

22 March 2022

Australian Communications and Media Authority  
5/65 Pirrama Rd  
Sydney NSW 2009

Dear Australian Communications and Media Authority,

Thank you for the opportunity to contribute to your public consultation on the proposed *Draft Register Rules for the National Self-exclusion Register (IFC 08/2022)*.

The National Self-Exclusion Register will provide Australians experiencing online gambling problems with the option to apply to themselves a blanket ban from all nationally licensed online wagering operators. The Australian Communications and Media Authority (ACMA) have adopted a multi-stakeholder approach to developing the Register draft rules. The ACMA now seek further stakeholder consultation to refine the rules and to address specific issues they have identified. In the Draft Rules consultation paper, we note a focus on technical system features and issues most relevant to Interactive Wagering Provider respondents. We address issues identified by the ACMA where possible; however, given our unique position as problem gambling researchers and clinicians, our responses extend to discussion of key relevant design, process, and ethical issues.

In general, we are highly supportive of the National Self-Exclusion Register based on empirical evidence demonstrating the benefits of self-exclusion in reducing gambling problems. Further, the proposed Register is consistent with our previous arguments concerning the advantages of a single centralised self-exclusion system. Key points and recommendations from our submission include:

Submission section	Key points
General Position	<ul style="list-style-type: none"><li>• We recommend that the ACMA and the Register provider considers potential future integration with land-based self-exclusion.</li><li>• The ACMA should work with Internet Wagering Providers (IWPs) to position the Register as a replacement for existing online systems.</li></ul>
Issue for Comment 1	<ul style="list-style-type: none"><li>• The ACMA and the Register operator should work collaboratively and with other key stakeholders to develop an optimally efficient, robust, user-friendly system.</li><li>• A legal family-initiated self-exclusion pathway may reduce harms as well as fraudulent applications to the Register.</li><li>• The registration processes should be brief and simple to facilitate uptake. However, personal data security and identity verification processes should also be prioritised.</li><li>• Interactive user support features can be implemented to assist users navigate the Register.</li></ul>

Issue for Comment 2	<ul style="list-style-type: none"> <li>• After submitting the required personal information and documents, an individual should be added to the Register as close to immediately as the system will allow.</li> <li>• We support the ACMA in their decision to not include a cooling-off period in the Register self-exclusion process.</li> <li>• We support the ACMA in their decision to allow individuals to select their preferred self-exclusion length.</li> <li>• We recommend a minimum self-exclusion timeframe of six months for the Register. A separate 'play break' feature is appropriate for periods of less than six months.</li> </ul>
Issues for Comment 3 & 4	<ul style="list-style-type: none"> <li>• We recommend a regulatory requirement that IWP's must check the details of all new customers against the Register before activating wagering accounts.</li> <li>• Forfeiture of winnings and/or enforced extensions to a self-exclusion period could serve as powerful disincentives that prevent individual non-compliance.</li> <li>• Monetary penalties collected from IWP's and forfeited individual winnings should be pooled together and used to help fund problem gambling treatment and research.</li> </ul>
Issue for Comment 6	<ul style="list-style-type: none"> <li>• When IWP's identify self-excluded individuals attempting to open a wagering account or gamble, they should actively help them to connect with gambling treatment and support services.</li> <li>• Relevant IWP employees should receive appropriate training to enhance their customer interaction skills with self-excluded and problem gambling individuals.</li> </ul>
Issue for Comment 7	<ul style="list-style-type: none"> <li>• A targeted, multi-channel promotional strategy will be key to the success of the Register.</li> <li>• More specific wording is needed to clarify the Register promotional requirements for prominence and placement.</li> <li>• Register promotions should extend beyond the individual to reach their family and friends, and relevant health care and social assistance professionals.</li> <li>• We recommend that the Rules specify the marketing message content based on consumer preference research and evaluations of messaging impact.</li> </ul>
Additional issues identified by the GTRC	<ul style="list-style-type: none"> <li>• Individual applications for removal from the register should be accompanied by a signed letter of support from a qualified gambling treatment provider, or such support must be verified by those who maintain the register.</li> <li>• We recommend that the ACMA carefully consider the nature and extent of information that will be released to support persons.</li> <li>• We recommend that the ACMA clarify existing processes and consider implementing additional processes to support individuals at the expiry of a self-exclusion agreement.</li> </ul>
Ongoing research and evaluation	<ul style="list-style-type: none"> <li>• Independent researchers should be given access to Register participants and their data to conduct rigorous empirical evaluations. It is important that researchers can match participants' survey responses to their system data.</li> <li>• Evaluation studies should include variables to measure unintended consequences associated with the Register.</li> <li>• Evaluation studies should be funded by IWP's and/or the Government.</li> </ul>

We commend the ACMA's collaborative approach to the design of the Register which involves input from multiple stakeholder groups. Continued stakeholder collaboration and a dynamic research agenda will be vital

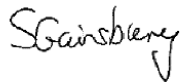
to the success of the Register as it progresses through the phases of development, pilot, and performance testing, and ultimately implementation, monitoring, and evaluation.

We are actively conducting research in this area and would be happy to respond to any questions.

Sincerely,



Dr Dylan Pickering  
Postdoctoral Research  
Associate  
Gambling Treatment &  
Research Clinic



Professor Sally  
Gainsbury  
Director, Gambling  
Treatment & Research  
Clinic



Dr Christopher Hunt  
Senior Clinical Supervisor  
Gambling Treatment &  
Research Clinic

# SUBMISSION TO THE AUSTRALIAN COMMUNICATION AND MEDIA AUTHORITY'S PUBLIC CONSULTATION ON DRAFT REGISTER RULES FOR THE NATIONAL SELF-EXCLUSION REGISTER 08/2022

## Background

In February 2022, the Australia Communications and Media Authority (ACMA) released Draft rules for the National Self-Exclusion Register (hereon referred to as 'the Register') for public consultation submissions. The Register is arguably the most significant of 10 consumer protection measures for interactive wagering outlined in the National Consumer Protection Framework (NCPF). Amendments to the *Interactive Gambling Act 2001* enacted December 2019 enabled the ACMA to set technical, operational and administrative rules for the Register. We fully support and commend the ACMA's collaborative, multi-stakeholder approach to informing their development of Register rules, including the current initiative to present the Draft rules for public consultation.

To our understanding, the main self-exclusion elements and processes contained in the Register are as follows:

- To self-exclude, individuals enter their key personal details into an online registration portal and upload government-issued identity documents. This information is used to digitally verify an individual's identity and add them to the Register.
- Interactive Wagering Providers (IWP's) must check customer details against the Register to ensure they do not commit an offence by marketing or providing wagering services to self-excluded individuals.
- Individuals can register for a minimum of three months up to life. No cooling off period applies.
- After three months, individuals can prematurely remove themselves from the register by submitting a statutory declaration confirming they have discussed their decision with a qualified health provider.
- Individuals can nominate up to five family and/or friends as support persons.
- Individuals who sign up to the Register will be self-excluded from ALL ~140 licensed Australian IWP's.
- Notification of self-exclusion expiry will be sent to individuals and support persons at least 14 days prior to the expiry date. They will be given the option to re-register at this time.
- If a self-excluded individual attempts to open an online wagering account, it is the IWP's responsibility to inform the individual that they are on the Register and to provide them with information about available help services.
- IWP's are required to promote the availability of the Register through relevant channels including their website and app.

