



The harm minimisation impact
of third party exclusion schemes and
possible future directions for NSW

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Executive summary

The current report presents key findings of research to examine the potential for a third-party exclusion scheme for pubs and clubs in New South Wales (NSW). This involves family, close friends and potentially even venues being able to exclude or ban a person from a venue/s to protect family or other parties being affected by the person's gambling (including the gambler).

Research to examine third party exclusion follows recommendations of the Legislative Council Select Committee on the Impact of Gambling in its final report on 14 August 2014. Following the recommendation, the NSW Government committed in its response to the Committee's recommendation (on 21 April, 2015) to undertake research to examine the efficacy of third-party barring of people with gambling problems from hotels and clubs.

Research was then commissioned and undertaken over the six months from May to October, 2016. A particular aim of the research was to explore whether third party exclusion of problem gamblers is effective from a harm-minimisation perspective.

RESEARCH OBJECTIVES AND METHODOLOGY

The specific objectives of the research were to examine:

- The harm minimisation impact of the third-party exclusion schemes operating in relation to hotels and clubs in South Australia and Tasmania, and at The Star casino in Sydney
- The impacts of the administrative arrangements of the South Australian and Tasmanian schemes on the effectiveness of the schemes
- Operational issues and costs involved in delivering a third-party exclusion scheme across NSW hotels and clubs with gaming machines
- The impact of any relevant barring schemes for problem gamblers operating overseas

Other aims of the research were to examine whether a third party scheme would:

- Reduce the harms of problem gambling, particularly for the gambler and their family and friends
- Economically affect the relevant industry sectors
- Produce unintended consequences.

The following methodologies were used for the research:

- Conduct of a literature review examining issues relevant to the design of a third party scheme
- Conduct of a review of Australian and international third party scheme regulations
- Stakeholder and family member consultations views about the value of third party exclusion in NSW
- Conduct of a survey examining possible issues to consider in the design of a third party scheme (Based on a convenience sample of EGM players from a research panel)

KEY FINDINGS

Findings of the current research highlight that:

1. Families support the need for third party exclusion legislation, as many impacts of problem gambling are not currently addressed through the NSW problem gambling services

- Discussions with families undertaken as part of the current research highlight that many reported impacts of problem gambling are not addressed through the current NSW problem gambling services program (e.g., if assets or financial resources are accessed for gambling, families have no means to stop gamblers spending the affected assets/money)
- From this perspective, families strongly supported the need for third party exclusion legislation or other measures to help reduce the impacts and harms of problem gambling

2. Exclusion of problem gamblers from hotels and clubs is unlikely to be an effective means of reducing gambling harm experienced by families (and other affected third parties)

- Whilst potentially benefitting a small number of families, evidence and information from the research highlights that exclusion of gamblers from hotels and clubs is unlikely to be an effective means of reducing gambling harm to families. In particular, literature on self-exclusion highlights the strong likelihood of breaches of exclusion contracts and this is also supported by feedback from families, stakeholders and problem gambling counsellors (highlighting that while third party exclusion is supported, it may not reduce gambling harm experienced by families)
- An online panel survey of EGM players similarly indicated that 38.2% of moderate risk and problem gamblers would gamble elsewhere, if banned from their main gambling venues

3. There is limited use of existing third party schemes in Australia

A review of evidence and information from other third party schemes highlights that:

- There is generally very limited to no use of third party schemes in Australia, although this may be due to limited promotion of interstate schemes
- Data and reports about exclusion in the South Australian and Tasmanian schemes highlight that the rate of exclusion breaching is likely to be high (implying that gambling harm may not be reduced for families or affected others) (although there are very few cases where schemes have been used)
- A review of third party case studies reported by counsellors, however, highlights some positive benefits for a very small number of families utilizing third party schemes
- Feedback from NSW counsellors, gamblers, significant others affected by gambling and other stakeholders highlights that mandatory counselling for problem gamblers and financial restrictions (e.g., gamblers having restrictions on access to their bank account) may have greater potential to minimise harm to third parties, than venue exclusion
- While the effectiveness of such measures is largely unknown (given the very limited use of schemes in other jurisdictions), many counsellors see merit in attempting to use such measures to help families
- Mandatory counselling is also seen to be of value, given that gamblers must be ready to change their gambling behaviour to reduce their gambling (otherwise many were reported to just continue gambling)

3. Domestic and family violence (DFV) may be a potential risk of a third party scheme

- Domestic and Family Violence (DFV) was identified by families affected by problem gambling as a potential risk of a third party scheme. This risk was also raised as a concern by Gambling Help counsellors working with significant others affected by a spouse's gambling
- Research literature similarly identifies Intimate partner violence (IPV) as a characteristic of families impacted by problem gambling. In particular, based on findings of a systematic review, 37% of problem gamblers report being the perpetrators of IPV and 11% of offenders of IPV report gambling problems (Dowling, 2014). Gambling losses and other problems were reported to lead to the perpetration of violence against family members as a result of the stress, anger and financial impacts of problem gambling
- Stakeholders and counsellors highlight that the potential risk of Domestic and Family Violence would need careful management and case based risk assessment as part of a third party scheme

4. Families and counsellors support the idea of venues performing venue-initiated exclusions as part of the Responsible Conduct of Gambling (RGC)

- Families impacted by problem gambling and problem gambling counsellors see value in venue-initiated exclusions to assist families affected by problem gambling
- There is also seen to be value in venues initiating 'welfare checks' on patrons, where families are concerned about the impact of their family member's gambling
- Families want venues to perform high-risk gambling checks on family members, if problem gambling is raised by an affected third party
- Venue exclusion and approaches to patrons ('welfare checks') are seen as having potential to act as a 'circuit breaker' for problem gamblers (i.e., to encourage gamblers to reflect on their gambling behaviour)
- As venues feel undertrained in how to best perform exclusions and how to discuss sensitive issues with patrons, venues saw potential for an external service to perform this role. Research by Delfabbro et al (2007) on the observable signs of problem gambling also highlights the potential for such skills to be further developed in venue staff

5. Families, gamblers and counsellors reported that financial support, mandatory counselling and support for partners and families may have greater potential to minimise harm, than exclusion. Several characteristics were additionally identified as important in a future third party scheme.

Counsellors, stakeholders and families affected by another person's gambling reported that the following characteristics would be critical elements in an effective third party scheme – These were raised during discussions, given the perceived limitations of a scheme with only third party exclusion (which was reported as showing a high likelihood of breaches):

- The process of exclusion should aim to initially reach out to the gambler using a therapeutic intervention, with third party orders being the last resort (i.e., Use of a family intervention approach, facilitated by a problem gambling counsellor)
- If third party orders are deemed necessary, affected others are supported in putting together applications (e.g., free assistance is provided to help families write applications and gather evidence)
- Timely advice is made available to impacted third parties on how to protect financial assets (including legal advice) ('bureaucratic' processes taking weeks were seen as 'too slow' to limit harm)
- Where necessary, families are supported to locate and understand financial impacts (as many details are often hidden from families, so that applications citing evidence are largely impossible)

- Advice to affected others is available about how to protect themselves if they are at risk for, or are affected by, DFV and associated DFV support services are provided, where needed
- An independent panel of at least three experts is used to make decisions about third party applications (with at least one expert in problem gambling represented on the panel)
- No 'default' time periods for third party orders should be followed and the length of third party orders should be individualised to the unique circumstances of cases and family needs
- Counselling and therapeutic treatment should be the foundation of third party orders
- Where possible, gamblers are encouraged to pursue self-exclusion in lieu of having a third party order and a program of counselling is offered to support recovery (with families also supported with counselling)
- If intervention efforts are unsuccessful, or financial impacts cannot be managed, financial restrictions should be applied to protect the family from the financial impacts of gambling (e.g., bank account restrictions)
- Evidence from families and treatment professionals is sought to revoke a third party order
- Independent parties – separate to families – are available for managing financial restrictions using a type of external guardianship model (where required to assist families)
- If a spouse wishes to permanently separate from a gambler, legal and related support is provided to assist the spouse to become financially separated
- Legislation should allow vulnerable people without family or people with cognitive/intellectual impairments the ability to be protected from gambling harm, without a need to substantiate impact to a third party (e.g., if gamblers are harming themselves only, third party interventions should still be possible)
- If exclusion is included in a third party scheme, third parties need the ability to request a large number of venue exclusions (possibly more than the 35 under the current ClubSafe default) for exclusion to be effective. In addition, exclusion from TAB and online gambling sites is also required
- All processes are designed to support third party applications by people of Culturally and Linguistically Diverse (CALD) backgrounds and particularly, by people speaking Languages Other than English (LOTE)

CONCLUSIONS

Findings of the research highlight that third party exclusion alone is unlikely to play a significant role in minimising gambling harm to third parties, although it *may* be helpful for *some* gamblers ready to change their gambling behaviour.

However, a review of literature and discussions with a range of stakeholders highlighted that mandatory counselling of problem gamblers and financial restrictions to protect a family's financial resources may have greater potential to reduce harm to third parties impacted by problem gambling.

Introduction

The current report presents key findings of research to examine the potential for a third-party exclusion scheme for New South Wales (NSW). Currently, hotels and clubs in NSW do not have the legal authority under the *Gaming Machines Act 2001* to bar a patron from a venue on the basis of their gambling (whether through the venue's own volition or at the request of a third party, such as a family member). However, The Star casino has such legislative powers under section 79 of the *Casino Control Act 1992*.

Research to examine third party exclusion follows recommendations of the Legislative Council Select Committee on the Impact of Gambling in its final report on 14 August 2014. Following the recommendation, the NSW Government committed in its response to the Committee's recommendation (on 21 April, 2015) to undertake research to examine the efficacy of third-party barring of people with gambling problems from hotels and clubs.

Research was then commissioned and undertaken over the six months from May to October, 2016. A particular aim of the research was to explore whether third party barring of problem gamblers is effective from a harm-minimisation perspective.

RESEARCH OBJECTIVES

Within this context, specific objectives of the research were to examine:

- The harm minimisation impact of the third-party barring exclusion operating in relation to hotels and clubs in South Australia and Tasmania, and at The Star casino in Sydney
- The impacts of the administrative arrangements of the South Australian and Tasmanian schemes on the effectiveness of the schemes
- Operational issues and costs involved in delivering a third-party exclusion scheme across NSW hotels and clubs with gaming machines
- The impact of any relevant exclusion schemes for problem gamblers operating overseas

Other aims of the research were to examine whether a third party scheme would:

- Reduce the harms of problem gambling, particularly for the gambler and their family and friends
- Economically affect the relevant industry sectors
- Produce unintended consequences.

In addition, the research examines whether venues should bar patrons from the entire venue or only from the gaming machine area, the length of barring, the number of venues and who can apply for a third party exclusion.

PROJECT BACKGROUND

During November 2013, the Select Committee on the Impact of Gambling was established to inquire into and report on the impact of gambling on individuals and families in New South Wales. The most prominent issue for the Inquiry was how to minimise the negative impacts of problem gambling.

On 14 August 2014, the Legislative Council Select Committee on the Impact of Gambling published its final report. Recommendation 5, one of the 18 recommendations presented in the report, outlined that: *The NSW Government investigate third-party exclusion with a view to implementing a scheme in the state's clubs and hotels by 2017 at the latest. In conducting its investigations the Government should consult with industry, healthcare professionals, gambling researchers and other relevant stakeholders (Recommendation 5).* On this basis, the NSW Government commissioned research to examine whether third party barring of problem gamblers is effective from a harm-minimisation perspective.

Self-exclusion programs (where a gambler is self-barred from a venue) are one of many strategies used by problem gamblers to abstain from gambling. While self-exclusion may be effective for some problem gamblers, self-exclusion must be initiated by gambler. As many problem gamblers are not ready to change their gambling behaviour (e.g., Hare, 2009), some jurisdictions have developed programs to allow third-party exclusion of gamblers from venues. Such exclusions are typically initiated by spouses or family members and aim to reduce the level of harm to the spouse and family.

While third-party exclusion may help reduce the potential harm to families from gambling, it is important to objectively research the effectiveness of such programs prior to implementation. In particular, it is critical for future policies and programs to be underpinned by robust evidence to highlight whether third-party schemes may help reduce harm and how best to design a scheme to minimise the impacts of problem gambling.

Within this context, the current research explores third-party exclusion programs nationally and internationally to identify the effectiveness of such programs. It also explores the views of key stakeholders in NSW and discusses the concept of third party exclusion with NSW families affected by problem gambling. Together, research information is then used to design a third party exclusion scheme for NSW.

RESEARCH METHODOLOGY

The research methodology included both qualitative and some quantitative research, along with a literature review. The current research employed a number of research methodologies able to be undertaken with the available research budget. Presented in line with major report sections, methods used in the research included:

- **(Section A) Literature to inform the design of a third party exclusion scheme in NSW** – Consisting of a literature review, this section of the report reviews scholarly databases to identify relevant literature to assist in the design of a third party exclusion scheme for NSW. Major papers and report were reviewed in scholarly databases and on the internet for this purpose. As extremely limited literature was available on third party schemes (and many papers were only minor references to third party exclusion), a number of related bodies of research were reviewed to provide useful information that may assist in the design of a future scheme for NSW. This included a review of literature to identify the major impacts of problem gambling (especially financially related impacts on families), a review of literature on support programs and services to assist families affected by problem gambling and a review of related literature that may inform the appropriate design of a third party scheme. This included a review of literature on self-exclusion programs to highlight learnings in the area of self-exclusion (which may potentially be extrapolated to 'third party' exclusion), a review of literature on the efficacy of restrictions on access to cash as a strategy to assist problem gamblers (to examine whether financial restrictions on problem gamblers may be useful in a third party scheme) and a review of literature on the efficacy of mandated counselling (to examine its possible value in a third party scheme). As a key objective of the research was also to examine the potential for venue exclusions, literature on the ability of venues to identify problem gambling was similarly examined. The direction of the literature review was also influenced by stakeholder consultations, as many of these same areas were raised during discussions

- **(Section B) Review of Australian third party exclusion regulations** – As part of the research, third party exclusion schemes in a number of Australian jurisdictions were reviewed using publically available information. This included third party schemes in South Australia, Tasmania, The Star casino and the ACT. Exclusion provisions of venues in other Australian jurisdictions were also briefly examined (i.e., where venues could exclude patrons, in spite of a third party scheme not being available). As the South Australian, Tasmanian and ACT schemes are the most fully developed schemes in Australia and internationally, these schemes formed a particular focus of the review. As part of the review of Australian schemes, discussions were additionally held with Government officers and/or operators for each of the major schemes. This provided an opportunity to discuss with each jurisdiction what they saw as the key issues in the scheme (e.g., strengths and weaknesses) and to gather useful insights about how the schemes are administered and related operational costs. As most schemes had not been officially costed by their administrators, this discussion provided an opportunity to ask about the major resources and inputs used in managing schemes, so that rough costs could be extrapolated to a NSW scheme. The protocol used to guide the review of schemes under Australian jurisdictions is in Appendix A.
- **(Section C) Review of international third party exclusion regulations** – As part of the research, an internet scan was undertaken to identify innovative third party exclusion schemes in other parts of the world. While very limited information was publically available on most schemes, schemes in Singapore, New Zealand and Switzerland were reviewed using publically available information. On this basis, web site and related information was reviewed to identify major scheme characteristics that may be of interest in designing a future third party scheme for NSW. Findings of this review similarly identified that very few jurisdictions internationally had provisions for third party exclusion
- **(Section D) Stakeholder views about the potential for third party exclusion in NSW** – As part of the current research, a series of qualitative consultations were undertaken with a range of stakeholders. This included discussions with peak bodies representing the hotel and clubs industry, consultations with hotels and clubs (11 stakeholders) and consultations with counsellors and related staff working in the field of problem gambling (14 stakeholders). Discussions explored stakeholder views about a number of topics related to third party exclusion. This included general views about the overall value of a third party scheme, venue perspectives on the value of venue-initiated exclusions, key considerations in designing a third party scheme for NSW and potential characteristics of a third party scheme. When exploring potential characteristics for a third party scheme, many areas explored in the literature review were also examined. This included asking stakeholders to give views on the harm-minimisation potential of barring gamblers from venues, views about the implementation mandatory counselling for problem gamblers and views about financial restrictions on problem gamblers. These latter topics were also deemed important by stakeholders, given some concerns about the ability of exclusion alone to minimise gambling harm. Possible processes and administrative arrangements for a scheme were also discussed. Accordingly, this section presents key findings of discussions with stakeholders with potential to inform the design of the NSW scheme. The protocol used as a guide during stakeholder discussions is in Appendix B.

- **(Section E) Interviews with significant others and proxies to explore the potential of a third party scheme** – While a third party scheme is not yet operational in NSW, it was important to test a range of design characteristics with potential scheme users to assess their relevance and appeal. To this end, a series of interviews were undertaken with significant others affected by problem gambling as part of the research. This included fifteen spouses affected by problem gambling and other family members (e.g., parents affected by a son's problem gambling). In two additional cases, people affected by a close friend's problem gambling took part in discussions. Key areas explored from a stakeholder perspective were also explored from the perspective of significant others. Accordingly, interviews explored the financial impacts of problem gambling, views about the overall effectiveness of third party exclusion to minimise gambling harm experienced by others, specific views on future possible design characteristics of a third party scheme (e.g., venue exclusions, mandatory counselling, financial restrictions on problem gamblers) and views about how a third party scheme should be administered. This was also an opportunity to examine the types of processes that potential users may find most comfortable, if they were applying for a third party order. Given that interstate Government administrators were unable to provide specific users of their schemes for consultation (as this would breach confidentiality and was also difficult, given that few users were available), discussions were undertaken with five counsellors in other jurisdictions to gather case study reports on how users had experienced the third party scheme. These insights are then summarised at the end of the report section. The protocol used to guide interviews is in Appendix C. In addition to the interviews, a small number of survey questions were added to another survey of EGM players to explore significant other and gambler reactions to third party exclusion (including many of the issues explored during the qualitative research). An online survey panel was used for this purpose. Relevant survey questions are presented at the end of Appendix C for reference.
- **(Section F) Discussion of key findings and implications** – This section of the report discusses the key findings and their implications for possible future design of an effective third party scheme in NSW.

CAVEATS AND LIMITATIONS OF THE RESEARCH

Given that this is the first major study to bring together significant information on third party exclusion, conclusions drawn from the research should be considered indicative rather than definitive. On this basis, the current study aims to bring together available information and insights on third party schemes from a number of perspectives. As a first stage research stage, however, it presents a foundation of useful information that may be considered in making decisions about third-party schemes.

Section A - Literature to inform the design of a third party exclusion scheme in New South Wales

This section of the report reviews scholarly databases to identify relevant literature to assist in the design of a third party exclusion scheme for NSW. Major papers and reports were reviewed in scholarly databases and on the internet for this purpose. As extremely limited literature was available on third party schemes (and many papers were only minor references to third party exclusion), a number of related bodies of research were reviewed to provide useful information that may assist in the design of a future scheme for NSW. This included a review of literature to identify the major impacts of problem gambling (especially financially related impacts on families), a review of literature on support programs and services to assist families affected by problem gambling and a review of related literature that may inform the appropriate design of a third party scheme.

This included a review of literature on self-exclusion programs to highlight learnings in the area of self-exclusion (which may potentially be extrapolated to 'third party' exclusion), a review of literature on the efficacy of restrictions on access to cash as a strategy to assist problem gamblers (to examine whether financial restrictions on problem gamblers may be useful in a third party scheme) and a review of literature on the efficacy of mandated counselling (to examine its possible value in a third party scheme). As a key objective of the research was also to examine the potential for venue exclusions, literature on the ability of venues to identify problem gambling was similarly examined. The direction of the literature review was also influenced by stakeholder consultations, as many of these same areas were raised during discussions

Literature is presented in line with the following key headings:

- The impacts of problem gambling on gamblers and significant others
- Assisting significant others affected by problem gambling
- Reducing problem gambling impacts on significant others – Literature from related fields that may inform the design of a third party exclusion scheme

The impacts of problem gambling on gamblers and significant others

The financial impact of problem gambling is well documented in research literature (e.g., Lorenz and Shuttlesworth, 1983; Dowling et al, 2014; Kalischuk et al, 2006). A recent study by Financial Counselling Australia (2016), in particular, identified the financial impacts of problem gambling based on the experiences of 68 problem gamblers presenting to financial counselling. A review of de-identified case studies showed that almost all problem gamblers were unable to pay bills, around half had borrowed money from commercial sources (e.g., credit cards, payday loans, personal loans), or from their family, and half had experienced a relationship breakdown. Case studies cited many situations where children in a family had to go without something due to the family's lack of financial means. Electronic gaming machines (EGMs) were cited as the main gambling activity in 70% of cases, while one third of problem gamblers were engaged in multiple forms of gambling. Losses due to problem gambling were also considerable. Around 30% of problem gamblers had loss in excess of \$60,000. Feedback from agencies providing financial counselling also indicated that under 10% of problem gambling clients presented with gambling debts or losses from racing, online sports betting, online gaming or casinos. Possibly reflecting the relationship impacts of gambling, 70% of clients were not in a relationship and were either single, widowed, divorced or separated.

A report by the Victorian Competition and Efficiency Commission (2012) examined the costs of problem gambling to the Victorian community. One of the major social costs of problem gambling was identified as emotional distress to immediate family members. This was estimated to cost up to \$960 million. The emotional costs to parents were similarly estimated to cost up to \$160 million. While a specific estimate for financial impact on families was not provided, the economic costs of 'excess expenditure' due to problem gambling were estimated to be up to \$1.4 billion. A further more recent Victorian prevalence study by Hare (2015) also found that 2.8% of Victorian adults had reported experiencing problems because of someone else's gambling in the past year. Based on the most recent Victorian problem gambling prevalence estimate (0.81%), this may suggest that each problem gambler may affect at least 3-4 other people.

A 2006 NSW prevalence study asked all gamblers to report the financial impacts of problem gambling in terms of opportunity costs (Brockelsby & Kenrick, 2007). Based on the highest risk segments (moderate risk and problem gamblers combined), results showed that if money had not been gambled, 20% would have saved the money, 14% would have purchased groceries or small household items, 13% would have purchased alcohol, 12% would have purchased personal items and 11% would have used the money to pay bills or credit cards. Such data may indirectly highlight the diverse range of ways in which gambling can affect expenditure.

Brown et al (2016) measured the harms of problem gambling as experienced by both problem gamblers and 'affected others'. While the majority of harm was found to be attributable to a gambler's own gambling (86.2%), 13.8% of the total harm was experienced by affected others. Immediate family connections were proposed to be most impacted, given the strength of the relationship between an immediate family member and a problem gambler. Major overall harms included relationship impacts, health impacts, emotional and psychological impacts, financial impacts and work and study impacts. The specific types of financial harms affecting others that most strongly correlated with the gambler's PGSI score were also examined. The top financial harms were selling items ($r=-.25$), reduced savings ($r=-.22$), welfare ($r=-.19$), reduced spending ($r=-.18$), late bills ($r=-.18$), asset loss ($r=-.16$), increasing credit card debt ($r=-.15$) and loss of utilities ($r=-.14$).

While problem gambling impacts many family members, past research has highlighted that many of the impacts are often hidden from family until a crisis ensues. Lorenz and Yaffee (1989), for instance, reported that 41% of female partners impacted by another person's problem gambling felt that their partner had successfully hidden the gambling problem before it was detected. The authors also proposed that many of the financial impacts of problem gambling on families can be devastating, given that financial losses were often significant. Common financial impacts were reported to include credit card debt, bank loans and money owed to family and friends. In many cases, spouses were also reported to be unaware of the extent of debt and would experience significant distress upon learning about the impacts. Spouses were commonly reported to make personal sacrifices in response to financial stresses including using savings to pay off debts, going back to work and leaving a community. Many impacts were similarly reported to last years and in some cases of severe debt, a lifetime.

The financial stresses of problem gambling have been reported to increase the emotional turmoil in relationships. Hodgins et al (2007) examined psychological distress among 186 significant others impacted by gambling. Significant others attending counselling experienced greater distress than non-patients and experienced many negative emotions. These included resentment and distrust, feelings of helplessness or hopelessness and anxiety. Other impacts were noted on the significant others' social life, their financial situation (where many used their own savings to pay down debt) and on their relationship satisfaction.

Impacts on children have similarly been examined. Darbyshire et al (2001) found that children of problem gamblers would often suffer in many ways. Parents would be gone for long periods of time or as a result of separation and divorce, many felt uncared for by parents and saw their parent as becoming increasingly deceptive, unreliable and selfish. They reported not having money for items such as school trips, presents and in some extreme cases, food. McComb et al (2009) similarly reported that many extended family members can be impacted by problem gambling based on the types of clients presenting to counselling. These included aunts, grandparents, cousins and in-laws.

Intimate partner violence (IPV) has been identified as a further type of impact of problem gambling. Based on findings of a systematic review, 37% of problem gamblers report being the perpetrators of IPV and 11% of offenders of IPV report gambling problems (Dowling, 2014). Gambling losses and other problems were reported to lead to the perpetration of violence against family members as a result of the stress, anger and financial impacts of problem gambling. Furthermore, younger age, less than full employment, anger problems, impulsivity and alcohol and drug use were identified as exacerbating the relationship between problem gambling and IPV.

The financial impacts of problem gambling have also been noted in both Indigenous and Culturally and Linguistically Diverse communities. The Aboriginal Health and Medical Research Council (2007) identified in a consultative study across NSW that problem gambling was a constant source of problems for some Indigenous communities and was frequently associated with financial losses, child neglect, family disagreements and legal issues. Chan et al (2016) similarly identified the impacts of problem gambling in a sample of Chinese people seeking help for a family member's gambling. The majority of family members presenting for help were partners or ex-partners of gamblers with low or no income. Nearly three quarters reported psychological distress and poor to fair general health. Another study by Breakthrough (2002) also reported that family members of problem gamblers experienced poor psychological health, low quality interpersonal relationships and financial problems, such as having to sell valuable items to repay gambling debts.

Together, findings of research highlight that significant others are frequently adversely impacted by problem gambling and that many financial impacts can be significant. The impact of problem gambling on significant others provides a clear rationale for considering strategies to reduce the harm experienced by significant others. These include both emotional impacts and financial impacts.

Key insights from literature

- Problem gambling is widely accepted as affecting significant others, with EGMs identified as most commonly identified as the main gambling activity
- Others affected include both immediate family, as well as extended families and children
- Recent research evidence highlights that problem gambling may affect at least 3-4 other people
- 13.8% of the total harm of problem gambling has been attributed to the harms suffered by significant others
- The key financial harms affecting others that most strongly correlated with a gambler's PGSI score included selling items, reduced savings, welfare, reduced spending, late bills, asset loss, increasing credit card debt and loss of utilities
- While problem gambling may affect many others, effects are often hidden until a crisis
- Just over one third of problem gamblers report being the perpetrators of intimate partner violence
- Problem gambling may affect Indigenous and CALD families including children

Assisting significant others affected by problem gambling

Significant others present an important target segment for reducing the impacts of problem gambling. While most of the impacts of gambling are experienced by problem gamblers (Brown et al, 2016), all states and territories of Australia have established programs and supports for people affected by another person's gambling. This is also true of gambling help services within New South. In 2015, approximately 19% of all funded problem gambling counselling clients in NSW were significant others. Of these clients, 47% were partners or ex-partners of problem gamblers, 44% were family members other than a partner, 9% were friends and just under 1% were employers or work colleagues.

The most recent NSW problem gambling prevalence study also highlights the background of people who knew another person affected by gambling (Sprosten et al, 2012). This study identified that 39% of the NSW population had been exposed to problem gambling through an interpersonal relationship. Accordingly, this may represent the best estimate of the total population of significant others that may benefit from information or support services. Of the people who knew a problem gambler, this was most commonly a friend or acquaintance (53%), another relative (16%), a work colleague (8%), a brother (5%), a client/customer/patient (4%), a spouse/partner (4%) or a father (4%). Electronic gaming machines (71%) and horse/dog punting (29%) were identified as the predominant gambling activities played by people experiencing the gambling problem.

Dowling et al (2014) examined the characteristics of significant others accessing web based counselling for problem gambling impacts. In total, partners were the most common category of help seeker (60.9%), followed by children (17.8%), parents (7.7%), siblings (5.2%), friends (5.2%) and other family members (3.3%). Around 84% of help seekers were also female. A study by Crisp et al (2001) identified the most common reasons why significant others seek help to mitigate the effects of another person's gambling. The study highlighted that relationship issues were most common, followed by intrapersonal, family and financial issues. Bellringer et al (2008), however, found that help seeking to professional services by significant others was most typically motivated by financial problems, followed by emotional factors and wanting to prevent gambling from becoming a problem, social isolation from family or friends and problems with a spouse or partner. A qualitative study in the ACT similarly found that a significant event and particularly, financial losses or a threat to a significant relationship were common triggers for help seeking (McMillan et al, 2004).

Hing (2014) examined how significant others found out about help programs, along with their motivations for help seeking. When asked about how they became aware of a gambling help line, 25% found out through an internet search, 19% from a telephone book, 17% from advertising, 13% from a gambling venue and 13% through a referral from a family member or friend. Motivations for seeking help were reported to include a desire for general information on problem gambling (73%), a perceived need for telephone counselling to help work through problems (19%) and a desire for a referral to face-to-face counselling (6%). Attitudinal motivations for seeking help were also rated in terms of an agreement-disagreement scale. Key motivations in descending order of agreement included a concern that the person's gambling might develop into a major problem, negative emotions, problems in maintaining daily activities, concerns about the welfare of dependents and physical health concerns.

While it is generally accepted that significant others may benefit from services to mitigate the impacts of gambling, research has suggested that – similar to problem gamblers - there are many barriers to help seeking in significant others. Hing (2013) found that common barriers for significant others seeking help included not being aware that help is available for them, feeling ashamed, not being aware that services were free and because they didn't want to be told to confront the gambler. Self-help measures were also frequently reported (83% of significant others). In particular, 75% had encouraged the person to seek help and 69% had talked to the person about how the gambling had been affecting them. Around one-third had also tried to mitigate financial impacts by organising direct debits for bills and mortgages, had undertaking some form of budgeting and had taken action to protect joint accounts. Other less common actions included taking control of all or some of the problem gambler's finances and taking the person's credit and debit cards. Based on feedback from significant others using self-help strategies, the self-help strategies found to be most useful were encouraging the person to seek help for problem gambling (17% of significant others), taking action to protect any joint accounts (13%) and talking to the person about how the gambling was affecting them (10%).

Together, research evidence highlights that significant others are a diverse segment that may benefit from support services to mitigate the impacts of problem gambling. While some significant others may attempt to mitigate the financial impacts of gambling by organising direct debits, budgeting and by protecting joint accounts, strategies identified as most useful were seen to be encouraging help seeking by the problem gambler, protecting joint accounts and talking to the gambler about the impacts of gambling. Accordingly, such findings may provide some rationale for examining services and supports to better support significant others in these areas.

Key insights from literature

- Significant others are approximately 19% of all clients attending NSW funded counselling services for problem gambling (based on 2015 data available from the Responsible Gambling Fund of NSW)
- Around 47% are partners or ex-partners, 44% are other family members, 9% were friends and under 1% were employers or work colleagues
- Around 39% of NSW adults know a person suspected to experience problem gambling
- Significant others seek support to mitigate both relationship and financial impacts
- Motivations for help seeking include a concern that gambling might develop into a larger problem, negative emotions, problems in maintaining daily activities, concerns about the welfare of dependents and physical health concerns
- Self-help measures may be used by significant others to reduce gambling impacts – These include encouraging the person to seek help, talking to the person about the impacts of the gambling and financial strategies
- Financial strategies include organising direct debits for bills and mortgages, undertaking budgeting and protecting joint accounts
- Other less common actions include taking control of all or some of the problem gambler's finances and taking the person's credit and debit cards
- The self-help strategies identified as most useful were encouraging the person to seek help for problem gambling, protecting joint accounts and talking to the person about how the gambling was affecting them

Reducing problem gambling impacts on significant others – Literature from related fields that may inform the design of a third party exclusion scheme

While significant others may attempt to mitigate the harms of another person's gambling, problem gambling continues to be a source of negative emotion and distress for many families (Dowling, 2014). In particular, results of the NSW prevalence study highlighted that only 8% of moderate risk and problem gamblers combined had sought help for a gambling problem in the past 12 months. A similar result was obtained by Hare (2009) in measuring help seeking for problem gambling in Victoria. Approximately, 9% of moderate risk and problem gamblers reported seeking help in the past year. It was also noteworthy that Hare (2009) found that relationship partners, friends and relatives were respectively the top three groups most likely to be reported by problem gamblers as providing encouragement to reduce gambling (although the level of influence of each was only low).

