

Inquiry into Barring Arrangements The PokieWatch.org submission

This document is divided into three sections:

1. PokieWatch.org's observations on implementation of Responsible Gambling Codes of Practice regarding barring in pokie pubs
2. Responses to Section 4.2 matters
3. Submission outside terms of reference – Removal of Children from pokie venues

1. Observations on barring in pokie pubs

What is PokieWatch.org?

PokieWatch.org is a website devoted to promoting best standards for implementation of responsible gambling practices. It records observations for over 150 pokie pubs and clubs in South Australia, Victoria and Queensland. Paul Bendat, a former solicitor with management experience in radio and television and large winery operations and marketing, created the web site. Sue Pinkerton assisted with the observations of South Australian pokie pubs.

The focus of observations in South Australia is upon pokie pubs associated with either Woolworths or Wesfarmers (Coles/Liquorland). These large companies are profitable and conduct pokie operations in many Australian states. With over 11,000 pokies, Woolworths Limited have publicly represented that it is their internal covenant to take a leadership position in the area of problem gambling. Woolworths have also stated that they have self barring facilities in all of their hotels.

The PokieWatch.org South Australian web pages are grouped under <http://www.pokiewatch.org/page/South+Australia>. The first round of inspections occurred in November 2008 and January 2009. Meetings have occurred with senior executives from both Woolworths and Wesfarmers / Coles and they have been informed that observations about these venues have been posted on the PokieWatch.org web site. It is intended to conduct another round of inspections in February 2009 prior to the hearing date of this inquiry.

What is the basis for PokieWatch.org observations?

Many South Australian pokie pubs post a notice at the entryways of their pokies areas bearing the identities of the Australian Hotels Association (South Australia) and the Office of the Liquor and Gaming Commission. The text of these notices follows:

Important Notice
Gaming Barring Order

If you have been barred from the gaming areas of this hotel you must report to the Duty Gaming Manager immediately on arrival to enable your activity to be monitored to ensure compliance with the barring order.

We ask this in your best interest because if you breach your barring order you are liable to a fine of up to \$2500.

The colours used above replicate the colours on the notice.

It would seem that the posting of this notice is the result of Clause 9 (4) of the Responsible Gambling Codes of Practice reproduced on page 44 of the Barring Inquiry guide:

“(4) The gambling provider will ensure, to the extent reasonably possible, that self excluded customers are not allowed to enter, or remain in, gambling areas from which they have been excluded.”

This provision continues in the new gambling code of practice that came into force in December 2008.

It is appreciated that the posting of these notices may be only part of the execution of the responsibilities of a gambling provider. Notwithstanding, this notice is the most visible presence in a pokie venue of the existence of a self-exclusion facility.

In its December 2007 newsletter of the AHA (S.A.) the potential effectiveness of these notices was acknowledged. In the context of awarding the Big River Tavern the award for best country gaming venue, Rob Wright, manager of that pokie pub stated:

“We are lucky in a sense that we are a country venue so we get to know our patrons on a personal level so if you do notice warning signs then it can be easier to approach,”

PokieWatch.org observations

1. There was no readily visible notice observed at any venue informing gamblers of the existence of a self exclusion facility other than the barring notice reproduced above.

2. Set out below are the observations with respect to each venue. Please note that while contemporaneously handwritten notes support all observations; there may be mistakes in recording what was seen or signs that were not observed. It is reiterated that a new round of inspections will occur before the Inquiry Hearing date and the results of those inspections will be tendered at that time.

Aberfoyle Hub Tavern

Large notice on entrance. Also on glass partition between the dining area and the pokies near the ATM. Also in the hallway back from the toilet

Buckingham Arms Hotel

Sign by cashier.

Hotel Enfield

Signs at the entrance and next to the cashier

Eureka Tavern

Sign on glass in entrance.

Esplanade Hotel

None seen.

Exeter Hotel

On glass entrance to pokies room.

Findon Hotel

One poster at eye level in entry. Other poster placed in dark corner and obscured by a plant.

Finsbury Hotel

One poster near ATM.

Gepps Cross Hotel

Game barring sign at side entrance and at cashier.

Grand Junction Tavern

One only - located 3 paces inside of the gaming room entry lobby No self-barring order sign near entry off front bar.

Halfway Hotel Beverley

Can only be seen when exiting the pokies room. It is around the corner from the entrance. No sign by cashier. There is a sign near the bar.

