

Independent Gambling Authority
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**Response to a call for written submissions
by the Independent Gambling Authority
for inclusion in the

Inquiry into barring arrangements**

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Response to call for written submissions by the Independent Gambling Authority for inclusion in the Inquiry into barring arrangements

This submission responds to the invitation from the Independent Gambling Authority to participate in the Inquiry into barring arrangements. This response takes a perspective that is founded on Anglicare SA's extensive practice in working with individuals and families who experience problem gambling and is in line with the organisation's vision and values.

Organisational Background

Anglicare SA has been working for the community of South Australia for over 150 years and is recognised as an organisation providing high quality services responding to both immediate need and assisting people to maintain and restore dignity and control in their lives. We are a large and diverse human service organisation with extensive experience in the delivery of a broad range of community based services including family support, aged care, housing and the provision of comprehensive support to individuals and families in crisis. Many of our clients have high and complex needs.

Through our extensive experience in the delivery of assistance to people who are experiencing problem gambling, Anglicare SA has built a reputation as an organisation that can form positive, trusting relationships with people with varying levels of need and behaviours. We believe such relationships are at the core of successful intervention. As South Australia's most diverse provider of community and health services to individuals, families and communities, we recognise the significance of problem gambling on quality of life and demand for community services. Alongside assistance with problem gambling behaviours and associated problems, Anglicare SA understands that access to a range of supports during life transitions is critical for healthy relationships and social functioning.

The provision of rehabilitation and support services for people affected by problem gambling in the South Australian community is undertaken by a group of stakeholders, of which Anglicare has been part since the inception of our Gambling Help Services (GHS) more than a decade ago. This has allowed Anglicare to develop knowledge of key issues impacting on problem gamblers, relationships with service providers, advocate on behalf of people experiencing problems with gambling and contribute to the ongoing development of policies that underpin the government's response to problem gambling.

Over the past decade we have established and maintained strong working relationships with other Gamblers Help Service providers including industry and community groups. This has been evidenced through our active engagement with the gambling industry support services including Club Safe (Clubs SA), Gaming Care (AHA SA) Host Responsibility (Skycity) gambling venues, Nunkuwarnin Yunti, other gambling help services, including the Statewide Gambling Therapy Service, Families SA, Housing SA, Centrelink, schools and community and health services.

Anglicare has many examples of GHS counsellors working with venues and clients to support voluntary barring processes. This occurs most often when venue staff perceive a patron maybe spending significant amounts of time, or money, at the gaming venue and believes that their gambling is out of control or causing harm to themselves or to a significant other. With support from a GHS staff member and gaming/hotel manager we have often worked together

to encourage the client to consider barring/self exclusion as an option, short or long term. Collaborative practices during this process ensure clients are safe, respected and confidentiality is maintained at all times.

Anglicare's GHS counsellors work closely with the Independent Gambling Authority (IGA) on issues of self exclusion and more generally in respect to the provision of the Problem Gambling Family Protection Orders Scheme. Clients are supported to access services offered by the IGA through the provision of verbal, written and electronic information and the explanation of consequences and responsibilities for individuals and families when considering undertaking these processes in relation to problem gambling issues.

This extensive background in the provision of rehabilitation services and community education, together with our established relationships with the gambling industry places Anglicare SA in a strong and informed position to comment on the policy initiatives outlined in the Draft Amendments Consultation Paper.

Anglicare SA's Approach to Barring

Anglicare SA's experience in gambling help services has led to our understanding of the value of a self-exclusion, or voluntary, barring system. This approach has been used consistently amongst Anglicare's services for several years and has proved to be of significant value to clients recovering from problems with gambling. Our experience has been that the act of self-barring in itself acts as a psychological deterrent to participation in gambling activities. Self barring signifies an important step in the process of acknowledging and improving controls on gambling behaviours for some people experiencing problems with gambling. Our aim, therefore, in addressing issues surrounding the regulation and management of voluntary barring is to implement the understanding we have gained through our experience in the delivery of gambling help services to build a scheme that promotes and facilitates participation in voluntary barring. A lack of public awareness of the scheme is currently a major barrier to participation and, we believe, contributes to delays in the recognition and addressing of problems with gambling until these experiences reach crisis point. Anglicare therefore supports an effective voluntary barring system.

