

# Gambling Counselling and Treatment Programs in NSW

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For white-collar crimes such as fraud, in cases involving domestic violence, and for a wide range of other matters, gambling may be a factor. The Productivity Commission (1999) found that around one in ten problem gamblers had committed a crime<sup>i</sup>. Warfield's review of serious gambling-related fraud noted that poker machines were by far the most frequent form of gambling and that high levels of depression were reported amongst many of the offenders<sup>ii</sup>.

A study by Crofts in 2003, *Researching the link between gambling and crime*, noted that defendants are rarely probed for motive, that gambling is not automatically raised as an issue, in contrast with alcohol and drugs, and that research such as hers will grossly underestimate the incidence of gambling related crime<sup>iii</sup>. An international literature review suggests that approximately one third of criminal offenders are problem or pathological gamblers, rates comparable to those for substance abusers, with some comorbidity.<sup>iv</sup>

The NSW Government, through the Responsible Gambling Fund (RGF), funds more than 50 face-to-face treatment services for problem gambling, available throughout NSW. Services include gambling counselling, financial counselling, a 24/7 Gambling Helpline and Gambling Help Online. Specialist services offer counselling in many community languages. The RGF also funds Wesley Community Legal Service to provide a specialist legal service for problem gamblers and those affected by problem gambling.

The availability of these services at no cost makes them easily accessible to offenders. The Productivity Commission (2010) found that this type of treatment results in significant decreases in clients' involvement in gambling and gambling-related problems<sup>v</sup>.

## Defining problem gambling

'Problem gambling' is the term widely used to describe the many gamblers who lose more than they can afford, and whose financial problems may become a factor in criminal behaviour.

'Gambling addiction', 'pathological gambling' and 'disordered gambling' are terms used in the diagnosis of gambling addiction as a psychiatric condition. After 10 years of research, The American Psychiatric Association moved 'gambling disorder' into the substance abuse chapter beside nicotine, heroin and cocaine in the latest Diagnostic and Statistical Manual of Mental Disorders, (DSM-5®).

A Victorian study found that of problem gamblers in treatment, 36 percent had a severe mental disorder, 71 percent were at risk of depression and 50 percent had likely hazardous alcohol use.<sup>vi</sup>

International screening tools range from simply asking “has gambling been an issue for you?” to the 35 question South Oaks Gambling Screen (SOGS). The RGF has made information on crime, screening and the law available at [www.gamblinghelp.nsw.org.au](http://www.gamblinghelp.nsw.org.au) for legal and corrections professionals.

## Treatment for problem gambling

Gambling counsellors use Cognitive Behavioural Therapy (CBT) and other recognised treatments to assist the problem gambler to reduce or stop gambling.

Financial counsellors assist problem gamblers to deal with their debts, including payment of fines and restitution. If debt problems remain unresolved, there is a greater likelihood of reoffending.

There are also some residential addictions programs that treat problem gamblers at low cost such as Foundation House and the Salvation Army Bridge Program. A number of private residential programs accept problem gamblers. Residential programs are favoured by problem gamblers who have tried other treatments before, or have made suicide attempts, or have multiple addictions.

Gamblers Anonymous is a 12-step program that offers long-term peer support to recovering problem gamblers and has weekly meetings in some areas of NSW.

The sub-group of problem gamblers with a diagnosable gambling addiction will benefit from gambling and financial counselling, but may also need additional treatment including psychological and psychiatric treatment for depression, anxiety and trauma-related mental health issues to overcome their gambling urge. Traumatic events greatly increase the risk of developing a gambling addiction<sup>vii</sup>.

## Self-exclusion from gambling venues

All hotels and clubs in NSW with gaming machines are required to provide a self-exclusion scheme for patrons<sup>viii</sup>. Self-exclusion schemes are also provided by Tabcorp<sup>ix</sup> and The Star casino<sup>x</sup> in Sydney.

Sentence conditions could prohibit the offender from entering any gambling establishment, prohibit the offender from entering any place where gambling is conducted, and require the offender to enter into a self-exclusion deed to keep out of all gaming machine venues in town. All multi-venue self-exclusion schemes have a limit on the number of venues that they will process (<100), so a blanket prohibition on entering any gambling establishment in NSW could not be supported by a State-wide self-exclusion. The Productivity Commission (2010) noted studies show that the majority of participants benefit from self-exclusion, although a substantial minority breach their self-exclusion and continue to gamble<sup>xi</sup>.

## Diversionsary programs

A number of diversionary programs are suitable for problem gamblers. The CREDIT and Life On Track pre-plea programs offer Local Court defendants referral to case management and treatment at an early stage. A 2012 evaluation of the CREDIT program reported a high level of support from stakeholders and participants, but only a very small number were referred for gambling treatment<sup>xii</sup>.

Life on Track commenced in 2013 in seven Local Courts in NSW. It is provided by local non-government organisations, with Mission Australia contracted to service the initial sites. Defendants with medium to high level support needs and/or a medium to high risk of re-offending are linked by case managers with available services in their local area. Defendants with gambling-related problems are one group who would be suitable for referral to Life on Track. The Life on Track Comprehensive Assessment Tool specifically identifies gambling as one form of addiction requiring treatment<sup>xiii</sup>.

Forum Sentencing could be used more frequently for gambling-related crime. The Bureau of Crime Statistics noted that only 11.7% of offences referred to Forum Sentencing were for fraud offences<sup>xiv</sup>. Often the offender is a trusted employee or friend and the victim feels deeply hurt by the betrayal of trust. Forum Sentencing provides an opportunity for victim and offender to exchange their experiences of the crime and to move towards a fair and positive outcome.

