



National Self-Exclusion Register- draft Register Rules

on

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Australian Communications and Media Authority (ACMA)

Financial Counselling Australia (FCA) is the peak body
for financial counsellors in Australia.

About Financial Counselling Australia

FCA is the peak body for the financial counselling profession in Australia. It is a not-for-profit organization.

What Financial Counsellors Do

Financial counsellors support people in financial difficulty providing advice and advocacy. Working in community organisations, their services are free, independent, and confidential. Financial counsellors are required to hold, or to obtain, a Diploma in Financial Counselling. They need knowledge of a wide range of areas of law and policy, including consumer credit law, debt enforcement practices, the bankruptcy regime, industry hardship policies and government concession frameworks.

There are specialist gambling financial counsellors sponsored predominantly by the Dept. of Social Services (Cth) and state funded services.

We are informed by financial counsellors including specialist gambling financial counsellors, and through working directly with people who gamble, or family members impacted by gambling. We are also informed by those with lived experience.

About This Submission

FCA has been heavily involved in the development of the National Online Gambling Consumer Protection Framework, and the reviews that preceded it. Our 2015 [Report, Duds, Mugs and the A-List](#) recommended the development of the national self-exclusion register, and we have been advocating for it since the report's publication.

Gambling financial counsellors for many years have been working with individuals and family members who have been impacted by gambling issues and debts.

We welcome the opportunity to respond to comment on the 'Draft rules for the National Self exclusion Register (NSER)' consultation paper.

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1 PRELIMINARY COMMENTS

We thank ACMA for the opportunity to provide our input. This register is hugely important. We thank everyone involved in the Register's development, and appreciate the care taken to provide a supportive, effective, and workable service.

We also thank the DSS team who are also involved in bringing the NSER to fruition. It has been work that has taken many years and many people's valuable work to get to this point.

2 IMPORTANT CONSIDERATIONS FOR THE RULES

The Rules should impose an obligation on WSPs to demonstrate compliance

Instead of waiting for a WSP to be caught out, the Rules should impose an obligation on the WSP to demonstrate its compliance to the regulator, on a regular basis.

Compliance should be independently audited, at a cost to the WSP.

S. 21(1)2) Wagering Service Providers (WSP) obligations should extend to unregulated calls or marketing (not just regulated)

This section covers the timing of when an WSP should access the register. Section 21(2)(c) appear too narrow and applies just to regulated calls or sending regulated telemarketing material.

Recommendation: that no marketing contacts, whether regulated or unregulated, should be made if the person is on the register. It doesn't make sense to turn a blind eye to unregulated calls.

There is a thriving gambling affiliate marketing structure which is somewhat of a wild west. We need more accountability by WSPs regarding anyone funneling gamblers into the net of the WSPs, particularly where the WSPs those parties support a mutual income stream.

21(2) should also

- apply prior to any affiliate or agent of the WSP communicating with the individual

- Include ‘voice calls’, not just a regulated telemarketing call. This is to cover phone calls made by WSP staff or their agents. The industry has a lot of personal reach outs to gamblers, lapsed gamblers or people on affiliate marketing lists. Voice calls should be broadly defined to include automated calls as well as calls by an actual person.
- Have a discretionary category to provide flexibility for ACMA to add to this list

S 24(5) Promoting the register to customers – customers calling the WSP

Recommendation 1: add a general obligation for WSPs to promote the Register when customers call exhibiting any red flags, other markers of harm, or have attempted any fraudulent behaviors.

The existing draft section adds an obligation on the WSP to promote the Register when a customer calls to discuss placing limits or controls on their gambling [5(a)], or to discuss responsible gambling options or self-exclusion [5(b)], or to discuss getting general assistance with gambling ([5(c)].

However, most people experiencing trouble won't be seeking help that directly. They might be doing the exact opposite, i.e. phoning and harassing the company for more bonus bets or more incentives because they are desperate to keep gambling (typically chasing losses).

Or they might be trying to get away with fraud, such as using a family member’s credit card or in a frenetic state where they seek and obtain credit from multiple financial institutions, including high cost credit providers. The WSP also facilitate customers adding multiple credit cards. It is not uncommon for financial counsellors to see people with five different cards, which have all had credit limit increases.

They also see some card deposits being declined repeatedly in a short space of time, a likely sign that the person has run out of funds but is trying desperately to transfer funds to bet more. Frenetic activity is often evident.

There are well-known red flags documented in the [NT Code of Practice for Responsible Service of Online Gambling 2019](#), 3.1

Problem gambling Red Flag behaviours may include, but are not limited to:

- gambling for an extended period
- changing gambling patterns

- increase in deposit frequency
- escalating sums of money deposited
- thinking they can control outcomes or believes myths
- accusing an online gambling provider of changing payouts or rigging systems
- admissions of being drunk or under the influence of other drugs
- exhibiting signs of distress such as crying or swearing
- expressing guilt or remorse for gambling
- verbally abusing staff
- threats to property or staff
- remarks that may indicate serious overspending
- repeatedly commenting about family problems
- showing concern about losses and payouts
- indicating they need a break from gambling
- repeatedly self-excluding from gambling
- disclosing problems with gambling.

