

## Questions on Notice: Submission 29 (Clubs Australia)

### Clubs Australia's policy paper – *Part of the Solution*

1. *The Canberra Times* reported on 12 June 2012 that Clubs Australia's new policy paper, *Part of the Solution*, calls for state governments to work with industry and researchers to develop an advanced responsible gambling training program. The paper also describes plans for improved self-exclusion programs. The article quotes the paper as stating:

*...consistent with a public health approach, the primary goal of this policy is to promote a culture of responsible gambling among all stakeholders, ensuring both healthy communities and a vibrant and sustainable gambling industry.'*

How is this policy consistent with a public health approach? A public health approach assists not just those experiencing harms but also aims to prevent or minimise the risk of future harm (i.e. it considers the whole population, not just high risk or ill/addicted individuals).

The Clubs Australia policy paper *Part of the Solution* talks about the need for a multifaceted approach for reducing problem gambling. This requires a suite of prevention, intervention and treatment measures as evidenced in the range of recommendations the paper proposes. Please refer to *Part of the Solution* at pages 18 to 31 for further information.

2. The article states that Clubs Australia wants any new policies to take into account the benefit that the industry provides to the community and that a detailed cost-benefit risk analysis must be taken into account when assessing ideas. Could you explain in further detail what is meant by this? Who should be tasked with undertaking any cost-benefit analyses?

The *COAG Guidelines for Best Practice Regulations* require for all significant regulatory decisions that government conducts a rigorous regulatory impact assessment involving:

- risk analysis
- cost-benefit analysis
- assessment of business compliance costs
- assessment of competition effects.

Please refer to *Part of the Solution* at pages 13 to 15, and the *COAG Guidelines for Best Practice Regulations* for further information.

3. Why has Clubs Australia released this policy paper now? How long have these plans for advanced training and improved self-exclusion practices been in development? Are they in response to the federal government's January 2012 announcements on strengthening self-exclusion and improving staff training in venues? Do your plans go further in these areas than the actions announced by government?

The Australian Club industry has been working constructively and cooperatively with state and territory regulatory agencies for many years in the development of tested and costed harm minimisation measures. At the state and territory level, clubs have initiated a number of policies and procedures to better protect our members, including, for example, the launch of ClubSAFE in New South Wales in 2000, the Queensland Responsible Gambling Code of

Practice in 2002 and the establishment of ClubSAFE in South Australia in 2006. Other states and territories have similar codes of practice, some club specific, others including hotels and/or casinos.

The Club industry continues to identify and trial new and improved ways to further reduce the harms of gaming. The genesis of the *Part of the Solution* paper was first publicly announced by the President of Clubs Australia in a speech to the National Press Club in Canberra on 5 June, 2008, and reiterated in our submission to the Productivity Commission in 2009 with regards to its Inquiry into Gambling.

## **Staff intervention**

**4. What is your response to the suggestion that the unwritten rule at some venues is that if staff are too proactive in intervening when they see instances of problem gambling, their jobs in the venue may be at risk? Do you accept that there are inherent conflicts of interest in venue staff being responsible for intervening in cases of problem gambling? If not, why not?**

Clubs Australia rejects the assertion that there is an unwritten rule which dissuades staff from intervening if they believe a patron is in distress due to gambling behaviour, and is not aware of any evidence of staff being dismissed for intervening. All gaming staff must undergo mandatory Responsible Conduct of Gambling Training before they can work in club gaming facilities. Club patrons are our members, clubs are owned by their members, clubs are not-for-profit, and clubs have no interest in seeing their members in financial or emotional distress.

**5. Your submission (p. 8) refers to duty managers or dedicated responsible gambling liaison officers usually being the ones to intervene, as they have undergone 'advanced training'. What are the mandatory training requirements (both basic and advanced) for venue staff in relation to recognising and assisting problem gamblers? Could you please provide details including: duration of training (e.g. hours, days), how training is delivered, what topics are covered, how often staff must undertake refresher training and whether the training applies to all staff, including casual employees? Could you provide any written course materials to the committee?**

Clubs Australia would refer the Committee to the ClubSAFE South Australia *Advanced Problem Gambling Intervention Training Manual* as an example of advanced training, and have attached a copy for ease of reference.

