

The Exclusion Program

Definitions:

“Database” means the database maintained by the Office in accordance with clauses 68 - 72

“Deed” means the self exclusion deed that a person executes in order to enter the Program and become a self excluded person in accordance with clauses 15,16 and 17; “

“Employee feedback form” means the form described in clause 73;

“ICRP” means the Independent Complaints Resolution Process set out in clauses 84 – 86;

“Interviewer” means the person who conducts the self exclusion or the revocation interview and will usually be the SEO but may also be a person appointed by the Office in accordance with clause 13;

“Nominated person”: means the persons nominated by the venue management to be responsible for ensuring compliance with responsible gaming initiatives during the times that the venue is operating its gaming facility, and will usually be the duty manager on each shift;

“Office” means the administrator of the Program;

“Patron review form” means the form that is forwarded to a sample of self excluded persons in accordance with clauses 78 - 81

“Program” means ClubsVIC Self Exclusion Program;

“Responsible gambling incident register” means the register maintained by the venue in which the venue records the information regarding the code, self exclusion, and may also be the liquor and/or AML/CTF registers;

“Revocation interview” means an interview conducted for the purposes of revoking a self exclusion prior to the expiry, or varying the term of self exclusion in accordance with clauses 18 – 22;

“Self exclusion interview” means the interview conducted in accordance with clauses 6 – 17;

“Self excluded person’s list” means the photographs of self excluded persons together with their details including name, address, date of birth and date that the self exclusion expires;

“Self exclusion review form” means the form that is completed annually by the venue in accordance with clauses 74 - 77.

“SEO” means the self exclusion officer appointed by the Office;

“Venue” means a licensed venue operator of a gaming venue that has subscribed to the Program.

Ministerial Direction 1 - Administration of the Program

The Program is administered by the self exclusion the Office.

Ministerial Direction 2 - Process for self-excluding

What the Program must include:

Ministerial Direction 2.1 - Steps that a person needs to take to voluntarily self-exclude

1. Persons find out about the Program in various ways, for example from problem gambling counsellors, medical practitioners, friends who are on the Program, staff at gaming venues, website information, responsible gambling brochures available at venues etc.
2. It is preferable for entry to the Program to be recommended by a problem gambling counsellor who has determined that the person is suitable for self-exclusion.

Person makes contact with the SEO officer

3. Once a person has made the decision that self exclusion is appropriate for them, the person contacts the Office. This contact is made by any means eg telephone, email, fax, or the person's counsellor or medical practitioner can make the first contact.
4. As soon as possible after a person makes contact with the Office, the Office will attempt to ascertain whether or not the person is receiving counselling.
5. If the person is not receiving counselling the Office will advise that the person contact Gamblers' Help and provide the person with contact details for their local Gamblers' Help office.

Self exclusion interview is arranged

6. As soon as possible after a person makes contact with the Office, the Office will make an appointment for the person to attend at a self exclusion interview at a place that is convenient to the person, and at the earliest time that is convenient to the person.
7. The person can nominate where the self exclusion interview will take place, unless the person requests otherwise, the self exclusion interview will take place at the Office premises.
8. The Office will advise the person how the self exclusion interview will be conducted and who may attend.
9. The person may request that the person's current counsellor attend the self exclusion interview, in which case the person will arrange for the counsellor to attend.
10. Otherwise, the Office will advise the person that a problem gambling counsellor will attend at the self exclusion interview unless the person requests otherwise.

11. If the person agrees to the presence of a problem gambling counsellor at the self exclusion interview, the Office will advise the relevant Gamblers Help Service of the details of the self exclusion interview and request that a Gamblers Help counsellor be present at the place and time where the self exclusion interview is conducted.

Self exclusion interview is conducted

12. Where practicable, the SEO will conduct the self exclusion interview.
13. Otherwise the Office will make arrangements for another appropriate interviewer to conduct the self exclusion interview.
14. Persons can bring anyone along to the self exclusion interview, including a support person such as a friend or family member.
15. At the self exclusion interview the interviewer will explain how the Program works and the contents of the Deed including:
 - 15.1. That the Deed is not a contract between parties but rather an individual commitment by the person to become a self excluded person;
 - 15.2. That the Deed provides for the self excluded person to:
 - 15.2.1. Undertake not to enter the gaming room and not to play gaming machines at the venues that they have nominated;
 - 15.2.2. Authorise the staff at the nominated venues to stop them entering the gaming room and to remove them from the gaming room;
 - 15.2.3. Authorise the taking, dissemination and display of their photographs and personal details;
 - 15.2.4. Release all other relevant persons from any legal liability in respect of the self exclusion, including (but

not limited to) assault, defamation, duty of care; and undertake not to sue in respect of the self exclusion;

