

ALLIANCE EXCLUSION AND CASHLESS GAMBLING REFORM BRIEFING

Gambling harm is widespread, it affects those who gamble, their families and friends, staff at pubs and clubs and the community broadly. The Alliance is pushing reform in a number of areas that will reduce gambling harm; putting an end to loyalty schemes, reducing operating hours, eliminating addictive features and lowering the maximum bet. Venues are failing to provide safe spaces for their patrons and staff and it can not stay that way. In particular, the current self-exclusion measures are not working and venues are not accountable.

Why this bill?

Fixing the broken self-exclusion system in NSW is a modest, simple and overdue reform. This historic reform provides us with an avenue to establish community expectations, strengthen the self-exclusion process and force pubs & clubs to take responsibility for the wellbeing of their patrons.

These reforms have developed from multiple sources - parliamentary enquiries, the Productivity Commission and recent scandals of clubs allowing patrons to continue to gamble despite family requests to intervene. The exposure draft suggests many vital changes to combat problems in the industry and effectively reduce gambling harm.

In response to pushback from the pubs and clubs sector against some of the technical aspects of the draft (e.g. facial recognition technology), the Minister has also suggested adding a cashless gambling card. The Alliance welcomes the suggested reform, although we believe some aspects of the exposure draft could be improved and the Minister's card system plan should absolutely be included.

What makes this reform important?

In NSW an individual can self exclude from any venue, however, there are no measures in place to ensure that a venue excludes that person and no penalties in place if the self exclusion measures are not enforced by a venue. The reform seeks to address this, by creating systems that enforce the compliance of pubs and clubs. The below features are included in the reform:

- **Financial penalties for pubs & clubs that do not comply:** As after 20 years, venues are still not ensuring self compliance, they can no longer be left to voluntarily comply.
- **It will create a single statewide register:** what exists currently is a mess of registers that don't speak to each other, this will bring those together.
- **Introduction of third party (family) exclusions:** that will create a pathway for families to seek exclusions for loved ones in a crisis.
- **Introduction of cashless gambling systems to help strengthen self-exclusion:** by creating avenues for a person to limit their funds and create breaks in gambling.

- **No limit to the amount of venues a person can exclude from:** currently an individual is limited to self excluding at 35 venues in NSW.
- **Provides an additional pathway for individuals to self exclude online**, in an easy and convenient way.
- **Strengthening Responsible Conduct of Gambling practices**
- **Improved Whistleblower protections**

Why do we need your help now?

To counter the strength of the gambling industry, we need a coalition of community, faith, service and neighbourhood organisations to come together to show how deeply the community wants real reform, with a tidal wave of submissions by December 11.

For a more detailed discussion of general principles for the reform, [please see this briefing note](#).

Next steps:

Below you will find a draft template of a submission. We encourage you to adapt it to reflect your own, your organisation or your community's experience of gambling harm and delete sections that do not apply to you. **Submit to gaming.policy@liquorandgaming.nsw.gov.au using *Gaming Machines Amendment (Gambling Harm Minimisation) Bill 2020* in the subject line.**

After you have made your submission, please:

- Send us a copy at nsw.reform@agr.org.au
- Share on socials
- Send a copy to your local MP or the Minister who deals with your sector, to increase the power of your work. They will need a cover letter from you urging them to consider this as their business, and not just pass it on the Minister responsible for gambling.

We would advise you not to go to the Customer Services website to fill out their survey. Your submission will have far more power when written from your perspective, reflecting on the experience of your organisation. You can increase its value by sending a copy directly to your Local MP or your Minister.

If you need any assistance drafting your submission, or have any questions, please don't hesitate to contact Bea at nsw.reform@agr.org.au

Want to be more involved?

Once all submissions have been received, we invite you to join us, we'll stay in touch as we build the strength of the campaign and ensure the reform passes in Parliament.

If you would like more information about this or other campaigns the Alliance is running or how to get more involved, reach out to Kate at kate.da.costa@agr.org.au or head to our website.

This is a template for your submission. You should edit or delete these suggestions as you see fit, or to match the normal tone of your organisation and to avoid the Department thinking that they are receiving a form letter.