**6. Would you see value in having independent professionals being present to monitor or assist problem gamblers at venues? If not, why not?**

There is no evidence to suggest that there would be a benefit of having independent professionals present at venues, and club staff are well intentioned and well trained. However, ClubsNSW is in the process of initiating a trial of club chaplaincy programs in conjunction with the Salvation Army and Catholic Care. Please refer to *Part of the Solution* at page 32 for further information.

**7. The committee heard from BetSafe that 'it is not uncommon for a patron to threaten self-harm at a venue' and that under its program, a counsellor is called to the venue immediately. What help is provided in such situations under Clubs Australia's programs?**

On rare occasions in times of crisis, the potential for self harm is something that has been communicated by patrons to staff. ClubSAFE staff training guides club staff to contact the ClubSAFE 24 hour, seven days a week counselling line

to assist the staff member to respond and assist appropriately to the patron in crisis. Our ClubSAFE phone and online counselling services are staffed by highly qualified and experienced gambling counselors. Problem gambling services in the ACT are currently provided under contract by Mission Australia, and before that Lifeline.

**8. The committee heard that it may be difficult for casual employees at clubs – for example, university students – to be expected to have the skills and capacity to intervene appropriately with someone who they suspect may have a gambling problem. What is your response to this? Do you believe the training offered to staff is sufficiently rigorous to equip them to intervene when necessary?**

All staff, whether full time, part time or casual, must undergo mandatory Responsible Conduct of Gaming training before they can work in the gaming area of a club. It would be appropriate and sensible, however, for clubs to have a policy where only senior staff perform interventions, due to the sensitivity of the conversation. Please refer to *Part of the Solution* at page 25 for further information.

**9. The committee heard that research by Professor Paul Delfabbro has identified combinations of observable behaviours such as sweating, abusiveness, going to ATMs frequently and kicking machines, which give clear indications of possible gambling problems. Is Clubs Australia aware of this research and, if so, has this research informed any of your staff intervention training programs?**

These types of observable behaviours are incorporated into training programs. Please refer to the ClubSAFE South Australia *Advanced Problem Gambling Intervention Training Manual* at page 26 as an example. Clubs Australia is assisting Swinburne University in its research '*Responsible Gambling Environments – validation of in-venue problem gambling indicators*', commissioned by Gambling Research Australia, to validate the indicators identified by Professor Delfabbro. The research aims to develop a checklist for venue staff to help them identify possible problem gamblers and provide access appropriate services such as self-exclusion and counselling.

**10. Is data regarding the number of staff interventions recorded? Are you able to provide numbers by state?**

Data is collected on an individual club basis. Questions on centralised data of problem gambling interventions should be directed to the regulatory authorities of each state and territory.

**11. The committee heard from a former problem gambler that staff at venues actually encouraged her to keep gambling (e.g. stating 'your machine hasn't gone off yet'). Does Clubs Australia believe that such comments from venue staff are acceptable? If so, why? If not, what action should be put in place to address such behaviour?**

There is no evidence that staff at clubs encourage patrons to gambling irresponsibly. We note that the testimony referred to an alleged incident that may have occurred in South Australia between 1994 and 2004. We note that ClubSAFE South Australia was established in 2006 to educate staff about acceptable staff interaction with gaming patrons.

**12. The committee heard from the Productivity Commission that there could be a case for strengthening partnerships between counsellors and venues:**

*'...recognising that there were different incentives in place for counsellors versus venue staff. We also know that very few referrals come from venue staff. I think it is as low as three per cent in some states, and I think the highest figure is about eight per cent in Queensland'.*

**What is Clubs Australia's response to the suggestion to strengthen partnerships between counsellors and venues? Why do so few referrals come from venue staff?**

Clubs Australia is continuing to strengthen the relationship between its venues and counselling providers. In recent years, for example, we have initiated ClubSAFE managers and counsellors regularly attending gambling counsellors' forums and conferences, signed memoranda of understanding with the Multicultural Problem Gambling Service and the Salvation Army, and provide gambling counsellors with direct access to our online Multi-Venue Self-Exclusion system for use with their clients.

