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Submitted by upload to <https://www.infrastructure.gov.au/have-your-say/proposed-new-mandatory-minimum-classifications-gambling-content-computer-games>

Consultation – proposed new mandatory minimum classifications for gambling-like content in computer games

Thank you for the opportunity to comment on the draft *Guidelines for the Classification of Computer Games 2023*, to be made pursuant to *the Intergovernmental Agreement on Censorship 1995*. This submission complements our submission of 11 November 2022 to the inquiry undertaken by the House of Representatives Social Policy and Legal Affairs Committee into online gambling and its impacts on those experiencing gambling harm, and verbal testimony, by me and Dr Susan Cochrane, to that Committee on 28 February 2023. The submission can be found at <https://relationships.org.au/what-we-do/#advocacy>. Recommendation 7 of that submission was

That advertising of online gambling on social media, as well as television and radio advertising and via sponsorship arrangements, be restricted, in order to minimise its exposure to children and young people.

Accordingly, we welcome the Government's efforts to minimise gambling harms to children and young people, including through reforms to the National Classification Scheme as it applies to computer games. Such reforms are also key to reducing the exposure of minors to online gambling.

Recommendations

Recommendation 1

That the National Classification Code be amended to expand the principles to which classification decisions must give effect by including an additional principle that:

- minors should be protected from material that normalises, or is likely to normalise, gambling.

Recommendation 2

That the Minister make new guidelines for the classification of computer games to replace the existing guidelines.

Recommendation 3

That the new guidelines should provide that in-game purchases linked to elements of chance and simulated gambling are not permitted in respect of the G, PG, M and MA15+ classification categories.

Recommendation 4

The Classification Board should develop consumer advice to enable consumers (and, in respect of minors, parents) to make informed decisions about the use of computer games that include simulated gambling and/or in-game purchases linked to elements of chance. The advice should include (but not be limited to):

- whether gambling with money or with non-fiat currencies is a game feature, and
- information about harms associated with online-gambling and gambling-like activities.

The work of Relationships Australia

We are an Australian federation of community-based, not-for-profit organisations with no religious affiliations. Our services are for all members of the community, regardless of religious belief, age, gender, sexual orientation, lifestyle choices, cultural background or economic circumstances. Relationships Australia provides a range of services, including counselling, dispute resolution, children's services, services for victims and perpetrators of family violence, and relationship and professional education. We aim to support all people in Australia to live with positive and respectful relationships, and believe that people have the capacity to change how they relate to others. Through our programs, we work with people to enhance relationships within families, whether or not the family is together, with friends and colleagues, and across communities. Relationships Australia believes that violence, coercion, control and inequality are unacceptable. We respect the rights of all people, in all their diversity, to live life fully within their families and communities with dignity and safety, and to enjoy healthy relationships.

Relationships Australia is committed to:

- ensuring that social and financial disadvantage is not a barrier to accessing services
- working in rural and remote areas, recognising that there are fewer resources available to people in these areas, and that they live with pressures, complexities and uncertainties not experienced by those living in cities and regional centres
- collaborating with other local and peak body organisations to deliver a spectrum of prevention, early and tertiary intervention programs with older people, men, women, young people and children. We recognise that a complex suite of supports (for example, drug and alcohol services, family support programs, mental health services, gambling services, and public housing) is often needed by people engaging with our services, and
- contributing our practice insights and skills to better inform research, policy development, and service provision.

Members of the Relationships Australia Federation have been providing Gambling Help Services for approximately 30 years. These Services provide counselling, education and financial counselling services to people experiencing gambling-related harm both from gambling themselves and from gambling by family members and others close to them.

Framing principles for this submission

Principle 1 - Commitment to human rights

Relationships Australia contextualises its services, research and advocacy within imperatives to strengthen connections between people, scaffolded by a robust commitment to human rights. Relationships Australia recognises the indivisibility and universality of human rights and the inherent and equal freedom and dignity of all.

Our commitment to human rights necessarily includes a commitment to respecting epistemologies beyond conventional Western ways of being, thinking and doing. A commitment to respecting epistemologies and experiences of Aboriginal and Torres Strait Islander people is acutely important to policy and programme development and service delivery. Connection to Country, and the context-specific experiences of kinship, for example, do not countenance the hyper-individualism that pervades Western social and economic assumptions. Centring the epistemologies and experiences of Aboriginal and Torres Strait Islander people is a necessary (although not sufficient) step in achieving the targets in the National Agreement on Closing the Gap.

