



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

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Submission Cover Sheet

Inquiry into Gaming Machine Amendment Bill 2023

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Standing Committee on Justice and Community Safety
ACT Legislative Assembly
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Gaming Machine Amendment Bill 2023

This submission responds to the invitation for consultation regarding the Gaming Machine Amendment Bill 2023 (ACT).

In summary the Bill is commendable, creative but inadequate. It responds to a substantive ongoing health concern that both can and should be addressed by the ACT Legislative Assembly. Its value, in essence, is as a proposal that again draws the Assembly's attention to the need to restrict gambling within the Territory and to reshape the dependence of social organisations on revenue from gambling. The Assembly has the scope to reduce that dependence and should look beyond the Bill in reducing the Territory's gambling economy.

Background

The submission reflects research and teaching regarding health law and the economics of regulating social harms. It also reflects the very large body of independent peer-reviewed literature regarding poker machines, online gambling and other gambling.

The submission does represent what would be reasonably construed as a conflict of interest and is not funded by or on behalf of an advocacy body.

Harms

The Bill reflects community concern regarding harms attributable to gaming machines. As noted above there is an exhaustive scholarly literature regarding those harms, numerous Australian and overseas government reports and extensive comments in judgments from Australian courts. The harms are not restricted to a specific demographic; they involve professionals, blue collar workers, the unemployed, young people, seniors and people with one or more disabilities. Reduction of those harms is consistent with the Human Rights Act and more broadly with the Government's aspiration to give effect to notions of an overarching 'right to health' in line with global human rights agreements.

The presence of gaming machines within the Territory has been justified as an expression of individual and corporate autonomy.

That justification should be contextualised through recognition that Australian governments, consistent with international law and community support, restrict the promotion and sale/use of products that may gratify an individual but are harmful, for example tobacco, illegal drugs and alcohol. Examples of those restrictions include prohibitions on the sale of tobacco products to minors, bans on advertising and penalties for parental provision to minors of alcohol and illegal drugs.

The gaming machine economy has also been justified as providing revenue for football, cultural affinity and other social organisations that enable those bodies to offer entertainment and hospitality venues and services on a scale that would otherwise be unachievable and to offer grants to community groups that are not in possession of such machines. The justification is

founded on the assumption that consumers will ‘gamble responsibly’ and that any harms are offset by community benefits such as respect for individual choice, employment of staff in venues, opportunities for the ACT construction sector and so forth.

That justification should be contextualised through reference to externalities, ie gaming machine operators do not bear the cost of harms – which are instead borne by individuals, families, businesses that experience gambling-related crime and nongovernment social support organisations. It should also be contextualised through reference to the Territory government’s reliance on revenue through taxation of gambling. Reference to a ‘gambling economy’ is deliberate, given that both clubs and the government are hooked on the gambling dollar.

The Bill

The Bill is predicated on community support for exclusion of gaming machines in the Molonglo Valley. It is noteworthy to ask whether there is corresponding support outside the Valley for restriction of gaming machines. It is reasonable to infer that many people across the ACT (and indeed within the surrounding region, notably residents of Queanbeyan and Googong) are supportive of restriction.

The Bill is a reminder of both harms and community disquiet about gaming machines. Exclusion of gaming machines from the Molonglo Valley in practice is likely to be symbolic. It is not a comprehensive solution. It represents an inconvenience for gamblers: residents of the Valley will be able to exercise their autonomy by travelling to a club outside that location and will accordingly still be able to use a gaming machine. Some will engage in gaming at home, at work or other locations while online in the Valley.

Given the harms the Bill is notable because it has private member status. It has not been presented by the ACT Government, which appears to be content with the phased reduction of machines in the period to 2020. In considering the Bill the Committee might ask the hard question of the scope for a further reduction of the number of machines over a multi year period and toughening of revenue collection from clubs that rely on machines to fund food, entertainment or other amenities.

As a progressive jurisdiction we might be prepared to pay a bit more for the subsidised steak & chips if that is the cost of reducing harms to individuals, families and the broader community.

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