



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

COR 2021 3561

FINDING INTO DEATH FOLLOWING INQUEST

Form 37 Rule 63(1)

*Section 67 of the **Coroners Act 2008***

Inquest into the Death of Kyle Glynn Hudson

Delivered on:	20 October 2026
Delivered at:	Southbank, Victoria
Hearing Dates:	11, 12, 13 and 14 May 2026
Findings of:	Coroner Paul Lawrie
Representation:	Mr A. Cameron KC with Ms S. Nambiar for Entain Group Pty Ltd
	Mr J. Brereton with Ms A. Slater for Hillside (Australia New Media) Pty Ltd
	Mr C. McDermott with Mr P. O'Bryan-Gusah for Sportsbet Pty Ltd
Counsel Assisting:	Ms G. Coghlan KC with Ms S. Clancy

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– gambling inducements and bonus offers – gambling
advertising and marketing – monitoring of customer
gambling transactions and interventions – research and
access to gambling data – regulation of online gambling

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INITIAL FINDINGS PURSUANT TO SECTION 67(1)

I, Coroner Paul Lawrie, having investigated the death of **Kyle Glynn Hudson** and having held an inquest in relation to the death on 11, 12, 13 and 14 May 2026 at Southbank, Victoria –

find that the identity of the deceased was Kyle Glynn Hudson, born on 31 May 1999 and the death occurred on 6 July 2021 at 8 River Park Court, Werribee, Victoria from:

- 1(a) NECK COMPRESSION
- 1(b) HANGING

INTRODUCTION

1. Kyle Hudson was 22 years of age when he passed away on 6 July 2021, at his home in Werribee, Victoria. He had hanged himself that day in a shed at the rear of the premises.
2. Kyle was the son of Kerry and Andrew Hudson. He had three older brothers: Ryan, Jye and Sean. Kerry and Andrew Hudson separated when Kyle was 3 years old.
3. At the time of the fateful events, Kyle lived in Werribee with his mother, his stepfather John Viljoen and his brother Ryan. He had been in a long-term relationship with Ms Ashley Baker for approximately seven years. He also had a large circle of good friends, who were all interested in sport and played basketball and indoor soccer together weekly.¹ Kyle was in his fourth year of a Bachelor of Construction Management at Victoria University, and he was also working on a casual basis for a retail business.²

¹ Statement of Kerry Hudson: Exhibit 11 at CB tab 3-1

² Statement of Kerry Hudson: Exhibit 11 at CB tab 3-1

4. Kyle had accounts with each of the betting companies represented at this inquest, and comprising, in total, five separately branded accounts: Sportsbet; Ladbrokes; Neds; Bookmaker; and bet365. He opened his Sportsbet account on his 18th birthday, 31 May 2017, and used this account for the majority of his online gambling activity. Kyle opened his other four accounts in the middle of the following year. Kyle also had nine other betting accounts but his transactions with these were, by comparison, very limited.³
5. For a little over four years between his 18th birthday and his death, Kyle gambled prodigiously using these accounts. He placed 8,585 bets for a total value of \$895,733. This resulted in a net loss of \$47,945. To maintain his online gambling activity, Kyle deposited a total of \$406,725 over 1,245 separate occasions.
6. Kyle did not have any history of mental illness, and he had no substance abuse issues.⁴ Ms Baker recounted that the only thing she and Kyle argued over was his gambling⁵ and she repeatedly urged him to reduce his betting. On four occasions in the second half of 2020, Kyle set a weekly deposit limit on his Sportsbet account. He set these limits substantially lower than his habitual average deposits per week. However, in each instance he removed this limiting measure and, from October 2020, operated his Sportsbet account without any deposit limit.
7. In February 2021, Kyle and Ms Baker agreed to take extraordinary measures. Ms Baker opened a separate bank account and Kyle set up a direct debit to transfer almost all his income (\$750 per week) from his usual account into this new account managed by Ms Baker. She would then transfer back to Kyle amounts for living expenses and an allowance of \$50 per week for betting. Kyle also gave Ms Baker the password to his Sportsbet account so that she could see his betting activity. She did not know, and Kyle did not reveal, that he had other betting accounts.

³ These were: TAB; Legend Casino; William Hill; Crown; PalmerBet; PointsBet; BetEasy; ClassicBet; and SportsChamps. Report of Cameron Gray: Exhibit 5 at CB tab 13-27, Table 14

⁴ Statement of Kerry Hudson: Exhibit 11 at CB tab 3-1; Statement of Ashley Baker: Exhibit 1 at CB tab 6-1

⁵ Statement of Ashley Baker: Exhibit 1 at CB tab 6-1

8. Two days before his death, Kyle repeatedly asked Ms Baker for \$1,000 while refusing to say why he wanted it. For Ms Baker, this was a signal that Kyle's "cycle" of excessive betting was about to repeat and it precipitated a breakdown in their relationship. Ms Baker told Kyle that she was cancelling the arrangements to celebrate their anniversary.
9. The day before Kyle's death, Ms Baker checked his Sportsbet account and saw that he had made recent bets. In fact, over the preceding week⁶ he had used this account to place 49 bets for a total value of \$4,505 and lost over \$2,000. By 5 July, his account balance was zero.⁷ Ms Baker concluded that Kyle "had made his decision" and, after work, she went to his house to collect their dog.
10. Shortly after midnight on 6 July 2021, Kyle used his bet365 account to place his second last bet, with a stake of \$5,000. He lost. Later that morning he placed his last bet for \$1,300 and lost again. No one saw Kyle that morning, but at some time after 11.15am he went out to the garage and hanged himself. His mother and stepfather made the awful discovery later that evening.

CORONIAL INVESTIGATION AND INQUEST

11. Kyle's death was reported to the coroner as it fell within the definition of a reportable death in the *Coroners Act 2008 (the Act)*. Reportable deaths include deaths that are unexpected, unnatural or violent or result from accident or injury.
12. The role of a coroner is to independently investigate reportable deaths to establish, if possible, identity, medical cause of death, and surrounding circumstances. Surrounding circumstances are limited to events which are sufficiently proximate and causally related to the death. The purpose of a coronial investigation is to establish the facts, not to cast blame or determine criminal or civil liability.

⁶ That is, from 29 June 2021.

⁷ Exhibit 11 at CB tab 39-56 to 39-58

13. Under the Act, coroners also have the important functions of helping to prevent deaths and promoting public health and safety and the administration of justice through the making of comments or recommendations in appropriate cases about any matter connected to the death under investigation.
14. First Constable Joel Foley of Victoria Police initially acted as the Coronial Investigator and compiled the original brief of evidence. This role was taken over by Senior Constable Shannon Barden in August 2025.
15. Coroner John Olle (now retired) had carriage of the investigation until December 2024, at which time it was transferred to me.
16. A significant volume of material was gathered by the Court over the course of the investigation such that the final version of the coronial brief included⁸:
 - (a) Statements from family members;
 - (b) Statements from police members who attended the scene on 6 July 2021;
 - (c) Records from Ambulance Victoria and Kyle's general practitioner;
 - (d) Post-mortem examination and toxicology reports;
 - (e) Transaction and account activity records and data from each of the betting companies;
 - (f) Records of communications between the betting companies and Kyle;
 - (g) Bank records for Kyle;
 - (h) Expert reports of Cameron Gray (forensic accountant) and Associate Professor Sean Cowlshaw (psychologist);
 - (i) Responses filed by each of the betting companies in April and May 2024;
 - (j) Statements by a representative of each of the betting companies, and supporting material;
 - (k) Regulatory instruments; and
 - (l) Policy, procedure and training documents of the betting companies.

⁸ Not intended to be an exhaustive list of contents.

17. After a directions hearing on 5 August 2025, the scope of the inquest was set as follows:

1. *The immediate circumstances surrounding the fatal events of 6 July 2021.*
2. *The factors likely to have contributed to Kyle Hudson engaging in the fatal acts of 6 July 2021.*
3. *Kyle Hudson's personal and financial history, and online gambling history with Sportsbet, Entain and bet365.*
4. *Opportunities for prevention.*

18. The inquest was conducted on 11, 12, 13 and 14 May 2026 and the following witnesses were called:

- (a) Ashley Baker;
- (b) Sarah Rizzo – Director of Customer Operations (Sportsbet Pty Ltd);
- (c) Christina Baek – Head of Compliance (Entain Group Ltd);
- (d) Michael Horton – Chief Executive Officer (Hillside (Australia New Media) Limited);
- (e) Cameron Gray – Forensic Accountant; and
- (f) Associate Professor Sean Cowlshaw – Psychologist

19. A substantial volume of further material was provided to the Court shortly before the commencement of the inquest. This included a report by Professor Matthew Large, Psychiatrist, dated 5 May 2026.⁹ Professor Large was engaged jointly by Entain Group Pty Ltd and Hillside (Australia New Media) Pty Ltd. The further material also included a report by Dr Michael Auer, behavioural data scientist and applied psychologist, dated 6 May 2026.¹⁰ Dr Auer was engaged by Sportsbet Pty Ltd.

⁹ Exhibits 7, 7.1 and 7.2

¹⁰ Exhibits 8, 8.1, 8.2, 8.3 and 8.4

20. This finding draws on the totality of the coronial investigation and inquest into the death of Kyle Hudson. Whilst I have reviewed all the material, I will only refer to that which is directly relevant to my findings or necessary for narrative clarity. In the coronial jurisdiction, facts must be established on the balance of probabilities.¹¹

THE BETTING COMPANIES

Sportsbet Pty Ltd (brand *Sportsbet*)

21. Sportsbet Pty Ltd¹² (**Sportsbet**) is licenced as a “sports bookmaker” by the Northern Territory Wagering Commission¹³ under the *Racing and Wagering Act 2024* (NT). It operates in Australia under the brand “Sportsbet”.
22. Sportsbet is a wholly owned subsidiary of Flutter Entertainment PLC which is domiciled in Ireland. Flutter Entertainment PLC is listed on the London Stock Exchange.

Entain Group Pty Ltd (brands *Ladbrokes*, *Neds*, *Bookmaker*)

23. Entain Group Pty Ltd¹⁴ (**Entain**) is also licenced as a “sports bookmaker” by the Northern Territory Wagering Commission. Entain currently operates in Australia under the “Ladbrokes” and “Neds” brands. It was previously known as Ladbrokes Digital Australia Pty Ltd, GVC Australia Pty Ltd and Bookmaker.com.au Pty Ltd.¹⁵
24. Entain entered the Australian gambling market in 2013 and previously also operated under the brands “Bookmaker” and “Betstar” but ceased doing so in February 2023.

¹¹ Subject to the principal enunciated in *Briginshaw v Briginshaw* (1938) 60 CLR 336. The effect of this and similar authorities is that coroners should not make adverse findings against, or comments about, individuals unless the evidence provides a comfortable level of satisfaction as to those matters while taking into account the consequences of such findings or comments.

¹² ACN 088 326 612

¹³ Formerly, the Racing and Wagering Commission.

¹⁴ ACN 151 956 768

¹⁵ Statement of Christina Baek: Exhibit 3 at CB tab 16B-4

25. It is a wholly owned subsidiary of Entain PLC¹⁶ which is domiciled on the Isle of Man.¹⁷ Entain PLC is listed on the London Stock Exchange.

Hillside (Australia New Media) Pty Ltd (brand *bet365*)

26. Hillside (Australia New Media) Pty Ltd¹⁸ (**Hillside**) is also licenced as a “sports bookmaker” by the Northern Territory Wagering Commission. It operates in Australia under the brand “bet365”.
27. It is a wholly owned subsidiary of bet365 Group Ltd. The parent company is privately owned and domiciled in the United Kingdom.
28. Sportsbet, Hillside and Entain are referred to collectively as the “**betting companies**” or “**online betting companies**”.

REGULATORY FRAMEWORK, GOVERNMENT DEPARTMENTS & STATUTORY BODIES

29. The statutory and regulatory framework that exists in Australia is not straightforward. The following overview assists to understand where the responsibilities lie for licencing and regulation of the complex environment of online gambling.

Commonwealth

30. The Minister for Communications¹⁹ (Commonwealth Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts) has ultimate responsibility for regulation of online gambling through the *Interactive Gambling Act 2001*.

¹⁶ Entain PLC Annual Report 2025 at page 236

¹⁷ Entain PLC Annual Report 2025 at page 188

¹⁸ ACN 148 920 665

¹⁹ The Honourable Anika Wells MP, also the Minister for Sport

31. The *Interactive Gambling Act 2001* requires that an online gambling company (“an interactive gambling service”) must hold a licence under a law of a State or Territory.²⁰
32. The *National Consumer Protection Framework for Online Wagering in Australia* (**NCPF**) is a national policy statement introduced in November 2018. The NCPF establishes a nationally consistent framework of consumer protection in respect of wagering services in Australia. The Commonwealth and all States and Territories are parties to the NCPF which contains ten principal measures which operate as obligations upon betting companies (wagering service providers):
- (a) A prohibition on lines of credit from wagering service providers.
 - (b) A prohibition on links to, marketing or advertising of payday lenders.
 - (c) Requirements for customer identity and age verification.
 - (d) Certain restrictions on inducements.
 - (e) Ensuring a straightforward means for closure of a betting account.
 - (f) Providing voluntary opt-out and pre-commitment schemes.
 - (g) Providing activity statements to the customer.
 - (h) Providing a consistent set of gambling (harm reduction) messages that must be used in advertising.
 - (i) Staff training must include “responsible service of gambling” training.
 - (j) Maintenance of a National Self-Exclusion Register (**NSER**).²¹

²⁰ *Interactive Gambling Act 2001* – s.15AA

²¹ This is a responsibility of the Commonwealth government, although wagering service providers have various obligations concerning interaction with any person on the NSER.

33. The Commonwealth Department of Social Services (under the Minister for Social Services²²) is responsible for policy advice on gambling harm reduction, the NCPF and the NSER (labelled “**BetStop**”).
34. The Australian Communications and Media Authority (ACMA) is responsible for the investigation of illegal online gambling, enforcing advertising rules and website blocking of illegal operators. ACMA also maintains a register of licenced “interactive gambling providers” with 219 companies listed (as at, September 2026).
35. The *Gambling Measures Act 2012* charges the Australian Institute of Family Studies²³ (as the Australian Gambling Research Centre) with, *inter alia*: undertaking or commissioning research into: gambling harm; measures that may be taken to reduce gambling harm; and increasing the capacity of researchers to conduct necessary research.²⁴
36. The Expert Advisory Group on Gambling is an advisory panel to the Australian government, established pursuant to the *Gambling Measures Act 2012*.²⁵ It has 22 members comprising industry representatives and experts.

Northern Territory

37. This is the jurisdiction in which each of the betting companies has chosen to be licenced in order to operate in Australia. Until June 2026 the relevant regulatory authority was the Northern Territory Racing and Wagering Commission.
38. In June 2026, the Northern Territory government introduced the *Racing and Wagering Amendment Act 2026* which amended the *Racing and Wagering Act 2024*. This split the responsibility for regulation of the two activities by establishing the Northern Territory Wagering Commission (**Wagering Commission**).²⁶

²² The Honourable Tanya Plibersek MP

²³ Which is established under the *Family Law Act 1975* – s.114B

²⁴ *Gambling Measures Act 2012* – s.196

²⁵ *Gambling Measures Act 2012* – s.197

²⁶ *Racing and Wagering Act 2024* (NT) – s.14

39. The Wagering Commission oversees the *NT Code of Practice for Responsible Service of Online Gambling 2019* (**NT Code of Practice**).

Victoria

40. In Victoria, the gambling regulator is the Victorian Gambling and Casino Control Commission (**VGCCC**) that operates under and enforces the *Gambling Regulation Act 2003* (Vic). In the context of online gambling, it has oversight of betting companies (“sports betting provider[s]”) who offer betting services in Victoria.²⁷ The VGCCC also enforces the *Casino Control Act 1991*, the *Casino Management Agreement Act 1993*, and the *Racing Act 1958*.
41. The responsible minister is the Minister for Casino, Gaming and Liquor Regulation.
42. The requirements of the NCPF have been ratified in Victoria through a Ministerial Direction dated 6 July 2022.²⁸ The ACMA advertising rules relating to online gambling have been ratified through a Ministerial Direction dated 24 March 2023.²⁹ Each direction is made pursuant to the *Gambling Regulation Act 2003*.

²⁷ *Gambling Regulation Act 2003* – Part 5

²⁸ Exhibit 2.2 at CB tab 16A-162

²⁹ Exhibit 2.2 at CB tab 16A-170

PART 1 - FINDINGS

I find, under section 67(1)(c) of the *Coroners Act 2008* (the Act) that the death occurred in the following circumstances:

23 JUNE TO 4 JULY 2021

43. On 23 June 2021, Kyle was driving his car in heavy traffic in Werribee when he collided with the rear of another vehicle. Although no one was injured, Kyle told Ms Baker that “this has fucked everything”. Ms Baker thought that the collision “seemed like a really big deal” to Kyle.³⁰ He only had third party insurance and had to arrange repairs for his own vehicle which were going to cost approximately \$3,800. It seemed to Kyle’s mother, Kerry Hudson, that the collision was the first significant thing to go wrong in her son’s life.³¹
44. On 28 June 2021, Kyle told Ms Baker he could get his car “done up” with new body parts. To her, he seemed excited about the prospect, and he had enough money for the repairs without needing to access his savings.³²
45. On Sunday 4 July 2021, there was a difficult and significant exchange between Kyle and Ms Baker. That afternoon Kyle sent her a message asking for \$1,000. She asked him what it was for, but he did not tell her and continued to ask for the money. Ms Baker was concerned “the cycle [of gambling] was about to start again”.³³ She told Kyle that she was going to cancel their plans to celebrate their anniversary on the following Tuesday night. Instead of attempting to address this crisis in their relationship, Kyle continued to ask Ms Baker about the money. Ms Baker recalled that he spoke in a manner that she felt was out of character for him, and not how he would usually communicate with her.³⁴

³⁰ Statement of Ashley Baker: Exhibit 1 at CB tab 6-3

³¹ Statement of Kerry Hudson: Exhibit 1 at CB tab 3-2

³² Statement of Ashley Baker: Exhibit 1 at CB tab 6-3

³³ Statement of Ashley Baker: Exhibit 1 at CB tab 6-3

³⁴ Statement of Ashley Baker: Exhibit 1 at CB tab 6-3

MONDAY, 5 JULY 2021

46. Ryan Hudson last saw Kyle on the evening of Monday, 5 July 2021. Kyle had been out, and he spoke with Ryan when he returned home at approximately 10.00pm. Kyle told his brother that he had been at basketball training with his friends.³⁵
47. Ryan recalled that Kyle was meant to go out the following night with Ms Baker to a hotel in the city as part of their anniversary. In this context he and Kyle also had a discussion concerning Kyle borrowing his mother's parking permit. Ryan later observed that there was nothing he considered to be unusual in these interactions.
48. In the middle of the day Ms Baker checked Kyle's Sportsbet account and saw that he had made recent transactions.
49. Ms Baker felt as though Kyle "had made his decision" in that he had not prioritised their relationship above his gambling. After she finished work, Ms Baker went to Kyle's house to collect their dog. They did not say much to each other, and she noticed that Kyle was behaving as though nothing was wrong.³⁶ The reality was that their relationship was collapsing.

TUESDAY, 6 JULY 2021

50. No one saw Kyle on 6 July 2021 before he died. His brother Ryan left the house early to go to work, and Kyle's mother and stepfather were away in rural Victoria.

Final bets

51. At 12.53am, Kyle used his bet365 account to place a \$5,000 bet on a WNBA³⁷ game between the Dallas Wings and New York Liberty. The wager was that the total points scored in the game would be under 165.5.³⁸ The odds were at \$2.00³⁹ so that Kyle stood to double his stake if he won. The game began at 9:09am, but by 10:41am the combined score had reached 166 which meant that Kyle's \$5,000 bet had been lost.

³⁵ Statement of Ryan Hudson: Exhibit 11 at CB tab 5-2 [13]

³⁶ Statement of Ashley Baker: Exhibit 1 at CB tab 6-3

³⁷ Women's National Basketball Association (North America)

³⁸ Hillside response to questions taken on notice including the question on notice regarding bets made on 6 July 2021: Exhibit 13

³⁹ The odds are quoted as the notional return on a stake of \$1.00, hence \$2.00 equates to 2:1.

52. At 10.39am, before the bet was lost, Kyle made a further deposit of \$1,300 into his bet365 account.⁴⁰ Then at 10.43am, two minutes after losing the \$5,000 bet, he placed a \$1,300 “treble” or “multi”, on the results of three games. The three legs of the bet were:
- (a) *NY Liberty to win*⁴¹ (at \$1.80)
 - (b) *Under 170.5 points Riachuelo v Union*⁴² (at \$1.80)
 - (c) *TOR Raptors (EZA) Esports +2.5 @ CHI Bulls (IP MAN) Esports*⁴³ (at \$1.83)
53. The account records do not record the overall odds for this bet, but I conclude that they must have been at, or close to, \$5.93⁴⁴ and that Kyle stood to win approximately \$7,700. However, each of the three legs had to win. The timing and construction of this final bet is indicative of Kyle “chasing” his losses.
54. At 10.58am the first leg of the bet was successful when NY Liberty won. However, the entire \$1,300 bet was lost at 11.06am, when the Esports basketball game (the third leg) ended with the Chicago Bulls winning by a margin greater than the handicap of 2.5 points that was incorporated in that leg.⁴⁵ The second leg of the bet no longer mattered but it was also unsuccessful when the combined score in that game reached 172 points at 11.19am.
55. The timing of the games upon which Kyle placed these bets, the times at which those games resolved in the context of the relevant bet, and the time of Kyle’s deposit of funds into his bet365 account, form a set of circumstances leading to the inference that he was watching the games or monitoring the results as they unfolded on the morning of 6 July 2021. Indeed, I consider that the circumstances strongly support this inference and I am satisfied that this is what was happening. I find that Kyle became aware of the outcome of each of his bets at the time they crystalised, or very shortly thereafter.

