

**GAMBLING INQUIRY  
PRODUCTIVITY COMMISSION  
DRAFT REPORT  
OCTOBER 2009  
CALL FOR SUBMISSIONS**

Gambling Inquiry

Productivity Commission

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Collins Street East, Melbourne VIC 3000

Australia.

17th December 2009

Dear Commissioners,

Thank you for the opportunity of making an individual citizen submission to this Productivity Commission Gambling Draft Report 2009. It is written in letter form. I have limited my questions and comments to poker machine gambling as they affect the poker machine gambler as a consumer in society.

As Founding Victorian Representative and National Vice President of Duty of Care Inc. (est. 2004) I have regularly mentored and advocated on behalf of problem poker machine gamblers and their family members over recent years. My own background includes a Bachelor of Education in Human Health and Consumer Management. I have had 17 total years of experience in the "pokies gambling" field as a consumer, harmed gambler and gambling consumer advocate.

Whilst for me the Gambling Draft Report 2009 contained glimmers of hope that many long-standing problem issues relating to poker machines were finally being acknowledged, I was disappointed that the harms associated with poker machines were at most times strongly countered in the report, with other factors that have been apparently seen to be more important, in weighing the harms / benefits of poker machine gambling. Too little evidence and too much assumption underpinned many of the counters to findings in the report, in my opinion. My own questions remained largely unanswered. I saw a continuation of abject greed and weak government management in many aspects of the report analyses and discussions.

The Gambling Draft Report revealed glaring lacks in our government approach to handling of citizen safety, gathering of tax revenues, allocation of public spending and government management of giant business. The underlying issues that impact upon poker machine gamblers that have prevented good consumer safety reforms,

have not been addressed fully by governments to date nor have they been given sufficient weight, as bases for new government poker machine gambling policy.

Such presumably 'value / benefit' aspects of poker machine gambling such as 'more jobs' may not be so valuable as was suggested when compared to the better known loss of jobs via other industries that are choked by poker machine gambling. Our reliance upon 'increased revenues' from pokies has not been adequately examined to find less costly alternatives to meeting of government fiscal needs via alternative and more equitable taxation or reallocation of public resources.

There is a growing community concern as to whether the obscene amount of money raised in gambling via taxes is ethical, given that the majority of Australians seems to be benefiting unfairly, largely 'for free' if the government report is to be believed, from a pursuit that kills and harms unknown numbers of Australian people and their families annually. This aspect and what to do about it in future was not explored enough. Is Australian government superannuation still invested in Australian poker machine gambling companies, for instance? That is a worry for the credibility of this inquiry and for Australians if it is still so.

The following questions also need to be addressed, in order to answer the issue of poker machines and the harms that they undeniably cause in Australia. They might be outside the limited scope of this inquiry but if we are truly seeking genuinely useful community answers to problems raised via the Gambling Draft Report, they deserve more 'grass roots' discussion. If not via this inquiry, they yet require solid public amplification and consideration to fix the deep-seated, fundamental reasons why we still cannot control poker machines more safely in Australia, to prevent citizen harms.

1. Could our Australian governments educate Australians that we now must pay more for the cost of our own lives, via different taxes rather than to rely upon gambling revenues, so heavily as in the past? We surely should no longer rely so strongly upon 'tragedy money' from legalized poker machines ( or tobacco or any other potentially dangerous habit ) to finance our increasingly unaffordable lifestyles? Too often we hear "Oh the government HAS to have pokies....otherwise it would not survive", to explain any ineffectuality. However have we examined that statement to see if it is universally true and / or what might we do about that situation to change it in future, if it is true?

2. Have we considered that the costs of too many governments in Australia might also be reduced, to alleviate tax pressures? A growing public call for abolition of state governments is increasingly evident. Has the public been made aware that we might reorganize government to save billions of dollars annually, since

technologies have now made that path possible and logical? Where might our governments reallocate our public money to make us less reliant upon such dangerous sources of revenues, as poker machines? Do we need three levels of government in 2009 and beyond? Can our government costs be brought way down by removing state governments? Not an easy concept but maybe possible and desirable?

