



Joint Select Committee on Future Gaming Markets

Tasmanian Greens' Submission

8 December 2016

Cassy O'Connor MP

Greens' Leader

On behalf of the Tasmanian Parliamentary Greens

Introduction

The Tasmanian Greens welcome the opportunity to submit to the Joint Select Committee on Future Gaming Markets.

We recognise that, despite the narrowness of the Terms of Reference and their political scope, this process represents a once in a generation opportunity to substantially reduce the profound harms caused by the proliferation of poker machines in pubs and clubs across Tasmania.

We strongly encourage the Committee to seize this opportunity and to deliver a set of strong recommendations to government that will deliver social and economic relief to communities where EGMs are purposefully concentrated and take significant pressure off community, justice, police and health services where the social fallout of gambling addiction is acutely felt.

Yours sincerely on behalf of the Tasmanian Greens,

A handwritten signature in blue ink, appearing to read 'C. O'Connor'.

Cassy O'Connor

Greens' Leader

a) Consideration of community attitudes and aspirations relating to the gambling industry in Tasmania with particular focus on the location, number and type of poker machines in the State.

EGM Design

Electronic Gaming Machines (EGMs) are by far the preferred means of gambling by problem gamblers.¹ All aspects of the machines are designed to enhance addiction. The payout schedule is designed based on expertly implemented Pavlovian and Operant conditioning techniques², and the visuals and sounds are all designed to promote a hypnotic like effect.³

Various game design features, such as losses disguised as wins, the number of play lines available, the introduction of interactive features, right down the game play speed, are all meticulously designed to promote addiction and to minimise user control.⁴ Misleading techniques, such as a symbols appearing on the reel more times than they are likely to actually occur, are also utilised.⁵

The examination of electronic gaming machine patents paints a picture of an industry that is not only shamelessly aware of the misconceptions of gamblers, but actively tries to capitalise on them. The patents openly admit that technological advancements are designed to increase player participation, and therefore, losses,⁶ and that design factors are important to capitalise on consumer misperception about payout probability.⁷ A patent filed this year openly states that

“A significant technical challenge is to improve the operation of gaming apparatus...

... by making them yield a negative return on investment in the long run (via a high quantity and/or frequency of player/apparatus interactions) and yet random and volatile enough to make players feel they can get lucky and win in the short run.”⁸

Progressive jackpots, “bonus” games⁹ and “free spins”¹⁰ are often used for this purpose.

Importantly, these machines are constantly being improved to enhance their addictive qualities. This year alone 7,550 patents have been filed.¹¹ This number is likely only this low due to delays in publishing, as typically between 25,000 and 40,000 patents are filed per year.

Some contemporary advances include remote access to EGMs through mobile devices¹², advances in turbo boost functionality¹³, multimedia displays that allow EGM gamblers to multitask by watching movies or other gambling streams, such as horse racing¹⁴, user-controlled configuration changes that allow EGM users to configure the appearance of a machine to their own tastes,¹⁵ and methods of enhanced delivery options for information that provide gamblers with a “perception” of advantage and opportunities that are not available to others.¹⁶

This evidence illustrates that EGMs are deliberately designed to maximise addiction, as well as exploit and encourage misconceptions. Technological advances are only making this easier for the industry.

EGM Harms

The harms of EGMs have already been well established in Australia. In 2010, the Productivity Commission pointed out that the vast majority of problem gamblers primarily use EGMs, many of them lose a sizable portion of their household income, have significant misconceptions about how the machines work, and vastly underestimate their losses.¹⁷

The Productivity Commission highlighted that the harms arising from problem gambling include “*suicide, depression, relationship breakdown, lowered work productivity, job loss, bankruptcy and crime.*”¹⁸

EGM use as a means to escape personal problems is the motivating factor that has been found to have the highest correlation with risky gambling behaviour.¹⁹ This is likely related to the fact that EGMs disproportionately harm vulnerable people such as PTSD affected veterans²⁰, people with a childhood history of physical and sexual abuse,²¹ people with mental health issues such as anxiety and depression,²² people with mental health disorders such as antisocial personality disorder and attention deficit disorder,²³ and people from low income backgrounds.²⁴

The Tasmanian Greens implore all members of the Committee to keep these people, and the predatory nature of these machines, in mind when weighing all the evidence presented to the Committee.

Allowing the unfair and insidious exploitation of these people for the profits of a few is, in the view of the Greens, inflicting a gross injustice on those who elected us to represent them.

Electronic Gaming Machines in Pubs and Clubs

The most recent Tasmanian poll²⁵ conducted by independent consultant Enterprise Marketing and Research Services (EMRS), revealed that 84% of Tasmanians do not believe EGMs provide community benefits, and that only 9% believed they do. 50% of respondents believed poker machines should be removed entirely from pubs and clubs and a further 32% believed they should be reduced from current levels.

