

Problem Gambling Family Protection Orders Act 2004

Report to Parliament under section 18 by the Minister for Gambling concerning the period 1 July 2006–30 June 2007

1. Background

- 1.1 The *Problem Gambling Family Protection Orders Act 2004* received Royal Assent on 15 April 2004, and came into operation on 1 July 2004.
- 1.2 Section 18 of the Problem Gambling Family Protection Orders Act requires the Minister administering the Act to cause a report to be laid before each House of Parliament at least annually.
- 1.3 This report deals with the third year of operation, 1 July 2006–30 June 2007 (the “reporting period”).

2. Enquiries

Incidence and duration of enquiry contact

- 2.1 A telephone enquiry to the office of the Independent Gambling Authority (the “Authority”) is the first (and sometimes, only) step in an intervention under the Problem Gambling Family Protection Orders Act.
- 2.2 In the reporting period, there were 35 enquiries made, of which 33 were in respect of problem gamblers and 2 were service providers seeking general information. (For the preceding two years, a total of 96 enquiries were reported (2004–05=58, 2005–06=38), of which 90 were in respect of particular problem gamblers and 6 were general or hypothetical queries from service providers and others).
- 2.3 The following table sets out the incidence of enquiries.

	2004–05	2005–06	2006–07
Pre-commencement *	3	–	–
July	7	3	5
August	9	6	4
September	8	3	2
October	2	1	2
November	4	1	3
December	4	5	4
January	6	3	3
February	–	6	1
March	1	3	5
April	6	1	–

	2004–05	2005–06	2006–07
May	3	–	4
June	5	6	2
Total	58	38	35

* Three enquiries were made prior to the commencement of the Problem Gambling Family Protection Orders Act by people who had become aware of the proposed scheme. They are included in the incidence for the first year of operation as at least one of those inquiries resulted in a voluntary barring request being made.

2.4 Some enquirers made more than one contact. These calls are counted as a continuation for the initial enquiry. In the current reporting period, 1 person who had first contacted the Authority in 2004–05 and made subsequent enquiries during the 2005–06 reporting year, including attending an interview to make a complaint (but did not complete the complaint (PGA) form), contacted the Authority again in the current reporting year. In the previous two reporting periods there was 1 caller who made 2 contacts, and another 6 who made between 3 and 6 contacts. The number of enquirers recontacting the Authority after an initial contact has decreased since the first year of the scheme (2004–05=5, 2005–06=2, 2006–07=1).

2.5 The average duration of a contact in the reporting period was 24 minutes. The contact period has gradually increased since the first year of the scheme (2004–05=18 minutes, 2005–06=23 minutes).

Eligibility to make complaint

2.6 A complaint can be made if two primary criteria are met:

- a person has a dependent spouse or domestic partner or has dependent children aged under 18 living with him or her; and
- the person has, by reason of problem gambling, neglected their welfare (generally for 3 months or more).

2.7 Information provided during an enquiry can enable a preliminary assessment to be made about eligibility to make a complaint. The following table sets out assessments for the enquiries received.

	2004–05		2005–06		2006–07	
	No.	%	No.	%	No.	%
Eligible— <i>dependent children and/or dependent spouse/domestic partner</i>	21	36.2	15	39.5	21	60.0
Eligible— <i>dependent spouse/domestic partner only</i>	7	12.0	10	26.3	–	0.0
Ineligible *	12	20.7	10	26.3	3	8.6
Unable to determine	12	20.7	3	7.9	9	25.7
Not applicable †	6	10.4	–	0.0	2	5.7
Total	58	100.0	38	100.0	35	100.0

* Examples of the types of enquiries that would not fulfil the eligibility criteria are a daughter concerned about her elderly father's gambling or a sister concerned about her brother's gambling, with no dependents involved in either case.

† Examples of the types of enquiries that are categorised as “not applicable” are service providers seeking information about the scheme.

Location of enquirer

2.8 Enquirers are asked whether they live in a metropolitan or regional area. As enquirers are not required to provide their names and addresses (although some volunteer this information), more precise regional classification is not possible. The following table summarises location information provided.

	2004–05		2005–06		2006–07	
	No.	%	No.	%	No.	%
Metropolitan Adelaide	34	58.6	33	86.9	24	68.6%
Non-metropolitan South Australia	12	20.7	4	10.5	5	14.3%
Outside South Australia	–	0.0	1	2.6	1	2.8%
Not disclosed	12	20.7	–	0.0	5	14.3%
Total	58	100.0	38	100.0	35	100.0

Relationship of enquirer to problem gambler

2.9 Enquirers are generally asked about their relationship to the problem gambler. The following table provides a summary of enquirers’ responses.

