, 13% of residents experience mortgage stress compared with 11% of Victorians and 27% of adults experience rental stress, as compared with 25% of Victorians.¹⁶

Relevantly, we found that approximately 14 % of the clients we assisted living in Koo Wee Rup and surrounds between 2016 and 2021, self-identified as being at risk of homelessness. Anecdotally, we see it is not uncommon that many clients may not necessarily apply a broad

¹⁴ .id (2016) *Koo Wee Rup: highest level of schooling*, <https://forecast.id.com.au/cardinia/about-forecast-areas?WebID=190>, accessed 15 March 2021

¹⁵ .id (2016) *Koo Wee Rup: qualifications*, <https://profile.id.com.au/cardinia/qualifications?WebID=180&BMID=20>, accessed 15 March 2021

¹⁶ Cardinia Shire Council (2017) *Cardinia Shire's Liveability Plan 2017 – 29*, Cardinia Shire Council, accessed, 15 March 2021

definition of homelessness as taken by the Australian Bureau of Statistics.¹⁷ So this figure may very well be an under-estimate.

A report from the Australian Gambling Research Centre encapsulates the issue:¹⁸

Socioeconomic disadvantage [...] magnifies the harm from gambling. For example, one gambler in the east said losses meant their family had to go without repairing the dishwasher for six months, while several gamblers in the west said gambling losses meant they literally could not afford food for their children.

The combination of low-income earning households, low levels of education attainment and high housing stress within the catchment area means that the impact of gambling harm may be crippling for the most vulnerable and disadvantaged members within the community. The financial stress of problem gambling may lead to spiralling debts, a very real risk of homelessness and risk of having a negative interaction with the justice system. We see that for clients who already experience disadvantage, the process of recovering from any financial crisis brought on by problem gambling may be long-term, complex and require significant support and assistance.

Problem gambling and the justice system

There is evidence that problem gambling connects with criminal behaviours. It can be both a driver of crime and a risk factor for recidivism.¹⁹

The Centre for Innovative Justice report “Compulsion, Convergence or crime?” found that gambling; gambling venues or gambling related debt can:

- *increase the risk of recidivism upon release for people convicted for non-gambling related offences;*
- *propel people from disadvantaged socio-economic status into crime just to feed their families;*
- *lead people (including a gambler’s partner or family members) to be coerced into offending;*
- *manifest as a form of economic abuse in the context of family violence;*
- *draw victims of family violence into criminogenic environments as a way of seeking respite;*
- *lead to theft and deception of extended family by adult children in the context of elder abuse.”²⁰*

For the year ending December 2020, the criminal incident rate per 100,000 population within Cardinia Shire was 4,987.4. In 2020, there was an 11.2% increase in total criminal incidents compared with the previous year.²¹

¹⁷ See definition:

<https://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4922.0Main%20Features22012?opendocument&tabname=Summary&prodno=4922.0&issue=2012&num=&view=>

¹⁸ Australian Institute of Family Studies, 2016, Tale of two suburbs: Gambling in suburban Australia, Media Release, accessed August 2018: <https://aifs.gov.au/media-releases/tale-two-suburbs-gambling-suburban-australia>, as quoted in Centre for Innovative Justice, 2017, Compulsion, convergence or crime? RMIT University, accessed August 2018: <https://www.rmit.edu.au/content/dam/rmit/documents/college-of-business/graduate-school-of-business-and-law/Gambling-Harm-Report.pdf>

¹⁹ Centre for Innovative Justice, *Compulsion, convergence or crime? RMIT University*, (Report, 2017).

<https://www.rmit.edu.au/content/dam/rmit/documents/college-of-business/graduate-school-of-business-and-law/Gambling-Harm-Report.pdf>

²⁰ Ibid.

²¹ Crime Statistics Agency, 2020, Latest crime data by area, year ending December 2020. State Government of Victoria. Accessed on 15 March 2021 from: <https://www.crimestatistics.vic.gov.au/crime-statistics/latest-crime-data-by-area>

Accordingly, we consider there is risk that increasing the number of EGMs in the community will increase gambling related crime. This has a significant flow on effect for harm to the community-increased cost of services, increased number of people incarcerated, and the number of people needing legal assistance. In addition to the tragic human impact for those involved, this has a very real impact on our service delivery. We have limited resources and given the evidence, we anticipate that increased access to pokies will increase the strain on our service and staff.

