



No.24

Gambling in Australia

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The importance of gambling in Australian society is universally acknowledged and our reputation as a 'nation of gamblers' has been widely promoted by both the media and popular literature. Unlike most Western nations, Australian governments have actively encouraged a wide diversity in the types of legal gambling.

This Trends and Issues is an attempt to clarify the current status of gambling in each Australian jurisdiction. Although gambling has many positive aspects, such as entertainment and revenue value, this paper focuses on negative aspects associated with both legal and illegal gambling in Australia, including limits to control, criminal activity and compulsive gambling. The authors discuss reforms to legal gambling, as proposed by previous inquiries, which aim to ensure more effective supervision and control. The paper concludes by discussing the importance of thorough research and evaluation prior to the implementation of legislative and policy changes in the area of gambling.

Given the controversy surrounding the introduction of casinos in both the Australian Capital Territory and New South Wales, as well as discussion regarding the future legalisation of some forms of gambling in other jurisdictions, this Trends and Issues is pertinent to policy formulation in Australia.

Duncan Chappell
Director

Gambling has a crucial and distinctive place in Australian culture. Since the first colonial settlement gambling has been widespread throughout the country and many Australians are proud of their reputation as a nation of people who will 'bet on two flies on a wall'. Almost 90 per cent of Australians gamble - anything from a sweep on the Melbourne Cup to cock fighting or frog jumping in remote parts of Australia. Despite restrictive legislation and strong opposition from those who were determined to eradicate the 'evils' of gambling, the Australian passion for gambling has survived.

Each state and territory in Australia has a proliferation of various forms of gambling. Gamblers outlay millions of dollars on horses, bingo, lotteries, soccer pools, Super 66 and casinos. On a single Saturday gamblers will spend at least \$80 million to satisfy their craving for gambling (Lesser 1989, p. 69). State and territory governments are, in turn, able to obtain millions of dollars in revenue from gambling proceeds (see table 2).

Despite the legitimacy and popularity that many forms of legal gambling enjoy in Australia, illegal gambling continues to flourish. In various Australian cities there is an abundance of illegal starting price (SP) bookmakers, as well as places where

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two-up, pakapoo, mahjong, cards, and backgammon are played.

The failure of regulatory and law enforcement agencies to control the almost obsessive determination of gamblers to partake in illegal gambling has been documented by various royal commissions and inquiries, including the Moffit, Woodward, Costigan, Wilcox and Stewart Royal Commissions and the Connor and Fitzgerald Inquiries. However, these commissions and inquiries have found that it is not only illegal gambling which is associated with crime, but some forms of legal gambling are also associated with alarming levels of criminal activity.

In this *Trends and Issues* we focus on both legal and illegal gambling in Australia. We begin by examining popular forms of gambling and their legal status in each state and territory. We then discuss legislation and policies relating to gambling in Australia. The report goes on to examine problems associated with both legal and illegal gambling. We conclude with a discussion of policy implications and areas for future research and evaluation.

Popular Forms of Gambling in Australia

Although there is considerable similarity between the legislative and social structures between the states and territories, there is considerable variation in gambling legality and illegality. In each state and territory the legal status of popular forms of gambling is as follows:

Bookmaking

The first form of gambling institutionalised in Australia was horse-racing. By the 1850s every capital city in Australia had established turf clubs. By 1930 betting was permitted at racecourses with private licensed bookmakers and the totalisator. After 1960 state governments all followed Victoria's example and

introduced government operated Totalisator Agency Board (TAB) off-course agencies. Off-course Starting Price (SP) bookmaking has remained illegal in all jurisdictions under any circumstances, although the Northern Territory has off-course licensed bookmakers at Groote Eylandt.

Lotteries

Government operated lotteries first appeared in Australia in the 1920s. Lotteries are permitted in all jurisdictions and most have a variety of different types of lotteries, some government owned and operated and some privately owned and operated. Governments have a firmly established authority over lotteries and are able to obtain high rates of taxation from commercial operators of lotto and pools, for example in return for the necessary operating licences (McMillen & Eadington 1986, p. 183).

Poker Machines

Legal poker machines were first permitted in registered clubs in New South Wales in 1956, although illegal machines have operated in Australia since the 1900s. Poker machines were legalised in the Australian Capital Territory in the 1970s. In the

Northern Territory poker machines are permitted only in licensed casinos. No other state permits poker machines. Queensland is expected to legalise poker machines in clubs and hotels in 1990.

