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Submission to the Parliament of Australia inquiry into online gambling and its impacts on those experiencing gambling harm

The contributors to this submission from Queensland University of Technology (QUT) to the inquiry are - Professor Ross Gordon, Dr Foluké Badejo, Dr Theresa Harada, and Hayden Cahill. Our team at QUT features expertise in gambling research from across the behavioural and social sciences including social marketing, political science, consumer research, human geography, and communication. Professor Ross Gordon is also a member of the World Health Organization Technical Advisory Group on Behavioural Insights & Sciences for Health.

Our submission is based on our own program of research concerning online gambling including sports betting and gambling related harms that has been funded by the Australian Research Council, Suncorp Bank, and the Victorian Responsible Gambling Foundation, as well as the extant body of research evidence literature. We address the terms of reference relevant to our expertise below:



- **the effectiveness of existing consumer protections aimed at reducing online gambling harm**
- **the impact of current regulatory and licensing regimes for online gambling on the effectiveness of harm minimisation and consumer protection efforts**
- **the appropriateness of current gambling regulations in light of emerging technologies, payment options and products**

Analysis

Emerging technologies including online casinos, fixed-odds betting terminals, electronic gaming machines, and mobile phone betting apps have made it easier to gamble in Australia anywhere, anytime, with anyone and on anything (Gordon and Reith, 2019; Ridley et al., 2020). Light touch policy and regulatory environments have facilitated market growth for online gambling in Australia (Markham and Young, 2015). Online gambling has become increasingly normalised as an everyday consumer practice in Australia – especially among youth (Gordon et al., 2015; Victorian Responsible Gambling Foundation, 2017; Gordon and Reith, 2019).

Forms of online gambling, especially sports betting have experienced significant market growth in recent years. Indeed, sports betting is the fastest-growing segment of the gambling market in Australia (IbisWorld, 2021). Total spending on sports betting for 2020–2021 was A\$5.5 billion, and the market has increased in size by 4.3% per year on average over the last five years (IbisWorld, 2021). Ubiquitous marketing, especially towards young men, links sports betting with mateship, success, social status, adventure, thrills, risk, sex, and power and control (Gordon et al., 2015; Deans et al., 2016; Hing et al., 2016; Waitt et al., 2022).

Existing regulations protecting consumers from online gambling harm include ‘The National Consumer Protection Framework for Online Wagering’. The framework combines various approaches including customer verification, including prohibiting lines of credit, customer verification, restrictions on inducements, opt-out schemes, messaging about gambling risks, and a national self-exclusion register. However, existing protections have been criticised as being too weak and over reliant on self-regulation, voluntary opt-in procedures, and personal responsibility (Marko et al., 2022). Put simply, current consumer protection measures have not been effective at reducing gambling related harm. Given the considerable and increasing health, economic, and social harms, and costs from online gambling in Australia (Browne et al., 2016) there is a clear need for more robust and effective consumer protections.

Recommendations

Based on a considerable body of research evidence concerning products that can cause public health and social harms such as tobacco and alcohol, the most effective (and cost effective) consumer protections, named by the World Health Organisation (WHO) as ‘best buys’ are (1) to increase prices through taxation and other measures such as bans on special offers and price promotions, (2) to restrict access and availability, and (3) comprehensive bans on marketing including but not limited to advertising, promotion, and sponsorship (WHO, 2017; Chisholm et al., 2018).

Our recommendation is that these best buy policies are adopted in Australia to reduce online gambling harm through:

1. Pricing and spending controls on gambling including increased taxes, bans on price promotions and special offers, or specially priced bets that induce people to gamble. Banking and financial service accounts require easy to apply gambling blocks for all banking and financial services accounts, apps and cards that have considerable friction such as minimum periods of blocks of 48 hours or more and speaking to an advisor in person or on the phone before removal, are also required. Our research which informed the introduction of a gambling block by Suncorp bank offers one example here (Gordon et al., 2022).