Problem gambling and family violence

Similar to substance abuse, gambling can often be interconnected with family violence - increasing the frequency of family violence occurring and its severity. There is a statistical relationship between numbers and density of EGMs and police-recorded family violence rates.²² This is further backed up by evidence from family violence crisis response service Safe Steps, whose data reveals that calls to their service spiked during times of significant gambling activity.²³ According to the Centre for Innovative Justice, 'gambling can be one of the factors which function as a barrier and make it harder for a perpetrator to choose non-violence'.²⁴

Studies have demonstrated that the prevalence of family violence increases in families where a member is experiencing problem gambling. They reveal that significant numbers of people getting help for problem gambling problems report using physical violence against their partners and children.²⁵ In addition to physical violence, gambling can contribute to economic abuse, trapping victims in poverty and undermining post-separation recovery. Economic abuse can take the form of taking a woman's pay or Centrelink money to gamble, getting joint loans or loans in a women's name and gambling the money away, or victims being constantly fearful based on the success or failure of their partner when out gambling.²⁶

Between 2016 and 2021, the overwhelmingly most common legal issue affecting clients residing in Koo Wee Rup and surrounds was related to family violence (approximately 53%). Of those matters involving clients living in the broader Shire of Cardinia, approximately 50% related to family violence.

In the year ending December 2020, a breach of family violence order was one of the top five principal offences occurring within the Shire of Cardinia.²⁷ An average of 43% of recorded family violence incidents in the Cardinia Shire have children present.²⁸

²² Markham, F., Doran, B., and Young, M., 2016, The relationship between electronic gaming machine accessibility and police-recorded domestic violence: A spatio-temporal analysis of 654 postcodes in Victoria, Australia, 2005–2014, *Social Science & Medicine* 162.

²³ Centre for Innovative Justice, 2017, *Compulsion, convergence or crime?* RMIT University, accessed August 2018: <https://www.rmit.edu.au/content/dam/rmit/documents/college-of-business/graduate-school-of-business-and-law/Gambling-Harm-Report.pdf>.

²⁴ Citing Rodney Vlasis, submission from Centre for Forensic Behavioural Science and Forensicare, "Understanding and responding to complex criminal behaviour resulting in family violence: submission to the Royal Commission on Family Violence," (2015), as quoted in Centre for Innovative Justice, 2017, *Compulsion, convergence or crime?* RMIT University, accessed August 2018: <https://www.rmit.edu.au/content/dam/rmit/documents/college-of-business/graduate-school-of-business-and-law/Gambling-Harm-Report.pdf>

²⁵ Ibid.

²⁶ Ibid.

²⁷ Crime Statistics Agency, 2020, Latest crime data by area, year ending December 2020. State Government of Victoria. Accessed on 15 March 2021 from: <https://www.crimestatistics.vic.gov.au/crime-statistics/latest-crime-data-by-area>

²⁸ Cardinia Shire Council (2017) *Cardinia Shire's Liveability Plan 2017 – 29*, Cardinia Shire Council, accessed, 15 March 2021

Family violence is already a significant issue of concern affecting the region. It is of grave concern to us that an increase of EGMs in the area will inexorably lead to an increase in family violence.

Given the seriousness of family violence, we urge the Commission to give significant weight to this consideration. The societal and personal impact of family violence, and the devastation it causes to its most frequent victims- women and children- cannot be equated to any possible perceived benefit arising from EGM machines.

Impact of problem gambling on children

Children are deeply impacted by adult gambling losses.²⁹ The impact is both physical and psychosocial. Studies have shown that the following can occur when children have a parent who experiences problem gambling:

- feelings of abandonment,
- loss of trust,
- loss of security,
- loss of sense of home,
- emotional deprivation,
- poor role modelling,
- destructive behaviour problems,
- inadequate stress management skills,
- poor interpersonal relations,
- diminished coping abilities,
- greater risk of negative health outcomes,
- Psychological disruption due to the chaotic and unpredictable environment within the home.

It also affects their educational outcomes and they can become socially isolated because they cannot attend normal social events.³⁰

Between 2016 to 2021, approximately 35% of the clients we assisted living in Koo Wee Rup and the immediate surrounds had dependent children.

