

20 September 2023

Submission to the Review of Victoria's Pre-Commitment and carded play

Executive Summary

Financial counselling Victoria (FCVic) welcomes the opportunity to make a submission to the Review of Victoria's pre-commitment and card play consultation process.

Financial counsellors work with people experiencing gambling harm. They understand the distress and devastating impact gambling harm has on individuals, families, workplaces, and communities. Financial counsellors regularly hear stories of persons experiencing gambling harm who are encouraged to gamble for long periods of time, spending money that they cannot afford to lose.

The opportunity to introduce a meaningful and responsive pre-commitment and carded play program to Victoria is one that we welcome and have been advocating for since Gambler's Help programs were introduced. Continual development of our understanding of what gambling harm is, and how we can better look after individuals and communities who experience gambling harm must be prioritised over profit margins and business growth for gambling providers.

About Financial Counselling Victoria

FCVic is the peak body and professional association for financial counsellors in Victoria. We advocate on behalf of financial counsellors and their clients on systemic issues that cause and exacerbate poverty and hardship.

Financial counselling is a regulated profession providing free, confidential and independent advice and advocacy for people in, or at risk of, financial hardship. Financial counsellors often work with people experiencing gambling harm – either directly as a gambler, or as a family member or other person affected by gambling.

Introduction

In preparing this submission, FCVic surveyed Gambler's Help financial counsellors and consulted with the gambling specialist financial counsellors who form FCVic's Gambling Issues Working Group. This submission draws on the casework experience and expertise of these practitioners.

Consultation questions

We have responded to key questions that directly relate to client presentations to financial counselling services. This does not mean that unanswered questions are not important or in need of further examination.

2.1 Mandatory carded play and pre commitment

2.1.1 Design of system

1. Are there other principles that should underpin the design of a carded play system for Victoria?

First and foremost, a person's identity and personal details should be safe from fraud, scams and misuse.

Secondly, it is important to remember the reason for introducing carded play – to enable a person to monitor their gambling habits and set limits (time and amounts), in order to reduce their risk of gambling harm or losing more than they can afford.

If a person is self-excluded, a lock should be placed on the card to ensure it cannot be used during the self-exclusion period.

Research data and gambling trends should be extracted from carded play to further our knowledge and understanding of gambling harm, and then use this research to implement strategies to reduce gambling harm across our community.

2. What costs will likely be incurred to implement a carded play system? For example, software changes for machines, hardware changes, app development, staff training, kiosk and online platforms?

It is our understanding that – with the introduction of the YourPlay pre-commitment scheme in 2015 – many of the design, development and ongoing use of a carded play system is already in place (within venues, within machines, and staff knowledge). Any further and ongoing costs should be absorbed by EGM machine owners and venues/clubs like other programs and services that use ongoing technology to sell or monitor their product.

5. What are the key issues to consider about the way in which a patron can use their carded play account and access their account information? Please consider potential issues with continuing to allow multiple cards linked to a single YourPlay account.

Allowing multiple accounts on a single card, such as YourPlay, is concerning for financial counsellors as misuse of another's card (e.g., taking a partner's card to gamble) can blur the actual monies and time lost in gambling for a person. There are also always ongoing security and family violence risks from the use of multiple cards on one account.

A person's access to account information should be easily available (but secure) within an app or website page, as well as a kiosk within the venue or club. Statements should be emailed or mailed to the patron monthly with the patron having the ability to 'opt out' of this function (not opt in). Since the introduction of betting statements being made easily available to those experiencing gambling harm, financial counsellors have reported greater education and counselling opportunities with clients who are 'shocked and surprised' regarding their personal funds lost.

6. What are the key issues to consider for other programs such as membership or loyalty schemes, that might use the same player card?

Financial counsellors do not support the use of loyalty programs to entice patrons to further gamble or use venue facilities. We request that consideration of, and research into, the use of loyalty programs be undertaken. The Federal Government is considering banning the use of inducements and entitlements to bet further – we recommend that the Victorian government consider doing the same.

7. What information should patrons receive from a carded play system and how? For example, monthly activity statements, recent transactions available online or at a kiosk?

Similar to betting account statements, visible information on funds lost should be easily accessible. The statement should also show time spent at machines. Statements and cards should also display the Gambler's Help support services and contacts available.