**13. What is your response to the Productivity Commission's suggestion of a whistleblowing arrangement for venues, where staff would be given appropriate protections to identify poor practice by management (e.g. not adhering to the relevant responsible gambling codes of practice)?**

State regulators have established mechanisms which allow staff or any member of the community to raise concerns or lodge a complaint about non-compliance of responsible conduct of gaming behaviour. For example, in New South Wales, people can lodge a complaint at [http://www.olgr.nsw.gov.au/website\\_complaints.asp](http://www.olgr.nsw.gov.au/website_complaints.asp).

**14. Are you working at improving current processes for intervention and training? If so, what improvements are being pursued?**

Please refer to *Part of the Solution* at page 25 for further information.

## **Self-exclusion**

**15. The committee has heard that the commitment by clubs to self-exclusion programs is variable and, in many cases, self-exclusion does not work. For example, psychologists from the St Vincent's Hospital Gambling Treatment Program said:**

*A lot of clients are reluctant to [self-exclude] and ironically enough those who are most reluctant to are probably the ones for whom it is going to be most effective because if you do not care about being embarrassed it is an easy thing to do. One of things that happens is that some clubs really do not do it properly and we have had to ring up the RGF and say, 'That club is not doing it the way it is supposed to be done.' Other clubs just do it perfectly: the person is treated with respect and they can do it instantly. As to how the person is treated really varies when they go for self-exclusion'.*

**Pokies Anonymous also told the committee:**

*We have had people who have gone into the venues they are barred from and they have never been noticed.*

**What is your response to these claims?**

Clubs Australia believes that self exclusion is a proven, effective tool for problem gamblers who understand and acknowledge they need assistance with their gambling problem. Self exclusion schemes require the willing

cooperation of the patron, and while venues will do everything to dissuade problem gamblers, ultimately the system relies on the individual admitting they need help. The introduction of multi-venue self exclusion has meant improvements to the consistency of self-exclusion delivery in a number of ways. The online system has brought about consistency with a single deed of exclusion, explanatory prompting sheets for use by facilitators, consistent size and quality of photo image, and the elimination of paper documents being damaged or misplaced. Gaming staff are re-engaging with self-exclusion because the information is up-to-date on the online system, as compared to folders full of obsolete documents. ClubSAFE continues to visit clubs and educate them on best practice for delivery of self-exclusion, and clubs continue to improve their practices to ensure self exclusion remains effective.

**16. Not all clubs operate self-exclusion programs, so people may be able to go from one club to another after self-excluding. Would you see any practical value in mandatory jurisdiction-wide self-exclusion programs? Why or why not?**

All clubs do offer self exclusion, a requirement in every jurisdiction. A mandatory jurisdiction-wide self exclusion zone would undermine the effectiveness of self exclusion programs. By limiting self exclusion to the local geographic residence and/or workplace of the individual gambler, the system does not become overburdened with venues required to identify and enforce the procedure for problem gamblers who are unlikely to enter the premises. By limiting programs to those venues the individual is likely to enter assists venues with focusing their attention more effectively.

**17. BetSafe told the committee that when problem gamblers sign a deed of self-exclusion with BetSafe, they agree to a sanction where they forfeit any prizes won should they breach the agreement. However, as this policy is not supported by legislation, no one has actually handed back their prizes. What is Clubs Australia (or ClubSafe's) view of the effectiveness of such sanctions? (Your submission (pp 11-12) indicates that you would be in favour of prize forfeiture). What other sanctions, if any, are included in self-exclusion agreements at clubs?**

Clubs Australia supports prize forfeiture as a measure that helps problem gamblers by removing the incentive for breaching a self exclusion contract. Clubs Australia does not believe it is appropriate to impose sanctions on problem gamblers who breach self exclusion, but rather to assist them with counselling and treatment.