3. Why do we ignore applying the laudable Precautionary Principle to poker machines, for example? Is it perhaps because our governments do not want any poker machine reform to work too well? Why are we placing such high demands upon some evidence yet not on other evidence in the poker machine argument?

4. Why can't our governments educate us all much better to the idea of paying higher taxes all around, rather than to allow one perhaps unscrupulous gambling industry to bleed our people and our communities dry, while we all then supposedly enjoy the extra tax money that also kills the life chances and economic security of so many addicted, albeit unknown numbers of unfortunate, less powerful Australian people?

5. Why can't governments tell citizens and tax payers..."OK enough is enough...We are now all going to have to find more tax money elsewhere, because we are not going to glean taxes from dangerous gambling behaviours any more. Instead, in the interests of our children and all Australians who must bear the harm costs of pokies, we are going to ban poker machines (at least in local neighbourhoods) until we can be sure that they are safe for all ordinary people to use." Why indeed are we deferring such a seemingly responsible statement? Are governments afraid that they will be ousted? Who are we pandering to here?

6. Why have findings from Western Australian data been so little heeded? Yet we say we need more research? Could we simply be asking the wrong research questions? Or avoiding finding answers to them altogether? Maybe. The report is too swift to excuse its "imperfect evidence".

7. Are our governments quite so lacking in expertise, as to admit now that we still know too little about the pokies problem that has now killed people and harmed children for nearly two decades? Or could it be more true that the whole pokies issue is like a volcano, ever about to erupt and the government is trying to quell a growing surge, to appease one powerful sectional interest? The Gambling Draft Report indeed clouds the poker machines issue somewhat by making it part of a wider, less impacting report on gambling. Is that to defuse the pokies' problem and to mask it? If so it could be most misleading. Poker machine-relevant issues are often headed under 'Gambling' rather than 'Poker Machine Gambling' in the report. The reckognised added problems caused by poker machines surely deserve an

additional and separate inquiry?

8. Have we got the 'evidence' to prove that poker machines are indeed 'enjoyable' to most people who play them? Governments say that 'evidence' drives change, but if we never go and find that evidence, how can we change either public attitudes or public situations? Have we run enough, nation-wide large scale anonymous research of pokies gamblers to ask what proportion truly 'enjoys' it, for example? I doubt that has been done, yet this Draft Report presumes gambling enjoyment, as if it is a 'given' that justifies the harms that we see derive from poker machines. It seems that so long as benefits are outstripping costs (are they surely?) then pokies are OK. Is that the right way to address this issue? Should government demand clear evidence of pokies cost and harms, yet also provide little or no precisely accurate evidence of benefit? Good initiatives for poker machine gambling reform are swept away with objections that maybe are inaccurate or which are assumed, not proven? For example is the government sure that the poker machine product is safe for normal use? On what grounds could that claim be based? Why are poker machines dealt with differently to other normal consumer products that are considered to be dangerous?

9. Can the report commissioners merely accept that we will never truly know the full extent of the pokies gambling problem, as if that is a legitimate and acceptable limitation upon the findings of the Draft Report? When do we say that such comments are irresponsible in this academic, high technology age? Whilst precision may be impossible, we could yet be a lot more precise and to accept less could be negligent? Have we really learned so little over almost two decades, that provide a ready excuse for the lacks of this inquiry report?

