

Public submissions made to the ACT Government’s Discussion Paper – Lowering bet and credit limits for electronic gaming machines

Contents

<u>Submission from the ACT Council of Social Services</u>	3
<u>Submission from Canberra Southern Cross Club</u>	7
<u>Submission from Care Incorporated</u>	11
<u>Submission from Club Managers’ Association Australia</u>	17
<u>Submission from ClubsACT</u>	20
<u>Submission from Eastlake Group</u>	55
<u>Submission from the Gambling Treatment and Research Clinic</u>	58
<u>Submission from Harmonie German Club Canberra Incorporated</u>	71
<u>Submission from Paul Berger (Harmonie German Club Canberra Incorporated)</u>	74
<u>Submission from Raiders Group</u>	77

Public submission from ACT Council of Social Services Inc.



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1 June 2022

Justice and Community Safety Directorate
Parliament House
PO Box 6100
Canberra ACT 2600

Via email: LRGPolicy@act.gov.au

Dear Justice and Community Safety Directorate

Submission: Electronic gaming machine bet and credit limits

The ACT Council of Social Service (ACTCOSS) welcomes the opportunity to make a submission to the Justice and Community Safety Directorate's Discussion Paper - Lowering bet and credit limits for electronic gaming machines.

ACTCOSS represents not-for-profit community organisations and advocates for social justice in the ACT.

As part of its work on social justice and through its membership of the Canberra Gambling Reform Alliance, ACTCOSS works to reduce gambling harm in the Canberra community. The ACTCOSS CEO is a member of the ACT's Gambling and Racing Commission Advisory Committee.

ACTCOSS is broadly supportive of the Discussion Paper's proposed changes to reduce harm from gambling. Lowering the bet limit on ACT poker machines from \$10 to \$5 and introducing a \$100 load-up limit will be implemented alongside the proposal of a Central Monitoring System (CMS) to support clubs running gaming machines to implement these measures.

This is a welcome initiative as part of the ACT's Government commitment to reducing gambling harm and protecting vulnerable consumers. The social and financial costs of gambling continue to severely impact ACT individuals, families and wider community and the ACT Government must do more to protect Canberrans from gambling harm.

These measures respond to long standing advocacy by ACTCOSS, the Canberra Gambling Reform Alliance (CGRA) and other stakeholders campaigning to reduce gambling harm in the ACT. The social cost of problem gambling in Australia over one year has been estimated to be between \$4.7 and \$8.4 billion. The social (non-financial) costs per problem gambler were estimated to be between \$10,000 and \$30,000.¹ In the ACT total gambling losses in the ACT in 2017-18 amounted to \$242.7 million or \$749 per capita.²

People experiencing domestic and family violence, older people, people with disability, people from culturally and linguistically diverse backgrounds and Aboriginal and/or Torres Strait Islander peoples are at a higher risk of experiencing gambling harm.

The measures proposed by this discussion paper are those which research shows would have the greatest impact on reducing gambling harm. Reducing the bet limit to \$5 will halve the amount of money a person could theoretically spend and lose in one hour of play from \$12,000 to \$6,000.

ACTCOSS supports these recommendations which are based on the best of industry expertise and local knowledge of problem gambling's community impacts.

However, based on consultation with organisations dealing with Canberrans experiencing gambling harm, including at the Roundtable Community Sector Consultation held in October 2021 by the Gambling & Racing Commission, we believe they should go further with:

1. The bet limit reduced to \$2 per bet, and
2. A \$50 load up limit

Community clubs are also a significant consideration in the implementation of these measures. Over 99% of the ACT's gaming machines are in community clubs. Community clubs have in many cases come to unsustainably rely on income earned to the detriment of problem gambling. By reducing risks of gambling harm, we can ensure that community clubs become safer, more inclusive and welcoming spaces for all.

We recognise that there will be challenges in implementing the proposed measures given the varying size and financial success of clubs. However, in noting that many clubs gain a substantial revenue stream from pokies, there are also several pokie-free clubs, and we look forward to seeing a higher uptake of the government's poker machine surrender initiative.

A pokie-free environment may make it increasingly difficult for smaller clubs to sustain their finances with alternative revenue. However, we firmly believe that there is a broad need for clubs to take responsibility for minimising and preventing gambling harm. ACTCOSS recommends that the government seriously considers offering targeted support to small community clubs delivering clear social good. The definition of a small club will need to be established in consultation with industry and community sector.

There is also merit in discussing the introduction of CMS in a way that would assist the tracking of levels of problem gambling behaviour in clubs, to assist not only clubs to establish harm mitigation strategies but also for individual problem gamblers to have the ability set their own limits and manage their addiction. However, discussion of the system's introduction while important, is a second-order priority. The main measures that will reduce gambling harm are the ones proposed and it is important that these are progressed quickly.

Whilst we commend the introduction of reduced bet limits and CMS as soon as possible, we are also eager to see further action based on the recommendations consistently produced by experts in gambling harm reduction. We are particularly keen to see the introduction of mandatory pre-commitment in all venues and banning of poker machine operations between 2AM and 10AM.

The implementation of the measures outlined in the Discussion Paper will play a significant role in urgently addressing gambling harm in our community. ACTCOSS urges the ACT Government to commit to lower bet and credit limits.

ACTCOSS would welcome the opportunity to discuss this submission further with the directorate. ACTCOSS can be contacted on (02) 6202 7200 or by email at adam.poulter@actcoss.org.au.

Yours sincerely,



Mr Adam Poulter
Deputy CEO

Email: adam.poulter@actcoss.org.au

Public submission from Canberra Southern Cross Club.

23 June 2022

Shane Rattenbury MLA

Attorney-General

Minister for Consumer Affairs

Minister for Water, Energy and Emissions Reduction

Minister for Gaming

Member for Kurrajong

via email

A handwritten signature in cursive script that reads "Shane".
Dear Mr. Rattenbury,

The Canberra Southern Cross Club thanks you for seeking our views on the ACT Government's approach to introducing a \$5 maximum bet and a \$100 load-up limit for electronic gaming machines (EGMs) in the ACT. We commend the Minister for his commitment to reducing gambling harm, a philosophy we share.

The Club is committed to reducing harm from EGMs as evidenced by our "over and above" approach to implementing harm reduction strategies in our venues. As you would be aware the Club has been on a path of reducing its reliance on gaming revenue. We intend to continue along this path in a pragmatic way to ensure the long-term viability of the Club so that we remain a central meeting place for so many Canberrans.

We are proud that our percentage of gaming revenue to total revenue in 2022 is 39% compared to 68% in 2012. We have achieved this through a deliberate approach to growing and diversifying our revenue streams whilst gradually reducing our focus on gaming.

In providing our feedback we do so in the context of COVID, which unsurprisingly has had a significant impact on the Club's viability over the past three years. Whilst we have weathered the storm in better financial shape than many, we have seen a fall in profitability that has slowed our diversification program. We expect it will take at least two more years to return to our previous performance levels. Whilst operating as a not for profit Club, any surplus the Club makes is for the benefit of our community and to assist us to further invest in our diversification program.

The Club's average profit for the 3 years pre-pandemic (FY17,18,19) was \$885,000 per annum. For the three COVID impacted years (FY20,21 and Forecast FY22) we have seen that figure drop to just \$30,000 in total, or just \$10,000 per annum. The significant cost implications through the proposed approach would prove very difficult for us. It will lead to a decline in our services, which will have the flow on effect of a reduction in employed staff and community and sporting facilities we provide and maintain on a non-commercial basis.

We understand that your preferred path to \$5 bet and \$100 load-up limits looks to be through the introduction of a Central Monitoring System (CMS). The cost implications for the Club, however, remain concerning. An ongoing cost of \$50 per machine per month (similar in other jurisdictions) would see the Canberra Southern Cross Club paying close to an additional \$300,000 per annum.

Of similar concern is the cost to convert the gaming machines to a protocol that would allow the machines to be controlled by a CMS. For us, the cost would be circa \$5 million. This level of investment would materially impact our diversification program. The data provided in the previous page exemplifies the very real progress we have made down this path, including, as you would be aware, the total removal of poker machines from our Yacht Club venue and a 20% reduction in machines from our Woden venue.

While the Club supports harm minimisation measures, we do have concerns about the practical impact that \$100 load-up limits will have. Expending the total credits on the credit meter before being able to enter more money is not something we are aware of that is implemented in other jurisdictions. While some systems, be they a CMS or internal systems, allow load limits, one can continue to enter money once the threshold is reduced.

We believe that the \$100 load-up limit if enforced, will result in driving gaming patronage across the border. If Canberra's decide to simply travel to NSW to gamble, we fail to see how that is an acceptable outcome from a harm minimisation perspective. That would only shift a problem to another jurisdiction where harm minimisation measures are less than what they are in the ACT.

You would be well aware of the behaviour change during COVID where the Queanbeyan-Palerang gaming performance per machine moved from a ranking of 24th in the state of NSW on net profit per machine per day to number 1. This was proof evident of what we always suspected was true – that the border is invisible to our patrons, and they will change patronage behaviour if there is a significant difference between the how the jurisdictions operate. We are keenly aware that our members are already targeted by both Star Casino in Sydney and clubs in NSW.

Our concern is that if both these measures, CMS and Load-up Limits, were introduced together we would in fact slow our capital commitment to our diversification projects. This unintended consequence would actually defer the intended ideal outcome of Clubs in the ACT being vibrant and healthy with a much lower reliance on gambling revenues.

The documentation detail of the CMS makes mention of pre-commitment capability down the track which on top of the extra costs of implementation would be most concerning. The Club is and always has been very supportive of voluntary pre-commitment.

The forced use of a player's card under mandatory pre-commitment would be a very unpopular move for our Members. We absolutely support the ACT having the best safeguards for gamblers in the nation however we do not want actions that have the impact of gifting custom to NSW Clubs and that sound a death knell to Clubs in the ACT.

Another area where the Club has concern is where the presentation document mentions the wish to “establish a rigorous across-venue self-exclusion regime with significant penalties for breaches & align with or exceed NSW reforms such as third-party exclusion regime.” The club has no objection to a 3rd party approach for self-exclusion. If legislated properly we believe this can give the Clubs options to assist more quickly when a patron is identified by someone who knows them best that they are experiencing harm.

Where we do take issue is around the mentioned penalties for breaches of self-exclusion. The Club has been actively pursuing ways, mainly through facial recognition, to better assist the enforcement of self-exclusions.

Facial recognition would help our staff quickly detect and then interact with a self-excluded patron before they can enter money into a gaming machine. We believe that if the territory has a robust, territory-wide facial recognition system, the ACT can become a leader in harm minimisation in the country. We believe this provides individuals with the best outcome rather than shunning people from Clubs altogether, leaving them feeling ostracised and reluctant to self-exclude in the first place. Thus far it would appear that the government has yet to embrace this practical and impactful solution. We would be happy to meet with you to brief you directly on the benefits of facial recognition, it being a solution that will materially impact enforcement.

We firmly believe that patrons who do decide to gamble, be it on poker machines or the TAB, are best to do it in one of our venues. We understand that Clubs, being geographically identifiable physical places, are an easier target for gambling reforms, whereas online gambling is simply too hard to tackle. When a patron visits a club, they have to leave their home, use a mode of transport and sign in before they can “play” at one of our venues. Any activity is conducted under the watchful eyes of our staff in an environment where care and compassion is available and people are able to assist. We hope that in an attempt to mitigate risk the problem is not just transferred to a more dangerous outcome of our community gambling in NSW or indeed through online gambling companies in their homes.

As always, we appreciate your genuine commitment to consultation and extend an open invitation to visit one of our Club venues to see our diversification in action and further discuss the proposed reforms.

Yours sincerely,

A handwritten signature in black ink, appearing to read "DE", followed by a long horizontal flourish.

David Earle
President
Canberra Southern Cross Club

Public submission from Care Inc.

Response to ACT Government Discussion Paper – Lowering bet and credit limits for electronic gaming machines



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About Care

For almost 40 years Care Incorporated (Care) has been the main provider of financial counselling and consumer law advice for people in the ACT and surrounds, who are experiencing financial stress. Care's core client base are often the most marginalized people in the local community.

Our core programs include:

- Financial Counselling support and advocacy for people experiencing financial stress
- Legal advice and advocacy in the areas of credit, debt, Australian Consumer Law and fair-trading
- Community loans providing no interest loans for the purchase of household goods and services to people on low to moderate incomes
- Community education activities to promote our services and build financial capability and wellbeing in the community

We acknowledge and are pleased that the ACT Government is committed to exploring strategies that will reduce harm caused by gambling. Care's overarching view is that reducing gambling harm requires a suite of measures that limit the amount spent on, and the frequency of, gambling activity.

Reducing harm

The cost of living is increasing with rents and mortgages at record highs whilst wage growth remains low. This means many people in our community are experiencing or at risk of financial stress. Gambling can contribute significantly to this financial stress both for the person involved and for their family. Money spent gambling reduces funds available for food, rent, petrol, bills and education costs. This can impact on people's mental health, their ability to work and their relationships. It can also lead to a situation where a person is chasing their losses and potentially getting further into debt.

The social (non-financial) costs per problem gambler are estimated to be between \$10,000 and \$30,000 (*Gambling Productivity Inquiry Report no 50*). In the ACT total gambling losses in 2017-18 amounted to \$242.7 million or \$749 per capita (*Australian Gambling Statistics 1991-92 to 2017-18, 35th edition, State Tables*).

From our extensive experience working with clients impacted by gambling, in addition to the financial impacts, there is a clear link between gambling and intimate partner violence and between gambling and mental health, including suicide and suicide ideation. Some examples we have seen recently in our work include:

- Family inheritance being spent on gambling
- Redrawing on a mortgage and using equity in a family home for gambling without the knowledge of another party to the mortgage
- Pawning items belonging to family members as a means of accessing cash for gambling
- Forcing a partner to take out a personal loan and using the money on gambling

In addition, we have clients who seek financial counselling support following a suicide attempt. These clients are often dealing with any combination of mental ill-health, relationship breakdown, unaffordable debts, homelessness, and loss of employment.

Our experience is supported by a recent report by Suicide Prevention Australia and Financial Counselling Australia *Gambling and Suicide Prevention A Roadmap for Change* that indicated increasing numbers of people affected by gambling harm experience multifaceted problems. They examined data and research on suicide deaths where gambling was an issue and spoke to people with lived experience. The report highlighted that gambling is a contributing risk factor for suicide.

In September 2020, the Australian National Research Organisation for Women's Safety (ANROWS) undertook a research project on *The Relationship between gambling and intimate partner violence against women*. The report identified that economic abuse is highly prevalent amongst women experiencing gambling related intimate partner

violence with the abuse increasing as gambling losses escalated. (*ANROWS Research Report Issue 21, Sept 2020*)

A person with a gambling addiction who has run out of money from all other sources can be tempted to commit a crime such as stealing money from their workplace, because the desire to gamble is so strong. Over the years there have been examples of this in the news. The amounts of money can be large and the consequence for the person and their family, dire.

Gambling harm is everyone's responsibility – the person gambling, the community, the government, the gambling industry and the banks. Reducing gambling harm makes our community clubs safer and more accessible, it reduces the risk of suicide, crime, domestic and family violence and reduces the likelihood of people being caught in a debt spiral.

We are therefore broadly supportive of the Government's commitment to introducing a \$5 bet and \$100 credit (load up) limit for electronic gaming machines (EGMs) in the ACT. We believe this is one strategy to reduce gambling harm. Whilst bet and credit limits potentially minimize the financial impact of gambling, given the strong correlation between financial stress and psychological wellbeing, we think the proposal to limit losses will have broader benefits.

We are of the view that consideration could be given to further lowering of bet and credit limits in the future.

Technical Issues

In expressing our support of the Government's proposal, Care acknowledges our lack of technical expertise in this area. From the discussion paper it would appear a Central Monitoring System (CMS) offers the best solution, particularly if such a system reduces the cost burden on industry and government, allows introduction of pre-commitment in the future and provides government with oversight of anti-money laundering and a more effective way to assess and collect taxes.

Less than half current EGMs have capacity to accept \$5 bet limits and very few to accept \$100 credit limit. From the Discussion Paper, it appears that the gaming system control will significantly reduce cost of implementing new bet and credit limits, but we recognise there is likely to be a substantial cost to transition to CMS (QCOM) which could pose a potential financial burden particularly on smaller clubs. The Government's rationale for preferring QCOM appears sound given it is more cost effective for clubs and government and there are more provider options.

The Government should consult with industry to ensure engagement considers appropriate and targeted financial and other supports. We acknowledge the impost that any change will have, particularly on smaller clubs and encourage ongoing communication with the industry to ensure the introduction of lower bet and credit limits can happen over this term of Government.

Cashless gaming

The discussion paper notes that a central monitoring system has the capacity to allow cashless gaming in the future.

There are advantages and disadvantages to cashless gaming and Care's view is that more work and investigation is required before a decision is made about introducing cashless gaming.

The advantage of cashless gaming is primarily the convenience and security of not having to carry cash. For some people it may assist with managing gambling expenditure. However, there is often a disconnect when people are using tokens or other technologies for land-based gambling which can lead to increased spending. Care's Financial Counsellors see this every day in their work in relation to use of credit and buy now pay later products, where there is a significant risk of a debt spiral. Part of the harm from online gambling comes from the cashless payment methods.

The risk increases for people with low levels of financial literacy where keeping track of cashless spending may be challenging.

If cashless gaming is to be introduced in the future, it should be done in conjunction with mandatory pre-commitment and other harm minimisation strategies to restrict gaming machine expenditure.

Privacy issues and access to information

Privacy should be at the forefront of any decisions in relation to collecting and accessing personal information. The Government should only have access to information about EGM user behaviour at an aggregate level not at an individual player level. This allows government to track any reduction in gambling harm because of policies such as limiting bet and credit limits without compromising the privacy of any individual.

Individual personal information should only be accessible with clear informed consent from the individual. We support legislative measures to limit collection, storage, use and disclosure of information as part of a CMS.

Other harm minimisation measures

We recognise that reducing gambling harm will require a suite of measures, some of which are already in place in the ACT such as restrictions on ATM withdrawals. Some other measures which could be considered in future:

- Third party information being a catalyst for clubs to investigate and potentially implement a licensee exclusion. Family members often identify harm first, particularly given people with a gambling addiction may be in denial. Whilst third

party exclusions pose risks in situations where there is domestic and family violence, Information provided by family members should be taken on notice and lead to proactive monitoring by the clubs.

- Modifying EGMs so it is clear how much money a person has lost. At present losses are often disguised as wins, with jackpots being prominent visually, and audibly. What is less obvious is the amount of money that has been spent to obtain any jackpot.
- Any self-exclusion process in future should align with the national online exclusion database to make it easier for people to exclude from all forms of gambling.