The current voluntary barring system includes the capacity for patrons to directly approach staff at a particular venue and request that they be barred from gaming areas at that venue. This approach allows patrons the flexibility to invoke a voluntary barring at the venues they frequent, and to simply and directly engage venue staff in imposing and enforcing their barring. The simplicity of this arrangement is of significance in encouraging patrons to engage in voluntary barring, and Anglicare supports the maintenance of this process.

However, Anglicare's position is that involuntary barring systems are more limited in addressing clients' experiences of problem gambling. In principle, therefore, we would only support involuntary barring under carefully thought out and stringent conditions. Many of the points we have raised in our response to the specific questions raised in the IGA Inquiry address what we believe the nature of these conditions needs to be.

Anglicare's central concern in the area of self barring is with their enforcement by venues. Our relationships with gaming venues have demonstrated that venues' capacity and commitment to enforce barring and report barring breaches varies considerably. This inconsistency significantly reduces the effectiveness of involuntary barring as a process that contributes to the recovery of barred patrons experiencing problems with gambling. Anglicare's main focus in responding to the Inquiry as it pertains to involuntary barring is to

find mechanisms and approaches that will assist and encourage venue management and staff in their task of policing and enforcing barring.

Anglicare SA's position as a key player in the delivery of gambling counselling services in South Australia positions it well to participate in the Inquiry into barring arrangements. We would like to thank the Independent Gambling Authority for the opportunity to do so. Overall, we find that the most effective measures for the management of barring arrangements are those that encourage and promote participation in voluntary barring schemes. The strong public promotion of voluntary barring schemes has the potential to provide those experiencing problems with gambling with a way of addressing their difficulties in a dignified and positive manner before the most significant damage and suffering occurs. Our principal position is therefore the establishment of arrangements that will facilitate the widespread knowledge and accessibility of the voluntary barring scheme. Our experiences with clients subject to barring orders is that the success of the order in assisting people to overcome problems with gambling is only as effective as the clients' personal resolve to do so, but will be compromised even further by systems and processes that fail to encourage and enable the committed enforcement of barring orders and reporting of breaches by gaming venues. In relation to involuntary barring the effectiveness as a tool to aid those experiencing problems with gambling, their families and communities in the recovery process is largely dependent on the timing of its application. Our experience is that the current system available through the application of Family Protection Orders is seldom used, and when applied, is often too late to avoid family and financial crisis.

Anglicare SA's Response to Key Issues of Interest

4.2.2 Expanding the availability of barring

Anglicare's experience leads us to believe that the current legislation covers the vast majority of contexts in which people experience problems with gambling. While we are not opposed to expanding the availability of barring to bookmakers, licensed racing clubs and SA Lotteries, we see that it would be of limited benefit. Our experience as a long standing provider of gambling help services is that the vast majority of people experiencing problems with gambling are those participating in playing gaming machines. If the coverage is to be extended to incorporate other forms of gambling careful consideration would need to be given to the practicality of enforcement. This might present logistical challenges and dilute efforts that need to be directed at improving enforcement in gaming machine venues, should resources be focused towards incorporating other forms of gambling which currently pose less risk.

4.2.3 A statewide involuntary barring scheme

Anglicare SA sees the potential benefits of a centralised system for involuntary barring, provided that legislation and jurisdiction of these regulations are not split amongst two or more Acts and in the event that stringent controls are put in place to protect the rights and interests of those involved. If a statewide involuntary barring scheme were to be introduced, Anglicare argues that the level of client awareness and understanding of the current system provides evidence that the scheme would only function effectively if it were managed and promoted in a clear and uncomplicated manner. To this end our recommendation is that should such a scheme be introduced that it be incorporated under one set of consolidated legislation rather than in the form of complementary legislation to the existing *Problem Gambling Family Protection Orders Act 2004*.

Anglicare's gambling help service are commonly accessed by people when the costs to family life and financial status caused by experiences of problem gambling have already become extreme. Early intervention to prevent the provision of these crisis services is rare, although we anticipate that an increasing focus on earlier detection and improved relationships with gaming venues will help to address this. Anglicare's experience with clients experiencing gambling problems has revealed low levels of awareness of the availability of the *Problem Gambling Family Protection Orders Act 2004* and its implications for families involved. As a result, the Act is rarely applied, and there is a high level of mistrust and fear about the possible implications on family life of the application of the Act and the court processes it involves. Anglicare therefore argues that the existing or any future legislation and processes will only be effective if far greater public awareness campaigns are undertaken to ensure that people understand what and how these provisions are enacted. Such a campaign could yield greater positive outcomes for clients as it would enable family members and other third parties to identify a problem with gambling at an earlier stage and have the knowledge to take action before the situation causes the greater levels of damage to families and communities that we most frequently encounter in service delivery in this area.

