



**Duty Of
Care**

Duty of Care

Submission

To

Independent Gambling Authority

Review 2006 –

Advertising code-External Signage

Contact

**Sue Pinkerton
Problem Gambling Research Consultant,
Secretary, Duty of Care Inc**

**P.O. Box 91,
Para Hills,
South Australia. 5096
Email - sue@dutyofcare.org.au
Web – www.dutyofcare.org.au
Phone - (08) 8182 4062
International - 61 + 8 + 8182 4062
Mobile - 0421 846 188**

October 2006

**Duty Of Care
Incorporated**

**Sydney
PO Box 400
Mittagong
NSW 2575**

**Melbourne
PO Box 244
Warrandyte
VIC 3113**

**Adelaide
PO Box 91
Para Hills
SA 5096**

**Public Officer
PO Box 400
Mittagong
NSW 2575**

**P: (02) 4872 3911
F: (02) 4872 3922
E: doc@epost.net.au**

1984 Incorporated Association Under
Associations Incorporation Act

www.dutyofcare.org.au

Duty of Care thanks the Independent Gambling Authority for informing us of the opportunity to submit a further response regarding external signage on gambling venues.

Duty of Care's considered opinion is that gambling machines are the most psychologically entrapping, cognitively manipulative, financially, socially and psychologically harmful gambling product yet developed. We signal – and affirm - our intention to continue lobbying incumbent governments for the removal of poker machines from Australian communities. Duty of Care reiterate our opinion that all advertising of gambling and/or gambling venues should be banned.

It is our contention that;

- ALL advertising of gambling venues is purpose designed to entice people to gamble,
- All external advertising triggers gambling urges in problem gamblers, and
- Without a ban on advertising and promotion of gambling and gambling machines on the outside of gambling venues, it is impossible to prevent children and teenagers from being exposed to (and subsequently internalizing) gambling propaganda used by the gambling industry.

As required under the Advertising Codes of Practice, venue owners must ensure that “any advertising is not directed at vulnerable populations or problem gamblers in recovery”. It is our understanding that this directive should include advertising by means of internal AND external signage, particularly where terms commonly held to be associated with gambling are used.

The gambling advertising code should be amended so that all sights and sounds of gambling machines, gambling rooms and gambling paraphernalia should not be visible or audible to pedestrian and vehicular traffic passing by a venue. We ask that the Authority allow for the imposition of significant fines for non-compliance with the banning of external advertising of gambling machines and make provision for a phone-in “complaints” line so gambling machine consumers and concerned members of the public can report breeches of the gambling advertising codes of practice should they occur.

Research conducted in Toronto Canada¹ clearly shows that teenagers absorb and are influenced by gambling advertising. This research showed that gambling advertising is pervasive in society today and predominantly promotes the fun and excitement of gambling while downplaying (or ignoring) the harms associated with gambling. This practice has a considerable impact

¹ Korn, David., Hurson, Tim., and Reynolds, Jennifer., 2005, “Commercial gambling advertising: Possible impact on youth knowledge, attitudes, beliefs and behavioural intentions”.
<http://www.gamblingresearch.org/download.sz/125%20Final%20Report%20-%2012APR05.pdf?docid=6481>

on the attitudes young people hold about gambling and tempts them to become involved in gambling illegally².

While Duty of Care understand that restrictions on advertising and promotion of gambling inside venues was not mentioned in the call for submissions on advertising codes relating to external venue signage, we urge the Independent Gambling Authority to include measure that shield children, teenagers and recovering pokies addicts from in venue signage that promotes a jaundiced but unrealistic view of the outcomes of indulging in gambling.

To this end, we ask that the Authority give consideration to introducing requirements in the gambling advertising code that IN-VENUE advertising and promotions;

- 1) should include warnings about the potential for gambling to cause harm,
- 2) that sights and sounds of gambling and all signage related to gambling INSIDE a hotel or club should not be visible - or audible - in areas of the venue where children are permitted (eg, dining area, beer garden, conference or event room etc),

Further we urge the Authority to introduce codes of practice that require the number, colour, and size of internal signs advertising or promoting gambling be balanced by an equal number, size, and colour of signs advertising/promoting;

- a) the help services available to people who develop gambling related problems,
- b) the signs that a person is developing an addiction to poker machines,
- c) the risks of gambling - including addiction to poker machines

and/or

(d) the odds of any particular combination of symbols appearing (expressed as "1 chance in 'X' bets"),

to ensure all consumers of gambling products are better informed about the risks they are facing in choosing to gamble on poker machines.

In offering stakeholders the opportunity to make further response to Review 2006 regarding gambling advertising (external signage), the Authority asked respondents to advise in their responses whether or not they felt a further hearing was warranted on this issue.

Duty of Care **does not** believe a further hearing is warranted. We believe the opinions of the various stakeholders are clear. We believe that additional hearings will not alter the views of the care sector that external signage should be banned. Further, we do not believe that further discussions will alter the views of the industry that they should be allowed to continue promoting

² Messerlian, Carmen., Derevensky, Jeffrey., and Rina, Gupta., 2005, "Youth gambling problems: a public health perspective." Health Promotion International 2005 20(1):69-79).
<http://heapro.oxfordjournals.org/cgi/reprint/20/1/69>

gambling and gambling machines by any and all legal means without restrictions.

It is our contention that there is a plethora of well-conducted research showing that gambling machines – their legalisation, widespread distribution and unbalanced, positivistic promotion - are responsible for the tenfold increase in numbers of problem gamblers that has occurred in South Australia since 1994. The research is also plentiful and quite clear that this one gambling product;

- A. Causes significant financial, social and psychological harm to one in four regular users of it,
- B. Causes harm that is both predictable and inevitable when consumers use the product as intended by the manufacturers, AND
- C. That the harm caused by gambling machines is understood by 80% of the population.

Lord Atkin, in establishing the principle which forms the modern test for determining the existence of a duty of care stated, *"You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour"*. In the light of the level of harm that gambling machines are known to cause, Duty of Care suggests that even "the man on the Clapham omnibus" would consider it unreasonable for those who own and operate these machines to continue advertising them on the outside of their establishments. Further, we would suggest it highly likely that "the man on the Clapham omnibus" would deem it unreasonable for those who own and profit from gambling machines to continue promoting them as a fun filled form of entertainment inside those same venues in areas where children are permitted.

Should the Authority receive submissions from the majority of other stakeholders asking for another hearing, Duty of Care will take the opportunity to speak to our submission.

Prepared by,
Sue Pinkerton
On behalf of Duty of Care Inc