10. Why is it that good initiatives that are relatively inexpensive, are ignored or not widely advertised in Australia? For example, problem gamblers have expressed keen support for an anonymous interactive, online forum-type problem gambling chat help-line, like the one in the UK run by [www.gamblingtherapy.org](http://www.gamblingtherapy.org). Recently, our Australian gambling care sector launched [www.gamblinghelponline.org.au](http://www.gamblinghelponline.org.au), but it has no chat forum for people to anonymously share their experiences, outside contact directly with the counsellor-driven help sector. Similarly, why does our new government site not have links to other sites like [www.gamblingtherapy.org](http://www.gamblingtherapy.org)? That UK site is written in multiple languages and even if we can't do an online forum here, can't we tell people about it being available in the UK, at least? Our people may at least access that site? Where is international cooperation? Transparency? Could we consider a wider marketing program for use by poker machine gamblers, to avoid addiction?

11. Who is not listening to people, here? Why must all problem gambling help travel via a counsellor, vertically, when problem gamblers should be used as

mentors, wherever possible? Mentoring in all professional fields is considered invaluable, irreplaceable 'first hand' experience but that tool is ignored for poker machine problem gambling management. Qualified problem gambling mentors exist but are rarely asked for their opinions in Australia. They certainly are not visibly employed in problem gambling counselling services. Why not? Have governments considered the value of allowing 'grass roots' problem gamblers to undertake research independently and to fund that research with government money?

12. Why are we ignoring our legal responsibilities for so long regarding the need to provide consumer receipts? The Draft report alludes to the importance of consumer receipts yet it is also noted that Victoria is the only state to have protective consumer law specifically, regarding how receipts must be issued, as if that excuses away the need for a consumer receipt, just because other states don't have laws covering it? What is driving our consumer reform division? Exploitive industry and government or sovereign consumer citizen wish and safety?

13. What standards of consumer information and protective policy are being applied for poker machine consumers? When will 'best practice principles' be applied for consumer law or will new nation-wide Australian consumer law leave that specific part of the Victorian law out [Fair Trading Act Victoria 1999, Sec 161(a)], to create an embarrassing but convenient loophole, to avoid making the gambling industry provide automatic pokies receipts? Will new laws leave consumers less protected, to suit one irresponsible industry? Another excuse for not providing automatic receipts was given in the report that consumers rarely ask for them. Why is that exactly? Is that answer acceptable in consumer protection and rights terms, or is it a government regulatory cop out? Are poker machine gamblers considered to be lesser consumers, less worthy of being educated to record their spending and to have budgets? Should not poker machine gamblers be taught to use a budget, to provide improved consumer safety? They should be warned to get a receipt for spending, to avoid addiction. They cannot be warned because the system is absent. The government has failed poker machine gambling consumers, nothing less, and seems intent upon continuing to do so for some time.

14. Have we researched these and other assumptions of the report that eg. the cost of issuing receipts may be prohibitive? If venues can have loyalty cards for some gamblers, to give spending statements, should it not be reasonably easy to introduce a 'loyalty card' to cover multiple venues? The majority of problem gamblers who were surveyed via the inquiry said that spending records of gambling would be a great help in reducing gambling harms. So why are pokies receipts not asked for? Would that not suggest that if people do not ask for receipts then maybe there is a good reason, such as the receipts are too hard to get and no pokies consumers know that they are available? Exactly how many pokies venues

display the receipt notices visibly whilst open, for consumers to know that a receipt is possible? However, why are the poker machines not providing automatic receipts that our Victorian law does demand? Pokies have been 'legal' in Victoria for nearly two decades. Yet the commissioners have deduced that receipts for poker machine gamblers may not be warranted? On what hard consumer-based evidence is that decided? Is it meaningful to rely upon gambling venue report that gamblers rarely ask for receipts, when nobody knows of the service that at best is destructive of the consumer recreational experience and besides, such consumer request should not be expected? Should we listen to venues more than gamblers, to avoid harms that surely continue much from consumer ignorance, as result of these undesirable / shonky (?) standards of practice? The Draft Report raised the point that venue loyalty card programs provide spending records, presumably to negate the need for receipts or spending statements, but the report failed to note that relatively few pokies gamblers use the loyalty programs and besides, the programs only cover one venue, as was acknowledged. Ultimately the report findings defined receipt / spending statements in terms of 'cost'. But what 'cost' was considered in not providing consumer spending receipts, in safety and consumer rights term? Is it logical to examine 'cost' without examining the ability of a wealthy industry to afford it? Such facile argument in the report was worrying. What rubbish is being fed here to the commissioners to allow them to suggest that poker machine safety reform should be 'elective' or 'cheap enough', to be delayed more since some pokies venues already provide loyalty programs that may give statements of spending, yet are little used by the gamblers who might need them most? What are we presenting and promoting here...a series of industry marketing tools to drum up repeat business, being dressed up as bandaid gambling consumer safety fixes? It is dangerous stuff for consumer safety if such logic is allowed.