The Transtheoretical Model of behaviour change provides some insight into why problem gamblers may be reluctant to reduce their gambling in spite of encouragement from others (DiClemente & Prochaska, 1998). The stages of behavioural change are segmented within the model into three major stages – Pre-contemplation, contemplation and action. During pre-contemplation, the problem gambler is not actively thinking about reducing their gambling, while in contemplation consideration is being given to change the behaviour. In comparison, action is when the behaviour has actually changed.

Hare (2009) segmented adult gamblers into different stages of change readiness using the Gambling Readiness to Change scale, based on the Transtheoretical Model (Rollnick et al, 1992). Findings showed that 10.2% of problem gamblers were in pre-contemplation, 57.5% were in contemplation and 32.3% were in the action stage, actively attempting to reduce their gambling. Accordingly, such results highlight that only around one third of problem gamblers may be actively ready to change their gambling behaviour within a population. Indirectly, this may explain why many significant others experience conflicts over gambling – The individual concerned has not yet reached an action stage of change readiness and is not ready to reduce or stop gambling. The top two reasons for not seeking help for problem gambling were also identified in the 2012 NSW prevalence study (Sproston et al, 2012). These were lack of recognition of the problem (65% of those not seeking help) and thinking the problem could be beaten independently (21%).

The situation where a problem gambler is not ready to change, yet is causing harm to a significant other, presents grounds for concern. This may leave a family's financial resources at-risk including potential for many of the financial impacts identified by Brown et al (2016) (e.g., having to sell items, reduced spending, late bills, asset loss, increased credit card debt, loss of utilities etc.). In addition, the emotional impacts due to increasing stress over the financial impacts and deceptive behaviour may equally cause distress for many families.

From this perspective, the value of having a third party exclude a problem gambler from gambling warrants research attention. However, while banning a problem gambling from a venue may appear to be a useful strategy to minimise the impact of problem gambling on third parties, the potential efficacy of third-party exclusion needs careful and considered evaluation. In particular, as only two jurisdictions in Australia – South Australia and Tasmania – have third party schemes, little research has examined third party exclusion. In addition, New South Wales is a considerably larger jurisdiction than both South Australia and Tasmania with significantly higher numbers of Electronic Gaming Machines (EGMs) and gambling venues. This implies the need to also consider how – if appropriate third party exclusion – may work within the unique characteristics of the NSW gambling environment.

As limited published research is available on the efficacy of third-party schemes, nor the challenges of operating such schemes, literature from other fields may inform the likely efficacy and design of a future third party scheme. Within this context, the next section of the review explores several bodies of literature in related fields that may help inform future directions for a third party exclusion scheme within New South Wales.

SELF-EXCLUSION PROGRAMS FOR PROBLEM GAMBLING

While third party exclusion has received little attention in the research literature, a reasonable number of studies have examined the efficacy of self-exclusion as a gambling harm minimisation measure. Self-exclusion programs involve gamblers following a process to be banned or barred from entering one or more gambling venues. Under a formal self-exclusion program, an individual may be removed upon breaches and potentially charged with trespass, with fines or penalties frequently involved (Gainsbury, 2014). However, unlike third party exclusion, another party is not responsible for initiating the exclusion. Rather, the gambler makes the decision to self-exclude.

Gainsbury (2014) conducted a systematic review of the efficacy of self-exclusion programs. The self-exclusion program in the Quebec casino was one of the many programs examined in the review. Based on evaluations by Ladouceur et al (2000) and Ladouceur et al (2007), between 73% and 95% of Quebec program users were found to be probable pathological gamblers. Twelve months was identified as the most popular self-exclusion period and family and friends were identified as playing a role in most gamblers' decisions to self-exclude. While direct causality was not possible to establish, the program was found to be linked to a reduction of both pathological gambling and gambling related problems. Compliance with self-exclusion orders was similarly examined. This showed that 70% of self-excluders had gambled in casinos or elsewhere during the period of exclusion and 11-55% had broken the self-exclusion contract with an average of six breaches.

Given the results of the first evaluation, some changes were made to the Quebec program and a further evaluation undertaken (Tremblay et al, 2008). This included incorporation of counselling before, during and following the exclusion period. While attrition affected the interpretation of evaluation findings, 46% of participants responding to a follow-up survey reported breaches during the self-exclusion period.

A further Canadian study examined self-exclusion in terms of the ability of venues to enforce compliance with self-exclusions (Schrans et al, 2004). While venues initially managed to catch potential breaches, the rates of identifying breaches fell to one third of initial detection rates over a three-month period. Approximately 77% of play visits were either not detected and/or correctly reported.

Williams et al (2007) examined self-exclusion programs across Canadian casinos. Using provincial self-exclusion data, it was estimated that between 0.6% and 7% of problem gamblers self-excluded. Based on a survey of self-excluders by Verlik (2008), most were found to be 35-54 years old, male and to play EGMs. In addition, over half breached the self-exclusion agreement and just under half were identified by venues. Nelson et al (2010) also examined the factors that led to enrolment in exclusion programs. Approximately one quarter of participants indicated that they had been influenced by other people. In addition, highlighting some possible program effects, participant PGSI scores decreased following program enrolment (although this was based on a retrospective assessment, so caution should be applied in interpreting this result).

De Bruin et al (2006) examined the use and effectiveness of a self-exclusion program in the Holland Casino. As limitations are placed on maximum entries to the casino, some regular gamblers in the survey had entry limitations. While two thirds of the restricted group were found to be satisfied with the restriction, around half had also gambled elsewhere when the bans were in place (e.g., arcades). Haefeli (2005) conducted a similar study examining entry restrictions in Swiss casinos. In total, 3,396 bans were in place in 2004, with the majority of self-excluders being men (80%) and EGM players (54%).

Of most relevant to New South Wales, several Australian studies provide insight into the use of self-exclusion programs across Australian gambling venues. The Productivity Commission (2010) identified that approximately 15,000 people had current self-exclusions and that these are used by only between 9% and 17% of problem gamblers. Croucher et al (2006) conducted a study examining 135 self-exclusions in New South Wales. Results of the study indicated that 79% of males and 80% of females had gambled on EGMs while self-excluded and 45% of males and 33% of females had gambled at the venue at which they were excluded. People breaching agreements would typically do so at least ten times. Detections were also found to be problematic. Venues successfully identified only 56% of the times self-excluded males were at a venue and 71% of the times self-excluded females were at a venue. In spite of breaches, however, some benefits of the program were noted. In particular, around 70% of self-excluders had halved their gambling spend and many attributed the program to improving their financial affairs.

Nowatzki and Williams (2002) identified a range of characteristics of effective self-exclusion programs. Most notably, these included mandatory promotion of self-exclusion programs and a requirement to act on requests for self-exclusion, irrevocable contracts with exclusions five years at a minimum to reduce the potential to relapse, standardised processes across venues including the ability to initiate exclusions away from venues (so that venue attendance is not required), exclusions that cover all forms of gambling and venues (so that gamblers cannot gamble elsewhere or on other gambling activities), computerised identification checks to minimise breaches (i.e., visitor registration systems), penalties for both venues and gamblers upon breaches, optional counselling and mandatory gambler education prior to revocation of exclusions and staff training to recognise and respond to the signs of problem gambling in venues.

While self-exclusion programs are distinct from third party exclusions, evidence from a range of studies highlights that self-exclusion programs may be used by a reasonably low proportion of problem gamblers. Evaluation evidence also highlights that many problem gamblers initiating self-exclusions breach agreements and venues fail to detect breaches. In spite of this, some evidence is also available to suggest that there are some benefits to self-exclusion including reductions in problem gambling and gambling expenditure.

Evaluations of self-exclusion raise a number of implications for third party exclusion. Most notably, research evidence suggests that, the likelihood of breaches may be high (possibly because gamblers are not ready to change their behaviour) and many breaches may be successful, as venues struggle to detect breaches (e.g., Schrans et al, 2004). However, in spite of such limitations, some evidence also highlights that exclusions may assist some problem gamblers (e.g., Croucher et al, 2006). Whether this would apply to third party exclusions, however, is unclear.

The only study examining the effectiveness of venue exclusions was a New Zealand study by Bellringer et al (2010). The authors identified a paucity of research on venue exclusions and undertook research with venues, treatment providers and gamblers to explore the efficacy of venue exclusion processes in New Zealand. However, only seven gamblers with venue-initiated exclusions were identified in the study survey sample. Discussions with venues found that a number of positive aspects were identified in venues being able to exclude patrons. These included the potential to use exclusions to respond to suspected problem gambling, increased contact with patrons and allowing businesses to meet legislative requirements and to maintain their viability.

Negative aspects to venue exclusions were similarly identified. These included having to confront gamblers and difficulties when a gambler was not ready to change their gambling behaviour. Revocation of exclusions was also seen as challenging, as it required a judgment about a gambler's recovery. The effectiveness of current venue exclusions within New Zealand was also questioned, given that gamblers could gamble at another venue. In this respect, the authors identified in a literature review of global casino based exclusion practices that most venue exclusions were generally limited to only the venue initiating the exclusion. The difficulty of detecting breaches of venues exclusions was also emphasised.

While the authors were unable to identify any studies on the limitations of venue exclusions. Identification of problem gambling in venues by venue staff was considered challenging. However, recent studies by Delfabbro et al (2007) were cited as having potential to be used to develop methodologies for identification of problem gambling in venues. In addition, there was seen to be potential to develop money and time expenditure criteria to support the identification of problem gambling where such data was available. Given the cost, difficulty and sensitivity of both approaches, it was proposed that such approaches would only be effective if consequences for non-compliance were considerable and if compliance was carefully monitored by an independent regulator.

As only seven gamblers with venue-initiated exclusions were available for analysis, the authors could not draw definite conclusions about the efficacy of venue-initiated exclusions. However, there was mention that most of the venue-initiated sample had multiple concurrent exclusions in place, as they had been excluded from multiple venues. In addition, survey results based on both self-exclusion and venue-initiated exclusions highlighted that 57% had gambled during their exclusion period at other venues and 11% indicated that they would be prepared to travel more than 100km to gamble at another venue.

Key insights from literature

- Only around one third of problem gamblers are actively trying to reduce their gambling and may be ready to benefit from a third party exclusion
- Most problem gamblers do not seek help for problem gambling (less than 10% of moderate risk/problem gamblers sought help for problem gambling in the past 12 months)
- While problem gamblers use self-exclusion to regain control over their gambling, evaluation evidence highlights that many problem gamblers will breach their exclusion agreements and venues do not reliably detect breaches
- While reduced problem gambling behaviours have been noted in spite of self-exclusion breaches, it is unclear whether similar benefits would be experienced by problem gamblers excluded from venues by a third party
- A New Zealand study examining venue exclusions in a sample of seven gamblers found that most had been excluded from multiple venues (i.e., removed from venues) – This may indicate that an inclination to continue gambling
- While venues in the New Zealand reported many challenges in identifying problem gambling in venues, some research highlights some potential to identify possible signs of problem gambling based on a range of criteria identified by Delfabbro et al (2007)

RESTRICTIONS ON ACCESS TO CASH FOR GAMBLING

Access to cash is generally considered a key factor that may encourage problem gamblers to spend beyond a pre-committed gambling limit (e.g., Schottler Consulting Pty Ltd, 2010a). Problem gamblers identify ATMs as a trigger for not adhering to their gambling pre-commitments and frequently use a range of control strategies to restrict their access to money (e.g., McDonnell-Phillips, 2006). These include leaving credit cards at home and bringing only a certain amount of cash to a venue. Problem gamblers use such control strategies as they frequently engage in loss chasing (e.g., Lesieur, 1984; O'Connor & Dickerson, 2003). As problem gamblers will consume all available financial resources, they will frequently continue to gamble to win money back (Delfabbro et al, 2004).

Controls limiting access to cash have been recently used as a method to limit harm from a range of behaviours within some Australian communities (Mendes, Waugh & Flynn, 2013). Whilst very controversial, income management involves the quarantining of a set amount of income (typically 50-70%) into an account for the exclusive application to important household expenditure items. These include food, rent, clothing, health care, childcare and utility bills. The remaining income is then discretionary and can be used as desired. Buckmaster and Ey (2012) report that quarantined funds cannot be used for the purchase of drugs, alcohol, cigarettes, gambling or pornography.

Different approaches to income management were identified by Mendes, Waugh & Flynn (2013). A Child Protection Income Management (CPIM) scheme is used in the Northern Territory and Western Australia if parents abuse or neglect their children or fail to ensure their school attendance. The Vulnerable Welfare Payments Recipients Measure (VWPR) is also used in the Northern Territory if there is evidence of poor financial management by individuals, or family violence, mental health concerns or related risks. The Family Responsibilities Commission in Queensland has introduced a Welfare Reform program that triggers income management, if a family member is found to be engaging in dysfunctional behaviours. A School Enrolment and School Attendance program may also trigger income management if parents do not manage their child's school attendance. In addition, Voluntary Income Management is available in the Northern Territory for families by choice and Place Based Income Management has been applied to several communities that have been identified as requiring Child Protection Income Management (Buckmaster, Ey & Klapdoor, 2012).

While very controversial, income management aims to ensure that harm to families is avoided due to a range of dysfunctional behaviours. Evaluation reports present some evidence on the possible efficacy of income management. A report by the Social Policy Research Centre (2012) qualitatively examined the early impacts of Voluntary Income Management in Anangu Pitjantjatjara Yankunytjatjara (APY) Lands. Findings highlighted that the introduction of income management was viewed positively by most of the community and was associated with some positive outcomes. These were reported to include a reduction in gambling, alcohol consumption and improvements in food fed to children as a result of the reduced amount of cash in the community.

A review of Child Protection Income Management was also undertaken in Western Australia (Australian Government Department of Social Services, 2014). The review involved research with both child protection and human service workers, along with review and analysis of 92 case files of people under income management. Some participants also took part in interviews. Based on findings of the evaluation, income management was reported to be beneficial in assisting people to better manage their financial commitments. However, evidence was less clear as to whether the approach had actually improved recipient's budgeting skills.

A further evaluation was undertaken by the Social Policy Research Centre (2012) to examine early impacts of the New Income Management program in the Northern Territory. Early results highlighted a diverse set of impacts including some positive and negative benefits. Some evidence was also available to suggest that the program was helping to improve the wellbeing of some people. For Indigenous people subject to Compulsory Income Management, 36% reported that income management had improved their situation and 33% would recommend it to others. A final evaluation report also concluded that income management was relatively successful in ensuring that the income-managed portion was not spent on prohibited items, in spite of limited evidence of improved financial management skills in participants (Social Policy Research Centre, 2014). Reflecting this, the final report espoused that 'Building capacity is a challenging process that requires time and resources, and it cannot be developed by simply imposing restraints' (xxii, Social Policy Research Centre, 2014).

Evaluations of income management may highlight that restrictions to expenditure may have some potential to reduce harm to families impacted by gambling. Accordingly, such a practice may present one methodology of limiting the harm to significant others. However, findings of evaluations also suggest that financial restrictions may not necessarily change a person's skills or attitudes (e.g., towards gambling) or their ability to manage finances if underlying problems are not addressed.

This may imply that some of the harms of gambling could be addressed through financial restrictions, although harms may be likely to re-occur if restrictions are removed. Indirectly, this may suggest that counselling to achieve behavioural change is critical to reducing gambling harm in the long term. Accordingly, in addition to excluding family members from venues, there may be merit in considering the potential to restrict access to cash of problem gamblers and in mandating counselling to treat problem gambling behaviour. From this perspective, the next section of the review examines evidence relating to the efficacy of mandated counselling to support behavioural change.

Key insights from literature

- Restrictions on a gambler's access to cash may present one method of minimising the harm of problem gambling experienced by both gamblers and significant others
- However, it is unclear whether such restrictions may lead to unintended consequences (e.g., crime, DV)
- Income management has been used in some Australian communities to ensure that families do not suffer in cases where household money is being spent on items such as gambling, alcohol and cigarettes
- While there is some evidence to suggest that income management allows allocation of income to household needs, there is less evidence that the strategy addresses underlying problems
- This may suggest that limiting access to cash of problem gamblers may only have short term effects, unless there is also treatment of underlying gambling problems

EFFICACY OF MANDATED COUNSELLING

Mandated counselling is used by courts in some jurisdictions to target behaviour change (Chiu, 2001). It is also used in disciplinary settings on University campuses to encourage misbehaving students to have insight into the origins and consequences of their behaviours (Kiracofe & Buller 2009). Similar to counselling, compulsory mediation is also used by the Family Court of Australia to resolve family related disputes. While these represent different types of mandated forums, each involves some level of coerced or mandated counselling, where it is compulsory for at least one party to attend.

While problem gamblers arguably require therapeutic counselling for behavioural change, forcing people to engage in counselling to change a behaviour can be challenging. Amundson and Borgen (2000) report that counselling people who are not ready to change raises a range of difficulties for clinicians. Importantly, it goes against the traditional definition of counselling, which assumes that clients have made an informed decision to attend (Abu Baker, 1999).

Some studies have examined the efficacy of mandated counselling in different contexts. Perron and Bright (2007) reviewed results achieved from the use of legal coercion for treatment of substance abusers. In this context, legally compelling attendance at treatment is frequently used as an alternative to incarceration (Hough, 2002). The authors reported a range of mixed results on the efficacy of mandated counselling, including some studies highlighting both positive and negative outcomes. A study by Joe et al (1999), for instance, found that mandated treatment had a positive impact on counselling session attendance, but a slightly negative impact on the client's therapeutic involvement. Mark (1988) reported that legally coerced participants had better treatment outcomes at a six-month follow-up, compared to voluntary participants. Hiller et al (1996) found lower re-arrest rates amongst substance abusers on probation who were mandated to attend a residential treatment program. Anglin et al (1989) similarly reported positive results from mandated treatment. The authors found that participants showed substantial improvement in relation to their narcotics use, criminal involvement and a range of other behaviours during treatment, although there was some noted regression post-treatment.

Other investigations have examined the use of mandated treatment for alcohol abuse (e.g., Gregoire & Burke, 2004). This is also of value given that few people voluntarily enter treatment for alcohol issues (George & Tucker, 1996). Gregoire et al (2004), for instance, examined the role of legal coercion to attend treatment and its relationship to readiness to change in substance abusers with a history of alcohol abuse (although many had multiple addictions). The authors found that the process was associated with an increased motivation to change, even when initial problem severity was controlled.

Taken together, such findings may support the potential benefit of a legal process to require problem gamblers to participate in a treatment program. This may help ensure that underlying gambling problems are addressed and perhaps in conjunction with more immediate priorities (e.g., ensuring that household money is available to take care of family needs). While the efficacy of such a process is unclear, some evidence is available from drug and alcohol fields to suggest that legal coercion to attend treatment can sometimes be effective. However, this is by no means a guarantee, as it has not been previously used in problem gambling.

The most effective method for compelling people with serious addictions into treatment is also unknown. Garrett et al (1997) described different approaches used for such purposes in clinical settings. One of the most prominent reported approaches was the 'Intervention' Method developed by the Johnson Institute (Johnston, 1980). According to the method, as many people as possible who care about the person affected by an addiction, are convened to communicate the impacts of the addiction to the affected individual. Contacts may be family, spouses, co-workers or anyone close to the person. The methodology is reported to have been used for many Chemically Dependent People (CDP). However, in spite of its widespread use and presumed value (given its wide use), very little research has formally evaluated the method. The development of such approaches for clinical reference also highlights the need for effective methodologies to be developed to avoid the use of legal treatment coercion. If problem gamblers can be effectively convinced to seek help through family counselling, this may avoid the need to use legal coercion. At the same time, if a problem gambler cannot be convinced to seek treatment, legal coercion to attend counselling could be used as a last resort.

Key insights from literature

- Mandated counselling and legal coercion are used for many addictions to compel individuals to enter treatment
- While such methods have not always been found to be effective, some studies in drug and alcohol addiction report positive therapeutic outcomes from such processes
- Other studies anecdotally report wide spread use of the 'Intervention Method' as a strategy to convince a person affected by an addiction to attend treatment
- This may highlight the potential for both legal coercion and the Intervention Method to both be used to compel problem gamblers to enter treatment for problem gambling – However, as such methods have not previously been used in relation to problem gambling, the efficacy of such methods is unclear

IDENTIFYING PROBLEM GAMBLING IN VENUES

While families will often be the most concerned by another person's gambling, gambling venues may equally feel concerned about the gambling behaviours of their patrons. This may highlight that exclusion schemes can potentially also be of value to gambling venues. Delfabbro et al (2007) undertook a major study that highlighted that venue staff members are able to identify many observable warning signs of problem gambling in patrons. The authors reported that a 'duty of care' is either explicitly or implicitly present in most gambling legislation, in spite of the fact that limited guidance is provided about how industry should respond to possible problem gambling.

One of the several Delfabbro et al (2007) studies involved surveys of venue staff. Staff members were asked how difficult they found the task of identifying problem gamblers and approaching them in the venue. Findings showed that around one third reported that identifying problem gamblers was easy, a quarter saw it as moderately difficult and 14% saw it as difficult. When asked about the task of actually approaching patrons, however, a different pattern of responses emerged. Most venue staff saw this as difficult to very difficult.

The frequency venue staff reported seeing problem gamblers in venues based on either their appearance or behaviour was also probed by Delfabbro et al (2007). Feedback showed that 42% of staff reported seeing problem gamblers all the time, with a total of 80% reporting seeing such patrons on a weekly basis. In addition, just under two thirds of staff (64.5%) saw benefit in training to identify problem gamblers and just over two thirds (71.%) saw a need for further training to approach patrons in venues. Together, such findings highlight that, as another type of third party, venues may not only find exclusion a useful tool to manage suspected problem gambling, but may also be able to actively contribute to reducing gambling harm by identifying problem gambling.

As highlighted in research, however, venue staff would benefit greatly from knowledge and skill development on how to approach a suspected problem gambler in a venue. Clear and transparent procedures and criteria would also need to be in place to guide the process and to ensure that a patron receives some form of therapeutic support upon the interception. Indeed, if a patron is merely spoken to and excluded from a venue without provision of therapeutic support, the patron may only leave the venue and commence gambling at another new location. Accordingly, if venues are considered as a further possible type of 'third party' to perform exclusions, it will be important to develop methodologies to ensure that excluded patrons are supported, rather than merely removed.

Switzerland is actually a jurisdiction where patrons can be excluded by casinos if they display a number of indicators known to be associated with problem gambling. These requirements are also mandatory under Swiss legislation and are in addition to the option of self-exclusion. Billieux et al (2016) reported that Swiss casinos must identify and ban at-risk gamblers at an early stage of problem gambling. While 70% of bans are self-exclusions, approximately 3,500 people in total were banned annually from Swiss casinos during the last decade (approximately, 43,000 people by the end of 2014). This also compares favourably with other European jurisdictions - such as Germany - that banned only less than 27,000 gamblers by the end of 2013. This is in part attributed to the presence of a legal framework that requires Swiss casinos to prevent problem gambling by permitting the banning of people who display at-risk - yet not fully problematic - gambling behaviours.

From this perspective, venues – as well as families – may be a further type of third party that could be considered in a third party exclusion scheme. Supporting the value of venues as a third party, many may have potential to contribute to the impacts suffered by families by identifying problem gamblers in gambling venues. In addition, there is also potential for families to approach venues when concerned about the gambling behaviour of a family member. If legislation and regulations supported the identification of problem gambling by venues, or possibly even encouraged the practice, venues may feel confident to play an increasingly more active part in harm minimisation.

Key insights from literature

- Venues could be considered as a further type of third party to perform exclusions in a third party exclusion scheme
- This could be upon the initiative of either the venue and/or the family member via the venue
- The potential for venues to perform exclusions is supported by research that highlights that venue staff can identify many warning signs of problem gambling in patrons
- Swiss legislation requires casinos to use exclusions as a method of identifying current and developing problem gambling
- While many venue staff believe they can identify the warning signs of problem gambling in patrons, many are likely to lack the skills required to approach patrons in venues
- This may highlight that training would be required to help venues perform successful exclusions
- Some form of therapeutic support would also have to be provided to patrons to help ensure that they are supported during an exclusion, rather than merely just removed from the venue

Section B - Review of Australian third party exclusion regulations

As part of the research, third party exclusion schemes in a number of Australian jurisdictions were reviewed using publically available information. This included third party schemes in South Australia, Tasmania, The Star casino and the ACT. Exclusion provisions of venues in other Australian jurisdictions were also briefly examined (i.e., where venues could exclude patrons, in spite of a third party scheme not being available). As the South Australian, Tasmanian and ACT schemes are the most fully developed schemes in Australia and internationally, these schemes formed a particular focus of the review.

As part of the review of Australian schemes, discussions were additionally held with Government officers and/or operators for each of the major schemes. This provided an opportunity to discuss with each jurisdiction what they saw as the key issues in the scheme (e.g., strengths and weaknesses) and to gather useful insights about how the schemes are administered and related operational costs. As most schemes had not been officially costed by their administrators, this discussion provided an opportunity to ask about the major resources and inputs used in managing schemes, so that rough costs could be extrapolated to a NSW scheme. The protocol used to guide the review of schemes under Australian jurisdictions is in Appendix A.

This section of the report is structured as follows:

- Review of Australian third-party exclusion programs – *South Australia*
- Review of Australian third-party exclusion programs – *Tasmania*
- Review of Australian third-party exclusion programs – *Star Casino*
- Review of Australian third-party exclusion programs – *ACT*
- Exclusion provisions in other Australian jurisdictions

Review of Australian third-party exclusion programs – *South Australia*

DESCRIPTION OF THE THIRD PARTY EXCLUSION SCHEME

Background

Within South Australia, a statutory authority called the Independent Gambling Authority (IGA) was established with a range of powers that give effect to different types of barring processes within South Australia. Constituted under the Independent Gambling Authority Act 1995, the Act provides powers for individuals to be subject to barring orders (Refer Part 4 – Barring Orders). This Part of the Act effectively permits both gambler initiated barring (effectively equivalent to self-exclusion, though it is not termed as such) and barring by gambling providers and the Independent Gambling Authority itself. In addition to the powers under the Independent Gambling Authority Act 1995, there are also additional provisions under the Problem Gambling Family Protection Orders Act 2004 for family members to bar a family member from venues. A description of powers under each Act is provided below. The IGA also comments that there is close articulation between all barring processes across both Acts. In this context, the Problem Gambling Family Protection Orders Act 2004 was developed to enhance some of the powers under the original Act to provide increased protection for family members from the impacts of problem gambling.

Independent Gambling Authority Act 1995

Part 4 15C of the Independent Gambling Authority Act 1995 provides legislative powers for barring orders to be made either through initiation by the gambler, a gambling provider (a venue) or by the Independent Gambling Authority itself. The Authority may make a barring order at the request of a person or if there is 'reasonable apprehension' that the person may suffer harm or may cause serious harm to family members because of problem gambling. In addition, this same power is also provided to venues.

Patrons can similarly approach a venue to initiate a barring order with the venue responsible for making the order (This is internally referred to as a gambler-initiated exclusion). However, at present, any barring order made by a gambling provider can only relate to the gambling provider's premise (or the gambling sections of venues), rather than multiple venues. However, the IGA can initiate multiple venue exclusions where this is desired or appropriate. As such, there is essentially a provision under current legislation for any third-party to request the IGA consider barring a person from a venue.

There are different time frames for barring orders under the Act, depending on the initiating party. IGA may make orders up to 3 years in length, while in other cases - such as in venue-initiated barring - a period of three months applies. Under the Act, venues must officially make records about barring order requests they receive from patrons/family members and must also report these to the IGA (within 7 days). This effectively ensures that there is an official record of all barring requests in South Australia, no matter the type of barring desired. The IGA also comments that this is primarily the reason why there are mostly venue-initiated barring orders within South Australia. The Act provides a legislative impetus for venues to notify all orders to the IGA.

A penalty of \$2500 applies to non-compliance by venues with this requirement. If a gambling provider undertakes or refuses to make a barring order, the IGA must also undertake a review of the decision. This helps to ensure that there are reasonable grounds for barring, thus preventing spurious or vexatious claims.

Fines are similarly applied to contravention of a barring order by either a barred person (a \$2,500 fine) or a gambling provider (a \$10,000 fine). It is also considered a defence for defendants to prove they took reasonable steps to prevent contravention of the barring order. Consequential liability associated with contravention of the barring order is also removed under part 4 15J Liability – Specifically:

15J—Liability

A decision of a gambling provider or an authorised person to exercise or not to exercise powers under this Part, or a failure of a gambling provider or an authorised person to exercise such powers, does not give rise to any liability of the gambling provider or authorised person to pay damages or compensation to any person.

Barring orders can be revoked by the IGA subject to either a review process or lapsing of the original timing of the barring order (e.g., after 3 months for a venue initiated barring order). The IGA also has a power to undertake consultation with any relevant parties to the decision and then can confirm, vary, revoke or reverse the decision as appropriate. This must occur within a period of eight weeks or the decision is taken to be confirmed.

The IGA must also maintain an official register of the details of all barring orders in South Australia including:

- The prescribed particulars of barring orders
- Requests for barring orders that are refused and;
- Problem Gambling Family Protection Orders

Problem Gambling Family Protection Orders Act 2004

In South Australia, the Problem Gambling Family Protection Orders Act was constituted with a view to protecting families from gambling harm. Family members can apply to the Independent Gambling Authority (IGA) for an order to be made and a meeting is held with the IGA to discuss the order. A wide range of restrictions can be made on people experiencing gambling problems including a direction to receive counselling, barring a person from a venue or venues or the payment of wages into particular accounts. A complaint may also be made on behalf of a child by a parent or guardian, or a person with whom the child normally lives.

Grounds for making an order under the Act are generally quite broad, providing the IGA with a broad and flexible basis for making orders. Namely:

- S4 (1a) There must be 'reasonable apprehension that the respondent may cause serious harm because of problem gambling' and;
- S4 (1b) The Authority is 'satisfied that the making of the order is appropriate in the circumstances'.

The term 'serious harm' is also defined under the Act. A respondent is regarded as having caused serious harm to family members because of problem gambling if the respondent:

- S4 (a) Has engaged in gambling activities 'irresponsibly having regard to the needs and welfare of the respondent's family members' and;
- S4 (b) This has occurred 'repeatedly over a period of not less than 3 months or in a particularly irresponsible manner over a lesser period'.

The scope of activities that may be taken into account as part of the Act is also considered by the IGA under Section 4 in making Family Protection Orders. The IGA, in particular, is able to consider:

- (4) – ‘Other events that have taken place outside this state’
- (5) – If a respondent disputes the grounds upon which an order is made, but consents to the order – The authority may make or confirm the order without receiving any further submissions or evidence as to the grounds’
- (7) – If a complaint is ‘frivolous, vexatious, without substance or has no reasonable prospect of success

If complaints intersect with other legislation relating to the prevention of abuse of another person, there is also reference under Section 4 (8) to the related legislation - Intervention Orders (Prevention of Abuse) Act 2009. Proceedings are then required to be adjourned until the matter is resolved under that Act.

Section 5 of the Act deals with the types of matters that are able to be addressed under Family Protection Orders. The wording of the Act is sufficiently flexible to allow unknown matters to be managed or controlled (i.e., S5 (1a) May impose such requirements... as are necessary or desirable to prevent the respondent acting in the apprehended manner’).

However, several areas for control or management are similarly outlined under Section 5 (Part 2) of the legislation including the following:

- (a) Counselling, rehabilitation or special education (in any combination)
- (b) Barring respondents from gambling activities
- (c) Barring a respondent from attending at gambling premises
- (d) Barring a respondent from a locality
- (e) Requiring a respondent to close gambling accounts
- (f) Requiring a respondent to refrain from contacting, harassing, threatening or intimidating a family member or other person to demand or request money for gambling
- (g) Barring a respondent from taking possessions of personal property (including money) reasonably needed by family members
- (h) Requiring a respondent to refrain from causing or allowing another person to engage in any of the above on their behalf (preventing behaviours by proxy)
- (i) Specifying conditions for a respondent not to be on specified premises or to approach or contact a family member or any person at a place where a family member resides or works
- (j) Requiring a respondent to return specified personal property (including money) to a family member
- (k) Requiring a respondent to make arrangements for specified family members to be paid or have access to money owing

Section 5 (Part 3) also permits Protection Orders to be made against respondents in cases where a respondent has a legal or equitable interest in the property.