We note the issues identified in the public consultation document appear to focus mostly on technical features of the Register system and seek responses particularly from IWP's. As problem gambling researchers and clinicians, we offer a unique and informed perspective on important design, process, and ethical issues concerning the Register. We raise such issues throughout our submission in addition to specific technological solutions required to address these.

## About us

The Gambling Treatment and Research Clinic (GTRC) at the University of Sydney are in a unique position to offer advice on the proposed National Self-Exclusion Register rules. We are one of the world's leading academic research groups on problem gambling and gambling harm minimisation. Consequently, we have a thorough understanding of how gambling harms develop and lead to serious consequences for individuals, significant others, and broader society. Additionally, the GTRC is the only University-based treatment clinic for problem gambling in Australia. The GTRC receives clinical funding under the NSW Office of Responsible Gambling's GambleAware branding to co-ordinate publicly funded community engagement, support,

counselling and treatment to people experiencing gambling harm and those affected by other people's gambling. Our clinical services operate across three NSW health districts in the Greater Sydney area: Central Sydney, Blue Mountains and Western Sydney, and South-Western Sydney. By leveraging our integrated clinical and research expertise, we can bring unique insights to the current and future consultation processes.

The GTRC's mission is to conduct research that informs both policy and practice including a focus on understanding how gambling harms develop and establishing effective evidence-based prevention and treatment approaches. In line with this mission, we have conducted research investigating the individual and societal impacts of online wagering, how technology impacts the development of harms among various populations, and how to implement sustainable harm-minimisation strategies such as self-exclusion. Consistent with the ACMA's approach to the Register, our research team actively engages with stakeholders including consumers throughout all stages of our research process. To demonstrate our knowledge and expertise in this area, the box below contains selected examples of our peer-reviewed research on topics that are directly relevant to the current submission.

#### Selected Examples of Relevant Peer-Reviewed Research Publications

- **Blaszczynski, A.,** Ladouceur, R., & Nower, L. (2007). Self-exclusion: A proposed gateway to treatment model. *International Gambling Studies*, 7(1), 59–71. <https://doi.org/10.1080/14459790601157830>
- **Gainsbury, S. M.** (2014). Review of self-exclusion from gambling venues as an intervention for problem gambling. *Journal of Gambling Studies*, 30(2), 229–251. <https://doi.org/10.1007/s10899-013-9362-0>
- **Gainsbury, S. M.** (2015). Online gambling addiction: The relationship between internet gambling and disordered gambling. *Current Addiction Reports*, 2(2), 185–193. <https://doi.org/10.1007/s40429-015-0057-8>
- **Gainsbury, S. M.,** Abarbanel, B., & **Blaszczynski, A.** (2019). Factors Influencing Internet Gamblers' Use of Offshore Online Gambling Sites: Policy Implications. *Policy & Internet*, 11(2), 235–253. <https://doi.org/10.1002/poi3.182>
- **Gainsbury, S. M.** (2015). The rise of internet gambling and its impact on addictive disorders. *InPsych: The Bulletin of the Australian Psychological Society Ltd*, 37(5), 26.
- **Gainsbury, S. M.** (2012). *Internet Gambling: Current Research Findings and Implications*. Springer Science & Business Media.
- Heirene, R. M., & **Gainsbury, S. M.** (2021). Encouraging and evaluating limit-setting among on-line gamblers: a naturalistic randomized controlled trial. *Addiction*, 116(10), 2801–2813. <https://doi.org/10.1111/add.15471>
- **Pickering, D.,** Serafimovska, A., Cho, S. J., **Blaszczynski, A., & Gainsbury, S. M.** (2022). Online self-exclusion from multiple gambling venues: Stakeholder co-design of a usable and acceptable self-directed website. *Internet Interventions*, 27, 100491. <https://doi.org/10.1016/j.invent.2021.100491>
- **Pickering, D.,** Nong, Z., **Gainsbury, S. M., & Blaszczynski, A.** (2019). Consumer perspectives of a multi-venue gambling self-exclusion program: A qualitative process analysis. *Journal of Gambling Issues*, 41. <https://doi.org/10.4309/jgi.2019.41.2>
- **Pickering, D., Blaszczynski, A., & Gainsbury, S. M.** (2018). Multi-venue self-exclusion for gambling disorders: A retrospective process investigation. *Journal of Gambling Issues*, 38, 127–151. <http://dx.doi.org/10.4309/jgi.v0i38.3998>
- **Pickering, D., & Blaszczynski, A.** (2022). Should I Stay or Should I Go? A Comparative Exploratory Analysis of Individuals Electing to Continue or Discontinue Self-Exclusion from Land-Based Gambling Venues. *International Journal of Mental Health and Addiction*, 20(2), 1182–1199. <https://doi.org/10.1007/s11469-020-00435-5>

Our experience and understanding of gambling problems is also demonstrated through having treated thousands of clients and implementing specialised programs to reach vulnerable populations, including individuals with online and land-based gambling problems, co-morbid mental health issues, and culturally and linguistically diverse groups. As part of our clinical role within GambleAware, we are tasked with executing self-exclusion deeds under the Multi-Venue Self-Exclusion (MVSE) register, which is administered by ClubsNSW and covers self-exclusion for gambling on Electronic Gaming Machines (EGMs, or “poker machines”). We have

directly facilitated self-exclusion deeds for hundreds of clients, as well as providing clinical services to clients who had self-exclusion deeds executed elsewhere. Our first-hand experiences delivering clinical services to problem gambling clients have directly informed several of the concerns raised below.

## General position

In 2017, when the National Consumer Protection Framework was first introduced, two of the current authors, Dr Pickering and Dr Hunt published an Op-Ed article in the Conversation titled: “Action on problem gambling online is a good first step, but no silver bullet”<sup>1</sup> which contained a summary of our perspectives on the key proposed harm minimisation measures. This article reached a broad audience with over 2,500 reads, more than 80 re-posts/tweets on social media, and republication across several online news media outlets. With respect to the National Self-Exclusion Register, we suggested that such a program should lead to benefits for Australians with online gambling problems based on empirical evidence supporting the effectiveness of online and land-based self-exclusion interventions. However, we noted one important limitation to the Register: that it will not prevent individuals from opening accounts and placing bets via unlicensed offshore wagering sites. The arguments we made in 2017 remain relevant when considering the various issues we raise throughout the current submission.