**18. What follow-up is undertaken by clubs for problem gamblers who have signed self-exclusion agreements to see if they have received assistance or whether they have relapsed?**

ClubsNSW's multi-venue self exclusion system involves all stakeholders in support of the problem gambler meeting their stated goals through self-exclusion. If the client breaches at a club, the system generates an email that is sent to the referring counsellor, all clubs included in the self-exclusion, as well as ClubSAFE administrators and counsellors. This communication ensures all parties including the self-excluder remain fully apprised of the participant's activities. If the client nominates for counsellor support, ClubSAFE contacts a gambling counsellor convenient to the client and facilitates contact. The multi-venue self exclusion system then ensures that ClubSAFE and the clubs remain aware of the client's ongoing needs in relation to counselling.

**19. What is your view on 'involuntary self-exclusion' in the case of clear evidence of a problem gambler refusing to self-exclude, as described by Betsafe? Can you provide any examples of involuntary self-exclusion across any of your clubs and how these cases were handled?**

Please refer to *Part of the Solution* at page 26 for information.

**20. Do clubs' self-exclusion programs apply to the full venue or to the gaming area only? Is this up to individual clubs?**

There are currently variations among state and territory jurisdictions, as prescribed by the relevant legislation, as to whether self exclusion applies to the entire premises or to the gaming area only.

**21. The committee heard that in Victoria, self-exclusion contracts have a clause indemnifying the venue against having to enforce the self-exclusion contract. This was described as a deliberate attempt to avoid any judicial action by a gambler. What is your response to this? How far should a club's duty of care extend?**

Clubs Australia understands that the indemnity for venues only applies in the case where the venue was acting in good faith in enforcing the self exclusion deed, to protect it from subsequent discrimination or defamation action resulting from removing the patron from the venue or gaming area.

**22. What is your response to the Australian Churches Gambling Taskforce's suggestion that there should be a legislated 'duty of care' for EGM venues to take reasonable steps to prevent problem gambling, including intervention when a person is displaying clear signs of a gambling problem?**

Existing legislation is already comprehensive, and club compliance with the legislation has resulted in falls in the prevalence of problem gambling in every Australian state and territory. Given research into this issue is continuing (see question 9), it would be difficult to legislate further at this time.

**23. Could you describe the swipe-in systems that exist in some clubs, which may make self-exclusion easier to enforce? How likely is it that swipe-in systems can be extended to all clubs? In what percentage of clubs must staff rely upon checking a collection of photographs against people who enter the club?**

Very few clubs have the financial resources to implement an electronic sign-in capability. Where this capability does exist, it usually involves using a membership card or scanning a driver's licence to gain entry to the club.

**24. When people sign deeds of self-exclusion, are counsellors present or is this only done in the presence of venue staff? Would Clubs Australia see value in having counsellors present at the time of self-exclusion? Should this be mandatory? Why or why not?**

The NSW ClubSAFE multi-venue self exclusion system has been made available for use by clubs as facilitators of self exclusion as well as gambling counselling services. This is intended to give the problem gambler the choice of self excluding in the presence of a qualified counsellor or a trained facilitator at the club. It is Clubs Australia's preference that those seeking to self exclude enter counselling; however, ultimately this is the decision of the individual. To make counselling mandatory may provide a disincentive for some who wish to use self exclusion as their exclusive method of harm minimisation.

## Research

**25. The committee heard from Professor Alex Blaszczynski that there had been an 'absence of cooperation' from industry when he requested to return to seven venues to evaluate the impact of harm minimisation programs on problem gambling. What collaboration has the clubs industry undertaken with researchers in the field of problem gambling? Could you please provide details to the committee (e.g. access to venues)?**

While the decision to participate in gambling research remains with individual venues, Clubs Australia notes that it does encourage, and has facilitated club participation in past and current research. For example, clubs worked with Professor Blaszczynski in 2001 on a study of gaming machine features and again in 2011 in the trial of Blue Gum gaming machines with new harm minimisation features. Clubs have also participated in trials, since 2008 in Queensland, on the use of voluntary pre-commitment systems, and clubs in the ACT have agreed in principle to participate in a trial of mandatory pre-commitment.

