ACTCOSS

ACT Council of Social Service Inc

Comment on

Inquiry into the *Gaming Machine Amendment Bill 2011*

February 2012

About ACTCOSS

ACTCOSS acknowledges that Canberra has been built on the traditional lands of the Ngunnawal people. We pay our respects to their elders and recognise the displacement and disadvantage they have suffered as a result of European settlement. We celebrate Aboriginal and Torres Strait Islander cultures and ongoing contribution to the ACT community.

The ACT Council of Social Service Inc. (ACTCOSS) is the peak representative body for not-for-profit community organisations, people living with disadvantage and low-income citizens of the Territory.

ACTCOSS is a member of the nationwide COSS network, made up of each of the state and territory Councils and the national body, the Australian Council of Social Service (ACOSS).

ACTCOSS' objectives are a community in which all people have the opportunities and resources needed to participate in and benefit from social and economic life and the development of a dynamic, collaborative and viable community sector.

The membership of the Council includes the majority of community based service providers in the social welfare area, a range of community associations and networks, self-help and consumer groups and interested individuals.

ACTCOSS receives funding from the ACT Government - Community Services Directorate.

ACTCOSS advises that this document may be publicly distributed, including by placing a copy on our website.

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ACTCOSS welcomes the opportunity to comment on the *Gaming Machine Amendment Bill.* Problem gambling is a significant social and public health issue that has wide consequences for individuals, families and communities. Research published in 2010 by the Australian National University's Centre for Gambling Research found a majority of those who used gaming machines were experiencing some symptoms of problem gambling, with close to 9% identified as problem gamblers.[1]

The proposed legislation will make significant changes to the regulation of gaming machines in the ACT and hence scrutiny of the impacts is welcome. These comments on the proposed legislation are brief, seeking to highlight key issues and areas for further review.

Reducing the Limit

ACTCOSS welcomes moves towards reducing the number of gaming machines in the ACT. Reducing the number of gaming machines is one step towards minimising the impact of gambling related harm in the community. However, a reduction in the number of gaming machines alone is insufficient to address the needs of problem gamblers, their families and communities. There is need for discussion and consideration of harm minimisation measures and further development of problem gambling education and support services.

The proposed legislation provides little incentive for clubs to surrender licences, due to the opportunity to store and transfer machines, and as such it is unclear how the reduced cap will be met. ACTCOSS recommends if the target is not achieved within 12 months (a total reduction is approximately 1000 machines) the legislation be reviewed and other ways of reducing the cap be introduced.

ATMs in Gaming Venues

ACTCOSS welcomes the move to limit the withdrawals from ATMs in gaming venues, as recommend by the Productivity Commission in their 2010 report. However, the Productivity Commission also recommended EFTPOS facilities are included in the limit.

Cashcard Australia provided evidence to the Commission noting the need for EFTPOS access to be regulated:

> Without this, the impact of ATM cash withdrawal limits could be negligible as gamblers will have a second and uncontrolled access points to funds.[2]

The Commission recommended a limit of $250 per day on withdrawals from ATMs and EFTPOS facilities "could help address gambling harms without unduly affecting non-problem gamblers and other patrons."[3] The proposed

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1 ANU Centre for Gambling Research, *The Nature and Extent of Gambling and Problem Gambling in the Australian Capital Territory*, 2010, p. 50.

2 Cashcard Australia quoted in Productivity Commission, *Gambling*, 2010, p. 13.30.

3 Productivity Commission, *Gambling*, 2010, p. 13.31.

legislation needs to be expanded to include EFTPOS facilities to ensure it achieves the stated objective.

Other Issues

Taverns

It is unclear to ACTCOSS how the proposed amendments will impact on the gaming machines currently held by taverns. Clause 5 of the Amendment Bill seeks to remove the reference to 'kinds' of gaming machines. As taverns were initially granted access to class B machines, the removal of this reference needs to be clarified for its impact. Also, as machines held by taverns should be counted under the 'cap' guidance needs to be given on how the purchasing of a tavern by a club group, or a change in a tavern's operation, would be impacted.

Temporary Storage of machines

Clause 26 of the proposed legislation outlines the criteria for the Commission to consider when making a decision for the temporary storage of machines. It appears machine storage is to take place while a venue is refurbished, or as the machines are transferred to a new location. However, it is unclear what is meant by 'temporary'. The legislation would benefit from the addition of a clear definition (such as 6 months) so machines can not be 'stock-piled' for future use, as the overall cap is being reduced and the opportunity to access 'new' licences removed. If a set time limit is reached, the licensee may apply for continued storage, at which time the Commission would be able to reassess the application in light of any changes that may have arisen in the period.

The proposed amendment also states "the commission may amend the licence for a stated period **in accordance** with the application" (emphasis added). The Commission should have the flexibility to grant an amendment for storage at a time less than requested in the application. A minor amendment to the wording of s26 would make this possible.

Commencement of the Act

The legislation was initially intended to commence on 1 January 2012, with the amendments relating to the ATM withdrawal limit commencing 12 months later. With the delay in commencement as the Assembly considers the Bill, there remains no reason for the withdrawal limits be phased in at a later date. If the Assembly debates and adopts the bill, implementation could be fixed at 1 July 2012 for all amendments.