Dr Pickering, Prof. Blaszczynski, and Prof. Gainsbury have previously argued for the implementation of a uniform self-exclusion system in Australia<sup>2</sup>. Similar to land-based self-exclusion processes, in most Australian states and territories, current online self-exclusion processes require individuals to self-exclude separately from each online wagering operator. There are structural weaknesses to this system that may detract from online self-exclusion uptake and efficacy. First, consumers are expected to learn the different self-exclusion elements and procedures per wagering site, and then to engage these independently which is both laborious and time-consuming<sup>3</sup>. The associated impacts are compounded by psychological distress and change ambivalence individuals experience when deciding to self-exclude<sup>4</sup>. Moreover, research suggests that individuals with gambling problems typically have multiple betting accounts<sup>5</sup>. Second, self-excluding via wagering sites may inadvertently lead to further gambling episodes given that exposure to gambling-related stimuli has been shown to trigger gambling urges in problem gambling populations<sup>6</sup>.

Self-exclusion programs worldwide are making the transition toward fully centralised digital systems. Nationwide programs exist in several European countries, including France, Poland, Denmark, Sweden, Estonia, and Switzerland.<sup>7</sup> Similar to the proposed Register, the United Kingdom has introduced GamStop which provides a web-based self-exclusion register for individuals to blanket ban themselves from every nationally licensed online wagering operator<sup>8</sup>. Although the proposed Register and GamStop provide a helpful resource for online wagerers, they do not cover land-based gambling forms. Research evidence shows that individuals using both online and offline forms are at significantly greater risk of gambling harm compared to individuals who engage exclusively in one or the other.<sup>9</sup> *Accordingly, we recommend that the ACMA and the Register provider considers potential future integration with land-based self-exclusion. ‘Spelpaus’ by Svenska*

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<sup>1</sup> Pickering, D. & Hunt, C. J. (2017). *Action on problem gambling online is a good first step, but no silver bullet*. The Conversation. <https://theconversation.com/action-on-problem-gambling-online-is-a-good-first-step-but-no-silver-bullet-76857>

<sup>2</sup> Pickering, D., Blaszczynski, A., & Gainsbury, S. M. (2018). Multi-venue self-exclusion for gambling disorders: A retrospective process investigation. *Journal of Gambling Issues*, 38, 127–151. doi: 10.4309/jgi.v0i38.3998

<sup>3</sup> Hing, N., Toldhard, B., Nuske, E., Holdsworth, L., & Tiyce, M. (2014). A Process Evaluation of a Self-Exclusion Program: A Qualitative Investigation from the Perspective of Excluders and Non-Excluders. *International Journal of Mental Health and Addiction*, 12(4), 509–523. doi: 10.1007/s11469-014-9482-5

<sup>4</sup> Pickering, D., Nong, Z., Gainsbury, S. M., & Blaszczynski, A. (2019). Consumer perspectives of a multi-venue gambling self-exclusion program: A qualitative process analysis. *Journal of Gambling Issues*, 41, 20–39. doi: 10.4309/jgi.2019.41.2

<sup>5</sup> Gainsbury, S., Russell, A., Blaszczynski, A., & Hing, N. (2015). Greater involvement and diversity of Internet gambling as a risk factor for problem gambling. *European Journal of Public Health*, 25(4), 723–728. <https://doi.org/10.1093/eurpub/ckv006>

<sup>6</sup> Smith, D. P., Battersby, M. W., Pols, R. G., Harvey, P. W., Oakes, J. E., & Baigent, M. F. (2013). Predictors of relapse in problem gambling: A prospective cohort study. *Journal of Gambling Studies*, 31(1), 299–313. <https://doi.org/10.1007/s10899-013-9408-3>

<sup>7</sup> Meyer, G., Hayer, T., & Griffiths, M. (2009). *Problem gambling in Europe: Challenges, prevention, and interventions*. New York: Springer.

<sup>8</sup> GAMSTOP. (2020). Retrieved from <https://www.gamstop.co.uk/>

<sup>9</sup> Gainsbury, S. M. (2015). Online gambling addiction: The relationship between Internet gambling and disordered gambling. *Current Addiction Reports*, 2(2), 185–193. doi: 10.1007/s40429-015-0057-8

Spel in Sweden is one self-exclusion systems that encompass both online and land-based gambling forms. A brief case study of the Spelpaus program can be found in the box below.

**Case study: Spelpaus**

In January 2019, The Swedish Gambling Authority introduced *Spelpaus* (English translation: ‘game break’), which is a centralised online self-exclusion system covering all nationally licensed gambling companies (online and land-based).<sup>10</sup> *Spelpaus* has shown good uptake since its inception with more than 50,000 sign-ups. A peer-reviewed study published in October 2020 indicated that younger age, problem gambling severity, psychological distress, and over-indebtedness predicted enrolment into the *Spelpaus* system.<sup>11</sup> Media reports have highlighted initial structural issues as self-excluded gamblers were still able to access certain gambling sites and continued to receive gambling-related marketing materials.<sup>12</sup> For compliance failures, the *Spelinspektionen* regulatory body has issued multiple fines to online gambling operators ranging from SEK100,000 (\$AUD16,000) to SEK19m (\$AUD3m).<sup>13</sup>

\*Note. The above case study has been adapted from the GTRC’s submission to the public consultation on the Gaming Machines Amendment (Gambling Harm Minimisation) Bill 2020

The draft rules consultation document outlines that the Register will not replace existing state/territory or individual IWP-operated self-exclusion systems. *We recommend that ACMA work with other self-exclusion operators to position the Register as a replacement for existing online systems.* A single national self-exclusion register could significantly reduce the cost and complexity of maintaining independent systems. Multiple competing systems could lead to confusion among individuals wanting to self-exclude and negatively affect the rate of uptake. In a single system, resources can be pooled together and invested in ongoing efforts to develop an optimally functioning program. We view this as being beneficial to IWPs, because according to the Draft Rules, they are responsible for covering the full cost of the register. Otherwise, IWPs would be required to contribute resources toward managing both the Register as well as their own independent self-exclusion scheme. Furthermore, linking different states/territories and IWPs under a single system could encourage greater collaboration, thus enhancing overall compliance among individual users and improving harm minimisation outcomes.

**Summary of Key Points:**

- We recommend that the ACMA and the Register provider considers potential future integration with land-based self-exclusion.
- The ACMA should work with other self-exclusion operators to position the Register as a replacement for existing online systems.

<sup>10</sup> Spelpaus. (2020). Retrieved from <https://www.spelinspektionen.se/spelproblem1/spelpaus/>

<sup>11</sup> Håkansson, A., Henzel, V. (2020). Who chooses to enroll in a new national gambling self-exclusion system? A general population survey in Sweden. *Harm Reduction Journal*, 17, 82. <https://doi.org/10.1186/s12954-020-00423-x>

<sup>12</sup> Stradbroke, S. (2019). Sweden gambling regulator seeks higher money laundering fines. *Calvin Ayre.com*. Retrieved from <https://calvinayre.com/2019/12/20/business/sweden-gambling-higher-money-laundering-fines/>

<sup>13</sup> iGaming Business (iGB) (2019). *Spelinspektionen: most Swedish penalties still unpaid*. Retrieved from <https://igamingbusiness.com/spelinspektionen-most-swedish-penalties-still-unpaid/>

## Responses to ACMA-raised Issues

### Issue for comment 1:

We invite stakeholder views on the identity verification procedure and any barriers it may pose to users.