2.1.2 Pre-commitment

8. What are the key considerations for transitioning YourPlay from a voluntary to mandatory scheme:

- a. for Patrons
- b. for gaming venues
- c. for other industry participants?

As stated in the consultation paper, pre-commitment via YourPlay is currently available and being used. Further promotion, training and ongoing support should be made available to all of the above groups. In transitioning to a mandatory scheme, a 'grace' period should be undertaken, but at the end of the grace period (e.g., 6 months), the VGCCC should be utilising its regulatory powers to investigate and fine venues that are not complying.

The use of Gambler's Help Venue Support Workers (community workers) who currently train and support venue staff in Responsible Service of Gaming and Gambling Codes, can be used for ongoing support of the mandatory program.

9. What pre-commitment functionality and features should be considered under a mandatory scheme? For Example:

a. Should a patron be required to set both time and loss limits?

The choice to set both time and loss limits or either, should be available to the patron and be able to be updated upon request. Increasing time or limits should come into effect within

24 hours of change – not immediately. Decreasing time or limits should come into effect immediately.

b. To what extent should limits be binding? Should a patron be able to choose to play beyond a limit?

Financial counsellors work with people who experience gambling harm and have difficulty self-regulating, particularly during gambling episodes. Throughout the YourPlay system financial counsellors have reported clients ignoring the monetary or time limit and continuing to gamble with money they do not have (money intended for rent or food) or time they do not have (e.g., children’s commitments, work commitments). The set limit/s must be binding in order for the Government and the venue to be serious about reducing gambling harm and looking after community members who are experiencing gambling harm.

d. Should there be default limits?

Yes (time and monetary amounts). This will reduce the venues encouraging patrons to ‘sign up to gamble, but don’t set limits and so you can continue to gamble’. The sign-up process for a patron should be straightforward and should easily explain the ability to set personal limits (and how to change this), and include a default limit in case the patron is unsure.

E. Should there be maximum limits?

No, there should not. Those experiencing gambling harm can have large or small incomes/assets, it should be up to the individual to set their personal limit.

2.1.3 Identity verification

10. At what points should a person’s identity be verified?

Patron’s identification should be verified when opening an account and at random times throughout the use of the card, including the use of multi-factor authentication where appropriate. We understand the use of other patron’s cards to gamble can be enticing to some (for example if the person’s limit is set low and the gambler wants to continue to gamble). To undertake random checks within a venue is a way of implementing strategies to reduce gambling harm.

We also recommend that proof of identification be required to gain entry into the gaming venue (similar to RSLs for new members).

11. How should identity verification be undertaken and by whom? For example, by venue staff or a third party?

Identity verification should be undertaken by the venue staff issuing the card. Random checks on identity verification can be undertaken by venue management or staff, as well as VGCCC inspectors within venues.

2.1.4 Cash limits

12. What are the key considerations in determining whether there should be a limit on how much cash can be inserted into, or paid out from gambling machines?

Safety of the patron should be paramount when considering limits on amounts paid out of gambling machines. We have heard of instances where our clients have been approached by strangers, inside or outside a venue, if a 'jackpot' has been won. We believe a limit of \$1000 is a reasonable cash limit to put in or take out of a machine.

2.1.6 Self-exclusion

14 How well does the current self-exclusion system work?

Financial counsellors work with people who are experiencing gambling harm. Financial counsellors receive reports from those people that the current self-exclusion program does not work in supporting them not to enter a venue and gamble.

We acknowledge that most low-risk problem gamblers who use the self-exclusion program, do so successfully and do not enter a venue to gamble during the exclusion period. However, moderate to high-risk problem gamblers will enter venues and use avoidance techniques to gamble. They report there is little or no intervention from venue staff, even when they know they are gambling whilst self-excluded. One client stated that the venue staff said, "you shouldn't be here, you're excluded, but if you sit down the back and keep to yourself, we will ignore you".

The current self-exclusion program is solely designed to keep the focus and responsibility on the gambler – not the venue staff or venue management – which implies it is not the product that is harmful, it is the lack of willpower of the individual. The self-exclusion deed states:

I understand that self-exclusion from Restricted Gaming Areas at the Venue/s is made voluntarily and does not place any obligation, duty or responsibility on anyone except myself... I understand and accept that although I give consent to the above authorities there is no obligation, duty and/or responsibility on the Industry Bodies, the Licensee of the Venue/s and /or their servants or agents to undertake any or all of the actions or things so authorised.

