



Wesley Mission's 2023-27 NSW Gambling Reform Platform - Background

March 2023

Wesley Mission began Australia's first Gambling Counselling initiative in the late 1980s and continues to advocate for gambling reform and harm prevention measures to protect the safety and wellbeing of the community. Through our gambling and financial counselling services, and more than 120 programs delivering care and support, we understand the impact gambling has on individuals and the community.

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WESLEY MISSION'S 2023-27 NSW GAMBLING REFORM PLATFORM - BACKGROUND

Gambling harm

The evidence is very clear that although sports gambling is the fastest growing type of gambling, poker machines remain the most dangerous form¹ and account for around half of all gambling losses in Australia². In NSW, those losses now reach \$21.5million a day³. Every day.

We know that measuring gambling losses is only a proxy for measuring the scale of harm.

There are multiple ways in which poker machines cause harm⁴. Some of these are intrinsic to the machine, some are related to the structure of the industry. They include:

- randomized reward mechanisms - never knowing when there will be a win or how big it might be
- the speed of betting - only seconds between bets
- the size of allowable bets - \$10 maximum in NSW
- dangerous features such as losses disguised as wins or near misses
- sound and light displays which mimic wins and trigger cravings
- accessibility⁵ - no requirement for identity checks to enter rooms in pubs, non-functioning self-exclusions systems, operating 18 hours or more a day
- ubiquity - the sheer number of machines with 35% of the world's non-casino poker machines in NSW⁶, their location in social spaces and shopping centres, concentrated in vulnerable areas of the state.

The gambling industry is very powerful, particularly in NSW. It uses political donations⁷, job offers via revolving doors⁸, pressure on MPs⁹ and a litigious attitude to keep decision makers in line. It uses the mantra of jobs, ClubGrants, Anzac Day and sporting teams to appear benign in the public gaze. But cracks are beginning to appear which will allow a movement of organisations and individuals to turn the tide. We have seen two years of shocking revelations of illegal behaviour in casinos, investigations into money-laundering in pubs and clubs, along with more people putting aside the blanket of shame the industry uses to cloak its activities and telling their stories of harm and recovery¹⁰.

Study after study shows community support for reforms¹¹. Wesley Mission believes that NSW deserves to be free of harm from gambling, and with our friends and allies, will start to retake our public spaces and democracy, work to reduce harm, and to increase wellbeing.

Towards gambling harm reduction and prevention

Wesley Mission's platform presents five simple and reasonable measures which each go towards reducing the harm from gambling. These are by no means the full solution or the final outcomes, but together provide initial steps so we will be better able to identify where harm occurs, hold the industry accountable for the harm they cause and assist individuals who are seeking help.

- Implement a mandatory cashless payment system with harm reduction features built-in.
- Reducing operating hours addresses the issue of accessibility, by making machines harder to access.
- Funding a state-wide self-exclusion register also addresses accessibility, by helping people stay away from poker machines.
- Giving Councils a say, on behalf of their residents, will deal with the ubiquity of machines, given that it is clear that independent regulators have not kept machines out of vulnerable communities.
- Better data transparency is essential for us to identify where harm is occurring, so that the help that is available can be directed to those communities.

You can share in this campaign in a number of ways. From endorsing all or part of the platform, adopting the platform, amplifying our voices or advocating to decision makers to stand up for the community, we can all play a part.

Contact our Advocacy team to find out more about getting involved:

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This 2023-27 platform addresses several of Wesley Mission's long term goals for gambling reform. These long term aims are:

1. Curfew on EGM venues from midnight to 10:00am.
2. Limit the number of EGMs in NSW Clubs.
3. Implement a universal cashless payment and harm minimisation system.
4. Give Councils in NSW the right to say no to EGMs in their LGA.
5. End gambling advertising [*largely outside NSW parliament remit*].

2023-27 NSW GAMBLING REFORM PLATFORM GOALS

Implement universal cashless gambling with harm reduction measures built in

Wesley Mission calls for NSW to follow and improve on the Tasmanian governments introduction of universal cashless and harm reduction payment systems for gambling.

Current situation

In NSW a customer can upload \$5,000 or more in cash into a poker machine in one go. They can then bet. At any point they can end their session and get a ticket showing how much the cashiers should pay them. This ticket does not distinguish between winnings and unused funds. It does not identify whose money it is. But it is enough, under NSW laws, to ensure that regardless of where the money came from, it becomes lawful gambling winnings¹². Above that, a cheque is required. If the source of the money was illegal activity, the money is effectively laundered. If the amount cashed out is less than \$5,000, the venue can pay out in cash.