Principle 2 - Online gambling harm is a pressing public health concern in its own right

The Australian Gambling Research Centre has found that 46% of Australians who gamble were classified as being at some risk of gambling harm.¹ The expansion of online gambling has been rapid, sustained and escalating. It can be offered as an online only product, or as a companion product to offline or land-based activities, and so requires multi-pronged strategies to prevent gambling-related harms.

Online gambling is largely synonymous with internet, remote, and interactive gambling. In this submission, 'online gambling' refers to the range of gambling activities offered through interactive technology, including computers, mobile and smart phones, tablets, and digital televisions. While this mode of technologically supported gambling shares most hallmarks of other gambling activities, differences arise from gambling in person at land-based retail outlets and venues and placing wagers over the telephone, mainly in terms of unbridled accessibility. (Gainsbury, 2015b)

'Harmful gambling' refers to 'difficulties in limiting money and/or time spent on gambling which leads to adverse consequences for the gambler, others, or for the community' (Neal, Delfabbro & O'Neil, 2005). In this sense, gambling-related harms constitute a significant and increasingly pressing public health issue in Australia. Its harms affect not only those who gamble, but also their families and friends, the community and governments. A number of studies have found greater levels of harmful gambling among online, compared to offline, gamblers (eg Griffiths *et al.*, 2009; Wood & Williams, 2011). In 2011, the rate of harmful gambling among online gamblers was three times higher than for offline gamblers (Gainsbury, Russell, Hing *et al.*, 2014).

¹ AGRC Community attitudes snapshot, March 2023.

Principle 3 – Gambling harms and relationships

Isolation and loneliness

Some people can, without noticing, become increasingly isolated as they immerse themselves in gambling, losing the protective factors that social connection provides, and leaving them vulnerable to a range of harms to physical and mental health that accompany social exclusion and loneliness. In studies of young people, social isolation and loneliness have consistently been associated with poor health outcomes. Pressman and colleagues (2005), for example, found small social networks were independently associated with poor immune response, while adolescents who do not have close friendships and good social networks consistently report lower levels of self-esteem, more psychological symptoms of maladjustment, and are at higher risk of suicide (Kidd, 2004).

In particular, gambling, for some individuals, becomes a substantial barrier preventing them from initiating and nurturing social connections with family, friends and the broader community. Social connection has been studied extensively, both in Australia and overseas, with authors now firmly agreeing about the importance of social connection in shaping wellbeing across the life span, particularly in later life. So important and fundamental is our need to belong, it has often been considered as central to human evolution, with group membership increasing the survival of the human species by encouraging our ancestors to coordinate activities that promoted advantages such as sharing and protecting food, shelter and resources (Baumeister & Learly, 1995).

It is therefore not surprising that deficits in experiences and feelings of belonging have been associated with a range of poor mental, physical and socio-economic outcomes for people, their families and communities. In a meta-analytical review of literature, people who are socially isolated or lonely are at risk of premature mortality at rates comparable with other well-established risk factors, including lack of physical activity, obesity, substance abuse, poor mental health, injury and violence (Holt-Lunstad, 2015). The research literature also identifies relationships between loneliness and poor mental health, including depression and anxiety (Mills & Rubin, 1998; Nangle et. al., 2003; Wang et. al., 2018), lower levels of self-worth (Qualter & Munn, 2002), life satisfaction (Goodwin, Cook, & Yung, 2001) and subjective wellbeing (eg Chipuer, Bramston & Pretty, 2003).

Loneliness is a complex social problem and a public health concern, which should be regarded as a social determinant of health in its own right. It stems from dissatisfaction with our relationships, a lack of positive and respectful relationships, or both of these. It is often caused by experiences of exclusion due to structural and systemic social realities that form obstacles to participation in social, economic, cultural and political life. As a public health concern (Heinrich & Gullone, 2006; Holt-Lunstad et al, 2015; Mance, 2018; AIHW, 2019), loneliness has been linked to physical health risks such as being equivalent to smoking 15 cigarettes a day and an increased risk of heart disease (Valtorta, 2016). Loneliness is a

precursor to poorer mental health outcomes, including increased suicidality (Calati et al, 2019; McClelland et al, 2020; Mushtaq, 2014).²

Gambling and domestic and family violence

Further, gambling-related harm almost always includes a complex mix of health, financial, relationships and social issues that span domestic and family violence, elder abuse, mental health issues, substance abuse and homelessness. Recent Australian research has found, *inter alia*, that:

- gambling does not directly cause intimate partner violence, but can intersect with it in a range of different ways, including by exacerbating existing violence
- the community lacks awareness about harmful gambling, including its links to intimate partner violence, and
- gambling-related harm (including economic abuse) is enabled by current protocols of gambling operators and financial institutions (Hing et al, 2020).