- 15.2.5. Indemnify all other relevant persons in respect of the self exclusion;
- 15.2.6. Acknowledge that they have entered the Deed voluntarily, and that the Deed is enforceable against them alone, that there is no legal duty on any other person except themselves;
- 15.2.7. Acknowledge that they understand the contents of the Deed;
- 15.2.8. Nominate the period of self exclusion which is a minimum of 6 months and a maximum of 24 months;
- 15.2.9. Nominate the venues from which the person is self excluding;
- 15.2.10. Authorise the Office to contact the person if the person is detected breaching the self exclusion;
- 15.2.11. Authorise the Office to inform a relevant problem gambling counsellor if the person is detected breaching the self exclusion (optional);
- 15.2.12. Authorise the relevant problem gambling counsellor to contact the person if the person is detected breaching the self exclusion (optional); and
- 15.2.13. Undertake to attend at counselling during the period of the self exclusion (optional)

- 16.** At the self exclusion interview, the SEO will discuss the effect of the Deed and emphasise the voluntary nature of the Program. The person will be encouraged to ask questions during the self exclusion interview in order to fully understand the effect of the Program.

17. At the end of the self exclusion interview, if the person is prepared to proceed:
 - 17.1. The SEO will witness the execution of the Deed by the person who then becomes a self excluded person; and
 - 17.2. Photographs of front facial profile and side profile of the self excluded person will be taken;
 - 17.3. The person is requested to complete a questionnaire (drafted with input from the Council of Gamblers Help Services) that collects data for the database.

Ministerial Direction 2.1 (b) - The steps a person must take to revoke a decision to self exclude

18. The Program is offered for a minimum of 6 months and a maximum of 24 months, and the person nominates the period of self exclusion at the self exclusion interview.
19. If the self excluded person decides to revoke their self exclusion prior to the stipulated time, or to reduce the period of self exclusion they must:
 - 19.1. Attend a session with a problem gambling counsellor and obtain written acknowledgment that the self excluded person has attended at a counselling session and discussed early revocation or reduction of the self exclusion period and sought guidance on the revocation or reduction (including the ramifications thereof); and
 - 19.2. Attend at a revocation interview with the SEO or a delegate where the self excluded person must:
 - 19.2.1. Sign a Revocation Deed; and
 - 19.2.2. Produce the written acknowledgement referred to in 19.1 above

Ministerial Direction 2.1 (b) The steps a person must take to vary the terms of the self exclusion

20. The self excluded person may reduce the period of self exclusion in accordance with clause 19 above.
21. A self excluded person may extend a period of self exclusion or include or remove venues from the Deed by contacting the SEO and arranging for the alteration of the Deed.
22. No other variations to the Deed are allowed.

Ministerial Direction 2.2 - Design of the Program

Ministerial Direction 2.2(a) - Potential self excluded persons are not deterred by unnecessary administrative requirements and complexities

23. The Program can be accessed by contacting the Office by any appropriate means – telephone, email, fax, post.
24. The Office must act as soon as possible and take all actions to ensure that a person seeking self exclusion is assisted in every way including accessing problem gambling counselling services.
25. The SEO must use the interview process to assist potential self excluded persons to understand the Program and to comply with the requirements of the Program.

Ministerial Direction 2.2 (b) - There is capacity to assist a person who chooses to self exclude to also self exclude from gaming venues that have a different self exclusion program.

26. The Office will stay informed of any other self exclusion programs available, including Victorian programs and interstate programs.
27. The Office will maintain contact with the administrators of any other relevant self exclusion programs and shall establish protocols for persons who wish to be excluded from venues that have different self exclusion program/s.

28. Where possible, the Office will establish protocols with other self exclusion program providers in order to facilitate a one-step process for persons to self exclude from venues with various programs.
29. If the Office is unable to establish protocols for one-step self exclusion referred to in clause 28, then the Office will ensure that information regarding other self exclusion programs is made available to any person who contacts the Office and requires this information.

Ministerial Direction 3 - Duration

30. The Program is offered for a minimum of 6 months and a maximum of 24 months, and the person stipulates at the self exclusion interview the period of self exclusion.
31. If the self excluded person decides to revoke a self exclusion prior to the stipulated time, or to reduce the period of self exclusion they must comply with clause 19
32. One month prior to the expiry date specified in the Deed, the Office will send to the self excluded person a letter advising them of the date that their period of self-exclusion will expire, and how the self exclusion can be renewed.
33. If the self excluded person wishes to renew the self exclusion, they follow the procedures set out in clauses 3 to 17 above.
34. If the person does not respond to the letter, then the self excluded person is considered as having completed their period of self-exclusion on the specified date.