One key concern about cashless gambling is the known lack of connection (“saliency”) between an action and the cost¹³. Using money to gamble is thought to be the opposite of cashless gambling. But in NSW this is not the case. Leaving aside those who may be using poker machines to launder money, a genuine customer can load up hundreds of dollars and they are able to bet by pressing the button every 3 seconds. The amount they bet might vary, and cannot exceed \$10, but it is easy to see that a person, tapping a button every 3 seconds is not really aware of how much money they are winning or more likely losing. Cashless gambling payment systems allow friction to be built in, so that people are potentially more aware of their losses, and can access other harm minimisation features.

It is theoretically possible now for a customer to get a statement of their activities, but to do so means they have to apply for a player card which is specific to an individual venue. Or they might use their club loyalty card, which again is venue specific. There is no way for a person to accurately track their spending across multiple venues. Cash based gambling also provides few points for self-monitoring, or reality checks. One of the few interruptions is if a person loses all their money and has to go to the ATM to get more cash -and we know that the industry fought and won the right in NSW to have cash dispensers as close as possible to the gambling room, so that people “in the zone” had the shortest break in play possible¹⁴.

Trials of cashless gambling

In 2019, Perth Crown casino was given permission to trial one of the most dangerous innovations – EFTPOS at the table to buy more chips¹⁵. This meant that customers did not even have to stand up and cross the room. The results were never published, but the Royal Commission into Perth Crown overtook events.

During the course of attempting to fix both the broken exclusion system and end money laundering in NSW, then Gambling Minister Victor Dominello suggested that a cashless card might address both problems¹⁶. When the industry rebelled against a card (not because it wouldn't work, but precisely because it would), he suggested a digital wallet. In effect, a digital wallet is the same as a card.

The regulatory section of Liquor and Gaming established a trial sandpit, so that the coding of such a card/wallet could be tested. The guidelines for this form of cashless payment system include harm reduction measures. It is disappointing that to date only one venue, Wests New Lambton, has agreed to participate¹⁷. There is also no clarity on the evaluation of the trial, or publication of results.

Cashless gambling payment systems that help reduce harm, not make it worse

It would be recklessly negligent of the government to approve a cashless payment system for poker machine and casino gambling in NSW that merely introduced frictionless payment (“tap and go”), as this would increase losses and harm to customers, while speeding up the profit taking by venues¹⁸. There are real fears this is what the government will introduce, claiming that they have therefore dealt with money-laundering, but ignoring completely the chance to bring in sensible gambling harm reduction measures¹⁹.

The Tasmanian government has announced mandatory cards within two years, which matches the requirement for carded gambling in NSW casinos by September 2024²⁰. It has default money loss limits of \$100 a day, \$500 a week and \$5,000 a year. These amounts are well above what the average person who is not experiencing harm reports spending on gambling, so should not impact on those people in any way. The intention is to allow people to vary their daily and weekly limits as they like, within the annual limit. To increase the annual limit, a person would need to verify that funds are not from illegal sources. This may catch those people who are using funds they are embezzling or stealing, but not impose an affordability check which most people would find intrusive.

While the Tasmanian system will be revolutionary in Australia, it is possible to add in more features that will not interfere with the casual gambler, but will assist in helping those who need support in managing their gambling. Default time limits which cannot easily be overturned should also be included. These are based on research showing that people gambling for more than 3 hours straight are highly at risk of harm. There should be a minimum 30 minute break after topping up funds in a digital wallet or card account, so that a person must take a break after they have experienced losing all their available money. The card or wallet must be used every time someone gambles, so that accurate activity statements showing time and money spent can be generated on demand and automatically at monthly intervals. It may be possible to quarantine winnings so they cannot be gambled away in the same session. Mechanisms should be in place to maintain the ban on using credit cards to gamble, so that cards/wallets cannot be topped up from a credit source.

In addition, cards/wallets would interact with exclusion registers. If someone has self-excluded, or is subject to a third party exclusion, their card/wallet will not work. This means that potential surveillance methods like facial recognition technology are not needed.

Measures	Money laundering measures	Harm minimisation measures	How it reduces harm
Customer identification	✓	✓	Assists in limiting access by preventing transfer of money or cards
Ability to record activity	✓	✓	Allows more regular activity statements, increasing awareness of total losses and time spent gambling Deidentified data would help with gambling harm research (Strict privacy provisions should apply and law enforcement officers should require warrants to obtain specific people's activities)
Card links to a specific bank account	✓	✓	In addition, would need to prevent using credit as a source of funds Should not be an automatic top-up, need to undertake a transaction
Maximum load limit of \$1,000 per day (including provision for cash load)	✓	✓	Mandatory break in play after top up Should not be able to top up the card at the machine i.e. requires you to walk away from the machine Should not be able to top up the card with credit
Mandatory loss limits	-	✓	Default as per Tasmanian model; \$100 per day \$500 per week \$5,000 per year Day and week limits to be easily changeable by customer. To raise annual limit a check on the source of funds would be required.
Time limits	-	✓	Mandatory break in play after 3 hours of continuous use, otherwise daily and weekly time limits to be set by customer (if desired)