The IGA's process for barring under section 15B of the IGA Act involves the following key stages (Independent Gambling Authority, 2009):

- A structured questionnaire interview by a senior staff member of the IGA
- A request in writing
- The applicant is photographed
- A 3 day cooling off period elapses (to allow orders to be withdrawn)
- Formal approval of the request by a delegate of the IGA
- Correspondence is mailed advising of approval of the request to the excluded person; and
- Formal notice of each barring order is given to relevant licensees
- A consolidated barring report is mailed to licensees two time per year (to consolidate barring orders and to support their administration)

While there is no obligation on licensees to report breaches of barring orders to the Authority, the Authority has negotiated with licensee peak bodies for a system of reporting of breaches. The barring scheme is adversarial in nature and orders made by the IGA have legal force and can be enforced as court orders if registered with the Magistrates Court.

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EVALUATION REPORTS RELATING TO THE SOUTH AUSTRALIAN SCHEME

An inquiry into the South Australian barring scheme was undertaken in 2009. The terms of reference for the inquiry were to consider all voluntary and involuntary barring arrangements in South Australia and to consider any changes to legislation required. Examining the administrative burden of barring on licensees and gambling help services was also part of the terms of reference, along with the implications for training of licensees and staff in recognising and dealing with patrons that may benefit from barring orders.

Key insights in summary from this inquiry of relevance to the design of a future scheme for NSW are as follows:

- Enforcement of barring was considered a major challenge in administration of the South Australian scheme and particularly at venues with larger numbers of patrons. For instance, the casino had over 1200 exclusions under various legislation at August 31 2008 and another venue had 201 barring orders at 27 May 2009. For this reason, there was seen to be a need to encourage persons making voluntary barring applications to focus their requests on specific venues they are likely to attend
- The IGA's was reported to take a graduated approach to dealing with reports of breaches including letters to barred persons, then calls then a request for an interview. However, prosecutions were reported not to have been generally used for breaches in spite of this being legally possible (apart from one occasion where a prosecution was undertaken by police on the person's insistence of a person voluntarily barred). However, it was felt that the formal nature of orders may increase the perceived seriousness and gravity of the consequences of breaches, thus creating a psychological effect on those involved
- A number of public submissions from the concerned sector were summarised as highlighting the following key issues in the current South Australian barring scheme. Namely that:
 - There was some concern about the effectiveness of current barring arrangements
 - There was seen to be potential for a more streamlined, centralised and better enforced barring system
 - There was support for strong obligations on gambling providers to police barring orders and intervene with suspected problem gamblers
 - There was support for expansion of the current arrangements to all types of gambling
 - There was support for a centralised involuntary barring scheme to be developed, subject to appropriate checks and balances
 - There was recognition of the psychological value of barring orders for some recovering problem gamblers; and
 - There was seen to be a need for greater integration of help services and counselling functions with barring arrangements or use of technology to enforce use of barring orders

Useful insights from public submissions

A range of key insights contained in public submissions also present useful information on how to further enhance the effectiveness of barring schemes. In particular, the following key insights were noted:

- A welfare agency, Anglicare, reported that lack of awareness of barring implied that barring orders were generally only used to address gambling problems when they reached crisis point, rather than being accessed to address problems before they reached that stage. Involuntary barring was also seen to have more limited application than voluntary barring and low venue capacity and commitment to enforce barring orders and report breaches was also a related concern.

Recommendations to improve the South Australian scheme notably also included the following:

- Establishment of a centralised involuntary barring system to protect the rights and interests of parties involved
 - Expansion of barring scheme coverage should be weighed up against the practicality of enforcement (and also evaluated in terms of its potential to undermine enforcement of barring in gaming venues)
 - Improvements in the monitoring and enforcement of barring by venues
 - Setting minimum and maximum periods for licensee barring and introducing a cooling off period
 - Establishment of a standard form for licensee barring that includes information on the barred person's rights for review and other rights and responsibilities
 - A review by the IGA of all involuntary barring orders; and
 - Harmonisation of barring processes across gambling types.
- The Australian Crime Prevention Council advocated that courts should be able to impose barring and family protection orders as part of a penalty or in lieu of a sentence or fine for gambling related crime
 - A consumer representative group, Duty of Care, held a view that the scheme was not user friendly for either licensees or gamblers and could be easily circumvented. The group also favoured forfeiture of large pay outs to excluded persons (to reduce the incentive to circumvent the barring system) and increased penalties for venues allowing breaches
 - The Australian Churches Gambling Taskforce supported an extension of barring arrangements to all gambling products. There was also support for centralised notification of licensee barring orders and systematic referrals to gambling help agencies for all types of barring orders. Card based pre-commitment was also seen as having potential to make barring orders more effective
 - The Office of the Public Advocate, which advocates for people under guardianship orders, was of the view that the causality between problem gambling and mental illness can be bi-directional. The need for a community education campaign to build awareness of barring was also emphasised
 - The Salvation Army emphasised a need for instantaneous licensee barrings (e.g., 1-2 days) for binge gambling and a graduated approach to barring (e.g., short term barring orders leading to longer term orders). Compulsory referral and attendance of barred persons at help services was also emphasised, along with a duty on licensees to bar people in certain circumstances (as opposed to the broad discretion currently afforded to licensees). Current barring orders by licensees were also viewed as directed towards shifting potential liability rather than addressing problem gambling

- Senator Xenophon advocated that barred persons should be removed from all loyalty programs and mailing lists and that there should be rigorous training for staff in recognising problem gambling. In addition, it was proposed that counsellors, medical practitioners and counsellors should be able to request an involuntary barring or family protection order and that the scheme should be better promoted
- The AHA SA and Clubs SA peak bodies highlighted a need for harmonisation of barring with liquor licensing legislation including that:
 - Gaming machine managers should be given statutory authority to issue barring orders as under the liquor legislation
 - The relationship between penalties for the licensee and the barred patron for breach of a barring order should be brought more in line with liquor legislation
 - Barred patrons who breach a barring order should be brought before a Magistrate or other appropriate authority who should have powers to address the breach, such as directing the person to attend problem gambling counselling or further barring the person from other gambling premises or products
 - Only repeat offenders against barring orders should receive a penalty, following persistent or continued offending; and
 - Forfeiture of winnings should be available in relation to barred patrons
 - Information concerning barred persons should be capable of being disclosed to approved intervention agencies and to the gaming staff of other venues, particularly those in close proximity to another venue from which a person is barred
 - Multi-venue operators or group owners should be able to bar problem gamblers from all of their venues
- SA Lotteries saw little benefit in extending barring to lottery products, based on evidence that problem gambling is more strongly associated with gaming machines. In addition, extending barring to lotteries was deemed difficult given the high number of lotteries outlets
- The South Australian TAB saw potential to harmonise barring arrangements across legislation and to include licensed bookmakers and licensed racing clubs by barring to some degree
- SkyCity casino favoured retention of the existing casino barring scheme and felt that harmonisation of all barring schemes may lessen the effectiveness of in-house programs. Encouragement of participants to seek help from help services was also emphasised

Volume 2 of the IGA Annual Report 2014-2015 also highlights from compliance inspections of South Australian pubs and clubs that 23 venues had not been checking the register of barred persons in the time required under Clause 42 (2) of the Gaming Machines Act 1992.

Review of Australian third-party exclusion programs – *Tasmania*

DESCRIPTION OF THE THIRD PARTY EXCLUSION SCHEME

Background

Tasmania is a further Australian jurisdiction with legislation to govern third party exclusion. Division 3 of the Gaming Control Act 1993 has provisions to govern the exclusion of people from both gaming and wagering activities in Tasmania including self-exclusion, third party exclusion and exclusions by venues and Police (via the Police Commissioner). Police exclusion powers are to ensure that the Police can respond to crime or disorderly conduct of patrons in venues.

Section 112C of the Act provides for exclusion of persons from wagering or gaming on application to the Tasmania Liquor and Gaming Commission. Under 112C (1) a person can apply for exclusions, if they have a 'close personal interest in the welfare of another person who wagers with, or otherwise participates in games or gaming activities'. This also includes the potential to exclude a person from online gambling. Third party exclusions in wagering are limited to Tasmanian wagering licence holders (Betfair and TOTE Tasmania, now called UBET).

The use of the phrase 'close personal interest' also implies that any relationship proven to be close can be used in the application for a third party exclusion. The application also provides examples in the application brochures - '*such as a spouse, child or other immediate family member*'. The Commission details in the application form that applications should include evidence of the social, psychological, emotional and physical effects of the gambling on their immediate and wider personal contacts, as well as the impact on family.

The Gaming Control Act 1993 outlines that upon receipt of an application, the Commission must provide the person with written notice of the application and the reasons for the application and then invite the person to make representations to the Commission about the application (within 28 days). Following consideration of the information provided both the applicant and person affected by the application, the Commission must be satisfied that it is in the interests of the person and the public to make a third party exclusion. Otherwise, the application is refused and the decision is notified to the relevant parties, along with the reasons for the decision. If the application is upheld, the Commission then relays the information to the relevant licensee.

From an applicant and respondent perspective, key steps in the exclusion process are as follows:

- Interview with a nominated officer of the Commission
- Counselling offered by a Senior Counsellor from Gamblers Help (if possible) for the applicant and/or third party (This is offered but is not compulsory)
- Application and report to the Commission
- Determination of the application.

To ensure that applications are well considered, potential applicants need to seek advice from a senior member of the Liquor and Gaming Branch within Department of Treasury and Finance who will:

- Explain the effect and potential consequences of a third party exclusion and other options including self-exclusion
- Prepare a report to the Commission on behalf of the applicant, along with the assistance of a counsellor if the applicant is receiving counselling. The person concerned will also be invited to make a submission to the Commission.

If a person wishes to have a review of the decision, this is available through application to the Magistrates Court (Administrative Appeals Division) under the Magistrates Court (Administrative Appeals Division) Act 2001. Applications must be made within 28 days. If a person breaches an exclusion order, a fine not exceeding 20 penalty units applies. All applications continue in effect in line with its terms until it is revoked by the Commission in writing. However, all third party exclusions expire within three years.

Section 112E of the Act additionally provides for a third party exclusion by a license holder either orally or in writing. The exclusion can involve either entering the premise or playing gaming or gambling activities while on site. In both cases, licensees are then required to formally report exclusions to the Commission (including oral exclusions). However, the Act does not authorise exclusions of police officers or other authorised persons who gamble as part of their official duties. It is also noteworthy that the Act provides secrecy provisions for the Police so that venues do not reveal information relating to official police operations – 112GA. Information not to be disclosed - *A person must not disclose to any person who is not a member of the Police Service any information on which the opinion of the Commissioner of Police under section 112G(1) is based.* The Commission must keep and disseminate lists of excluded persons as part of its official role.

An interesting feature of the Tasmanian third party scheme is that penalties are present in the legislation for both venues and staff who allow breaches of third party exclusions (plus other exclusions). The fine for license holders is up to 100 penalty units and the fine for prescribed special employees are up to 20 penalty units. However, the legislation provides an opportunity for both parties to provide evidence that they could not have 'reasonably known' that the excluded person was gambling on the premises or participating in a gambling or gaming activity. If the employee or licensee discovers the excluded person is attempting to gamble, then they also have a legislative duty to notify the person in charge as soon as practicable and take all reasonable steps to remove the excluded person.

A further aspect of the Tasmanian scheme is that direct marketing of gaming to excluded persons is prohibited under Section 112IB. Under 112IB (2a and b), licence holders or gaming operators are taken to be directly promoting gaming or gaming activities to a person if the licence holder or operator provides advertising material to that person or engages in other promotional activities with respect to the excluded person that could be reasonably seen as an enticement or inducement to gamble.

In relation to third party exclusion orders relating to online gambling, the Commission can also direct licensed providers to do any of the following to help minimise the harm of gambling:

- Deduct any authorised commission or statutory charge from the funds in the frozen wagering account
- Remit some or all of the funds in the frozen wagering account to the excluded person following the settlement of any outstanding wagers
- Unfreeze some or all of the funds in the frozen wagering account and remit them to the excluded person
- Have the excluded person's accounts or wagering history independently audited.

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EVALUATION REPORTS ON THE TASMANIAN THIRD PARTY EXCLUSION SCHEME

No official evaluations of the Tasmanian third party scheme have been undertaken. However, the Tasmanian Social and Economic Impact Study of Gambling in Tasmania undertaken in 2011 highlights that there is strong support for third party exclusions in Tasmania (Allen Consulting Group, 2012).

Of direct or indirect relevance, findings of the study highlighted that:

- Just over two thirds of EGM players (67.4%) reported awareness of the Tasmanian scheme. Compared to non-problem gamblers, fewer moderate risk and problem gamblers were aware of the Scheme
- Additional qualitative research showed that, while most people were aware of exclusion generally, there was not high awareness of third party exclusion (whether by concerned others or by venues). There was support for exclusion from gaming areas, as opposed to entire venues. This was seen to reduce the potential that exclusions would impact on general leisure activities. It was also seen as avoiding embarrassment to patrons who may not be permitted to enter a venue if excluded

- A number of limitations of the TGES were identified in the qualitative research including the ease of access to alternative venues and the lack of enforcement by venue staff. There was similarly strong support for mandatory counselling of an excluded person, as is undertaken through the self-exclusion process
- A Tasmanian study on self-exclusion conducted in 2010 highlighted the lack of enforcement as a weakness of the Tasmanian exclusion scheme. However, there were also significant improvements observed in self-excluded gamblers from pre- to -post self-exclusion. This included reductions in gambling severity, urges, frequency and durations of sessions, perceived control, mental health and improvements in both their financial situation and their social life. In addition, 59% of participants in a survey rated the self exclusion program as being of 'much help' and 28% reported it as being of 'some help'. This may highlight some benefits of exclusions in spite of breaches and low enforcement activity

Review of Australian third-party exclusion programs – *Star Casino*

The Star Casino operates multiple casinos in both New South Wales and Queensland through the Star Entertainment Group. The casino facilitates both self-exclusion and Third Party Exclusions at the casino properties. Within New South Wales, the Casino Control Act 1992 provides for casino-directed exclusions from the casino under Section 79. Section 79 (1) allows the exclusions to be provided either verbally or in writing.

The process used in facilitating Third Party Exclusions at the Star includes the following key steps:

- Casino staff speak to a patron within the casino about Third Party Exclusion if a concerned party reports some impact on a person due to problem gambling
- Contact is made with a Patron Liaison Manager (a senior responsible gambling management role within the casino)
- A discussion is held with the concerned family member about the nature of the concern
- The Patron Liaison Manager offers the possibility of Third Party Exclusion to the family member as a possible means to assist the family and explains the processes and implications
- Some basic written information on the nature of the concerns is requested from the concerned family member to ensure that the claim is legitimate – This may, for instance, be emailed by the family member to the Patron Liaison Manager
- The Patron Liaison Manager also offers to meet with the family member concerned where appropriate
- Consent is requested from the concerned family member to discuss the issue with the affected patron - Joint meetings with the family and concerned family member are also facilitated where appropriate
- The casino conducts its own investigations into the matter, given that the concern is also seen to raise regulatory responsibilities for the casino (e.g., to explore whether problem gambling has occurred on site) – This may involve surveillance of the patron within the casino or examination and loyalty data to identify expenditure patterns (e.g., peaks in expenditure or other indicators) – The patron is also referred to an independent organisation for professional assessment by a psychologist (with a report prepared)
- If sufficient grounds for exclusion are identified by the Patron Liaison Manager (this is described as a very qualitative process and individualised to the unique circumstances of the case), the Patron Liaison Manager approaches the patron and explains their concerns about the patron's welfare
- The Patron Liaison Manager offers self-exclusion as an alternative to an exclusion direction to encourage the patron to take ownership of the issue – Counselling support is also offered to the individual concerned
- If self-exclusion is not pursued, where appropriate, an exclusion direction is issued – This is typically undertaken verbally to prepare the individual concerned and followed up with written documentation
- All exclusions are review by a committee of six senior managers before they are revoked.

The resourcing required for the exclusion mainly included the time of staff and Responsible Gambling Liaison Officers (reported to be nearly 200 across the casino), the time of the Patron Liaison Manager and an exclusion review committee which is responsible for review of exclusions prior to their revocation. Most of the coordination and preparation associated with exclusions, however, is performed by the appointed Patron Liaison Manager.

Responsible Gambling Liaison Officers have each been trained on site at the Star to respond to and manage problem gambling at the casino. Training has been provided by independent psychologists that are also involved in independent assessments of patrons on behalf of the casino. Particular training was provided to staff to support identification of the signs of problem gambling and how to support patrons experiencing problem gambling.

An exclusion review committee consisting of six senior managers is responsible for reviewing the potential for revocation of exclusion orders. The Patron Liaison Manager chairs the meeting as one of the six senior management representatives. Information is summarised for the meeting and cases are reviewed when meetings are convened. Meetings are generally held at the end of every month. Approximately 20-25 cases may be reviewed at each meeting, with most cases related to self-exclusions, rather than venue exclusions. Additional time is also required in processing the paperwork and talking to patrons to communicate the outcomes of the committee's decisions. This role is performed by the Patron Liaison Manager.

To act as a disincentive to breaches of exclusion orders, an additional six months is added to each exclusion per breach. This implies that exclusions may occur for very long periods of time if six months is repeatedly added to an exclusion order. Fines also apply - *If people breach, you get six more months on the time of exclusion. So if it was 12 months and they breach, it's then 18 months and then after another breach, it's two years. It keeps going adding six months for each breach. For each breach, \$550 is also a fine. If you keep breaching, \$5,500 is the maximum fine along with 12 months imprisonment. Though to the best of my knowledge, I have never seen anyone go to jail to date.*

The casino reported that the concept of third party exclusion was available on the Star Casino web site in a brief descriptive format. However, the process was not explained in detail on the web site. Responsible Gambling Liaison Officers (RGLOs) were similarly reported to be aware of the availability of Third Party Exclusion, highlighting that they would also be able to promote this to patrons where concerns may be raised within the venue.

No information was gathered in a centralised format on the demographics of excluded patrons and the information was considered commercial-in-confidence. However, it was generally reported that in most cases, male were typical respondents and females were typical complainants – *They are generally males being excluded by females and they are possibly 35-50 years old and are usually employed.*

Venue exclusions were reported to be able to be appealed by the patron within 28 days. Revocation applications were also accepted after a 12-month period. Each case is reviewed by an external psychologist prior to the case being considered for revocation through the exclusion review committee (consisting of six senior managers). A letter from the affected family member is similarly requested to support any decisions to revoke exclusions. This helps identify whether the person affected has genuinely recovered from the gambling problem to a sufficient level before the individual may re-enter the casino. It was similarly reported that the casino would be unlikely to allow revocation of exclusions in cases where aggression or violence may have been demonstrated towards casino staff.

As part of the external review processed by the independent psychologist, it was reported that the Problem Gambling Severity Index (Ferris & Wynne, 2001) was administered on the gambler to assess the gambler's current risk level for problem gambling. A summary of the results of the independent assessment was also provided to the casino. Reports would typically explain whether the impact of gambling on home life had decreased or had ended following the exclusion.

Some self-exclusions had been converted by the casino to a venue exclusion where the individual was consistently breaching self-exclusion agreements. However, there was comment that, while fines would apply, it was expected that fines were not of therapeutic value to the gambler and this was seen as a key issue with the approach to date.

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Review of Australian third-party exclusion programs – *Australian Capital Territory*

DESCRIPTION OF THE THIRD PARTY EXCLUSION SCHEME

ACT legislation allows venue-initiated exclusions in its Gambling and Racing Control (Code of Practice) Regulation 2002. Clubs, pubs, the casino, bookmakers or wagering outlets are required by law to exclude people from gambling if they think gambling is affecting the gambler or their family's wellbeing. While venues perform the exclusions, venues can take family impacts raised by a third party into account prior to undertaking a licensee exclusion. This is termed a 'Notice of Exclusion from Gambling by a Licensee'. These are typically performed by a regulated position, a Gambling Contact Officer (GCO). It was emphasised that it was important that Gambling Contact Officers were senior staff members to ensure that GCOs were comfortable and competent in making approaches to patrons about gambling issues.

If a gambling venue excludes a person using such a notice, they must provide written reasons for their decision. If this is disputed, the person affected may ask the ACT Gambling and Racing Commission to independently review the decision. Beyond the Commission, there is also potential for the case to be heard at the ACT Civil and Administrative Tribunal, if the Commission's decision is not accepted. If a person breaches an exclusion, this is considered to be a breach of the Code of Practice by the venue, with penalties able to be applied.

The key steps used in the ACT approach with relevance to Third Party Exclusion are as follows:

1. A family member raises concerns about someone's gambling to a venue (or a venue becomes concerned about someone's gambling at the venue)
2. The Gambling Contact Officer (a regulated position in the ACT legislation) in the venue talks to the family member about their concerns and how they are impacted by possible problem gambling
3. The venue considers feedback from the person affected and the gambler concerned
4. If the family member just expresses concern about gambling, but does not specifically request an exclusion, the venue must also examine the issue independently, as venues have a regulated obligation to proactively respond to problem gambling under ACT legislation
5. The venue initiates an exclusion citing evidence that gambling harm is caused by the family member and an exclusion period is selected
6. The reason for the exclusion and the exclusion period is recorded in a data base established by the ACT Gambling and Racing Commission

Interesting characteristics of the ACT legislation include the following:

- Under Part 2 Section 17, there is an opportunity for any affected party to also seek a review of the decision by ACAT (the ACT Civil and Administrative Tribunal)
- Under Part 2 Section 20, the Commission is required to maintain an exclusions register in an electronic format. This must contain a person's name and address, a photo of the person's face, the venues from which a person is excluded, the period of exclusion and a copy of the exclusion deed or notice

- Under Part 2, Section 20a, licensees are required to look at the exclusion register within 3 days of the notification to exclude a certain individual
- Under Part 2 Section 22, promotional materials must not be sent to excluded individuals, with up to 10 penalty points being applied if this occurs. However, it is noteworthy that 'a reasonable excuse' is permitted as a defence to this (Part 3, Section 26)
- Section 1.2 defines a gambling problem as a person having difficulty limiting the amount of money or time spent on gambling, leading to adverse consequences for the person or another person.

The following key behaviours are also identified as taken to be indicative of a gambling problem:

- Seeking credit for gambling unless authorised under a gaming law
 - Seeking to borrow or scavenge for money to gamble
 - Seeking assistance or advice about controlling the person's gambling
 - Admitting to borrowing or stealing money to gamble
- A licensee of a gambling facility must identify any people who show signs of problem gambling and record those in a register maintained by the Commission. Examples are also provided as follows:
 - Admitting being unable to stop gambling or to gamble within the person's means
 - Expressing concern about the amount of time or money the person spends on gambling
 - Acknowledging the person spends on gambling money needed for day-to-day living expenses, including for dependents
 - Having a disagreement with a family member or friend about the gambling
 - Making multiple ATM cash withdrawals in the gambling facility
 - Under Section 1.11 (1), provisions are available to help ensure that there is some attempt to deal with any problem gambling incidents. Specifically:
 - The licensee of a gambling facility must ensure the gambling contact officer for the facility is told about any person who the licensee or staff member has reasonable grounds for believing has a gambling problem and;
 - Details of the person's behaviour that led to that belief must be also communicated
 - Under Section 1.11 (2), the gambling contact officer must keep a register of the details provided
 - Under Section 1.11 (3), the gambling contact officer must take reasonable steps to:
 - Discuss the possible gambling problem with the person as soon as possible
 - Give the person advice or information about counselling and advisory services available from support agencies; and
 - Any other appropriate action that may be taken by the person, including the opportunity to sign a deed of exclusion to ensure the person's exclusion from gambling at the facility
 - Under Section 1.14, licensees must exclude people if they have reasonable grounds that the welfare of a person or the person's dependants is seriously at risk because of the person's gambling problem
 - Under Section 1.15, a number of matters are set down as needing consideration in relation to whether to exclude a person. These are whether it is:

- Necessary to protect the welfare of the person, or any of the person's dependants, from risk in relation to the person's gambling problem; and
- In the public interest, particularly having regard to the social and economic costs of problem gambling

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Exclusion provisions in other Australian jurisdictions

Below is a summary of third party exclusion provisions available in pubs/clubs in other Australian jurisdictions relating to gaming machines. As all casinos have venue exclusion provisions, these are also summarised.

Jurisdiction	Description of third party exclusion provisions
Third party exclusions relating to pubs/clubs	
Queensland	<p>In Queensland, venues can make an Exclusion Direction by completing a form of the Queensland Office of Liquor, Gaming and Racing. This can be applied to casinos, clubs, hotels and a TAB, if a venue suspects problem gambling. Problem gambling is defined in line with the nationally accepted definition of problem gambling as defined in a recent Gambling Research Australia study (Department of Justice, 2005).</p> <p>Venue-initiated exclusions remain in place for 5 years unless the patron makes a written application to the venue and the venue agrees to revoke the direction.</p> <p>If the venue initiates the exclusion of a patron - or refuses an application for re-entry to the venue by an excluded person - the patron may appeal to the Queensland Civil and Administrative Tribunal (QCAT).</p> <p>The venue must send periodic reports to the Office of Liquor and Gaming Regulation (OLGR) on exclusions notices, orders and directions and revocation notices under current legislative requirements. In addition, OLGR must notify any contravention of orders and directions within 7 days.</p>
Northern Territory	<p>All gambling providers operating electronic gaming machines must have procedures in place to exclude patrons in accordance with Section 112 of the Gaming Machine Act.</p> <p>Under Section 112, the Act states that:</p> <p><i>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 shall prohibit the person from playing gaming machines on the licensee's licensed premises for one month from the date of prohibition.</i></p> <p>The NT Code of Practice also states that:</p> <p><i>Gambling providers are to provide patrons who feel they are developing a problem with gambling, with the option of excluding themselves from the gambling venue or site.</i></p>
Victoria	No venue exclusion provisions are available.
Western Australia	WA does not have gaming in pubs/clubs.
BetSafe	<p>BetSafe, a responsible gambling program for clubs, offers a third party exclusion process to its members. Family members or concerned others can ask a BetSafe Club to ban someone from gambling with the following process taking place according to the organisation's web site (Source: www.betsafe.com.au):</p> <ul style="list-style-type: none"> ▪ Contact with the club - The family member or friend contacts the club to request that a patron be banned. The club will then ask the patron to attend the club in person for an interview or arrange for them to speak to a BetSafe counsellor ▪ The meeting - At the meeting the family member will be asked about their relationship with the gambler and why they want them banned from the club. The third party will be asked to provide supporting evidence, for example, financial records proving that the gambler's family is in financial difficulty

Jurisdiction	Description of third party exclusion provisions
	<ul style="list-style-type: none"> ▪ Statutory declaration - The third party will be then asked to complete a statutory declaration confirming their request for third party exclusion and listing the reasons ▪ Decision to exclude - After consideration, BetSafe will then prepare a recommendation for the club as to whether there are sufficient facts and evidence to warrant the exclusion of the problem gambler. The club will then decide whether or not to proceed with the exclusion ▪ Contacting the problem gambler - If the club accepts the recommendation from BetSafe to exclude the problem gambler, it will then contact the problem gambler and explain that a request has been made for third party exclusion by a family member or friend. The gambler will be given the opportunity to respond, and are able to make their submission in writing or in person to the club Board or other club representatives as to why they should not be banned. The club may make further enquiries before making a decision about banning a member ▪ Decision to exclude - If the club decides to proceed with banning the gambler, they will provide the person with written notification ▪ Ending the exclusion - After a period of time, usually more than 1 year, the gambler can apply to have the ban lifted. They will need to provide evidence that their gambling is now under control. This may be in the form of a supporting letter from a gambling counsellor or family member. They will be required to undertake an assessment interview with BetSafe prior to the ban being lifted. <p>BetSafe also reports on its web site that:</p> <ul style="list-style-type: none"> ▪ Since 1998, BetSafe clubs have received a total of 165 enquiries from third parties ▪ 27 of all enquiries resulted in a third party exclusion ▪ Of the balance, some went to a self-exclusion, some decided not to proceed (e.g., due to relationship break up or other reasons)
Third party exclusions relating to casinos	
Queensland	<p>Exclusions under the Casino Control Act 1982 include the following:</p> <ul style="list-style-type: none"> ▪ Under Subdivision 2, exclusions can be made by 'other persons' if the casino manager believes on reasonable grounds that the safety of a dependant, or someone in the care, of the person, is at risk because of the person's presence in the casino. This exclusion must also be rolled out to all casinos under the operator's control ▪ Section 93 provides for exclusions of 'problem gamblers' ▪ Section 94A provides for exclusions by the Commissioner of Police ▪ Section 97 allows an exclusion order to be in force for up to 5 years (unless an earlier end point is identified) ▪ Section 98 permits applications for revocation of exclusion orders after 1 year ▪ Section 100E prohibits promotional materials to be sent to people on exclusion orders
Victoria	<p>Exclusions under the Victorian Casino Control Act 1991 include the following:</p> <ul style="list-style-type: none"> ▪ Section 72 outlines that exclusions can be either orally or in writing (Oral orders lapse after 14 days) ▪ Section 74 states that exclusion orders may be given by the Commissioner of Police ▪ Section 76 states that there is a requirement for the Commissioner of Police to notify the casino of interstate exclusion orders ▪ Section 78A prevents promotional materials being sent to people on exclusion

Jurisdiction	Description of third party exclusion provisions
	<p>orders</p> <ul style="list-style-type: none"> ▪ Section 78B states that there is forfeiture of winnings for all exclusion order
South Australia	<p>Exclusions under the Casino Act 1997 include the following:</p> <ul style="list-style-type: none"> ▪ Division 7 Section 44 states that persons can be barred from the gaming area of the casino using a written order. The order must: <ul style="list-style-type: none"> ○ (a) State the grounds on which the order is made; and ○ (b) Set out the rights of the barred person to have the order reviewed under this section; 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. ○ (3) An order may be made under this section on any reasonable ground (other than on the ground that the person is placing his or her own welfare, or the welfare of dependants, at risk through gambling) ▪ Division 7 Section 44 (4) states that orders may be made up to 3 months ▪ Division 7 Section 45 states that the Liquor and Gambling Commissioner may also make a barring order including for the welfare of the gambler or their dependents ▪ Section 45 (A) states that the Police Commissioner may also make a barring order

Section C - Review of international third-party exclusion regulations

As part of the research, an internet scan was undertaken to identify innovative third party exclusion schemes in other parts of the world. While very limited information was publicly available on most schemes, schemes in Singapore, New Zealand and Switzerland were reviewed using publicly available information. On this basis, web site and related information was reviewed to identify major scheme characteristics that may be of interest in designing a future third party scheme for NSW. Findings of this review similarly identified that very few jurisdictions internationally had provisions for third party exclusion.

The structure of this section of the report includes:

- Review of overseas exclusion programs – *Singapore*
- Review of overseas exclusion programs – *New Zealand*
- Review of overseas exclusion programs – *Switzerland*

Review of overseas exclusion programs - *Singapore*

Background

In Singapore, the Casino Control Act (2006) has three types of casino exclusions - Voluntary Self-Exclusion, Family Exclusion and Third Party Exclusion.

Family exclusions are where family members apply to exclude a gambler in their family from a casino if the gambler is suspected to experience a gambling problem (and is causing harm to the family). The application for Family Exclusion is only open to immediate family members including spouses, children, parents and siblings. Applications are made through the National Problem Gambling Helpline. Third party exclusion is where people are automatically excluded if they fall into one of two categories – Recipients of public assistance or special grants and undischarged bankrupts.

Key steps in the Family Exclusion process include:

- An application for is completed (with assistance from the National Problem Gambling Helpline) – A date for a formal hearing for the application is then determined
- Applicants receive a notice of application along with a request for supporting documents
- Respondents (the person against whom the application is being made) receive a summons to hearing along with a request for supporting documents
- The application is heard by a Committee of Assessors on the scheduled hearing day
- The outcome of the hearing is communicated within three working days

If an applicant can prove that gambling by a respondent is causing serious harm to a family, a Committee of Assessors can also issue a Provisional Family Exclusion Order to exclude the respondent from a casino pending the outcome of the application.