We thank you for the opportunity to provide input into the discussion paper on lowering bet and credit limits for electronic gaming machines.

Public submission from Club Managers' Association Australia



Justice and Community Safety Directorate

Parliament House

PO Box 6100

Canberra ACT 2600

8 June 2022

To Whom it May Concern,

RE: Consultation Process – Discussion Paper EGM Bet and Load

The Club Managers' Association Australia (CMAA) is registered as an industrial organisation of employees in the terms of the Fair Work Act, 2009. The CMAA is affiliated with the Australian Council of Trade Unions (ACTU).

CMAA is a responsible union, and we are in the unique position whereby our members are both employees, under the Federal Award, and also employers in the day to day management and administration of Registered Licensed Clubs. Subsequently, the role of the CMAA extends beyond a purely industrial focus to include the advancement and professional growth of our members and the industry as a whole.

The welfare of our Members' is of paramount concern to us as an employee representative association.

The CMAA has received copies of the materials provided by the ACT Government relating to its proposal to reduce the maximum bet within the ACT to \$5, reduce the cash credit limit to \$100 and the proposal to introduce a CMS to facilitate these transitions and other longer term measures.

On behalf of our 70 members, employed within clubs in the ACT, the CMAA wishes to express its concerns over the proposed initiatives. Our concerns include:

- The enormous estimated capital costs associated with a potential transition under the various options and the impacts that these costs will have on employment, employment conditions and the financial position of the employer clubs in the ACT,
- The significant incremental operational costs that the introduction of a CMS and other initiatives, will have on employer clubs in the ACT,
- The significant substantial impact that the introduction of a lower maximum bet level and cash credit limit will have on the business performance of employer clubs and the flow-on impacts that this may have on employment conditions, workplace stress, community and sporting grants and the longer term viability of the sector in ACT. This is especially pronounced when one considers the widening disparity between regulatory arrangements within NSW and ACT and the proximity of competitive sites within NSW.

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PLATINUM MAJOR SPONSOR

The CMAA has witnessed the impacts of COVID and other external factors in recent years, on the hospitality industry generally and the club sector more specifically, on the stresses being confronted by our member managers, executives and other employees. It is now well established that there are over 106,000 vacant positions within the hospitality industry, and there is little, if any, light at the end of the tunnel for this situation to be resolved. As responsible employers, clubs all over Australia are investing significant resources and funds to attract and train staff in an effort to fill vacancies and retain existing team members.

The CMAA is concerned that the initiatives proposed by the ACT Government will simply add to the already overwhelming burdens on our members and indeed their non-member colleagues.

Accordingly, on behalf of our members, we recommend that the ACT Government carefully consider its plans for gaming regulation for the sector and contemplate the additional human costs associated with the impacts that these initiatives may have on persons employed in the sector.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'David Hiscox', with a stylized, looped design.

David Hiscox ACCM

President

Club Managers Association Australia

Public submission from ClubsACT



A Proud Member of ClubsAustralia

A CENTRAL MONITORING SYSTEM FOR THE ACT?

The Community Clubs Industry Response to the ACT Government, Justice and Community Safety Directorate, Discussion Paper: *Lowering bet and credit limits for electronic gaming machines.*

Prepared by CLUBSACT
8/7/22

Contents

Introduction	3
Executive Summary.....	4
Recommendations in Response.....	6
The ACT Club Industry.....	8
Sporting Contributions.....	10
Hospitality and Entertainment.....	11
Gaming.....	11
Response to the Discussion Paper	12
Establishment of an EGM Technical Working Group.....	12
Engagement with Industry.....	13
Industry and Manufacturer Input	15
CMS and a Human Rights Jurisdiction	17
Challenging Economic Times.....	18
Reducing Harm Associated with Problem Gambling	19
Gambling Reform ACT Leads the Way	19
An Evidence-Based Approach	21
Costs.....	22
Cabinet and Game Upgrades	23
Other Infrastructure Costs	23
Fees for a Central Monitoring System	24
Administrative Costs	24
Increased Costs	24
Club Capacity to Absorb Costs	24
ACT Government Budget Considerations	26
The Regulatory Environment - EGM Approvals	26
Size of the ACT Market.....	26
Gaming Shifts to NSW	27
Community Impact	27

Other Options for Harm Reduction.....	28
Future Technology	29
Cashless Gaming	29
Other Options	30
Specific Questions in the Discussion Paper	31
Conclusion.....	33

Introduction

ClubsACT welcome the opportunity to respond on behalf of the ACT Not-For-Profit Community Clubs to the ACT Government, Justice and Community Safety Directorate, *Discussion Paper: Lowering bet and credit limits for electronic gaming machines* which was released for consultation on 29 April 2022.

For background, ClubsACT is the principal representative body for Not-For-Profit Community Clubs in the ACT. Our vision is to support and encourage a vibrant, engaged, and thriving Club sector in the ACT which in turn supports the wider Canberra community.

We aim to promote and protect the interests of the Club sector, our members, and those that benefit from community Clubs. We facilitate innovation and seek to build Industry capability, capacity and the relationships with Government and the Canberra community.

ClubsACT represents small, medium and large Member Clubs including:

ACT Rugby Union Club Turner	Canberra Deakin Football Club
Austrian Australian Club	Eastlake Football Club Griffith
Ainslie Football and Social Club	Eastlake Calwell
Gungahlin Lakes Golf Club	Eastlake Gungahlin
Australian-Croatia Club	Federal Golf Club
Belconnen Bowling Club	Harmonie German Club
Canberra Bowling Club	Magpies Belconnen Golf Club
Canberra Services Club	Mawson Club
Canberra Irish Club	Murrumbidgee Country Club
Canberra Racing Club	National Press Club of Australia
Commonwealth Club	Royal Canberra Golf Club
Raiders Gungahlin	Spanish Australian Club of Canberra
Raiders Belconnen	Vikings Erindale
Raiders Weston	Vikings Lanyon
Southern Cross Club Tuggeranong	Vikings Chisholm
Southern Cross Club Jamison	Vikings Town Centre
Southern Cross Club Woden	Yowani Country Club
Southern Cross Yacht Club	

ClubsACT has also been working in collaboration with the Labor Club Group (representing 4 venues across the ACT) in the preparation of this response to the ACT Government.

The Industry is disappointed that we have not been afforded the time to obtain more detailed cost and technology advice from the Gaming Technologies Association (GTA) and manufacturers that would enable a more detailed cost and technical submission to be lodged. We will be seeking to make a supplementary submission when this is available.

This submission is an initial response based on currently available information. It aims to provide the ACT Government with a better understanding of the impact of proposed reforms on the Not-For-Profit Community Clubs sector.

ClubsACT encouraged members to make individual submissions regarding their own particular assessments on the Discussion Paper to supplement this Industry wide submission. We understand that a number of Clubs have or will be seeking to do this.

This submission provides information and recommendations for consideration in relation to the broad impact of the measures discussed in the Discussion Paper, and a range of related issues. Responses to the specific questions asked by the government through the public consultation phase are included at the end of the submission.

Executive Summary

ClubsACT Members remain committed to providing a range of proactive, evidence-based, harm minimisation measures to further reduce harm from gaming and working with the government to achieve their objectives.

Our Member Clubs believe that there are more effective ways to achieve the ACT Government's aim to reduce gaming harm than the proposals identified in the Discussion Paper. As a jurisdiction we have the opportunity to lead innovation in harm minimisation best practice. Clubs would welcome the opportunity to work constructively with the Attorney General and the ACT Government to continue to deliver a safe and sustainable gaming environment for the ACT utilising a best practice model and a public health approach.

While the Industry recognises the Government's policy position as stated in the Parliamentary and Governing Agreement for the 10th Legislative Assembly (Parliamentary Agreement), it appears to lack an appropriate level of consideration and validation. Our Member Clubs remain frustrated that this policy is a significant shift in the ACT Government's stated policy position and approach from July 2020, and was done with no consultation or supporting evidence.

The significantly changed policy position as contained in the new Parliamentary and Governing Agreement for the 10th Legislative Assembly, if not halted and properly considered, will come at an

immense and for some an unsustainable fiscal and social cost to Clubs, the community and the ACT Government.

After surveying our members for their cost estimations, it is apparent that the Club Industry will be forced to bear an investment upfront of in excess \$70 million for just the machine and other system upgrades required, to turn on a Central Monitoring System (CMS) of Club patrons, with no identifiable impact on harm minimisation or efficiencies.

This approach, if implemented as suggested will have an immediate and direct impact on the viability of Clubs. Venues will close. These are implications that the Members of the Legislative Assembly who are party to the Parliamentary Agreement could not have been aware of when they committed to this approach. An approach that the ACT Legislative Assembly had resoundingly rejected three months earlier.

In 2020, the Attorney General, Mr Gordon Ramsay, called for 'a consultative, evidence-based approach to any further reforms' and that 'the cost and time frames of any reform will need to be based on the best, fullest, accurate evidence' (ACT Legislative Assembly 2020, p. 1667). This motion was agreed by 17 of the 19 Members of the Legislative Assembly present. This sensible approach has been abandoned with the proposed legislative changes.

The seemingly arbitrary timeframes, absence of reasonable consultation and the lack of evidence utilised in the development of the approach outlined in the Discussion Paper, has meant conclusions are fundamentally flawed as they have been drawn from a limited understanding of the technical requirements or the actual cost and social impacts to Clubs, community and the ACT Government.

Whilst not referred to in the Parliamentary Agreement, the CMS proposal identified for consideration in the Discussion Paper has evolved to dominate the initial policy objective. We have now been presented a proposal dominated by the inclusion of a Central Monitoring System for Club patrons rather than just the consideration of model for bet and credit limits on EGM's. This new approach has significant implications in terms of cost, human rights and changes to the regulatory environment. The dramatic departure from the NSW regulatory regime is an issue alone that needs greater consideration given the systems, approval processes, servicing, and game development that are intrinsically linked given our proximity and industry product and technical similarities jurisdictionally.

The aggressive timeframes identified for this process should not, in themselves, over-ride and put at risk the intended outcomes being sought, particularly given the financial challenges our Industry has faced in the past couple of years.

There are legitimate concerns that the proposed policy direction is expensive, unsustainable, and short-sighted in harm reduction terms. We do not believe that this is the balance the Government was aiming for, and it is at odds with, and fundamentally undermines the Government's diversification agenda identified for the Club Industry. In broad terms our response to the Discussion Paper is to request a reconsideration of its basic premise, seek a return to the original provisions of the Parliamentary Agreement as a guide and to commence a proper consultative process to determine options, opportunities, costs, and timelines through a more appropriate process.

We cannot endorse either the Discussion Paper or its proposals given the many issues we see both in terms of the process, the detail or the options presented. This submission will address these matters.

Recommendations in Response

The following recommendations are contained in this submission:

1. Establish a joint Industry/Government EGM Technical Working Group (involving Club, Manufacturer, and Government representatives) and refer the development of any proposals to it, with clearly stated aims and the objective to achieve a transitional plan and staged reform agenda by the end of 2024. The timeline for implementation should arise from this process.
2. There should be a reconsideration of the currently proposed timeframe as we believe it is technically unachievable in the current environment.
3. There should be a reconsideration of the currently proposed timeframe as it will contribute significant cost factors to any final outcome.
4. There should be a reconsideration of any proposal for the introduction of a CMS system. Due to the establishment and recurrent costs involved. The recurrent cost per month per machine is untenable for many smaller Clubs even if assessed at the low end of cost estimates and achieves little to no efficiencies to Club operations for reporting purposes.
5. There should be a reconsideration of any proposal for the introduction of a CMS system for reasons of patron privacy. The monitoring of patron's activity through the proposed CMS model is of great concern and has potentially significant issues associated with the ACT's status as a Human Rights jurisdiction.
6. The cost impacts should be fully investigated and verified by the proposed EGM Technical Working Group before proceeding to any legislation.

7. Any initiative proposed to reduce harm should have strong evidence to support it and a framework to measure the effectiveness.
8. Provide to the EGM Technical Working group any financial or other impact analysis already done, as was requested in our letter of 14 June to Minister Rattenbury (attached). If not already done these should be commissioned as a matter of urgency.
9. Consider an approach to bet and credit limits that accommodates an EGM buying cycle to defray costs over a period, reducing the cost implications and impact on operations and Club viability. This will require appropriate grandfathering.
10. Should the Government proceed with any proposals the Industry will require the consideration of an offset of costs associated with this transition through the waiver of existing taxes and charges.
11. Remain aligned with NSW regulatory regime to maintain current systems and infrastructure and minimise impact on the ACT Government regulatory environment.
12. Assess the community impact of any potential Club closures that may arise from this reform process.
13. Consider approaching the reforms in different phases to open up options and the potential to embrace innovation and emerging technology.
14. The ACT Government works with the Industry to trial emerging technology such as a digital wallet in the ACT for its potential to meet the Government's policy objectives before proceeding with other approaches.

The ACT Club Industry

ClubsACT Commissioned RSM in late 2021 to do a comprehensive analysis of the role and impact of the ACT Club Industry. The complete study will be released publicly in the coming months; however, this section of our submission draws on the data from the RSM report and should be seen as current to 2020 and not drawn from other historical sources unless otherwise referenced.

It is clear that Clubs are an essential part of Canberra's social fabric. The purpose of the Club Industry is to support local communities and Canberra's Clubs have been doing just this for over 90 years. There are currently over 1,100 local individual organisations that receive support from Clubs.

Clubs have a Not-For-Profit structure and a vast majority of revenue earned is invested back into the Canberra community. It is mandatory for all Clubs in the ACT to give 8% of their net gaming machine revenue (NGMR) in the form of community contributions. From 1 July 2019, the ACT Government has increased the minimum community contribution rate to 8.8%. Under the changes, Clubs now have a minimum increased community contribution rate of 8.8% of net gaming machine revenue (NGMR). The minimum contribution requirements for Clubs are:

- 0.4% of NGMR to the Gambling Harm Prevention and Mitigation Fund
- 0.4% of NGMR to the Chief Minister's Charitable Fund
- 8% of NGMR made as community purpose contributions.

Clubs can elect to make monetary contributions or in-kind contributions. An in-kind contribution is a contribution in lieu of donation of funds e.g., providing free room where the hire of that room would otherwise incur a cost. Community contributions are for the benefit of the whole community. The contributions have the effect of:

- Contributing to and supporting the development of the community; or
- Raising the standard of living of the community or part of the community.

It is evident that the Clubs in the ACT have consistently contributed higher than the required minimum of 8% NGMR to a large number of charitable, sporting and community organisations. In the last 5 years, Clubs have contributed over \$58 million to eligible community recipients.

FY	Total Approved Community Contributions (\$m)	Total Club Net Gaming Revenue (\$m)	Community Contributions as a % of NGMR	% Change of contributions from previous year
18/19	11.531	94.515	12.2	4.5% decrease
17/18	12.077	95.321	12.7	1.6% increase
16/17	11.883	94.646	12.6	2.0% increase
15/16	11.652	94.235	12.4	1.6% decrease
14/15	11.841	94.109	12.6	6.0 decrease

Source: ACT Gambling and Racing Commission

. Recently, a total of \$989,798 has been re-allocated back from the Diversification Sustainability and support fund to six Clubs to help fund initiatives like:

- Renovating and reconfiguring the Spanish Australian Club's existing kitchen to meet compliancy and to enable the Club to provide catering options;
- Installing a 75.6KW solar PV system at Belconnen Soccer Club's premises and stadium in McKellar;
- Upgrading bar and lounge facilities at Harmonie German Club to grow its capacity to offer entertainment options;
- Conducting site preparation for the development of a childcare centre at Canberra Highland & Burns Club;
- Installing a 300KW solar PV system at the Ainslie Group's Gungahlin Lakes Golf & Community Club premises; and
- Installing a lift and air conditioner to improve accessibility to the Belconnen Magpies Sports Club's medical centre in Kippax.

The Club sector is also committed to building an enhanced workforce and are committed to assisting those with additional needs and disabilities to participate in the workforce. Recently, ClubsACT has commenced a working relationship with Koomari which has the objective of designing pathways for employment in the hospitality sector for young people with an intellectual disability. The proposed program will support ClubsACT members by providing resources to assist members tailor their current employment frameworks to employing those with additional needs.

Sporting Contributions

The contribution by ACT's Clubs to community sport and sporting infrastructure play an important role in the creation and delivery of social capital and community health outcomes. They do this by bringing communities together, provide opportunities for physical activity and thus promote overall health.

Club funded sportsgrounds and associations are also a breeding ground for the Territory's sporting elite. These venues form a platform for potential athletes to discover their passions and hone their skills. As an example, the Tuggeranong BMX community is proudly supported by the Vikings Group, which has nurtured the likes of Caroline Buchanan who has won 8 World Titles. You could say that these facilities breed heroes for our next generation.

Examples of the sector's provision of access to sporting opportunities:

- Ainslie Football Club has 620 registered players across 25 AFL teams
- Vikings Group has 51 affiliate sporting groups with 7,000 participants
- Raiders Group has 5,150 players of rugby league in the Canberra region.

The Territory's budget does not allow maintenance expenditure to the level of infrastructure funded by ACT Clubs. Furthermore, the current ACT Government grants program to grassroots sports is approximately \$2.5 million in comparison to ACT Clubs' contribution to sport which is valued in excess of \$7 million annually.

Notably, Clubs in the ACT maintain:

- Over 400 hectares of green space for sporting use
- Six golf courses
- Twenty bowling greens
- Three cricket fields
- Five football fields
- A yacht Club
- A basketball stadium
- The racecourse
- A BMX track
- Countless gymnasiums

- A \$19 million purpose-built health and wellness building was opened by the Canberra Southern Cross Club in 2018.

In the ACT, over half of Canberra's Clubs provide their members with use of sporting facilities and there are collectively over \$500 million of assets under Club management. The cost to members to use these facilities are often below the cost to the Clubs of providing these facilities.

Hospitality and Entertainment

ACT Clubs provide a key source of hospitality and entertainment to the community. They are key to supporting a diverse and vibrant hospitality and entertainment Industry in Canberra.

The majority of the venues across the ACT provide a diverse range of hospitality and entertainment services including bar and restaurant facilities, function and boardroom facilities as well as the provision of regular live shows and broadcast and host live sporting events. Many venues provide specials and discounted meal options to seniors in the community.

The services provided by the Clubs cater for all ages and abilities. Clubs also support the large diversity in culture that the Canberra community is fortunate to enjoy. Examples include the Harmonie German Club which serves a wide range of German food and drinks and provides regular cultural events that showcase the German culture. The Spanish and Australian Club operates a delicatessen which provides traditional Spanish foods and carries over 500 product lines of which the majority are Spanish.

