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Victorian Bookmakers' Association

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22nd March 2022

Submission by the Victorian Bookmakers' Association in response to the Draft Rules for the National Self-Exclusion Register Consultation Paper

The Victorian Bookmakers' Association (VBA) thank you for the opportunity to respond on behalf of our members to the draft rules for the National Self-Exclusion Register. Please see our responses to each issue for comment below:

Issue for Comment 1: Should the ACMA consider any flexibility in the verification process, including by providing discretion to the Register operator on how they action identity verification?

The VBA are of the opinion there should be no flexibility or discretion given to the Register operator in the identification verification process. Given the impact to customers who are added to the Register, in that they are excluded from all interactive wagering for a minimum term of 3 months, then having to provide a statutory declaration in order to be removed, the Register operator must be 100% certain of the individual's identity and that the individual who is added is the person requesting to be added.

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.

Despite the consultation paper stating there is "no cooling-off period" the VBA are of the opinion that the Register Operator should consider giving individuals a 24 hour window in which to reverse their request to be added to the Register.

Issue for Comment 3: 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.

The information which needs to be provided by the IWP in order to make a successful data matching request is listed as first and last name, mobile phone number, email address, date of birth and residential postcode. Are all six pieces of information are required in order to make a successful data matching request?

In the case of smaller bookmakers who operate primary via the telephone, these bookmakers often have an older clientele that are not technology savvy and prefer to put a bet on via the telephone. Often these older customers do not have email, and some may not even have a mobile phone. Needing to match all 6 data matching items for these customers may be problematic. How then, can a bookmaker check whether a customer or potential customer is on the Register?

Further to this, some of our bookmakers who operate online businesses, have seen an increase in the number of customers who are attempting to open multiple betting accounts by altering one or two identifying items of data such as a different email address or mobile phone number. Again, if all six pieces of data are being used to check against the Register, this could result in individuals who are already listed on the register being able to open additional betting accounts even after being added to the Register.

The VBA are not suggesting that the number of data matching parameters be reduced, however there needs to be some consideration given to the above instances and how to work around them.

Issue for Comment 4: Should guidance be included in the Register Rules on when a data-matching request should be undertaken?

The VBA believe there should be some guidance included in the Register Rules in relation to the when data-matching requests should be undertaken. There should be a requirement for all individuals wishing to open an account to have their information checked against the Register before their account can be operational.

In relation to checks when accepting bets, this should be easy for internet operators to do before a bet is accepted, given they have the appropriate IT infrastructures to do so. However, there are a number of smaller bookmakers who accept bets via the telephone when operating on course at various locations in Victoria, both in regional areas and in metropolitan Melbourne. Some of these race courses, especially those in regional areas, have very poor and in some instances almost no internet connectivity at all. In these instances, how is a Bookmaker who is accepting telephone bets able to check the Register before they accept a bet from a customer? In these instances, would there be any consideration given to these bookmakers who may, due to a lack of internet connectivity, unknowingly accept a bet from an individual who has been added to the register before an offence was recorded? Some guidance relating to minimum data matching requests in this instance would be beneficial to ensure these smaller operators are compliant with the Register rules.

Checking the Register before sending out any direct marketing material would not necessarily be required, as once an individual is flagged as being on the Register, their account is closed, which in

turn stops them from receiving direct marketing materials. The only issue which may come up here, is the use of third-party providers to send out marketing materials. It can sometimes take a day or two to be removed from mail marketing lists, and even though an account is closed with the IWP, this information may not immediately flow through to the third-party provider who are sending out the marketing material on behalf of the IWP. In this instance, some guidance should be given in relation to a time frame by which these customers need to be removed from the marketing mailing lists controlled by third-party providers.

Issue for Comment 5: We invite stakeholder views on the proposed timeframe for the Register operator to respond and any potential impacts this may have on your business. Stakeholders are welcome to propose alternative frameworks that could be considered.

The VBA have considered the proposed timeframe noted in the service level standards within the contract with ACMA that states “the Register operator must respond to 97.5% of received individual requests within one second and 99.75% of received individual requests within 5 seconds”.

A large portion of betting, especially on racing, usually occurs within the last few minutes before the start of the race. Any delay in the acceptance of bets can have a huge impact to bookmakers who could very well end up with customers missing out on having their bets approved in time, and therefore missing out. For the larger corporate bookmakers, this may not be an issue, however there are some smaller boutique style internet operators, who only bet on races and delays to their customers being able to place bets could severely impact the viability of their business. Customers, who are used to betting sometimes seconds before the start may miss out on being able to place bets and potentially move to other IWPs in frustration.

If all is going to plan and individual requests are being processed within one second, this won't be an issue, however on busy race days, such as the Melbourne Cup or Cox Plate Day, a delay of even 3 seconds is a long time and could be the difference between an individual's bet being accepted or rejected.

We VBA propose that 5 seconds for a maximum response time is too long and should be reduced to no more than 3 seconds. Five seconds is a long time for data to be sent and received, the physical architecture of the Register should be built in such a way as to be able to process these requests in under 1 second and no more than 3 seconds

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.

Once identified as being on the Register, the VBA accept and agree with the requirements that an IWP will advise the customer they are on the Register and advising them they are unable to accept any bets, closing their account or not able to open their account.

The requirement for IWPs to “provide the individual with information about appropriate support services” is not always possible. Our members do in the majority of cases provide information to their customers if advised by the customer they have a problem with gambling.

There have been instances when customers who advised IWPs of their problem gambling have been highly agitated and aggressive due to the circumstances of their gambling and attempting to offer support services has inflamed the situation and made the customer more aggressive and abusive. To avoid this, the VBA are proposing that IWPs should have some discretion around when to offer their customers appropriate support services.

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 IWPs 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 IWPs must use. If so, what considerations should inform this messaging?

Outside of obligations that the Register Rules will place on IWPs, 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 VBA are of the opinion that promotion of the Register to the betting public is a good way to make customers aware of its existence. However overpromotion of the Register could result in the general public becoming blinded to its promotion. As such, we recommend the proposed requirements for promotion be reviewed.

Similar to the Responsible Gambling messages which are promoted on IWP websites, the VBA are supportive of the Register also being promoted on IWP websites and apps and via the IWP Responsible Gambling pages. The VBA are also supportive of the Register being promoted on customer activity statements and when customers contact IWPs to discuss betting limits or responsible gambling matters.

The VBA wish to advise that we do not support the promotion of the register in all regulated electronic messages. For example, gambling advertising already contains the “Gamble Responsibly” messaging so there is no need to further add promotion of the Register, especially when marketing to the general public who may not even have betting accounts.

As mentioned above, overpromotion of the register will cause customers to become immune to the register messaging, therefore some thought should be given to when the Register is promoted in electronic messaging to ensure the maximum impact to customers.

Register rules around the consistency of the promotion would also be beneficial for all IWPs to ensure all IWPs show the same messaging and are aware of their obligations. This will also be

beneficial for customers, many of whom have multiple betting accounts across various IWPs, to see a consistent message across all IWPs.

The VBA thank you for the opportunity to comment on the Draft Register Rules. Should you require any further clarification on any of the matters we have noted in this submission, please feel free to get in contact.

Kind regards

A handwritten signature in dark ink, appearing to read 'M. McKinnon'. The signature is fluid and cursive, with the first letter 'M' being large and prominent.

Monika McKinnon
Executive Officer