This is relatively consistent with the Productivity Commission findings in 2010, that 83% of Tasmanians would prefer to see reduced EGM numbers in the State.²⁶

One study has found that EGM gambling in pubs and clubs was a stronger predictor of problem gambling than EGM gambling in Casinos.²⁷ An explanation for this is the fact that alcohol use contributes to impaired control of EGM gambling behaviour. Consumption of alcohol has been found to both reduce the capacity of people to

resist the urge to begin a session of gambling, as well as reduced capacity to end a session of gambling.²⁸

This has serious implications for people who wish to control their gambling impulses, particularly in suburbs such as Glenorchy with high proliferation of EGM venues.

Economic Impacts of EGMs in Pubs and Clubs

EGMs are largely automated in Australia and the requirements of staff are quite limited. Unsurprisingly, the Greens have found that job searches on popular websites entirely yield pub and club positions with multiple responsibilities, in other words there are no positions advertised solely for the supervision or operation of EGMs. A similar point was made in the third Social and Economic Impact Study of Gambling in Tasmania.²⁹

The only reasonable argument that EGMs provide important employment is essentially that the business requires EGM revenue to be financially viable. The table below illustrates the number of people per pub in States in Australia. Tasmania has, by a wide margin, the lowest number of people per pub (or the highest amount of pubs per capita) as well as having significant issues with alcohol abuse.³⁰

State	TAS	SA	NT	NSW	QLD	WA	VIC	ACT
No. Pubs/Hotels ³¹	81	658	72	2,052	1,251	595	1,092	32
Population (Millions) ³²	0.52	1.71	0.24	7.70	4.83	2.61	6.04	0.40
people per pub	1,845	2,593	3,389	3,755	3,859	4,393	5,530	12,350

In the event that EGMs are required in order to make some venues financially viable, this would likely be attributable to the fact that Tasmania already has a high density of pubs and clubs.

Considering the significant social and financial harms caused by EGMs, as well as the already excessive number of pubs and hotels in Tasmania, the Greens believe it is not in the public interest to give significant weight to potential decline in viability of a small number of venues.

It is also worth highlighting that, in a macro-economic sense, removal of EGMs from pubs and clubs would have minimal impact. Removal of EGMs from pubs and clubs would fit closest to scenario 3 in the economic modelling done in the third Social and Economic Impact Study of Gambling in Tasmania. Scenario 3 looked at the economic impacts of halving problem gambling (including low risk, moderate risk and problem gamblers) and found only a modest impact.³³

The impacts of removal of EGMs from pubs and clubs would likely be even more minimal given that EGM expenditure in pubs and clubs equate to 40%, rather than half, of gambling expenditure and that a certain degree of transfer to other gambling activities would likely take place.

The Greens believe that the strength of public opposition, the evidence of substantial social harms, and the evidence of limited economic disruption build a powerful case for the **removal of EGMs from pubs and clubs (Recommendation 1)** and urge the committee to consider this possibility very carefully.

It is our submission that this would not only be the most appropriate and responsible outcome in social and economic terms, it would reflect the views of a significant majority of Tasmanians.

b) Review of the findings of the Social and Economic Impact Studies conducted for Tasmania.

The Government has claimed that the 2015 report showed problem gambling is down.³⁴ This is misleading. The authors of the SEIS study of gambling in Tasmania created an aggregate category of moderate risk and problem gamblers in order to provide statistical reliability, which shows that the number has remained static between the 2011 and 2013 reporting periods.³⁵

Some of the more detailed statistical examinations in this study involve entirely different data than those presented in the previous study. For example, the 2015 report examined the proportion of survey respondents who experienced difficulty paying bills as a result of gambling³⁶, whereas the 2011 report examined the proportion of Tasmanians who have sometimes, often or very often missed, skipped or avoided any type of payment.³⁷

There is little compatible data between reports. This makes the reports a poor basis for determining specific changes in gambling prevalence over time.

This is particularly true of regional profiles. For example the most recent report looks at the percentage of people who live in Glenorchy who use EGMs³⁸ while the previous report looked at the percentage of gamblers accessing support services who cited EGMs as a the primary source of their problems by region.³⁹

While the report is certainly provides desirable information, the lack of comparability between reports makes it very difficult to determine exactly what the changing impacts of gambling in Tasmania are. Interpreting the report requires a cautious analytical approach, one that unfortunately is not in the interest of either of the major political parties to adopt.

