

Gaming Machines Amendment (Gambling Harm Minimisation) Bill 2020

Summary of changes
September 2020

This document summarises the changes proposed in the Gaming Machines Amendment (Gambling Harm Minimisation) Bill 2020. For more information, please see the explanatory paper and the Bill.

Improved management and intervention by gambling venues to support people who show problematic gambling behaviours

The proposed changes will require gambling venues to:

- have a person on duty that has completed advanced Responsible Conduct of Gambling training whenever gaming machines are being used
- actively identify and assist gamblers who display problematic gambling behaviours (similar to Responsible Service of Alcohol requirements)
- offer support tools including counselling and advisory services as well as self-exclusion
- exclude a person from gambling (through an involuntary exclusion order) for at least six months, if there are reasonable grounds to believe that their gambling is harming them or others
- record gambling incidents and steps to address them on a gambling incident register (similar to the existing liquor incident register).

An improved scheme for gamblers who 'self-exclude'

The proposed changes to the current self-exclusion scheme will:

- allow a person to self-exclude via an online portal,
- allow gamblers and venues to agree to shorter exclusion periods than the minimum six months after their first self-exclusion arrangement,
- require venues to suspend an excluded person's player account and membership of any player reward scheme, and refund any money in their player account,
- better support self-excluding gamblers by automatically referring them to counselling services when self-excluding, unless they opt-out.

A new exclusion scheme

The proposed exclusion scheme will allow family members to apply to a hotel or registered club to ban someone whose problematic gambling behaviours are causing harm to themselves or others.

A family member of a gambler will be able to:

- apply to venues asking to ban a person from the venue
- ask a gambling counsellor to apply on their behalf.

Venues will need to:

- refer a family member to gambling counselling services to discuss their concerns before they apply
- assist a family member who wishes to apply
- ensure the family member's identity and personal details are kept strictly confidential
- assess the application based on the information about the gambler available to venues and provided by the family member
- offer the gambler support including counselling and self-exclusion
- if a gambler isn't self-excluding, issue a venue exclusion order for at least six months if there are reasonable grounds to believe that their gambling is harming them or others
- inform the family member and the gambler of the decision on the application within 21 days of receiving it.

For complex exclusion applications, venues may seek external advice from independent advisers pre-approved by the Secretary of the NSW Department of Customer Service.

Gamblers will have the right to:

- state their case to the venue about a proposed exclusion order being made against them
- if an order is made, seek a review of a venue's decision by the Independent Liquor & Gaming Authority within 14 days of the order being served.

Family members will also have 14 days to seek a review by the Independent Liquor & Gaming Authority if a venue decides against an exclusion order.

Exclusion orders will apply to all hotels and registered clubs within a 5km radius of the venue issuing the order.

State-wide Exclusion Register and Online Exclusion Portal

The Bill will also establish a State-wide Exclusion Register which will enable all exclusions to be recorded in a central place, including:

- exclusions made by individual venues
- existing exclusion schemes such as the ClubSAFE Multi-Venue Self-Exclusion (MVSE) Program or BetSafe
- individuals who are self-excluding through the Online Exclusion Portal.

All clubs and hotels will be required to record their exclusions in the State-wide Exclusion Register via an electronic process.

The Online Exclusion Portal will allow individuals to self-exclude online, without having to enter a venue.

Venues to enforce the ban on excluded gamblers

The proposed changes will:

- require venues to take reasonable steps to stop an excluded person from entering or remaining in the excluded areas
- impose a penalty on venues that fail to take reasonable steps
- give venues guidance about steps venues could take to prevent entry by a gambler who has been excluded.

Forfeiting prizes of excluded gamblers and minors

The proposed changes will require:

- an excluded person or a minor forfeiting any prizes to the venue, and
- venues paying forfeited prizes, within three months, into the Responsible Gambling Fund, which funds programs to help reduce gambling harm.

Advanced Responsible Conduct of Gambling training

Reforms to Responsible Conduct of Gambling (RCG) training will:

- improve the current RCG course to focus on practical skills for staff working on the gaming floor
- introduce a second higher level of RCG training (Advanced RCG) for those with greater harm minimisation responsibilities (e.g. gambling contact officers, hoteliers, club secretaries and managers).

New whistle-blower protections for venue staff

The Bill will introduce whistle-blower protections for venue staff who report breaches of the venue's responsibilities to minimise gambling harm.

Increased penalties

Venues will face increased penalties for the following offences from \$11,000 to a maximum of \$27,500:

- failing to observe the required gaming machine shut down period
- publishing gaming machine advertising (some exceptions apply)
- failing to provide player activity statements to patrons if the venue has a player reward scheme
- breaching privacy restrictions on disclosing information within player activity statements and player accounts
- using or installing cash dispensing facilities (e.g. ATM, EFTPOS terminal) that can provide cash from a credit card account.

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