In relation to child protection issues, as evidenced by the number of child protection applications between 2014-2015 and 2016-2017, Cardinia is in the highest quartile for child protection applications in Victoria.³¹

Increasing the number of EGMs in the Shire of Cardinia will increase the harms felt by children in our community.

Impact of problem gambling on mental health

The Productivity Commission estimates that costs such as suicide, depression, relationship breakdown, job loss, bankruptcy and crime are estimated to cost at least \$4.7 billion across

²⁹ Browne, M. et al., *Assessing gambling-related harm in Victoria: a public health perspective* (Victorian Responsible Gambling Foundation 2016).

³⁰ Derbyshire et al (2001b), as quoted in Browne, M. et al., 2016, *Assessing gambling-related harm in Victoria: a public health perspective*, Melbourne: Victorian Responsible Gambling Foundation.

³¹ South Eastern Regional Legal Assistance Network (SERLAN), 2018, *Legal Needs Analysis of the South East, Victoria*

Australia,³² far outweighing any financial gains made by state and territory governments through gambling.³³ Research indicates that gambling related harm is a social issue on ‘a similar order of magnitude to major depressive disorder and alcohol misuse and dependence’.³⁴

Increasing the number of EGMs in the Shire of Cardinia will compound the negative impacts of mental health issues in the community. In addition to the mental health related harms experienced by people with a gambling problem, many people experiencing mental health problems or with drug dependency issues may be more susceptible to gambling problems.³⁵ Studies have found that people with gambling related problems were much more likely than others to face depression or to engage in problematic alcohol or other drug use.³⁶ It is estimated that 11.5% of problem gamblers reported that they had seriously considered or attempted suicide, compared with 1.1% of non-problem gamblers.³⁷

Based on data on the number of residents per 1,000 population who receive treatment for alcohol or drug issues for 2014-2015, the Shire of Cardinia ranked equal third with Mornington Peninsula with 5 people per 1,000 population. The median rate of people who receive drug and alcohol treatment services per 1,000 population across Victoria is 4.7³⁸

In Cardinia Shire, on average, 62% of residents have an increased long-term risk of alcohol related harm as compared with 59% Victorians.³⁹

Response to the applicant’s proposed measures to address gambling harm

We note the application mentions a \$100,000 per annum community contributions. There is no further information regarding what this will entail. Accordingly, we would argue that little weight be given to this.

Conclusion

In conclusion, given the immensely detrimental impact on the wellbeing of the community, we see the Commission has no option but to find the application does not satisfy the ‘no net detriment test’.

³² Centre for Innovative Justice, *Compulsion, convergence or crime?* (RMIT University 2017) Retrieved August 2018: <https://www.rmit.edu.au/content/dam/rmit/documents/college-of-business/graduate-school-of-business-and-law/Gambling-Harm-Report.pdf>

³³ Financial gains for state and territory governments have been estimated to be between \$12.1 and \$15.8 billion- See, Productivity Commission, *Gambling: Productivity Commission Inquiry Report* (Report, Vol. 1, 2010).

³⁴ Browne, M. et al., *Assessing gambling-related harm in Victoria: a public health perspective* (Victorian Responsible Gambling Foundation 2016).

³⁵ McCready, J., Mann, R., Zhao, J. and Eves, R., 2008, Correlates of Gambling-related problems among older adults in Ontario. *Journal of Gambling Issues*, Vol. 22, Accessed June 2018: www.camh.net/egambling/issue22/02mccready-mann.html

³⁶ Science Alert, 2008, Depressed gamblers Risk Addictions. Science Alert. Accessed June 2018: www.responsiblegambling.org/staffsearch/library_news_results_details.cfm?inteID=11513.

³⁷ According to The Centre for Gambling Research at the Australian National University (cited in Stone, C., Yeung, K., and Billi, R., Technical Report Four: Social Determinants and Co-Morbidities: Multivariate Models of Co-Morbidities, The Victorian Gambling Study: A Longitudinal Study of Gambling and Health in Victoria 2008–2012 (2016). Melbourne

³⁸ South Eastern Regional Legal Assistance Network, 2018, Legal Needs analysis of the South East, Victoria.

³⁹ Cardinia Shire Council (2017) *Cardinia Shire’s Liveability Plan 2017 – 29*, Cardinia Shire Council, accessed, 15 March 2021