Measures	Money laundering measures	Harm minimisation measures	How it reduces harm
<p>Systems in place to ensure only a single player card per person</p> <p>This implies an independent card issuing system, not venue by venue</p>	✓	✓	<p>Cannot have a venue issued card - a single system that works across all venues (casinos, pubs and clubs).</p> <p>Card must be link to exclusion registers.</p> <p>Creates a mechanism to have a single, independently managed, state-wide exclusion register (also helps to reduce risk of data breaches).</p> <p>Prevents venues using loyalty cards as gambling cards, because no loyalty system should incentivise gambling.</p> <p>Investigate expanding scheme to cover TAB and on-course bookmakers.</p>
<p>Measures to prevent a person's winnings being claimed by another party</p>	✓	✓	<p>Allow winnings up to \$500 to be paid in cash.</p> <p>Winnings greater than \$500 to be transferred into the linked bank account.</p>

Note: Special assistance will need to be given to people who do not have identity documents or who do not have bank accounts.

Reduced Operating Hours

Wesley Mission calls for all poker machines rooms in pubs and clubs to be closed between midnight and 10am.

Current situation

Shutdown periods for poker machines in NSW were brought in after the first Productivity Commission recommendations were made²¹. Currently, the default is 4am to 10am, but many venues have exemptions. They may be early openers, but more likely, the venue wants to have its poker machines running 21 hours a day on Friday and Saturday nights. This means it is easy to find somewhere poker machines are turned on until 6am and then starting up again at 9am. Some of these exemptions were made many years ago, based on historic claims of hardship.

Other states have different shutdown periods. In Victoria, the shutdown is a mere 4 hours, and venues can choose when that shutdown occurs. Compared with this, NSW is better, but the harms of late-night gambling are so significant that we must continue to improve.

Research on late night gambling harm

Evidence shows that people who gamble on poker machines are at nearly 4 times the risk of becoming a moderate-risk or severely harmed gambler, that 5.4% of people who use poker

machines are already severely harmed, and that 36% of poker machine users experience some degree of gambling harm²².

Nearly 60% of people using poker machines after midnight are being severely harmed by gambling (scoring high on the PGSI scale)²³. Among people gambling after midnight, there are two main types of behaviour²⁴. Groups of people, often continuing social activities which began much earlier, and very often involving high levels of alcohol, gamble in groups up until around 3am on Friday and Saturday nights. Solitary use is most often focussed solely on gambling, even if large amounts of alcohol are consumed, and frequently involves chasing losses or using a particular machine with a belief that it is past due to pay out. Moderate risk and severely harmed people are most likely to be found in this group of people, and this form of gambling can occur on any night of the week. It is the form of gambling most likely to be seen after 3am. Late night gamblers are also more likely to gamble for longer periods overall²⁵.

Changes underway

The Independent Liquor and Gaming Authority (ILGA) is responsible for granting poker machine licences and putting conditions on them. They also deal with applications to extend operating hours. Alarmed at the number of venues applying for extended trading hours in response to the pandemic, they have issued guidelines to applicants. These set out very clearly the research into the dangers of late- night gambling, and make it clear that the Authority is not inclined to allow more machines to operate after 2am anywhere, or even after midnight in seriously impacted areas of the state²⁶.

The Responsible Gambling Fund Trustees are also investigating this. They first tested community sentiment around operating hours, but only asked about shutdowns of 6 hours or less. There was clear support for at least 6 hours²⁷. This year they have commissioned a Roy Morgan study to look at who is gambling after midnight, assess the extent to which people would move to other venues if the one they are in closes, and what demand there is for late-night "recreational play" from "late-night workers" and what the PGSI profile of shift workers is²⁸. This last aspect of the study is clearly in response to the claim by the industry that shift workers and taxi drivers are entitled to gamble just like anyone else, even if they knock off at 3am.

The Independent Liquor and Gaming Authority considered the provision of gambling for shift workers in August 2021 when it knocked back the application of The New Victoria Tavern in Wetherill Park for extended trading hours. Upon appeal, NCAT also found, as a matter of legal fact, that "the detriment of the ETA [extended trading authorisation] is the social harm generated from gambling after midnight and particularly so after 2.00 am. [It is accepted] that problem gamblers and moderate risk gamblers are far more likely to be harmed by gambling after midnight, particularly after 2.00 am"²⁹.