Ministerial Direction 4 - Provision of information

35. The venue will make persons aware of the availability of the Program, how it works and how to access the Program by:
 - 35.1. Displaying appropriate posters, brochures and/or convenience notices in the gaming room and adjacent area/s, and

- 35.2. Making the information available on the venue's website (if any) and on the Office website

Ministerial Direction 5 - Identification of a self excluded person in the gaming machines area

Ministerial Direction 5.1 (a) - ensuring that a self excluded person does not enter gaming room

36. The Office will provide venues with the personal details and copies of photographs of self excluded persons who have self excluded from that venue by post and by secure web-based access as soon as possible after the self exclusion interview.
37. Upon receipt of the photographs and details of a self excluded person, the venues will update the venue records and the self excluded person list.
38. Venues will display the self excluded persons list at the 'back of house' in an area which is not accessible to the public.
39. Employees will view the photographs and re-acquaint themselves with the self excluded persons list prior to each shift.
40. Venues will ensure that their gaming machine player loyalty programs (if any) do not include self excluded persons.
41. Employees will use their best endeavours to identify any self excluded person who approaches the gaming room.
42. If an employee notices a self excluded person approaching the gaming room with an apparent intention to enter, the employee will immediately advise the nominated person.
43. The nominated person will decide whether or not the person is a self excluded person by:
 - 43.1. Referring to the self excluded person list (especially the photographs);

- 43.2.** Asking the person their name and checking it against the details on the self excluded persons list;
 - 43.3.** Applying their personal knowledge of the person – ie the nominated person may know the self excluded person; and/or
 - 43.4.** Asking someone else (another employee or another person).
- 44.** If the nominated person decides that the person is a self excluded person, the nominated person will take such immediate action as the nominated person considers appropriate to stop the self excluded person from entering the gaming room.
- 45.** Some of the actions that the nominated person may take are set out in clause 52 below.
- 46.** After taking the appropriate action the nominated person will record the incident in the responsible gambling incident register and complete an employee feedback form and the venue will forward a copy of the employee feedback form to the Office.

Ministerial Direction 5.1(b) - The procedure that will be adopted to detect self excluded persons who enter the gaming room

- 47.** Employees will re-acquaint themselves with the self excluded persons list (especially the photographs) prior to each shift.
- 48.** During their shifts, employees will use their best endeavours to identify any self excluded person who has entered the gaming room by the means set out in 43 above.

Ministerial Direction 5.1(c) - the procedure that will be adopted when a self excluded person is detected in the gaming room

- 49.** If an employee identifies a self excluded person in the gaming room, the employee will immediately advise the nominated person.
- 50.** The nominated person will decide whether or not the person is a self excluded person by using the means as set out in clause 43 above.

- 51.** If the nominated person decides that the person is a self excluded person, the nominated person will take such immediate action as the nominated person considers appropriate to remove the self excluded person from the gaming room.
- 52.** Some of the actions that the nominated person may take include:
 - 52.1.** Approach the self excluded person, remind them of their self exclusion, and suggest that they leave the gaming area;
 - 52.2.** Approach the self excluded person remind them of their self exclusion, and suggest that they take refreshments in a different area;
 - 52.3.** Approach the self excluded person remind them of their self exclusion and offer to call a taxi to take the self excluded person home;
 - 52.4.** Approach the self excluded person remind them of their self exclusion and offer to contact a friend or a problem gambling counsellor;
 - 52.5.** Approach the self excluded person remind them of their self exclusion and offer them the use of the club's telephone;
 - 52.6.** Announce over the public address system that the self excluded person has a telephone call to be taken at reception;
 - 52.7.** Announce over the public address system that the self excluded person is required at reception;
 - 52.8.** Announce over the public address system that the self excluded person has a meal ready in another area;
 - 52.9.** Approach the self excluded person remind them of their self exclusion and insist that they leave the gaming room;
 - 52.10.** Approach the self excluded person, remind them of their self exclusion and advise them that unless they leave the gaming

room the nominated person will call the venue security or the police to have them physically removed;