Hampstead Hotel

No sign in the joint lounge bar / pokies room entrance. Sign placed on a board in the transition between Lounge bar and pokies room amongst 7 other notices. Sign in side pokies entrance. Sign on another board amongst 5 other signs.

Hendon Hotel

None visible.

Henley Beach Hotel

No signs either by entrance or near cashier.

The Highbury Taverner

Sign in pokie room exterior entrance.

The Links Taverner

At the entry to the gaming room from the dining room....also outside the gaming room entry from the front bar....not any signs at all inside or outside the beer garden entry .

New Reservoir Hotel

No sign in main pokie room entrance. 2 x signs on pokie room wall and near cashier.

New York Bar & Grill

Small sign on side of the change machine.

Norwood Hotel

On the side of the rear entrance.

Paradise Hotel

Sign by cashier.

Payenham Tavern

None seen - three doorways into the pokies area and none of them had self-barring orders signs near them.

Playford Tavern

Gaming room entrance off the dining room. None inside or outside street entrance. None between TAB bar and gaming room.

Ramsgate Tavern

No signs for self-barring in either street entrance.

Royal Oak Hotel

Poster in entrance and at cashier.

Salisbury Hotel

None at either entrance. Pamphlets near cashier. Sign near coffee service area.

Seacliff Beach Hotel

No sign in entrance from dining area. The notice in the car park entrance is fixed to the back of the door. The door was left open (propped in position with a brick) so that the sign is not visible.

Slug 'n' Lettuce

Sign at entrance.

Stockade Tavern

Notice located high on dark wall between TAB and pokies areas. Another sign located above the cashier.

Victoria Hotel

In main door but no sign if entry from adjoining dining area. Also by cashier.

Waterloo Station Hotel

One on the wall to the right of the entry doors

Please note that neither the Buckingham Arms Hotel nor the Paradise Hotel are associated with either Woolworths or Wesfarmers/Coles.

2. Section 4.2 submissions

Given the evidence that a significant number of the pokie pubs visited appeared unable to perform the simple act of placing these notices at the entrances to their pokie areas, it is submitted that these venue operators demonstrate an incapacity to provide or enforce a self exclusion facility.

This finding should be viewed in the light of the existing legal duties of gambling providers as set out in the Appendices to the guide to this inquiry. Regard should also be given to this finding when considering the imposition of future obligations.

It is submitted that a solution that is automated, such as a card system which allows or deters entry to a pokie area, rather than a system dependent upon venue staff supervision would ultimately be more effective. It is also submitted that a uniform Australia wide system be put into place. Not only will this circumvent border hopping; it will assist in creating economies of scale in implementing an electronic solution.

The statements made in the previous three paragraphs should be considered together with the responses to the specific issues set out below.

4.2.2 Expanding the availability of barring

Should barring arrangements be expanded to cover all gambling types in South Australia? This would make barring available in relation to bookmakers, licensed racing clubs and SA Lotteries.

Yes.

4.2.3 A statewide involuntary barring scheme

Should a statewide involuntary barring scheme be introduced, complementary to existing venue-based barring powers and the Authority's voluntary barring scheme? If so, what form should it take, who should be able to make a complaint and what criteria should be required to be considered before making an order?

Yes.

4.2.4 Monitoring and enforcement by venues

Should any of these approaches be pursued and, if so, how should they be phased in?

Manual signing in procedures could be effective if strictly enforced with penalties for both the pokie provider and the gambler. This solution has merit in that it could be quickly put into place and enhances gambler/venue contact.

Biometric technologies provide a likely solution but should await completion of trials.

4.2.5 Ancillary barring powers and duties

Should barring powers in South Australia include these type of ancillary powers? If so, what should the powers be?

Yes. The gambler should be excluded from all aspects of pokie gambling. This writer is not qualified to comment upon means of exclusion from internet based gambling.

4.2.6 Improvements to venue barring

Should any or all of these features be introduced for venue barring orders in South Australia?

Yes, provided that the confidentiality an individual's information is maintained. On the other hand, given that the operator enjoys the benefit of a government granted license, all information relating to a venue's implementation of the barring facility should be publicly available.

4.2.7 Alternative sanctions

Should either of these options be included in or adapted for South Australian law? One way to adapt these types of sanctions, for example, would be to confer a power on the Liquor and Gambling Commissioner or the Authority to make such orders.