Further, gambling has been linked with perpetration of abuse of older people (particularly by friends of older people).³

Principle 4 – the National Classification Scheme has an important role to play in protecting children and young people from premature exposure to the risk of gambling harms

While there are restrictions that apply to the access by minors to offline gambling, the limited effectiveness of age-gating, and the immersion of children and young people in the online world, mean that online gambling is easily accessible to minors and makes strong visual and emotional appeals to children and young people. We know that there are many impacts common to online and offline gambling but, in our experience, online gambling appears to increase the scope and intensity of harms experienced by gamblers and their families. What is most evident is the pervasive and relentless nature of online gambling opportunities and the aggressively predatory ways in which they are urged upon users, which can virtually imprison them, making it more difficult than in other forms of gambling to overcome.

Relationships Australia notes that the National Classification Code, made pursuant to section 6 of the *Classification (Publications, Films and Computer Games) Act 1995 (Cth)*, requires classification decisions to give effect to the principles that:

- adults should be able to read, hear, see and play what they want
- minors should be protected from material likely to harm or disturb them
- everyone should be protected from unsolicited material they find offensive, and

² The campaign Ending Loneliness Together has released a guide that explains how community organisations can use validated scales to measure loneliness: https://endingloneliness.com.au/wp-content/uploads/2021/08/AGuideto-Measuring-Loneliness-for-Community-Organisations_Ending-Loneliness-Together.pdf

³ Qu et al, 2020; see especially pp 73-74, 76-77, 81.

- the need to take account of community concerns about violence, sexual violence and the portrayal of persons in a demeaning manner.⁴

In the context of the proposed Guidelines, we consider that community attitudes about gambling, including gambling harms and the ubiquity of gambling, are highly pertinent. The Australian Gambling Research Centre has recently found that

Most Australians believed that there were *'too many opportunities for gambling nowadays'* (77%) that gambling is *'dangerous for family life'* (68%), and gambling *'should be discouraged'* (59%).⁵ [italics in original]

AGRC also found widespread concern that the ubiquity of gambling advertising *'normalises gambling among children'*.⁶ [italics in original]

Discussion

Children and young people who engage in online gaming with gambling-like elements are at greater risk of experiencing gambling harm as young adults

In our experience, young people are particularly vulnerable to online gambling. Our practice observations are confirmed by recent research demonstrating the pathway from simulated gambling and gambling-like activities that they experience online.⁷ Games that simulate a gambling activity are easily accessible through sites such as Facebook, Twitter, and YouTube, as well as through free apps. Children are increasingly exposed to, and interact with, gambling themes, brands and games because of the difficulties in age-gating social networking sites. Gaming loot boxes are a good example, being features of videogames that are available to users regardless of age. In reviewing the evidence on harms associated with loot boxes, simulated gambling and other in-game purchases in video games, the AGRC concluded that

...research has found loot box purchasing to be associated with higher gambling frequency, expenditure, and session length, as well as positive attitudes towards gambling and future intentions to gamble with money.⁸ [references omitted]

⁴ See <https://www.classification.gov.au/classification-ratings/how-rating-decided> and clause 1 of the National Classification Code: <https://www.legislation.gov.au/Details/F2013C00006> [both accessed 25 May 2023].

⁵ AGRC Community attitudes snapshot, March 2023.

⁶ AGRC Community attitudes snapshot, March 2023; see also AGRC advertising attitudes snapshot, noting concerns that gambling advertising targets people at risk of gambling harms and encourages uptake of gambling – both concerns are pertinent to community attitudes about protecting minors from harm.

⁷ See, eg, Greer et al, 2022.

⁸ Greer et al, 2022, 10, 17-25. The research considered included Australian and international research.