⁴⁰ Hillside bet365 account transactions and betting history, CB43A-1.

⁴¹ WNBA competition – NY Liberty v Dallas Wings

⁴² Argentinian men’s basketball league. This leg of the bet was placed when the game was at half-time and the combined score was 87 points.

⁴³ Esports – NBA 2K League

⁴⁴ 1.80 x 1.80 x 1.83

⁴⁵ Hillside response to questions taken on notice including the question on notice regarding bets made on 6 July 2021: Exhibit 13

Kyle's internet search for the method of suicide

56. Within minutes of losing the last bet, Kyle conducted an internet search on how to commit suicide.

57. Ms Baker recalled discovering this and explained in her statement:

*... we were browsing YouTube on Kyle's laptop looking for music and making arrangements for his funeral. His search bar popped up with "how to hang yourself" as a previous search. I worked out that he searched this around 11.15 AM ...*⁴⁶

58. I accept Ms Baker's evidence regarding the terms of the internet search and the approximate time it was conducted. There is no evidence that any other person was in a position to access Kyle's laptop at the critical time and I am satisfied that it was Kyle who conducted this search and that he did so at approximately 11.15am.

The fatal acts

59. At an unknown time after 11.15am, Kyle went to the single car garage cum shed at the rear of the property. He used a pair of scissors had taken from the house to cut a length of polypropylene rope and tied this to an internal roof beam to create a ligature. He also used a step ladder to do this, and by these means he hanged himself.

Discovery of Kyle's body

60. Between approximately 6.00pm and 7.00pm, Kyle's mother and stepfather returned home after having been away for six days. Kerry Hudson noticed that Kyle was not in his bedroom and appeared not to be at home but, incongruously, his wallet and keys were there.

61. At approximately 8.00pm, one of Kyle's friends sent a message to Ms Baker as they had not seen Kyle that day, even though they had arranged to gather at another friend's house to watch sport. Ms Baker then contacted Kyle's brother, Ryan.⁴⁷ At first, she was not overly concerned as she thought that Kyle had gone for a walk or a bike ride. Ryan

⁴⁶ Statement of Ashley Baker: Exhibit 1 at CB tab 6-4 [18]

⁴⁷ Statement of Ashley Baker: Exhibit 1 at CB tab 6-4

subsequently called his mother to ask whether she had seen Kyle because his friends were worried about him, and they had noticed that he had not been online since 9.30am, which was unusual for him.

62. Kerry Hudson went outside the house to look for Kyle but could not find him. She then made a telephone call to Ms Baker who confirmed that she had not seen or heard from Kyle that day. Ms Baker tried calling Kyle and then called back his mother, passing on a suggestion that they should check the rear shed.
63. Kerry Hudson went to the rear shed and noticed it was unlocked. Inside, in the darkness, she found Kyle. Mr Viljoen joined his wife moments later and used some scissors laying nearby to cut him down. Mr Viljoen immediately called Triple Zero and was instructed to begin cardiopulmonary resuscitation (CPR).
64. At 9.30pm, First Constable Foley and Constable Lumsden from Werribee Police Station received the call to attend. They arrived at 9.36pm and took over CPR from Mr Viljoen. MICA⁴⁸ paramedics arrived at 9.39pm and soon determined that Kyle had been deceased for some time. Kyle was declared deceased at 9.45pm.⁴⁹

Identification

65. Kyle's body was formally identified by Mr Viljoen in the presence of police at the scene. He signed a Statement of Identification later that night, which I accept to be correct.

Time of the fatal acts

66. Kyle's last known activity was the internet search he conducted at approximately 11.15am, and he was discovered shortly before 9.30pm. I note Kerry Hudson's evidence that the shed was in darkness which suggests that Kyle acted while there was still sufficient daylight for him to see what he was doing. Sunset was at 5.14pm.⁵⁰

⁴⁸ Mobile Intensive Care Ambulance

⁴⁹ Exhibit 11: CB tab 12-1

⁵⁰ <https://www.timeanddate.com/sun/australia/melbourne?month=7&year=2021>

67. I also note the observations of the paramedics regarding the presence of rigor mortis and postmortem lividity. All of which is to suggest Kyle acted shortly after he conducted the internet search.

Kyle's intent

68. I am satisfied that Kyle acted with a settled intention to take his own life. The internet search he conducted at approximately 11.15am on 6 July 2021 and the inherent lethality of the method he used are consistent with this state of mind. Moreover, there is nothing to suggest that he had a diminished capacity to appreciate the nature and quality of his acts.
69. I also note the results of postmortem toxicology which reveal that Kyle had no alcohol or other common drugs or poisons in his blood.⁵¹

KYLE'S HISTORY OF ONLINE GAMBLING

Overview

70. In a little over 49 months, Kyle placed approximately 8,500 bets at an average rate of 5.7 bets per day. He bet on each of 1,033 days, which is 69% of all days over the relevant period⁵² and gambled a total of \$895,733.
71. Kyle deposited funds into his betting accounts on 1,245 occasions for a total of \$406,725 and withdrew \$358,779. This amounted to a net loss on a cash flow basis of \$47,945.⁵³ Per annum, he suffered an average net loss of \$11,682.

Sportsbet

72. Kyle opened his account with Sportsbet on his 18th birthday, 31 May 2017.
73. Over the following 49 months (approximately), he deposited a total of \$301,664 and withdrew \$272,865 for a net loss on a cash flow basis of \$28,799.⁵⁴

⁵¹ VIFM Toxicology Report: Exhibit 11 at CB tab 2-1

⁵² The "relevant period" is the period from the date of opening the first gambling account (31 May 2017) to the date of the last bet (6 July 2021), inclusive of the first and last days – 1,498 days. Wherever in these findings there is a reference to a period of time in the context of Kyle's gambling or financial activity, the period is the "relevant period", unless otherwise stated.

⁵³ Report of Cameron Gray: Exhibit 5 at CB tab 13-22 to 13-23, Tables 6, 7 and 8

⁵⁴ Report of Cameron Gray: Exhibit 5 at CB tab 13-22, Table 5

74. He placed 7,211 bets, representing 85% of all bets (by instance).⁵⁵ This equates to approximately 4.6 bets per day, every day for the life of the account.⁵⁶

Entain

75. Kyle used three accounts with Entain:
- (a) *Bookmaker* – account opened on 2 July 2018, and the last transaction was on 20 July 2018. The total deposited into this account was \$600. The total withdrawal was \$1,160 for a net win of \$560.
 - (b) *Ladbrokes* – account opened on 14 August 2018, and the last transaction was on 10 October 2020. The total deposits into this account were \$4,047. The total withdrawals were \$3,302 for a net loss of \$745.
 - (c) *Neds* – account opened on 5 April 2018, and the last transaction was on 4 July 2021. The total deposits into this account were \$36,863. The total withdrawals were \$49,036 for a net win of \$12,173.
76. Taking all Entain accounts together, Kyle deposited a total of \$41,510. He withdrew a total of \$53,498 for a net win of \$11,998. He placed 642 bets, representing 7.6% of all bets (by instance).⁵⁷

bet365

77. Kyle opened his account with bet365 on 7 April 2018 and made the last transaction on 6 July 2021.
78. Kyle deposited a total of \$63,551 and withdrew a total of \$32,417 for a net loss of \$31,133. He placed 632 bets, representing 7.6% of all bets (by instance).

⁵⁵ Report of Cameron Gray: Exhibit 5 at CB tab 13-44, Table 23

⁵⁶ T069.21

⁵⁷ Report of Cameron Gray: Exhibit 5 at CB tab 13-44, Table 23

KYLE'S FINANCIAL PICTURE

Income

79. Over the relevant period Kyle earned a total of \$105,977 as employment income. He worked for: DGR Toys earning \$99,813; Coles Supermarkets earning \$4,999; and GTE Employment earning \$1,165. This equates to an average income of \$25,823 per annum.
80. Kyle also had other income of \$30,440 which included \$10,701 from friends, \$6,170 transferred from his PayPal account, \$5,198 in credit interest, and \$7,537 in Centrelink payments.

Other funds

81. Excluding deposits of funds coming from Kyle's betting accounts and deposits from his mother (which were subsequently repaid), Kyle had a total of \$45,326 in cash deposits over the relevant period. These included: an opening balance of \$7,008 in his ING bank account in January 2017; branch deposits of \$2,709; ATM deposits of \$32,957; and other deposits of \$2,650.
82. Kyle's remaining funds over the relevant period comprised \$13,290 transferred from Ms Baker, a net \$1,165 from his CoinSpot⁵⁸ account, and a net of \$6,812 from his accounts with other betting companies.

Deposits to and withdrawals from the betting accounts

83. Kyle deposited \$406,725 into his accounts with the betting companies over the relevant period. He withdrew \$358,779.
84. The majority of the deposits came from Kyle's Commonwealth Bank of Australia (CBA) accounts (\$209,588) and ING⁵⁹ account (\$46,788). The remainder came from his PayPal account and various card facilities associated with each of the accounts of the betting companies. Kyle had three cards associated with his Neds account, two with his bet365 account, and one with his Sportsbet account.⁶⁰

⁵⁸ A cryptocurrency exchange platform.

⁵⁹ ING, a business name of ING Bank (Australia) Limited.

⁶⁰ Report of Cameron Gray: Exhibit 5 at CB tab 13-25

Kyle's net position from gambling

85. Save for 2020 and annualising the losses for the part years of 2017 and 2021, Kyle's net loss for each year increased over the relevant period:⁶¹

2017	\$2,393	(\$4,084 annualised)
2018	\$11,956	
2019	\$14,654	
2020	\$10,731	
2021	\$8,280	(\$16,172 annualised)

86. Kyle's net position over the relevant period was a loss of \$47,945. Associate Professor Cowlshaw opined that Kyle's deposits and losses are significant when considered relative to his income, and also when viewed in absolute terms.⁶² I accept this conclusion. When Kyle's losses are weighed in the context of his age, his modest average employment income of \$25,823 per annum, and his other available funds, I conclude that these losses are very significant. Viewed another way, this money may have comfortably provided for Kyle's half of a deposit on a first home had it not been lost.
87. Moreover, having regard to the multiplicity of Kyle's betting accounts and the sheer number of deposits and withdrawals and bets, it would have taken a dedicated and non-trivial exercise by him in order to know, with reasonable precision, what his accumulated losses were at any one time. This constitutes a serious deficiency in the information that should be instantly available to the customer. Furthermore, it would be incongruous for anyone to expect a customer to properly reflect upon their gambling behaviour without it.

KYLE'S GAMBLING ACTIVITY EACH YEAR

Overview

88. Kyle placed a total of 8,585 bets over the relevant period. The share of that activity through each of his betting accounts is as follows:

⁶¹ Report of Cameron Gray: Exhibit 5 at CB tab 13-23, Table 8

⁶² A/Professor Cowlshaw report: Exhibit 9 at CB tab 14-5

(a)	Sportsbet	85%	7,211 bets
(b)	bet365	7%	632 bets
(c)	Neds (Entain)	7%	599 bets
(d)	Ladbrokes (Entain)	<1%	26 bets
(e)	Bookmaker (Entain)	<1%	17 bets

-2017-

89. In 2017, Kyle opened his Sportsbet account on his 18th birthday (31 May 2017) and over the remainder of the year he placed 1,020 bets at an average of 4.7 bets per day. He made bets on 145 days, or 67% of all days.
90. He made deposits of \$26,068 and finished the year with a net loss of \$2,323 (or \$3,949 annualised).

-2018-

91. In 2018, between April and August, Kyle opened his Neds, Ladbrokes, Bookmaker and bet365 accounts. He then operated these in addition to his Sportsbet account.
92. Kyle placed 2,428 bets with Sportsbet, representing 90% of his betting activity by instance. He placed 70 bets with bet365, 172 bets with Neds, 17 bets with Bookmaker, and 4 bets with Ladbrokes. Combined, he made bets on 277 days, or 76% of all days, at an average rate of 9.7 bets per day for each day of activity.
93. Kyle made deposits of \$51,006 with 73% of this amount being deposited into his Sportsbet account. He finished the year with a net loss of \$11,956.
94. July, August and September saw a significant increase in the number of bets Kyle placed each month, peaking in July at approximately 450 bets, or an average of 14.5 per day.⁶³
95. In October, Kyle made two large bets using his bet365 account, \$8,091 and \$4,000.

⁶³ Report of Cameron Gray: Exhibit 5 at CB tab 13-45, Graph 4

-2019-

96. In 2019, Kyle placed 2,526 bets with 85% (2,139 bets) of his betting activity, by instance, occurring on his Sportsbet account. He placed 226 bets with bet365, 143 bets with Neds, and 18 bets with Ladbrokes. Combined, he made bets on 303 days, or 83% of all days, at an average rate of 8.3 bets per day for each day of activity.
97. He made deposits of \$133,274 with 91% of this amount being deposited into his Sportsbet account. He finished the year with a net loss of \$14,654.
98. The average size of each bet and the average number of bets per month appears substantially lower in the first half of the year compared to the second half.⁶⁴

-2020-

99. In 2020, Kyle placed 1,231 bets with 65% (803 bets) of his betting activity, by instance, occurring on his Sportsbet account. The Neds account was used for 20% (249 bets) and the bet365 account for 14% (175 bets). He placed four bets through Ladbrokes. Combined, he made bets on 198 days, or 54% of all days, at an average rate of 6.2 bets per day for each day of activity.
100. Kyle made deposits of \$145,121 with 61% of this amount being deposited into his Sportsbet account, 22% going into his bet365 account, and 16% going into his Neds and Ladbrokes accounts. He finished the year with a net loss of \$10,731.
101. The average amount he bet increased markedly in 2020, and the year saw five of the ten largest single bets Kyle ever placed. These were: 3 March – \$6,217; 18 September – \$4,000; 10 December – \$4,500; 21 December – \$4,000; and 22 December – \$9,400.

-2021-

102. Kyle passed away on 6 July 2021 – 187 days into the year. Accordingly, the raw figures for his betting activity in 2021 must be considered in the context of this shorter period.

⁶⁴ Report of Cameron Gray: Exhibit 5 at CB tab 13-45, Graph 4

103. Kyle placed 1,017 bets (equivalent to 1,985 per annum), with 81% of his betting activity on his Sportsbet account, 16% on bet365, and 3% on Neds. Combined, he made bets on 110 of the 187 days (or 59% of the days) at an average of 9.2 bets per day for each day of activity.
104. Kyle made deposits of \$51,255 (equivalent to \$100,050 per annum) with 54% of this amount being deposited into his Sportsbet account, 33% into his bet365 account, and 12% into his Neds account.
105. The largest single bet he placed for the year was on the day he died. His net loss by that time was \$8,280 (equivalent to \$16,162 per annum).

KYLE'S ATTEMPTS TO MODERATE HIS GAMBLING

Voluntary deposit limits

106. On seven separate occasions Kyle voluntarily set a weekly deposit limit on his Sportsbet account. The episodes when Kyle set a deposit limit, only to cancel it later, were as follows:⁶⁵

20 June to 29 June 2018 –	\$50 per week limit
30 December 2018 to 7 January 2019 –	\$50 per week limit
27 January to 18 February 2019 –	\$50 per week limit
1 July to 19 July 2020 –	\$100 per week limit
22 July to 5 August 2020 –	\$100 per week limit
5 August to 3 September 2020 –	\$50 per week limit
3 September to 1 October 2020 –	\$100 per week limit

107. The period from 22 July to 1 October 2020 is the longest time a deposit limit was in place, at 71 days. The four earlier periods had a limit in place for 22 days or less.
108. Ms Rizzo (for Sportsbet) was taken to Kyle's history of deposit limit setting and stated that she did not believe it indicated anything of concern. Ms Rizzo conceded that frequent

⁶⁵ Exhibit 11 at CB tab 40-2

changes in deposit limits may be considered an indicator [of concern] but that it was quite normal to see deposit limits come on and off customer accounts at various points in time.⁶⁶

109. Kyle's history of deposit limit setting on his Sportsbet account must be considered in the context of the average weekly deposits he made into this account when he was unfettered. In 2018, Kyle deposited a total \$37,421 at an average of \$719 per week. In 2019, he deposited a total of \$121,196 at an average of \$2,330 per week. In 2020, he deposited a total of \$89,102 at an average of \$1,713 per week.
110. Viewed against this background, Kyle's deposit limit setting represents a reduction in the deposit amount per week of at least one order of magnitude, compared with his average weekly deposits when no limit was in place. Put another way, the limits he set in 2018 and 2019 were 7% and 2% (respectively) of his average weekly deposits in those years. The highest limits he set in 2020 were 6% of his average weekly deposit in that year. I am satisfied that, when Kyle put these deposit limits in place, he was trying to very drastically reduce the amount he was putting into his Sportsbet account. The fact that he did not keep a deposit limit in place consistently is indicative of his effort to limit his betting on multiple occasions, but these efforts giving way to a superior urge to bet beyond his self-imposed limits.
111. I conclude that the repeated setting and cancelling of deposit limits was not recognised by Sportsbet as a warning sign that Kyle was struggling to control his gambling. In all the circumstances apparent at the time, it should have been.

Betting in December 2020 and intervention by Ashley Baker

112. Throughout their relationship, Ms Baker had asked Kyle to reduce his gambling, which she described as her asking him, "to pull his head in". In response, Kyle had given repeated assurances that he was going to be more mindful of his gambling. After some of Ms Baker's requests, he had said that he would stop.⁶⁷
113. By December 2020, Ms Baker and Kyle had arranged to jointly purchase a German Shepherd puppy. Ms Baker thought that raising and training the puppy might serve as a

⁶⁶ T069.09

⁶⁷ Statement of Ashley Baker: Exhibit 1 at CB tab 6-2

positive distraction for Kyle and take him away from his gambling. They were due to collect the dog on 29 December, and the day before Ms Baker discovered that Kyle had gambled and lost approximately \$20,000. This came to light when she needed him to withdraw \$2,000 towards the purchase of the dog and he was unable to do so. Kyle admitted to Ms Baker that he had lost all his savings.

114. That month, Kyle deposited funds into his Sportsbet account on 18 occasions. His total deposits were \$31,421 and he bet on 50 occasions. His net result with Sportsbet for December 2020 was a loss of \$18,463.
115. Over three days, from 19 to 21 December, Kyle bet on 21 occasions with Sportsbet and made nine deposits totalling \$22,551. The last deposit was \$9,500 on 21 December and 33 minutes after making the deposit, Kyle withdrew the entire amount. The balance of his Sportsbet account was zero.⁶⁸
116. The \$9,500 appears as a credit in Kyle's CBA account on 22 December. The same day he deposited \$9,400 into his bet365 account⁶⁹ and at 8.30pm bet the entire sum on a South Korean men's basketball game, only to lose.⁷⁰ This was the largest single bet he ever placed.⁷¹ Kyle made another deposit later that night, and over the following four days he made another seven deposits (totalling \$2,250) and placed another six bets. These were mostly multi-leg bets involving between two and eight legs. He lost each bet.⁷²
117. The format of the bet365 records do not permit ready examination of the running balance of the account over this time but the number, frequency and amounts of the subsequent deposits, and the bet outcomes, clearly suggest that by 26 December 2020 the account balance was zero, or near zero.
118. By the end of December 2020, Kyle had \$1.61 in his CBA account.⁷³ I am satisfied that Kyle's bank records, and his gambling accounts confirm what he confessed to Ms Baker in late December 2020 – he had lost all his savings.

⁶⁸ Exhibit 11 at CB tab 38-59 to 38-63

⁶⁹ Exhibit 11 at CB tab 43A-4

⁷⁰ Exhibit 11 at CB tab 43A-34

⁷¹ Report of Cameron Gray: Exhibit 5 at CB tab 13-47, Table 25

⁷² Exhibit 11 at CB tab 43A-33 to 43A-34

⁷³ Report of Cameron Gray: Exhibit 5 at CB tab 13-50, Figure 4. Kyle's ING account had been closed in September 2020: Exhibit 11 at CB tab 50-1

119. Kyle's revelation brought matters to a head and Ms Baker told Kyle, "that he absolutely needed to quit gambling". Ms Baker recalled in her written statement:

*... He owned up to stuffing up and didn't place any bets following that up until February 2021. This was a really good time for us as there were no issues around him gambling, we didn't have any petty arguments over him betting ...*⁷⁴

Betting in January 2021

120. Although Ms Baker thought that Kyle was abstaining from gambling in January 2021, unfortunately this was not the case. Through his Sportsbet account Kyle placed 184 bets over the month, beginning on 4 January. He deposited funds on 33 occasions. The deposits were generally less than \$500 and were made by a variety of means including PayPal and a cashcard.⁷⁵ Kyle also place five bets through his bet365 account.
121. I am satisfied that Kyle intended to hide this activity from Ms Baker and managed to do so.

