



The South Australian
Centre for Economic Studies

Adelaide & Flinders Universities



Summary of Australian States and Territories

Self-exclusion Programs and Harm Minimisation Policies/Strategies

REPORT B

Prepared for:
Gambling Research Panel, Victoria

Prepared by:
The SA Centre for Economic Studies

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Executive Summary

Report B for the project **Evaluation of Self-Exclusion Programs and Harm Minimisation Measures** provides a comprehensive factual description of the self-exclusion programs and harm minimisation policies and strategies in operation around the country. To compile this compendium of programs and strategies, the South Australian Centre for Economic Studies wrote to each State and Territory Minister with responsibility for gaming. We requested their assistance to outline government involvement in self-exclusion programs and to detail specific harm minimisation programs, policies and strategies operating in the respective State/Territory. Because self-exclusion programs are often conducted by industry, through associations of clubs or State AHAs, we also wrote to these bodies and requested their assistance. Finally, we contacted six casinos to gain information on the conduct and operation of their self-exclusion programs.

To the best of our knowledge there have been no evaluations of self-exclusion programs throughout Australia. There have been only two published articles in the international literature by Nowatzki (2002) and Ladouceur (2000).¹ There is very limited information on the effectiveness of such programs, especially in the Australian context where the program is applied to individual casino sites (most often mandated by legislation) and separately to multiple venues, including hotels and clubs by the gaming industry.

Self-exclusion programs are not homogenous across Australian States and Territories. They differ in their individual arrangements such as for the duration of self-exclusion, the number of venues able to be nominated, the method by which a patron must initiate self-exclusion and revocation procedures.

There is, in our view, inadequate data management across all programs, deficient compliance systems and monitoring procedures and no evaluation of the effectiveness of self-exclusion programs. Table 1 (Section 1) provides a summary of self-exclusion programs currently operating in Australia. Table 2 (Section 2) provides a summary of harm minimisation policies and practices.

Section 1 of this report outlines self-exclusion programs in each State/Territory. As an introduction to each State/Territory we provide a “State of Play” fact sheet detailing the number and allocation of EGMs in each jurisdiction, net gaming revenue for 2000-01, average adult spend, percentage of household disposable income and expenditure growth over time.

Section 2 deals with harm minimisation. The information contained in this section was provided by the relevant State/Territory Minister and gaming authority.

¹ References to each are provided in Report A, SA Centre for Economic Studies, November 2002.

Section 1: Self-Exclusion Programs

Originally developed in casinos in the United States to control criminal activity, exclusion orders have evolved and are now commonplace as a means of controlling unacceptable behaviour in casinos around the world. The increased availability of gaming activities and, in particular the introduction of electronic gaming machines into multiple venues in any one region, has accentuated and compounded a different form of ‘unacceptable’ behaviour – problem gambling behaviour. However, as distinct from cheating or drunken and disorderly behaviour, problem gambling behaviour is more difficult to diagnose since it is a far more personal problem, both in its external traits and in its consequences. Hence, exclusion orders have expanded to give patrons the choice to ‘self’ exclude if they feel that they have a problem. Self-exclusion are now in operation in many casinos, hotels and clubs around Australia.

Self-exclusion programs across the country vary significantly in their design, scope and operation. Some programs have their minimum requirements enshrined in legislation and are administered by a government regulatory body. Others have been included as requirements in mandatory or voluntary industry codes of practice, are self-regulated and administered by industry bodies such as the Australian Hotels Association. A few programs – in particular those operating in casinos around Australia – impose fines or penalties on self-excluded persons for breaches of self-exclusion orders or on venue operators for poor administration of the program at a venue level.

There are some features that are common among most programs. Most self-exclusion programs involve:

- the use of a ‘Deed’ of self-exclusion or an application for self-exclusion form which includes: the name of any venue(s) the patron has chosen to be self-excluded from;
- the selected duration of self-exclusion;
- a list of undertakings by the patrons;
- an acknowledgement that the venue has no legal obligations under the self-exclusion; and
- an understanding by the patron that they may be removed (with reasonable force) from the nominated venue(s) if they are found breaching their self-exclusion.

The first half of this report outlines, as accurately as possible, the process, key features, staff training requirements and data management issues of self-exclusion programs in each of the states and territories of Australia. Where relevant, associated legislation has been included along with the description of the program to provide a complete picture of the minimum requirements the program needs to meet and the process through which it achieves its objectives. The research conducted outlines how current programs fall short of these requirements.

Section 2: Harm Minimisation Policies

In 1999, the Productivity Commission completed a comprehensive inquiry into Australia's gambling industries, providing for a better understanding of the performance of the gambling industries and their economic and social impacts across Australia, including their impact on the retail, tourism and entertainment industries and on Commonwealth and State/Territory Budgets. Of particular significance, the Commission found that 40 per cent of adult Australians gambled on a regular basis and 15 per cent of these (2.1 per cent of the Australian adult population) were classified as 'problem gamblers' (either moderate or severe), and this group accounted for almost a third (\$3.5 billion) of gambling expenditure annually. Problem gamblers, it was found, lose on average around \$12,000 per year (compared to just under \$650 for other gamblers).

The costs and impacts of problem gambling can be far reaching. The Commission determined that the costs include financial and emotional impacts on the gamblers and on others, with on average at least five other people adversely affected to varying degrees. One in ten problem gamblers, for example, said they had contemplated suicide due to gambling and nearly half of those problem gamblers in counselling reported losing time from work or study in the past year due to gambling. While the Commission estimated the net contribution to society from gambling industries as a whole to be anywhere from a net loss of \$1.2 billion to a net benefit of \$4.3 billion, it concluded that for gaming machines this figure was more likely to be somewhere between a net loss of \$2.6 billion and a net gain of \$1.1 billion.²

Regardless of the dollar figure involved, a clear conclusion of the inquiry was that policy approaches for the gambling industries needed to be directed at reducing the costs of problem gambling – through harm minimisation and prevention measures – while retaining as much of the benefit to recreational gamblers as possible. The report concluded that:

“The current regulatory environment is deficient. Regulations are complex, fragmented and often inconsistent. ... Venue caps on gaming machines are preferable to state-wide caps in helping to moderate the accessibility drivers of problem gambling. However, more targeted consumer protection measures – if implemented – have the potential to be much more effective, with less inconvenience to recreational gamblers.

Existing arrangements are inadequate to ensure the informed consent of consumers, or to ameliorate the risks of problem gambling. Particular deficiencies relate to:

- information about the 'price' and nature of gambling products (especially gaming machines);*
- information about the risks of problem gambling;*
- controls on advertising (which can be inherently misleading);*
- availability of ATMs and credit; and*

² Productivity Commission (1999), Australia's Gambling Industries, Inquiry Report No. 10, p. 11.7.

— *pre-commitment options, including self-exclusion arrangements.*"³

The second section of this report outlines and describes some of the policies and strategies that have been implemented by the Australian state and territory governments (as advised to us)⁴ in an attempt to minimise the harm associated with gambling.

³ Ibid, Key Findings, p. 3.

⁴ As at August/September 2002, depending upon date of reply by respective State or Territory Minister.

Section 1

Operation of Self-Exclusion Programs in Australian States and Territories

Table 1
Self Exclusion Programs in Australian States and Territories

	VIC	ACT	NSW	NT	QLD	SA	TAS	WA
Self Exclusion Programs (Voluntary, Mandatory (Codes of Practice), Legislated)								
– Casino(s) ¹	Legislated Required under voluntary code of practice	Legislated Included in voluntary code of practice	Legislated	None	Legislated Legislated and voluntary codes of practice	Legislated	Legislation	Legislated
– Clubs/ Hotels	AHA(Vic) & ClubsVic Program 6 months – 2 years Option to choose from 1 to all venues	ClubsACT Program Indefinitely One venue only	AHA(NSW) Program – GameChange ² 12 – 36 months Option to choose from 1 to all venues	–	Queensland Clubs and Hotels Negotiable but recommended 6 – 12 months One venue only	IGA Program ³ At least 12 months Option to choose from 1 to all venues	Clubs and Hotels Program Typically 3 years although other periods (including indefinite) can be selected Option to choose which venues and gambling activities	– – –
– No of venues (individual, option to choose number, all venues)	AHA(Vic)	Venue (with guidelines from ClubsACT)	AHA(NSW)	–	Venue (with guidelines from industry)	Independent Gambling Authority	Tasmanian Gaming Commission (administration) DHHS (monitoring of service delivery) & AHA(Tas) (liaison with venues)	–
– Place of administration (venue, central body)	No	No	No	–	No	No	No	–
– Notification of breaches to administrator/counsellor	Can be revoked after 6 months by attending an interview with AHA(Vic)	Can be revoked after a minimum period (usually 3- 6 months) by attending a revocation interview at the venue	Can be revoked by attending an interview with the AHA(NSW) and providing a letter from a qualified problem gambling counsellor	–	–	May not be revoked within the first 12 months	Can be revoked at any time by completing a Revocation of Self- exclusion Notice	–
– Revocation								

	VIC	ACT	NSW	NT	QLD	SA	TAS	WA
Staff Training								
– Voluntary, mandatory (codes of practice), legislated	Required under voluntary code of practice	Voluntary	Legislated	–	Voluntary	Legislated	Condition of licence	–
Data Management								
– Numbers	Yes (recorded by AHA(Vic))	No	Yes (recorded by AHA(NSW))	–	Yes (at a venue level only)	Yes (recorded by IGA)	Yes (collated by TGC)	–
– Breaches and follow-ups	No	No	No	–	Yes (at a venue level only)	No	No	–
– Evaluation of effectiveness	No	No	No	–	No	No	No	–

¹ Self-exclusion programs in place in casinos around Australia tend to include the following features. They are often:

- included in and required by legislation (at least as part of general casino exclusion provisions);
- of indefinite duration;
- supported by penalties/fines on patrons and/or venue operators; and
- enforced by casino security staff.

² The AHA(NSW) self-exclusion program is one of a number of industry self-exclusion programs operating in NSW. The AHA(NSW) program – GameChange – is for implementation by hotels only while programs for clubs are operated by ClubsNSW and BetSafe.

³ A second self-exclusion program run by AHA(SA) operates in South Australia but is different from programs run by other AHAs around the country. The program is individual venue based (patrons self-exclude at a particular venue and self-exclusion is for that venue only). There is no central management and no central records or data are kept.

Victoria

Self-exclusion

State of Play in Victoria

Gaming machines are permitted in clubs, hotels and casinos in Victoria. In 2000-01 there were:

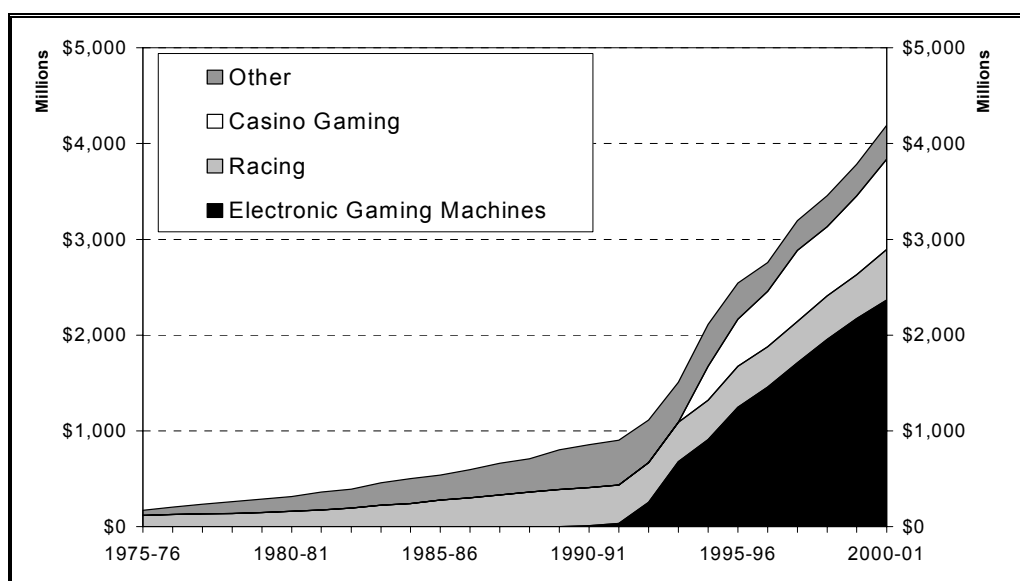
- 13,730 machines in 299 clubs;
- 13,714 machines in 250 hotels; and
- 2,500 machines in the Crown Casino, Melbourne.

Victorian gamers spent \$2,366 million on EGMs in hotels and clubs in 2000-01 (expenditure is money bet net of money returned in prizes). This represents an average of:

- \$647 spent by each adult in Victoria;
- 2.1 per cent of annual household disposable income; and
- 56 per cent of total gambling expenditure in Victoria.

Total expenditure on EGMs has grown at an average annual rate of 13.7 per cent over the past five years from a level of just \$1,246 million in 1995-96. Nevertheless, the rate of growth in EGM expenditure has been slowing; the Victorian gambling industry as a whole grew more rapidly than the EGM sector between 1999-2000 and 2000-01. In part, this reflects the maturing of the market and the binding nature of the cap on EGM number in this State, and has occurred amid an extensive array of additional legislative restrictions on the EGM sector.

Figure 1.1
Electronic Gaming Machine and Other Gambling Expenditure – Victoria



Source: Tasmanian Gaming Commission (2002).

Victorian Clubs/Hotels⁵

The Victorian Gaming Machine Industry Accord and Industry Codes of Practice were established in 1997. The Victorian Gaming Machine Industry (VGMI) consists of the Gaming Machine Operators (TABCORP and Tattersall's), Gaming Venue Operators (the Australian Hotels and Hospitality Association (Victoria) (AHA(Vic)), Clubs Victoria and Venue Operators licensed by the Victorian Casino and Gaming Authority (VCGA)) and Crown Casino. The VGMI Accord binds the signatories to abide by their respective Codes of Practice which are:

- Gaming Machine Industry Advertising Code of Ethics;
- Gaming Machine Operators Code of Practice (TABCORP and Tattersall's);
- Licensed Venue Operators Code of Practice (represented by AHA(Vic) and Clubs Victoria); and
- Crown Limited Code of Practice.

The Industry Codes of Practice are **voluntary Codes of self-governance** and augment relevant Acts (the *Gaming Machine Control Act 1991* and the *Casino Control Act 1991*), regulations, rules, procedures and directions.

As part of the Gaming Machine Operators Code of Practice, TABCORP and Tattersall's agree to promote the concept of responsible gaming:

“The signatories recognise that if gaming machine play develops into a problem for individual players, assistance should be readily available from the gaming machine operators and venues to assist customers and venue operators.

Assistance will take the form of:

- *Information to help players recognise whether their gaming is giving rise to problems for themselves or their families;*
- *Information concerning the availability of problem gambling services support groups to be made available at cashier stations at all gaming machine venues; and*
- *The availability and promotion of self-exclusion procedures.”*

In accordance with the Licensed Venue Operators Code of Practice, Venue Operators agree:

“To conduct their business in a manner that precludes the following persons from entering their restricted gaming rooms:

- *minors;*
- *intoxicated persons;*
- *persons known by the venue operator to be participating in a self-exclusion program.*

⁵ Section on Crown Casino – see page 16.

To assist patrons to whom gaming machine play presents problems by supporting a venue self-exclusion program, displaying signage and brochures promoting accredited counselling services and directing those patrons to avenues of effective support.

That all members of staff who work in gaming rooms are to complete an accredited responsible service of gaming course and a responsible service of alcohol course.

A condition precedent for entering into a contract with TABCORP or Tattersall's is for the venue operator to sign this Code of Practice and adhere to its provisions."

The Crown Casino operates under the regulatory framework of the *Casino Control Act 1991* and relevant legislation pertaining to the operation of Crown's self-exclusion program is discussed in the next section. Notwithstanding the legislation and regulatory framework which governs the operations of the Casino, Crown is also a signatory to the VGMI Industry Code of Practice.

Under the Crown Limited Code of Practice, Crown commits to assisting problem gamblers:

"In recognition that gaming can cause problems for some patrons, Crown has prepared policies and procedures to assist in dealing with these problems as follows:

- Crown will process applications from patrons for self-exclusions from the casino and encourage compliance;*
- Crown will work co-operatively with Gambler's Help and any other support services including industry reference groups;*
- Crown will train its staff in the responsible service of gaming.*

Crown will maintain and fund the Crown Assistance Program (CAP),⁶ which provides free consultation, professional and confidential counselling services. Crown will have on display information about the CAP at the casino.

Crown will provide applicants for self-exclusion with information about the CAP and other support services.

Through its Training College and where necessary, in concert with accredited agencies and providers, training programs will continue to be provided and developed which focus on special patron needs and which will include and not be restricted to the following:

- Responsible service of gaming;*
- Responsible service of alcohol."*

Administration of the Program

For gamblers wishing to self-exclude from a gaming venue at a licensed club or hotel in Victoria, the process takes place in a number of steps as follows.

⁶ The development and extension of the CAP, into a much broader Crown Customer Support Centre service is discussed in the next section.

Gamblers can become aware of the program through a number of different channels including: brochures/information/staff at venues, pamphlets available from a number of sources including the VGMI Secretariat, Gambler's Help and other counselling services.

After deciding to follow up on the information, the gambler must contact the AHA(Vic) by telephone or by using the reply paid application for information form available from gaming venues.

Gamblers will receive a letter of introduction outlining the process and including a draft copy of the "Deed of Self-Exclusion". The gambler is advised to contact a counsellor if they have not already done so.

Arrangements will then be made for the gambler to attend an interview with the AHA(Vic) and to sign the Deed of Self-Exclusion (this interview may take place in Melbourne or at regional locations as required and translation and interpreting services are available on request). We were advised by the AHA (Vic) that up to 50 per cent of interviews are held at the offices of Gambler's Help. The gambler may bring any person or materials that they wish to the interview and they are asked (at the time of arranging the interview) to nominate by name the venues they wish to be self-excluded from. The gambler is also asked to bring any membership cards they may have for any of the venues they have nominated to be self-excluded from.

The Deed provides that the gambler undertakes not to enter the restricted gaming area of nominated venues and not to play gaming machines at the nominated venues.

The Deed authorises management of the nominated venues to take any reasonable steps ("such action as is necessary, including the use of reasonable force") to ensure the gambler does not enter the restricted gaming area or play the gaming machines, or to remove them from the restricted area if they are detected breaching their self-exclusion and refuse to leave.

The gambler nominates the period of self-exclusion — a minimum of six months and up to a maximum of two years.

It is recommended to self-excluded patrons that they undertake problem gambling counselling and, in fact, as part of their undertakings outlined in the Deed of Self-Exclusion, the gambler undertakes to "seek and continue to seek the advice of a Problem Gaming Counsellor".

The gambler's photo is taken which, along with a copy of the Deed, is forwarded (by mail) to those venues from which the gambler has nominated to be self-excluded. There is now in place (currently being rolled-out to venues), an on-line facility to transmit a photograph of the self-excluded gambler. However, there is no obligation for hotels or clubs to install computer facilities to participate in the 'self-exclusion goes on-line' (SEGO) system.

The gambler can add venues to their list of those that they wish to be excluded from at any time by contacting the Self-Exclusion Officer at the AHA(Vic). The term of the Deed can be extended in the same way.

How easy is it to apply to join?

A gambler can apply to join by contacting the Self-Exclusion Officer at the AHA(Vic) or the VGMI Secretariat, attending an interview at the AHA(Vic) and signing the Deed of Self-Exclusion.

How long does it take to be accepted into the program?

There is no waiting time in order to be accepted into the program, so that gamblers need only to respond to the letter of introduction which is forwarded to them. The AHA (Vic) arranges the interview at which the Deed of Self-Exclusion is signed and the photographs are taken.

How often does enrolment need to be repeated?

The self-excluded person is notified by mail of the opportunity to renew the Deed up to three weeks prior to the date the Deed is due to lapse. They are then able to renew their Deed for a further period of between six months and two years.

Enrolment may be repeated as often as desired.

How easy is it to revoke participation?

To revoke the Deed of Self-Exclusion earlier than the nominated time, the customer must attend an interview with a gambling counsellor and then attend a meeting with the AHA(Vic) Self-Exclusion Officer to sign the revocation Deed. The Deed can only be revoked after the expiration of a minimum period of six (6) months. At the time of interview, the individual must produce written evidence they have received counselling from a qualified person in order to revoke the Deed.

What procedures and staff training are used to detect and manage self-excluded patrons?

As part of the Licensed Venue Operators Code of Practice, venue operators agree that all members of staff who work in gaming rooms are to complete an accredited responsible service of gaming course. William Angliss Institute of TAFE, in consultation with Tattersall's, TABCORP, Clubs Victoria and the AHA (Vic) and with representatives of Gambler's Help has developed responsible gaming training courses for staff and managers employed within gaming venues across Victoria. It conducts a Responsible Service of Gaming Course (half day) and a Responsible Service of Gaming Advanced Course (full day). The content of the courses includes:

- The profile of the gaming industry;
- Relevant legislation and regulations and Industry Codes of Practice;
- Understanding the concept of harm minimisation;
- Appropriate support services available to assist patrons; and
- Some methods to assist distressed patrons or customers displaying unacceptable behaviour in the gaming room.

Staff Training

A Brief History

In 1996, an industry based course in responsible gaming management was established by two industry partners, namely the AHA (Vic) and Clubs Victoria. These two groups designed and delivered the course as an industry initiative.

In 1997, the VGMI formed closer working relationships, particularly through the creation of the Gaming Machine Industry Accord and the creation of four voluntary codes of practice:

- Gaming Machine Industry — Advertising Code of Ethics;
- Gaming Machine Operators Code of Practice (Tabcorp and Tattersall's);
- Licensed Venue Operators Code of Practice (represented by the AHA (Vic) and Clubs Victoria); and
- the Crown Casino Code of Practice.

Through the Gaming Machine Industry Accord of 1997, parties to the Accord were able to work more closely together on a range of industry initiatives. An Industry Secretariat was established, an Independent Complaints Resolution Process was also developed to resolve complaints concerning a breach of the industry code of practice, a self-exclusion program was created and responsible service of gaming training now involved four major parties — Tabcorp, Tattersall's, AHA (Vic) and Clubs Victoria.

From 1997, the Responsible Gaming Service course was extended and developed by the four principal industry partners and this continued until November 2001.

In December 2001, the William Angliss Institute of TAFE launched a new responsible gaming training course to meet the specific needs of the Victorian gaming industry. This followed a mutual approach to William Angliss Institute by the four industry partners, to cooperate in the design, development and teaching of a course to meet identified local needs. The course has been endorsed by the four partners and included consultation with representatives of Gambler's Help. Any proposed changes to the two courses would have to first have the agreement of all four partners.

The structure of course offerings in Victoria is as set out here:

1. **Responsible Service of Gaming:** half day, incorporates nationally accredited module THHADG03B (ANTA), \$70 per person, GST exempt; course incorporates specific information on Victoria gaming industry; qualification is Certificate with national code of completion (ANTA). Conducted at William Angliss Institute of TAFE and other TAFE Institutes.
2. **Responsible Service of Gaming (Advanced):** full day, \$110 per person, GST exempt, designed for gaming duty managers, venue operators, includes specific information on Victorian gaming industry, no national accreditation and so does not qualify for Certificate but course completion is acknowledged.

Specific information on the Victorian Gaming industry in both courses includes:

- relevant legislation, regulations, and Industry Codes of Practice;
- Independent Complaint Resolution Process; and
- the industry based self-exclusion program, its management and operation, including the concept of harm minimisation.

The two courses are designed for current employees and potential future employees, of both Clubs and Hotels.

Table 1.1 provides an overview of course attendances.

We note here that the Crown Casino conducts its own internal training courses and the totals in Table 1.1 do not include Crown employees.

Table 1.1
Course Attendance, Total and by Sector
December 2001 to June 2002

Course	Staff ¹	Other ²	Total	Clubs	Hotels
RSG: Advanced	622	49	671	318	246
RSG: Basic	657	346	1,003	371	283
Total	1,279	395	1,674 ³	689	529

- Notes:**
- ¹ Staff includes venue staff for Tabaret and Tattersall's and staff from central agencies responsible for gaming activities or regions.
 - ² Other includes students in hospitality courses some who attend William Angliss Institute, unemployed and employed persons.
 - ³ As at end August 2002, estimated total student attendance was 2,300 persons.

Participation in Training

Under the industry code of practice it is stated that it is a requirement to have undertaken training to work in the gaming room. Specifically, the Licensed Venue Operators Code of Practice in regard to responsible gaming states that the licensed venue operators agree:

“that all members of staff who work in gaming rooms are to complete an accredited responsible service of gaming course and a responsible service of alcohol course. Individuals who have completed such courses will have badges signifying such completion available to them”.

In practice, given the nature of the industry and the high turnover of employees, it is often the case that an individual employee will be employed for a probationary period. During this time they may not have attended a responsible gaming course.

In fact, under the industry code there is no critical time frame for employees to have undertaken a responsible gaming course, as this is something that is often negotiated between the employee and employer. There is no criticism of this arrangement implied here. However, though the code of practice is in place, it remains possible for an individual employee to work in a gaming room without having attended a responsible gaming course.

Data Management

The AHA (Vic) maintains a section of its website which includes SEGO (Self Excluded Gamblers Online) Statistics which is available to AHA (Vic) staff only. The information presented here includes Deeds by Month, Deeds by Location and Deeds by Region. There is also information on the number of currently active Deeds, number of expired Deeds, number of revoked Deeds, a metro/country breakdown and a male/female breakdown.

Since the commencement of the Self-Exclusion Program (in 1997) and as at October 2002, self-exclusion statistics provided by the AHA (Vic) reveal the following:

- total number of interviews conducted — 4,083;
- total number of persons chosen to self-exclude — 2,248;
- current active number of self-excluded patrons — 1,411;
- average period of self-exclusion — 1.7 years;⁷
- average number of venues nominated — 16.4 venues;⁸
- males — 36.0 per cent;
- females — 64.0 per cent; and
- number of revoked deeds — 60.

Up to 30 per cent of self-excluded patrons have more than one deed, where a second deed was taken out to add on a number of venues or to change nominated venues following a change of residence.

A sample survey conducted by the AHA (Vic) of 671 self-excluded patrons who have taken out the Deed of Self-Exclusion with the AHA (Vic) showed the following:

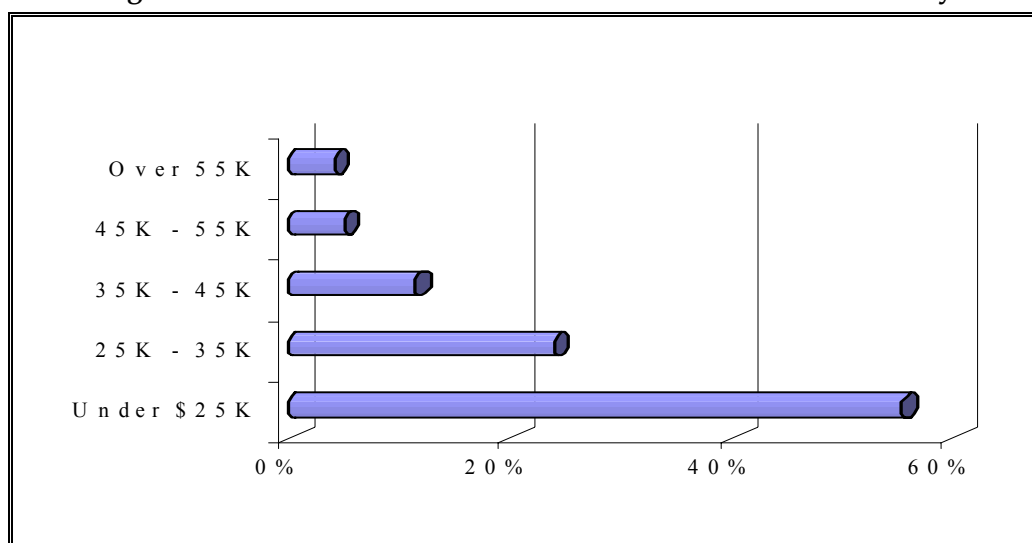
⁷ Derived from a random sample of 100 data units.

⁸ Derived from a random sample of 100 data units.

- 69 per cent were female, 31 per cent male (sample similar to the population);
- 55 per cent reported income of less than \$25,000 per annum and a further 24 per cent in the range of \$25K to \$35K per annum (see Figure 1.2);
- 37 per cent were recommended to self-exclude by Gambler's Help or other counsellors, 33 per cent by a family member or friend and 22 per cent from the venue (this last category may refer to the original source of information about self-exclusion being located/provided by the venue);
- the age profile is shown in Figure 1.3;
- the occupational profile is shown in Figure 1.4⁹ with the single largest occupation being identified as home duties; and
- in the survey sample, 671 persons had an average expenditure of \$6,114 per annum, with an expenditure range of \$200 to \$70,000 per annum.

There are no central records held on breaches of the Deed, on information relayed to the AHA (Vic) by individual venues or data on the number of "reminder letters" sent out to those who breach their Deed.

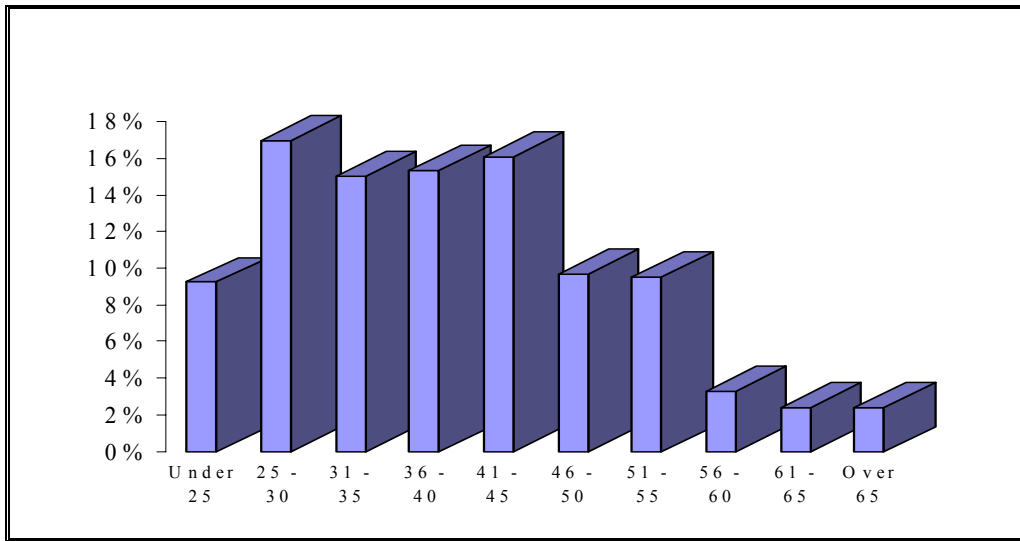
Figure 1.2: Income of Self-excluded Persons: AHA Patrons Survey



Source: Provided by AHA (Vic).