Should the ACMA consider any flexibility in the verification process, including by providing discretion to the Register operator on how they action identity verification?

In 2019, the GTRC were awarded funding from the NSW Office of Responsible Gambling to develop and evaluate a pilot website for individuals to independently self-exclude from NSW land-based gambling venues. We conducted qualitative and quantitative research studies with multiple stakeholder groups including individuals with lived experience of gambling problems, policy makers, gambling counsellors, and gambling venue staff<sup>14</sup>. Findings based on this research combined with our extensive clinical experience at the GTRC offer direct insight into issues around digital identity verification.

All stakeholders involved in our research emphasised the challenges of non-human-facilitated identity verification, particularly the potential for a third party (e.g., family member, friend, or employer) to circumvent the digital identity verification procedures and register a person for self-exclusion without their consent. This point is further supported by the clinical experiences of psychologists at our gambling treatment clinic. We are frequently contacted by family members affected by gambling requesting to self-exclude a loved one or to sign them up for treatment services. At times, this has extended to cases where family members have impersonated the person they wish to sign-up for treatment/self-exclude by accessing their phone or email. Given the significant and devastating impact of problem gambling on families<sup>15</sup>, it is not surprising that family members are desperate to find ways to limit the gambling of loved ones. While the proposed rules suggest a multi-step process for verifying identity, it should be remembered that close family members often have access to emails, SMS messages, and identifying documents of various individuals within their household. For this very reason, at the Clinic, we require that individuals wishing to execute a self-exclusion deed provide photo identification as well as attend a session either in person or via video to confirm their identity.

*One potential solution to fraudulent self-exclusion registration is to provide a third-party pathway for family-members to legally apply for their loved one to be added onto the National Self-Exclusion Register. We refer the ACMA to the third-party self-exclusion provision made in the recent NSW Gaming Machines Amendment (Gambling Harm Minimisation) Bill 2020<sup>16</sup> for a precedence to this type of initiative. Other jurisdictions, for example Singapore, also have systems to manage referrals by family members for an individual to be self-excluded from gambling venues<sup>17</sup>. In Australia, gambling problems are defined by the presence of harm to oneself or others<sup>18</sup>; therefore, it is wholly appropriate that concerned significant others are empowered to take active steps to minimise the harms to themselves and others. A third-party self-exclusion scheme should be legislated and follow a standardised procedure. Individual cases should be assessed by an independent body consisting of diverse and appropriately qualified personnel who have clearly delineated lines of responsibility and reporting. With family-initiated self-exclusion, it is essential that secure privacy protections are implemented, and comprehensive measures put into place that prevent any potential for resulting domestic violence incidents.*

<sup>14</sup> Pickering, D., Blaszczyński, A., Serafimovska, A., Cho, S., & Gainsbury, S. (2020). *Evaluation of a pilot self-exclusion website for NSW gaming machine venues: Final report*. Responsible Gambling Fund, New South Wales Government. [https://www.sydney.edu.au/content/dam/corporate/documents/brain-and-mind-centre/gambling-and-tech-addiction/org\\_selfexclusion\\_website\\_final-report\\_09032021.pdf](https://www.sydney.edu.au/content/dam/corporate/documents/brain-and-mind-centre/gambling-and-tech-addiction/org_selfexclusion_website_final-report_09032021.pdf)

<sup>15</sup> Kourgiantakis, T., Saint-Jacques, M.-C., & Tremblay, J. (2013). Problem gambling and families: A systematic review. *Journal of Social Work Practice in the Addictions*, 13(4), 353–372. <https://doi.org/10.1080/1533256X.2013.838130>

<sup>16</sup> Gaming Machines Amendment (Gambling Harm Minimisation) Bill 2020 [NSW].

<sup>17</sup> National Council on Problem Gambling. <https://www.ncpg.org.sg/en/pages/DealWithProblemGambling.aspx?categ=2&article=15>

<sup>18</sup> The South Australia Centre for Economic Studies & the Department of Psychology, University of Adelaide. (2005, November). *Problem Gambling and Harm: Towards a National Definition*. Commissioned by The Ministerial Council on Gambling. Retrieved from <https://www.gamblingresearch.org.au/sites/default/files/2019-10/Problem%20Gambling%20and%20Harm%20-%20Towards%20a%20National%20Definition%202005.pdf>



Despite highlighting the challenges of digital identity verification, stakeholders from our research acknowledged that such technology has been successfully applied in various government and industry sectors (i.e., banking sites, government applications, booking systems, insurance companies, medical applications, telecommunications companies, recruitment agencies, among many others). Stakeholders emphasised that the online self-exclusion processes, including identity verification, should be simple-to-use and easily navigable<sup>19</sup>. Subsequent recommendations from our report apply to the current Register. Consistent with the Draft Rules, we recommend *an optimal balance is struck between the stringency of verification measures and simplicity and ease-of-use for consumers*<sup>19</sup>. However, we also wish to emphasise that *personal data security and identity verification processes should be given precedence where concessions are required*. To assist users navigate the ID verification and other self-exclusion processes, a further recommendation is to implement various support features, such as *multimedia instructional content, a frequently asked questions section, a telephone or live chat support hotline*<sup>20</sup>.

As problem gambling researchers and clinicians, we recognise that other stakeholders may be better placed to advise ACMA on specific technical features of the identity verification system. To the question – “Should the ACMA consider any flexibility in the verification process, including by providing discretion to the Register operator on how they action identity verification?” – *we suggest that both the ACMA and the appointed Register provider work in collaboration, and with any other key stakeholders, to develop an optimally efficient, robust, user-friendly system*. One technical suggestion, which the ACMA may or may not have already considered, is to ensure the identity verification software provider is accredited under the Trusted Digital Identity Framework (TDIF). Our research has shown that when collecting users’ sensitive personal information, rigorous data security measures are critically important to protect user privacy and confidentiality. Indeed, studies have found that privacy concerns often delay or prevent self-exclusion decisions<sup>21,22</sup>. A major contributing factor to such concerns is the stigma and shame that surrounds problem gambling and help seeking behaviour<sup>23</sup>. Consequently, *in addition to implementing highly secure data collection and storage protocols, it is particularly important to communicate these to users so to increase their confidence in the trustworthiness of the system*. Various strategies are available through which users can be reassured of their privacy, including lay language information and/or simple infographics and icons that convey the high level of system security<sup>24</sup>. Additionally, logos and branding of the service provider and partners can be featured on the website for enhanced credibility.

### Summary of Key Points:

- The ACMA and the Register operator should work collaboratively and with other key stakeholders to develop an optimally efficient, robust, user-friendly system.
- A legal family-initiated self-exclusion pathway may reduce harms as well as fraudulent applications to the Register.
- The registration processes should be brief and simple to facilitate uptake. However, personal data security and identity verification processes should also be prioritised.
- Interactive user support features can be implemented to assist users navigate the Register.