February 2021 – special arrangement to control Kyle's betting

122. In February 2021, Kyle approached Ms Baker and said that he had not been betting for a "good month". He told Ms Baker that he wanted to start again but proposed a limit where she would control access to his income and allow him \$50 per week for Sportsbet.
123. Ms Baker agreed and established a bank account with ING into which Kyle would deposit \$750 per week as a direct debit from his own account. This regular deposit amounted to nearly all his income and Ms Baker would transfer a set amount back to Kyle for his living expenses. This included an allowance of \$50 per week that he could use for betting. Kyle also gave Ms Baker the password to his Sportsbet account so that she would be able to see his betting activity.
124. These were very significant steps for a young couple to take. Kyle was apparently surrendering control of his personal income, and the bulk of his expenditure. However, it

⁷⁴ Statement of Ashley Baker: Exhibit 1 at CB tab 6-2

⁷⁵ Exhibit 11 at CB tab 39-1 to 39-13

is also apparent that Kyle did not reveal his other betting accounts to Ms Baker, and she remained unaware of them. The events of December 2020 and January 2021 are indicative of the profound nature of Kyle's gambling addiction. His behaviour had led to a watershed moment in his relationship with Ms Baker, but he was unable to stop betting. Instead, he used his other betting accounts to hide what he was doing.

MONITORING AND INTERVENTION BY THE BETTING COMPANIES

Overview

125. Each of the betting companies employs their own version of "safer gambling" tools as part of a program to monitor their customers' account activity. The efficacy of these programs is dependent on effective monitoring, meaningful interventions with the customer when indicated, and effective tools that may be used by the customer of their own volition or by the betting company.
126. These programs were examined in the context of their operation during the relevant period, and how they were applied to Kyle's gambling activity. They were also examined in the context of their current operation. Most notably, when the customer has multiple betting accounts, these programs are limited by having only an incomplete picture of the customer's overall gambling activity. They are also blind to the customer's complete financial position. Finally, it is notable that the parameters meant to trigger a warning for problem gambling are not consistent between betting companies.

Sportsbet

Overview and current tools

127. Sarah Rizzo, on behalf of Sportsbet, explained its "Safer Gambling Monitoring Program" as "an identification framework made up of four components that work together to monitor customer activity, which allows Sportsbet to intervene quickly and effectively when customers who may be at risk of developing problems with their gambling are identified."⁷⁶
128. The first component is the "Automated Behavioural Monitoring System" which generates alerts based on a series of rules designed to identify significant changes in customer

⁷⁶ Statement of Sarah Rizzo: Exhibit 2 at CB tab 16A-18

behaviour based upon pre-defined thresholds. The alerts are reviewed by a team of “Safer Gambling Specialists” who may engage with customers directly.

129. The second component is “Real Time Intervention”. This was implemented in 2022 and thus was not operative when Kyle was betting. This new component is discussed further below.
130. The third component comprises “Qualitative Referrals”, a process whereby any staff member may escalate a matter of concern to the Safer Gambling Team.
131. The fourth component is “Safer Gambling Predictive Modelling”. This is a machine learning model that seeks to identify if a customer’s behaviour indicates they are likely to seek permanent self-exclusion.

The “Safer Gambling” tools applied to Kyle

132. Approximately 85% of Kyle’s betting activity over the relevant period was with Sportsbet. He triggered a “Safer Gambling response” from Sportsbet on 37 occasions.⁷⁷
 - (a) On 10 occasions a member of Sportsbet’s Safer Gambling Team reviewed Kyle’s account and determined that no further action was required.
 - (b) On 12 occasions Kyle was sent a “Safer Gambling” email.
 - (c) On two occasions, a member of the Safer Gambling Team attempted to call Kyle, and when he did not answer, they left a message and sent a “Safer Gambling” email.
 - (d) On eight occasions a member of the Safer Gambling Team attempted to call Kyle, and when he did not answer, his account was suspended. Each time, Kyle then called back and spoke to a member of the Safer Gambling Team and satisfied them that he was betting within his limits. His account was then re-activated.

⁷⁷ Statement of Sarah Rizzo: Exhibit 2 at CB tab 16A-45 to 61. The table in Ms Rizzo’s statement sets out 33 responses from Sportsbet notwithstanding that Kyle triggered an alert on 37 occasions [T070.14]. The discrepancy arises because some of the alerts arose in quick succession and resulted in only one response: T060.02 to .29

- (e) On one occasion (21 December 2020) a member of the Safer Gambling Team spoke to Kyle after he had deposited \$9,500. Kyle agreed to take a 14-day break, after which he was able to continue using his account. (While this was a pause on Kyle’s use of his Sportsbet account, he simply turned his attention to his bet365 account.⁷⁸)
133. The records of the conversations between Kyle and the members of the Safer Gambling Team are very brief.⁷⁹ It is impossible to ascertain from these records whether the conversations were in sufficient depth to properly permit a conclusion that Kyle was betting within his limits. There is no evidence that any assertions made by Kyle in these telephone calls were tested with any rigour or confirmed by independent means.
134. Each of the “Safer Gambling” emails sent to Kyle had the same content and appeared as a “periodic check-in”, rather than as a response to particular conduct. They did not contain any information concerning the problematic deposit that had triggered the email or refer to previous emails that had been sent for the same reason.⁸⁰

If current “Safer Gambling” tools had been applied to Kyle’s activity

135. Since 2022, Sportsbet has used “Real Time Intervention” (RTI) in addition to its other “Safer Gambling” tools. RTI uses a forecasting algorithm to predict what a customer’s deposit range would be on a given day. If the customer makes a deposit outside the predicted range, the transaction is paused and one of three actions result, depending on the extent to which the deposit exceeds the predicted range.
- (a) A deposit which “slightly exceeds” the predicted range generates a “Tier 1 interaction” which encourages the customer to set a deposit limit.
- (b) A deposit which “moderately exceeds” the predicted range generates a “Tier 2 interaction requiring the customer to set a deposit limit before proceeding.

⁷⁸ This break did not interrupt Kyle’s online gambling activity. The next day (22 December 2020) he deposited \$9,800 into his bet365 account: Exhibit 11 at CB tab 43A-4

⁷⁹ Statement of Sarah Rizzo: Exhibit 2 at CB tab 16A-30 to 40; T084.04 to 090.14

⁸⁰ T064.02 to 067.08

- (c) A deposit which “substantially exceeds” the predicted range generates a “Tier 3 interaction” results in a suspension of the account until telephone contact has been made by a member of the Safer Gambling Team. The customer is also diverted to the company’s “Safer Gambling” website.
136. Ms Rizzo stated that, if current monitoring had been applied to Kyle’s account activity, he would have triggered an alert on 33 additional occasions, for a total of 70 alerts. However, 13 of the RTI alerts would have overlapped with other “Safer Gambling” components so that there would have been an additional 20 interactions.⁸¹
137. A central question which remains is whether Sportsbet’s current monitoring and intervention regime, under its RTI program, would have led it to a conclusion that the pattern of Kyle’s gambling indicated that he had a problem. The answer emerges from Sportsbet’s submissions concerning the proper characterisation of Kyle’s gambling behaviour, which are considered later in these findings.

Entain

138. Approximately 7% (642 bets) of Kyle’s betting activity was through the accounts he held with Entain, that is: Neds, Ladbrokes and Bookmaker. There were various voluntary pre-commitment tools in the form of deposit limits⁸² that were available Kyle on his Entain accounts. He did not use any of them.⁸³
139. Kyle’s accounts were subject to monitoring by Entain’s Safer Gambling Team. Prior to March 2021, this relied on manual reviews and interventions. Between January and March 2021, Entain began using an automated tool known as its “Rules Engine”. This applies some 35 rules and assigns a score to the customer’s account depending on which of the rules are triggered by the customer’s activity. If the customer’s score exceeds a threshold, that account is subject to a manual review to determine whether any action was required. This remains the current process.⁸⁴

⁸¹ Sportsbet responses to questions taken on notice dated 13 May 2026: Exhibit 6

⁸² The deposit limits may be set according to a maximum allowable in any day, week, month, fortnight or year. From May 2020, a limit may be set for a particular day of the week, and multiple limits may operate concurrently, with the most restrictive limit determining the operation of the tool.

⁸³ Statement of Christina Baek: Exhibit 3 at CB tab 16B, [38] to [40] and [67] to [68]

⁸⁴ Statement of Christina Baek: Exhibit 3 at CB tab 16B-16

140. There was no manual review of Kyle’s accounts during the relevant period and Ms Baek stated that no review was warranted on the information available at the time. Ms Baek also stated that a review would not have identified any indicators of gambling harm which would have led to a direct interaction with Kyle or the imposition of any account management tools by Entain.⁸⁵
141. Ms Baek also stated that the current iteration of Entain’s “Rules Engine”, if applied to Kyle’s account activity, would have accumulated 55 points between 18 September and 20 September 2020. This event would have resulted in a message on the mobile application and the website. The message allows the customer to press a button to dismiss the message, or the customer can follow a redirection to Entain’s “Punter Assist” platform where the various account management tools (including deposit limits) are situated.⁸⁶ In short, Kyle would not have been compelled to take any substantive action.

bet365

142. Kyle opened his account with bet365 and made his first deposit on 7 April 2018. When he opened the account, he selected a monthly deposit limit of \$1,000,000 from a drop-down menu.⁸⁷ Approximately 7% (632 bets) of his betting activity was with bet365.
143. Throughout the relevant period, bet365 operated its own monitoring program called “Early Risk Detection System” (**ERDS**). Kyle triggered a response from the ERDS system on two occasions. The first was on 27 December 2020 after a payment method trigger was activated. The result was that bet365 sent Kyle a message to his bet365 web account stating that it had noticed he had made deposits using multiple payment methods and reminded him of the account management tools available to help him gamble responsibly. Audit information confirmed that Kyle read the message. The second ERDS response was on 5 July 2021 as a result of trigger for increased deposits. Again, a message was sent to Kyle’s web account which reminded him about the account management tools.⁸⁸ On both occasions Kyle was not required to take any substantive action.

⁸⁵ Statement of Christina Baek: Exhibit 3 at CB tab 16B-32 to 33

⁸⁶ Statement of Christina Baek: Exhibit 3 at CB tab 16B-33 to 34

⁸⁷ T191.25

⁸⁸ Statement of Michael Horton: Exhibit 4 at CB tab 16C-10

144. Michael Horton stated that, if Kyle's activity had been monitored by the current version of ERDS, he would have received automated messages on an additional 14 occasions and been required to complete a self-assessment questionnaire on four occasions⁸⁹ and received a telephone call.⁹⁰ The automated messages and the self-assessment questionnaire were provided to the Court in their current form.⁹¹

Effectiveness of the monitoring of Kyle's betting accounts

145. The principal, and obvious, limitation upon any customer monitoring program is that it can only monitor the account(s) held with that betting company. The operator is effectively blind to the customer's activity with other betting companies. Moreover, I conclude from Ms Baek's evidence that it is apparently commonplace for customers to have multiple accounts.

Ms Coghlan: *All right. So, it's apparent to Entain that customers have multiple accounts with different booking agencies?*

Ms Baek: *Generally speaking, even if customers don't make us aware of it, it's something that we are generally aware of.*⁹²

146. This is a fundamental problem which was highlighted when Ms Baek conceded that it was not possible for a single gambling company to know whether it was looking at 2% or 98% of a customer's gambling picture.⁹³ However, it seems the betting companies largely ignore this problem when expounding upon the efficacy of their monitoring programs.
147. Another fundamental problem is that the monitoring takes place against a background of little or no independently verified information concerning the customer's financial means. Unless a customer decides to forego their usual privacy, the betting company cannot see behind any representations made to it. Effectively, all a customer has to do is assert that they have the financial means to support their gambling pattern.

⁸⁹ 8 October 2018, 1 October 2020, 6 February 2021 and 6 July 2021: Exhibit 13

⁹⁰ Statement of Michael Horton: Exhibit 4 at CB tab 16C-10; Table of ERDS interactions: Exhibit 4.3

⁹¹ Hillside responses to questions on notice: Exhibit 13

⁹² T153.07

⁹³ T175.28

Efficacy of the “Safer Gambling” interventions

Sportsbet

148. Sportsbet’s “Safer Gambling” contact with Kyle comprised emails and a telephone call on four occasions from a staff member within the company’s Safer Gambling Team. When there was direct telephone contact with Kyle, the staff member was wholly reliant on his answers, and the record of these calls is instructive. The brevity of the notes for each call is evident and suggests a lack of depth in these exchanges.

1 August 2019

#U22CBWL - spoke to customer betting within his limits⁹⁴

20 August 2019

#U22CBWL - spoke to customer betting within his limits⁹⁵

11 December 2020

#U22CCBBWL - Customer called back – betting within. Is there a reason for you to increase in betting? N. Is this level of betting affordable to you? Y. Are you in control of your betting? Y. Have you considered a RG tool on the account such as a deposit limit/break option? Y – didn’t want one⁹⁶

21 December 2020

#L1CB – spoke to customer – break option taken. Customer had just deposited 9500, advised he would have one 2 bets with it. Advised money was winnings from another bookmaker, but couldn’t get much out of him on the phone. suggested a break which he was happy enough with, please make sure we have a strong RGI⁹⁷ before reopening.⁹⁸

4 January 2021

#L1CCBBWL – Customer called back – betting within limits⁹⁹

⁹⁴ Exhibit 11 at CB tab 41-2

⁹⁵ Exhibit 11 at CB tab 41-2

⁹⁶ Exhibit 11 at CB tab 41-2

⁹⁷ Responsible Gambling Intervention

⁹⁸ Exhibit 11 at CB tab 41-1. A voluntary account suspension was in place for 14 days to 4 January 2021.

⁹⁹ Exhibit 11 at CB tab 41-1.

149. The “strong RGI before reopening” recommended on 21 December 2020 appears to be limited to the telephone call on 4 January 2021, at which time Kyle’s account was reactivated. In any event, this break did not interrupt Kyle’s online gambling. The next day he deposited \$9,800 into his bet365 account to use that instead.¹⁰⁰

150. It is apparent that the staff member in this conversation is wholly reliant on Kyle’s answers. It also appears from the notes of the exchange on 11 December 2020 that leading questions were used allowing Kyle to respond with a simple “yes” or “no”. Ms Rizzo gave evidence that conversations of this type usually last in the vicinity of four to ten minutes¹⁰¹ and that Sportsbet’s staff “have become quite good at detecting when things are to be sort of truthful or not.”¹⁰² That may be so, but the limits upon the utility of the process are clear and underlie the concession made by Ms Rizzo:

*But notwithstanding, there are limits around – yes, we do, to some extent have to accept what the customer tells us at face value.*¹⁰³

151. Sportsbet submits that, although it was reliant on Kyle volunteering information, “he gave credible, appropriate assurances that he was engaging in affordable wagering, which Sportsbet considers to be relevant temporal evidence of his risk of problem gambling.”¹⁰⁴

152. The recordings of the telephone conversations with Kyle no longer exist¹⁰⁵ and there is no evidence or suggestion that the staff members who were involved in these conversations have any independent recollection of what was said. One would not expect that they would. It follows that Sportsbet’s conclusion that Kyle’s assurances were “credible” is based solely on the very brief notes of the conversations and its faith in the insightfulness of its staff. Sportsbet also submits that it would be unsafe to speculate as to any “infirmity in the content of discussions” based on the limited content of the records.¹⁰⁶ This ignores the inferences that may properly be drawn from the notes. While they are clearly not intended to be a comprehensive account of the conversation, surely,

¹⁰⁰ Exhibit 11 at CB tab 43A-4

¹⁰¹ T077.20

¹⁰² T078.10

¹⁰³ T078.15

¹⁰⁴ Sportsbet submissions at [25(c)]

¹⁰⁵ Exhibit 11 at CB tab 15C-23 [119]; T080.01

¹⁰⁶ Sportsbet submissions at [14]

they must be intended to capture its most important elements. Save for the impression conveyed by the notes for the conversation on 11 December 2020 that some follow-up questions were asked, there is nothing of this kind in the other conversations. The note that the staff member “couldn’t get much out of him on the phone” is also revealing and contrary to the suggestion that Kyle’s responses were useful to assess his risk.

153. While simultaneously contending that the records of the conversations are so limited as to not permit a conclusion regarding “any infirmity in the content”, Sportsbet submits that Kyle’s assurances made during these conversations are “relevant temporal evidence” of his risk of problem gambling. I do not accept this submission.
154. The implication is that Sportsbet was entitled to rely on untested assurances as evidence which answered, or largely answered, the question whether Kyle was engaged in problem gambling. Very few enterprises in the commercial world assess risk in this way. (A payday lender is unlikely to be satisfied by a borrower’s assurances about their income but will require production of a payslip.) The critical difference here is that all the risk lay with Kyle, not with Sportsbet.
155. I am not persuaded that Kyle’s assurances in these conversations were tested in a manner likely to reveal their truth or otherwise, or that the perspicacity of Sportsbet’s staff would likely reveal that they could not be relied on.
156. The ingredients of the 12 “Safer Gambling” emails that were sent to Kyle are described by Ms Rizzo in her written statement.^{107,108} It is clear from this description that these were pro-forma emails which did not require any action from Kyle to move past them. Indeed, given the volume of email traffic for anyone using modern communications technology on a regular basis, one may reasonably ask whether such emails are likely to have a material impact on the recipient.

bet365

157. Hillside provided the current form of the automated messages which it sends to customers following the various triggers from its ERDS program. These messages comprise a “pop-up” message accompanied by a more detailed web message with links to

¹⁰⁷ Statement of Sarah Rizzo: Exhibit 2 at CB tab 16A-36 [87], T064.02 to 67.08

¹⁰⁸ Amended pursuant to section 76 of the *Coroners Act 2008* (Vic)

other resources such as the “gambling controls” section of the customer’s account menu and the “responsible gambling” section of the company’s website.

158. If the ERDS triggers the need for a self-assessment questionnaire, it must be completed by the customer, and account restrictions may be applied until this is done. The questionnaire is made up of eight questions requiring a “yes” or “no” answer. Each question is accompanied by a small button for further information which includes further context for the question. I presume that significant work has gone into the design of the questionnaire but, nonetheless, it still relies upon a conscientious approach by the customer. If a customer wants to dispose of the questionnaire as quickly as possible this is quite obviously achieved by answering “no” to each of the eight questions which are:

- 1. Are you worried about the amount of money you spend gambling?*
- 2. Do you need to bet higher amounts to enjoy gambling?*
- 3. Do you find it difficult to stop gambling after a loss?*
- 4. Does your gambling cause any financial problems for you or your household?*
- 5. Does gambling negatively affect your personal relationships, your job or studies?*
- 6. Does your gambling cause you any health problems?*
- 7. Do you feel irritable or uneasy when you are not gambling?*
- 8. Do you feel that you might have a gambling problem?¹⁰⁹*

159. Hillside also provided its results concerning the efficacy of ERDS web messages based upon the percentages of its customers engaging with deposit limits, “time out” options, or self-exclusion for the twelve months to 18 March 2026.¹¹⁰ With respect to deposit limits, 1.50% of all customers apply a limit compared with 9.33% who have received an ERDS message¹¹¹. This is said to be an improvement of 523% but there are significant difficulties with this analysis. Firstly, the parameters of the deposit limits are not mentioned. For example, a customer may set a very large deposit limit or one that is temporally constrained to a high degree, such that there will be little or no chance that the limit will fetter the customer’s gambling activity. Secondly, the duration of the deposit limit is not mentioned.

¹⁰⁹ Hillside responses to questions on notice: Exhibit 13 at pages 13 to 18

¹¹⁰ Hillside responses to questions on notice: Exhibit 13 at page 19

¹¹¹ The results do not make clear whether the “ERDS Customers” received a message specific to deposit activity and deposit limits or any of the other available messages.

160. With respect to customers electing to have a “time out”, the problems are much the same. The results state that 0.42% of all customers applied a “time out” compared with 2.92% of customers receiving an ERDS message. This is claimed to be an improvement of 595% but the duration of each “time out” period is not shown. In cases where the customer elected to have only a very short “time out” period, it is more difficult to claim that the customer’s response has meaningfully reduced their risk of gambling harm.
161. The results concerning self-exclusion¹¹² state that 0.22% of all customers chose this option compared with 2.23% of customers receiving an ERDS message, with a claimed improvement of 918%. These results, like those in the preceding categories, suffer from a presumption of causation where there is correlation. A customer who applies one of these constraints to their account may have been motivated to do so for reasons other than the receipt of an ERDS message. Furthermore, I am not persuaded by claims of “improvement” in the order of 500% or 900%. These numbers are the consequence of the very low starting percentages and there is no evidence before me that the increases in the raw numbers are statistically significant, or to what degree. I consider that these results have only limited utility and I am not persuaded that they demonstrate the efficacy of the ERDS messages. This is not to say that messages of this kind are not effective to some degree, it is just that the size of the effect is unknown and one should be cautious about overstatement.