In addition to Family Exclusions, Family Visit Limits also provide a means to limit the number of times a family member can visit casinos per month. This is only open to immediate family members, namely, spouses, children, parents and siblings.

A Third Party Visit Limit is also available to limit the visits by people who visit the casino frequently and are deemed financially vulnerable. This is a role performed by the National Council on Problem Gambling (NCPG). Casino visits of individuals are tracked and the NCPG may request information on the individual's financial circumstances to assist in performing assessments of the need for limits. The outcome of the assessment by a panel may include both visit limits and exclusion orders (where no visits are permitted). If a person is found to be financially stable, following provision of supporting documentation (e.g., tax returns), then no order is issued.

As at December 31 2015, there were 277,446 active exclusions in total, of which 2,116 were Family Exclusion Orders, 41,849 were automatic exclusions and 233,481 were self-exclusions. Around 66% of applicants for Family Exclusions were female (1,400) and 78% of respondents (1,650) were male. The most common age groups of respondents were 31-40 years (28%) and 41-50 years (27%). In addition, 19% were under 30 years, 16% were 51-60 years and 10% were over 61 years.

The following trends were also observed for Family Exclusions:

- In 631 cases, a wife placed an order on a husband
- In 175 cases, a husband placed an order on a wife
- In 499 cases, a parent placed an order on a child
- In 364 cases, a child placed an order on a parent
- In 447 cases, a sibling placed an order on a sibling

In relation to Casino Visit Limits, at December 31 2015, there were 2,012 active Third Party Visit Limits and only 9 active Family Visit Limits.

Legislation relating to Family Exclusion Orders

As part of the Casino Control Act (refer www.statutes.agc.gov.sg), legislation underpinning Family Exclusion Orders has a number of interesting characteristics including:

- S158 – (3) Committee to hear and determine applications for family exclusion orders – Parties to proceedings are not permitted to be represented by an advocate and solicitor (except the person making the application on behalf of the applicant)
- S158 (4) – A Committee has the power to summon any person who it may consider able to give evidence to attend at the hearing of an application
- S158 (6) – A Committee must decide questions of fact on the ‘balance of probabilities’
- S158 (8b) – Any question arising during the Committee meetings is determined by a majority of votes of the members. If votes are tied, the chairman has the casting vote
- S159 – An application for a family exclusion order must be made by (a) the family member of the respondent adversely affected by the respondent’s gambling or (b) a person referred to in section 160 or 161 on behalf of a family member (i.e., people aged 61 but under 21 years or a mentally or physically incapacitated person)
- S162 – Grounds for making family exclusion order – The grounds for Family Exclusions are if:
 - (a) there is a reasonable apprehension that the respondent may cause serious harm to family members because of his gambling;
 - (b) the Committee is satisfied that the making of the order is appropriate in the circumstances;
 - (c) the respondent has been given an opportunity to object to the application; and
 - (d) the Committee is satisfied that it would be in the best interests of the respondent and his family members to make the order
- S162 (2) A respondent is regarded by the committee as having caused serious harm to family members because of gambling if the respondent:
 - (a) has engaged in gambling activities irresponsibly having regard to the needs and welfare of the respondent’s family members; and
 - (b) has done so repeatedly over a period of not less than 3 months or in a particularly irresponsible manner over a lesser period.

- S162 (3) - A Committee may also decide that there is a reasonable apprehension that a respondent may cause serious harm to family members because of gambling if the Committee is satisfied that —
 - (c) the respondent has caused such harm prior to the complaint, according to a test set out in subsection (2); and
 - (d) there is reason to believe that the respondent's irresponsible gambling behaviour will continue or recur.
- S162 (4) - Events outside Singapore can also be considered in committee decisions
- S163 - Terms of family exclusion order – This permits the committee to specify (1a) the period in which the order is in force and (1b) when the order may apply. Under (2) The committee may also make directions to a respondent to do any of the following:
 - (a) refer the respondent to participate in a program of counselling, rehabilitation or special education or any combination of these;
 - (b) bar the respondent from entering or remaining, or taking part in any gaming on any casino premises;
 - (c) require the respondent to close any deposit account in a casino;
 - (d) require a casino operator to close any deposit account of the respondent with the casino.
- S164 (4) – Requires that hearing dates must be within 28 days from the date of application
- S165 - Committee may make exclusion order in certain circumstances –
 - (1) A committee is permitted to make an exclusion order against a person if it is discovered that the person is (a) on social assistance (b) has a bankruptcy application or is an undischarged bankrupt or (c) has a poor credit record
 - (5) A Committee can revoke an exclusion order if it is of the opinion that an exclusion order would no longer be in the best interests of the person and family members
 - (6) A person who is aggrieved by an exclusion order may within 30 days of being notified of the decision appeal whose decision shall be final.
- S128 Forfeiture of winnings – Excluded persons entering the casino and winning money forfeit all winnings
- S166 - Variation or revocation of family exclusion order or exclusion order by Council – Family Exclusion orders can be revoked by either (a) a family member or (b) the respondent. Permission to revoke the order is only granted if the National Problem Gambling Council is satisfied that there has been a substantial change in the relevant circumstances since the order was made or last varied. Applicants and respondents are both entitled an opportunity for a hearing on the matter as part of (3). However, under (4), the decision of the Council is final at this point.

Review of overseas exclusion programs – New Zealand

The Gambling Act 2003 has provision for venue-initiated exclusion orders under Sections 309 and 309A. This provides an opportunity for gaming venues to exclude a person who they believe on reasonable grounds may be an actual or potential problem gambler. Section 308 also requires New Zealand gambling venues to develop a policy for identifying problem gambling in venues.

This is requirement of all pubs and clubs (Class 4 venues) and casinos, with 308 (4) outlining that:

- *A venue manager or the holder of a casino operator's licence, or a person acting on behalf of either of those persons, must take all reasonable steps to ensure that the policy is used to identify actual or potential problem gamblers*

In addition, Section 308 (6) outlines that fines can be levied in the event that on contravention of this requirement:

- *A venue manager or the holder of a casino operator's licence, or a person acting on behalf of either of those persons, who contravenes subsection (4) commits an offence and is liable on conviction to a fine not exceeding \$5,000*

Under Section 9 (1), there is also a requirement for venues to approach the person affected and offer information or advice to the person about problem gambling. This must by regulation include a description of available self-exclusion regulations and other relevant procedures. A venue manager or casino may issue an exclusion order to a person prohibiting entry to a gambling area for a period for up to 2 years (Section 308 – 3). There is similarly a requirement for people subject to exclusions to participate in a procedure to effect a revocation of an exclusion (Section 308 - 4). These may be determined by venues and could potentially include attendance at counselling. Fines for people breaching exclusion are up to \$500 and for venues permitting breaches, up to \$5000.

While family members are not strictly identified as being able to issue exclusion orders in the Act, they are able to raise concerns to venues, which are obliged to proactively identify and respond to possible and actual problem gambling. Department of Internal Affairs also reports that the agency is aware of at least one situation where a treatment provider has been appointed by a venue to issue an exclusion order. It is not legally possible for venues to contract out of liability under the Gambling Act 2003.

Evidence to support the ability of the counsellor to act on behalf of the venue is also required. Examples may include a letter from the venue to the counsellor or similar instructions. There is also comment that exclusions may relate to either a particular venue or to a series of particular venues. However, a venue cannot issue an exclusion order for a venue with which they are formally associated with or authorised to act. In addition, a society or trust (a structure used for NZ clubs) cannot issue an exclusion order for a person that covers all of its venues, unless it has been authorised by each particular venue.

The Department of Internal Affairs reports that venues should undertake the following steps, if a third party request for an exclusion comes from a family member (Source: www.dia.govt.nz):

- Thank the person for the information
- Assure them that the information they provide will be treated in confidence
- Ask for the name and any available identification of the potential problem gambler
- Advise the person making the notification or request that the venue has a policy for identifying actual or potential problem gamblers
- Inform the person that the venue will assess the behaviour of the person against its policy, and approach the person if their behaviour indicates actual or potential harm arising from gambling. Alternatively, if staff know the gambler, advise that the gambler will be approached and provided with problem gambling information

- Provide the person with problem gambling information and details of how to obtain support for problem gambling
- Provide the person making the notification or request with a copy of the policy

Venues are not permitted to state that there is nothing they can do, ignore the advice or discuss personal details of the patron concerned unless the patron has given the venue permission to do so. If venues indicate that they will observe the patron, they also have an obligation to do this in line with the general provisions of the Gambling Act 2003.

Both clubs and pubs (Class 4 venues) and casinos are required to keep records of persons under exclusion orders. This record must contain the person's name and date of birth, the section of the Act under which the exclusion was made, the date of the exclusion order and its date of expiry, any conditions imposed for re-entry into the venue and the venue must provide the person's initials and date of birth and associated information to the DIA Secretary on request.

Venues are similarly encouraged to develop a host responsibility or responsible gambling incident report to record information and background on the rationale for and circumstances associated with the exclusion. DIA recommends that this report should contain a record of interactions and/or observations of patrons problem gambling including:

- The patron's details
- The staff member's details
- The nature of the observation or approach
- An outline of assistance provided (pamphlets, information)
- Discussions about exclusion orders and outcomes, including any breaches of exclusion orders
- Further actions to be taken

Review of overseas exclusion programs - *Switzerland*

Under legislation, Swiss casinos have a social responsibility to prevent gambling addiction. A study by Osiek et al. (1999) identified that 0.79% of Swiss adults experience pathological gambling and 2.18% experienced problem gambling. In Switzerland, entry to casinos is controlled and visitors are required to show a passport or identification card (Haefeli 2005). All casinos are linked, so exclusions are able to be consistently applied throughout Switzerland and are monitored by a regulator.

While limited information is available on the use of third party exclusion in Swiss casinos, some related information and insights are reported by Künzi et al (2004), based on interviews with experts examining the Swiss approach.

In this paper, it was reported that:

- After the Casinos Act came into force in 2002, exclusion orders increased dramatically from approximately 700 in 2002 to 2,301 in 2003. Five times as many exclusion orders were implemented, as were removed
- A total of 6,923 gamblers had been excluded by the end of 2003
- Around 20% of people in counselling were 'co-dependents' to a gambler and around 85% of this group was female. In addition, in 75% of cases, people with gambling problems were either a spouse or partner
- Approximately, one third of gamblers in counselling had been excluded from a Swiss casino. Of this segment, around half had an exclusion initiated by the venue. Though the exclusion order was voluntarily accepted in 97% of cases (implying that it was enforced only in 3% of cases)
- A reported disadvantage of exclusion orders was that gamblers do not necessarily abstain from gambling and switch to other types of gambling outside the casino. For this reason, the authors proposed that exclusion orders are in themselves not a means of combatting gambling addiction
- Experts held a view that involvement of spouses and partners was critical in ensuring the success of counselling for problem gambling
- Experts felt that one improvement to Swiss exclusions could be to introduce different types of exclusion orders, such as limiting the visits to casinos in a certain period and introducing European wide exclusion orders for people affected by problem gambling

In a further paper by Glamer and Muller-Studer (2015) (www.iclg.co.uk), it is similarly reported that:

- Players who are insolvent or fail to meet their financial obligations must be blocked from casino gaming operations
- The same approach applied to players who risk money that is disproportionate to their income or assets
- A clear understanding of a player's income or assets is not necessary to exclude a player. Rather, the casino can make a reasonable assumption, as long as it is based on the casino's own perception or on the basis of reports of third parties
- However, the casino itself is not allowed to investigate a player's financial circumstances
- Casinos must also register excluded players and notify all other casinos in Switzerland. However, exclusions must be cancelled as soon as the reason for the exclusion has ceased to exist

The Grand Casino (www.grandcasinobaden.ch/sozialkonzept) reports on its web site that families and even friends can approach the casino (including either in person, via phone or in writing) to raise awareness about their concerns about someone's gambling behaviour. The casino then states that they will work with the individual to identify a solution to the issue. Application forms for exclusions are also provided on the web site.

The Swiss legislation also denotes the following:

- Exclusions are for a minimum of one year, although specific time frames are set for individuals
- The exclusions are recorded in a statutory register under law
- The decision about lifting the ban is made by the Casino that set the exclusion – This is only undertaken following a discussion with the affected individual to establish that the gambling problems no longer remain. Evidence such as paperwork proving financial stability is also requested as part of this process
- If the exclusion is not lifted at this point, an exclusion for a further year is reinstated. This is also the minimum time at which the exclusion can be reviewed again for further consideration

Section D - Stakeholder views about the potential for third-party exclusion in NSW

As part of the current research, a series of qualitative consultations were undertaken with a range of stakeholders. This included discussions with peak bodies representing the hotel and clubs industry, consultations with hotels and clubs (11 stakeholders) and consultations with counsellors and related staff working in the field of problem gambling (14 stakeholders). Discussions explored stakeholder views about a number of topics related to third party exclusion. This included general views about the overall value of a third party scheme, venue perspectives on the value of venue-initiated exclusions, key considerations in designing a third party scheme for NSW and potential characteristics of a third party scheme.

When exploring potential characteristics for a third party scheme, many areas explored in the literature review were also examined. This included asking stakeholders to give views on the harm-minimisation potential of barring gamblers from venues, views about the implementation mandatory counselling for problem gamblers and views about financial restrictions on problem gamblers. These latter topics were also deemed important by stakeholders, given some concerns about the ability of exclusion alone to minimise gambling harm. Possible processes and administrative arrangements for a scheme were also discussed. Accordingly, this sections presents key findings of discussions with stakeholders with potential to inform the design of the NSW scheme. The protocol used as a guide during stakeholder discussions is in Appendix B.

This section of the report is structured as follows:

- Overall perspectives on the value of a third party exclusion scheme
- Venue perspectives on the value of venue-initiated third party exclusions
- Important considerations in designing a third party exclusion scheme
- Potential characteristics of third party exclusion scheme
- Potential processes for a third party scheme design
- Stakeholder views about revocation and penalties for Third Party Exclusions
- Stakeholder views about demand for and promotion of Third Party Exclusion

Overall perspectives on the value of a third party exclusion scheme

Discussions with industry stakeholder and problem gambling counsellors highlighted both some support and concerns about the concept of a third party exclusion scheme for New South Wales. While stakeholders generally supported the notion of any scheme that may assist people affected by another person's gambling, many stakeholders were concerned about whether excluding a problem gambler from a venue would be effective in mitigating the harm from problem gambling and were concerned about potential consequences of exclusions such as the risk of Domestic and Family Violence (DFV) and impacts on already strained family relationships.

From this perspective, while both venues and counselling stakeholders were keen to see a third party exclusion scheme work, many struggled to identify exactly how the exclusion scheme may work in practice and saw that banning problem gamblers itself be inadequate. This was based on the experience of breaches in self-exclusion. Problem gambling counsellors, in particular, reported that many clients would breach their self-exclusion agreement, as many often relapsed and it was difficult for venues to detect breaches. Related to this, there was also concern that third party exclusions may be ineffective, as it was currently seen as impractical to ban a gambler statewide. This was primarily because the current exclusion zone through ClubSAFE was typically reported to be limited to a maximum of 25 venues. On this basis, if a problem gambler was not ready to change their gambling behaviour, it was expected that many would just commence gambling at another venue that was outside the exclusion zone.

Stakeholders also raised concern that banning or barring someone from a gambling venue may not necessarily mitigate the financial impacts of problem gambling, as problem gamblers still had access to other forms of gambling. This reflected some level of concern that problem gamblers would be likely to gamble at all costs, as they were not yet ready to change their gambling behaviour. Some stakeholders feared that this may lead to uptake of online gambling particularly. Other related concerns were raised about the need to protect family income and assets and that alternative measures that provided such provisions may be more effective than barring alone.

As barring may not necessarily change a person's gambling behaviour, stakeholders similarly expressed concern that a third party exclusion scheme was not therapeutically effective. As people gamble for many reasons – including due to trauma and other emotional problems, targeting the root cause of the problem was seen as potentially offering more harm-minimisation value to family members. In this respect, targeting the reasons someone was gambling to excess was seen to be a better way to stop the gambling and the harms caused by the gambling behaviour. One problem gambling counsellor with a significant caseload of clients with complex mental health and psychiatric disorders reported that third party exclusion may actually worsen the severity of mental health issues experienced by her clients (e.g., people with schizophrenia, bipolar and other complex mental health disorders). This was because the approach was seen to be of limited therapeutic value to the problem gambler.

Counsellors also reflected on the likely demand for third party exclusion from family members. While some counsellors had previous requests for third party exclusions from family members, these were generally reported to be relatively few in number by counsellors. Even when these were discussed with family members, counsellors reported that many family members had received more benefit from discussing how best to protect themselves from gambling impacts including how not to facilitate or inadvertently support problem gambling. Counsellors similarly expressed concern that offering third party exclusions may provide a false sense of security for family members, who may think that barring a family member may improve their financial situation. In addition, some counsellors felt quite concerned about their potential role in discussing or promoting third party exclusions in a counselling setting. As it was the role of counsellors to look after a client's therapeutic needs and to encourage behavioural change, some felt that discussing third party exclusion could present a conflict of interest or a breach of the duty of care of a counselling in a counselling context. From this perspective, while counsellors were keen to see a useful scheme to assist families impacted by problem gambling, they felt concerned about how they could play a role in facilitating third party exclusions. Key concerns raised about third party exclusions are in Table 1.

Table 1. Overall stakeholder perspectives on the value of a third party exclusion scheme – Concerns about third party exclusion

Theme	Illustrative verbatims
Exclusions cannot be state wide, so problem gamblers will just gamble elsewhere	<ul style="list-style-type: none"> • <i>It will only benefit people if it works. Exclusion won't be very effective if people travel everywhere. They'll have to keep putting places in. So it won't work</i> • <i>If you exclude all the pubs in Kings Cross, you'll hit 35 in a few blocks. So it's not a cure for problem gambling, as you can't exclude people from everywhere. If people have a true gambling problem, they'll just go elsewhere</i> • <i>Banning won't help them - they'll just go to another venue or go to online gaming. There are too many avenues to help them continue to satisfy the addiction</i> • <i>People often come in about a relative and say what can I do to insist he doesn't go gambling? About 25% of family members I've seen have had a go - by saying to the club, don't let him in. But a gambler will find another way to get around it. So we can't bar them from all venues. So why put it in place if they are not going to adhere to it. It builds a false sense of security that the person isn't responsible for their actions</i>
Venues can't enforce exclusions/problem gamblers will breach exclusions	<ul style="list-style-type: none"> • <i>It's the proportion of people who fail self-exclusion that concerns me. Around 30-50% breach self-exclusion and 70% go outside the zone. If that's the case, is it worth the effort?</i> • <i>A lot of clients breach, so that needs improving overall. It's not a watertight system</i>
Problem gamblers may not be ready to change behaviour	<ul style="list-style-type: none"> • <i>This doesn't sit with me very well at all. It's a very appealing option for wives and partners and the idea seems appealing but in reality, it's a voluntary system so control won't work unless the person is motivated to change</i> • <i>Controlling someone won't make it work. It's about getting commitment from someone to change. You don't want to start to control people. They may say I don't want to have my husband going into venues, but it won't work</i> • <i>There are two components to barring - the barring and then the psychological process. Will the psychological process work? I doubt it, as the partner will have already gone to the club and told them not to and have done heaps of other stuff. If you can dismiss all that and not pay the bills, you can dismiss a barring</i>
Concerns about the risk of Domestic and Family Violence (DFV)	<ul style="list-style-type: none"> • <i>The role of the wife in the family in CALD communities is quite different. It could also lead to other issues such as DV. That's my worry</i> • <i>It'll cause trouble for venue staff and police, as DV will result from these exclusions</i>
Concern about the risk of crime	<ul style="list-style-type: none"> • <i>If a problem gambler is stopped getting access to cash, then crime will occur, so the harm will potentially increase</i> • <i>If you stop a gambler accessing funds, you increase the risk he'll go to a loan shark, commit fraud, crime and so forth...</i>
Concern that exclusion will add to relationship problems	<ul style="list-style-type: none"> • <i>If they want to stay in the relationship and continue to be exposed to the harm then that is their decision. In that scenario, you want to do something that is helpful and effective. Just banning them won't be any help at all</i>
Concern that exclusion alone will not protect family assets or income	<ul style="list-style-type: none"> • <i>People have debts that a financial counsellor can't solve. I have referred them to Wesley Legal to work out how they can secure their financial safety, so they are informed about what they can do. It's more useful helping them protecting their assets than just banning someone from a gambling venue</i> • <i>Excluding people won't work. They'll just gamble elsewhere. But people may want to get an order to get control of someone's wages to stop gambling. That could help</i>
Exclusion won't help the problem gambler or address their comorbidities	<ul style="list-style-type: none"> • <i>Is it an intervention that benefits the problem gambler? Does it help their gambling problem? If it doesn't, what's it really going to do? It's an addiction - it's like an illness. Excluding them won't help</i> • <i>It doesn't address the root cause of the problem, so I can't see it being that helpful</i>
Third party exclusion may increase the severity of other	<ul style="list-style-type: none"> • <i>Other mental health issues could be made worse by this. Like people with other</i>

Theme	Illustrative verbatims
mental health disorders of problem gamblers	<i>complex issues that are related to problem gambling. Two thirds of my clients have a psychiatric diagnosis. They have schizophrenia, schizoaffective disorders, bipolar disorder, anxiety and so forth</i>
Counsellors report limited demand for third party exclusion	<ul style="list-style-type: none"> <i>I have never been asked by a family member to exclude another person... I'm not sure how many people would ask for this</i>
Banning a problem gambler from one venue will just shift the problem to another venue	<ul style="list-style-type: none"> <i>If venues are barring people, they would just move the problem elsewhere</i>
Effectiveness will give families a false sense of security	<ul style="list-style-type: none"> <i>I have a young man who eats oats for breakfast, lunch and dinner and it's his choice. His sister came and said what can we do about his gambling? She asked can I bar him? I said don't. Just don't enable his behaviour. But she would have loved the idea to exclude on his behalf. They would be overjoyed, but they would be terribly disappointed by the terrible reality of it. Family members are always much more hopeful about it working than the reality of it all</i>
Effectiveness doesn't match the likely cost of third party exclusion	<ul style="list-style-type: none"> <i>The process sounds time consuming and expensive. At the end of the day, if a person will be breaching, then it's like - Why bother with this? That's my worry related to the whole thing. I can't see how it'll work to be honest</i>

While many stakeholders felt uncertain about how a third party exclusion scheme could be effective in practice, a number of stakeholders saw value in the concept of third party exclusion. Such stakeholders would often also report the same complexities identified about the scheme (e.g., difficulty enforcing third party exclusion, concerns about problem gamblers just gambling elsewhere), however, saw benefit in the potential psychological impacts of third party exclusion. In particular, some stakeholders believed that the mere existence of a third party exclusion scheme could have a positive psychological impact on a problem gambler such as leading the problem gambler to realise the impacts of their behaviour. In this respect, the existence of the scheme was seen as a potential 'circuit breaker' to trigger behavioural change and to become a psychological intervention in families.

Some stakeholders similarly saw potential in the scheme to help with other issues such as in the protection of family assets. Such stakeholders viewed the potential of the scheme more broadly (i.e., saw its role as potentially wider than just venue barring). One stakeholder additionally viewed that the scheme could be a valuable mechanism to help protect vulnerable members of the community such as people with mental illness and people with intellectual or cognitive disabilities. Having venues or caseworkers being able to bar such a person was seen as quite useful, as there was currently no mechanism that enabled this. While many counsellors had very few requests for third party exclusion, one counsellor felt that demand for exclusion could be high, if the scheme was made aware to family members. In this respect, it was felt that many families could utilize the scheme if they were aware it existed. Comments highlighting some support for a third party exclusion scheme are in Table 2.

Table 2. Overall stakeholder perspectives on the value of a third party exclusion scheme – Support for third party exclusion

Theme	Illustrative verbatims
Third party exclusion may have a significant psychological impact and help to stop the gambling	<ul style="list-style-type: none"> <i>For a person to see that a concern has been raised, it's a psychological impact that may help the person change</i> <i>The threat to even go down that path is a wake up call for the problem gambler. The threat itself could be quite effective</i>
Could help families protect their assets	<ul style="list-style-type: none"> <i>I think the scheme could be useful, if other things were looked at as well such as ways to help families protect their assets</i> <i>If barring is only one part of the scheme and other options are available, it could be quite effective. But barring alone may not be enough</i>
Exclusions could be effective, if	<ul style="list-style-type: none"> <i>Nowadays, we can extend the exclusions up to 100. I had a difficult client who started with 35. Then he went to another one outside the zone and he asked for the</i>

Theme	Illustrative verbatims
across many venues	<i>exclusion to be extended. Two weeks later the client is in Blacktown and now he's up to 100 exclusions. So far he's doing well. If the exclusion zone can be widened, I guess it could work</i>
Need protection for people with a mental illness	<ul style="list-style-type: none"> <li data-bbox="596 421 1414 472">• <i>The idea that we could end up with a third party tool could be great - especially in the case of mental illness</i> <li data-bbox="596 488 1414 539">• <i>It could be useful to protect people with mental illness or an intellectual disability. It could be a mechanism to protect people from themselves</i>

SUMMARY

Consultations with stakeholders highlighted that:

<ul style="list-style-type: none"> <li data-bbox="236 824 1414 904">• While stakeholders supported the need for any initiatives to reduce the impact of problem gambling on significant others, many were uncertain about the potential harm-minimisation value of excluding a gambler from a single gambling venue – This was mainly because gamblers could gamble at other venues <li data-bbox="236 936 1414 987">• Many stakeholders were concerned about the potential risks of domestic and family violence associated with third party exclusion schemes <li data-bbox="236 1019 1414 1070">• Problem gambling counsellors expressed concerned that, because many problem gamblers breached self-exclusion, there would be a strong likelihood that people not committed to an exclusion would breach third party exclusion <li data-bbox="236 1102 1414 1182">• Key concerns about the harm-minimisation benefit of exclusion related to gamblers having access to other venues and other forms of gambling – For this reason, many stakeholders felt that a barring may merely shift the problem to another venue and may not mitigate the harms experienced by significant others <li data-bbox="236 1214 1414 1265">• Most stakeholders felt that third party exclusion should aim to identify the root cause of problem gambling and that this may be superior to barring alone <li data-bbox="236 1296 1414 1377">• While third party exclusion was seen as having potentially limited impact, some stakeholders believed that the mere existence of a third party scheme may have potential to act as a 'circuit breaker' for some people experiencing gambling problems (and have a psychological impact if family members can threaten third party intervention)
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Venue perspectives on the value of venue-initiated third party exclusions

Industry stakeholders provided a range of perspectives on the concept of venue-initiated exclusions. As a common type of exclusion in other national third party schemes and in all Australian casinos, venues were asked to reflect on whether it may be useful to be able to initiate a third party exclusion as a venue and whether venues would find value in having such legislative powers.

While venues reported some potential to exclude people from venues under current liquor legislation, there was a general view that exclusions at present were difficult and complex when related to problem gambling. Many venues felt that excluding a patron could be potentially discriminatory, if the person was not causing obvious damage or harm to the venue or other venue patrons. This was also viewed as a complexity of problem gambling, as patrons experiencing issues would often not be violent or aggressive and would quietly sit alongside gaming machines. There was also the related issue raised that exclusions under gaming legislation may even be useful for venues that discover problem gamblers damaging gaming machines due to dissatisfaction over gambling losses. However, this reflected a concern over physical damage to gaming rooms associated with problem gambling, rather than protecting a problem gambler or their family from the impacts of gambling. In spite of this, many venues supported the idea of venues being able to choose to initiate an exclusion of a patron due to gambling.

Illustrative comments included:

- *We don't feel we have the legislative power to exclude someone from gambling. Under the Liquor Act, we can remove someone if they are quarrelsome. In a hotel licence, I can permanently exclude them, but in a club licence, it's the constitution that kicks in*
- *If we detected someone gambling, I don't think we could really exclude them. So we should have that opportunity - even to get rid of someone if they are smashing the pokies. We've seen a pie being shoved into the machine - we can act on that under the Liquor Act. So something in the Gaming Machine Act would be good*
- *I think protecting people from themselves would be good too. I was at a local last night and someone punched the screen due to problem gambling issues. They were angry at the machine. I think it would install more confidence if venues could ban people*

Venues additionally expressed some concern that excluding a person from a venue may not be of great value, if the person could simply gamble at another nearby venue. This reflected some general concern that venues that try to assist problem gamblers may not be supported, if other venues continue to allow problem gamblers to gamble. The potential for wider area exclusions – perhaps based under current liquor accords – was also discussed. However, this was also viewed as complex and needing independent adjudication to ensure fairness to both venues and problem gamblers. Specific comments relating to the potential to exclude under a liquor accord area included:

- *We see multi-venue exclusions come through. They are often from other clubs in the area. I think the problem with multi-venue exclusion is that the clubs want to stop people from gambling elsewhere. I think that the decision should be made by another body. Maybe by the liquor accord could make a call on it, as long as you have all the clubs and hotels represented. I think the hoteliers and clubs are happy to work together. The police are there too. Under the Liquor Act, there is wide area banning. So this could also apply to problem gambling. Though I think the police have to initiate the ban on a wide area exclusion*

A further issue raised in relation to venue-initiated exclusions concerned staff training. Venue staff were generally felt as not having sufficient skills to exclude patrons if problem gambling was suspected. Responsible Conduct of Gambling (RCG) training was viewed as basic and providing limited skill development on how to approach a patron to discuss problem gambling. Venues similarly raised that they would find it difficult to be responsible for the identification of problem gambling in venues. In this respect, most reported that they would be reluctant to initiate an exclusion based on suspected problem gambling, but were relatively more comfortable if the request for exclusion was made by a family member. The most workable approach, however, was seen to be involvement of professionals such as counsellors or psychologists to ensure matters were handled sensitively. Venues reported a strong interest in making a referral to such a contact, who then initiates discussions with either the family member and/or problem gambler. Key perspectives on venues initiating exclusions as a third party are in Table 3.

Table 3. Venue perspectives on the value of venue-initiated third party exclusions

Theme	Illustrative verbatims
Problem gamblers will just gamble at another venues, if a venue initiates an exclusion	<ul style="list-style-type: none"> • <i>Banning people isn't going to stop them. They'll just go down the road. Banning people doesn't really work, so I can't see the point in us being able to do this</i> • <i>Trying to exclude someone would be hard. With multi-venue self-exclusion, there are only so many kilometers you can ban someone</i>
Venue staff are not sufficiently trained to initiate exclusions	<ul style="list-style-type: none"> • <i>The RCG training is inadequate for staff. It's too low of a standard. That's the main issue. You'd need improved training for RCG for it to work - especially psychological training plus dealing with conflict...</i>
Venue staff are unable to identify problem gambling	<ul style="list-style-type: none"> • <i>I've got no way of knowing if someone is a problem gambler...</i> • <i>As a venue, I don't think you can bar someone for problem gambling. With alcohol, you can show repeat offences when people are intoxicated. But it's too difficult with gambling</i> • <i>It's hard for hotels to bar people. It's almost impossible. Time-wise, it could also be very time consuming. You don't have the time to talk to people about counselling and other options</i>
Venue-initiated exclusions may just shift a gambling problem	<ul style="list-style-type: none"> • <i>I once made a phone call to DOCS. Kids were coming in every day and the parents were taking kids to school and they'd play tag team and they'd do their homework on the table, while the other parent gambled... Next day we spoke to them and we didn't solve their problem. They just went elsewhere, so it shifted the problem</i>
Support for venue-initiated exclusions	
Venue-initiated exclusions could work, if a professional is involved (i.e., a venue initiates the exclusion, but a professional investigates the matter)	<ul style="list-style-type: none"> • <i>You need to refer to someone neutral to take the process over. Though don't have it impacting resources. You could look at a government call line making the decisions</i> • <i>I'd be open to it, but I'm not sure if we could approach John at the venue. It may be better to refer it on to a professional</i>
Some demand for third party exclusions reported by venues	<ul style="list-style-type: none"> • <i>I think it's a fantastic idea. I had a phone call from a lady who said she put her rent through, but I can only help through self-exclusion. But she didn't come in and didn't use self-exclusion, so I could have helped her then</i> • <i>Venue exclusions - yes we would like that. I have family members coming in from time to time asking about this, so it could be good to say yes, we can do that</i> • <i>As a venue, I wouldn't mind to be able to ban someone from gambling with some reasonable cause</i>

SUMMARY

Consultations with stakeholders highlighted that:

- While venues reported some potential to exclude patrons under current liquor legislation, there was a general view that exclusions at present were difficult and complex when related to problem gambling. This was primarily because there was not seen to be clear legislative grounds to exclude a patron from a venue due to problem gambling
- While venues were concerned about any future requirements to undertake compulsory exclusions if patrons experienced problem gambling, many venues supported the idea of venues being able to choose to initiate an exclusion of a patron due to gambling
- Venues generally believed that most venue staff did not have the necessary skills to effectively perform exclusions – Venues were also concerned that staff would not be able to reliably identify problem gambling in venues

Important considerations in designing a third party exclusion scheme

Stakeholders raised a range of important issues that required careful consideration in the design of a third party scheme. There was particular comment about the need for broad definitions of who could be considered a 'third party' to initiate exclusions. There was a general view that exclusions should be able to be made by anyone a gambler is close to and not just by a spouse or partner. Venues were also considered by counsellors as having a responsibility to exclude patrons, if a gambling problem was identified. Having broad definition of third parties was emphasised as important for people from Culturally and Linguistically Diverse backgrounds, as the definition of 'family' was typically very broad and often extended beyond the immediate family. In the case of friends, there was also seen to be potential to have provisions for those concerned about someone they are close to – such as a friend wanting to protect another friend from their own gambling. This implied that the definition of gambling harm should not just include harm to third parties, but should also include harm to the gambler themselves.

