

Gambling in Australia: are we balancing the equation?

Gary Banks
Chairman
Productivity Commission
(www.pc.gov.au)

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- I am grateful to ClubsNSW for inviting me to be the keynote speaker at today's conference.
- ClubsNSW was an active participant in the Productivity Commission's Inquiry into the Gambling Industries in 1998-99.
- My assigned task today is to look at developments since then.
- The last time I did that was in November 2002, in a paper titled "The Productivity Commission's gambling inquiry: 3 years on". This time, a *further* 5 years on, there was no opportunity for in-depth research
 - so my observations will necessarily be more tentative and "impressionistic".

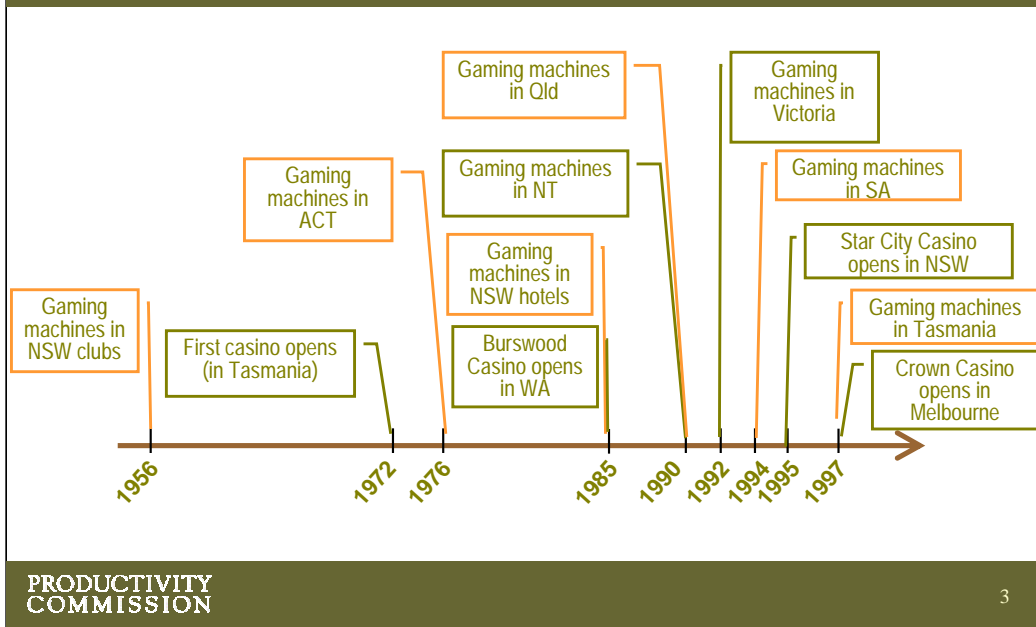
An industry 'in balance'?

Delivering the greatest **net** benefit to the community

- ▣ *taking into account the social costs.*

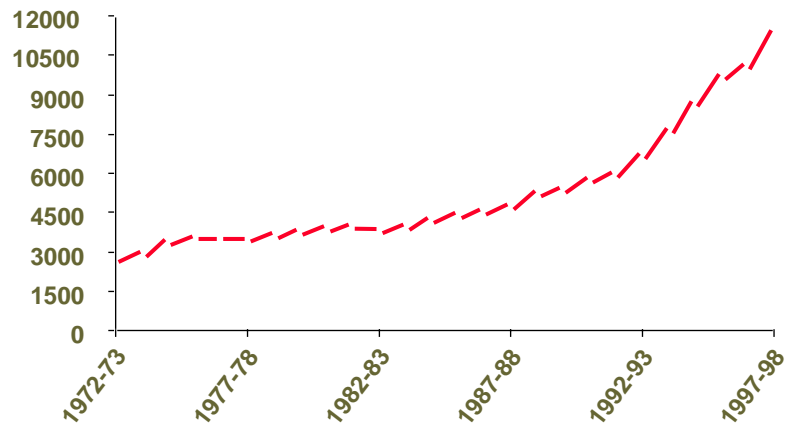
- Gambling is a part of Australian life and many people derive enjoyment from it.
- However, unlike most other leisure activities, a minority of Australians (and their families) suffer considerable anguish and hardship
 - more akin to the experience with alcohol.
- A 'balanced' industry and policy environment must therefore take both sides of the equation into account.

A chronology of liberalisation



- For many years, licensed gambling was limited largely to racing and lotteries.
- NSW was an early pioneer with poker machines (in a club environment); Tasmania established the first casino well ahead of other jurisdictions (a highly contentious initiative).
- Gaming machines were liberalised in most states in the 1990s (other than WA).
 - In the same period, casinos spread to all capitals.

Rapid growth in spending



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- This liberalisation of legal gambling saw exponential growth in gambling expenditure and in the size of the industry through the 1990s.

An increasingly alarmed community

THE ADVERTISER
Sat 12 December 1998

Gambling linked to crime

By NORMANLY
UNIVERSITY OF SA
research has revealed a
strong link between
compulsive gambling and
criminal activity.

A study of 100 new inmates
at Adelaide's State Prison
has shown 35 per cent
had been convicted of
crime linked to gambling.

The study's supervisor
said the findings were
"quite shocking".

He said the study showed
that the problem of
gambling was a major
factor in the new
inmates' criminal
records.

**More women take a punt
on personal problems**

TRUDY HARRIS

PROBLEM gamblers increasingly were
women who turned to poker machines
to relieve their boredom and
loneliness, the Australian Medical
Association has warned.

AMA says the growing number of
problem gamblers throughout
the country threatens to increase family
violence and crime.

The AMA's concerns
were a submission to the
Commissioner's national
survey, ordered by federal
Attorney-General
Daryl Williams.

LOSING STREAKS

A 58-year-old woman lost her home
was sentenced 15 months in a
prison last month for defrauding the
Department of Social Security of \$5
million in bingo and poker machine
payouts.

A woman tried to commit suicide
stealing \$45,000 from her employer's
poker machine habit. The woman
appeared in a Sydney court next week.