Casinos

The first legal casino was opened in Hobart in 1973. Three others followed in Launceston, Alice Springs and Darwin between 1979 and 1982. In the early 1980s four more appeared in Surfers Paradise, Townsville, Perth and Adelaide. Although casino legislation was passed in New South Wales in 1986, the future of Sydney's casino is yet to be resolved. Similarly, a casino has been approved for the Australian Capital Territory, but its future is yet to be determined. Only Victoria has rejected casinos, having decided that the risks involved were too significant (Victoria 1983a).

Two-up

Two-up became accepted as a form of national sport during the First World War and has since become part of our national legend. An amendment to the *Gaming and Betting Act* has made two-up legal in New South Wales on ANZAC Day. In Victoria two-up is illegal and, according to police, is not

Table 1: Total Real Australian per capita Gambling Expenditure *

Year	Total Real per capita Racing Gambling Expenditure \$	Total Real per capita Gaming Expenditure \$	Total Real per capita All Gambling Expenditure \$
1972-73	25.24	26.83	52.07
1973-74	25.42	28.68	54.10
1974-75	27.62	34.31	61.92
1975-76	26.57	36.49	63.06
1976-77	25.36	35.86	61.22
1977-78	25.15	35.79	60.94
1978-79	24.35	37.08	61.44
1979-80	23.87	38.61	62.48
1980-81	23.25	39.78	63.03
1981-82	22.81	39.71	62.51
1982-83	21.49	37.95	59.45
1983-84	22.51	38.29	60.81
1984-85	23.36	39.76	63.12
1985-86	23.88	40.45	64.33
1986-87	23.00	42.74	65.74
1987-88	23.59	43.14	66.73
1988-89	24.57	47.27	71.84

* dollar value deflated to 1972-73 dollars.

Source: Tasmanian Gaming Commission in association with Peter Bennett and Associates Pty Ltd 1990, *Australian Gambling Statistics 1972-73 to 1988-89*, Hobart.

tolerated under any circumstances. In Queensland two-up is illegal, but gambling legislation is to be reviewed as a result of recommendations made by the Fitzgerald Inquiry. In Western Australia a form of two-up is legal in the Burswood casino and outside a 200 kilometre radius of the casino. In Kalgoorlie, police regulations permit two-up to be run by two people, each of whom has been named in the regulations. In other towns in Western Australia two-up can be played only if a permit to do so is obtained. In Tasmania, South Australia and the Northern Territory it is also legal for two-up to be played at legal casinos. Following amendments to the *Racing and Gaming Act (Tas)* two-up can now be played legally on ANZAC day in RSL clubs. In the Australian Capital Territory official police policy does not allow for two-up to be played.

Gambling Legislation and Policies

Historically, objections to gambling were based on a mixture of paternalistic and moralistic considerations. During the 19th and 20th centuries governments adopted a more liberal stance towards gambling laws and created a wide variety of opportunities for legal gambling. Government legislation and policies towards gambling gradually changed from prohibition of most forms of gambling to support for commercial gambling for revenue purposes and casino development. Changing social attitudes and the development of tourism and leisure service industries increasingly led to the perception of gambling as a source of positive entertainment (Eadington 1987, p. 11).

Legislation dealing with commercial gambling prior to the 1960s catered essentially for an existing market, such as on course bookmakers. After the 1960s legalised forms of gambling such as TABs, lotto, pools and casinos were vigorously promoted by governments. In recent years, Australian

governments have increasingly welcomed the involvement of large corporations in Australian gambling, thereby moving towards the privatisation of gambling. The introduction of casinos, in particular, exemplifies these trends. (McMillen 1987a, p. 2).

Responsibility for the control of legal and illegal gambling is primarily a state government responsibility. Federal government controls are limited to the investigation of organised crime and international investment. The practical implementation and administration of much of Australia's gambling legislation and policies is left up to numerous 'semi-autonomous' statutory bodies - boards, commissions, tribunals and committees (McMillen & Eadington 1986, p.175). The result has been the emergence of a haphazard, unwieldy semi-government structure that makes it difficult, if not impossible, to ensure effective parliamentary supervision. Differences of opinion on policy issues, interdepartmental rivalry, political disputes and an absence of coordination between the various gambling bodies means that administrative efficiency is considerably weakened (McMillen 1986b, p. 67). Policy decisions are generally kept out of the reach and scrutiny of public representatives.