	2004–05		2005–06		2006–07	
	No.	%	No.	%	No.	%
Current or former spouse or partner	25	43.2	14	36.8	13	37.1
Adult child	6	10.3	9	23.7	3	8.6
Sibling	6	10.3	8	21.0	4	11.4
Parent	6	10.3	2	5.3	3	8.6
Other relative	6	10.3	2	5.3	1	2.9
Other *	4	6.9	3	7.9	4	11.4
Not disclosed/not applicable †	5	8.7	–	0.0	7	20.0
Total	58	100.0	38	100.0	35	100.0

* This group includes problem gamblers themselves enquiring about the scheme, children living in the same house as, but not related to, the problem gambler, service providers and gambling industry employees enquiring regarding a specific problem gambler.

† This group includes 4 enquiries made by service providers in 2004–05 and 2 made in 2006–07, seeking general information about the scheme.

Gender and age of problem gambler

2.10 Enquirers are asked about the gender of the problem gambler. The disclosures are summarised in the following table.

	2004–05		2005–06		2006–07	
	No.	%	No.	%	No.	%
Male	32	59.3	19	50.0	18	64.3
Female	22	40.7	19	50.0	10	35.7
Total	54*	100.0	38	100.0	28 †	100.0

* Four general enquiries made by service providers in 2004–05, without reference to a particular problem gambler, are excluded from this analysis.

† Two general enquiries made by service providers in 2006–07, without reference to a particular problem gambler, are excluded from this analysis. Enquiry data was also not available for 5 enquiries.

2.11 Enquirers spoken to from mid-August 2005 were asked for the age of the problem gambler. Accordingly, there is no data for the 6 enquiries preceding this time or for 2004–05. A further 5 enquirers in 2005–06 and 10 in 2006–07 declined to disclose age, while for another 2 enquiries in 2006–07 age was not relevant due to the enquiries being from service providers seeking information about the scheme.

	2004–05 *		2005–06 †		2006–07 ^	
	No.	%	No.	%	No.	%
18–19	–	–	1	3.7	–	–
20–29	–	–	2	7.4	2	8.7
30–39	–	–	2	7.4	10	43.5
40–49	–	–	10	37.0	7	30.4
50–59	–	–	4	14.8	2	8.7
60–69	–	–	5	18.5	1	4.3
70–79	–	–	2	7.4	1	4.3
80+	–	–	1	3.7	–	–
Total	–	–	27	100.0	23	100.0

* This question was not asked in 2004–05.

† There were 38 enquiries in the period. This question was not asked in respect of 6 enquiries, and answer was declined by 5. The percentages do not add to 100.0 due to rounding.

^ There were 35 enquiries in the period. This question was not asked in respect of 2 enquiries, and declined by another 10. The percentages do not add to 100.0 due to rounding.

Type of gambling with which problem gambler is involved

2.12 Most enquirers were able to disclose the type of gambling that was an issue for the person with the gambling problem. Some indicated that they thought the person with the problem could be involved with several gambling types, but they could only confidently disclose the primary form.

2.13 The following table summarises answers given for all enquiries.

	2004–05		2005–06		2006–07	
	No.	%	No.	%	No.	%
Gaming machines only	29	50.0	29	76.4	19	54.3
SA TAB products only	4	6.9	2	5.2	3	8.6
Casino table games only	2	3.4	1	2.6	1	2.8
Other	1	1.7	–	0.0	–	0.0
Multiple factors	* 7	12.1	† 5	13.2	^ 3	8.6
Not disclosed #	15	25.9	1	2.6	9	25.7
Total	58	100.0	38	100.0	35	100.0

* Of the 7, 5 involved a combination with gaming machines, with the other betting types mentioned being SA TAB betting, Keno, scratch tickets and casino table games.

† Of the 5, 4 involved a combination with gaming machines, with the other betting types mentioned being SA TAB betting and Keno.

^ Of the 3, all involved a combination with gaming machines with the other betting types mentioned being SA TAB betting and the casino (unspecified).

4 enquiries in 2004–05 and 2 in 2006–07 from service providers wanting information about the scheme are included.