Source: Sydney Daily News

**Teenage scourge:
punting on the Net**

By MARK LUDLOW

Home gambling on the Internet
should be banned, a Productivity
Commission inquiry was told yesterday.

The inquiry was part of a
broader investigation into the
social effects of gambling.

Help plea for young gamblers

By GEMMA DALEY

Most problem gamblers
start their addiction between
the ages of eight and 13, an
inquiry into the social effects
of gambling was told yesterday.

The Tasmanian Council of
Social Service has called on
the State Government to pour
resources into educating children
on the dangers of gambling
in light of the revelations.

Tasmanians spent almost
\$64 million on gambling last
financial year, a rise of more
than \$10 million on 1995-96.

TASCOSS has also called for
a moratorium on lifting betting
limits on gaming machines and
banning automatic

**Pokies rival
drink, drugs
for addicts**

By JON MARSH and AARON
MARSH

machines - someone has got to
take a stand.

problem gambling, a
the Australian Institute
of Health research found.

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The Examiner (Launceston)
December 15, 1998
Page 6

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- But a 'dark side' to the industry's success story began to emerge.
- And community groups became increasingly vocal
 - especially in Victoria and South Australia, where liberalisation had been most sudden and extensive.

The Productivity Commission's 1998-99 public inquiry tasks

- the nature and participation profile of gambling?
- the economic impacts of the gambling industries?
- the social impacts of the gambling industries and the cost and nature of support services to address it?
- the effects of the regulatory structures?
- the implications of new technologies (such as the internet)?
- and
- the impact of gambling on government budgets?

- In August 1998, the Commonwealth Government asked the newly (re)created Productivity Commission to conduct a wide-ranging public inquiry into the economic and social impacts of the industry, and its regulatory structures.
- The announcement took the industry and state governments by surprise.
- But this contentious area of policy was generally seen as a good fit with the Commission's role as an independent policy advisory body with a strong research capacity, transparent processes and a community-wide perspective.

Extensive public and industry interaction

- 60 on-site visits
- 320 submissions
- 6 roundtables
- 3 national surveys
- Draft report
- 2 rounds of public hearings (all capitals)

- No such wide-ranging national inquiry had ever been conducted before
 - a learning curve for stakeholders accustomed to more limited and less 'open' reviews.
- The Commission ensured that all stakeholders or people with an interest could have a say, including in public hearings around the country, and many did.
- We also sought specialist advice on key issues, such as the nature of problem gambling and survey methodologies.

The key findings in 1999

- A large and growing industry
- Substantial benefits to 'consumers'
- But social costs also large and could exceed benefits
 - 130,000 severe problem gamblers
- Problem gamblers accounted for a large share of total expenditure
 - 2.1% of population ➡ 33% of industry revenue
- Gaming machines ('pokies') the biggest reform issue
- Poor industry practices and poor government regulation contributed to poor outcomes

- Our findings got the nation's attention
 - they were not all new, but may have had more impact on public opinion and debate because of the Commission's independent status (and the acknowledged thoroughness of its research).

The key recommendations

- Improve 'consumer protection' measures to ensure informed consent and reduce problem gambling
 - *better information*
 - *controls for gamblers*
 - *stronger regulatory restrictions on revenue and games*
- Monitor and evaluate counselling services and approaches
- Reform policy-making processes and regulatory governance
 - *need an independent regulator of all gambling forms.*

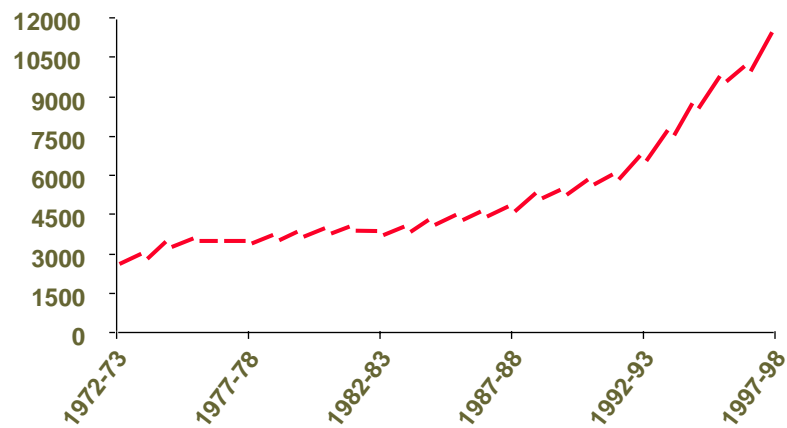
- The Commission considered a range of measures that could reduce the social costs of problem gambling, while preserving benefits to recreational gamblers
 - the key to good ('balanced') public policy in this area.

My 2002 'update'

- Considerable progress had occurred since '99
 - *greater recognition of the problems*
 - *many 'harm minimisation' initiatives*
- But unclear whether social costs had moderated
- Major policy deficiencies remained
 - *Some priorities identified for governments*

- The bottom line in my 2002 paper was that we appeared to be moving in the right direction, but had some way to go
 - particularly in trialling and implementing more effective harm minimisation measures, and improving regulatory governance.
- In today's presentation I will give some personal impressions (no more) as to what further progress appears to have been made.

Exponential growth in spending

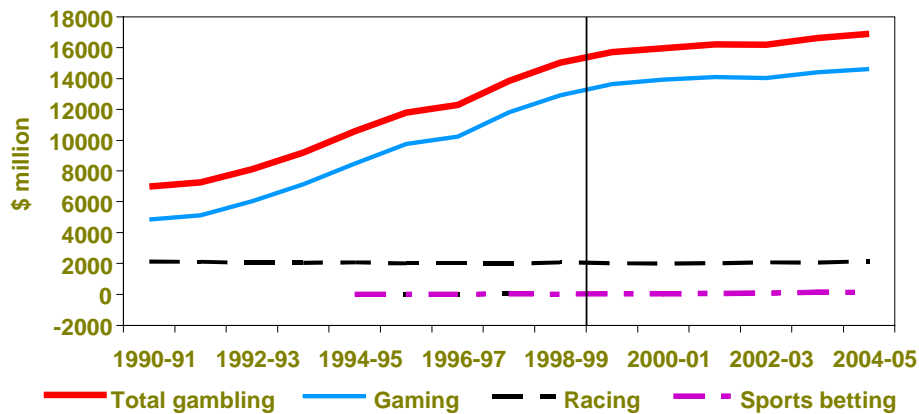


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- First, what has happened to the size and composition of the gambling sector? Do recent trends tell us anything?
- Recall from the earlier slide (above) what the picture was prior to the Productivity Commission Inquiry in 1998. Extrapolation of this growth trend would have seen gambling become our largest industry.