Entain

162. Christina Baek stated that a search of Entain’s database was conducted and there was nothing to indicate that Kyle was ever included in manual reports produced according to its Responsible Service of Gambling (**RSG**) Policy. Also, Kyle was not ever assigned a score by Entain’s “Rules Engine”.¹¹³

Conclusion

163. The efficacy of customer monitoring and intervention by the betting companies is fundamentally limited because of the following matters –

¹¹² The results do not canvass whether the self-exclusions were temporary or permanent.

¹¹³ Statement of Christina Baek: Exhibit 3 at CB tab 16B-17 to 18

- (a) To be effective, the betting company requires a complete (or near complete) picture of the customer's gambling activity. The critical limitation in this regard is that a betting company can only see the customer's activity on its own accounts. The customer may volunteer the fact that they have accounts with other betting companies or that they engage in other forms of gambling, but this only reveals that the whole picture of their gambling activity is not available. The size and content of the missing portion will, in all likelihood, remain unknown.
 - (b) The information that is available to a betting company must be sound. It may of course rely upon its own transactional data, but the same cannot be said of information provided by the customer. If a customer asserts that they have the financial means to support their gambling activity, there are few practical means available to verify the assertion.
 - (c) There must be a sound evidential basis underlying the systems (and system parameters) used by each betting company. There is a dearth of independent research concerning the effectiveness of the various models, and little available data upon which independent researchers may draw. I return to this issue below.
164. Finally, I observe that the question whether there is a sound basis for the design of any monitoring and intervention regime is not easily dismissed. Sportsbet adamantly maintains that, upon assessment of all information, Kyle did not have a gambling problem. This is Sportsbet's contention despite Kyle having triggered its Safer Gambling Monitoring Program 37 times over the relevant period (resulting in 33 interventions). Furthermore, Sportsbet maintains this position despite its analysis using the current iteration of the program which shows Kyle would have triggered it 70 times (resulting in 53 interventions). These simple facts undermine any confidence one may have in the soundness of the design of the program, the setting of its parameters, or its application to a customer such as Kyle.
165. None of the communications or interventions directed to Kyle had any meaningful effect. While the current iteration of these programs incorporate various improvements, one cannot be confident that their effect, if they had applied to Kyle over the relevant period, would be any different.

PAUCITY OF INDEPENDENT RESEARCH

166. It is striking that there are different thresholds for triggering the various flags or interventions between the “safer gambling” programs employed by each of the betting companies. One might reasonably expect that there would be an extensive body of international research, available to all, and leading to a consistent set of indicia of problem gambling and widely agreed thresholds for intervention. Apparently, this is not so. Associate Professor Cowlshaw observed:

There is generally limited or low quality evidence available regarding effects of most measures outlined in the National Consumer Protection Framework, and this provides varying levels of support for these measures. ...

Most studies are also characterised [by] weak methodological approaches, including the lack of informative control groups and randomised designs, which means the absolute magnitude of benefits have rarely been tested using rigorous methods. Emerging studies of other safety measures (such as activity statements) are characterised by similar weaknesses, although some examples of more rigorous designs have been reported (including a recent randomised trial of gambling warning messages).

I am not aware of any rigorous and independent studies of key consumer protection measures including restrictions on gambling inducements.

It should be considered that these safety initiatives, while potentially useful and associated with benefits for some customers, represent overall weak responses to gambling-related harms, and may distract from the failure to consider more meaningful public health measures that involve regulation of the industry and attempts to reduce exposures to gambling marketing and harmful products.¹¹⁴

167. Associate Professor Cowlshaw’s last point is a clear warning. There is a real risk that too much credence may be placed in the benefit of current safety initiatives without having a proper understanding of their true efficacy. This is likely to create an environment where the regulatory *status quo* prevails because of a misplaced belief that the current measures are effective and sufficient.

¹¹⁴ A/Professor Cowlshaw report: Exhibit 9 at CB tab 14-10 (footnotes omitted)

168. Moreover, the challenge is not static. Betting companies are constantly evolving the design and features of their apps and web based platforms to attract and retain customers. They are also expanding their product offerings. One may readily conceive that the efficacy of static safer gambling measures may be diminished in an evolving gambling environment. They may even become otiose.
169. The emergence of Artificial Intelligence (AI) highlights the mismatch between a sound knowledge base from publicly available rigorous research, and the evolving online gambling environment. The betting companies now have available to them the greatest ability to analyse each customer's behaviour and assess their preferences.¹¹⁵ The potential to finely tailor the "user experience" and the bonus offerings for each particular customer is well within the capacity of AI. Against this background, the public is asked to accept, without sufficient evidence, that the safety measures put in place by betting companies are effective and sufficient. I am not satisfied that they are.
170. In respect of the prevailing research environment, Associate Professor Cowlshaw further observed that:

The gambling industry has adopted tactics that have strong parallels with tobacco industry tactics, and include sponsorship and support of research and evidence production that aligns with commercial objectives (rather than public health goals). Accordingly, much of the evidence considered above has been conducted with the support of the gambling industry and should be viewed cautiously in the absence of significant funding of independent research and requirements for gambling companies to make data available.¹¹⁶

171. Associate Professor Cowlshaw explained that research into gambling behaviour and gambling related harm would, ideally, include rigorous systematic reviews of randomised trials and observational cohort studies. The appropriate type of study would depend on the particular question to be examined. Importantly, the research should also be subject to peer review.¹¹⁷

¹¹⁵ Cameron Gray opined that betting companies are "probably some of the most sophisticated data-analytics companies in the world ...": T302.17

¹¹⁶ A/Professor Cowlshaw report: Exhibit 9 at CB tab 14-11

¹¹⁷ T446.12 to 450.29

172. Peer review is not possible unless the research lays open: its hypothesis or objective; the data upon which it is based, the methodology (including data collection procedures, assumptions, and limitations), and the results. The first and most obvious problem is that the essential data is the property of the betting company where the customer has their account. Unless this data can be made available by some means, essential research will remain out of reach. For example, how do we objectively measure the impact of the various “safer gambling” measures without the transactional data of gamblers who have employed customer tools or have been the subject of some form of intervention?
173. A national “data vault” for Australian online gambling data provides a solution. Associate Professor Cowlshaw agreed that such a resource would require standardisation of the data provided by betting companies, de-identification of parts of the data, and suitable confidentiality and security frameworks. No doubt such a project would present significant challenges, but these are hardly insuperable. Indeed, Spain is one jurisdiction which has shown it can be done and this example is considered in my comments pursuant to section 67(3) of the Act.

EFFECT OF ADVERTISING

174. Each of the betting companies advertises extensively in Australia. By law, gambling advertisements must be accompanied by gambling safety messages, but the primary purposes of each advertisement remain. These include attracting new customers and promoting gambling activity by existing customers with the particular betting company.
175. At its broadest scale, the advertising environment is divided into “above the line” and below the line” advertising. “Above the line” is advertising directed to the world at large and involves traditional media such as television, cinema, radio, print media and billboards. It also involves advertisements in streaming services and on social media platforms , and “search engine optimisation”. “Below the line” advertising is directed to the betting company’s own customers and includes email, SMS, in-app, and web messages.
176. I asked each of the betting companies to provide details of their advertising expenditure in Australia for the most recent year. They each provided the information under cover of a claim of privilege based upon commercial sensitivity and asked that it not be published

without the opportunity to make further submissions on the subject.¹¹⁸ I determined to accede to the betting companies' request not to publish the information without requiring the matter to be argued further as I considered that doing so may have led to an unacceptable delay.

177. It is sufficient to observe that the information provided by each of the betting companies reveals a level of expenditure on gambling advertising in Australia that is arresting. The most straightforward logic compels a conclusion that the magnitude of the expenditure makes commercial sense because it produces the desired results in revenue, market share and profit.
178. Associate Professor Cowlshaw observed that recent analysis of published studies on gambling advertising reported:

Consistent associations with exposure to gambling advertisements and more positive attitudes to gambling, greater intentions to gamble, and gambling activities; and

An apparent 'dose response' relationship between gambling advertising and gambling activity, whereby greater exposures to advertising and marketing are associated with greater levels of activity.¹¹⁹

179. Cameron Gray noted that:

Research published in March 2023 by the Australian Institute of Family Studies reported that "78% of Australian adults reported seeing or hearing sports and/or race betting advertising at least once a week over the past 12 months, with two in five exposed four times or more a week", illustrating the substantial prevalence of wagering advertising beyond direct inducements.

¹¹⁸ Hillside responses to questions taken on notice: Exhibit 13 (redacted). Hillside's information relates to the year ending 30 March 2025.

Entain responses to questions taken on notice: Exhibit 16 (redacted). Entain's information relates to the year ending 31 December 2025.

Sportsbet responses to questions taken on notice: Exhibit 17 (redacted). Sportsbet's information relates to the year ending 31 December 2025.

¹¹⁹ A/Professor Cowlshaw report: Exhibit 9 at CB tab 14-9

*While this research was published after the end of the Relevant Period, it provides context around the scale and frequency of wagering advertising in Australia, rather than evidence of exposure specific to Mr Hudson, The research further indicates that exposure to such advertising is associated with riskier betting behaviour and increased engagement with gambling products in the broader population.*¹²⁰

180. It is correct to observe that these research findings do not constitute direct evidence of Kyle’s exposure to gambling advertising, but they remain relevant to describe, as best as the research allows, the Australian advertising landscape. Kyle was ready to begin online gambling on his 18th birthday, when he opened his Sportsbet account. It would be naïve in the extreme to think that gambling advertising had not played a material role in bringing Kyle to this point and keeping him engaged over the next four years.
181. Sportsbet submits that there is no (or at least, insufficient) evidence from gambling research to conclude that there is a causal relationship between advertising and problem gambling. In this regard Dr Auer posits that most people are not affected by gambling advertising. This is based upon an observation that worldwide gambling advertising spending is constantly increasing but the prevalence of online problem gambling is “quite stable”. Dr Auer goes even further to contend that, “I believe this is a very strong indicator that gambling advertising does not directly impact problem gambling”.¹²¹ Dr Auer manages to reach this positive conclusion despite having earlier explained:

*It is extremely difficult to analyse cause and effect relationships between advertising and problem gambling. Natural experiments where people are assigned to different experimental groups have not been conducted and will most likely never happen. For that reason correlations can only be interpreted as associations but not causal.*¹²²

182. The “natural experiments” referred to by Dr Auer would be very difficult to design, and it is hard to imagine they would ever be granted ethical approval. Accordingly, it makes sense that the research is effectively limited to observational studies and meta analyses.

¹²⁰ Report of Cameron Gray: Exhibit 5 at CB tab 13-32 (footnote omitted)

¹²¹ Dr Auer report: Exhibit 8 at [130] to [131] (emphasis added)

¹²² Dr Auer report: Exhibit 8 at [130]

183. I am not at all persuaded towards Dr Auer’s hypothesis that gambling advertising does not directly impact problem gambling. Firstly, this statement does not sit comfortably with Dr Auer’s own observation that the cause and effect relationships are difficult to analyse.
184. Secondly, the notion of “most people” is wholly undefined and, in any event, a false measure. The success of advertising is not necessarily dependant on influencing the behaviour of “most people”. In the context of gambling advertising, it must surely be enough that the advertising influences the segments of the population that are its target. One may safely conclude that these segments comprise people who already gamble or who may be inclined towards gambling.
185. Thirdly, the individual studies referred to by Dr Auer do not offer a consistent picture, and some appear contrary to his contention that gambling advertising does not directly impact problem gambling. For example:

Young adults at higher risk of gambling harm may be more affected by embedded advertising during sports, and within this group, watching football may go hand-in-hand with sports betting (McGrane et al. 2025). The increased impact of sports betting advertising among problem gamblers was also reported by Killick et al. (2021).¹²³

and,

In contrast to DiCenso et al. (2024), Browne et al (2019) report a significant correlation between exposure to advertising as well as inducements and the likelihood of betting, higher intended and actual betting expenditure, and spending more than intended. In Browne et al.’s (2019) assessment study of Australian sports and race bettors, “Push” messaging and inducements that convey the impression of reduced risk (stake-back inducements and multibet offers) were particularly influential, as well as brand promoted during events and advertisements on betting websites/apps.¹²⁴

and,

¹²³ Dr Auer Report: Exhibit 8 at [134]

¹²⁴ Dr Auer Report: Exhibit 8 at [142]

*Based on the analysis of eight systematic reviews McGrane et al (2023) recommended the restriction of gambling advertising to reduce gambling related harm.*¹²⁵

186. There can be little doubt that gambling advertising acts as a contrary impetus to any “safer gambling” policies and programs employed by the betting companies. It is the magnitude of the contrary effect that remains difficult to determine.
187. Associate Professor Cowlshaw summarised recent qualitative studies of Australian men who gamble online which describe the following phenomena:
- (a) Young men may show exaggerated confidence in their ability to succeed in online gambling.
 - (b) The increasing integration of marketing and advertising directly into online gambling platforms (for example, via prompts or notifications within apps), which suggest novel ways of delivering marketing communications that may not be readily visible to external parties.
 - (c) Strong intersections with men’s online gambling and their peer networks with social interactions organised around online gambling and facilitated by social messaging apps.¹²⁶
188. Even for a person with no interest to participate in online gambling, it is close to impossible to move through the modern world without being exposed to its advertising. The messages arrive through a wide variety of media and are optimised to capture attention.
189. It is also clear that online gambling advertising in Australia is often designed to appeal to young men and to normalise gambling as a social activity. A straightforward example of this design is revealed when one types “bet with mates” into the Google search bar. The first result is a Sportsbet link¹²⁷ –

¹²⁵ Dr Auer Report: Exhibit 8 at [139]

¹²⁶ A/Professor Cowlshaw report: Exhibit 9 at CB tab 14-8

¹²⁷ <https://www.sportsbet.com.au/bet-with-mates>

Bet With Mates: Group betting made easy

Start a group and bet together using Sportsbet's **Bet With Mates**. Sharing the thrill of a quaddie or multi with your mates has never been easier!

190. The second result is a Neds link¹²⁸ –

Mates Mode: Groups and Pots

Groups enable you to connect with your mates to chat, share bets, and even place group bets using The Pot. Up to 10 pots simultaneously (as a member or creator ...

191. In July 2026, the Commonwealth government introduced a Bill to amend the *Interactive Gambling Act 2001*. The *Interactive Gambling Amendment (Gambling Reform) Act 2026* was passed on 19 August, and it received Royal assent 26 August 2026.
192. In summary, the amendments introduce the following additional restrictions on gambling advertising:¹²⁹
- (a) It must not be broadcast, datacast, or included in online content, during live coverage of sporting events; or broadcast on radio during school drop off and pick up times.
 - (b) It must not be broadcast or datacast on television more than three times in an hour at certain times.
 - (c) It must not be included in online content unless reasonable steps are taken by online content providers to prevent restricted users from accessing such content, to require other users to access the content using registered accounts and to allow users to opt out of receiving such content.
 - (d) It must not be broadcast, datacast, or provided on certain streaming services, during children's programming.

¹²⁸ <https://help.neds.com.au/s/article/mates-mode-groups-and-pots>

¹²⁹ *Interactive Gambling Amendment (Gambling Reform) Act 2026* – Schedule 1, Part 1 amending Part 7C of the *Interactive Gambling Act 2001*

- (e) Sporting uniforms and sporting venues must not display gambling advertising content.
 - (f) Athletes, celebrities and certain other people must not be used for promotions.
 - (g) The promotion of odds is prohibited on broadcasts and datacast.
 - (h) It must not include harmful or misleading material.
193. While these recent restrictions go some small way towards ameliorating the deleterious effects of gambling advertising, it is clear that significant gaps remain and major media platforms have been left untouched. For example, streaming services are not included (except during children's programming) where these services are increasingly becoming the preferred, or only, platform for sports viewers. It seems likely that the online gambling industry will strategically redirect its advertising efforts accordingly.
194. Kyle did not simply decide, out of nowhere, to open his first betting account on his 18th birthday. An overwhelming inference arises from the timing, and there can be little doubt that Kyle began his online gambling as soon as he could because he was primed by the phenomenon that was swirling about him before he turned 18. Part of this priming may have been the result of adult or peer influence, which itself may be regarded as an indirect effect of gambling advertising. It is also likely that a large part of Kyle's readiness to gamble by age 18 was due to the direct effect of gambling advertising.

EFFECT OF INDUCEMENTS AND BONUS OFFERS

Overview

195. Cameron Gray was asked to produce a synthesised summary of the inducements offered to Kyle over the relevant period. For this purpose, he defined inducements as:

*Any offers, promotions, incentives, benefits, or conditional rewards made available by a betting agency to a customer with the intent of encouraging betting activity, account engagement, or continued use of the betting service.*¹³⁰

¹³⁰ Report of Cameron Gray: Exhibit 5 at CB tab 13-31

196. I consider this to be an appropriate definition which includes:

- (a) bonus bets;
- (b) matched or “matched stake” offers;
- (c) deposit bonuses;
- (d) cash or refund offers;
- (e) risk-free or “money back” bets; and
- (f) enhanced odds or price boosts.

197. Over the relevant period Kyle redeemed 489 inducements across all the betting companies, valued at \$21,696. These inducements included deposit matches, bonus bets, and bet return promotions. The number of redeemed inducements does not include instances when an inducement was offered but not redeemed, or when a qualifying bet was placed but the reward did not eventuate because the qualifying bet won. Accordingly, it is very likely that Kyle was offered and responded to more than the 489 inducements that are recorded.

Sportsbet

198. Sportsbet sent Kyle at least 302 promotional communications via email or SMS over the relevant period.¹³¹ This equates to one email or text message every five days. Kyle placed 400 bonus bets for a total of \$15,494, comprising \$4,911 in bonus bets and \$10,583 in other offers. The communications were not evenly distributed over time with instances of multiple promotional messages sent within the same week or on the same day.¹³²
199. Ms Rizzo stated that bonus bets were traditionally offered in two ways. Firstly, as “deposit match” where a customer’s deposit of funds into their account is matched (usually 1:1) with an amount from the betting company that can then be wagered from the account. Secondly, bonus bets may be offered as promotional bets where one of the potential payout results is the provision of a bonus bet. For example, where an AFL team had been bet on to win a game and that team led at half-time by a specified margin but eventually lost, the customer may receive an amount back that may be used in their account for a subsequent bet.¹³³

¹³¹ Comprising 150 emails and 150 SMS communications. Report of Cameron Gray: Exhibit 5 at CB tab 13-37

¹³² Report of Cameron Gray: Exhibit 5 at CB tab 13-37

¹³³ T035.03 to 35.31

200. The critical feature of inducements of this kind is that the “money” that the customer may receive into their account from a qualifying bet, deposit match, or the like can be used only for placing more bets. The reward may appear to the customer to have a “dollar value” for them, but that would be to misunderstand its true nature, because it can only be used according to the betting company’s terms. Understood in their true sense, and understanding the limits placed upon their redemption, rewards coming from inducements should not be thought of as “money” but as “tokens” with a value dependant on their conditions of use.
201. Nonetheless, a customer may use these rewards to place a subsequent bet which wins and returns true money, which the customer may then choose to withdraw from their account. Accordingly, the incentive schemes are a true cost to the betting company that provides them. This leads to the question, what are the betting companies’ incentives for doing so?
202. Ms Rizzo was asked about the motivation underlying Sportsbet’s bonus bet offers. She accepted that bonus bet offers have the potential to encourage a customer to place a bet when they might not have otherwise done so.¹³⁴ However, Ms Rizzo clearly asserted that the intent behind the promotional offer was not to increase the customer’s betting but to encourage the customer to place a bet they had already decided to make, with Sportsbet rather than with a competitor. Ms Rizzo stated:
- Ms Rizzo: *... The intent is not to encourage people to bet beyond what they were already intending to do. The promotion is designed to encourage choice of which, ah, an individual and who they choose to bet with for the bet that they were already going to place. But we do acknowledge within our organisation, such the example that you provided.*
- Coroner: *And that’s seriously what the philosophy is, or the theory is, that these are customers that, by and large, have already decided to place a bet?*
- Ms Rizzo: *Yes, Your Honour. That’s correct.*
- Coroner: *Is there any research that backs that up?*
- Ms Rizzo: *Ah, not to my knowledge, Your Honour. No.*

¹³⁴ T037.11

Coroner: *What about the size of the bet? Could it also encourage a larger bet than the customer originally intended?*

Ms Rizzo: *Ah, it is possible, Your Honour. However, it is important to note that, ah, while the promotions do have caps, they do not have minimum eligibility.*

Coroner: *But if I'm going to bet \$25 and if my losing bet meets the criteria, I might get \$25 in bonus bets, or I could bet \$50 and get \$50 in bonus bets, might that not encourage me to have the higher stake?*

Ms Rizzo: *It is possible, Your Honour. Yes.*

Coroner: *Well, it's more than possible, isn't it? It's likely. Would you agree with that?*

Ms Rizzo: *Not – not in all cases, Your Honour. No. I wouldn't agree with that.*¹³⁵

203. Sportsbet contends that, “A purpose of inducements (or promotions) is to differentiate one WSP’s service from another’s; a related purpose is to encourage a customer to engage in wagering activity with that WSP”.¹³⁶ This contention precedes Sportsbet’s further argument that the evidence does not permit any conclusion of a correlation between the promotional offers Kyle may have received and his betting or deposit activity.
204. I do not accept that the principal motivation underlying Sportsbet’s promotional offers (such as bonus bets or deposit matches) is as stated by Ms Rizzo; that is, to encourage a customer who has already decided to place a bet, to place that bet with Sportsbet rather than one of its competitors. There is no evidence put before me of any such phenomenon in the marketplace. The most charitable observation that may be made about this claim is that it obliquely recognises that competition between betting companies requires strategies such as promotional offers to maintain or increase market share. However, these strategies do not have the moral neutrality that is suggested by Ms Rizzo.

