

Joint Submission on the Civil Law and Courts (Miscellaneous Provisions) Bill 2017

Problem Gambling Ireland & The Rutland Centre



Dear Minister Stanton,

We would like to thank you for offering us the opportunity to submit our views on the sections of the Civil Law and Courts (Miscellaneous Provisions) Bill 2017, which pertain to the Gaming and Lotteries Act 1956 and the Totalisator Act 1929.

We have several concerns with the proposed legislation, in its current form.

Regarding Head 69: Repeal of Section 9 of the Gaming and Lotteries Act 1956, which prohibits gaming on premises which are licensed for the sale of intoxicating liquor. What is the rationale behind repealing this section of the 1956 Act? Allowing gambling/gaming in venues where people are consuming alcohol, increases the risk of customers gambling to excess and experiencing higher levels of gambling-related harm. We are strongly opposed to the repeal of this section.

Regarding Head 70: How does the Department propose to enforce regulations on mobile gaming operators (circuses or other travelling shows) or once off events ("carnival, bazaar, sports meeting, local festival, exhibition or other like event")? These types of events often attract young people (minors). To date, the levels of enforcement, in relation to the 1956 Act, have been extremely low. In the continued absence of a well-resourced Gambling Regulator, we have serious concerns about these types of permits. Also, there is no requirement in the legislation for staff to complete responsible gambling training.

Section 7a: Does the maximum stake of €10 cover games, such as roulette, where a new stake could be placed every 30 seconds?

Sections 7 c and d: Potential winnings appear to be capped at €3000, however, there appears to be no limit on the amount a customer can lose. This appears to unfairly favour the operator, potentially at the expense of consumers, who may be vulnerable to gambling problems.

Section 10: What types of gaming in licensed premises does the Government envisage, if gaming on machines is to be prohibited?

Regarding Head 72, Section 14, 1 (a): Where it states that "the stake in each game is not more than €10 for each player". Could this apply to roulette machine games (in the style of Fixed Odds Betting Terminals)? If so, this could mean a potential loss of €1200 per hour. I see no mention of Fixed Odds Betting Terminals in the legislation. At present, there is a 'gentleman's agreement' between the bookmakers, not to have them in their stores. However, they are available in casinos and amusement arcades in the State.

Regarding Head 98 (Section 44): "(4) Where a person is charged with having committed an offence in accordance with subsection (3), it shall be a good defence to such charge to prove that the person so charged believed and had reasonable cause for believing that the person in respect of whom such offence is alleged to have been committed was of or over the age of eighteen years." This is unacceptable. Licensees should be incentivised to ask customers for identification, rather than being advised that they have a 'good defence' of an 'honest mistake' if they allow minors to gamble on their premises.

The same issue exists with **Head 105, Section 4A (3)**. This is, essentially, a 'get out of jail free card'.

Responsible gambling training should be a mandatory legal requirement for relevant staff in all venues (including at a circus or travelling show, carnival, bazaar, sports meeting, local festival, exhibition or other like event), where licensed gaming services are delivered.

There should be a legal requirement for gaming providers to display information on problem gambling support and treatment services, as well as information on the warning signs of problem gambling.

There should be a legal requirement for gaming providers to have a self-exclusion facility, available to all customers, who wish to avail of it. This facility should be well-publicised within gaming venues.

The legislation does not appear to deal with Private Members Clubs/Casinos. Many of these 'clubs' offer low-cost alcohol, after night-clubs have closed – and, allegedly, provide gaming services to customers who are highly intoxicated.

The legislation does not appear to provide any regulations regarding gaming services being provided to customers who are under the influence of alcohol or other drugs. If the government wishes to protect vulnerable customers, this should be prohibited.

Yours Sincerely

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