<sup>19</sup> Pickering, D., Serafimovska, A., Cho, S. J., Blaszczyński, A., & Gainsbury, S. M. (2022). Online self-exclusion from multiple gambling venues: Stakeholder co-design of a usable and acceptable self-directed website. *Internet Interventions*, 27, 100491. <https://doi.org/10.1016/j.invent.2021.100491>

<sup>20</sup> Pickering, D., Blaszczyński, A., Serafimovska, A., Cho, S., & Gainsbury, S. (2020). Evaluation of a pilot self-exclusion website for NSW gaming machine venues: Final report. Responsible Gambling Fund, New South Wales Government. [https://www.sydney.edu.au/content/dam/corporate/documents/brain-and-mind-centre/gambling-and-tech-addiction/org\\_selfexclusion\\_website\\_final-report\\_09032021.pdf](https://www.sydney.edu.au/content/dam/corporate/documents/brain-and-mind-centre/gambling-and-tech-addiction/org_selfexclusion_website_final-report_09032021.pdf)

<sup>21</sup> Abbott, J., Francis, K., Dowling, N. A., & Coull, D. (2011). *Motivators and barriers to joining a self-exclusion program*. NAGS 21st annual international conference, Crown Conference Centre, Melbourne.

<sup>22</sup> Pickering, D., Blaszczyński, A., & Gainsbury, S. M. (2018). Multi-venue self-exclusion for gambling disorders: A retrospective process investigation. *Journal of Gambling Issues*, 38, 127–151. doi: 10.4309/jgi.v0i38.3998

<sup>23</sup> Gainsbury, S., Hing, N., & Suhonen, N. (2013). Professional help-seeking for gambling problems: Awareness, barriers and motivators for treatment. *Journal of Gambling Studies*, 30(2), 503–519. <https://doi.org/10.1007/s10899-013-9373-x>

<sup>24</sup> Nong, Z., & Gainsbury, S. M. (2019). Website design features: Exploring how social cues present in the online environment may impact risk taking. *Human Behavior and Emerging Technologies*, 2(1), 39–49. <https://doi.org/10.1002/hbe2.136>

- It is important to communicate to users how their information is being kept safe and their privacy protected.

#### Issue for comment 2:

We invite stakeholder views on the suitability of the proposed period in which the Register operator must add an individual to the Register after their identity has been verified.

*We agree with the ACMA that an individual should be added to the Register as close to immediately as the system will allow from the time they submit their personal information and identifying documents.* Any delays in this process could potentially lead individuals to engage in acute, heavy gambling episodes (i.e., a ‘gambling binge’<sup>25</sup>) before the exclusion order is enacted. The risk of such behaviour is increased due to trait impulsivity and self-control deficits associated with individuals who have a gambling problem<sup>26</sup>.

Relatedly, the Draft Rules indicates that there is no cooling-off period (typically set at 24 hours) once an individual submits their self-exclusion application. *We support the ACMA in this provision as the cooling-off period enables individuals with gambling problems a simple, easy way to opt out of their decision and avoid addressing the problem they are facing*<sup>27</sup>. Change ambivalence is a common experience among individuals when deciding to seek help for problem gambling<sup>28</sup>. Our research on land-based self-exclusion programs has found that participants’ perceptions around the seriousness or gravity of the program influences subsequent decisions relating to self-exclusion compliance<sup>29,30</sup>. As such, we argue that the inclusion of a cooling off period could potentially dilute this element of the Register and reduce its overall efficacy. The counter argument is that an individual’s decision to self-exclude could itself be impulsive and attempts to remove themselves from the register or to circumvent it would ensue. Our response to this is that the various registration steps, identity verification procedures, and a final step of agreeing to the terms and conditions, would serve as a barrier to impulsive self-exclusion decisions.

*We generally support the concept of variable self-exclusion periods that enable individuals the flexibility to select their preferred exclusion length.* Personalisation of different aspects of a self-exclusion agreement is important to meet an individual’s specific needs and provide them with a sense of autonomy over the type of intervention they receive<sup>30</sup>. Beyond the gambling field, empowering individuals to make decisions about their own healthcare has been linked to greater self-efficacy and superior health outcomes compared to when health professionals make decisions on behalf of the individual<sup>31</sup>. In the Draft Rules paper, the indicated self-exclusion timeframe for the Register is between three months and lifetime. In accordance with expert opinion<sup>32,33</sup>, *we recommend a minimum self-exclusion timeframe of six months for the Register.* Our recommendation is supported by evidence that longer periods are associated with superior outcomes<sup>34</sup>; in

<sup>25</sup> Nower, L., & Blaszczynski, A. (2003). Binge gambling: A neglected concept. *International Gambling Studies*, 3(1), 23–35. <https://doi.org/10.1080/14459790304589>

<sup>26</sup> Ioannidis, K., Hook, R., Wickham, K., Grant, J. E., & Chamberlain, S. R. (2019). Impulsivity in Gambling Disorder and problem gambling: A meta-analysis. *Neuropsychopharmacology*, 44, 1354–136. <https://doi.org/10.1038/s41386-019-0393-9>

<sup>27</sup> Responsible Gambling Council. (2008). *From enforcement to assistance: Evolving best practices in self-exclusion*. <http://www.responsiblegambling.org/rg-news-research/rgc-centre/research-and-analysis/docs/default-source/research-reports/from-enforcement-to-assistance-evolving-best-practices-in-self-exclusion>

<sup>28</sup> Petry, N. M. (2005). Stages of Change in Treatment-Seeking Pathological Gamblers. *Journal of Consulting and Clinical Psychology*, 73(2), 312–322. <https://doi.org/10.1037/0022-006X.73.2.312>

<sup>29</sup> Pickering, D., Blaszczynski, A., & Gainsbury, S. M. (2018). Multi-venue self-exclusion for gambling disorders: A retrospective process investigation. *Journal of Gambling Issues*, 38, 127–151. doi: 10.4309/jgi.v0i38.3998

<sup>30</sup> Pickering, D., Nong, Z., Gainsbury, S. M., & Blaszczynski, A. (2019). Consumer perspectives of a multi-venue gambling self-exclusion program: A qualitative process analysis. *Journal of Gambling Issues*, 41, 20–39. doi: 10.4309/jgi.2019.41.2

<sup>31</sup> Bravo, P., Edwards, A., Barr, P.J. et al. (2015). Conceptualising patient empowerment: A mixed methods study. *BMC Health Services Research*, 15, 252. doi: 10.1186/s12913-015-0907-z

<sup>32</sup> Parke, J., & Rigbye, J. (2014). *Self-exclusion as a gambling harm minimization measure in Great Britain: An overview of the academic evidence and perspectives from industry and treatment professionals*. Report prepared for The Responsible Gambling Trust, UK. Retrieved from <https://about.gambleaware.org/media/1176/rgt-self-exclusion-report-parke-rigbye-july-2014-final-edition.pdf>