¹³⁵ T037.18 to 038.12

¹³⁶ Sportsbet submissions at [40]. “WSP” (Wagering Service Provider) is used in the same sense as “betting company”.

205. The commercial interest in having a customer increase their gambling activity with a particular betting company, if only to a level determined by that betting company to be safe and sustainable for that customer, is obvious. Nonetheless, and tellingly, Sportsbet have avoided any discussion of this commercial interest as though it does not exist.
206. The gravamen of Sportsbet’s submissions on this topic is that there is no correlation between Kyle’s betting behaviour and any promotional offers he may have received. Although Sportsbet does concede that Kyle *may* have been influenced by *some*¹³⁷ advertising when redeeming promotions, it further contends that there cannot be any positive finding as to a “direct causal link” between any specific promotion and any specific bet because there no evidence that Kyle knew of any specific inducement when he placed the bet.¹³⁸
207. This may be true in the context of any one bet, but the argument relies on an overreaching reductionism, and it ignores what may be revealed by examining the wider picture. Moreover, the contention that there is no correlation is curious to say the least, given the expense and effort that must attach to providing and marketing the promotional offers. If these offers had little or no effect on Kyle’s gambling behaviour, then he must have been unusual compared to other customers. One may well ask, what is the commercial purpose of expenditure on promotional offers if not to influence the betting behaviour of the customer?
208. In the midst of its contention that it is not possible for the Court to find a causal connection between the promotions offered to Kyle and his gambling behaviour, Sportsbet submits the following as part of its argument that he was not targeted using promotions:

A significant proportion of Mr Hudson’s promotions was generated through bonus bets obtained by Mr Hudson through bets place on markets with promotional offers rather than general promotions made available to all customers. In 2021, he received more promotions than the average Sportsbet customer with similar betting behaviours, suggesting a betting strategy skewed

¹³⁷ Emphasis as appearing in the Sportsbet submissions.

¹³⁸ Sportsbet submissions at [45]

*towards frequently taking the benefit of the promotional markets offered to all customers.*¹³⁹

209. This submission not so subtly casts Kyle as the actor having the greater control through his strategising and it ignores an obvious contrary proposition. Namely, that Kyle was influenced to bet more frequently in these markets because of the promotional offers associated with them.
210. In the last six months of Kyle's betting with Sportsbet, he redeemed 129 promotional offers to a value of \$5,267.¹⁴⁰ In other terms, on average, Kyle redeemed a \$40 Sportsbet promotional offer every 35 hours in 2021. In the final month before he died, Kyle was redeeming Sportsbet's promotional offers at a rate greater than two per day.¹⁴¹

Entain

211. Christina Baek, on behalf of Entain, also gave evidence concerning the rationale for inducements such as deposit matches. She accepted that deposit matches were intended to influence the amount deposited by the customer (subject to the dollar caps placed these promotions) and stated:

*... it is there to influence the amount deposited. Again, I think inducements generally is [sic] something that all wagering-service providers use to differentiate from the competition and stay competitive – and ultimately have as part of their product offering. So it's absolutely there to primarily influence deposit activity or wagering activity.*¹⁴²

212. I consider the evidence of Ms Baek in this regard to be notably more candid than the evidence given on behalf of Sportsbet. It is also buttressed by the weight of straightforward logic and basic commerciality.

¹³⁹ Sportsbet submissions at [43]

¹⁴⁰ Exhibit 11 at CB tab 41-22 to 41-27

¹⁴¹ 61 offers from 10 June 2021 to 1 July 2021 for a total value of \$2,580.

¹⁴² T133.15 (verbal hesitations omitted)

Bookmaker

213. Entain, via Kyle's Bookmaker account, offered him two deposit matches in July 2018 for \$200 and \$440. Kyle used these rewards to place five bets that same month.¹⁴³

Ladbrokes

214. Ladbrokes offered Kyle one deposit match of \$200 on 29 August 2018. That same day he used this reward and his own deposited funds to place bets on alternate outcomes for the same event. This would guarantee a positive outcome. Ladbrokes immediately sent an email to Kyle advising him that he would no longer be offered "Promotional markets". He did not transact on his Ladbrokes account again until June 2019, when he made a deposit of \$70.¹⁴⁴
215. For betting in this manner or "betting both sides of the line", Kyle was categorised by Entain as a "bonus abuser". Ms Baek's evidence on this subject revealed an implication by Entain that a customer betting in this way was not acting in good faith.¹⁴⁵ Of course, betting "both sides of the line" means that the customer's exposure for wagering on that particular event is substantially reduced or may even be eliminated entirely. In a theoretical case where the odds were "even money" or 2:1 on "both sides of the line", the effect would be to convert the "dollars" rewarded from the incentive into real money.¹⁴⁶ Of course, it serves the commercial aims of the betting company if the reward "dollars" are placed at risk on a standalone wager – while they may be transformed into real money, they may also be lost.
216. Ms Baek repeatedly stated that, "we want our customers to win". When pressed about the decision to stop offering promotional offers to Kyle, Ms Baek stated:

¹⁴³ Report of Cameron Gray: Exhibit 5 at CB tab 13-33

¹⁴⁴ Report of Cameron Gray: Exhibit 5 at CB tab 13-33

¹⁴⁵ T135.05 to 135.24

¹⁴⁶ In reality, the sum of the odds offered on each side of the wager do not sum to represent a probability of 1. For example, in a simple wager involving Team A to beat Team B, Team A may be offered at odds of 2:1. If one ignores the possibility of a draw (which can be discounted because of the option to return all stakes if this occurs), logically Team B should be offered at the same odds. This does not occur in practice, and in this example, Team B would be offered at odds less favourable than 2:1 and the sum of the probabilities will be something less than 1. The difference represents a margin set by the betting company for itself.

*We want our customers to win but not predominantly by using good faith promotions to systematically win.*¹⁴⁷

217. Of course, Ms Baek’s statement that “we want our customers to win” must be an oversimplification, and it cannot be the true commercial intent of Entain. If it was, and if Entain achieved this goal, it would not be profitable and it would be unlikely to remain in business for very long. Simple logic leads directly to a truer statement of corporate intent – Entain (and the other betting companies) want their customers to win often enough to remain engaged and betting. Promotional offers help achieve this.

Neds

218. Kyle redeemed 12 deposit match inducements between April 2018 and August 2019 for a total value of \$4,315. He frequently split the bonuses to place multiple bets with the effect that his 12 bonuses led to 50 bets.¹⁴⁸
219. Cameron Gray identified betting patterns where there were periods of inactivity with Neds, then betting activity following receipt of a deposit match. For example, on 5 April 2018, Kyle deposited \$510 and received \$510 in bonus bets. He bet his with his own funds and the bonuses until his account balance was reduced to zero by the next day. Kyle did not make another deposit until 14 June 2018 (approximately nine weeks later) when he put \$400 into his account and received \$400 in bonus bets. He bet with those funds until 8 July 2018, by which time his account had again reduced to zero.
220. Entain highlights that Mr Gray accepted that Kyle continued to bet with other betting companies during his periods of inactivity with Entain. I accept that this is the state of the evidence. However, Entain then seeks to use this fact as a basis for its contention that the evidence does not show that Kyle was solely or predominantly responsive to inducements, such that he would not have gambled without them.¹⁴⁹ There are two clear difficulties with this submission. Firstly, it fails to consider Kyle’s gambling with the other betting companies during his periods of inactivity with Entain, and whether his betting activity in those periods was responsive to incentives from those operators.

¹⁴⁷ T157.01

¹⁴⁸ Report of Cameron Gray: Exhibit 5 at CB tab 13-34

¹⁴⁹ Entain submissions at [32]

221. Secondly, the submission incorporates a “straw man” fallacy. Entain sets a very high evidentiary bar when it proffers “solely or predominantly” as though this is a recognised test, when it is not. It is not necessary to find that Kyle’s gambling activity was “solely or predominantly” responsive to inducements in order to determine whether or not inducements played an important part in shaping Kyle’s gambling behaviour over four years.

bet365

222. bet365 offered Kyle 72 inducements over the relevant period with a potential bonus value of \$1,897. The majority of the inducements were conditional, requiring qualifying bets or specific betting behaviour in order for a bonus to be credited. Of these inducements, Kyle redeemed \$692 as 27 bonus bets.¹⁵⁰

Conclusion

223. All of the betting companies offered Kyle inducements. Often these were in the form of deposit matches, bonus bets, or bet return promotions. Kyle redeemed 489 inducements valued at \$21,696. Put another way, on average, He redeemed an inducement once every three days, and the incentives amounted to more than \$5,000 in bonuses per year.
224. This is the picture that tells the story. There can be little doubt that the availability of promotional offers and inducements, across all the betting companies, must have catalysed Kyle’s betting behaviour. Moreover, these inducements must have a contrary and corrosive impact upon the efficacy of the betting companies’ “safer gambling” programs.

PROPER CHARACTERISATION OF KYLE’S GAMBLING BEHAVIOUR

225. Sportsbet’s submissions draw the distinction between “gambling harm”, “problem gambling” and “disordered gambling”. In respect of the last of these concepts, the submissions warn that “disordered gambling” is a mental disorder recognised in the Diagnostic and Statistical Manual of Mental Disorders (DSM V) which may only be the subject of clinical diagnosis and is not capable of diagnosis postmortem. The submissions also point out that “problem gambling” is typified by maladaptive behaviours that

¹⁵⁰ Report of Cameron Gray: Exhibit 5 at CB tab 13-39 to 40

precede negative consequences or harms.¹⁵¹ I accept that it is important to be clear about these distinct concepts, and that a postmortem diagnosis of a defined disorder should not be attempted. However, the concept of “gambling harm” and the question whether it was present and impacted Kyle sits apart from the notion of a formal diagnosis. The presence and extent of gambling harm is a central issue to be considered when examining the circumstances surrounding Kyle’s death.

226. Sportsbet’s view regarding the existence of gambling harm was put forward during the oral evidence of Sarah Rizzo, Sportsbet’s Director of Customer Operations, when the following exchange took place:

Coroner: *... the overall view that is put forward [on behalf of Sportsbet] is that Mr Hudson was a reasonably sophisticated gambler who was doing reasonably well and appeared to be consistent and in control?*

Ms Rizzo: *Yes, that’s correct Your Honour.*

Coroner: *Is that your view?*

Ms Rizzo: *Yes, that’s correct Your Honour.*

Coroner: *And you maintain that today?*

Ms Rizzo: *Yes, based on the information that was available to me at the point in time, yes, Your Honour. With the benefit of additional information which was not available to me at the point in time though, I can acknowledge that there may be times that Mr Hudson’s gambling did get away from him.*¹⁵²

227. The final answer given by Ms Rizzo in the above exchange is a very modest concession in the face of compelling objective material. Nonetheless, it appears to leave in place Sportsbet’s overarching contention that Kyle “was a reasonably sophisticated gambler who was doing reasonably well and appeared to be consistent and in control”. This is troubling to say the least. Even with the benefit of a global retrospective view, Sportsbet appears to maintain this position in its final submissions.

228. The last proposition is expressed inconclusively, at least initially, because of the state of Sportsbet’s submissions. Having been at pains to point out the distinctions between “gambling harm”, “problem gambling” and “disordered gambling”, the submissions go

¹⁵¹ Sportsbet submissions at [6] to [10]

¹⁵² T057.30 to 058.11

on to argue, at length, why the evidence does not indicate that Kyle was experiencing “problem or disordered gambling”. Unhelpfully, the submissions say nothing explicitly regarding the question whether Kyle was suffering “gambling harm”. Having taken the trouble to differentiate the concept of “problem gambling”, and to criticise Counsel Assisting for failing to provide temporal particulars of the “gambling harm”¹⁵³, the submissions appear to merge the two concepts. An example of the merger can be found at paragraph 47 where it is submitted:

Sportsbet does not believe that it caused or contributed to any harmful gambling behaviours by offering promotions to Mr Hudson.

229. Despite the need for this excursus, the import of Sportsbet’s submissions are clear. The concepts of “problem gambling” and “gambling harm” are distinct, but they are paired. “Problem gambling” is a prerequisite for the existence of “gambling harm”. If the argument is that Kyle was not engaged in “problem gambling” then the argument necessarily extends to the proposition that he was not suffering “gambling harm”.
230. Sportsbet submits that the information available to it did not indicate that Kyle was suffering from problem or disordered gambling, or gambling harm. Secondly, and more strikingly, that the information before the Court (including the evidence about Kyle that was not available to Sportsbet) does not support any finding that he was suffering from problem or disordered gambling,¹⁵⁴ or gambling harm.
231. This position stands in contrast to the evidence of Christina Baek (for Entain) who stated:

*... based on all the information that’s been collated ... I do think that there’s an indication that Mr Hudson was experiencing gambling harm, and that was potentially as a result of the cumulative transactions across all operators rather than specific transactions with Entain.*¹⁵⁵

232. It is also at odds with the evidence of Michael Horton (for Hillside) who stated:

Coroner: *... have you formed a view about the pattern of his gambling over the four years, being able to see all operators?*

¹⁵³ Sportsbet submissions at [19]. The argument that, in order to properly support their submissions, Counsel Assisting should provide temporal particulars of the gambling harm is without merit.

¹⁵⁴ Sportsbet submissions at [17]

¹⁵⁵ T179.18 to 179.26 (verbal hesitations omitted)

Mr Horton: *Yes.*

Coroner: *What's that view?*

Mr Horton: *I think he was clearly showing indicators of harm.*¹⁵⁶

233. It is very significant that two other major betting companies have considered the material now available and have reached conclusions markedly different from Sportsbet. This, in itself, calls into question the soundness of Sportsbet's position.

Dr Auer's opinion

234. Dr Auer's ultimate opinion is that Kyle, "would most likely not have been identified as a problem gambler if criteria mentioned in the relevant studies had been computed."¹⁵⁷ This is an answer to the question whether problem gambling could have been identified at the time Kyle was using his Sportsbet account. It does not directly answer the question whether Kyle was engaged in problem gambling having regard to the totality of the evidence now available. Nonetheless, Sportsbet relies on Dr Auer's opinion and submits that Kyle was not suffering from problem or disordered gambling.
235. Dr Auer states that, "Linking Mr Hudson's gambling to indicators of problem gambling requires the computation of specific metrics used in the respective academic research". He then explains that he has used Sportsbet's data to compute Kyle's metrics for "tolerance" (increase in gambling over time), "salience" (continuous gambling), "impulsivity", "re-gambling", "nighttime gambling" and "chasing losses".¹⁵⁸
236. There is a difficulty with Dr Auer's statement that linking Kyle's gambling to indicators of problem gambling "requires the computation of specific metrics". This may be true for a betting company seeking to apply a "safer gambling" program to its customers' activity in real time, but it is not a true statement if the implication is that problem gambling can only be identified, at any time, using specific metrics. For example, Dr Auer's metrics do not include any information or allowance concerning Kyle's income, his bank balance, his gambling with other betting companies, or the special arrangements made in an effort to control his gambling. Any suggestion that an analysis of the question, conducted today, is confined by metrics is deeply flawed.

¹⁵⁶ T238.02 to 238.07

¹⁵⁷ Dr Auer Report: Exhibit 8 at [77]

¹⁵⁸ Dr Auer Report: Exhibit 8 at [74] and [75]

237. In any event, Dr Auer’s conclusions, derived from his own metrics, are not convincing. In respect of “tolerance”, Dr Auer concedes that this “can be partially observed” in Kyle’s case with periodic increases in activity, while also noting that there were “phases of little activity in between”.¹⁵⁹
238. In respect of “salience”, Dr Auer stops short of an explicit conclusion. He observes that salience is marked by a pre-occupation with gambling and notes that Kyle was not active with his Sportsbet account on 37% of days in the relevant period. Although unstated, the implication is that it is questionable whether Kyle was, in fact, pre-occupied with gambling. Dr Auer does however concede that, “In between there were episodes of frequent as well as intense involvement that could have been detected.”¹⁶⁰ I am satisfied that betting on two days in every three, on 941 occasions, does reveal a pre-occupation with gambling. And one must remember that this is only Kyle’s activity on his Sportsbet account.
239. In his analysis of “impulsivity” Dr Auer draws heavily on the frequency of Kyle’s deposits and whether there were instances of multiple deposits within short intervals. The analysis is based on the number of deposits occurring within one hour of another deposit for each day on which a deposit was made. The result revealed that Kyle made deposits twice within an hour on 13% of the 596 days that he made deposits. Dr Auer considered this to be a “low occurrence of short interval deposits” and because Kyle “did not deposit multiple times on most days” his behaviour was not impulsive.¹⁶¹
240. It is not clear why a period of one hour was chosen to constitute a “short interval” for repeated deposits. One could just as easily choose two hours, or six, or the number of hours an adult is likely to be awake on any given day. Moreover, there is no special validity in a day which begins and ends at midnight so that, for example, deposits occurring at 11.30pm and 12.30am are not considered as a pair. One might also expect that the measure of the “short interval” should be moved continuously across the transaction data to assess the instances when multiple deposits fall within it. In any event, I am not persuaded by Dr Auer’s analysis.

¹⁵⁹ Dr Auer Report: Exhibit 8 at [78]

¹⁶⁰ Dr Auer Report: Exhibit 8 at [79]

¹⁶¹ Dr Auer Report: Exhibit 8 at [82] and [83]

241. The incidence of multiple deposits within a single day is shown in Figure 2 of Dr Auer's report.¹⁶² On 143 occasions (24.0%) Kyle made two deposits in a day. On 71 occasions (11.9%) he made three deposits in a day. On 17 occasions (2.9%) he made four deposits in a day. At his most prolific, Kyle made seven deposits in a single day. On the basis of these figures Dr Auer concludes that Kyle's behaviour was not impulsive. It is striking that this conclusion is framed as an assertive proposition and perhaps not as a more cautious observation. For example, a statement to the effect that the results do not permit a conclusion whether Kyle's behaviour was impulsive.
242. Dr Auer's conclusion also relies on the notion that signs of impulsivity must be present for the majority of the period examined in order for it to be regarded as having been a feature of the behaviour. This appears to ignore the very real potential for episodic impulsivity, or impulsivity of variable intensity. It also ignores the financial context at the time of the repeated deposits, for example, the extent to which the deposits were depleting the available sources of funds.
243. I am satisfied that the incidence of repeated deposits reveals, at the very least, many periods of impulsive behaviour when Kyle had to keep feeding his Sportsbet account to continue betting that day.
244. In his analysis of "re-gambling of winnings" Dr Auer observed that there were 777 days on which Kyle made either a deposit or a withdrawal. On 49% of these days Kyle withdrew more than he deposited and had a "net deposit win", and on 51% of these days he had a "net deposit loss". Dr Auer concluded that this indicated that Kyle did not always re-gamble all of his winnings and that, in a hypothetical player analysis, this would be "a mitigating argument towards problem gambling".¹⁶³ That is, it would most likely be regarded as a contraindication of problem gambling.
245. There are inherent weaknesses in this exercise. Firstly, the destination of the withdrawn funds is unknown, and they may be intended for a deposit into another betting account. For example, no account is given to the potential that Kyle's withdrawal of winnings of \$1,515 from his Sportsbet account on 29 June 2021¹⁶⁴ was used on the same day to

¹⁶² Dr Auer Report: Exhibit 8 at [81]

¹⁶³ Dr Auer Report: Exhibit 8 at [84] to [86]

¹⁶⁴ Exhibit 11 at CB tab 39-57

deposit \$1,515 into his bet365 account.¹⁶⁵ Secondly, the exercise focusses on the daily net position and the question of whether all recent winnings were re-gambled. One may readily envisage episodes of “re-gambling” where significant portions, but not all, of recent winnings are used for further betting within a short time.

246. Dr Auer also considered the prevalence of Kyle’s gambling during night-time, which he defines as activity between 1.00am and 5.00am. Dr Auer concluded that, “Night-time gambling did occur on occasion, but it was rare.”¹⁶⁶ Figure 6 in Dr Auer’s report plots the percentage of all transactions per month that took place between 1.00am and 5.00am.¹⁶⁷ The plot for July 2020 shows 67%, although the number of transactions for the month is not mentioned. Kyle’s Sportsbet account records that he placed 67 bets in that month¹⁶⁸ and so it seems that approximately 45 of these bets were made at “night-time”. This is the month with the highest percentage of nocturnal activity, but other months also show significant activity (beginning at June 2019):

June 2019	12%
July 2019	14%
August 2019	9%
September 2019	20%
October 2019	9%
March 2020	10%
June 2020	22%
November 2020	7%
May 2021	6%
June 2021	16%

247. Even if one accepts the very narrow window of four hours as a valid definition of “night-time” for these purposes, it is remarkable that the prevalence of nocturnal betting is described as “rare” on the basis of these figures. I do not accept this characterisation.
248. Moreover, the way in which “night-time” has been defined for this exercise is troubling. Very few adults would sleep habitually for only four hours or less, and so the temporal narrowness of the definition would appear to exclude activity taking place at times of day that should be concerning. For example, it excludes someone who may be betting in the

¹⁶⁵ Exhibit 11 at CB tab 43A-1

¹⁶⁶ Dr Auer Report: Exhibit 8 at [88]

¹⁶⁷ Dr Auer Report: Exhibit 8 at page 25, Figure 6

¹⁶⁸ Exhibit 11 at CB tab 38-36 to 38-42

early morning as one of their first activities of the day. I do not accept that the definition of “night-time” which has been adopted by Dr Auer is appropriate or useful.