Awareness of Problem Gambling Family Protection Orders scheme

2.14 The following table summarises how enquirers came to make contact with the Authority.

	2004–05		2005–06		2006–07	
	No.	%	No.	%	No.	%
<i>Referral from—</i>						
Gambling Helpline	15	25.9	14	36.8	8	22.9
Break Even network service	7	12.1	4	10.5	4	11.4
Hon. Nick Xenophon MLC	3	5.2	2	5.3	–	–
Legal Services Commission	1	1.7	1	2.6	–	–
Families SA	–	–	–	–	3	8.6
Gambling industry early intervention scheme*	–	–	–	–	2	5.7
Other source of referral	3	5.2	1	2.6	2	5.7
<i>Information acquired through—</i>						
Media	6	10.4	2	5.3	–	–
On-duty staff of gambling provider	2	3.4	3	7.9	1	2.9
Friends or family	5	8.6	–	0.0	1	2.9
IGA website			1	2.6	2	5.7
Other	2	3.4	2	5.3	6	17.1
Not disclosed	14	24.1	8	21.1	6	17.1
Total	58	100.0	38	100.0	35	100

* Gambling industry early intervention schemes are Skycity Adelaide's Host Responsibility program, Gaming Care (Australian Hotels Association SA) and Club Safe (Clubs SA), which began at different times over the 3 year reporting period, with all underway in the current period.

- 2.15 Information about the PGFPO scheme is posted on the Authority's website at <http://www.iga.sa.gov.au/problem.html>. During the reporting period, the Authority continued to provide information about the scheme in presentations to other agencies (for example, Break Even staff orientation program, Department for Families and Communities financial counsellors and gambling counsellors, Gambling Helpline, and staff of gambling industry early intervention schemes (refer to note attached to preceding table).

Other help seeking by or on behalf of problem gamblers and their families

- 2.16 In 23 of the 33 enquiries received in the reporting period (2 service providers seeking general information excluded), it was disclosed that the family of the problem gambler or the problem gambler themselves had, prior to contacting the Authority, sought assistance from other services and agencies about addressing the problem gambling, or implemented particular strategies to address the gambling. This number compares to 23 of the 38 enquiries received in 2005–06.
- 2.17 For family members this assistance included—counselling; seeking help from the particular gambling provider; contacting various agencies and services (that is, Gambling Helpline, Break Even, Gamblers Anonymous, mental health services, family ministers/priests, Drug and Alcohol Services, Child Abuse Hotline, Local MP, Hon Nick Xenophon MLC, legal services, financial counselling services, and banks at which the problem gambler holds accounts and credit cards).
- 2.18 For the problem gambler themselves, this assistance included—counselling and support (that is, Break Even, social workers, mental health services, psychiatrists, psychologists, hypnotherapy); medication such as antidepressants; and voluntary barring.

Additional information provided to enquirers

- 2.19 The Authority also provided additional information beyond the Problem Gambling Family Protection Orders scheme to a number of enquirers that were likely to be ineligible or who wanted to think about their options—
- information about the Problem Gambling Family Protection Orders scheme, inclusive of booklets for families and problem gamblers produced by the Department for Families and Communities, was sent to 13 enquirers (compared to 16 in 2004–05, and 13 in 2005–06);
 - information about other potentially useful services was provided to 22 enquirers during the call (compared to 26 in 2004–05 and 33 in 2005–06), with such services being primarily barring schemes, but also Break Even services, the Gambling Helpline, financial counselling services, and the Legal Services Commission.

3. Enquiries that progressed towards a complaint being made

- 3.1 For an enquiry to progress to a complaint being made, an appointment is made for the enquirer (or the person on whose behalf the enquiry was made) to attend the Authority's office for an assisted completion of the approved form (PGA form).

3.2 The interview is conducted by a senior staff interviewer and takes an average of 90 minutes. The PGA form is filled in during the course of the interview. Once all the information is provided, the interviewee is asked whether he or she wishes to proceed. Some people decide not to proceed at this point.

3.3 The following table summarises the outcomes of appointments made.

	<i>2004–05</i>	<i>2005–06</i>	<i>2006–07</i>
Interview conducted and complaint made (PGA form signed)	4	5	4
Interview conducted, PGA form completed but not signed—complaint not made	1	3	–
Appointment made, not kept	5	2	1
Total	10	10	5

4. Complaint and hearing process

4.1 Once a complaint is formally made, a preliminary meeting will be called. The Authority formally writes to the complainant and the respondent (that is, the alleged problem gambler) seeking their attendance at the meeting, which is convened by a member of the Authority. The aim of the preliminary meeting is to identify the issues, whether there is an opportunity for resolution of the complaint by consent and, if the complaint is to be contested, what material will be required and how long the hearing is likely to take.