The Greens request that the committee consider whether **the reporting content of Social and Economic Impact Studies should be revisited, with particular**

consideration given to ensuring comparability between reports (recommendation 2).

c) Consideration of the document entitled “Hodgman Liberal Government post-2023 Gaming Structural Framework”.

The Tasmanian Greens consider this document to be highly political, non-committal and weak. It has all the appearances of a government that wishes to be seen to be doing something about a chronic social and economic problem, but hasn't the courage to make the necessary significant shift.

Charles Livingstone and Richard Woolley argue that Australian Governments are happy to maintain the status quo, without backing in the significant modifications that the literature suggests would actually make a difference, despite substantial evidence of harms.⁴⁰

This is clear in the language used in this document. The Government claims to want to minimise harms without any significant disruption to the industry. They cannot have their cake and eat it too.

As Charles Livingstone and Richard Woolley put it -

“...the marketing and distribution of EGMs is neither accidental nor something for which the individual is responsible, and neither is the safeguarding of oneself from the harm produced by goods licensed by government. Pursuit of a goal of safe consumption for all EGM gamblers requires disruption of the discourse of business as usual.”⁴¹

The Greens recognise that no substantial harm reduction gains will be made without a disruption of the discourse of “business as usual”. In other words, strong, evidence backed, harm reduction reforms are required. The removal of EGMs from pubs and clubs in Tasmania is critical to reducing the harms, economic and human costs of gambling addiction.

d) An assessment of options on how market-based mechanisms, such as a tender, to operate EGMs in hotels and clubs could be framed.

EGMs should be removed from pubs and clubs to reduce the harms created by these deliberately addictive machines. If, however, neither the majority of the Committee or the government of the day have the courage to take on Federal Hotels and the gambling lobby and work to remove EGMs from pubs and clubs, and in the event that market-based mechanisms are adopted, the Greens consider it critical that any criteria place a strong emphasis on minimising social harms.

**At a minimum the Greens believe the following need to take place
(Recommendation 3):**

- Current licences need to be revisited with a view to significantly reducing the number of EGMs in highly saturated communities.
- Councils must be empowered to make decisions about EGMS in their communities, including community limitations on both EGM numbers and licenced venue numbers.
- Any tender process must place a strong emphasis on reducing social harms, referencing bidders who voluntarily adopt effective harm minimisation measures, which are conditions of the licence and actively monitored for compliance.

- e) Consideration of future taxation and licencing arrangements, informed by those in other jurisdictions; and
- f) A review of the harm minimisation measures and their effectiveness, including the community support levy.

Tasmanian Gambling Exclusion Scheme

There are currently 392 exclusions under the Tasmanian Gambling Exclusion Scheme, 295 of which are self-exclusions rather than specific venue exclusions.⁴² Tasmania has a population of 518,478⁴³ and a Moderate risk and problem gambling rate of 2.4%⁴⁴. This equates to 12,433 at-risk people. This means that only 2.3% of moderate risk and problem gamblers are “excluded” from gambling at all venues.

It is worth noting that studies have found between 50% and 80% breach rates for self-exclusions, and have noted the ease with which self-excluded people can still participate in gambling activities.⁴⁵

The Greens consider it fair to conclude that the Tasmanian Gambling Exclusion Scheme has limited reach, and based on broad research of such schemes in Australia and elsewhere it is unlikely to be particularly effective for those involved.

The Greens also posit that, if EGMs were removed from pubs and clubs, it would be a much simpler exercise to effectively exclude an individual from a small number of venues.

Community Support Levy and Resource Distribution

The community support levy (CSL), while a good measure, has a number of shortfalls. The first of which is that it only applies to EGM profits from pubs and clubs. This is an

issue given that in 2015-16, \$76.8 million, or 40% of total EGM expenditure in the State, occurred in casinos.⁴⁶

The CSL is also relatively small sum of money (\$4.6 million in 2015-16).⁴⁷ Such a sum necessitates prioritising critical services such as support and education services, research and neighbourhood house funding.⁴⁸ What this means, however, is that relatively little is left over for community grants (\$283,950 in 2015-16)⁴⁹.

It is the view of the Tasmanian Greens that the Committee should recommend **requiring Casinos to contribute to the Community Support Levy (Recommendation 4).**

Another issue is one of equitable distribution. Nine venues in Glenorchy have EGMs with a total of 270 machines in the suburb.⁵⁰ This is 11.4% of all pub and club gaming machines in Tasmania.⁵¹ In 2015-16 EGMS claimed almost \$20 million from Glenorchy, equating to 18.7% of pub a club gaming machine profits in July 2016.⁵² The population of Glenorchy has higher gambling participation, higher frequency of gambling, higher EGM participation, and higher average expenditure on EGMs.⁵³

Despite the high amount of revenue claimed from Glenorchy, none of the community grants appeared to have been allocated there,⁵⁴ and only \$80,000 (5.6%) of the sporting organisation funding went to Glenorchy.^{55,56,57}

While its residents contribute disproportionately to gambling revenues, the Glenorchy municipality is largely missing out on community and sporting grants intended to reduce the harm caused by gambling.

