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12/2/16

Dear Sir or Madam

**Response to the Inquiry into the Interactive Gambling Amendment
(Sports Betting Reform) Bill 2015**

Thank you for the invitation to respond to the draft Interactive Gambling Amendment (Sports Betting Reform) Bill 2015. We would like to offer support to this Bill as a means to address some of our current concerns with regards the increasing association between sports and gambling and the mobile facility interactive gambling provides. We believe this poses considerable risks to the general population. We are aware that as opportunities to gamble increase, so do the risks of developing gambling problems. We are concerned about the normalisation of gambling and sports along with the significant risks this poses to young people in particular.

In general we support this Bill. We believe there is a considerable need to place limits upon gambling advertising, particularly during sports matches and as currently promoted in the general media, Television and Radio programs. We applaud the move to strengthen self-exclusion opportunities for those at risk or already struggling with a gambling problems and the development of a National Register to limit the promotion of gambling products to those already dealing with a gambling disorder. Enhanced training for gambling providers is required, in particular, in assisting them to identify and appropriately support those who may be developing gambling problems and those who are dealing with the impacts of another's gambling.

The need for a regulator for this industry has been apparent for some time. As an extension of this we also call for an independent gambling ombudsman in each State and Territory to oversee the development of gambling and provide a means of redress for consumers as recommended by the Productivity Commission 2010.

We have made some specific comment on the Draft Bill as follows:

National Self-exclusion Register

We welcome and support the establishment of a National Self-Exclusion Register (NSER). We encourage amendments to other legislation to extend the facility of the NSER to other forms of gambling. We consider this will have great benefit to assist those already affected by a gambling disorder and support those who may be at risk.

We consider that Third Party exclusion should also be made available as part of the National Register to allow operators/significant others to make a case for exclusion. This is the case with other gambling exclusion programs in some other jurisdictions on Australia (SA, Canberra, Tasmania).

We would welcome an additional section allowing a Restricted Wagering Service to register an account holder that exhibits symptoms of “at risk” gambling or discloses as having a problems with gambling or mental health issues related to gambling.

Removal from National Self Exclusion Register

The Draft Bill is unclear as to what conditions have to be met for removal from the NSER. We suggest there needs to be some congruency with other self –exclusion programs such as those for EGMs. In some Australian jurisdictions this requires evidence of recovery from gambling problems and/or letter from a counsellor.

61GI Restricted wagering service must not increase individual’s betting limit

We fully support this regulation. Our only concern is that this may prompt a gambler to ‘shop around’ for an alternative gambling agency as these are becoming plentiful.

Perhaps there could be a mechanism by which requests to increase a betting limit is registered with the National Self Exclusion Register so that pattern can be established and contact may be made to ascertain if the gambler is assessed as “at risk”.

61GO Restricted wagering service advertisements not to be broadcast during certain programs

We consider that this should apply to Television, Radio and printed media in total, as children/minors are exposed to these forms of media. These forms of media serve to normalise gambling among our youth and research indicates increasing risks of gambling problems due to these associations.

In addition, gambling advertising often creates persistent ‘triggers’ for those already struggling with a gambling disorder. We consider any reduction in this would serve to assist recovery, prevent problem gambling relapses and reduce risk factors.

We would welcome changes to legislation that would restrict the use of media based gambling promotions in the same way as for operators of Electronic Gaming Machines.

14A(1) Requiring ‘restricted wagering services’ to provide prescribed training.

We consider that the draft Bill requires strengthening as it currently contain little direction on substance by way of prescribing training. Currently, an organisation could comply simply by providing their employees pamphlets pertaining to:

- (i) recognising problem gambling behaviour;
- (ii) assisting individuals to access information regarding the Register and other services or programs to deal with problem gambling;
- (iii) dealing with individuals who have identified themselves as having a

gambling problem

We suggest a more specific recommendation for training compliance similar to that required for the Code of Conduct of Gaming in Victoria where operators are mandated to undergo face-to-face training with specific requirements in identifying and responding to those at risk of gambling problems. This training should also be extended to include responding to significant others who are impacted problem gambling. All operators should be trained to respond to those who may be affected by problem gambling and at minimal provide appropriate referral to Gambling Help Services and self-exclusion programs including third party self-exclusion programs operating in some jurisdictions such as SA and Tasmania for other gambling products and in Casinos in most States.