S 24(5) Promoting the register to customers – WSP calling the customer

Where the WSP calls the customer and any of the above red flag behaviors are evident in the customer data, or through the customer interactions, then the WSP should provide information about the Register and contact pathways. See detail above.

Promoting the Register to VIP clients

VIP clients are people who have been identified as having a propensity to bet/lose a lot of money. A small proportion may be high net worth individuals but from our experience most are simply individuals battling a horrendous gambling problem, and whose gambling and deception is harming them and/or their families.

Once admitted to a WSPs VIP program an individual is typically assigned to case manage the customer on a 1:1 basis. That person is given tailored promotional options, free tickets to

events, hampers with alcohol, provided with limousine services to take them to events and the like.

Given the higher risk of harm from the VIP group, we recommend that a higher obligation on WSPs to promote the Register.

We recommend that after every outreach by the WSP to the customer, including with phone calls or texts, that information about the Register should be communicated. Texts and written communications should have live links.

People on existing corporate WSP registers need a pathway to transition to the NSER

The people who have already self-excluded from a single WSP or via the NT Racing Commission's service are the most readily identifiable group at risk of gambling harm. There needs to be a plan to offer them the opportunity to transition to the more comprehensive NSER. Those on the WSP corporate self-exclusion registers should receive an individually addressed letter or email inviting them to transition. Ideally, ACMA or the Register would provide the communications to those on existing self-exclusions.

Some of the WSPs have expressed concern about whether they are permitted to approach customers who have self-excluded. From discussions with the Office of the Australian Information Commissioner (OAIC), there are practical ways to address privacy concerns.

There are several ways to approach the issue of who can contact those on existing registers to give them information about the new Register:

1. APP6 allows the personal information to be disclosed for a secondary purpose if there is informed consent.
2. APP 6.2 permits an exemption if the individual would reasonably expect something to happen. It could be reasonably argued that someone taking the extreme action to self-exclude from a single WSP or the NT regulator's program, would reasonably expect to be told about a new, superior, and more comprehensive self-exclusion process.
3. The Privacy Act is not a barrier to information sharing, but everyone needs to map out the lawful basis of how information can be shared.

Recommendation: that ACMA and the OAIC discuss how to get the best outcome, which is that every person on an existing self-exclusion is given the opportunity to transfer over to the NSER in a low friction manner.

Of course, consumer agency and consent is vital.

3 OTHER CONSIDERATIONS AT TIME OF REGISTERING AND REVOKING

Gambling is a difficult addiction, and most people will benefit from layers of protection and support. We recommend that people are provided with information on other blocks at the time of registering or even if just inquiring.

Multi-layered gambling blocks: software blocks

We recommend that:

- The NSER offer a software blocking subscription (e.g. *Gamban*) at the time of registration, on all devices. It would be desirable if the NSER funded the introductory use of gambling software blocking subscription.
- The Government fund research on efficacy of software device gambling blocks, which blocks are best, and what combination of support is optimal.

Bank gambling blocks

All the major banks (ANZ, NAB, Westpac, Commonwealth Bank) now provide user-initiated gambling blocks on their apps and online banking portals (or via the phone). This is new. Most people do not know about these useful tools. It has been a game changer that people can initiate a bank block without needing to talk to anyone.

We recommend that the NSER

- tell people that this is available
- encourage its use as part of a suite of supports

Some banks will also customise the assistance to an individual customer's needs. People should also instruct their banks if they do not wish to be given credit, if debt funded gambling is problematic for them.

Note each bank's block is slightly different. It would be useful to provide users with a comparative table of features. For example, NAB's block includes cash advances.

The bank blocks are relatively easy to remove. There is only slight friction, such as a time delay.

Proactive referrals with consent

The NSER is in a strong position to help the users access professional help, to deal with their underlying gambling issues and the consequences. Many problem gamblers have trauma in their background. Some have committed fraud and need legal advice. Gambling is complex. Just being on the Register will be insufficient for many individuals.

We recommend that NSER:

- Facilitate interventions at the time of registration.
- Register staff should discuss referrals to other specialist services with the individual and with consent, offer to make warm referrals to gambling therapeutic counsellors and/or gambling financial counsellors. Ideally, the individual's consent will be gained so the appropriate counsellor has permission to call within seven days for an introductory chat.
- Facilitate a no-wrong doorway approach is preferred. So if the person prefers to start with help to manage their bills, then the initial referral can be to a gambling financial counsellor. Or alternatively to whatever form of help the person is most amenable to.
- Have trained counsellors on their staff to help have these initial conversations and guide the appropriate warm referrals.

Processes and help for support persons

Nomination: state clearly in Rules and documentation that registration does not require a support person.

Rule 7(2). If subsection 61JA(7) of the Act applies, an application to register must: (a) include the name and contact details of each other individual to be a nominated support person of the applicant

Recommendation: clear language for Register users saying in plain English "you might want to have a support person help you when you need it. This is voluntary. The Register will contact

your nominated support person(s) when “. You can put your name on the Register with or without a support person.