Expenditure growth has slowed

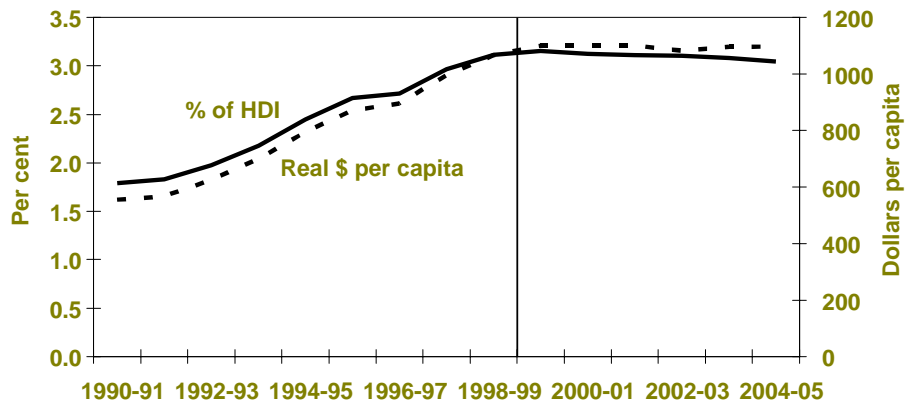


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- Fortunately, or unfortunately, depending on your point of view, that has not eventuated.
- Indeed, industry growth has decelerated sharply since the Commission's inquiry
 - For example, in the 6 years since 1998-99, annual expenditure grew by \$1.5 billion (2004-05 dollars), compared to growth of \$6 billion in the preceding 6 years. (It totalled \$18 billion in 2004-05, or around \$1100 per adult p.a.)
- The growth that did occur was almost entirely in the gaming sector (more specifically poker machines, as shown later).

Per capita spending has plateaued too

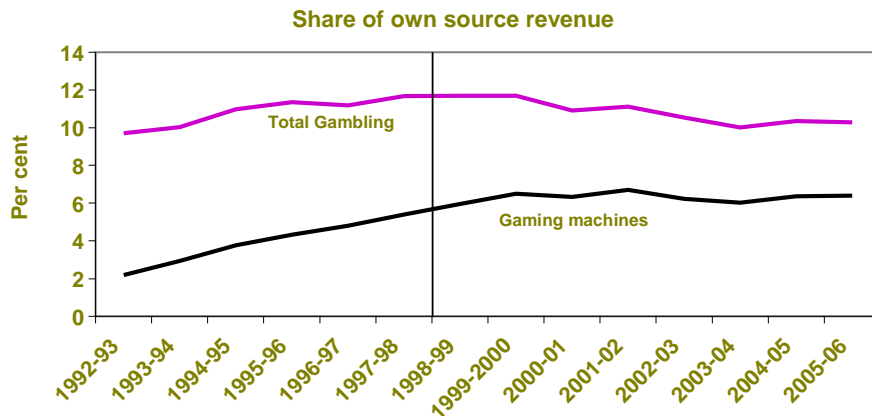


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- This is also reflected in real spending per (18+ year old) person, which has been flat since 1998-99.
- And gambling expenditure has actually declined as a proportion of household disposable income since 1998-99
 - in contrast to the strong rise before that (peak) year.

Tax share from gambling also affected

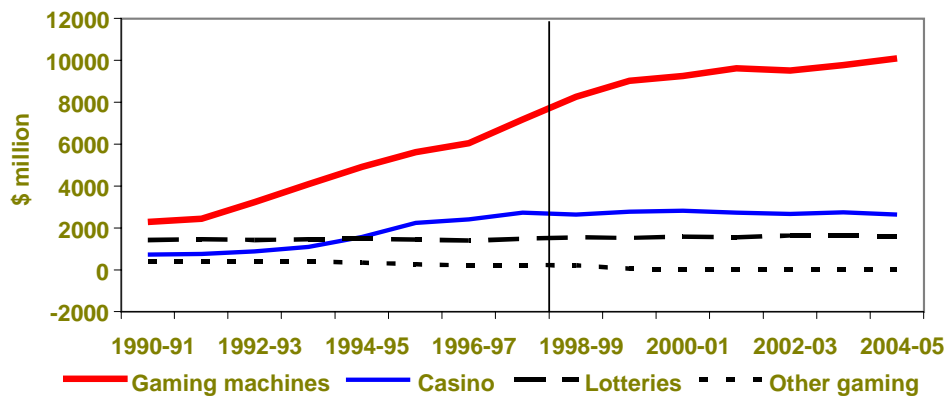


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- Taxation of gambling, being related to expenditure, has seen its previous strong growth arrested, with tax revenue from gambling as a share of all State taxation declining in a number of jurisdictions (particularly Victoria), though holding up in NSW. (Note however that some other taxes have increased eg payroll tax and stamp duty, which may have contributed to the declining share of gambling taxes.)
 - The share from gaming machines continued to rise in most jurisdictions, offsetting a drop in Victoria.
- In short, seen as a whole, the gambling industry today is not much bigger than at the time of the Productivity Commission inquiry.
- A deceleration was already apparent when I gave my NAGS talk in late 2002. While new measures to achieve 'balance' may have contributed to that, I thought it likely that we were mainly witnessing the maturing of the market (for pokies in particular)
 - But, since then, what we have observed suggests that more is going on than market maturation or saturation.
- Given that problem gamblers account for about 30 per cent of industry revenue, such a slowdown is likely to have reflected also the spending of that target group – a potentially good outcome from a 'balance' perspective.