<sup>33</sup> Williams, R. J., West, B. L., & Simpson, R. I. (2012). *Prevention of problem gambling: A comprehensive review of the evidence and identified best practices*. Report prepared for the Ontario Problem Gambling Research Centre and the Ontario Ministry of Health and Long Term Care. Retrieved from <https://www.uleth.ca/dspace/bitstream/handle/10133/3121/2012-PREVENTION-OPGRC.pdf>

<sup>34</sup> Pickering, D., Blaszczynski, A., & Gainsbury, S. M. (2018). Multi-venue self-exclusion for gambling disorders: A retrospective process investigation. *Journal of Gambling Issues*, 38, 127–151. doi: 10.4309/jgi.v0i38.3998

addition to evidence that individuals prefer longer online self-exclusion periods where available<sup>35,36</sup>. We are not aware of evidence that supports self-exclusion periods of less than six months; rather, it is possible that shorter periods could weaken the perceived impact of the Register in the same way as might a cooling off period. *We recommend that ACMA considers introducing a separate ‘play break’ scheme for lower-risk online gambling groups or those wanting to trial the self-exclusion concept before committing to the longer period*<sup>36</sup>.

#### Summary of Key Points:

- After submitting the required personal information and documents, an individual should be added to the Register as close to immediately as the system will allow.
- We support the ACMA in their decision to not include a cooling-off period in the Register self-exclusion process.
- We support the ACMA in their decision to allow individuals to select their preferred self-exclusion length.
- We recommend a minimum self-exclusion timeframe of six months for the Register. A separate ‘play break’ feature is appropriate for periods of less than six months.

#### Issue for comment 3 and 4:

Do interactive wagering providers see any barriers to providing this customer information to check against the Register? If so, please provide any suggestions to overcome any barriers.

Should guidance be included in the Register Rules on when a data-matching request should be undertaken?

To avoid committing an offence, by [1] opening an account for a self-excluded individual, [2] providing gambling service to a self-excluded individual, [3] sending marketing materials to a self-excluded individual, *we recommend the introduction of a regulatory requirement that IWP must check the details of all new customers against the Register before wagering accounts are activated*. Such practices should be integrated into the standard procedures when opening wagering accounts for new customers. From thereon, data matching requests may be completed at the IWPs discretion. The ACMA could provide guidance on discretionary data matching, such as when an at-risk betting activity is identified for a particular customer, or periodical data-matching requests for a random sample of all active wagering accounts.

The draft rules outline the conditions under which IWPs will be penalised for failing to comply with the Register terms and conditions; however, penalties for individuals breaching their self-exclusion agreement are not explicated. Reasonable penalties for non-compliant individuals may assist in reducing their motivation to open an account and gamble while on the Register. *Forfeiture of any winnings earned while self-excluded and/or enforced extensions to their existing exclusion period could potentially be powerful disincentives*. Forfeiture of winnings is supported by evidence that the anticipation of winning money and potential to regain losses are major contributing factors to problematic gambling<sup>37,38</sup>. Based on unpublished research findings, self-excluded participants’ endorsement of jackpot prize forfeiture suggests that this measure would not be a deterrent to uptake if applied to the Register. *Monetary penalties collected from forfeited individual winnings and IWP penalties should be pooled together and used to assist with the funding of problem gambling treatment and research*.

<sup>35</sup> Heirene, R., & Gainsbury, S. M. (2020). A randomised control trial to evaluate messages that promote limit setting and the impact of limits on online gambling behaviour. doi:10.31234/osf.io/t9kds

<sup>36</sup> Heirene, R., Vanichkina, D., & Gainsbury, S. M. (2020). The use and effectiveness of consumer protection tools (presentation). Retrieved from <https://osf.io/tr2px/>

<sup>37</sup> Blaszczynski, A., & Nower, L. (2010). Instrumental tool or drug: Relationship between attitudes to money and problem gambling. *Addiction Research & Theory*, 18(6), 681–691. <https://doi.org/10.3109/16066351003786752>

<sup>38</sup> Tabri, N., Xuereb, S., Cringle, N., & Clark, L. (2022). Associations between financial gambling motives, gambling frequency and level of problem gambling: A meta-analytic review. *Addiction*, 117(3), 559–569. <https://doi.org/10.1111/add.15642>

### Summary of Key Points:

- We recommend a regulatory requirement that IWP providers must check the details of all new customers against the Register before activating wagering accounts.
- Forfeiture of winnings and/or enforced extensions to a self-exclusion period could serve as powerful disincentives that prevent individual non-compliance.
- Monetary penalties collected from IWP providers and forfeited individual winnings should be pooled together and used to help fund problem gambling treatment and research.

#### Issue for comment 6:

We invite stakeholder views on the effectiveness of this provision and whether an IWP should take any other action once becoming aware that a current or prospective customer has self-excluded.

In the Draft Rules, the ACMA highlights the interactions that occur when IWP providers identify self-excluded individuals attempting to open an account or place a bet as key intervention points. We agree with all steps outlined in the Draft Rules: that such individuals must be informed that they are on the register, informed of the specific action that will be taken (i.e., refusing the bet, closing the account, or denying the account application), and provided with information about gambling help services. However, we argue that these actions do not go far enough as they reflect a ‘cold referral’ system: passive provision of help information and contacts with the onus on individuals to follow-up. The preferred alternative is a ‘warm referral’ system: professionals actively assist individuals to connect with the relevant help services. Research in healthcare has shown that warm referral types lead to significantly higher rates of enrolment and participation in the appropriate specialist help services<sup>39</sup>.

*We recommend that IWP providers are trained and required to take on a more proactive role in connecting individuals who attempt to breach their self-exclusion agreement with specialist gambling help services.* Prof Blaszczyński and colleagues’ internationally recognised self-exclusion as a gateway to treatment model provides theoretical support for our position<sup>40</sup>. The Gateway model applies a person-centred framework to improve pathways to specialist psychological treatment for problem gambling. Although self-exclusion programs serve as an external barrier to help prevent individuals from accessing gambling opportunities, they are not designed to address the psychological factors that contribute to persistent gambling problems. Psychological treatment functions to strengthen an individual’s internal control over gambling behaviour, thus reducing incidences of relapse, and improving overall self-exclusion outcomes.

*Suitable responsible gambling and customer interaction training is required to ensure that relevant IWP employees have the necessary skillset to assist self-excluded individuals and connect them with appropriate help services.* Unlike employees of land-based gambling venues, employees of online wagering providers, to our knowledge, are currently not required by legislation to undertake any training in responsible gambling service. Perhaps the reason for this is the perception that online wagering employees do not have that same level of interpersonal contact with customers who gamble as do land-based venue employees. Regardless, we argue that all IWP employees should be required by legislation to undertake a standard level of training. Such training should build employees understanding of the harms associated with excessive gambling, relevant legislations and codes of practice, and consumer protection measures including self-exclusion. Nominated customer contact personnel might receive a higher level of training focusing on enhanced customer interaction skills and standardised referral protocols to guide interactions with self-excluded individuals.