Gaming

Canberra is the only jurisdiction in Australia where gaming is still largely operated and managed through Not-For-Profit community Clubs – a privilege that Clubs acknowledge carries with it responsibilities. The Industry in the ACT proudly embraces its social licence to operate and its Not-For-Profit status. This is in line with the community centric ethos of the Clubs.

The latest report from the Australian National University Centre for Gambling Research into problem gambling confirms the ACT as the jurisdiction with the lowest prevalence of problem gambling. The ACT is also the only jurisdiction where poker machines are not permitted in casinos and this could be a very important difference in terms of problem gambling rates.

Most of the services that Clubs provide are only made possible with the revenue obtained by the ability to offer gaming facilities to their patrons. As of 1 July 2019 all Clubs with gaming machines in the ACT are required to contribute 0.4% of Net Gaming Machine Revenue (NGMR) and 0.4% contribution from NGMR to the ACT Gambling Harm Prevention and Mitigation Fund.

ClubsACT acknowledges that whilst most people use gaming machines as a source of entertainment, there are a small number of people that through their gambling behaviour can cause significant harm to themselves and others in their lives. As such, ClubsACT has a robust and active Gambling Harm Prevention Strategy for 2020-2023 which embodies our member Clubs' commitments to creating safe and responsible Club gambling environment. We also enjoy a positive and productive working relationship with the ACT Gambling and Racing Commission.

Response to the Discussion Paper

Establishment of an EGM Technical Working Group

To achieve the objectives identified within the terms of the Parliamentary Agreement, and a full assessment and consideration of the options and their impacts on, the Industry recommends that the ACT Government support the establishment of an EGM Technical Working Group. This submission addresses the rationale for this approach.

It is proposed that this group be established through a formal Memorandum of Understanding between the Industry and Government. This would include an agreed process to progress the reform agenda, review options and investigate emerging technologies (such as current digital wallet trials) that may achieve better outcomes for the Government.

The EGM Technical Working Group would have clearly stated aims to address the negative impacts of gambling harm and the objective to develop a transitional plan and staged reform agenda by the end of 2024.

This group should include Manufacturers (represented through the Gaming Technologies Association) and Club operations representatives who can provide operational and technical insight along with relevant government and Ministerial representatives.

To move forward, the Industry recommends that the ACT Government support our primary recommendation to establish an EGM Technical Working Group including Club operations expertise and manufacturers to support the ACT Government in establishing a transitional plan. This should occur before moving forward with legislative or other regulatory change.

The principles underpinning the work of this EGM Technical Working Group and the ACT Government's approach moving forward should:

- Include a thorough review and transitional plan, as stated in the Agreement, including forming an EGM Technical Working Group to engage with the process.
- Provide evidence to demonstrate the effectiveness of proposed measures to achieve intended outcomes for harm minimisation.
- Understand the significant cost implications to Clubs, including how these costs will impact each Club's financial viability, diversification agenda and contribution to the community.
- Consider the dramatic shift to the regulatory environment for the ACT and associated impacts.
- Be open to other approaches to achieve the stated aim of reducing harm from electronic gaming machines that are likely to be more effective, have less financial outlay, and will remain relevant as technology evolves into the future.
- Consider the role that COVID-19 shut-downs and restrictions, employment shortages, supply costs and emerging cost of living pressures have had and continue to have a significant impact on Community Clubs and their viability – before considering investment in costly infrastructure changes.
- Consider appropriate grandfathering of the timing of proposed changes and whether the Industry is able to sustain itself and invest in the proposed changes at this time. This element should consider the asset renewal approaches taken by Clubs as part of the transition planning.

RECOMMENDATION 1. *Establish a joint Industry/Government EGM Technical Working Group (involving Club, manufacturer, and government representatives) and refer the development of any proposals to it, with clearly stated aims and the objective to achieve a transitional plan and staged reform agenda by the end of 2024. The timeline for implementation should arise from this process.*

Engagement with Industry

The failure of the ACT Government to effectively engage with Not-For-Profit Community Clubs and the EGM Industry in a participatory way on a complex reform agenda, prior to conclusions being drawn and the Discussion Paper being drafted, is central to the immense implementation challenges now presented.

The Government is seeking to establish an expensive system with no clear indication of the benefits to be achieved based on potentially flawed assumptions of what might actually work to reduce the negative impacts associated with problem gambling.

The Parliamentary Agreement seemingly contradicts the approach the ACT Government was committed to just three months prior to the 2020 ACT Election.

The introduction of \$5 bet limits and a \$100 load up limit were raised in the ACT Legislative Assembly on 23 July 2020 by Mr Shane Rattenbury MLA. His motion was debated by all parties in the Legislative Assembly.

In the amendment to the motion the ACT Attorney General, Mr Gordon Ramsay noted (Legislative Assembly 2020, p. 1667):

"The ACT Government has already undertaken to Clubs to make further reforms, along with an agreed Industry Road Map to ensure their ongoing financial liability and, simultaneously, to work on further gambling harm minimisation measures. As we move forward, we must do it together with Clubs, with experts, with the community and with people with lived experience."

The amendment called for:

'... a consultative, evidence-based approach to any further reforms'

He further noted that:

'The cost of adaptive or new technology to implement bet limits, as put in Mr Rattenbury's motion, will be a significant issue. It may well be insurmountable, but it needs proper exploration... the cost and time frames of any reform will need to be based on the best, fullest, accurate evidence.'

The amended motion passed 17 to 2 in the Legislative Assembly (2020, p. 1666):

'(4) calls on the ACT Government to:

(a) continue to work alongside the Clubs to help them secure their future over the long term, support their communities and protect their patrons, and to help them to continue to move to other income-generating activities; and

(b) work in close consultation with Clubs, experts, the community, and people with lived experience on further evidence-based harm minimisation measures.'

ClubsACT Members and the Industry as a whole recognised the policy position of the ACT Government laid out by the then Attorney General, Mr Gordon Ramsay, which can be best summated by his closing comments in his contribution to the debate (Legislative Assembly, 2020, p. 1667):

'My amendment is a productive way forward for the next steps in continuing to reduce harm caused by gambling, while acknowledging that the path must be consultative and not damage a sector that is hurting, and which is a significant employer and supporter of many thousands of sporting, community, and multicultural groups. The government affirm that we will work alongside the Clubs to help them secure their future over the long term, to support their communities, to protect their patrons and to help

them to continue to move away from the reliance on electronic gaming machines and to address gambling harm. We believe we can do this together.'

The Parliamentary Agreement contains significant detail and complexity. It was developed and signed on 2 November 2020 just days following the outcome of the ACT Election.

ClubsACT believe that Members of the Assembly, In the absence of their former colleague Mr Gordon Ramsay MLA, may have unintentionally committed to a specific reform on bet and credit limits that had no evidence base or understanding of the cost and challenges to implement.

They may also have assumed, as ClubsACT did, that there would be a thorough review prior to implementation as well as a responsible consideration of a cost benefit impact analysis.

Any policy that represents a shift from the stated position, adopted just three months prior, should be considered with a full understanding of the impacts.

Industry and Manufacturer Input

Common sense would predicate that a significant reform in an Industry would seek input from that Industry and the key stakeholders.

The ACT Government's approach to engage a contractor to investigate options without any consultation with manufacturers or operators of EGMs included in the scope was, in ClubsACT view, a significant flaw.

The limited scope of the BMM Australia report, "Technical Advice about Gaming Machines and Gaming Systems in ACT", has meant that the technical challenges, accurate cost assumptions and the full impact on community Clubs in the ACT have not been fully appreciated.

For example, the cost assumptions provided are far less than what has been quoted by manufacturers to ClubsACT and our members based on the available information. Further information relating to cost is provided later in this submission.

This engagement of a consultant does not constitute a thorough review. Further to this, reliance on a very limited view, from a consultant-based interstate, to inform significant reform is not in the interest of good policy making.

The preliminary advice we have received from Manufacturers is that the proposed timetable identified in the discussion is overly ambitious and that an Industry wide implementation date of any reforms requiring technological variation would need to consider supply chain and technical capacity issues. In the current environment we have been advised that (subject to the nature of the change involved) the

availability of technicians and other capacity restraints would make a Territory-wide common implementation date of any reforms unachievable.

Full engagement and a participatory approach with manufacturers, operators and regulators is essential to obtain the best technical information and achieve the best possible outcomes for harm reduction in the ACT and for the sustainability of Not-For-Profit community Clubs.

RECOMMENDATION 2. *There should be a reconsideration of the currently proposed timeframe as we believe it is technically unachievable in the current environment.*

ClubsACT and our Member Clubs are of the firm view that legislation should not progress on any aspect of the reform until a thorough review has taken place relating to the cost, effectiveness, implementation, and impacts of the proposals. The arbitrary timeline presented in the Discussion Paper does not provide scope for a review of this nature.

We note that, while it took more than nine months to develop the Discussion Paper based on the BMM Report, the Industry was not afforded the same time to provide a thorough analysis of the proposed approach.

ClubsACT, along with several Member Clubs have sought further information from the ACT Government relating to information about the financial, employment and harm reduction impacts as well as consideration for Club patrons crossing to NSW to pursue their gaming interests. We understand that the ACT Government has incorporated these questions as part of their consultations with us and are not in a position to provide answers to these questions at this time.

We believe that the provision of this information is consistent and fundamental to any thorough review and development of a transitional plan.

The answers to these questions should be jointly considered and discussed by the Industry and the Government prior to the roll out of any proposed legislation. To inform any consideration of the ACT Governments preferred options in this area, Industry would require these matters to be properly considered.

The haste in the proposed timeframe will have significant costs factors associated with it. The capacity of the Industry to embrace any reforms is largely a timeframe and cost issue as both have a relationship to each other.

The capacity to defray costs over a period such as through a Clubs' normal asset recycling timeframe (6 - 10 years) is a significant issue when compared to a common implementation date being imposed in the Industry. The position surrounding the introduction of patron monitoring through a CMS as part of these

reforms also carries additional and recurrent issues for the Industry, not least of which is the recurrent costs of a CMS after implementation.

A Central Monitoring System (CMS) for Club patrons did not feature in the Parliamentary Agreement or in discussions prior to the release of the Discussion Paper. The significant complexity it creates in requiring upgrading or retrofitting a system across many organisations and venues, requires more time for the sector to analyse the full implications of the options.

The anecdotal advice we have received on the costs of a CMS implementation and the recurrent costs of its operations are of great concern and would be financially unviable for many Clubs to absorb.

The capacity to introduce \$5 bet and \$100 Credit limits may be achievable through a variety of pathways that are non-CMS dependant including new technologies entering the market. The imposition of an onerous timeframe for implementing these policy objectives may deny simpler more cost-effective solutions than that imposed through a CMS dependant model being considered.

Recurrent cost estimates for the operation of the CMS after implementation of the model range from approximately \$70 - \$160 per machine per month with the costs widely dependant on the provider and contract obligations. We have been advised by a number of smaller and medium Clubs that they could not financially absorb either the establishment or the recurrent costs of a CMS system.

We note that in discussions with the Attorney General, Mr Shane Rattenbury, MLA, he noted that while he sees a process of consultation taking at least six months, the Government would be seeking enabling legislation to be framed for discussion. It simply would not make sense to pursue the introduction of legislative reform before detailed consultation on this has taken place.

RECOMMENDATION 3. *There should be a reconsideration of the currently proposed timeframe as it will contribute significant cost factors to any final outcome.*

RECOMMENDATION 4. *There should be a reconsideration of any proposal for the introduction of a CMS system. Due to the establishment and recurrent costs involved. The recurrent cost per month per machine is untenable for many smaller Clubs even if assessed at the low end of cost estimates and achieves little to no efficiencies to Club operations for reporting purposes.*

CMS and a Human Rights Jurisdiction

The concerns over patron monitoring as suggested through a CMS is of great concern to the Industry given that the ACT is a Human Rights jurisdiction and the that inherent right to privacy codified in Section 12 of the ACT Human Rights Act may have application in this area.

As stated on the ACT Human Rights Commission website: *“The right to privacy under section 12 of the HRA protects people in the ACT from ‘unlawful’ interference with their privacy – this means that no interference can take place except in cases authorised by law. Under international law, the right to privacy has been interpreted as applying in a variety of different circumstances. It has been defined widely as ‘the right to be left alone’ (the right to live free from interference), and so includes the right to autonomy.*

The term ‘arbitrary interference’ in the right to privacy can extend to lawful interference. Arbitrary interference in someone’s private or family life is interference that may be lawful, but is unreasonable, unnecessary and the degree of interference is not proportionate to the need.”

The monitoring of patrons’ data and how it may be used is a great concern for the Industry and the patrons of ACT Clubs. This matter has had no detailed consideration in the Discussion Paper.

RECOMMENDATION 5. *There should be a reconsideration of any proposal for the introduction of a CMS system for reasons of Patron privacy. The monitoring of patrons’ activity through the proposed CMS model is of great concern and has potentially significant issues associated with the ACT’s status as a Human Rights jurisdiction.*

Challenging Economic Times

The Fair Work Commission, when deferring their recent minimum wage adjustment for the Club and Hospitality Industry until later in 2022, noted that the Clubs and Hospitality Industry had been significantly impacted financially by the COVID-19 shut-downs and restrictions, employment shortages etc. The increasing supply costs and emerging cost of living impacts have had and continue to have a significant impact on Community Clubs and their viability.

This has occurred at a time where the ACT Club Industry has also been pursuing the ACT Governments Diversification agenda and spending significant resources on developing or commencing plans in this area. ClubsACT has been seeking a financial support package for the Industry as a result, although we note that this current proposal now cuts across these issues.

ACT Clubs simply do not have the capacity to make the scale of investment required in the proposals at this time, and we note that this is not seeking to achieve either innovation or diversification which seems contradictory to other Government imperatives.

RECOMMENDATION 6: *The cost impacts should be fully investigated and verified by the proposed EGM Technical Working Group before proceeding to any legislation.*

Reducing Harm Associated with Problem Gambling

The first objective of the ACT Gambling and Racing Commission Strategy for Gambling Harm Prevention in the ACT: A Public Health Approach, 2019-2024 is to 'Ensure Government policy and initiatives prevent and reduce gambling harm'.

ClubsACT Members request the ACT Government to provide evidence to demonstrate the effectiveness of harm reduction measures that have been introduced in the ACT to date and the contribution proposed measures will make. This will ensure that the intended outcomes for harm minimisation are achieved.

This information will assist in assessing the cost effectiveness of the proposed approach against the projected outcomes.

It is also important to consider the changes to regulations for EGMs in the ACT.

To date, ClubsACT have yet to receive a response from the ACT Government for information relating to any impact analysis undertaken with respect to bet and credit limits reducing gambling harm in the ACT.

Gambling Reform ACT Leads the Way

It is a concern to the Industry that there seems to be a view in Government that as the ACT does not operate a CMS on EGM's that the ACT jurisdiction is somehow lagging in terms of regulation and harm minimisation efforts when compared with other jurisdictions. We refute this and also note that a CMS by definition has little to no practical impact on harm minimisation outcomes that we can identify. It is important to reiterate, that the implementation of a Central Monitoring System has no bearing on harm reduction, as is noted in the Discussion Paper.

The ACT Gaming Regulatory environment has undergone more than 20 significant changes since the enactment of the *Gaming Machine Act 2004*. A range of measures have been introduced in the ACT to address gambling harm and to establish a tighter gaming regulatory environment.

Some of these changes include:

- a prohibition on gaming machine advertising outside gaming machine areas.
- limitations on the display of gaming machine signage (in NSW you will see VIP room signs at pubs, Pokies signs in Victoria).
- limits on note acceptors to \$20 (\$50 and \$100 in every other state).
- requirement for responsible gambling information to be displayed in every gaming venue.
- self-exclusion programs.

- licensee led exclusions (a licensee can exclude this does not exist in NSW).
- restrictions on 24-hour gaming.
- restrictions on inducements and food and beverage service to gaming areas (can be served drinks in NSW to the machine).
- requirements for gaming machines licensees to provide information to players, such as messaging on gaming machines.
- requirements for large winnings (\$1500 ACT vs \$5000 NSW) to be paid by cheque or via EFTPOS.
- mandatory staff training.
- prohibition on alfresco gaming (permitted in NSW).
- prohibition on cash facilities (ATM or EFTPOS) in gaming area.
- ATM cash limit restrictions to a maximum withdrawal of \$250 per card per day (no restriction in NSW).
- EFTPOS cash limit restriction to a maximum withdrawal of \$200 per transaction. With a requirement to record the withdrawal of two transactions or more in ACT Government incident reporting system.
- gaming machine numbers were reduced by 1000 in 2019.
- bigger penalties introduced for breaches of the Gaming Machine Act and a new obligation for Club Directors to reduce gambling harm; and
- Clubs are required to publish their annual reports and disclose their contributions.

Again, Attorney General Gordon Ramsay acknowledged this in his contribution to the Legislative Assembly (2020, p. 1664) when he said:

'Clubs have gone through a period of very significant reform over the past five years. They have engaged constructively with the government's reform agenda, and, working together, we have reduced the number of gaming machine authorisations by around 20 per cent, from 4,938 in August 2018 to 3,888 today'.*

*The number of EGMs has further reduced since he made those remarks on 23 July 2020.

In addition to this, ClubsACT and our Members:

- are a contributing member of the Gambling Harm Advisory Committee.
- introduced a best practice gambling harm program.

- are exploring facial recognition; and
- contribute 0.75% of Gross Gaming Machine Revenue in addition to 0.4% of Net Gaming Machine Revenue to the Gambling Harm Mitigation Fund.

An Evidence-Based Approach

The objective of ClubsACT and our Members is to find a balance which allows people the right to gamble while minimising the potential for harm to the community. This must involve a shared responsibility between the Industry, Government, and Individuals. We strongly support gaming policy settings based on evidence and the principle of shared responsibility.

To be effective the Industry and Government need to work together to create the policy setting and focus investment and energy on proven measures that support the reduction in gambling harm now and into the future.

We believe that investment from the Gambling Harm Prevention and Mitigation Fund should be directed to projects that support evidence to demonstrate the impact of policies on reducing harm.

Both ClubsACT and our Member Clubs have requested information from the ACT Government to demonstrate the basis and effectiveness of bet and credit limits or even a CMS on reducing harm associated with problem gaming.

ClubsACT and our Member Clubs directly have sought further information and evidence to support the rationale of moving to \$5 maximum bets – including further evidence from the ACT Government to support the policy position on \$5 bets as a harm reduction measure.

Based on the information available, several of our Member Clubs have analysed EGM data to better understand the impact \$5 max bets would have. They determined the following:

- The average bet is between \$1.30 and \$2.32
- A relatively small proportion of players held an average bet of over \$5 during a session
- Given the majority of Club Members and patrons do not enter the gaming floor, in most Clubs less than 0.50% of all Club Members will play an average bet over \$5 and statistically, the vast majority of the players will be playing within their means.