Not qualified to answer.

4.2.8 A non-criminal approach to self-exclusion?

Should the current South Australian approach of criminalising a breach of a barring order by a self-excluded person be maintained or should a deed of exclusion or other approach be adopted?

Not qualified to answer. Adoption of an effective electronic based solution could result in the de-criminalisation of this behavior.

4.2.9 Reviewing barring decisions

Is there a need for consistency in review processes for barring decisions? If so, who is best placed to be the review body for involuntary barring decisions?

The impact of addictive gambling behavior is no less significant for those with alcohol, drug or smoking. Opinions as to the best manner of treatment should be sought from those involved in rehabilitation of these addictions. It may well be that there is a need to separate these reviews.

4.2.10 Harmonising barring processes

Should barring arrangements be harmonised across the legislation? If so, to what degree and how? For example, following the Australian Capital Territory and Tasmanian models, all barring powers could be centrally located in one statute rather than spread across several.

Despite the numerous places where the rules are to be found, the difficulty in an effective system is not in the expression of legislation. Rather, it is the implementation by the gambling operator.

3. Submission outside terms of reference – removal of children from pokie venues

In addition to PokieWatch.org, this writer created and maintains the PokieAct.org web site to support the campaign to make pokie places kid free.

It is submitted that children should be either banned from pokie venues entirely or that measures be put in place to ensure that it is a condition of the pokie license itself that the sights, sounds, directional signs and any promotion for pokie gambling be removed from all areas of any venue where children either accompanied or unaccompanied might be present.

There is an Australia wide campaign by pokie operators to bring families with children into pokie venues with offers of free food, free playgrounds acting as child minding centres and other forms of entertainment.

A 2-minute video has been produced to illustrate these pokie operator promotions. The video can be seen at http://www.youtube.com/watch?v=Bdxx-3pbeHo&feature=channel_page

- This activity has been observed in South Australia at the Exeter Hotel, the Playford Tavern, the Paradise Hotel, the Esplanade Hotel, the Links Taverner and the Buckingham Arms Hotel.
- The bistros at the relatively new Hub Tavern and Halfway Hotel were constructed in such a way that the sights and sounds of the pokies were open to children sitting in the bistro area.
- A children's menu is offered at the Eureka Tavern, the Victoria Hotel and the Highbury Taverner. The New York Bar & Grill also offers a children's menu and is located in a mall at the entrance to the mall cinema complex. As a result there is a constant traffic of children by the venue. It is opposite the Hungry Jack's
- The Hampstead Hotel offers a coin operated game of chance to children called "Win Everytime. The video game at the Seacliff Beach Hotel is located next to the entrance to the pokies room.

The concern is best expressed by Professor Dr. Charles Livingstone of Monash University:

"One of the ways in which pokie gambling is 'normalised' - made to seem like an everyday, average sort of activity - is by exposing young children to poker machine venues in the company of family and friends. Just as smoking, drinking and poor eating habits are passed on by example, allowing children to accompany adults to gaming venues, and indeed encouraging this by

providing play rooms, free meals and so on, is likely to result in the development of problems later in life. Pokie gambling is a potentially dangerous activity and children should not be encouraged to think it's just another harmless pastime."

A December 2008 decision of the Victorian Commission of Gambling Regulation cited evidence of a letter from the former officer of the Prime Minister John Howard's office. The letter was concerned with the Federal subsidy for a child care centre near the Whitten Oval where the Footscray Football Club operates a pokie gambling facility.

"the provision of childcare - which was a very significant feature of the project from the Federal Government's perspective - was thought to be fundamentally inconsistent with running a gaming and licensing venue on the very same site."

This issue of children in pokie clubs was covered in the Brisbane Courier Mail on 24 January 2009. <http://www.news.com.au/couriermail/story/0,23739,24956735-23272,00.html>. I commend this Inquiry to read through the 46 comments posted on this story. These comments provide a helpful sample of community expectations on the matter.

In the light of these observations and the finding concerning the posting of barring notices; it is regrettable to note that the recent revisions to the Responsible Gambling Codes of Practice allow for operators entering into an approved intervention agency agreement to avoid compliance with Clause 4A of the new code. It is submitted that steps be taken ensure that such agreements require the practice suggested by the submission in this part.