Some agencies report on their activities to Parliament, others do not. Financial reports are difficult to obtain and even when available they are often so superficial that they are meaningless (McMillen 1986a, p. 5).

McMillen (1986b) argues that problems go beyond the structure of government bodies. The privatisation of gambling operations has severely limited the capacity of governments to control and regulate aspects of legal gambling. The collaboration of private gambling operations and public agencies has undermined government autonomy and action and resulted in imbalances between economic and political power, facilitating control by powerful economic groups (McMillen 1986b, p. 68).

Gambling and Crime

There is little doubt that certain types of gambling in Australia are connected with crime. The Woodward (New South Wales 1979), Stewart (Australia 1986), Costigan (Australia 1984) and Moffit (New South Wales 1974) Royal Commissions, the Fitzgerald Inquiry (Queensland 1989), the New South Wales and Commonwealth Joint Task Force on Drug Trafficking (Australia 1983), as well as various others, have

Table 2: Total Real Government Revenue from all Racing Gambling and Other Gaming Operations * (All States and Territories)

Year	NSW \$m	VIC \$m	QLD \$m	WA \$m	SA \$m	TAS \$m	NT \$m	ACT \$m	AUSTRALIA \$m
1972-73	98.455	37.495	15.758	8.070	6.565	1.926	n/a	0.138	168.407
1973-74	100.803	42.202	17.004	8.840	6.956	2.832	n/a	0.164	181.419
1974-75	115.002	50.983	18.906	9.457	8.204	2.789	n/a	0.186	209.839
1975-76	122.007	59.765	19.132	10.167	8.950	2.542	n/a	0.171	226.919
1976-77	118.141	66.804	18.613	10.345	8.817	3.335	n/a	0.367	230.367
1977-78	117.169	71.017	17.489	10.081	9.305	3.597	n/a	0.520	232.915
1978-79	118.938	71.657	17.876	10.121	11.820	4.149	0.408	0.550	239.052
1979-80	130.342	75.731	17.600	9.745	11.743	4.489	0.854	0.559	254.408
1980-81	137.661	73.473	17.732	10.169	10.450	4.916	1.083	1.021	259.748
1981-82	136.924	75.577	22.755	10.335	10.450	6.309	1.383	1.856	269.015
1982-83	143.451	70.443	24.198	12.234	10.281	6.021	1.478	2.565	273.622
1983-84	150.226	76.681	24.807	15.290	12.127	6.508	1.722	2.796	293.092
1984-85	150.930	84.842	34.496	17.172	13.421	6.731	1.400	3.152	315.394
1985-86	154.408	80.977	35.641	17.924	16.581	6.478	1.726	3.416	320.177
1986-87	151.809	83.720	35.196	18.172	18.385	6.519	1.553	3.310	321.736
1987-88	152.378	88.556	35.599	26.863	19.927	6.721	2.188	3.706	335.960
1988-89	157.130	87.539	37.443	26.500	22.255	6.747	2.697	4.194	344.500

* dollar value deflated to 1972-73 dollars.

Source: Tasmanian Gaming Commission in association with Peter Bennett and Associates Pty Ltd. 1990, *Australian Gambling Statistics 1972-73 to 1988-89*, Hobart.

revealed that there are strong connections between organised crime and illegal gambling in Australia. McCoy (1980, p. 200) has estimated that between 1976 and 1977 the cash flow from illegal gambling in New South Wales was vast - SP bookmaking, \$1,420 million, illegal casino gambling, \$650 million and poker machine 'skimming', \$90 million. Casino bribe payments to senior politicians and police were estimated at \$1.4 million per annum, making illegal gambling, by the late 1970s, an enterprise capable of wielding considerable influence in New South Wales. Hickie (1985, p. 178) has speculated that illegal gambling profits provide a major source of capital for organised crime, enabling criminals to maintain their involvement in the drug trade and giving them the necessary funds for the corruption of public officials.

A discussion of criminal activity associated with both legal and illegal gambling follows.