Organisational support persons need processes that are appropriate for these workers and their organisations

Many people won't have disclosed their gambling to family or friends. There needs to be a process if they want to nominate their financial counsellor or counsellor (or other professional worker) as a their support person. Many financial counselling agencies automatically close files after a certain period when the person is not actively engaging with the service for help. They do this to manage their client loads and share the scarce resources. When a file is closed the underlying financial counsellor client authority to act on their behalf may also be withdrawn.

E.g. if the financial counsellor agency receives an email from the Register three years into an indefinite self-exclusion, the financial counsellor may not have the authority to speak to the Register or even call the client.

One solution would be for the support person authority form to have an enduring authority, regardless of whether the file has been closed. The authority to act should be given to the organisation not the individual worker, to allow for workers to change jobs and for others to take their places.

We will need to run any proposed solution past the agency managers to see that they are workable.

Notification to nominated support person after registration (rule 12)

We recommend that special consideration should be given to the role and support of the nominated support person. The registered operator should ensure that the nominated person provides consent and understands the role and obligations of a support person.

If the individual chooses to have a nominated support person, i.e., family, friend, relative must be provided with a checklist and tip sheet for supporting the individual impacted by gambling.

Basics for the support kits & checklist:

- referrals to financial counselling services (they can help both the person gambling and the support person, although they may need to be referred to different financial counsellors so that there is no worker conflict of interest)
- Information about the various helplines and what they each do
 - Suicide crisis services e.g. Lifeline and others
 - Mental health helplines eg Beyond Blue and others
 - National Debt Helpline (financial counselling) 1800 007 007 or ndh.org.au
- How to support someone with addiction issues
- Information on self-care when supporting someone with addiction
- information on the other co-morbidities that may affect an individual impacted by gambling.
- information regarding complementary services such as financial counselling and gambling therapeutic services

Safety of support person at risk of family violence/economic abuse

Providing added assistance will ensure the safety of the nominated support person.

Consideration should be given to the support person's safety. Some family members are pressured to provide or release funds, or to enable gambling in another way. This may be an act of economic abuse, or other form of family violence. So, it is important that support people are equipped with information and assistance if they need help. Financial counsellors are equipped to help support people protect themselves against family violence.

Support person terminating the role, and safety concerns

The rules must consider that a support person may find the role onerous and may wish to terminate the role or they may fear for their safety if the Register user wants to deregister. The Register staff should be trained in working in a family violence context and be able to provide expert support.

It is unclear from *Rule 14 Variation of entry- ceasing to be nominated support person* if the nominated person can do so without the approval of the individual.

Recommendation: that ACMA develop a kit for support persons, including a checklist. There needs to be support for support workers who may be at risk of family violence/economic abuse.

De-registration

Process for considered de-registration

Under 61JK- deregistration—application by a registered individual appears to consider that a person should not deregister unless they have sought counselling and/or advice about their circumstances in the lead up to the application. However, there are no mechanisms in place to confirm how this will work.

61JK(4) requires a statutory declaration from the registered individual that they have, within the last three months before lodging their deregistration application, sought advice from either a counsellor, psychologist, general practitioner or listed support service about their decision to deregister. The Rules do not add any other requirements to the deregistration process, although 61JK(3)(b) would allow the Rules to do so.

While an individual can come off the register, we recommend that for the purposes of de-registration from NSER, in addition to a statutory declaration:

1. The individual be encouraged to engage in individual revocation counselling (or at least have a chat), and
2. The statutory declaration is supported by a letter of recommendation from the treating counsellor, psychologist or GP supporting the decision to deregister. Whilst this may seem that the autonomy of the individual is being questioned here. However, this is akin to an athlete requiring a medical clearance to return to sport or an individual seeking independent legal advice before making a financial decision.
3. Be encouraged to use self-help tools¹

¹ Eg <http://www.brainpark.com/projects/brain-pac>

4. That the Register maintain contact with those who have come off for the following 12 months, and periodically thereafter. Users should know that they can go back on the Register in a quick manner, without judgment at any time.

[‘Extra Care’ Flags for those removed from the register](#)

People who sign up to the NSER are at risk of gambling harm. If they come off the Register after 3 months, 12 months or even after a few years, they are still at risk of relapsing and being harmed. We know that the risk of suicide extends way after gambling stops, and when relapses occur. We recently released a [report on gambling and suicides prevention](#) and frontline workers shared their expertise.

The WSPs need to know that someone coming off the register has a history of harm. New accounts need to alert the WSP to be on notice that extra care is needed. Their staff need to see a flag.

We recommend:

- New WSP accounts should be flagged if they the person has been on the Register previously. The flag could be a ‘care needed’ flag.
- That there is a post Register check-in program, every 4-weeks initially for a month, then every 3 months, there-after.
- That everyone leaving the Register has other forms of protection in place, such as bank blocks and software gambling blocks, and an introduction to the support services such as gambling financial counselling, peer support programs or other supports.
- That monitoring and offers of non-judgmental support are ongoing, particularly if there is a relapse.