**26. What would your response be to legislative proposals for venues to be required to cooperate with accredited researchers by giving them access to venues to conduct research?**

Clubs Australia supports a coordinated and collaborative approach to gambling research in Australia. Please refer to *Part of the Solution* at pages 30 to 31 for further information.

## General

**27. Your submission states that 'the prevalence rates and estimated social costs associated with problem gambling are substantially lower than for other public health issues such as obesity, smoking, problem drinking and illicit drug use. Therefore, problem gambling requires a more measured policy response in comparison to other key public health issues' (p.2). Could you elaborate on what you mean by a 'more measured policy response'?**

Clubs Australia recognises that the prevalence rate of problem gambling is falling in every Australian state and territory, and therefore we reject the need for expensive, intrusive and untested policy responses. We note that it is a principle of best practice regulation that government action should be effective and proportional to the issue being addressed. Clubs Australia refers to the Committee to the *COAG Guidelines for Best Practice Regulations* for further information.

**28. BetSafe appeared at a hearing to take questions on its submission in Sydney on 2 May 2012. What is Clubs Australia's view of the BetSafe program (which has over 40 member clubs) and how does the ClubSAFE program differ to BetSafe's services?**

Betsafe has provided guidance and support for clubs to achieve responsible gambling best practice for more than a decade. This has been predominantly to larger clubs based in NSW. ClubSAFE has provided a comprehensive service to more than 1100 NSW clubs since 1999, and has licensed its tools and materials for use by other states and territories as well as New Zealand clubs. ClubSAFE has more recently introduced ClubSAFE Premium services, tailored to offer larger club groups a greater level of service, training and compliance support.

**29. The committee heard from the Gambling Impact Society that access to player tracking records could have been helpful to a person who went on to develop a gambling problem from playing on EGMs at the Wentworthville**

**Leagues Club. What is Clubs Australia's view on the value of player activity statements? Should they be mandatorily provided to players? Could they be mailed out to members with other material such as newsletters? Why or why not?**

It is mandatory for all clubs in NSW, Victoria and Queensland that have a player loyalty system to advise patrons of the availability of player activity statements. Player activity statements must be issued on request. In Tasmania, South Australia and the ACT, it is mandatory to provide player activity statements at fixed intervals. Clubs Australia believes that player statement are a useful tool for patrons to keep track of their expenditure.

**30. Could player loyalty information be used to identify the development of risky gambling patterns if players consented to this?**

Clubs Australia is not aware of any evidence that suggests that it is possible to identify patterns of play associated with problem gambling using player loyalty data.

**31. Another member of the Gambling Impact Society, whose son developed a gambling problem, described the environment at a local club:**

*'We know absolutely, particularly after going recently to our local club for a sandwich, that these EGM players are nourished very, very well with drinks from the bar. We were there for half an hour, and four times in that half hour it came over the microphone to the poker machine area: 'If you would like a drink from the bar'—that first phrase gets them used to listening to a voice—'If you would like a drink from the bar, please'—then the emphasis—'press the blue button at the right-hand side of your machine and it will be brought to you.'*

**What is Clubs Australia's response to this? Is this a normal occurrence within club gaming areas? Does Clubs Australia consider such services to be conducive to 'responsible gambling'?**

Clubs Australia believes that poker machine players should be able to eat. All clubs support the responsible service of alcohol in their venues, including in gaming areas. The offering of free alcoholic drinks to gamblers is prohibited.

**32. Given that many clubs are open until the early hours of the morning (4am – 6am), can Clubs Australia comment on why such early morning opening hours and access to gaming areas should be considered acceptable?**

Very few clubs are open between the hours of 4am and 6am. There is no evidence to show that gambling behaviour is more problematic between 4am and 6am than at other times. Notwithstanding this, Clubs Australia notes that in the ACT, venues must be closed between 4am and 9am; in New South Wales and the Northern Territory, venues must be closed between 4am and 10am; in Queensland, venues must be closed between midnight and 10am; in South Australia, venues must be closed for at least six hours every day; in Victoria and Tasmania, venues must be closed for at least four hours every day.