The analysis of these Member Clubs is that the limiting bets to \$5 may have limited impact on the negative impact of gambling harm at a significant cost to their members and the community.

Our Member Clubs have had difficulty establishing a data set to understand the impact of load-up limits on player behaviour. The Industry is not aware of any jurisdiction where the operation of load-up limits as defined on p3 of the Discussion Paper is used and has sought further information from the

Government on how it would work in practice and whether the interpretation of this in the BMM Australia Report had the same interpretation as the Discussion Paper.

The Industry notes that there may be more effective ways to slow the rate of play that are less costly to implement that could be considered.

The costs to Clubs in implementing the proposed measures to achieve a reduction in max bet should be considered alongside evidence that harm reduction will result.

ClubsACT and Member Clubs have the firm belief that Industry can deliver more effective harm minimisation strategies. Some of these options that require further exploration are described further in this submission.

RECOMMENDATION 7: *Any initiative proposed to reduce harm should have strong evidence to support it and a framework to measure the effectiveness. Government should consider the cost-benefit of any proposed reforms.*

Costs

ClubsACT cannot support the Discussion Paper recommendations as they stand due to the failure to incorporate effective costings tested in the market. This has ill-informed the determination of the issues and options that the Discussion Paper presents for the Industry to consider.

Our Member Clubs and Manufacturers advice to date is the costs will be significantly more than estimated and are likely to be in excess of \$70 million to the Industry alone in EGM and other infrastructure and system upgrades for the initial phase of implementation. With the CMS option a recurrent cost over \$500,000 per month for the Industry to maintain would be required. These costs would see reductions in resources not easily replaced. This will be a direct loss to members and any community benefit. We do not consider this a responsible expenditure of members' funds.

With the time provided and based on the information available, our Member Clubs, with the support of Manufacturers and the broader Industry, have undertaken some analysis of the implementation costs for a Central Monitoring System to progress bet and credit limits. We understand that some of this has been provided directly to the Government.

The cost estimates include consideration for costs associated with cabinet and game upgrades, ongoing monitoring fees, and other infrastructure and system upgrades. The research done by ACT Clubs and ClubsACT indicates that the figures provided in the Discussion Paper and the BMM Australia Report, are extremely conservative and have not accounted for aspects of the true cost base for Clubs or a number of multiplier costs associated with the exercise.

Cabinet and Game Upgrades

While it is difficult to determine which EGMs cabinets require replacement or upgrade. Based on available information it can be determined that the percentage of machines in a venue that require replacement varies – from 15% to 100% requiring replacement.

To understand the likely cost for our Member Clubs to upgrade or replace their cabinets and games to support a QCOM CMS for example, ClubsACT analysed the situation for eight Member Clubs (representing small, medium and large Clubs).

Taking into account the median of the average cost per EGM for each Club, the upgrade and replacement of just the cabinets and games across all Clubs in the ACT would cost upwards of \$50 million (based on 3500 EGMs in the ACT). These calculations are based on a conservative cost of \$25,000/cabinet and \$6,500 per upgrade which our Member Clubs have indicated is below what the true cost will be.

It is clear that further analysis is required to understand the full financial impact of a QCOM CMS for Community Clubs in the ACT. The phasing in of any of new approach and the consideration of the range of new and emerging technological options to achieve the provisions of the Parliamentary Agreement would be a logical best practice approach to meeting the objectives of the government as articulated in the Parliamentary Agreement.

Other Infrastructure Costs

There are a range of other costs to consider as a result of implementing a system similar to the QCOM CMS, such as:

- Link controllers
- Membership systems
- Member data and communications
- Point of sale
- Front entry terminals
- Sign in arrangements
- Cash Redemption Terminals
- Pay-points
- Fibre optics and networking
- System upgrades
- Downtime

The costs for other infrastructure are difficult to determine given the variety of systems used across the Industry and whether or not they will be able to communicate with the preferred QCOM system.

Costs will also vary depending on the number, size, and age of the venues and how easily they can be retrofitted. Rough estimates suggest that this could easily cost over \$1million for a medium Club Group.

Fees for a Central Monitoring System

Industry estimates that the monthly fee charged to venues per machine for QCOM is likely to average between \$100 to \$150 in the ACT. Based on a projection of 3,500 machines in the ACT, this alone represents an additional cost of \$350,000 to \$525,000 per month. The BMM Australia report uses a figure of \$30 to \$60 per machine, which has been disputed in our preliminary discussions with the Industry and Manufacturers.

Administrative Costs

It is the view of our Member Clubs that Club administrative costs for regulatory oversight and tax administration would not decrease by introducing a Central Monitoring System of Club patrons.

This is contradictory to the view of the ACT Government that administrative savings would be achieved. However, no Club has identified any savings in this area especially when considered against the monthly per machine cost of the CMS option.

Increased Costs

As games would be required to be developed uniquely for the ACT market, manufacturers will incur higher development and ATF evaluation costs. This is not currently required as NSW approved games are sold into the ACT without changes.

It is unclear whether an approval administration fee for new games and EGMs will now be required for game approvals no longer supported by the NSW system. This fee is currently \$3,260 per game in NSW.

RECOMMENDATION 8: *Provide to the EGM Technical Working Group any financial or other impact analysis already done, as was requested in our letter of 14 June to Minister Rattenbury (attached). If not already done these should be commissioned as a matter of urgency.*

Club Capacity to Absorb Costs

Further analysis is required to understand the immediate impact the upfront cost of upgrading EGMs and infrastructure to support a Central Monitoring System of Club patrons will have on an organisation's viability.

The Discussion Paper indicates that venues will be liable for infrastructure costs associated with any reform including EGMs and site upgrades and ongoing fees of a patron monitoring system.

Given the scale of anticipated costs, it is clear that the cash impact of the upgrades necessary for the Industry would be onerous. Some ClubsACT Members will be unable to absorb the costs associated with meeting the requirements of the reform. We have been advised that a number of smaller Clubs would need to surrender the EGMs with no capacity to replace the revenue. For some the investment will present a solvency risk. We understand that the ACT Government has done some assessment of individual Club financial capacities through available information, and we are confident our concerns in this regard are transparently vindicated and legitimate.

This impact on the financial position of the Industry will be immense and result in:

- Closure of venues
- Insolvency of some organisations
- Reduced local employment opportunities
- Increased costs to consumers to maintain revenue
- Reduced contributions and support to community
- Inability to pay loans based on current commitments
- A collapse of the Diversification agenda for many years and in some cases permanently.

The scale and cost of the proposed reform will have a dramatic impact on the viability of the Industry in the ACT at a net loss to the community.

It is important to note that with the ACT Government's preferred approach of implementing bet and credit limits through a Central Monitoring System will see Clubs incur these costs upfront ahead of the date of transition and recurrently afterwards.

The capacity to absorb costs will also be significantly impacted by any short-term timelines and mandating of obligations on Clubs in timeframes that limit a phased approach to introduction.

RECOMMENDATION 9: *Consider an approach to bet and credit limits that accommodates an EGM buying cycle to defray costs over a period, reducing the cost implications and impact on operations and Club viability. This will require appropriate grandfathering.*

RECOMMENDATION 10: *Should the Government proceed with any proposals the Industry will require the consideration of an offset of costs associated with this transition through the waiver of existing taxes and charges.*

ACT Government Budget Considerations

The impact of these reforms on the ACT Government Budget also needs to be considered. While it is not our position to identify these, we would anticipate these costs would include:

- Establishing and maintaining a new EGM approval system
- Loss in revenue from gaming taxes
- Administration

The Regulatory Environment - EGM Approvals

According to advice ClubsACT has received from the Gaming Technologies Association (GTA), one of the significant outcomes of the ACT Gaming & Racing Commission (ACT G&RC) agreement with the NSW to 'piggyback' the NSW process for ACT EGM approvals is that almost every EGM approved in NSW is also approved for the ACT. This is because no extra development time is needed, and only a relatively small administration fee is needed in addition to the cost of approval in NSW.

That is, when an EGM is submitted for approval to Liquor & Gaming NSW (L&GNSW), they can optionally execute a process and issue an independent notice to ACT G&RC that confirms approval has been issued in NSW.

This process is made possible because the ACT has the same key requirements for EGMs as prescribed in the Gaming Machine National Standards (GMNS), such as maximum bet, to be legal and approved in NSW.

With any significant departure from the NSW regulatory framework and gaming systems controls, this process will likely be no longer available as unique versions will be required for the ACT.

RECOMMENDATION 11: *Remain aligned with NSW regulatory regime to maintain current systems and infrastructure and minimise impact on the ACT Government regulatory environment.*

Size of the ACT Market

At a projected 3,500 EGMs, the ACT market will represent less than 4% of the NSW market (more than 90,000 EGMs). The obvious proximity to NSW and the alignment with regulatory requirements has seen the ACT market serviced as a region of NSW. ACT venues have considerably greater choice of EGMs than other comparable Australian jurisdictions. The access to technicians in the ACT market is also enhanced through the proximity to NSW.

Given the ACT market is only a small slice of the larger NSW market, it is clear that a divergence from NSW will result in both limits to the choice of EGMs for ACT venues, reduce availability of technical support and increase the cost of that support.

Gaming Shifts to NSW

It is clear that ACT residents will cross the NSW border to play EGMs. This was particularly highlighted during the COVID-19 shut down period, during which ACT gaming operations were kept closed for nine weeks longer than NSW and five weeks longer than every other state and territory with the exception of Victoria.

Gaming machine data available from the NSW Office of Liquor and Gaming for June, July and August 2020 demonstrated the effect on the gaming machine performance in Queanbeyan whilst the ACT remained closed during COVID-19.

The key take outs from that data are as follows:

- Clubs in Queanbeyan-Palerang were ranked number one in the state for net profit per gaming machine for the period June 1 to August 31, 2020. This LGA moved from a ranking of 24th for the same period, the previous year.
- Queanbeyan Leagues Club was number one in the state for net profit per gaming machine (1045 Clubs in NSW).
- Queanbeyan Leagues Club was number seven in the state for net profit by venue.
- That LGA has a total of 631 machines in eight Clubs which experienced a net profit of \$19.9 million or \$31,576 per machine (in 3 months).
- The gaming tax paid by the Clubs was \$4.6 million.
- For the period mentioned, NSW on average increased by 7% on the previous year, whilst Queanbeyan increased 118% on the previous year.

Community Impact

The ACT Government defines in the ACT Wellbeing Framework:

‘Wellbeing is about how we are doing, as individuals, as a community, and as a place to live. It’s about having the opportunity and ability to lead lives of personal and community value – with qualities such as good health, time to enjoy the things in life that matter, in an environment that promotes personal growth and is sustainable.’

Not-For-Profit Community Clubs contribute to the improved mental health and wellbeing of our community every day; however, our members feel that this is not well-understood by those who do not visit the venues.

The community dividend our Clubs deliver ACT residents goes far beyond their direct investment in programs and initiatives – which alone equates to \$20million each year from across our Industry and goes beyond the 8.8% community contribution from net gaming machine revenue.

ClubsACT Members play a vital role in the social connectedness of our community by providing welcoming, safe, accessible, warm (or cool) and flexible spaces for individuals, families, and community groups to gather. This is simply not available in any other facility. While the social impact is not well measured or documented, visiting a venue at any time of any day will demonstrate this immense value.

The value of delivering quality local jobs and career pathways also contributes to our community's wellbeing. For example, the Club Industry is the single largest non-government employer in the Tuggeranong Valley—representing over \$20 million in wages to that region. In this way, investment in our local communities goes well beyond our direct community contributions.

Our Clubs also contribute directly to the liveability of the ACT community through the maintenance of green spaces and community facilities.

The significant investment required to deliver on the ACT Government's proposal in such a short timeframe will have a dramatic and enduring impact on Community Club's delivering for their community. Operations will cease and venues will need to be rationalised, resulting in a significant reduction in places to meet and gather, employment opportunities and local community funding, a net loss for community wellbeing.

The community cost must be considered in the cost benefit analysis of the proposed reforms.

RECOMMENDATION 12: *Assess the community impact of any potential Club closures that may arise from this reform process.*

Other Options for Harm Reduction

ClubsACT and Member Clubs are aware of other options that may be more effective in harm reduction and/or may be better ways to achieve bet and load up limits. These may be available now or in development. We note that a number of these are referred to in the BMM Australia Report and in the Discussion Paper.

All options should be explored by the proposed EGM Technical Working Group prior to one approach being favoured.

Future Technology

The options put to the ACT Government have been limited by looking at only what was available in the market when the BMM Australia Report was undertaken and not what is in development stages or possible by working in partnership with Manufacturers and Clubs.

The advice ClubsACT and our Members have received is that our Industry is on the cusp of significant reform.

For example, some innovations that are currently in manufacturer research and development programs:

- The possibility of utilising note acceptors as a way to limit credit input in X Series protocol.
- The potential for current systems to manage load up limits.
- Specific software that allows an individual to set their own loss limits.
- Other options to reduce spin rates.

RECOMMENDATION 13: *Consider approaching the reforms in different phases to open up options and the potential to embrace innovation and emerging technology.*

Cashless Gaming

In their report to the ACT Government, BMM Australia explored the implementation of cashless gaming for EGMs with harm reduction measures. They noted that a '*cashless gaming solution offers better customer oversight, allowing operators to gain more insights about their players, serve them better, and prevent irresponsible gambling.*'

A trial of a digital wallet is underway in Newcastle. The Wests Newcastle-Aristocrat trial includes responsible gambling measures including money limits, session time limits, information and real-time messaging to customers and marshals. This empowers their members to set limits, speak to a staff member or exclude themselves from the Club.

Industry led innovation such as this has the potential to help reduce problem gambling without unduly impacting choice and amenity for the majority of recreational players.

While ClubsACT Members are awaiting results of these trials and other emerging technology to determine a view on cashless gaming as the solution, given the Australian economy is becoming increasingly cashless, it would be short-sighted to ignore its potential as a solution to harm reduction in the ACT that is future proofed.

RECOMMENDATION 14: *The ACT Government works with the Industry to trial emerging technology such as a digital wallet in the ACT for its potential to meet the Government's policy objectives before proceeding with other approaches.*

Other Options – (To be reviewed by the proposed EGM Technical Working Group)

\$5 max bet as Phase 1

As part of a considered transition plan, the ACT Government could consider focusing on \$5 max bets. If approvals for games over \$5 were stopped at a set date, they would phase out over the EGM buying cycle with the costs managed by Clubs.

Dual Protocol

ClubsACT and some Member Clubs are of the view that there may be value in an investigation into whether a dual protocol is possible before eliminating the idea. This would allow for the proprietary systems to run QCOM on X-Series and trade out in a normal buying cycle.

We suggest that this is considered by the EGM Technical Working Group.

QCOM 3

ClubsACT and Member Clubs do not support an expensive Central Monitoring System of Club patrons, or the preferred QCOM model. However, if that were the approach, it would seem short sighted not investigate and to await the development of QCOM 3 which is soon to be released in Queensland.

X-Series

Given the significant implications for the departure from well-established and robust X-Series protocol and associated games in the ACT, options that run on X-Series should be fully explored and include a cost benefit analysis before being dismissed.

Specific Questions in the Discussion Paper

Is the government's rationale for preferring a QCOM CMS to deliver lower bet and credit limits sound?

Are there better ways of achieving these commitments?

As detailed in the points above, ClubsACT and Member Clubs are of the view that the Government's rationale is flawed due to the failure to undertake a thorough review of the cost and technical implications. The choices presented are false given their lack of consideration and detail and failure to effectively consider viable alternatives.

Should cashless only gaming be introduced as part of a CMS? What benefits would this provide to Clubs?

Cashless gaming and a CMS do not have an inexorable link and should be separately considered scenarios. Clubs are best benefitted by any options that have little initial or recurrent budget impacts and provide patrons with a safe and enjoyable entertainment opportunity.

What harm minimisation measures should accompany cashless gaming?

Options and opportunities should be considered in the context of a trial and an understanding of the technological options achievable.

Is an EGM player card worth pursuing as a technological enhancement to the gaming exclusion scheme?

More time and information are required to provide an opinion on an EGM player card. This should be referred to the proposed EGM Technical Working Group for consideration.

What information, collection, storage, use and disclosure controls should be adopted as part of introducing a CMS?

ClubsACT and our Member Clubs agree with the sentiment of the Discussion Paper that there are significant privacy and Human Rights issues that would arise with the implementation of a CMS and automated risk monitoring. This would need more information about the preferred approach and significantly more time to assess the risk before an approach is adopted.

ClubsACT and Member Clubs would reject any monitoring of patron behaviour on their premises. Noting that the ACT is a Human Rights jurisdiction, we believe that this area requires a complex and considered view to be developed and informed expert legal opinion.

Further to this, we reject that our Member Clubs should have to pay for access to any data generated on their premises.

Should information be available for use as part of proactive intervention when a person may be at risk of gambling harm?

ClubsACT believes that a humanistic approach currently implemented in Clubs is more effective than an automated system.

Should the government have access to information about EGM user behaviour?

ClubsACT and Member Clubs would reject any data monitoring of individual patron behaviour on their premises. Aggregate data that protects individual privacy is preferable.

Are there existing measures and Government-imposed costs that could be reduced or removed as part of introducing a CMS?

Yes. We believe that all existing Government-imposed costs should be suspended or re-funded as part of compensating the Industry for any costs arising from the imposition of a CMS. If this option is a government objective, and in the absence of appropriate and transparent cost benefits to the Industry or the community being established, the entirety of the costs for this option should be met by the Government itself.

Conclusion

There is a need for a respectful and participatory process of consultation that appreciates that while all Clubs have the central aim of delivering hospitality, the impact of any changes will impact on them in different ways.

What is clear for ClubsACT, and our members is that:

- We cannot support the Discussion Paper proposals for the introduction of a Central Monitoring System of our Club patrons due to cost and privacy concerns.
- The currently proposed timeframe is unviable and is informing decision making rather than good policy making principles.
- There is a need for a joint Industry/government EGM Technical Working Group to support the ACT Government in developing a considered and viable way forward.

We believe that the specific issues raised in this Discussion Paper should be referred to the EGM Technical Working Group if established.

ClubsACT would like to acknowledge the following for their contribution to the production of this submission:

- *Interact Collaborations*
- *RSM*
- *Gaming Technologies Association*
- *Aristocrat Leisure*
- *IGT Australia*
- *ClubsNSW*
- *ClubsQLD*
- *Community Clubs Victoria*
- *Canberra Labor Club Group*
- *Members of ClubsACT*

Attachments letters to Minister Shane Rattenbury MLA of 1 and 14 June



Craig Shannon
CEO
ClubsACT
8 July 2022

Public submission from Eastlake Group

Justice and Community Safety Directorate
Parliament House
PO Box 6100
Canberra ACT 2600

Via email: LRGPolicy@act.gov.au

Dear Sir / Madam,

RE: EGM Bet and Load Limits Reforms

I'm writing on behalf of the Eastlake Group regarding the proposed bet and load limits and the potential impact on our business. From discussions, this is a very complex issue that requires careful consideration. We believe that any changes should be supported by strong evidence on its effectiveness at reducing harm before implementing any changes on an industry already suffering from Covid-19 impacts.