Stakeholders generally saw a need for robust processes and procedures to ensure that any exclusions were thoroughly verified, if raised by a third party. There was seen to be potential for vexatious claims against family members and particularly in situations where relationships were acrimonious. Child support cases were raised as one possible scenario where a partner may raise problem gambling to undermine the partner's potential to obtain child custody. There was also discussion that some adult children may raise concerns about problem gambling if they were motivated to preserve a parent's assets and hence, their inheritance.

Stakeholders also raised concern about the potential for litigation and privacy and confidentiality issues. There was seen to be the potential for litigation, unless prevented, in cases where venues allowed a gambler to breach their exclusion including from the perspective of both the third party (family member) and gambler. In addition, there was concern about significant privacy issues being raised for venues and gamblers. For instance, venues expressed concern about whether they would be legally able to even acknowledge that a person is gambling in the venue if the issue was raised by another family member. There was also concern about whether gamblers would discover issues had been raised by a family member and the difficulty of maintaining confidentiality. In addition, stakeholders also raised concern that excluding a gambler from a venue may not be effective and that multiple exclusions across a number of gambling activities should be considered as part of the design of an exclusions scheme. Key considerations in designing a third party exclusion scheme are in Table 4.

Table 4. Important considerations in designing a third party exclusion scheme

Theme	Qualitative verbatims
Who can initiate third party exclusions	
Wider definition of immediate family needed for CALD communities	<ul style="list-style-type: none"> <i>The definition of family is quite broad in CALD communities. You can't say just spouse or kids. Family members could be aunts or uncles. So it could be a very broad definition. So the definition of immediate family needs careful consideration...</i>
Person wanting to protect another person	<ul style="list-style-type: none"> <i>I don't think they should limit the harm to just the family member. Like a brother I can think of had a family member and she was looking after him. So she needed to protect him from gambling and should be open to raising an exclusion order...</i>
Need to reduce potential for inappropriate claims	
Need to reduce potential for vexatious or self-interested claims	<ul style="list-style-type: none"> <i>In extended families, people will say you're not a good enough wife for my son and they'll get sold out. So these type of cases need to be prevented</i> <i>Some people may have ulterior motives like an adult child wanting to save an inheritance. So you need to have a process to look at these</i>
Other issues	
Concerns about liability for third party exclusions	<ul style="list-style-type: none"> <i>Any board that makes decisions has to be protected against being litigated - so need laws to protect that aspect</i> <i>I'm concerned about the liability aspects of third party exclusions. What happens if someone gambles in their exclusion? It could lead to people getting sued</i>

Theme	Qualitative verbatims
Privacy issues are raised in discussing third party exclusions	<ul style="list-style-type: none"> • <i>If a third party provides information about the problem, a club needs to know its obligations under privacy law, so it raises privacy issues. Like can they even acknowledge that they know the person is gambling at the venue?</i>
Issues relating to people with mental illness and intellectual disability	<ul style="list-style-type: none"> • <i>For people with mental illness, siblings will be acting on their behalf so how will that work?</i> • <i>Maybe excluding people who can't give informed consent would be useful</i> • <i>A lot of our clients are under the Mental Health Act. A lot of the clients are sectioned, so it would be great to be able to protect them</i>
Need for exclusions for other gambling activities	<ul style="list-style-type: none"> • <i>As problem gamblers play many activities, I think they need to have exclusions for other forms of gambling as well</i> • <i>How about online gambling? If they are banned from a venue, they may just go online or go to the TAB. You need bans across multiple activities for it to be effective</i>

SUMMARY

Consultations with stakeholders highlighted that:

- Stakeholders believed that exclusions should be able to be performed by more than just immediate family members and should extend to anyone close to a problem gambler
- This broader definition of third parties was also particularly important for people of CALD backgrounds, as extended families would often be close
- Stakeholders believed that gambling harm should include both harm to the gambler or harm to a third party – This implied that people should be able to initiate a third party order if they were not impacted, but were concerned about a gambler's own welfare
- Stakeholders felt that a third party scheme should be designed to minimise/prevent vexatious claims
- Stakeholders emphasised that third party processes and potentially legislation may also need to manage the risk of privacy and confidentiality breaches associated with processing a third party claim (e.g., can the venue acknowledge that someone is gambling in a venue to a third party etc.)

Potential characteristics of third party exclusion scheme

Given that many stakeholders were concerned that excluding someone from a gambling venue may not necessarily help minimise gambling harm to families or the gambler, a range of other potential characteristics of third party schemes were explored. Discussions particularly examined the perceived value of mandated counselling and financial restrictions and asset protection as part of a third party scheme.

STAKEHOLDER PERSPECTIVES ON MANDATED COUNSELLING

Whether industry or counsellors, most stakeholders advocated the need to look at why a person was gambling as part of a scheme to reduce harm to significant others. This was seen as a useful means to getting to the root cause of problem gambling and breaking the cycle of gambling addiction. However, while many stakeholders supported the idea of mandated counselling in principle, many were also uncertain about whether problem gamblers would actively participate in counselling and whether mandated counselling would be therapeutically effective. This was largely because problem gamblers may not be in a stage of sufficient change readiness to benefit from counselling. In spite of this, many stakeholders thought that mandated counselling may still be worthy of exploration.

While clinicians working in individual counselling settings felt reluctant to work with mandated clients, some counsellors with experience in either family counselling or mandated counselling (e.g., for Probation and Parole) believed that there was potential to increase the effectiveness of mandated sessions using appropriate methodologies. Some counsellors had also used family interventions in their problem gambling counselling and commented that, while many clients were reluctant to attend and actively participate, some would still benefit from mandated sessions.

Counsellors without such experience, however, were quite reluctant to be involved in mandated counselling, as it was seen to go against the purpose of counselling, namely, to assist and support problem gambling clients. Some counsellors similarly suggested that training could be implemented to ensure that counsellors had the appropriate skill base to work in mandated counselling contexts. There was also concern about whether problem gamblers would even attend mandated counselling and that penalties or implications of non-attendance needed consideration in this context. One counsellor also raised the thought that, if mandated counselling was made flexible (e.g., including via telephone), then this may also help to increase the participation of problem gamblers.

Table 5. Potential characteristics of third party exclusion scheme – Perspectives on mandated counselling

Theme	Qualitative verbatims
Mandated counselling could be of value	<ul style="list-style-type: none"> • <i>The scheme should be more about supporting the family members more so that discussions can happen. Let's try and bring the other party into a room to discuss issues. So there is a whole range of issues to look at before exclusion</i> • <i>I work with mandated clients. Some do see the value in counselling over time, so it could well be of some value to be able to force people to counselling</i> • <i>I would think we would be best requiring people to get into counselling first, so we can work out why they are gambling</i> • <i>I think mandated counselling would be worth looking at...</i>
May not work if people are not ready to change	<ul style="list-style-type: none"> • <i>Some people have parole conditions and they have to be in counselling. They show up, but they are not ready to change. So you could make them do this in an exclusion order, but if it's going to work I'm not sure</i> • <i>Mandated clients don't usually work. Out of that group of people, some will change but they are very few and far between. Most people just feel persecuted by the system. They fight the system and fail...</i>
Clinicians were concerned about being involved in mandated counselling	<ul style="list-style-type: none"> • <i>I wouldn't want to treat a forced person, as we don't have a magic wand. I'm happy for people to be here reluctantly at some level, but there needs to be some commitment...</i>

Theme	Qualitative verbatims
Need mechanism to ensure counselling attendance	<ul style="list-style-type: none"> • <i>If a gambler is excluded, I suspect that they're not going to show up to counselling. They will fear coming</i> • <i>If a parolee fails to show up for mandatory counselling, they go back to prison. But if a problem gambling doesn't show, what's the course of action?</i> • <i>To make sure the person shows up, we need some penalties or implications...</i>
Counsellors would need special family relationship counselling skills / skills on how to work with mandated clients	<ul style="list-style-type: none"> • <i>I'm in two minds about it. I don't have a problem with mandated people coming to see me. A lot of my clients are reluctant clients anyway. But would the counsellors in the sector be sufficiently skilled at that. They'd need experience in probation and parole clients, forum sentencing and the like</i> • <i>The RGF would need to train counsellors how to do this well... It could be quite effective if counsellors develop special skills on how to work with such clients</i>
Mandated counselling may only work for couples wishing to stay in a relationship	<ul style="list-style-type: none"> • <i>Mandated counselling will probably only work for people who want to stay together. For those who want to break up, it may not work well, as they'll be happy to get a lawyer</i>
Counselling could also be via telephone	<ul style="list-style-type: none"> • <i>Counselling is 24/7, so could be by phone as well. Just make it flexible so people take part</i>

STAKEHOLDER PERSPECTIVES ON FINANCIAL RESTRICTIONS AND ASSET PROTECTION

Implementation of financial restrictions to protect the finances and assets of families was similarly explored as a further potential characteristic of a third party scheme. While many complexities associated with imposing financial restrictions were identified in discussions, many stakeholders believed that reducing or removing a problem gambler's access to cash would be more effective than barring a problem gambler from venues. This was also largely because exclusion itself would not guarantee that the problem gambler would stop gambling (e.g., problem gamblers may just gamble at a different venue). Stakeholders identified that asset protection would also be useful for families trying to save their assets and family home from being sold for gambling money. A number of counsellors reported situations where their clients had reluctantly handed over financial control to a spouse and while difficult, the arrangement had benefitted the family.

There was generally a view that only couples wishing to remain together may pursue financial restrictions and asset protection. Couples wishing to separate may use other alternatives for financial dispute resolutions such as through the Family Court system. However, accessing the family court system was considered very slow and expensive, as legal representatives may often be required. Illustrative comments included:

- *There are other channels for spouses to get money and that's through the Family Court system. But that's typically only if people are breaking up. If people are happily married and want to stay married, there's no avenue to resolve financial issues unless a financial agreement is in place. I think a third party scheme could be useful for people who want to stay together*
- *If a couple is separated, the Family Court can do all types of financial related orders - like assets being frozen, but if people are staying together, there's no channels to do that. It's also the case that the Family Court is already snowed under with cases*
- *This system is probably for people who want to stay together. Some couples are on the verge of losing everything, but they still want the marriage. They want the family moving forward, so this could help in these circumstances. If the public knows it exists, it could be a powerful early intervention*

Counsellors highlighted that significant others impacted by gambling would sometimes request advice on how to protect assets such as houses. There was also a common request for advice on how to place caveats on houses. While such advice may already be available to people affected by gambling, discussions indicated that many families would not know how to go about such protections. Protection of children from financial hardships was also seen as a useful benefit of a third party scheme that allows financial orders to be made. There was also comment from counsellors that many families would be unable to pay for things for children – including food and school necessities.

While financial restrictions and asset protection was seen as potentially useful to reduce the impacts of gambling on significant others, the area was viewed as being very complex and fraught with a range of legal issues. While seeing value in such a scheme, some stakeholders wondered whether the issue may be too politically unpalatable for Government, given that restrictions have met with controversy in other jurisdictions. Financial income management of people living in Indigenous communities was one such circumstance. There was similarly a view that, if such restrictions were put in place to reduce the harm of problem gambling, then the same restrictions should also be applied to alcohol. The potential for problem gamblers to turn to crime or DFV was also seen as a risk of financial restrictions. Counsellors reported that problem gamblers were often very motivated to gamble at all costs and that risk management strategies would need to be in place to manage the risk of problem gamblers accessing money through illegal means. There was also a view that other valuable, yet smaller assets of the family could be sold to generate money to gamble. From this perspective, while supporting the idea in principle, stakeholders felt that financial restrictions such as bank account control would need to be managed very carefully to ensure that families and the community are not impacted in other ways.

Table 6. Potential characteristics of third party exclusion scheme – Perspectives on financial restrictions and asset protection

Theme	Qualitative verbatims
Income protection is needed to protect family income and assets / would be more effective than exclusions	<ul style="list-style-type: none"> • <i>I like the idea of protecting the assets rather than barring... I think there would be more value in asset and income protection, so that the family has food and shelter</i> • <i>Access to cash would have much more efficacy from a treatment perspective</i> • <i>I like this idea. Reducing access to money will give people a chance to live a life without gambling</i> • <i>We have used bank account control for some clients. It can work</i> • <i>I think that protection orders for finances should definitely be there</i>
Need mechanism to protect property (e.g., houses)	<ul style="list-style-type: none"> • <i>Going to Family Court is an expensive exercise. But if you want to put the house in your name, how can you do it. So investigating that angle would be worthwhile. I've had many families ask for this over the years</i> • <i>In a year, I'd see 100 people asking for advice on how to protect assets. Everyone wants to know this (Note that Wesley Legal provides such advice)</i>
Problem gamblers may revert to other ways to obtain cash for gambling	<ul style="list-style-type: none"> • <i>If they can't get their money, some may just start hocking items. That's hard to control - like pawn broking and loan sharks. Selling shares could come into it too</i> • <i>Are they going to look for other sources of money though - like selling something</i>
Income protection used in Indigenous communities cited as a similar concept	<ul style="list-style-type: none"> • <i>They are doing a trial in Bankstown. It raises the same ethical dilemmas as family income protection. There is nothing at the moment to safe guard finances and there should be</i>
The impacts on children need consideration	<ul style="list-style-type: none"> • <i>It becomes a child protection issue. Especially in cases where there are kids - like 60% of his money may need control. A lot of people will reject it, but it should be done anyway. It's similar to family income management. If the kids and their education are affected, it should be applied</i>
Removal of financial restrictions needs consideration	<ul style="list-style-type: none"> • <i>One guy had \$100k locked away and he lost his job. As soon as he could, he drew it out of a locked account. He gambled \$100k in 10 days. Some people may still have the urge to gamble, so that needs to be thought about</i>
DFV could be a risk of financial restrictions	<ul style="list-style-type: none"> • <i>DV could start if someone's finances get controlled, so that risk would need to be considered and managed as part of the process</i>

SUMMARY

Consultations with stakeholders highlighted that:

- While stakeholders believed that mandated counselling of problem gamblers would be very complex and may not always be effective (as it was an unknown), attempting mandated counselling was seen as a useful means to target the root cause of the gambling problem
- Some counsellors with experience in mandated counselling report that impacts of mandated counselling can sometimes, but not always, be positive
- Counsellors with experience in family and mandated counselling also advocated that outcomes can also often be determined by the skill set of the counsellor involved and that a special skill set is required
- Counsellors with mostly experience in one-on-one counselling reported concern about whether they could effectively counsel an individual who is not ready to change their gambling behaviour – Some also reported concern that mandated counselling may be a conflict of the duty of care of counsellors towards problem gamblers
- Removing a problem gambler's access to cash was generally viewed by stakeholders as more effective than venue exclusion in protecting family assets and financial resources
- While couples separating/divorcing had the potential to use the Family Courts system to protect financial assets, the processes were seen as very slow, legalistic and expensive – in addition, there were currently no readily accessible processes to assist couples wishing to remain in a relationship to have their assets/financial resources protected from problem gambling
- While restricting access to cash was seen as potentially very effective in protecting a family from problem gambling harm, many stakeholders believed that such initiatives may be very controversial in the community – especially in view of similar restrictions being applied to Indigenous community members
- Counsellors and Wesley Legal Service reported that many families would often be interested to understand if there were any mechanisms to protect their assets from gambling impacts
- While restrictions on access to cash were seen as potentially useful, many stakeholders still saw need for counselling to ensure that the root cause of problem gambling is understood and addressed as part of a third party scheme

Potential processes for a third party scheme design

As part of discussions with stakeholders, potential processes for a third party scheme were discussed. Particular focus was placed on how processes should be designed to ensure that third parties can effectively exclude or apply other orders to problem gamblers to ensure that they are fair and well-managed. Feedback was generally provided on a number of levels. Stakeholders provided views on general third party scheme processes, as well as the role that venues/ClubSAFE and counsellors could potentially play in third party schemes. These views also reflected the different range of stakeholder groups consulted during consultations.

POTENTIAL ROLE OF VENUES IN A THIRD PARTY SCHEME

Venues were generally considered by stakeholders as potentially important in a third party scheme, as venues would often be a first point of contact for family members concerned about someone’s gambling. Many stakeholders believed that this was also a reason why venues should initiate requests for third party exclusion. This was seen to imply the need for a process, where venues could receive and process complaints raised by family members.

Some stakeholders believed that venues could initiate a temporary exclusion based on a preliminary review of evidence presented by a family member. It was then thought that the next step would involve the case being independently reviewed by a panel or other mechanism. Multi-venue exclusions were also considered important, given that barring a gambler from a single venue would imply that the gambler may gamble elsewhere. One country venue, however, raised concern about multi-venue exclusions on the basis that excluding too many people from all venues in a small town could impact the clientele available to commercially sustain venues.

While some stakeholders additionally supported the idea that venues should perform welfare checks on family members identified as experiencing problem gambling, some venues felt that this was difficult, as staff would not have the skills to undertake such checks. Most venues similarly reported feeling more comfortable making a referral of a case to a professional for independent checking and management.

It was similarly suggested by some stakeholders that such a process could be managed through ClubSAFE and utilize the existing self-exclusion system. In this respect, adding on a potential module for third party exclusions was seen as logical and an extension of the current self-exclusion program. While this approach was supported by some stakeholders, others preferred to see Government managing the process. This was seen by such stakeholders to be more robust and having increased potential to promote industry compliance with future requirements.

A number of stakeholders similarly held a view that venues should be required to identify problem gambling signs in patrons as part of a third party scheme. However, some venues reported that they felt concerned about this being a possible requirement, given the difficulty identifying problem gambling in patrons. Key comments highlighting the possible roles of venues in a third party scheme are in Table 7.

Table 7. Potential role of venues in third party scheme

Theme	Qualitative verbatims
Venues are an important initiation point, as families approach venues	<ul style="list-style-type: none"> • <i>I think that family members would go direct to clubs and say don't let him in. So that's not a bad starting point</i> • <i>I'd like to see it shape venue behaviours. The model that would make the most sense is to put the responsibility on the venues. Family members will be ringing venues, so they should initiate the process</i>
Venues could place a temporary exclusion	<ul style="list-style-type: none"> • <i>The venue can put on a temporary ban and a referral is made. If they don't show up for counselling, then the ban won't be lifted</i>
Venues <u>should</u> be required to respond to early warning signs of problem gambling	<ul style="list-style-type: none"> • <i>When people get drunk, they get violent and cause mayhem. But with gambling, it's seen to be the gambler's responsibility. So maybe encouraging venues to give them a tap on the shoulder, if they have been sitting there for six hours is the way to go. So that's more effective than anything else</i>
Venues <u>should not</u> be required to respond to early warning signs of problem gambling	<ul style="list-style-type: none"> • <i>I think it's difficult to make a pub responsible for tapping people on the shoulder, as it's difficult to identify problem gambling</i>

Theme	Qualitative verbatims
Venue staff don't have the skill to exclude a patron	<ul style="list-style-type: none"> <i>I wouldn't want an 18 year old staff member doing this. They don't have enough life skills</i>
Potential for wider area welfare professional to undertake exclusions (on venue requests)	<ul style="list-style-type: none"> <i>Maybe we employ a chaplain for a wider area and roll that model out. You need an outreach model. Our approach is an early intervention approach. Perhaps one person could look after five clubs and pubs. He could pop in regularly as a full time job and get to know the patrons</i>
Potential for ClubSAFE to manage third party scheme processes	<ul style="list-style-type: none"> <i>I'd like to see ClubSAFE doing it. They will need a process to handle i</i>
Other views about who should manage third party scheme processes	<ul style="list-style-type: none"> <i>I'm not sure if ClubSAFE should do it. I think ILGA should do it, or OLGR.</i>

POTENTIAL ROLE OF AN EXPERT PANEL IN A THIRD PARTY SCHEME

Stakeholders also discussed the processes that could be used to ensure that correct decisions are made about exclusions and related decisions in a third party scheme. Stakeholders held a view that an expert panel should be convened to make decisions about third party exclusions and that such a process would ensure that all cases are thoroughly considered from both the perspective of the gambler and the third party raising the claim. Another perspective was that, for simplicity, it may be appropriate to have a single individual make decisions in the first instance and then have cases reviewed if they are disputed. This was seen as having potential to save time and administration costs.

There was generally a view that any panels should not be adversarial towards gamblers and take a pastoral care approach towards supporting both the affected gambler and family members. There was similarly a view that self-exclusion should be offered in every situation to help ensure that the gambler makes their own independent decision to change their gambling behaviour. Guidelines to ensure fair and balanced decisions were emphasised as important, such as the types of harms or impacts that could be considered in initiating an exclusion or other measures. There was a view that a panel could similarly make decisions about exclusion zones and thus multi-venue exclusions, given the view that a single venue exclusion was generally not viewed as potentially very effective.

Some stakeholders believed that a chaplain or similar role could be utilized to undertake assessments after third party requests are made to venues. In this model, chaplains would work across a number of venues and conduct welfare checks on patrons where there were concerns raised by third parties. While most counsellors supported the notion of third party exclusions in principle, some were concerned about being a potential contact point for initiation of exclusions or other third party orders by family members. This was primarily because it was seen to be against the interests of problem gamblers, the segments that most frequently attended counselling. However, many counsellors were more concerned about making decisions and were relatively more comfortable making referrals to panels or other forums for decision making. This implied that counsellors were comfortable providing information, yet did not want to be responsible for making exclusion decisions. Perspectives on the idea of an expert panel in a third party scheme are in Table 8.

Table 8. Perspectives on the idea of an expert panel in a third party scheme

Theme	Qualitative verbatims
Expert panel to review cases, with diverse representation	<ul style="list-style-type: none"> <i>To make sure that there is a fair assessment, you'd probably want a panel making the decisions. Like you'd want a problem gambling expert, a financial type person with the knowledge of options – like a financial counsellor and a legal representative</i> <i>You would have to have representatives from different groups - family services or community services and psychiatrists who treat problem gamblers - maybe someone from a legal background as well</i>
Have an individual expert conduct a review, then convene a panel if required	<ul style="list-style-type: none"> <i>You need some person to do some analysis if a family member provides reasonable evidence. If the person objects, then you bring in the panel</i>
Panel focuses on supporting the problem gambler (rather than punishing)	<ul style="list-style-type: none"> <i>You want people to feel that they're in a chapel, not a courtroom</i> <i>There needs to be a three-way discussion to discuss with the problem gambler, the wife and clinician about the best way to help each person and support them</i>
Panel could offer self-exclusion as a first option	<ul style="list-style-type: none"> <i>You could offer people self-exclusion as an option. It makes sense to get this in place, if they agree</i>
There should be penalties for vexatious claims	<ul style="list-style-type: none"> <i>You need to make sure that people are prosecuted if they do a false declaration...</i>
Guidelines for assessment should be developed	<ul style="list-style-type: none"> <i>I think a guideline of questions need to be used to evaluate the person so the panel can be called to assess these</i> <i>I think you should look at harm to the gambler, harm to families, attitudes towards EGMs, regularity or frequency of play and things like that</i>
Cases would need prompt assessment	<ul style="list-style-type: none"> <i>Having a mechanism where someone can prevent gambling urgently is needed. You can't wait a month or more for a hearing</i> <i>Panels would need to be convened promptly, otherwise people would lose their house</i>
Partial exclusions could be considered	<ul style="list-style-type: none"> <i>People need to be able to come in and have meals in venues, so full exclusions wouldn't work</i>

SUMMARY

Consultations with stakeholders highlighted that:

- Venues were considered an important initiation point for third party exclusions, given that families would often approach venues with their concerns
- Some stakeholders believed that venues could initiate a temporary third party exclusion based on review of initial evidence provided by a third party – However, following this, an independent review by an expert panel was seen as important
- As barring a gambler from a single venue would imply that a gambler could still gamble at other venues, multi-venue exclusions were seen as important, if a gambler was experiencing problem gambling
- While some stakeholders supported the idea that venues should perform welfare checks on family members identified as experiencing problem gambling, some venues felt that this was difficult, as staff would not have the skills to undertake such checks
- Most venues reported feeling relatively more comfortable making a referral of a case to a professional for independent checking and management - The idea of a chaplain or a similar professional working across venues was also supported by some stakeholders
- While some stakeholders reported interest in ClubSAFE managing such a program, others reported a preference for the matters to be managed by Government
- If a panel was convened to review third party claims, stakeholders felt that the panel should take a pastoral care role towards both the problem gambler and the family member and avoid an adversarial or legalistic approach
- Clear guidelines to ensure fair and balanced decision making by a panel were emphasised as important in ensuring an effective third party scheme

Stakeholder views about revocation and penalties for Third Party Exclusions

The concept of how best to revoke third party exclusions was discussed amongst stakeholders. It was considered important to develop a process and clear criteria to govern how best to remove exclusion orders to ensure that a consistent and fair approach was applied. Most stakeholders believed, however, that it would not be feasible to set a 'default' time frame for an exclusion and that it was best to consider individual circumstances in determining the duration of exclusion and potentially, the criteria that should be in place to remove an exclusion order. For instance, if problem gambling was impacting on the care of children, it was felt that this should be assessed prior to an exclusion order being revoked. In this context, it was felt that counsellor or expert panel views, in particular, would be useful in discerning when and on what criteria to remove an exclusion. Many stakeholders also felt concerned about the idea of venues being responsible for removing exclusions. It was felt that exclusions are clinical decisions and should not be left to venues.

The nature of penalties for breaching exclusions was also discussed. There was a view that financial penalties may just worsen a gambler's financial situation and that financial penalties had limited therapeutic value, given the nature of problem gambling addiction. For breaches, it was felt that counselling or extensions to exclusions may be relatively more effective. Community service work was also suggested, along with prize and jackpot forfeiture. In addition, there was a view that liability for breaches should be removed from venues and venue staff and potentially from any other stakeholders involved in revocation decisions. Stakeholder views on revocation and penalties for third party exclusions are in Table 9.

Table 9. Stakeholder views about revocation and penalties for Third Party Exclusions

Theme	Qualitative verbatims
Revocation of exclusions	
Need for a panel of experts to make decisions about when to revoke exclusions	<ul style="list-style-type: none"> <i>I don't want a venue to make an assessment or call. I'd want to see a panel of experts independently assess each case</i> <i>I think it should go to a panel - though keep it simple so people will use it more. A panel would have the skill sets. A psychologist, DOCS, a person with financial skills</i>
Value in individualising exclusion time frames and criteria	<ul style="list-style-type: none"> <i>Personally time frames should be determined after initial counselling - so it's tailored to the person and his needs. I don't like the idea of default time frames</i>
Penalties for breaches	
Penalties in the form of increases to exclusion, counselling or community service work should be added for breaches	<ul style="list-style-type: none"> <i>If someone breaches, then we could maybe look at more counselling, though at some point I guess it could become a lost cause</i>
Fines for breaches	<ul style="list-style-type: none"> <i>I think fines and penalties may work</i> <i>Fines just make finances worse</i>
Prize forfeiture for breaches	<ul style="list-style-type: none"> <i>Prize and jackpot forfeiture may be a good incentive for breaches. In NSW, you do get paid if you win under a self-exclusion breach. But maybe there's a need to change this into the future</i>
Need to remove liability for breaches	<ul style="list-style-type: none"> <i>We'd want legislative protections so that people in clubs won't be going to court, if someone breaches at a venue</i>

SUMMARY

Consultations with stakeholders highlighted that:

- Most stakeholders believed that there should not be default time frames for third party orders and that the duration of each order should be tailored to individual and family needs and circumstances
- Stakeholders felt that venues should not be left to make decisions about when to revoke third party orders, rather experts in problem gambling were seen as best involved
- As financial penalties for breaching exclusions were seen as worsening a family's or gambler's financial situation, other penalties were seen as potentially more effective. Extensions to exclusion time frames, additional counselling and community service orders were considered relatively more effective
- Prize and jackpot forfeiture was also seen as important to reduce the likelihood of gambler breaches
- Some processes were additionally seen as required for circumstances where a relationship ends during an third party order (e.g, a couple separates)
- Venues and venue staff expressed concern that potential liability for breaches should be removed in future legislation (so that a gambler or family cannot sue for a breach of a third party order)

Stakeholder views about demand for and promotion of Third Party Exclusion

Stakeholder views about the level of demand for third party exclusion in New South Wales were also explored as part of discussions. There was a general view that the scheme should be explicitly promoted, if it is to be offered in the state. If promotion was not undertaken, it was expected that very few people would actually initiate third party exclusion. There was also a view that many people may enquire about third party exclusion and then decide not to pursue exclusion because of the many complexities associated with excluding someone from gambling. In particular, counsellors would often discuss with families that problem gambling behaviour change was very complex and that there was no simple solution (such as barring a family member from a gambling venue). Such discussions would then lead to provision of information to families about how best to protect themselves from the impacts of gambling and how not to facilitate problem gambling behaviour. In addition, there was also a view that Aboriginal people may be reluctant to use third party exclusion, as many did not like to become involved in the financial affairs of their family members.

In spite of the possible low demand for third party exclusion, many counsellors and industry stakeholder saw merit in promoting the availability of the scheme to family members in both venues and to significant others attending counselling. Some counsellors similarly believed that the scheme may provide a tool or 'hook' to encourage help seeking by significant others. This was also seen as a positive benefit of having third party exclusion available. While it may not be widely used, its mere availability may be attractive to some families and encourage counselling attendance or other help seeking. Within venues, there was also seen to be potential to promote third party exclusion alongside current self-exclusion programs. However, there was a general view from stakeholders that current promotions could be more proactive, as many people still did not understand that self-exclusion was available. Key stakeholder views relating to the promotion and predicted demand for Third Party Exclusion in New South Wales are in Table 10.

Table 10. Stakeholder views about promotion and predicted demand for Third Party Exclusions in New South Wales

Theme	Qualitative verbatims
Promotion of a third party scheme	
Need for promotion	<ul style="list-style-type: none"> <i>I can't see any point bringing it in, if they don't explicitly promote the scheme</i> <i>Families should definitely be made aware of it</i>
Demand may be low (without explicit promotion)	<ul style="list-style-type: none"> <i>In theory it sounds fantastic, but when families are told what's involved, they won't follow it through</i>
Link third party exclusion to self-exclusion scheme promotion	<ul style="list-style-type: none"> <i>If it's proven to be effective, it should be promoted part of the self-exclusion scheme. That's the logical spot for it</i>
Aboriginal people may not use the scheme	<ul style="list-style-type: none"> <i>Many people don't get involved in a family's financial matters. I don't think people would get involved in the financial problems unless they are living in the same house. Some uncles and aunts would say they have a problem, but they wouldn't take action</i>

SUMMARY

Consultations with stakeholders highlighted that:

- Stakeholders believed that a third party scheme should be actively promoted, if it is to be established in NSW
- Without promotion of the scheme, stakeholders believed that very few people would utilize the scheme and there would be little benefit in establishing a third party scheme
- Some counsellors reported that, when family members had asked about their current ability to exclude problem gambling family members, many were turned off the idea, once they understood the complexities of problem gambling (e.g, that gamblers may gamble elsewhere unless the root cause of the problem is addressed)
- Some counsellors believed that the existence of a third party scheme may be a tool that could be promoted to attract family members into counselling
- Stakeholders saw potential to promote third party exclusion alongside self-exclusion – There was also a view that self-exclusion should always be offered to a gambler first to build their commitment to behavioural change

Section E - Interviews with significant others and proxies to explore the potential of a third party scheme

While a third party scheme is not yet operational in NSW, it was important to test a range of design characteristics with potential scheme users to assess their relevance and appeal. To this end, a series of interviews were undertaken with significant others affected by problem gambling as part of the research. This included fifteen spouses affected by problem gambling and other family members (e.g., parents affected by a son's problem gambling). In two additional cases, people affected by a close friend's problem gambling took part in discussions. Key areas explored from a stakeholder perspective were also explored from the perspective of significant others. Accordingly, interviews explored the financial impacts of problem gambling, views about the overall effectiveness of third party exclusion to minimise gambling harm experienced by others, specific views on future possible design characteristics of a third party scheme (e.g., venue exclusions, mandatory counselling, financial restrictions on problem gamblers) and views about how a third party scheme should be administered. This was also an opportunity to examine the types of processes that potential users may find most comfortable, if they were applying for a third party order.