In the Northern Territory, it has been observed that EGMs act as an agent to redistribute resources from disadvantaged communities to sites of centralised power.⁵⁸ Given the reliance on gambling taxation revenue by the Tasmanian Government (5% of the State's own-source revenue)^{59,60} and the disproportionate expenditure by the least advantaged on gambling⁶¹, **this should be a serious consideration (Recommendation 5).**

For example, Local Government Areas with high per capita EGM expenditure such as Waratah-Wynyard, Central Coast, Devonport and Burnie^{62,63} have received relatively small State Budget allocations.⁶⁴

Alternative Measures

The 2010 Productivity Commission review recommended the introduction of pre-commitments and \$1 bet limits.⁶⁵ Neither of these recommendations have been adopted by the Tasmanian Government despite overwhelming evidence suggesting they will be effective.^{66,67,68}

Other studies have suggested promise in less well-known, innovative regulatory measures such as quarantining winnings until the end of the session, alarm clocks for setting time-reminders, and a “demo mode” which allows for playing without money.⁶⁹ While these features have had less empirical analysis conducted than pre-commitments and bet limits, they still show some promise and merit consideration.

The Greens consider exploration of further harm minimisation measures critical (Recommendation 6).

- g) consideration of the duration and terms of licences for the various gaming activities post 2023; and**
- h) any other matters incidental thereto**

The Tasmanian Greens have raised concerns with the ACCC, arguing that contractual arrangements currently in place between the Tasmanian Government and the Federal Group are grossly uncompetitive and harmful to the Tasmanian community.

The Greens believe that the Deed of Agreement between the Tasmanian Government and the Federal Group breaches S.45 of the *Competition and Consumer Act 2010*, which prohibits any contract or arrangement that has the purpose of substantially lessening competition in a market.

In addition to the exclusivity delivered by the Deed, the Greens consider that the negotiations leading up to the Deed were carried out without transparency or due process. The Deed was signed, sealed and delivered before later being brought before the Tasmanian Parliament.

The ramifications of this lack of competition, transparency and due process have caused significant social harms as well as an estimated \$136 – 156 million⁷⁰ in lost revenue the Tasmanian Government could have secured had it engaged in a public process, such as those employed in other jurisdictions.

Over the years, the Federal Group has made \$152,625 in donations to both Labor and Liberal parties in Tasmania.⁷¹ This includes a timely \$15,000 donation⁷² just one month after the Liberal party advocated for a \$1 bet limit, in November 2009.⁷³

Federals' investment paid off. The Tasmanian Liberals have been deafeningly silent in this space and, in fact, voted against a Tasmanian Greens' Parliamentary motion to introduce a \$1 bet limit in 2013.⁷⁴

The Greens believe that the history of large donations to both parties has all the hallmarks of crony capitalism.

We believe with this history as a backdrop, any sovereign risk argument posed is laughable and dishonest, given the long-term advantage that has been awarded to Federal Group through this secretive, uncommercial process.

Recommendations

1. Electronic Gaming Machines (EGMs) must be removed from pubs and clubs in Tasmania.
2. The content of Social and Economic Impact Studies needs to be revisited, with consideration given to ensuring data comparability between reports.
3. At a minimum, the Greens believe the following should take place
 - a. Current licences need to be revisited with a view to reduce EGM levels in highly saturated communities.
 - b. Councils must be empowered to make decisions about EGMS in their communities, including community limitations on both EGM numbers and licenced venue numbers.
 - c. Any tender process must place a strong emphasis on reducing social harms, referencing bidders who voluntarily adopt effect harm minimisation measures, which are conditions of the licence and are actively monitored for compliance.
4. Casinos should be required to contribute EGM profits towards the Community Support Levy. There is no argument for casinos to be exempt from the CSL.
5. The Committee is advised to explore the resource redistribution effect of EGM and gambling revenues with a particular focus on the money withdrawn from highly saturated communities relative to Government investment in those communities, as well as proposing a way forward.
6. More effective harm minimisation measures need to be explored including, but not limited to, \$1 bet limits and pre-commitment measures.

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From: Cassy O'Connor
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To: fgm
Cc: Thomas Whitton
Subject: Tasmanian Greens' Submission to Committee
Attachments: TG Submission to Joint Select Committee on Future Gaming Markets_071216.pdf

Please find attached.

Warm regards,
Cassy.