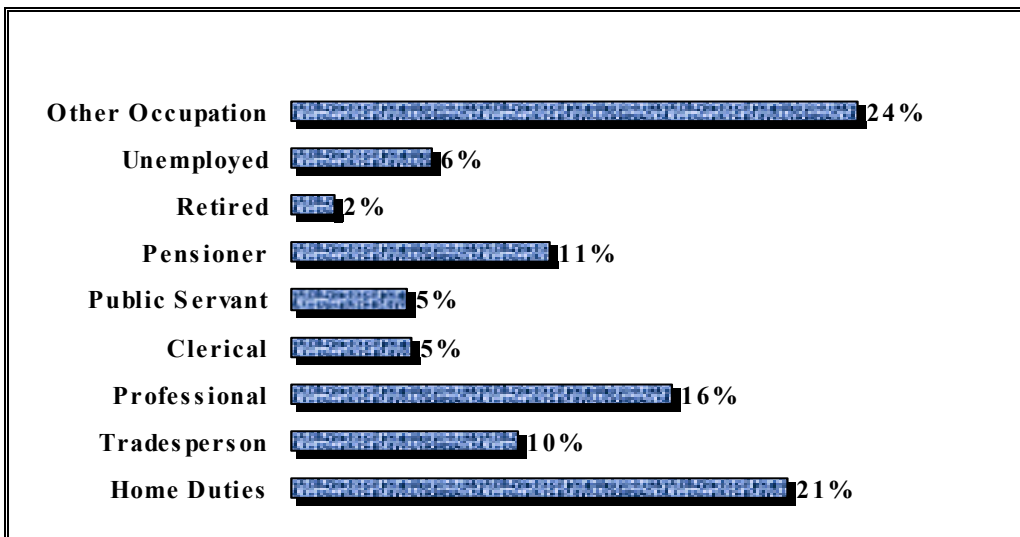
⁹ Figures 1.2 to 1.4 supplied from data derived by AHA (Vic).

Figure 1.3: Age of Self-excluded Persons: AHA Patrons Survey



Source: Provided by AHA (Vic).

Figure 1.4: Occupation of Self-excluded Persons: AHA Patrons Survey



Source: Provided by AHA (Vic).

Crown Casino

The Crown Casino is governed under the *Casino Control Act 1991* and as such, it is required to provide and manage a legislated exclusion program. Details of the relevant legislation and the specific obligations of the Crown Casino are described below.

Relevant Legislation – *Casino Control Act 1991 (S72-78A)*

72. *Exclusion orders*

- (1) *The Director or a casino operator or the person for the time being in charge of a casino, may, by order given to a person orally or in writing, prohibit the person from entering or remaining in the casino.*

(Note: “Director” means the Director Casino Surveillance appointed under section 94).

- (1A) *An oral order lapses after 14 days.*
- (2A) *The Director or a casino operator may give a written order under this section to a person, on the voluntary application of the person, prohibiting the person from entering or remaining in a casino.*
- (2B) *An application under sub-section (2A) must be in writing and signed by the applicant in the presence of a person authorised by the Authority to witness such an application.*
- (3) *As soon as practicable after a casino operator gives a written order under this section, the operator must cause a copy of the order to be given to the Authority and the Director.*
– Penalty: 50 penalty units.

73. *Appeal to Authority*

- (1) *A person receiving a direction in writing under section 72 prohibiting the person from entering or remaining in a casino may within 28 days after receiving the direction appeal against the direction to the Authority.*
- (2) *The appeal must be made in writing and specify the grounds on which it is made.*
- (3) *The Authority may cause such inquiries to be made by the Director in relation to the direction as the Authority thinks fit and the results of the inquiries to be reported to it.*
- (3A) *If the exclusion order was given on the application of the person to whom it applies, the inquiries made by the Director are, if possible, to include inquiries made of the witness to the application.*
- (4) *Upon a consideration of the grounds of appeal specified by the appellant and any matters reported upon to the Authority by the Director in relation to the direction, the Authority may –*
- (a) *reject the appeal; or*
- (b) *allow the appeal.*
- (5) *The decision of the Authority shall –*
- (a) *be communicated in writing to the appellant and the casino operator;*
- (b) *be final and conclusive and shall not be appealed against, reviewed, quashed or in any way called in question in any court on any account whatsoever.*

75. *Duration of exclusion orders*

- (1) *An exclusion order remains in force in respect of a person unless and until it is revoked by the person who gave the order.*

- (2) *An exclusion order given by a person for the time being in charge of a casino may be revoked by any other person who is for the time being in charge of the casino or by the casino operator.*
- (3) *If the Chief Commissioner of Police revokes an exclusion order, he or she must notify each casino operator, the Director and each interstate Chief Commissioner of the revocation.*
- (4) *When an exclusion order is revoked by a casino operator or by the person for the time being in charge of a casino, the casino operator must give notice of the revocation to the Director as soon as practicable after it occurs.*
- Penalty: 20 penalty units.

76. **List of excluded persons**

- (1) *A casino operator must, immediately before gaming or betting commences in the casino on any day –*
- (a) *prepare a list of names bearing the date of that day; or*
- (b) *add the date of that day to an unchanged list of names applicable under this sub-section on the last preceding day –*
- those names being the names of persons who, immediately before the only day, or each day, of which the date appears on the list, were the subject of exclusion orders for the casino, or interstate exclusion orders, of which the operator is or was aware.*
- Penalty: 50 penalty units.
- (2) *The operator must –*
- (a) *on each day on which the casino is open for gaming and betting, provide an inspector on duty in the casino with a copy of the list referred to in sub-section (1) that bears the date of that day; and*
- (b) *notify an inspector on duty in the casino of the making, or the revocation, of an exclusion order or interstate exclusion order of which the operator becomes aware during that day.*
- Penalty: 50 penalty units.
- (3) *A person must not provide any part of a list prepared under sub-section (1) to any person except –*
- (a) *the casino operator; or*
- (b) *a casino employee; or*
- (c) *the Authority; or*
- (d) *the Director; or*
- (e) *an inspector; or*
- (f) *a person approved by the Director for the purpose.*
- Penalty: 10 penalty units.
- (4) *As soon as practicable after becoming aware of the making or revocation of an interstate exclusion order, the Chief Commissioner of Policy must notify each casino operator and the Director.*

77. **Excluded person not to enter casino**

- (1) *A person the subject of an exclusion order relating to a casino must not enter or remain in the casino.*
- Penalty: 20 penalty units.
- (2) *A person the subject of an interstate exclusion order must not enter or remain in the casino.*
- Penalty: 20 penalty units.

78. **Removal of excluded persons from casino**

- (1) *This section applies to the following persons in a casino –*
- (a) *the person for the time being in charge of the casino;*

- (b) *an agent of the casino operator;*
 - (c) *a casino employee.*
- (2) *A person to whom this section applies who knows that a person the subject of an exclusion order or interstate exclusion order is in the casino, must notify an inspector as soon as practicable.*
- Penalty: 20 penalty units.*
- (3) *The inspector must remove the person from the casino or cause the person to be removed from the casino.*
- (4) *It is lawful for a person to whom this section applies, using no more force than is reasonably necessary –*
- (a) *to prevent a person the subject of an exclusion order or interstate exclusion order from entering the casino; and*
 - (b) *to remove such a person from the casino or cause such a person to be removed from the casino –*
- but nothing in this section authorises a person to do anything in contravention of the Private Agents Act 1966.*

78A. No advertising to excluded persons

- (1) *A casino operator must not knowingly send or direct by any means advertising or other promotional material relating to the casino to a person who is the subject of an exclusion order relating to the casino or an interstate exclusion order.*
- Penalty: 50 penalty units.*
- (2) *For the purposes of sub-section (1), a casino operator does not send or indirect material to a person only because the casino operator makes the material available generally to members of the public.*

Examples:

Examples of making material available generally to members of the public include publishing it on the Internet, television or other medium or displaying it on a billboard.

Administration of the Program

As outlined above, under section 72 of the *Casino Control Act 1991*, Crown Casino is required by the legislation to provide the option for a gambler to voluntarily exclude themselves from the Casino. The process works in the following way.

Gamblers can become aware of the program through a number of different channels including: brochures/information/staff at the casino (especially the Crown Responsible Gaming Customer Support Centre¹⁰), pamphlets available from a number of sources including the Victorian Gaming Machine Industry Secretariat, Gambler's Help and other counselling services.

Having decided to seek further information about the program, the gambler telephones to make an appointment or attends the Crown Responsible Gaming Customer Support Centre, located on-site away from the gaming floor within the Casino complex.

¹⁰ The Crown Customer Support Centre was launched on 13 March 2002 to provide on-site information, support, assistance and counselling services to casino patrons. The services of the Customer Support Centre are available 24 hours a day, seven days a week and include a strictly confidential, professional counselling, referral and information service. All services are free of charge.

Once the gambler has decided to apply for self-exclusion, they attend an interview with a Responsible Gaming Liaison Officer or Manager where:

- staff further explain how the voluntary self-exclusion program works and provide information which may be taken away for consideration or legal advice;
- the Responsible Gaming Liaison Officer/Manager conducting the interview offers to make an appointment with a Crown Responsible Gaming Coordinator (a registered psychologist) or a Government funded problem gambling support or welfare service if the gambler indicates an interest to pursue such a course;
- if the gambler wishes to continue with their application, a written application for self-exclusion is prepared (i.e., the gambler signs an “Application for Self-Exclusion from Crown Casino” form) which must be signed in the presence of a category of person authorised by the OGR to witness such an application (e.g., various categories of persons are authorised to witness such a document including Justices of the Peace, members of the police force etc.). Previously, because of the availability of the Victoria Police Casino Crime Unit (CCU) which is located in an office in the casino complex, a member of the police force attended to witness the application. Due to a revision and subsequent reduction of police manning levels at the Casino Crime Unit resulting in reduced availability of police members, the OGR approved in writing that a person (casino employee) with an A category licence is able to witness applications for self-exclusion;
- the gambler is photographed and a copy is forwarded to the OGR, the Crown Surveillance Department and the Security and Service Department and when required a copy is made available to the Casino Crime Unit;
- the Self-Exclusion Order is issued;
- the gambler is provided with a Self-Exclusion Kit which contains a copy of their application, a copy of their Self-Exclusion Order and material relating to the Customer Support Centre, various problem gambling support services (including, Gambler’s Help, Financial and Consumer Rights Council and Gamblers Anonymous).

A copy of the application, the Order and the photos are provided to the OGR, to the CCU (on written direction from the OGR), to Crown’s Surveillance Department and to Crown’s Security & Service Department.

It is an offence under section 77 of the *Casino Control Act 1991* for a person who is self-excluded to breach a Self-Exclusion Order (i.e. to enter or remain in the Casino). The penalty for a breach is 20 penalty units (currently a fine of up to \$2,000 for the self-excluded person). Increasingly, for breaches of the Self-exclusion Order, clients are directed to diversionary programs rather than receive a fine.

Based on the presentation of the process to SACES staff by Crown Customer Support Centre staff, the step by step process, which is administered by the Crown Customer Support Centre, can be summarised as:

- the patron contacts or attends the Crown Customer Support Centre;
- an interview is conducted with a Responsible Gaming Liaison Officer (an interpreter can be arranged to attend if required);
- an application for Self-exclusion is completed;
- the application is duly signed by the applicant and the authorised person (witnessed);
- an exclusion order is prepared and issued to the applicant;
- photographs are taken and forwarded to relevant departments and authorities;
- a self-exclusion kit is issued containing a copy of the application, exclusion order and various support service brochures; and
- a referral is offered or is made for the applicant to speak to a relevant Problem Gambler Support Service.

This process does not involve Crown Casino in providing on-going counselling — Crown's program (and policy) is based on crisis intervention, assessment and referral.

How easy is it to apply to join?

It is relatively easy to join. A gambler can apply to join by contacting the Crown Customer Support Centre, attending an interview with the Responsible Gaming Liaison Officer or Manager and signing a voluntary (within the legal concept) application for self-exclusion, in the presence of an approved witness. Acceptance into the program is virtually automatic following the self-exclusion process as outlined above. Enrolment does not need to be repeated as exclusion from Crown Casino is for an indefinite period.

How easy is it to revoke participation and breaches of Casino self-exclusion?

A person taking out a Self-Exclusion Order has the right to appeal to the OGR against the issue of the Order (*Casino Control Act 1991*, section 73). The appeal must be made within 28 days after receiving the direction/Order, must be made in writing and must specify the grounds on which it is made.

A self-excluded person may also apply to Crown to have the Order revoked. Crown requires the person's request to be supported by a report from a psychologist, psychiatrist, counsellor, medical practitioner or other suitably qualified professional person who is in a position to advise Crown that the applicant's gambling activities are under control. The self-excluded person is also required by Crown to sign an indemnity as part of the application for revocation process.

Under section 75 of the *Casino Control Act 1991* an individual may request that the self-exclusion order be revoked. A written application is required, stating the grounds/reasons for the request and supporting documentation, as outlined above, is required. A Self-Exclusion Revocation Committee of the Casino operator must consider the request and notice of revocation must be forwarded to the Director of the Casino and Gaming Authority.

Breaches of Casino Self-Exclusion

Under the *Casino Control Act 1991*, section 77, if a person subject to an exclusion order enters or remains in the casino they may be subject to a penalty of up to \$2,000 for a breach of voluntary self-exclusion. We were informed that in the 'early days' the VCGA did prosecute, although the action now consists of the OGR inspector attending, requiring the person to leave the gaming floor, confirming identity, conducting an interview with the person and referring the person to the Responsible Gaming Liaison Officer who will offer support and assistance, including referral to a diversionary program. Apparently breaches of Self-exclusion are not being prosecuted at the present time.

The process employed by Crown Casino is in accordance with section 78 of the *Casino Control Act 1991*. Once a person subject to an exclusion order is identified, an OGR Inspector is notified and attends. The individual is approached by the OGR Government Inspector in attendance. (OGR: Government Inspectors are on duty 24 hours a day). The OGR are required to establish the identity, through an interview and questioning of the patron. The OGR Inspector must then cause the removal of the person from the gaming floor.

This process is necessary to protect the Casino operator and staff employed by Crown. Cause for removal would clearly consist of a current self-exclusion order, a previous ban or exclusion initiated by the Casino for unacceptable behaviour and an inability of the patron to be able to verify their age or identity. A self-excluded patron who crossed the boundary of the gaming floor has clearly committed an offence.

A Responsible Gambling Liaison Officer (RGLO) will then speak with the person and advise of available support and offer assistance.

Staff Training

The Crown Casino has recently established the Crown Customer Support Centre (CCSC) based within the Casino complex, discretely located away from the gaming floor, to provide information, support, assistance, counselling and referral services. This initiative replaces the more limited Crown Assistance Program (CAP) which has been running since the opening of the temporary casino at the World Trade Centre at midnight on 30 June 1994 and which was located off-site.

The CCSC is more than a logical extension of the CAP. The CCSC employs registered psychologists on-site, but more relevant to this study, it is actively involved in implementing and training for the self-exclusion program through courses and induction programs run by Crown's Registered Training College (Crown College). An expert consultative group is able to provide input into the programs for responsible services of gaming including staff training. Some 7,500 staff have completed training.

In regard to Responsible Service of Gaming training, which includes the self-exclusion process, the CCSC facilitates these training sessions for all table games, electronic gaming machines, security and service staff, surveillance and other employees (e.g., loyalty program staff and Host).

Data Management

The data that is collected during the process of self-exclusion includes that which is necessary to satisfactorily carry out future identification and to enforce statutory requirements, including, *inter alia*:

- name;
- address;
- date of birth;
- identification required (e.g., valid drivers licence, passport, etc., and verification of residence); and
- a description of the individual, including photographs.

Data provided by Crown Casino for the self-exclusion program only (approved for release by the OGR) indicates that some 933 patrons undertook self-exclusion in the period 1994 to 2002.

Table 1.2
Self-exclusion: Crown Casino
1996 — September 2002

	Male	Female	Total
Total Number	719	214	933
Currently Active	667	193	860
Revocations	52	21	73

Note: Does not include other forms of exclusion or barring initiated by the Crown Casino.

Males represent 77 per cent of all self-exclusion orders, 77 per cent of those currently active, and contributes to 77 per cent of all recorded breaches. These figures are in contrast with the figures supplied by the AHA (Vic), hotel/club self-exclusion program, where 65 per cent of self-excluded persons are females and 35 per cent are males.¹¹ Both data sets contrast sharply with client numbers registered with Victoria's problem gambling counselling services, where women represent 55.0 per cent of all Gambler's Help clients and 51.4 per cent of the population of Victoria (1996 Census).

The total number of people detected breaching their Self-Exclusion Order was 137 or 15 per cent of the total self-excluded patrons. Based on total number of breaches (437) and persons breaching their Self-Exclusion Order, there was on average 3.2 breaches detected per person. However, only thirty individuals were detected breaching their self-exclusion on more than two occasions. Eight per cent of Self-excluded persons have applied for and been granted revocation of their self-exclusion.

¹¹ Based on population data maintained by the AHA (Vic). Data provided by AHA (Vic).

Table 1.3
Summary of Breach Data

	Male	Female	Total
Total Persons	101	36	137
Total Breaches Detected	339	98	437
Multiple Breaches	19	11	30

Taken together, the data — on the total number of self-exclusions in place, those currently active, the number of breaches detected and the average rate of breaches — tell us very little, except that almost 1,000 persons have voluntarily sought self-exclusion from the Crown Casino.

Australian Capital Territory Self-exclusion

State of Play in the ACT

Gaming machines are permitted in clubs and, to a much lesser extent, hotels in the ACT. In 2000-01 there were:

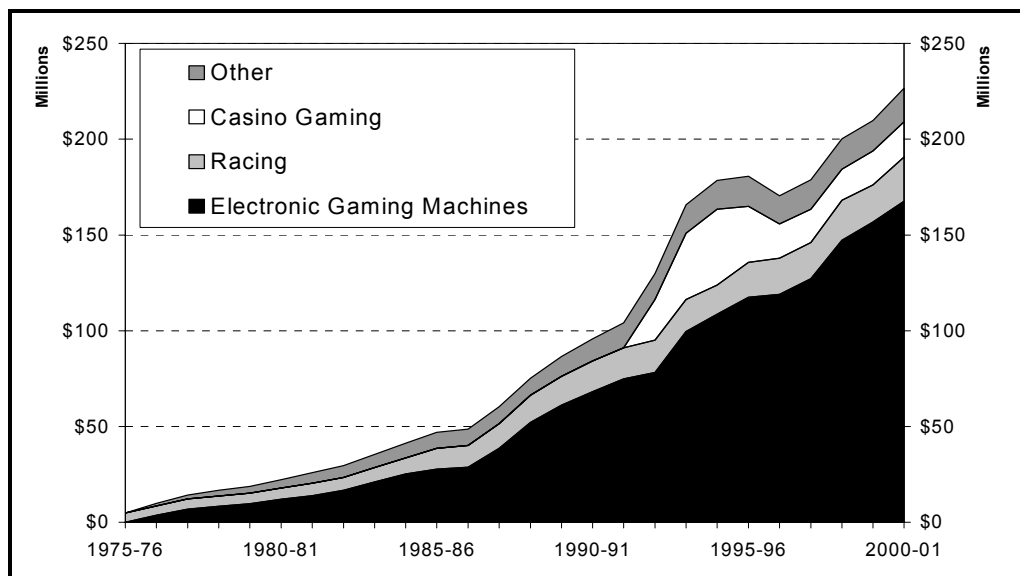
- 4,939 machines in 69 clubs; and
- 60 machines in 6 hotels.

In 2000-01, gamers spent \$168 million on EGM usage in clubs and hotels. To place this in context, this represents on average:

- \$715 spent by each adult in the ACT;
- 2.0 per cent of annual household disposable income; and
- 74 per cent of total gambling expenditure in the ACT.

Much as in New South Wales, the EGM industry in the ACT is mature, with EGMs permitted for the past 25 years, though EGMs have never been permitted in Casino Canberra (no machines are allowed under the Casino Control Act 1988 Section 76). Electronic gaming machine expenditure has grown at an annual average rate of 7.4 per cent in the past five years, the slowest rate in any Australian jurisdiction, from a level of \$118 million in 1995-96.

Figure 1.5
Electronic Gaming Machine and Other Gambling Expenditure – Australian Capital Territory



Source: Tasmanian Gaming Commission (2002).

The ACT Government (ACT Gambling and Racing Commission, ACT Consumer Affairs Bureau), gambling counselling and support agencies (Gambling Crisis and Counselling Service, Lifeline Gambling and Financial Counselling Service) and the ACT gaming industry (Australian Hotels Association (AHA (ACT)), Casino Canberra, Licensed Clubs Association of the ACT (Clubs ACT), ACTTAB) have co-operated to develop a voluntary code of practice for gaming services. The Code is modelled on the Victorian Code of Practice for Responsible Gaming as well as the guidelines for the Responsible Provision

of Gaming Machine Services developed by the Licensed Clubs Association of South Australia and the Australian Hotels Association (SA) (AHA (SA)). All four industry bodies and the Chief Minister of the Australian Capital Territory are signatories to this Code.

The Australian Capital Territory voluntary Industry Code of Practice is divided into three parts:

- The Accord;
- Gaming Industry – Advertising Ethics; and
- Code of Practice.

The Industry Code of Practice addresses the issue of self-exclusion.

Gaming Code of Practice

To promote the concept of responsible gaming the signatories agree:

3.3 Problem Gamblers

1. *To assist patrons to whom gaming presents problems by supporting a venue self-exclusion program, displaying signs and providing brochures, promoting gambling counselling services and directing those patrons to avenues of effective counselling and support.*
2. *To work co-operatively with Lifeline Gambling and Financial Counselling Service, Gambling Crisis and Counselling Services and any other support services.*

The ACT Gambling and Racing Commission is currently developing a mandatory Gambling Code of Practice covering all gambling sectors which will involve:

- the recording of gambling incidents;
- the appointment of a Gambling Contact Officer;
- the availability of a Deed of Exclusion;
- exclusion procedures; and
- a register of excluded people.

ACT Clubs

ClubsACT has also introduced its own Code on Responsible Gambling. The objective of the self-exclusion element is:

“to encourage at risk patrons to take responsibility for their own gaming behaviour through a voluntary process of self-exclusion from a club’s gaming area for a period of time and during that time to seek the assistance and advice of a problem gambling counsellor.”

ClubsACT make available to member clubs relevant information and documentation concerning the self-exclusion scheme and details of support services available for problem gamblers. Clubs are encouraged to publicise and make available information about the self-exclusion scheme. Individual clubs are responsible for the implementation and monitoring of self-exclusion with the support of ClubsACT in the form of guidelines and procedures. Self-exclusion is a voluntary scheme with no direct involvement by any Government agency.

Administration of the Program

As stated earlier, individual clubs are responsible for the design, implementation and monitoring of their own self-exclusion program with some assistance from ClubsACT. Hence the procedure for dealing with a request for self-exclusion may vary across clubs.

However, a process similar to the one outlined below would be used by most ClubsACT members. The following steps are taken:

Patrons who seek self-exclusion from a club are directed by staff to the designated senior manager. If the patron expresses a desire for self-exclusion, the club will provide the patron with (or send the patron) the ‘Self-Exclusion – Guidelines for Patrons’ which set out the self-exclusion procedures for the patron.

The patron may initiate the process, either by completing and signing a ‘Request for Self-Exclusion Interview’ form and returning it to the club or by making direct arrangements with club management for a self-exclusion interview. The patron will then be invited by the club to attend a self-exclusion interview with a representative from the club and with other persons of the patron’s choice. A record of the interview will be kept.

Upon attending the interview, the patron will be provided with the ‘Deed of Self-Exclusion’ and advised of the importance of obtaining legal advice or other advice before signing the Deed. The patron is also provided with a list of the community support services for advice, assistance and/or counselling. If the patron decides not to go ahead with the self-exclusion, the matter is recorded in the Problem Gaming Incident Register.

If the patron decides to self-exclude, they must provide four clear (colour) photographs, sign the Deed and have it witnessed by the manager of the club and an adult who is not an officer of the club. The patron keeps a copy of the Deed and the club keeps a copy which is filed with the patron’s photograph. The club should ensure that the confidentiality of the self-excluded patron is respected at all times and that no

information relating to the self-exclusion is divulged to any person except for the purpose of assisting in the implementation of the self-exclusion or for the purpose of anonymous data collection.

Self-exclusion by the patron is entirely voluntary and involves the patron in an exercise of self denial where he/she undertakes for the period of self-exclusion to:

- consider him/herself as an excluded person;
- not withdraw or revoke the undertakings, authorities, release, covenant and/or indemnity contained in the Deed of Self-Exclusion;
- not enter the gaming areas and not use the gaming machines at the club;
- immediately leave the gaming areas and stop using gaming machines at the club upon the request of the club; and
- seek and continue to seek the assistance and advice of a problem gambling counsellor.

If the self-excluded patron breaches any undertaking during the period of the self-exclusion, the patron authorises the club to take such action as is necessary, including the use of reasonable force, to prevent the breach.

Self-exclusion will normally remain in force for a minimum of six months (although this could be as short as three months) and will continue to operate until it is revoked by the patron.

The self-exclusion process does not involve the club in any legal responsibilities and is designed to release and indemnify the club from legal action in respect of the self-exclusion process. However, clubs need to ensure the confidentiality of records relating to the self-excluded patron.

Also, as remarked previously, self-exclusion is club-specific and a patron will need to undertake the process with each club that he/she wishes to be self-excluded from. However, in cases where a club has more than one venue, the patron will only need to complete one 'Deed of Self-Exclusion' and will only need to supply sufficient photographs to facilitate identification at each venue.

Revocation of Self-Exclusion

Self-exclusion will continue in force until it is revoked by the patron by:

- arranging (through the club) and attending a revocation interview;
- producing written evidence that he/she has received counselling from a qualified problem gambling counsellor in respect of the revocation of self-exclusion; and
- signing a 'Notice of Revocation of Self-Exclusion'.

When the patron provides the club with a signed 'Notice of Revocation of Self-Exclusion', the patron's photograph and name are removed and staff are instructed that the patron may re-enter gaming areas and use gaming machines.

Staff Training

Currently, many clubs put their staff through training conducted by accredited responsible gambling service providers such as Club Managers Association, ClubsNSW and more recently Lifeline. However, there are currently no legislated requirements for staff to undertake training in this area.

Staff training is a further area that will be considered with the new mandatory Code of Practice.

Data Management

Individual venues maintain records of participants on the program and gambling incidents. Once again, this is club specific and there is no central monitoring system. There is therefore, no data on the total number of self-excluded patrons, no central system of monitoring breaches of the Deed and no data to assess the effectiveness of the program, including no data on patrons who seek external assistance for gambling and related problems.

Casino Canberra

Section 70B of the *Casino Control Act 1988* makes provisions for a gambler or another person with 'a sufficiently close relationship to the affected person' to apply for exclusion from the Casino.

Under section 102 of the *Interactive Gambling Act 1998*, applications may be made for an order prohibiting an ACT resident from engaging in interactive gambling activities.

The relevant legislation is reproduced below.

Relevant Legislation – *Casino Control Act 1988* and *Interactive Gambling Act 1998*

Casino Control Act 1988

Division 7.3 Exclusion of persons from casino

64 Excluded persons

In this Act:

excluded person means –

- (a) a person excluded from entering or remaining in the casino under section 69 or 70A; or
- (b) a person –
 - (i) whom the casino licensee or the person for the time being in charge of the casino reasonably believes to be a person mentioned in paragraph (a); and
 - (ii) who has been notified of that belief orally or in writing.

70A Notification of exclusion by commissioner of police or commission

- (1) The commissioner of police or the commission may, by written notice to the casino licensee, exclude a specified person (**the subject**) from entering or remaining in the casino indefinitely or for the period specified.
- (2) The person who gives or revokes a notice under subsection (1) must make reasonable efforts to inform the subject of the effect of the notice or revocation.
- (3) The person who gives a notice under subsection (1) –
 - (a) must make available to the casino licensee a recent photograph of the subject; or
 - (b) if it is not practicable to comply with paragraph (a) – must provide the casino licensee with a description of the subject that is sufficient to enable the casino licensee to identify the person readily.

70B Requests for exclusion

- (1) This section applies if a person wishes to apply to the commission to exclude, under section 70A –
 - (a) the applicant; or
 - (b) another person (**the affected person**);
 from entering or remaining in the casino.
- (2) The applicant may apply, in writing, to the commission for the exclusion.

Note 1: A fee may be determined under s 132 (Determination of fees) for an application.

Note 2: *If a form is approved under the Gambling and Racing Control Act 1999, s 53D (Approved forms) for an application, the form must be used.*

- (3) *The commission may, on application by the applicant, waive any fee payable to the commission in relation to the application.*
- (4) *If the application relates to an affected person, the commission must not take account of the application unless –*
 - (a) *the commission is satisfied that the applicant has a sufficiently close relationship to the affected person to make the request; and*
 - (b) *the affected person has been given an opportunity to object to the notice; and*
 - (c) *the commission is satisfied that it would be in the best interests of the affected person to issue the notice.*
- (5) *If the commission excludes a person because of an application under this section, the notice to the casino licensee must state that reason.*
- (6) *This section does not affect the power of the commission to exclude a person under section 70A without an application under this section or on other grounds than an application under this section.*

70C Requests for revocation of exclusion

- (1) *This section applies if an excluded person who was excluded by the commission by a notice under section 70A wishes to apply for the commission to revoke the notice.*
- (2) *The person may apply in writing to the commission for revocation of the notice.*

Note 1: *A fee may be determined under s 132 (Determination of fees) for this subsection.*

Note 2: *If a form is approved under the Gambling and Racing Control Act 1999, s 53D (Approved forms) for an application, the form must be used.*

- (3) *The commission may, on application by the applicant, waive any fee payable to the commission in relation to the application.*

70D Casino licensee must exclude excluded persons

- (1) *The casino licensee must not, without reasonable excuse, permit an excluded person to enter or remain in the casino.*
– *Maximum penalty: 50 penalty units.*
- (2) *It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that the defendant believed on reasonable grounds that the person who entered or remained in the casino was not the excluded person.*

70E Excluded person must not enter casino

An excluded person must not enter or remain in the casino.

– *Maximum penalty: 20 penalty units.*

70F Enforcement

- (1) *A person who is –*
 - (a) *a police officer; or*
 - (b) *an agent or employee of the casino licensee;**may, with the assistance that is necessary and reasonable and using the force that is necessary and reasonable –*
 - (c) *prevent an excluded person from entering the casino; or*
 - (d) *remove an excluded person promptly from the casino.*
- (2) *A person must not, without reasonable excuse, obstruct or hinder a person who is exercising the power given by subsection (1).*

– Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

70G Record of persons excluded from casino

- (1) The casino licensee must maintain a current record of persons excluded from the casino under section 69 or 70A.

– Maximum penalty: 50 penalty units.
- (2) The record must show which of the following applies to each person:
 - (a) the person was excluded under section 69 because section 70 applied to the person;
 - (b) the person was excluded under section 69, but section 70 did not apply to the person;
 - (c) the person was excluded by the commissioner of police under section 70A;
 - (d) the person was excluded by the commission under section 70A because of an application under section 70B;
 - (e) the person was excluded by the commission under section 70A, but not because of an application under section 70B.
- (3) The record must show for each person the time for which the person is excluded.
- (4) The casino licensee must inform the commission whenever the record changes, and must supply a copy to the commission on request.

– Maximum penalty: 50 penalty units.