Given that interstate Government administrators were unable to provide specific users of their schemes for consultation (as this would breach confidentiality and was also difficult, given that few users were available), discussions were undertaken with five counsellors in other jurisdictions to gather case study reports on how users had experienced the third party scheme. These insights are then summarised at the end of the report section. The protocol used to guide interviews is in Appendix C. In addition to the interviews with significant others, a small number of survey questions were added to another survey of EGM players to explore significant other and gambler reactions to third party exclusion. Relevant questions are presented at the end of Appendix C. This section of the report is structured as follows:

- How families in NSW reported being impacted by problem gambling
- Family member views about the value and effectiveness of venue exclusion in a third party scheme
- Family member views about the value and effectiveness of mandatory gambler counselling in a third party scheme
- Family views about the value and effectiveness of financial restrictions on gamblers in a third party scheme
- How family of problem gamblers would like a third party scheme to operate
- Whether family members would use a third party scheme
- Case studies involving counsellor reports of third party experiences with schemes in other jurisdictions

How families in NSW reported being impacted by problem gambling

Discussions with family members in New South Wales highlighted that many families experienced a wide range of impacts from another person's problem gambling. Most typically families were concerned about financial impacts and the associated relationship breakdown and emotional trauma that had occurred due to problem gambling. Where gambling had been hidden for a long time, some family members had only discovered financial impacts after significant harm had already occurred. While most impacts had occurred to spouses in couple relationships, some impacts had also occurred to parents after they had assisted their son or daughter financially.

Specific impacts reported identify the many types of harms that could be potentially addressed through a third party scheme. Most notably, these included credit card debts (e.g., cash advances on credit cards and applications for new credit cards), theft of money from the home, financial impacts on children such as being unable to pay for schooling costs, sale of shares, properties or vehicles to provide cash for gambling, use of high interest loans (e.g., pay day loans) and hocking of smaller items such as jewelry. Some family members had also indirectly contributed to their own financial impacts by either providing the gambler with money or by undertaking large purchases, after the gambler denied that there were any financial concerns. Major reported impacts are in Table 11.

As a result of financial impacts, many families were not able to pay for food or other related household expenses. In many cases, family members affected were females in a relationship where the male partner or spouse had control over finances (including control over bank accounts). As some family members did not have access to the affected household accounts (or were a second signatory), there was also comment that it was quite difficult for the person affected to fully understand the true financial impacts. In such circumstances, people had approached banks for information and had been denied access to the account. In other cases, spouses had suspected or had even identified 'hidden' bank accounts that were being used to fund gambling. For this reason, family members emphasised a need for a mechanism to help them investigate the impacts and stop cash being withdrawn from accounts.

Taking action to curb the financial impacts was also reported to be quite difficult for family members who were financially dependent upon the gambler. The situation had made the family member feel very vulnerable and uncertain about how to manage their current financial situation. Many family members also reported feeling helpless about how they could start to resolve or address the financial impacts. In this context, family members were looking for a service that would be able to support them to work out the next steps and to help them regain control over their financial situation. Several suggested that having an organisation able to advocate for their situation would be very helpful, as there was currently seen to be no mechanism available in New South Wales to do this.

Comments included:

- *When my dad was in a nursing home, we went into an advocacy organisation and they asked what do you need? What can we do to help you? That's what I needed when this gambling issue came up. You need someone to help you, as you go under as well when someone gambles. We need someone who can help troubleshoot the issues for you*
- *I felt we got no help from anywhere at all. They'd all say due to privacy, they couldn't do anything and in the meantime, our financial situation was getting worse and worse. In the end, we had to get an Member of Parliament to step in*
- *There was no one to help me. I was so desperate to stop him, I even tried the police, but they said it's not possible and they couldn't do anything to help me*

Table 11. Impacts of problem gambling reported by families in New South Wales

Theme	Qualitative verbatims
Financial impacts reported by family members	
Theft of money	<ul style="list-style-type: none"> • <i>My husband stole money from me. He took it without my knowing about it</i> • <i>The family member stole from us...</i>
Credit card debts (and cash advances)	<ul style="list-style-type: none"> • <i>I saw his credit card withdrawals via cash advances...</i> • <i>I had a credit card debt from the gambling - it was about \$25k</i>
Banks refuse to discuss debts as family member is only a second account holder	<ul style="list-style-type: none"> • <i>I went to the bank and they said we can't talk to you... I was not able to even find out about them. I was only the second account holder</i>
Education of children was impacted	<ul style="list-style-type: none"> • <i>Sending the kids to school was difficult, as we had no money for that either. So their education also got affected by the gambling</i>
Family member purchases items not affordable, as problem gambler lied and said 'we have the money'	<ul style="list-style-type: none"> • <i>It led to me buying things we couldn't afford, as my husband would lie to me about our financial situation...</i>
Sale of vehicle	<ul style="list-style-type: none"> • <i>He owed money, so he sold our car, which was about \$5k. He sold the car and took the money to the club and the casino</i>
Sale of shares	<ul style="list-style-type: none"> • <i>When the debts got to \$22k, he'd say we need some money and said how about we sell the shares. So \$22k was run up every year to pay the gambling debts...</i>
Family member tried to enlist help from club to stop the gambling (to no avail)	<ul style="list-style-type: none"> • <i>I had approached the club to stop him gambling but they didn't take any notice</i>
Fear of domestic violence	<ul style="list-style-type: none"> • <i>We were separated, though we lived together and kept separating. I didn't feel safe with him. He got angry a lot and would pressure me for money all the time</i>
Reliance on Centrelink and material aide	<ul style="list-style-type: none"> • <i>We had to rely on Centrelink. We were impacted severely</i> • <i>I'm relying on Vinnie's for food</i>
Inability to pay rent or mortgage	<ul style="list-style-type: none"> • <i>We couldn't pay the rent. He spent our money</i> • <i>Our mortgage was really far behind. We almost lost our house</i>
Loss of property	<ul style="list-style-type: none"> • <i>We lost the house. We got way behind in the mortgage.</i>
Money taken from business	<ul style="list-style-type: none"> • <i>His company went into receivership too, as he was taking money from there too</i>
Pay day loans	<ul style="list-style-type: none"> • <i>He took out pay day loans</i>
Items hocked	<ul style="list-style-type: none"> • <i>He sold jewelry</i>
Emotional and relationship impacts reported by family members	
Emotional impacts on family member	<ul style="list-style-type: none"> • <i>I was very emotionally affected by it all. The lies and stealing...</i>
Gambler had suspected emotional issues that contributed to the gambling	<ul style="list-style-type: none"> • <i>He had nightmares from the war. The nightmares are coming to the surface and he drinks to stop the nightmares. The GPs can't do much too</i>
Family feels financially vulnerable if financially dependent on the gambler	<ul style="list-style-type: none"> • <i>I was on maternity leave and not working, so I felt very financially vulnerable...</i>
Other impacts reported by family members	
Job loss (due to theft etc.)	<ul style="list-style-type: none"> • <i>He got in trouble stealing from his employer and ended up losing his job</i>
Gambling housemate continually begging for money/food	<ul style="list-style-type: none"> • <i>All the money owed to me is from gamblers - friends who've been affected. I know they are putting it through poker machines</i>

Family members also highlighted that a range of related services and support programs were needed to help reduce the harms experienced by both families and gamblers. These were described to include health and wellbeing assessments for affected family members, help to get their lives back on track and assistance with diversionary activities for affected problem gamblers. Comments highlighting service and support needs included:

- *I think counselling sessions help a lot. We need more family counselling. The family is very important to stop the gambling, so we need help to work through the problems*
- *Activities would help too for the person with the gambling problem. They are disabled and need lots of exercises – They could go to the swimming pool into hydrotherapy and go and do excursions to help them recover*
- *Many of us are single mums. I am struggling with English and the kids and money. So things to help women would be good – like childcare at counselling for the kids. I want to put my daughter into childcare to learn the language and play with other children. But I don't know where I can start*
- *It was my son affected by gambling. It was a huge impact on me. It affected my health and I became anxious. I needed a psychologist to help me*

Key learnings from discussions included:

- Emotional and financial impacts are reported as the main types of impacts on families due to problem gambling
- Common financial impacts include debts (including credit card cash advances and other loans), theft of cash, use of remaining savings, high interest loans and hocking of assets and other household items
- Some families also report loss of property and shares as a result of problem gambling
- As a result of financial impacts, many families are unable to pay for household expenses to survive
- Some female spouses were also uncertain about the level of financial impacts, as they did not have full control over bank accounts – Many reported needing help to investigate finances
- Most families saw a need for a mechanism to stop their money and assets being eroded due to problem gambling
- Given that financial issues are often quite complex, many families felt in need of help and support to take stock of the financial matters and associated impacts
- Other services were also seen as being needed by families affected by problem gambling including counselling for the family members, case management services (including identification of activities and other supports to assist the gambler and family to recover - e.g., activities to replace gambling)

Family member views about the value and effectiveness of venue exclusion in a third party scheme

Discussions with family members revealed that most gamblers had not attempted self-exclusion, as they had not recognised that their gambling was a problem. The only instances where they had tried self-exclusion had been after counselling had occurred and it had been suggested by the counsellor. Some family members had also made the suggestion to the gambler; however, due to non-recognition of the gambling problem, it was invariably not considered. Some gamblers had also attempted self-exclusion, but it was not effective, as they gambled outside the exclusion zone.

Illustrative comments from families of problem gamblers included:

- *I tried to encourage him to exclude, but he never did. He didn't think the gambling was a problem*
- *He did try a long time ago. But he has relapsed since that. It didn't work for him*
- *It was sports betting online, so there was no point excluding him from pubs and clubs...*

Family members were asked to reflect on whether there would be value in a family member being able to exclude a person from gambling under a Third Party Scheme. A number of family members supported the idea, as they thought that an official ban may act as a psychological trigger to encourage the gambler to consider the broader impact of their gambling. In this respect, most family members thought that the greatest impact of exclusion would be the potential psychological impact.

Comparatively, fewer family members thought that exclusion from pubs and clubs would stop the family member from gambling. This was largely because many gamblers would engage in a range of gambling activities including play at the TAB and online and because many were driven to gamble at all costs. In essence, family members believed that the urge to gamble would be too strong that an exclusion would not stop the person from gambling. A number of family members also remarked that it may be difficult to ascertain where their significant other was gambling, as they did not know the specific locations - *He goes to a few clubs and TABs, but I don't know where he is gambling.*

The idea of exclusion gamblers from 35 venues was also explored. This was examined as this is currently a typical exclusion for people electing to self-exclude from pub and club venues. While family members supported the idea for its psychological impact, many did not believe that 35 would be a sufficient number of venues to ensure that the gambler would be stopped from gambling. Some family members believed that all venues and forms of gambling would need to be banned to ensure that exclusion was effective. Others remarked that 35 venues would not be a large distance in metropolitan areas and that it may be easy for a gambler to find another gambling venue outside the exclusion zone. Family member views about exclusion in a third party scheme are in Table 12.

Table 12. Family member views about the merits of third party exclusion from gambling venues

Theme	Qualitative verbatims
Exclusion would be useful	<ul style="list-style-type: none"> • <i>I think it would be good if he could be excluded. I should have the right to do this, as we live in the same home together. It will save him. Though I'm not sure if it'll work</i> • <i>I would definitely like to see venues ban people from gambling. That's what we need</i>
Exclusion may not be helpful (Gambler would just gamble elsewhere)	<ul style="list-style-type: none"> • <i>If there are addicted, they'll find something else</i> • <i>When he was in the midst of the addiction it was too strong, he would have probably just gambled elsewhere. They almost don't care</i>
Views about exclusions from 35 venues	<ul style="list-style-type: none"> • <i>Yes – 35 venues would be better than nothing. The more you do, the better...</i> • <i>I think he would have needed more than 35, as that was his self-exclusion. He will just drive further. Like 70-80 clubs or more would be OK...</i>
Exclusion from online gambling may be effective	<ul style="list-style-type: none"> • <i>My son is very introverted. He may do pokies instead of online gambling, but if he had to go to a TAB to do it, he may be less inclined to go there</i>

Key learnings from discussions included:

- While some gamblers had attempted self-exclusion, most families reported that it was not effective in stopping the gambling or that the gambler did not see a need for it
- Families saw third party exclusion as a useful tool to help stop the gambling – however, it was mainly valued for its psychological impact, rather than necessarily stopping the gambling
- Families believed that the gambler would gamble elsewhere if banned from pubs and clubs by a third party
- Exclusion from 35 venues was also seen as insufficient to guarantee that a gambler would not gamble
- Exclusion from other types of gambling was also seen as important if gamblers were to be excluded from their main types of gambling (e.g., especially online and via TAB outlets) (in addition to pubs, clubs and the casino)

Family member views about the value and effectiveness of mandatory gambler counselling in a third party scheme

Family members were asked to provide views about the value and effectiveness of mandatory gambler counselling as a part of a third party scheme. At a general level, there was strong support for the notion of compulsory counselling, as this was seen as a means to get to the root cause of the gambling problem. Family members also typically anticipated that the gambler was experiencing emotional issues that had led to a reliance on gambling and felt that professional discussions may help resolve the issues. All family members had tried to engage in discussions with the affected gambler, however, discussions had mostly had no effect, as the gambler did not believe that they had a gambling problem. All family members saw the gambling problem as akin to a serious addiction, where the person affected had little control over or insight into their own behaviour.

While all family members felt that counselling would be useful, some were uncertain about whether their family member would actually attend counselling, even if compelled under legislation. There was a view that penalties for non-attendance may be useful in this context. Some advocated the use of fines, while other advocated penalties such as prison time and community service hours. Several also felt that community service hours – especially with vulnerable or disadvantaged people – may help the gambler to gain insight into their own behaviour and its impact on families, whilst not disadvantaging the family financially. Keeping families informed about the person’s attendance at counselling was also seen as a mechanism to ensure that families could apply pressure on the gambler to attend counselling. Even if gamblers attended counselling, some family members were unsure whether they would actively participate in the counselling to understand why their gambling was causing harm. However, most believed that attempts to engage the gambler in counselling were nevertheless quite useful and worthy of inclusion in a third party scheme.

Family members also provided a number of views about how best to design counselling session. There was a general view that offering both telephone and face-to-face counselling may help increase gambler compliance with mandatory counselling requirements and that phone counselling may reduce the shame and embarrassment of attending a face-to-face session. There was also a view that the number of sessions should always be tailored to the needs of the individual, rather than specifying a default or arbitrary number of sessions. One family member also advocated the value of organising a type of family intervention in a group counselling format as a mechanism to encourage the gambler to see the need for behavioural change.

A person both impacted by and experiencing problem gambling also provided views on whether they would have attended counselling if mandated by a family member – *I'd probably accept it I think. I would have gone to the counselling at the time. You may just be going to serve a purpose. I went to a counsellor for drink driving once, but I didn't get anything out of it. They said it'll look good at court. They'd ask how much you've drunk this week. You can lead a horse but you can't make them drink. Yeah - if they talked to me about my life issues, I may have found it more useful. I didn't find it that useful, so maybe I needed a better counsellor.*

Overall views on the concept of mandatory counselling as a characteristic of a third party scheme are in Table 13.

Table 13. Family member views about the merits of third party mandatory counselling sessions for problem gamblers

Theme	Qualitative verbatims
Family views about mandatory counselling	
Support for compulsory counselling	<ul style="list-style-type: none"> • <i>That would be a good idea. If I could force him into that, that would be helpful</i> • <i>I think he would benefit from counselling, but making him do it could be difficult</i> • <i>Compulsory counselling would be great</i> • <i>This sounds useful. Counselling should go on for at least a couple of months and then their financial situation should be re-evaluated at that point</i>
Views about penalties for not accessing counselling	<ul style="list-style-type: none"> • <i>If jail was threatened, I think he would have attended. If it was a legal avenue and there were repercussions, he would go. But if not, he wouldn't do it</i> • <i>I think community service would be good (as a penalty)</i> • <i>If there was a fine, he would attend</i>
Keep family informed about	<ul style="list-style-type: none"> • <i>You need to get the family aware that they are not attending, so the family can pressure them</i>

Theme	Qualitative verbatims
counselling attendance	
Counselling supported, but the gambler may not change	<ul style="list-style-type: none"> I think it's worth a go to make them do counselling. But I'm not sure if it will work
Give gambler a choice of various options	<ul style="list-style-type: none"> Maybe giving them choices would help. If you mandate counselling, give people a choice of counsellor and format
Remove Centrelink for counselling non-attendance	<ul style="list-style-type: none"> They could also cut the pension through Centrelink... Taking that away would be a threat. It would probably get him to go to counselling
Community service should be required for non counselling attendance	<ul style="list-style-type: none"> Community service would be a useful way to enforce attendance at counselling
Spouses did not care about counselling due to separation	<ul style="list-style-type: none"> We are now separated, so I'm really not having anything to do with him now. So I don't want to get involved in his counselling now
How to design counselling and encourage attendance	
Phone and internet counselling could be useful	<ul style="list-style-type: none"> I think counselling should be phone, Skype or face-to-face...
The number of sessions required for counselling	<ul style="list-style-type: none"> The counselling needs to be worked out for the individual - not just applying a default number of sessions
Help with a family intervention	<ul style="list-style-type: none"> I think he would listen to the children if they were involved in the counselling. He would be embarrassed too. He loves the kids and that's why he's paying the bills...

Key learnings from discussions included:

- Families provided strong support for the concept of mandatory counselling to get to the cause of the gambling problem
- While all family members supported mandatory counselling, some were uncertain about whether the affected person would attend counselling
- Penalties for counselling were considered useful to encourage attendance
- While fines were considered as further impacting the family affected by gambling, families supported community service hours as a penalty for non-attendance at counselling, as they were directed towards the gambler
- Families believed that both face-to-face and telephone counselling could be useful if mandatory counselling was required, as well as group counselling
- There was a strong view that counselling should be tailored to individual needs and circumstances
- There was also support for giving gamblers a choice over counselling modalities and approaches

Family views about the value and effectiveness of financial restrictions on gamblers in a third party scheme

Family members provided views on the value and effectiveness of financial restrictions on gamblers as part of a third party scheme. Given that all family members had been significantly financially impacted by the gambling, financial restrictions were viewed favourably. Some family members had also struggled to access and assess finances, as their gambling spouse had full control over their bank accounts. Banks would thus not discuss the matters with the family member, causing significant frustration and anxiety in the family member. As some gamblers were reported as reluctant to hand over control of their account, the family member felt that legislation to support this would be extremely useful. Freezing access to the account was seen as useful, as it was essentially preventing access to the cash that served to prolong the gambling behaviour.

Family members were asked to comment on who should be responsible for managing the money of a problem gambler. There was a general view that, while many family members would be open to assuming this role, it was apparent that this approach would also generate relationship friction in many situations. For this reason, family members thought that a third party such as an appointed financial guardian would be a useful way to prevent animosity developing in family relationships. Some female spouses and parents concerned about the gambling behaviour of their child also favoured such an arrangement. In cases where a person had assumed financial control over another person's account, this was also reported to generate resentment in some relationships. For instance, one family member commented that – *A friend of mine hated her sister because she's managing her money. Someone else would be a better solution.*

Financial restrictions on Centrelink payments were also emphasised as important, as many families had to rely on Centrelink income due to the impact of the gambling problem (e.g., jobs and assets had been lost etc.). One family member advocated the value of even having just bills and expenses automatically paid from the Centrelink or wage income, as can already be done through the Centrelink Centrepay facility (an automatic bill payment facility). One female spouse affected by gambling similarly made comment that there were no emergency funds available for families affected by gambling, in spite of similar payments available for people affected by other negative events such as domestic violence.

While many family members felt confident that they knew the main bank account used for gambling money, others were uncertain about whether additional bank accounts had been opened for gambling. For this reason, they highlighted a need for support to identify bank accounts. The need for support with property and small asset protection was similarly identified as necessary to help families reduce major financial harm associated with problem gambling. In this respect, spouses told of scenarios where their spouse had either attempted or had successfully sold assets such as cars or jewellery or had sold a property for gambling money. Implementing a need for dual signatures or placing caveats on properties were seen as mechanisms to avoid asset loss. A number of people had also enquired about how to do this, but found it very difficult to source the information.

While financial restrictions were viewed favourably by families, many were also worried about the long term implications of a bank knowing the family's financial situation. There was fear that families would struggle in obtaining future loans or that current loans may be at risk, if the bank knew of the individual's gambling problem. For instance, one spouse who was totally financially dependent on her partner after having a child, felt that the bank may repossess their house as soon as their mortgage payments were missed, if it was known that the other spouse had a gambling problem. There was also reported concern that the bank would not accept a scenario where the mortgage was in her name alone, given that she had no current income source. Similar concerns were raised over employers potentially finding out about a person's gambling problem, if restrictions were made (e.g., forcing an employer to pay wages into a certain account).

Concern over other financial matters were also mentioned. This included concern over tax returns (including the accuracy of returns and whether gamblers would attempt to receive large refunds using false deductions) and concern over large payments from any source (e.g., redundancies, inheritances etc.). In addition, some spouses were concerned that their significant other would be tempted or was already applying for loans or credit cards to generate more money for gambling.

One parent with an adult child who had been experiencing gambling problems for a decade and a half also made mention that her son would ideally need financial guardianship for gambling issues for many years and potentially his lifetime. She was also concerned that there was no one available to support such people, as the son did not have a spouse or partner to take charge of financial matters. In such scenarios, she also felt that the son would feel resentment if she or another family member took control over his finances. For this reason, external guardianship was seen as an ideal solution. The need to have guardianship apply across states was similarly highlighted.

Ensuring that people experiencing problem gambling were protected from other risks was also emphasised. For instance, one family member saw that it would be useful for people to be prevented from theft, if they were in a work role with access to money. In addition, such people were seen as not being well-suited to working in clubs, pubs and the casino due to the close proximity to poker machines and other forms of gambling. Accordingly, there was a general view that measures should not only be taken to protect the family, but also to protect the gambler from themselves. A female spouse also highlighted a desire to prevent future loss of her and her ex-husband's assets for the benefit of children, but commented that it was hard to do so, because they were now separated.

A person who was both affected by someone's gambling and was experiencing problem gambling mentioned that they too needed protection, when they would receive an inheritance - *I am worried about me gambling the inheritance. I'm hoping that I'll be OK. I need to get the money and stick it somewhere. Like into a house or whatever, so I'm not tempted to gamble it.*

This person also shared a view that, while they would have initially been angry about financial restrictions, they may have felt appreciative of the help in the end - *I had \$150k in my bank account after I broke my arm. It was like a red rag to a bull. Then it all went on gambling because I was depressed. I would have felt resentful if I was told how I could spend my own money, but at the end of the day, I would have eventually felt appreciative. Once you realise you have food on the table, you'll appreciate it more. That's me now. I would have accepted mum or dad managing my money. I knew I had no choice really.*

Key themes are summarised in Table 14.

Table 14. Family member views about the merits of financial restrictions on problem gamblers

Theme	Qualitative verbatims
Financial restrictions useful	<ul style="list-style-type: none"> Freezing of the account would help - that really would help people. Absolutely! I think having restrictions would help his recovery, as it would take away the issue of not being able to pay the rent and expenses... I think restrictions would be a dream come true but would they be possible?
Need financial restrictions on Centrelink money	<ul style="list-style-type: none"> You also need Centrelink to get onto it as well. Centrelink were paying him a pension so they need that too
Enforce use of Centrepay – the Centrelink automatic bill payment system	<ul style="list-style-type: none"> Even getting Centrelink to pay the bills, I wouldn't mind that. I think that would be good. To pay the electricity and gas Centrepay for rent should be compulsory and electricity. This sort of stuff like water and things. He's always not paying rent either, so that's another thing. Living expenses should be first. He took all my money
Help families locating secret bank accounts	<ul style="list-style-type: none"> They need to help families locate bank accounts that have been set up for gambling We would need to be able to investigate where the money is disappearing
Property and asset protection	<ul style="list-style-type: none"> The house should be the main thing to protect... The car should also be protected - any assets that belong to the family
Prevent gamblers taking out loans	<ul style="list-style-type: none"> I'd like to see that people with gambling problems can't take out loans, whether from a bank, credit union or pay day lender. They should be restricted
Remove the need for dual signatories	<ul style="list-style-type: none"> If the bank could remove the two signature requirements, that could help
Concern over implications of being blacklisted by banks	<ul style="list-style-type: none"> I didn't want to tell the bank that he was a gambler. I worry it could be a black mark

Theme	Qualitative verbatims
Financial restrictions on large withdrawals (if large sums of money are received)	<ul style="list-style-type: none"> <i>The inheritance coming is a big issue. It'll be in his name... It freaks me out</i>
Restrict access to cash at work to prevent future crime	<ul style="list-style-type: none"> <i>They also need to help prevent illegal activities at work too. People often have access to money at work. So that would be a potential restriction too</i>
Have another party instigate to protect the family member and preserve relationships	<ul style="list-style-type: none"> <i>It would be good if someone else could have helped us with the financial control. It generates relationship stress</i>
Keep issues confidential from employers	<ul style="list-style-type: none"> <i>It's not easy to work out how to gamishee their wage without the employer involved - so it's best done at the bank</i>
Financial restrictions could be complex for gamblers with business interests	<ul style="list-style-type: none"> <i>He's in business with a partner so I can't control his bank accounts</i>

Key learnings from discussions included:

- Families strongly supported the idea of financial restrictions and control as a key mechanism to limit the impact of problem gambling on families (and the gambler)
- Some families needed support in identifying and understanding financial impacts from problem gambling
- Families were particularly interested in measures to limit financial impacts such as:
 - Freezing the bank accounts of problem gamblers
 - Helping families become dual signatories to bank accounts (where they were not currently signatories)
 - Helping families identify if the gambler had applied for loans/extra credit (e.g., credit card)
 - Applying for restrictions on Centrelink payments
 - Ensuring that household bills and expenses were paid
 - Ensuring that valuable assets such as shares and cars were not sold for gambling money
 - Ensuring that major assets such as properties (houses/units) were protected
 - Ensuring that the gambler with business interests did not bankrupt their business
 - Helping family members in jobs with access to cash to reduce the person's risk for gambling related crime (e.g., ensuring that they did not have access to cash or associated temptations)
 - Ensuring that large sums of money received (e.g., inheritances, redundancies, pay outs) were protected from problem gambling
 - Ensuring that problem gamblers did not make false claims in tax returns
 - Ensuring that problem gamblers did not sell items at pawnbrokers
 - Ensuring that problem gamblers did not become employed in gambling venues
- Families were concerned for banks to know that their spouse was a problem gambler, as they feared that they may be blacklisted for future loans or that current loans may be compromised
- Families were also concerned that employers may sack workers, if problem gambling was identified
- While many family members reported being happy to take control over the finances (or preferred this), some people also preferred that a type of 'financial guardian' be appointed – This was seen as reducing the friction in family relationships
- Some parents reported that their adult child may need a type of long term financial guardianship to recover from problem gambling
- There was seen to be a need for laws to apply across states to ensure continuity of arrangements, should a problem gambler move locations

How family of problem gamblers would like a third party scheme to operate

Family members were asked to indicate how they would like a third party scheme to operate from an administrative and process perspective. They were also asked to provide views on the merits of being able to submit applications through different channels such as via clubs and pubs (or the peak bodies), via Government, via Gambling Help services or via another community organisation. As a general theme, family members saw greater value in applications through Gambling Help counsellors or community organisations (e.g., welfare agencies), than compared to applications via clubs and pubs. Such channels were seen as significantly more sympathetic to the impacts of gambling and would have counsellors available to help families through the process. This was also in part because some families had such positive support from such services in the past (especially Gambling Help Services). In this respect, some people also made comment that Gambling Help counsellors were more knowledgeable and skilled about gambling issues, than compared to general counsellors.

Some family members felt that pubs and clubs – including their representative associations - would not be able to make unbiased decisions in helping family members in matters related to gambling. In several cases, family members also felt some level of resentment towards pubs and clubs that had allowed their family member to gamble. Two cases were also where the affected family member had been working at a gambling venue (either a pub, club or the casino) and had been allowed to gamble on site. For these reasons, independent community channels were generally preferred. However, when prompted whether venues could be additional channels for applications, most family members felt that it may be acceptable to offer applications on-site, given that family members may approach venues to raise concerns. Additional channels raised included applications at (community) legal services and at GPs.

The concept of a panel versus an individual being involved in decision-making relating to applications was also explored. There was general support for the notion of a panel making decisions because it was seen to be more robust than having a single officer make decisions. Some family members also liked the idea of a panel making decisions independent of the spouse, so that they could minimise personal involvement in the decision making process. This also included a desire for imposed measures (e.g., financial control) to be made independently by the panel. This was seen as well-suited to certain situations (e.g., when a gambler did not have a spouse) and to help reduce resentment that may develop, if a family member was seen as controlling the life of another family member. However, it was emphasised that this should be used only as an option when required.

Key issues that should be considered in the design of the application process were also discussed. Family members emphasised the need for support in making applications, as it was envisaged that gathering and presenting evidence could be complex. Many also felt that they did not have sufficient emotional reserves to do this, when they were so emotionally affected by gambling. The potential for phone applications was also highlighted as useful, as some families may not be able to travel to make an application. In addition, support for people speaking languages other than English was emphasised as important.

Families were also looking for help and support in initiating the application. A couple of family members mentioned that they would find it useful if a counsellor could first speak to the person in their family with the gambling problem before legal avenues were pursued. This type of service was also seen as having the potential to help families avoid use of the legislation. This was seen to involve a counsellor approaching the person affected to discuss the reported impacts and to encourage help seeking and support (even if the person did not request counselling). Another family members also emphasised that checks on the family member's health and wellbeing should also be performed, given the impacts of gambling. Key themes discussed are presented in Table 15.