Pokies dominate gaming expenditure

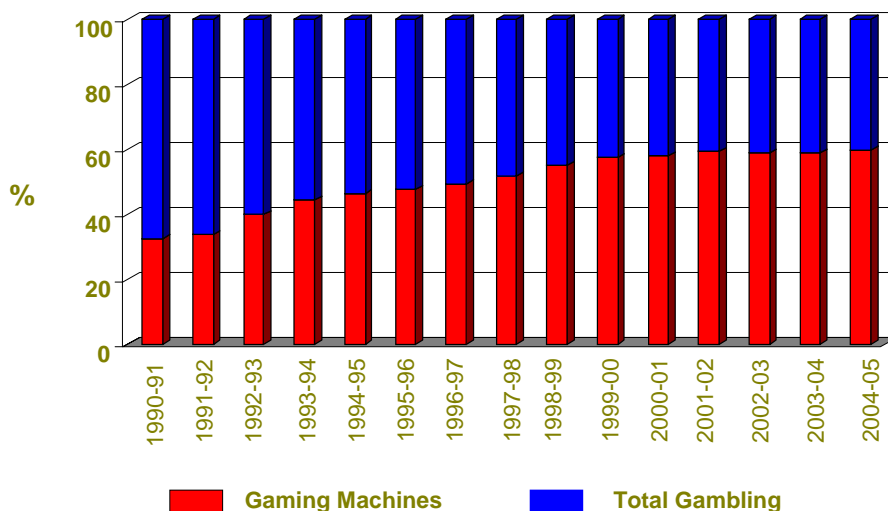


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- However, given that problem gambling has been particularly associated with poker machines, we should look at that market segment more closely.
- It is clear that since the late-1990s, the continued growth of gaming expenditure – in contrast to other gambling – has been entirely due to poker machines.

Pokies also looming larger in total gambling expenditure

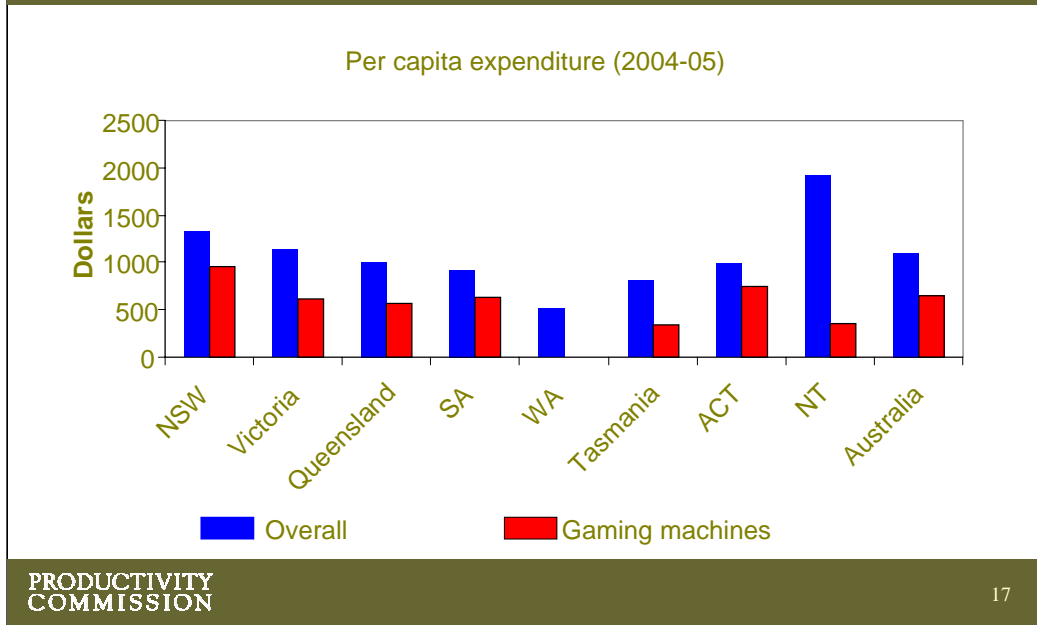


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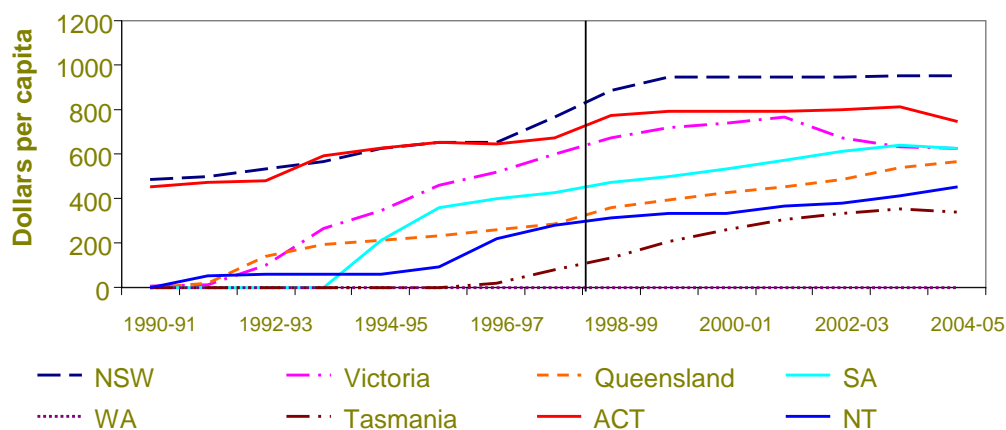
- Thus pokies have continued to expand their share of gambling activity
 - though this appears to be reaching a limit of around 60 per cent (double the share in 1990 and about 5 percentage points higher than in 1998-99).
- It is important to recognise that this is not a 'natural' market outcome, being ultimately constrained by regulatory limits on machine numbers (caps and cuts) and other regulatory (and self-regulatory) measures.
 - Gambling is, and has always been, a creature of regulation.