Interactive Gambling Act 1998

102 Prohibition of interactive gambling

- (1) Application may be made to the commission for an order –
 - (a) prohibiting a person who is resident in the ACT from participating in authorised games; or
 - (b) revoking an order under paragraph (a).
- Note 1 A fee may be determined under s 145 (Determination of fees) for an application under this section. See also s 102 (9).
- Note 2 If a form is approved under the Control Act, s 53D (Approved forms) for an application under this section, the form must be used.
- (2) An application under this section may only be made by –
 - (a) a person who seeks a prohibition, or the revocation of a prohibition, against himself or herself; or
 - (b) a person who satisfies the commission of a close personal interest in the welfare of the person against whom a prohibition is sought.
 - (3) If the application is made by a person other than the person against whom the prohibition is sought or has been imposed (**the affected person**), the commission shall –
 - (a) give to the affected person written notice of the application and the reasons for it; and
 - (b) invite the affected person to make representations to the commission about the application within a reasonable period stated in the notice.
 - (4) The commission shall, after considering any representations from the applicant, and if the applicant is not the affected person, the affected person –
 - (a) if satisfied that the order sought in the application should be made in the interest of the affected person and the public interest – make the order; or
 - (b) if not so satisfied – refuse to make the order.

- (5) *Subject to section 142, the commission shall, as soon as practicable after making a decision under subsection (4), give written notice of the decision and the reasons for the decision to the applicant and, if the affected person is not the applicant, the affected person.*
- (6) *If an order is made on the application, the commission shall give copies of the order to –*
- (a) *all authorised providers; and*
 - (b) *all participating regulators.*
- (7) *An authorised provider to whom a copy of an order imposing a prohibition has been given shall not accept a wager from a person, or allow a person to participate in any other way in an authorised game, contrary to the prohibition.*
- Maximum penalty: 200 penalty units.*
- (8) *It is a defence to a prosecution for an offence against subsection (7) if the defendant believed on reasonable grounds that the person who participated in the authorised game was not the person subject to the prohibition.*
- (9) *The commission may, on application in writing by an applicant for an order under subsection (1), waive any fee payable for the application for the order.*

Administration of the Program

Casino Canberra is the only casino operating in the ACT and section 76 of the *Casino Control Act 1988* prohibits the installation or use of gaming machines in the casino. Therefore, there are no gaming machines in Casino Canberra.

However, currently in the ACT, the only self-exclusion programs regulated by legislation relate to Casino Canberra and interactive gambling licence holders. The management of these self-exclusion programs is the responsibility of the Gambling and Racing Commission (by virtue of section 70B of the *Casino Control Act 1988* and section 102 of the *Interactive Gambling Act 1998*).

As is evident from the legislation, penalties may apply to licensees and self-excluded patrons who do not comply with the requirements of the exclusion.

Neither the *Casino Control Act 1988* nor the *Interactive Gambling Act 1998* provide for a minimum or a maximum period of self-exclusion.

Revocation of Self-Exclusion

Section 70C of the *Casino Control Act 1988* outlines the requirements to request revocation of an exclusion order. To revoke an exclusion order from Casino Canberra, the person must apply in writing to the Gambling and Racing Commission who will consider the application.

Staff Training

Currently, no gambling provider in the ACT is required to maintain procedures or provide training to staff in relation to self-exclusion. As stated earlier, this may change with the introduction of the proposed *Gambling and Racing Control (Code of Practice) Regulation 2002*. It is proposed that all staff involved in providing or supervising gambling services be required to undertake an approved training program.

Data Management

The Gambling and Racing Commission currently maintains a record of those people that have been self-excluded by virtue of legislation.

As of 30 June 2002, 92 people were self-excluded from Casino Canberra. Of these, 66 were permanent self-exclusions and 26 were time based. In the year to 30 June 2002, 21 time based (non-permanent) self-exclusions expired.¹²

¹² ACT Gambling and Racing Commission, Annual Report 2001-2002.

New South Wales

Self-exclusion

State of Play in New South Wales

Gaming machines are permitted in clubs, hotels and casinos in New South Wales. In 2000/01 there were:

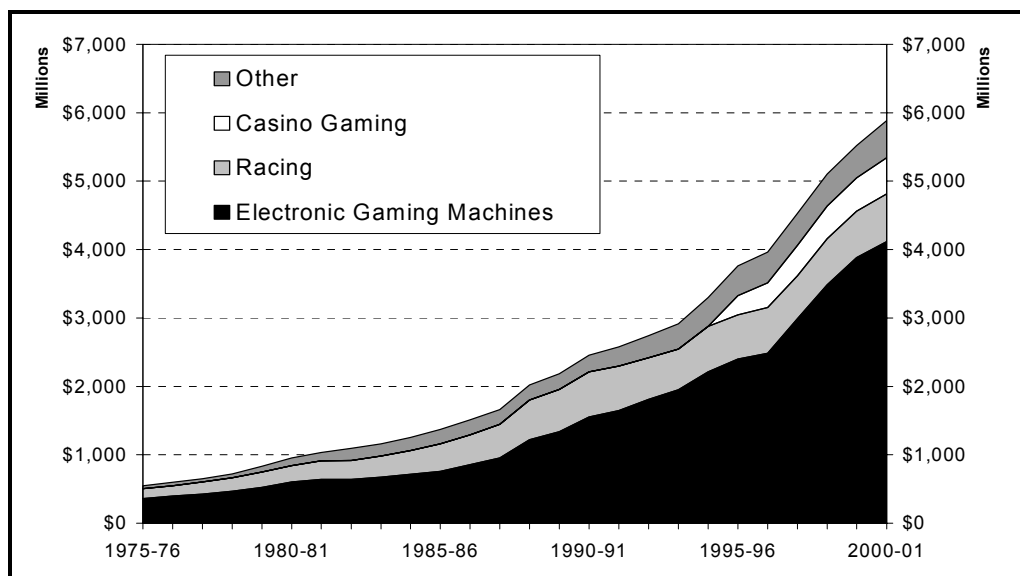
- 74,710 machines in 1,391 clubs;
- 25,452 machines in 1,834 hotels; and
- 1,500 machines in the Star City Casino, Sydney.

In 2000-01, gamers spent \$4,119 million on EGM usage in clubs and hotels. To place this in context, this represents on average:

- \$838 spent by each adult in New South Wales;
- 2.7 per cent of annual household disposable income; and
- 70 per cent of total gambling expenditure in New South Wales.

The EGM industry (ignoring casinos) has experienced strong growth despite being mature (EGMs were first legalised in New South Wales in 1956) and in the face of competition from casino gaming and newer forms of gambling, such as keno and sportsbetting. Electronic gaming machine expenditure has grown at an average annual rate of 11.4 per cent over the past five years from a level of \$2,397 million in 1995-96.

Figure 1.6
Electronic Gaming Machine and Other Gambling Expenditure – New South Wales



Source: Tasmanian Gaming Commission (2002).

New South Wales Clubs/Hotels

The *Gaming Machines Act 1991* and *Gaming Machines Regulations 2002* require hotels and clubs in NSW to provide self-exclusion schemes for patrons. By virtue of section 47(1) of the *Gaming Machines Regulations 2002*, this requirement came into force on 2 October 2002.

Also, section 51 of the *Gaming Machines Regulations 2002* requires that all hoteliers, clubs secretaries and employees associated with gaming machine activities have undergone training in responsible practices in relation to gaming machines in a hotel or registered club.

The relevant legislation is presented here.

Relevant Legislation – *Gaming Machines Act 1991* and *Gaming Machine Regulations 2002*

Self-Exclusion Program

Gaming Machines Act 1991

49 Self-exclusion of patrons from hotels and clubs

(1) *In this section:*

self-exclusion scheme means a scheme:

- (a) *in which a person (**the participant**) is prevented, at his or her own request, from entering or remaining on any area of a hotel or registered club that is nominated by the participant (**the nominated area**), and*
- (b) *that is established and conducted in accordance with this section and the requirements prescribed by the regulations for the purposes of this section.*

responsible person means:

- (a) *in the case of hotel – any of the following:*
 - (i) *the hotelier,*
 - (ii) *the manager of the hotel,*
 - (iii) *an agent or employee of the hotelier or manager,*
 - (iv) *any other person involved in the conduct of gambling activities in the hotel, or*
- (b) *in the case of a registered club – any of the following:*
 - (i) *the secretary of the club,*
 - (ii) *a director of the club,*
 - (iii) *an agent or employee of the club,*
 - (iv) *any other person involved in the conduct of gambling activities in the club.*

(2) *For the purposes of this section, the nominated area of the hotel or registered club concerned may comprise the entire hotel or club.*

(3) *A hotelier or registered club is required to enter into an arrangement, with a person or body approved by the Minister, in relation to the establishment and conduct of self-exclusion schemes in the hotel or club.*

- (4) *It is lawful for a responsible person for a hotel or registered club, using no more force than is reasonable in the circumstances:*
- (a) *to prevent a participant from entering the nominated area of the hotel or club, and*
 - (b) *to remove a participant from the nominated area or cause a participant to be removed from that area.*
- (5) *No civil or criminal liability is incurred by a responsible person for a hotel or registered club (or by the registered club itself):*
- (a) *for any act done or omitted to be done in good faith, and in accordance with this section and the regulations, to or in respect of a participant, or*
 - (b) *if a participant enters or remains in the nominated area of the hotel or club.*

Gaming Machines Regulation 2002

47 *Self-exclusion schemes*

- (1) *Section 49 (3) of the Act does not apply to a hotelier or registered club until 2 October 2002.*
- (2) *For the purposes of section 49 of the Act, the prescribed requirements for the conduct of a self-exclusion scheme are that the scheme makes provision for the following:*
- (a) *preventing the hotelier or registered club, or an employee of the hotelier or club, from refusing a participant's request to participate in the scheme,*
 - (b) *requiring the participant to give a written and signed undertaking that he or she will not gamble in the hotel or club for a period specified in the undertaking (such undertaking may be in a standard form as approved by the Director-General from time to time),*
 - (c) *requiring the participant to be given an opportunity to seek independent legal or other professional advice at his or her own expense as to the meaning and effect of the undertaking before it is given,*
 - (d) *requiring a participant who enters into an undertaking to be provided by the hotelier or club (or an employee of the hotelier or club) with written information outlining the name and contact details of the problem gambling counselling service referred to in clause 46 (3),*
 - (e) *requiring the hotelier or club to ensure that responsible persons for the hotel or the club can readily identify the participant, whether by means of access to a recent photograph of the participant or otherwise,*
 - (f) *requiring the hotelier or club:*
 - (i) *to publicise the availability of the scheme and information as to how it operates to the patrons of the hotel or club, and*
 - (ii) *to make available, on request by any patron of the hotel or club, the standard self-exclusion form (if any) referred to in paragraph (b),*
 - (g) *preventing a participant from withdrawing from the scheme within 3 months after requesting participation in the scheme.*
- (3) *The requirements prescribed by this clause constitute the minimum requirements for a self-exclusion scheme.*
- (4) *In this clause:*
- participant** *means a person who has requested that he or she be prevented from entering or remaining on any area of a hotel or registered club that is nominated by the person.*

Staff Training

Gaming Machines Act 1991

47 *Responsible conduct in relation to gaming machines*

- (1) *The regulations may make provision for or with respect to requiring or encouraging the adoption of responsible gambling practices in relation to approved gaming machines in hotels and registered clubs.*
- (2) *In particular, the regulations may make provisions for or with respect to the following:*
 - (c) *requiring:*
 - (i) *the secretary of a registered club or other person engaged or proposing to be engaged in the administration of the club or in the management of approved gaming machines in the club, or*
 - (ii) *a hotelier or the manager of a hotel, or any person engaged or proposing to be engaged in the administration of a hotel or in the management of approved gaming machines in the hotel*

to undergo courses of training that will promote responsible practices in relation to approved gaming machines in a hotel or registered club.

Gaming Machines Regulation 2002

51 *Training of hoteliers, club secretaries and employees associated with gaming machine activities*

- (1) *The Board is to refuse any application by a hotelier or registered club under section 57 of the Act:*
 - (a) *to keep an approved gaming machine, or*
 - (b) *to vary an existing authorisation to keep an approved gaming machine,*

unless the Board is satisfied that the hotelier or the secretary of the club has satisfactorily completed the approved training course.
- (2) *If a hotelier keeps any approved gaming machines, the hotelier is guilty of an offence unless the hotelier has satisfactorily completed the approved training course.*

– Maximum penalty: 50 penalty units.
- (3) *If a registered club keeps any approved gaming machines, the club and the secretary of the club are each guilty of an offence unless the secretary has satisfactorily completed the approved training course.*

– Maximum penalty: 50 penalty units.
- (4) *A hotelier or registered club must not employ, or continue to employ, a person whose duties are concerned in the conduct of activities involving approved gaming machines in the hotel or club unless the person has satisfactorily completed the approved training course.*

– Maximum penalty: 50 penalty units.
- (5) *In a provision of this clause, **approved training course** means a course of training approved by the Board for the purposes of the provision concerned and conducted by a training provider approved by the Board under clause 52.*
- (6) *The Board may, for the purposes of a provision of this clause, approve any course of training that the Board considers will promote responsible practices in the conduct of activities involving approved gaming machines in hotels and registered clubs.*

52 *Approval of training providers*

- (1) *A registered provider may apply to the Board to be approved as a training provider for the purposes of clause 51.*
- (2) *The Board may, after considering an application for approval:*
 - (a) *grant the application, or*
 - (b) *refuse the application.*
- (3) *The Board may impose conditions on an approval.*
- (4) *In addition to any conditions imposed by the Board on an approval, it is a condition of an approval that any person conducting the approved training course under the approval must:*
 - (a) *hold a Certificate IV in Assessment and Workplace Training awarded by a registered provider, or have such other qualification as the Board considers to be equivalent, and*
 - (b) *have at least 3 years experience as the holder of a managerial or supervisory position in a hotel or registered club (being a position with duties in relation to the conduct of gaming machine activities), or have such other experience as the Board considers to be equivalent, and*
 - (c) *have attended a seminar, conducted by or on behalf of the Board, on the appropriate delivery of the course.*
- (5) *If the Board grants an approval, it must issue the applicant with a written approval that sets out any conditions to which the approval is subject.*

New South Wales Hotels (GameChange)

The Australian Hotels Association (New South Wales) (AHA (NSW)) has developed and implemented a self-exclusion program for its members to utilise at their venues.

As of 2 October 2002, it became a legal requirement for all hotels and clubs to enter into an arrangement with a person or body approved by the Minister, to establish and conduct a self-exclusion scheme to allow patrons to exclude themselves from nominated areas of a venue or from the entire venue.

The minimum requirements for the conduct of a self-exclusion scheme are:

- preventing the venue from refusing a participant's request,
- requiring the participant to give a written and signed undertaking that the person will not gamble at the venue for a period specified in the undertaking,
- requiring the participant to be given an opportunity to seek legal or other professional advice, at their own expense, as to the meaning of the undertaking,
- requiring the participant who enters an undertaking to be provided with written information on the name and contact details of a problem gambling counselling service made available to patrons,
- requiring that the venue ensure that venue managers and other responsible persons can readily identify the patron,
- requiring the venue to publicise the availability of the scheme, and information on how it operates, to patrons, and
- preventing a participant from withdrawing from the scheme within three months after requesting participation in the scheme.

Administration of the Program

For gamblers wishing to self-exclude from a gaming venue at a licensed hotel in New South Wales, the process takes place in a number of steps as follows:

A patron may take steps to become a self-excluded person by:

- contacting the GameChange Self-Exclusion Hotline;
- contacting the AHA (NSW) directly and making an appointment;
- speaking with their Problem Gambling Counsellor who may contact the AHA (NSW) on the patron's behalf; or
- approaching the Hotel Licensee or any staff member at the hotel for information about the program operated by the AHA (NSW). Information cards are featured on the sides of most hotel gaming machines, and the patron can privately take a card and then contact the GameChange Self-Exclusion Hotline.

A patron who contacts the GameChange Self-Exclusion Hotline will be sent an information kit providing details of the self-exclusion and counselling services available.

Once familiar with the program, the patron will arrange an interview with the AHA (NSW). When arranging the interview time, the patron will be asked to nominate by name the venue(s) that he/she wishes to exclude him/herself from. Alternatively the patron may nominate the districts where he/she lives and/or works. The patron will also be asked which venue(s), if any, have provided the patron with membership cards, in order that the patron can be removed from those venues' mailing lists.

The interview takes approximately 40 minutes and is conducted at the offices of the AHA (NSW) in Quay Street, Sydney. Patrons living outside the metropolitan area can attend an interview with a solicitor convenient to where they live, arranged and paid for by the AHA (NSW).

The patron may request other people to attend the interview as support.

At the interview the AHA (NSW) Gaming Counsellor or a representative solicitor will go through the Deed, clause by clause, and explain to the patron exactly what the Deed entails, its ramifications, and answer any queries the patron may have.

At the end of the interview, the patron is asked if he/she wants to be self-excluded, and is then invited to sign the Deed. This will be witnessed by the facilitator of the meeting.

Once the Deed is executed, passport photographs of the patron will be taken and distributed along with a copy of the signed Deed of Self-Exclusion to each of the hotels that the patron has nominated (digital photos are now used for patrons in the metropolitan area). For patrons attending an interview with a solicitor outside the Sydney metropolitan area, the patron must visit a local passport photo provider prior to the interview and have a set of passport photos taken. The expense of this is met by the AHA (NSW). The photos ensure that staff at the hotel are familiar with the appearance of the patron and all steps are taken to protect the patrons confidentiality. These are sent to venues and are accompanied by a letter of confirmation advising the Licensee of the period of self-exclusion and what steps are necessary to uphold the exclusion. The patron keeps one signed original Deed of Self-exclusion as a record of their self-ban.

The length of self-exclusion is able to be chosen by the patron with a minimum time of 12 months and a maximum of 36 months.

Any patron may request to be self-excluded and there is no cost to participate in the program.

Breach of Self-Exclusion

A self-excluded person cannot play the gaming machines at the venue(s) which he/she has nominated to be self-excluded from. Furthermore, the self-excluded person is not permitted to enter the restricted gaming area for any reason or purpose.

However, the patron is permitted to go to the venue(s) from which he/she is self-excluded for the purpose of enjoying a meal, drink, pool or entertainment, in any other area apart from the restricted gaming room.

If the patron does enter the restricted gaming room or use gaming machines at the venue, the patron can be approached by a staff member who will remind them of their undertakings and ask them to leave the restricted gaming room and/or the venue.

If the patron refuses to leave the restricted gaming room, reasonable force may be used to remove the patron.

Re-enrolment in the Program

Shortly before self-exclusion expires, the AHA (NSW) contacts clients advising them of the approaching expiry and establishing whether the client wishes to extend their self-ban or allow it to expire.

Those patrons requiring further time attend a new self-exclusion meeting.

In the event that the patron no longer needs/wants self-exclusion, the hotels are advised by mail that the patron is no longer a self-excluded person and they are instructed to destroy all photographs and other evidence so there is nothing to suggest the client was ever a self-excluded problem gambler.

Revocation of Self-Exclusion

If a self-excluded person wishes to revoke the Deed prematurely, they must first attend another interview with the program administrator at the AHA (NSW). The self-excluded person must provide a letter from a qualified problem gambling counsellor which reflects that professional's satisfaction that in his/her opinion, the self-excluded person is not a threat to him/herself financially or otherwise.

Staff Training

It is now a legislative requirement that all people working in gaming areas of hotels and registered clubs complete an approved course in order to continue employment. Prospective employees must complete the Responsible Conduct of Gambling (RCG) course prior to the commencement of working in gaming areas.

The *Gaming Machines Regulation 2002* requires all secretaries of registered clubs with gaming machines, all hoteliers with gaming machines, and employees of registered clubs and hotels whose duties are concerned in the conduct of gaming machine activities to undertake a RCG course.

Requirements of the new legislation included that:

- the Liquor Administration Board was to approve a course to meet the mandatory training requirements;
- hoteliers and secretary managers must have completed the course by 1 January 2002 (however, from 1 January 2001, the course must have been completed to enable the Board to consider any gaming machine applications made by a hotelier or secretary manager);
- existing staff must have completed the course by the end of 2001; and
- from 1 January 2001, it became a statutory condition for new hoteliers, secretary managers and gaming related staff to have completed the course.

TAFE (NSW) was commissioned to develop the RCG course by the Casino Community Benefit Fund and the course has been approved for hotel and registered club personnel by the Liquor Administration Board.

The RCG course is a one day intensive course (minimum six hour program) with a Certificate of Attainment issued on completion of the course.

The RCG course provides information about:

- the NSW machine gambling industry;
- the indicators and impacts of problem gambling;
- the gambling harm minimisation framework;
- strategies for implementing responsible gambling practices; and
- the benefits of implementing responsible gambling practices.

The courses are available statewide from Registered Training Organisations approved by the Board. Currently, there are over twenty course providers including TAFE (NSW) and AHA (NSW).

The AHA (NSW) course, for example, while covering all the areas indicated above, also includes information about:

- industry codes of conduct;
- minors in hotels and registered clubs;
- hotel gaming room requirements;
- requirements relating to display of gaming-related advertising material;
- counselling, treatment and associated services for problem gambling; and
- the AHA (NSW) Self-Exclusion Scheme.

Courses are conducted by this provider every Monday and Wednesday, 9.30am–4.30pm at the AHA (NSW), Quay Street, Sydney. Cost is \$75 for Association Members and \$105 for Non-Members.

Data Management

The AHA (NSW) keeps contact names, addresses and phone numbers for each of the participants in the GameChange program. This information is soon to be given to Macquarie University and, during the next three years, most participants will be surveyed to obtain information about breaches, counselling history etc..

Since its inception in November 2001, 505 people have self-excluded from hotel gaming areas.

New South Wales Clubs (ClubSafe)

ClubsNSW also runs a responsible gaming program for its member clubs (ClubSafe).

As previously mentioned, on 2 October 2002, legislation took effect that requires all clubs and hotels in NSW to conduct a self-exclusion scheme for patrons. Practices within the ClubSafe program have been approved as being sufficient to satisfy these legislative requirements.

New South Wales Clubs (BetSafe)

BetSafe is an initiative of the BetSafe Group (a coalition of 42 registered clubs in NSW and the ACT). The BetSafe program of responsible conduct of gambling is a program devised and implemented in consultation with responsible gambling experts Paul Symond Consultancy. BetSafe aims to cultivate an environment providing options for people to acknowledge their problems before they reach crisis point, i.e., to create a safety net approach.

BetSafe was officially launched by the Minister for Gaming and Racing at Western Suburbs Leagues Club, Newcastle, on 10 December 1998 and was the first Responsible Service of Gambling program to be put in place in any gambling venue or outlet in NSW with the exception of Star City Casino.

Administration of the Program

BetSafe clubs provide a self-exclusion service for patrons who have gambling problems and want assistance. Self-exclusion is a voluntary process that requires the patron to complete an application form and provide suitable identification.

Complete self-ban from a venue

As part of their commitment to the responsible service of gambling, BetSafe clubs provide a self-exclusion service for patrons who have a gambling problem and want assistance.

Self-exclusion is a voluntary process. Patrons are able to self-exclude from a venue by approaching staff at the venue and completing an application form (providing suitable identification). This is forwarded on to Paul Symond Consultancy for follow-up.

Following exclusion, there is a constant follow-up process in place to assist the problem gambler:

- When BetSafe receive the exclusion documents, they immediately contact the patron by telephone with the intention of inviting them in for counselling. The only time that they will not contact someone is if the client has specifically requested that they do not want to be contacted.
- Following the phone call, free and confidential counselling is provided. A number of options are presented to the client such as attending regular meetings of Gamblers Anonymous in addition to counselling. Other practical matters that may be suggested include having someone else hold their money, or destroying any credit and flexi-cards.
- Counselling is an ongoing process for some clients.

Following expiry of the minimum exclusion period (six months), the self-excluded patron is not automatically allowed re-entry to the venue. Their exclusion from the club does not cease until the club has agreed to end the exclusion period. The process for applying for re-entry to the venue is outlined in a later section (Revocation of Self-exclusion).

Partial self-ban from a venue

Occasionally when seeking help from a staff member, a patron may ask for a partial exclusion (partial self-ban) from the gaming area, rather than a full exclusion from the club. There could be a number of reasons for this: wanting to socialise with friends etc..

The BetSafe program discourages partial exclusions since it maintains that this type of exclusion rarely works and that the temptation to play the gaming machines can be overwhelming for a problem gambler, especially on seeing or hearing them.

The program also aims to minimise the pressure placed on gaming and other staff. Partial exclusion would require staff to act in a 'policing' role closely monitoring the gaming area, ever vigilant in case the excluded patron tries to sneak in.

Self-ban from multiple venues

Although the standard procedure is for a patron of a BetSafe venue to exclude themselves from that venue only, BetSafe allows an individual to self-exclude from multiple venues if they feel that this would be beneficial. Each club in the BetSafe group has the ability to assist patrons who wish to be self-excluded from more than one club (hence preventing the need for the patron to go to a number of different venues to exclude in person).

The Application for Voluntary Exclusion – Multiple Clubs form provides for an individual who self-excludes from one club to also self-exclude from other clubs. By signing the Application for Voluntary Exclusion – Multiple Clubs the individual waives the requirement that the club keep the information confidential so far as other clubs are concerned. The form authorises the club to notify those clubs that are specifically nominated by the individual and is a request for those clubs to add the individual's details to their exclusion register.

However, a club that receives a copy of the BetSafe Application for Voluntary Exclusion – Multiple Clubs and associated information from another club is not obliged to accept the application. They can insist that the individual present themselves in person at the venue. If the club does decide to add the individual to its exclusion register, then the club should notify the individual of the fact that the request has been received and accepted, and that the individual is now also excluded from the club.

Involuntary exclusion

For those patrons whose gambling is causing them harm but refuse to self-exclude, BetSafe has developed an involuntary exclusion process for clubs to use. This can proceed in two different ways.

Firstly, patrons who disclose that they have a gambling problem but refuse to sign a self-exclusion agreement will be subject to an involuntary exclusion order issued by the venue for a period of six months.

Secondly, where third parties such as family members can establish that the family is suffering harm as a result of a patron's gambling, the venue will impose an involuntary exclusion order.

Revocation of Self-exclusion

Once the self-exclusion period has commenced, the patron cannot apply to have it revoked for six months. That ensures that the patron has ample time to seek counselling or other treatment for his/her gambling problem.

However, at the end of the six month period, the patron may have successfully dealt with their gambling problem. The patron may wish to have the self-exclusion revoked for a number of legitimate reasons including:

- controlled gambling;
- use of other club facilities;
- attend club with family and friends;
- avoid any embarrassment from people becoming aware of their gambling problem; or
- the patron's gambling problem is now under control.

BetSafe has developed a process to enable clubs to screen applicants who wish to have their self-exclusion revoked.

When an individual approaches the club and asks about ending the self-exclusion period, he/she will be given the following forms:

- Application to End Exclusion; and
- Letter of Support.

The individual will be advised:

- to contact Paul Symond Consultancy to arrange for an assessment, as the club will require a letter recommending re-admission from the consultancy before considering the application;
- that the Letter of Support is required to be completed by at least 2 referees such as a gambling counsellor, doctor, spouse or close friend;
- that the consultancy will need to contact all referees who provide a Letter of Support; and
- that no fee is payable for the re-admission.

When contacted by the individual, the consultancy will provide an explanation of the procedure and arrange for a counselling session. The consultancy will take other steps to check the application, which may involve contacting the referee who has been asked to provide the Letter of Support. This is to ensure that the referee is a genuine and responsible support person who can vouch for the individual.

The Letter of Support is required to be made by a person who knows the individual well, such as a counsellor, doctor, spouse or close friend. This provides confirmation of the consultancy's assessment.

If the consultancy considers that an individual's gambling problem is not adequately managed, the consultancy will recommend that the club not re-admit the individual. The individual will be able to apply again after a further period.

If the consultancy recommends re-admission, it may be subject to a requirement that the individual attend counselling as required during the following year. If the individual does not attend counselling, or does not appear to have overcome the gambling problem, (i.e., based on assessment by the counsellor) then the consultancy may recommend that the club make an exclusion order against the individual.

Upon receipt of the letter from Paul Symond Consultancy recommending re-admission, the club should check whether there are any other reasons why it should not re-admit the individual (e.g., previous bad behaviour) and if there are none, proceed to re-admit the individual. Where necessary, the individual may need to renew their membership.

When an individual approaches the consultancy directly for readmission the consultancy will provide the appropriate forms and make a recommendation regarding readmission to the club. Until the club receives a recommendation from the consultancy, it should not allow the excluded individual to re-enter the premises.

Staff Training

BetSafe provides training for all staff members in BetSafe clubs. There are currently seven BetSafe training courses available. A short overview of each is presented here.

1) Responsible Conduct of Gaming

This course is mandatory for all secretaries of registered clubs and hotels with gaming machines, as well as employees whose duties are directly concerned with the conduct of gaming machine activities. These will include poker machine attendants, cashiers, duty managers and supervisors.

This is a 6-6.5 hour course that covers the following issues:

- the context of gambling in NSW;
- the indicators and impacts of problem gambling;
- the legislative framework for responsible conduct of gambling;
- implementation of responsible conduct of gambling strategies; and
- the benefits of implementing responsible conduct of gambling practices.

This course only needs to be completed once by each staff member.

2) Problem Gambling Awareness

This course has been developed for all non-gaming staff including catering and cleaning staff, office and clerical and all back of house staff.

It provides an outline of the issue and the size of the problem, as well as providing information on how to assist people through the BetSafe program. The course is structured using the following five topic areas:

- the main indicators and characteristics of problem gambling;
- the scope of problem gambling in Australia;
- the range of treatments and services available to assist problem gamblers through the BetSafe program;
- appropriate methods of assisting problem gamblers and their families; and
- the range of options and procedures for excluding (barring) problem gamblers.

3) Problem Gambling Awareness Refresher

This is a refresher course based on the Problem Gambling Awareness course. This course provides an opportunity for staff members to raise any gambling-related questions or issues, and for any new developments within the industry to be discussed.

This course should be completed one year after the original and once per year thereafter.

4) Intervention Training Course

For all gaming staff, this is a course that provides practical strategies on how to deal with and assist problem gamblers who may approach staff members seeking help.

It covers:

- Self-exclusion procedures.
- Involuntary exclusion.
- Third Party Complaints.
- Re-entry procedures.
- Suicide intervention and prevention.
- Different scenarios in relation to approaches by problem gamblers.

5) Intervention Training Refresher

The refresher course provides opportunities for staff members to refine skills learnt in the original course and covers any new legislation issues as well as new BetSafe policies and procedures.

This course should be completed one year after the original and annually thereafter.

6) Staff Gambling Course

A course developed as a direct result of the 2000/2001 independent evaluation of the BetSafe program by Synaval. One of the key findings of this report was that by self-admission, up to 20% of staff members surveyed by Synaval consider that they may have a gambling problem.

The objective of this course is that staff working in the industry is made aware of the potential problems associated with excessive gambling and how to access available help.

The Staff Gambling Course covers the following areas:

- indicators of a problem gambler;
- unique aspects of gambling;
- the link between alcohol and gambling;
- self-assessment for staff members;
- what is responsible gambling?
- how to gamble responsibly;
- controlled gambling;
- counselling and its benefits;
- the services available to staff members under the BetSafe program; and
- how to access these services.

7) School Education Module

This course is being delivered to high school students from Years 10-12, on behalf of the BetSafe group. It is designed to build community spirit and enhance links with schools and the education department. It aims to increase awareness of the issues surrounding excessive drinking and gambling. The course provides education and information on the differences between social and problem gambling, responsible gambling and how to access available help.

There are also a number of workshops provided by BetSafe. These workshops are designed for staff and management that would be involved in exclusions of members and patrons of the club. At this stage workshops include:

- Human Resources workshop;
- Duty Managers workshop;
- Exclusion Procedure workshop; and
- Marketing Managers workshop.