Should a move to a broad based involuntary barring system be introduced it will be imperative to ensure sufficient controls are also implemented to protect the rights and interests of those captured by such a system. These include, as a minimum:

- opportunities for those subject to such involuntary barring to obtain independent representation
- sufficient appeal provisions
- statutory periods of review of decisions
- requirements to take into account other impacts of imposing an involuntary order on a person's lifestyle or wellbeing

4.2.4 Monitoring and enforcement by venues

Anglicare's experience with the barring process has shown that there is great variation in the ways in which venues implement barring regulations, corresponding to equally variable levels of success. We therefore support the introduction of standards regulating the monitoring and enforcement of barring by venues, provided that these standards are of a nature that will encourage patrons experiencing problems with gambling to pursue voluntary barring, as this has been found by Anglicare services to be clearly the most effective way in which barring contributes to recovery from problems with gambling.

Anglicare SA supports the introduction of standards that will compulsorily regulate the quality of photographs of barred patrons used by staff at venues to identify participants, the accessibility and prominent display of these photographs in a location where venue staff can readily consult them, along with the display of instructions on the management and reporting of barred patrons identified in gaming areas. We also support the introduction of standards governing the compulsory training of staff in these procedures, along with regular retraining and refresher training.

Anglicare also supports the introduction of regulations to make the reporting of barring breaches mandatory by venue staff, to replace the current voluntary reporting system.

Our experience with the success of the voluntary barring scheme leads Anglicare to stress the value of information about this process for patrons. We believe that regulations requiring all venues to prominently display information about the voluntary barring scheme, along with contact information for a gambling help service to assist patrons in participating in the scheme and in receiving services to overcome problems with gambling, are integral

components of regulations surrounding the monitoring and enforcement of barring by gaming venues.

In conjunction with the above, Anglicare supports the pre-commitment trials currently in place, however we would like to see further results from these trials before supporting their extension. There is potential for such schemes to be used as a means of encouraging more people experiencing problems with gambling to consider the benefits of not only setting self imposed limits on their gambling but also to consider the benefits of self barring.

Anglicare SA does not support the use of fingerprint readers and other biometric devices on the grounds that they are too invasive and are representative of breaches of personal and biological privacy and dignity.

Gaming Licenses

Anglicare believes a further measure that could be considered as a medium to aid venues in the monitoring and enforcement of bars is the introduction of a gaming licence. Patrons would be required to show upon entering a gaming venue or purchasing gambling products a form of a 'licence' on which the operation of all gaming machines are individually dependent through electronic card recognition components attached to the machine. A barred patron could then have their card electronically deactivated through a central system, disabling the operation of gaming machines at the venue if the card was inserted. We recognise that some people who experience problems with gambling will go to great lengths to find ways of evading any system in place to enforce a barring whether voluntarily or involuntarily imposed. We are also aware that such a system would be expensive for manufacturers to introduce and would cause considerable public debate in relation to the civil liberties of citizens who gamble. However, a licence system such as this, in which a licence to gamble can only be procured through producing several forms of identification, including photographic identification, would prove a significant hindrance to the breaching of a barring. The significant impact of experiences of problems with gambling on the gambler, their family and on communities constitutes a significant cost to South Australia, in economic and in social and cultural terms. Anglicare therefore believes that all regulations addressing barring in South Australia must primarily address this cost to South Australian communities by encouraging voluntary barring as the most effective form of barring in aiding recovery and by enabling the effective monitoring and regulation of barring by venues. A gambling licensing system such as that outlined above, whilst at one level a drastic measure, could make an important contribution to the ease and effectiveness with which South Australian venues are able to monitor and regulate barring on their premises.

Case Study

“John” and “Mary” were self funded retirees and had professional careers throughout their working years. They first met at University whilst in their 20’s and had raised three children. Mary was able to continue her career and both had supportive parents who cared for the children during school holidays and when the children were absent from school due to sickness. Their joint incomes and superannuation plans provided for a comfortable retirement.