4 ACCESSIBILITY, DATA COLLECTION AND REGISTER PROMOTION

[Accessibility and content in languages other than English](#)

We also suggest that ACMA consider making the content accessible to non-English speakers and other individuals requiring assistance. Provide independent interpreter assistance to support the individual with the identification process.

In general, the language used in all material needs to be directed at those who may be utilising the service at a time of crisis. We recommend that ACMA use the services of a plain English consultant and specialist in CALD communications.

Promotion of the NSER

Priority recommendation: The communications strategy obviously needs an ongoing budget. Ideally, this should be funded as part of the industry funding for the NSER.

As a new concept and a new service, the starting assumptions are:

1. That people don't know about the NSER
2. That they will need to hear the messaging repeatedly to overcome shame and normalise help seeking
3. That the broader community especially family and friends need to know about the NSER, so they can encourage, support and assist (not just help services)

An NSER awareness campaigning should be promoted wherever gambling is promoted or taking place, in addition to gambling company websites. We recommend using the voice and input of those with lived experience.

Promotional suggestions include:

1. Mainstream media especially in peak racing/sports events
2. Social media
3. Internet searches (Sonnet² experience highlighted that much gambling was solitary, so help services needed to come up in internet searches. The NSER needs a visible online presence for those searching online)
4. Schools and universities
5. Sports and community clubs

² The 2021 Sonnet report stated: With online gambling being a largely solitary activity, the two key means of finding GAMSTOP were initiated by consumers acting on their own online, rather than from reaching out to others for advice and help. This highlights the importance of maintaining a high-profile presence online, and, particularly, for GAMSTOP to regularly consider its outreach and marketing strategy in order to ensure that it appears prominently as a response to searches for help. It may also be a prompt to seek a high ranking for searches for online gambling in general. It further highlights the importance for GAMSTOP of taking a prominent position as a source of help on gambling company websites. See <https://www.greo.ca/en/greo-resource/resources/Documents/Sonnet-Advisory-and-Impact-2021-GAMSTOP-Evaluating-online-self-exclusion-scheme.pdf>

6. Community cultural events, festivals etc
7. Stands at the races/Australian Open etc
8. Treatment and support providers services

The communication engagement strategy and design should have an accessibility lens.

We recommend that ACMA gain insights from the UK Sonnet Advisory Report on Gamstop.

Data collection opportunities to understand register efficacy

To improve the Register in future years, we need greater insight into behaviors around user disengagement (or engagement):

1. incomplete registrations
2. whether having a support person improves outcomes
3. whether having a trained support person improves outcomes
4. revocations and subsequent relapses
5. terms of self-exclusion (do shorter terms lead to better/worse outcomes)

Conversely, what factors lead to better outcomes for the participants?

We recommend that research project be initiated from the start to capture the required data and report after 12 months of operation, so in June 2023.

5 THIRD PARTY'S FLAGGING HARM INCLUDING IMMEDIATE HARM

Process for 3rd party callers

We know that gambling impacts family members and 'significant others'. Family members end up in debt, having their funds taken, victims of family violence and economic abuse, with relationships destroyed and more. Sometimes family members take their lives, and sometimes they live in fear of, or even experience gambling suicides.

We have concerns that the rules have not considered the impact of an individual's gambling on significant others.

We ask ACMA to consider a process for 3rd parties who contact the Register

1. asking for help
2. flagging imminent harm

Consider what the Register operators would say to someone in the position of [REDACTED] - [REDACTED] wife if she called (she knew that her husband was at imminent risk of harm from gambling suicide). NSW Clubs has now introduced a 3rd party process as a result of the court action and publicity.

The NSER operators can't just say 'go away we can't help'.

Note some WSPs have introduced processes to listen to 3rd parties and start their own investigations, but this may not be widespread.

[Family violence and economic abuse plan](#)

We recommend that ACMA formulate a domestic violence plan to identify DV and economic abuse. We can help facilitate consultations with DV specialists to work out plan. Financial counsellors are heavily involved in DV work and prevention, and there are specialist practitioners.

6 RESPONSE TO CONSULTATION QUESTIONS

1. Need a flexible identification process (with operator discretion)

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?

Flexibility needed for vulnerable consumers

A person who has taken the first step to go on the NSER is voluntarily seeking help. Their life may be in crisis. They may have recently moved house following a relationship breakdown or be homeless. Not everyone will have a residential address.

Also, in our experience of working with people in financial difficulty, not everyone has an enduring mobile phone number. People in financial difficulty may not be able to pay their phone and email service providers' bills and may consequently lose access to their phone number and email accounts.

In First Nations communities, particularly in remote areas many community members share phones or use temporary disposable SIM cards or low cost phones that are discarded when credit has been used. There are processes in place in communities for alternative methods of identification verification, for example by elders in the community or through financial counsellors working in that community providing verification.

They may also have different names on different forms of identification.

This is another reason to have operator flexibility and discretion.

Nobody seeking to self-help should be refused access to the register based on deficient verification, where the operator can identify that person through an alternative means.