As is evident from the above, BetSafe are a Registered Training Organisation, approved by the Liquor Administration Board and conduct the accredited Responsible Conduct of Gaming training course which is now required, by legislation, to be undertaken by all staff working in gaming areas.

Data Management

BetSafe publish a quarterly newsletter for club staff and management, "BetSafe News". The aim of this publication is to keep staff and management informed about the responsible service of gambling in BetSafe Clubs. In each issue, some BetSafe statistics are reported. These include cumulative figures since the inception of the program which report:

- the number of BetSafe staff and management who have been trained (with figures for the number who have been trained in the new mandatory Responsible Conduct of Gaming course;
- the number of staff from BetSafe clubs who have been counselled;
- the number of BetSafe club patrons who have been counselled;
- the number of self-exclusions from BetSafe clubs; and
- the number of signs, cards, pamphlets and posters distributed, displayed and/or maintained.

The latest report shows that, in the first four years of operation, the consultancy has:

- delivered staff training in the Responsible Service of Gaming to 8,790 BetSafe staff and management. Of these, 2,446 have been trained in the new mandatory Responsible Conduct of Gaming course;
- counselled 529 staff from BetSafe clubs;
- counselled 2,155 BetSafe club patrons; and
- assisted with 643 exclusions from BetSafe clubs. Around 350 of these took place since July 2001.

Star City Casino, Sydney

In accordance with section 79(3) of the *Casino Control Act 1992*, Star City Casino may exclude a person from the Casino on the person's voluntary application.

Relevant sections of the *Casino Control Act 1992* are reproduced below.

Relevant Legislation – *Casino Control Act 1992*

Exclusion

79 *Exclusion of persons from casino*

- (1) *The Authority or the casino operator or the person for the time being in charge of the casino may, by order given to a person verbally or in writing, prohibit the person from entering or remaining in a casino.*
- (2) *If a person is given such a verbal order and the person requires the order to be given in writing, the verbal order is suspended while the order is put in writing (but only if the person remains available in the casino to be given the written order).*
- (3) *The Authority or the casino operator may give a written order under this section to a person, on the person's voluntary application, prohibiting the person from entering or remaining in a casino. The application must be in writing and the person's signature on it must be witnessed in a manner determined by the Authority.*
- (4) *It is a condition of a casino licence that the casino operator must, as soon as practicable after a written order is given to a person under this section by the operator or by the person for the time being in charge of the casino, cause notice of the order to be given to the Authority.*
- (5) *This section does not authorise the exclusion from a casino of any person acting in the person's capacity as an inspector or other authorised person, or as a police officer.*

80 *Review of exclusion order*

- (1) *A person who is given an exclusion order may apply to the Authority within 28 days after the order is given for a review of the order unless the order was given by the Authority or at the direction of the Commissioner of Police.*
- (1A) *An exclusion order given by the Authority, or at the direction of the Commissioner of Police, may not be challenged, reviewed, quashed or called into question on any grounds whatsoever before any court or tribunal in any legal proceedings, or restrained, removed or otherwise affected by proceedings in the nature of prohibition or mandamus.*
- (2) *An application for review must be made in writing and must specify the grounds on which it is made.*
- (3) *The Authority may make such inquiries as it thinks fit into the question of whether or not the exclusion order should be overruled.*
- (4) *If the exclusion order was given on the voluntary application of the person to whom it applies, the inquiries made by the Authority are, if possible, to include inquiries made of the witness to the application.*
- (5) *On consideration of the grounds specified in the application for review and the results of its inquiries, the Authority may overrule the exclusion order or allow it to stand and is to communicate its decision to the applicant in writing.*
- (5A) *The regulations may make provision for or with respect to matters to be taken into consideration by the Authority in making its decision with respect to an application for review of an exclusion order.*

- (6) *If the decision of the Authority is to overrule the exclusion order, the decision operates to revoke the order but does not prejudice the right of a casino operator or person for the time being in charge of a casino, acting in good faith, to give a further exclusion order to the person affected.*
- (7) *An application for review of an exclusion order does not stay or otherwise affect the operation of the order pending the Authority's decision on the application.*

81 Commissioner of Police may direct that person be excluded from casino and casino precinct

- (1) *The Commissioner of Police may direct a casino operator in writing to exclude a person from a casino by giving the person or causing the person to be given an exclusion order, and it is a condition of the casino licence that the operator must comply with the direction.*
- (2) *The Commissioner may give such a direction in anticipation of the person entering a casino.*
- (3) *Where practicable, the Commissioner of Police is to make available to the casino operator a photograph of the person who is the subject of the direction and is to give the person notice of the direction.*
- (4) *The regulations may declare that the whole or a specified part of specified premises is to be considered to form part of a casino for the purposes of this section and this section then has effect accordingly in respect of the premises. The premises are referred to in this section as the "casino precinct".*
- (5) *Such a declaration is to apply only to premises that both:*
- (a) *form part of or are in the immediate vicinity of the building or complex of which the casino forms part, and*
 - (b) *are under the control or management of the casino operator.*
- (6) *A direction may be given under this section in relation to all or any of the premises comprised in the casino.*
- (7) *If a direction is given under this section in relation to the whole or any part of the casino precinct, a reference in sections 79, 82, 83, 84 and 85 (and in any ancillary provisions) to a casino includes a reference to so much of the casino precinct as is the subject of the direction, but only in connection with an exclusion order made or to be made in conformity with the direction.*
- (7A) *A direction given under this section may not be challenged, reviewed, quashed or called into question on any grounds whatsoever before any court or tribunal in any legal proceedings, or restrained, removed or otherwise affected by proceedings in the nature of prohibition or mandamus.*
- (8) *In this section, premises includes any place, vehicle or vessel.*

82 Duration and revocation of exclusion orders

- (1) *An exclusion order remains in force in respect of a person unless and until it is revoked by the person who gave the order.*
- (2) *An exclusion order given by a person for the time being in charge of a casino may be revoked by any other person who is for the time being in charge of the casino or by the casino operator.*
- (3) *An exclusion order given at the direction of the Commissioner of Police may not be revoked except with the written approval of the Commissioner.*
- (4) *When an exclusion order is revoked by a casino operator or by the person for the time being in charge of a casino, the casino operator must give notice of the revocation to the Authority as soon as practicable after it occurs.*

– Maximum penalty: 50 penalty units.

- (5) *The regulations may make provision for or with respect to matters to be taken into consideration by the person who gave an exclusion order before the person decides to revoke the order.*

83 *List of excluded persons*

- (1) *It is a condition of a casino licence that the casino operator must, on each day that gaming is conducted in the casino, as soon as practicable after the time of day notified by the Authority for the purposes of this subsection:*
- (a) *prepare a list of names bearing the date of that day, or*
 - (b) *add the date of that day to an unchanged list of names applicable under this subsection on the last preceding day, those names being the names of persons who, immediately before the only day, or each day, of which the date appears on the list, were the subject of exclusion orders for the casino of which the operator is or was aware.*
- (2) *It is a condition of a casino licence that the casino operator must:*
- (a) *on each day that gaming is conducted in the casino, as soon as practicable after the time of day notified by the Authority for the purposes of this subsection, provide an inspector on duty in the casino with a copy of the list referred to in subsection (1) that bears the date of the day, and*
 - (b) *notify an inspector on duty in the casino of the making, or the revocation, of an exclusion order of which the operator becomes aware during that day.*
- (3) *A person must not provide any part of a list prepared under subsection (1), or any information contained in the list, to any person except:*
- (a) *the casino operator,*
 - (b) *a casino employee,*
 - (c) *an inspector,*
 - (d) *(Repealed)*
 - (e) *the Authority,*
 - (f) *the Commissioner of Police, or*
 - (g) *a person approved by the Authority for the purpose, or*
 - (h) *a person subject to an exclusion order (but only information relating to that person may be provided), or*
 - (i) *a person or authority prescribed by the regulations.*
- Maximum penalty: 20 penalty units.*

84 *Excluded person not to enter casino*

- (1) *A person (other than a self-excluded person) the subject of an exclusion order must not enter or remain in a casino to which the order relates.*
– Maximum penalty: 50 penalty units or imprisonment for 12 months, or both.
- (2) *A court that finds a person guilty of an offence against this section may, if satisfied (after taking into account any evidence that the court thinks it proper to consider) that the person has a problem arising from the person's gambling activities, postpone its decision as to the imposition of a penalty on condition that the person agrees to undergo such gambling counselling, for such a period not exceeding 12 months, as is specified by the court.*
- (3) *A court that postpones its decision as to the imposition of a penalty for a period under subsection (2) is to make its decision:*
- (a) *as soon as practicable after the end of the period, or*
 - (b) *if, during the period the person concerned advises the court that he or she does not intend to continue to undergo the gambling counselling, as soon as practicable after receiving that advice, or*

- (c) *if, during the period the court is satisfied that the person has failed to undergo the gambling counselling, as soon as practicable after being so satisfied.*
- (4) *In making its decision under subsection (3), the court is to take into consideration whether the person concerned has undergone the gambling counselling as agreed.*
- (5) *In this section:*
- gambling counselling** means counselling that a court considers would be beneficial in assisting a person to avoid any financial, social or other harm that the court is satisfied has arisen or is likely to arise from the person's gambling activities.
- self-excluded person** means a person the subject of an exclusion order given on the voluntary application of the person under section 79 (3).

85 **Removal of excluded person from casino**

- (1) *This section applies to the following persons in a casino:*
- (a) *the person for the time being in charge of the casino,*
- (b) *an agent of the casino operator,*
- (c) *a casino employee.*
- (2) *A person to whom this section applies must, as soon as practicable after it becomes known to the person that a person the subject of an exclusion order (including an exclusion order given on the voluntary application of a person under section 79 (3)) is in the casino, notify an inspector, and then remove the person, or cause the person to be removed, from the casino.*
- Maximum penalty: 20 penalty units.*
- (3) *It is lawful for a person to whom this section applies, using no more force than is reasonable in the circumstances:*
- (a) *to prevent a person the subject of an exclusion order from entering the casino, and*
- (b) *to remove such a person from the casino or cause such a person to be removed from the casino.*

Staff Training

64 **Training courses for employees**

- (1) *It is a condition of a casino licence that the casino operator must provide for persons employed or to be employed as special employees in the casino training courses in relation to the playing of games, the conduct of games and associated activities in connection with casino operations and responsible practices in relation to the conduct of gaming activities.*
- (2) *Training courses provided for the purposes of this section must:*
- (a) *be conducted by the casino operator or, with the approval of the Authority, the nominee of the casino operator, and*
- (b) *be of such content, format and duration as is approved by the Authority from time to time.*
- (3) *A casino operator may conduct gaming on a simulated basis for the purpose of training employees, testing gaming equipment and gaming procedures and demonstrating the conduct and playing of games, but only if:*
- (a) *the operator has the approval of the Authority to do so, and*
- (b) *no money is used and no chips are used in place of money.*
- (4) *Despite the provisions of any other law, the possession and use of gaming equipment as authorised by subsection (3) is lawful.*

Administration of the Program

Star City Casino, in accordance with section 79 of the *Casino Control Act 1992*, conducts a voluntary exclusion program.

As part of its Responsible Gambling and Gambling Harm Minimisation strategy, the Casino displays pamphlets in 13 languages on responsible gaming and problem gambling, the Casino's Voluntary Exclusion Program and G-Line services.

Duration of Self-Exclusion

The minimum exclusion period under Star City's Voluntary Exclusion Program is 12 months.

Staff Training

Star City Casino has developed a Responsible Gaming Training package for Star City employees. The course material is delivered 'on line' and assessed in the training classroom.

Data Management

All exclusions at Star City Casino are reported to the NSW Casino Control Authority and statistics are then reported in the Authority's annual reports.

As at 30 June 2001, 1,076 patrons had self-excluded from Star City Casino, 251 of which requested an exclusion order in 2000-2001. Requests for self-exclusion made up over half of the total number of exclusions from the Casino in the year.

Northern Territory

Self-exclusion

State of Play in the Northern Territory

Gaming machines are permitted in clubs, hotels and casinos in the Northern Territory. In 2000-01 there were:

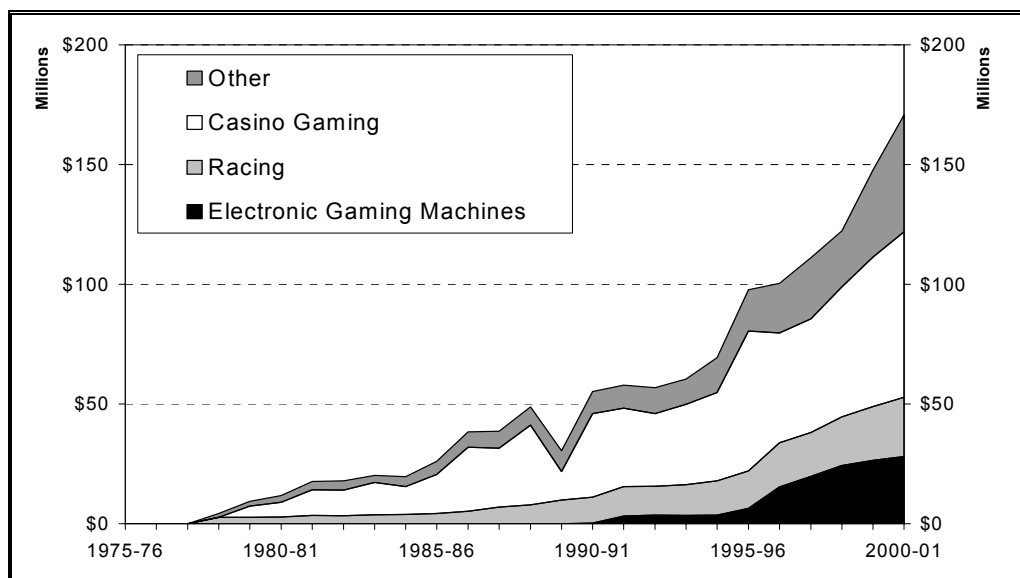
- 557 machines in 35 clubs;
- 149 machines in 27 hotels; and
- 622 machines in 2 casinos (the MGM Grand, Darwin and Lasseter's Casino, Alice Springs).

In 2000-01, gamers in the Northern Territory spent \$28 million on EGM usage in clubs and hotels. To place this in context, this represents on average:

- \$205 spent by each adult in the Northern Territory;
- 0.6 per cent of annual household disposable income; and
- 16 per cent of total gambling expenditure in the Northern Territory.

Expenditure on EGMs has grown at an average annual rate of 34.4 per cent over the past five years from a level of just \$6 million in 1995/96. Rapid growth followed permission to install cash gaming machines in hotels and clubs from 1 January 1996 (previously, only draw card machines, with prizes paid in goods and services, had been permitted). Nevertheless, the rate of growth has slowed more recently, at just 5.7 per cent in the most recent year.

Figure 1.7
Electronic Gaming Machine and Other Gambling Expenditure – Northern Territory



Source: Tasmanian Gaming Commission (2002).

Northern Territory Hotels/Clubs

There is currently no self-exclusion program for club and hotel patrons in the Northern Territory. The AHA (Northern Territory) (AHA (NT)) is working with various groups to produce a code of practice and, in this context, the topic of self-exclusion will be discussed.

Lasseters Online Casino

Relevant Legislation – *Gaming Control (Internet Gaming) Regulations 1998*

58 *Voluntary de-registration as player*

(1) *An internet gaming licensee must ensure that the approved computer system enables a registered player to notify the internet gaming licensee that he or she wishes to permanently de-register as a player with the licensee.*

– Penalty: \$2,000.

(2) *An internet gaming licensee –*

(a) *must de-register a registered player as soon as practicable after, and in any case before 24 hours after, receipt of notice from the player under subregulation (1); and*

(b) *must not knowingly re-register the person as a player with the licensee except with the approval of the Director.*

– Penalty: \$2,000.

Administration of the Program

Lasseters Online Casino facilitates a self-exclusion program for online players. The self-exclusion is a facility to be used if people “feel that they need to take a short break from the site”.

Once self-exclusion procedures have been completed, the player will not be able to play for a period of seven days. During this time, the player cannot play cash games.

If a player excludes themselves three times, that player will be excluded permanently. Also, the system must enable a registered player to notify the licensee that he/she wishes to permanently de-register as a player.

The licensee must deregister the player as soon as practicable and must not re-register without the approval of the Director of Licensing.

Revocation of Self-Exclusion

Once self-exclusion has been placed it cannot be removed.

Furthermore, once a third and final self-exclusion is initiated it cannot be revoked.

MGM Grand, Darwin

Administration of the Program

MGM Grand Darwin has an approved policy and procedure in place to support self-exclusion of patrons. These procedures include:

- Refusing to cash cheques and other negotiable instruments presented by the self-exclusion patron.
- Removing the self-exclusion patron from the database, player-tracking system and mailing list and otherwise exclude them from participation in any promotional activities.
- Keeping the self-exclusion patron details on file and if they are observed to enter the Casino premises, security staff will:
 - Ask the self-exclusion patron to confirm that they desire to enter the Casino;
 - Provide the self-exclusion patron with a card which will have noted thereon that the self-exclusion patron has previously requested to be excluded from the Casino and contact details for Amity House¹³; and
 - Offer to make available to the self-exclusion patron the use of a Casino telephone to call for a friend, medical adviser, Amity House or other person to assist.

The Casino Operator requires a written request from, or counter-signed by, the player which forms the basis of an agreement with the licensee that, if the player is observed by security staff to approach any Casino gaming areas, that the player may be refused entry.

The player is required to provide a current photograph of a size and quality acceptable to the Casino.

The player is notified in writing when the self-exclusion process is in operation. Once the self-exclusion arrangement is in place, the Casino undertakes to follow the procedure as outlined above.

The self-exclusion contract is flexible and is usually in place until the patron applies to have the contract revoked or the patron has requested the exclusion to be limited to a particular time frame.

The Security and Surveillance Departments are issued with the photos of the self-exclusion patrons. Departmental staff regularly view the self-exclusion patron logbook. Surveillance staff monitoring cameras and security staff around the complex check for self-exclusion patrons.

13 Amity Community Services is based in the Northern Territory and is a non-religious, community organisation that is supported by the broad community, the Northern Territory Government and various sectors of industry. Amity provides services in relation to behaviours of habit including alcohol, other drugs, gambling and eating issues.

On the confirmation of a self-exclusion patron being found on the complex, the Security Shift Manager is summoned to approach the self-exclusion patron, issuing them with a card stating,

"You have previously requested that you be totally restricted from entering MGM Grand Darwin. You have re-entered MGM Grand Darwin. We now offer you the use of a telephone at MGM Grand Darwin for you to call a friend, medical adviser, Amity House or some other person to assist. Contact details for Amity House follows: Amity House, 155 Stuart Highway, Parap. Telephone number: free call 1800 629 683 or (bh) 8981 8030."

If all else fails, the person is asked to leave.

Data Management

Each self-exclusion patron is placed onto the surveillance database and each is updated to record their attendance should they enter the complex.

Nine people have been self-excluded since the implementation of the program in mid 1998.

Lasseters Casino, Alice Springs

Self-exclusion arrangements, similar to those in place at MGM Grand Darwin, also exist in Lasseters Casino, Alice Springs.

Queensland Self-exclusion

State of Play in Queensland

Gaming machines are permitted in clubs, hotels and casinos in Queensland. In 2000-01 there were:

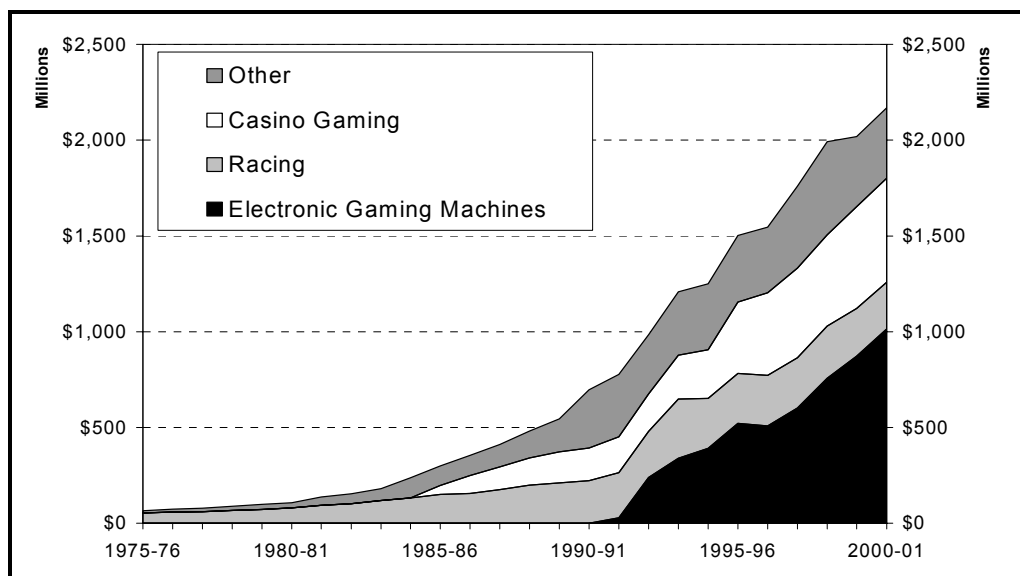
- 19,171 machines in 622 clubs;
- 16,028 machines in 721 hotels; and
- 3,192 machines in 4 casinos (Conrad Jupiter's Casino, Gold Coast, the Conrad Treasury Casino, Brisbane, the Reef Hotel Casino, Cairns, and the Jupiter's Townsville Casino).

Gamblers in Queensland spent \$1,014 million on EGM usage in clubs and hotels. To place this in context, this represents on average:

- \$378 spent by each adult in Queensland;
- 1.5 per cent of annual household disposable income; and
- 47 per cent of total gambling expenditure in Queensland.

The EGM industry has grown at an average annual rate of 14.6 per cent over the past five years from a level of \$521 million in 1995-96, while expenditure in the rest of the Queensland gambling industry has been stagnant over the past three years.

Figure 1.8
Electronic Gaming Machine and Other Gambling Expenditure – Queensland



Source: Tasmanian Gaming Commission (2002).

Queensland Clubs/Hotels

The *Gaming Machine Act 1991* applies to all venues with licences to contain gaming machines. Section 261 of this Act require a licensee to exclude gamblers from playing gaming machines on their premises if “there are reasonable grounds for a licensee to believe that the peace and happiness of a person’s family are endangered due to the excessive playing of gaming machines by the person”.

The relevant legislation is presented here.

Relevant Legislation – *Gaming Machine Act 1991*

Gaming Machine Act 1991

261 Licensees to prohibit certain persons from gaming

Where there are reasonable grounds for a licensee to believe that the peace and happiness of a person’s family are endangered due to excessive playing of gaming machines by the person, the licensee must prohibit the person from playing gaming machines on the licensee’s licensed premises for 1 month from the date of prohibition.

262 Removal of certain persons

- (1) *A licensee may cause a person to be removed from, or refuse to allow a person to enter, the licensee’s licensed premises if the person –*
- (a) *breaches the rules for the licensed premises required to be displayed and enforced under section 237; or*
 - (b) *damages or physically abuses a gaming machine; or*
 - (c) *behaves in a way likely to cause offence to other persons; or*
 - (d) *is suspected on reasonable grounds of being on the premises for the purpose of committing an offence or aiding another person to commit an offence against this Act.*
- (2) *A licensee must cause to be removed from the licensee’s licensed premises a person who is prohibited under section 258(2) or 261 from playing gaming machines on the premises if the person plays, or induces another person to play, a gaming machine on behalf of the first person.*
- Maximum penalty – 250 penalty units.*
- (3) *A licensee, or other person acting for a licensee, may use such force and assistance as are necessary and reasonable in removing a person from, or preventing a person from entering, the licensee’s licensed premises under subsection (1) or (2).*

263 Obstruction to removal from licensed premises

If a person is seeking under section 262(1) or (2) to remove a person from licensed premises, the person whose removal is sought must not –

- (a) *refuse to leave the premises when required by the first person; or*
- (b) *resist the first person.*

– Maximum penalty – 25 penalty units.

The Queensland Responsible Gambling Code of Practice represents a voluntary, whole-of-industry commitment to best practice in the provision of responsible gambling. It makes provisions for and outlines some issues surrounding self-exclusion.

3. *Exclusion Provisions*

- 3.1 *Gambling providers to provide self-exclusion procedures and supporting documentation.*
- 3.2 *Gambling providers offer customers who seek self-exclusion contact information for appropriate counselling agencies.*
- 3.3 *Self-excluded gambling customers are to be given support in seeking consensual exclusions from other gambling providers, where practicable.*
- 3.4 *Gambling providers are not to send correspondence or promotional material to gambling customers who are excluded or known to have formally requested that this information not be sent.*

Furthermore, the Queensland Responsible Gambling Resource Manual has been developed by each industry sector in collaboration with Queensland Treasury. The Manual provides a step-by-step guide to implementing the Code of Practice. For clubs, hotels and casinos, the Manual details the process and actions of the operator in regard to self-exclusion. It also provides pathways and protocols for exclusion, an application form for self-exclusion, and a notification of exclusion form.

Due to the sensitive nature of practices relating to exclusion provisions, a working party (consisting of community, industry and Government representatives) is currently identifying what legislative support may be required, particularly in relation to exclusions requested by third parties.

Administration of the Program

As outlined in the legislation above, clubs and hotels must develop and implement self-exclusion provisions to allow patrons who believe they may have a problem with gambling to exclude themselves from gambling services and products at venues.

The process for self-exclusion – as detailed in the Resource Manual – is outlined here.

Application for self-exclusion in Queensland clubs and hotels is conducted at individual venues with responsibility for the implementation and monitoring of self-exclusion also being conducted at this level. A patron may approach any venue staff member to begin the process.

Upon being approached by a patron with a request, the staff member will direct the patron to the customer liaison officer at the venue who will provide information about the aims and responsibilities of self-exclusion, explain the legislative requirements, the venue's procedures and guidelines, including confidentiality provisions, the member's or patron's responsibilities and the need for a signed agreement.

If the patron agrees to proceed with self-exclusion, the next step is for the customer liaison officer to discuss the patron's needs with regard to self-exclusion. This would include the duration of self-exclusion and areas of operation covered by the exclusion.

The patron will be given a copy of the Offer of Self-exclusion and Deed of Self-exclusion (in the case of clubs) or a copy of the Application for Self-exclusion (in the case of hotels) with the explanation of the following aspects which vary slightly across the two types of venues:

The Deed of Self-exclusion (Clubs)/Application for Self-exclusion (Hotels) is provided with encouragement to the member or patron to seek independent legal advice. In the case of hotels, the patron is informed that the Application is a legally binding agreement with ramifications for breaches. In the case of hotels, the patron is informed of any specific requirements of the Application, for example, provision of photo, reasonable force to remove the patron from the excluded area(s). (Copies of proformas of the Deed and Application can be found in the Resource Manual. The wording is different between the two forms with, in particular, the Deed informing patrons that "this document changes your legal rights". Otherwise, however, the Deed and Application are relatively similar.)

After the Deed of Self-exclusion/Application for Self-exclusion is signed off and witnessed by an adult who is not an officer of the club/hotel:

- the member or patron is not permitted into the gaming area of the club for the specified period or to partake in any gambling or related activity (Clubs);
- the patron is not permitted into the hotel or gaming area of the hotel, dependent on the provision of the Application, for the specified period or to partake in any gambling or related activity (Hotels).

During this period, the venue will not send any mail that mentions gambling to the member or patron to ensure that the venue is not enticing the member or patron to gamble.

The patron will be provided with a list of community support services for advice, assistance and/or counselling. In the case of hotels, any excluded patrons who are members of loyalty programs or smart card systems must have their card revoked or disabled, preventing them from using this to gamble.

If the patron still wishes to self-exclude at this point, the customer liaison officer will facilitate the signing of the Deed/Application between the venue and the patron.

If the member or patron decides not to proceed with the self-exclusion, the customer liaison officer will complete the Responsible Gambling Incident Report (Clubs)/Register of Gambling-related Complaints (Hotel) and, if possible, ask the patron to sign it.

The patron will also be encouraged to self-exclude from other gambling venues in the area (i.e., attend other venues and undertake the same process there).

The customer liaison officer would then inform the appropriate person or organisation that advertising and promotional materials are not to be sent to the patron during the period of self-exclusion.

The officer will record the self-exclusion and all actions undertaken in the Register of Self-exclusion with all documents kept in a secure and confidential place in the venue.

The duration of self-exclusion varies between patrons and is to be mutually agreed upon but it is recommended at a maximum of 12 months and a minimum of 6 months. Once the period has elapsed, the process must be repeated if the patron wishes to continue their self-exclusion.

Third Party Exclusion

As is evident from section 261 of the Gaming Machine Act, third party exclusions are an option in addition to self-exclusion.

Once again, any third party approaching a staff member will be directed to the venue's customer liaison officer. The officer will suggest to the third party (who may be a family member, professional/welfare group) that the venue's self-exclusion procedures and documents are available.

The venue will provide a copy of the Offer of Self-exclusion and Deed of Self-exclusion (Clubs)/Application for Self-exclusion (Hotels) and details of local community support to the third party and encourage them to discuss the options with the person believed to have a problem with gambling.

Staff Training

Under the Code of Practice, venues are to nominate a staff member to perform the role of Customer Liaison Officer through which all gambling issues and requests for self-exclusion are to be directed. Venues are to ensure that all management, senior gaming/gambling staff and the customer liaison officer are familiar with the Pathways and Protocols for Exclusion flowchart which is included in the Manual. This details the steps to be undertaken in processing an exclusion. Other venue staff should also be made aware of this process by management although the form of training taken is at the discretion of the venue (e.g., formal training session, informal discussions, change to written procedures etc.).

Data Management

All clubs and hotels maintain a Register of Self-exclusion which includes all information relating to self-exclusion including applications/enquiries for information etc.. No data is collected at a central location or shared between venues.

Queensland Casinos

Casinos in Queensland are regulated under the *Casino Control Act 1982*. Sections 92-100 of this Act make provisions for exclusions from the casino and related penalties.

The relevant legislation is reproduced below.