15. How can the report commissioners decide that protective self-limiting or spending data-recording consumer tools should not be mandatory for all poker machine gamblers? Counsellors, ex-problem gamblers, pokies gamblers and their families have called for statements of gambling spending to be introduced, to be accessible for gamblers to show their true gambling spending, together with self-limiting technologies that may be controlled by the gambler. Does the problem of public harm not warrant that initiative to be introduced as a mandatory safety measure? The obvious consequence of not making a safety reform tool mandatory is that a vulnerable person will often avoid using the tool. Is that efficient?

16. Dare I say still that a 'smart card' should be introduced without apology? Why are poker machine gamblers who are known to cause harms to themselves and innocent others, allowed to opt out of such a self-limiting initiatives as having a spending limit, a 'licence card' or a record of their gambling spending? Why would such measures not be mandatory, when problem gambling might also be avoided

by using such self-limiting technologies and cards? Why are harmed families denied the tools to help them to preserve family assets, upon the whim of a relative who is sadly addicted or a potential gambling addict? Given the social costs, why is the right of the individual upheld here as a priority, over common sense safety rights?

17. Why cannot poker machine gamblers be treated just like vehicle drivers or others who engage in potentially harmful pursuits? No such choice exists for a driver who wants to drive a car, as to whether he wants a licence or not...or car lights? Nor may a weekend fisherman elect not to have a fishing licence. Why can't poker machine gamblers pay for their own 'smart cards' if that is the sticking point on introducing them? Why indeed cannot poker machine gamblers be educated to the harm they cause communities, so that they must pay for their own gambling licences? It is too easy for government to shy away from using the word 'licence', as if that is nannyish, when in fact the 'licence' might also reduce revenues. Without doubt we need gambling licences and that will not happen whilst government denies its own ulterior motives for ignoring that logical call.

18. Are the commissioners so sure that the rate of problem poker machine gambling is dropping? Why is it that statistics may be given, for example, regarding bankruptcies from gambling, yet it is not explained that our bankruptcy laws also have altered to much reduce bankruptcy cases, to deflect into 'debt agreements' instead. Any apparent drop in gambling-related bankruptcies may not have been caused by reduced problem gambling rates at all. Where are readily available public statistics for gambling -related crime, divorce, school truancy, mental illness? Doctors and other professionals apparently are not obliged to report these issues, so how can we so assuredly deduce that problem gambling rates are declining? More to the point we do not demand that government collects more accurate and clear data from community agencies. For example, do we keep accurate figures upon how many human services clients eg government funded pensioners have poker machine gambling problems? What right did government truly have to allow pensioners to waste so much of the 2008 stimulus package upon pokies gambling? We cannot ask that public question easily yet tax payers have the right to better dictate how and where public money is spent. Often they cannot get the correct information that is required to make for more equitable change. Nor are hard 'gambling cost' statistics widely media-reported. What percentage of a policeman's time is taken with answering pokies gambling-related police calls? Do we know that answer readily?

