



Minutes

Sixth Casino Review – VCGLR/VRGF/Crown Tripartite Meeting – Recommendations 10 and 11

TRIM ID: CD/19/5246

Meeting details	
Meeting title:	Sixth Casino Review – VCGLR/VRGF/Crown Tripartite Meeting – Recommendations 10 and 11
Date:	Friday 15 February 2019
Time:	3.00 pm – 5.30 pm
Location:	Crown, Level 6, Executive Office
Attendees	Title and Business unit/Branch
VCGLR:	
Jason Cremona	Manager, Licence Management and Audit (JC)
Steve Thurston	Licence Manager, Licence Management and Audit (ST)
Rowan Harris	Principal Major Licence Officer, Licence Management and Audit (Chair) (RH)
VRGF:	
Tony Phillips	Strategic Industry Engagement Coordinator (TP)
Brett Hetherington	Senior Industry Engagement Coordinator (BH)
Lindsay Shaw	Project Officer, Knowledge and Information (LS)
Crown:	
Michelle Fielding	Group General Manager, Regulatory and Compliance (MF)
Sonja Bauer	Group General Manager, Responsible Gaming (SB)
Kate Earl	Responsible Gaming Psychologist
Apologies:	
None	

A teleconference meeting with Martha Savva, Senior Manager, Gambling Reform and Operations, Consumer and Business Services (CBS) and Erica Wallis, psychologist, South Australia (South Australian regulator) preceded this meeting at 3.00pm. Tony Morgan, Host Responsibility Manager, SkyCity Adelaide also dialled in.

The purpose of the meeting was to enquire about South Australia's experience with third party exclusions and related interventions (to assist with Crown's consideration and implementation of Recommendation 11). Refer to Action item 1 from previous meeting for background. Notes to this meeting are provided below.

Item	Subject	Speaker
1.	<p>Opening/apologies</p> <p>Minutes from the previous meeting were accepted with some amendments.</p> <p>Action items from the previous meeting were reviewed.</p> <p><i>Action item 1 – Closed</i></p> <p><i>VCGLR and Crown to enquire about South Australia’s experience with third party exclusions and related interventions. Both parties to make a coordinated approach. RH to follow up on South Australian Independent Gambling Authority information.</i></p> <p>A teleconference meeting was arranged, and held, with Martha Savva, Senior Manager Gambling Reform and Operations, and Erica Wallis, psychologist, Consumer and Business Services and Tony Morgan, Host Responsibility Manager, SkyCity Adelaide, prior to this meeting to enquire about South Australia’s experience with third party exclusions and interventions.</p> <p><i>Action item 2 – Open</i></p> <p><i>SB to request Crown Perth statistics in relation to Third Party Exclusion volumes over the past 12 months and any other information which may be useful and appropriate to share with the group. The VCGLR will confer with the Western Australia regulator on third party exclusions.</i></p> <p>SB provided statistics for Crown Perth.</p> <p>There were 99 enquiries for the 2018 calendar year, and, of those, 62 resulted in applications being mailed out by Crown Perth to the person making the enquiry. Of these, six applications were completed and submitted to Crown Perth. The outcomes were four self-exclusions; one was followed up and concerns were alleviated following interview. The other application was closed as the person was already self-excluded.</p> <p>RH advised that he has made contact with the Western Australian regulator and is awaiting a response. The action item remains open.</p> <p><i>Action item 3 – Closed</i></p> <p><i>Crown to advise how many patrons had their licences withdrawn and other Third Party statistics which may be useful and appropriate to share with the group.</i></p> <p>SB referred to third party exclusion statistics for the 2018 calendar year:</p> <p>There were 67 cases of persons requesting/inquiring third party exclusion. Of these, 13 were able to be identified, three subsequently self-excluded and one was issued with a ‘Withdrawal of Licence’ (‘WOL’). n.b.: Crown issued a total of 53 WOLs which apply to the entire casino complex as distinct from just the casino floor. These were issued on behalf of the Responsible Gaming department.</p> <p><i>Action item 4 – Closed</i></p> <p><i>Crown to provide what evidence is required to issue exclusion orders at the request of family and friends.</i></p> <p>At Crown Perth for Third Party Exclusions, the type of evidence includes bank statements and overdue house loan payments.</p>	VCGLR