Time is of the essence to start blocking gambling

Time is of the essence in commencing blocking gambling, as the person may lose the momentum. There should be operator discretion to put a temporary block on if the process hits operational speed bumps. The UK Gamstop register review highlighted the same point.

“Some users had issues with the registration process, resulting in delays before the exclusion was implemented (e.g. whilst they supplied the required information to confirm their identity). They were still able to gamble during this time and had incurred additional losses before their registrations were activated.”

IWPs customer data bases already capture a range of data points

Appendix A: Specific customer verification procedures performed by bet365

User Details	Personal Details
<p>Username [Redacted]</p> <p>User ID [Redacted] ?</p> <p>Account No. [Redacted]</p> <p>Registered [Redacted]</p> <p>First Activity [Redacted]</p> <p>Last Activity [Redacted]</p> <p>Site [Redacted]</p> <p>Affiliate Code [Redacted]</p> <p>Betting Currency Australian Dollars (AUD)</p> <p>Key Account No</p>	<p>Title* [Redacted]</p> <p>First Name* [Redacted]</p> <p>Surname* [Redacted]</p> <p>Chinese Full Name [Redacted]</p> <p>Known Name [Redacted]</p> <p>Date Of Birth* [Redacted]</p> <p>Telephone Number* [Redacted] + ?</p> <p>Email Address* [Redacted] +</p>
Account Details	Address
<p>Account Type Both</p> <p>Telephone Account Type Deposit</p> <p>Statement Frequency None</p> <p>Credit Limit AUD 0.00</p> <p>Allow Transfers <input checked="" type="checkbox"/></p>	<p>Country Australia</p> <p>Address Line 1* [Redacted]</p> <p>Address Line 2 [Redacted]</p> <p>Address Line 3 [Redacted]</p> <p>Town / City* [Redacted]</p> <p>State / County [Redacted]</p> <p>Postal/Zip Code* [Redacted]</p>
Verification	Security Number
<p>BDD Status Complete</p> <p>EDD Status Complete Verification</p> <p>Is Postal Address Valid? Premise Look Up</p> <p>Email Validation Status Valid</p> <p>Is Telephone Valid? To Be Checked</p>	<p>Security Number Locked <input type="checkbox"/> Change</p> <p>Security Number [Redacted] Verify</p>

Recommendations for 7(1) and 8(2) registration process

- 1) That the operator has discretion as to:
 - i) whether residential address or other verifications points be omitted
 - ii) bypass 2-factor authentication where the person cannot do this
 - iii) use alternative methods of verification, including verification by a suitable third party
- 2) That additional verification fields are added
 - a) an email address
 - b) phone number and
 - c) IP addresses for devices
- 3) That operators facilitate a temporary block being applied (2 weeks) if verification is going to take a while.

2. Shortest possible time to add a new person to the register

Issue for comment 2:

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 current proposal.

Time is of the essence. Gambling operators work in a real-time environment and are used to seamless processes.

3. Suggestions to overcome IWP barriers (checking against the Register) – extend range of identifiers that may be used

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.

Please share the industry's barriers to see if we can be part of the solution. We do not want the effectiveness of the register to be whittled down if other solutions are available.

We pre-empt that some IWPs will raise difficulties matching names, as some people have name variations. However, they already use a range of verifications for fraud prevention, and when they are disputing a bank credit card charge-back (see sample documents below).

We recommend that the following identifiers are also used at a minimum:

- 1) **phone numbers:** when people phone IWPs already use systems that automatically match the phone number to the customer account.
- 2) **email addresses** are used as additional checking/matching points.
- 3) **Unique device identifiers (IP address):** when IWP/customer interactions are through laptops or other devices, that the IP addresses are also used to match the person to the account. When the user applies online to be on the Register, the Register's system should be able to capture the user's unique IP address.

About bet 365

bet365 is an international internet and telephone betting company, with product offerings across Sports, Casino, Poker, Games and Bingo. To open a betting account, a customer visits bet365's secure website and registers their personal details. The details registered include:

- Full name and address
- Contact telephone number
- Email address
- Date of Birth
- Security number or PIN
- Debit / Credit card details

The customer also creates a username and password (which is known only to them). When all these details are registered, a unique Account Number is generated for the customer. To use the account the customer must enter their username and password.

The customer is able to fund their bet365 account by providing their debit or credit card number. bet365 then performs a number of verification procedures on the details provided by the customer, these checks include:

- Fraud Screening Software
- Name and Address checks – made with card issuing banks to ensure that details they hold match those held by bet365
- CV2 (3 digits found on the back of a credit/debit card)
- 3D Secure – cardholder authentication where client inputs password when making deposits

Once the account has been funded the customer can place bets on Sports or visit bet365's online Casino, Poker, Games or Bingo rooms.

A record of all transactions is maintained, including all IP addresses used to access the account.

Touch Login

The customer has logged in to their bet365 account using Touch ID, which allows them to access the account using either facial recognition or their own unique fingerprint. It would thus be impossible for anyone other than the genuine customer to log in to the bet365 account.

