

gambling@dss.gov.au

25 October 2019

Re: Submission on the *Interactive Gambling Amendment (National Self-Exclusion Register) Bill 2019* Exposure Draft

Thank you for the opportunity to make a submission on the *Interactive Gambling Amendment (National Self-Exclusion Register) Bill 2019* exposure draft.

The Alliance for Gambling Reform strongly supports the Commonwealth Government establishing a national self-exclusion mechanism for people gambling online. While self-exclusion is only one of the measures needed to address the harm caused by online gambling, it is a useful and necessary tool to effectively minimise and reduce gambling harm.

The following feedback has been provided based on our best available advice at the deadline of submission. The Alliance works with a community of lived experience advocates and would value the opportunity to further test this advice with those most impacted by gambling harm. We would welcome the opportunity to meet with the Department after more rigorous consultation with our lived experience community has occurred.

At the outset, the Alliance supports that the exposure draft:

- Establishes a national self-exclusion register;
- Bans advertising of unlicensed interactive gambling services;
- Bans a licensed interactive wagering service provider from being able to market to a person who has self-excluded;
- Allows a person to choose how long to exclude themselves for, from a minimum period of three months to permanently. Allowing the person to decide the period of exclusion is likely to assist people to make greater use of self-exclusion as a tool. Some people are likely to have been deterred from using self-exclusion if the only option was a permanent ban;
- Provides a person who self-excludes to nominate up to five support people;
- Provides a person who has self-excluded the option to reactivate their existing gambling account if they exit the self-exclusion arrangement within seven years. Again, this is likely to make the self-exclusion program more attractive to some people who would otherwise not use it if they were made to feel like they need to give up all online wagering permanently.

The Alliance recommends that the exposure draft be amended in the following ways:

61JD Bribery

- Standardised language should be used across all online wagering platforms surrounding the messaging attached to self-exclusion. This safeguard would prevent online wagering firms from using language that seeks to deter an applicant from self excluding by providing misleading advice around potential adverse implications (rather than exclusively focusing on actions that provide a benefit to an individual to not self-exclude).

61JH Expiry of registration

The Bill must safeguard registrants from being directly marketed to at the conclusion of their nominated term. There is a significant risk of harm should the registrant be removed without the

option of at least extending their term. A number of protections may be put in place to honor the intent of the individual committing to self-exclude while also safeguarding them from further harm. Potential options include:

- Leaving individuals on the register by default at the expiry of their term, until such time as they actively choose to be removed.
- Informing the registrant at least 14 days before the expiry of their term and providing an opportunity to *either* extend *or* require them to actively choose to be removed.
- Mandating the permanent exclusion of all current and previously registered persons from being directly marketed to in perpetuity.

The Bill must seek to protect vulnerable people from being exposed to gambling marketing. The Department should consult widely on how this might be best implemented, including consulting persons with lived experience of gambling harm.

61JK Deregistration- application by a registered individual

- The registrant should be required to seek and submit the written opinion of an accredited professional confirming their support before being removed from the register. A statutory declaration from the registrant alone is insufficient to ensure this is an effective safeguard to those experiencing gambling harm. Precedents can be found in other jurisdictions, such as the self exclusion register of Crown Casino.

61MC Closure of a licensed interactive wagering service account held by a registered individual—outstanding or pending bets

- Closure of online wagering accounts should take immediate effect. Where a registrant has outstanding or pending bets at the time of registration, all bets should be immediately returned and all communication should cease from the wagering firm.

Data & reporting

The Alliance strongly recommends the Bill include mandatory annual reporting of data relating to the number of people listed on the self exclusion register, the length of their registration, and the number of people seeking to be removed from the register, to be made publicly available for transparency and research purposes. This should include information relating to the total number of wagering accounts held by the registrant at the time of registration, and the name of associated wagering firms relative to their market share. Privacy is paramount in this regard, and the identity of individuals should remain anonymous at all times.

Affiliate marketing

The Alliance urges that gambling affiliates also be specifically captured in the legislation. Gambling affiliate marketing has developed substantially since the National Consumer Protection Framework was developed, and must be considered if the self-exclusion register is to work effectively in preventing gambling marketing to people trying to stop gambling. In short, affiliates must be subject to the same restrictions as online wagering service providers; i.e. prohibited from marketing to people on the register and not involved in ‘bribery’ that may induce them to de-register.

Management of the register

The Alliance also believes that the operator of the national self-exclusion register should not necessarily be a private company or not-for-profit organisation. The government should consider if the register would be better operated by an appropriately resourced statutory body (such as the ACMA), rather than a non-government body. Where the operator of the register is a private

body, the Alliance holds that companies providing gambling services, including an interactive wagering license holder, should be explicitly prohibited from managing the register.

Thank you for the opportunity to comment. If you have any questions about this submission, please do not hesitate to contact our Campaigns Director Margaret Quixley margaret@agr.org.au. Once again we would welcome the opportunity to meet with the Department in person after more rigorous consultation with our lived experience community has occurred to ensure their experience is reflected in the final Bill.

Yours sincerely,



Tony Mohr
Executive Director

About the Alliance

The Alliance for Gambling Reform is a national advocacy organisation and registered health charity formed out of an urgent need to address the harmful and unfair impacts of gambling and its normalisation in Australia. We are a non-partisan alliance of more than 60 organisations who share our objectives of preventing and minimising harm from gambling, and we are entirely funded by individuals, foundations and local governments that do not have any ties with the gambling industry.

We take a public health approach to gambling reform, centring those with lived experience of gambling harm at the core of our work based on the principle that those closest to the harm are those closest to the solutions. We seek to collaborate meaningfully with elected representatives, local councils, service agencies, faith and community groups to prevent and reduce harm through policy change. The Alliance also provides coordination, expert advice and practical resources to our supporter organisations, community groups and the media.