2. Restrictions on access and availability to gambling which has proliferated through online casinos and sports betting apps that can be used anywhere, at any time and to bet on anything (Gordon and Reith, 2019; Gordon et al., 2022a). This may include time-based restrictions during the Australian night-time, and/or restrictions on the number of hours that can be spent using online platforms to gamble. Regulation that disables access to online gambling features such as ‘venue mode’ which provides special offers and inducements to gamblers including food vouchers and bonus bets while in locations such as pubs and clubs, should also be introduced to decouple gambling from social activities and places.
3. A comprehensive ban on gambling marketing including advertising, promotion, and sponsorship as well as tighter controls on new product developments such as social betting features such as ‘bet with mates’ that can induce people to gamble. Please see our recommendations below on an approach based on the French Loi Evin consumer protection laws.

• how to better target programs to address online gambling harm to reduce the potential exploitation of at-risk people, and protect individuals, families, and communities

• the effectiveness of current counselling and support services to address online gambling harm programs

Analysis

Currently programs to address online gambling harm predominantly consist of helplines, counselling, self-help advice, and financial advisory services. However, the evidence, including our research with gambling service support providers has identified that services are understaffed and underfunded, poorly targeted and have low uptake (Gordon et al., 2022b; Bijker et al., 2022). When uptake occurs, people often find it difficult to make appointments and have no continuity of care. Gamblers have reported poor service experiences, lack of available appointments, a lack of responsiveness, and identified providers who put the onus on the gambler or impacted family members to formulate solutions to their problems (Gordon et al., 2022b). Current approaches that focus on individual level behaviour change are very difficult to achieve without addressing the social and structural environment that shapes gambling practices in Australia.

Recommendations

Significantly greater capacity, funding, expertise, staffing, and the use of principles from the behavioural and social sciences such as social marketing is needed to deliver more effective gambling harm reduction programs in Australia (Gordon et al., 2022). Such programs should draw upon formative research, behavioural theory, segmentation, targeting and positioning, co-creation approaches, and the use of a broad intervention mix of behaviour change approaches that address personal, social, and structural level factors which influence harmful gambling practices (Gordon and Moodie, 2009; French and Gordon, 2020; WHO: Carrasco et al., 2021). Improved access, availability, service quality, and customer experiences as well as stronger promotion of counselling and financial counselling support services, as well as gambling blocks and the National Self-Exclusion register is needed as awareness of the available services and supports is often low among gamblers and their families (Gordon et al., 2022b). Furthermore, community social marketing programmes to shift social norms around online gambling, raise awareness, reduce stigma, and encourage higher levels of help-seeking behaviour are needed. Gambling harm intervention programs should also adopt trauma-informed and intersectionality informed approaches that account for the different vulnerabilities and disadvantages that gamblers and their families may experience as they seek support (Gordon et al., 2022c).

Programs that promote alternatives to gambling that offer fun, excitement and thrills are also

needed – like the [Hello Sunday Morning](#) alcohol program (Gordon et al., 2022a). The development of effective partnerships between stakeholders including gamblers and their families, community members, support service providers, policymakers, and organisations such as banks that are taking a stronger interest in consumer protections from gambling is needed to fund, develop, and deliver effective programs. Programs should also be evaluated using best practice from implementation science for process, impact, and outcome evaluation to assess effectiveness. This requires that policies and programs are developed with clear strategy, SMART goals and objectives, and that evaluation processes are built into the design and implementation of interventions.

- **the effectiveness of current gambling advertising restrictions on limiting children’s exposure to gambling products and services (e.g., promotion of betting odds during live sport broadcasts), including consideration of the impact of advertising through social media, sponsorship or branding from online licensed gambling operators**

Analysis

Current gambling advertising restrictions rely on a mixture of self-regulation, and statutory regulation. The Australian Association of National Advertisers (AANA) has a self-regulatory code (the AANA Wagering Advertising and Marketing Communications Code) that covers gambling marketing including online bookmakers. However, an issue with self-regulation is that the gambling and advertising industry are trusted to make their own judgements about what is and is not permissible. The result is that gambling marketing and advertising that breaches the spirit, and/or the letter of the codes can be released. Currently, there is a reliance on consumer complaints before action is taken to address potential breaches of the regulatory codes.