The AGRC noted that in qualitative interviews, adult loot box purchasers

...expressed concerns that loot boxes may be attractive and harmful to a young (underage) market. Participants also described risky features of loot boxes, including continual availability, unknown cost of chasing desired items,⁹ addictive potential, prolific in-game promotions, low cost per transaction facilitating continued purchasing, easy access to minors, and lack of consumer protection features (ie age restrictions, odds information, responsible gambling tools).¹⁰

Indeed, Greer et al note evidence suggesting that the association between loot box spending and gambling problems may be stronger for older adolescents than for adults¹¹ and that having purchased a loot box was the strongest predictor of gambling problems and gambling-related harms (including development of internet gaming disorder, increased psychological distress and financial harm),¹² including for adolescents between 12-17 years of age (ie an age group many members of which would have access to materials classified M or MA15+).¹³

Social, non-monetary casino games have proven among the most popular with young people. Although these games are largely free to play, money can be used to further their play, and the accurate replication of gambling activities and environments (including, for example, aesthetics, music tracks, sound prompts etc) grooms young people for future engagement with the money driven counterparts.¹⁴ The AGRC has identified associations between in-game purchases and internet gaming disorder, financial harms, and behavioural and emotional problems in adolescents.

This evidence notwithstanding, the proposed Guidelines would allow adolescents access to both loot boxes and in-game purchases that do not meet the definition of simulated gambling.

We believe that online gambling is further normalised for young people through the number, frequency and intensity of advertisements. Many of our younger clients tell us that they have seen advertising or branding for gambling operators on social networking sites, including content shared by other users. Social casino games incorporate components such as leaderboards and competitions, linking to social media accounts. Users are encouraged to share updates and invite their online connections to play, increasing the promotion of gambling-themed games on social media. Gambling providers also exploit

⁹ See, eg, Deblaquiere, Carroll and Jenkinson, 2018, for the emergence of a market in rare or otherwise desirable items that may be acquired through purchasing and opening loot boxes. Some may enable in-game progression, or be aesthetically desirable, as well as being 'intrinsically valuable' within the terms of the game.

¹⁰ Greer et al, 2022, at 23, citing Hing et al, 2021.

¹¹ Greer et al, 2022, at 23, citing Hing et al, 2021; Kristiansen & Severin, 2020; Wardle & Zendle, 2021.

¹² Sakata et al, 2022.

¹³ Greer et al, 2022, at 25, citing Rockloff et al, 2020.

¹⁴ See also Greer et al, 2022, 37, 45 (esp Table 6); Sakata & Jenkinson, 2022; AIFS submission to the House of Representatives Standing Committee on Social Policy and Legal Affairs, 11 November 2022 (submission 76), available at https://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/Onlinegamblingimparts/Submissions (accessed 30 May 2023), and sources cited as showing association between loot boxes and social casino games with harm such as problem, gambling, internet gaming disorder and other negative consequences. See also Livingstone, 2017, and King & Delfabbro, 2018, cited in the submission.

the use of memes, to encourage young people to tag their friends, in a manner which closely resembles pyramid scheme tactics.

In our experience, too, gambling-themed games increase our clients' confidence in winning at gambling and alter perceptions of skill and risk-taking. Many of our younger clients report game operators press them to try real-money gambling. Many have gone on to gambling, and to suffer gambling-related harms, as a result of using social casino games.

To young people who have been painstakingly groomed – at considerable expense by marketers - to engage with online gambling, the ready accessibility of credit to bet eases the transition to monetised gambling without signposting the very real difference in kind and consequence from their childhood games. Consequently, Relationships Australia welcomed the Government's moves to ban the use of credit cards for online wagering.¹⁵

As with adults, online gambling is addictive for young people because it provides distraction and a temporary means of 'self-soothing' when experiencing emotional challenges arising from stress, depression, and anxiety. Self-soothing with online gambling can lead to a disengagement from school and peers and cause conflict in relationships with parents, with the difficulties themselves supporting a self-perpetuating cycle of problematic stress management.

For these reasons, we do not support the approach taken in the proposed *Guidelines for the Classification of Computer Games 2023*, which would permit in-game purchases linked to elements of chance within the M and MA15+ classification categories. The evidence base (as well as practice experience) emphasises the harms to which children and young people are exposed not only through simulated gambling, but also through in-game purchases linked to elements of chance. The Government is to be commended for its energetic commitment thus far to minimising gambling harm; however, the approach taken in the proposed Guidelines is incongruous for its marked departure from the evidence base as well as that overall policy direction. We respectfully encourage the Government to make Guidelines that recognise that both simulated gambling and gambling-like activities are harmful to minors. This would reflect the evidence base, practice observation and community attitudes about the exposure of minors to online gambling and gambling-like activities.