The most recent survey of gambling behaviour in NSW showed that only 4% of people who had gambled in the last year had gambled between midnight and 5am (any form of gambling)³⁰. Within that, 10% of those aged 18-24, and nearly 6% of those in the moderate risk/problem PGSI categories gambled after midnight. These are low numbers compared to the 64% of 18-24 year olds and 56% of moderate/problem risk category people gambling between 5pm and midnight. The number of people inconvenienced by shutting down poker machines at midnight is therefore small.

The impact is not. By having a state-wide closedown of poker machines at midnight, those people ensnared by gambling, and their families and friends, will experience a reduction in harm.

State-wide Self-exclusion register

Wesley Mission calls for funding of a single, state-wide self-exclusion register - funded from gambling taxation revenue, managed independently from the gambling industry and overseen by the Office of Responsible Gambling.

Current situation

Self-exclusion is a process by which a person voluntarily enters into a deed asking one or more venues to exclude them from either entering the venue or entering the gambling room(s) in the venue. In NSW, every pub and club with poker machines, and the casinos, must offer access to a self-exclusion program. ClubSafe is a system operated by ClubsNSW which allows a person to exclude at one venue but include up to 34 others at the same time (multi-venue self-exclusion). BetSafe is a similar system operating for pubs, however it has a much more onerous application process. People can also self-exclude by working with a counsellor who can access the online system for them.

However, a key issue is that in NSW, while venue must offer a self-exclusion program, they are not obliged under the law to enforce it. It appears that if there were any legal repercussions, it might be to the gambler who could potentially be charged with trespass.

The practicalities of the process are also where the system falls down, apart from the artificial limit of 35 venues within the ClubSafe multi-venue system. Conventionally, venues print out photos of excluded people, put them in a folder, and expect staff to memorise them before every shift. There may be hundreds of people who have excluded from a particular venue, and the photos may be out of date. During 2020 and 2021, many clubs rolled out a system which links the digital sign in process at the front door with their self-exclusion register. While technically offering a better mechanism to detect people, there is evidence that the Clubs use that to humiliate guests and encourage them to revoke their deeds³¹.

It is very common for those who have taken out a self-exclusion deed to then breach it by attempting or actually entering venues and continuing to gamble. This is analogous to the multiple attempts to quit smoking that many people make. Breaching self-exclusion does not mean the system or the person is a failure, but having venues that actively ignore exclusion deeds is. Stories abound of people who have self-excluded being allowed in to gamble and only removed from the premises if they win, or run out of money³². This is so well known that, anecdotally, gamblers don't bother to enter into a deed because they feel nobody will help them. If they breach the deed, they will feel even worse about themselves, so without that action by venues, it simply isn't worth it.

On the other hand, the existence of the programs, particularly multi-venue exclusion schemes, are used by venues as examples of how seriously they take responsible gambling requirements. Belonging to a MVSE scheme is often the only action beyond that required by law that a venue can point to when applying for addition poker machines. They do not provide evidence that they are successful in excluding patrons, merely that they pay ClubSafe or BetSafe to belong.

Current research

There is little substantive research on the effectiveness of self-exclusion programs³³, undoubtedly due to the failure of most to actually keep people out of venues. While efficacy for those at low or moderate-risk, there is some evidence that those with significant problems can experience improved quality of life and enhanced ability to manage gambling, if they self-exclude. For instance one study showed a change in pathological behaviours from 61-96% of participants before exclusion, down to 13-26% afterwards³⁴.

Failures of exclusion programs, particularly for land-based gambling, are not just a NSW problem. Research has highlighted the persistent conflict for venues in excluding potentially profitable patrons, and recommends centralised cross-sector exclusion systems along with the use of mandatory gambling cards³⁵.

Changes underway

The 2014 NSW Parliamentary inquiry into gambling³⁶ recommended that third party exclusion processes be implemented by 2017 at the latest. There is no reason why, with suitable designs to guard against family violence, vexatious or malicious applications, third party exclusions could not be incorporated into a state-wide self-exclusion register. However, this is a very contentious area, with some family members seeking this form of exclusion, and others furious that the venue where the gambling harm occurs doesn't implement venue-led exclusions.

ClubsNSW has released a Draft Code of Practice which includes mechanisms to encourage venue-led exclusions, and to help manage other third party exclusions³⁷. However, this response is due to the industry for years claiming that the legislation did not allow them to exclude people based on third party applications, which Wesley Mission disputes. A review of existing third party exclusions schemes in 2017 was undertaken for the NSW government. It highlighted the need for measures beyond simple exclusion from one venue - in particular, the need to protect family financial assets and the likelihood that excluded gamblers would simply move to another venue³⁸. As many noted during the public consultation in 2020 for the Gaming Machine Amendment (Gambling Harm Minimisation) Bill (not yet tabled), considerable work including consultation with people with lived experience, is needed before a legislative or regulatory approach is drafted.