The gambling industry and advertisers have repeatedly breached these codes and had to pay fines for practices including [sending unwanted gambling ad messages](#), and running [offensive](#), [misogynistic](#), and [racist](#) advertising. This raises serious questions about whether industry self-regulation is an effective approach. Indeed, the research evidence on the effectiveness of gambling, as well as alcohol and tobacco marketing self-regulation consistently find that this is not an effective approach that protects consumers and mitigates harm (Hastings et al., 2009; Noel et al., 2017; Critchlow et al., 2020).

There are also some controls over when gambling can be advertised during live sports which is administered by the Australian Communications and Media Authority (ACMA). These rules prohibit gambling advertising from five minutes before the start of a live sports event until after the event has concluded. This also includes the same rules prohibiting gambling advertisements during the online streaming of live sports. However, these rules only apply from 5am until 8:30pm, after which gambling adverts can be shown, but the promotion of live odds is still prohibited. Furthermore, online gambling such as sports betting often features heavily, including using brand ambassadors such as former players, in the run up to many live sports events in Australia - including most National Rugby League and Australian Football League matches. This makes gambling seem very much part of the game and interwoven with Australian sport. Research has consistently shown that consumers, including children, are heavily exposed to gambling advertisements throughout the screening of Australian sports (Gordon and Chapman, 2014; Pitt et al., 2016). This research illustrates how youth can be exposed to gambling advertising by watching the build-up to the game before the five-minute limit before the event starts, and by watching games post the 8:30pm watershed. Furthermore, the ACMA do not adequately restrict gambling advertising outside of the screening of live sports during the day. In some states, such as in Victoria gambling advertisements are not permitted close to schools to limit youth exposure to marketing.

Recommendations

The Loi Evin law in France is often cited as an effective approach to the regulation and marketing of potentially harmful products such as alcohol and tobacco (Gallopel-Morvan et al., 2015; 2022)

- and this holds potential as an effective approach for the regulation of gambling marketing. The Loi Evin works under a simply premise – it prescribes which forms of marketing are permitted, meaning that anything other than what is prescribed is not permitted. This approach means that regulators do not always need to consider how to amend and update regulations when new forms and tactics of marketing are employed to promote potentially harmful products. Under the Loi Evin, strict tobacco controls are in place which ban advertising and smoking in public places, and tobacco packaging must contain health warnings that display information that includes tar, nicotine, and carbon monoxide content.

More relevant to the gambling context, the Loi Evin stipulates that alcohol promotion is only allowed in newspapers, magazines (except those for young people), radio (at select times to avoid youth exposure), outdoor advertising, leaflets, mailings, and the Internet (except for ads and websites that target young people). These measures hold potential to protect young people in Australia from being exposed to gambling marketing and mitigate the potential for harm. Under the Loi Evin the sponsorship of events, television and cinema are prohibited. This would help address consistent concerns among researchers and community members regarding the proliferation of gambling sponsorship in Australia (Thomas et al., 2016).

Furthermore, under the Loi Evin the content of alcohol promotions is restricted and messages must only refer to product characteristics and must not evoke positive images such as the association of alcohol with success, sport, performance, and sociality. Existing advertising in Australia strongly associates gambling with success, sport, performance, and sociality (Deans et al., 2016). Therefore, adopting the Loi Evin approach to regulate gambling marketing would offer a robust approach to better protect children in Australia.

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Our team would be happy to answer any questions or provide a statement at the forthcoming public hearing to further assist this inquiry.

Kind regards

Professor Ross Gordon