14A Offence of failing to train gambling service employees

We welcome the strengthening of training for gambling operators and suggest that training should help operators to identify not only those who have already developed a significant gambling problem but those ‘at risk.’ Equally our work in this field indicates that gambling in operators also require training in how to support significant others also impacted by gambling problems. Responding to family members who may require support and knowledge about the NSER for instance or about how to access Gambling Help services in their own right should be a pre-requisite of training for all gambling operators. We therefore respectfully suggest the following wording in the legislation:

(3) Regulations made for the purposes of subsection (1) may include:
information, training or instruction relating to the following:

- (i) recognising “at risk” and problem gambling behaviour;
- (ii) assisting individuals and their significant others to access information regarding the Register and other services or programs to deal with problem gambling and its impacts;
- (iii) dealing with individuals and their significant others who have identified themselves as having a gambling problem or affected by another’s gambling behaviour; and

when such information, training or instruction must be provided.

61GG Restricted wagering service must include pre-commitment options when creating account

The draft Bill provides for pre-commitment options when creating an account but fails to address those already holding accounts. We consider the legislation should require all account holders (both existing and those seeking to open an account) to be provided with pre-commitment options.

In addition, we note the suggested pre-commitment limit is by month or year. Our experiences with problem gambling demonstrate that destructive gambling patterns can present at damaging levels within a matter of days or weeks. We therefore suggest the

Bill be amended to reflect this and include daily and weekly limit options with wording as follows:

A person who contravenes subsection (1) is guilty of a separate offence or contravention of a civil penalty provision in respect of each day (including a day of a conviction for the offence, or the contravention of the civil penalty provision, or any later day) during which the contravention continues.

(a) (b)

Note: the person intentionally provides a restricted wagering service; and

the person does not require each individual who creates an account with the service to register and set **daily, weekly**, annual and monthly maximum betting limits.

The service must not permit these limits to be exceeded (see section 61GK, and may only increase the limits if notice is provided (see section 61GI).

61GI Restricted wagering service must not increase individual's

(a) (b)

the person intentionally provides a restricted wagering service in Australia; and

the person increases, or causes to be increased, **the daily, weekly**, monthly or annual betting limit set by the individual.

To strengthen pre-commitment as a prevention tool and encourage realistic limits (and prevent people setting extraordinary high limits) we suggest there could be a guide for limits. This could be based on a ratio of the account holder's annual income.

61GH Restricted wagering service must not create accounts etc. for individuals on the National Self-exclusion Register

We fully support this regulation and the establishment of the National Self-exclusion Register.

61GN Restricted wagering service must include link to National Self-exclusion Register website

We fully support this regulation but suggest extending this to also include a link to the national network of Gambling Help Services. We respectfully suggest the following wording:

A person contravenes this subsection if:

(a) the person provides a restricted wagering service; and

(b) the service includes a website; and

(c) the website does not include a clear and prominent link to the National Self-exclusion Register website **and Gambling Help Services** that complies with regulations made for the purposes of this paragraph on each page.

61JB Functions of the Regulator

As a consumer representative organisation the Gambling Impact Society is keen to ensure that those who are directly affected by gambling problems (both gambler and significant others) are included in consultation processes to develop of programs to address their needs and issues. This reflects our stance a public health focussed organisation and our commitment to the recommendations of the Ottawa Charter for Health Promotion (WHO 1982) for participatory decision-making.

We therefore encourage the development of these processes at all levels of government decision- making and policy development. We therefore respected fully suggest that the draft Bill is amended to reflect a commitment to consumer consultation and inclusiveness in decision-making with wording as follows:

C) to develop, in consultation with industry **and consumers** (including restricted wagering services, gambling counselling services and financial counselling services, **and consumer representatives**), a code of practice relating to responsible gambling that is to be applicable to restricted wagering services;

We hope these comments have been valuable in supporting the final drafting of this important Bill

Yours faithfully

Kate Roberts
Executive Officer