Code of Practice: Exclusions

The Code of Practice allows for the exclusion of patrons from gambling products and areas within a particular gambling venue.

Let's take a closer look ...

Click here to get started.

---

Please Note:

If you require auditory assistance to complete this lesson:

Left Click ONCE on each area of writing on the screen to hear the text read aloud, or use the following symbol (found on 'links' pages).
Code of Practice: Exclusions


What ‘Excluding A Patron’ Means

‘Excluding a patron’ means prohibiting a person from specific gambling products, services or the gambling areas of a particular gambling venue.

In other words, a patron may be ‘excluded’ (banned or barred) from playing particular gambling products at your venue or from entering all or part of your venue.

There are two types of exclusion:

- a self-exclusion; and
- a venue-initiated exclusion.

Self-Exclusion

Self-exclusion takes place when a person approaches a gambling provider asking to be officially barred from being in or entering all or part of the premises.

Typically, self-excluded persons do so in an effort to prevent themselves from further problem gambling. So this is where the patron requests to be excluded from your venue (or parts of your venue).
Venue-Initiated Exclusions

Venue-initiated exclusions takes place when the gambling provider legally bars a person from being on or entering all or part of the premises.

In this instance, the venue operator may have reasonable grounds to believe that the person is a problem gambler.
Code of Practice: Exclusions

Note

In an 'ideal' world, all exclusions would be self, eliminating the need for staff and venues to make a judgement call, and reducing the need for venues to establish 'reasonable grounds' so as to initiate the Venue Direction Exclusions.
**Code of Practice: Exclusions**

**When Is It Your Venue’s Legal Responsibility To Act?**

When a patron approaches staff or management and says they have a gambling problem, and seeks help.

2. When a patron makes a request for the venue to prohibit them from gambling at that venue or other venues owned by that company.

3. If an excluded person is found on your venue, you must ask them to leave and inform OLG R within 7 days.

---

**When Is It Your Venue’s Legal Responsibility To Act?**

(Continued)

**Self-Exclusions**

A venue must issue an Exclusion Order to a person who requests self-exclusion, and a venue must take all reasonable steps to enforce that self-exclusion (eg prevent a patron entering), and a venue may use reasonable force to enforce that exclusion.

The venue has no choice or option in this case - if a patron at your venue asks to be self-excluded, your venue must provide them with an Exclusion Notice and then issue an Exclusion Order.
When Is It Your Venue’s Legal Responsibility To Act? (Continued)

Venue-Initiated Exclusions

The venue has the power to issue a venue-initiated exclusion but is not duty-bound to do so.

Where a venue does decide to issue a venue-initiated exclusion, then the venue must take all reasonable steps to enforce that exclusion (e.g., prevent a patron entering), and a venue may use reasonable force to enforce that exclusion.

Exclusion Provisions

The Code of Practice states that:

- venues must provide self-exclusion procedures and supporting documentation;
- venues must provide patrons who seek self-exclusions with contact information for Gambling Help service providers;
- venues are not to send correspondence or promotional material to patrons who are excluded (or patrons who have requested this information not be sent to them).
Code of Practice: Exclusions

Exclusion Provisions (Continued)

How the patron exclusion process works in practice:

If approached by a patron, do you know who is the authorised person to deal with their request?

At a minimum, all staff should know who in the venue is responsible for gambling-related issues:

- knowledge of who is the CLO or authorised person to deal with requests;
- knowledge of the exclusion processes;
- knowledge of the rules and policies of the venue.

---

Role of the Customer Liaison Officer (CLO) in Issuing Exclusions

Self-Exclusions: The Details

- Exclusions are automatically for 5 years.
- A minimum of 1 year of exclusion must apply before a patron can apply to revoke (lift) the exclusion.
- Revocation takes effect immediately within 24 hours (cooling off period) / and if 1 year has elapsed - after 28 days from when the request form is handed to the gambling provider.
- As it is a voluntary situation, it will take effect without a judgement by the provider.
- Can apply to part or the whole of the venue - eg - gaming area only, or the whole venue.
- A photo may be requested. If requested, they are obliged to give a photo
- All contraventions of the contract must be informed to the OLG within 7 days.
Code of Practice: Exclusions

Role of the Customer Liaison Officer (CLO) in Issuing Exclusions (Continued)