<sup>39</sup> Mitchell, D., Olson, A., & Randolph, N. (2022). The impact of warm handoffs on patient engagement with behavioral health services in primary care. *Journal of Rural Mental Health*, 46(2), 82–87. <https://doi.org/10.1037/rmh0000199>

<sup>40</sup> Blaszczyński, A., Ladouceur, R., & Nower, L. (2007). Self-exclusion: A proposed gateway to treatment model. *International Gambling Studies*, 7(1), 59–71. doi: 10.1080/14459790601157830

### Summary of Key Points:

- When IWP's identify self-excluded individuals attempting to open a wagering account or gamble, they should actively help them to connect with gambling treatment and support services.
- Relevant IWP employees should receive appropriate training to enhance their customer interaction skills with self-excluded and problem gambling individuals.

#### Issue for comment 7:

We invite stakeholder views on the proposed promotion requirements, including whether:

the requirements on prominence and placement in subsection 24(2) will suit the needs of consumers and be workable with IWP's platforms. Further, should any similar requirements apply to subsections 24(3)–(4)?

- > the proposed channels in which IWP's must promote the Register are appropriate, whether any channels pose significant challenges for industry, or whether there are additional channels available that should be specified to reach consumers, including those at-risk?
- > the Register Rules should specify the precise wording IWP's must use. If so, what considerations should inform this messaging?

Outside of obligations that the Register Rules will place on IWP's, how else should the Register be promoted to target consumers? What matters should the ACMA be aware of in promoting the Register to consumers?

The uptake of self-exclusion programs among the problem gambling population in Australia is generally quite poor. The Productivity Commission estimated an uptake rate of 10-20%<sup>41</sup>; however, we expect that actual uptake figures may be closer aligned with other gambling help services (i.e., <10%<sup>42</sup>). Self-exclusion studies have identified lack of knowledge and awareness of available self-exclusion programs as being significant barriers to entry<sup>43,44,45</sup>. Individuals with gambling problems are often unsure of how to initiate a self-exclusion agreement and what benefits to expect from self-exclusion. Consequently, *a targeted, multi-channel promotional strategy is important to the overall success of the Register*.

The ACMA have discussed marketing requirements for the Register as the Draft Rules state that IWP's must advertise its availability on their websites and apps, through their contact centres, commercial electronic messages, and activity statements. Section 24(2) states that promotional references to the Register must be [1] prominently displayed, [2] the Font size consistent with other page text, and [3] near other responsible gambling content. *We recommend that the ACMA are more specific in their wording of the requirements to advertise and promote the National Self-Exclusion Register*. For instance, how is 'prominently displayed' operationally defined? Websites and apps use multiple font size for different levels of text. With which level does self-exclusion messaging font size need to be consistent? What relative spacing thresholds equate to 'close proximity'? Such unanswered questions need to be clarified in the final Register Rules.

We support all promotional channels the ACMA have outlined in the Draft Rules; however, wish to propose additional options for consideration:

- Frequent posting on IWP-operated social media accounts (e.g., Facebook, Instagram, Twitter, YouTube).
- Development of a brief, easy-to-read electronic information pack and online promotion and instructional videos.

<sup>41</sup> Productivity Commission. (2010). *Gambling: Productivity Commission inquiry report*. Productivity Commission. <http://www.pc.gov.au/inquiries/completed/gambling-2009/report>

<sup>42</sup> Delfabbro, P. (2011). *Australasian gambling review 5th edition*. Independent Gambling Authority. <https://www.cbs.sa.gov.au/resources/australasian-gambling-review>

<sup>43</sup> Gainsbury, S. M. (2014). Review of self-exclusion from gambling venues as an intervention for problem gambling. *Journal of Gambling Studies*, 30(2), 229–251. <https://doi.org/10.1007/s10899-013-9362-0>

<sup>44</sup> Pickering, D., Blaszczynski, A., & Gainsbury, S. M. (2018). Multi-venue self-exclusion for gambling disorders: A retrospective process investigation. *Journal of Gambling Issues*, 38, 127-151. doi: 10.4309/jgi.v0i38.3998

<sup>45</sup> Hing, N., & Nuske, E. (2012). The self-exclusion experience for problem gamblers in South Australia. *Australian Social Work*, 65(4), 457–473. <https://doi.org/10.1080/0312407X.2011.594955>

- Non-commercial electronic messaging where all content is focused on IWP's consumer protection offerings and links to the Register.
- Requests for IWP-adjacent websites (e.g., online form guides, betting tips, and discussion forums) to advertise and provide links to the Register.
- Promotion of the Register on televised racing and sports events utilising the influence of professional sporting and racing figures to communicate key messaging.

As highlighted in our own research<sup>46</sup>, *the ACMA should look to leverage the online format where possible by implementing state-of-the-art digital marketing strategies to promote the Register*. Many IWPs have sophisticated machine learning algorithms in place capable of targeting their most active customers for direct marketing. Theoretically, the same technology can be applied to identify at-risk customer groups for targeted marketing of the Register combined with efforts to connect such individuals to government funded gambling help services. Research shows that an individual's decision to make behavioural change is largely influenced by external family and social factors<sup>47</sup>. Therefore, *the target audience for promotional efforts should expand beyond the individual to also reach their family and friends and appropriate health care and social assistance professionals*.

*We recommend that the Rules specify the marketing message content based on consumer preference research and evaluations of messaging impact.* There is a vast body of literature to guide message content, including several studies recently completed by the authors of this submission<sup>48,49,50</sup>. General principles of messages to effectively modify consumer behaviour include being non-judgmental, positively- and action-oriented, specific and targeted to an intended behaviour, and encouraging of self-reflection. Messages should be brief and clearly written such that the target behaviour and outcome is apparent. It may be beneficial to rotate or change messages over time to avoid these being ignored due to customers becoming desensitised to a single repeated message. Messages could be more effective if they are targeted to specific groups and received in real-time when triggered by a predefined behaviour. The effectiveness of messages should be evaluated in an ongoing manner to inform new messages over time.

#### **Summary of Key Points:**

- A targeted, multi-channel promotional strategy will be key to the success of the Register.
- More specific wording is needed to clarify the Register promotional requirements for prominence and placement.
- Register promotions should extend beyond the individual to reach their family and friends, and relevant health care and social assistance professionals.
- We recommend that the Rules specify the marketing message content based on consumer preference research and evaluations of messaging impact.

<sup>46</sup> Pickering, D., Serafimovska, A., Cho, S. J., Blaszczyński, A., & Gainsbury, S. M. (2022). Online self-exclusion from multiple gambling venues: Stakeholder co-design of a usable and acceptable self-directed website. *Internet Interventions*, 27, 100491. <https://doi.org/10.1016/j.invent.2021.100491>

<sup>47</sup> Lewis, M. A., DeVellis, B. M., Sleath, B. (2002). Social influence and interpersonal communication in health behavior. In: Glanz DK, Rimer BK, Lewis FM, editors. *Health Behavior and Health Education: Theory, Research, and Practice*. 3rd ed. San Francisco, CA: pp. 240–264

<sup>48</sup> Heirene, R. M., & Gainsbury, S. M. (2021). Encouraging and evaluating limit-setting among on-line gamblers: a naturalistic randomized controlled trial. *Addiction*, 116(10), 2801-2813.