From our understanding of the proposed technological changes and following meetings with industry colleagues, JACS staff and industry experts, we are deeply concerned about the financial impact on our business.

Our immediate concerns are the cost of replacing or converting EGM's to meet the standard expected to be CMS ready. From preliminary advice received, Eastlake's total number of cabinets not supported equals 120 while supported cabinets totals 149. While our costings are an approximate, the total cost to upgrade is in the order of \$3,968,500. This is an enormous cost impost on our business that we simply cannot afford. This would set our Company back decades and apply an immediate handbrake to any potential opportunities to diversify.

This all comes at a time when we are still recovering from the impacts of Covid-19 and the Government forced shutdowns which ultimately saw the closure of the Sports Club Kaleen. Covid was the final nail, but the closure was predominantly impacted by delays in obtaining a Territory Plan Variation which took six years and the handback of EGM's under the pathway to 4000 program. I make mention of this as these decisions cumulatively have lasting consequences.

From our limited knowledge of the proposed QCOM CMS system, I understand that this will eliminate the need for our own systems we currently have in place. The Eastlake Group has invested heavily in our systems at a cost of well over \$1.3m. This is in addition to the other technology such as

Cash Redemption and Auto Pay Terminals implemented for security and WHS reasons which are integrated with our systems. To lose the ability to continue utilising this system integration would be an enormous waste of investment.

On the surface it appears that the need for a CMS has arisen because of the technological changes required to implement bet and load limits only. I understand a CMS would provide the Government with direct reporting, however, we would argue that this is unnecessary as all the reporting requirements are currently completed through our own systems which are emailed directly to the Government (Access Canberra) which is audited.

Furthermore, from advice received on the Queensland CMS model I believe the monthly costs per EGM is in the order of \$60 and \$170 making the ongoing costs to the Group in the order of \$193,000 up to a possible \$548,760 per annum. Again, this is an estimate only, but it points to substantially increased costs to operate our business which will ultimately flow through to the community. A CMS would also require a review of our employee structure as certain tasks would become redundant.

We take our responsibility very seriously and have in place many measures to assist in reducing problem gambling. All key positions in our organisation are registered Gambling Contact Officers and undertake annual training for compliance, in addition to the myriad of other measures in place. The Club has also been attempting to trial facial recognition technology to support the ACT's self-exclusion program. While this has not received approval at this point in time, we strongly believe that this technology would greatly support the self-exclusion program.

We appreciate and support the Governments position in ensuring harm caused from gaming is minimised as much as possible, but this needs to be carefully balanced against the financial costs and the overall benefit to the community through proper research, keeping in mind our geographic location within NSW.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, loopy 'A' followed by several horizontal strokes.

Anthony Ratcliffe
Chief Executive

05 July 2022

Public submission from Gambling Treatment and Research Clinic

14th June 2022

Legislation, Policy and Programs Division

Justice and Community Safety Directorate
ACT Government
GPO Box 158
Canberra ACT 2601

Dear Justice and Community Safety Directorate,

Thank you for the opportunity to contribute to your public consultation on the [Discussion Paper - Lowering bet and credit limits for electronic gaming machines](#).

This submission focuses on providing evidence-informed responses to two main aspects of the Discussion Paper, namely cashless gambling and self-exclusion.

Cashless gambling

The ACT Government has signalled potential changes to the way people pay to use electronic gaming machines (EGMs) in gaming venues. This submission aims to outline the potential benefits and risks of a shift to cashless gambling in venues from the perspective of gambling harm minimisation. As no specific details of the proposed regulatory reforms to payment method are currently available, we have adopted a broad approach in considering the range of potential challenges and benefits associated with the implementation of cashless gambling, including card-based and digital payment systems.

Our review of the academic literature and research conducted to date indicates that there is little evidence available to guide the design and implementation of cashless payment systems for in-venue gambling. Noteworthy risks include the reduced psychological salience of cashless transactions ('tokenisation', making money seem less 'real' compared to cash), and the potential elimination of natural breaks in play inherent in cash-based EGM gambling (suspension of play to withdraw additional funds from ATMs outside the gaming floor). However, if systems are implemented with robust and effective controls to mitigate risks (i.e., responsible gambling/consumer protection tools), it seems plausible that cashless gambling might incorporate important strategic potential that could contribute to minimising harms associated with gambling.

Importantly, we note that the strategic potential of cashless gambling for harm minimisation appears to be contingent on a completely cashless system being adopted. That is, should a cashless system be adopted, a ban on cash payments would seem logical to prevent circumvention of integrated harm minimisation strategies.

Self-exclusion

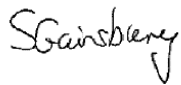
We fully support a uniform territory-wide self-exclusion system and establishment of an online portal. We expect a territory-wide self-exclusion system and online portal to increase program uptake and effectiveness, provide greater opportunity for cross-venue collaboration, and improve research capacity. Requirement for account-based cashless gambling payments would greatly enhance the ability of venues to enforce self-exclusion agreements.

The capacity to personalise certain aspects of a self-exclusion agreement to meet the individual needs and expectations of consumers is likely to improve general uptake and adherence to self-exclusion programs. We support options for longer self-exclusion periods, up to lifetime (with routine monitoring), after individuals complete an initial self-exclusion period. We recommend developing a separate 'break-in-play' or 'timeout' scheme with shorter timeframes for lower risk groups or those wanting to trial the exclusion concept before they commit to a full self-exclusion program.

Multi-stakeholder collaboration and investment in research trials are needed to investigate the impact of proposed changes on the way individuals gamble, and to test the effectiveness of different types and combinations of interventions to ensure any changes have the desired effect in terms of reducing harm and avoiding unintended adverse consequences.

We are actively conducting research in this area and would be happy to respond to any questions.

Sincerely,



Professor Sally Gainsbury
Director
Gambling Treatment & Research Clinic



Mr Thomas Swanton
PhD Candidate
Gambling Treatment & Research Clinic



Dr Dylan Pickering
Postdoctoral Research Associate
Gambling Treatment & Research Clinic



Dr Christopher Hunt
Senior Clinical Supervisor
Gambling Treatment & Research Clinic

Submission to the ACT Government's public consultation on lowering bet and credit limits for electronic gaming machines

CASHLESS GAMBLING PAYMENT SYSTEMS

Background

Many countries are rapidly moving towards becoming predominantly or completely cashless societies as consumers increasingly adopt digital payment instruments over banknotes and coins.¹ By 2024, cash is forecast to be overtaken by mobile and digital wallets (33.4%), credit cards (22.8%), and debit cards (22.4%) as the top point-of-sale payment methods globally.² The COVID-19 pandemic appears to be accelerating this process as authorities and industry encourage consumers to use contactless payment methods as part of efforts to reduce disease transmission.³ The shift to cashless payment is occurring across industries, including many which even recently have been predominantly cash-based.⁴ Internationally, several jurisdictions are actively considering permitting cashless payments for land-based gambling venues, which have typically dealt in cash and cash-like tokens, such as casino chips.⁵

Defining cashless gambling

For the purposes of this submission, we define cashless gambling as any method by which a person can pay to engage in a gambling activity in a land-based gambling venue without using cash (i.e., physical currency, such as banknotes and coins). Examples of cashless payment methods for gambling include:

- Paper-based ticketing systems (e.g., 'ticket-in, ticket-out' [TITO] systems);
- Card-based payment methods:
 - Gambling-specific magnetic stripe cards or smart cards with embedded integrated circuit chips;
 - Non-gambling-specific card-based payment methods (e.g., bank-issued debit cards);
- Digital payment methods (e.g., via smartphones, tablets, digital watches):
 - Gambling-specific virtual cards accessed using an app on a mobile device;
 - Gambling-specific digital wallets and payment apps (e.g., a gambling-specific app) in which funds can only be used to facilitate payment directly at the gambling activity (i.e., gaming machine or table);
 - Venue-specific digital wallets and payment apps in which funds can only be used within the gaming venue, but may be used for non-gambling amenities (e.g., food and beverages);
 - Non-gambling-specific digital wallets and payment apps (e.g., Apple Pay, Google Pay).

¹ Brainard, L. (2019, October 16). *Digital currencies, stablecoins, and the evolving payments landscape*. The Future of Money in the Digital Age, Washington, D.C. <https://www.federalreserve.gov/newsevents/speech/files/brainard20191016a.pdf>; Caddy, J., Delaney, L., Fisher, C., & Noone, C. (2020). *Consumer payment behaviour in Australia*. Reserve Bank of Australia. <https://www.rba.gov.au/publications/bulletin/2020/mar/pdf/consumer-payment-behaviour-in-australia.pdf>; Commonwealth Bank of Australia. (2019). *Turning point: Calling time on cash*. https://www.commbank.com.au/content/dam/commbank-assets/business/industries/2019-06/CBBUS2035_Whitepaper_190605.pdf

² Worldpay. (2021). *Global payments report*. <https://worldpay.globalpaymentsreport.com/en/>

³ Agarwal, S. (2020, April 27). The top eight ways COVID-19 will impact payments. *Accenture Banking Blog*.

<https://bankingblog.accenture.com/top-eight-ways-covid-19-will-impact-payments>; World Health Organization, & Global Health Cluster Cash Task Team. (2020). *Guidance note on the role of cash and voucher assistance to reduce financial barriers in the response to the COVID-19 pandemic, in countries targeted by the Global Humanitarian Response Plan COVID-19*. <https://www.who.int/health-cluster/about/work/task-teams/Guidance-note-CVA-COVID.pdf>

⁴ Caddy et al. (2020).

⁵ Nevada Gaming Commission. (2020). *Notice of heading for consideration of proposed amendments to Nevada Gaming Commission regulations 1 and 14 regarding, without limitation, electronic transfers of money to a game or gaming device*. <https://gaming.nv.gov/modules/showdocument.aspx?documentid=16767>; Parker, G. (2020, July 23). Crown Perth to trial EFTPOS transactions to buy chips at the gaming table. <https://www.6pr.com.au/exclusive-crown-perth-to-trial-eftpos-transactions-to-buy-chips-at-the-gaming-table/>; Sieroty, C. (2020, June 4). *Coronavirus pandemic pushes Nevada regulators to consider cashless gaming*. https://gamblingcompliance.com/premium-content/insights_analysis/coronavirus-pandemic-pushes-nevada-regulators-consider-cashless; Velotta, R. N. (2020, June 25). Nevada commission considers regulations for more cashless gaming. *Las Vegas Review-Journal*. <https://www.reviewjournal.com/business/casinos-gaming/nevada-commission-considers-regulations-for-more-cashless-gaming-2060594/>

Each of the above payment methods can vary in other manners that are highly relevant to their role in consumer protection, including:

- Anonymous vs. registered play on gaming machines;
- Ability to fund account remotely vs. in-venue;
- Ability to fund account independently (i.e., using a kiosk) vs. with cashier/staff assistance;
- Ability to fund account with physical cash vs. electronic funds transfer;
- Ability to withdraw funds in-venue vs. via electronic funds transfer;
- Extent of integration with venue loyalty cards and rewards programs.

The gambling payments landscape in Australia

Although land-based gambling is still predominantly cash-based in Australia, two variants of cashless gambling have been permitted in some jurisdictions for nearly 20 years:⁶

1. 'Ticket-in, ticket-out' (TITO) systems: The user typically begins gambling by inserting cash (banknotes or coins) to load credits onto a gaming machine. When the user finishes playing on that machine, remaining credits are collected via a printed ticket ('ticket out' functionality), which can be used to continue playing at another machine by scanning the printed barcode ('ticket in' functionality), or alternatively, exchanged for cash at a cash redemption terminal (kiosk).
2. Card-based systems: These systems allow the user to load funds onto a magnetic stripe card or smart card (with an embedded integrated circuit chip), such as by cash, cheque, or electronic funds transfer payments at a kiosk. The stored value is kept in a venue-based account or 'cashless wallet'. The card can be used to play on gaming machines and funds can be withdrawn at kiosks. Cards may be multifunctional through integration with member loyalty programs and pre-commitment systems.⁷ Alternatively, cards can be used anonymously (e.g., by non-members).

From an industry perspective, cashless payment technologies are attractive to gambling operators for a number of reasons and are ultimately expected to have positive impacts on the company bottom line, although up-front setup costs may be high.⁸ Potential benefits for operators include:

- Better customer retention rates (e.g., customers may be more likely to re-visit a gambling venue for which they already have funds loaded in a digital wallet);
- Enhanced compliance and reporting capabilities (e.g., for mandatory 'Know Your Customer' and anti-money laundering regulatory requirements);
- Greater operational and cost efficiencies (e.g., avoiding maintenance and security issues relating to cash handling);
- Increased opportunities for highly personalised marketing based on individual preferences (e.g., member loyalty programs).

Aside from the hygiene issues related to cash handling during the COVID-19 pandemic, industry stakeholders generally argue that cashless payment methods enhance customers' overall recreational experience by providing three key benefits:⁹

⁶ Blaszczyński, A., & Nower, L. (2008). *Differences in attitudes toward money between subgroups of gamblers: Implications for smart card technologies and an exploration of the Tool and Drug Theories of Money in gambling*. Queensland Treasury. https://www.publications.qld.gov.au/dataset/4d12b47b-d516-4851-82f5-65218fcaadfb/resource/3e99b16d-1454-4c8b-8b35-42f7632f77c7/fs_download/differences-in-attitudes-toward-money-between-subgroups-of-gamblers-implications-for-smart-card-.pdf; Nisbet, S. (2005). Alternative gaming machine payment methods in Australia: Current knowledge and future implications. *International Gambling Studies*, 5(2), 229–252. <https://doi.org/10.1080/14459790500303477>; Nower, L., & Blaszczyński, A. (2010). Gambling motivations, money-limiting strategies, and precommitment preferences of problem versus non-problem gamblers. *Journal of Gambling Studies*, 26(3), 361–372. <https://doi.org/10.1007/s10899-009-9170-8>; Parke, J., Rigby, J., & Parke, A. (2008). *Cashless and card-based technologies in gambling: A review of the literature*. <http://usir.salford.ac.uk/id/eprint/18206/1/>

⁷ Victorian Commission for Gambling and Liquor Regulation. (2019). *Ticket-in ticket-out (TITO) and card based cashless (CBC) gaming in gaming venues: Technical standards*. https://www.vcglr.vic.gov.au/sites/default/files/version_2_ticket-in_ticket-out_tito_and_card_based_cashless_cbc_gaming_in_gaming_venues_-_technical_standards.pdf

⁸ Bontempo (2019).

⁹ American Gaming Association. (2020). *Principles for casino gaming payments modernization*. https://www.americangaming.org/wp-content/uploads/2020/06/AGA_Payment_Choice.pdf

1. Increased convenience (e.g., ability to make 'frictionless' payments in the same way consumers pay for non-gambling transactions, such as for food and beverages in gambling venues);
2. Enhanced security (e.g., not having to carry around large amounts of cash);
3. Better provision of harm minimisation features (e.g., ability to set deposit limits and greater personalisation of activity statements by using payment options linked to customer accounts).

Despite these potential benefits for consumers, a review by [Gainsbury and Blaszczynski](#)¹⁰ concluded that there is little empirical evidence available regarding the impact of cashless payment technologies on gambling behaviour, nor is there consensus regarding the most effective strategies for integrated harm minimisation.

What are the risks and concerns regarding digital payment systems for in-venue gambling in relation to gambling harm minimisation?

Cashless transactions typically have lower psychological salience, making money seem less 'real' compared to cash which can reduce awareness of gambling expenditure

A substantial body of research mainly situated in the consumer psychology and marketing literature suggests that different payment methods impact how consumers spend their money. One of the key findings is that consumers are typically less aware of their spending and are willing to spend more when paying with cashless methods relative to cash.¹¹ Cashless payments may facilitate over-spending as transactions have lower psychological salience compared to payments made in cash.¹² This is particularly concerning in the gambling context where spending (and losing) more money than is personally affordable can result in the experience of significant harms for the individual, their family, and the broader community.¹³ Very little research has investigated the impact of payment methods on spending behaviour in the specific context of gambling. The limited evidence available from studies relating to online gambling suggests that digital payment may make it more difficult for some individuals to maintain control over their gambling due to money seeming less 'real' compared to cash.¹⁴

Research from outside the gambling field shows that payment methods can be distinguished from one another based on several structural characteristics. These structural characteristics affect the overall 'transparency' (salience) of the payment process, which in turn differentially impact how individuals

¹⁰ Gainsbury, S. M., & Blaszczynski, A. (2020). Digital gambling payment methods: harm minimization policy considerations. *Gaming Law Review*, 24(7), 466-472. <https://doi.org/10.1089/glr.2020.0015>

¹¹ Agarwal, S., Ghosh, P., Li, J., & Ruan, T. (2019, March 4). Digital payments induce over-spending: Evidence from the 2016 demonetization in India. *Proceedings of the 7th Annual Conference of the Asian Bureau of Finance and Economic Research*. <http://abfer.org/media/abfer-events-2019/annual-conference/economic-transformation-of-asia/AC19P4028-Digital-Payments-Induce-Excessive-Spending-Evidence-from-Demonetization-in-India.pdf>; Bandi, C., Moreno, A., Ngwe, D., & Xu, Z. (2019). *The effect of payment choices on online retail: Evidence from the 2016 Indian demonetization* (Working Paper No. 19-123). Harvard Business School. https://www.hbs.edu/faculty/Publication%20Files/19-123_ea5e9c88-8207-4aef-acb5-b206333b70dc.pdf; Boden, J., Maier, E., & Wilken, R. (2020). The effect of credit card versus mobile payment on convenience and consumers' willingness to pay. *Journal of Retailing and Consumer Services*, 52, 101910. <https://doi.org/10.1016/j.jretconser.2019.101910>; Ceravolo, M. G., Fabri, M., Fattobene, L., Polonara, G., & Raggetti, G. (2019). Cash, card or smartphone: The neural correlates of payment methods. *Frontiers in Neuroscience*, 13, 1188. <https://doi.org/10.3389/fnins.2019.01188>; Prelec, D., & Simester, D. (2001). Always leave home without it: A further investigation of the credit-card effect on willingness to pay. *Marketing Letters*, 12, 5-12. <https://doi.org/10.1023/A:1008196717017>; See-To, E. W. K., & Ngai, E. W. T. (2019). An empirical study of payment technologies, the psychology of consumption, and spending behavior in a retailing context. *Information & Management*, 56(3), 329-342. <https://doi.org/10.1016/j.im.2018.07.007>; Soman, D. (2003). The effect of payment transparency on consumption: Quasi-experiments from the field. *Marketing Letters*, 14, 173-183. <https://doi.org/10.1023/A:1027444717586>

¹² Raghubir, P., & Srivastava, J. (2008). Monopoly money: The effect of payment coupling and form on spending behavior. *Journal of Experimental Psychology: Applied*, 14(3), 213-225. <https://doi.org/10.1037/1076-898X.14.3.213>; Runnemark, E., Hedman, J., & Xiao, X. (2015). Do consumers pay more using debit cards than cash? *Electronic Commerce Research and Applications*, 14(5), 285-291. <https://doi.org/10.1016/j.elerap.2015.03.002>; Soman et al. (2003).