Relevant Legislation – *Casino Control Act 1982*

92 *Entry to and exclusion of entry from casino*

- (1) *Save as is provided in this part, no person has a right against a casino operator to enter or remain in a casino, except by the licence of the casino operator.*
- (2) *A casino operator or casino manager may give a written direction to a person prohibiting the person from entering or remaining in the casino.*
- (3) *A direction may be given to a person only if the casino operator or manager believes on reasonable grounds –*
 - (a) *the person has engaged in dishonest acts in relation to gaming; or*
 - (b) *the person has acted in a way affecting, or potentially affecting –*
 - (i) *the proper conduct or integrity of gaming; or*
 - (ii) *the safety or wellbeing of the person or other persons in the casino; or*
 - (c) *the person has engaged in unlawful conduct and, because of the conduct, the person's presence in the casino would not be in the interests of the casino operator or persons in the casino.*
- (4) *If a casino operator operates more than 1 casino, a direction may relate to a stated casino, or all casinos, operated by the operator.*
- (5) *In this section –*

“casino manager”, for a casino, means –

 - (a) *a person designated as a shift manager for the casino by the casino operator; or*
 - (b) *another person who –*
 - (i) *occupies a position equivalent, similar or more senior to the position of a person mentioned in paragraph (a); and*
 - (ii) *is concerned with, or takes part in, managing the operations of the casino.*

93 *Appeal to Minister*

- (1) *A person receiving a direction in writing pursuant to section 92 prohibiting the person from entering or remaining in a casino may appeal against the direction to the Minister.*
- (2) *The appeal shall be made in writing and shall detail the grounds on which the appeal is made.*
- (3) *The Minister may cause such inquiries to be made by the chief executive in relation to the direction as the Minister thinks fit and the results of the inquiries to be reported upon to the Minister.*
- (4) *Upon a consideration of the grounds of appeal detailed by the appellant and any matters reported upon to the Minister by the chief executive in relation to the direction, the Minister may –*
 - (a) *reject the appeal; or*
 - (b) *allow the appeal.*

- (5) *The decision of the Minister shall –*
- (a) *be communicated in writing to the appellant and the casino operator;*
 - (b) *be final and conclusive and shall not be appealed against, reviewed, quashed or in any way called in question in any court on any account whatsoever.*
- (6) *The allowance of the appeal by the Minister revokes the direction without prejudice to the right of the casino operator or person in charge of the operation of the casino at a particular time, acting in good faith, to give a further direction to that person for a reason considered by the Minister to be a sufficient reason.*
- (7) *An appeal against a direction does not prejudice the effectiveness of the direction pending the Minister's decision thereon.*

94 Commissioner of the police service may exclude entry

- (1) *The commissioner of the police service may, in writing, direct a casino operator to exclude a specified person from the casino, and the casino operator shall comply.*
- (2) *Where the commissioner of the police service gives a direction, the commissioner shall, where practicable –*
 - (a) *make available to the casino operator a photograph of the person to be excluded; and*
 - (b) *give notice of the direction to the person to be excluded.*
- (3) *The commissioner of the police service may notify an authority responsible for administering gaming legislation of another State or Territory of a direction under this section.*

95 Copy of direction to chief executive

A copy of a direction in writing given under section 92 or 94 shall be given to the chief executive by the casino operator or other person who has given the direction pursuant to section 92 or the commissioner of the police service, as the case may be.

96 Duration of direction

A direction given under section 92 or 94 shall, subject to section 93, remain in force unless and until revoked by the casino operator or the commissioner of the police service as the case may be.

97 List of names of excluded persons

- (1) *A casino operator shall maintain a list of the names of persons who are for the time being prohibited from entering or remaining in the casino pursuant to a direction in writing referred to in section 92 or excluded from the casino pursuant to a direction in writing referred to in section 94.*
- (2) *The casino operator shall make available to the chief executive or an inspector nominated by the chief executive, either by name or description of office, a copy of the list of names referred to in subsection (1) that is current from time to time for the use by and information of inspectors on duty at the casino.*

98 Casino operator may exclude or remove excluded person

- (1) *It is lawful for a casino operator and an employee or agent of a casino operator employed in or acting in connection with the casino and any person acting by the authority of the casino operator, employee or agent to use such force as is reasonably necessary in order to prevent any person who is the subject of a direction under section 92 or 94 from entering the casino or in order to remove any such person who remains in the casino, provided that the casino operator, employee, agent or person does not do bodily harm to such person.*
- (2) *In subsection (1) –*
“bodily harm” has the meaning assigned to it in the Criminal Code.

99 Excluded person not to enter or remain in casino

- (1) A person who is the subject of a direction in writing under section 92 or 94 shall not enter or remain in the casino to which the direction relates.
– Maximum penalty – 40 penalty units.
- (2) A court that finds a person guilty of, or accepts a person's plea of guilty for, an offence against this section may, if satisfied the person is a problem gambler, postpone its decision on penalty on condition that the person agrees to attend counselling on a basis specified by the court.
- (3) The agreement –
- must provide for counselling of a kind that may, in the court's opinion, be beneficial in helping to overcome harmful behaviour related to gambling; and
 - must provide for counselling over a period (not more than 12 months) fixed by the court; and
 - must allow the counsellor a discretion to disclose to the court information about the person's participation in the counselling if the counsellor believes the disclosure will help the court to exercise its powers and discretions in an appropriate way under this section; and
 - must provide that the counsellor is to report to the court a failure by the person to attend counselling as required by the agreement.
- (4) For deciding whether a defendant is a problem gambler and, if so, whether counselling of an appropriate kind is available, the court may have regard to –
- a report relevant to the question made by a psychiatrist, psychologist or other person with appropriate expertise; and
 - any other information available to the court and relevant to the subject (including hearsay evidence).
- (5) If the court has postponed a decision on penalty under this section, the court must proceed to impose penalty –
- as soon as practicable after the end of the period fixed for the counselling; or
 - if, during the period fixed for the counselling, the defendant advises the court that he or she does not want to continue with the counselling – as soon as practicable after the court receives that advice; or
 - if, during the period fixed for the counselling, the counselor reports to the court that the defendant has failed to attend counselling as required by the agreement or to participate satisfactorily in the counselling – as soon as practicable after the court receives the report.
- (6) In making its decision on penalty after a period of postponement under this section, the court –
- must consider whether and, if so, to what extent, the defendant has made a genuine attempt to overcome harmful behaviour related to gambling; and
 - may, for deciding that question, have regard to the report of a counsellor appointed to counsel the defendant by an agreement under this section.
- (7) In this section –
“problem gambler” means a person whose behaviour indicates a compulsion to gamble, an addiction to gambling, or an inability or disinclination to make rational judgments about gambling.

100 Excluded person not to be allowed in casino

A casino operator or employee or agent of a casino operator employed in or acting in connection with the casino shall not allow or suffer any person who to his or her knowledge is the subject of a direction in writing under section 92 or 94 in respect of that casino to enter or remain in the casino.

– Maximum penalty – 40 penalty units.

Administration of the Program

In a similar manner to clubs and hotels, Queensland casinos must develop and implement self-exclusion provisions. The procedure for self-exclusion is presented below.

All exclusions are handled by a Senior Gaming Manager (SGM) or Casino Shift Manager (CSM). The SGM/CSM will endeavour to assist the player upon request. However, if business levels prevent this, the player will be encouraged to remain until the SGM/CSM becomes available. The patron can make contact with the SGM/CSM via any gaming staff member, security podium or by phoning. Venue staff are trained on how to respond and direct players to the security podium.

The player reports to the security podium and is photographed by Surveillance. The player is escorted to the SGM/CSM office and asked to provide identification. The Qld Office of Gaming Regulation are notified and asked if they wish to attend. The player is offered an interpreter if appropriate (and documentation is available in English and other relevant languages suitable for the individual casino's market).

The SGM/CSM explains and provides documentation on the terms and conditions of the exclusion including:

- that it is a legally bound agreement;
- the consequences of being on the property in future will mean a formal police charge, with a possible fine or community service; and
- that it is a lifetime ban, with a minimum of twelve months before the patron can reapply to enter the premises.

The SGM/CSM offers the player information about a community support service. The SGM/CSM informs the player which casinos are not included in the exclusion and further explains that exclusion does not include any clubs or hotels.

The player is asked to read and sign the self-exclusion notice while being advised to seek professional advice if uncertain about the exclusion conditions. The player signs the Notification of Exclusion. The player is then escorted from the casino by security.

After the player has self-excluded from the casino, the SGM/CSM advises Marketing, Surveillance, Security and the Queensland Office of Gaming Regulation, in writing, of the excluded player's details and provides copies of the signed Application for Self-exclusion. Surveillance provides Security and the Queensland Office of Gaming Regulation with a photo of the excluded player. Marketing will update the Register of Self-exclusion and the individual player's file, suspend the player's reward card and discontinue distribution of promotional material.

All photos of excluded patrons are placed on a constant rolling tape, shown on a computer screen in the security and surveillance areas of the premises through which the casino operators can monitor and detect the presence of self-excluded patrons in the casino.

Conrad Jupiters and Conrad Treasury operate a dual self-exclusion program whereby if a person self-excludes from one casino they are automatically excluded from the other.

Third Party Exclusion

The procedure for third party exclusion is similar to that for Queensland clubs and hotels.

Revocation of Self-Exclusion

Self-exclusion is unable to be revoked for a period of one year. Thereafter, if a player wishes to re-enter the casino, they must put in a request for removal of the exclusion in writing. A Review Committee (comprising a representative from Gaming Executive, Marketing, Security and Surveillance) meets twice a year and will consider any applications for revocation of self-exclusion by taking into account player history and reasons for exclusion.

If exclusion is revoked, the Senior Gaming Manager advises Marketing to reactivate the player's account.

Staff Training

All casino staff undertake a Responsible Gambling Program and within this program self-exclusions are discussed within the context of the Code of Practice.

Data Management

Casinos maintain a list of self-exclusion details, as does inspectorate. The Queensland Office of Gaming Regulation is notified at the point that self-exclusions occur.

There is currently no systematic data collection for self-exclusion.

South Australia

Self-exclusion

State of Play in South Australia

Gaming machines are permitted in clubs, hotels and casinos in South Australia. In 2000-01 there were:

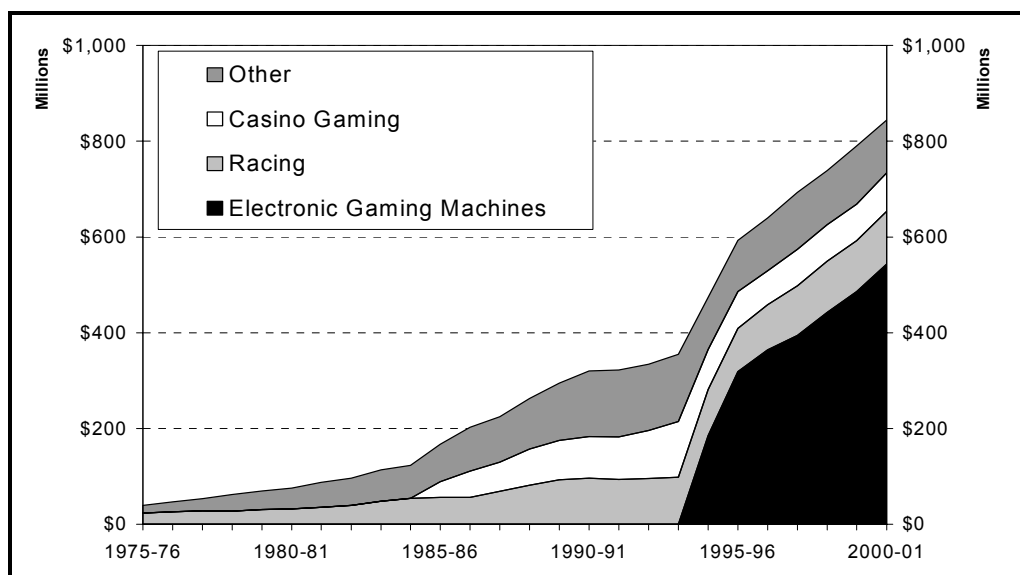
- 12,454 machines in 501 hotels;
- 1,642 machines in 86 clubs; and
- 771 machines in the Sky City Casino, Adelaide.

In 2000-01, South Australian gamers spent \$543 million on EGM usage in hotels and clubs. To place this in context, this represents on average:

- \$473 spent by each adult in South Australia;
- 1.9 per cent of annual household disposable income; and
- 64 per cent of total gambling expenditure in South Australia.

The EGM sector in South Australia has grown much more rapidly than the rest of the gambling industry in South Australia despite successive freezes on licence applications for additional EGMs. Electronic gaming machine expenditure has grown at an average annual rate of 11.2 per cent over the past five years from a level of \$319 million in 1995-96.

Figure 1.9
Electronic Gaming Machine and Other Gambling Expenditure – South Australia



Source: Tasmanian Gaming Commission (2002).

SA Clubs/Hotels

Currently, in South Australia, there are two pieces of legislation relevant to the exclusion (barring) of patrons from gaming areas of clubs and hotels due to gambling-related problems.

Sections 59–61 of the *Gaming Machines Act 1992* make provisions for a licensee to bar a person from the gaming area(s) of a venue if they are satisfied that the welfare of that person (or the person's dependents) is at risk as a result of the person's excessive playing of gaming machines.

Section 15B of the *Independent Gambling Authority Act 1995* also provides for the exclusion of a patron from the casino or gaming areas of any other gaming venue in South Australia. This exclusion order can only be made on the written request of the individual.

The relevant legislation is provided below.

Relevant Legislation – *Gaming Machines Act 1992* and *Independent Gambling Authority Act 1995*

Gaming Machines Act 1992

59 Licensee may bar excessive gamblers

- (1) A person who enters or remains in a gaming area from which he or she has been barred pursuant to this section is guilty of an offence.
– Maximum penalty: \$2 500.
- (2) If the holder of a gaming machine licence is satisfied that the welfare of a person, or the welfare of a person's dependants, is seriously at risk as a result of the excessive playing of gaming machines by the person, he or she may, by order, bar the person from entering or remaining in the gaming area, or areas, of the premises to which the licence relates.
- (3) The holder of a gaming machine licence may revoke an order made by him or her under this section.
- (4) The holder of a gaming machine licence, an approved gaming machine manager or an approved gaming machine employee who suffers or permits a person to enter or remain in a gaming area from which the person has been barred is guilty of an offence.
– Maximum penalty: \$10 000.

60 Power to remove persons who have been barred

- (1) Where an authorised person suspects on reasonable grounds that a person who is in, or who is entering or about to enter, a gaming area is barred from that gaming area pursuant to this Division, the authorised person may require the person to leave the gaming area.
- (2) If a person refuses or fails to comply with a requirement under subsection (1), the authorised person may remove him or her from the licensed premises, using only such force as is reasonably necessary for the purpose.

61 Commissioner may review decision of licensee

- (1) The Commissioner may, on application by a person who is aggrieved by a decision of a licensee to bar a person from a gaming area, review that decision.

- (2) *The Commissioner may confirm or revoke the decision and his or her decision on the matter is not appealable.*

Independent Gambling Authority Act 1995

15B Voluntary barring of excessive gamblers

- (1) *The Authority may, by order, on the written request of a person, bar the person (the "excluded person") from:*
- (a) *the casino; or*
 - (b) *the gaming area, or areas, of one or more specified premises that are the subject of a gaming machine licence.*
- (2) *An order under this section remains in force until revoked.*
- (3) *Subject to subsection (4), the Authority will, on the written request of the excluded person, vary or revoke the order.*
- (4) *An order under this section may not be revoked, or be varied so as to limit in any way its application, unless it has been in force for a period of at least 12 months.*
- (5) *The Authority must give written notice of an order under this section, and of any variation or revocation of the order, to the licensee of each place to which the order relates.*
- (6) *An excluded person who enters or remains in a place from which he or she has been barred under this section is guilty of an offence.*
– Maximum penalty: \$2 500.
- (7) *The powers under the Casino Act 1997 or the Gaming Machines Act 1992 relating to requiring a person to leave, or removing a person from, a place from which the person has been barred under either of those Acts, extend to a person barred from such a place by an order under this section, as if the order were an order under the relevant Act.*
- (8) *The barring of a person from a place pursuant to an order under this section will be regarded as confidential information for the purposes of this Act.*

Administration of the Program – Gaming Machines Act

As mentioned earlier, sections 59-61 of the *Gaming Machines Act 1992* make provisions for a licensee to bar a person from the gaming area(s) of a venue if they are satisfied that the welfare of that person (or the person's dependents) is at risk as a result of the person's excessive playing of gaming machines. Prior to 1 October 2001, licensee barring provided a means of de facto voluntary barring as licensees most often formed the necessary view as a result of the person asking to be excluded. However, licensee barring could be initiated by an individual licensee, although our understanding is that this is a rare occurrence.

Sections 59-61 of this Act also provide for third party-initiated barring of a person with gambling problems. Again, the most usual situation is that individuals seeking to self bar approach the licensee and request a barring order be placed against them.

Clearly, 'self' barring in this manner (i.e., individuals requesting that they be barred from a particular venue) must be undertaken at each venue (as opposed to barring from multiple venues at once). Also, if the licensee is *not* satisfied that the welfare of the person or the welfare of a person's dependants is seriously at risk as a result of the

excessive playing of gaming machines by the person, then they are entitled to refuse the patron's request.

Revocation of Self-Exclusion

Barrings may range from a period of up to 3 months for a first barring, up to 6 months for a second barring, or indefinitely for a third barring or in the case of the welfare of the barred person, or that of a person residing with the barred person being seriously at risk from the licensed premises.

A licensee or the approved responsible person of licensed premises may, by subsequent order served on a person, revoke an order.

A person who has been barred for a period in excess of one month may apply to the Liquor and Gambling Commissioner for a review of the barring and the Commissioner may confirm, vary or revoke the barring.

Staff Training

All gaming machine managers, gaming machine employees and licensees are now required to undertake mandatory training in responsible gambling. The training must be undertaken with a Registered Training Organisation whose curriculum follows national competency standards set by the industry. It covers:

- the detection of and dealing with problem gamblers;
- legislative requirements in relation to barrings; and
- best practice in relation to barring, i.e., nominating a senior staff/manager to handle barring interviews, requesting of photographs and the development of appropriate procedures to ensure staff are aware of barred patrons.

Data Management

Individual venues have no obligation to report barring orders or breaches to the Liquor and Gambling Commissioner and, hence, no data is systematically collected.

Administration of the Program – Independent Gambling Authority Act

Section 15B of the *Independent Gambling Authority Act 1995* came into operation on 1 October 2001, on the recommendation of a Committee chaired by the then Cabinet Secretary. This section provides for a statutory scheme of exclusion which is administered by the Independent Gambling Authority (IGA).

Under this section of the Act, people who have a gambling problem are able to apply to the IGA to be barred from entering the Adelaide Casino or gaming areas of nominated hotels and clubs.

The first step a person must take in applying to be barred is to make an appointment at the IGA. If the person phones the IGA, an appointment time will be found within the next seven days.

The person must attend the interview with the IGA, to which they are able to bring a friend, family member or counsellor for support. At the time of making the appointment, the person is told to give some thought to which venues they might like to be excluded from and also asked to bring photo identification when attending the interview.

If the person lives in a remote region of South Australia (i.e., when attending an interview in Adelaide is impractical), arrangements can be made to conduct the interview by telephone.

If the person decides to bar themselves, they need to complete a Request for Voluntary Barring form (VBC for the Casino, VBG for hotels and clubs) which will be given to them at the interview (although copies are also available on the IGA website). At the end of the interview, the person's photograph will be taken which will be included with the barring order to enable venue staff to recognise patrons who breach their exclusion.

After the person's photo is taken, the request for voluntary barring and interview report will be considered by a delegate of the IGA. A decision will not be made until after a three-day 'cooling off' period. The person will be sent a letter advising them of the decision and, if the request is granted, a separate order will be sent to each venue the person has nominated to be barred from.

The IGA reserves the right to refuse any requests for voluntary barring that it believes will not benefit the gambler.

Revocation of Self-Exclusion

Under section 15B(4) of this Act, an order may "not be revoked, or be varied so as to limit in any way its application, unless it has been in force for a period of at least 12 months".

Staff Training

As previously mentioned, all gaming machine managers, gaming machine employees and licensees are now required to undertake mandatory training in responsible gambling. Training is conducted by various Registered Training Organisations.

Data Management

Since its inception on 1 October 2001, the Independent Gambling Authority-administered voluntary barring program has received 121 successful requests for barring from one or more venues.

Beyond this, no data is collected, for example in regard to breaches of exclusion orders.

Sky City Casino, Adelaide

The *Casino Act 1997* is the regulating piece of legislation for Sky City Casino. Sections 44-46 make provisions for barring of patrons from the premises.

The relevant legislation is reproduced here.

Relevant Legislation – *Casino Act 1997*

44 Licensee's power to bar

- (1) *The licensee may, by written order, bar a person (the excluded person) from the casino for a period specified in the order.*
- (2) *The order must –*
 - (a) *state the grounds on which the order is made; an*
 - (b) *set out the rights of the excluded person to have the order reviewed under this section; an*
 - (c) *must be given to the person against whom it is made personally or by sending it by post addressed to the person at the last known postal address.*
- (3) *An order may be made under this section on any reasonable ground.*

Examples

An order might be made on any one or more of the following grounds:

- *The excluded person is placing his or her own welfare, or the welfare of dependants, at risk through gambling.*
 - *The excluded person has damaged or misused equipment in the casino used for gambling.*
 - *The excluded person has committed, is committing or is about to commit an offence.*
- (4) *The order may be made for a period of up to 3 months unless the order is made by agreement with the excluded person, in which case it may be made, in accordance with the agreement, for any stated period or for an unlimited period.*
 - (5) *If the excluded person applies to the Commissioner within 14 days of the order for a review of the order the Commissioner must review the order and may confirm, vary or revoke the order.*
 - (6) *An excluded person who enters or remains in the casino while an order remains in force under this section is guilty of an offence.*
– *Maximum penalty: \$2 500.*
 - (7) *If an excluded person is allowed to enter or remain in the casino while an order remains in force under this section, the licensee is guilty of an offence.*
– *Maximum penalty: \$10 000.*
 - (8) *An agent or employee of the licensee or a police officer may exercise reasonable force –*
 - (a) *to prevent a person from entering the casino contrary to an order under this section; or*
 - (b) *to remove a person who is in the casino contrary to an order under this section.*
 - (9) *The licensee or the Commissioner may at any time revoke an order under this section.*
 - (10) *The licensee must retain copies of all orders made under this section.*

45 Commissioner's power to bar

- (1) *The Commissioner may, by written order, bar a person (the excluded person) from the casino for a period specified in the order or for an unlimited period.*
- (2) *The Commissioner may make an order under this section –*
 - (a) *on the application of the person against whom the order is to be made; or*
 - (b) *on the application of a dependant or other person who appears to have a legitimate interest in the welfare of the person against whom the order is to be made; or*
 - (c) *on review of an order made by the licensee barring the person against whom the order is to be made from the casino; or*
 - (d) *on the Commissioner's own initiative.*
- (3) *The order must –*
 - (a) *state the grounds on which the order is made; and*
 - (b) *set out the rights of the excluded person to have the order reviewed; and*
 - (c) *must be given to the person against whom it is made personally or by sending it by post addressed to the person at the last known postal address.*
- (4) *An order may be made under this section on any reasonable ground and, in particular, on the ground that the excluded person is placing his or her own welfare, or the welfare of dependants, at risk through gambling.*
- (5) *An excluded person who enters or remains in the casino while an order remains in force under this section is guilty of an offence.*
– Maximum penalty: \$2 500.
- (6) *If an excluded person is allowed to enter or remain in the casino while an order remains in force under this section, the licensee is guilty of an offence.*
– Maximum penalty: \$10 000.
- (7) *An agent or employee of the licensee or a police officer may exercise reasonable force –*
 - (a) *to prevent a person from entering the casino contrary to an order under this section; or*
 - (b) *to remove a person who is in the casino contrary to an order under this section.*
- (8) *The Commissioner may at any time revoke an order under this section.*
- (9) *The Commissioner must retain copies of all orders made under this section.*

46 Summary exclusion in case of intoxication etc

An agent or employee of the licensee or a police officer may exercise reasonable force to prevent a person entering the casino, or to remove a person from the casino, if the person –

- (a) *is behaving in an abusive, offensive or disorderly manner; or*
- (b) *appears to be intoxicated.*

Administration of the Program

The self-exclusion program (self barring) at Sky City Adelaide operates within the following guidelines.

Customers may either approach a staff member or management directly to request assistance with gambling related problems, or they might be detected by their gambling behaviour.

A manager with experience and training in intervention techniques will be immediately available to manage any requests or proactive approaches to customers. Initial discussions take place in a private environment specifically for that use. The person is encouraged to include a friend, family member or counsellor, either in person or by telephone.

If self-exclusion is requested, an appointment must be kept with a GP or gambling counsellor who will provide a letter supporting self-exclusion. Once completed, an application for self-exclusion is confirmed and photographs are taken (for identification purposes).

The person's details and photographs are circulated to all appropriate managers within the company, and all Security and Surveillance staff, with instruction for their exclusion from the property.

The self-exclusion process is implemented and administered by the Security Department. Any breaches are reported to the Manager—Security and copied to the Manager Government Casino Inspectorate. The Manager—Security is a senior position within the organisation reporting directly to the Manager—Security & Surveillance.

The *Casino Act 1997* allows for a fine to the customer if they 'enter or remain on the premises' when an exclusion order is in force and a fine to the licensee if they allow such a breach.

The duration of self-exclusion is indefinite. However, on application for self-exclusion, the patron agrees to attend the Casino on the third anniversary of the signing of the application and every three years thereafter to provide an updated photograph for identification purposes.

Revocation of Self-Exclusion

As mentioned earlier, self-exclusion covers an indefinite period (by agreement) and any cancellation will be with the active involvement/approval of the author of the 'letter of support' given in the first instance.

Staff Training

All Security and Surveillance staff, Table Games Shift Managers and VIP Services have access to the database of excluded persons which includes the photographs taken at the time they completed the application. These staff are encouraged to regularly visit this database to remain familiar with all self-excluded patrons and keep themselves informed of any additions/deletions. In addition, it is also the direct responsibility of each Security staff position to ensure they keep themselves familiar with, on a regular basis, all self-excluded patrons on the database.

Data Management

The Casino collects data on self-excluded patrons including name, address, a description (age, height, weight, hair/eye colour), photograph and preferred game (EGMs or table games).

There are currently 288 persons self barred from Sky City Adelaide.

Tasmania Self-exclusion

State of Play in Tasmania

Gaming machines are permitted in clubs, hotels and casinos in Tasmania. In 2000-01 there were:

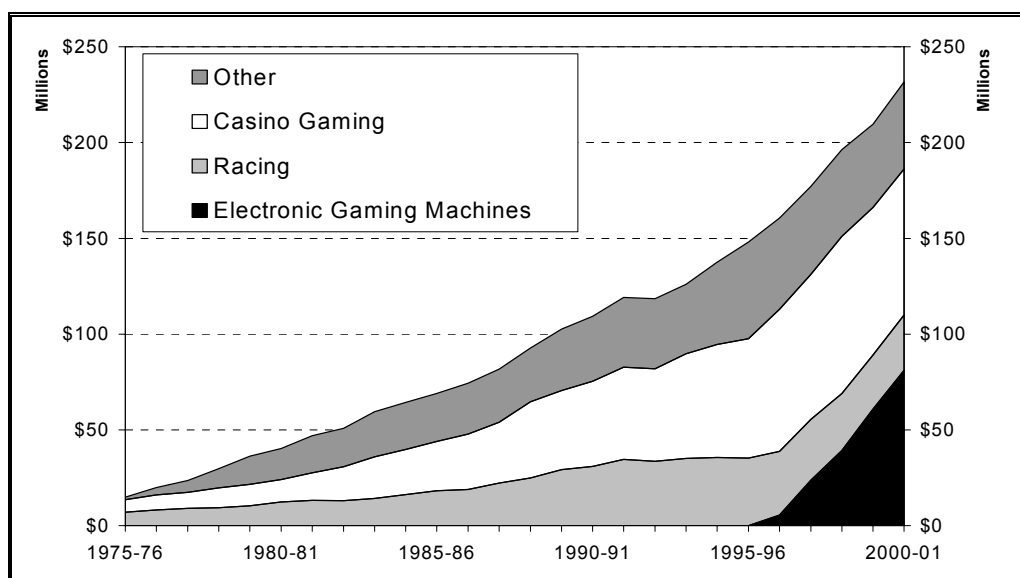
- 1,606 machines in 95 hotels;
- 231 machines in 13 clubs; and
- 1,154 machines in 2 casinos (the Wrest Point Casino, Hobart, and the Country Club Casino, Launceston).

In 2000-01, gamers spent \$81 million on EGM usage in hotels and clubs. To place this in context, this represents on average:

- \$231 spent by each adult in Tasmania;
- 1.0 per cent of annual household disposable income; and
- 35 per cent of total gambling expenditure in Tasmania.

The availability of EGMs in hotels and clubs is still quite a new phenomenon (having been permitted from 1 January 1997) and is expanding rapidly. Electronic gaming machine expenditure has grown at an average annual rate of 50.7 per cent over the past three years (33.3 per cent in the most recent year) from a level of just \$24 million in 1997-98.

Figure 1.10
Electronic Gaming Machine and Other Gambling Expenditure – Tasmania



Source: Tasmanian Gaming Commission (2002).

Tasmanian Clubs/Hotels

Late last year (2001), Tasmania introduced legislation to provide for a broader exclusion framework under Part 5 Division 3 of the *Gaming Control Act 1993*. The Act now provides for player exclusion through a number of channels including: a notice of self-exclusion, an exclusion order by the venue operator, and an exclusion order by a third party that has a close personal relationship with the problem gambler.

Problem gamblers can also enter into a formal Deed of Self-Exclusion in addition to a Notice of Self-exclusion. The Deed is a formal contract, which existed prior to the new exclusion provisions but does not have any legislative powers under the Act. The applicant will therefore need to request a Notice of Self-exclusion in order for the new provisions of the Act to apply.

The exclusion program applies to all electronic gaming machines, whether in hotels, clubs or casinos. The Self-exclusion Deed is still in utilisation for wagering in hotels, clubs, track and agency. TOTE Tasmania has agreed voluntarily to maintain a system of self-exclusion. These exclusions do not have any legislative powers but are supported by the same administrative arrangements as for the Notice of Self-exclusion.

The Department of Treasury and Finance, the Tasmanian Gaming Commission (TGC) and the Department of Health and Human Services developed the processes and management of the program in consultation with the Gambling Industry and the problem gambling service providers.

The TGC is responsible for the implementation of the program now that there are legislated penalties for compliance. The Department of Health and Human Services is responsible for the adherence and monitoring of the service delivery component of the program, as the Deeds are completed with a counsellor funded through the Department of Health and Human Services.

Monitoring of the self-exclusion effectiveness for the patron is done by the Beak Even counsellor in conjunction with the client. The licensed venue staff monitor compliance in the venue. The Australian Hotels Association (Tasmania) (AHA (Tas)) monitors the paperwork and distribution of information to venues and the TGC monitors numbers.

The relevant sections of the *Gaming Control Act 1993* are presented here.

Relevant Legislation – *Gaming Control Act 1993*

Division 3 - Exclusion from gaming

112A Interpretation of Division

In this Division –

"affected person" means the person against whom an order under section 112C is in force;

"excluded premises" means any premises on which wagering or other participation in a game occurs under a casino licence, a licensed premises gaming licence or a Tasmanian gaming licence;

"prescribed special employee" means a special employee employed by a specified licence holder;

"**section 112C exclusion order**" means an order made under section 112C;

"**section 112E exclusion order**" means an order made under section 112E;

"**self-exclusion notice**" means a notice given under section 112B(1);

"**specified licence holder**" means the holder of any of the following licences:

- (a) a casino licence;
- (b) a licensed premises gaming licence;
- (c) a Tasmanian gaming licence.

112B Self-exclusion from wagering

(1) A person may give written notice to a specified licence holder, a prescribed special employee or the Commission to the effect that the person must not be permitted to do one or more of the following:

- (a) engage in the activity of wagering or otherwise participating in games as specified in the notice;
- (b) enter and remain on the premises specified in the notice.

(1A) A self-exclusion notice may prohibit engaging in the activity of wagering or otherwise participating in games either generally or by reference to one or more of the following:

- (a) a particular game;
- (b) a particular specified licence holder;
- (c) a particular manner of wagering or participating in games;
- (d) any other matter the Commission considers appropriate.

(1B) On receipt of a self-exclusion notice under subsection (1), a prescribed special employee must provide the notice or a copy of it to the specified licence holder as soon as reasonably practicable.

– Penalty: Fine not exceeding 20 penalty units.