Item	Subject	Speaker
2.	<p>Recommendation 10</p> <ul style="list-style-type: none"> • Crown progress update (including VRGF update re canvassing views on issuing short term orders and preferable time periods) <ul style="list-style-type: none"> ○ Crown has completed literature reviews. There is still further research to be done. ○ Current 12 month exclusions are missing part of the population. There was a reason for introduction of three month time-outs. Crown is considering six month time-outs to provide flexibility and responsiveness. ○ 72-90% of self-excluded persons are pathological gamblers according to Robert LaDouceur and in view of that, Crown's view at this point is that is that excluded persons should not be offered terms less than 12 months. ○ 72 patrons have taken up three-month time-out in the last two years. They are encouraged to undergo counselling. ○ The process for coming back is different between exclusion and three-month time-outs. A counsellor's report is required before the revocation of an exclusion order is considered. Counsellors would be unlikely to write a report after three months of exclusion. ○ The VRGF provided an update re canvassing views on issuing short-term orders and preferable time periods. There was a small number of responses. The VRGF survey reported: <ul style="list-style-type: none"> ➤ there was not a great knowledge of the self-exclusion process before going to a counsellor ➤ Some counsellors called for greater awareness ➤ Life-time bans are a disincentive to self-exclusion ➤ There is flexibility, and ➤ The Crown process is considered onerous. • SB reminded the meeting that the interview process with patrons is not 'tick and flick' and that care is taken as it is a legally binding process that is quite comprehensive. <p>Strategy for completion</p> <p>The work on Recommendation 10 is on-track, and Crown will also conduct an external review. Crown advised that it has someone in mind.</p> <ul style="list-style-type: none"> • Crown progress re reviewing voluntary exclusion orders which are more than ten years old: <ul style="list-style-type: none"> • RH referred to his background notes from the Sixth Casino Review and suggested the following policy options for self-exclusion orders more than 10 years which include: <ul style="list-style-type: none"> ➤ Crown could consult with VicPol or the Register of Births, Deaths and Marriages to clarify if any persons the subject of an order are deceased, with a view to revoking any such exclusion orders. 	VCGLR/VRGF/ Crown

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	<ul style="list-style-type: none"> ➤ Where a person has not been detected in the casino for the last ten years and whose photo is not of a quality that can be used for FRT purposes; or where there is no photo, then Crown could consider revocation of these orders. This could occur by firstly, writing to the person directly and/or, publishing a general warning notice in local newspapers (<i>Herald Sun, The Age</i>) and Crown's website giving notice that within 28 days Crown propose to revoke self-exclusion orders made more than 10 years ago, where a person has not been detected in that period in the casino and no current reliable identification information (ie. photo) is available to Crown. If the person wishes to retain the self-exclusion order or has a query, then the person can contact the RGSC by email. An offer for the person to provide Crown with an updated photograph and particulars could also be made for those persons who contact Crown. ➤ For self-exclusion orders more than ten years old where a person was last detected in the casino more than five years but less than 10 years ago – then Crown might consider writing to them and state that Crown intends to revoke the self-exclusion order after 45 days unless the person contacts Crown in writing by email within 28 days requesting the self-exclusion order remain in place. ➤ For exclusion orders more than 10 years old – where a person has been last detected in the casino in the last five years – then Crown could write to the person and state that the self-exclusion order will remain in place, although in future the person can apply to Crown to revoke the self-exclusion order. ➤ Crown might have an ongoing policy that once a self-exclusion order reaches its tenth anniversary that Crown will review whether to revoke it and follow its policy approach above. <p>Strategy for completion</p> <p>Crown is still of the view that revoking self-exclusions which are more than ten years old presents risks.</p>	
3.	<p>Recommendation 11</p> <ul style="list-style-type: none"> • Crown progress update. <ul style="list-style-type: none"> ○ The recommendation is in progress. A teleconference meeting was held with the South Australian regulator prior to this meeting. • Strategy for completion <ul style="list-style-type: none"> ○ Not discussed. 	VCGLR/VRGF/ Crown
4.	<p>Next scheduled tripartite meeting:</p> <ul style="list-style-type: none"> • 3.00pm, Wednesday 13 March 2019 at Crown. 	VCGLR/VRGF/ Crown

Meeting closed at 5.30pm

No	Action to be taken	Assigned to	Due date	Status
1.	VCGLR and Crown to enquire about South Australia's experience with third party exclusions and related interventions. Both parties to make a coordinated approach. RH to follow up on South Australian Independent Gambling Authority information.	RH and SB		Closed
2.	SB to request Crown Perth statistics in relation to Third Party Exclusion volumes over the past 12 months and any other information which may be useful and appropriate to share with the group. The VCGLR will confer with the Western Australia regulator on third party exclusions.	SB		Open
3.	Crown to advise how many patrons had their licences withdrawn and other Third Party statistics which may be useful and appropriate to share with the group.	SB		Closed
4.	Crown to provide what evidence is required to issue exclusion orders at the request of family and friends.	SB		Closed

Teleconference Meeting Notes – Third party exclusions and related interventions

The VCGLR, VRGF and Crown held a teleconference meeting prior to this tripartite meeting.