The Australian National Consumer Protection Framework however does recognize the value of a single exclusion register to support those who need to keep away from gambling while seeking other support. The National Self-Exclusion Register (to be called BetStop) will commence operation in 2022, after an extensive period of consultation not only with industry, but community organisations and people with lived experience³⁹. The Register has mechanisms to deal with vexatious and malicious inscriptions, but these are expected to be a very small minority of registrations. A person need only register once, and from then on, every registered online bookmaker must check against the Register before opening an account, reactivating an account, accepting any bet or sending any marketing material. The Register is designed to respond to the bookmakers within 3 seconds.

Funding for BetStop comes from a levy on online bookmakers. The statutory body overseeing the Register is ACMA, who have contracted the operations of the Register to Engine Australia. The *Interactive Gambling Act* is clear that no company operating the Register can provide a gambling service, be in a related company group as a gambling service, undertake gambling lobbying or hold an interest in another company that undertakes gambling activities. This is a clear model for the provision of an online state-wide self-exclusion register overseen by ORG.

Giving Councils and community a say

Wesley Mission calls for Councils to have a statutory right to be able to make submissions on every poker machine application in their community, regardless of LIA status, and appeal any decision made by the authority.

Councils have no planning powers over poker machines:

The NSW *Environmental Planning and Assessment Act* (EP&A Act) is the basic law that outlines the planning powers of Councils. The state government has added to that structure by creating State Environment Planning Policies (SEPP) and introducing Local Planning Panels (formerly Independent Hearing and Assessment Panels) for Sydney, Wollongong and Central Coast council areas. Both SEPPs and LPPs still operate under the *EP&A Act* even if actual planning powers have been transferred from local councils. This structure covers all decisions related to planning and development applications across the state, from front fences to large shopping malls, bottle shops to churches.

There is one significant carve-out. Poker machines.

Tucked away in section 209 of the *Gaming Machine Act* is this protection for poker machines: a planning instrument (like a Local Environment Plan) “cannot prohibit or require development consent for, or otherwise regulate or restrict, the installation, keeping or operation of approved gaming machines in hotels or on the premises of clubs or any other premises” (s209(1)) and no consent authority, that is, a Council, may “refuse to grant any such development consent to a hotel or club for any reason that relates to the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club” (s209(3)b). Most councillors do not even know that they are not allowed to make any decision related to poker machines being brought into, or moving around in their local government area.

In Victoria, Councils, while also not directly having planning powers, are able to define in their planning instruments, equivalent to NSW Local Environment Plans, areas where no poker machines are allowed. These generally include shopping or cultural precincts, or other areas where communities have indicated that they do not want poker machines. These designations must be approved by the Minister. This can take some time. No similar power is available to a NSW Council.

Council rights to make submissions or appeals:

In NSW, only the Independent Liquor and Gaming Authority can approve new poker machines. Councils only have the right to make a submission towards that decision if a Class 1 or Class 2 LIA (Local Impact Assessment) application is being decided. If no LIA is required by the venue, then no submissions from other stakeholders are required, including the Council.

The need for an LIA application depends on where the venue is situated and how many machines it is applying for. ILGA has categorized the entire state, SA2 unit by SA2 unit⁴⁰, into Band 1, 2 or 3 divisions. These bands relate to the poker machine density per capita, losses per capita and the social-economic disadvantage ranking of the SA2. Using a formula that combines these measures, all the SA2 units in NSW are ranked according to the perceived risk of bringing more poker machines into the area. Band 3 are the bottom/already severely impacted 20% of SA2 units in NSW, Band 2 the middle 30% and Band 1 the other 50%. No research has been published to support dividing the state into this 20/30/50 grouping, or for the use of, and combination of machine density (15% weighting), losses (15% weighting) and disadvantage rankings (70% weighting).

If a venue is in a Band 1 area and is applying for less than 21 machines, no LIA is required⁴¹. This means there is no requirement by the venue to consult with the community nor do community groups, including Council, have the right to make a submission. It is highly likely that the first a Council will know about such an application is after it is decided, when the venue will send a form to relevant organisations informing them of the increase.

Class 1 LIAs require the venue to demonstrate that there will be “a positive contribution” to the local community⁴². The *Gaming Machine Act* makes it clear that “a positive contribution” consists of paying a fee to the Community Benefit Fund. It does not require that this fee is actually used for any purpose, or if it is used for a purpose in the area where the venue is situation, that a positive benefit for the community ensues. Simply writing the cheque is sufficient for the venue. Class 1 LIAs are needed in a Band 1 SA2 for 21-40 new machines, or in a Band 2 SA2 for 1-20 machines.