(2) On receipt of a self-exclusion notice under subsection (1) or (1A), a specified licence holder must provide the Commission with the notice or a copy of it as soon as reasonably practicable.

– Penalty: Fine not exceeding 100 penalty units.

(3) On receipt of a self-exclusion notice or a copy of a self-exclusion notice under subsection (1) or (2), the Commission must notify every specified licence holder in respect of whom the notice is to apply of the making of the self-exclusion notice and its details.

(4) On receipt of a self-exclusion notice, a copy of it or notice of its making under subsection (1), (1B) or (3), a specified licence holder must notify, as soon as reasonably practicable, all prescribed special employees who may have to enforce the self-exclusion notice of its making and any relevant details.

– Penalty: Fine not exceeding 100 penalty units.

(5) A self-exclusion notice takes effect –

- (a) in respect of a specified licence holder when the self-exclusion notice, a copy of it or notice of its making is given or provided to that specified licence holder; and
- (b) in respect of a prescribed special employee when the self-exclusion notice, a copy of it or notice of its making is given or provided to that prescribed special employee; and
- (c) in respect of the person who made the self-exclusion notice when it is given to the specified licence holder, a prescribed special employee or the Commission under subsection (1).

(6) A person may revoke a self-exclusion notice by written notice given to the specified licence holder to whom the notice relates or to the Commission.

- (7) On receipt of a notice revoking a self-exclusion notice, the Commission must notify all specified licence holders to whom the self-exclusion notice relates of the revocation.
- (8) On receipt –
- (a) of a notice revoking a self-exclusion notice under subsection (6), a specified licence holder must provide a copy of the notice to the Commission; and
 - (b) of a notice revoking a self-exclusion notice under subsection (6), or of notification of the revocation of a self-exclusion notice under subsection (7), a specified licence holder must notify all prescribed special employees who are required to enforce the self-exclusion notice of its revocation.
 - Penalty: Fine not exceeding 50 penalty units.
- (9) The revocation of a self-exclusion notice takes effect 7 days after the specified licence holder is given or provided with the notice of revocation, a copy of the notice of revocation or notification of the revocation.

112C Exclusion from wagering on application of interested person

- (1) A person who has a close personal interest in the welfare of another person who wagers with, or otherwise participates in games conducted by, any specified licence holder may apply to the Commission in a form approved by the Commission for a section 112C exclusion order.
- (2) On receipt of an application under subsection (1), the Commission must provide the person in respect of whom the application is made with a written notice –
- (a) informing the person of the making of the application and the reasons for it; and
 - (b) inviting the person to make representations to the Commission about the application within the reasonable time specified in the notice.
- (3) After considering representations made by the applicant and the person in respect of whom the application is made under subsection (1), the Commission must –
- (a) if it is satisfied that it is in the interests of that person and the public interest to do so, make an order prohibiting that person from doing one or more of the following –
 - (i) engaging in the activity of wagering or otherwise participating in games as specified in the order;
 - (ii) entering and remaining on the premises specified licence holder.
 - (b) if it is not so satisfied, refuse the application.
- (3A) A section 112C exclusion order may prohibit engaging in the activity of wagering or otherwise participating in games either generally or by reference to one or more of the following:
- (a) a particular game;
 - (b) a particular specified licence holder;
 - (c) a particular manner of wagering or participating in games;
 - (d) any other matter the Commission considers appropriate.
- (4) On refusing an application under subsection (3)(b), the Commission must notify the applicant and the person in respect of whom the application was made in writing of that refusal and the reasons for it.
- (5) On making a section 112C exclusion order, the Commission must provide a copy of the order to –
- (a) the affected person; and
 - (b) all specified licence holders that may also be affected by the order; and
 - (c) the applicant.

- (5A) On receipt of a copy of a section 112C exclusion order under subsection (5), a specified licence holder must notify, as soon as reasonably practicable, all prescribed special employees who may have to enforce the order of the making of the order.
– Penalty: Fine not exceeding 100 penalty units.
- (6) A section 112C exclusion order has effect until revoked under section 112D.

112D Revocation of section 112C exclusion order

- (1) In this section,
"respondent", in relation to an application under subsection (2) made in respect of a section 112C exclusion order, means the affected person or the person who applied for the section 112C exclusion order, whoever did not make the application under subsection (2).
- (2) An affected person or the person who applied for a section 112C exclusion order may apply in a form approved by the Commission for a revocation of the order.
- (3) On receipt of an application under subsection (2), the Commission must provide the respondent with a written notice –
- (a) informing the respondent of the making of the application under subsection (2) and the reasons for it; and
 - (b) inviting the respondent to make representations to the Commission about the application within the reasonable time specified in the notice.
- (4) After considering representations made by the applicant and the respondent, the Commission must –
- (a) if it is satisfied that it is in the interests of the person in respect of whom the section 112C exclusion order is in effect and in the public interest to do so, make an order revoking the section 112C exclusion order; or
 - (b) if it is not so satisfied, refuse the application.
- (5) On refusing an application, the Commission must notify the applicant and respondent in writing of that refusal and the reasons for it.
- (6) On making an order revoking a section 112C exclusion order, the Commission must provide a copy of the revocation order to –
- (a) the applicant; and
 - (b) the respondent; and
 - (c) all specified licence holders that have been provided with a copy of the section 112C exclusion order.

112I List of excluded persons

- (1) Each specified licence holder must maintain an up-to-date list of the names of persons in respect of whom there are in effect self-exclusion notices, section 112C exclusion orders and section 112E exclusion orders that prohibit those persons from wagering with or otherwise participating in games conducted by the specified licence holder, or from entering and remaining on premises where wagering or other participation in such games occurs.
– Penalty: Fine not exceeding 50 penalty units.
- (2) Where practicable, the specified licence holder is to attach to the list photographs of the persons who are on the list.
- (3) Subsection (2) does not apply to a licensed provider in respect of a person on the list if the only way the person can contravene the self-exclusion notice, section 112C exclusion order or section 112E exclusion order is by placing wagers, or otherwise participating in a game, by means of a telecommunications device situated on premises not under the control of the licensed provider.

- (4) The specified licence holder must –
- (a) on the request of an inspector, allow the inspector to peruse the list, including the attached photographs; and
 - (b) on the request of the Commission or an inspector, provide to the Commission or an inspector, in the manner and time specified in the request, a copy of –
 - (i) the list; and
 - (ii) if included in the request, photographs attached to the list.
 - Penalty: Fine not exceeding 50 penalty units.
- (5) A person must not provide any part of a list maintained under subsection (1) or provided under subsection (4) to any person except –
- (a) the specified licence holder; or
 - (b) an employee of the specified licence holder; or
 - (c) an authorized person.
 - Penalty: Fine not exceeding 10 penalty units.

112J Excluded persons not to wager or enter gaming premises

- (1) A person who is the subject of a self-exclusion notice, section 112C exclusion order or section 112E exclusion order that is in effect must not contravene that notice or order.
– Penalty: Fine not exceeding 20 penalty units.
- (2) While a self-exclusion notice or section 112C exclusion order has effect, a specified licence holder and a prescribed special employee must not –
- (a) accept or permit to be accepted from the person who is the subject of the notice or order a wager on, or allow that person to otherwise participate in, any game in contravention of the notice or order; or
 - (b) allow the person who is the subject of the notice or order to enter or remain on premises in contravention of the notice or order.
 - Penalty: In the case of –
 - (a) a specified licence holder - a fine not exceeding 100 penalty units; and
 - (b) a prescribed special employee - a fine not exceeding 20 penalty units.
- (3) It is a defence to an offence against subsection (2) for the specified licence holder or prescribed special employee to show that he or she did not know and could not reasonably have known that the person who is the subject of the self-exclusion notice or section 112C exclusion order was wagering or otherwise participating in a game, or entering or remaining on premises, in contravention of the notice or order.

112K Removal of excluded persons from gaming premises

- (1) In this section –
- "**excluded person**" means a person who is the subject of a self-exclusion notice, section 112C exclusion order or a section 112E exclusion order that is in effect;
- "**excluded premises**" means premises that an excluded person is prohibited from entering and remaining on under a self-exclusion notice, section 112C exclusion order or section 112E exclusion order that is in effect;
- "**gaming premises**" means premises where a person may wager with, or otherwise participate in a game conducted by, a specified licence holder;
- "**person-in-charge**" means –
- (a) the person for the time being apparently in charge of excluded premises or gaming premises; and
 - (b) an employee, agent or associate of a specified licence holder who is of a class approved in writing by the Commission and is on the excluded premises or gaming premises at the relevant time;

- (2) *If an employee of a specified licence holder or a person employed on excluded premises or gaming premises knows that an excluded person –*
- (a) *is on the excluded premises, or attempting to gain entrance to the excluded premises, in contravention of the self-exclusion notice, section 112C exclusion order or section 112E exclusion order; or*
 - (b) *is wagering or otherwise participating, or is attempting to wager or otherwise participate, in a game on gaming premises –*
- the employee or employed person must notify a person-in-charge as soon as practicable.*
- (3) *A person-in-charge who knows or has been notified that an excluded person –*
- (a) *is on the excluded premises, or attempting to gain entrance to the excluded premises, in contravention of the self-exclusion notice, section 112C exclusion order or section 112E exclusion order; or*
 - (b) *is wagering or otherwise participating, or is attempting to wager or otherwise participate, in a game on gaming premises in contravention of the self-exclusion notice, section 112C exclusion order or section 112E exclusion order –*
- must take all reasonable steps to remove the excluded person from the excluded premises or gaming premises.*
- Penalty: Fine not exceeding 20 penalty units.*
- (4) *It is lawful for a person-in-charge, or a police officer at the request of a person-in-charge, using no more force than is reasonably necessary –*
- (a) *to remove an excluded person –*
 - (i) *from excluded premises; and*
 - (ii) *from gaming premises if he or she is wagering or otherwise participating, or is attempting to wager or otherwise participate, in a game on the gaming premises in contravention of the self-exclusion notice, section 112C exclusion order or section 112E exclusion order;*
- and*
- (b) *to prevent an excluded person from entering –*
 - (i) *excluded premises; and*
 - (ii) *gaming premises from which he or she has been removed within the preceding 24 hours under paragraph (a)(ii)*

Administration of the Program

There are a number of different types of exclusion in Tasmania.

Individuals in Tasmania may choose to exclude themselves from gambling venues or gambling activities.

When a patron decides to learn more about self-exclusion, they need to contact the local service providers (Registered and Accredited Provider – Anglicare, Relationships Australia, Gambling and Betting Addiction) or the Gambling Helpline Tasmania to make an appointment to discuss and arrange a self-exclusion.

The patron attends an interview with a service provider who will explain the self-exclusion program and its implications and explain the individual's rights and responsibilities.

If the patron decides to go ahead with the self-exclusion, then the service provider will:

-
- assist with the completion and signing of the Self-exclusion Deed and the Self-exclusion Notice which will list the chosen excluded gambling venues or gambling activities;
 - arrange to have free passport size photos taken;
 - ask the patron for personal details including name, date of birth and address; and
 - provide the individual with a copy of the signed Deed and Notice and send a copy of the Notice to the AHA (Tas) for distribution to the nominated venues and to the TGC.

The patron will be asked to identify those venues or types of gambling from which he/she wishes to be excluded and be asked to nominate the duration of the exclusion.

The Self-exclusion Notice takes effect when it, or a copy of it, is received by the specified licence holder.

On receipt of the Self-exclusion Notice, a specified licence holder must not permit the excluded person to contravene his/her order and:

- as soon as is reasonably practicable, after receiving the notice, advise all employees who may have to enforce the order
- prevent entry or remove an excluded person from a nominated venue using no more force than is reasonably necessary should the excluded person breach the notice.

Revocation of Self-exclusion

A Self-exclusion Notice is typically three years in duration, but, as explained earlier, the applicant can nominate other exclusion periods and self-exclusion can be extended beyond this period. A Self-exclusion Notice by default can be made indefinite. The Notice can be revoked at any time by completing a Revocation of Self-exclusion Notice which is available from a service provider. The person will complete this with a service provider who will send the Notice of Revocation to the AHA (Tas) for distribution to the nominated licence holders/venues and the TGC. Where a person has set a time limit on their Self-exclusion Notice, the Notice of Revocation will be sent by the AHA (Tas) to nominated venues on the expiry of that time limit.

At the conclusion of the stated exclusion period in the notice, the applicant can either renew it and stipulate a further exclusion period, or allow the exclusion notice to expire.

Also, while a person may choose to exclude themselves from particular gambling activities, rather than the whole venue, a licensee may have a policy in place which excludes any self-excluded person from the whole venue. This would be done by issuing a Venue Exclusion Order.

Venue Operator Exclusion

Venue operators may exclude a person from entering or remaining on their premises or from participating in gambling activities. The exclusion is used when an individual is in breach of the *Gaming Control Act 1993* or is jeopardising the safety and welfare of themselves, others and/or property.

Breaches by an individual or a venue operator may incur penalties under the Tasmanian *Gaming Control Act 1993*. In an emergency, an individual may request a venue operator to exclude them, pending commencement of the self-exclusion process.

The process involves a venue operator giving the order to the excluded individual orally or in writing then lodging an Exclusion Order by Specified Licence Holder with the TGC and providing the excluded person with a written order, should it be requested. (An oral order is suspended until a copy of the Order is provided to the individual.)

Once the order is issued, the venue operator should

- as soon as is reasonably practicable, after receiving the notice, advise all employees who may have to enforce the order; and
- prevent entry or remove an excluded person from a nominated venue using no more force than is reasonably necessary should the excluded person breach the notice.

A venue operator may revoke an order by giving notice to the TGC. The excluded individual may appeal to the TFC to revoke the order.

An Exclusion Order by Specified Licence Holder may be issued which could override a current Self-exclusion Notice.

Third Party Exclusion

A person with a close personal interest in the welfare of another individual may apply to the TGC for an order prohibiting that other person from participating in gaming or wagering.

If the order is granted, breaches by the individual or the venue operator may incur penalties under the *Gaming Control Act 1993*.

The process involves contacting an officer of the TGC to confirm the nature of the request and ensure understanding of rights and responsibilities under the *Gaming Control Act 1993* and, if the applicant wishes to proceed, arranging a referral to see a Senior Case Manager appointed by the TGC.

The Senior Case Manager will:

- explain the effect and potential consequences of a Third Party Exclusion;
- explain other options available;

-
- suggest ways to limit unnecessary duress on both parties;
 - prepare a report to the TGC on behalf of the applicant. If the applicant is undergoing counselling the Senior Case Manager will assist the counsellor in preparing the report;
 - send the report, along with the signed Third Party Exclusion Application Form, to the TGC.

On receipt of this application and report, the TGC will provide both the applicant and the gambler with a written notice. The TGC will consider the report and may invite representation from one or more parties. A wide variety of factors are taken into account when considering the application and, ultimately, the TGC needs to be satisfied that this exclusion is in the interest of the affected person and in the public interest.

Revocation of a Third Party Exclusion

Application to revoke a Third Party Exclusion may be made to the TGC.

Staff Training

It is a condition of a gaming employee's licence that the employee undertakes a Responsible Service of Gaming course. Staff are also trained within their venue to manage patrons who are listed on a self-exclusion program. Course attendees are given exposure to the Deed of Self-exclusion and their responsibilities and limitations are outlined. The AHA (Tas) and TAFE Tasmania conduct this course and the AHA (Tas) provides advice to its members on management of staff/patron issues. The casinos conduct a course which complies with the TGC requirements.

Communication between venues and Break Even counselling services as well as the Gambling Helpline Tasmania is encouraged. Industry staff are considered part of the target population of the Helpline.

Data Management

All data provided on the Self-exclusion Notice is recorded at the point of distribution (that is the AHA (Tas)) and is electronically recorded and forwarded to the TGC.

The TGC has developed a database that captures a wide variety of information about excluded persons. The database includes demographic and regional characteristics as well as exclusion type and duration of exclusion notice/order.

Wrest Point Hotel Casino, Hobart

Administration of the Program

Wrest Point Hotel Casino provides the option for patrons to exclude themselves from the Casino. The implementation of the self-exclusion program at Wrest Point Hotel Casino is the responsibility of the Security and Service Manager – Compliance and the monitoring of such procedures is the responsibility of the General Manager and the Government Inspectorate based at the Casino.

The procedure of self-exclusion is carried out by Break Even Services Providers who forward on the necessary documentation to the licence holder.

There is no particular duration of self-exclusion imposed and it may be revoked by the person on request.

Photographs and cameras are used for surveillance and detection of self-excluded patrons and, in the event of person being detected, security officers document the person's reasons for breaching their self-exclusion and records are kept in case of prosecution.

Staff Training

Staff training in the responsible service of gaming is carried out by the TGC.

Data Management

Records of applications for self-exclusions and exclusions of persons by the Casino operators are kept and forwarded to the TGC who publish these figures in the Annual Report. In the latest report, 2000-01, Wrest Point Hotel Casino had received 29 applications for self-exclusion and 13 applications to revoke self-exclusion.

Wrest Point Hotel Casino suggest that the number of people excluded from the Casino at any point can be as high as 150. However, no data was supplied to the researchers on the number of self-excluded patrons.

Western Australia

Self-exclusion

State of Play in WA

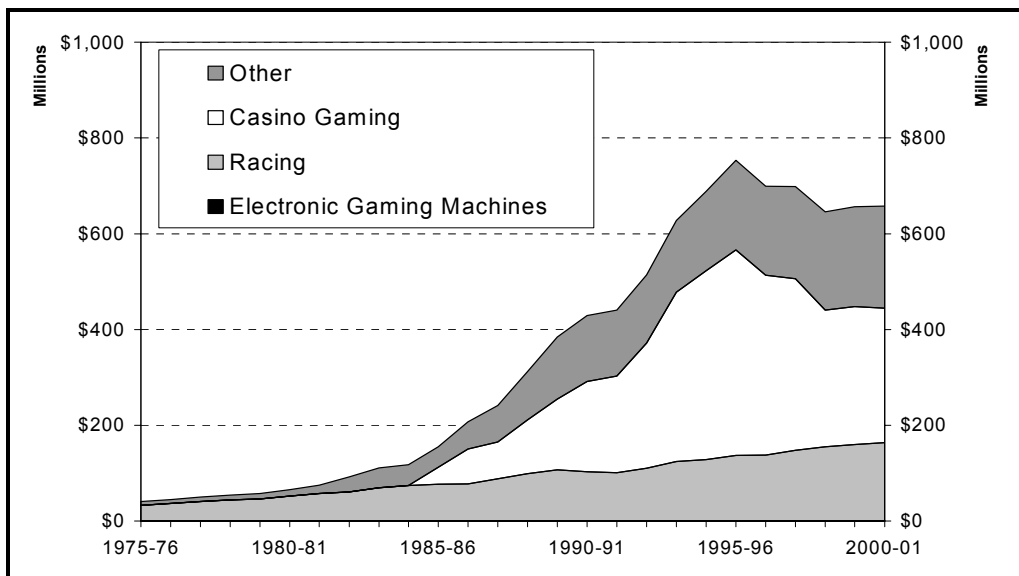
Western Australian legislation does not permit EGMs outside of the Burswood Casino in Perth. In 2000-01, there were 1,383 EGMs in the Burswood Casino. For other states, we have presented expenditure data only for EGM usage outside of Casino's, since the current project focuses on the hotel and club-based gaming industry and the debate over casino gambling is a very distinct. Data on EGM usage in casinos has been excluded.

Nevertheless, by way of comparison, Burswood Casino reported EGM revenue of \$96.5 million in 2000-01 (up from \$89.6 million in 1999-2000, Burswood Limited Annual Report 2001), or approximately one-third of casino gaming revenue. This represents on average:

- \$68 spent by each adult in Western Australia;
- 0.2 per cent of annual household disposable income; and
- 15 per cent of total gambling expenditure in Western Australia.

(Though it should be noted that international tourists represent a larger proportion of the Casino's clientele than most hotels and clubs offering gaming in other states).

Figure 1.11
Electronic Gaming Machine and Other Gambling Expenditure – Western Australia



Source: Tasmanian Gaming Commission (2002).

WA Clubs/Hotels

As mentioned previously, in Western Australia, electronic gaming machines are only available in the Burswood International Resort Casino and the Western Australian Government is maintaining its position of not allowing gaming machines in hotels and licensed clubs throughout Western Australia.

Burswood Casino, Perth

The governing legislation for Burswood Casino is the *Casino Control Act 1984*. Section 26 relates to exclusion from the Casino.

The relevant legislation is presented below.

Relevant Legislation – *Casino Control Act 1984*

26 *General provisions relating to entering and remaining in licensed casinos*

- (1) *A person does not have a right against the owner or occupier of a licensed casino, or a casino licensee, to enter or remain in the licensed casino, except by the licence of that occupier, owner or casino licensee.*
- (1a) *A person authorized by the casino licensee for the purposes of this subsection may, either orally or in writing, prohibit a person from entering or remaining in the licensed casino.*
- (1b) *A prohibition made under subsection (1a) remains in force —*
- (a) *for a period of 24 hours from the time at which it was so made; or*
- (b) *until it is revoked by a person authorized within the meaning of that subsection, whichever is the sooner.*
- (1c) *While a prohibition made under subsection (1a) remains in force, a person authorized within the meaning of that subsection may with the use of reasonable force exclude or remove the person who is the subject of that prohibition from the licensed casino or have him so excluded or removed.*
- (1d) *A person who is the subject of a prohibition made under subsection (1a) shall not enter or remain in the licensed casino to which that prohibition relates while that prohibition remains in force.*
- Penalty: \$500.*
- (2) *The casino licensee concerned or some person acting under the licensee's authority or the Commissioner of Police may give to a person a direction in writing prohibiting the person from entering or remaining in the licensed casino.*
- (3) *A direction given under subsection (2) by the Commissioner of Police is of no effect until notice has been given in writing of that direction to the casino licensee concerned.*
- (4) *A direction given under subsection (2) by —*
- (a) *the casino licensee concerned or a person acting under the licensee's authority remains in force until it is revoked —*
- (i) *by that casino licensee; or*
- (ii) *by a determination of the Commission under section 26A(5), notification of which has been given in accordance with that subsection;*
- or*
- (b) *the Commissioner of Police remains in force until it is revoked by him and that revocation is notified in writing to the casino licensee concerned.*
- (5) *While a direction given under subsection (2) remains in force, a person authorized by the casino licensee for the purposes of this subsection may with the use of reasonable force exclude or remove the person who is the subject of that direction from the licensed casino or have him so excluded or removed.*
- (6) *A person who is the subject of a direction given under subsection (2) shall not enter or remain in the licensed casino to which that direction relates while that direction remains in force.*
- Penalty: \$1, 000.*

- (7) *The casino licensee or a person concerned in the organization or management of the gaming operations in, the casino, shall not knowingly allow any person to enter or remain in the licensed casino contrary to a prohibition made under subsection (1a) or a direction given under subsection (2).*
- Penalty: \$5,000.
- (8) *This section does not prevent any person from exercising any power conferred on him by this or any other Act to enter or remain in, or to do any other act in relation to, a licensed casino.*

Administration of the Program

The operator of the Burswood International Resort Casino has developed and implemented a self-exclusion program that provides for patrons to be excluded from the Casino for a fixed period that is agreed between the Casino and the patron. This is a voluntary self-exclusion program to help patrons seeking assistance in preventing them from entering and remaining on the casino gaming floor. There is no legislative requirement for the provision of a self-exclusion program at Burswood. Burswood's self-exclusion program is governed by a Responsible Gaming Committee comprising of senior executives of Burswood and is administered by the Security Department.

Patrons who make an application to be self barred from Burswood are required to complete an Application for Self Barring form which must be witnessed by an associate. A photograph is taken of the person and is retained on file with the barring notice for reference.

All applicants receive information on counselling programs available in Western Australia.

The minimum period for self-exclusion is 12 months.

Security personnel are responsible for the monitoring of participants in regards to identifying self-excluded persons within the Casino.

Staff Training

Training is provided to Security management in conjunction with Break Even Western Australia.

Data Management

The operator of the Burswood Casino reports all prohibitions and re-entries in a daily incident log and a report is submitted to the Gaming Commission on a monthly basis.

1,525 individuals have applied to be self-excluded from the Casino since its opening in 1985. Of these, 452 notices are current.

Section 2

Harm Minimisation Policies in Australian States and Territories

Table 2
Harm Minimisation Policies for EGMs only in Australian States and Territories

	VIC	ACT	NSW	NT	QLD ¹	SA	TAS	WA
Smoking banned in gaming areas	✓							
Note acceptors	\$100 note acceptors banned.			Gaming machines with note acceptors are not allowed in hotels and clubs.		Gaming machines that accept notes are banned.		Future machines to have note acceptor limit of \$100.
Autochange machines				Maximum of one machine per gaming area limited to exchanging a currency note no greater than \$50.				
Autoplay facilities banned	✓					✓		✓
Gaming machine spin rates	Not to be reduced below 2.14 seconds.					Not legislated		
Maximum bet limit	\$10			\$5 in hotels and clubs.		\$10		
Regulation of loyalty card schemes	✓		✓					
Player information on the odds of winning	Must be provided		Must be provided.		Information on the odds of winning must be prominently displayed in all gambling areas.	Must be provided in the Gaming Room		Must be provided.

	VIC	ACT	NSW	NT	QLD ¹	SA	TAS	WA
Access to cash from ATM and EFTPOS facilities	Withdrawals limited to \$200 per transaction.	No cash facility may be provided in a gaming area of the venue.	ATM and EFTPOS terminals must be located away from areas where gaming machines are located.	ATMs cannot be located in close proximity to a gaming area.	ATMs are not to be located in close proximity to gaming areas.	Cash facilities are not permitted in gaming areas. Cash withdrawals are fixed at \$200.	ATMs are not permitted in the gaming venue. Cash provisions through EFTPOS facilities may be provided under certain circumstances and may not be provided if they are to be used for gaming.	
Cash advances	No cash advances from credit accounts.	A licensee may not extend credit to a person to play a gaming machine.	No cash advances from credit accounts.	A licensee may not loan or extend credit in any form.	Gambling providers are not to provide credit or lend money to anyone for the purpose of gambling.	Gambling providers are not to provide credit or lend money to anyone for the purpose of gambling.	EFTPOS facilities must not be used for the provision of cash from credit accounts.	
Payment by cheque	Winnings in excess of \$2000 are to be paid by cheque.		Patrons who accumulate more than \$1,000 on a gaming machine must be paid the amount over \$1,000 by cheque.	Payments over \$250 must be made by cheque.	Winnings above a certain limit to be paid by cheque or electronic transfer.			
Cashing of cheques	Venues are prohibited from cashing winnings cheques issued by the venue.		It is prohibited to cash cheques of more than \$400 in value or third party cheques.		Cheques issued by the gambling provider are not able to be cashed at the venue for 24 hours or the next trading day.	Codes of Practice. No cashing cheques in Gaming Room.	Venues will allow the cashing of cheques at the discretion of the licensed premises gaming operator. However only one cheque per patron can be cashed each day.	

	VIC	ACT	NSW	NT	QLD ¹	SA	TAS	WA
Minors banned from gaming machine areas	✓	✓	✓	✓	✓	✓	✓	✓
Advertising restrictions	✓		✓	✓	✓	Advertising Code.	Through voluntary codes of practice.	
Lighting	Gaming venues must be adequately lit.							
Clocks	Requirement for clocks on all gaming machines.		All venues must ensure a clock is kept in each part of the venue where gaming machines are located.			Required in Gaming Room.	Installation of clocks in gaming areas required under voluntary codes of practice.	
Restrictions on playing time / hours of opening	Legislation prohibits 24-hour gaming venues in regional and rural Victoria. Metro venues can only apply for a 24-hour licence on certain conditions.	Gaming machine licensees that are clubs are only able to operate gaming machines during the hours they are permitted to sell alcohol. That is, gaming machines are not able to be operated for three hours each day.	There is a ban on the 24-hour operation of gaming machines in hotels and clubs.	Limited to liquor trading hours and only in the presence of the licensee/ employee of the licensee. No gaming between 4am and 10am each day.	In general, gaming machine operation hours are limited to ordinary liquor trading hours of 10am to midnight, Monday to Sunday.	Gaming machine venues must be closed for at least six hours in every 24 hour period. (Can be any combination of 6 hours).	Opening hours for EGMs are determined by the liquor licence.	
Gaming machines banned from retail shopping centres			✓			✓		

¹ Most of these harm minimisation practices are outlined under a voluntary code of practice.

Victoria

Harm Minimisation Policies

Strategies/Policies

Responsible gambling and harm minimisation practices in Victoria have been legislated through the *Gaming Machine Control Act 1991*, the *Casino Control Act 1991* and the *Tobacco Act 1987*. Amendments were made recently to the *Gaming Machine Control Act 1991* and the *Tobacco Act 1987* to tighten the legal requirements for gaming venues.

Furthermore, a number of regulations addressing harm minimisation have been introduced in the past year including the *Gaming Machine Control (Advertising) Regulations 2001*, the *Gaming Machine Control (Clocks) Regulations 2001* and the *Gaming Machine Control (Responsible Gambling)(Lighting and Views) Regulations 2001*.

An outline of the key harm minimisation policies in Victoria is presented below.

Smoking is banned in gaming areas

Effective from 1 September 2002, smoking is not allowed in the Casino except in defined smoking areas. A defined smoking area is a bar area, a TAB area or a high roller room, as declared by the Minister for Health through gazetted notice.

Smoking is not allowed in gaming machine areas in gaming venues that have only one room, or in gaming rooms in venues that have more than one room.

\$100 note acceptors are banned on gaming machines

Gaming machines are not to accept notes greater than \$50 denominations. This applies to all new games approved after 1 January 2003. For games approved before 1 January 2003, the restriction applies after 1 January 2008. This restriction does not apply in an area specified by notice of the Authority published in the Government Gazette if the casino or venue operator complies with the conditions, if any, specified in the notice.

Autoplay facilities are banned

Autoplay facilities are banned on all new games approved after 1 January 2003. The new provisions prohibit the casino or venue operator from allowing a game to be played on a gaming machine which has any form of autoplay. A player will be required to fully release a button before pressing it again to effect the next spin.

For games approved before 1 January 2003, autoplay facilities are banned after 1 January 2008. This restriction does not apply in an area specified by notice of the Authority published in the Government Gazette if the casino or venue operator complies with the conditions, if any, specified in the notice.

Gaming machine spin rates are not to be reduced below current levels

Spin rates of games must not be below 2.14 seconds. This restriction does not apply in an area specified by notice of the Authority published in the Government Gazette if the casino or venue operator complies with the conditions, if any, specified in the notice.

Maximum bet limit of \$10

A maximum bet limit of \$10 applies to gaming machine games approved on or after 1 January 2003 and to all gaming machine games as of 1 January 2008.¹⁴

Regulation of loyalty card schemes

As of 1 July 2003, the operation of loyalty card schemes is to be regulated so that players can set time and spend limits and to ensure that a person who opts to self-exclude cannot access gaming machines using their loyalty card. Under sections 82A to 82F of the *Casino Control Act 1991* (as amended by the *Gaming Machine (Amendment) Act 2002*, loyalty card holders are to be provided with activity statements that describe their gaming machine usage.