Conclusion

The expansion in exposure to, and availability of, online gambling has been rapid and sustained; a no doubt intentional outcome of the staggering increase in the amount of money spent on wagering advertising over 2020-2021.¹⁶ The place of online gambling in our society is a contentious, emotive issue. The regulation of online gambling can be considered on a continuum from maximum consumer

¹⁵ See media release, 28 April 2023, by the Minister for Communications, the Hon Michelle Rowland MP, <https://minister.infrastructure.gov.au/rowland/media-release/albanese-government-will-ban-credit-cards-online-wagering> [accessed 25 May 2023] and media release by Relationships Australia, 28 April 2023 at <https://relationships.org.au/document/media-release-relationships-australia-welcomes-moves-to-prohibit-use-of-credit-in-online-gambling/>.

¹⁶ AGRC Community attitudes snapshot, March 2023, citing the Victorian Responsible Gaming Foundation, 2022.

choice to prohibition, largely with a moral dimension to arguments. In preventing and minimising online gambling-related harm, we recognise that no single strategy (including credit betting prohibitions) could ever be totally comprehensive. However much is achieved, there is always more that can be attempted.

Our recommendations rest on the principle that responsibility for population health is a shared responsibility, conferring both freedoms and obligations on individuals, community groups, businesses, corporations and governments at all levels. This responsibility is even greater in respect of children and young people.

In general, we adopt a harm minimisation approach, accommodating what we believe to be personal and socially responsible online gambling practice and policy that balances the rights of adults to safely access legal online gambling opportunities against the need to prevent, minimise and mitigate harms associated with online gambling.

In terms of the normalisation of gambling, and the promotion of gambling, among children and young people, however, there is no question of balancing risks and benefits, or resolving any tension between exercising and restricting autonomy. There is no upside attached to inducing children and young people to start or to practise gambling behaviours. There is only risk of harm, and this is a grave risk of what is too often quite devastating harm that lays waste not only to the life and wellbeing of the person who gambles, but also to their families, friends and the broader community. Australia has the largest per capita gambling losses,¹⁷ and among those Australians who gamble, 46% are at some risk of gambling harm.¹⁸

The child or young person who transitions to adulthood with gambling a well-established part of their lives is an adult who lives with numerous risks. These include the risk of using domestic and family violence¹⁹ (including abuse and neglect of older people,²⁰ as well as intimate partner violence). If that child or young person becomes an adult living with a mental illness, their risk of experiencing gambling harms is greater.²¹ If they become an adult experiencing family separation, they are more likely also to experience other psycho-social challenges as well as needing intervention by a family court to resolve disputes about arrangements for their children.²² The cost of gambling harms, therefore, burdens our health system, our social welfare system, our criminal justice, family violence and family law systems.

If these risks materialise, they can have grave and persistent effects that endure well into adulthood and can, potentially, have intergenerational effects.²³ There is no countervailing benefit that mitigates the

¹⁷ Letts, 2018, QGSO, 2021;

¹⁸ Participation and experience snapshot, 2023.

¹⁹ See, eg, Hing et al, 2020 (finding that while gambling does not directly cause intimate partner violence, it reinforces the gendered drivers of violence to intensify the frequency and severity of intimate partner violence against women); Freytag et al, 2020.

²⁰ Qu et al, 2020.

²¹ See, eg, Lubman et al 2017.


²² Family Law Council, 2015, 4, citing Kaspiew and Qu, 2014.

²³ The AGRC has noted that children and young people are at greater risks of harm if they have a parent who gambles: Sakata & Jenkinson, 2022.

harm. Yet the risks of premature exposure to gambling are entirely avoidable, and within the Government's power to avoid. Accordingly, we respectfully submit that the National Classification Scheme should prohibit the access of minors to in-game purchases linked to elements of chance *and* to simulated gambling. There is compelling evidence, as well as broad community support, for doing so.

Thank you again for the opportunity to participate in this consultation. Should you require any clarification of any aspect of this submission, or information on the services that Relationships Australia provides, please contact me or Dr Susan Cochrane, National Policy Manager, Relationships Australia (ntebbey@relationships.org.au and scochrane@relationships.org.au). We look forward to future opportunities to engage with you in this policy area.

Kind regards

A handwritten signature in black ink, appearing to read 'Nick Tebbey', with a long, sweeping tail stroke extending to the right.

Nick Tebbey
National Executive Officer

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