A Class 2 LIA requires the venue to demonstrate that there will be “overall a positive contribution”⁴³. This involves considering, for the first time, any potential negative consequences to the local community. There is no standard methodology for identifying or measuring these negative consequences, but certainly, paying a larger cheque is usually sufficient to counter-act them. Class 2 LIAs are needed in a Band 1 SA2 for more than 40 machines, or in a Band 2 SA2 for more than 20 machines.

No new machines are allowed into Band 3 SA2s or the entire LGA of Fairfield since 2018.

If a Class 1 or 2 LIA is required, at a minimum the venue must notify the local council, the local police, any organisation receiving RGF funding to provide counselling services in the local area, and any organisation providing welfare, emergency relief, financial assistance, Aboriginal health and legal assistance, or gambling and addiction counselling or treatment. This notification can be by mail or email. There is no requirement to ensure that any of these organisations has received or acknowledged the notification. There is no check to see that the venue sent the notification to the correct address.

The only circumstances when an appeal against an ILGA decision is possible is when it involves a Class 2 LIA. Searching NCAT determinations back until 2015 reveal no cases where a council appealed a decision. The LIA register shows no application requiring a Class 2 application since June 2009 (when the register commences), and no application for more than 20 machines in any Band since August 2016 when the Williamstown Hotel (Band 1) applied for 21 machines. Many of the applications for 20 or fewer machines would certainly have increased the venue's total number of machines to either the 30 machine cap for hotels, or over the threshold of 40 for a club.

It is not possible to determine from the LIA register if any community or council submissions were made, as only the applicants proposal is linked.

As a preliminary step to giving NSW Councils real powers over poker machine applications, Wesley Mission believes that it will be of public benefit for Councils to be notified of every single application so that they may make submissions for or against, and to give them the right to appeal, if they choose, any decision around poker machines made by ILGA.

Publish venue by venue data

Wesley Mission calls for all NSW poker machine data to be transparently published by venue at least every six months.

Current situation

The Department of Liquor and Gaming publishes, roughly every six months, the data on "net profit" (or losses to customers), taxes, number of poker machines and number of venues by local government area (LGA)⁴⁴. Two data sets are published, one for clubs and one for hotels, as each have a slightly different reporting period to the Department (a month apart, due to the need give the Department time to calculate and confirm tax receipts). This data publication commenced in mid-2017. Prior to that time, Liquor and Gaming charged a fee of \$300 to obtain each data set. Justin Field, then a Greens MP, began purchasing the data sets and uploading them to his website to make them freely available. After a year, the Department began making the data free.

If you happen to know that this is possible, you can also get access to this data on a quarterly basis, for free, via the Business Intelligence Unit of Liquor and Gaming. These spreadsheets were previously emailed to subscribers to this service (generally, industry peaks, some journalists and researchers, some venue managers, and some gambling reform advocates). Now, the link is to a sharepoint site. It is not listed anywhere on the public facing data sharing webpage.

If there are fewer than 5 venues in an LGA, the data for that LGA is bundled with one or more neighbouring LGAs. This bundling is not consistent, that is, if there are 4 clubs and 6 hotels in an LGA, only the club data will be bundled. If venues open and close over time, the LGAs that are bundled together may change. This mainly affects rural LGAs, but the LGA of Mosman in Sydney has fewer than 5 hotels, so is bundled with North Sydney LGA.

Most months, Liquor and Gaming also publish a list of licenced venues, which includes all venues with liquor licences, and the number of poker machines and entitlements, if any, they have⁴⁵. An interactive map is also available, designed to be used by venue operators in order to establish their LIA band for applications, rather than for community use to establish poker machine densities⁴⁶.

Other jurisdictions

Every year, the Queensland Statistician obtains gambling data from each state and territory and publishes it. It is always at least 18 months out of date, and the most recent edition (at 27/9/2022) is for 2018-2019 data⁴⁷. It remains the only source of information on sports gambling turnover and losses, given the patchy nature of point of consumption tax reporting.

State by state, more recent data varies considerably. WA, having no poker machines outside the casino, has no need to publish. The ACT and Northern Territories do not publish loss data. They may include tax data in annual reports. Queensland publishes data by LGA every month along with venue information⁴⁸. SA publishes net revenue (losses) by LGA (bundled if less than 5 venues) every financial year, via its Consumer and Business services site⁴⁹. Tasmania publishes losses by LGA per month, per rolling year and per financial year. It also publishes its Point of Consumption Tax monthly⁵⁰.