Mary was introduced to the Pokies when she attended a local hotel at the request of a friend. Whilst paying for her lunch Mary received the ‘complimentary’ \$2 coin provided by the hotel to use in the Pokies area. As her friend played the Pokies after lunch Mary used her \$2 coin and was guided by her friend as to what machine to play. Mary used \$12 of her own money and had small wins of \$1 to \$8. She recalled the excitement of winning \$800 with her remaining \$1 (credit) and she stated this gave her the incentive to return the next day hoping to repeat this win. Mary recalls winning \$40 but she continued to play and used the ATM

facility to withdraw \$50 at a time over the next few hours. She returned the next day, without her friend, with the intention of winning back the \$450 she lost the previous day. However, Mary lost a further \$600 and she recalled leaving the hotel “declaring she would never play the Pokies again”. The following week her friend phoned her requesting she come for lunch again and Mary states “that was really the beginning of my journey into hell and bankruptcy”. Over the next 4 years Mary lost over \$1.8 million dollars on the Pokies in 3 of her local hotel venues. John was unaware of the extent of Mary’s financial losses and stated Mary had handled all the finances throughout their married life and he had kept within his spending allowance as agreed. As well as depleting the savings account, Mary had forged her husband’s signature to remortgage their home and their holiday home. Mary finally disclosed her gambling problem and the state of their finances when John questioned her regarding his inability to access funds from the account. At the time Mary contacted the GHS Mary and John had over \$12,000 of debt, no savings, and the bank had foreclosed on the properties. Mary and John’s situation is not unique and highlights the need for patrons in the gaming areas to be made aware of the barring processes and to have ready access to information and barring in the gaming venues.

4.2.5 Ancillary barring powers and duties

Anglicare SA supports the application of regulations that will increase the efficacy of barring. These include the compulsory actions of venues to:

- close gambling accounts operated by barred patrons that could be accessed by that person for use in the gaming products and manners of gambling that are covered by the barring
- remove barred patrons from loyalty programs and mailing lists that are related to the gaming products and manners of gambling that are covered by the barring
- barring patrons from all gambling products, premises, parts of a premises, licensee or manner of gambling covered by the barring

We acknowledge that to be effective and fair barring needs to be specifically worded to ensure that there is no collateral unintended impact on those involved. For instance in certain circumstances where there are limited alternative social outlets a barring order which precludes a person from entering a venue (eg. a hotel) where gambling activity is based would seriously disadvantage the person from legitimately engaging in other social activities. To this end Anglicare SA supports efforts to ensure a greater physical and visual separation of gambling activity and products in mixed use social venues such as hotels and clubs. Any ancillary order imposed must demonstrate that it is a deterrent to future gambling activity and be readily enforceable.

4.2.6 Improvements to venue barring

Anglicare SA’s primary concern in addressing measures that will improve venue barring is the introduction of measures that will encourage increased participation in voluntary barring schemes by patrons who are experiencing problems with gambling.

Anglicare supports the introduction of the following measures to the voluntary barring system, as our experience in managing clients involved in these schemes, and those who choose not to participate, has provided us with the evidence that involvement and the subsequent success of the scheme as part of a recovery program could be increased by the introduction of:

- a minimum period of venue barring of three months
- a maximum period of venue barring of twelve months

- a statutory cooling off period for voluntary barring of three days
- a standard form for venue barring that includes information about review rights and all the other rights and responsibilities of the barred patron
- prominent publicly displayed information in all gaming venues about the voluntary barring scheme, including contact information for a gambling help service

A brief survey of 15 gambling help service clients undertaken by Anglicare SA found that 12 of the 15 had only become aware of venue barring when it was explained to them by their gambling help services counsellor, a finding which suggests that greater promotion of the scheme, particularly in venues, may be needed. Such promotion should also emphasise the range of venues that clients can bar themselves from, given that several clients had not realised that the casino and TAB are included in the scheme. Of concern is that one of the two clients who indicated that they had heard about venue barring through their work in the hotel trade also stated that they only partially understood the barring process. It appears that improved training for venue staff may be required. Also, only four of the clients surveyed had taken up the option of venue barring, with the remaining clients indicating that they are satisfied with the assistance they are receiving through their counselling. This suggests that any information or advertising about the scheme should also include the contact details of a gambling help service so that patrons have the information they need to access this type of assistance. While this information was collected from only a small number of clients, it is indicative of the experiences of our broader client group. On this basis, Anglicare believes the inclusion of the following would encourage patrons experiencing problems with gambling to more readily enter the voluntary barring scheme:

