



## Department of Justice

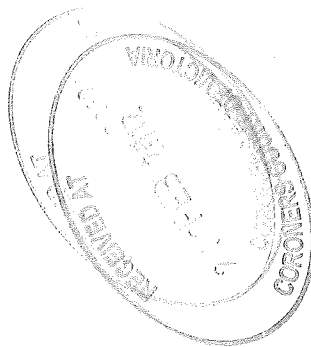
Office of Gaming & Racing

24 FEB 2012

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Our ref: CD/12/46935  
Court ref: 1672/2011

Mr David Byrne  
Coroners Registrar  
Coroners Court of Victoria  
Level 1  
436 Lonsdale Street  
MELBOURNE VIC 3000



Dear Mr Byrne

**Jacob Anton Van Berlo**

Thank you for your letter dated 17 January 2012 regarding the recommendations made by the Coroner under the *Coroners Act 2008* in relation to the death of Mr Jacob Anton Van Berlo (Court Reference: 1672/2011).

I note the Coroner's comments under section 67(3) of the *Coroners Act 2008* that "there is a strong inference arising from the circumstances of Mr Van Berlo's death that the opportunity to access an automatic teller machine (ATM) within the gambling venue, operated to feed his gambling addiction and so fuel his depression as to drive him to commit suicide" and his request that the findings should be brought to the attention of the Executive Commissioner of the Victorian Commission for Gambling Regulation and those responsible for formulating and implementing policy on the retention of ATMs or similar cash dispensing machines at gambling venues.

The Government has already taken action consistent with the Coroner's recommendations in relation to ATMs in gaming venues and additional action in support of the Coroner's recommendations is already proposed. Outlined below is information about current and future restrictions on ATMs in gaming venues.

### *Current restrictions on ATMs*

The *Gambling Regulation Act 2003* (GRA) already contains a number of restrictions on ATMs that are located in gaming venues.

Section 3.5.32 of the GRA provides that an ATM located in a gaming venue must not allow a person to obtain more than \$200 in any one transaction, or to obtain a cash advance from a credit account.

Section 3.5.32A of the GRA provides that an ATM located in a gaming venue must not allow a person to withdraw more than \$400 from any one debit or credit card in a 24 hour period. Additionally, this section provides that an ATM must not be located in the gaming machine area of a gaming venue.

#### *New prohibition on ATMs in gaming venues*

On 23 June 2009, the *Gambling Regulation Amendment (Licensing) Act 2009* (Licensing Act) received Royal Assent. Division 5 of Part 4 of the Licensing Act amends the GRA to insert new provisions relating to the placement of ATMs in gaming venues. A copy of the Licensing Act can be found at <http://www.legislation.vic.gov.au/>.

The relevant provisions of the Licensing Act have a default commencement date of 1 July 2012.

From 1 July 2012, ATMs will not be permitted anywhere in a gaming venue that is not located on a racecourse. Additionally, ATMs will not be permitted within 50 metres of an entrance to the gaming machine area of a venue that is located on a racecourse, or within 50 metres of an entrance to the casino. The ATM prohibition operates differently for venues on a racecourse and for the casino because of the size of the premises and diversity of activities available in these areas. Non-gaming businesses operate on both racecourses and the casino and the 50 metre requirement is designed to balance the intention of the prohibition with minimising the impact upon non-gaming businesses.

The prohibition on ATMs in gaming venues is intended to limit access to cash and thereby reduce gambling-related harm. Removing ATMs from gaming venues will require patrons to leave the venue in order to access cash from an ATM. This will provide patrons with a break in play that gives the person the opportunity to make a decision, outside the gambling environment, about whether or not to continue gambling.

The policy is supported by *A Study of Gambling in Victoria*, a Victorian survey of 15,000 adults, which found that 91.9 per cent of non-problem gamblers did not access money through ATMs, EFTPOS or credit cards during a gambling session. In contrast, 91.1 per cent of problem gamblers said they accessed cash at least once during a gambling session. More than half of problem gamblers reported accessing cash in venues twice or more during a gambling session. A copy of the study is available at [http://www.justice.vic.gov.au/home/gambling+and+racing/research+and+statistics/justice+-+a+study+of+gambling+in+vic+problem+gambling+from+a+public+health+perspective+\(pdf\)](http://www.justice.vic.gov.au/home/gambling+and+racing/research+and+statistics/justice+-+a+study+of+gambling+in+vic+problem+gambling+from+a+public+health+perspective+(pdf))

The Victorian Government has commissioned an evaluation of the ATM reform so that its impact can be accurately measured.

The Victorian Commission for Gambling and Liquor Regulation (VCGLR), the regulatory body responsible for overseeing gambling in Victoria, may grant an approval to a venue operator to provide an ATM within a venue in limited circumstances. The VCGLR must not grant an approval unless:

- the venue is located outside the Melbourne Statistical Division; and
- the community would have no reasonable alternative access to cash facilities if the approval is not granted; and
- the community would suffer hardship if the approval is not granted.

The purpose of allowing exemptions is to avoid disadvantaging small communities that might rely on the ATM in a gaming venue for their banking needs.

As of 22 January 2012, the VCGLR has not received any applications by venue operators to provide an ATM after the prohibition commences.

The Victorian Government has also announced its intention to extend the prohibition to cover all cash access devices that do not require interaction with gaming venue staff before a decision to withdraw cash is actioned by an individual.

The extension of the prohibition is designed to ensure that the ban is not undermined by the proliferation of new devices that may offer easy access to cash in gaming venues.

The available research indicates that staff interaction when accessing cash may deter high-risk gamblers and can provide venue staff with an indicator that a patron is displaying behaviours associated with problem gambling.

Legislative amendment will be required to extend the prohibition and I anticipate that it will be considered by Parliament this year.

I trust that this information is of assistance to the Coroner.

Yours sincerely



**CATE CARR**  
**Director**  
**Gambling Policy and Research**

Cc: Jane Brockington  
Chief Executive Officer  
Victorian Commission for Gambling and Liquor Regulation