4.2 The Problem Gambling Family Protection Orders Act provides that the Authority has no jurisdiction if there is a pending domestic violence complaint in the Magistrates' Court. (The Court is able to make family protection orders as part of those proceedings.) In such a case, a preliminary meeting will not be convened. This affected no complaints made in the current reporting period. The one case of this type, which continued from the previous reporting period, was adjourned indefinitely in the current reporting year following conclusion of the domestic violence proceedings.

4.3 In cases where a preliminary meeting results in an agreement between the complainant and respondent, the parties are invited to sign consents to orders to give effect to that agreement. On receipt of the signed consents, and a report from the member who convened the preliminary meeting, the Authority will generally make orders conformable with the consents.

4.4 Examples of the orders that have been made by consent are—

- attend gambling counselling either alone and/or jointly with their partner for a specified minimum number of attendances within a specified period (for example: six sessions within six months);
- attend financial counselling with their partner;
- not enter specific gambling venues (this is actioned by the respondent undertaking a voluntary barring through the Authority's barring scheme);

- not placing bets with SA TAB agents and closure of all SA TAB accounts;
- not participate in any form of gambling;
- cease management of work lottery syndicate;
- provide all bank account access cards and credit cards to their partner;
- place all income into an account managed by their partner and the partner allocating a specified amount to the respondent for their personal use;
- provide \$100 weekly to parents to ensure food purchased for grandchildren;
- barring from entering the premises of any second-hand dealer (including a second-hand dealer who operates as a pawnbroker) in various country towns.

4.5 The Authority’s general practice, when making orders (by consent or on the basis of evidence), is to adjourn the complaint for a period of months and to receive information from each party (and, if appropriate, counsellors, etc). Depending on the circumstances, these matters will be acted upon in the course of the Authority’s normal business, or will be the subject of a hearing.

4.6 The following table sets out the status, at the time of reporting, of complaints made since the inception of the Problem Gambling Family Protection Order (PGFPO) scheme.

	2004–05	2005–06	2006–07
Active—hearings being held	0	–	–
Active—adjourned awaiting outcome of other interventions	0	2	4
Inactive—adjourned indefinitely	1	1	–
Inactive—completed/dismissed	3	1	–
Inactive—withdrawn	–	1	–
Total	4	5	4

With regard to the status of the affected dependents in the 13 complaints made during the 3 years of the PGFPO scheme, 3 cases involved a dependent spouse only, while the remaining 10 cases involved dependent children with or without a dependent spouse.

5. Issues arising

Care is required in analysis

5.1 Care must be taken in seeking to identify trends in the numbers contained in this report; due to them being small numbers they are by their nature volatile.

Persistence factors

5.2 Over the three years of the scheme, there have been 74 enquiries where a confident assessment of eligibility was made. Of these, 13 proceeded formally.

5.3 What has been recorded from the telephone contact with enquirers gives an indication (albeit anecdotal) as to why only a little less than one in six enquiries where a

confident assessment of eligibility was made, proceeded to formal action. As was the case during the first two years of the scheme—

- some enquirers continued to express the view that they felt that invoking the scheme against their partners (whom they loved) might hurt their partners or make things more difficult;
- some were reluctant to employ a “heavy” approach to addressing the problem gambling;
- a number expressed an expectation that the Authority would deal with the matter without them having to be involved;
- some enquirers are acquiring knowledge about the scheme and the option of making a complaint, as “leverage” when confronting the problem gambler about the problem—a number of callers have stated this actual intent as being the reason they contacted the Authority to gain information about the scheme.

5.4 It also appears that making an enquiry about the Problem Gambling Family Protection Orders scheme continues to be a catalyst to other action in respect of the problem, such as counselling or requests for voluntary barring.

Eligibility of enquirers

5.6 Across the three years of the scheme 25 of a total of 99 enquiries (25.3%) directly about a problem gambler and where eligibility could be confidently determined, related to a person with no dependents within the meaning of the Problem Gambling Family Protection Orders Act. Thus, one of the essential eligibility criteria for a complaint to be made under the PGFPO Act was not met. (This figure is a slight decrease from the first two years of the scheme—22 of 75 enquiries, or 29.3%).

5.6 This, and the number of enquiries where eligibility could not be confidently assessed (24 enquiries over the three years of the scheme), and the anecdotal information of action being taken by the enquirer or problem gambler following a call to the Authority about the PGFPO scheme (due to other strategies and services information provided), justifies the Authority’s practice of encouraging a detailed telephone enquiry as the first step towards an intervention.