¹³ Armstrong, A., Thomas, A., & Abbott, M. (2018). Gambling participation, expenditure and risk of harm in Australia, 1997-1998 and 2010-2011. *Journal of Gambling Studies*, 34, 255-274. <https://doi.org/10.1007/s10899-017-9708-0>; Swanton, T. B., & Gainsbury, S. M. (2020). Gambling-related consumer credit use and debt problems: A brief review. *Current Opinion in Behavioral Sciences*, 31, 21-31. <https://doi.org/10.1016/j.cobeha.2019.09.002>

¹⁴ Gainsbury, S. M., Wood, R., Russell, A. M. T., Hing, N., & Blaszczynski, A. (2012). A digital revolution: Comparison of demographic profiles, attitudes and gambling behavior of Internet and non-Internet gamblers. *Computers in Human Behavior*, 28(4), 1388-1398. <https://doi.org/10.1016/j.chb.2012.02.024>; Hing, N., Cherney, L., Gainsbury, S. M., Lubman, D. I., Wood, R. T., & Blaszczynski, A. (2015). Maintaining and losing control during Internet gambling: A qualitative study of gamblers' experiences. *New Media & Society*, 17(7), 1075-1095. <https://doi.org/10.1177/1461444814521140>; Hing, N., Gainsbury, S. M., Blaszczynski, A., Wood, R., Lubman, D., & Russell, A. (2014). *Interactive gambling*. Gambling Research Australia. https://www.responsiblegambling.nsw.gov.au/data/assets/pdf_file/0016/138121/Interactice-Gambling-study.pdf

spend their money.¹⁵ The physical form of the payment method (e.g., cash, card, smartphone) is an example of these structural characteristics. Inherent in the payment form is a degree of feedback about the transaction, which may vary in its quality and frequency.¹⁶ For example, a relatively high level of immediate feedback is involved in cash payments as the payment process typically involves multiple steps, such as counting out the appropriate sum in banknotes and coins from a wallet, physically handing over the money to a cashier attendant, receiving change, and stowing the change in a wallet (thereby providing feedback about the balance of funds remaining in the wallet). In contrast, contactless card or smartphone payments generally involve fewer steps (e.g., retrieving one's card or smartphone and tapping it at the EFTPOS terminal) and may provide less feedback (e.g., the transaction value is usually displayed on the cashier screen, but there is typically no feedback on funds remaining in the account). The relative intangibility of cashless payments may reduce the salience of transactions.

Cashless gambling may increase accessibility of funds and reduce opportunities for breaks in play which can increase unplanned or impulsive gambling

Cashless gambling could potentially involve consumers using bank-issued debit cards directly at gaming machines or casino table games. Alternative implementations of cashless gambling could involve consumers using digital wallets or smartphone payment apps linked to their bank account. In effect, without integrated pre-commitment strategies such as bank transfer or deposit limits in place, such technologies have the potential to substantially increase an individual's access to funds for gambling compared to cash-based gambling. Overall, this could facilitate gamblers spending excessive amounts of time and money at gambling machines with reduced opportunities for breaks in play and staff-patron interactions, which are theorised to assist gamblers in maintaining control over their gambling.¹⁷

Card-based payment systems currently permitted in Australia do not allow gamblers to transfer funds directly from their bank account to a gaming machine, for example, by using credit or debit cards (although this is permitted in some international jurisdictions).¹⁸ Rather, intermediate steps are required to add credits onto a card for gambling. Under the current system in Australia, if a patron runs out of credits, they generally have to leave the gaming machine either to reload their card with more funds or, if they are using cash, to withdraw more funds from an ATM or EFTPOS facility.¹⁹ In effect, this may function as a temporary 'break in play' or 'cooling-off' period whereby the gambler has an opportunity to reconsider whether to continue playing away from the emotional 'hot state' of play.^{20,21} Breaks in play may facilitate interactions between at-risk patrons and venue staff as EFTPOS transactions, for example, often require face-to-face interaction. Several studies show that use of in-venue ATMs and EFTPOS facilities is associated with problem gambling.²² For this reason, several jurisdictions have limits on cash withdrawals and requirements for ATMs to be located away from the gaming floor.²³ The requirements to leave a gaming machine and the gaming floor, engage in physical movement, and interact with non-gambling stimuli (potentially including interactions with venue staff) all provide an opportunity for individuals to reduce the emotional arousal that can be caused by gambling and to consider whether they wish to continue gambling, ideally in a calm, rational, and informed state. It is therefore critical to understand how changes to gambling payment methods may impact individuals' risk of experiencing gambling-related harms.

¹⁵ Soman, D., Cheema, A., & Chan, E. Y. (2012). Understanding consumer psychology to avoid abuse of credit cards. In D. G. Mick, S. Pettigrew, C. Pechmann, & J. L. Ozanne (Eds.), *Transformative consumer research for personal and collective well-being* (1st ed., pp. 423–443). Routledge. <https://doi.org/10.4324/9780203813256>

¹⁶ Soman et al. (2012).

¹⁷ Nower & Blaszczyński (2010).

¹⁸ Livingstone, C. (2017). *How electronic gambling machines work: EGM structural characteristics* (AGRC Discussion Paper No. 8). Australian Gambling Research Centre, Australian Institute of Family Studies.

https://aifs.gov.au/agrc/sites/default/files/publication-documents/1706_agrc_dp8_how_electronic_gambling_machines_work.pdf

¹⁹ Office of Liquor, Gaming and Racing. (2016). *Gaming machine harm minimisation measures: Consultation paper*.

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.vic-engage.files/7514/8590/8989/Gaming_Machine_Harm_Minimisation_Measures_Consultation_Paper.pdf

²⁰ Nower & Blaszczyński (2010).

²¹ However, there is little empirical evidence available to support this assertion. For example, Parke et al. (2008) note that it is unclear whether such a break in play allows sufficient time for problem gamblers to 'cool off' and make rational spending choices.

²² Productivity Commission. (2010). *Gambling: Productivity Commission inquiry report (Volume 1)*.

<https://www.pc.gov.au/inquiries/completed/gambling-2009/report/gambling-report-volume1.pdf>

²³ It would be important to ensure any cashless payment system is consistent with existing limits on access to cash in venues.

What are the potential benefits of digital payment systems for in-venue gambling in relation to gambling harm minimisation?

The strategic value of cashless gambling systems for minimising gambling-related harm is largely derived from their potential for capturing customer transaction data and for integration with existing harm-minimisation strategies, such as multi-venue self-exclusion registers and the National Consumer Protection Framework for Online Wagering. For example, when coupled with a pre-commitment tool, cashless systems have the potential to help individuals manage their gambling expenditure within personally affordable limits (e.g., by requiring or incentivising limit-setting).^{24,25} When transaction data is linked with customer accounts, it is possible to obtain a much clearer overview of an individual's overall gambling and to make more accurate risk assessments, which can be used to guide personalised interventions to reduce risk of harm.

Gainsbury and Blaszczynski have outlined a number of potential ways in which cashless gambling systems could be leveraged for gambling harm minimisation:²⁶

- *Mandatory age verification:* Requiring customers to provide proof of identity when registering for a cashless gambling account and integration with facial recognition technology detection systems would act as a measure to prevent minors from accessing gambling products in venues.
- *Integration with self-exclusion registers:* Requiring customers to use their cashless gambling account and not permitting the use of cash to play on gaming machines would reduce the potential for individuals who have active self-exclusion agreements to access gaming machines.
- *Integration with financial institution gambling blocks:* Many financial institutions have begun offering their customers the option to block gambling transactions on their debit and credit cards.²⁷ Cashless gambling systems should be integrated with these blocks (e.g., via the relevant merchant category code, where possible) to prevent deposits into gambling accounts when blocks are activated.
- *Enhanced limit-setting capabilities:* A default upper limit could be imposed on the amount that can be deposited into a cashless gambling account at any one time, and a delay could be imposed before deposited funds can be gambled to prevent rapid gambling of funds in emotional 'hot states.' Customers could be incentivised or required to set limits on the amount of time and money that can be spent within specific time periods (e.g., per day/week/month). Open banking technology could be leveraged to help individuals set appropriate limits based on their personal financial situation and to conduct affordability checks in cases where indicators of risky gambling behaviour are present.
- *Immediate processing of withdrawals:* Customers should be able to withdraw funds from their cashless gambling account with immediate effect, and there should be no limit on the amount that can be withdrawn. Winnings could be deposited directly into a bank account linked to the gambling account to prevent immediate re-gambling of funds.
- *Real-time temporary time-outs:* Customers should have the ability to temporarily pause gambling activity on their account with immediate effect.
- *Activity statements with increased accuracy:* Cashless gambling potentially allows a customer's transaction data to be aggregated across different gambling sessions, venues, activities, modes, and licensed operators in real time. Aggregate outcomes (e.g., net losses) should be presented to customers in the form of meaningful activity statements incorporating

²⁴ Nower & Blaszczynski (2010); Rintoul, A., & Thomas, A. (2017). *Pre-commitment systems for electronic gambling machines: Preventing harm and improving consumer protection* (AGRC Discussion Paper No. 9). Australian Gambling Research Centre, Australian Institute of Family Studies. https://aifs.gov.au/agrc/sites/default/files/publication-documents/1707_agrc_dp9-pre-commitment.pdf

²⁵ Evidence on the effectiveness of pre-commitment tools is mixed and uptake of voluntary tools is generally low, especially among higher risk gamblers. Ladouceur, R., Blaszczynski, A., & Lalande, D. R. (2012). Pre-commitment in gambling: A review of the empirical evidence. *International Gambling Studies*, 12(2), 215–230. <https://doi.org/10.1080/14459795.2012.658078>; Ladouceur, R., Shaffer, P., Blaszczynski, A., & Shaffer, H. J. (2017). Responsible gambling: A synthesis of the empirical evidence. *Addiction Research & Theory*, 25(3), 225–235. <https://doi.org/10.1080/16066359.2016.1245294>; McMahon, N., Thomson, K., Kaner, E., & Bimbra, C. (2019). Effects of prevention and harm reduction interventions on gambling behaviours and gambling related harm: An umbrella review. *Addictive Behaviors*, 90, 380–388. <https://doi.org/10.1016/j.addbeh.2018.11.048>

²⁶ Gainsbury, S. M., & Blaszczynski, A. (2020). Digital gambling payment methods: Harm minimization policy considerations. *Gaming Law Review*. <https://doi.org/10.1089/glr.2020.0015>

²⁷ Financial Counselling Australia. (2020). *FCA welcomes NAB's self-serve gambling restriction in app*. <https://www.financialcounsellingaustralia.org.au/fca-welcomes-nabs-self-serve-gambling-restriction-in-app/>

graphical representations that allow the customer to better understand their overall gambling expenditure and behaviour.

- *Proactive monitoring and personalised interventions:* Aggregate transaction data presents a clearer picture of an individual's overall gambling behaviour, meaning risk assessments can be made with greater accuracy and targeted interventions can be delivered to customers at varying levels of risk. Customers could receive regular personalised feedback messages, which could be designed to increase gamblers' awareness of aggregate outcomes (e.g., net losses) and delivered on-screen or via smartphone push notifications. The system could prompt venue staff to interact with customers in cases where accounts display indicators of risky gambling behaviour.

Table 1 summarises the key risks identified and potential mitigation strategies that could be integrated into cashless gambling systems. We note that the proposed mitigation strategies are suggestions only and have not been empirically tested in Australia.

Table 1

Potential strategies for mitigating key risks of cashless gambling in relation to harm minimisation

Risk of increasing gambling harms	Potential risk mitigation strategies
Reduced awareness of spending	<ul style="list-style-type: none"> • Requirement to enter exact amount to deposit into the cashless gambling account with low-value anchors suggested (e.g., \$10) • Multiple approvals from customer required before a transaction is processed (e.g., please confirm) • Immediate alerts and records of expenditure delivered electronically (e.g., via SMS) • Regular (e.g., monthly) activity statements delivered automatically (e.g., via email) • Requirements to pre-set daily and monthly expenditure limits • Waiting periods before requests to increase expenditure limits can take effect • Default maximum expenditure limits • Automated system to monitor risk including alerts to the individual and venue in cases where indicators of potentially risky gambling are present
Impulsive or unplanned spending	<ul style="list-style-type: none"> • Requirements for customers to physically leave the gaming floor to load credit onto their account • Waiting periods before being able to spend credits loaded onto account
Spending more than intended or unaffordable gambling expenditure	<ul style="list-style-type: none"> • Requirements to pre-set daily and monthly expenditure limits • Waiting periods before requests to increase expenditure limits can take effect • Default maximum expenditure limits • Automated system to monitor risk including alerts to the individual and venue in cases where indicators of potentially risky gambling are present • Automatic withdrawal of funds to customer's bank account following a "big win" or when funds reach a specified level • Integration with self-exclusion registers • Ability to take immediate, temporary "time-outs" to take a break from gambling (e.g., 24 hours, 7 days, 1-5 months)

Further research is recommended

One important avenue for further attention is the integration of gambling tools provided by financial institutions and banks. Implementing consumer protection tools integrated with individual bank accounts would potentially allow global limits, blocks, and tracking for all gambling expenditure via the relevant merchant category code, and gambling-specific harm-minimisation monitoring by financial institutions.²⁸ This implementation may be advantageous from a harm-minimisation perspective for several reasons:

- Aggregate gambling expenditure across licensed operators and modes (i.e., land-based and online) can be easily tracked by the customer's bank via the relevant merchant category code;
- Pre-commitment could be applied via the relevant merchant category code so that expenditure limits are comprehensive and effective across all licenced operators and modes (as opposed to consumers having to set limits with individual operators);
- Financial institutions are better placed than gambling operators to conduct affordability checks as banks already have access to information about their customers' financial situation, including income, spending, and debts;
- Potential conflicts of interest for gambling operators are diminished if financial institutions have responsibility for conducting affordability checks and ensuring customers set gambling expenditure limits appropriate to their personal financial situation;
- Consumers could use their existing bank-issued debit card (either via physical card or smartphone app), rather than having to use a gambling- or venue-specific card.

Multi-stakeholder collaboration is critical to advancing our understanding of this complex issue: government, the gambling industry, the financial services industry, researchers, gambling and financial counselling providers, and consumers all have relevant knowledge and expertise that must be considered.²⁹

Given the absence of robust scientific evidence in this area, research studies are needed to provide an evidence base for the creation of harm-minimisation policies and practices relating to in-venue cashless gambling systems. Conceptual studies are needed to advance our understanding of how payment methods impact gambling behaviour and interact with individual characteristics, including vulnerabilities to experiencing gambling harms. Qualitative studies involving end-users should seek to understand the influence of payment-related environmental factors in the pathways from recreational gambling to problem gambling. These findings would be useful for identifying touchpoints for payment-related interventions to prevent and minimise gambling-related harms. In-venue live trials should take place as part of a regulatory sandbox approach to examine the effects of new payment systems on customer gambling behaviour, and to optimise design features for harm minimisation. Trials should carefully consider the optimal implementation of any new technology to ensure the aims and capabilities are appropriately understood by consumers and venue staff, and crucially to avoid misperceptions. Unintended negative consequences need to be investigated, such as consumers transitioning to alternative and less regulated forms of gambling, swapping cards, or taking other actions to circumvent restrictions. Ultimately, it is imperative that any proposed system shows substantive evidence for effective gambling harm minimisation.

Conclusions regarding cashless gambling payment systems

There is relatively little scientific evidence available to guide the design and implementation of cashless gambling systems. We have identified several noteworthy risks that have the potential to increase experience of gambling-related harms. However, provided that effective risk mitigation strategies are employed, cashless gambling appears to present promising opportunities for more integrated approaches to minimising the significant harms associated with gaming machines. Many of these strategies are not feasible for implementation with a cash-based system due to the inherent difficulties in tracking expenditure. Importantly, we note that the strategic potential of cashless

²⁸ Swanton, T. B., Gainsbury, S. M., & Blaszczynski, A. (2019). The role of financial institutions in gambling. *International Gambling Studies*, 19, 377-398. <https://doi.org/10.1080/14459795.2019.1575450>

²⁹ Gainsbury, S. M., Black, N., Blaszczynski, A., Callaghan, S., Clancey, G., Starcevic, V., & Tymula, A. (2020). Reducing Internet gambling harms using behavioral science: A stakeholder framework. *Frontiers in Psychiatry*, 11, 598589. <https://doi.org/10.3389/fpsy.2020.598589>; Swanton, T. B., Blaszczynski, A., Forlini, C., Starcevic, V., & Gainsbury, S. M. (2019). Problematic risk-taking involving emerging technologies: A stakeholder framework to minimize harms. *Journal of Behavioral Addictions*. <https://doi.org/10.1556/2006.8.2019.52>

gambling for harm minimisation appears to be contingent on a completely cashless system being adopted. That is, should a cashless system be adopted, a ban on cash payments would seem logical to prevent circumvention of integrated harm minimisation strategies. We recognise that a period of transition would be required. Thorough consultation and careful communication with venues, staff, and customers would be essential to ensure the successful implementation of a cashless system that contributes to effective gambling harm minimisation.³⁰

SELF-EXCLUSION

Length of self-exclusion

We support the concept of variable self-exclusion periods enabling consumers the flexibility of choosing their preferred ban length. The capacity to personalise certain aspects of a self-exclusion agreement to meet the individual needs and expectations of consumers is likely to improve general uptake and adherence to these programs.³¹ In support, a qualitative investigation of key stakeholder perspectives conducted by the authors identified 'flexibility' as an important underlying characteristic of self-exclusion systems³². Other studies have found that individuals enrolled in self-exclusion for longer than 12 months reported higher overall satisfaction with their 'quality of life' than those enrolled for less time³³. Participants have also indicated their preference for longer self-exclusion options than what was currently available (i.e., 48 months maximum), including the potential for lifetime bans.³⁴ This finding is supported by our team's research in the online gambling setting where longer self-exclusion periods are available.³⁵ In an investigation of account data from nearly 40,000 Australian wagering customers from six sites they found that, of those who used self-exclusion tools, only 22% chose to self-exclude for a period of one to five years, whereas 78% chose to self-exclude for five or more years.³⁶ Therefore, we recommend options for longer self-exclusion periods, up to lifetime (with routine monitoring), after individuals complete an initial self-exclusion period. We recommend developing a separate 'break-in-play' or 'timeout' scheme with shorter timeframes for lower risk groups or those wanting to trial the exclusion concept before they commit to a full self-exclusion program.