- the compulsory provision of prominent publicly displayed information about the voluntary barring scheme, including the contact details for a gambling help service, in all gaming areas
- the referral with consent of all barred patrons to a gambling help service for a follow-up phonecall assessment
- compulsory training for all venue staff about problems with gambling and associated behaviours, the impact that these problems have in individuals, families and communities, codes of practice associated with those experiencing problems with gambling and barring participants, and how and where to get help when managing these issues

4.2.7 Alternative sanctions

Anglicare SA supports the introduction of alternative sanctions, on the grounds that we believe that they will encourage the involvement and success of voluntary barring schemes, as follows:

- the period of the barring to be reinstated in full upon confirmation of a breach
- the scope of the barring be extended to include the whole of the venue upon confirmation of a breach where this is not seen to unfairly disadvantage the participant in relation to access to non-gambling social or recreational activities
- compulsory referral to a gambling help service, who will be given the breaching patron's telephone contact details and will follow up with a telephone call

4.2.8 A non-criminal approach to self-exclusion?

Anglicare SA supports the use of a deed of exclusion in which breaches of voluntary barring schemes cannot incur a criminal penalty. We do so on the grounds that self-exclusion is a voluntary arrangement that the patron has entered into of their own volition, and that therefore

they should not be criminalised as they would be for a breach of law or court order. We also argue that a non-criminal approach will likely encourage greater participation in voluntary barring schemes. Given the benefits of self-exclusion, measures to increase the participation rates in voluntary barring are to be strongly endorsed.

However, Anglicare believes that the \$10,000 fine imposed on venues for a known breach on their premises should stand. Anglicare's relationships with venue operators has provided us with significant evidence, offered by venue staff and managers, that this fine is an important incentive to them in their efforts to monitor and enforce barring at their venues.

4.2.9 Reviewing barring decisions

Anglicare SA believes that involuntary barring that has been imposed through the court system as part of the *Gambling Family Protection Orders Act 2004* should be dealt with by the courts. All other involuntary barring reviews should be conducted by the IGA. Should there be some consolidation of legislation in relation to barring arrangements including an extension of involuntary barring then the IGA would seem best positioned to assume responsibility for all review processes.

We believe that voluntary barring reviews should also be conducted by the IGA so as not to place venue staff, who may know and have established personal relationships with patrons, in a position of conflict of interest. This would also allow for a body of expertise and experience to be built within the IGA over time which will likely enhance the quality and consistency of review processes.

4.2.10 Harmonising barring processes

Anglicare SA believes that the regulation of barring procedures should ideally all be consolidated under one piece of legislation and one primary jurisdiction. Accordingly, any new regulations introduced as a result of this Inquiry need to be included as part of the existing Gaming Machines Act, or the current act needs to be disbanded and a comprehensive new statute drafted. This would also enable the provisions of the Problem Gambling Family Protection Orders Act to be subsumed within a consolidated Act which incorporates all provisions in relation to barring arrangements whether they be on a voluntary or involuntary basis.

Anglicare's experience in delivery gambling help services to South Australians has found that having a range of ways that people can access the voluntary barring process results in greater participation in the system and therefore greater experience of its benefits. However, having different forms of legislation has the potential to be confusing for clients as well as venues and organisations involved in assisting those experiencing problems with gambling and potentially deter them from engaging with the schemes.

Summary and Conclusion

Anglicare SA supports measures that will promote public awareness of and participation in voluntary barring schemes as the most effective form of barring in assisting people experiencing problems with gambling towards recovery. This system needs to be as accessible and user friendly as possible and managed in a manner that respects and acknowledges the positive step taken by clients in choosing to participate.

In considering involuntary barring the emphasis must be on the encouragement and enabling of venues to enforce bars and report breaches. The long-term success of involuntary bars in contributing to recovery amongst those experiencing problems with gambling is minimal, but the chances are best if barring can be effectively enforced. This will serve to minimise the suffering experienced by the patron's family and community while the barring is in place, and allow time for barred patrons to reassess the impact their gambling has had on their lives and the wellbeing of those around them.

The economic and social cost to South Australian families and communities of problem gambling behaviours is considerable. Anglicare's response to this Inquiry is based on our experience in providing gambling counselling services to South Australians since the introduction of gaming machines in this State. During difficult economic times vulnerable people sometimes search for alternate ways to generate income, including beginning or increasing their gambling. The application of effective barring management can contribute significantly to the success of recovery for those experiencing problems with gambling and their families, and this Inquiry provides a timely impetus to build a system that minimises the suffering inherent in experiences of problem gambling.