249. Finally, Dr Auer considered the phenomenon of “chasing losses” by analysing the prevalence of instances where Kyle made increased deposits into his Sportsbet account on days following higher losses. This was calculated using only consecutive days between losses and deposits. Dr Auer observed that, after losing on a particular day, Kyle was more likely to make a deposit because he had to top up his account. However, he also concluded that there was no significant correlation between the amount deposited on a day and the amount lost on the previous day.¹⁶⁹
250. This analysis suffers because of the criteria around which it is framed. The significance and validity of limiting the analysis to events on consecutive days is simply assumed. One may properly ask why consecutive days is a valid period rather than two, three or four days? This narrow criteria also ignores any financial context, for example, whether Kyle had any funds available the next day or whether he had to wait for his next pay. One may also ask why the analysis is confined to losses occurring only on a single day rather than the losses accrued since the last deposit or last winning bet. The more appropriate question, which is not addressed, is whether there is a correlation between the accrued losses since the last deposit or last winning bet, and the next deposit. I am not persuaded that Dr Auer’s analysis is useful to determine whether Kyle was prone to chasing his losses.
251. Rather than the highly constrained analysis offered by Dr Auer, I consider that the conclusions reached by Cameron Gray, which are informed by an analysis of Kyle’s complete financial position, reveal far more about whether he was prone to chasing his losses. Mr Gray observed:

An important feature of the banking data is that Mr Hudson’s available bank balances were generally low throughout the Relevant Period, often approaching nil following deposits to betting accounts. In multiple instances, including in relation to several of the largest individual bets identified, Mr Hudson deposited and wagered amounts that represented a substantial proportion, and in some cases virtually all, of the funds available in his bank accounts at that time.

¹⁶⁹ Dr Auer Report: Exhibit 8 at [89] to [93]

The size and frequency of Mr Hudson's bets were significant when compared with his available bank balances. Although his total betting turnover was high, individual bets often represented a large proportion of his available cash, indicating a high level of financial exposure. ...

While the number of bets placed declined in later years, the average and maximum size of bets increased over time. In the earlier part of the Relevant Period, maximum bet sizes were relatively low and stable. In later years, isolated bets of significant monetary value were placed, including several high-value bets in late 2020 and mid-2021, representing materially higher financial exposure on a per-bet basis.¹⁷⁰

252. None of the six metric analyses performed by Dr Auer persuade me that Kyle was not exhibiting signs of problem gambling or that he was not, in fact, engaging in problem gambling. On the contrary, I consider that all the analyses, save for the last (“chasing losses”), tend to indicate otherwise.
253. Finally, it is concerning that Dr Auer goes no further than the highly reductionist approach used in these analyses to answer the question whether there are any discernible patterns in Kyle's gambling activity. It appears that no allowance has been made for analysis upon wider criteria or true financial context, or for the significance of these phenomena appearing in concert.

Other matters

254. Professor Large concluded that it is likely, but not certain, that Kyle had a gambling disorder of mild or moderate severity. Professor Large also explained that gambling disorders are defined by persistent and recurrent gambling behaviour leading to clinically significant impairment or distress.¹⁷¹ I consider that the framing of Professor Large's opinion as “likely, but not certain”, reflects that diagnosis is not possible in conclusive terms outside a clinical setting, or posthumously. This limitation does not however erase the opinion given. The role of the Court in this inquest does not include attempting to stand in the shoes of a clinician to deliver a posthumous diagnosis. Rather, the relevant question is whether Kyle was likely engaged in problem gambling and suffering gambling harm, and Professor Large's opinion remains relevant to that question.

¹⁷⁰ Report of Cameron Gray: Exhibit 5 at CB tab 13-53

¹⁷¹ Professor Large report: Exhibit 7 at [50] to [51]

255. Associate Professor Cowlshaw also concluded that Kyle was experiencing problem gambling, or a gambling disorder, and that there were multiple indications of serious gambling related problems and harms reflected in the material.¹⁷² In evidence, he conceded the inherent constraints on a posthumous attempt to diagnose a person with a gambling disorder and that it would not be possible to do so with certainty.¹⁷³
256. Entain submits that, at least in his dealings with Entain, Kyle was not exhibiting indicators of gambling harm.¹⁷⁴ This submission is founded on the transaction history across his three accounts over the relevant period, and the fact that Entain could only be aware of Kyle's activity across the accounts he had with them.
257. As explored above, Sportsbet's ultimate submission comprises two limbs. Firstly, that on the information available to it, there was no indication that Kyle was suffering from problem or disordered gambling (or gambling harm). One may understand, without necessarily agreeing with the submission, that one of the bases for the argument is that Sportsbet could not know of Kyle's activity with other betting companies. So much is clear. However, the second limb of Sportsbet's submission attempts to reach much further and is extraordinary. Sportsbet contends:
- (b) the information before this Court, together with the evidence about Mr Hudson that was not available during the Relevant Period does not support any such finding.*¹⁷⁵
258. It is chilling that this is Sportsbet's view. Even with the evidence of Professor Large and Associate Professor Cowlshaw, even with the personal story revealed by Ms Baker and Kyle's family, even with the knowledge and analysis of all of Kyle's online betting, even with the details of the last days of Kyle's life, and even with the knowledge of the ultimate tragic outcome, Sportsbet maintains that Kyle was not suffering from problem gambling (or gambling harm). I do not accept this proposition.

¹⁷² A/Professor Cowlshaw report: Exhibit 9 at CB tab 14-4

¹⁷³ T425.05 to 426.18

¹⁷⁴ Entain submissions at [28]

¹⁷⁵ Sportsbet submissions at [17]

259. The analysis of Kyle’s betting activity (detailed above) presents a startling picture of a young man whose life after age 18 was dominated by online gambling. Without revisiting all the disturbing facts, it is enough to remember his activity over the last six months before he died. He made bets on 110 of the 187 days (or 59% of the days) at an average of 9.2 bets per day for each day of activity. I am satisfied that Kyle was engaged in problem gambling over much of the relevant period and, as a consequence, he suffered significant gambling harm which increased as time progressed.

THE CAUSATIVE FACTORS UNDERLYING KYLE’S DECISION TO TAKE HIS OWN LIFE

260. Associate Professor Cowlshaw opined that:

*According to witness statements from family members, Kyle did not have a history of significant mental health or substance use problems, while he had a strong social/peer network including a long-term relationship with an intimate partner. It also appears that Kyle had stable housing and home environments, on going employment, and was engaged in higher education. These are all protective factors against the risks of suicide, and may isolate the potential role of gambling in Kyle’s death by suicide.*¹⁷⁶

261. Professor Large stated that there is a consensus that suicide is multifactorial and associated with complexity and uncertainty and that no single factor, collection of factors, or hypothesised pathways towards suicide has ever been demonstrated to be either necessary or sufficient for a suicide to occur. Further, that while there are known associations with suicide, not all these associations are causal, and suicides are rarely, if ever, attributed to a single factor. Professor Large also opined that it is all but certain that multiple factors contributed to Kyle’s suicide.¹⁷⁷
262. Hillside submitted it was noteworthy that Professor Large considered the matters Associate Professor Cowlshaw described as “protective factors” and characterised most of them as “risk factors” rather than “protective factors”.¹⁷⁸ To support this observation of Professor Large’s evidence, the Hillside submissions refer to paragraph 33 of his report which reads:

¹⁷⁶ A/Professor Cowlshaw report: Exhibit 9 at CB tab 14-6

¹⁷⁷ Professor Large report: Exhibit 7 at [47]

¹⁷⁸ Hillside submissions at [29]

Factors that are statistically associated with suicide are usually termed suicide risk factors. A risk factor for suicide is a marker that confers an increased probability of suicide to a person with that risk factor when compared to a person without the risk factor. Sometimes the term 'protective factor' is used, but the inverse of any protective factor (for example, being married) is always a risk factor (for example, being unmarried), so research focuses on risk factors rather than protective factors.

263. The second sentence above is counterintuitive. That is, the statement that the inverse of any protective factor is always a risk factor. Indeed, it is so counterintuitive that one wonders whether an uncorrected typographical error is at play and the statement should be to the effect that “the inverse of any protective factor is not always a risk factor.” Leaving that question aside, Professor Large does not invert the characterisation of the protective factors identified by Associate Professor Cowlshaw. Professor Large does not characterise the absence of any significant mental health history or substance use problems as a risk factor. He does not characterise a strong social/peer network, a long-term relationship with an intimate partner, stable housing and home environment, ongoing employment, or engagement in higher education as risk factors. It would be patently absurd to attribute that characterisation to any of these features of Kyle’s life, and I reject Hillside’s submission that this is the effect of Professor Large’s evidence.
264. The Hillside submissions seek to negative Associate Professor Cowlshaw’s opinion that the identified protective factors against the risks of suicide may isolate the potential role of gambling in Kyle’s death by suicide. It is said that the opinion, as expressed, bears a “remarkable level of equivocation” and “does no more than suggest an otherwise unsupported possibility”.¹⁷⁹ I do not accept this contention. Associate Professor Cowlshaw simply refrained from expressing his opinion in absolute terms, which is hardly surprising for an expert with an understanding at the time of writing their report, that evidence is yet to be given at the inquest. Nonetheless, his opinion is clear and the logic plain to follow. Against a background of the numerous positive features of Kyle’s life, the single adverse identifiable feature was his gambling.
265. Hillside’s submissions argue that Professor Large’s evidence concerning the question of the contribution Kyle’s gambling to his decision to commit suicide should be treated as

¹⁷⁹ Hillside submissions at [27] to [28]

cogent, uncontested and unchallenged. Further, and because of this, it is said that “the law mandates that the Court should accept it”. In support of this proposition Hillside relies upon the Court of Appeal decision in *RJE v Secretary to the Department of Justice* (2008) 21 VR 526 at [18].¹⁸⁰ However, the tenor of what is said by Maxwell P and Weinberg JA at the relevant paragraph is notably different:

Judges are, of course, expert in assessing matters of fact, and an expert report ‘is no better than the facts on which it is based.’ But where – as here – the facts are not in contest, and the expert opinion is both cogent and unchallenged, a judge should ordinarily be slow to depart from the risk assessment¹⁸¹ which the expert has made. (footnotes omitted)

266. I also note the decision of the Court of Appeal of the United Kingdom in the case of *Griffiths v TUI (UK) Limited* 2020 [EWHC] 2268 (QB):

I should state at the outset, that in my judgment, the authorities do not support the bright line approach adopted by the Judge. There is no rule that an expert's report which is uncontroverted and which complies with CPR PD 35 cannot be impugned in submissions and ultimately rejected by the judge. It all depends upon all of the circumstances of the case, the nature of the report itself and the purpose for which it is being used in the claim. I should also add that none of the authorities to which we were referred were dealing with experts' reports which were inadequate in some way.¹⁸²

267. I am not bound by the expert opinion in the manner suggested by Hillside. Moreover, it is incorrect to conclude that Professor Large’s opinions are undisputed. Many aspects do not sit comfortably with the picture of the young man gained from the evidence of those who knew him, or the picture that comes from the analysis of Kyle’s gambling history. The central question is where, and to what extent, does the opinion of Professor Large concerning the contribution of Kyle’s gambling to his suicide, materially differ from the opinion of Associate Professor Cowlshaw. Professor Large stated:

¹⁸⁰ Hillside submissions at [31] to [32]

¹⁸¹ The case was concerned with, *inter alia*, the *Serious Sex Offenders Monitoring Act* 2005 and a risk assessment whether an offender will commit a relevant offence if released unsupervised.

¹⁸² per Asplin LJ at [40]

My opinion is that it is plausible that Mr Hudson had a gambling disorder that was a contributing factor to his suicide. However, this view should be tempered by the modest association between gambling and suicide behaviour¹⁸³, questions about the directness [of] causation and underlying factors ...¹⁸⁴

268. The principal difference between Professor Large and Associate Professor Cowlshaw concerns the significance of other adverse aspects and events in Kyle's life and their likely contribution to his suicide. Professor Large opined that:

It is all but certain that multiple factors contributed to the suicide of Mr Hudson. Moreover, chance almost certainly played a role.¹⁸⁵

269. Later in his report, Professor Large appears to move away from Kyle's gambling as explanation when preferring the following:

In favour of gambling as an explanation is the proximity of the gambling behaviour exhibited by Mr Hudson on the day of his death. However, this level of gambling was not all that unusual for him and had never previously been a cause of suicidal behaviour.

The end of his relationship and a feeling of being left behind with his brother purchasing a home are more plausible explanations because both factors have a clear and close temporal relationship with his suicide. ...¹⁸⁶

270. Professor Large highlighted that the magnitude of the impact of an adverse event on the risk of suicide is related to the recency of the event, with more recent events having a greater impact on risk. He also highlighted the significance of impulsivity with research showing that, on many occasions, the time between a decision and a suicide attempt is very short. Against this background, Professor Large identified the recent breakdown of

¹⁸³ Referring to a recent meta-analysis of published studies that show, compared to non-gamblers, problematic gamblers had twice the rate of suicidal ideation and three times the rate of suicide attempts. The relevant portion of the Professor Large's report also cautions against a conclusion of a causal connection based upon a statistic association alone: Professor Large report – Exhibit 7 at page 13

¹⁸⁴ Professor Large report: Exhibit 7 at [54]

¹⁸⁵ Professor Large report: Exhibit 7 at [47]

¹⁸⁶ Professor Large report: Exhibit 7 at [62] to [63]

Kyle's relationship with Ms Baker, and his brother's decision to move out of the family home as adverse events.

271. Kyle had three older brothers, and he and his brother Ryan were the only ones still residing in the family home in July 2021. On 4 July 2021, Ryan told Kyle that he was moving out and recounted this in his written statement:

*In the days prior to his passing he was quiet, but wasn't acting out of character to his moody self. I recall on Sunday the 4th of July 2021 telling him my news about moving out as I had purchased a house. I expected him to be excited for me, however he didn't seem to have much of a reaction.*¹⁸⁷

272. On the basis of Ryan's description of his news to Kyle, Professor Large concludes:

*On the day before he died,¹⁸⁸ [Kyle] learned that his brother had purchased a house and was going to move out. This purchase entailed some impending loss of his brother's social support, might have raised issues of sibling rivalry due to his own modest financial resources, and entailed the prospect of his being the last of his siblings in the family home.*¹⁸⁹

273. Professor Large's observations concerning this event tend to imbue it with a significance that is not supported by the evidence. The nature and extent of "the impending loss of his brother's social support" is uncanvassed and any conclusion about its effect cannot rise above mere speculation. The same may be said of the postulated sibling rivalry. I am not at all satisfied that the recency of this event promotes its significance, and there is no proper evidential basis upon which to conclude that Ryan's news contributed to Kyle's fateful decision in any material or significant way.
274. The breakdown of Kyle's relationship with Ms Baker stands in a different light. There is substantial evidence of the depth and longevity of this relationship, and there can be little doubt that Ms Baker's announcement that it was over must have had a significant impact on Kyle, even if he did not show it. This happened on 4 July 2021.

¹⁸⁷ Statement of Ryan Hudson: Exhibit 11 at tab 5-2

¹⁸⁸ Ryan's news was actually delivered to Kyle two days before he died.

¹⁸⁹ Professor Large report: Exhibit 7 at [58]

275. What is missing from the analysis of the potential contributing factors is the connection between Kyle's gambling and the breakdown of this relationship. It is indisputable. Ms Baker stated that the only thing she and Kyle argued over was his gambling¹⁹⁰ and her account of the decline of their relationship makes clear the corrosive effect of Kyle's gambling. I am satisfied that the breakdown of the relationship between Kyle and Ms Baker is directly attributable to Kyle's online gambling. It was not an independent event born of some other unspoken problem. It was the product of his gambling.
276. Professor Large also identifies Kyle's car accident on 23 June 2021 as a source of some of his financial issues (as well as his gambling). There is no equivalence between the financial ramifications of the car accident and the impact of Kyle's gambling. To the contrary, Ms Baker stated that, within a week, Kyle had formulated a plan to repair and improve his vehicle. Also, Kyle was excited by the prospect and had sufficient money for the project.¹⁹¹
277. Professor Large cautioned against the effects of hindsight bias when examining the causes of suicide and noted the unpredictable nature of the ultimate outcome. I agree that there was nothing to forewarn Kyle's family and friends of the awful decision he would make. I also agree that one must be cautious not to fall upon simple or singular causes for what are often complex and cryptic problems. But this case is striking for the detailed rendering of Kyle's gambling and the absence of other significant issues. The painstaking examination of his gambling history and the testimony from those who knew and loved Kyle paints the real picture.
278. I accept that many suicides are marked by impulsivity, and that the circumstances of Kyle's case may fall into that category. However, this characteristic does not displace Kyle's gambling as a cause. Similarly, the suggestion that Kyle had perfectionistic personality traits¹⁹² (if accepted), also does not displace his gambling as a cause.
279. I find that Kyle's online gambling was the direct and paramount causative factor underlying his decision to take his own life.

¹⁹⁰ Statement of Ashley Baker: Exhibit 1 at CB tab 6-1

¹⁹¹ Statement of Ashley Baker: Exhibit 1 at CB tab 6-3

¹⁹² Professor Large report: Exhibit 7 at [59]

PART 2 - COMMENTS

I make the following comments connected with Kyle’s death under section 67(3) of the Act:

ONLINE GAMBLING IN AUSTRALIA

280. Christina Baek, the Head of Compliance at Entain, stated in evidence, “we want our customers to win”.¹⁹³ This sentiment was offered in a most uncomplicated way, save for an explanation that it did not extend to customers “using good faith promotions to systematically win”.¹⁹⁴ This statement cannot be correct, at least not if “winning” means more than winning episodically. The commercial viability of betting companies must depend on their customers losing over the longer term, and to a sufficient extent that the substantial operating costs of these companies are met, and substantial profits generated. Of course, episodic wins are important. Without these, it is difficult to conceive how most customers would remain engaged with the products offered by betting companies. This is why the title of the “Murphy Report” is so apt – *You win some, you lose more*.¹⁹⁵

281. The Australian Gambling Research Centre (ARGC) was established under section 196 of the *Gambling Measures Act 2012* (Cth) and has been in operation since July 2013. In summarising its research concerning participation in gambling activities by Australians, the ARGC reported:

... Recent estimates suggest that Australians lose approximately \$25 billion on legal forms of gambling every year, representing the largest per capita losses in the world (Queensland Government Statistician's Office [QGSO], 2021). While participation in traditional 'land-based' gambling (e.g. poker machines or pokies) has been declining among Australians over the past decade, gambling online on sports and race betting has grown substantially during that time, and related harms are an increasing concern (AGRC, 2021).

The growth in sports and race betting has happened alongside rapid increases in expenditure on wagering advertising in Australia. Recent estimates suggest that the gambling industry spent \$287.2 million on advertising in Australia in 2021, an

¹⁹³ T156.12 to 157.03

¹⁹⁴ T157.01

¹⁹⁵ House of Representatives Standing Committee on Social Policy and Legal Affairs – *You win some, you lose more* (June 2023). Commonly referred to as the “Murphy Review” in recognition of the late Ms Peta Murphy MP, Chair of the Committee. Exhibit 12

increase of \$15.9 million from 2020 (Victorian Responsible Gambling Foundation [VRGF], 2022).¹⁹⁶

282. The Australia Institute puts recent national losses higher. It quotes an Australian Bureau of Statistics source and estimates that, in the 12 months to March 2026, Australians lost \$36 billion to gambling. It attributes significant recent growth in losses to online gambling.¹⁹⁷

On a per person basis, Australians lose more to gambling than any other country in the world. On average, based on 2022 data, each Australian adult loses \$1,635 a year to gambling, compared to \$1,284 in Hong Kong, and \$809 in the United States.

Since COVID-19 (2020) gambling losses have increased a staggering 75%, or \$15.3 billion. The growth in online gambling is a significant driver of this growth. In 2024, more than one third of Australian adults participated in online gambling, compared to just 8% in 2017. 4 This was also the first year that participation in online gambling surpassed participation in in-venue gambling.¹⁹⁸

283. The Australia Institute has also published its findings concerning the alarmingly high rates of gambling among Australian teenagers, and observe that gambling habits established in teenage years are likely to persist at least until the mid 20s:

From their early teens onwards, Australians gamble in significant numbers. Almost one in three (30%) 12-17-year-olds gamble, and this increases to almost half (46%) of 18-19-year-olds. Annual expenditure on gambling among teenagers is an estimated \$231 million. Of this, 12-to-17-year-olds spend \$18.4 million, and 18-19-year-olds spend \$213 million a year. While the average 18-19-year-old gambles \$321 a year, this rises to a staggering \$698 a year when limited just to those who gamble. In comparison, the average 12-17-year-old gambles just over \$9 a year, but this increases to dramatically to over \$30 a year when limited to

¹⁹⁶ <https://aifs.gov.au/all-research/research-snapshots/gambling-participation-experience-harm-and-community-views>

¹⁹⁷ *Australia's National Gambling Toll*, The Australia Institute (July 2026) at page 1

¹⁹⁸ *Ibid.* Footnotes omitted.