Territory-wide self-exclusion system with online registration portal

We strongly support the implementation of a territory-wide self-exclusion system and development of an online registration portal. A single self-exclusion register will reduce the cost and complexity of maintaining independent registers; resources may be pooled together and invested in ongoing efforts to develop an optimal system. A centralised digital database including data collected from all self-excluded individuals in the ACT will significantly enhance the capacity to monitor and evaluate program effectiveness. Ultimately, consumers will benefit from a more accessible, streamlined system, with enhanced detection capabilities and capacity to provide timely intervention.

Self-exclusion programs internationally are beginning to transition to centralised digital systems. This will occur in Australia through the National Consumer Protection Framework, which includes the implementation of national online self-exclusion system that encompasses all licensed wagering sites³⁷. Nationwide programs operate in several European countries, including the UK, France, Poland, Denmark, Sweden, Estonia, and Switzerland.³⁸ The potential impact of such programs is

³⁰ Gainsbury, S. M., Jakob, L., & Aro, D. (2017). Understanding end-user perspectives to enhance perceived uptake of harm-minimization tools: Considering gambler's views of a pre-commitment system. *International Gambling Studies*, 18, 22-38. <https://doi.org/10.1080/14459795.2017.1370723>

³¹ Pickering, D., Nong, Z., Gainsbury, S. M., & Blaszczynski, A. (2019). Consumer perspectives of a multi-venue gambling self-exclusion program: A qualitative process analysis. *Journal of Gambling Issues*, 41, 20-39. <https://doi.org/10.4309/jgi.2019.41.2>

³² Pickering, D., Serafimovska, A., Cho, S. J., Blaszczynski, A., Gainsbury, S. M. (2020). *Development of a website for self-directed gambling venue self-exclusion: A multi-stakeholder requirements content analysis* [Unpublished manuscript]. The School of Psychology, University of Sydney.

³³ Pickering, D., Blaszczynski, A., & Gainsbury, S. M. (2018). Multi-venue self-exclusion for gambling disorders: A retrospective process investigation. *Journal of Gambling Issues*, 38, 127-151. <https://doi.org/10.4309/jgi.2018.38.7>

³⁴ Pickering, D., Nong, Z., Gainsbury, S. M., & Blaszczynski, A. (2019). Consumer perspectives of a multi-venue gambling self-exclusion program: A qualitative process analysis. *Journal of Gambling Issues*, 41, 20-39. <https://doi.org/10.4309/jgi.2019.41.2>

³⁵ Heirene, R., & Gainsbury, S. M. (2021). Encouraging and evaluating limit-setting among on-line gamblers: a naturalistic randomized controlled trial. *Addiction*, 116, 2801-2813. <https://doi.org/10.1111/add.15471>

³⁶ Heirene, R., Vanichkina, D., & Gainsbury, S. M. (2020). The use and effectiveness of consumer protection tools (presentation). Retrieved from <https://osf.io/tr2px/>

³⁷ Pickering, D. & Hunt, C. J. (2017). *Action on problem gambling online is a good first step, but no silver bullet*. The Conversation. <https://theconversation.com/action-on-problem-gambling-online-is-a-good-first-step-but-no-silver-bullet-76857>

³⁸ Laansoo, S., & Niit, T. (2009). Estonia. In Meyer, G., Hayer, T., & Griffiths, M. D (Eds.), *Problem gaming in Europe: Challenges, prevention, and interventions* (pp. 37–52). <https://doi.org/10.1007/978-0-387-09486-1>

demonstrated by Sweden's *Spelpaus* system which exceeded 50,000 sign-ups in its first year of inception³⁹.

Our research has found that multiple factors act as barriers to uptake of existing self-exclusion programs including feelings of shame and perceived stigma, time intensive registration and verification procedures, and the desire to self-manage problems.⁴⁰ The requirement to attend gambling venues in-person to initiate self-exclusion is contraindicated to effective harm minimisation as exposure to gambling environments has been shown to generate strong urges in those with gambling problems, which is a known predictor of gambling relapse.⁴¹ In our qualitative evaluation of self-exclusion, most participants preferred the option of self-excluding remotely and unassisted by venue staff or a counsellor.⁴² Participants highlighted the potential of an online system to increase accessibility and privacy, streamline processes, avoid embarrassment, and encourage personal ownership of help-seeking behaviour.

Efforts to develop an online exclusion portal should be guided by input derived from all relevant stakeholders including self-exclusion consumers (i.e., individuals with lived experience of gambling problems), policy makers, gambling industry representatives, problem gambling researchers and clinicians, and community advocacy groups. This approach is expected to engender superior decision-making with respect to development and implementation, in addition to greater collaboration and buy-in across all stakeholder groups.⁴³ Based on person-centred health design principles,⁴⁴ the perspectives and priorities of self-exclusion consumers should be weighted highest compared to other groups given their core status as the service recipient.

The authors have conducted research, funded by NSW Office of Responsible Gambling, to develop and evaluate a pilot website enabling individuals to conveniently self-exclude from land-based gaming machine venues in NSW, without being required to attend a face-to-face meeting with staff or a counsellor. We have developed a pilot version of the self-exclusion website informed by findings from a multi-stakeholder qualitative requirements analysis, the existing self-exclusion literature, and our own professional knowledge of these programs. The site has been tested for usability (the ease with which systems can be learned and used) and acceptability (consumer willingness to use technology in real life) among self-exclusion consumers.⁴⁵ Results to date have shown that end-users completed the full online self-exclusion process in 15-16 minutes on average and found the system to be 'highly usable'. Three-quarters of participants reported greater satisfaction using the pilot website compared to their experiences with the existing self-exclusion process. Applying a person-centred approach, participants identified various potential improvements to the website that were incorporated into subsequent system upgrades.

Conclusions regarding an enhanced self-exclusion scheme

An online, territory-wide self-exclusion scheme provides a cost-effective solution to several of the limitations associated with existing programs. Our own work in this area highlights the importance of involving multiple stakeholders, especially end-users, when designing and testing enhanced self-exclusion schemes. The 'co-design' approach leads to development of person-centred program features, such as customisable timeframes, that can be expected to improve self-exclusion uptake and effectiveness.

³⁹ Håkansson, A., Henzel, V. (2020). Who chooses to enroll in a new national gambling self-exclusion system? A general population survey in Sweden. *Harm Reduction Journal*, 17, 82. <https://doi.org/10.1186/s12954-020-00423-x>

⁴⁰ Pickering, D., Blaszczynski, A., & Gainsbury, S. M. (2018). Multi-venue self-exclusion for gambling disorders: A retrospective process investigation. *Journal of Gambling Issues*, 38, 127–151. <https://doi.org/10.4309/jgi.2018.38.7>

⁴¹ Smith, D. P., Battersby, M. W., Pols, R. G., Harvey, P. W., Oakes, J. E., & Baigent, M. F. (2013). Predictors of Relapse in Problem Gambling: A Prospective Cohort Study. *Journal of Gambling Studies*, 31, 299–313. <https://doi.org/10.1007/s10899-013-9408-3>

⁴² Pickering, D., Nong, Z., Gainsbury, S. M., & Blaszczynski, A. (2019). Consumer perspectives of a multi-venue gambling self-exclusion program: A qualitative process analysis. *Journal of Gambling Issues*, 41, 20-39. <https://doi.org/10.4309/jgi.2019.41.2>

⁴³ Dawda, P., & Knight, A. (2017). Experience based co-design: A toolkit for Australia. Australian Healthcare and Hospitals Association (AHHA) and Consumers Forum of Australia (CHF). Retrieved from <https://chf.org.au/experience-based-co-design-toolkit>

⁴⁴ North, J. (2020). *Achieving Person-Centred Health Systems: Evidence, Strategies and Challenges* (European Observatory on Health Systems and Policies) (E. Nolte, S. Merkur, & A. Anell, Eds.). Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781108855464>

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About Us

Our research takes place within the [Gambling Treatment and Research Clinic](#), the only university-affiliated gambling treatment service in Australia, and the [Technology Addiction Team](#), a multi-disciplinary team in the Brain and Mind Centre at the University of Sydney. We are one of the world's leading academic research groups on problem gambling and gambling harm minimisation. The GTRC's mission is to conduct research that informs both policy and practice including a focus on understanding how gambling harms develop and establishing effective evidence-based prevention and treatment approaches. The GTRC receives clinical funding under the NSW Office of Responsible Gambling to provide support, counselling and treatment to people experiencing gambling harm and those affected by other people's gambling. Our clinical services operate across three NSW health districts in the Greater Sydney area: Central Sydney, Blue Mountains and Western Sydney, and South-Western Sydney.

[Professor Sally Gainsbury](#) is Director of the Gambling Treatment and Research Clinic, and Founder and Leader of the Technology Addiction Team. Her research focuses on the impact of technology on gambling and behavioural addictions, including understanding the use of technology to minimise harms. She has led and worked with numerous university and consulting teams and policy makers to design and evaluate harm-minimisation policies for gambling venues, including technology-based systems. She is a highly experienced and respected researcher in the gambling field and serves on many policy advisory boards internationally. She is the academic member of Liquor and Gaming NSW Gaming Technology Working Group and the Strategic Pillar Champion for the Regulatory Framework and Technology / Environment working group, Queensland Office of Regulatory Policy Responsible Gambling Advisory Committee. Professor Gainsbury has won numerous awards and fellowships in recognition of her research excellence and its impact for the community, including being named the 2019 NSW Tall Poppy of the Year by the Australian Institute of Policy and Science. Professor Gainsbury has authored over 120 peer-review journal publications, received over \$5 million in research funding, and is the Editor of the leading academic journal *International Gambling Studies*.

[Thomas Swanton](#), supervised by Professor Gainsbury, is currently undertaking a three-year program of PhD research focused on understanding the impact of payment method on gambling behaviour. Mr Swanton was awarded a PhD scholarship through the NSW Government's Gambling Research Capacity Grants program, funded by the NSW Responsible Gambling Fund, and supported by the NSW Office of Responsible Gambling.

[Dr Dylan Pickering](#) is a postdoctoral research associate at the Gambling Treatment and Research Clinic at the University of Sydney. Dr Pickering has almost a decade of professional experience in gambling harm minimisation program development and evaluation. This includes his research to monitor long-term outcomes of the ClubsNSW multi-venue self-exclusion program for NSW gambling venues which has been used by over 10,000 Australians. In 2020, Dr Pickering completed a NSW Government funded project to build and pilot test a self-directed website to increase the accessibility and convenience of self-exclusion entry. He completed his PhD in 2019 on the conceptualisation and measurement of recovery in Gambling Disorder. This research led him to develop the Recovery Index for Gambling Disorder (RIGD) – a patient-reported outcome measure that has since been implemented in clinical trial protocols and as an assessment tool at gambling clinics in Australia and internationally.

[Dr Christopher John Hunt](#) is the Senior Clinical Supervisor at the University of Sydney's GambleAware clinics, which are responsible for co-ordinating government-funded gambling treatment throughout Central, Western and South-Western Sydney, operating out of the University's Brain and Mind Centre. Dr Hunt first began work at the University in the then-titled Gambling Treatment Clinic in early 2007. Since then, he has gained wide recognition for his work with problem gamblers. He has published work on clinical phenomena observed in gambling clients, has been asked to testify before both federal and state parliamentary committees on gambling, has been extensively quoted on gambling in local, national and international media, and has written several pieces on gambling for lay audiences. He is also responsible for co-ordinating clinical supervision to psychologists and counsellors who are working in the gambling field throughout Sydney, and organises training seminars for mental health practitioners working in the field of problem gambling and information seminars for the general public. Dr Hunt is a registered clinical psychologist. He completed his PhD in social psychology at the University of Sydney in 2012. His PhD research was entitled "Links Between Masculinity Threats and Increased Gender Conformity: An Investigation of New Empirical Directions, Process and Individual Differences" and focused on the maintenance of gender role norms. He previously completed a Bachelor of Science (Advanced) (Honours) from the University of Sydney and a Master of Psychology (Clinical) from the University of New South Wales. Dr Hunt also completed a research fellowship at the University of Trieste (Italy) in 2014 and spent some time visiting the University of Padua (Italy) in 2012.

Public submission from Harmonie German Club Canberra Inc.

Club: 6295 9853

PO Box 88, Narrabundah ACT 2609

49 Jerrabomberra Ave, Narrabundah ACT 2604

ABN: 84 868 259 776



27 June 2022

Shane Rattenbury MLA

Attorney-General

Minister for Consumer Affairs

Minister for Water, Energy and Emissions Reduction

Minister for Gaming

Member for Kurrajong

Via email

Dear Minister Rattenbury,

The Harmonie German Club (HGC) at Narrabundah thanks you for seeking industry collaboration into the Governments approach of introducing \$5 maximum bets and \$100 load up limits to EGMs in the ACT. Reducing Gambling Harm is integral for our Club members and an industry wide commitment for clubs in the ACT, at which we are currently at the forefront of states and territories within Australia.

For a 60-year-old Cultural Club of our size there are a few concerns when it comes to the cost implications of the solution provided by the BMM report of the implementation of \$5 max bets, \$100 load up limits and CMS, particularly in such a short time frame in the present economic climate. Currently **the HGC has many technical limitations** for the instillation required to fulfill this commitment and believe there will be a cost of over \$500,000.00 for machine upgrades alone, with no way to calculate the additional costs of the infrastructure, until a viable solution has been reached by the manufacturers as this proposed solution does not exist in any jurisdiction at present.

The introduction of \$5 max bets and \$100 load up limits and more importantly, the CMS and costly infrastructure that will be required to facilitate the entire operation have been discussed intensely by the Management Team and Board and we feel that **the timing of this will cause considerable financial implications to our club.**

A cost of this magnitude following on from the recent COVID-19 Shutdowns and restrictions, employment shortages, supply costs and recent increase to the cost-of-living pressures, would add another layer of financial risk to our current budget and bottom line.

This costly proposal will also impact on our members both emotionally, as they would be concerned for the club's viable future, and financially as it is the voting members who will ultimately end up with higher out of pocket costs when visiting our club, therefore directly paying for the cost of implementation. This would **directly impact many of our frequent community groups, cultural and social charities that we support on an annual basis**, including the Woden Community Services and Cultural groups that have already been displaced from clubs that have closed such as the Italians and Austrians who frequent our Club daily.

The unintended consequences for this proposed approach will reach every area of our business including suppliers, entertainment and particularly reducing the staffing levels of our **dedicated hard-working team and volunteers that keep our club running on a day-to-day basis.**



Club: 6295 9853

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Approximately seven years ago, like many cultural clubs, the HGC almost closed its doors for good. **It has taken proficient Management and direction from a forward planning, strategic thinking Board; that made the HGC's current achievements viable.** It took dedication, industry understanding, business acumen and fiscal planning over many years to achieve the successful position we are currently in today. I believe the cost imposition identified in the Governments approach to \$5 max bets and \$100 load up limits will alter the positive trajectory the club has worked so hard to achieve, upsetting our loyal membership of over 4,000 voting Canberrans.

To continue the HGC success and as an important diversification project, **the HGC has put itself in considerable debt to ensure a future where we diversify from gaming revenue.** For the first time in many years the club has taken a large loan to upgrade its facilities while keeping the German heritage of the forefathers that built the club (and much of Canberra) in 1962. This loan will take many years to repay and therefore the HGC will not be in a position to borrow further significant amounts required to accomplish this government proposal, particularly in the short timeframe given.

As the **HGC is a short 10–12-minute drive to NSW**, it was unfortunate during the COVID-19 shutdowns in the ACT, that some of our members re-located their business to Clubs over the border. It has taken the Management Team a lot of hard work to entice these customers back to the HGC, and as I'm sure you would understand, losing our gaming member base again would cause substantial loses to the Clubs bottom line. Our leisure game players spend significantly at the bar and in our famous Knuckles Restaurant with their colleagues, friends and families.

The HGC Management and Board **appreciate the sincere commitment to the consultation process** with the Club Industry ensuring all options are considered for the best approach for \$5 max bets and \$100 load up limits in this jurisdiction. Further investigation into emerging machine manufacturing technology may supersede the current BMM report proposition, including, using evidence-based approaches to harm reduction, providing greater benefit to those at risk of gambling harm, while ensuring a more reasonable cost to the industry. Helping our business get back on its feet after the impacts of the past 24 months.

With so many cultural clubs disappearing over time, the HGC has worked hard to diversify and welcome many different multicultural members to join and share our cultural history. The HGC would like to **continue to be a thriving not-for-profit Cultural Community Club** well into the future, and to celebrate a further 60 years of German heritage and business success, for our community.

As always, I welcome you and your team to visit our club and see for yourself **the importance of the cultural community way of life for our HGC Members.**

Yours sincerely,

Michael Fuller
Chairman of the Board
Harmonie German Club



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Public submission from Paul Berger (Harmonie German Club Canberra Inc.)

Thank you for the opportunity to provide feedback

I would like to start by strongly objecting to these two initiatives. We have been trading in the highest regulated jurisdiction in Australia for many years. We have been subject to many punitive measures in the ACT that do not exist in NSW all designed in the name of Harm Minimisation, please explain which of these nearly 100 changes to legislation over many years have had a positive impact on the reduction of harm to patrons. They are few and far between.

These new measures are another example of massive disruption to our business in the name of harm minimisation that include proposed solutions that are not evidence based and have been designed to make the policy makers feel like they are making a proactive difference (feel good measures). None of the numerous harm minimisation measures have ever been withdrawn regardless of their lack of desired impact, and regardless of the unintended consequences to the Club industry, these new measure will just exacerbate the detrimental impact and damages to Clubs in the ACT .

We are an island within NSW. Gaming regulation within 10 minutes of our venue is not in line with the ACT. Further restrictions to gamblers will force a shift of patrons directly to the >10 venues across the border. The "Possible benefits" illuded to in the government marketing of these conditions are completely absurd. All gamers (particularly players that might have an addiction or problem), and even gamblers that wish to be able to play a high stakes game, will move across the border where the punitive measures are non-existent, but those with problems will come back to their homes for support networks and assistance (partly funded by Clubs in the ACT) Do you see the absurdity of introducing non evidence based harm minimisation measure in a border jurisdiction that makes the initiatives completely ridiculous in their design?