(AHA Self exclusion application)

The legal document the problem gambler signs extends further to state:

I and my administrators and assigns hereby release and covenant not to sue the industry bodies, the Gaming Operators, the licensee of the Venue/s, their nominees... from all actions, suits, claims or demands whatsoever...

(AHA Self exclusion application)

The deed is a 4-page document solely placing the responsibility on the gambler, not the industry, licensee or venue staff.

We believe this needs to change. Investigations should occur for breaches of self-exclusion, and where identified and relevant, fines should be issued to the individual, venue, licensee and/or venue staff (similar to the provisions under the Responsible Serving of Alcohol).

15. How can carded play enhance self-exclusion programs? Please include technical limitations where known.

When someone is self-excluded, this information should be loaded onto the patron's card and if the patron attempts to gamble using carded play – it should not allow the patron to continue to gamble (or enter the gaming area). This should remain active on a YourPlay type card until self-exclusion period is complete. A person should not be able to sign up for a card such as YourPlay to gamble if currently self-excluded.

16. What should be the minimum requirements for self-exclusion programs?

Currently, the self-exclusion period is 6 months minimum – 2 years maximum, and we believe this is sufficient. For those individuals who wish to extend the self-exclusion period – this should be easily undertaken via an app, website login or phone call with the self-exclusion program.

For the self-exclusion program to be an effective way of reducing gambling harm, more regular scrutiny of the program should be undertaken by both VGCCC inspectors and venues. Possible fines, breaches and criminal charges should be clearly articulated within the self-exclusion program to ensure venues take responsibility, as well as the individual, to discourage gambling whilst excluded.

Specific ongoing training on self-exclusion programs, and ongoing training relating to identification of a patron who is self-excluded and gambling should be mandatory for all venue workers and management.

In addition to training in self-exclusion, ongoing training around gambling harm awareness and vulnerability of the individual, their family and their community is integral to educating venue staff and managers to ensure that gambling harm is taken seriously.

Gambler's Help program staff should be able to easily undertake self-exclusion deeds with patrons and have access to self-exclusion databases to assist clients to exclude, report breaches, and extend self-exclusions.

The self-exclusion deed and process to exclude should be simplified to enable a patron to fully understand the agreement, consequences and processes. Currently, it is overloaded with legal jargon and there is no responsibility placed on venue, industry, management or staff.

Research should be conducted into enabling a third-party to initiate self-exclusion. Financial counsellors work with many affected others who would like to undertake a self-exclusion (or

at least support their loved one in self-excluding). The casino operates a third-party exclusion, and as such, research is currently available.

18. Should other types of exclusion be implemented in gambling venues? For example, temporary exclusion orders, or orders from law enforcement?

We would like to see temporary exclusion orders be made available to venues for a period of 24 hours with patrons. We know that people experiencing gambling harm will continue to gamble for extended periods of time and allowing a temporary exclusion is a way of limiting access. If this was available to be added to the carded play, then the patron should not be able to enter another venue to gamble.

2.1.7 Play periods

19. What are the key considerations in determining whether play periods should be introduced in clubs and hotels?

The evidence is clear that people experiencing gambling harm, gamble for long periods of time without an effective break. The evidence also shows that when patrons have a break, it is a strong opportunity for the person experiencing gambling harm to stop or reduce their gambling episode.

We believe that gambling for periods longer than 2 hours without a break should not be allowed. Carded play will allow the card to be disabled for 15-30 minutes to force a gambling break on individuals.

2.1.8 Privacy and data security

20. What are the issues to consider when setting requirements for the collection, storage, access and use of information and data collected via a carded play system?

Personal identification details should be securely stored at all times. This should be paramount when developing a carded play system that will be used across multiple venues, across the state.

Individuals have a right to feel their personal data is stored in line with the most secure principles, and if a data breach occurs, the person should be notified as soon as practical.

21. What are the primary considerations to help assure patrons of the security and protection of their personal information.

As above.

23. Who should have access to data collected about a patron? Please consider different types of data, including transaction data and identification data.

Data should only be accessible to the patron and the industry scheme.

The ability to translate and collate data for research and trend use is also important, but data must be de-identified.

Thank you for the opportunity to make a submission to the Review of Victoria's Pre-commitment and carded play.

Please contact Annette Devereaux, Professionalisation and Service Integration (Gambling) Lead (adevereaux@fcvic.org.au) if you have any questions about this submission.