IP address verifications (see Appendix C)

bet365 wishes to defend the chargeback on the basis that the logged IP data indicates that the cardholder initiated and authorised the transaction/s

IP address consistency

The deposits have all been consistently made from the same IP address during the period.

4: Data matching requests from IWPs

Issue for comment 4:

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

We don't think that the Rules should specify when data-matching should take place as the Act specifies when offences occur. It is up to the IWPs to ensure that they are not committing an offence.

However, we suggest at a minimum that the IWPs consider checking that they are not providing services to an excluded person:

- *ACMA's suggestion:* immediately before opening an interactive wagering service account for an individual (even an unverified account or one with no money deposited). The author of this submission receives regular marketing from accounts opened many years ago that have never been verified. This isn't good practice. Excluded gamblers try and open new accounts and use free credits in the period before their account is verified. Getting marketing is harmful to many at risk gamblers (and minors)
- *ACMA's suggestion:* before allowing an individual to place a bet or bets with the provider
- *ACMA's suggestion:* before sending direct marketing material to an individual.
- Before an IWPs affiliate sends direct marketing material to an individual or contacts an individual by phone.

The term affiliate needs to be defined to include all forms of affiliates, i.e., individuals or businesses that funnel prospective customers into an IWG's platform, whether digitally or with in-person interactions and then keep them betting through marketing communications. Affiliates generally receive a hidden trailing commission on a gambler's net losses, in perpetuity. The IWGs pay affiliates between 25-25% of ongoing net losses for each person that they refer. We have been informed that the personal affiliates who target high spend clients may receive up to 45%.

Examples of digital affiliate platforms is punters.com.au or tipping sites like <https://www.facebook.com/prioritytipping>

Affiliate marketing is hugely problematic for those with gambling issues.

The affiliates enter into a contractual arrangement with the IWGs. See for example these [Pointsbet terms and conditions](#) and the [Ladbrokes Affiliates](#) website.

5: Timeframe for the Registered operator to respond to a data-matching request

Issue for comment 5:

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.

FCA is unable to comment on this issue.

6. Interactions with self-excluded customers

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.

Some self-excluded individuals will inevitably attempt to contact the IWP and set up betting arrangements. Others will contact the IWP because they want to get their money back.

In addition to Sec. 23 of the Rules we recommend:

1. That contacts from individuals are routed to the Responsible Gambling teams, not account management staff. The Responsible Gambling teams are better placed to have sensitive conversations and provide the individual with the appropriate information about support services and do referrals.
2. That there be a rule prohibiting IWPs providing information about coming off the Register (or circumventing it). This information should be provided by the Register staff only. *We*

know of cases where IWP staff have told people how to trick their systems (i.e. commit fraud) and circumvent the current exclusion.

3. That the Register receives a digital notification when the person contacts the IWP. This information will provide useful data for decision-making when an individual attempts to revoke their self-exclusion.
4. Warm referrals. Referrals are often done by just giving the person a phone number (cold referral). However, the evidence demonstrates that cold referrals have a low take-up rate. A warm referral generally provides information to the help service worker so they have a summary and context, and can provide help more effectively and quickly.
 - a) implement a direct warm referral system from the IWP to a gambling help service.
 - b) Sample scripting. The IWP staff member could say “most people go on the self-exclusion register because they’re having gambling issues. Can we transfer this call through to Gamblers Help? It helps a lot of people.
 - c) Warm transfers and referrals to have a flag ‘attempted breach of self-exclusion’
There should also be a warm referral option to speak to the Register staff.
5. Sending appointment links by phone or email (from a no-reply email). It would be helpful if an appointment could be made immediately with a help service to seize the moment. Financial Counselling Australia is implementing an online appointment booking service (operational later in the year). The IWP could SMS/email a link for this and other help services.
6. Sending general information about help services. It is difficult for people to know the range of help services available and how each service can help. Excluded people who contact the register to revoke their self-exclusion or the IWP for any reason should be emailed a booklet with help services information (or a link by SMS). There should be a no-wrong door approach. One person may be trying to gamble ‘to earn money’ to pay debt collectors who are harassing them, and a financial counsellor can help with debt management strategies. Another person might be relapsing because they are having a mental health event and need a mental health support service. Yet another may need peer support as part of ongoing maintenance. Financial Counselling Australia can provide input on available help services and pathways for help.

Clients at risk of suicide. We know that problem gamblers are at risk of suicide. People trying to breach their self-exclusion are at a heightened risk of self-harm. This is the first step to

relapsing. So, referrals should also be made to crisis services. Financial Counselling Australia and Suicide Prevention Australia have recently published a [report](#) on this. The report identified referral pathways as a critical intervention.

7. Promotion of the register

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 IWPs' 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?

IWP promotion of the register

The Register needs a name that resonates with people wanting to stop gambling harm. The name 'National Self Exclusion Register' was never intended to be a consumer facing name. The word 'exclusion' may even be a turn-off as many people with gambling issues are already feeling excluded by virtue of not having money to socialize, mental health and isolation issues, not working due to illness or other event, relationship breakdown. We hear a general sentiment of loss, loneliness and a feeling of not belonging. One man with severe gambling harm issues said to me when I pressed him on why he hadn't self-excluded: "we want to belong more than anything. We want to be included not excluded."