Queanbeyan will become "Little Vegas" we have very recent historical evidence from when the first covid lockdowns were lifted. The ACT Government opened venues but restricted gaming for 6 weeks before allowing ACT residents to play gaming machines. The result was a massive boom to the Clubs and Pubs in Queanbeyan. For 6 long weeks the NSW venues reaped the rewards of a completely ill-conceived decision (all in the name of health, apparently)

The unintended consequences of these actions will close small clubs down. The astronomical implementation costs (completely understated in the BMM report) will cripple our club. Installation of CMS, Upgrading and replacement of gaming machines is not possible for our Club. The costs associated with achieving these initiatives will ensure we will not be able to comply as a gaming provider, it will take us out of the equation and ensure most smaller to medium clubs will not survive. The ACT will end up with 4 or 5 super clubs that have already diversified into real estate and corporate business outside of the ACT as their non-gaming revenue streams.

Allow me to address "the benefits" illuded too in the minister's letter of introducing a CMS, we are a small club with 26 EGM's. can I ask, who is paying for this changeover?

"Cost effective delivery of the governments commitments about reducing harm from gambling on EGM'S". Firstly, this is not a cost-effective measure, the costs are astronomical, and what evidence is the government using to justify that statement?

"Reducing administrative burden and costs for Clubs by reducing manual effort required for tax administration, reporting and compliance with other regulatory obligations". I am currently using Aristocrat Analyst for my monthly gaming tax returns and reports, this costs the club approximately \$150 per month for the licence, \$5.76 per month per machine, the reporting takes me less than an

hour each month. What are the ongoing costs of the CMS? I understand approximately \$50 per month per machine. The benefits just do not add up and is ridiculous to even consider a CMS will reduce administrative and cost burdens

Finally, “providing a basis for other gambling harm reduction commitments in the parliamentary agreement” Which ones? Reducing gaming machines to 3500? Cashless Gaming? Establish rigorous across venue self-exclusion regime. All these commitments, yet to be achieves can take place without a CMS

In Summery

Small Cultural Clubs specialise in Food, Beverage, and Entertainment (gaming Included) We fear for our existence and longevity if these measures are accepted and introduced. Even if the measures were funded by the taxpayers and not directly by our club, the unintended consequences would have catastrophic impacts on our business and ultimately our existence.

In this situation

The commitment to reduce harm = Fail

The commitment to support sustainable community clubs = Fail

Paul Berger

Public submission from Raiders Group



**RAIDERS
GUNGAHLIN**



**RAIDERS
BELCONNEN**



**RAIDERS
WESTON**



**THE
MAWSON CLUB**

**The Raiders Group Response to the ACT Government, Justice
and Community Safety Directorate,
Discussion Paper:**

Lowering bet and credit limits for
electronic gaming machines.

Lowering bet and credit limits for electronic gaming machines

The Raiders Group of clubs' response to the ACT Government, Justice and Community Safety Directorate, Discussion Paper

Introduction

The Raiders Group appreciates the opportunity to submit a response to the Discussion Paper: Lowering bet and credit limits for electronic gaming machines that was released in April this year. We also acknowledge and appreciate the extra time allowed to complete a submission after meeting with relevant parties to obtain as much information as possible as to what impact the Parliamentary and Governing Agreement for the 10th Legislative Assembly will have on a technical, operational, and financial levels.

The Raiders Group operates four Not-for-Profit Community Clubs in the ACT including The Canberra Raiders Sports Club Group (Raiders Gungahlin, Raiders Belconnen and Raiders Weston) and Canberra Raiders Leagues Club (Southside) Ltd (The Mawson Club). The group operates a total of 7 venues across 3 different jurisdictions (ACT, NSW & QLD), with a total of 1,285 machines. This gives our Group firsthand knowledge of the different legislative requirements, the costs of these requirements, and the benefits associated with the different harm minimisation measures that have been implemented over the years. Although some of the proposed changes are in operation in other jurisdictions the current government seem to not appreciate the existing measures that are in place in the ACT are without doubt the most stringent and effective of any of the three jurisdictions.

The Raiders Group fully supports and agrees with the ClubsACT Submission but would like to emphasise some aspects that directly impact The Raiders Group. The Raiders Group acknowledge that the Parliamentary Agreement has been in place since 2020 and were not surprised to see the Discussion Paper released. What has come as a surprise are the following points:

1. The cost of implementation – Diversification is dead

Unfortunately, while the intentions of the proposed changes may be good, the introduction of these measures is not as simple as clicking a button or changing a game.

The BMM report recommends the ACT move from the X-Series protocol (this is currently used by all NSW & ACT machines) to a QCOM protocol. This is not simple. If we were a new jurisdiction and could implement any system from scratch, then the costs would be part of the setup however the move to QCOM would require every game and a significant amount of the physical machines operating in the ACT to be totally replaced. Newer cabinets can be “converted” to operate on the QCOM protocol, however there is still a significant cost in hardware, labour and software to perform this conversion.

Some cabinets will not be able to have the new games in them and so will need to be fully replaced. The costs associated with this would be financially crippling. The BMM report indicates an upfront cost to the industry of \$18 million. This number is extremely conservative with ClubsACT affiliated clubs working out a figure closer to \$70million for the industry. The figure for the Raiders Group's four clubs figure is approximately \$7million.

This number does not include infrastructure costs for a CMS, shutdown periods to install, technician costs to install new cabinets/games and the ongoing cost of the proposed CMS which could cost anywhere between \$60-\$160 per machine per month. In the Raiders Group's case with 626 electronic gaming machines this equates to an extra \$450,000 to \$1.2million annually. These increases in costs could very well see The Raiders Group clubs decrease from four, to two or three in the ACT.

In the parliamentary agreement the ACT Labor and Greens Government recognised that community clubs play an essential role in the social life of many Canberrans. They also stated wanting to ensure clubs continue to support the community, while introducing and strictly enforcing measures to further reduce harm from gaming. These measures will be forced on clubs and the costs are excessive for the proposed model of a CMS. This will see clubs close and more time needs to be afforded to fully exhaust all other options that could be explored to undertake the bet and load up limits

The industry has just undergone two significant shutdown periods, and like every other business in the world is still suffering the effects of covid. All attempts over the past decade to diversify revenue streams away from gaming revenue will be redundant with this \$70million forced investment into gaming over the next two years, which seems is counter-productive for the Government's intentions. This will rule out any hope of funds being available for diversification purposes and in short diversification for Clubs in the ACT would be extinguished.

2. \$5 max bet and \$100 load up limits

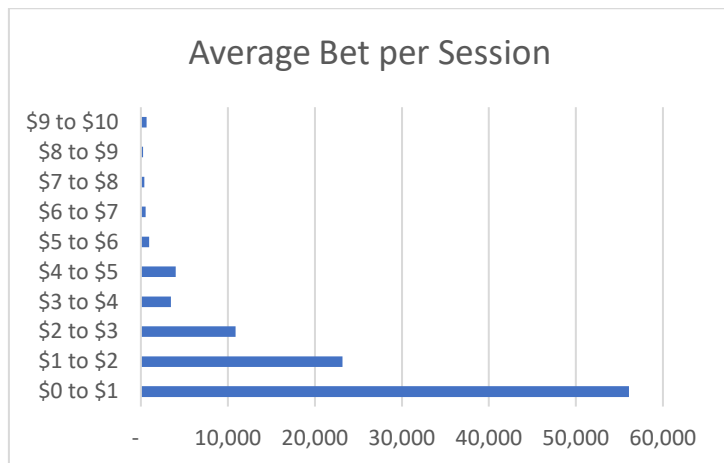
We have offered no evidence as to whether the \$5 max bets and load up limits included in the Parliamentary Agreement were supported by any research or data. ACT Clubs were told previously that any changes in harm minimisation legislation would always be evidence-based.

The Raiders Group conducted analysis on data recorded in the gaming systems to understand what specifically might be affected by changing the maximum bet from \$10 to \$5, as well as analysing the amount of losses that currently occur during player sessions so as to appreciate the extent of any possible gambling harm benefit. The information is commercially confidential, but in the interests of transparency the group is comfortable for an ACT Government IT person to have a look at the source and analysis.

\$5 Maximum Bet

The Raiders Group accumulated player session records from across all four ACT clubs for a 31 day period with records totalling 100,416. A session record is created when a member inserts their card, plays at least once, and withdraws their card.

While the \$5 maximum bet will slow the loss during some sessions, the number of people who bet above \$5 is very limited in our analysis, being just 2.8%. Given the difference is simply 2 hits instead of 1, pushing them from \$10 to \$5 is not going to change much at all. We believe the research the government is using for this proposal is based on the productivity commissions study however that was based on a \$1 maximum bet, not a \$5 maximum which would mean 10 hits Vs 1 hit.



Across the four clubs there were 2,820 individual player sessions which averaged over \$5.00 and 97,596 which averaged \$5.00 or less. This demonstrates that just 2.8% of players will be affected by the Government's planned changes.

Unfortunately, it is known that problem gamblers will find a way to spend the time and money they have available on gambling, so even a \$1 maximum bet is unlikely to prevent them from losing more money than they have available.

The number of The Raiders Group club members who play gaming machines is approximately 17% so this seems a disproportionate amount of members' funds to use to implement maximum \$5 bets which will affect just 2.8% of players. Statistically the vast majority of whom will not be experiencing any gambling harm.

The proposed restrictions, while they sound good, will achieve very little in terms of further harm minimisation from gaming and will cost the industry approximately \$70million in upgrade and replacement costs. The return on this investment to implement these measures is therefore extraordinarily small and further cost/benefit analysis does need to be done prior to any legislative changes.

\$100 Load Limit

The minister has said openly that the introduction of the \$100 load limit is not designed to stop people from gambling more than \$100 but is designed to make the gambler stop and consider their spending before inserting more money. A patron can currently only insert \$20 at a time in the ACT, but even if this was lifted to include \$50 & \$100 notes the punter is only inserting what they are prepared to lose in the first instance. After that the gambler must pause, in the exact same way as they would with a \$100 load limit, to insert another note. The implementation of a \$100 load limit seems to be an expensive way to achieve little.

It's a little harder to quantify how this will affect clubs, as we are not aware of any jurisdiction where the ACT-proposed definition is utilised. We can however again look at player session records and utilise losses/wins for each session. For this purpose, analysis was taken from a week's worth of records from Raiders Gungahlin. It showed that out of 8,693 records 5,694 were player losses of \$100 or less (68.6%), 1,832 were winning sessions (21.1%) and 897 sessions were losses of more than \$100 (10.3%).

BMM has recommended the Queensland model as being the most cost-effective way to manage a \$100 load-up limit. The estimated cost to our group of mandating (say) the Max Gaming model is an additional \$450,000 to \$1.2million annually, while only 10.3% of sessions even lose that amount. It seems again a very blunt and expensive instrument to effect such a limited change. Again, the majority of those 10.3% of sessions would be by players who are not experiencing gambling harm, and for those who might be, there is nothing stopping them from just starting a new session.

It's worth noting that the Queensland Government has recently changed the load-up limit for gaming machines ticket inserts from \$200 to \$500. Players can now put any portion of a cash-card into a machine, which doesn't make the credit meter \$500 or over.

3. Willingness for ACT residents to play poker machines in surrounding NSW

The Raiders Group runs the Queanbeyan Leagues Club and we therefore have access to data that clearly shows that ACT residents are more than happy to drive to attend clubs and pubs in Queanbeyan and other NSW areas close to the ACT.

The analysis has been done using player session gaming data from the Queanbeyan Leagues Club since ACT clubs began trading fully in November 2021 (so normal trading conditions in both jurisdictions), to determine how many ACT residents play at the Queanbeyan Leagues Club. Out of all people that play gaming machines with a membership card, 38% of turnover came from ACT residents. In reality this figure would actually be higher as ACT residents are not required to be members to enter a club in NSW and are therefore less likely to have a membership card (required for the recording of player sessions) than a Queanbeyan resident.

Presumably this figure will continue to increase as more restrictions are introduced in the ACT. Anecdotally we're told the reasons ACT residents go to surrounding NSW include; outdoor gaming, no \$50 and \$100 note restrictions, no ATM restrictions, and a \$5,000 cash payment limit. Obviously with this "leakage" to NSW, the ACT Government loses any opportunity for harm minimisation with those people, as well as foregoing the 30% of gamblers losses in taxes to NSW.

While NSW were looking at some proposed new restrictions which the ACT were going to match or exceed, the NSW government has now ruled out any changes in the foreseeable future. This leaves ACT already well ahead of NSW restrictions which is pointless given the proximity to NSW for ACT residents. Further restrictions will only see more gamblers crossing the border to gamble which will supply NSW with gaming tax and still leave ACT with those problem gamblers.

4. Current Responsible Gambling measures

The ACT currently has the most vigorous Responsible Gambling measures in place, these are primarily based around staff monitoring patrons and then human interaction with possible problem gamblers which is performed by trained staff members.

Gambling Contact Officers (GCOs)

We know that the only way to help a problem gambler, apart from total prohibition of gaming (physically and on the net), is to get the gambler to admit they have a problem and want to do something about it. Without this a problem gambler will find a way to gamble no matter what restrictions are in place, and this is why the ACT's approach up until now has been so effective.

A GCO is not only required to complete an on-line training course every three years but is required to participate in an in-person training course every year to keep that certificate. This training is all about identifying possible problem gamblers and then knowing what you can do to help that person. It is about human interaction and not about the prohibition of certain aspects of gaming machines which don't cause harm to the vast majority of gamblers.

Gambling Incident Reports (GIRs)

In the ACT there is an existing requirement for a GIR to be generated based on, but not limited to, the Signs of Gambling Harm document which has been produced by the ACT government and Gambling & Racing Commission (see below). It is the fundamental tool provided by the Gambling and Racing Commission for clubs to identify and assist potential problem gamblers.


Signs of Gambling Harm


Use this list to help you think about all of the person's behaviours. Information you record in the gambling incident register will help your Gambling Contact Officer.

Signs	What to do
<ul style="list-style-type: none">• Tries obsessively to win on one machine• Asks to change large notes before gambling• Rummages around in purse or wallet for additional money• Rushes from one machine to another• Significant increase in spending	Seen by themselves, these signs may be an early warning sign.
<ul style="list-style-type: none">• Starts gambling when the venue is opening or only stops when venue is closing• Has run out of money when leaving venue• Spends \$300 or more in a session• Bets \$2.50 or more per spin most of the time• Tries to play two or more machines at once• Gambles most days• Complains to staff about losing or blames venue/machines• Has gambling rituals or superstitions (rubbing or talking to machine)• Stays on to gamble when friends leave venue	Someone displaying several of these signs may be experiencing problems with their gambling. If you see someone displaying several of these signs you should record what you have seen in the incident register.
<ul style="list-style-type: none">• Gambles right through normal meal times• Finds it difficult to stop gambling at closing time• Gets cash out on two or more occasions through ATM or EFTPOS• Puts large wins straight back into the machine• Leaves venue to find more money to gamble• Gambles for long periods (3+ hours) without taking a break• Plays very fast• Plays intensely without reacting to what's going on around them• Shows signs of distress during or after gambling (looks sad/depressed, crying, holding head in hands, nervous/edgy, shaking, sweating)• Gets angry while gambling (kicking, hitting machines, swearing, grunting or groaning, playing roughly/aggressively)• Becomes angry at or stands over other players• Avoids contact or conversation with others	Someone displaying any of these strong signs is much more likely to be experiencing problems with gambling. You should record what you have seen in the incident register and monitor the person's behaviour. If the person is particularly distressed or angry then the situation may need to be responded to immediately according to your venue's procedures.
<ul style="list-style-type: none">• Tries to borrow money from customers or staff, or asks for credit from venue• Rude to other gamblers or staff• Generally poor hygiene, or significant decline in personal grooming or appearance over several days (body odours, dirty or unchanged clothes, messy greasy hair)• Conceals presence at venue (doesn't answer mobile phone, takes or makes calls outside venue, asks staff to not let others know they are there, people contact or visit venue looking for person)	It is highly probable that someone displaying any of these signs is experiencing problems with gambling. You should record what you have seen in the incident register and monitor the person's behaviour. Consider whether this situation needs an immediate response according to your venue procedures.

This list is not exhaustive. If you are concerned about behaviours not on this list, speak with your GCO.

GAMBLING HARM
DON'T PLAY
it DOWN

 ACT
GOVERNMENT

 GAMBLING
& RACING
COMMISSION

A GIR is required to be logged onto the ACT Gamblers Exclusion Database (ACTGED) within three days of the incident and contains the person's full name, DOB, gender, address if known and the details of the Gambling Incident. All Gambling Contact Officers then receive an email notification about a GIR being generated and can log into ACTGED and check the details of the incident at any time.

Last month alone the Raiders group generated just under 2000 GIRs. While GIRs are not directly related to the number of machines you operate, based on the numbers this would equate to approximately 10,000 individual GIRs generated across the ACT each month. This is far advanced in terms of active harm minimisation than anything that occurs in NSW or Qld.

Two of these signs are already covered by the Government's proposed changes: When a patron "spends \$300 or more in a session" and, when a patron "Bets \$2.50 or more per spin most of the time". As a group we have recorded a total of 296,208 gambling signs of patrons. Of these 80,518 have been "spends \$300 or more in a session" and 40,413 have been "Bets \$2.50 or more per spin most of the time". Recording these incidents has given our staff the ability to monitor and talk to patrons where it's believed (as per the Commission's directive) there might be a problem with their gambling. This is a far better outcome than just restricting session inputs to \$100 using technology and the patron having no human interaction.

The "Signs of Gambling Harm" list above is categorised into four escalating harm levels, and we note that the two proposed new measures (maximum bets and spend in a session amounts) are actually in the second-lowest category. The Government's new strategies do not reflect the research and experience of the Commission. There are over twenty signs in the list which the Commission considers more serious.

5. The timeframes for implementation are unrealistic

The Parliamentary Agreement notes a "staged rollout of this reform" however in the discussion paper it seems to conclude that all machines in ACT must be compliant by the end of 2024 with \$5 max bets and \$100 load up limits. The parliamentary agreement does not have an end date and a staged rollout would be best for the industry. There are still so many technological systems that could be looked at that could be more cost effective for the industry whilst still achieving the outcomes in the Parliamentary Agreement. A technical working group with Government, manufacturers and industry should be established to work through further options before any legislation is tabled.

6. Rejection of a CMS based on QCOM model

The discussion paper seems to have shifted focus from the Parliamentary Agreement of \$5 max bets and \$100 load up limits to the implementation of a Centralised Monitoring System (CMS) in the ACT and have it fully operational by the end of 2024. There has not been enough time to gather technological information as to whether the bet and load limits can be achieved via changes in the electronic gaming machines themselves therefore removing the need for a centralised system approach.