Gambling spending varies across jurisdictions



- This is demonstrated by the variation in per capita spending on gambling across jurisdictions.
- Australians who spend least on gambling are in the one State (WA) that has no poker machines (outside Burswood Casino).
- NT aside (where sports betting from outside the Territory distorts the picture), NSW has the biggest gamblers, reflecting pokie availability and spending.
- So the share of gaming machines – and possibly total gambling expenditure – could certainly expand further if access is widened or the other regulatory constraints were reduced.

Trends in (per capita) spending on pokies also vary



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- Trends in pokie spending also vary across the states and territories.
- Understanding these differences would require closer analysis, but will reflect a combination of normal market influences, and regulatory (and industry self-regulatory) measures.
- For example, the contrasting recent trends in Victoria relative to NSW and Queensland are of interest.
 - The drop in Victoria since 2002 could be at least in part related to smoking bans, whereas the maintenance of real per capita spending in NSW, despite some contraction in machine numbers, may reflect the reallocation of machines to pubs in 'bigger spending' locations (eg from country to city). That is, NSW machines are now being used more intensively on average.

Estimating 'prevalence' of problem gambling: some indicative questions

- Have you wanted to stop gambling, but didn't think you could?
- When you gambled, did you go back another day to try to win back the money you lost?
- Have you borrowed money or sold anything to get money to gamble?
- Have you gambled while drunk or high?
- Have you seriously thought about or attempted suicide as a result of your gambling?

- The continued rise in pokie spending increases the potential for problem gambling and its costs also to have risen since the Productivity Commission's inquiry. However, to really determine trends in problem gambling, the phenomenon needs to be measured more *directly*.
- That is hard to do – both to define it and to get accurate information on it. Symptoms are not readily observable as for physical conditions.
- Thus 'prevalence' studies are based on surveys containing questions about attitudes, behaviours and impacts (as above). The severity of problem gambling is then indicated by how many features or impacts are present – a continuum from "at risk" to "severe".
- Such an approach confronts the major difficulty of getting truthful and accurate answers to questions about 'bad' behaviour
 - eg we found that spending on gambling reported in the Household Expenditure Survey amounted to only one-fifth of the industry's revenue in that year!
 - and in a Productivity Commission survey of 400 problem gamblers in treatment, only 30% said they would have answered questions about their gambling truthfully prior to seeking treatment.
- So all surveys will underestimate problem gambling, however defined, and the Commission argued that it was more important to use comparable surveys over time to determine trends, than to focus on absolute numbers.
 - Has that happened?

Problem gambling survey results: apples vs oranges

- **NSW:** 2006 CPGI estimate (0.8%) *cannot* be compared with PC 1999 (2.5%)
 - adjusting it suggests *no* reduction in problem gambling
- **Victoria:** 2003 SOGS estimates do *not* confirm a reduction since 1999
 - methodological differences with 1999 SOGS
 - results inconsistent with 2003 CPGI estimates

- Coming to this again after 5 years, I had my hopes up. For example, I recalled the Victorian Government's claim in 2004 that problem gambling had been halved since '99. And in NSW, the Government and the industry made similar statements earlier this year, based on a more recent survey.
- On closer inspection, both claims proved unfounded.
 - NSW committed the bigger distortion, by comparing results from surveys using quite different methodologies
 - while in Victoria, the old saying in statistics "if it looks wrong, it probably is" seems to apply.
- Even using the same survey screen, very large samples are needed to get reliable estimates of the extent of problem gambling, given that its prevalence in the total population is very small.

Tasmania as an example

Year	Sample	PG Prevalence (%)
1994	1220	0.90
1996	1211	2.97
1999	800	0.44
2000	1223	0.90
2005	6048	1.41

- This is illustrated by the Tasmanian experience. Using the same survey methodology (SOGS), prevalence estimates since 1994 have gone up and down like a yo-yo.
 - The latest survey estimate, being drawn from the largest sample, should be the most reliable, but no trends can really be discerned from it.

Most consistent estimates are Queensland (CPGI)

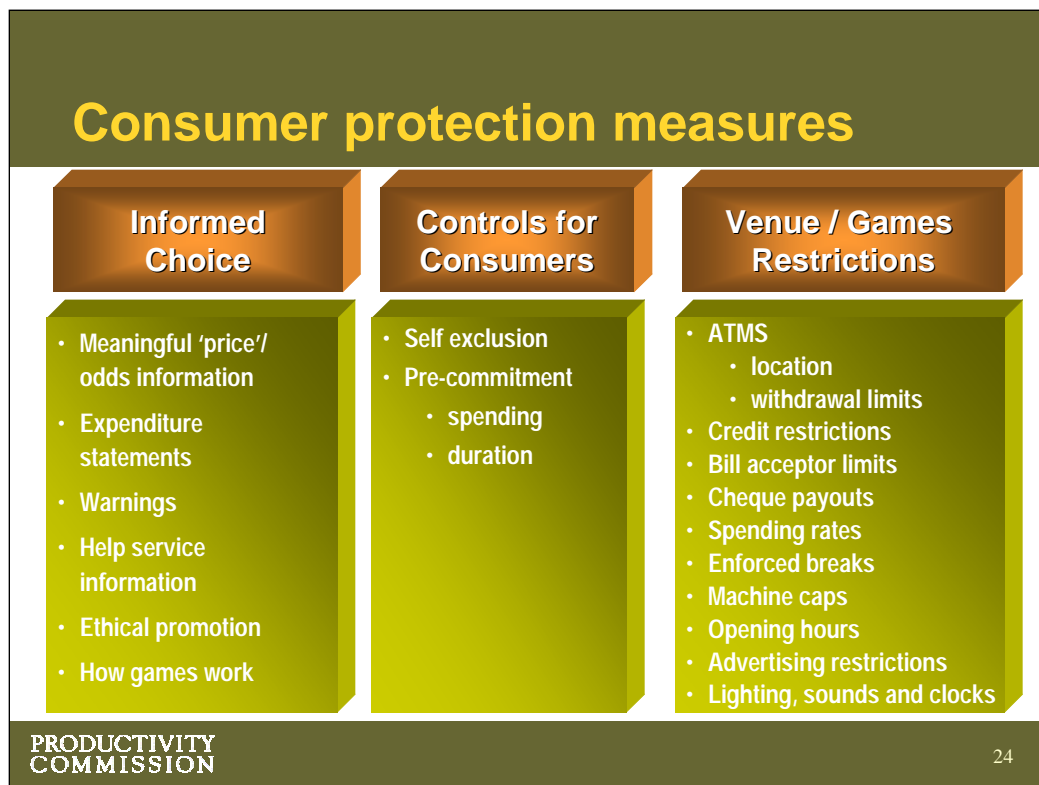
Year	Sample	"Problem Gambling"	"Moderate Risk"
2001	13082	0.83%	2.70%
2003-04	30373	0.55%	1.97%