Further details of the operation of the new provisions are as follows:

- A loyalty scheme provider is prohibited from allowing a person to participate in a loyalty scheme unless the provider has given the person a written statement containing prescribed information, has informed the person of the availability to set time and spend limits and the person has agreed to receive player activity statements relating to playing gaming machines under the scheme.
- A loyalty scheme provider is required to provide each participant in the scheme with the opportunity, at any time, to set limits on the amount of time he or she spends playing a gaming machine per 24 hour period and the amount of net loss over a 24 hour period or period of time to be specified by the participant.
- A loyalty scheme provider is prohibited from allowing a participant to continue to play games under the scheme if his or her time or spend limits are met.
- A loyalty scheme provider must ensure that a participant may only increase his or her self set expenditure limit are providing 24 hours written notice to the loyalty scheme provider.
- A loyalty scheme provider is prohibited from knowingly allowing an excluded person to participate in the scheme.
- A loyalty scheme provider is required to remove a participant from the scheme if the participant becomes an excluded person or has excluded him or herself from an approved venue.
- The definition of an “excluded person” is a person who is the subject of an exclusion order or interstate exclusion order or who has excluded him or herself from an approved venue.

¹⁴ Ministerial Direction to the Victorian Casino and Gaming Authority on 19 September 2002, provided for under section 62A(4) of the *Casino Control Act 1991* and section 12(1) of the *Gaming Machine Control Act 1991*.

- A loyalty scheme provider is required to provide each participant, at least once a year, with a player activity statement containing prescribed information. This statement may be sent to the participant or made available for collection by the participant at a venue nominated by the participant on joining the scheme.
- A loyalty scheme provider is required to notify in writing a participant, who has elected to collect their activity statement, when it is available for collection within 7 days of the production of the statement.
- A loyalty scheme provider is required to provide a participant, on request, with an additional copy of his or her player activity statement, the fee for which must not exceed \$20.
- In relation to a participant in a loyalty scheme who has elected to collect his or her activity statements from an approved venue or the casino:
 - If a participant does not collect the activity statement within one month of receiving notice of its availability, the participant will be suspended from the scheme until the statement is collected.
 - If a participant does not collect the activity statement within three months of receiving notice of its availability, the loyalty scheme provider must remove the participant from the scheme.
- A loyalty scheme provider is required to provide a participant at least once per year by post, fax, email or other electronic communication a form which enables the participant to opt out of the scheme. If a participant informs the loyalty scheme provider that the participant does not wish to continue to participate in the scheme, the loyalty scheme provider must remove the participant from the scheme. If the notice is sent to the participant by post, the loyalty scheme provider must include a reply paid envelope with the form.
- A loyalty scheme provider is prohibited from knowingly sending advertising to a person suspended or removed from a loyalty scheme except where the material is made available to the general public and is not directed specifically at the person.
- A loyalty scheme provider must allow a person who is or was a participant in the scheme to have access to any information held by the provider relating to the person's participation on the payment of a fee (if any) not exceeding \$20.
- The Minister may from time to time direct a loyalty scheme provider to provide information collected through the loyalty scheme to the Gambling Research Panel or to any other person or body for research purposes. The information must not identify or be capable of identifying a person who is or was a participant in the scheme.

Players who are members of loyalty schemes will be provided with information on the amount of time and money they have spent.

Player information on the odds of winning

There will be a requirement for printed and electronic information on gaming to be made available in venues.

The printed player information is aimed at advising gaming machine players about the odds of winning. The printed material will include information on the Gambler's Help program in 19 community languages.

The regulatory requirements for electronic information state that each gaming machine must be capable of generating and displaying game and player information, including the amount of time and money spent by the player. This information is to be generated and displayed at the request of a player.

The printed information is to be provided in all venues by 1 December 2002, and the electronic information is to be provided on all new games approved after 1 January 2003; for games approved before 1 January 2003, the requirement applies after 1 January 2008.

Limits on access to cash from ATM and EFTPOS facilities

Withdrawals from ATM and EFTPOS facilities within 50 metres of entrances to Crown Casino are limited to \$200 per transaction, and the Casino operator must not allow a person to obtain cash advances in any one transaction on any one debit or credit card, from credit accounts from machines within 50 metres of a Casino entrance. These provisions extend the area where cash advances are limited to include the area between the casino and 50 metres of any entrance to the casino (the previous licence conditions set by the Victorian Casino and Gaming Authority prohibited the casino from providing cash facilities inside the casino).

Withdrawals from ATM and EFTPOS facilities within other gaming venues are to be limited to \$200 per transaction, and the venue operator must not allow a person to obtain any cash advances from credit accounts within the venue.

Winnings in excess of \$2,000 are to be paid by cheque

Winnings or accumulated credits exceeding \$2,000 from a gaming machine must be paid by cheque, with players having the options of cheque payment winnings below \$2,000. This restriction does not apply in an area specified by notice of the Authority published in the Government Gazette if the casino operator complies with the conditions, if any, specified in the notice.

Venues are prohibited from cashing 'winnings' cheques issued by the venue

Casino and venue operators are not permitted to cash or convert to gaming tokens any 'winnings' cheques issued by the venue, or allow any other person to do the same at the casino or gaming venue.

Minors banned from gaming machines areas

Children are not allowed to play gaming machines or be in areas where gaming machines are present. Furthermore, it is not allowable to use an amusement machine in an amusement centre, tourist centre or recreational centre to give cash, part-cash, or “redeemable for cash” prizes.

Restrictions on advertising

On 12 April 2001, the Victorian Government banned inappropriate advertising relating to the playing of gaming machines. Under these regulations, warnings, similar to health warnings on cigarette advertising, are mandatory for all gaming advertising. The regulations also ban advertising that:

- glamorises gambling;
- promotes gambling as a strategy for improving a person’s
 - social status,
 - attractiveness to others, or
 - financial position;
- offers inducements to start gambling on gaming machines; and
- misleads the community about the chances of winning.

The Government’s powers to regulate advertising were expanded recently to include regulation of symbols generally associated with gaming.

Proper lighting in venues

The Government has introduced regulations requiring gaming venues to be adequately lit. The Productivity Commission inquiry noted claims by care agencies that the absence of clocks and natural lighting contributed to problem gaming, by detaching people from the outside world or creating a timeless environment. The new regulations came into force on 2 January 2002.

Clocks

From 1 July 2001 regulations came in force requiring all gaming machines in use in venues (including the Casino) to have the time displayed. The time of day must be displayed on each gaming machine available for gaming in an approved venue on or after 30 September 2001. The objective of the regulations is to foster responsible gambling by requiring the time of day to be displayed on gaming machines, so that players can be aware of the time of day and the passage of time.

Improved information to players on new gaming machines

The Victorian Casino and Gaming Authority has adopted the newly released Version 4 of the National Standards that incorporates the requirement that all new gaming machines display the credit meter in both credits and dollars and cents.

The standards also restrict the standard deviation in gaming machines that places a theoretical boundary on the volatility of games thereby ensuring that the approved Return to Player is met in a reasonable period of time.

These changes took effect from 7 September 2001.

Community Benefit Statements

Both clubs and hotels that operate gaming machines must prepare and lodge each year an audited community benefit statement with the Victorian Casino and Gaming Authority. Any club that does not contribute the equivalent of at least 8.33 per cent of its total net daily cash balance from gaming machines to the community must pay the same tax rate on gaming machine revenue as hotels.

The purpose of the community benefit statement is to provide the public with information on community contributions made by venues and to ensure that clubs are contributing at least the equivalent of hotels for community purposes.

Public awareness and community education campaign

On 26 February 2001, the Government launched a \$6.1 million public awareness and community education campaign using television, radio and print ads to help Victoria's problem gamblers. This program is being continued this year.

Services strategy

The Government's services strategy has included:

- Better development of telephone counselling and face-to-face services for problem gamblers to ensure that appropriate referrals are made quickly and effectively.
- Further development of the network of Gambler's Help services to promote the sharing of skills and expertise in relation to problem gambling (eg: state-wide forums, service development activities, training).
- Establishment of a single state-wide name and referral system for problem gambling services.
- Implementation of an approved Client and Service Data Analysis reporting system – the key evaluative mechanism in the service network – to provide more timely data and the capacity to respond to client need in a more timely manner.

Accountability

There is now mandatory full reporting and accountability by the gambling industry in general and the casino sector in particular to the Parliament. The *Gambling Legislation (Miscellaneous Amendments) Act 2000* helps remove secrecy and requires the VCGA to conduct open hearings for the first time.

The *Gambling Legislation (Miscellaneous Amendments) Act 2000* also gives the community the right to know details of applications. The VCGA completed and delivered the Report of the Second Triennial Review to the Minister for Gaming on 30 June 2000. Casino tender documents have been released. Associates data has also been released.

Restrictions on playing time, hours of opening and number of gaming machines

Restrictions on 24 hour trading

Reforms introduced by the Government as part of the *Gambling Legislation (Responsible Gambling) Act 2000* prohibit 24-hour gaming venues in regional and rural Victoria.

In the Melbourne metropolitan area, venues can apply for a 24-hour licence depending on certain conditions. No new 24-hour gaming venues can be opened without demonstrated net economic and social benefit. The application for approval of premises suitable for gaming to open 24 hours per day must be accompanied by a submission on the net economic and social benefit that will accrue to the community of the municipal district in which the premises are located. There must be a further submission taking into account the impact of the proposal for approval on surrounding municipal districts.

Net economic and social impact test

Any application for the approval of new gaming premises, or any application for an increase in the number of gaming machines at an existing gaming venue, requires the VCGA to satisfy itself as to the net economic and social impact of the proposal.

Caps on the number of gaming machines

Victorian Government gaming policy initiatives in this area are as follows:

Limit on total number of machines in Victoria

The total number of EGMs in Victoria is capped at 30,000. Within this total, the number of EGMs at the Casino is capped at 2,500, while Tabcorp and Tattersall's are limited to 13,750 EGMs each by Ministerial Direction. Other relevant limits set by this direction are:

- the proportion of gaming machines to be located outside the Melbourne Statistical District is not less than 20 per cent;
- the maximum number of machines in individual venues other than the Casino is 105;
- 50 per cent of the machines are to be in hotels with a general licence under s.8 of the *Liquor Control Reform Act 1998*; and
- the other 50 per cent of gaming machines are to be in clubs with a full or restricted club licence under s.10 of the *Liquor Control Reform Act 1998*.

Regional caps

The *Gambling Legislation (Responsible Gambling) Act 2000* provided for the introduction of regional caps on the number of EGMs. On 8 February 2001, the Government announced the capping of gaming machine numbers in vulnerable regions across the State.

Under the *Gaming Machine Control Act 1991*, the VCGA is responsible for setting the caps on gaming machines for each of the regions. The VCGA sets the caps in accordance with the criteria specified by the Minister for Gaming.

These caps were set by determination of the VCGA on 5 May 2001, and implemented by directions of the VCGA to the operators (TABCORP and Tattersall's). The capped regions are Maribyrnong Plus, Greater Dandenong Plus, Darebin Plus, City of La Trobe and Bass Coast Shire.

The criteria for setting the regional caps were accessibility, player loss and socio-economic status. Regions that have high accessibility to gaming machines, high player losses and low socio-economic status are more likely to experience actual or potential harm from gaming machines.

The Minister for Gaming specified that the accessibility to gaming machines — measured by gaming machines per 1000 adults — should not be higher than the level in the lowest ninety per cent of municipalities, as at 30 June 2000. The resultant number of gaming machines cannot exceed the number in that region as at 30 June 2000.

The number of machines in the five capped regions will drop by 406, phasing down over the period from April 2002 to April 2004, as follows:

- Maribyrnong Plus – 157 EGMs to be removed;
- Greater Dandenong Plus – 147 EGMs to be removed;
- City of La Trobe – 61 EGMs to be removed;
- Bass Coast Shire – 41 EGMs to be removed; and
- Darebin Plus – present number not to be exceeded.

Gaming machines transferred from capped regions to other regions, either as an increase in EGM numbers or through new venues being opened, will be subject to the additional controls placed on gaming venue approvals in the *Gambling Legislation (Responsible Gambling) Act 2000*, including local council involvement in processes and the economic and social benefit test.

The impacts of these regional caps, both within the regions and in other areas of the state, will be closely monitored. The Government has stated that if there are indications that other communities are becoming more vulnerable, then the declaration of more regions will be considered.

Allocation of gaming machines between hotels and clubs

As noted above, the number of machines in hotels and clubs has been set by Ministerial Direction:

- 50 per cent of the machines are to be in hotels with a general licence under s.8 of the *Liquor Control Reform Act 1998*; and
- the other 50 per cent of gaming machines are to be in clubs with a full or restricted club licence under s.10 of the *Liquor Control Reform Act 1998*.

Number of gaming machines allocated to casinos

The only casino currently in Victoria is the Crown Casino and this venue is limited to 2,500 EGMs.

Limits on gaming machines per venue and transfer of machines between venues

As noted above, the maximum number of machines in any individual venue other than the Casino is 105.

Any application for an increase in the number of gaming machines at an existing gaming venue requires the VCGA to satisfy itself as to the net economic and social impact of the proposal. The local council must be informed of the application and the council may make a submission to the VCGA that:

- addresses the economic and social impact of the proposed amendment on the well-being of the community of the municipal district in which the approved venue is located, and
- takes into account the impact of the proposed amendment on surrounding municipal districts.

The VCGA must take a council submission into account and satisfy itself that:

- the net economic and social impact of the amendment will not be detrimental to the well-being of the community of the municipal district in which the approved venue is located, and
- the regional limit for gaming machines for the region in which the approved venue is located will not be exceeded by the increase in numbers of machines.

Australian Capital Territory

Harm Minimisation Policies

Strategies/Policies

Currently, legislation in the Australian Capital Territory makes provisions with respect to the following harm minimisation features.

Cash facilities

A licensee shall not provide or permit the provision of a cash facility (an ATM or EFTPOS facility) in a gaming area within the licensed premises.

Lending or extending credit

A licensee may not lend or offer to lend money to a person who is in, or appears to be about to enter, a gaming area within the licensed premises or extend or offer to extend credit to a person to play a gaming machine on the licensed premises.

Minors

Persons under 18 years of age are not permitted to enter or remain in a gaming area or play a gaming machine.

Review of Gaming Machine Act 1987

Following a request by the former Chief Minister, the Commission has been undertaking a comprehensive review on the principal legislation regulating gaming machines in the Territory, the ACT *Gaming Machine Act 1987* (the Act). The review addresses all aspects of the gaming machine legislation including administrative arrangements (licensing of venues, employees, etc.), and harm minimisation strategies (cash facilities, hours of operation, etc.). The Commission has thus far undertaken two periods of community consultation involving stakeholders.

Code of Practice

The *Gambling and Racing Control Act 1999* requires the Commission to develop a code of practice that is to apply to gambling licensees in the Territory. In achieving this, the Commission is in the final stages of developing a mandatory code of practice that will apply to all gambling providers in the ACT. The code of practice and the offence provisions will be contained in the *Gambling and Racing Control (Code of Practice) Regulation 2002*.

The objective of this code is to compel gambling providers to maintain a minimum set of standards that will:

- require gambling providers to consider whether a person using their gambling product displays any problem gambling characteristics;

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- where a problem gambler is identified, require a gambling provider to take appropriate action (licensee initiated exclusion);
 - heighten gambling providers' awareness of the need to provide adequate and accurate consumer information;
 - provide protection to those people that have difficulty in controlling their gambling behaviour (cash payout restrictions); and
 - require a gambling provider to provide a self-exclusion program.

Restrictions on playing time, hours of opening and number of gaming machines

Following a recent amendment to the Act, gaming machine licensees that are clubs are only permitted to operate gaming machines during the same period that they are permitted to sell alcohol. This has resulted in gaming machines not being permitted to operate for three hours per day. The Commission is currently assessing the effectiveness of this provision as part of the review of the gaming machine legislation.

There is currently no provision in the Act to enable the Commission to arbitrarily reduce the number of machines held by a licensee (other than cancellation of licence for disciplinary reasons). Furthermore, the Commission has not proposed in its draft Policy Paper any mechanism to reduce the number of machines held by current licensees.

Caps on the number of gaming machines

Currently in the ACT the number of gaming machines permitted is restricted to 5,200 by virtue of section 23B of the Act. This section is the subject of a sunset provision which requires Legislative Assembly support for its continuance. The Legislative Assembly has recently reaffirmed its support for the cap of 5,200 by extending the capping provision of the Act until 30 June 2003.

To assist the Commission in managing the finite number of machines available in the Territory, Section 23B of the Act also specifies that where the Commission is considering an application for new or additional gaming machines, it is to have regard to the following matters:

- where the applicant is a club, the ratio of the membership to the number and type of gaming machine in existing clubs;
- where the applicant is a club, the extent to which the club is likely to support and be beneficial to the community; and
- such other matters that are relevant.

The Commission has made a number of recommendations in the draft Policy Paper it circulated in December 2001 concerning the cap. Primarily the Commission is proposing that rather than the level of the cap being contained in legislation, it should be determined by the Commission by way of a disallowable instrument. It is proposed that in determining the level of the cap the Commission would need to have regard to:

- the usage of current gaming machines;
- the public demand for gambling in the community;
- the incidence of problem gambling in the community;
- the availability of problem gambling support services; and
- any other relevant matters.

Once the level of the cap is determined, the Commission is proposing that to assist it in making an informed decision in allocating the finite number of gaming machines available, all applications for new and additional machines would need to be accompanied by an acceptable social impact statement.

The Commission is not proposing to apply objective formulas such as machines per capita or machines per postcode as a determinant, rather it believes its assessment should be based on the identifiable and sustainable needs of the community.

Allocation of gaming machines between hotels and clubs

Total gaming machines issued within the Territory as at December 2001 was 5,003. This consisted of 4,943 gaming machines in 69 clubs, and 60 gaming machines in 6 hotels (holders of general liquor licence). Since formation of the Commission in December 1999 there has been only one successful application by a licensee to increase the number of machines on its premises (15 machines).

Number of gaming machines allocated to casinos

Casino Canberra is the only casino operating in the ACT. Section 76 of the *Casino Control Act 1988* prohibits the installation or use of gaming machines in the casino. Therefore, there are no gaming machines in Casino Canberra.

Limits on gaming machines per venue and transfer of machines between venues

Currently in the ACT there are no venue limits imposed on clubs.

General Licence holders (hotels with more than 12 rooms for accommodation) are restricted to ten Class B gaming machines and 3 Class A gaming machines. On Licence holders (taverns and hotels with less than 12 rooms) are restricted to two Class A gaming machines.¹⁵

Pursuant to section 23 of the Act, the Commission may approve the transfer of gaming machines from one premises to another. The Commission may only approve the transfer of a gaming machine licence held by the General Licence (hotel) holder to another person who is eligible for such a gaming machine licence. In the case of a club, the Commission may approve the transfer to another premises if that premise holds a gaming machine licence in respect of that premises. In either case the transfer must not result in an increase in the number of gaming machines on premises.

¹⁵ The ACT legislation currently distinguishes between the classes of gaming machines. Class A machines are single stake machines which are restricted to allowing winnings of no more than 40 times the amount of coin inserted. This class of machine are no longer available. Class B machines are the less popular draw poker and keno machines while Class C machines are the current poker machines.

New South Wales Harm Minimisation Policies

Strategies/Policies

Gambling Reform Package 2002

The *Gaming Machines Act 2001* and *Gaming Machines Regulation 2002* provide for the regulation, control and management of gaming machines in hotels and registered clubs in NSW. Most of the new laws and regulations commenced on 2 April 2002.

Some of the key harm minimisation measures in the reform package include:

A state-wide cap on gaming machine numbers in hotels and registered clubs

The maximum number of approved gaming machines that the Board may authorise to be kept in all hotels and registered clubs in the State is 104,000.¹⁶

The overall State cap comprises:

- (a) a maximum number of 25,980 approved gaming machines in respect of hotels, and
- (b) a maximum number of 78,020 approved gaming machines in respect of registered clubs.

Limits on the number of gaming machines that each individual hotel and registered club may operate

The maximum number of approved gaming machines that the Board may authorise to be kept in any one hotel is 30.

The maximum number of approved gaming machines that the Board may authorise to be kept on any of the premises of a registered club is 450.

A tradeable gaming machine entitlement scheme for the hotel and registered clubs sectors

The Liquor Administration Board has allocated one gaming machine entitlement to every club and hotel for each gaming machine the venue was entitled to keep as at the date of the relevant freeze – 28 March 2000 for clubs and 19 April 2001 for hotels. The freezes ceased to operate from 2 April 2002.

This is further discussed in a later section.

¹⁶ As previously mentioned in this report, actual numbers of gaming machines in clubs and hotels in 2000/01 were 74,710 and 25,452 respectively — within the State cap.

A new social impact assessment process for authorisation of gaming machines

The 2002 Gambling Reform Package (sections 32 to 37A of the *Gaming Machines Act 2001* and sections 33-40 of the *Gaming Machines Regulation 2002*) introduced new and stricter requirements in regard to social impact assessments to be undertaken and submitted by applicants. In particular, these requirements apply to hotels or clubs seeking authorisation to keep approved gaming machines on any temporary premises or in any new hotel or club.

A requirement for gaming venues to provide a self exclusion scheme and to make formal links with a problem gambling counselling service

A hotelier or registered club is required to enter into an arrangement, with a person or body approved by the Minister, in relation to the establishment and conduct of self-exclusion schemes in the hotel or club.

The prescribed requirements for the conduct of a self-exclusion scheme are that the scheme makes provision for the following:

- (a) preventing the hotelier or registered club, or an employee of the hotelier or club, from refusing a participant's request to participate in the scheme,
- (b) requiring the participant to give a written and signed undertaking that he or she will not gamble in the hotel or club for a period specified in the undertaking (such undertaking may be in a standard form as approved by the Director-General from time to time),
- (c) requiring the participant to be given an opportunity to seek independent legal or other professional advice at his or her own expense as to the meaning and effect of the undertaking before it is given,
- (d) requiring a participant who enters into an undertaking to be provided by the hotelier or club (or an employee of the hotelier or club) with written information outlining the name and contact details of the problem gambling counselling service referred to in clause 46 (3),
- (e) requiring the hotelier or club to ensure that responsible persons for the hotel or the club can readily identify the participant, whether by means of access to a recent photograph of the participant or otherwise,
- (f) requiring the hotelier or club:
 - (i) to publicise the availability of the scheme and information as to how it operates to the patrons of the hotel or club, and
 - (ii) to make available, on request by any patron of the hotel or club, the standard self-exclusion form (if any) referred to in paragraph (b),
- (g) preventing a participant from withdrawing from the scheme within 3 months after requesting participation in the scheme.

It is lawful for a responsible person for a hotel or registered club, using no more force than is reasonable in the circumstances:

- (a) to prevent a participant from entering the nominated area of the hotel or club, and
- (b) to remove a participant from the nominated area or cause a participant to be removed from that area.

A ban on the 24 hour operation of gaming machines in hotels and clubs

From 2 April 2002, all clubs and hotels are required to ensure that all gaming machines in their venue are not operated for gambling purposes between 6am and 9am on each day of the week (*the interim 3-hour shutdown period*).

From 1 May 2003, the shutdown period is 4am to 10am (*the general 6-hour shutdown period*). Clubs and hotels can apply to the Board to have the general 6-hour shutdown period reduced to three hours from 6am to 9am on a Saturday, Sunday or public holiday on or after 1 May 2003 (*the 3-hour shutdown period*).

A hotel or club can apply to the Board for an 'early opener' shutdown period different from *the interim 3-hour shutdown period*, *the general 6-hour shutdown period*, and *the 3-hour shutdown period* mentioned above if the applicant can prove that the venue,

- was open for business before 10am on a regular basis prior to 1 January 1997 on at least one day of the week, and
- was closed for business between midnight and 10 am on a regular basis prior to 1 January 1997 for a minimum of three hours on at least one day of the week, and
- has continued to open and close on that same basis ever since, and
- has the approval of the local consent authority to trade the hours requested.

Prohibitions or strict controls on gaming machine related advertising and signage

See below.

Tighter controls on gaming machine related promotions and player reward schemes

A hotelier or registered club must not:

- (a) offer or present a promotional prize in the form of cash, or
- (b) offer or present a promotional prize that exceeds \$1,000 in value, or
- (c) permit a patron of the hotel or club to exchange a promotional prize for cash, or

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- (d) permit any bonus or reward points accumulated under a player reward scheme to be redeemed for cash.

If a hotelier or registered club conducts a player reward scheme, the hotelier or club must, in accordance with the regulations:

- (a) advise the participants in the scheme of the availability of player activity statements that relate to the playing of approved gaming machines under the scheme, and
- (b) provide each such participant with a player activity statement.

Further details are outlined in the regulations.

Responsible Gambling Package 1999

One of the most significant amendments made by the *Gambling Legislation Amendment (Responsible Gambling) Act 1999* to the *Liquor Act 1982* and the *Registered Clubs Act 1976* was the introduction of gambling harm minimisation and the responsible conduct of gambling activities as primary objects of these Acts.

The Responsible Gambling Regulations prescribed requirements in the following areas.

Provision of Information

Required clubs and hotels to provide information to patrons on counselling services, the use and operation of gaming machines, the chances of winning and the problems caused from excessive gambling.

Information brochures

Registered clubs and hotels with gaming machines are required to keep copies of an approved player information brochure, display the brochure and make it available in all gaming machine areas of the venue.

Gambling warning notice

The gambling warning notice can best be described as a health – or wealth – warning notice for gamblers. One of the following six messages must be displayed on the front or top of each gaming machine:

- Don't let gambling take control of your life
- Gambling can become addictive
- Excessive gambling can ruin lives
- Excessive gambling can destroy families and friendships
- Excessive gambling can lead you to the loss of your home or other assets

- Excessive gambling can affect your health

Problem gambling notice

The problem gambling notice must also be displayed on the front or top of each gaming machine. This notice contains the statement “Is gambling a problem for you?”, together with contact information about the G-line (NSW) telephone counselling and referral service.

The problem gambling notice is also required to be displayed on each ATM installed in a club or hotel.

All clubs and hotels with gaming machines are also required to display a counselling sign at their main entrance. The sign lists a series of questions regarding problem gambling, and includes information about the G-line telephone counselling and referral service.

Chances of winning notices

The chances of winning notice on gaming machines advises players that “Your chance of winning the maximum prize on a gaming machine is generally no better than one in a million”. Clubs and hotels with gaming machines must also display a larger notice containing this information in each part of a venue where gaming machines are located.

Limits on the cashing of cheques

The provisions include a prohibition on the cashing of cheques of more than \$400 in value and the cashing of third party cheques.

Limitations placed on the payment of prizes by cash

If a person accumulates more than \$1,000 on a gaming machine, the venue must pay the amount over \$1,000 by cheque payable to the prize-winner.

Cash dispensing facilities to be located away from the poker machine areas

Clubs and hotels with gaming machines are now not permitted to keep ATM and EFTPOS terminals in areas¹⁷ where gaming machines are located.

Place limitations on gambling related advertising (now superseded by the ban on advertising).

¹⁷ In New South Wales and other States “areas” are loosely defined to include where EGMs are located, but an ATM is able to be immediately adjacent or “just outside” where EGMs are located.

Prohibition on the offering of inducements to gamble

Clubs and hotels are now not permitted to offer free or discount liquor as an inducement to gamble.

Clubs and hotels are also no longer permitted to offer free gambling credits by means of letterbox fliers, shopper dockets or any other means.

Require personnel who are involved in the conduct of gambling to undertake an approved training course in the responsible conduct of gambling

All club and hotel managers and staff whose duties are concerned with the conduct of gaming machine activities are now required to complete an approved Responsible Conduct of Gaming course.

Minimum requirement for self-exclusion schemes imposed

Under the *Gaming Machines Act 2001* and from 2 October 2002, every club and hotelier must enter into an arrangement, with a person or body approved by the Minister, to establish and conduct a self-exclusion scheme to allow patrons to exclude themselves from nominated areas of a venue or from the entire venue.

The minimum requirements for the conduct of a self-exclusion scheme are;

- preventing the venue from refusing a participant's request,
- requiring the participant to give a written and signed undertaking that the person will not gamble at the venue for a period specified in the undertaking,
- requiring the participant to be given an opportunity to seek legal or other professional advice, at their own expense, as to the meaning of the undertaking,
- requiring the participant who enters an undertaking to be provided with written information on the name and contact details of a problem gambling counselling service made available to patrons,
- requiring that the venue ensure that venue managers and other responsible persons can readily identify the participant,
- requiring the venue to publicise the availability of the scheme, and information on how it operates, to patrons,
- preventing a participant from withdrawing from the scheme within three months after requesting participation in the scheme.

Some of the more well-known self-exclusion schemes operating in NSW include the Australian Hotels Association (NSW) self-exclusion program, the Betsafe program and Star City Casino's self-exclusion scheme.

Venues are required to display the time

All registered clubs and hotels with gaming machines in NSW are now required to ensure that a clock is kept in each part of the venue where gaming machines are located.

Minors prohibited from operating gaming machines

A person under the age of 18 years must not operate a gaming machine in a hotel or registered club. Also, a person under the age of 18 must not enter or be in a gaming machine area of a registered club.

Gaming machines not permitted in retail shopping centres

Gaming machines are not able to be kept in a hotel or registered club that is part of a retail shopping centre or was part of a retail shopping centre within the previous 12 months.

Cash Advances

Hotels and clubs are banned from providing a cash advance to patrons for any reason.

Technical Standards for Gaming Machines

In April 2001, the Liquor Administration Board made a determination with regard to the type of player-related gambling information that should be displayed on gaming machines.

The Technical Standards will be amended to incorporate the following:

1. Information to be designated “player information display” (“PID”).
That suitably presented plain-English information about specific player returns and the likelihood of payouts on individual gaming machines games be incorporated on a second screen of gaming machines.

That the information to be displayed include;

- total theoretical percentage return to player for the game, including any progressive features in stand-alone progressive games,
- dollar value of top 5 single prizes,
- the probability of winning the top 5 single prizes, and
- the probability of winning the lowest 5 single prizes.

That there be a separate dual function PID button or screen icon in machine design.

That there be a “pull-through” message advising of the availability of the second screen information.

That the PID is only accessible in idle mode.

- That the PID should be available until a relevant button or touch screen icon is pressed again to return to idle mode.
2. The cash input limit for gaming machines be reduced from \$10,000 to \$200.
 3. The maximum amount that may be transferred via a CCCE protocol to a gaming machine be reduced from \$10,000 to \$200.
 4. The credit meter of gaming machines must display alternating credits and currency value when the machine is in idle mode and this alternating display must remain on the credit meter until the credit meter is cleared.
 5. That whenever a machine is connected to a link system there be available a “pull-through” message, which states that currency value displayed on the machine, does not include the value of any win on the applicable link.
 6. That machine be required to generate and display:
 - A “pull-through” harm minimisation message that runs across the screen at least once during every 30 minutes of continuous play. “Continuous play” shall mean play without a break of 5 minutes or more.
 - A “pull-through” harm minimisation message that runs across the screen of each machine when the \$200 cash input limit is reached.
 - That whenever a player has a win of \$100 or more that there be an enforced break from play created by the prevention of the machine being played and the display of a message on the screen inviting the player to cash out by taking the action of pressing a button or using a touch screen.
 - That in addition to such other harm minimisation messages that the Board may require the message contain the following information generated by the gaming machine and relating to the current gaming session which involved a period of continuous play without a break of 5 or more minutes;
 - amount played,
 - amount won with a message that money won may not include money won on a link,
 - money spent (played less won) with a message that money won may not include money won on a link,
 - current time,
 - time spent playing, and
 - amount spent per hour (eg dollars per hour) with a message that money won may not include money won on a link.
 - That this session information shall be reset to zero as soon as the credit meter is cleared.
 - That the above information be available through a PID message.
 7. Gaming machine artwork which deals with the undermentioned be prohibited;
 - encourages a breach of the law,

- depicts children,
 - is false, misleading or deceptive,
 - suggests that winning a prize is a likely outcome of participating in gambling activities,
 - suggests that participation in gambling activities is likely to improve a person’s social standing or financial prospects,
 - suggests that a player’s skill can influence the outcome of a game that is purely a game of chance, and
 - depicts or promotes the consumption of alcohol.
8. That play-through (the facility to cut short the pay cycle by simply playing the next game) and auto-gamble facilities be prohibited.
 9. That there be a redesign of button functions to prevent continuous play without further button press.
 10. That the minimum return to player be increased from 85 to 87.5 per cent.