<sup>49</sup> Gainsbury, S. M., Abarbanel, B. L., Philander, K. S., & Butler, J. V. (2018). Strategies to customize responsible gambling messages: a review and focus group study. *BMC public health*, 18(1), 1-11.

<sup>50</sup> Gainsbury, S. M. (2015). Optimal content for warning messages to enhance consumer decision making and reduce problem gambling. *KELM (Knowledge, Education, Law, and Management)*, 11(3), 64-80.

## Additional GTRC-Identified Issues

### Further issues:

- > 1. Appropriate management of applications for removal from the register
- > 2. Defining the role of 'support person'
- > 3. Supporting individuals when their registration expires

**1. Removal from the register:** Clients wanting to remove themselves from the MVSE register for land-based gambling venues must submit a request with the ClubsNSW Responsible Gambling Services Manager. The Manager then verifies the client has attended formal gambling treatment or counselling for a minimum of six sessions. The client's qualified treatment provider must also support their request to prematurely terminate the self-exclusion deed. The Draft Rules propose that individuals who wish to be removed from the Register must submit a statutory declaration confirming their attendance of counselling or treatment to discuss their decision with a qualified health professional. We believe the proposed mechanism for removal from the register is insufficient. A core symptom of problem gambling is the individual "lies to conceal the extent of involvement in gambling"<sup>51</sup>. *We recommend that an individual's application for removal from the register must be accompanied by a signed letter of support from a qualified gambling treatment provider, or such support must be verified by those who maintain the register.*

**2. The role of "nominated support persons":** Although frequently referenced throughout the Draft Rules, the support persons' role, and what information they will receive about the self-excluded individual, remains unclear. We are concerned that this may lead to unintended negative outcomes. In frequently asked questions, it is stated that the role of the support person is: "to assist the individual through their self-exclusion." Precisely what this entails is not detailed any further. Will support persons be notified if a self-excluded individual has attempted to re-activate their betting accounts and/or placed any bets? Will they be informed if the self-excluded individual has attempted to revoke their self-exclusion deed early? Will support persons be informed if the self-excluded individual removes them from this role? Such questions are important to address, particularly because the draft rules indicate that the support person role is appropriate for family members and friends.

Referring to the ClubsNSW MVSE system, counsellors who initially support individuals to execute their self-exclusion deed are subsequently notified of any reported self-exclusion breaches. This raises complex ethical issues for counsellors regarding whether they should discuss such breaches with their clients. Counsellors are typically well-trained to manage these types of ethical scenarios, whereas family members and friends are not. Consequently, we are concerned that significant family and interpersonal conflict could ensue if support persons receive information about a self-excluded individual's betting and related activities. Research supports our concerns based on strong associations between gambling and family discord<sup>52</sup>, which also extends to elevated rates of domestic violence<sup>53</sup>. For this reason, *we recommend that the ACMA carefully consider the nature and extent of information that will be released to support persons. Qualified professionals and individuals with lived experience of gambling problems should be consulted on this issue.*

**3. Registration expiry and renewal processes:** The Draft Rules provide minimal detail regarding the policies and procedures governing renewal processes at termination of a self-exclusion agreement period. Specifically, it is stated that individuals and support persons will be alerted 14 days prior to and given the option to extend at the end of their self-exclusion period. Several important issues require clarification such as how self-excluded individuals are informed that their registration has expired and confirmation that they have received

<sup>51</sup> American Psychiatric Association. (2013). *Diagnostic and statistical manual of mental disorders (DSM-5®)*. American Psychiatric Publishing.

<sup>52</sup> Kourgiantakis, T., Saint-Jacques, M.-C., & Tremblay, J. (2013). Problem gambling and families: A systematic review. *Journal of Social Work Practice in the Addictions*, 13(4), 353–372. <https://doi.org/10.1080/1533256X.2013.838130>

<sup>53</sup> Keen, B., Pickering, D., Wieczorek, M., & Blaszczyński, A. (2015). Problem gambling and family violence in the Asian context: A review. *Asian Journal of Gambling Issues and Public Health*, 5(1), 3. <https://doi.org/10.1186/s40405-015-0008-2>

the notification. How is readiness to re-open wagering accounts and resume gambling determined in the absence of any indicators? Should problem gambling treatment be required prior to reinstatement, followed by a probationary period of betting activity monitoring to ensure the individual has achieved control over their urges and behaviours? In our view, self-exclusion expiration is a critical intervention point where the appropriate support processes can contribute to a reduced risk of relapse. *We recommend that the ACMA clarify existing processes and consider implementing additional processes to support individuals at the expiry of a self-exclusion agreement.*

#### **Summary of Key Points:**

- Individual applications for removal from the register should be accompanied by a signed letter of support from a qualified gambling treatment provider, or such support must be verified by those who maintain the register.
- We recommend that the ACMA carefully consider the nature and extent of information that will be released to support persons.
- We recommend that the ACMA clarify existing processes and consider implementing additional processes to support individuals at the expiry of a self-exclusion agreement.

## **Ongoing Research and Evaluation**

We wish to raise a final and critically important point. That is, to emphasise that a centralised digital database including data collected from all self-excluded online wagerers around Australia has substantial implications for research. It will vastly improve capacity to monitor and evaluate program effectiveness which can directly inform system updates and refinements. *We recommend that independent researchers are given access to Register participants and their data to conduct rigorous empirical evaluations of the overall self-exclusion system and the impact it has on individual outcomes.* To conduct such research, it is important that researchers are able to match participants' survey responses to their system data, as opposed to gaining access to only de-identified data. Although studies should incorporate variables to measure program success, *it is also important that they focus on identifying and addressing unintended consequences that might arise from the new system*<sup>54</sup>. *Evaluation studies of the Register should be funded by IWP's and/or the Government.* In addition to evaluation studies, the Register will provide increased access to a large and representative sample of self-excluded individuals, enabling valid studies to be conducted that will improve our understanding of how to best support the individual needs of this vulnerable population.

#### **Summary of Key Points:**

- Independent researchers should be given access to Register participants and their data to conduct rigorous empirical evaluations. It is important that researchers can match participants' survey responses to their system data.
- Evaluation studies should include variables to measure unintended consequences associated with the Register.
- Evaluation studies should be funded by IWP's and/or the Government.

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<sup>54</sup> Glasgow, R. E., Phillips, S. M., & Sanchez, M. A. (2014). Implementation science approaches for integrating eHealth research into practice and policy. *International Journal of Medical Informatics*, 83(7), e1–e11. <https://doi.org/10.1016/j.ijmedinf.2013.07.002>