Circle Sentencing may be appropriate for adult Aboriginal Offenders. The RGF-funded Warruwi Program raises awareness of problem gambling within many Aboriginal communities.

## Sentencing and treatment

Sentencing of an offender may be deferred under section 11 of the *Crimes (Sentencing Procedure) Act 1999* for the purpose of allowing an offender to undertake an agreed plan that may incorporate gambling counselling, payment of restitution, psychological treatment and self-exclusion from gaming venues.

Likewise, conditions requiring gambling counselling, psychological treatment and self-exclusion from gambling venues may be incorporated into a good behaviour bond under section 9 or 10 of the *Crimes (Sentencing Procedure) Act 1999*, or of a suspended sentence under section 12 of that Act.

For an application made under s32 of the *Mental Health (Forensic Provisions) Act 1990*, by a person suffering from a gambling disorder under the DSM V classification, these conditions could also be made as there is often a direct correlation between the offender's mental illness and subsequent behaviour, which led to the commission of the subject offence.

Forms of imprisonment such as Intensive Corrections Orders (ICO) and Home Detention (HD) may also be appropriate alternatives to full-time custody as they maximise offenders' opportunities to undergo treatment and rehabilitation for their gambling problem. The NSW Law Reform Commission noted that HD and ICOs are underused sentencing options and have important advantages in terms of reducing costs, reducing reoffending

and keeping offenders out of prison<sup>xv</sup>. The Bureau of Crime Statistics found that an offender on an ICO had 33 per cent less risk of re-offending than an offender on periodic detention<sup>xvi</sup>.

## Gambling Help contact details

Locations and contact details of free, local RGF Gambling Help services, including Wesley Legal Service can be obtained from the RGF Gambling Help NSW website, [www.gamblinghelp.nsw.org.au](http://www.gamblinghelp.nsw.org.au) and from the Gambling Helpline, 1800 858 858.

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<sup>i</sup> Productivity Commission, 1999, *Australia's Gambling Industries*, Report No.10 at 7.67

<sup>ii</sup> Warfield B, 2011, *Gambling Motivated Fraud in Australia 2008-2010*

<sup>iii</sup> Crofts, P., (2003), *Researching the link between gambling and crime*, paper presented at the Evaluation in Crime and Justice: Trends and Methods Conference convened by the Australian Institute of Criminology in conjunction with the Australian Bureau of Statistics and held in Canberra, 24-25 March 2003, accessed November 2015 from [http://www.aic.gov.au/media\\_library/conferences/evaluation/crofts.pdf](http://www.aic.gov.au/media_library/conferences/evaluation/crofts.pdf)

<sup>iv</sup> Williams R, Royston J and Hagen B, (2005) Gambling and problem gambling within forensic populations, A review of the literature, *Criminal Justice and Behavior*, Vol 32 No 6, December 2005, 665-689

<sup>v</sup> Productivity Commission, 2010, *Gambling*, Finding 7.2 at p.7.34

<sup>vi</sup> Thomas & Jackson, 2008, *Risk and Protective Factors, Depression and Co-morbidities in Problem Gambling*, Report to Beyondblue.

<sup>vii</sup> Scherrer, Hong, Kapp, Waterman, Shah,, Volberg, Eisen (2008). Association Between Exposure to Childhood and Lifetime Traumatic Events and Lifetime Pathological Gambling in a Twin Cohort, *Journal of Nervous & Mental Disease*. 195(1), 72-78.

<sup>viii</sup> S.49(3)(a) *Gaming Machines Act 2001*, <http://www.clubsnsw.com.au/members/clubsafe/multi-venue-self-exclusion>, phone 1800 99 77 66

<sup>ix</sup> [http://tab.custhelp.com/app/answers/detail/a\\_id/71/~/-/responsible-wagering\\_email\\_betcare@tabcorp.com.au](http://tab.custhelp.com/app/answers/detail/a_id/71/~/-/responsible-wagering_email_betcare@tabcorp.com.au), phone 1800 882 876 (office hours)

<sup>x</sup> See Star Casino Betcare brochure:

[http://static1.squarespace.com/static/55779b23e4b02a4a537312a8/t/5591ef2ee4b0e05c803dd65b/1435627310948/Self\\_Exclusion\\_English.pdf](http://static1.squarespace.com/static/55779b23e4b02a4a537312a8/t/5591ef2ee4b0e05c803dd65b/1435627310948/Self_Exclusion_English.pdf)

<sup>xi</sup> Productivity Commission 2010 *op.cit.* Vol.2 at E.6

<sup>xii</sup> Trimboli L., 2012 NSW Court Referral of Eligible Defendants into Treatment (CREDIT) pilot program: An evaluation *NSW Bureau of Crime Statistics and Research Bulletin 159*, February 2012

<sup>xiii</sup> Department of Justice, 2013 *Life on Track Operational Manual*, at p.

<sup>xiv</sup> NSW Bureau of Crime Statistics, 2013 Rates of recidivism among offenders referred to Forum Sentencing, *Bulletin Number 172* at p.5

<sup>xv</sup> NSW Law Reform Commission 2013 *Sentencing*, Report 195, at p.195

<sup>xvi</sup> NSW Bureau of Crime Statistics, 2013, The Impact of Intensive Correction Orders on Re-offending, *Bulletin number 176* at p.1