Casinos

Casinos, both legal and illegal, have traditionally been linked with crime. British and American experience has revealed that legal casinos present authorities with problems such as hidden ownership, tax evasion, laundering of money, cheating and loan sharking. Legal casino gambling is particularly susceptible to crime and corruption because criminals are able to disguise their interests through the use of nominee shareholders holding shares on trust. Law enforcement and regulatory agencies in Britain and the United States have generally been unable to eradicate hidden ownership, questionable sources of finance and skimming of casino profits (McMillen 1987b, p. 57). Customers of casinos have also been known to employ diverse methods of cheating.

In Australia, casino controls are among the most stringent in the world and organised crime which has undermined American casino operations is not thought to be as prominent here (Australia 1988, p. 148). Certain events of the last few years have, however, suggested that

government controls imposed on casino operators have failed to anticipate some issues. The trend toward bigger casinos with experienced overseas partners has increased potential for internal corruption. Despite promises of thorough investigation of casino applicants, there is no guarantee that the various officials involved possess the necessary experience and knowledge of the casino industry to make informed judgments. Public scandals which erupted over the Sydney casino in 1986 when the New South Wales government failed to follow normal licensing procedures and overlooked police objections to one of the applicants raised concerns regarding criminal association and the corruption of certain individuals in the casino industry (McMillen 1987c, p. 23).

Despite the fact that legal casinos operate in most jurisdictions, illegal casinos undoubtedly still exist. The Committee of Inquiry into Gaming in New South Wales named the location of several illegal casinos in New South Wales (New South Wales 1985). Relationships between organised crime and Sydney's illegal casinos have been documented by the New South Wales and Commonwealth Joint Task Force on Drug Trafficking (Australia 1983), the *Age* tapes and the interpretation of them by the Stewart Royal Commission (Australia 1986). It was revealed by these inquiries that a complex web of relationships existed between Sydney's notorious card clubs and senior drug traffickers. It was also revealed that protection of criminals in the 1970s was provided by an informal committee of corrupt police officers responsible for the enforcement of gaming laws, senior organised crime figures and senior casino operators. The Woodward Royal Commission (New South Wales 1979) and similar inquiries have documented connections between illegal casinos and money laundering.

Poker Machines

The Board of Inquiry into Poker Machines (Victoria 1983b) found

there is significant criminal activity associated with poker machines. The Inquiry heard evidence which revealed the existence of loan organisations in Sydney which customarily made loans to gamblers at rates of interest well above 100 per cent. It also revealed that serious problems existed among some clubs with respect to tax evasion, player cheating, theft by management or staff and possible kickbacks or illegal commissions paid by poker machine manufacturers for placement of their machines.

Illegal bookmaking (SP)/Race fixing

The race track, it appears, is a great meeting place for criminals. The Costigan Royal Commission (Australia 1984), the Connor Inquiry (Victoria 1983), the Moffit Royal Commission (New South Wales 1974) and the Fitzgerald Inquiry (Queensland 1989) revealed that a vast network of SP bookmakers exists throughout Australia. They found the monetary flow in the industry huge, and as such has the potential to finance many other illegal activities. Mr Justice Moffit warned that there was evidence to indicate that SP syndicates were in contact with major heroin smugglers and domestic drug distributors (New South Wales 1974). Connor estimated that the annual turnover for SP bookmaking was \$1800 million in New South Wales and \$1000 million in Victoria. Connor has said of illegal bookmaking:

Illegal bookmaking is a multi-million dollar industry run by people who can get up to forty or fifty telephones and who, if their telephones are closed down, can get them in new premises a week later. Illegal bookmakers prosper, making millions of illegal dollars, simply because they do not pay income tax or betting taxes (Victoria 1983a, vol. 2, ch. 14).

According to Bernard Bongiorno, counsel who assisted the Victorian Inquiry into Poker Machines, horse races are regularly rigged to eliminate

the risks of some bookmakers losing at all. It is not uncommon for certain bookmakers towards the bottom of the pyramid to be 'required' to hold money on horses they know are going to win certain races. The penalty for failing to do so might be loss of business or, not uncommonly, physical violence or the threat of it (Bongiorno 1985, p. 21). One recent instance of race-fixing, the infamous Fine Cotton Affair, occurred in 1984 when Bold Personality was substituted for Fine Cotton at Eagle Farm in Brisbane.