Victoria publishes by LGA every month, and then every six months publishes the data for the previous six months venue by venue⁵¹. The Victorian Responsible Gambling Foundation republishes this for community information, including per capita amounts, rankings, and comparisons⁵².

These does not seem to be any reason, other than preventing discomfort for some in the industry, that NSW cannot publish data by venue. If we know which are the venues in each LGA which are taking the most money from customers, we can begin to develop effective responses.

ENDNOTES

¹ M. Browne et al "Unambiguous evidence that over half of gambling problems in Australia are caused by electronic gambling machines: Results from a large-scale composite population study", *Journal of Behavioral Addictions*, 2022, DOI: 10.1556/2006.2022.00083

² Hing, N et al *The Second national study of interactive gambling in Australia (2019-2020)*, Gambling Research Australia, 2021, pp 15, 52-53; NSW: Browne et al, *NSW Gambling Survey 2019*, NSW RGF, 2020 (rev) p 54; Vic: Rockloff, M. et al *Victorian Population Gambling and Health Study (2018-2019)*, 2020 VRGF p 30, 93, 112; ACT: Paterson, M. et al *2019 ACT Gambling Survey*, ACT Gambling and Racing Commission p 48

³ Based on NSW Department of Liquor and Gaming data: Q3 2022

⁴ Livingstone, C *How electronic gambling machines work: EGM structural characteristics*; Australian Gambling Research Centre Discussion paper 8, 2017; Livingstone, C. *Submission to the Perth Casino Royal Commission*, 20

⁵ *Australia's Gambling Industry*, Productivity Commission report 10 1999, section 8.2

⁶ Browne, B. & Minshull, L. *The pub test: Australia has most of the world's pub and club poker machines*, The Australia Institute, 20

⁷ Betting on a winner - ABC news 25/5/2022: [How the gambling industry is pouring millions in political donations into party coffers - ABC News](#)

⁸ Revolving Doors, Michael West Media: [The Revolving Doors of politics and business - Michael West](#)

⁹ [The lobby group that got more bang for its buck • Inside Story \(1/7/2013 - how the industry fought back against Andrew Wilkie's reform goals, and won\)](#)

¹⁰ [Problem gamblers say pokies venues aren't stopping self-excluded gamblers from losing thousands](#), ABC 27/9/2020; [Chinese Australians share personal stories of gambling harm and their road to recovery](#), ABC 24/10/2020; [Betting companies required to provide gamblers with financial statements, but ex-punter says it's not enough](#), ABC Perth Radio, 6/8/2022; [Retiring MP Russell Northe calls for Victorian election winner to tackle problem gambling](#), ABC news 21/9/2022