Restrictions on playing time, hours of opening and number of gaming machines

Changes in play time

None

Changes in operating hours

From 2 April 2002, all clubs and hotels are required to ensure that all gaming machines in their venue are not operated for gambling purposes between 6am and 9am on each day of the week (*the interim 3-hour shutdown period*).

From 1 May 2003, the shutdown period is 4am to 10am (*the general 6-hour shutdown period*). Clubs and hotels can apply to the Board to have the general 6-hour shutdown period reduced to three hours from 6am to 9am on a Saturday, Sunday or public holiday on or after 1 May 2003 (*the 3-hour shutdown period*).

A hotel or club can apply to the Board for an ‘early opener’ shutdown period different from *the interim 3-hour shutdown period*, *the general 6-hour shutdown period*, and *the 3-hour shutdown period* mentioned above if the applicant can prove that the venue,

- was open for business before 10am on a regular basis prior to 1 January 1997 on at least one day of the week, and
- was closed for business between midnight and 10 am on a regular basis prior to 1 January 1997 for a minimum of three hours on at least one day of the week, and
- has continued to open and close on that same basis ever since, and
- has the approval of the local consent authority to trade the hours requested.

Caps on the number of gaming machines

The *Gaming Machines Act 2001* imposed a state-wide cap of 104,000 on gaming machine numbers in hotels and registered clubs in NSW.

Allocation of gaming machines between hotels and clubs

For hotels the state-wide cap is 25,980 and for clubs, 78,020.

Number of gaming machines allocated to casinos

Star City Casino is restricted to operating 1,500 gaming machines.

Limits on gaming machines per venue and transfer of machines between venues

Limits on gaming machines per venue

The restriction of a maximum of 30 gaming machines for each hotel premises was reinforced while a limit was placed on club premises for the first time. Clubs now are limited to a maximum of 450 gaming machines. Eighteen clubs currently exceed this number. The regulations stipulate that these clubs must reduce their gaming machine holdings by 10 per cent over a 5-year period. The total number of machines to be shed by these clubs is 953. At least 20 per cent of the 953 machines must be shed by these clubs annually.

Transfer of gaming machines

The Liquor Administration Board has allocated one gaming machine entitlement to every club and hotel for each gaming machine the venue was entitled to keep as at the date of the relevant freeze – 28 March 2000 for clubs and 19 April 2001 for hotels. The freezes ceased to operate from 2 April 2002.

Clubs that were authorised to keep less than ten machines as at 2 April 2002 were able to apply for free entitlements to bring to ten the number of entitlements allocated for these premises. This includes new clubs, existing clubs and existing clubs that establish additional premises with fewer than ten machines. The allocation of free entitlements will be subject to the social impact assessment process and they will not be transferable for a period of three years after allocation.

A transfer of gaming machine entitlements must be approved by the Board. Entitlements can only be transferred by clubs to other clubs and by hotels to other hotels. Transfers must be in blocks of three. For every two entitlements transferred, another must be forfeited into a forfeiture pool maintained by the Board.

A block of three entitlements may comprise entitlements from more than one club or more than one hotel premises. In the case of a country hotel, no more than one block of entitlements may be transferred to a metropolitan hotel in any one calendar year.

Forfeiture is not required if;

- a hotel is removed to a new venue within one kilometre, or
- in the case of a club that has new or additional premises, the transfer of entitlements is to premises that are within one kilometre.

Country hotels with no more than eight machines may transfer one entitlement in any 12 months to another country hotel without forfeiture. Generally, the country hotel must be located outside the Sydney, Newcastle, Lake Macquarie and Wollongong areas.

A club with ten or less entitlements cannot transfer any of those entitlements unless the transfer has been approved by a majority of the ordinary members, at a general meeting, of the club.

A transfer of gaming machine entitlements by a hotelier must be accompanied by evidence that the transfer is supported by each person who has a financial interest in the hotelier's licence.

The fee on transfer of a gaming machine entitlement is \$250. This is payable to the Board for each transfer document lodged.

Northern Territory

Harm Minimisation Policies

Strategies/Policies

The Northern Territory Government has been addressing responsible gambling issues within the Northern Territory gambling industry through legislative provisions since 1996.

Northern Territory Responsible Gambling Advisory Committee

With the encouragement of the Northern Territory Government, key members of the Territory's gambling industry, including gambling service providers, community service providers and associated organisations, formed the Northern Territory Responsible Gambling Advisory Committee in December 2001. The Advisory Committee has been developing the Northern Territory Responsible Gambling Code of Practice. The Code will represent a whole-of-industry commitment to best practice in the provision of responsible gambling.

The Northern Territory Responsible Gambling Code of Practice aims to deliver the following outcomes:

- Harm from gambling to individuals and the broader community will be minimised;
- Customers will be capable of making informed decisions about their gambling practices;
- People adversely affected by gambling will have access to timely and appropriate assistance and information;
- Individuals, communities, the gambling industry and Government will have a shared understanding of responsible gambling practices and an understanding of their rights and responsibilities in relation to these practices; and
- The gambling industry will provide a safe and supportive environment for the delivery of gambling products and services.

The Code of Practice will have a particular focus on customer protection measures and will commit the various gambling industry sectors to the implementation of a range of responsible practices, including:

- Provision of relevant information.
- Appropriate interaction with customers and community.
- Employee training and skill development.
- Exclusion provisions.
- The provision of a safe and appropriate physical environment.
- Transparent financial transactions.
- Privacy policy.
- Responsible advertising and promotions.
- Support for research.

In recognition of the diversity within the gambling industry, the Code of Practice will acknowledge that some practices may apply to all sectors of the industry while others may apply only to particular sectors.

Gambling service providers will be responsible for the implementation of the NT Responsible Gambling Code of Practice and will develop Responsible Gambling Practices documents, specific to their operations. The Code will be supported by amendments to the Gambling Control Act.

Gambling service providers will maintain responsible gambling incident registers and ensure recording of actions taken by staff to assist people in accordance with the Code.

The Code of Practice will be reviewed annually by a steering committee comprised of industry representatives to evaluate outcomes and effectiveness of the practices.

Current Responsible Gambling and Harm Minimisation Measures

Electronic gaming machines were introduced into community venues in the Northern Territory in 1996. Since then, the NT Government has implemented harm minimisation and player protection measures in accordance with the following Government objectives:

- to promote the responsible operation and use of gaming machines;
- to ensure the probity and integrity of participants in the gaming industry;
- to ensure the fairness of games, the integrity of gaming systems and the delivery of quality services to game players; and
- to ensure that clubs holding gaming licenses improve the amenity of their neighbourhood, in order to maximise the welfare of the community as a whole.

The following are brief summaries of harm minimisation measures currently in place.

Credit or loan facilities

A licensee shall not make a loan or extend credit in any form to a person on the licensee's licensed premises.

Specific amount of winnings to be paid by cheque

Payments of cancelled credits or jackpot payouts over \$250 must be made by cheque.

Advertising

Restricted to a statement that gaming machine facilities are for members and bona fide guests of members. A licensee must ensure that the advertisement is not false, deceptive or misleading and does not contain an inducement to engage in gambling.

Note acceptors

Gaming machines with note acceptors are not allowed in clubs and hotels.

Maximum bet

The maximum bet in hotels and clubs is \$5.

Automatic Teller Machines

Advertising an ATM in conjunction with gaming products is not allowed. ATMs cannot be located in close proximity to a gaming area.

Autochange machines

Maximum of one machine per gaming area, limited to exchanging a currency note no greater than \$50.

Minor

A sign must be placed at each entrance to an approved gaming area advising that persons under age of 18 are not permitted to enter.

Services for compulsive gamblers

Within the licenses premises, a sign informing services for problem gamblers should be clearly displayed where the sale or redemption of gaming tokens or any centralised credit transaction is carried out.

Grants for Community Services

The Northern Territory Government, in addressing problem gambling, provides grants to community service organisations such as Amity House and Anglicare with funding sourced from the Community Benefit Levy paid by hotels with gaming machines.

Restrictions on playing time, hours of opening and number of gaming machines

Hours of gaming machine operations

Limited to liquor trading hours and only in the presence of a licensee/employee of licensee. No gaming on Good Friday and Christmas Day. No gaming between 4am and 10am of each day.

Gaming machine number restrictions

The Licensing Commission determines the numbers based on facility and size of the licensed premises.

Caps on the number of gaming machines

Cap (global)

Total number of gaming machines in clubs and hotels not to exceed 55 per cent of the national average of gaming machine numbers per capita.

Allocation of gaming machines between hotels and clubs

Gaming machine distribution as at December 2001

As at December 2001, the number of gaming machines at venues in the Northern Territory was allocated as follows:

- 221 EGMs in 28 hotels; and
- 608 EGMs in 35 clubs.

Number of gaming machines allocated to casinos

Gaming machines in Casinos as at December 2001

As at December 2001, the number of gaming machines allocated to casinos in the Northern Territory was as follows:

- 371 EGMs in the MGM Mirage Casino; and
- 240 EGMs in Lasseters Casino.

Limits on gaming machines per venue and transfer of machines between venues

Arrangement for transfer of gaming machines between venues

Application detailing to whom the gaming machine will be transferred, a statement of the gaming machine ownership, gm identification and serial number must be submitted to the Director of Licensing. Machines can be transferred when approved by the Director.

Queensland

Harm Minimisation Policies

Strategies/Policies

There are a range of harm minimisation measures that Queensland has undertaken in respect to the suite of gambling products, including electronic gaming machines.

Code of Practice

On 29 May 2002, on behalf of the Queensland Government, the Queensland Responsible Gambling Code of Practice (Code of Practice), developed by the Responsible Gambling Advisory Committee (RGAC), was launched. The RGAC is made up of community, industry and Queensland Government representatives and provides advice directly to the Minister. In developing the Code of Practice, the RGAC consulted extensively with key stakeholders within and outside the gambling industry.

The Code of Practice represents a voluntary, whole-of-industry commitment to best practice in the provision of responsible gambling. It is the first whole-of-industry responsible gambling code of practice in Australia. This voluntary commitment by the gambling industry recognises that there are wider measures available to protect consumers who may be affected by gambling activities.

The Queensland Responsible Gambling Code of Practice outlines requirements for industry in the following areas.

Provision of Information

Each gambling provider is to provide information to ensure that customers can make informed decisions about their gambling. This includes that:

- a responsible gambling mission statement is to be clearly displayed in each venue;
- information about the potential risks associated with gambling and where to get help for problem gambling is prominently displayed in all gambling areas and near ATM and EFTPOS facilities servicing gambling areas;
- information is displayed to alert customers that the following information is available on request:
 - the gambling provider's Responsible Gambling Policy document including policies for addressing problem gambling issues relevant to the local community;
 - the nature of games, game rules, odds or returns to players;
 - exclusion provisions; gambling-related complaints resolution mechanisms; and
 - key elements of the gambling provider's financial transaction practices.
- meaningful and accurate information on the odds of winning major prizes is prominently displayed in all gambling areas and in proximity to relevant games.

Interaction with customers and community

Mechanisms are to be put in place with regard to the following areas:

- community liaison;
- customer liaison role;
- customer complaints; and
- training and skills development.

Exclusion Provisions

Gambling providers are to provide self-exclusion procedures and supporting documentation. This includes the requirement that customers seeking self-exclusion are offered information about relevant counselling agencies, are given assistance in excluding from other venues and are not sent promotional material or correspondence.

Minors

Minors are prohibited from gambling and are excluded from areas where adults are gambling.

Physical Environments

Customers who are intoxicated are not permitted to continue gambling.

Customers who are gambling are not to be encouraged with gratuities and are discouraged from participating in extended, intensive and repetitive play. Gambling providers must implement practices to ensure that customers are made aware of the passage of time.

ATM Facilities

ATMs are not to be located in close proximity to designated gambling areas, or in the entry to gambling areas, where safe and practicable.

Cashing of cheques and payment of winnings

Gambling providers or sectors of the industry are to establish a limit above which all winnings are paid by cheque or electronic transfer. Gambling winnings above the set limit are paid by cheque and are not cashed on the gambling provider's premises until the next trading day or within 24 hours of the win.

Credit betting (Lending of Money)

Gambling providers are not to provide credit or lend money to anyone for the purpose of gambling.

Advertising and Promotions

Gambling providers are to develop and implement strategies to ensure advertising and promotions are delivered in a responsible manner with consideration given to the potential impact on people adversely affected by gambling. Specifically, these strategies will ensure that any advertising or promotion:

- complies with the Advertising Code of Ethics as adopted by the Australian Association of National Advertisers;
- is not false, misleading or deceptive;
- does not implicitly or explicitly misrepresent the probability of winning a prize;
- does not give the impression that gambling is a reasonable strategy for financial betterment;
- does not include misleading statements about odds, prizes or chances of winning;
- does not offend prevailing community standards;
- does not focus exclusively on gambling, where there are other activities to promote;
- is not implicitly or explicitly directed at minors or vulnerable or disadvantaged groups;
- does not involve any external signs advising of winnings paid;
- does not involve any irresponsible trading practices by the gambling provider;
- does not depict or promote the consumption of alcohol while engaged in the activity of gambling; and
- has the consent of the person prior to publishing or causing to be published anything which identifies a person who has won a prize.

Responsible Gambling Manual

The Queensland Responsible Gambling Resource Manual (Resource Manual) has been developed by each industry sector in collaboration with Queensland Treasury. The Resource Manual is a practical and useful resource providing a step-by-step guide to implementing the Code of Practice. It also provides a platform to share best practice across all gambling sectors.

The Resource Manual includes a range of comprehensive information including current legislative requirements, responsible gambling messages and signage, and simulated workplace scenarios, to assist the gambling provider to fully understand and implement

the Code of Practice. Each practice listed in the Resource Manual corresponds with those found in the Code of Practice.

Responsible Gambling Signage

Responsible gambling signage has been produced by Queensland Treasury in collaboration with peak industry bodies to assist gambling providers to meet the provision of information obligations under the Code of Practice. The signs include:

- information display boards outlining venues' responsible gambling policies and practices; and
- posters and take away cards which alert customers to the potential risks of gambling and promote the 24 hour Gambling Help Line Service.

The installation of the signs commenced with the launch of the Code of Practice and will be completed throughout Queensland by the end of July 2002.

Review of the Code of Practice

The Code of Practice is an ongoing document and will be reviewed periodically. The first phase of the review will focus on the effective voluntary implementation of the Code of Practice. The review will contribute to further development of the Code of Practice and may recommend the establishment of minimum standards.

Restrictions on playing time, hours of opening and number of gaming machines

Queensland has not enforced a policy restricting playing time.

Since December 2000, the Queensland Gaming Commission (the Commission) has been setting gaming hours when gaming machine licenses are granted. As a general rule, the Commission considers that gaming during the span of ordinary (liquor) trading hours of 10am to midnight, Monday to Sunday is acceptable. When the applicant has extended liquor licensing hours approved beyond these hours, the onus is on the applicant to demonstrate that there is a demand for gaming during the extended hours sought in the gaming application.

Queensland has endorsed restrictive policies relating to the number of approved EGMs for clubs and hotels and state specific quantity restrictions (see section on the Cap on EGMs below).

Caps on the number of gaming machines

Policy

On 8 May 2001, the Queensland Government imposed a state-wide cap on the number of EGMs in category 1 licensed premises (primarily hotels). The cap does not apply to clubs. The introduction of the cap was a response by the Government to community concerns about the rapid spread and growth of gaming machines in Queensland.

At the time of announcing the state-wide cap, the Government announced an undertaking to develop a process to reallocate gaming machines within the cap when hotels close or reduce their number of machines through normal commercial considerations. This scheme for such reallocation remains under development.

Allocation of gaming machines between hotels and clubs

At December 2001, the approved number of gaming machines in Queensland was as follows:

- Clubs (618 sites) 19,530 approved machines; and
- Hotels (766 sites) 17,517 approved machines.

Number of gaming machines allocated to casinos

The number of EGMs allocated to Queensland's Casinos as at 31 December 2001 was:

- Jupiters Casino 1,404;
- Treasure Casino 1,332;
- Reef Casino 740; and
- Townsville Casino 300.

Limits on gaming machines per venue and transfer of machines between venues

Section 7 of the *Gaming Machine Regulation 1991* imposes a limit on the number of approved gaming machines to individual sites to

- (a) Category 1 licensed premises (mainly hotels) — 40 approved machines; and
- (b) Category 2 licensed premises (clubs) — 280 approved machines.

The *Gaming Machines Act 1991* does not permit the transfer of gaming machines between venues.

South Australia

Harm Minimisation Policies

Strategies/Policies

The *Gaming Machines Act 1992* makes provisions for the following harm minimisation strategies.

Gaming venues not to be located under same roof as shops or within shopping complexes

The Commissioner cannot grant an application for a gaming machine licence in respect of licensed premises, or grant any other application under this Act in respect of licensed premises that are subject to a gaming machine licence, if to do so would result in the licensed premises, or the whole or part of a gaming area of the licensed premises, being located:

- under the same roof as a shop, whether or not on the same level or floor as the shop; or
- anywhere within the boundaries of a shopping complex.

Cash facilities not to be provided within gaming areas

The holder of a gaming machine licence must not provide, or allow another person to provide, a cash facility within a gaming area on the licensed premises.

Cash facilities withdrawal limit

The holder of a gaming machine licence must not provide, or allow another person to provide, cash facilities on the licensed premises that allow a person to obtain by means of those facilities, in any one transaction, on any one debit or credit card, an amount of cash that exceeds the sum of \$200.

Prohibition of lending or extension of credit

The holder of a gaming machine licence, a gaming machine manager or a gaming machine employee:

- who lends or offers to lend money to a person who is in or who is about to enter the licensed premises; or
- who allows a person to use a credit card or charge card for the purpose of paying for playing the gaming machines on the licensed premises or in circumstances where the holder, manager or employee could reasonably be expected to know that the use of the card is for that purpose; or
- who otherwise extends or offers to extend credit to any person for the purpose of enabling the person to play the gaming machines on the licensed premises or in circumstances where the holder, manager or employee could reasonably be expected to know that the credit is to be used for that purpose,

is guilty of an offence.

Minors not permitted in gaming areas

A minor must not enter or remain in a gaming area or operate a gaming machine on licensed premises.

Licensee may bar excessive gamblers

If the holder of a gaming machine licence is satisfied that the welfare of a person, or the welfare of a person's dependants, is seriously at risk as a result of the excessive playing of gaming machines by the person, he or she may, by order, bar the person from entering or remaining in the gaming area, or areas, of the premises to which the licence relates.

Self-exclusion provisions under other acts are also discussed earlier in this report.

Recent Measures

The following policy and strategic measures were announced in the recent 2002-03 State Budget:

- an additional \$4 million allocated over 4 years was provided to the Gamblers' Rehabilitation Fund to provide programs such as counselling facilities for problem gamblers and to fund awareness campaigns,
- an additional \$1.1 million allocated over 4 years was provided to the Independent Gambling Authority to assist it in performing its functions and increasing its research agenda. This includes the development and promotion of strategies for reducing the incidence of problem gambling and to research the social and economic costs and benefits to the community of gambling and the gambling industry, and
- an additional \$0.8 million allocated over 4 years was provided to the Department for Education, Training and Employment for an education campaign aimed at warning young persons (before they reach legal gambling age) about the impacts of gambling including an advertising campaign on the impact of problem gambling.

Total funding for the Gamblers' Rehabilitation Fund in 2002-03 will be \$3.3 million, which includes \$1.5 million from hotels and clubs and \$1.8 million from the State Government.

Restrictions on playing time, hours of opening and number of gaming machines

Pursuant to the *Gaming Machines Act 1992* gaming machine venues must be closed on Good Friday and Christmas Day and for six hours in every other twenty-four hour period. Gaming Machines are only permitted in clubs and hotels and are limited to a maximum of forty machines per venue.

The Sky City Casino is permitted to trade for twenty-four hours per day but again it must be closed on Good Friday and Christmas Day.

The following information has been provided on the restrictions currently in force on gaming machine numbers in hotels and clubs in South Australia:

- the freeze on approval of new gaming machine licences or increases approved number of gaming machines at existing licensed venues came into effect on 7 December 2000,
- as at 30 June 2002, there were 14,647 gaming machines operating in 592 gaming venues throughout the State (please see table over page on allocation of existing machines as at 31 December 2001 between hotels and licensed clubs),
- there are a further 311 gaming machines approved in respect of existing licences that are either not yet installed or under licence suspension,
- there are 6 applications for new venues involving 210 gaming machines yet to be determined which were lodged with the Office of the Liquor and Gambling Commissioner prior to 7 December 2000,
- the total number of gaming machines that could be installed pursuant to existing licences and pending licence applications is therefore 15,168, and
- applications for approval of a further 247 machines have been received after 7 December 2000 which under current legislation cannot be approved.

Other policies in place include the banning of gaming machines that accept notes, a minimum return to player of 87.5 per cent for all new gaming machines and the development of mandatory Advertising and Responsible Gambling Codes of Practice approved by the Authority.

Caps on the number of gaming machines

The *Statutes Amendment (Gambling Regulation) Bill 2001*, which was assented to on 31 May 2001, extended the previous six month freeze on the issuing of new gaming machine licenses in the state of South Australia for a further two years until 31 May 2003.

The Minister for Gambling has requested that the IGA review the freeze on gaming machines and report to the Minister by 1st December 2002.

The Authority must identify all practical options for the management of gaming machine numbers after 31 May 2003.

The terms of reference of the review require the IGA to report to the Government on:

- options for reducing the number of gaming machines,
- the appropriate number of gaming machines for South Australia at particular points in time noting geographic distribution, distribution between clubs, the casino and hotels, limits per venue and any other factors deemed relevant, and

- circumstances under which the redistribution of gaming machines may be desirable.

Allocation of gaming machines between hotels and clubs

Gaming Machines operating as at 31 December 2001 are as follows.

	As at 31 December 01
Venues	
Hotels	469
Clubs	83
** Special Circumstance	39
Total	591
 Machines	
Hotels	11,714
Clubs	1,521
** Special Circumstance	1,323
Total	14,558

** Special Circumstance – includes both Hotels and Clubs

Number of gaming machines allocated to casinos

The Casino was operating 828 machines at 30 June 2002.

The Casino has approval to operate a maximum number of 992 machines during 2002-03 (976 during 2001-02).

The maximum number of gaming machines that the Casino may operate is reviewed on each thirtieth day of June (“the review date”) and reflects the increase in the number of gaming machines in hotels and clubs. Any increase in gaming machines for the Casino will be restricted to the number of gaming machines as defined in the *Gaming Machines Act 1992* permitted to be operated in South Australia on the review date (excluding such gaming machines operated by the Licensee at the Casino).

Limits on gaming machines per venue and transfer of machines between venues

There is currently a limit of 40 gaming machines per venue.

Under current legislation the right to operate gaming machines cannot be transferred between licensees. A licensee can, however, shift its machines with a shift in venue within its locality.

Tasmania

Harm Minimisation Policies

Strategies/Policies

The *Gaming Control Act 1993* and various codes of practice make provisions for the following harm minimisation strategies.

Self-limit on wagers by player

By written notice provided to a licensed provider, a registered player may set a limit on the amount the player may have debited to the funds held by the licensed provider on behalf of the player for the purposes of covering wagers with the provider.

Licensed provider not to act as credit provider

Any person who holds a gaming machines licence must not make a loan or extend credit in any form to any person to enable that person or any other person to play a game or a gaming machine in an approved venue.

Self-exclusion from wagering

A person may give written notice to a specified licence holder, a prescribed special employee or the Tasmanian Gaming Commission to the effect that the person must not be permitted to do one or more of the following:

- engage in the activity of wagering or otherwise participating in games as specified in the notice;
- enter and remain on the premises specified in the notice.

A self-exclusion notice may prohibit engaging in the activity of wagering or otherwise participating in games either generally or by reference to one or more of the following:

- a particular game;
- a particular specified licence holder;
- a particular manner of wagering or participating in games;
- any other matter the TGC considers appropriate.

More information about self-exclusion schemes operating in Tasmania is presented in an earlier section of this report.

Minors

A minor must not for any purpose enter or remain in a restricted gaming area. A minor must not wager on, or otherwise participate in, any gaming, game or gaming activity.

Community Services Levy

The Community Services Levy (CSL) on turnover from EGMs in hotels (4 per cent) and clubs (2 per cent) was established with the introduction of EGMs into hotels and clubs. Half the funds raised are used for research into problem gambling; services for the prevention of problem gambling; treatment and rehabilitation of compulsive gamblers; and other health services. The CSL program is administered by the Gambling Support Bureau, Department of Health and Human Services (DHHS).

Cashing of Cheques

Venues will allow the cashing of cheques at the discretion of the licensed premises gaming operator. However, only one cheque per patron can be cashed each day.

EFTPOS Transactions

Cash may only be provided through an EFTPOS transaction if the licence holder or staff member is reasonably satisfied that the patron is not experiencing difficulties controlling his or her gambling.

If cash is provided as part of a transaction and that cash is used for gaming, then no further cash transactions will be permitted on any given day unless the licence holder or staff member

- is reasonably satisfied that the cash being obtained will not be used for the purpose of gaming; or
- could not reasonably be expected to know that the first transaction was used for the purposes of gaming.

If cash is provided in good faith in these circumstances but the patron uses the cash for gaming, the patron will be required to leave the restricted area immediately.

The licence holder must ensure that appropriate signs relating to responsible gaming are displayed at the EFTPOS facility.

EFTPOS terminals must not be accessible from within a restricted gaming area nor located adjacent to Keno terminal or coin change areas unless otherwise approved by the TGC.

Automatic Teller Machines (ATMs)

Automatic teller machines or other cash dispensing devices are not permitted to be located in the licensed premises.

Credit or loan facilities

EFTPOS transactions must not be used for the provision of cash from credit accounts.

Advertising

Voluntary codes of practice exist in relation to responsible advertising of gambling services.

Clocks

Codes of practice now require that clocks are to be located in the main gaming areas of hotels, clubs and casinos.

Gaming Machines

All gaming machine operating must comply with the Australian/New Zealand Gaming Machine National Standard (currently Revision 5.0).

Staff Training

A condition of a gaming employee's licence is that the employee undertakes a Responsible Service of Gaming course.

Harm Minimisation Framework

Tasmania's harm minimisation policy framework as it applies to EGMs includes:

The Department of Treasury and Finance through the Division of Revenue and Gaming provides regulation and compliance policy on electronic gaming machines in Tasmania.

The TGC plays a significant role in approving policy and strategies relating to industry harm minimisation.

The DHHS through the Gambling Support Bureau funds gambling services, grant programs and provides direct service delivery in community education and harm minimisation to the community.

Restrictions on playing time, hours of opening and number of gaming machines

No policy exists on reducing playing time on EGMs. The operating hours for EGMs are determined by the liquor licence held by the venue operator and will vary from operator to operator. A venue operator must not operate EGMs beyond the period stated on the liquor licence held.

Tasmania is party to the National Standards for Gaming Machines Version 5.0, effective in Tasmania on 7 August 2002.

Tasmania has had in place a restricted roll out of machines into hotels and clubs since their introduction into the community in January 1997. The following summarises this roll out.

Nos of Machines per	Hotel	Club
1 January 1997 - June 2000	15	25
1 July 2000	20	30
1 July 2001	25	35
1 July 2002	30	40

This limit will be reviewed in January 2003.

Caps on the number of gaming machines

While there are no state-wide or regional caps on EGM numbers in Tasmania, caps do apply in the number of EGMs allowed in any one hotel or club and the maximum number is set out in a Deed of Agreement between the Crown and the only operator, Federal Hotels. From 1 July 2002 to 30 June 2003, the maximum number of EGMs for a hotel is 30 while the maximum number for a club is 40. After this period, the number of EGMs will be determined by agreement between the gaming operator and the TGC.

Allocation of gaming machines between hotels and clubs

The numbers of EGMs as at 31 December 2001 were 1,817 in 94 hotels and 193 in 13 clubs.

Number of gaming machines allocated to casinos

The number of EGMs in the two casinos in Tasmania totalled 1,153. Within this figure, Wrest Point Hotel Casino had 662 machines and Country Club Casino had 491 machines.

The TGC imposed a condition in 1998 on the casino licenses issued to Australian National Hotels Pty Ltd and Tasmanian Country Club Casino Pty Ltd that all casino machines meet the Australia/New Zealand Gaming Machine National Standards by 1 January 2001. To enable this condition to be met, both casino operators replaced a number of older types of gaming machines with newer versions that met the new Standards. The advised deadline was later extended by two months due to the gaming machine suppliers being unable to provide the casino operators with the required components. By 28 February 2001, all gaming machines in both casinos were functioning as per the National Standards.

Limits on gaming machines per venue and transfer of machines between venues

The gaming operator is free to relocate the EGMs between venues provided that the number in any one venue does not exceed the maximum number for a hotel or club and that if a venue increases its machine numbers it meets the TGC's standards in terms of venue space.

Western Australia

Harm Minimisation Policies

Strategies/Policies

The policies and strategies that have been developed in Western Australia in relation to harm minimisation from EGMs include the following.

No gaming machines outside Burswood Casino

Gaming machines are not available in hotels and licensed clubs.

Player information

The Gaming Commission of Western Australia recently endorsed the production of a series of brochures by the Burswood International Resort Casino that provide patrons with information on the chances of winning. These brochures will be updated shortly to include information regarding the potential amount that a player can lose. It is also proposed that similar information be provided on the video screen of gaming machines.

Note acceptors

The Gaming Commission recently agreed that all future machines at Burswood would have a note acceptor limit of \$100.

Player interaction

The gaming machines at Burswood require some form of player interaction, which increases the time taken for each game to be played.

Problem gambling information

Information regarding problem gambling and the assistance available for those experiencing difficulties with gambling is available from Burswood.

Minors

No person under 18 years of age is permitted in the casino.

Restrictions on playing time, hours of opening and number of gaming machines

In Western Australia gaming machines are only available from one venue, Burswood Casino. There are no restrictions on the hours of opening, with the exception of Christmas Day, Anzac Day, and Good Friday. As indicated above, it is the policy of the Gaming Commission of Western Australia to require that gaming machines at Burswood

include player interaction. It is also Gaming Commission policy not to approve gaming machines that depict or imitate spinning reels.

As at December 2001, the Burswood Casino had 1,277 gaming machines.

Caps on the number of gaming machines

The Gaming Commission has approved a maximum limit of 1,318 machines.

Allocation of gaming machines between hotels and clubs

As mentioned above, gaming machines are only available from one venue, Burswood Casino and not from hotels or clubs.

Number of gaming machines allocated to casinos

As stated earlier, the Gaming Commission has approved a maximum limit of 1,318 machines for the Burswood Casino.

Limits on gaming machines per venue and transfer of machines between venues

As the casino is the only venue in which gaming machines are available, the transfer of machines between venues is not relevant.