- 52.11.** If the self excluded person does leave the gaming room, as a last resort, have the self excluded person physically removed from the gaming room.
- 53.** After taking the appropriate action the nominated person will record the incident in the responsible gambling incident register and complete an employee feedback form and the venue will forward a copy of the employee feedback form to the Office.
- 54.** Upon receipt of a employee feedback form that reports a breach of self exclusion the Office will:
 - 54.1.** Advise all venues from which the self excluded person has self excluded that the self excluded person has breached the self exclusion and advise the venues to increase surveillance in respect of this self excluded person;
 - 54.2.** Advise the administrators of other relevant self exclusion programs that the self excluded person has breached their self exclusion;
 - 54.3.** Advise the self excluded person that they have been detected breaching their self exclusion;
 - 54.4.** Provide the self excluded person with contact details for their local Gamblers' Help office; and
 - 54.5.** If the self excluded person's Deed authorises the Office to inform a relevant problem gambling counsellor if the self excluded person breaches the self exclusion, inform the relevant problem gambling counsellor.

Ministerial Direction 5.2 - The Program must have due regard for the privacy and dignity of the self excluded person

- 55.** The nominated person will make every attempt to be discreet when approaching a self excluded person, and to draw as little attention as possible to the situation and to the self excluded person.
- 56.** Inclusions in the responsible gambling incident register may be subject to the Privacy Act and the nominated person will ensure compliance with the National Privacy Principles.
- 57.** The venue will provide training for all employees who carry out the duties of the nominated person.
- 58.** Nominated persons will be trained to know how to handle self excluded persons, and also to know the requirements of the National Privacy Principles.

Ministerial Direction 6 - Staff training

- 59.** All gaming employees will receive adequate training in:
 - 59.1.** The operation of the Program,
 - 59.2.** How to help persons seeking information about self exclusion or wishing to self exclude;
 - 59.3.** Understanding how to appropriately manage persons who have self excluded.
 - 59.4.** How to identify self excluded persons.
- 59.5.** Any incidence of non-compliance with the self exclusion program by an employee will lead to remedial action being taken by the employer against the employee and repeated non-compliance will lead to disciplinary action.
- 59.6.** Annual performance reviews for all employees will include an assessment of the employee's commitment to and compliance with

the requirements of the self exclusion program. The performance review will include questions regarding the self exclusion program and how it impacts on the employee, and whether the employee has meet the requirements.

- 60.** The training may be delivered in any one or more of the following ways:
 - 60.1.** Completion of a responsible service of gaming course (or refresher course) which course will be endorsed by the Office and include components on:
 - 60.1.1. The operation of the Program;
 - 60.1.2. How to help persons seeking information about self exclusion or wishing to self exclude; and
 - 60.1.3. How to identify self excluded persons;
 - 60.2.** Briefings at staff meetings;
 - 60.3.** Attendance at self exclusion training sessions conducted by the Office; and/or
 - 60.4.** Attendance at employee training sessions conducted on the venue's premises and endorsed by the Office.
- 61.** Nominated persons will (in addition to the training provided in accordance with clause 60) be trained to know how to manage self excluded persons, and also to know the requirements of the National Privacy Principles.
- 62.** Nominated persons will receive the necessary training in one or more of the following ways:
 - 62.1.** Briefings at staff meetings;

- 62.2. Attendance at training sessions conducted by the Office;
and/or
- 62.3. Attendance at employee training sessions conducted on the venue's premises and endorsed by the Office.

Ministerial Direction 7 - Availability of support services

Ministerial Direction 7.1 - Referral of persons to problem gambling support services

63. The Program facilitates referral of persons to problem gambling support services by the implementation of the following clauses:
 - 4, 5, 9, 10, 11, 15.2.11, 15.2.12, 15.2.13, 19.1, 24, 31, 35, 52.4, 54.4, 54.5

Ministerial Direction 7.2 - Protocols for contact between the Office and relevant problem gambling support services

64. The Office will maintain open dialogue with all relevant problem gambling counselling services.
65. The SEO will liaise frequently with problem gambling support persons informally at self exclusion interviews.
66. At least twice a year, the Office shall facilitate a formal meeting with the convener of the Council of Gamblers Help Services to discuss the operation of the Program, and consider any recommendations for the enhancement of the Program.

Ministerial Direction 8.1 - Data management

67. The Office will maintain a database that records:
 - 67.1. The number of persons who have self excluded;
 - 67.2. Any non-identifying data that is available from the interviews and Deeds;

- 67.3. The number of self excluded persons who are reported to have breached their self exclusion;
- 67.4. The number of self excluded persons who have breached repeatedly and
- 67.5. The number of self excluded persons who extend or revoke their self exclusion.