The UK has Gamstop.

Here are some suggestions from a quick brainstorm of names and slogans. We are willing to be part of something more considered.

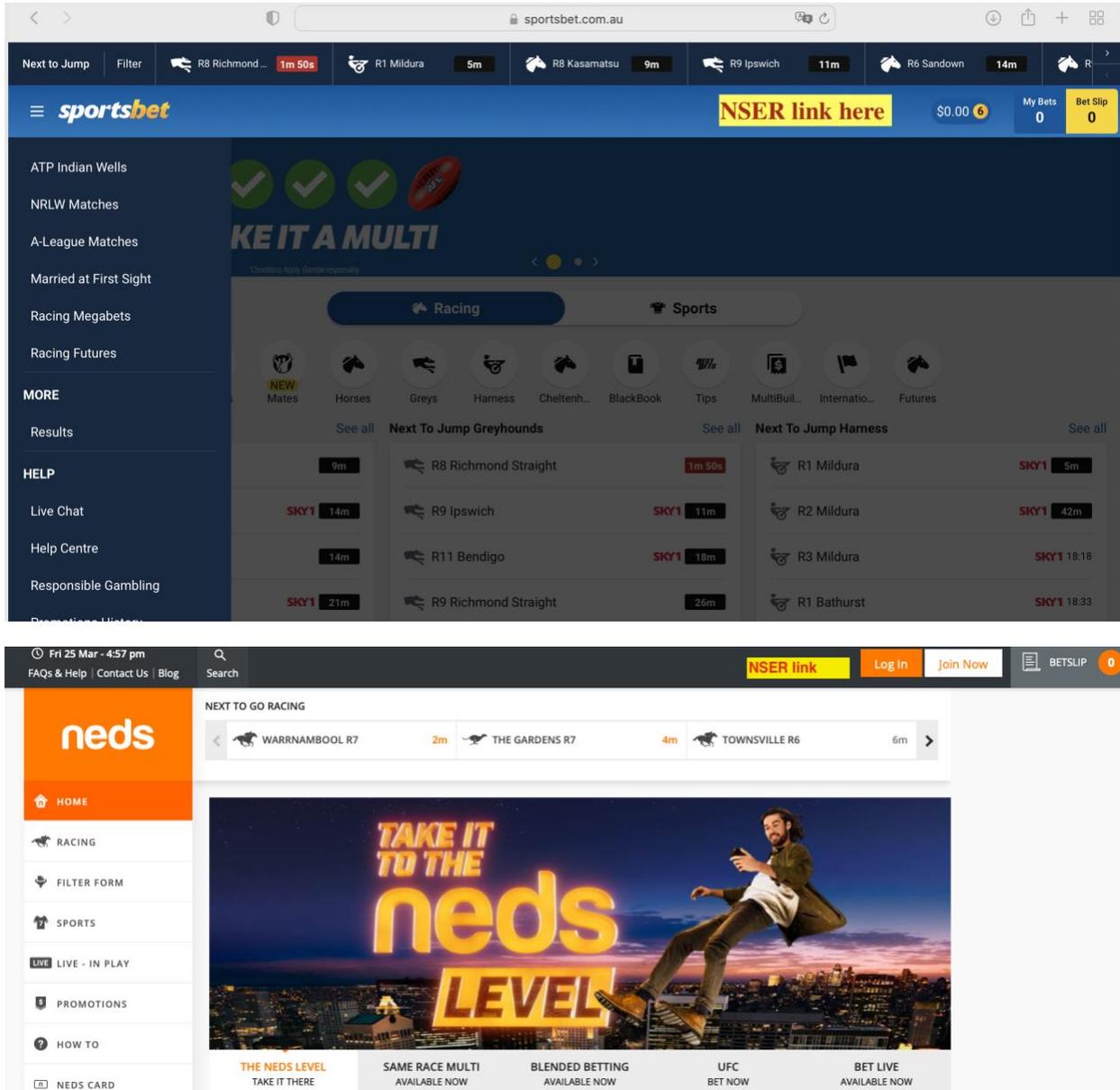
Note the logos below were shared with me a while back by someone wanting to help, and I would have to get consent if you wanted to use them (can do this).