Self-Exclusions: The Details (Continued)

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Patron requests to be excluded. Patron provided with Gambling Help service information.</td>
</tr>
<tr>
<td>2</td>
<td>CLO outlines self-exclusion process to patron</td>
</tr>
<tr>
<td>3</td>
<td>CLO issues patron with Exclusion Notice to complete.</td>
</tr>
<tr>
<td>4</td>
<td>CLO issues patron with Exclusion Order. Patron has 24-hour cooling off period.</td>
</tr>
<tr>
<td>5</td>
<td>Exclusion comes into effect. CLO to document this fact in Exclusions Register (Form 3G)</td>
</tr>
<tr>
<td>6</td>
<td>Exclusion enforced until it is revoked or it lapses.</td>
</tr>
</tbody>
</table>

Code of Practice: Exclusions

Role of the Customer Liaison Officer (CLO) in Issuing Exclusions (Continued)

Venue Initiated Exclusions: The Details

- If reasonable grounds exist to believe a patron is a problem gambler, an exclusion direction may be issued.
- Can apply to part or the whole of the venue.
- A photo may be requested.
- There is no cooling off period for this contract.
- An application to have this exclusion revoked is only possible after a period of 1 year, and only 1 revocation request per year. The venue has a period of 28 days to make the decision to accept or reject the revocation request.
- The patron should be informed that if they contravene the contract by entering the venue, paperwork would be completed and forwarded to the OLGR. This is a compliance issue for the venue. Penalties do apply to the patron.
- The patron has the right to appeal the Venue Direction and the Refusal to Revoke the Direction through the Magistrate’s Court.
Code of Practice: Exclusions

Role of the Customer Liaison Officer (CLO) In Issuing Exclusions (Continued)

Venue Initiated Exclusions: The Details (Continued)

The Process

<table>
<thead>
<tr>
<th>Type of Exclusion: Venue-initiated exclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 1 Venue becomes aware of issue (e.g. advised by third party or perhaps staff member) - Venue may decide to exclude. CLO to document this fact.</td>
</tr>
<tr>
<td>Step 2 CLO outlines self-exclusion process to patron. Patron to consider requesting a self-exclusion. Patron provided with Gambling Help service information.</td>
</tr>
<tr>
<td>Step 3 Active monitoring process of patron at venue. Venue decides to issue a venue-initiated exclusion.</td>
</tr>
<tr>
<td>Step 4 CLO issues patron with Exclusion Direction.</td>
</tr>
<tr>
<td>Step 5 Exclusion comes into effect. CLO to document this fact in Exclusions Register (Form 3G)</td>
</tr>
<tr>
<td>Step 6 Exclusion enforced until it is revoked or it lapses.</td>
</tr>
</tbody>
</table>

Contact By A Third Party

Contact by a third party refers to when a person other than the gambler informs you of a problem with a family member or partner.

Handling Third Party Approaches:

- You should not approach the person in question but immediately inform your CLO who will investigate the integrity of the claim and their concerns.
- Suggest a meeting with all involved parties to discuss any issues.
- Offer assistance and give information on self and venue exclusions.
- This is one of the important reasons for the incident book in the gaming room to be maintained at all times by staff so the CLO can confirm or disprove any accusations by a third person.
Contact By A Third Party (Continued)

Handling Third Party Approaches (Continued):

A friend or family member of a problem gambler cannot impose an exclusion from the venue on the problem gambler.

Remember: There are only two types of exclusions:

- a self-initiated exclusion, or
- a venue-initiated exclusion.

Register of Excluded Persons (Form 3G)

This form must be completed for every exclusion. It is a compliance issue for OLGR for the venue to maintain this form and must be produced when requested.