Even a brief submission will have an impact – the drafting team is not expecting to hear from many organisations. They’ll be surprised at the level of concern and the range of organisations that make submissions.

The best way to have impact is to speak to the reforms based on your own or the experience of your organisation. Your clients, customers or community may have revealed the impact of gambling to your staff. Your subject matter may have obvious links to gambling harm – mental ill-health, family relationships, financial troubles, homelessness and domestic violence are all known to be associated with gambling in complex ways.

To the Policy and Legislation Unit, Liquor and Gaming,

Submission on the Gaming Machines Amendment (Gambling Harm Minimisation) Bill 2020

Thank you for the opportunity to comment on the proposed reforms. **[insert your own or your organisation's name]** is very supportive of the overall aims of the amendments.

[Enter a paragraph or case study here that outlines how your or your organisation is aware of gambling impacts on your clients/customers/staff/community and what motivates you to make this submission

For example: XXX is a homelessness service. Many of our clients report that they have been evicted because they or their partner have lost all their rent money on poker machines].

We would like to make some further comments on areas of the proposed amendments that we believe could be made stronger. Additionally, we wish to indicate our support for the addition of a cashless gambling system, to strengthen the proposed reforms and add further measures, backed by research, to assist in reducing gambling harm.

[insert the contact details for yourself or your organisation]

Obligations on venues

- We strongly support the amendments that would oblige venues to take all reasonable steps to ensure that someone who is self-excluded or venue-excluded does not enter the venue, or does not enter the gambling room.
- We strongly support financial penalties for failing to take these steps.

- We insist that the most basic step of all - the requirement to check a person's identification against the state-wide exclusion register at the door of the venue or, if relevant, of the gambling room - be placed in the legislation; other steps can be outlined in the Regulations or Guidelines.
- We support the general principles suggested by the Alliance for Gambling Reform

Family led exclusions

- The design of this process needs extensive input from services specializing in family violence. The potential risks of retaliation are not adequately addressed.
- Families that are struggling with the harm caused by gambling need as much support and help as possible. We do not feel that requiring them to approach the venues that have been allowing harmful behaviour to continue is a reasonable solution.
- We recommend either independent adjudicators or prioritising the pathway for families to work with gambling counsellors as their advocates, while leaving the option for venue action to remain.
- We support the use of an appeal system if venues fail to act on applications or on the recommendation to exclude a person, although we believe that if an independent adjudicator agrees with a family, the venue should have no right to refuse to implement exclusion
- There are insufficient provisions around privacy especially in the case of venues in small communities - this is another reason to not have the venue handle the application
- We recommend further consultation with families with lived experience
- We support the general principles suggested by the Alliance for Gambling Reform

Changes to current self-exclusion system operations

- We welcome the automatic extension of exclusions to all venues in a 5km radius of any venue indicated by an individual or which is part of a family or venue led exclusion process. There should be an appeal process on exclusion extensions, as it may have particular implications in regional and rural areas where socializing opportunities are more limited.
- We strongly support the creation of a single state-wide exclusion register, which will facilitate checking identifications. It is currently too difficult for venues to check against all registers.
This is a key component of the reform and cannot be dropped.
- We strongly support the option of an online portal so that people can self-exclude by themselves. However, autonomous self-exclusion must always trigger contact from a counsellor, to assist the person in their recovery. We understand that barriers to help-seeking include the shame of admitting to a problem, bad habit or addiction. Autonomous self-exclusion is an alternative, valuable pathway for some people to start their process of recovery.
- We recommend ensuring that people can exclude from as many venues as they choose, including every venue in the state.

- Any period of self-exclusion should be long enough to help break a habit, and at least 3 months long. We recommend consulting widely with gambling counsellors and researchers to determine an appropriate minimum for subsequent exclusions, beyond a 6-month initial exclusion period.
- We recommend that no self or venue-led exclusion be lifted without the involvement of a counsellor. Counsellors should be informed when a person nears the end of their deed.
- We support the general principles suggested by the Alliance for Gambling Reform.