19. The Law Institute of Victoria apparently was able to negotiate successfully, privately with Crown Casino after a lawyer rifled his trust fund to gamble. Presumably that was one person who thus escaped criminal punishment or jail for gambling-related crime, perhaps unfairly? So why have we got other previously



decent, well-educated people who have succumbed to poker machine gambling problems littering our jails, when the Victorian Law Institute was no doubt able to create enough legal doubt to persuade Crown Casino to repay money lost via the trust account, as a private settlement? Could it be that our laws are being usurped for the benefit of a greedy industry or others who might not want to see problem poker machine gamblers win court cases? Viewed objectively our casinos should have a duty of care. Problem gamblers often should be able to win cases, but the judges decide against them. Who is being protected here? Why also are some lucky government employees who have committed crimes eg theft from post offices as result of gambling addiction not been charged, tried and jailed, unlike others who stole money equally from other employers who were charged? Are governments thus hiding its own gambling-related crime? What murky stories about poker machine related theft are kept secret by governments, that lulls the public into complacency? To silence? To passive acceptance of pokies?

20. Does it sadly suit too many people NOT to fix the pokies' gambling problems? Is that why nothing is done and why reform is delayed? Is this report just a smokescreen yet again? Another huge waste of time and public money? Any good reforms that are supported by those who know best, problem gamblers, are delayed, watered down and are thus rendered ineffectual. So again we turn a blind eye, pretend to address the problems of poker machines harms, so long as nothing really changes. Is that the bitter truth?

I challenge government via this submission to do a national TV Poll, for example, to better discover anonymously a likely number of harmed / problem pokies gamblers, together with a likely number of people who are adversely and indirectly harmed by poker machines. Other salient and urgent questions may also be asked of the public. Then we may better know the true extent of the problem of poker machine harms. The cost of that exercise would be a lot less than the cost of these endless inquiries and small, limited studies, that we are then told are still inadequate. In all of the poker machines gambling issue, the public has rarely or never been truly consulted at a nation-wide, anonymous level. When it was asked, by local governments, the embarrassing results were quickly covered and ignored. How much must any community complain, to be fully heard?

The very formal format of this submission process alone ensures that the 'public secrecy' situation will continue. Government will forever be largely ignorant of the public perception or extent of the problem...and the greater mass public will be forever largely unaware of what to do about its misunderstood plight regarding poker machines, until the whole ugly issue is genuinely and openly discussed. More open community discussion is required for example, regarding how we can have such a conflict of interest as one ex Premier being Chairman of BeyondBlue, as well as being the President of a major football club that promotes poker

machines. Why is that inconsistency ignored by government, who no doubt funds BeyondBlue? It is insulting to public intelligence. The average man in the street who perhaps cannot write at 'academic' level, nor type formal submissions has sneered at that sort of 'double speak' and government-endorsed behaviour, so his views have not yet been fully heard. Public meetings at local level are required nationally, to find the answers to the issues that currently remain 'imprecisely known'.

Government must take the steps to do the 'hard yards' to change public perceptions....to educate our adults that we must not all rely upon poker machines so much financially. In future we must learn to pay for ourselves another way, with higher taxes if needed. THAT is the message that must be sent but governments are too scared to send it, in my opinion. Meanwhile governments get donations from the gambling industry. It is a disgrace. The poker machine gambling industry pays way too little back for what it gleans and destroys. The submissions that were received from service and charity-based clubs, to declare how much they needed gambling industry support were a joke to me. It would be interesting to know how long they have each received gambling funds and what measures they survived upon previously. The submissions did not all make that clear.

We need governments who look after citizen survival much better than their own survival.

We need respectable research that is paid for by unshackled, independent governments and independent agencies, via unshackled academics of high standing. We do not need spurious research to be dished out, from questionably independent 'career academics' who are funded by a wealthy, manipulative industry such as the gambling industry, in order to carve their research names. It is too easy to do limited, ineffectual research that only calls for more research and says little, if better investigation methods like good old democratic community consultation might suffice more adequately and more cost-effectively. Rudely put but that is the crux of it, for me. The 'business' end of our research requires investigation.