Table 15. Family member preference for processes associated with the third party scheme

Theme	Qualitative verbatims
Where family members wanted to make applications for third party orders	
Views about Gambling Help Services processing applications	<ul style="list-style-type: none"> <i>I would go to Gambling Help more than a community organisation</i> <i>I think I would feel like most comfortable making the applications at a place where the gambling counsellors are. I trust them enough. I'd feel comfortable there</i> <i>They would be great. They have such a good understanding of gambling</i> <i>Definitely the Gambling counsellors. I really found them excellent</i>
Views about NSW Government processing applications	<ul style="list-style-type: none"> <i>Yes, Liquor and Gaming would be good. Just because they also have a hand in the legislation.</i> <i>I would like to apply through the Government, as it would be more effective. If we went to a casino or a pub or club, it could go to rubbish...</i>
Views about a community organisation processing applications	<ul style="list-style-type: none"> <i>Another community organisation would be OK. That would work too</i> <i>I'd prefer the gambling counsellors, but a welfare service would be pretty good too</i>
Views about Clubs or Clubs NSW as a location for applications	<ul style="list-style-type: none"> <i>If it was Clubs NSW, I don't think they would be interested. Government is more useful - because I can see that government is more forceful and they would force the clubs. The clubs don't care, as they are the customer...</i> <i>No - Not a club or a pub. I think it's good to keep it separate from where the problem is</i> <i>Yeah maybe Clubs NSW could be OK. It might work. Mainly because they are not in it directly like meeting quotas as a club is</i> <i>I think a pub or a club would be useful, as once you've done your last dollar, the barman is the first person you talk to. That's where it should be made easiest</i>
Applications at a GP	<ul style="list-style-type: none"> <i>I think a doctor maybe... as it keeps it confidential and it gives privacy</i>
View that a legal representative should process applications	<ul style="list-style-type: none"> <i>It would have to be done legally I think, with a solicitor there to help you</i>
Views about a panel being involved in decision making	
A panel to review applications	<ul style="list-style-type: none"> <i>I think many people should review the application. Maybe 3 or 4 people. One should be a psychologist, one for Gambling Counselling, one a social worker and someone else like an employer or an independent one. Someone in the community</i> <i>A club or a pub - yeah I can see that but then I thought revenues and they have quotas to reach - so they could be biased in processing it properly</i>
Preference for the panel to independently make decisions in the best interest of the family	<ul style="list-style-type: none"> <i>If the counsellor could refer it to government and they make a decision that would be good. He'll otherwise be very abusive with me. It would be my preference for them not to put the ownership on me</i>
Types of application support needed	
Applications via phone	<ul style="list-style-type: none"> <i>On the phone would be best - rather than face-to-face or paper applications</i> <i>Phone may feel safer for a lot of people</i>
Support and help to draft applications	<ul style="list-style-type: none"> <i>I don't think I could have really done it at home by myself. I wasn't strong enough</i>
Health and wellbeing assessment for family	<ul style="list-style-type: none"> <i>The first thing is that the person affected should have their health assessed by a doctor. The gamblers put them down - you're not yourself</i>
Application support useful for people speaking languages other than English	<ul style="list-style-type: none"> <i>As my English isn't good, I need help. Sometimes you get confused with questions</i>

Theme	Qualitative verbatims
Need for outreach to gambler prior to pursuing legal channels	
Need outreach prior to a third party order	<ul style="list-style-type: none"> <li data-bbox="584 342 1358 427">• <i>I think you should be able to call in a mental health team to talk to them so they can be offered help and support... I think that would have assisted my son. He needed some kind of caseworker</i> <li data-bbox="584 439 1350 495">• <i>If a professional could go and meet him in the park to help him over a period of time, it may click</i>
Views about venue-initiated exclusions	
Views about venue-initiated exclusions	<ul style="list-style-type: none"> <li data-bbox="584 555 1318 589">• <i>I think it's a good idea to allow pubs and clubs to ban people from gambling</i> <li data-bbox="584 595 1374 645">• <i>Wouldn't this be the same as Responsible Service of Alcohol? They should look into cases if issues are raised by family members</i>

Key learnings from discussions included:

- Family members were more open to the idea of submitting applications through Gambling Help Services and community organisations, than in pubs and clubs
- This was in part due to the perception that clubs and pubs may be biased in processing applications and that counsellors may be more sympathetic to the impacts suffered by families
- Families generally supported the idea of a panel making decisions about third party applications – Some people were also comfortable for the panel to decide which measures to apply, if a person was not close to the problem gambler
- Family members emphasised the value in having support to submit Third Party applications
- Outreach services to talk to gamblers were seen as a useful first step, prior to a third party application being submitted
- Family members also reported needing help personally due to the impacts of problem gambling (to help get their lives back on track)

Whether family members would use a third party scheme

Family members were asked to indicate their feelings about enacting third party legislation, based on the experiences they have had with problem gambling. There was a general view that all families would try everything they could prior to relying on legislation. However, many people thought that having the third party legislation available was very important and that it may also provide family members with a further tool to trigger change in problem gamblers. This was largely because family members saw potential in using the legislation as a way to provide an ultimatum to change (i.e., to threaten use of the legislation if the problem gambler did not seek help).

While most family members were not concerned about physical violence resulting from use of the legislation, a number of women reported concerned about the possibility of domestic violence and aggression from their spouse, if they used the legislation - *If I was going in as a third party to restrict him from gambling, I'd be in for it.* A favourable alternative, however, was seen to have a counsellor initiate an order, even if there was consultation with the affected family member (such as when domestic violence occurs) – *It's way too risky for me to apply. It puts me right in his radar. He then has me to blame. But if it was a government agency outside of the family or a counsellor, then he won't scruff the counsellor.*

In cases where domestic violence was a risk, people reported that there should be services and supports to either remove people from domestic violence situations or to reduce the risk of domestic violence in some way. If domestic violence was a potential risk, some women also stated that they would prefer the Government to enact the legislation on their behalf. They saw this as an opportunity to remove the decision from themselves and effectively help create some independence from the decision. One family member affected by domestic violence due to gambling also highlighted a need for support in the context of domestic violence programs - *With DV, they do assist the victim these days. I went through it and I was absolutely astounded at the help I got. He's been abusing me for years now. Years ago, I had a fractured jaw. The nurse stood at my bed and asked if she wanted me to call the police. But now the police just take over. There is zero tolerance. There is a DV liaison officer at the police station, there is women's advocacy group and financial support if you need it... They should look at DV and how gambling fits in and how the family can be helped in all that.*

Assistance to fast track legal issues was also emphasised as important, if gambling was causing domestic violence in families – *Fast tracking the legal stuff would help us immensely. It would be a massive step forward. Due to government cuts, there is a waiting list in courts for financial separation support. Apparently, it can take two years.* Financial support for families to assist with financial recovery was also emphasised - *Compensation to help families financially should be provided, as we've suffered major financial loss out of no fault of our own, along with financial advice on asset separation – I think financial advice would be really good. I have had offered to me (by a welfare service). But the financial advice is a little bit ad hoc. It's retired people who have worked in the financial sector, so it's basic, but we need to understand laws and rules on financial separation. You really do need a professional to assist there. At the moment, I find you speak to one person and they say ring this number and then they say you don't qualify. Or they say it's not available now - there is no one person who has the snapshot of the big picture. You get a fragmented overview. You need help, as you're not in the right mental state to pursue this.* Financial support to escape domestic violence was also highlighted as important and help with bills – *You may need assistance to pay the utilities like the electricity and water and various things like that. That would help. If the victim can't live with the gambler anymore, maybe rental assistance would help. People need help; If I moved out, I'd be looking to move into a secure building where there was secure parking and people can't get in through the front door. Just because he may find me and he may get too angry.*

While all potential aspects of third party legislation were seen as having some value, there was a general view that financial restrictions may be the most effective along with counselling. In this respect, while exclusions were seen as potentially having a psychological impact on the gambler, they were seen as less able to reduce gambling harm, given that gamblers may gamble elsewhere or through other means.

Feedback from family members on their likely use of the legislation included the following:

- *You wouldn't want to do that when living with them - they'd get into a rage*
- *I would have done it despite the risk of DV. If it got that bad, I wouldn't have stayed*
- *No - I don't think many will do it, as they'll be frightened*
- *I am scared of him, he gets angry. If they could help protect me and the kids, I would have done it*

Family members similarly provided views on who they believed should be able to make a third party application. There was a general view that the third party scheme should not just be limited to family members, nor people who are just directly impacted by problem gambling. This was seen as particularly necessary by parents, who wanted to protect their adult child from problem gambling, in spite of having limited financial involvement in the child's affairs. In addition, there was a view that anyone – including friends – should be able to protect a person affected by gambling. This was seen as important for people without spouses and for people with intellectual or other disabilities (some people thought carers should also be able to make orders for any vulnerable people). Even some partners in couples who had separated thought that they would like to protect their ex-spouse from gambling impacts for the gambler's own welfare. In this respect, most people did not see great potential for many vexatious claims, given that most measures existed to protect rather than harm gamblers. In addition, the complexity of applications was seen as a key barrier to ensuring that the bulk of applications were raised for legitimate reasons.

A person affected by a housemate's gambling, however, reported that they would be concerned about applying for a third party order for a friend due to the potential for violence - *My housemate is a big guy six foot three and he knows jujitsu. So he may get violent towards me - that's what I'd fear. So I probably wouldn't do it - unless I could do it anonymously. I only put an order on someone, if I could take them on in a fight.*

Timeframes or criteria for the revocation of third party orders were also discussed. There were strong reactions from family members at having default or pre-set time frames for orders that would universally apply in the scheme. In comparison, there was seen to be far greater value in having each time frame individually selected based on the unique circumstances of the situation. Some family members also highlighted that some gamblers may be affected for years or for even a decade and that longer term time frames may be applicable in some situations. In this respect, it was viewed as inappropriate having arbitrary time frames such as 'three months' or 'six months', as these were not seen as sufficiently tailored to the needs of the gambler or family situation. Key themes are summarised in Table 16.

Table 16. Feedback on who should be able to apply for third party orders and views about vexatious claims and revocation of third party orders

Theme	Qualitative verbatims
Definition of third party	<ul style="list-style-type: none"> • <i>I think that it should be allowed to be done on anyone someone is close to</i> • <i>I think carers too should be a third party</i> • <i>Maybe a counsellor or a psychologist can be a third party (to protect a client)</i> • <i>If a friend is looking to protect another friend, it should be allowed</i> • <i>Anyone who is concerned should be able to do it. Don't just limit it to family</i>
Vexatious claims would be limited	<ul style="list-style-type: none"> • <i>I can't see people doing false applications to be honest. Some may do this</i> • <i>I can't see that people would bother to do this to get at a person...</i>
Revocation of third party orders	<ul style="list-style-type: none"> • <i>It has to be case specific. Look at how long the person needs</i> • <i>Don't have set time frames, as every case is different</i>

Key learnings from discussions included:

- While family members supported the existence of third party legislation, most would use the legislation at a last resort
- Many also felt that having the legislation would serve as an ultimatum to motivate the gambler to change
- Some women were concerned about submitting applications due to the risk of domestic violence
- Such women felt that they may still be prepared to submit an application, if services and support to reduce the risk of DV could be offered
- There was strong support for allowing anyone the ability to make a third party application, if they held genuine concerns about the welfare of a person affected by gambling
- There was a view that vexatious claims should be limited, given the complexity of third party orders
- Family members felt that revocation of third party orders should only occur after individual circumstances are considered (i.e., all time frames should be individualised to individual cases)

Case studies involved counsellor reports of third party experiences with schemes in other jurisdictions

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Results of an online survey of EGM players about third party exclusion

A convenience sample of 700 EGM players was surveyed using an online panel to further explore trends identified in qualitative research. Several questions were administered to non-problem gamblers and low risk gamblers that had a close friend or family member affected by problem gambling to explore their views on the effectiveness and value of third party exclusion (N=83). For the purpose of this section of the report, they are termed 'significant others'. In addition, moderate risk and problem gamblers (N=336) were asked to provide views about various potential design characteristics of a third party scheme. This again explored many of the issues identified through qualitative research. Results of the questions based on the online panel sample are presented in the following section.

SIGNIFICANT OTHER PERSPECTIVES ON A THIRD PARTY SCHEME

Effectiveness of third party exclusion from a single venue

Significant other views about whether single venue exclusion would stop the problem gambler they knew from gambling are in Table 17. Around 83.9% of respondents reported that the affected person would be likely to gamble at another venue outside the ban. In comparison only 2.5% indicated that the person would stop gambling. This may suggest that significant others do not see that exclusion from a single venue would lead a gambler to cease gambling.

Table 17. Whether single venue exclusion would stop problem gamblers from gambling – Views of significant others (N=83, October 2016)

How problem gamblers were expected respond to exclusion from a single venue	% Significant others
They would stop gambling	2.5
They would gamble at another venue outside the ban	83.9
Unsure	13.6

Question: If your family member or friend was banned from gambling at a single venue, would the person affected stop gambling or continue to gamble at another venue outside the ban? (Base: Non-problem and low risk EGM players with a close friend or family member affected by problem gambling) Weighted

Relative usefulness of third party scheme characteristics

Significant others were asked to rate the overall usefulness of three major third party scheme characteristics. A scale of not at all useful (1) to very useful (5) was used for this purpose. Results are in Table 18. Findings highlighted that all scheme characteristics were considered reasonably useful. The most useful characteristic of a third party scheme was seen to involve temporary financial restrictions to avoid the gambler spending money on gambling until they recover (mean=3.8), followed by exclusion of the gambler from a main gambling venue (mean=3.6). While considered somewhat less useful than other measures, requiring gamblers to attend counselling to work out why they are gambling was also rated as reasonably useful (mean=3.3).

Table 18. Usefulness of different third party scheme characteristics – Views of significant others (N=83, October 2016)

How problem gamblers were expected respond to exclusion from a single venue	Mean usefulness (1=not at all, 5=very useful)
Gamblers can be required to attending counselling to work out why they are gambling	3.3
Temporary financial restrictions can be placed on the gambler to avoid money being spent on gambling (until they recover)	3.8
The gambler is banned from gambling at their main gambling venues	3.6

Question: How useful or not useful would the following be to help reduce the impacts of gambling on your family member or friend? (1=Not at all useful, 5=Very useful)? (Base: Non-problem and low risk EGM players with a close friend or family member affected by problem gambling) Weighted

Preferred application channels for a third party scheme

Significant other views about potential application channels for third party scheme applications are in Table 19. The most preferred channel for applications was at a free Gambling Help Service run by community organisations (51.7%), followed by applications at Liquor and Gaming NSW (23.2%). In comparison, only a small proportion of family and friends would feel comfortable making a third party application at a hotel or club (9.9%) or at Clubs NSW (15.2%). This highlights that Gambling Help Services are seen by most to have merit over other application channels.

Table 19. Where significant others would feel most comfortable making a third party scheme application – Views of significant others (N=83, October 2016)

Where family or friends would feel most comfortable making a third party scheme application	% Significant others
At a hotel or club	9.9
At a free Gambling Help Service (run by community organisations)	51.7
At Clubs NSW	15.2
At Liquor and Gaming NSW (a NSW Government agency)	23.2

Question: If you were to apply for a third party order – such as those just mentioned – where would you feel most comfortable making the application? (Base: Non-problem and low risk EGM players with a close friend or family member affected by problem gambling) Weighted

MODERATE RISK AND PROBLEM GAMBLER VIEWS ABOUT A THIRD PARTY SCHEME

Effectiveness of third party exclusion from the main gambling venues

Whether being excluded from their main gambling venues would stop moderate risk and problem gamblers from gambling is in Table 20. Consistent with suspicions reported by significant others, around 38.2% of moderate risk and problem gamblers indicated that they would gamble at another venue outside the ban if banned from their main gambling venues. In addition, 31.8% indicated that they would stop gambling if banned from their main gambling venues. The difference between problem and moderate risk gamblers was not statistically significant.

Table 20. Whether exclusion from main gambling venues would stop gambling – Moderate risk and problem gamblers (N=336, October 2016)

How moderate risk and problem gamblers would respond to exclusion from their main venues	% Moderate risk gamblers (N=159)	% Problem gamblers (N=177)	% Moderate risk and problem gamblers
I would stop gambling	31.3	33.7	31.8
I would gamble at another venue outside the ban	36.8	42.8	38.2
Unsure	31.9	23.6	30.0

Question: If you were banned from gambling at your main venues would you stop gambling or continue to gamble at another venue outside the ban? (Base: Moderate risk and problem gambling EGM players) Weighted

Effectiveness of bans from claiming jackpot wins

Whether being banned from claiming jackpots would stop moderate risk and problem gamblers from gambling is in Table 21. Results indicated that around 28.8% would just ask someone to claim the prize, 28% would stop gambling and 24.3% would gamble on something else. No statistically significant differences were observed between moderate risk and problem gamblers.

Table 21. Whether being banned from claiming jackpots would stop gambling – Moderate risk and problem gamblers (N=336, October 2016)

How moderate risk and problem gamblers would respond to being banned from claiming jackpots	% Moderate risk gamblers (N=159)	% Problem gamblers (N=177)	% Moderate risk and problem gamblers
I would stop gambling	28.4	26.4	28.0
I would gamble on something else	21.9	32.1	24.3
I would just get someone to claim the prize	30.6	22.6	28.8
Unsure	19.0	18.9	19.0

Question: If you were banned due to problem gambling from claiming a jackpot at clubs, pubs and the casino, would you stop gambling? (Assume you would need to show ID to claim the jackpot) (Base: Moderate risk and problem gambling EGM players) Weighted

Whether moderate risk and problem gamblers would attend compulsory counselling

Whether moderate risk and problem gamblers would attend compulsory counselling if required to attend under a third party scheme is in Table 22. Overall, around 55.5% indicated that they would attend compulsory counselling. While not statistically significant, results also showed that 61.8% of problem gamblers and 53.7% of moderate risk gamblers would attend counselling.

Table 22. Whether compulsory counselling would be attended for problem gambling –
Moderate risk and problem gamblers (N=336, October 2016)

Whether moderate risk and problem gamblers would attend compulsory counselling	% Moderate risk gamblers (N=159)	% Problem gamblers (N=177)	% Moderate risk and problem gamblers
Would attend counselling	53.7	61.8	55.5
Would not attend counselling	46.3	38.2	44.5

*Question: If there were laws that required you to attend compulsory counselling as part of third party legislation, would you attend? (The counselling would be very caring towards you and your family)
(Base: Moderate risk and problem gambling EGM players) Weighted*

Whether moderate risk and problem gamblers would benefit from bank account restrictions

Whether moderate risk and problem gamblers would benefit from bank account restrictions as part of a third party scheme is in Table 23. Findings showed that approximately half of moderate risk and problem gamblers would find account restrictions to be of benefit (50.5%). While there were no statistically significant differences observed, 66.3% of problem gamblers indicated that financial restrictions would be of benefit, compared to 45.8% of moderate risk gamblers.

Table 23. Whether financial bank account restrictions would help problem gambling recovery –
Moderate risk and problem gamblers (N=336, October 2016)

Whether moderate risk and problem gamblers would benefit from financial restrictions	% Moderate risk gamblers (N=159)	% Problem gamblers (N=177)	% Moderate risk and problem gamblers
It would be helpful	45.8	66.3	50.5
It would not be helpful	54.2	33.7	49.5

*Question: If temporary restrictions were placed on your bank account, to protect you from spending money on gambling, would this be helpful to you? (You would still have access to money to cover your living expenses) Weighted
(Base: Moderate risk and problem gambling EGM players) Weighted*

Whether previous self-exclusion was helpful

Whether gamblers had previously self-excluded and had found it helpful is in Table 24. Results showed that around 35.1% of moderate risk and problem gamblers had used self-exclusion at some point in the past (or currently). Around 6.2% also indicated that they had used self-exclusion, but it didn't help and 28.9% indicated that they had used self-exclusion and found it helpful. Compared to moderate risk gamblers, problem gamblers were significantly more likely to indicate that they had used self-exclusion, but it didn't help ($p < .05$) and were less likely to indicate that they had never used self-exclusion ($p < .05$).

Table 24. Whether self-exclusion was used and was considered helpful –
Moderate risk and problem gamblers (N=336, October 2016)

Whether moderate risk and problem gamblers used and found self-exclusion helpful	% Moderate risk gamblers (N=159)	% Problem gamblers (N=177)	% Moderate risk and problem gamblers
Used self-exclusion, but it didn't help	2.5	18.7	6.2
Used self-exclusion and found it helpful	24.8	42.4	28.9
Never used self-exclusion	72.7	38.7	64.9

Question: Have you banned yourself from a gambling venue/s (used self-exclusion)?
(Base: Moderate risk and problem gambling EGM players) Weighted

Stage of change of gamblers

The stage of readiness of gamblers to change their gambling behaviours is in Table 25. Findings showed that around 28.6% of moderate risk and problem gamblers were in pre-contemplation, 29.9% were in contemplation and 41.4% were in the action stage of changing their gambling behaviour. Results also showed that problem gamblers were significantly more likely to be in contemplation (52.6%), compared to moderate risk gamblers (23.2%) ($p < .05$). Other differences, however, were not statistically significant.

Previous results for moderate risk and problem gamblers were also explored to examine whether results varied according to the stage of change of gamblers. However, findings revealed no statistically significant differences for gamblers at different stages of change readiness for the third party scheme characteristics tested.

Table 25. Stage of change of at-risk gamblers –
Moderate risk and problem gamblers (N=336, October 2016)

Stage of change of at-risk gamblers	% Moderate risk gamblers (N=159)	% Problem gamblers (N=177)	% Moderate risk and problem gamblers
Not thinking about reducing my gambling (Pre-contemplation)	33.9	11.1	28.6
Thinking about reducing my gambling, but have not yet done so (Contemplation)	23.2	52.6	29.9
Currently reducing my gambling (Action)	43.0	36.4	41.4

Question: Which best describes your current situation? (Base: Moderate risk and problem gambling EGM players) Weighted

Section F – Discussion of key findings and implications

Following is a discussion of findings and their implications for the possible development of a third party scheme for NSW.

THERE IS SEEN TO BE NEED FOR A THIRD PARTY SCHEME

Discussions with NSW families affected by problem gambling highlight that many people suffer impacts from another person's gambling that are not addressed through the current NSW problem gambling services program. In particular, while Gambling Help services are recognised for providing valued support to reduce the emotional impacts of problem gambling (and help with financial counselling), many families continue to struggle to address and recover from the financial impacts of gambling.

The recent study by Brown et al (2016) highlights the significance of financial harms experienced by 'affected others' due to another person's gambling. While 86% of the total harm of problem gambling was found to be attributable to a gambler's own gambling, around 14% was experienced by affected others. The top financial harms included selling items, reduced savings, welfare reliance, reduced spending, late bills, asset loss, increasing credit card debt and loss of utilities.

Discussions with NSW families affected by problem gambling highlight that many families feel helpless in being able to mitigate harm when a family member experiences problem gambling. Most notably, people report that family members fail to recognise gambling problems and continue to spend family resources and income on gambling, in spite of attempts to stop the behaviour. As previous research shows that less than one third of problem gamblers are actively in the process of reducing their gambling, just over two thirds are not yet ready to seek help or cease their gambling behaviour (Hare, 2009).

From this perspective, NSW families strongly support the need for legislation or other measures to help reduce the impacts and harms of problem gambling. The need for such measures is also reflected in findings of the NSW prevalence study. This highlighted that only 8% of moderate risk and problem gamblers combined had sought help for a gambling problem in the previous 12 months and that lack of problem recognition and thinking the problem could be beaten independently were the top two reasons why help was not sought (Sproston et al, 2012).

THIRD PARTY EXCLUSION HAS A LIMITED CAPACITY TO MINIMISE GAMBLING HARM

A key objective of the research was to examine whether third party exclusion has potential to minimise the impact of problem gambling on gamblers and affected others. A range of information sources was examined for this purpose. This included review of literature in the field of self-exclusion (a similar, yet also different concept), conduct of discussions with problem gambling counsellors and stakeholders, conduct of discussions with families and friends impacted by problem gambling and review of exclusion schemes in both NSW (The Star casino) and in other jurisdictions (e.g., SA, TAS and ACT). In addition, counsellors in two jurisdictions were able to report some case studies of gambler and family experiences with third party exclusion.

Literature examining self-exclusion as a harm-minimisation measure highlights both positive and negative aspects to self-exclusion, which may have possible relevance to third party exclusion. Research by Ladouceur et al (2000) and Ladouceur et al (2007), for instance, highlights that self-exclusion was frequently encouraged by family and friends and was linked to a reduction in both pathological gambling and gambling related problems. In spite of such benefits, however, 70% of self-excluders had gambled in casinos or elsewhere during the exclusion period and between 11-55% had breached self-exclusion contracts with an average of six breaches. Other studies have identified similar trends. Verlik (2008) found that over half of problem gamblers had breached their self-exclusion agreement and just under half were detected by venues. De Bruin et al (2006) similarly found that around half had gambled elsewhere when casino bans were in place.

The recent study by Croucher et al (2006) also points to potentially similar results in a NSW study. The study examined 135 self-exclusions and found that 79% of males and 80% of females had gambled on EGMs while self-excluded and 45% of males and 33% of females had gambled at the venue at which they were excluded. Moreover, venues only identified 56% of the times self-excluded males were at a venue and 71% of the times self-excluded females were at a venue. In spite of breaches, however, some benefits of the program were noted. In particular, around 70% of self-excluders had halved their gambling spend and many attributed the program to improving their financial situation.

While self-exclusion may potentially produce different outcomes to third party exclusion, findings of research raise some concerns about the potential effectiveness of third party exclusion as a harm-minimisation measure. While exclusion from venues has been identified as helpful to some gamblers, research generally highlights that breaches of exclusion contracts are common. While self-exclusion involves an individual making their own commitment to not gamble (with exclusion being a 'tool' to support the 'psychological contract'), gamblers in third party exclusion would

not necessarily agree with the need for a ban from gambling venues. On this basis, it seems plausible that rates of breaching in third party exclusion may be at best the same, if not significantly higher, than self-exclusion. In addition, as venues have been found to be unlikely to detect exclusion breaches, the likelihood of preventing a problem gambler from gambling in a venue may be less than optimal.

Findings of an online survey conducted as part of the current study also reinforce this potential. Around 83.9% of significant others with a close friend or family member experiencing problem gambling believed that the gambler would simply gamble at a venue outside the ban. Problem gamblers expressed a similar view. In particular, 42.8% indicated that they would just gamble at another venue outside the ban and only 33.7% indicated that they would stop gambling.

Discussions with NSW problem gambling counsellors and industry stakeholder further highlight concerns about the ability of third party exclusion to reduce gambling harm. While counsellors emphasise that exclusion may act as a psychological 'circuit breaker' in some people (i.e., where gamblers are shocked into ceasing gambling), many believed that problem gamblers would continue to gamble at all costs and gamble at another venue outside the exclusion zone. This was also a common view of industry stakeholders. In addition, counsellors emphasised that problem gamblers may also gamble on other types of gambling, based on evidence that problem gamblers engage in multiple gambling activities (e.g., Sproston et al, 2012). This also raises the need for problem gamblers to be excluded from not only the casino, clubs and hotels, but also from other types of gambling (e.g., TAB, online gambling sites, the casino etc.), if exclusion is to be effective.

If a third party exclusion order is likely to be breached, counsellors felt that exclusion may present a false sense of security to family members. In this context, counsellors would often be asked by clients about how they could stop another family member's gambling and expressed a view that this was not possible, until the affected person was ready to change. Counsellors reported that many family members would receive more benefit from discussing how to protect themselves from gambling impacts during counselling - including how not to facilitate or inadvertently support problem gambling behaviour.

Industry stakeholders also highlighted that it would be very difficult to monitor breaches of exclusion contracts, if third party exclusions were statewide. For this reason, ClubSafe (the self-exclusion service operated by Clubs NSW) was reported to have limited self-exclusions to 35 venues (as the default maximum), as it was extremely difficult to ban a gambler from all 2600 NSW venues.

Key considerations

As research literature highlights that breaches of self-exclusion are common, third party exclusion may be associated with a higher prevalence of breaches. Counsellors and industry stakeholders also reiterate this concern. This may imply that exclusion alone may not be effective in minimising gambling harm to affected others, unless the gambler is ready to change their gambling behaviour.

THERE IS LIMITED USE OF THIRD PARTY EXCLUSION SCHEMES IN OTHER JURISDICTIONS

Nationally and internationally, there are very few third party exclusion schemes in non-casino gaming venues. Within Australia, South Australia and Tasmania operate third party schemes and the ACT has a scheme, where venues can consider excluding gamblers on request of a family member (although this remains a venue decision). Information on the South Australian and Tasmanian scheme in particular provide some indirect evidence on the value and effectiveness of third party exclusion.

South Australian scheme evidence on third party exclusion

Within South Australia, a statutory authority called the Independent Gambling Authority (IGA) was established with a range of powers that give effect to different types of barring processes. Constituted under the Independent Gambling Authority Act 1995, the Act provides powers for individuals to be subject to 'barring orders'. This Part of the Act effectively permits both gambler initiated barring (effectively equivalent to self-exclusion, though it is not termed as such) and barring by gambling providers and the Independent Gambling Authority itself.

In addition to the powers under the Independent Gambling Authority Act 1995, there are also additional provisions under the Problem Gambling Family Protection Orders Act 2004 for family members to bar a family member from venues. This Act also has a range of additional powers to protect families from gambling harm – including directions for problem gamblers to receive counselling and payment of wages into particular accounts.

While statistics were not available on the precise number of third party exclusions from the jurisdiction, discussions indicated that these were on average around '2 or 3 per year'. Venue initiated barrings, however, were reported to be somewhat more common (with some initiated by families, although specific numbers were not able to be reported) and in the vicinity of 'up to half a dozen a week'. While there is no explicit promotion of the third party scheme in South Australia, such statistics may indicate that there is not currently high demand for venue barring from families within the jurisdiction. However, it is unclear whether this is also in part due to limited scheme promotion.

Two cases were also reported by a South Australian counsellor with potential to inform the effectiveness of third party exclusion. One case indicated that venue exclusion had been helpful for the gambler and family member (although a range of directions were also included), while in the other case, venue exclusion was reported to be unhelpful. This latter case was also because the gambler had breached the exclusion contract. In addition, the regulator also reported anecdotal evidence that, in spite of the very few cases, some families had found the powers helpful. While such evidence does not highlight that exclusion is ineffective, this provides only very limited evidence to explore the possible effectiveness of third party exclusion.

Tasmanian scheme evidence on third party exclusion

Within Tasmania, Division 3 of the Gaming Control Act 1993 has provisions to govern the exclusion of people from both gaming and wagering activities including self-exclusion, third party exclusion and exclusions by venues and Police (via the Police Commissioner). Section 112C of the Act provides for exclusion of persons from wagering or gaming on application to the Tasmania Liquor and Gaming Commission. Under 112C (1) a person can apply for exclusions, if they have a 'close personal interest in the welfare of another person who wagers with, or otherwise participates in games or gaming activities'. This also includes the potential to exclude a person from online gambling. Third party exclusions in wagering, however, are limited to Tasmanian wagering licence holders. Third party exclusion orders relating to online gambling can also direct providers to perform other actions such as transferring funds from frozen wagering accounts.

During May 2016, the Department of Treasury and Finance commented that there were only 6 third party exclusions recorded in the official database. Of the 6 exclusions, 4 were third party venue exclusions and 2 were third party online betting exclusions. There was additionally comment that the very complex and time-consuming nature of the process may in part explain the low numbers of third party exclusions. This was also highlighted as necessary to ensure procedural fairness.

While it has not been possible to evaluate the effectiveness of third party exclusions in Tasmania, the Department of Treasury and Finance reported that, of the six third party exclusions ever recorded, two clients breached once, one client breached twice and one client breached three times (i.e., four out of six cases breached). Case studies recalled by counsellors also provided qualitative insight into the possible effectiveness of third party exclusion. Two cases attempted third party exclusion, but were given up after the process was found too complex and difficult (one case was also put off by the potential to damage the relationship with the gambler), one case involved a family member applying for a third party exclusion and discussions with a counsellor revealed that the gambling was not a major problem and three cases involved a third party exclusion application leading to gamblers opting for self-exclusion.

While evaluation information on the effectiveness of exclusion was not available, such cases and scheme data may indirectly highlight that a third party scheme may potentially serve to help escalate and resolve issues amongst family members (in spite of third party exclusion not being pursued in the end). This also supports feedback by NSW counsellors that a third party scheme may act as a 'circuit breaker' to help some gamblers see a need for behavioural change. However, there is also little evidence to confirm whether exclusion itself was useful or effective.

The Star Casino third party exclusion

The Star Casino facilitates self-exclusion and Third Party Exclusions at the casino. Within New South Wales, the Casino Control Act 1992 provides for casino-directed exclusions from the casino under Section 79. Section 79 (1) allows the exclusions to be provided either verbally or in writing. The number of third party exclusion requests was reported to be generally quite low relative to the number of requests for self-exclusion. While specific statistics were not able to be provided, it was reported that the casino would receive a call from a Third Party every two weeks on average. While exclusions were reported by casino representatives as having some positive impact in reducing harm to families, similar to counsellors and industry stakeholders, there was a view that problem gamblers may be likely to gamble elsewhere.

Together, whilst limited, a review of available evidence highlights that third party exclusion is likely to be of limited demand in NSW, based on other evidence highlighting limited use of schemes in other jurisdictions. However, in spite of likely limited use of the scheme, there is some potential for third party exclusion (and other third party scheme characteristics) to act as a 'circuit breaker' for some families impacted by gambling. In this respect, while available evidence may suggest that exclusion itself may not always minimise harm (especially given the potential for breaches, if gamblers are motivated to change), there is also potential for third party orders to trigger behavioural change in some problem gamblers. Counsellors in Tasmania similarly report that they would sometimes see clients asking about third party orders and that the existence of a third party scheme may play some role in encouraging help seeking by families.

