16 January 2017

Ms Cate Carr  
Executive Director  
Office of Liquor, Gaming and Racing  
Victorian Department of Justice and Regulation  
GPO Box 4356  
MELBOURNE VIC 3000

Dear Ms Carr

Re: Consultation on Gaming Machine Harm Minimisation

The Nillumbik Shire Council Gambling Harm Minimisation Policy 2016-2021 has among its objectives:

- to participate in local government advocacy on behalf of the Nillumbik community for industry and legislative reforms that result in safer industry practices and decrease the incidence of problem gambling.

Specifically, Council has adopted these policies in relation to gambling in Nillumbik:

- Council recognises that electronic gaming is a legal activity, but the long-term social and economic impact of electronic gaming machines (EGMs) is an important public health issue
- Council will contribute to advocacy campaigns for government regulations or industry-based measures that make gambling safer, such as implementing Productivity Commission recommendations.

On 9 December 2016, staff from local government convened to discuss the Victorian Government’s Gambling Machine Harm Minimisation Measures Consultation Paper. This submission is informed by Council’s policy position on gaming machine harm minimisation and shared understandings of the consultation paper among local government officers.

Officers at Nillumbik Shire note the consultation is being conducted in the absence of the following documents which would allow the Government and councils to be more fully informed:

- The Victorian Auditor General’s Office (VAGO) report on the operation of the Victorian Commission for Gambling and Liquor Regulation (VCGLR), (to be tabled in February 2017)
• The Victorian Government's report on the Operation of the YourPlay Voluntary Pre-commitment System 2014
• The Victorian Government's Licence Review 2015

Also absent from the consultation paper is a clear public-health approach based on harm-minimisation, and mention of how this document fits with other Government strategies including the reduction of family violence.

Many of the issues dealt with in this consultation would be adequately covered by a compulsory pre-commitment system. This would allow user control of spending, universally administered self-exclusion, and would provide a degree of oversight and identification of problem gambling 'red-alert' behaviours.

We also note that Victoria currently has among the highest concentrations of gaming machines in residential neighbourhoods anywhere in the world. This is not a normal situation, and contributes to the very high level of gambling harm experienced by Victorians. This harm is above that of diabetes or arthritis, and equivalent to two thirds of the harm caused by depression.

This harm is disproportionately concentrated among Victorians who are least able to handle this and who are experiencing multiple disadvantages.

Response to consultation questions:

Council officers and Victorian Local Governance Association (VLGA) staff who met on 9 December 2016, found consensus on the following points in response to the Government’s questions on this document:

1. Is the current $200 per Electronic Funds Transfer at Point of Sale (EFTPOS) transaction limit appropriate? If not, what other regulatory measures would support the objectives of the Act?

The current $200 per Electronic Funds Transfer at Point of Sale (EFTPOS) transaction limit should be replaced with an enforceable personal daily limit of $200 in that venue. This would affect very few casual gamblers, but would have significant positive effects on those with gambling problems. The safety of gamblers and prevention of harm should take precedence over rare inconvenience.

2. Is the current $1000 threshold for the payment of winnings by cheque appropriate? If not, what should be the limit and why?

The current $1000 threshold for payment of winnings is still appropriate.

3. Should payment by Electronic Funds Transfer (EFT) be permitted in addition to, or as a replacement for, payment by cheque?

The option for an electronic transfer (using EFTPOS, bank deposit or other electronic deposit) should be permitted provided it is processed the following day. This would keep the intention of the original legislation – that large winnings are not immediately available for further gambling, a behaviour which strongly indicates a gambling problem.
5. Should venue operators be able to exchange personal cheques for cash? 
Venues should not be able to exchange personal cheques for cash. This practice allows cheques issued as winnings in one venue to be exchanged at another, and encourages the cashing of large amounts rather than small and discretionary recreational gambling.

6. If cashless gaming and/or TITO is introduced, how should they be regulated so that they are consistent with other measures that limit access to cash? What harm minimisation measures should apply? 
Cashless gambling and Ticket-in Ticket-out (TITO) should not be legalised in the absence of mandatory pre-commitment. There is already a strong body of research demonstrating that those who use machines and experience problems find themselves disassociated from the monetary component of their gambling while using machines. This ‘zone’ is intense and immersive and forms a key part of addiction pathways. Further removal of tangible monetary indicators would intensify this problem and directly create addiction.

7. What opportunities are there to improve the way codes operate in Victoria? 
Current codes of conduct are a weak form of self-regulation, and are not enforced in any meaningful sense. The Victorian Responsible Gambling Foundation should be asked to write a code of conduct. The Foundation has recently released a best practice guide which provides a comprehensive set of indicators which venue operators and staff should be aware of and act on, and a set of actions which follow from these.

8. Should the requirement to interact with customers who are showing signs of distress from gambling be part of codes, or should a separate offence be created for venue operators who fail to respond to suspected problem gambling? 
There should be a separate offence for failure to respond to demonstrations of problem gambling. As operators of a high-risk and potentially harmful product, gambling venue operators have a duty of care to ensure that their customers are not harmed by their product, as far as is practical. This offence should cover all gambling venues in the state. The Government should consider how this might be applied to non-venue based gambling offered within Victoria. The Government should establish a Gambling and Liquor Ombudsman. This officer would be an independent avenue for complaints about the operation of gambling venues and services.

9. Are self-exclusion programs best administered by the industry or by another body? 
The self-exclusion program is best administered by Gambler’s Help services.

10. Should there be one self-exclusion program in Victoria? 
The self-exclusion program should be covered by a single point of entry throughout Victoria.
11. How could self-exclusion programs be improved?
Self-exclusion systems should be simple and easy to use, and allow a person to restrict themselves from as many venues as they require. As a supplement to any system, an app could be developed that informs venues when a person who has excluded has entered their venue, using existing geolocation systems in phones. This would be a voluntary system but could help enhance the operation of self-exclusion.

13. Should there be a separate offence for venue operators who knowingly allow self-excluded persons to enter or remain in the venue?
There should be a separate offence for venue operators who knowingly allow excluded gamblers to use gambling products. This penalty should be similar to those applied to those who knowingly serve intoxicated or underage persons alcohol, and the breach penalty should accrue to both the staff member and the venue/operator.

14. Should a new requirement to undertake advanced responsible service of gaming training be introduced?
In light of recently developed training to be implemented from January 2017, this question was difficult to understand.

15. If so, who should be required to complete the advanced training and what content should the training include?
The venue floor manager should be required to undertake advanced training that identifies problem gambling and instructs that person in how to intervene to reduce their risk of harm. A penalty should be introduced to be levied on venue operators who allow their venue to operate at any time without a suitably trained manager.

16. Who should be responsible for the development and provision of the advanced training?
The Victorian Responsible Gambling Foundation should be responsible for the development and provision of this training.

We would like to thank you for this opportunity to comment and look forward to the government’s consideration of Nillumbik Shire Council’s submission.

Yours sincerely

Andrew Port
Acting Chief Executive Officer