- The potentially best insights come from Queensland, where the same screen (CPGI) and much larger samples have been used.
 - Even in this case, what looks like a reduction in problem gambling between 2001 and 2004 turns out to be statistically insignificant (overlapping confidence intervals).
- So despite all the surveys, we remain quite uncertain as to whether problem gambling has diminished in recent years. At best, we could say from the various studies that it is more likely to be down than up.
- What remains true, however, is that even the lowest estimates still equate to well over 100,000 Australians who have severe problems with gambling
 - with many more 'at risk' and an additional 5 to 10 people affected to varying extents for each problem gambler.
- So using the Productivity Commission's 1999 analysis, the social costs would still loom large relative to the benefits
 - and the 'evidence' provides no basis for complacency by government or the industry.

Some priorities as seen in 2002

- Better consumer protection
 - *more research into 'what works'*
 - *more action where payoffs appeared greatest*
 - *especially 'consumer empowerment' mechanisms*
- Better research structures
 - *independent, transparent, nationally coordinated*
- Better policy making processes and regulatory governance
 - *especially independent policy advice and industry oversight*

- As noted, when revisiting the issues in late-2002, I identified a number of areas requiring priority attention from governments if we were to bring about a more 'balanced' industry environment.
- Assessing progress properly in these areas would require a much more thorough review, but some observations can be made.



- In its 1999 report, the Productivity Commission identified a range of potentially relevant measures
 - using the criterion that the best measures would do most to reduce problem gambling harms, while having limited impacts on recreational gamblers.
- The first two columns comprise 'consumer empowerment' measures, which have obvious attractions against this benchmark. The third involves more interventionist regulation, where the cost-benefit outcomes were seen as more ambiguous.
- Despite the attractions of light-handed or self-regulatory approaches in many situations, in this area the Commission concluded that there was a stronger case for explicit government regulation.
 - After all, given that some 30 per cent of industry revenue comes from those people at whom these measures are directed, the incentives for the industry to take effective actions are not strong. (This is not a criticism. It's a fact of commercial life.)

Signage in 2003 (Vic.)



2002 11 11 11:08

GAMBLING CAN BECOME ADDICTIVE FOR SOME PEOPLE

"Gambling can become addictive for some people"

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- This conflict was apparent in anomalies observed back in 2002, where the rules were often obeyed to the letter, but rarely in the *spirit* intended
 - Illustrated by this photo we took of the rather hard to detect 'health warning' on a poster outside an establishment in inner-city Melbourne!

Signage today in Vic. (same venue)



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- Since then, there appears to have been more effort by the industry to monitor compliance with codes of conduct, and more explicit regulation where failures of self-regulation were apparent.
- Thus returning to the same establishment in Melbourne last week, I found the old sign gone and this one in its place.
 - A consequence of bans on external advertising imposed last year.