**33. What are your policies around the consumption of alcohol/responsible service of alcohol in gaming venues?**

Clubs Australia supports the responsible service of alcohol in its venues, including in gaming areas. We note that failure to comply with the responsible service of alcohol is an offence.



**34. Recently the Seagulls Club at Tweed Heads banned its staff from gambling activities at the club as the Board and Management's view was that 'off-duty gambling is no longer acceptable'. Luke Simmons from the Board of Directors was quoted as saying that 'The Board and Management at all levels actively support a culture of responsible gambling for all members and guests so they are not encouraged to develop gambling problems.' He also referred to two studies conducted by Southern Cross University which found that staff who work in gaming venues have a greater risk of developing gambling problems than the general population. What is Clubs Australia's response to these studies and also the action taken by Seagulls Club? Isn't this an admission from clubs themselves that exposure to gaming machines carries risks and dangers — not only for staff but for club patrons? What do you do to look after the pastoral care of your employees in this regard?**

Clubs Australia understands that the Southern Cross University study found no increased risk for problem gambling among staff who had increased physical access to gaming machines. An extract from the study found:

*The probability of being a problem or moderate risk gambler was found to be higher when gamblers have extremely easy physical access to betting on horse and greyhound races. However, the effects were mixed for ease of physical access to Club Keno. There was no influence on the likelihood of being a problem or moderate risk gambler from ease of physical access to the other types of gambling activities.<sup>1</sup>*

Clubs Australia supports the right of individual clubs to impose restrictions or prohibitions on staff activity with respect to gaming as they see fit.

**35. What is Clubs Australia's response to the following statement from the Australian Churches Gambling Taskforce?**

***'The Taskforce is deeply concerned about the preference for treatment and counselling as a preferred option—indeed, the only option suggested by many industry bodies. In the task force's opinion this is a self-serving position. People seeking treatment and counselling are more likely to have already lost large amounts of money, particularly in the poker machine industry. Once they are in crisis, their behaviour in venues, such as expressing distress, anger, crying, kicking machines et cetera is likely to be disturbing to other patrons. Thus, it is in the interest of venues to see these people directed to counselling services where they will not put off other patrons in the venue. A much more holistic approach is needed'.***

This statement displays a complete ignorance of what harm minimisation policies actually work, and what our publicly stated position actually is. The Clubs Australia policy paper *Part of the Solution* talks about the need for a multifaceted approach for reducing problem gambling. This requires a suite of prevention, intervention and treatment measures as evidenced in the range of recommendations the paper proposes. Please refer to *Part of the Solution* at pages 18 to 31 for further information.

## **Compliance with regulations**

**36. To what extent do clubs meet their obligations towards responsible gambling and harm minimisation requirements under:**

### ***Queensland***

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<sup>1</sup> Hing, N & Nisbet S, (2009), *'Testing the Link between Accessibility and Gambling Problems: Gambling and Problem Gambling Amongst Gaming Venue Staff'* Southern Cross University, NSW, at p xx.

- Responsible Gambling Code of Practice (2002)

- Gaming Machine Act 1991

#### ***NSW***

- Gaming Machines Act 2001

#### ***SA***

- Gaming Machines Act 1992

#### ***Victoria***

- Gambling Regulation Act 2003

#### ***Tasmania***

- Gaming Control Act 1993

#### ***ACT***

- Gambling and Racing Control Act 1999

- Gambling and Racing Control (Code of Practice) Regulations 2002

#### ***NT***

- Northern Territory Code of Practice for Responsible Gambling

- Gaming Control Act

Clubs work diligently to comply with all their legal obligations.

**37. If there are breaches of statutory requirements in relation to the responsible service of gambling, are these reported to the regulators or in the first instances are they dealt with internally by venues?**

Questions regarding breaches of statutory requirements in relation to the responsible conduct of gaming should be directed to the regulatory authorities of each state and territory.