Key considerations

Review of the South Australian, Tasmanian and Star Casino Third Party Schemes highlights very limited use of the schemes overall. While very limited evidence was available to examine the effectiveness of third party exclusion, there is limited evidence within schemes to support the effectiveness of third party exclusion as a measure to reduce harm to families.

In South Australia, exclusion had apparently helped one gambler, while it was found to be ineffective for another gambler. In Tasmania, four of the six cases had breached exclusions. While some evidence suggested that the availability of a third party scheme had helped some families (e.g., it had led two gamblers pursuing self-exclusion, after orders were discussed within their family – though not acted on), four of the six gamblers had breached third party exclusions. This may highlight that other scheme characteristics may be more useful than exclusion itself. In addition, this also highlights that availability of a third party scheme may act as a gambling 'circuit breaker' for some families, in spite of exclusion orders not being pursued.

SEVERAL CHARACTERISTICS WERE SEEN AS USEFUL FOR A FUTURE THIRD PARTY SCHEME

Potential for mandatory counselling

While a third party excluding a gambler from venues may not be the most effective means of minimising gambling harm, other measures may have potential to be relatively more effective. In particular, counsellors frequently mentioned that exclusion would not be effective, if gamblers were not motivated to change and that engaging gamblers to see a need to change was perhaps more critical. On this basis, the concept of mandatory counselling as part of a third party scheme was supported by many stakeholders. All stakeholders acknowledged, however, that it was unclear whether requiring a person to attend counselling would be effective. Some counsellors involved in relationship counselling, made comment that this was not an unusual circumstance to encounter and that special skills and expertise could go a long way to achieving positive outcomes in such sessions.

While research literature exploring mandatory counselling shows mixed outcomes, some literature does support the potential of mandatory counselling to trigger behavioural change. A study by Mark (1988), for instance, reported that legally coerced participants had better treatment outcomes at a six-month follow-up, compared to voluntary participants. Anglin et al (1989) similarly reported positive results from mandated treatment.

Together, such findings may support some potential benefit of a third-party initiated process to require problem gamblers to participate in a mandatory 'information session' or treatment program as part of a third party scheme. This may help ensure that underlying motivations for gambling are addressed and perhaps in conjunction with more immediate priorities (e.g., ensuring that household money is available to take care of family needs). Based on counsellor concerns that the process in South Australia comes across as very 'legalistic', it may also be important that future counselling sessions are conducted in a highly supportive, therapeutically oriented manner. In this context, mandatory counselling to help both the gambler and the family could present as a further feature of a third party scheme in NSW.

Discussions with families impacted by gambling highlighted strong support for mandatory counselling. It was generally viewed as more useful than banning a gambler from venues, as it was felt that the individual would simply gamble elsewhere. Reflecting some support for mandatory counselling, results of an online survey additionally showed that significant others rated counselling for their family member as reasonably useful (mean=3.3/5, where 5 is very useful and 1 is not at all useful).

While many families also supported the notion of penalties for non-attendance at counselling (e.g., there are penalties in South Australia, though these have never been applied), most were uncertain whether these would be effective. Financial penalties were not supported by families, however, as these were seen to exacerbate the family's financial situation. However, families supported penalties on the gambler including the notion of community service for non-attendance at counselling.

Key considerations

Mandatory counselling is seen to have greater potential to reduce gambling harm to affected others, as it aims to treat the gambler's motivations for gambling. While stakeholders were uncertain about whether counselling would be effective in each and every situation, mandatory counselling was viewed as a useful characteristic of a third party scheme. It was also seen as more effective than exclusion, given its focus on treating the underlying gambling behaviour. It was also particularly supported by families affected by problem gambling.

Families also supported the notion of penalties for non-attendance at counselling being of a non-financial nature and directed only at the gambler. Fines were, however, not supported, as these would exacerbate a family's financial situation. Community Service was suggested as a useful penalty for non-attendance, as it was seen to have potential to support the process of behavioural change.

Potential for financial restrictions on gamblers

Access to cash was generally considered by stakeholders, counsellors and families as a key driver of continued gambling behaviour. Families, in particular, reported that restricting a gambler's access to money may be the single most effective strategy that may help reduce the harm experienced by a family.

While very controversial, income management has been used in a number of jurisdictions to reduce the harms to families suffered as a result of excessive expenditure on alcohol, cigarettes and gambling. While this presents a very different type of context, evaluations of income management trials highlight some positive and negative outcomes to such measures. Two evaluations, in particular, identified that income management was beneficial in assisting people to better manage financial commitments and in improving wellbeing (e.g., Australian Government Department of Social Services, 2014; Social Policy Research Centre, 2014). However, based on evaluation results, it was also evident that the approach did not change the person's budgeting or financial skills. Reflecting this, one final report espoused that '*Building capacity is a challenging process that requires time and resources, and it cannot be developed by simply imposing restraints*' (xxii, Social Policy Research Centre, 2014).

This may imply that, while temporary financial restrictions may be useful to families to minimise gambling impacts, they may not necessarily stop gambling harm longer term. Nevertheless, significant others providing feedback in an online survey rated financial bank account restrictions as very useful (mean=3.8) and it was considered the most useful characteristic of all scheme characteristics tested. A similar parallel may be inferred for venue exclusion.

Excluding a gambler from a venue may not necessarily address the underlying drivers causing the excessive gambling (leading the gambler to gamble elsewhere). Arguably, this also further highlights the need for counselling to target the problematic gambling behaviour. Accordingly, this highlights the potential for financial restrictions as a further feature of a third party scheme.

Key considerations

Stakeholders and families affected by problem gambling strongly supported the value of financial restrictions as a characteristic of a future third party scheme. Financial restrictions were seen as potentially more effective than venue exclusion, given their focus on reducing a gambler's access to cash for gambling. However, based on evidence from income management trials, restrictions may not permanently reduce harm, unless the underlying behaviour is addressed. This may highlight the potential value of counselling to target the problematic gambling behaviour to minimise harm to families long term.

THERE IS SEEN TO BE A RISK OF DOMESTIC AND FAMILY VIOLENCE (DFV) IN A THIRD PARTY SCHEME

Counsellors, stakeholders and families raised concern over the potential for Domestic and Family Violence (DFV) to be a key risk of third party orders. Some females affected by a male problem gambling spouse, in particular, raised concern that they may be at risk of violence, if they applied for a third party order. It was apparent that many would feel discouraged from making applications for this reason. Such concerns highlight that risk assessments would need to be important parts of a third party scheme and also in a person's own decision to apply for a third party order. Strategies would need to be in place to ensure that any applicant is not at risk of verbal, emotional or physical violence as a result of utilizing a third party scheme.

Based on the feedback from two females impacted by DFV and gambling, this may also raise the need for financial support. In both cases, females needed financial help to move away from their gambling spouse and legal support to separate couple finances. Given that current gambling was impacting the couple's financial reserves, the Family Court was unable to resolve the financial impacts quickly enough to minimise the impact of the gambling. Accordingly, as part of a third party scheme, a suite of DFV support programs and resources may be imperative.

Implications for the design of a third party scheme for NSW

Risk assessments for DFV would be important in delivering a third party scheme in NSW. In addition, funding and support programs to assist people at risk of or affected by DFV in the context of gambling should be considered in the future design of a third party scheme.

THERE IS SEEN TO BE POTENTIAL FOR VENUE-INITIATED EXCLUSIONS AS PART OF A THIRD PARTY SCHEME

Many stakeholders held a firm view that venues should be responsible for excluding gamblers as part of a third party scheme. This is also a characteristic of all casino third party schemes (where the casino itself excludes a person) and a characteristic of the South Australian, Tasmanian and ACT (third party exclusion) schemes. Swiss Casinos must similarly comply with legislation to identify problem gambling risk factors in patrons and exclude patrons displaying at-risk gambling behaviour.

Counsellors and families strongly supported venue initiated exclusion as part of a third party scheme. Families wanted to be able to approach venues to ask for a family member to be excluded or monitored for their gambling. Having venues able to exclude patrons was also seen as a way to protect spouses from DFV. If a venue made an exclusion order, it was considered to be lower risk for DVF than a spouse independently making the order.

While some venues were reluctant to make exclusions (given the difficulty of identifying problem gambling), others were open to the idea, though were concerned about legal and other liabilities. Currently, venues felt that it was not legally possible to exclude a patron due to their gambling and was particularly difficult if patrons were not disruptive or unruly. If this was the case, however, exclusions from the venue were seen to be easier under provisions of current liquor legislation. However, the exclusion in such cases was frequently seen to be more about protecting the venue, rather than minimising harm to families (e.g, when a gambler was excluded due to poker machine damage).

Given some venue concerns about making exclusions for legitimate cases of problem gambling, legislation would need to contain provisions to protect venues that make exclusions on reasonable information. This is also a feature of the ACT legislation. It also raises implications for whether venues are required to investigate issues raised by third parties or whether cases should be passed onto other entities for a decision. In the ACT, for instance, venues are required to independently investigate cases raised by family members. In South Australia, however, the regulator examines the decision in consultation with all involved parties.

While identifying problem gambling may be challenging, research by Delfabbro et al (2007) highlights that venue staff are able to correctly identify many observable warning signs of problem gambling in patrons. However, venue staff would undoubtedly need further training to support such a role, given that current training in Responsible Conduct of Gambling is seen to be too basic to develop such skills. In particular, venues highlight a need for staff training in how to approach and talk to patrons showing warning signs of problem gambling. As jurisdictions such as Switzerland have legislation that requires venues to respond to warning signs of problem gambling, this may illustrate that there is also potential for venues to respond to warning signs and concerns raised by family members as part of a third party scheme.

Key considerations

Stakeholders and families affected by problem gambling strongly support the need for venue-initiated exclusion. While exclusion was itself not viewed as particularly effective (as it was generally felt that gamblers would be likely to gamble elsewhere), it was seen to place a responsibility on venues to respond to the warning signs of problem gambling (e.g., long sessions of play, spending large amounts of money etc.). Families also saw potential for staff discussions with gamblers to act as a 'circuit breaker' for an affected family member (e.g., a gambler is asked about their gambling by the venue helps a gambler reflect on their own gambling). Venues approaching gamblers may similarly help reduce the risk of DFV to affected others.

However, given that exclusion may not always be effective in minimising harm to families (or may lead the gambler to gamble elsewhere), this may highlight the potential for patron approaches – rather than exclusions – to be a part of a third party scheme. This could involve families or other third parties being able to request that a venue performs a 'welfare check' on a gambler, if problem gambling is raised as being of concern. In addition, venues could be required to independently respond to warning signs, consistent with the characteristics of other schemes (e.g., ACT, Switzerland etc.). If such a process is implemented, however, venues would need to be legally protected in their actions.

As venues are concerned about the ability of staff to approach patrons, there is potential to fund a separate program or service to support this process. The Salvation Army Chaplaincy program, operational in some NSW clubs, may be an example of a program to perform patron welfare checks. In addition, if venues are happy to perform such checks, further training could be provided to support this process. Similarly, content of the Responsible Conduct of Gambling (RCG) training could be adapted to build staff skills to perform such checks. The Delfabbro 2007 report would be a valuable resource to guide the design and development of such training.

CURRENT THIRD PARTY SCHEMES IN AUSTRALIA WERE IDENTIFIED AS HAVING SOME LIMITATIONS

Third party schemes need to be supportive and easy for third parties to access

Appropriate and transparent processes required to operate an effective third party scheme were discussed during consultations. There was a general view amongst consulted stakeholders that processes needed to be robust and transparent to ensure a fair and balanced approach to decision making about third party applications. Families and others affected by problem gambling also emphasised the need for support in making applications. Learnings from a review of processes in other jurisdictions also emerged. Counsellors from the Tasmanian and South Australian scheme, in particular, identified that current processes were very involved and complex to the point that some families were 'put off' applications or found the process as overwhelming.

From this perspective, there was seen to be potential to design a future scheme for NSW that was user-friendly for applicants and included processes that recognised the emotional and financial stress experienced by families. However, processes were also seen as needing to be designed in a way that reduces the potential for vexatious and

unfounded claims. Consideration was similarly given to the most appropriate channels for affected others to make third party applications. While families were open to the option of initiating applications at a venue, most felt that a more independent channel than gambling providers was necessary to ensure an objective and impartial application.

Third party applications through community organisations, rather than Government bodies, were preferred

To this end, most affected others strongly supported applications through community organisations and in particular, Gambling Help Services. While Gambling Help counsellors felt nervous about their potential involvement in such processes, affected others saw such services as very comforting and sympathetic to people impacted by problem gambling. Family members who had also attended Gambling Help Services were particularly enthusiastic about this role, as they had found contact with such services overwhelmingly positive.

Discussions with counsellors in other jurisdictions similarly indicated that families had reported having to make applications through Government bodies as overwhelming and not therapeutically helpful. Feedback about the South Australian approach, in particular, was that the process was seen as too 'legalistic' for vulnerable families. In addition, families highlighted the need for urgent decisions about orders, given that harm was often escalating by the day. From this perspective, a more efficient process was seen as critical.

Third party schemes should use legal channels as a last resort and favour a therapeutic approach

In addition, both counsellors and families emphasised that legal orders should be a last resort and that other processes should be designed into a third party scheme to attempt to resolve cases before matters resorted to legal recourse. Families and parents of problem gambling adult children, for instance, emphasised that there would be great value in a system that first approached the affected individuals to explore the potential to resolve the gambling problem. Models akin to approaches used by Mental Health Crisis intervention teams were seen as potentially useful in this regard (e.g., where there is first outreach to the affected person to see if issues could be resolved during acute mental health crises).

From this perspective, research highlighted the potential for a number of key processes to be part of a third party scheme as supported by counsellors, stakeholders and families affected by another person's gambling.

Key considerations

- Venues should ideally perform high-risk gambling checks on family members if problem gambling is raised by an affected third party
- The scheme should have a process that aims to first reach out to the gambler using a therapeutic intervention style approach, with legal (third party) orders being the last resort after all other avenues have been explored
- If legal orders are then deemed necessary, affected others should be supported in putting together applications (e.g., free assistance is provided to help families write applications and gather evidence) (With assistance preferably from organisations such as Gambling Help Services or other organisations able to provide professional and therapeutic support)
- Urgent advice should be available to impacted third parties on how to protect financial assets (including legal advice) ('bureaucratic' processes taking weeks were seen as 'too late')
- Where necessary, families should be supported to locate and understand financial impacts (as many details are often hidden from families, so that applications citing evidence are largely impossible)
- Advice should be available to affected others on how to protect themselves if at risk for or affected by DFV and associated DFV support services should be provided where needed (e.g., linkages to temporary housing to escape DFV) (Note - Risk assessments for DFV were also seen as a critical part of applications)
- An independent panel of at least three experts should be used to make decisions about third party applications (with at least one expert in problem gambling represented on the panel)

- No 'default' periods for third party orders should be followed and the length of third party orders should be individualised to the unique circumstances of family needs and the case (This should also consider whether full exclusion or partial exclusion from a venue is best for each individual concerned)
- Counselling and therapeutic treatment should be the foundation of third party orders
- Where possible, gamblers should be encouraged to pursue self-exclusion in lieu of having a third party order and a program of counselling to support their own recovery (with families also supported with counselling)
- If unsuccessful or financial impacts cannot be immediately managed, financial restrictions should be applied to protect the family from the financial impacts of problem gambling (including bank account restrictions, asset protection etc.)
- Evidence from families and treatment professionals should be sought to revoke a third party order
- Independent parties – separate to families – should be available for managing financial restrictions such as a type of external guardianship model (This was seen as important where friction may be generated if a family member took over another family member's finances or where an individual did not have anyone to help manage their finances)
- If a spouse wishes to permanently separate from a gambler, urgent legal and related support should be provided to assist the spouse to become financially separated
- Legislation should allow vulnerable people without supportive family and people with cognitive or intellectual impairments to be protected from gambling harm, without a need to substantiate impact to a third party
- If exclusion is included in a third party scheme, third parties need the ability to request a large number of venue exclusions (possibly more than the 35 under the current ClubSafe default) for exclusion to be effective. In addition, exclusion from TAB and online gambling sites are also important
- All processes should be designed to support third party applications by people of Culturally and Linguistically Diverse (CALD) backgrounds and particularly, by people speaking Languages Other than English (LOTE)

A THIRD PARTY SCHEME MAY BE RELATIVELY LOW COST, IF MANAGED SIMILAR TO OTHER JURISDICTIONS

Discussions with operators of third party schemes highlight that the overall cost of implementing a third party scheme was considered marginal. This was in part because other schemes had very limited applications for third party orders and where applications occurred, were able to use existing infrastructure and resources to support the operation and administration of the scheme. While specific costs were not available for any of the schemes reviewed (as most had never been costed), some general types of costs were identified based on a description of the different types of processes used within each scheme.

In the South Australian scheme, for instance, costs are largely marginal because existing Independent Gambling Authority staff conduct interviews with applicants (initially a 15 minute hearing or if rejected by the gambler, a longer hearing), photograph gamblers for barring orders and prepare written notices associated with administration of the scheme (e.g., letters to applicants and affected gamblers etc.). Existing Gambler's Help services may also be involved if counselling services are required (a service already funded and available). Information is also distributed to relevant venues applicable to the barring through a system called BOEN (a bespoke system, the Barring and Online Employee Notification system, developed for management of barring orders and employee notification processes). In many cases, time frames are set at a 3-month default, implying that other processes are not required to revoke barring orders.

Board members were also able to attend hearings where required, as board members were existing salaried positions (implying that additional costs were not incurred). Accordingly, apart from the cost of the system to

administer the orders (which added on as a bespoke module to an existing system), most costs were marginal and could be covered through existing administrative structures of the regulator. This may imply that the most significant cost in this model is only the development of the enhancements to reflect the barring module of the third party scheme (possibly a cost of sub \$100k at an estimate). It should also be noted that this module additionally manages self-exclusions, so is once again a marginal cost.

The Tasmanian third party scheme follows a similar approach to the South Australian scheme, although the approach is somewhat more therapeutically oriented. Interviews are conducted with officers of the Liquor and Gaming Commission, Counselling is offered by Gambler's Help (although this is not compulsory), a report is provided to the Commission, after which a determination is made. Potential applicants are also required to seek advice from the Liquor and Gaming Branch within the Department of Treasury and Finance to ensure that the implications of applications are well understood. After the Branch explains the implications, they prepare a report to the Commission on behalf of the applicant in conjunction with input from the appointed counsellor. Accordingly, most costs associated with the Tasmanian scheme utilize existing Government infrastructure and funded programs (e.g., Gambler's Help). A system was also developed to manage the third party barring orders, although like other jurisdictions, this system also manages self-exclusions.

Together, the design of third party schemes in other jurisdictions highlight that the cost of delivering a third party scheme in NSW may be marginal, if the scheme is designed and delivered in a similar way. However, such schemes also rely on resources and infrastructure that are specific to each jurisdictional scheme and may not be relevant in NSW.

CONCLUSIONS

Findings of the research highlight that third party exclusion alone is unlikely to play a significant role in minimising gambling harm to third parties, although it *may* be helpful for *some* gamblers ready to change their gambling behaviour.

However, a review of literature and discussions with a range of stakeholders highlighted that mandatory counselling of problem gamblers and financial restrictions to protect a family's financial resources may have greater potential to reduce harm to third parties impacted by problem gambling.

Appendices

Appendix A – Protocol to guide review of schemes in other Australian jurisdictions

Program overview

- How would you describe the third-party exclusion program?
- How long has the program been in operation?
- What legislation underpins the program? What is the wording of the legislation that explains how the program essentially operates?
- What criteria are used for third-party exclusion? (Including who can initiate exclusions and under which circumstances)

Program administration

- What roles/positions exist to support operation of the program?
- What is the approximate level of each of these roles? Are they full time or part time?

Key processes

- What key processes are used in the third-party exclusion program? (Develop a type of flow chart to show the steps involved)
- How do third-parties (e.g., significant others) access the program? What role do different parties play in the third-party exclusion? (e.g., families, venues, counsellors etc.)

Program promotion

- How do end users find out about the program?
- How is the program promoted? What activities have occurred and what is the associated cost?

Costs of administration

- Are there any other costs involved in operating and administering the program? (Explore)
- Could you provide an estimate of annual cost for management and operation of the program?

Experiences in program operation

- Are there any key staff members that we could speak to about the program? (From a process or effectiveness viewpoint – e.g., venues, counsellors)
- What has it been like operating the third-party exclusion program? Have any problems occurred?
- How many people have used the program in the past financial year?
- Are there any other statistics available on program operation? (Explore)

End users

- Does any data or statistics exist to profile end users? (e.g., age, gender, gambling issues, impacts experienced) – Could we access this data if possible?

Evaluation evidence

- Has the program ever been evaluated? What were the results?
- If possible, can we have access to any evaluation reports?

Sunsetting and revoking of exclusions

- How is third party exclusion sunsetted or revoked? What criteria are used and under which circumstances?
- What processes are followed?
- How effective are key processes and have any issues been encountered?

Fines and penalties

- Do any fines and/or penalties apply for non-compliance with third-party exclusions (to venues and patrons)? How are these applied and when?
- What key issues have emerged in relation to application of fines and/or penalties?
- Are there any previous cases of the fines and penalties being applied? What occurred?
- How effective are fines and penalties overall? What problems exist?
- If at all, how should fines and penalties be further improved?

Appendix B – Stakeholder protocol

Background

The Legislative Council Select Committee on the Impact of Gambling made recommendations for the NSW Government to investigate third-party exclusions and if deemed effective, to implement a scheme in 2017.

Research aims to examine:

- How barring schemes operate
- The harm minimisation impact of third-party barring schemes in South Australia and Tasmania and at The Star casino in Sydney
- Costs and implementation issues involved in delivering third-party schemes across NSW hotels and clubs
- The impact of other schemes operating outside Australia
- The potential value of third-party schemes to assist families and friends impacted by problem gambling

Potential value of third-party exclusion

- What level of need is there for a third-party exclusion scheme in NSW?
- What key gambling harms need mitigation through introduction of third-party exclusion? (Explore) What specific harms would be addressed?
- What criteria should be used for third-party exclusion? (Including who can initiate exclusions and under which circumstances and what do they have to prove)
- How should the legislation be best worded?

Program administration

- What roles/positions exist do you believe are needed to support operation of the program?
- What is the approximate level of each of these roles? Are they full time or part time?
- Who should operate the program? (e.g., Peak bodies, Government, Counsellors etc.)

Key processes

- What key processes should be used in the third-party exclusion program? (Explore what stakeholders recommend)
- How should third-parties (e.g., significant others) access the program? What steps would be needed? What role should different parties play in the third-party exclusion? (e.g., families, venues, counsellors etc.)

Program promotion

- How should the program be promoted to end users?

Costs of administration/implementation

- Would any other costs need consideration in operating, administering and implementing the program? (Explore)

Demand for third-party exclusion

- What is the likely demand for third-party exclusion in NSW?
- How many people do you believe would take up third-party exclusion?
- Who do you expect to be the main user group? Why? (Explore demographics)

Venue or counsellor-specific issues

- What practical issues from a venue perspective need to be considered in implementing a third-party exclusion scheme?
- What practical issues from a counsellor perspective need to be considered in implementing a third-party exclusion scheme?

Sunsetting and revoking of exclusions

- How should third party exclusion sunsetted or revoked? What criteria should be used and under which circumstances?
- What processes should be followed? What role can venues/counsellors play in supporting the process?
- Are there any other issues that should be considered in revoking or sunsetting third-party exclusions?
- Are there any learnings you could share from self-exclusion to apply to third-party exclusion? (Given that it is a similar type of process)

Fines and penalties

- Should fines and/or penalties apply for non-compliance with third-party exclusions? (to venues and patrons)? What is fair and pragmatic?
- What other circumstances need consideration? What issues may emerge?

Appendix C – Significant other protocol

Impacts of problem gambling

- What types of impacts has problem gambling had on you and/or your family?
- Could you describe the impacts that have occurred in terms of:
 - Your mental health and wellbeing
 - Your relationships
 - Your financial situation and assets
 - Your family (e.g., children, others)
 - Other aspects

Potential value of self-exclusion and other forms of help

- Have you heard of self-exclusion? (Where a PG self-excludes from a venue/s)
What do you know about self-exclusion? Did the person impacted by gambling use/consider this?
How useful or effective was self-exclusion?
- If the NSW Government was designing any services or laws to help families, what other initiatives would be useful to reduce the impact of gambling on families?

Potential value of third party exclusion

- Third-party exclusion allows families/others to ban problem gamblers from a venue.
What value would this be to you and your family?
- Is the person in your family affected by gambler was banned from a single venue, how much help would that be? How about being banned from 35 venues? (How many venues would they need to be banned from for exclusion to help the person)
- Is they were excluded from a venue under an application you made, would they have breached the ban and gambled at the venue?
- Would they have gambled at another venue outside the excluded venues? Or turned to another type of gambling? (explore)

Potential value of mandated counselling

- A further option could be to develop laws that require a person to be experiencing problem gambling to attend compulsory counselling to help determine the reasons for the gambling issues (e.g., emotional or other traumas). The counselling would be non-judgemental and would aim to support both the problem gambler and their affect family member. How useful would this be?
- How would you see counselling sessions working? Would they be individual or together or both?
Would phone versus face-to-face counselling be most preferred? (Explore)
- Would your family member have attended the counselling if required under law? Would they have actively participated in the counselling?
- What would be the best way to get people to attend and actively participate?

- How many sessions would be reasonable as a minimum requirement for attendance?
- How useful is mandated counselling relative to venue exclusions in terms of its ability to reduce gambling harm to family members?

Potential value of financial restrictions

- A further option could be to develop laws that allow temporary financial restrictions to be placed on problem gamblers to help reduce their access to cash or assets that can be used for gambling? This could include bank account access restrictions or other financial restrictions to prevent asset sales. How useful would this be to your family?
- What types of restrictions or controls did you most need and why? What assets were at risk?
- Would the person with the gambling issue have agreed to the restrictions, even if reluctant and forced?
- To what extent would the person with the gambling issue have just sold small assets to get cash?
- How useful are financial restrictions relative to venue exclusions and mandated counselling, in terms of the ability to reduce gambling harm to family members?

Other third party scheme initiatives

- Can you think of any other requirements that could be put into legislation to help families?
- Which aspect of the third party scheme will be most helpful in reducing gambling harm to families?

Psychological impact

- If there was third party legislation targeting problem gambling, to what extent would families be able to use this as a tool to get a problem gambler to change or seek help? (Even if the scheme wasn't used)

Initiating third party applications

- Where would you most prefer to go to initiate an exclusion application?
- How comfortable would you feel doing this at (Explore which is best):
 - A club or pub
 - Through Clubs NSW (to explore ClubSafe operating the scheme)
 - Through Liquor and Gaming NSW (part of the NSW Government)
 - Through a gambling help counselling service
- What are your feelings about having to put together written evidence to support the exclusion?
- What support do families need to do this? How would the process best work?
- Is there any other way to protect family anonymity and confidentiality during the process?

Venue initiated exclusions

- How much value would it be for a gambling venue to confidentially initiate an exclusion on request of a family? (so that the person doesn't know that you have instigated the ban)

Domestic and family violence

- To what degree would DV or domestic violence be a concern to families initiating third party orders?
- How would this risk be best managed and DV avoided? What supports/services are needed?

Defining third party and impacts

- Who should be able to initiate third party exclusions? Families, friends? How close should the relationship be to permit a third party to initiate applications?
- What gambling impacts or harms should be accepted grounds to support third party applications?
- Should there be different criteria for different types of third party orders? e.g., Exclusions, compulsory counselling versus financial controls (Explore)

Who would use third party applications

- Who would use third party applications? Would they be popular in NSW?
- Would putting together the evidence put people off? How could this be avoided?
- Would third party applications be most likely to be used by couples staying together or splitting up?
- What options already exist to help you reduce the impacts of gambling on your family? (e.g., family law etc.)

Decision making about applications

- Who should make decisions about whether to accept a third party application?
- How would the process run?
- What sort of timing is required?
- How can vexatious/false claims be prevented? (Explore penalties)

Program promotion

- How should the program be best promoted to people affected by someone else's gambling?

Service and support needs

- What other support or service needs are required to complement third-party exclusion?

Ending a third-party exclusion order

- Under what circumstances should third-party exclusion be allowed to be revoked?
- What criteria would be appropriate?
- Should exclusion end after a particular period of time? Why? (Explore)

QUESTIONS ADMINISTERED TO A SAMPLE OF GAMBLERS AND SIGNIFICANT OTHERS

The following questions were also additionally added to a survey of EGM players to gather some insights into significant other and gambler reactions to and views about third party exclusion. An online panel was used for data collection, with players firstly screened to poker or gaming machine use in the previous 12 months. Questions were directed to gamblers based on their segmentation, as measured through the nine-item Canadian Problem Gambling Severity Index (Ferris & Wynne, 2001) (This was measured in the opening section of the survey). The limitations of this convenience sample should be considered when reviewing survey results.

IF GAMBLERS=NON-PROBLEM AND LOW RISK

CONCERNED_OTHERS.

Do you have a close family member or friend that may be affected by problem gambling?

1. Yes
2. No

If CONCERNED_OTHERS=1 and GAMBLERS=NON-PROBLEM AND LOW RISK

The NSW Government is exploring the need to develop laws in New South Wales to protect families or friends impacted by another person's gambling.

Family members or close friends may be able to apply for the person to be banned from gambling at a club or pub.

This is called third party exclusion. Evidence would naturally need to be provided.

EXCLUSION_EFFECTIVENESS.

If your family member or friend was banned from gambling at a single venue, would the person affected stop gambling or continue to gamble at another venue outside the ban?

1. They would stop gambling
2. They would gamble at another venue outside the ban
3. Unsure

SCHEME_DESIGN.

How useful or not useful would the following be to help reduce the impacts of gambling on your family member or friend? (1=Not at all useful, 5=Very useful)

1. Gamblers can be required to attending counselling to work out why they are gambling
2. Temporary financial restrictions can be placed on the gambler to avoid money being spent on gambling (until they recover)
3. The gambler is banned from gambling at their main gambling venues

THIRD_PARTY_APPLICATION.

If you were to apply for a third party order – such as those just mentioned – where would you feel most comfortable making the application?

1. At a hotel or club
2. At a free Gambling Help Service (run by community organisations)

3. At Clubs NSW
4. At Liquor and Gaming NSW (a NSW Government agency)

IF GAMBLERS=MODERATE RISK AND PROBLEM GAMBLERS

(ALL of the following only IF GAMBLER_TYPE=3 or 4)

The NSW Government is exploring the need to develop laws in New South Wales to help families and friends impacted by another person's gambling.

If a person is affected by problem gambling, a third party – such as a family member or close friend – may be able to apply for the person to be banned from gambling at a club or pub.

This is called third party exclusion. Evidence showing harm would need to be provided.

PG_MR_EXCLUSION_EFFECTIVENESS1.

If you were banned from gambling at your main venues would you stop gambling or continue to gamble at another venue outside the ban?

1. I would stop gambling
2. I would gamble at another venue outside the ban
3. Unsure

PG_MR_EXCLUSION_EFFECTIVENESS2.

If you were banned due to problem gambling from winning a jackpot at clubs, pubs and the casino, would you stop gambling?

1. I would stop gambling
2. I would just gamble on something else
3. I would just get someone else to claim the prize
4. Unsure

PG_MR_SCHEME_DESIGN1. If there were laws that required you to attend compulsory counselling as part of third party legislation, would you attend? (The counselling would be very caring towards you and your family)

1. Yes
2. No

PG_MR_SCHEME_DESIGN2. If temporary restrictions were placed on your bank account, to protect you from spending money on gambling, would this be helpful to you? (Money to live would naturally still be available)

1. Yes
2. No

STAGE_OF_CHANGE. Which best describes your current situation?

1. I am not thinking about reducing my gambling
2. I am thinking about reducing my gambling, but have not yet done so
3. I am currently reducing my gambling

SELF_EXCLUSION. Have you banned yourself from a gambling venue/s (used self-exclusion)?

1. Yes - but it didn't help
2. Yes - it was helpful
3. Never used

Thanks for taking part in this survey.

If you or your family are affected by problem gambling, please call Gambling Help on 1800 858 858 for free confidential help and support 24 hours a day.

Or visit gamblinghelp.nsw.gov.au for information.

For information, support and help for Domestic and Family Violence, please call the 24 hour Domestic Violence Line on 1800 65 64 63

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