*those who admit to under-age gambling. On average, Australia's teenagers (12-19-years-olds) gamble \$86.72 a year.*¹⁹⁹

284. Associate Professor Cowlshaw observed that men are over-represented among online gamblers and comprise more than 60% of these gamblers.²⁰⁰ Dr Auer also noted the high proportion of men among “sports bettors”, with recent data from the United States showing that 72% of this cohort were male.²⁰¹ He also agreed with Associate Professor Cowlshaw that “being male and younger (referring to adults usually between ages 18 and 25) are usually associated with a risk of problem gambling”. Dr Auer also observed that:

*The academic literature regularly shows that being male and younger (referring to adults) are risk factors for problem gambling. Sports betting in young men has been associated with a higher risk of problem gambling ...*²⁰²

THE EVER-PRESENT BOOKMAKER

285. The risk of gambling harm is not the same today as it may have been historically. The mobile phone is now a ubiquitous part of everyday life. For many, it is an essential electronic toolkit. But for some it is a siren that commands their attention with social media platforms and other apps designed to exploit human weaknesses and addictive behaviour. All too frequently the intent is to ensure maximum user engagement and exposure to advertising.
286. Before mobile app and web based gambling, there was considerable friction built into the gambling environment. For example, if a punter wanted to place a bet on a horse race, generally they had to go to a TAB or an on-course bookmaker. At best they may have had a TAB telephone account or a special arrangement with a bookmaker. The pace and complexity of transactions was necessarily limited. There was no “ten-fold multi” that encouraged a gambler to agglomerate bets, sometimes across different events, sports or continents.

¹⁹⁹ *Teenage Gambling in Australia – Rates of expenditure and participation among 12-19-year-olds*, The Australia Institute (March 2025) at page 2

²⁰⁰ A/Professor Cowlshaw report: Exhibit 9 at CB tab 14-8

²⁰¹ Dr Auer Report: Exhibit 8 at [116]

²⁰² Dr Auer Report: Exhibit 8 at [112] to [113]

287. By comparison, the modern gambling world is nearly frictionless and a personal bookmaker, or cadre of bookmakers, is a mere press away at any time of the day or night. Funds can be topped by instantaneous electronic deposits. For the gambler who may be vulnerable to addictive behaviour or impulsivity, the speed and ease of betting can be a recipe for disaster.
288. The tendency towards impulsivity and a faster pace of gambling is exacerbated by features built into the betting companies' apps and web based platforms. For example, events that are due to begin soon are presented together under banners like "Next to Go"²⁰³ or are attended by countdown timers. This feeds tendencies towards instant gratification as the gambler can focus their betting on events that will be resolved in the near future, rather than having a longer wait for an outcome. It may also mean a shorter time before a gambler decides to place their next bet, or round of bets.
289. Modern online gambling neatly plugs into several inherent cognitive weaknesses. Humans are generally intrinsically bad at probability, exponential functions, and large numbers. An example comes from 2014 when bookmaker, Tom Waterhouse, offered gamblers a share of a \$25 million prize pool if they wagered \$10 and selected the first ten horses in the Melbourne Cup in their correct finishing order. If one assumes 22 starters and applies equal odds to each horse to simplify the calculation²⁰⁴, the result reveals the galactically long odds of 2.3 quadrillion to one.²⁰⁵ If the punter maximised their chance by selecting the top ten favourites, in the order of their respective odds or otherwise, they might reduce the challenge by a few orders of magnitude so that perhaps it was only hundreds of millions to one. All the while the effective odds offered by the bookmaker were 2.5 million to one,²⁰⁶ and the mismatch in the odds equation between the gambler and the bookmaker was at least several orders of magnitude. The mere fact that such a product could have been marketed to the public is testament to the human cognitive weakness surrounding probability and large numbers.
290. The "multi" bet has this same tendency and even a casual observation of gambling advertising reveals how this form of bet is such a prominent feature in the offerings of betting companies. The ability to easily "build your multi" is often lauded in the

²⁰³ A banner used by Ladbrokes.

²⁰⁴ A statistical assumption known as "conditional independence".

²⁰⁵ $22 \times 21 \times 20 \times 19 \times 18 \times 17 \times 16 \times 15 \times 14 \times 13 = 2,347,000,000,000$ (rounded)

²⁰⁶ $25,000,000,000 \div 10$. This also assumes that the subject gambler is the only person eligible to win the prize pool, which one may conclude is a safe assumption given the exceptionally long odds.

messaging. And it is enticing for the punter. Their first bet might be quite straightforward, say one football team to defeat another, with odds that they have some chance of assessing as a reasonable offering (or not) given their knowledge of the two teams. Then there is an invitation to “fold in” a second bet and build a “multi”, so the gambler may choose to wager on the winning margin. They see the forecast payout climb as the odds become more obscure and the ability to assess the reasonableness of the overall offering becomes more difficult. The third “fold” or “leg” might be a bet on another football match, or even another sport. And so the process goes, with the forecast payout looking ever more enticing and the true odds of the wager hopelessly hidden in the complexity of the bet. Of course, the success of the “multi” is usually contingent upon the success of each bet within it, and the true odds of a “ten-fold multi” could easily reach into hundreds or thousands to one. Of course, the true odds are not a mystery to the bookmaker offering this complex bet. They are calculated to the desired precision using the computational power the bookmaker has available to it.

291. Michael Horton (for Hillside) stated that “multi” bets were important because they “were a fairly common way of betting” and “that’s what the customer wants to do”.²⁰⁷ That may well be so, but it also serves to illustrate just how alluring this form of betting must be, and how profitable it must be for the betting company. Kyle was well familiar with the “multi”, going up to 15 folds in a bet a week before his death.²⁰⁸
292. Added to all this, are the promotional messages used by betting companies which frequently tap into human cognitive weaknesses. An example of this phenomenon lies in the advertisements which appeal, either subtly or not so subtly, to superficially attractive notions of courage and meeting a challenge. These notions sit opposite to the image of someone taking pause, and being careful and analytical. Sportsbet’s promotional campaign “Have a crack” goes even further to laud action without consideration. This extraordinary message is seemingly made acceptable by wrapping it in the cloak of comedy.

²⁰⁷ T235.02

²⁰⁸ T212.15

GAMBLING ADVERTISING

293. ACMA's last publication concerning placement and spending for gambling advertising in Australia was based on a report produced by Nielsen for the period May 2022 to April 2023. Key findings from ACMA's study included:²⁰⁹
- (a) Over 1 million gambling advertisements aired on free-to-air television (metropolitan and regional) and metropolitan radio, with 50% (502,800 spots) from gambling providers offering online gambling services.
 - (b) 51% (256,200 spots) of the total gambling advertisements on metropolitan free-to-air television, and 58% (196,400 spots) of the total gambling ads on regional free-to-air television were ads by online gambling providers.
 - (c) \$238.63 million was spent on gambling advertising on free-to-air television, metropolitan radio and online (including social media) between May 2022 and April 2023.
 - (d) Compared with all gambling advertisers, online gambling providers spent the most on free-to-air TV, metro radio and online (including social media) advertising by far, with 64% of the total.
294. In the federal budget delivered on 12 May 2026 the Commonwealth Government announced funding of \$112.7 million over five years to address online gambling harms through improved consumer protections, expanded support services and targeted public awareness and education campaigns. The funding includes:
- *\$22.6 million to implement wagering advertising reform \$39.0 million over four years from 2026–27 (and \$10.0 million per year ongoing) to expand financial counselling support to maximise availability and reach of services for individuals and families impacted by gambling harms*
 - *\$28.7 million over four years from 2026–27 (and \$3.2 million per year ongoing) to improve BetStop by raising community awareness, strengthening data matching systems and enhancing usability to optimise client safety outcomes*

²⁰⁹ <https://www.acma.gov.au/publications/2023-10/report/gambling-advertising-australia-placement-and-spending>

- *\$22.6 million over five years from 2025–26 (and \$4.9 million per year ongoing) to implement wagering advertising reform, boost compliance and enforcement actions against illegal gambling services and enhance consumer protections from harmful online lottery products*
- *\$22.4 million over three years from 2026–27 to develop and implement a national online gambling public awareness and education campaign to empower people affected by gambling harm to seek support.*²¹⁰

295. While these initiatives are welcome, the challenges that gambling harm reduction strategies must meet are stark. The funding for these strategies (annualised) appears to be overshadowed by the betting companies’ expenditure on advertising by at least an order of magnitude.
296. On 10 July 2023, the Australian Financial Review reported further detail of the advertising spend by some betting companies based upon the Nielsen report mentioned above. Sportsbet was reported to have spent \$64 million on free-to-air television advertisements in the preceding 18 months (or \$42.7 million per annum). This does not include expenditure on other marketing activity or advertisements on pay television.
297. Entain (Neds and Ladbrokes) was reported to have spent \$37.6 million on free-to-air television advertising between January 2022 and May 2023 (or approximately \$26.5 million per annum).²¹¹
298. More precise and up to date information concerning the advertising expenditure by the betting companies does not appear to be publicly available. The financial statements contained in the Annual Reports of Entain PLC and Flutter Entertainment PLC are consolidated statements (with some limited disaggregated statements) and so the expenditure of their Australian subsidiaries is not revealed.

THE NEED FOR A NATIONAL DATA VAULT

299. At present, the critical data needed to properly monitor gambling risks, and to properly understand the efficacy of “safer gambling” tools and overall gambling trends, is

²¹⁰ Budget 2026-27, Budget Measures – Budget Paper No.2 at page 55

²¹¹ <https://www.afr.com/companies/games-and-wagering/sportsbet-splashed-more-than-64m-on-gambling-ads-in-18-months-20230704-p5dlqk>

proprietary. In Australia, it is held in silos by the betting companies themselves, and this is a fundamental obstacle. Not only is access to the data difficult, but there is a lack of uniformity in the recording formats which presents further complications for analysis. This problem was encountered by Cameron Gray.²¹²

300. In the context of monitoring a gambler’s activity for potentially harmful behaviour, the issue of siloed data was made clear in the concession from Ms Baek for Entain. She agreed that, apart from “surface-level enquiries”, the betting company does not know how much of their customer’s online gambling activity they are looking at.²¹³ Moreover, it is hopelessly naïve to rely on a customer’s answers to an online questionnaire or their answers in a telephone conversation with a staff member.
301. It is difficult to understand why Australia is in this position when one considers that the implementation of this initiative would hardly be groundbreaking. Data vaults, in various incarnations, have been introduced in multiple countries in Europe and they provide central regulators with the information they need to properly regulate these multi-billion Euro markets. Spain provides a very good example as it is among the leaders in Europe for its coordinated regulatory response to the rise of online gambling. Its central regulator is the General Directorate of Gambling (**DGOJ**).²¹⁴
302. In 2023, Spain announced the establishment of a national data vault or “Information Monitoring System”.²¹⁵ This is a new and evolving system whereby Spanish online betting companies are subject to strict requirements to record, store, and transfer customer gambling data to the DGOJ. The Internal Control System (**SCI**)²¹⁶ is the name given to the data gathering and storage system that each online betting company must maintain. The various SCIs form the foundation for the Information Monitoring System. The technical requirements for these systems are set out in Resolutions of the DGOJ²¹⁷ and include, in summary:

²¹² Report of Cameron Gray: Exhibit 5 at CB tab 13-17

²¹³ T175.19 to 176.27

²¹⁴ Dirección General de Ordenación del Juego

²¹⁵ Previously referred to as a “common data registry”.

²¹⁶ Sistema de Control Interno

²¹⁷ DGOJ Resolution of 6 October 2014, as amended by the Resolution of 6 June 2024 (The technical specifications and the identification and subjective prohibitions of participation in gambling activities provided for in Law 13/2011)

- (a) The SCI must capture and record all gambling operations and financial transactions of participants located in Spain or with a Spanish user registration.
 - (b) The betting company must establish and maintain a secure connection for access by the DGOJ.
 - (c) The data model is established by the DGOJ and sets out the range of data to be recorded, file structure, update frequency, minimum transfer rate, security, and the technical requirements of availability and access.
 - (d) The SCI data must be stored within the EU, and for a minimum of four years.
303. The DGOJ's Information Monitoring System draws on the data stored in the SCI of each of the betting companies and, by this means, it can implement initiatives such as global deposit limits. That is, where all of the online gambling accounts held by a person are included for monitoring and effecting a combined deposit limit for that person.
304. As well as providing the means to implement customer protections in respect of their entire gambling activity with Spanish betting companies, the Information Monitoring System allows the DGOJ to have an up to date overview of the whole online gambling market.
305. The concept of a national data vault has been adopted in other jurisdictions such as France, Italy and Denmark. Indeed, the introduction of data vaults in multiple jurisdictions has led to the emergence of third-party products which betting companies may use to ensure compliance with their data gathering, storage and access obligations.²¹⁸
306. Monitoring would not be the sole purpose of a national data vault. It would also serve as the source of current "real world" information, appropriately de-identified, for research purposes. In the context of the Spanish data vault and the resources available to researchers, Associate Professor Cowlshaw explained that:

²¹⁸ For example, Docaposte: <https://www.docaposte.com/en/solutions/online-gaming-vault>

*... a lot of the more rigorous research, particularly to do with wagering inducements, does appear to be coming out of Spain ... researchers can access that sort of live tracking data and we're seeing examples of them bringing together, for example, questionnaire measures of gambling severity and looking to see how these things line up. But that is done, rather than working through industry, through this centralised data sharing and access mechanism which has all sorts of protections around privacy.*²¹⁹

307. No doubt, the establishment of an Australian national data vault for online gambling would be a major undertaking involving considerable planning and coordination. However, the Australian government has the benefit of being able to look to the design of models in other jurisdictions and assess the advantages and disadvantages of each. It is notable that the Spanish model appears to place a significant portion of the burden on the betting companies through their SCI obligations.

THE NEED FOR A CENTRAL REGULATOR

308. The recommendations made following these findings are marked by their degree of interdependency. For example, one may reasonably conclude that a data vault would be very difficult to establish and maintain unless it fell under the auspices of a central national regulator. In turn, the recommendations relating to research rely on the establishment of a data vault with access to data being subject to appropriate superintendence.
309. Currently, instead of a national regulator, each State and Territory has its own. In Victoria, this is the Victorian Gambling and Casino Control Commission established pursuant to *Gambling Regulation Act 2003* and falling under the ultimate authority of the Minister for Casino, Gaming and Liquor Regulation. Of the 219 licenced operators in Australia, 76 are licenced in Victoria, 71 in NSW, 49 in the Northern Territory, 10 in Queensland, 6 in South Australia, 4 in Western Australia, 2 in Tasmania, and one in the ACT.²²⁰
310. Each of Sportsbet, Hillside and Entain are licenced in the Northern Territory. Collectively, they are estimated to account for comfortably more than half of the online

²¹⁹

T452.14 to 452.26

²²⁰

As at September 2026: <https://www.acma.gov.au/check-if-gambling-operator-legal>

gambling market in Australia.²²¹ It is curious that each of these major operators would choose to be licenced in the Northern Territory. None of these betting companies have their registered office there.²²² Moreover, Darwin is not a corporate hub in the same way that the large state capitals are, and the Northern Territory itself accounts for approximately only one percent of the Australian population. Given the concentration of licencing in the Northern Territory, and the fact that it is the jurisdiction in which each of the betting companies are licenced, it is appropriate to summarise its regulatory framework.

311. Prior to 2026, both racing and online gambling were regulated by the Northern Territory Racing and Wagering Commission. In June 2026, the Northern Territory government introduced the *Racing and Wagering Amendment Act 2026* which amended the *Racing and Wagering Act 2024* and split the regulation of the two activities by establishing the Northern Territory Wagering Commission (**Wagering Commission**).²²³
312. The Wagering Commission consists of six members²²⁴ who operate part-time and are appointed for terms of three years.²²⁵ They are supported by departmental staff from Licencing NT.²²⁶ The Wagering Commission meets once per month.
313. The Northern Territory has two sources of revenue from online gambling. The first is the Racing and Wagering Fund where “sports bookmakers” are levied at 0.05% of the total amount of wagers made during the preceding month.²²⁷ The second, is a 5% tax on net gambling revenue received by the operator (regardless of the location of the customer), up to a cap of \$2,980,000.²²⁸

²²¹ ACMA *AI and interactive gambling: sector developments report* (April 2026) at p.3, Figure 3;

²²² <https://www.betinaustralia.com/betting - Largest Betting Operators in Australia>
The registered office locations are: Sportsbet – Melbourne, VIC; Entain – Bowen Hills, QLD; Hillside – North Sydney, NSW.

²²³ *Racing and Wagering Act 2024* (NT) – s.14

²²⁴ *Racing and Wagering Act 2024* (NT) – s.18

²²⁵ *Racing and Wagering Act 2024* (NT) – s.21. Appointment is ordinarily limited to a maximum of two terms.
²²⁶ It is not apparent how many support staff are available from Licencing NT save to observed that this entity falls under the umbrella of the NT Department of Tourism and Hospitality which has a total staff of 454 and an annual operating budget of \$229 million: NT Department of Tourism and Hospitality Annual Report 2024-25 at pages 24 and 58.

²²⁷ *Racing and Wagering Regulations 2024* (NT) – r.14; NT Racing and Wagering Commission Annual Report 2024-25 at page 28

²²⁸ Based on 2,000,000 Revenue Units. The cap was doubled following changes announced in the Northern Territory Budget in May 2025. The current value of a Revenue Unit is \$1.49: *Revenue Units Act 2009* (NT)

314. The summary page from the 2024-25 Annual Report of the Racing and Wagering Commission details its licencees as: 26 sports bookmakers (comprising 37 brands); 13 on-course bookmakers; and one betting exchange. Wagering turnover for the year is reported as \$42.4 billion, with tax revenue as \$18.8 million.²²⁹
315. The regulatory framework in Victoria and the other States and the ACT looks quite different. In Victoria, the VGCCC has a dedicated staff of 200.²³⁰ It is funded through a “wagering and betting tax” (point of consumption tax) payable by betting companies to the Victorian State Revenue Office at 15% of net wagering revenue from customers in Victoria (above a tax-free threshold of \$1 million).²³¹
316. A similar framework exists in the other States and the ACT where each applies a “point of consumption tax” on net wagering revenue received by the betting companies from their customers in each jurisdiction –
- (a) In NSW the regulator is the Independent Liquor and Gaming Authority. A “point of consumption tax” is payable at 15% (above a tax-free threshold of \$1,000,000).²³²
 - (b) In Queensland the regulator is the Office of Liquor and Gaming Regulation. A “betting tax” payable by at 20% of net wagering revenue (above a tax-free threshold of \$300,000).²³³
 - (c) In South Australia the regulator is the Liquor and Gambling Commissioner. A “betting operations tax” is payable at 15% (above a tax-free threshold of \$150,000).²³⁴
 - (d) In Western Australia the regulator is the Gaming and Wagering Commission. A “betting tax” is payable at 15% (above a tax-free threshold of \$150,000).²³⁵

²²⁹ NT Racing and Wagering Commission Annual Report 2024-25 at page 9

²³⁰ VGCCC Annual Report 2024-25 at page 53

²³¹ <https://www.sro.vic.gov.au/businesses-and-organisations/gambling-entities-and-operators/wagering-and-betting-tax/calculating-net-wagering-revenue>

²³² <https://www.revenue.nsw.gov.au/taxes-duties-levies-royalties/gaming-wagering-tax/point-of-consumption-tax>

²³³ <https://qro.qld.gov.au/betting-tax/rate-threshold/>

²³⁴ <https://www.revenuesa.sa.gov.au/betting-operations-tax>

²³⁵ <https://www.wa.gov.au/government/publications/betting-tax>

- (e) In Tasmania the regulator is the Liquor and Gaming Commission. A “point of consumption tax” is payable at 15% (above a tax-free threshold of \$150,000).²³⁶
 - (f) In the ACT a “betting operations tax” is payable at 25% (above a tax-free threshold of \$150,000).²³⁷
317. It appears that any large online betting company choosing to be licenced in the Northern Territory will be no better off in terms of its tax liability. This is because it will be liable for the point of consumption taxes that will be payable to other States on the net revenue from customers in those jurisdictions. Accordingly, one may assume that the commercial benefit for the betting companies licenced in the Northern Territory lies elsewhere in the licencing and regulatory environment in that jurisdiction.
318. The online gambling industry in Australia relies on web based customer platforms and mobile applications and routinely transacts across state borders. Save for tailoring the presentation of their product according to an individual customer’s gambling preferences, the offerings of an online betting company are the same to all its customers, wherever they may be in Australia. From a public perspective it makes little or no sense for the majority of this activity, amounting to many billions of dollars, to be undertaken pursuant to licences granted in the Northern Territory. The scale of that jurisdiction’s regulatory capacity bears no resemblance to the size of the commercial interests under its licences.
319. An online betting company, as a licensee, should be subject to a regulatory body that has jurisdiction over all its activity in Australia, and which is resourced in a manner commensurate with the size and influence of the industry. The gambling industry’s peak body, Responsible Wagering Australia (**RWA**), has itself called for uniform tax arrangements, contending:

A Point of Consumption Tax (POCT) was introduced by the state and territory governments, which is essentially a levy on individual customer winnings. POCT is taxed at differing rates depending on the location of the customer within Australia at the time the bet was placed.