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- ¹¹ [Polling - Advertising on TV](#), The Australia Institute August 2022 (71% support a ban on gambling advertising); [Polling - Poker machines in SA](#), The Australia Institute November 2019 (just as the SA government allowed venues to install note acceptors meaning the amount people could load up significantly increased); Amy Bestman et al "Attitudes towards community gambling venues and support for regulatory reform: an online panel study of residents in NSW, Australia", *Harm Reduction Journal*, 2018, 15:15; Thomas SL, Randle M, Bestman A, Pitt H, Bowe SJ, et al. "Public attitudes towards gambling product harm and harm reduction strategies: an online study of 16-88 year olds in Victoria, Australia", *Harm Reduction Journal* 2017;14(49):1-11; Donaldson, P. et al "Attitudes towards gambling and gambling reform in Australia" *Journal of Gambling Studies*, 2016, 32:243-259 [testing support specifically for Wilkie's proposed \$1 bets and limits on jackpots, national regulation and standards for poker machines and for the provisions in the Interactive Gambling Bill - both before parliament at the time of the study]
- ¹² [Inquiry into Money Laundering via EGMs in Pubs and Clubs – NSW Crime Commission 2022](#)
- ¹³ Ceravolo et al "Cash, Card or Smartphone: The Neural Correlates of Payment Methods", *Frontiers in Neuroscience*, 13/1188, November 201
- ¹⁴ [Clubs not interested in \\$6000 fix to help problem gamblers \(smh.com.au\)](#) April 20 2018
- ¹⁵ [EXCLUSIVE: Crown Perth to trial EFTPOS transactions to buy chips at the gaming table - 6PR 23/7/2020](#)
- ¹⁶ [Cash ban as gambling card to overhaul \\$6b pokie industry in NSW \(smh.com.au\)](#) 3/10/2020
- ¹⁷ [West's New Lambton cashless gambling trial begins today - NEWFM 8/10/2022](#)
- ¹⁸ Gainsbury, S. & Blaszczynski, A. "Digital gambling payment methods: harm minimisation policy considerations", *Gambling Law Review*, 24/7, 202
- ¹⁹ [Alliance for Gambling Reform Cashless Gambling position paper](#) (accessed Nov 2022)
- ²⁰ [Premier of Tasmania - Nation-leading card-based gaming with pre-commitment a first in Tasmania](#) 15/9/2022
- ²¹ Smith, C et al *Shutdown periods for electronic gaming machines: Research Report* (Snapcracker), NSW RGF, 2019, p 11; *Australia's Gambling Industries*, Productivity Commission report 10, 1999, s8.6, table 8.1
- ²² Browne et al *NSW Gambling Survey 2019*
- ²³ Shutdown periods for electronic gaming machines, RGF, 2019 [Shutdown periods for electronic gaming machines \(nsw.gov.au\)](#), p 44
- ²⁴ Shutdown periods, p. 45-46
- ²⁵ Productivity Commission Inquiry Report Gambling, No 50, 26 February 2010, pp 30-31
- ²⁶ ILGA Guideline 16 Late-night gaming applications. https://www.liquorandgaming.nsw.gov.au/_data/assets/file/0010/936271/gl4026-ilga-guideline-16-12-May-2021.pdf
- ²⁷ NSW government commissioned research into post-midnight gambling: [Research into the late-night usage of electronic gaming machines - Liquor & Gaming NSW](#)
- ²⁸ Shutdown periods for electronic gaming machines, RGF, 2019 [Shutdown periods for electronic gaming machines \(nsw.gov.au\)](#)
- ²⁹ [Taphouse Investments Pty Limited v Independent Liquor and Gaming Authority \[2022\] NSWCATAD 255](#), affirming the decision of ILGA to reject the application for extended trading hours, Para 154
- ³⁰ *NSW Gambling survey 2019*, p63-65, figure 48, table 53
- ³¹ Anecdotal evidence supplied by gambling counsellors on the Central Coast regarding clients experiencing this at a particular venue
- ³² [Gamblers can self-exclude from pokies venues but there's no evidence a pub or club has ever been prosecuted for breaches](#), ABC news 20/10/2020
- ³³ Overview of research in the Harm Minimisation Gap Analysis report undertaken for the NSW ORG: Lawn et al *Responsible Gambling and Gambling Harm Minimisation Research Gap Analysis*, Flinders University Human Behaviour and Health Research Unit, for NSW ORG, 2019
- ³⁴ Kotter et al Casino Self- and Forced Excluders' Gambling Behavior Before and After Exclusion. *Journal of gambling studies*, 2018, 34(2): 597-615; Kotter et al A Systematic Review of Land-Based Self-Exclusion Programs: Demographics, Gambling Behavior, Gambling Problems,

Mental Symptoms, and Mental Health. journal article. *Journal of Gambling Studies*, 2019, 35, 367-394

³⁵ T. Hayer et al Multi-venue exclusion program and early detection of problem gamblers: what works and what does not? *International Gambling Studies*, 2020, 20/3, 556-578 (online 2019)

³⁶ The Impact of Gambling, [NSW Legislative Council Select Committee on the Impact of Gambling](#), 2014

³⁷ [ClubsNSW reveals plan to help people harmed by gambling - ABC News 13/7/2022](#)

³⁸ Schottler Consulting, *The harm minimisation impact of third party exclusion schemes and possible future directions for NSW*, 2017

³⁹ [BetStop - the National Self-exclusion Register | ACMA](#)

⁴⁰ What is an SA2: this is a [statistical area unit](#) used by the ABS and other statutory bodies. Each is a “medium-sized general purpose area” build up from SA level 1 areas representing a “community that interacts together socially and economically”. They are smaller than council areas (which by and large correspond to SA3 units).

⁴¹ Application form when no LIA is required

⁴² [Class 1 LIA application guidelines](#)

⁴³ See the Class 1 LIA application guidelines and [further advice here](#)

⁴⁴ [Gaming machine data - Liquor & Gaming NSW](#)

⁴⁵ [Premises lists, monthly from March 2020, here](#)

⁴⁶ [Find my LIA Banding interactive map for NSW](#)

⁴⁷ [Australian Gambling Statistics](#)

⁴⁸ [Queensland gaming statistics](#)

⁴⁹ [SA poker machine data 2021-2022](#); search <https://www.cbs.sa.gov.au/> by “Gaming Revenue by council area” to find data back to 2016-2017, although 2017-2018 is missing; The [SA Centre for Economic Studies at the University of Adelaide](#) used to provide an annual update on the [data](#), but does not seem to do that since 2018-2019

⁵⁰ [Tasmanian gambling data here](#)

⁵¹ [VGCCC gambling data here](#)

⁵² [VRGF poker machines per council visualisations](#); other gambling data, including ad spends, also available



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