We need logical and ethical public policy based not upon expediency and sectional gain, but upon honest 'best practice' with an undertaking that consumer safety must be sovereign. Always. Our new gambling help site [www.gamblinghelponline.org.au](http://www.gamblinghelponline.org.au) contains glaring policy inconsistencies regarding consumer receipts for example. The site bravely declares that consumers should create a budget to avoid gambling problems. However that stance is in direct conflict with the fact that no pokies consumer can possibly know what he has spent, so cannot monitor his budget, since poker machines provide no form of

spending record or receipt for spending. The online help site is thus very much full of waffle and 'hot air'. Designed to 'look good' only it seems, if its scope is limited and if it therefore remains impossible to execute and therefore under-utilized by those who need it most. Problem and At Risk poker machine gamblers.

This well intended online gambling help site has little hope of being fully effectual for people with problems with poker machines. We need such government-backed initiatives that will genuinely help problem gamblers, by helping to get harmed gamblers and families to 'come out of the shame closet'. Our new government online help site that should be a great tool to help problem gamblers lacks the one significant tool that would help problem gamblers to overcome their shame. It has no inter-active chat line, no public forum where a shamed gambler might access and learn, without disclosure to anybody at that stage, least of all a counsellor. We must ask more probingly why 85% of problem gamblers do not use help services. The report calls for that figure to be vastly reduced. However when we examine the other measures that are not undertaken to prevent pokies gambling harms, that are given with all sorts of excuses, the call for reform to increase problem gamblers 'in help' sounds hollow.

Though the Gambling Draft Report refers to such areas that must be reformed, the report does not seem to push for reform so much as to make it appear that the issue of pokies has been addressed, when clearly it still has not been addressed enough to reduce those harms that do stem from poker machines, by observation if not from research-backed evidence. Whilst there are some good points that the report commissioners tried to raise, I feel that they were possibly ham-strung in giving full details of recommendations in their report. I feel that the commissioners were encouraged to try not to 'rock the boat too much', behind the scenes. It is the only explanation that I can find for the paucity of argument at times.

A call for more protective statutory legislation for example, does seem most necessary for people who are harmed by egregious venue behaviour, but the report seemed to 'tuck that bit in' when in fact we need a full scale investigation into the ways we deal with gambling-related crime, sentencing and apportionment of blame in human rights and consumer protection terms for poker machine gamblers. If anything the methods of raising and dealing with consumer-related legal grievances have been reduced rather than expanded. For example that very questionable Independent Complaints Resolution Process that was administered by The Victorian Gaming Machine Industry Secretariat was rightfully abolished, but at least it was there for consumer use. There has been no equivalent but more independent consumer complaint agency initiative apparently, that seems to have replaced it. In 2004 VCAT informed me that poker machine gamblers could take a class action via that source. I was then told in 2008 that class actions may not be commenced via VCAT. Why was that policy altered, if true? What other public

pathways have been created to allow for class actions for harmed gamblers?  
Exactly what sort of consumer legislation is morally required?

Sadly for me these questions that I have raised still remain much unanswered after the Draft Report. They are not all within the scope of this inquiry perhaps, yet they still must be more widely discussed if poker machine gambling harms are to be prevented. Whilst the Gambling Inquiry Draft Report provided some good information, it really was very short on provision of clearly evidence-based and effective pathways, to find reliable effective answers.

At the end of the day how much further ahead are we in creating a safe environment for poker machine gamblers, their families and other citizens who lose much as result of poker machines? It seems like the inquiry could be much like our other research...it highlights lacks rather than having obtained accurate information? That is the real waste for me, that so much money has been spent to discover that after so much previous spending, that government still knows so little about poker machine gambling and its implications for Australia, to finally "Get it RIGHT?"

Thank you and I look forward to discussing these matters further at some stage in future, if the government will allow it via hearing consultation or other means.