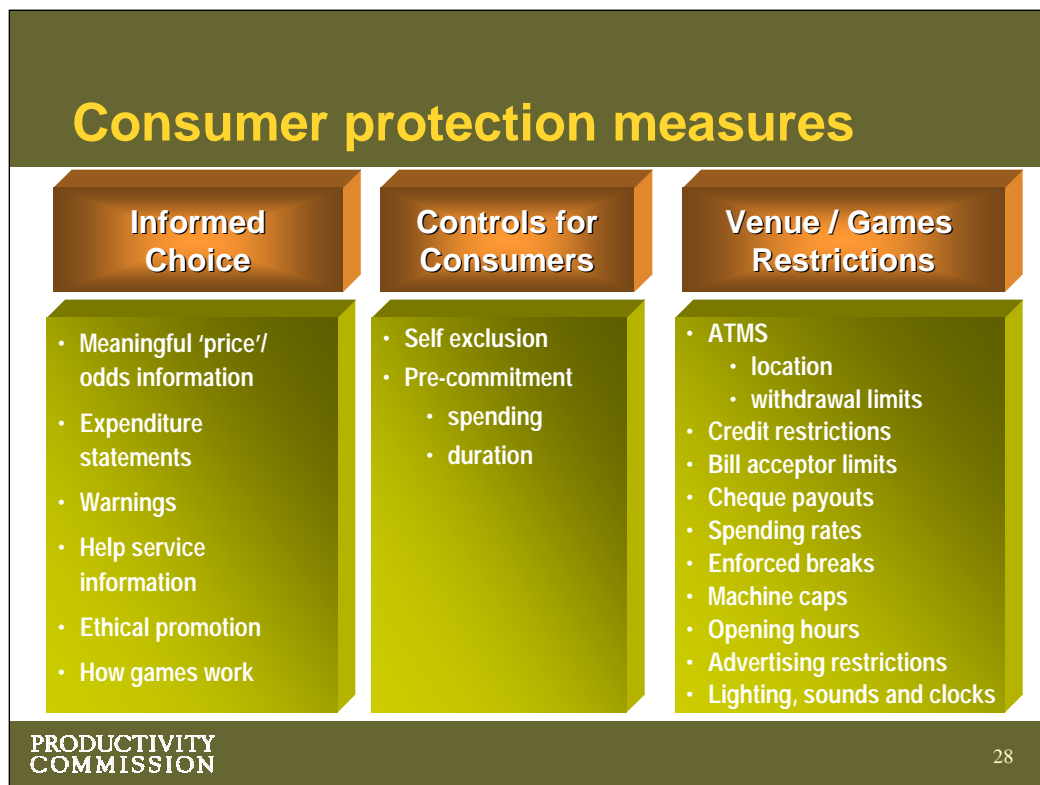
Signage in NSW



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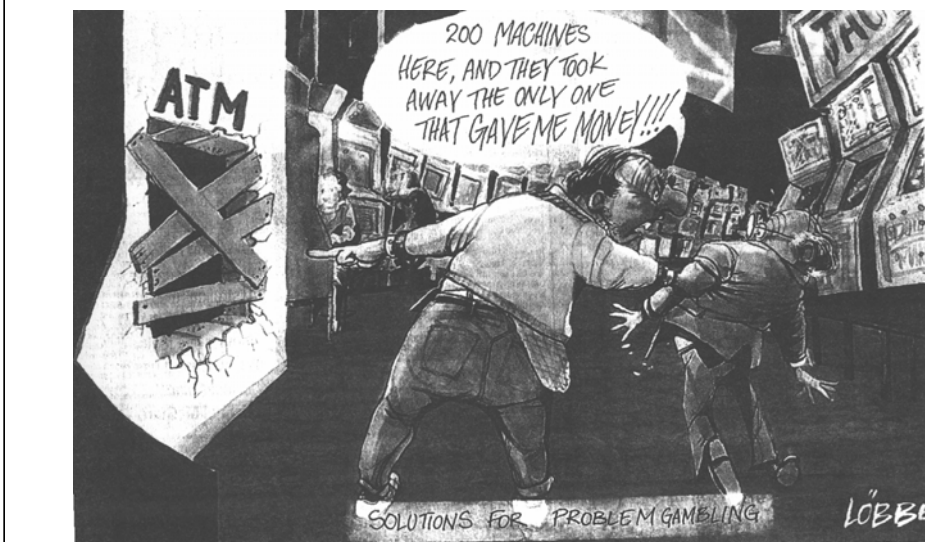
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- Evidently, no such restrictions apply in NSW, as indicated by the signage observed recently outside one of the South Coast's largest clubs.
- The \$7 lunch offer evident in this picture also raises questions about ethical promotion in relation to gambling venues – a significant issue back in 1999, with concerns that offers of cheap meals and free transport were targeting pensioners and low-income people.



- So, at least in the absence of effective duty of care obligations under common law, consumer protection regulation has a key role in ensuring 'balance'.
 - Of course, this is subject to the benefits of such regulation exceeding its costs – both in compliance by the industry and for recreational gamblers – which in most cases requires research and trials to assess.
- The most prospective areas for action identified by the Productivity Commission back in 1999 related to limiting access by problem gamblers to (extra) cash at venues (column 3) and measures to assist or enforce their self-control (column 2).

Limiting access to cash at venues



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- There have been a variety of actions in the first of these
 - including moving ATMs out of the gaming room and, in some jurisdictions, imposing withdrawal limits at venues.
- Such measures, on the Commission's analysis, would meet the cost-benefit test.
 - However, the extent to which they have been implemented varies across jurisdictions.
 - This applies for example, to cheque payout thresholds and the rules about ATMs.
 - Indeed in some jurisdictions (NSW?) there appear to have been moves to loosen such constraints (eg the \$1000 threshold for payout of (additional) winnings by cheque rather than cash, which is arguably already too high.)
- Even where the constraints exist, they are not always enforced, as IPART's review in 2004 highlighted.
 - A regulation that is not enforced, or cannot be, can be worse than having no regulation at all, because the true situation is obscured.

'Self control' measures remain inadequate

- Self exclusion
 - *coverage and enforcement patchy*
- Pre-commitment mechanisms
 - *very little progress (where it could do most good)*

- However the key deficiency in the 'consumer protection' armoury continues to be in what the Commission saw as the most promising area – measures to enable problem gamblers to constrain their *own* behaviour.
- Provisions to facilitate and enforce decisions by gamblers to exclude themselves from gambling venues appear to have been improved somewhat, but in some jurisdictions are still not very easy to implement and, in most, are not readily extended across alternative venues
 - SA appears to be the most notable exception, with the arrangements being administered by the Independent Gambling Authority (IGA) and State-wide in coverage.
- As I observed in 2002, while self-exclusion is an important option in more extreme cases, going 'cold turkey' may not be sustainable or the most appropriate remedy for many on the problem gambling 'continuum'.
- A priority then, as now, is to develop mechanisms to allow people to set limits on their gambling in advance of entering a venue.
 - Important recent research has shown that problem gamblers *would* be very receptive to exercising such an option if available to them.
- The practicality of such an approach depends on having technology to enable tracking of expenditure across machines and venues.
 - Such technology, via 'smartcards', exists and is already in use to some extent for 'loyalty customers'. So could it be more widely employed? And would it be cost-effective? (That is, would the benefits significantly outweigh the compliance costs and inconvenience to recreational gamblers?)

SA Independent Inquiry into Smartcard Technology, 2005

“Analysis of all the available material supports the proposition that smartcard (or like) technology can ... significantly reduce problem gambling ... at a reasonable cost.”

“The Authority recommends that a proposal for legislation be put to the Parliament to mandate smartcard technology for the reduction of problem gambling.”

- The answer is yes to both, according to the only independent assessment of which I am aware, again by SA's Independent Gambling Authority.
- However the IGA's findings were contested by the gambling industry, which claims – in contrast to the moderate estimates by technology suppliers – that implementation costs would be “astronomical”. In the event, the IGA's recommendations were not adopted by the South Australian Government. If they had, not only might the social costs in that State have been reduced, but the rest of Australia could have learnt much from the experience, facilitating the technology's wider application.
 - Perhaps this role could now be taken up by the Australian Government, by encouraging such pre-commitment mechanisms to be trialled in the two Commonwealth Territories? (Consideration could also be given to government subsidies to implement the technology, given the potentially large social payoff. Note that costs could be greatly reduced with phased implementation.)