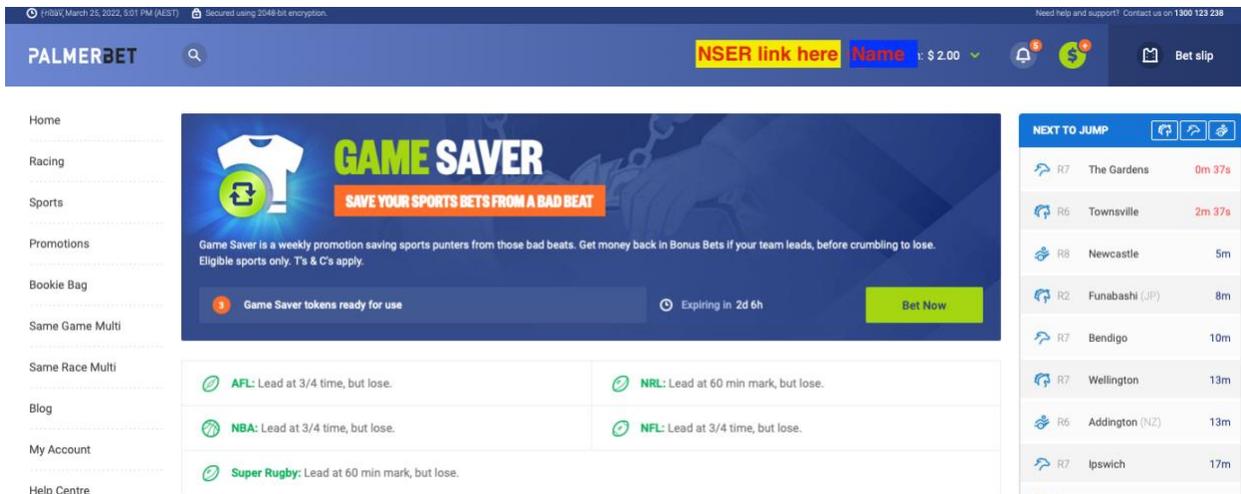
- No gamble
- QUIT-G, I G-QUIT
- Reclaim
- G-freedom or G-Free



Website/app promotion:

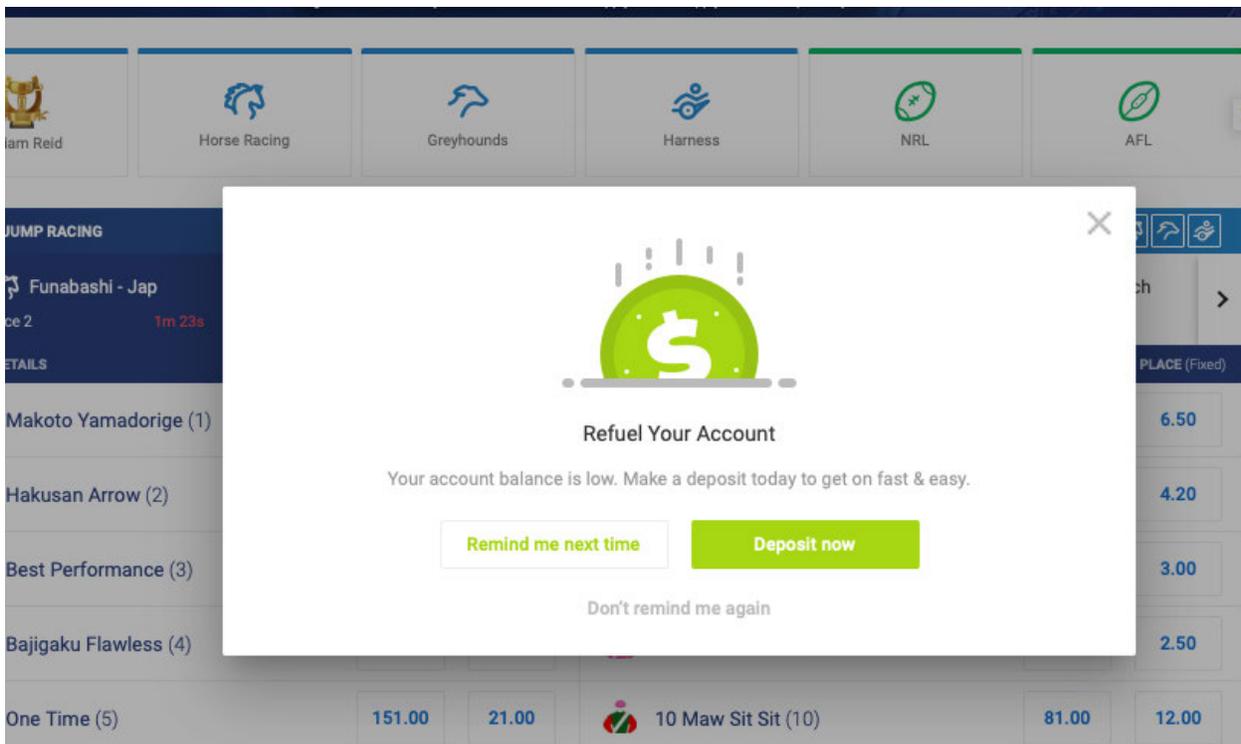
1. **The link to the NSER should be on the top right of the website.** See the screen shots below. Each company has its most important information in this position, so it has user visibility. Specify the NSER logo colour/font and font size.





2. Pop up box on log-in for all customers with information about the register.

IWPs often have pop-up boxes with messaging. See for example this Palmerbet pop-up to add money to my account. It opens every time I open the webpage and log in.



There should be a pop-up box with the words to the effect of 'Did you know that the NSER is now operational? If you need gambling to stop you can self-exclude from all online gambling easily. [Find out more]'

We can help further finesse the words.

THE END