Penalties of 40 pu (penalty units) = $4,000 would apply to the venue if not kept up to date.
Penalties

<table>
<thead>
<tr>
<th>Who</th>
<th>Circumstance</th>
<th>Penalty Units (pu)</th>
<th>$ Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Venue</td>
<td>Failure to keep/maintain a register of excluded Patrons (Form 3G)</td>
<td>40</td>
<td>$ 4,000</td>
</tr>
<tr>
<td></td>
<td>Failure to exclude patrons registered for Self-Exclusion</td>
<td>50</td>
<td>$ 5,000</td>
</tr>
<tr>
<td></td>
<td>Failure to take reasonable steps* to enforce exclusion</td>
<td>250</td>
<td>$ 25,000</td>
</tr>
<tr>
<td></td>
<td>Failure to report a contravention of an exclusion</td>
<td>40</td>
<td>$ 4,000</td>
</tr>
<tr>
<td>Employee</td>
<td>Failure to take reasonable steps to enforce exclusion</td>
<td>40</td>
<td>$ 4,000</td>
</tr>
</tbody>
</table>

*Reasonable steps means keeping key staff up to date and informed of all persons excluded and have photos available for gaming and other relevant staff, including conducting staff training in regard to responsible gaming and exclusions.

Quick Quiz: How many Penalty Units apply in these circumstances? Click on your answer.

Venue - Failure to exclude patrons registered for Self-Exclusion

- 40 pu $4,000
- 50 pu $5,000
- 250 pu $25,000

Venue - Failure to keep/maintain a register of excluded Patrons (Form 3G)

- 40 pu $4,000
- 50 pu $5,000
- 250 pu $25,000

Venue - Failure to take reasonable steps to enforce exclusion

- 40 pu $4,000
- 50 pu $5,000
- 250 pu $25,000
Key Points For Exclusion Provisions - Summary

The role of the Customer Liaison Officer (CLO):

- providing advice and information to venue staff on the exclusion process;
- ensuring the patron is fully advised of the exclusion details and process;
- issuing the patron with the relevant Exclusion Notice and Order or Direction;
- ensuring local Gambling Help service details are provided to the excluded patron;
- ensuring the assistance (eg advice) of the local Gambling Help service is sought;
- ensuring the exclusion is documented (eg Incident Report compiled when an excluded person breaches their Exclusion by entering the venue) and maintaining a Register of Excluded Persons; and
- ensuring promotional materials are not sent to an excluded patron.

Key Points For Exclusion Provisions - Summary (Continued)

Venue staff:

- should be able to recognise the possible signs of problem gambling and respond appropriately.

Role of other venue staff:

If you observe (or a patron reports) a number of problem gambling signs, your responsible gambling role is to:

- provide the patron with information about the self-exclusion services that are available at your venue, in a supportive and respectful manner;
- refer the patron to your CLO if they seem willing to discuss the matter with your CLO;
- advise your CLO (or Manager) of the patron’s situation at the earliest opportunity; and
- protect the patron’s identity (respect the patron’s right to privacy) at all times.
Code of Practice: Exclusions

Key Points For Exclusions - Summary (Continued)

Patrons to be provided with Gambling Help service provider details:

- In all cases (self-exclusions and venue-initiated exclusions), the venue must ensure that the patron is provided with the contact details for their local Gambling Help service provider.

Whole or part of venue exclusions:

- A patron can be excluded from the whole of your venue, or from specific parts of your venue. For example, a patron could be excluded from the entire venue, or from just the gaming machine area within that venue. This would be outlined in the Exclusion Order or Direction.

Exclusion is legally binding:

- Excluded patrons who breach their exclusion order can be removed from the gambling establishment and may be prosecuted.

Code of Practice: Exclusions

Gaming Incident Report Book

Documentation of gaming-related incidents is very important.

Observation by staff is one way for the venue to identify and possibly exclude a patron who shows serious signs of a gambling problem.

The documentation of any situation which is abnormal by its nature is now considered ‘best practice’ for the industry.

This information should be brought to the attention of your venue CLO. It may provide ‘evidence’ over a period of time that a patron is experiencing gambling-related problems.

Key staff should check the Gaming Incident Report Book prior to starting work each shift.
Gaming Incident Report Book (Continued)

The Gaming Incident Report Book should be located in a secure area such as the cashier station area, where it is accessible to approved gaming staff, the CLO and management as required.

Details of any gambling-related issues or incidents such as distressed or irritated behaviour by gaming patrons should be recorded on a Responsible Gambling Incident Report form. *(An example of this form is available as a download at the end of this lesson.)*

Details should include as much information as possible - date and time of incident, location and nature of incident, details of staff involved, and actions taken.

These reports should be included in the Gaming Incident Report Book.

**Important Information / Documents / Other Links**

- Exclusions - Lesson Download Link
- Example - Responsible Gambling Incident Report