²³⁶ <https://www.treasury.tas.gov.au/liquor-and-gaming/fees/gaming-and-wagering-tax-rates>
²³⁷ <https://www.revenue.act.gov.au/business-taxes-and-levies/betting-operations-tax>

Administered by separate state/territory legislative instruments and levied at different rates across states and territories, POCT creates significant regulatory complexity and compliance costs.

Additionally, Australian licensed wagering providers must pay product fees to Australian sporting and racing bodies for the rights to run books on their products (sporting matches and races).

Responsible Wagering Australia is calling for major reform in this area; high tax rates coupled with product fees leave little margin for business operating costs, staff pay roll, capital expenditure and consumer protection. And the fragmented tax system needlessly puts at risk the potential of achieving nationally harmonised approaches to taxation and consumer protection measures.²³⁸

320. However, it appears that RWA's call for uniform tax arrangements does not translate to a statement of support for a national regulator. In its "position statement" on National Regulatory Alignment Policy RWA states the following, while remaining silent on the question of a national regulator:

RWA supports having consistent laws across the nation to provide clarity for both gambling operators and consumers. This eliminates confusion, encourages cooperation between different states and territories, and also helps with the collection of data to build a strong evidence base and develop regulatory measures.²³⁹

321. The last part of this statement leads back to the issue of a national data vault. It appears that RWA considers that national consistency will assist data collection, but it is silent on where such data will reside and on what terms it may be made available. It is of little use for public research if it remains siloed with the betting companies.

RESEARCH DEFICIT

322. Despite the availability of expert evidence in this inquest, there was a notable scarcity of published research concerning many issues under inquiry. These issues included, for example: the particular vulnerabilities of young men in the context of online gambling; the effectiveness of communications to prompt re-evaluation of personal gambling behaviour; and the effectiveness of "safer gambling" tools.

²³⁸ <https://responsiblewagering.com.au/advocacy/taxes-and-product-fees/>

²³⁹ <https://responsiblewagering.com.au/advocacy/position-statements/>

323. In his report, Associate Professor Cowlshaw explained that there is a dearth of current high-quality research concerning the effectiveness of safety measures to reduce gambling harm.²⁴⁰ In his oral evidence, he explained the need to strive for the best available evidence:

*But when we get to the point of, does something work? We ask and should be, striving for the best available evidence, particularly in situations where the research that we do has implications for policy – what programs get funded; what initiative in a gambling-industry setting ... what things do we embed and continue to support and maintain and believe that they meet a need, as opposed to initiatives that we might think are actually not effective or not as effective as they could be.*²⁴¹

324. Dr Auer also provided an example when he noted that there were few academic publications specifically focussed on young men.²⁴²
325. Of course, additional research requires additional funding. The UK is one jurisdiction that has sought to address the lack of funding for public research through the introduction of a statutory levy on gambling operators designed to generate £100 million for research, prevention, and treatment of gambling harms.²⁴³ The simplicity and appropriateness of such a funding model seems clear.
326. There is a pressing need to properly understand the phenomena associated with online gambling in a rapidly evolving technological environment. This understanding must also have the capacity to focus upon the Australian context and the particular vulnerabilities associated with young people. We need to know what works, what is likely to work, and what is a mirage.

²⁴⁰ A/Professor Cowlshaw report: Exhibit 9 at CB tab 14-10

²⁴¹ T447.24 to 448.04 (verbal hesitations omitted)

²⁴² Dr Auer Report: Exhibit 8 at [118]

²⁴³ The first levy payment fell due on 30 October 2025. For online betting companies, the levy is charged a rate of 1.1% based upon stakes and other amounts accruing directly from gambling activity, minus payouts for prizes and winnings calculated over the preceding year (from 1 April to 31 March): *The Gambling Levy Regulations 2025* (UK)

THE NEED FOR FURTHER GAMBLING HARM PROTECTIONS

327. The National Self-Exclusion Register (“BetStop”) commenced in August 2023 and is administered by ACMA. It allows registrants to choose a period of self-exclusion from 3 months to lifetime exclusion. They must act of their own volition, and it is not possible for someone to register another person. During the exclusion period a betting company must: not open any new account for the registrant; not provide wagering services or market to them; and close any of their accounts.²⁴⁴ A registrant cannot end their period of exclusion early without providing a statutory declaration that they have discussed the issue with a counsellor or general practitioner. As of 30 June 2026, there were 40,160 active exclusions.
328. Over its operational span of three years, BetStop’s statistics reveal that 46% of all registrants are aged 30 or younger.²⁴⁵ If one accepts the proposition that the act of self-exclusion signals a recognition by the registrant that they have suffered gambling harm, or are very likely to, the high proportion of young registrants is consistent with this age group being particularly vulnerable. BetStop is a welcome initiative, but it requires recognition by the person suffering gambling harm, and their willingness to take the step. Its existence does not diminish from the need for other gambling harm reduction measures beyond those currently available.
329. In July 2022, the NCPF introduced a requirement that betting companies provide their customers with monthly activity statements via email. The activity statement must show for the relevant month: wins and losses; the amount spent; the number of bets placed; net win or loss; opening and closing balances, deposits and withdrawals; and the account balance. It must also include a column graph showing the amount spent against the net result, cumulatively, for the preceding 6 months.²⁴⁶
330. It is extraordinary that something as basic as an activity statement was not introduced until 2022. It is a welcome development but it still only a monthly email to which the customer may, or may not, pay attention. Every time the customer uses their account, they should be able to clearly see their net position over time. A banner or other area of the display should show this over the life of the account, and over the preceding year,

²⁴⁴ *Interactive Gambling Act 2001* (Cwlth) – s.61GA

²⁴⁵ <https://www.acma.gov.au/publications/2026-07/report/betstop-national-self-exclusion-register-statistics-q4-2025-2026>

²⁴⁶ Exhibit 2.2 at CB tab 16A-74 to 76

month and week. This proposal was reported in the *Australian Financial Review* on 4 July 2024, but it does not appear to have attracted the support of RWA. It is difficult to imagine that such a feature would be technically challenging for the betting companies as so much of their operations involve dealing with live data.

331. Kyle did not have the advantage of receiving the now mandated monthly statements or being able to easily see a clear picture of his losses when he used his accounts. He should have had both.
332. In March 2023, the Commonwealth Department of Social Services introduced the *Consistent gambling messaging implementation plan (CGMIP)* under the NCPF. The CGMIP sets out the requirements for the content and prominence of gambling safety messages in all forms of advertising.²⁴⁷ Associate Professor Cowlshaw considered the effectiveness of safety messaging of this kind and observed:

Available studies of embedded safety messages indicate that these may have overall benefits for gambling customers, although effects are variable and differ according to the nature and type of messaging ...

*Given safety messages can be considered 'low intensity' interventions, it is likely that the effects of these will be modest overall, and while meaningful, they are unlikely to be proportionate when considered relative to the overall effect of gambling advertising on gambling behaviours and subsequent harms.*²⁴⁸

333. Prescribed safety messages are another welcome development, but their effect should not be overestimated. They are required as just one part of the response to the risks of harm from online gambling. Also, the required content and prominence of the messages should not be regarded as immutable. The experience in respect of tobacco smoking warnings revealed the need to escalate the impact of those warnings to achieve a reasonable effect. The same is likely to be true for gambling safety messages.
334. At present, betting companies must offer their customers the ability to voluntarily set a deposit limit (also called “pre-commitment”).²⁴⁹ Of course, these limits can be increased or cancelled by the customer, as Kyle did on multiple occasions on his Sportsbet account.

²⁴⁷ Exhibit 2.2 at CB 16A-88

²⁴⁸ A/Professor Cowlshaw report: Exhibit 9 at CB tab 14-9

²⁴⁹ Exhibit 2.2 at CB 16A-73 to 74

In his oral evidence, Associate Professor Cowlshaw explained other possible approaches to the setting of deposit limits as a safeguard and proposed mandatory deposit limits for consideration. He observed that, according to international evidence, and ordinary expectation, voluntary deposit limits are less effective than a mandatory system. He also considered that this measure would make online gambling products substantially safer.²⁵⁰

335. The effectiveness of voluntary deposit limits is confined to those customers who have the insight and motivation to use them and persist with them. When customers hold accounts with multiple betting companies, the existence of a deposit limit on one account is next to meaningless unless it is replicated across all their accounts. Internationally, some jurisdictions have mandated deposit limits applicable to the entirety of a customer's online gambling activity, and Australia should look to follow these examples. Once again however, there is no opportunity for protections such as this without a national data vault and a national regulator.
336. Voluntary "spend limits" are mentioned in the NCPF as an optional feature, but betting companies are not obligated to provide this tool to their customers.²⁵¹ Whether this mechanism is framed as a "spend limit" or a "loss limit" it is another means of protection from gambling harm that should be considered for implementation as a mandatory protection.

Other European initiatives

337. Recent initiatives to combat gambling harm by numerous European countries provide an insight into new safeguards which may be explored to protect vulnerable gamblers in Australia. These initiatives are a demonstration of what is possible, both technically and politically. Some examples are mentioned briefly below.
338. In March 2023, the Spanish government initiated a wide range of reforms to protect online gamblers.²⁵² Royal Decree 176/2023 introduced many protections which resemble those in the NCPF.

²⁵⁰ T454.18 to 455.27

²⁵¹ Exhibit 2.2 at CB 16A-73

²⁵² 14 March 2023. The legislative basis of the decree is Law 13/2011 *Regulation of Gambling*.

339. In February 2026, the DGOJ announced that it is developing a system (using AI) that will track more than 60 behavioural and transactional indicators in real time to enable early intervention in cases of customers engaging in problem gambling. It has also introduced cross operator default deposit limits set at €700 daily, €1,750 weekly, and €3,300 monthly, to prevent multi-account “loophole stacking”.²⁵³ These initiatives sit with Spain’s *Safe Gambling Program 2026-2030*, a comprehensive national strategy for research and gambling harm reduction. None of which would be possible without the existence of Spain’s data vault, its Information Monitoring System.
340. In Belgium, individuals under 21 years of age are prohibited from participating in all forms of gambling. Deposit limits are mandatory for online gambling with the standard weekly deposit limit set at €200 per website. This may be reduced but may only be increased under strict conditions. Credit cards may not be used as a method for transferring funds. Offers of bonuses are expressly prohibited, except for land-based casinos.
341. Germany has nationwide cross-border gambling regulatory system²⁵⁴ which combines a central playing activity file and a central deposit limit file. These are intended to monitor and control playing behaviour, prevent simultaneous gambling with multiple providers, and limit monthly deposits to €1,000. Increases to the deposit limit take effect only after eight days. Data is processed in a pseudonymised manner and monitored by the Joint Gambling Authority of the Federal States. Betting companies are required to include a “panic button” on their online platforms which triggers an immediate exclusion for 24 hours.
342. In The Netherlands, a ban on “untargeted” gambling advertising has been in force since July 2023 and this prohibits television, print, radio, and outdoor advertisements. Only digital advertising is allowed, and this must be targeted to prevent exposure to vulnerable groups, particularly minors and young adults.
343. Online betting companies must provide player tools which include deposit limits, loss limits, and time limits. They must also provide easy access to account history. Further measures are under consideration which include a financial capability test for players

²⁵³ Royal Decree 520/2026 (24 June 2026)

²⁵⁴ Länderübergreifendes Glücksspielaufsichtssystem (LUGAS)

who want to increase their limits. Also, implementation of a cross-operator deposit limit to prevent circumvention of individual operator limits.

344. In the United Kingdom recent initiatives include “financial vulnerability checks”. The various requirements for these checks were introduced between August 2024 and February 2025. Online betting companies must conduct these checks on customers with net deposits of £150 or more in a rolling 30 day period. These checks are not extensive but, at a minimum, the betting company must conduct a customer-specific check of public information for significant indicators of financial vulnerability including bankruptcy or administration orders, debt relief orders and judgement debts.²⁵⁵
345. The Danish government recently sought to introduce wide ranging reforms to gambling advertising. The relevant legislation is still before the parliament²⁵⁶ but the government intends to phase in the new restrictions throughout 2027. The reforms include gambling advertising bans on outdoor advertising on public transport and within 200 metres of schools, universities and other educational institutions. Further, gambling advertising must not portray gambling as a priority or as a lifestyle or something that is a natural part of a community.²⁵⁷
346. Denmark also has its version of a data vault. It requires licenced betting companies to maintain a data repository that the Danish Gambling Authority must be able to access online. The data must be recorded according to set standards, and it is subject to digital security tokens to ensure it is not altered whilst stored with the betting company.²⁵⁸
347. These are just some of the initiatives emerging in Europe. They demonstrate the serious effort by these governments to reduce gambling harm, and strategies that may be considered in Australia.

²⁵⁵ *Gambling Act 2005* (UK); *Social Responsibility Code Provisions* – 3.4.4

²⁵⁶ Bill L-37 introduced on 7 October 2026. First Reading and debate scheduled for 22 October 2026.

²⁵⁷ Bill L-37 at paragraph 36

²⁵⁸ Executive Order on Online Betting 11 June 2025 pursuant to the *Danish Gambling Act*.

CLOSING REMARKS

348. To say the very least, the financial forces at work in the online gambling industry are substantial, and their effects flow into many other areas of economic activity – advertising revenue for media organisations; funds for sporting organisations and clubs; and state and federal taxation revenue (to name only a few). Obvious benefits flow from this activity, but so do the costs.
349. The source of all this money lies not in some bright vein of national wealth; it lies in the losses of many thousands of gamblers attracted to the offerings of online betting companies. These products are carefully designed to keep gamblers engaged and active, and to extract net losses over time. They are dangerous and capable of causing misery and great harm, especially for the young or those whose traits may make them more vulnerable.
350. Australia has the unhappy honour of leading the World in per capita gambling spending and gambling losses. Online gambling is a major part of this phenomenon. We cannot afford to be lagging when it comes to harm reduction strategies that must remain effective in a rapidly evolving technological environment that is so suited to the commercial objectives of online betting companies.
351. Kyle was a young man brimming with promise, and his story is heartbreaking. He had a loving and supportive partner, and he was surrounded by a loving family and loyal friends. He was physically healthy and he did not have any history of mental illness. He was working part-time, while also studying at university in the fourth year of his degree. He loved sport. He did not smoke, and drank only socially.
352. It was a near ideal picture, except for the grip that online sports betting had upon him. The impacts went far beyond the money Kyle lost, online gambling had taken over so much of his life. This is made crystal clear in the astonishing measurements of his betting activity. It is also seen in the struggles to moderate his betting and the corrosive effect Kyle's gambling had on his relationship with his partner. Ultimately, he lost everything.
353. Kyle's case reveals, in the sharpest relief, the human cost of online gambling. It should be a clear signal that we cannot leave monitoring and intervention solely in the hands of the

betting companies who, in any event, do not have the whole picture. It makes no sense to have differing “safer gambling” tools and thresholds for intervention, depending upon the particular betting company. It also makes no sense to pretend that these tools are likely to be effective, even though a person may have a clutch of online accounts with different betting companies and be subject to the persistent confounding influences of advertising and promotional offers. These are such critical and obvious deficiencies that the status quo cannot be justified.

PART 3 - RECOMMENDATIONS

Note

Recognising that consideration of these recommendations may require the involvement of multiple Commonwealth government departments, and for conciseness, each recommendation is expressed as being directed to “the Australian government”. In order to meet the practical requirements for specific direction, in the first instance this means the Minister for Communications and the Minister for Social Services.

Recommendations

With a view to reducing the incidence of gambling related harm and the adverse impacts of online gambling, including its effects upon mental health and suicidality, I make the following recommendations connected with Kyle’s death under section 72(2) of the Act:

Recommendation 1

That the Australian government establish a national data vault for standardised format customer data and transaction data compulsorily submitted or made available by all online betting companies licenced in Australia.

Recommendation 2

That the Australian government establish a process whereby appropriately authorised researchers may access de-identified data from a national data vault for the purposes of

facilitating independent research, or research undertaken or commissioned by the Australian Gambling Research Centre, into matters including:

- (a) the efficacy of “safer gambling” tools;
- (b) the effect of bonus offers and other incentives;
- (c) the indicators of gambling harm; and
- (d) the vulnerabilities associated with young gamblers.

Recommendation 3

That the Australian government establish and maintain a funding mechanism to provide for essential research, using resources including a national data vault, concerning the matters detailed in Recommendation 2, and like matters.

Recommendation 4

That the Australian government establish a process (via the capabilities attaching to a data vault, or otherwise) for real-time or near real-time monitoring of a person’s online gambling activity, across all accounts that they may hold with online betting companies, in order to have a complete picture of their online gambling activity to monitor set limits and for the activation of warnings and interventions.

Recommendation 5

That the Australian government establish a national online gambling regulator for purposes including:

- (a) licencing of online betting companies in Australia;
- (b) oversight of a national data vault;
- (c) the introduction of standardised, evidence-based, player protection tools;

- (d) the introduction of standardised, evidence-based, criteria for the activation of warnings and interventions related to potentially harmful online gambling activity;
- (e) establishing and maintaining a system whereby the monitoring of limits, and the activation of warnings and interventions may be enabled based upon the totality of a person's online gambling activity in Australia; and
- (f) enforcement of the obligations of online betting companies licenced in Australia.

Recommendation 6

That the Australian government introduce special protections for young people holding an account with an online betting company including but not limited to:

- (a) the imposition of deposit limits and loss limits applicable to the entirety of their online gambling activity; and
- (b) prohibitions on all forms of bonus offers and inducements.

Recommendation 7

That the Australian government consider the introduction of protections for all persons holding an account with an online betting company including but not limited to:

- (a) a requirement to set meaningful deposit limits and loss limits applicable to the entirety of their online gambling activity; and
- (b) prohibitions on bonus offers and inducements.

Recommendation 8

That the Australian government introduce changes to the *National Consumer Framework for Online Wagering in Australia* to introduce a requirement that online betting companies include a banner on the web page for each customer's account (and an equivalent for mobile applications) which prominently displays the customer's net

financial position: over the life of the account, and over the preceding year, month and week.

Recommendation 9

That the Australian government consider further restrictions on “above the line” gambling advertising, including prohibition of all such advertising.

ACKNOWLEDGEMENTS

I extend my sincere condolences to Kyle’s family, loved ones, and friends for their tragic loss.

I thank the Coronial Investigators and those assisting for their work in this investigation and inquest.

Finally, I wish to acknowledge the extensive work of Coroner John Olle (retired) who had initial carriage of the investigation.

DIRECTIONS

Pursuant to section 73(1) of the Act, I direct that this finding be published on the Coroners Court website in accordance with the Rules.

I direct that a copy of this finding be provided to the following:

Kerry Hudson, Senior Next of Kin

Andrew Hudson, Senior Next of Kin

Ashley Baker

Sportsbet Pty Ltd

Entain Group Pty Ltd

Hillside (Australia New Media) Pty Ltd

Minister for Social Services (C/- Secretary of the Department of Social Services)

Minister for Communications (C/- Secretary of the Department of Infrastructure,

Transport, Regional Development, Communications, Sport and the Arts)

Australian Communications and Media Authority

Australian Gambling Research Centre
Expert Advisory Group on Gambling
eSafety Commissioner
Minister for Casino, Gaming and Liquor Regulation (Victoria)
Victorian Gambling and Casino Control Commission
Northern Territory Wagering Commission
The Australia Institute
Responsible Wagering Australia
Senior Constable Shannon Barden – Coronial Investigator

Signature:



CORONER PAUL LAWRIE

20 October 2026



NOTE: Under section 83 of the *Coroners Act 2008* ('the Act'), a person with sufficient interest in an investigation may appeal to the Trial Division of the Supreme Court against the findings of a coroner in respect of a death after an inquest. An appeal must be made within 6 months after the day on which the determination is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.

ABBREVIATIONS AND ACRONYMS

NCPF	The National Consumer Protection Framework for Online Wagering in Australia
NSER	National Self-Exclusion Register (“BetStop”)
ACMA	The Australian Communications and Media Authority
VGCCC	Victorian Gambling and Casino Control Commission
CBA	Commonwealth Bank of Australia
ING	A business name of ING Bank (Australia) Limited
SGT	Safer Gambling Team
RTI	Real Time Intervention
ERDS	Early Risk Detection System
RGI	Responsible Gambling Intervention
RSG Policy	Responsible Service of Gambling Policy
WSP	Wagering Service Provider
ARGC	The Australian Gambling Research Centre
DGOJ	La Dirección General de Ordenación del Juego (The General Directorate of Gambling, Spain)
SCI	Sistema de Control Interno (Internal Control System)
RWA	Responsible Wagering Australia
POCT	Point of Consumption Tax
CGMIP	Consistent Gambling Messaging Implementation Plan