Aside from the illegality of SP bookmaking and the crime which it generates, there is also a massive tax evasion industry operating. The Connor Inquiry found that if even half of the estimated illegal bookmaking in Victoria could be channelled into the legal state TAB the increased revenue from taxation would amount to \$40 million per year (Victoria 1983a).

Compulsive Gambling

The issue of compulsive gambling is important in a discussion of problems associated with gambling in Australia. Although there is an absence of reliable information on the prevalence and impact of excessive gambling on Australians (Blaszczynski 1987, p. 308) it is generally accepted that problems associated with excessive gambling may be severe and costly to both the individual, significant others and the community in general. The work of McConaghy, Armstrong, Blaszczynski and Allcock (1983) has demonstrated beyond dispute that excessive gambling can be associated with complex personal and social problems.

Surveys (Kallick et al 1979) and clinical reports (Moran 1970) have shown that there is a positive relationship between participation rates and the number of gambling outlets. Blaszczynski (1987, p. 307) has argued that it is logical to assume that as opportunities to gamble are expanded and become more accessible, the more likely it is that people will indulge. He has further argued that a logical extension of this

is that the higher the proportion of the community that gambles, the more likely it is that problems will develop.

Blaszczynski & McConaghey (1987, p. 263) suggest that their discussions with several government bodies and private organisations gave rise to the impression that an attitude of ignorance and indifference prevails as to the effects of excessive gambling on individuals, their families and society. Australian governments, unlike governments in the United States which have initiated funded treatment centres for pathological gamblers, have failed in their social responsibilities and have given limited consideration to treatment programs and counselling services for compulsive gamblers (Blaszczynski 1987, p. 313).

Policy Implications/Areas for Future Research

Having identified some of the problems associated with both legal and illegal gambling in Australia it is appropriate to outline policy implications and areas requiring future research and evaluation.

Legal gambling. It is clear that more effective control and supervision of legal gambling is required. Suggested models of improved regulation have been provided by the Western Australia (1984) and New South Wales (1985) commissions of inquiry into gambling. McMillen (1986a), while acknowledging the problems posed by constitutional issues and opposition from gambling bodies who will undoubtedly defend their specialisation, has summed up a new approach to gambling to include:

- A framework for gambling policies and regulation. For example, a Gambling Act, at state or federal level.
- Proper community democratic participation at all levels of the policy process.
- Improved structures of ministerial control and routine patterns of negotiation and regulation.

- A permanent representative body of public review. This could be modelled on the Gambling Advisory Board of the British Home Office.
- Gambling revenues could be used to fund welfare and community initiatives to deal with the social effects of gambling and compulsive gambling.

While consideration should indeed be given to these proposals, it is important that extensive evaluation of their merits and disadvantages be conducted prior to implementation. A requirement would be a comprehensive review of how such an approach could be made operational, including research based on overseas experience on the suitability of suggested proposals for Australia. In order to assess the type, location and extent of services that should be established for compulsive gamblers, research on the incidence and prevalence of compulsive gambling in Australia is also required.

Illegal gambling. It is clear that current practices and policies to control widespread illegal gambling in Australia are inadequate. A comprehensive review of gambling policies, at state or federal level is necessary. This would include a review of laws criminalising gambling, law enforcement procedures and penalties for breaches of gambling laws. To date, there is a dearth of reliable Australian research on the effects of legalisation or decriminalisation of individual forms of gambling, including benefits and disadvantages for both individuals and the community. Prior to the implementation of legislative or policy initiatives it is important that research and evaluation be conducted on these areas. The Fitzgerald Report, while acknowledging the inadequacy of current options to control illegal gambling, stressed the importance for law reform to be approached in a comprehensive considered way. "Until a comprehensive review is undertaken, narrowly focused piecemeal action including expanding the legal means of gambling is

inadvisable" (Queensland 1989, p. 195).

Conclusion

It is evident that gambling, whether legal or illegal is difficult to regulate and control. The need for regular and routine monitoring of gambling policies is critical both to eradicate gambling that is organised and monopolised by criminals and to reduce the social casualties that arise in both legal and illegal gambling. Governments are confronted with the difficult task of attempting to rectify existing problems and develop and implement innovative and workable policies and legislation. However, this task will not adequately be dealt with until more extensive research and evaluation in the field of gambling is undertaken.

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