Gambling research – deficiencies remain

- Still lacks transparency and accessibility
- Fragmented across jurisdictions
- Studies hard to compare
- Public funding short term and ad hoc

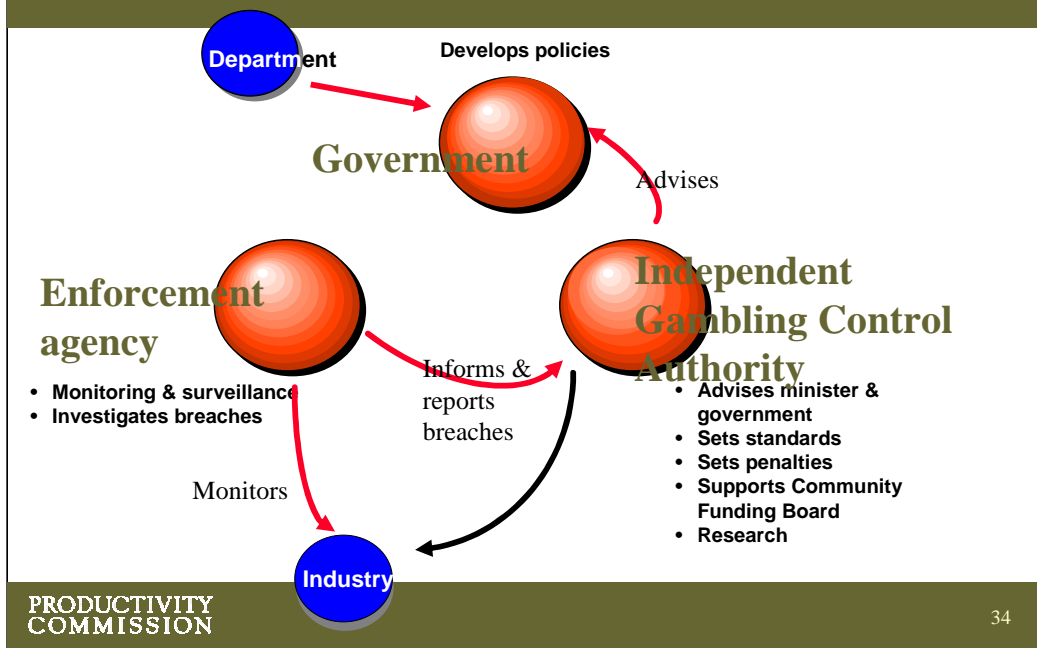
- Research is critical to effective policy development in this area, given the lack of knowledge. A research ‘explosion’ has occurred since 1999, with major programs implemented in a number of jurisdictions, particularly focussed on the ‘cost’ side of the equation.
- But research is not an end in *itself*. It needs to inform public policy nationally
 - and against this test it is still falling short.
- Research studies that are publicly available are now easier to locate (thanks to the Ministerial Council’s secretariat ‘Gambling Research Australia’) but the studies themselves sometimes lack transparency about methodologies and data.
- And while national industry data is available, most research is fragmented across jurisdictions, with a multitude of funding bodies largely doing their own thing.
- Unsurprisingly, studies are hard to compare (as seen for the prevalence surveys)
 - so that Australia is missing the opportunity of learning from the different policy approaches across the Federation.
- Similarly, public funding, while possibly adequate overall, has tended to be short term and ad hoc, and not conducive to cooperative research
 - and more researchers are being funded directly by industry, with the attendant risks of capture and loss of credibility.

A National Gambling Research Institute

- Independent
- Co-funded by governments, with substantial 'block funds' to support a critical mass of quality researchers
 - *no direct funding from industry*
- Board comprising government representation
- Industry/community consultation mechanisms
- Research to meet COAG priorities
 - *with scope for discretionary research*

- So I am even more convinced than in 1999 that Australia needs an independent national research body, constituted as above.
 - A separate assessment in 2004/05 came to the same conclusion, but the Ministerial Council rejected the idea, for reasons that were never explained.
 - Without such an independent national research body, there is a danger that we will end up like the USA, where no-one knows what research to believe, and policy will be the poorer for it.

Best practice governance



- Good public policy is never easy to achieve. But gambling policy is especially challenging, reflecting
 - coincidence of wider consumer benefits and concentrated social costs; and lack of knowledge about impacts and remedies.
- Good process is critical to good outcomes, but this was lacking in the 1990s
 - with poorly informed decisions compounded by poor regulatory administration (conflicting objectives and interests, lack of transparency).
- The Productivity Commission saw governance reform as fundamental. Its proposed 'blueprint' drew on acknowledged best practice principles of separation of functions, clear roles and transparency.
- Some progress has been made in most jurisdictions (notably Vic and SA), but in several (including NSW, according to IPART) there is lack of clear separation or definition of roles, and no single control agency with powers over all forms of gambling.
 - This is becoming a bigger issue over time, as convergence is increasingly evident across gambling modes (eg defacto gaming machines at racecourses; frequency of race 'meetings'; internet options and the convergence of clubs and casinos).

Summing up

1. Industry environment more 'balanced' since my 2002 update, but no cause for complacency
2. Problem gambling prevalence trends unclear, but more likely to be down than up
3. Consumer protection variable, but seems better overall
 - *however, the most prospective measures, to enable enhanced self-controls, have not advanced*

Summing up

4. Extensive research, but it still lacks national coherence
 - *beginning to confuse rather than inform policy?*
5. Policy-making processes and regulatory governance vary greatly
 - *but none are yet 'best practice'*
6. A more in-depth review of progress seems warranted

- Finally, I was asked to comment on the outlook for the industry. This is not my forté and you are better placed than I.
- However, an implication of my presentation is that there appears to be little case for the regulatory constraints on your industry to be significantly loosened overall.
 - Indeed, there are some areas that need strengthening.
- But you should not see this as all negative. The Commission argued in 1999 that implementing more effectively targeted harm minimisation measures (like pre-commitment mechanisms) would alleviate the need to rely on such blunt measures as aggregate caps.
- That said, you are unlikely to experience again the rampant growth of the 1990s, which was never sustainable.
- In today's society, the sustainability of industries with marked social or environmental impacts, depends on them gaining public acceptance that such adverse impacts are being effectively addressed.
- I believe the industry has come a considerable way since the Productivity Commission's inquiry in 1998-99 and, along with governments, it is to be commended for that.
 - I wish you well in completing the journey.