Ministerial Direction 8.2 - How information will be collected, retained and provided to the VCGR

- 68. The self exclusion database will be retained in digital form on the Office computer system, and will be made available to the VCGR as required in digital and/or hard copy.
- 69. As all self exclusion interviews will be facilitated through the Office, the Office will have the data required in Ministerial Directions 8.1(a) and 8.1(c).
- 70. In accordance with clauses 46 and 53, venues will be required to provide the Office with copies of employee feedback forms setting out details of any detected breaches.
- 71. The Office will enter the relevant details onto the self exclusion database.
- 72. The self exclusion database and any documents derived from that database may be subject to the Privacy Act and the Office will ensure compliance with the National Privacy Principles.

Ministerial Direction 9 - Reviewing the effectiveness of the Program

- 73. Employee feedback
 - 73.1. The venue will ensure that an employee feedback form is available with the responsible gambling incident register.
 - 73.2. The venue's induction package/staff handbook provided to all employees on commencement of employment with the venue

will include advice on how the employees can provide feedback to the operation and effectiveness of the Program by completing the employee feedback form that is available with the responsible gambling incident register.

- 73.3.** The venue will provide all employees who are employed with the venue at the time of adoption of the Program with information about how employees can provide feedback on the Program by completing the employee feedback form that is available with the responsible gambling incident register.
- 73.4.** At the end of each shift the nominated person will collect any completed employee feedback forms and deliver them to the venue management.
- 73.5.** The venue management will consider the completed employee feedback forms and:
 - 73.5.1. if that the matter can be dealt with at the venue level, management will take appropriate action, file the completed form with the responsible gambling incident register and attach copies of any completed forms to the annual self exclusion review form; or
 - 73.5.2. if the matter involves a systemic issue in relation to the Program or involves detection of a breach by a self excluded person the matter will be referred immediately to the Office for appropriate action.

Venue review

- 74.** The venue will complete a self exclusion review form during June in each year.
- 75.** The self exclusion review form will be drafted in conjunction with the Council of Gamblers Help Services.

76. The Office may, upon application, grant an extension of time for completion of the self exclusion review form.
77. The completed self exclusion review form will be kept at the venue's premises together with any employee feed back forms that were received through the preceding year, including copies of those that were forwarded to the Office during the year.

Patron review

78. In May each year the Office will forward to a sample of self excluded persons a patron review form.
79. The patron review form will be drafted in conjunction with the Council of Gamblers Help Services.
80. The sample of self excluded persons will be asked to complete the patron review forms and return them to the Office.
81. Completion and return by the self excluded person will be totally optional.

Office review

82. In July each year the Office will conduct:
 - 82.1. a survey of venues' completed review forms;
 - 82.2. an appraisal of all returned patron review forms;
 - 82.3. an appraisal of all employee feedback forms received through the year;
 - 82.4. a general appraisal of the Program (including consideration of employee and patron feed back forms) to assess the Program's operation and effectiveness.
83. The Office will make any appropriate changes to the Program and will seek approval of those changes by the VCGR and advise venues accordingly.

Ministerial Direction 10 - Complaints process

- 84.** The venue will subscribe to the ICRP administered by the ICRP office.
- 85.** The ICRP complies with all legislative requirements, relevant ministerial directions and has been approved by the VCGR.
- 86.** The ICRP will:
 - 86.1.** specify how to make a complaint about the Program;
 - 86.2.** specify how information about complaints will be collected and retained;
 - 86.3.** set out the process for resolution of a complaint;
 - 86.4.** provide for the independent review of decisions made by the venue about complaints; and
 - 86.5.** enable the VCGR to monitor compliance with the complaints process.

87. How to subscribe to the Program

- 87.1.** The venue will present the Program to the management of the venue and the management will resolve formally to subscribe to the Program.
- 87.2.** The venue will apply to the Office for subscription to the Program.
- 87.3.** The Office will assess the application and determine whether to approve or reject the application and advise the venue promptly of its determination.
- 87.4.** If the Office determines to reject the application, the Office will provide the venue with reasons for the rejection.
- 87.5.** The venue will be at liberty to apply again for subscription to the Program.
- 87.6.** If the Office approves the application, the venue will advise the VCGR that the venue has subscribed to the Program.
- 87.7.** The Office may, at any time, determine that a venue is not a suitable venue to subscribe to the Program and, after providing the venue with

adequate opportunity to address the issues, the Office may expel the venue from inclusion in the Program.

87.8. If a venue is expelled from the Program, the Office will notify the venue and VCGR.

87.9. The venue will provide adequate resources (financial and human) for the administration and implementation of the Program.