The following external persons dialled in:

- Martha Savva, Senior Manager, Gambling Reform and Operations, CBS (MS)
- Tony Morgan, Host Responsibility Manager, SkyCity (TM)
- Erica Wallis, CBS psychologist

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1. The VCGLR and VRGF drafted some relevant questions to ask at the meeting. They were:
 - a) How many third-party orders were issued in SA? Last year, over the years? What kind of demand for the orders exists? For example, ratio of applications to approved.
 - b) If application not approved what happens? We know there are number of measures available, so graduated?
 - c) Rate of take-up of third party numbers compared with self-exclusion?
 - d) Levels of contestation of orders? On what grounds?
 - e) What, if anything, is offered in terms of psychological support to someone who has a third-party order made? What support if any, to person requesting the order?
 - f) Does the venue have a role to play in providing evidence for the third party initiated exclusion? If so what? What evidence could they provide that you would consider useful?
 - g) Is CBS allowed to place an exclusion order if 'reasonable apprehension' that a person may suffer harm? How is this measured and decided upon by the CBS?
 - h) What is the role of the gambling provider in the assessment process? Do they provide information/data on the gambler to aid in the decision-making process?
 - i) Do CBS third party orders run for three years?
 - j) Given the above, what is the process at the end of these orders? Reapplication? Re-enter to the venue? etc.
 - k) Who usually instigates Third Party exclusion requests, is it family, friends etc, or is it law enforcement, government agencies, is there any restriction or preference?
 - l) How were third party self-exclusions promoted to customers, clients and the public? What, if any, obligations existed on gambling providers around this promotion?
 - m) CBS barring process is set out in section 15B of the *Gambling Administration Act 1995* – can any comment be made on the effectiveness or otherwise of this process? Would it be recommended for Victoria to consider?

Notes re above:

2. The South Australian Regulator has formal third party exclusion order processes in place and makes 'barring orders'.
3. South Australian third party exclusions orders have a three-year maximum pursuant to the legislation, and lapse after that. The term is shorter in some cases. SA was not sure why three years, and not two, or five years are in place.
4. Third party exclusion orders are made pursuant to South Australian casino legislation (*Gambling Administration Act 1995* (GAA) – barring orders, and the *Family Protection Orders Act 2004*, and *Problem Gambling Family Protection Orders Act 2004* – barring orders specific to families. The legislation allows for simple and quick barring processes. Barring is not statewide, and is venue specific.
5. The South Australian regulator has been involved in barring orders for only a few months and has processed a lot of orders.

6. The December 2018 statistics are: 95 persons barred voluntary, 11 were involuntary, and two were 'other'. These statistics are not casino-specific. The casino has only about two to three third party exclusion order applications per annum.
7. Section 15(c) of the GAA gives the Commission broad based powers and does not require evidence. Some barring orders are made without hearings. For example, police evidence is so compelling. One woman was barred in her absence.
8. The casino operator facilitates all parties to get together. There is often an overlapping of issues, including mental health or a person may have an intellectual disability. This can be challenging and involves independent gambling help services as much as possible.
9. For FY18, there were 99 barring enquiries. 62 resulted in applications. 6 were submitted. 4 persons self-excluded. One application was followed-up and alleviated. One application was closed. There was a drop-off in January 2019.
10. Barring order applications can be made anywhere for any form of gambling.
11. There is a broad spectrum of barring applications. For example, "Mum should be home cooking dinner" to the more serious. Some cases are genuine, others are vexatious, for example, made by a disgruntled ex-husband.
12. Obligations on gambling providers to publicise. The code includes provision of material which is approved by the regulator. South Australia does not publicise Reasons for Decisions but will provide them to a barred person. South Australia tends to keep information brief to protect the informant as well as the barred person. The process is seen as fair, user friendly and non-judgemental.
13. How do numbers compare between barring, involuntary and voluntary exclusion orders? The numbers can be misleading as many third-party discussions result in the subject person agreeing to voluntary exclusion.
14. Psychological support: Interviewees are trained and look for opportunities for further treatment and counselling options. There is no power to require counselling. It is recognised that different people have different needs and there are a broad number of options available.
15. Third party exclusion orders involve financial management concerns. Commonly, family members become concerned about loss of savings. SA can provide advice only under the GAA. The National Consumer Protection framework proposes that counselling is compulsory for a person subject to the barring order.
16. What sort of documents are required as evidence? So far, there have been no disputes, therefore, no evidence has been required. Information is available for loyalty club members. Usually, the person subject to a third-party exclusion order application accepts there is a problem. Sometimes contact cannot be made with the person. Two persons have sought reconsideration.
17. What about situations where third party exclusion orders are not made? A 'watching brief' would be suggested for the family.
18. On-line instructions and applications regarding third party exclusions. SA is working towards this.
19. Third party barring can be an urgent need. For example, a family's inheritance is under threat.

ENDS.