Stronger Responsible Conduct of Gambling features

- We strongly support the requirement to have a staff member on every shift with advance RCG training; that staffer should be paid higher duties allowance.
- We support the concept of a gambling incident register, similar to an alcohol incident register noting the following principles
 - The purpose of noting incidents is to document how staffed have intervened with people harmed by gambling, not to support a venue compliance regime
 - The reporting guidelines should encourage staff to be proactive and not avoid noticing activities
 - The design of the register needs further input from frontline staff, people with lived experience and experts in measures that reduce gambling harm
 - There is no need for the police to have access to this register
- We support the general principles suggested by the Alliance for Gambling Reform

Cashless gambling

The design of such a system is complex and beyond the capacity of **[insert your own or your organisation's name here]** to discuss, however we support the general principles recommended by the Alliance for Gambling Reform:

- The system should be operated by an appropriate government agency and not subcontracted to any gambling related entity
- The design should prioritize reducing and minimizing harm and include features known to do this
- It should involve age and identity verification
- It should be linked to the state-wide exclusion register
- All machines, within a reasonable time, should be converted to the system and no cash gambling on poker machines allowed after that time
- There should be no use of credit or automatic top ups in the system so that people are fully aware of their losses
- People should be able to set their own budgets, including budgets of \$0, as an alternative to self-exclusion
- It should be designed to prevent money laundering

Other matters

We believe that the whistleblower protection for staff could be strengthened - we recommend using legislation that has been tested in the courts to be robust.

There need to be stronger provisions throughout the reform on protecting data and making the monetization of any data collected in the system subject to financial penalties

The provision for the forfeiture of winnings might not function as anticipated, because venues will have to disclose that they failed to ensure someone who is self-excluded has gambled. This section needs redesign.

There are too many occasions in the draft where a self-excluded person's breaches or attempted breaches are recorded, and that information shared to other people or venues. This seems punitive, rather than therapeutic. More consultation with lived experience advocates and counsellors is needed.

DO NOT INCLUDE THIS IN YOUR SUBMISSION

Further context : Use this information to help you judge which sections of the submission to adjust for your organisation and which you feel you should delete

Introduction (suggested wording)

We believe that venues should take responsibility for keeping patrons and staff safe and for improving Responsible Conduct of Gambling practices. If venues will not do this voluntarily, the level of gambling harm in the community is such that they must be compelled to do so, or face financial penalties. We believe that self-exclusion should be as easy and convenient to undertake as possible, given the difficulties anyone will face in accepting that they have a problem and need to act on it. We believe that those families who know that gambling by a loved one is the source of problems should be supported in seeking action. We understand that staff are often placed in a difficult position, where management sees people who exhibit concerning gambling behaviour as profitable customers and do not support staff action to keep them safe.

These reforms mark a cultural shift that puts into action the provision of the Gaming Machine Act [cl 3(3) "In particular, due regard is to be had to the need for gambling harm minimisation when considering for the purposes of this Act what is or is not in the public interest"]. We welcome those parts of the reforms which start this process, especially the removal of the word "problem" in regard to counselling services, so that more people seek help.

We believe further work is needed to understand the psychology of attempted breaches of self-exclusion deeds. There seems to be a tendency to blame the person, and to use recording of breaches in either a punitive way, or in a way that disempowers those people doing their best to stay safe.

Obligations on venues: *Venues have, since 2002, had to set up systems to honour their part of the self-exclusion process. They have not, because those people who seek self-exclusion are some of their most profitable customers.*

The draft legislation requires venues to take “all reasonable steps” which is an important legal definition, but puts those steps in the Guidelines, which are easily changed without any requirement for public comment.

Family led exclusions: *Most families are unaware when gambling is the cause of their problems, but for some who do know, they are distressed when their loved ones will not stop. In a crisis, families should be able to intervene. However, having to approach the venue that has been hosting/facilitating the harmful behaviour is outrageous, and difficult for many families. The entire process is potentially dangerous.*

Cashless gambling: *We understand that the Minister responsible for gambling, Mr Victor Dominello, suggested that cashless gambling systems could be used to strengthen the proposed reforms. We agree with him. We do not wish the other reforms to be delayed while a cashless system is designed, but we recommend that the concept is included in the legislation when the other reforms are put to Parliament.*